

## TABLE OF CONTENTS

	Page
Preface .....	iii
Adopting Ordinance .....	v
Officials of the City .....	ix
Checklist of Up-to-Date Pages .....	[1]
Supplement History Table .....	SH:1

### PART II

#### CODE OF ORDINANCES

##### Chapter

1. General Provisions .....	1
2. Administration .....	5
Art. I. In General .....	5
Art. II. Reserved .....	9
Art. III. Municipal Defense Council .....	10
Art. IV. Recreation Board .....	11
Art. V. Reserved .....	12.3
3. Advertising .....	13
3A. Air Conditioning, Heating, Refrigeration and Ventilation .....	14.25
4. Alcoholic Beverages .....	15
5. Animals and Fowl .....	19
Art. I. In General .....	19
Art. II. Nuisance or Dangerous Animals .....	22.1
Art. III. Dogs and Cats .....	22.4
Div. 1. Generally .....	22.4
Div. 2. Licenses .....	22.8
Art. IV. Impoundments .....	22.11
6. Bicycles .....	23
6A. Board of Appeals .....	26.25

CITY CODE

Chapter	Page
7. Buildings .....	27
Art. I. In General .....	27
Art. II. Moving Buildings .....	30
7A. Cemeteries: Glasgow Highland Cemetery....	30.25
8. Electricity .....	31
9. Fire Protection .....	39
Art. I. In General .....	39
Art. II. Glasgow Fire Department .....	43
10. Garbage, Trash and Weeds .....	45
11. Gas Piping and Appliances .....	53
11A. Housing .....	58.25
12. Licenses .....	59
Art. I. In General .....	59
Art. II. Reserved .....	61
Art. III. Coin-Operated Amusement Machines .....	61
Art. IV. Solicitors, Itinerant Vendors and Transient Retail Merchants .....	62.1
13. Nuisances .....	63
Art. I. In General .....	63
Art. II. Abandoned Vehicles or Discarded Vehicles .....	66
Art. III. Medical Marijuana .....	66.4
14. Offenses and Miscellaneous Provisions .....	67
15. Personnel .....	75
Art. I. In General .....	75
Art. II. Leaves .....	75
16. Plumbing .....	81
16A. Police .....	84.25
17. Streets and Sidewalks .....	85
Art. I. In General .....	85
Art. II. Construction and Repair of Sidewalks .....	92.1

TABLE OF CONTENTS—Cont'd.

Chapter	Page
Art. III. Excavations and Openings in Streets .....	98.1
Art. IV. Trees and Shrubbery .....	100
Art. V. Curb Cuts and Driveway Construction .....	102.2.1
Art. VI. Uniform Right-of-Way Encroachment Code.....	102.4
17A. Subdivisions.....	102.45
18. Traffic.....	103
Art. I. In General .....	103
Art. II. Operation of Vehicles .....	108
Art. III. Traffic Control Signs, Signals and Devices.....	111
Art. IV. Parking, Stopping and Standing.	112
Div. 1. Generally.....	112
Div. 2. Parking Violations and Enforcement General.....	116
Art. V. Accidents .....	119
19. Trailers and Trailer Parks .....	139
20. Water, Sewers and Sewage Disposal.....	151
Art. I. In General .....	151
Art. II. Reserved .....	152
Art. III. Water and Waterworks.....	152
Div. 1. Generally.....	152
Div. 2. Rates, Charges, Billing and Collection.....	159
Div. 3. Conservation.....	162.1
Art. IV. Sewers and Sewage Disposal....	164.1
Div. 1. Generally.....	164.1
Div. 2. Rates, Charges, Billing and Collection.....	164.4
Div. 3. Discharge and Disposal Regulations .....	164.5
21. Zoning.....	165
Code Comparative Table.....	183
General Index .....	185



## Chapter 1.

### GENERAL PROVISIONS.

#### Sec. 1-1. How Code designated and cited.

The ordinances embraced in the following chapters and sections shall constitute and be designated The Code of Ordinances of the City of Glasgow, Montana, and may be so cited.

#### Sec. 1-2. Rules of construction.

In the construction of this Code, and of all ordinances, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the board of trustees:

(1) *City*. The words the city or this city shall be construed as if the words of Glasgow followed it.

(2) *City Council*. Whenever the words City Council is used it shall be construed to mean the board of trustees of the City of Glasgow.

(3) *Mayor*. Whenever the word mayor is used it shall be construed to mean the mayor of the City of Glasgow.

(4) *Computation of time*. Whenever a notice is required to be given or an act to be done, a certain length of time before any proceeding shall be had, the day on which such notice is given, or such act is done, shall be counted in computing the time, but the day on which such proceeding is to be had shall not be counted.

(5) *Gender*. A word importing the masculine gender only shall extend and be applied to females and to firms, partnerships, and corporations as well as to males.

(6) *Joint authority*. All words giving a joint authority to three or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.

(7) *Keeper and proprietor*. The words keeper and proprietor shall mean and include persons, firms, associations, corporations, clubs and copartnerships, whether acting by themselves or a servant, agent or employee.

(8) *Month*. The word month shall mean a calendar month.

(9) *Nontechnical and technical words*. Words and phrases shall be construed according to the common and approved usage of the language; but technical words and phrases and

such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

(10) *Number*. A word importing the singular number only may extend and be applied to several persons and things as well as to one person and thing.

(11) *Oath*. The word oath shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath and in such cases the words swear and sworn shall be equivalent to the words affirm and affirmed.

(12) *Or, and*. Or may be read and, and and may be read or if the sense requires it.

(13) *Owner*. The word owner applied to a building or land, shall include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety, of the whole or of a part of such building or land.

(14) *Person*. The word person shall extend and be applied to associations, clubs, societies, firms, partnerships, and bodies politic and corporate as well as to individuals.

(15) *Personal property* includes every species of property except real property, as herein defined.

(16) *Reserved*.

(17) *Preceding, following*. The words preceding and following mean next before and next after, respectively.

(18) *Property*. The word property shall include real and personal property.

(19) *Public place*. The term public place shall mean any park, cemetery, school yard or open space adjacent thereto, all beaches, canals or other waterways.

(20) *Real property* shall include lands, tenements and hereditaments.

(21) *Residence*. The term residence shall be construed to mean the place adopted by a person as his place of habitation, and to which, whenever he is absent, he has the intention of returning. When a person eats at one place and sleeps at another the place where such person sleeps shall be deemed his residence.

(22) *Sidewalk*. The word sidewalk shall mean any portion of a street between the curb line and the adjacent property line, intended for the use of pedestrians, excluding parkways.

(23) *Signature or subscription* includes a mark when the person cannot write.

(24) *State*. The words the state or this state shall be construed to mean the State of Montana.

(25) *Street*. The word street shall be construed to embrace streets, avenues, boulevards, roads, alleys, lanes, viaducts, and all other public highways in the city.

(26) *Tenant*. The words tenant or occupant applied to a building or land, shall include any person holding a written or oral lease of or who occupies, the whole or a part of such buildings or land, either alone or with others.

(27) *Time*. Words used in the past or present tense include the future as well as the past and present.

(28) *Week*. The word week shall be construed to mean seven days.

(29) *Written or in writing* shall be construed to include any representation of words, letters or figures, whether by printing or otherwise.

(30) *Year*. The word year shall mean a calendar year.

### **Sec. 1-3. Catchlines of sections.**

The catchlines of the several sections of this Code printed in boldface type are intended as mere catchwords to indicate the contents of the section and shall not be deemed or taken to be titles of such sections, nor as any part of the section, nor unless expressly so provided shall they be so deemed when any of such sections, including the catchlines are amended or reenacted.

### **Sec. 1-4. Effect of repeal of ordinances.**

The repeal of an ordinance shall not revive any ordinances in force before or at the time the ordinances repealed took effect.

The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal, for an offense committed under the ordinance repealed.

### **Sec. 1-5. Severability of parts of Code.**

It is hereby declared to be the intention of the board of trustees that the sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clauses, sentence, paragraph, or section of this Code shall be declared unconstitu-

tional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code.

**Sec. 1-6. General penalty; continuing violations.**

Whenever in this Code or in any ordinance of the city any act is prohibited or is made or declared to be unlawful or an offense, or whenever in such code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefor, the violation of any such provision of this Code or any ordinance shall be punished by a fine not exceeding five hundred dollars (\$500.00) or imprisonment in the county jail for any term not to exceed six (6) months or by both such fine and imprisonment. Each day any violation of any provision of this Code or of any ordinance shall continue shall constitute a separate offense.

(Ord. No. 901, § 1, 7-1-96)

**Sec. 1-7. Applications for permits generally—Deposit of cost of notice.**

Whenever any application is made to the city for the granting of a permit of any kind, whereby it is necessary to publish newspaper notice or to notify property owners or others by mail, the person making application shall deposit with the city the estimated cost and expense of giving such notice and the amount so estimated shall be deposited in the city treasury.

**Sec. 1-8. Same—Collection of expenses.**

The employees of the city with whom such application as provided in section 1-7 hereof may be filed shall be charged with the duties of collecting such expenses and costs.

## Chapter 2

### ADMINISTRATION\*

Art. I.	In General, §§ 2-1—2-16
Art. II.	Reserved, §§ 2-17—2-19
Art. III.	Municipal Defense Council, §§ 2-20—2-23
Art. IV.	Recreation Board, §§ 2-24—2-40
Art. V.	Reserved

### ARTICLE I. IN GENERAL

#### Secs. 2-1—2-5. Reserved.

**Editor's note**—Ord. No. 880, §§ 1—7, adopted May 15, 1989, repealed §§ 2-1—2-6.1. Prior to such repeal, §§ 2-1—2-6 pertained to vacation, sick leave, etc., for city officers and employees as derived from Ord. No. 647, §§ 1—6, adopted Mar. 5, 1952; and § 2-6.1 set forth the amount of compensation for city judge as derived from the following:

Ord. No.	Date	Section	Ord. No.	Date	Section
739	4- 2-69	1—7	821	10- 4-82	2, 3
749	3- 7-73	1—6	823	2-21-83	2, 3
772	5-16-77	1—6	831	7- 2-84	2, 3
798	3- 3-80	1, 2	838	8-19-85	2, 3
814	8-18-81	1	849	8-18-86	2, 3

Current provisions concerning leaves for city personnel are set out in Ch. 15. See also the editor's note to § 2-6 hereunder.

#### Sec. 2-6. City judge; appointment, term.

(a) The office of city judge of the City of Glasgow shall be filled by appointment. Said appointment shall be made by the mayor and confirmed by the city council by a majority vote.

**\*Editor's note**—A housing authority consisting of five commissioners appointed by the mayor to act as a body corporate and politic in accordance with Title 35, §§ 35-103—35-125.2 as amended, RCM, was authorized by Ord. No. 692, enacted March 4, 1959. Ord. No. 696, enacted February 17, 1960, authorized the housing authority to undertake a housing project and execute contracts with the federal government pursuant thereto. Ord. No. 701, enacted March 16, 1960, reenacted Ord. No. 692 and ratified actions of the council pursuant thereto subject to approval by the electorate.

(b) The city judge shall hold office for a term of four (4) years and until the qualification of his successor.

(Ord. No. 810, § 1, 5-4-81; Ord. No. 829, § 1.1, 2-6-84)

**Editor's note**—Formerly designated as § 6-6.2, the provisions pertaining to appointment and term of city judge have been redesignated by the editor as § 2-6. See also the editor's note following §§ 2-1—2-5.

### **Sec. 2-7. Bonds for city officers and employees.**

(a) The city shall purchase a faithful performance blanket bond in the amount of five thousand dollars (\$5,000.00) per official or employee for city officials and employees conditioned upon the faithful performance and discharge of their respective duties, and for proper application and payment for all money or property coming into their hands by virtue of their offices or positions.

(b) The city shall purchase a separate surety bond for the city clerk/treasurer in the amount of twenty-five thousand dollars (\$25,000.00).

(c) Bonds purchased by the city council shall be executed by responsible insurance or surety companies authorized and admitted to execute surety bonds in this state.

(d) The premiums for all surety bonds shall be a proper charge against the budget of the general fund, or against the budget where the officer or employee renders service.

(Ord. No. 733, §§ 1—4, 12-6-67; Ord. No. 878, §§ 1, 2, 5-15-89)

**Editor's note**—Ord. No. 733, § 5, expressly repealed Ord. No. 239, §§ 1, 2, adopted April 24, 1918, pertaining to bond of certain city officers, from which § 2-7 was formerly derived, and §§ 1—4 of Ord. No. 733 are codified herein as a new § 2-7.

**Cross references**—Personnel, Ch. 15; bond required of parking meter coin collector, § 18-94.

**State law reference**—Provisions requiring official bonds, RCM, 1947, § 11-723.

### **Sec. 2-8. Election wards of city.**

*Ward No. 1* of the City of Glasgow shall consist of that certain area of the City of Glasgow particularly described as follows:

All that portion of the City of Glasgow lying northerly of the center line of the Great Northern Railroad (now known as Burlington Northern Sante Fe) main track and westerly of the following described line: Beginning at the point of intersection of the center line of the Great Northern Railroad (now known as Burlington Northern Sante Fe) main track and the center line of Fourth Street North; thence northerly along the center

line of Fourth Street North to its intersection with the center line of First Avenue North; thence westerly along the center line of First Avenue North to its intersection with the center line of Fifth Street North; thence northerly along the center line of Fifth Street North to its intersection with the center line of Sixth Avenue North; thence westerly along the center line of Sixth Avenue North to its intersection with the center line of Sixth Street North; thence northerly along the center line of Sixth Street North to its intersection with the northerly boundary line of the City of Glasgow.

*Ward No. 2* of the City of Glasgow shall consist of that certain area of the City of Glasgow particularly described as follows:

All that portion of the City of Glasgow lying southerly of the center line of the Great Northern Railroad (now known as Burlington Northern Santa Fe) main track.

*Ward No. 3* of the City of Glasgow shall consist of that certain area of the City of Glasgow particularly described as follows:

All that portion of the City of Glasgow lying northerly of the center line of the Great Northern Railroad (now known as Burlington Northern Santa Fe) main track and easterly of the following described line: Beginning at the point of intersection of the center line of the Great Northern Railroad (now known as Burlington Northern Santa Fe) main track and the center line of Fourth Street North; thence northerly along the center line of Fourth Street North to its intersection with the center line of First Avenue North; thence westerly along the center line of First Avenue North to its intersection with the center line of Fifth Street North; thence northerly along the center line of Fifth Street North to its intersection with the center line of Sixth Avenue North; thence westerly along the center line of Sixth Avenue North to its intersection with the center line of Sixth Street North; thence northerly along the center line of Sixth Street North to its intersection with the northerly boundary line of the City of Glasgow.

On the date of passage and adoption of this section, each of the wards as above described has within its boundaries more than one hundred fifty (150) electors.

The city clerk shall certify a copy of Ordinance No. 904 to the Valley County Clerk and Recorder within ten (10) days of the date of the passage of such ordinance.

(Ord. 18, 2-9-03; Ord. No. 713, §§ 1-6, 1-11-63; Ord. No. 904, § 1, 12-16-96)

**Editor's note**—Ord. No. 713, §§ 1-6, amended Ord. 18 from which § 2-8 is derived by increasing the number of wards from 2 to 3 and redefining the ward boundaries.

**State law reference**—Division of city into wards, RCM, 1947, Ch. 7.

**Secs. 2-9, 2-10. Reserved.**

**Editor's note**—Ord. No. 880, §§ 9, 10, adopted May 15, 1989, repealed §§ 2-9, 2-10 which pertained to working of city prisoners. Such provisions were derived from Ord. No. 413, §§ 1, 2, adopted June 9, 1937.

**Sec. 2-11. Interest on unpaid warrants drawn on city treasurer.**

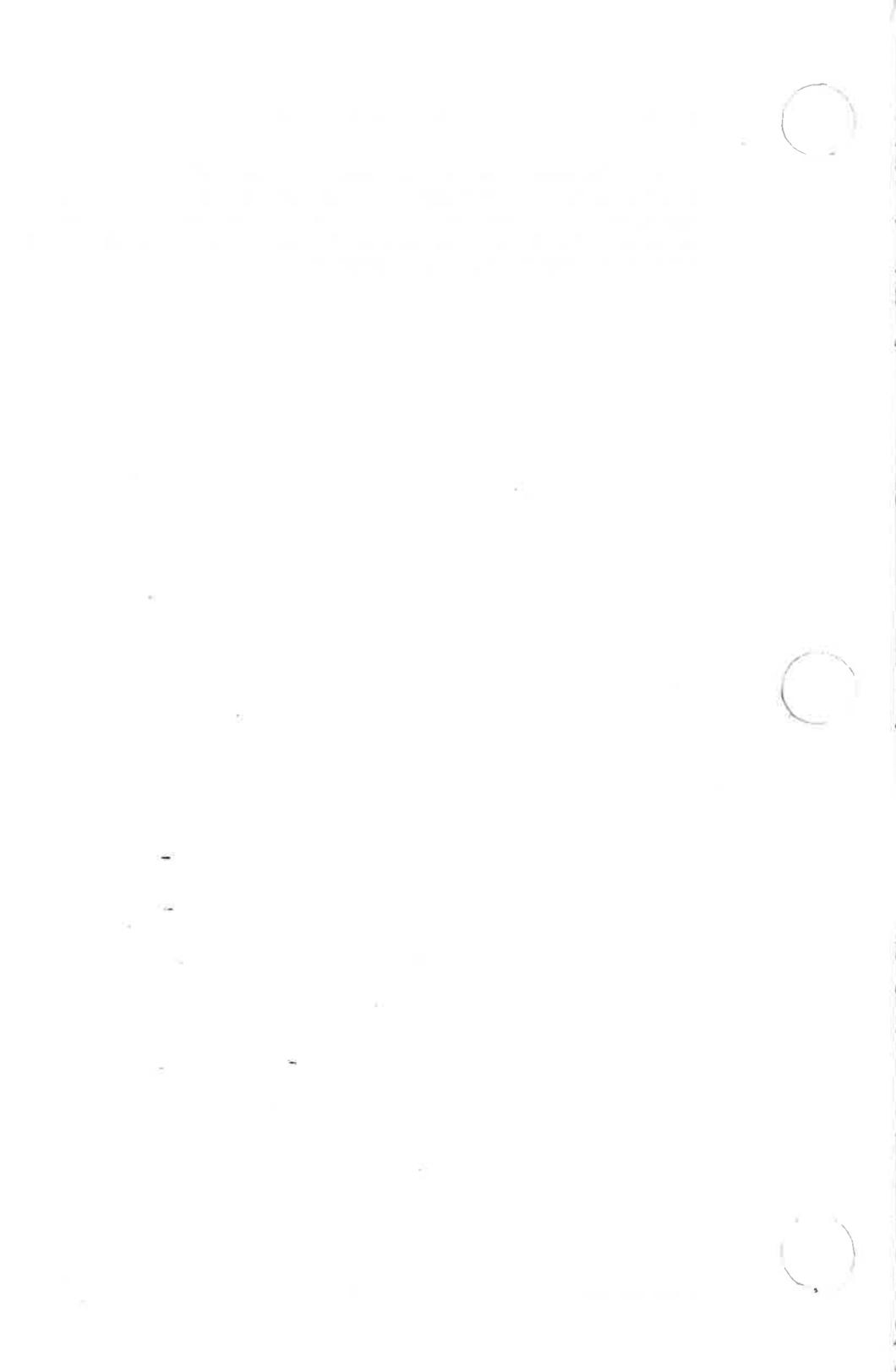
When any warrant, drawn upon the city treasurer pursuant to any ordinance, resolution, or direction of the council, is presented to the city treasurer for payment, and the same is not paid for want of funds, the treasurer must endorse thereon "Not paid for want of funds", annexing the date of presentation, and sign his name thereto; and from that time until such warrant is called for payment, the warrant shall bear interest at a rate not to exceed five (5) percent per annum.  
(Ord. No. 748, § 1, 12-6-72)

**Sec. 2-12. Special improvement district fees.**

(a) *Schedule established.* The following shall be the standard fee schedule to be charged each special improvement district formed by the city, and the same shall be collected by the city treasurer from the funds of the district:

<i>Amount of District</i>	<i>Fee</i>
First \$50,000.00 or less	5% of the amount of the district up to \$50,000.00 (with minimum fee of \$500.00) or the first \$50,000.00 thereof
Next \$50,000.00	4½% of the amount of the district above \$50,000.00 or the next \$50,000.00
Next \$100,000.00	4% of the amount of the district above \$100,000.00 or the next \$100,000.00
Next \$300,000.00	3½% of the amount of the district above \$200,000.00 or the next \$300,000.00
All sums over \$500,000.00	3% of the amount of the district above \$500,000.00 (with maximum fee to be charged of \$40,000.00)

(b) *Additional charges.* No other charges for services of city employees may be charged a special improvement district; provided, however, that engineers, architects or other professional persons not regularly employed by the city, or employed on a contractual basis on the said district



project, shall not be considered as "city employees" for the purpose of this section [and] added costs of noncity employees may be charged to the district.

(c) *Disposition of funds.* Of the sums collected under the authority of this section one-half thereof shall be deposited into the city general fund. The remaining one-half thereof shall be deposited into the city special improvement district revolving fund, (Ord. No. 799, §§ 1-3, 6-2-80)

**Editor's note**—Ord. No. 799, §§ 1-3, adopted June 2, 1980, did not expressly amend this Code; hence, inclusion herein as § 2-12 is at the discretion of the editor.

Section 4 of Ord. No. 799 provides as follows:

**Section 4.** This ordinance shall be effective thirty (30) days from the final passage and approval thereof, and shall also apply to all Special Improvement Districts of the City then in the process of formation or under construction as to the allocation of the fee, but the new fee schedule shall not apply to those Special Improvement Districts in formation or under construction, but to all new districts beginning with Special Improvement District No. 106.

### **Sec. 2-13. Power of condemnation and eminent domain.**

(a) The city council is hereby authorized and empowered to exercise the power of condemnation and eminent domain pursuant to Section 7-5-4106, Montana Code Annotated (1985).

(b) Any taking by condemnation or eminent domain pursuant to this section shall conform to and the proceedings thereunder had as provided in Title 70, Chapters 30 and 31 of the Montana Code Annotated (1985).

(c) A resolution authorizing the particular taking or exercise of condemnation or eminent domain [shall] be enacted by the city council prior to the taking or the exercise of the power. (Ord. No. 850, § 1, 10-6-86)

**Editor's note**—Inasmuch as Ord. No. 850, § 1, adopted Oct. 6, 1986, did not specify manner of codification, such provisions have been included herein as § 2-13 by the editor.

### **Secs. 2-14-2-16. Reserved.**

## **ARTICLE II. RESERVED\***

### **Secs. 2-17-2-19. Reserved.**

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\***Editor's note**—Ord. No. 753, enacted Oct. 17, 1974, repealed Ord. No. 42, which consisted of §§ 1-9, and was enacted on April 28, 1906, and which ordinance was codified as Art. II "Glasgow Public Library," §§ 2-11-2-19.

### ARTICLE III. MUNICIPAL DEFENSE COUNCIL

#### Sec. 2-20. Created; composition; officers; terms.

There is hereby created the municipal defense council of the city to be composed of the mayor as chairman and such other persons, not exceeding eleven in number, as the mayor may appoint from time to time. The mayor shall designate one of the members so appointed as vice chairman who shall be the coordinator for the city. Each member of the municipal defense council shall serve at the pleasure of the mayor. (Ord. 478, § 1, 8-12-41)

#### Sec. 2-21. Power to employ personnel.

The municipal defense council shall have full and plenary powers to employ such persons as may be necessary to carry out the functions of the council. These persons shall be subject however, to all regulations now provided by law governing the municipality. (Ord. 478, § 2, 8-12-41)

#### Sec. 2-22. General powers and duties.

The municipal defense council shall be charged with the duty of coordinating all defense activities of the city.

It shall:

- (1) Coordinate the activities of municipal and private agencies cooperating in the defense program;
- (2) Keep in contact with federal defense agencies to the end that all requests and suggestions shall receive prompt and efficient response;
- (3) Conduct studies regarding defense problems of the city to the end that the municipal government of the city will at all times be abreast of the problems of defense, and information desired by federal agencies will be readily available;
- (4) Survey existing facilities, proffers of facilities, services and ideas originating within the city and make appropriate disposition of them;
- (5) Act as a clearing house on municipal defense information for all governmental and private agencies cooperating in the defense program;
- (6) Direct information regarding the defense program to all municipal departments or agencies which are or may be affected thereby;

- (7) Make recommendations, from time to time, for improvements in the handling of defense problems affecting the city;
  - (8) Perform such other advisory functions as may be requested by agencies or departments of the federal government in connection with the national defense program.
  - (9) Do whatever is necessary and proper to carry out the intent and purpose of this article, tending to protect life and property.
- (Ord. 478, § 3, 8-12-41)

**Sec. 2-23. Subcommittees; training rules; delegation of authority.**

The municipal defense council may expedite procedure by organizing itself into subcommittees and may subdivide its work and prescribe such rules and regulations as are not in conflict with the provisions of this article. It shall prescribe the training regulations. It may delegate the authority of preliminary hearings for dismissal of voluntary workers to the heads of departments.

The municipal defense council may appoint additional committees to meet any emergency that may arise but shall report same promptly to the council of the city, which shall have the authority, at its discretion, to order the discontinuance of such committee. Any person appointed to any position created under this article may be removed by the appointing authority for any reason deemed by it to be sufficient.

(Ord. 478, § 4, 8-12-41)

**ARTICLE IV. RECREATION BOARD\***

**Sec. 2-24. Establishment of board and department.**

There is hereby established a board of recreation and a recreation department in accordance with MCA, Sec. 20-7-802(2). The official name of the board of recreation is the recreation board and the name of the department is the Glasgow Recreation Department.

(Ord. No. 931, § 1, 12-18-2006)

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\***Editor's note**—Formerly, Ord. No. 830, § 1, adopted May 7, 1984, provided for the repeal of Ord. No. 679, §§ 1—11, adopted Sept. 18, 1957. Such provisions had been codified herein as Art. IV, §§ 2-24—2-34, and pertained to the Glasgow Recreation Commission and Glasgow Department of Recreation.

**Sec. 2-25. Purpose and function.**

The city council hereby delegates to the recreation board the operation of a program of public recreation and playgrounds, subject to the provisions of this article. To effect said purpose the recreation board shall operate, direct and generally supervise the recreation department as a department of the City of Glasgow. (Ord. No. 931, § 2, 12-18-2006)

**Sec. 2-26. City policies to apply.**

The recreation board shall operate in strict conformity with all applicable policies of the City of Glasgow including, but not limited to, its personnel policies and procedures. All funds collected and disbursed shall belong to the City of Glasgow and shall be handled and accounted for through city's accounting system supervised by the city clerk-treasurer. All land, buildings, and other recreational facilities operated by the recreation board shall be acquired, held, equipped, and maintained in the name of the City of Glasgow as city property. (Ord. No. 931, § 3, 12-18-2006)

**Sec. 2-27. State laws to apply.**

The recreation board shall operate in strict conformity with all applicable provisions of the Constitution and the laws of the State of Montana, including but limited to those regarding the public's participation in government. For example, the board's meetings shall be open to the public, agendas shall be prepared and posted in advance of all meetings, and accurate minutes shall be kept and timely filed with the city clerk-treasurer. (Ord. No. 931, § 4, 12-18-2006)

**Sec. 2-28. Composition of board.**

The recreation board shall consist of six (6) members appointed by the city council for terms of three (3) years each. All members shall be residents of the City of Glasgow or own real property within the City of Glasgow. All six (6) members shall have voting privileges. All members of the board shall act and serve without pay. Upon the effective date of this article, the previously-appointed members of the recreation board operating heretofore shall continue in office until the end of their respective terms. In the event a board member has three (3) unexcused absences, the board may recommend to the city council that such member's position be declared vacant. Vacancies will be filled by the city council. Any member may be removed from the recreation board by the city council.

(Ord. No. 931, § 5, 12-18-2006)

**Sec. 2-29. Officers and meetings.**

Officers of the recreation board shall be a chairman, a vice-chairman, and a secretary, who shall be selected by the membership at the board's first meeting in January of each year. Upon the effective date of this article, the previously-elected officers of the recreation board operating heretofore shall continue in office until their successors are duly elected as set forth herein. Regular meetings of the board shall be held at least once during each month of the year. Special meetings may be called by the chairman or at the call of a majority of the board members. All members of the board shall have the power to place items on the agenda for any meeting.

(Ord. No. 931, § 6, 12-18-2006)

**Sec. 2-30. Powers of the board.**

The recreation board shall have the following powers and duties.

- (1) To operate the recreation department in conformity with applicable state laws and policies of the City of Glasgow and to adopt such additional policies and procedures which are necessary for the operation of the board and the recreation department, which are not in conflict with those of the City of Glasgow.
- (2) To establish, maintain, and conduct activities on playgrounds, ball diamonds, swimming pools, tennis courts, skating rinks, racquetball courts, gymnasiums, recreation halls, recreation places, recreation centers, and public parks at any place within the corporate limits of the City of Glasgow.
- (3) To establish, maintain, and conduct public tournaments, entertainments, concerts, celebrations, and related activities.
- (4) To use for such purposes any grounds, buildings, or other facilities which the City of Glasgow may from time to time purchase, lease, authorize, offer, designate, or set apart for the use or supervision of the board.
- (5) To receive donations, bequests, and gifts from individuals, corporations, or others on behalf of the city, for any purpose within the powers of the board, and to expend same as authorized by the city council in the city's annual budget.
- (6) In a timely fashion, to prepare and submit an annual budget request to the city council.

- (7) To expend funds appropriated for it by the city council in the city's annual budget, for the purposes set forth in said budget appropriation, and not to exceed same.
  - (8) As authorized by the city council, to apply for grants and to expend funds received therefrom.
  - (9) To establish all necessary rules, fees, and regulations for all activities administered by the recreation department and for the participants therein.
  - (10) To cooperate with the city's director of public works and its park department to accomplish the construction, maintenance, and repair of parks and facilities used for activities of the recreation department.
  - (11) To hire a recreation director and other department employees and to set their terms of employment, including salary and benefits, in conformity with city policies and the department's budget. The recreation director shall serve at the pleasure of the recreation board.
- (Ord. No. 931, § 7, 12-18-2006)

### **Sec. 2-31. Duties of the recreation director.**

The duties of the recreation director shall include:

- (1) To plan, promote, organize, conduct, and supervise a comprehensive city recreation program under the direction of the recreation board.
- (2) As directed by the recreation board, to establish, maintain, and conduct activities on playgrounds, ball diamonds, swimming pools, tennis courts, skating rinks, racquetball courts, gymnasiums, recreation halls, recreation places, recreation centers, and public parks at any place within the corporate limits of the City of Glasgow.
- (3) As directed by the recreation board, to take charge of and use for such purposes any grounds, buildings, or other facilities which the City of Glasgow may from time to time purchase, lease, authorize, offer, designate, or set apart for the use or supervision of the board.
- (4) Unless excused by the board for good cause, to attend all meetings of the recreation board.
- (5) To assist the recreation board to prepare its annual budget request to be submitted to the city council.

- (6) As directed by the recreation board, to expend budgeted department funds in conformity with city policies and procedures, and to provide the board and the city clerk-treasurer with necessary forms, records, and reports.
  - (7) To recruit and supervise all authorized employees of the recreation department.
  - (8) To maintain an accurate inventory of all equipment and supplies owned or used by the recreation department.
  - (9) To keep accurate records of the department's activities.
  - (10) To perform such other duties assigned by the recreation board.
- (Ord. No. 931, § 8, 12-18-2006)

**Secs. 2-32—2-40. Reserved.**

## **ARTICLE V. RESERVED\***

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\***Editor's note**—Ord. No. 948, § 1, adopted May 6, 2013, repealed Art. V, § 2-41, which pertained to Glasgow City-County Planning Board and derived from Ord. No. 717, adopted July 17, 1963.



## Chapter 3

### ADVERTISING\*

#### **Secs. 3-1, 3-2. Reserved.**

**Editor's note**—Ord. No. 880, §§ 10, 11, adopted May 15, 1989, repealed §§ 3-1 and 3-2, which pertained to permits for signs and billboards over six square feet in size. Such sections bore no history notes.

#### **Sec. 3-3. Maximum size and minimum height of signs over sidewalks.**

No person shall hang or allow to remain across any sidewalk or street in the city any sign or banner that projects beyond the outer edge of the sidewalk, or which is less than eight (8) feet clear of the sidewalk.

#### **Secs. 3-4—3-7. Reserved.**

**Editor's note**—Formerly, §§ 3-4—3-7, pertained to handbills, sound trucks and other sound amplifying devices, and bill posting. Such sections bore no history notes and were repealed by Ord. No. 880, §§ 12—15, adopted May 15, 1989.

#### **Sec. 3-8. Placing banners, etc., across streets.**

It shall be unlawful for any person to extend any banner or canvas sign across any public street, park or other way of the city without first having obtained permission from the Glasgow City Council. (Ord. No. 879, § 1, 5-15-89)

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\*Cross references—Flammable advertising matter on buildings, § 9-19; using motor vehicle for primary purpose of advertising and sale of merchandise, § 18-75.

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## Chapter 3A

### AIR CONDITIONING, HEATING, REFRIGERATION AND VENTILATION\*

#### Sec. 3A-1. Adoption of International Mechanical Code.

Pursuant to Section 50-60-301, Montana Code Annotated (MCA), and Section 24.301.202, ARM, the International Mechanical Code, 2003 Edition, as adopted by the State of Montana in Section 24.301.172, ARM, is hereby adopted as the Mechanical Code for the City of Glasgow, Montana. Each and all of the regulations, provisions, conditions, and terms of said Residential Code are hereby referred to, adopted, and made a part hereof, as if fully set out in this chapter.

*Copies on file in the city clerk's office.* One (1) copy of each of the codes adopted herein, including all amendments thereto adopted hereafter, shall be on file in the office of the city clerk.

*Future amendments.* All amendments and modifications to the codes adopted herein and hereafter adopted by the Building Codes Bureau of the Montana Department of Labor and Industry (or its successor) as set out in the Administrative Rules of Montana (ARM), shall be adopted by reference by administrative order of the Mayor of the City of Glasgow, as authorized by Section 50-60-301, MCA. Said modifications will take effect ninety (90) days after receipt of notice from the department of labor and industry and after providing the department with a copy of the mayor's administrative order adopting said amendments and/or modifications.

*No effect on existing suits or rights.* Nothing in this chapter or in the codes hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing under any ordinance hereby repealed by this article; nor shall any just or legal right or remedy of any character be lost, impaired, or affected by this chapter.

(Ord. No. 774, §§ 4, 5, 6-20-77; Ord. No. 868, §§ 4, 5, 4-17-89; Ord. No. 894, § 2, 12-19-94; Ord. No. 929, §§ 8, 10, 11, 13, 9-13-2004)

**Editor's note**—Ord. No. 774, §§ 4, 5, adopted June 20, 1977, did not expressly amend the Code; hence, inclusion herein as § 3A-1 of a new Ch. 3A is at the discretion of the editor.

**State law reference**—Authority to adopt technical building, electrical, fire, etc., codes, M.C.A. 1978, § 7-5-4202.

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\*Cross reference—Gas piping and appliances, Ch. 11.



## Chapter 4

### ALCOHOLIC BEVERAGES\*

#### Sec. 4-1. Definitions.

For the purpose of this chapter, the following definitions apply:

*Alcohol* means ethyl alcohol, also called ethanol, or the hydrated oxide of ethyl.

*Alcoholic beverage* means a compound produced and sold for human consumption as a drink that contains more than five-tenths (.5) percent of alcohol by volume.

*Liquor* means an alcoholic beverage except beer and table wine.

*Public display or exhibition of alcoholic beverages* means and includes transporting, carrying and exhibiting of open cans, bottles, glasses or other types of containers of alcoholic beverages, either empty or containing alcoholic beverages, to, in, on, or within any vehicle or public place within the city, but does not include carrying or transporting such alcoholic beverage from retail establishments in sacks, cases, boxes, cartons, or other similar containers with unbroken seals or unopened containers when no display or exhibition is made; nor does this definition include those situations where an alcoholic beverage container is being transported or carried to a recycling center or the transportation of alcoholic beverage containers in a compartment of a vehicle that is outside the passenger area of the vehicle and which area is not accessible to the driver or passenger of the vehicle.

*Public drinking* means and includes the drinking or consuming of an alcoholic beverage in, on, within, or upon any public place.

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\***Editor's note**—Ord. No. 916, § 1, adopted Oct. 4, 1999, repealed §§ 4-2, 4-3, 4-7—4-8, 4-10, 4-13—4-25 which pertained to alcoholic beverages and derived from Ord. No. 435, §§ 2, 3, 7, 8, 10, 16, adopted Sept. 13, 1978; Ord. No. 488, § 1, 5, 7, adopted Mar. 10, 1942; Ord. No. 505, § 2, adopted Sept. 9, 1971; Ord. No. 726, §§ 1—3, adopted July 12, 1965; Ord. No. 747, § 1, adopted June 3, 1974; Ord. No. 758, § 1, adopted June 3, 1974; Ord. No. 765, §§ 1, 2, adopted July 7, 1975; Ord. No. 854, § 1, adopted May 4, 1987; Ord. No. 859, §§ 2, 3, adopted Nov. 2, 1987; Ord. No. 883, §§ 1—3, adopted July 17, 1989. Ord. No. 916 further enacted new provisions as set out in §§ 4-1, 4-26, 4-27, 4-28, 4-29.

**Cross reference**—License required for establishments permitting and selling alcoholic beverages, § 12-2 et seq.

*Public place* means a place, building, or conveyance to which the public has or may be permitted to have access and any park or other place of public resort, and includes all vehicles found thereon, but does not include premises properly licensed to sell alcoholic beverages.

*Table wine* means wine that contains not more than sixteen (16) per cent alcohol by volume and includes cider.

*Vehicle* means every device in, upon, or by which any person or property is or may be transported upon a public highway, and includes bicycles and motorcycles.

*Wine* means an alcoholic beverage made from or containing the normal alcoholic fermentation of the juice of sound, ripe fruit or other agricultural products without addition or abstraction, except as may occur in the usual cellar treatment of clarifying and aging, and that contains more than (0.5) per cent but not more than twenty-four (24) per cent of alcohol by volume. Wine may be ameliorated to correct natural deficiencies, sweetened, and fortified in accordance with applicable federal regulations and the customs and practices of the industry. Other alcoholic beverages not defined in this subsection but made in the manner of wine and labeled and sold as wine in accordance with federal regulations are also wine.

(Ord. No. 435, § 1, 9-13-38; Ord. No. 916, § 2, 10-4-99)

### **Secs. 4-2, 4-3. Reserved.**

**Note**—See the editor's footnote to the chapter title.

### **Sec. 4-3.1. Wholesale beer business excepted from license requirements.**

(1) The City of Glasgow shall not impose any license upon persons, corporations, firms or any form of business organization for engaging in the wholesale beer business.

(2) For purposes of this section, a wholesaler means any person having a store or establishment for the sale and distribution of beer in wholesaling or jobbing quantities, or for the sale and distribution of beer in original packages to the public, with the intent that such packages shall be delivered or taken away from the premises of such wholesaler in unbroken package for consumption off the premises of such wholesaler.

(Ord. No. 734, §§ 1, 2, 11-15-67)

**Editor's note**—Ord. No. 734, §§ 1 and 2, did not expressly amend this Code; hence, inclusion herein as § 4-3.1 was at the discretion of the editors.

**Sec. 4-4. State license prerequisite; automatic termination of city license.**

No city license shall be issued to any person who does not, at the time of issuance, hold a license from the State of Montana, to sell the kind of alcoholic beverages named in the city license, and if the licensee ceases to hold a state license during the life of the city license, the city license shall terminate automatically with the state license.

(Ord. 435, § 4, 9-13-38)

**Sec. 4-5. Contents of city license; sale restricted to licensed premises.**

Every city license shall state the name of the licensee and the premises for which the license is issued. The licensees shall not sell alcoholic beverages on any premises save those described in the license, unless the city, by resolution duly adopted, shall consent to the removal of his business to other premises.

(Ord. No. 435, § 5, 9-13-38)

**Sec. 4-6. Classes of licenses; fees.**

(a) The city shall issue licenses for the retail sale of beer, wine, and liquor on an annual basis. Such licenses shall become effective on July 1 or on the date of purchase, whichever is later, and shall expire at midnight on June 30 of each year.

(b) No person, firm, or corporation shall sell alcoholic beverages at retail within the city without first obtaining an appropriate license therefor. The licenses required by this section may be issued only to holders of valid retail licenses issued by the Department of Revenue of the State of Montana, and such city licenses shall be divided into the following four (4) classes:

- (1) Retail beer license (on or off premise);
- (2) Retail beer and wine license (on or off premises);
- (3) All-beverage license;
- (4) All-beverage license for nationally-chartered veterans organizations.

If any licensee's retail license issued by the department of revenue shall expire, be revoked or become otherwise invalidated, the corresponding city license issued hereunder shall be immediately and automatically revoked.

(c) Effective on July 1, 2003, the annual fees for the respective classes of licenses shall be, for both on-premises and off-premises consumption, in the following amounts:

(1) Retail beer license.....	\$200.00
(2) Retail beer and wine license .....	400.00
(3) All-beverage license .....	312.50
(4) All-beverage license for nationally-chartered veterans organizations.....	218.75

(d) Fees for city licenses issued hereunder shall be prorated quarterly. Licenses purchased during the months of July, August, or September shall cost the full prices listed above. Any license purchased in the months of October, November, or December shall cost seventy-five (75) percent of the full price. Any license purchased in the months of January, February, or March shall cost fifty (50) percent of the full price. Any license purchased in the months of April, May, or June shall cost twenty-five (25) percent of the full price.

(Ord. No. 435, § 6, 9-13-68; Ord. No. 757, § 1, 5-6-74; Ord. No. 764, §§ 1, 2, 6-16-75; Ord. No. 773, § 2, 6-20-77; Ord. No. 787, §§ 1, 2, 6-18-79; Ord. No. 820, § 2, 7-20-82; Ord. No. 921, § 2, 7-13-2000; Ord. No. 926, § 2, 6-17-2003)

State law reference—License fees for state retail licenses, RCM, 1947, § 404.

**Secs. 4-7, 4-8. Reserved.**

Note—See the editor's footnote to the chapter title.

**Sec. 4-9. Reserved.**

Editor's note—Former § 4-9 prohibited minors under 18 years of age from being present on any licensed premises, unless accompanied by a parent or guardian, and prohibited sale of alcoholic beverages to persons under the age of eighteen years. At his discretion, the editor has deleted said former section as being superseded by Ord. No. 785, adopted Jan. 8, 1979, the title of which expresses an interest to repeal Ords No. 746 and 752; former § 4-9 was derived from Ord. No. 435, § 9, adopted Sept. 13, 1938; Ord. No. 746, §§ 2, 3, adopted June 16, 1971; and Ord. No. 752, adopted July 11, 1973.

**Sec. 4-10. Reserved.**

Note—See the editor's footnote to the chapter title.

**Sec. 4-11. Discretionary power to issue or refuse to issue.**

A city license shall not issue as a matter of right. For the welfare of its inhabitants and in the exercise of its police powers, the city, in its discretion, may issue or refuse to issue a license to any person, even though he holds a state license.  
(Ord. 435, § 12, 9-13-38)

**Sec. 4-12. Renewals; transfers.**

A city license may not be renewed or transferred as a matter of right. For the welfare of its inhabitants, and in the exercise of its police powers, the city, in its discretion, may renew, or decline to renew, may consent to the transfer, or decline to consent to the transfer, of any license, although the holder of the license, or the transferee, holds a license from the state.

Such renewal or transfer thereof, may only be granted by the city council, by resolution adopted.  
(Ord. 435, §§ 13, 14, 9-13-38)

**Secs. 4-13—4-25. Reserved.**

**Note**—See the editor's footnote to the chapter title.

**Sec. 4-26. Prohibited acts.**

Public drinking and public display and exhibition of alcoholic beverages as defined in this chapter are prohibited, and it is unlawful for any person to engage in public drinking and public display and exhibition of alcoholic beverages within the city limits.  
(Ord. No. 916, § 3, 10-4-99)

**Sec. 4-27. Exception; special permit, deposit required.**

(a) A special permit for the purpose of permitting public drinking and public display and exhibition of alcoholic beverages in a designated area may be issued when it is determined by the police chief that the general public welfare or special circumstances warrant such exception. Prior to the issuance of a permit, the applicant must provide proof acceptable to the police chief that he will comply with applicable laws and regulations of the State of Montana regarding alcoholic beverages, that he will comply with city ordinances, and that he will make adequate provision for security, safety, and sanitation. No fee will be charged for such permits.

(b) If any city property, including parks, and/or streets, is included in the designated area, a cash deposit of not less than fifty dollars (\$50.00) or more than five hundred dollars (\$500.00), based on the projected impact on the city's property, must be paid in advance to guarantee cleanup or repair of the property. The city's actual cost of any cleanup or repair shall be deducted from the deposit and the balance returned to the party who paid the deposit.

(Ord. No. 916, § 4, 10-4-99)

#### **Sec. 4-28. Denial; appeal to city council.**

An applicant who has been denied a permit or who disputes the amount of the deposit may appeal to the city council by giving written notice to the city clerk-treasurer within five (5) days of the date of the denial. The clerk shall place the matter on the agenda for the next regularly scheduled council meeting. The council shall have the authority to direct the police chief to issue the permit and/or modify the amount of the deposit if a majority of the council members vote therefor.

(Ord. No. 916, § 5, 10-4-99)

#### **Sec. 4-29. Penalties.**

Any person violating any provision of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished as set forth in section 1-6 of this Code.

(Ord. No. 916, § 7, 10-4-99)

## Chapter 5

### ANIMALS AND FOWL\*

<b>Art. I.</b>	<b>In General, §§ 5-1—5-20</b>
<b>Art. II.</b>	<b>Nuisance or Dangerous Animals, §§ 5-21—5-30</b>
<b>Art. III.</b>	<b>Dogs and Cats, §§ 5-31—5-50</b>
	Div. 1. Generally, §§ 5-31—5-40
	Div. 2. Licenses, §§ 5-41—5-50
<b>Art. IV.</b>	<b>Impoundment, §§ 5-51—5-55</b>

### ARTICLE I. IN GENERAL

#### Sec. 5-1. Definitions.

As used in this chapter, unless the context otherwise indicates, the following terms shall have the meaning ascribed to each:

*Animal* means any cock, bird, cat, dog, or mammal except man.

*Animal control officer*: The chief of police shall act as the animal control officer. This includes all duly appointed and qualified city police officers.

**\*Editor's note**—Sec. 1 of Ord. No. 910, adopted Oct. 5, 1998, repealed §§ 5-1—5-3, 5-7, 5-8, 5-10—5-19, 5-36, 5-37, 5-39—5-44, which pertained to various regulations concerning animals, and were derived from Ord. No. 780, adopted Apr. 17, 1978, Secs. 2—18 of Ord. No. 910 enacted new animal regulations and pursuant to § 21, the following disposition was made concerning such sections:

<b>Ord. Sec.</b>	<b>Code Sec.</b>	<b>Ord. Sec.</b>	<b>Code Sec.</b>
2	5-4	11	5-7
3	5-32	12	5-24
4	5-1	13—15	5-21—5-23
5—7	5-41—5-43	16	5-51—5-55
8	5-34	17	5-3
9, 10	5-31(a), (b)	18	5-2

See also the history notes following each section and the Code Comparative Table at the back of this volume.

**Cross references**—Maintaining pens and stables for animals, § 13-1; disposal of dead animals, § 13-3; placing animal bedding in streets, § 13-8; cruelty to animals, § 14-2; hitching animals to trees and shrubbery, § 17-47; persons riding animals to obey traffic regulations, § 18-8; animals in auto trailer parks, § 19-4(c)(8).

*Animal shelter* shall be defined as any premises permitted by the city and maintained for impounding and caring for dogs and cats.

*At large*: Off the premises of the owner and not under the immediate control of the owner by a leash or other means of physical control.

*Dog or cat*: Domestic canine or feline animals of either sex.

*License agent*: The chief of police shall be designated the license agent, and he may appoint additional license agents as he deems necessary.

*Neutered pet*: Spayed or castrated dog or cat.

*Nuisance animal*: Any animal which:

- (1) Frightens, annoys, barks, bites at, or chases any person or vehicle;
- (2) A female dog in heat (i.e., in the estrous period) not continually confined in a house, garage or other enclosed area, or under direct supervision of its owner;
- (3) By loud and frequent yelping, barking, howling or meowing, annoys any person;
- (4) Damages any property not the property of its owner;
- (5) Is an unclaimed or stray animal;
- (6) Causes any offensive odor through the accumulation of excrement or other wastes; or
- (7) Deposits excrement on property other than that of its owner.

*Owner*: Any person owning, keeping, harboring, or possessing any animal, regardless of the length of time.

*Stray animal*: Any animal, the owner of which cannot be ascertained.

*Vaccination*: The inoculation of a dog or cat with antirabies vaccine approved by the state veterinarian, having an effective immunity of at least two (2) years, administered by or under the direction of a licensed veterinarian.

*Vicious animal:* Any animal which bites or attempts to bite any human being without provocation, or which harasses, chases, bites or attempts to bite any other animal. The term "animal" includes all livestock and any domestic pet.

(Ord. No. 910, § 4, 10-5-98; Ord. No. 917, § 1, 2, 10-18-99; Ord. No. 952, § 4, 8-1-16)

### **Sec. 5-2. Violation; misdemeanor.**

(a) Any person violating a provision of this chapter shall, upon conviction thereof, be guilty of a misdemeanor and punished as set forth in section 1-6 of this Code.

(b) The refusal to redeem any impounded animal by the owner thereof shall not relieve the owner of the duty to pay all charges which have been assessed.

(c) Surrender of an animal by the owner to the animal control officer shall not relieve or render the owner immune from the decision of the court or from fees and fines which may result from any violation(s) of this chapter.

(Ord. No. 910, § 18, 10-5-98)

### **Sec. 5-3. Livestock and fowl prohibited.**

(a) No person shall keep or maintain any livestock or fowl within the city. For the purpose of this section, the term "livestock" includes cattle, sheep, swine, goats, horses, mules, asses, llamas, alpacas, bison, ostriches, rheas, emus, and domestic ungulates. For the purpose of this section, the term "fowl" includes chickens, duck, geese, guineas, and peacocks.

(b) Exception. This section shall not apply to horses brought into the city for the purpose of a funeral procession or a parade for which a permit has been issued by the chief of police.

(Ord. No. 910, § 17, 10-5-98)

### **Sec. 5-4. Poisoning animals.**

It is unlawful for any person to lay out or expose any poison for the purpose of killing or injuring any dog, cat, or other

animal, or to aid or abet any person in so doing. For the purpose of this section, the term "poison" includes automobile antifreeze solutions containing ethylene glycol.

(Ord. No. 780, 4-17-78; Ord. No. 910, § 2, 10-5-98)

**Sec. 5-5. Provoking, haranguing, teasing, etc., animals.**

It is unlawful for any person to provoke, harangue, tease, torment, or in any way disturb a dog or other animal with the intent to cause it to bark or attack any person.

(Ord. No. 780, 4-17-78)

**Sec. 5-6. 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. No. 780, 4-17-78)

**Sec. 5-7. Removal of waste deposits the responsibility of owner.**

The owner of any animal shall be responsible for the immediate removal of any excreta deposited by his animal on any public walk, street, alley, public property, or private property.

(Ord. No. 910, § 11, 10-5-98)

**Sec. 5-8. Powers of animal control officer to investigate; refusal of lawful demands, prohibited.**

For the purpose of discharging the duties imposed by this chapter and enforcing its provisions, the animal control officer or any police officer is empowered to demand from the occupants of any premises upon or in which a dog or other animal is kept or harbored, the exhibition of such dog or other animal or the license for such dog. It shall be unlawful for any person to refuse such demand. The animal control officer may make such demand at premises where the animal is kept in a reportedly cruel or inhumane manner, and examine such animal, and take possession of the same when, in his opinion, it requires humane treatment.

(Ord. No. 780, 4-17-78)

**Secs. 5-9—5-20. Reserved.****ARTICLE II. NUISANCE OR DANGEROUS ANIMALS****Sec. 5-21. Nuisance animal.**

It is unlawful for any person to own, harbor, keep or maintain any nuisance animal, and it shall be the duty of the animal control officer to issue and file complaints for all such violations occurring in his presence. Any person aggrieved by a nuisance animal may file a complaint charging the owner with the violation of this section, where the offense is not committed in the presence of the animal control officer. Upon a third conviction under this section within a twelve-month period, the city court judge may order the animal to be seized by the animal control officer and destroyed and disposed of in a humane manner.

(Ord. No. 910, § 13, 10-5-98)

**Sec. 5-22. Vicious animal.**

(a) It is unlawful for any person to own, harbor, keep, or maintain any vicious animal within the city limits.

(b) Any animal charged with being vicious in the city court shall be placed under strict confinement until a verdict is arrived at, unless otherwise ordered by the city court judge. The alleged vicious animal may be seized by or under the direction of the animal control officer and impounded at the animal shelter pending an order regarding confinement from the city court. The owner may at his or her expense and with the approval of the animal control officer, have the animal impounded at the city animal shelter until a verdict is arrived at. At no time shall a charged animal be removed from confinement without the express consent of the city court judge.

(c) Any animal alleged to be a vicious animal which is at large, may be subdued by the use of a tranquilizer gun by the animal control officer.

(d) Any animal found to be vicious by the city court shall be impounded in the city shelter and destroyed and disposed of in a humane manner.

(e) Exception—Any animal whose victim was doing damage or injury to the person, family or property of the owner; or when it is determined by the city judge or jury that the degree of provocation of the animal by the victim or other person justified such a response, shall not be considered a vicious animal. (Ord. No. 910, § 14, 10-5-98; Ord. No. 917, § 3, 10-18-99)

### **Sec. 5-23. Permanent removal of animal from city as alternative to death of animal.**

Whenever an animal is to be put to death under this chapter, except for infection with rabies, the owner may apply to the court for permission to remove the animal permanently from the city, and upon such person's filing with the court his written agreement to remove the animal forthwith and to be responsible for its remaining out of the city permanently, the city judge may, in his discretion, make an order allowing said animal to be removed from the city instead of being put to death. If the animal subsequently returns to the city in violation of the court's order, the animal control officer is authorized to impound the animal, and upon the order of the city court, to destroy and dispose of the animal in a humane manner.

(Ord. No. 910, § 15, 10-5-98)

### **Sec. 5-24. Rabid animal.**

(a) Any rabid or clinically suspected rabid animal must be handled in accordance with the then-current laws of the State of Montana, presently set forth in the Administrative Rules of Montana (ARM) under "Disease Control of Livestock" subchapter 12 (sections 32.3.1201 through 32.3.1207, ARM, inclusive), which are hereby adopted by reference and made a part of this section, including:

- (1) Any person having knowledge of an animal within the city, known to have or suspected of having rabies, shall report the facts immediately to the animal control officer or a deputy state veterinarian.

- (2) Any person having knowledge of any animal or person within the city, having been bitten by a dog or other animal known to have or suspected of having rabies, shall report the facts immediately to the animal control officer or the county health officer.
- (3) Whenever the city is included within the boundaries of a rabies quarantine area ordered by the state veterinarian, all animals specified therein shall be kept in strict confinement upon the private premises of the owner, keeper or harbinger of such animal(s) until the quarantine has been terminated by the state.
- (4) Any rabid or clinically suspected rabid animal shall be forthwith seized by or under the direction of the animal control officer and isolated in strict confinement under the proper care and observation of a deputy state veterinarian in a veterinary hospital or other facility approved by the state veterinarian. If professional veterinary evaluation warrants, the animal may be humanely destroyed and the brain or other appropriate tissues tested in a qualified laboratory for rabies.
- (5) Upon consideration of the advice of the county health officer, any animal which bites a person, may be seized by or under the direction of the animal control officer, and observed for at least ten (10) days after the day of infliction of the bite, in the manner set forth in subsection (4) above. If the city is then within an officially quarantined rabies area, the seizure and isolation shall be mandatory for any animal of a species subject to rabies. If any sign of illness develops in the isolated animal, it must be evaluated by a deputy state veterinarian, and if in his judgment it is warranted, the animal may be humanely destroyed and the brain or other suitable tissue tested in a qualified laboratory for rabies.
- (6) Any animal subject to rabies which has been bitten by a known or suspected rabid animal must be seized by or under the direction of the animal control officer, and may be quarantined in a place and manner approved by the state veterinarian for up to six (6) months, until

vaccinated as set forth in this subsection or destroyed. If a quarantined dog or cat does not have a current rabies vaccination, it must be vaccinated and held in quarantine for an additional fourteen (14) days before release to the owner, or destroyed if not vaccinated. If a quarantined dog or cat has a current rabies vaccination, it may be re-vaccinated and released to the owner, upon payment of the fees required by this chapter.

- (7) Any stray animal seized pursuant to this section may, at the option of the animal control officer, be impounded and humanely destroyed as set forth in section 5-51 et seq.

(b) No person shall knowingly keep or harbor any animal infected with rabies or any animal known to have been bitten by a rabid animal.

(Ord. No. 910, § 12, 10-5-98)

**Secs. 5-25—5-30. Reserved.**

## ARTICLE III. DOGS AND CATS

### DIVISION 1. GENERALLY

#### **Sec. 5-31. Running at large.**

(a) *Dogs.*

- (1) It shall be unlawful for any owner or person having custody or responsibility for the care of any dog to permit it to be at large within city limits at any time, or to have it tethered or staked in such a manner as to go upon any street, alley, sidewalk, crosswalk, or public grounds within the city.
- (2) Dogs at large may be impounded by the animal control officer. Any dog running at large need not be impounded before the owner is cited for a violation of this section.

(b) *Cats.*

- (1) Cats are not restricted from running at large unless adjudged to be a nuisance animal by the city court, following the filing of a formal complaint.
- (2) If a cat is determined to be a nuisance animal, it is prohibited from running at large and the owner is subject to the same provisions as outlined in subsection (a), above.

(Ord. No. 910, §§ 9, 10, 10-5-98)

**Sec. 5-32. Vaccination required.**

It is unlawful for any person to keep, maintain or harbor any dog or cat over six (6) months of age unless is shall have been vaccinated, as hereinabove defined, within the preceding two (2) years.

(Ord. No. 780, 4-17-78; Ord. No. 910, § 3, 10-5-98)

**Sec. 5-33. Dog and cat limits.**

No household within the city shall keep or maintain at any time more than three (3) dogs or more than three (3) cats. Any household keeping or maintaining more than three (3) dogs or more than three (3) cats within the city shall be notified in writing by the city police department that the number of such dogs or cats in excess of the limit of three (3) must be removed from the household within ten (10) days of mailing of such notice. Failure to comply with this requirement within such period is unlawful. Each day after the expiration of such period that the owner or keeper of an excess number of dogs or cats fails to comply with such order is a separate offense.

(Ord. No. 952, § 1, 8-1-16)

**Sec. 5-34. Exception; grandfathering clause.**

Owners of dogs or cats in excess of three (3) prior to the creation of this section will be allowed to register with the city police department under a grandfather clause. Registered owners may keep their current number of pets, but as the number of dogs or cats decreases through attrition over time, the owner must then abide by the limit of three (3) dogs and three (3) cats

per household. The keeping of more than three (3) dogs or three (3) cats per household is prohibited except when an existing female gives birth and increases the number of such animals. The owner shall thereafter have sixty (60) days to remove the number of pets in excess of three (3) dogs or three (3) cats. (Ord. No. 952, § 2, 8-1-16)

### **Sec. 5-35. Animal rescue shelter permits.**

(a) Animal rescue shelters operating as a non-profit shall be allowed within city limits. Any person or entity desiring to establish an animal rescue shelter within the city limits of the city shall submit to the city clerk an application for a permit for such facility. The application shall be in a form provided by the clerk's office and shall provide the following information:

- (1) Name of permit applicant, address of applicant, address of shelter location, if different, and telephone number of applicant;
- (2) Verification of current rabies vaccinations for each animal held in the facility;
- (3) A statement by the applicant that the applicant will not violate any of the provisions set out in this section; and
- (4) An annual payment as required on the permit application must be submitted at the time of application for a permit or renewal of an existing permit.

(b) Upon the filing of a completed application, the application shall be placed before the city council for its consideration and action. The clerk shall cause notice to be given by mail, as provided by M.C.A. § 7-1-4129, to all owners of property within two hundred fifty (250) feet of the exterior boundaries of the property for which the permit is sought.

(c) In considering whether to grant such permit, the city council shall consider the following criteria:

- (1) The size of an animal rescue shelter shall determine how many animals may be sheltered. For dogs less than twenty-five (25) pounds, an animal rescue shelter shall provide five square feet of space. For dogs greater than

twenty-five (25) pounds, an animal rescue shelter shall provide nine (9) square feet of space. For cats, an animal rescue shelter shall provide nineteen (19) cubic feet;

- (2) An animal rescue shelter shall not be a for-profit enterprise;
- (3) The permit holder for an animal rescue shelter shall not knowingly accept into the shelter animals from any locations outside the limits of Valley County, Montana;
- (4) When the animals are not under the actual physical control of the permit holder, the permit holder shall provide an appropriate fenced area in which the animals may be placed for exercise; and
- (5) The permit holder must be compliant with all animal control ordinances.

(d) The granting of a permit shall require the affirmative vote of two-thirds ( $\frac{2}{3}$ ) of the membership of the city council.

(e) The city police department may inspect any animal rescue shelter authorized by the city to ensure the safety of the animals and the permit holder's compliance with city code and state laws.

(f) Revocation of permit.

- (1) The mayor shall revoke an animal rescue shelter permit upon:
  - a. Refusal of the permit holder to allow inspection of the animal shelter premises;
  - b. Three convictions of the permit holder for violations of any of the provisions of this chapter in a 24-month period;
  - c. The permit holder using the permitted facility to dispose of or to find homes for surplus puppies and breeding stock; or
  - d. Any other violation of the provisions of this section.
- (2) The mayor shall give notice to the permit holder of any revocation. The notice shall be in writing, shall specify the deficiencies or violations, advise the violator/permit

holder of the right to appeal, and shall be mailed by certified mail, return receipt requested, or personally served. The permit holder shall have ten (10) business days to appeal the revocation to the city council. The appeal shall be filed in writing with the city clerk. The mayor shall cause the matter to be placed on the first available agenda. The applicant shall be notified by certified mail or personally served with notice of the date of the council meeting at least three (3) days prior to the hearing. The matter shall be considered by the council after the appellant has had an opportunity to be heard in person or by counsel at the regular council meeting in which the matter appeared on the agenda.

(g) Veterinarian clinics licensed by the state shall be exempt from this section.

(Ord. No. 952, § 3, 8-1-16)

### **Sec. 5-36. Penalties.**

Any person violating this section shall be deemed to have committed a municipal infraction under M.C.A. § 7-1-4150, et seq., and be subject to judgment as follows:

- (1) First violation: Forty-five dollars (\$45.00);
- (2) Second violation: Seventy dollars (\$70.00);
- (3) Third violation or more: Ninety-five dollars (\$95.00);
- (4) Upon a third or subsequent offense, any dog or cat in excess of three (3) can be ordered to be put down or removed from the city limits.

(Ord. No. 952, § 5, 8-1-16)

### **Secs. 5-37—5-40. Reserved.**

## DIVISION 2. LICENSES

### **Sec. 5-41. Requirements.**

(a) No person shall own, keep or harbor any dog or cat within the city limits, unless such dog or cat is licensed as herein provided.

(b) Licenses for dogs and cats shall be issued by the city police department, or other appointee, upon completion of the following requirements:

- (1) Completion of an application containing the name and address of the owner and the name, breed, color and sex of the dog or cat.
- (2) Documentation of current rabies vaccination through a certificate signed by a licensed veterinarian showing that the dog or cat described has been vaccinated against rabies within two (2) years of the date when the new license will expire.
- (3) Payment of a license fee as provided in section 5-42.

(c) Dogs and cats older than six (6) months of age shall be licensed on or before July 1 of each year. The owner shall license any dog or cat within thirty (30) days after becoming six (6) months old or within thirty (30) days in the case of an animal older than six (6) months newly brought into the city. Licenses are effective from July 1 through June 30 of the following year. All licenses expire on June 30 of each year.

(d) Licenses will not be issued to any person under the age of eighteen (18) unless a parent or guardian signs the application as co-owner.

(Ord. No. 910, § 5, 10-5-98)

### **Sec. 5-42. Fees.**

(a) An annual license fee of five dollars (\$5.00) shall be paid for each neutered dog or cat, and a fee of twenty dollars (\$20.00) shall be paid for each non-neutered dog or cat. License fees will not be prorated, regardless of the date of purchase.

(b) Owners of dogs or cats who do not license them within the prescribed time as set forth in section 5-41 above, and who subsequently license them, shall be charged a late fee of five dollars (\$5.00) for each neutered dog or cat and twenty dollars (\$20.00) for each non-neutered dog or cat, in addition to the license fee.

(c) No refunds shall be made on any dog or cat license fee because of the death of the dog or cat or the owner leaving the city before the expiration of the license period.

(Ord. No. 910, § 6, 10-5-98)

### **Sec. 5-43. License certificates and tags.**

(a) *Issuance.* Upon receipt of a proper application, proof of vaccination, and the license fee, the license agent shall issue to the applicant a license certificate and a metallic tag. The color of the tag shall be changed each year, and shall have stamped thereon the year for which it was issued and the number corresponding with the number on the certificate.

(b) *Tag to be worn at all times.* Every owner is required to provide each dog or cat with a substantial collar, to which the license tag shall be affixed at all times.

(c) *Issuance of duplicates.* In the event that a dog or cat tag is lost or destroyed, a duplicate shall be issued by a licensed agent, upon presentation of an affidavit to that effect, a receipt or duplicate receipt showing payment of the license fee for the current year, and the payment of a fee of one dollar (\$1.00) for such duplicate.

(d) *Not transferable.* License tags are not transferable from one dog or cat to another, and it shall be unlawful for any person to cause or permit a license tag to be placed upon a dog or cat for which it was not issued. Any dog or cat found with a license tag issued for another dog or cat shall be deemed to be not licensed. (Ord. No. 910, § 7, 10-5-98)

### **Sec. 5-44. Transfer of ownership.**

Any transfer of ownership must be evidenced by a transfer license issued by the animal control officer, or other appointee. A transfer license may be obtained by furnishing proof of ownership acceptable to the animal control officer, including the name and address of the transferee and any other requested information, and paying a fee of one dollar (\$1.00).

(Ord. No. 910, § 8, 10-5-98)

**Secs. 5-45—5-50. Reserved.****ARTICLE IV. IMPOUNDMENT****Sec. 5-51. Length of impoundment.**

Any animal not in compliance with this chapter may be taken into custody by the animal control officer and impounded in the animal shelter in a humane manner for a period of not more than ninety-six (96) hours. Dogs and cats not claimed after ninety-six (96) hours become the property of the city and shall be destroyed and disposed of in a humane manner. An animal may be reclaimed only after the provisions set forth below have been complied with.

(Ord. No. 910, § 16, 10-5-98)

**Sec. 5-52. Records.**

The animal control officer or his designate shall keep a complete register of every dog, cat or other animal impounded, showing the time and place of capture, type, breed, color, sex and distinguishing marks, and if licensed, the number of the license and the name and address of the owner.

(Ord. No. 910, § 16, 10-5-98)

**Sec. 5-53. Notice to owner.**

The animal control officer shall make every reasonable effort to identify and notify the owner of any impounded animal.

(Ord. No. 910, § 16, 10-5-98)

**Sec. 5-54. Payment of fees prior to animal's release.**

Any impounded or quarantined animal may be redeemed by the owner only upon payment of an impoundment fee of twelve dollars (\$12.00) per day, veterinary charges, if any, and such other costs actually incurred by the animal shelter in the care of the animal.

(Ord. No. 910, § 16, 10-5-98; Ord. No. 933, § 1, 12-18-2008)

**Sec. 5-55. Adoption.**

The animal shelter has the option of adopting out an unclaimed animal after the ninety-six-hour impoundment period. Any additional expenses incurred after the initial ninety-six-hours shall not be billed to the city. Any unclaimed animal shall not be returned to its original owner without payment of all fees provided for in this article.

(Ord. No. 910, § 16, 10-5-98)

Chapter 6

**BICYCLES\***

**Secs. 6-1, 6-2. Reserved.**

**Sec. 6-3. Registration.**

(a) All bicycle owners in the City of Glasgow are required to register their bicycles with the Glasgow Police Department and affix the registration to the bicycle.

(b) The Glasgow Police Department shall keep a record of such registration, the date issued, the name and address of the person to whom the bicycle is registered, and the serial number on the frame of the bicycle which is registered.

(Ord. No. 845, § 5, 4-7-86)

**Secs. 6-4—6-13. Reserved.**

**Sec. 6-14. Parking.**

No person shall park a bicycle upon a roadway, other than against the curb, or in such manner as to afford the least obstruction to all traffic.

(Ord. No. 845, § 16, 4-7-86)

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\***Editor's note**—Ord. No. 902, § 1, adopted July 1, 1996, repealed §§ 6-1, 6-2, 6-4—6-13, which contained definitions and regulations for operation of bicycles. Such sections were derived from Ord. No. 845, §§ 3, 4, 6—15, adopted Apr. 7, 1986.

**Cross references**—Traffic, Ch. 18; application of traffic regulations to bicyclists, § 18-5; lights on bicycles, § 18-102.



**BOARD OF APPEALS\***

**Sec. 6A-1. Established.**

(1) A board of appeals is hereby established as provided by statute. It shall consist of five (5) members appointed by the mayor, subject to the confirmation of the city council; each member to serve for a term of three (3) years. It shall hold its meetings, which shall be open to the public, in the council chambers in the city hall, and the presence of three (3) members shall be necessary to constitute a quorum. The board shall adopt reasonable rules and regulations necessary for the conduct of its business. Meetings of the board shall be held at the call of the chair and at such times as the board may determine. Such chair or, in the absence of the chair, the acting chair may administer oaths and compel the attendance of witnesses. The board shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its investigations, decisions and other official actions, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the building official, all of which shall be a public record maintained in the office of the city clerk of the City of Glasgow.

(2) The board of appeals shall be composed of members who are qualified by experience and training to pass upon matters pertaining to building construction and who are not employees of the jurisdiction. A building official shall be an ex officio member of the board, but shall have no vote on any matter before the board. The building official shall act as secretary of the board. The board shall consist of the building official and five (5) appointed members. The five (5) appointed members of the board shall consist of one (1) individual from each of the following designated categories:

- Licensed plumber
- Master electrician
- Contractor/builder
- Engineer or engineering technician or draftsman
- Member of public at large

(3) The board shall hear and decide appeals of orders, decisions or determinations made by the building official relative to the

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\*Cross references—Mechanical code, § 3A-1; building code, § 7-1; energy code, § 7-1.1; code for abatement of dangerous buildings, § 7-1.2; accessibility standards, § 7-1.3; one and two family dwelling code, § 7-1.4; electrical code, § 8-5.1; fire code, § 9-01; housing code, § 11A-1; plumbing code, § 16-7.

application and interpretation of the model technical codes. The board shall have no authority relative to the interpretation of the administrative provisions of the model technical codes, nor shall the board be empowered to waive any requirements of the model technical codes.

(Ord. No. 894, § 14, 12-19-94)

## Chapter 7

### BUILDINGS\*

- Art. I.            In General, §§ 7-1—7-3  
Art. II.           Moving Buildings, § 7-4

#### ARTICLE I. IN GENERAL

##### Sec. 7-1. Adoption of 2003 International Building Code (IBC).

Pursuant to Section 50-60-301, Montana Code Annotated (MCA), and Section 24.301.202, Administrative Rules of Montana (ARM), the International Building Code, 2003 Edition, including Appendix Chapters A, C, E, F, H, I, J, as adopted by the State of Montana in Section 24.301.131, ARM, is hereby adopted as the Building Code for the City of Glasgow, Montana, setting forth minimum standards and requirements for building design, construction, alteration, and repair. Each and all of the regulations, provisions, penalties, conditions and terms of said Building Code are hereby referred to, adopted, and made a part hereof, as if fully set out in this article.

*Copies on file in the city clerk's office.* One (1) copy of each of the codes adopted herein, including all amendments thereto adopted hereafter, shall be on file in the office of the city clerk.

*Future amendments.* All amendments and modifications to the codes adopted herein and hereafter adopted by the Building Codes Bureau of the Montana Department of Labor and Industry (or its successor) as set out in the Administrative Rules of Montana (ARM), shall be adopted by reference by administrative order of the Mayor of the City of Glasgow, as authorized by Section 50-60-301, MCA. Said modifications will take effect ninety (90) days after receipt of notice from the department of labor and industry and after providing the department with a copy of the mayor's administrative order adopting said amendments and/or modifications.

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\***Editor's note**—For ordinances establishing a Housing Authority for the city see editor's note at bottom of page 5.

**Cross references**—Air conditioning, heating, refrigeration and ventilation, Ch. 3A; electrical wiring regulations, Ch. 8; buildings storing oil, § 9-2; housing, Ch. 11A; plumbing, Ch. 16; obstructing or occupying streets and sidewalks during building construction, § 17-8 et seq.; house numbering plan, § 17-17; subdivisions, Ch. 17A; city engineer ex officio building inspector, § 20-21.

*Appeals.* Any appeal under the International Building Code or the International Residential Code shall be to the city's board of appeals as set forth in Chapter 6A of the City Code of Ordinances.

*No effect on existing suits or rights.* Nothing in this article or in the codes hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing under any ordinance hereby repealed by this article; nor shall any just or legal right or remedy of any character be lost, impaired, or affected by this article.

(Ord. No. 774, §§ 3, 5, 6-20-77; Ord. No. 868, §§ 3, 5, 4-17-89; Ord. No. 894, § 3, 12-19-94; Ord. No. 925, §§ 1, 2, 1-6-2002; Ord. No. 929, §§ 1, 2, 10-13, 9-13-2004)

**Editor's note**—Ord. No. 774, §§ 3, 5, adopted June 20, 1977, did not expressly amend the Code; hence, inclusion as superseding former § 7-1 is at the discretion of the editor. Former § 7-1 adopted a building code for the city and was derived from Ord. No. 648, adopted Nov. 5, 1952.

**State law reference**—Authority to adopt technical building codes by reference, M.C.A. 1978, § 7-5-4202.

### **Sec. 7-1.1. Adoption of International Energy Conservation Code (IECC), 2003 Edition.**

Pursuant to Section 50-60-301, Montana Code Annotated (MCA), and Section 24.301.202, Administrative Rules of Montana (ARM), the International Energy Conservation Code (IECC), 2003 Edition, as adopted by the State of Montana effective September 3, 2004, is hereby adopted by the City of Glasgow, Montana. Each and all of the regulations, provisions, penalties, conditions and terms of said Code are hereby referred to, adopted, and made a part hereof, as if fully set out in this article.

*Copies on file in the city clerk's office.* One (1) copy of each of the codes adopted herein, including all amendments thereto adopted hereafter, shall be on file in the office of the city clerk.

*Future amendments.* All amendments and modifications to the codes adopted herein and hereafter adopted by the Building Codes Bureau of the Montana Department of Labor and Industry (or its successor) as set out in the Administrative Rules of Montana (ARM), shall be adopted by reference by administrative order of the Mayor of the City of Glasgow, as authorized by Section 50-60-301, MCA. Said modifications will take effect ninety (90) days after receipt of notice from the department of labor and industry and after providing the department with a copy of the mayor's administrative order adopting said amendments and/or modifications.

*No effect on existing suits or rights.* Nothing in this article or in the codes hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing under any ordinance hereby repealed by this article; nor shall any just or legal right or remedy of any character be lost, impaired, or affected by this article.

(Ord. No. 790, §§ 3, 5, 11-5-79; Ord. No. 886, §§ 4, 5, 4-2-90; Ord. No. 894, § 4, 12-19-94; Ord. No. 929, §§ 5, 6, 10, 11, 13, 9-13-2004; Ord. No. 930, §§ 1—5, 1-3-2005)

**Editor's note**—Ord. No. 886, §§ 4, 5, adopted Apr. 2, 1990, adopted a Uniform Model Energy Code and provided for the filing of a copy for public inspection. Such provisions have been codified as superseding former § 7-1.1, Code for Energy Conservation in New Building Construction adopted by reference.

### **Sec. 7-1.2. Uniform Code for the Abatement of Dangerous Buildings adopted by reference.**

(1) The current edition of the Uniform Code for the Abatement of Dangerous Buildings published by the International Conference of Building Officials and all accompanying appendices, amendments and modifications adopted by the Building Codes Bureau, Montana Department of Commerce (or its successor), as set out in the Administrative Rules of Montana, as amended from time to time by the building codes bureau, are adopted by reference and incorporated in this section as if set forth in full, except for any exceptions noted in this section or any regulations not applicable to local government jurisdictions. The provisions of this model technical code provide a just, equitable and practicable method, to be cumulative with and in addition to, any other remedy provided by the building code, housing code or otherwise available at law whereby buildings or structures in the city or its jurisdictional area which from any cause endanger the life, limb, health, morals, property, safety, or welfare of the general public or their occupants, may be required to be repaired, vacated, or demolished.

(2) Any amendments adopted by the building codes bureau which apply to local government jurisdictions, including the adoption of the latest editions of this model technical code or applicable Administrative Rules of Montana, shall become effective in the City of Glasgow ninety (90) days after the date that the Bureau notifies the city of said amendments.

(3) One (1) copy of this model technical code shall be on file in the office of the city clerk.

(4) Any appeal under this model technical code shall be to the board of appeals as set forth in Chapter 6A of this City Code.

(5) A violation of this model technical code or the applicable Administrative Rules of Montana, is a misdemeanor. Any person, firm or corporation convicted of a violation shall be punished as provided in section 1-6 of this City Code.

(Ord. No. 790, §§ 4, 5, 11-5-79; Ord. No. 894, § 5, 12-19-94)

Note—See the editor's note, § 7-1.1.

### **Sec. 7-1.3. Uniform Federal Accessibility Standards adopted by reference.**

(1) The current edition of the Uniform Federal Accessibility Standards published by the General Services Administration, Washington, D.C., and all accompanying appendices, amendments and modifications adopted by the Building Codes Bureau, Montana Department of Commerce (or its successor), as set out in the Administrative Rules of Montana, as amended from time to time by the building codes bureau, are adopted by reference and incorporated in this section as if set forth in full, except for any exceptions noted in this section or any regulations not applicable to local government jurisdictions. The provisions of this model technical code establish and provide minimum standards for facility accessibility by physically handicapped persons.

(2) Any amendments adopted by the building codes bureau which apply to local government jurisdictions, including the adoption of the latest editions of this model technical code or applicable Administrative Rules of Montana, shall become effective in the City of Glasgow ninety (90) days after the date that the bureau notifies the city of said amendments.

(3) One (1) copy of this model technical code shall be on file in the office of the city clerk.

(4) Any appeal under this model technical code shall be to the board of appeals as set forth in Chapter 6A of this City Code.

(5) A violation of this model technical code or the applicable Administrative Rules of Montana, is a misdemeanor. Any person, firm or corporation convicted of a violation shall be punished as provided in section 1-6 of this City Code.

(Ord. No. 886, §§ 2, 5, 4-2-90; Ord. No. 894, § 6, 12-19-94)

**Editor's note**—Ord. No. 886, §§ 2, 3, 5, adopted Apr. 2, 1990, provided for the adoption by reference and filing for inspection of the Uniform Federal Accessibility Standards and of the Uniform One and Two Family Dwelling Code. Such provisions have been designated as §§ 7-1.3 and 7-1.4 by the editor. In the event of conflict between these sections and other similar provisions in the Code, it is presumed that the more recent provisions will prevail.

### **Sec. 7-1.4. Adoption of International Residential Code (IRC).**

Pursuant to Section 50-60-301, Montana Code Annotated (MCA), and Section 24.301.202, ARM, the International Residential Code, 2003 Edition, as adopted by the State of Montana in Section 24.301.154, is hereby adopted as the Code for the City of Glasgow, Montana, setting forth minimum standards and requirements for detached one or two-family dwellings and multiple single-family dwellings (townhouses) not more than three (3) stories in height, and their accessory structures. Each and all of the regulations, provisions, conditions, and terms of said Residential Code are hereby referred to, adopted, and made a part hereof, as if fully set out in this article.

*Copies on file in the city clerk's office.* One (1) copy of each of the codes adopted herein, including all amendments thereto adopted hereafter, shall be on file in the office of the city clerk.

*Future amendments.* All amendments and modifications to the codes adopted herein and hereafter adopted by the Building Codes Bureau of the Montana Department of Labor and Industry (or its successor) as set out in the Administrative Rules of Montana (ARM), shall be adopted by reference by administrative order of the Mayor of the City of Glasgow, as authorized by Section 50-60-301, MCA. Said modifications will take effect ninety (90) days after receipt of notice from the department of labor and industry and after providing the department with a copy of the mayor's administrative order adopting said amendments and/or modifications.

*Appeals.* Any appeal under the International Building Code or the International Residential Code shall be to the city's board of appeals as set forth in Chapter 6A of the City Code of Ordinances.

*No effect on existing suits or rights.* Nothing in this article or in the codes hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing under any ordinance hereby repealed by this article; nor shall any just or legal right or remedy of any character be lost, impaired, or affected by this article.

(Ord. No. 886, §§ 3, 5, 4-2-90; Ord. No. 894, § 7, 12-19-94; Ord. No. 925, §§ 3, 4, 1-6-2002; Ord. No. 929, §§ 3, 4, 10-13, 9-13-2004)

*Note*—See the editor's note following § 7-1.3.

### **Sec. 7.1-5. Adoption of International Existing Building Code (IEBC).**

Pursuant to Section 50-60-301, Montana Code Annotated (MCA), and Section 24.301.202, ARM, the International Existing Build-

ing Code, 2003 Edition, as adopted by the State of Montana in Section 24.301.171, ARM, is hereby adopted as the Code for the City of Glasgow, Montana, which may be used as an alternative prescriptive method(s) for the remodel, repair, alteration, change of occupancy, addition, and relocation of existing buildings. Each and all of the regulations, provisions, conditions, and terms of said Existing Building Code are hereby referred to, adopted, and made a part hereof, as if fully set out in this article.

*Copies on file in the city clerk's office.* One (1) copy of each of the Codes adopted herein, including all amendments thereto adopted hereafter, shall be on file in the office of the city clerk.

*Future amendments.* All amendments and modifications to the codes adopted herein and hereafter adopted by the Building Codes Bureau of the Montana Department of Labor and Industry (or its successor) as set out in the Administrative Rules of Montana (ARM), shall be adopted by reference by administrative order of the Mayor of the City of Glasgow, as authorized by Section 50-60-301, MCA. Said modifications will take effect ninety (90) days after receipt of notice from the department of labor and industry and after providing the department with a copy of the mayor's administrative order adopting said amendments and/or modifications.

*No effect on existing suits or rights.* Nothing in this article or in the codes hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing under any ordinance hereby repealed by this article; nor shall any just or legal right or remedy of any character be lost, impaired, or affected by this article.  
(Ord. No. 929, §§ 7, 10, 11, 13, 9-13-2004)

### **Sec. 7-1.6. Adoption of International Fuel Gas Code.**

Pursuant to Section 50-60-301, Montana Code Annotated (MCA), and Section 24.301.202, ARM, the International Fuel Gas Code, 2003 Edition, as adopted by the State of Montana in Section 24.301.173, ARM, is hereby adopted as the Mechanical Code for the City of Glasgow, Montana. Each and all of the regulations, provisions, conditions, and terms of said Residential Code are hereby referred to, adopted, and made a part hereof, as if fully set out in this article.

*Copies on file in the city clerk's office.* One (1) copy of each of the codes adopted herein, including all amendments thereto adopted hereafter, shall be on file in the office of the city clerk.

*Future amendments.* All amendments and modifications to the codes adopted herein and hereafter adopted by the Building Codes Bureau of the Montana Department of Labor and Industry (or its successor) as set out in the Administrative Rules of Montana (ARM), shall be adopted by reference by administrative order of the Mayor of the City of Glasgow, as authorized by Section 50-60-301, MCA. Said modifications will take effect ninety (90) days after receipt of notice from the department of labor and industry and after providing the department with a copy of the mayor's administrative order adopting said amendments and/or modifications.

*No effect on existing suits or rights.* Nothing in this article or in the codes hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing under any ordinance hereby repealed by this article; nor shall any just or legal right or remedy of any character be lost, impaired, or affected by this article.  
(Ord. No. 929, §§ 9—11, 13, 9-13-2004)

### **Sec. 7-1.7. Adoption of model technical codes and administrative regulations.**

(a) The current editions of the building, electrical, plumbing and mechanical codes<sup>1</sup> and all accompanying appendices, amendments and modifications adopted by the Building Codes Bureau, Montana Department of Labor and Industry (or its successor), as set out in the Administrative Rules of Montana, as amended from time to time by the Building Codes Bureau, shall be adopted by reference by Administrative Order of [City Official] as authorized by Section 50-60-301(1)(b), MCA, except for any exceptions noted in this chapter or any regulations not applicable to local government jurisdictions. These codes are applicable to all buildings within the building code enforcement area of the City of Glasgow, Montana, including but not limited to, residential buildings containing less than five (5) dwelling units or their attached-to structures, any farm or ranch building, and any private garage or private storage structure used only for the owner's own use as provided by Section 50-6-102(1)(a), MCA.<sup>2</sup>

The adopted building codes shall regulate the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all buildings and/or structures in the city and its jurisdictional area, providing for issuance of permits and collection of fees and penalties.

The adopted mechanical code shall regulate and control the design, construction, installation, quality of materials, erection, alteration, repair, location, relocation, replacement, addition to, and maintenance or use of heating, ventilating, cooling, refrigeration systems, incinerators and other miscellaneous heat producing appliances within the city and its jurisdictional area; providing for issuance of permits and collections of fees; and penalties.

The adopted plumbing code shall regulate and control the design, construction, installation, quality of materials, erection, alteration, repair, location, relocation, replacement, addition to, operation, and maintenance or use of any plumbing system within the city and its jurisdictional area; providing for issuance of permits and collections of fees; and penalties.

The adopted electrical code shall regulate and control the design, construction, installation, quality of materials, erection, alteration, repair, location, relocation, replacement, addition to, operation, and maintenance or use of any electrical system within the city and its jurisdictional area.

(b) One (1) copy of each code shall be on file in the office of the city clerk.

(c) Any codes or amendments adopted by the building codes bureau which apply to local government jurisdictions, including the adoption of the latest editions of the model technical codes or applicable Administrative Rules of Montana, shall become effective in the city upon order of the city administrator within \_\_\_\_\_ days after the date that the bureau notifies the city of said amendments.

Ord. No. 924, § 1, 5-20-2002)

**Note**—<sup>1</sup> Reference only those codes which the city enforces. <sup>2</sup> List those buildings and structures subject to local code enforcement which would otherwise be exempt.

## Sec. 7-2. Fire zones.

In the interest of protecting the lives and property and promoting public welfare, boundaries of fire zones in the city are fixed as hereinafter particularly set forth.

### SOUTH SIDE, ZONE NO. 1

Beginning at a point at the east City Boundary line of the Original Town of Glasgow, Montana, and the point of intersection with the center line of 1st Ave. South; Thence northwesterly along the center line of 1st Ave. South to the point of intersection with the center line of 8th Street South; Thence southwesterly along the center line of 8th Street South, to the point of intersection

with the center line of 3rd Ave. South: Thence southeasterly along the center line of 3rd Ave. South, to the point of intersection with the center line of 6th Street South: Thence southwesterly along the center line of 6th Street South to the point of intersection of the center line of 4th Ave. South; Thence southeasterly along the center line of 4th Ave. South to the point of intersection with the center line of East Court Street: Thence northeasterly along the center line of East Court Street to the point of intersection of the center line of the alley of Block 27 of the Original Town projected westerly: Thence southeasterly along the center line of alley of said Block 27 to a point of intersection with the west line of lot 21, Block 27 projected northerly: Thence southwesterly along the westerly line of lot 21 and said line projected southerly to the point of intersection with the center line of 4th Ave. South: Thence southeasterly along the center line of 4th Ave. South to the intersection with the center line of 4th Street South: Thence northeasterly along the center line of 4th Street South to the point of intersection with the center line of the alley of Block 26 Original Town projected westerly: Thence southeasterly along the center line of the alley of Block 26 to the point of intersection with the center line of 3rd Street South: Thence northeasterly along the center line of 3rd Street South to the point of intersection with the center line of alley of Block 3 Original Town projected westerly: Thence southeasterly along the center line of alley of Block 3 to the point of intersection with the center line of 2nd Street South; Thence southeasterly along the center line of 2nd Street to the point of intersection with the center line of 2nd Ave. South; Thence southeasterly along the center line of 2nd Ave. South to a point of intersection with the westerly line in Block 23 Original Town projected northerly: Thence southwesterly along said westerly line of said Block 23 and said line projected to the southwest corner of said Block 23; Thence southeasterly along southerly line of said Block 23 to the southeast corner of said Block 23; Thence northeasterly along the easterly line of said Block 23 and said line projected to the point of intersection with the center line of 2nd Ave. South; Thence southeasterly along the center line of 2nd Ave. South to the point of intersection with the easterly boundary of Original Town; Thence north along said boundary line to the point of beginning.

Included within the above described exterior boundaries the following property:

All of Blocks 1, 2, 4, 5, 6, 7, 8, 17, 18, 19, 20, 21, 23, 28, and Court House Square of Original Town.

Lots 1 to 11 inclusive Block 3 Original Town.

Lots 1, 2, 3, 4, 5, 21, 22, Block 27 Original Town.

**Lots 1 to 11 inclusive Block 26 Original Town.**

**BELL'S FIRST ADDITION, ZONE NO. 1**

Beginning at the Northwest corner of Bell's First Addition to the City of Glasgow, said point also being the north westerly corner of Lot 4 of Block 16 of said Bell's First

Addition; Thence southerly along the westerly boundary of said Bell's First Addition to the center line of 5th Ave. North; Thence easterly along the center line of said 5th Ave. to a point of intersection with the easterly lot line of Lot 7 of Block 9 projected southerly; Thence northerly along said projected line and along the easterly lot lines of Lot 7 and Lot 4 of said Block 9, across 6th Ave. North and along the easterly lot lines of Lots 7 and 4 of Block 12; across 7th Ave. North and along the easterly lot lines of Lots 7 and 4 of Block 15, across 8th Ave. North and along the easterly lot line of Lot 3 of Block 16, to the northeast corner of said Lot 3 of said Block 16; Thence westerly along the northerly line of Bell's First Addition to the point of beginning and including within the above described exterior boundaries the following lots:

Lots 4, 5, 6 and 7 of Block 9

Lots 4, 5, 6 and 7 of Block 12

Lots 4, 5, 6 and 7 of Block 15

Lots 3 and 4 of Block 16 of Bell's First Addition to Glasgow, Montana.

#### NORTH SIDE, ZONE NO. 1.

Beginning at a point being the intersection of the center line of 2nd Street North and the center line of alley at Block 64 Original Town projected easterly; Thence northwesterly along the center line of alley in Blocks 64, 65, 66, Original Town, Block 3 Kerr's First Addition, Block 4 Kerr's Second Addition; Thence southwestwardly along said easterly line of Lot "B" to the southeast corner of said Lot "B" also being the southeast corner of Block 1 of Second School Addition; Thence southeasterly along the westerly line of Kerr's Second Addition to the City of Glasgow, Montana, across U. S. Highway No. 2 to the northeast corner of Lot 1 Block 1 of Bell's Second Addition to Glasgow, Montana; Thence along the northerly boundary line to said Bell's Second Addition to the northwest corner of said Bell's Second Addition; Thence southerly along the westerly line of said Bell's Second Addition to south line of the alley lying southerly of said Bell's Second Addition and Blocks 85, 86, and 87 Original Town; Thence southeasterly along said south alley line and said alley line projected southeasterly, to the point of intersection with the center line of Second Street North; Thence north along the center line of said Second Street North to the point of beginning.

Included within the above described exterior boundaries the following property:

Supp. No. 2

Lots 9 to 18 inclusive Block 64 Original Town.  
 Lots 23 to 44 inclusive Block 65 Original Town.  
 Lots 15 to 35 inclusive Block 66 Original Town.  
 Lots 12 to 19 inclusive Block 3 Kerr's First Addition.  
 Lots 5 to 6 inclusive Block 4 Kerr's Second Addition.  
 Lot "C" Kerr's Second Addition.  
 All of blocks 1 and 2 of Bell's Second Addition.  
 All of blocks 84, 85, 86, 87, Original Town.

### COMMERCIAL ZONES, ZONE NO. 1.

Boundaries of fire zones in the city in addition to all such areas as now defined, shall include all areas now or hereafter classified as commercial zones as described in zoning ordinances to be included in Class 1 Fire Zone. (Ord. No. 343, § 1, 11-10-33; Ord. No. 428, § 1, 11-21-38; Ord. No. 665, §§ 2—5, 9-21-55; Ord. No. 689, § 1, 7-2-58.)

**Editor's note**—The fire zone boundaries set forth above for the South Side, Bell's First Addition and the North Side are derived from §§ 2 through 5 of Ord. No. 665, enacted on September 21, 1955. Section 1 of said ordinance repealed all ordinances in conflict therewith, therefore the provisions pertaining to fire limits previously set out in § 7-2 were deleted. The designation of all areas classified commercial as fire zones is derived from Ord. No. 689, enacted July 2, 1958, and has been added to § 7-2 at the discretion of the editors as said ordinance did not amend this Code.

#### Sec. 7-3. Removal of damaged frame buildings within fire limits.

Any existing frame building within the fire limits, which may hereafter be damaged by fire, decay or otherwise to an amount greater than one-half of its present value, exclusive of its foundation, shall not be repaired or rebuilt, but shall be removed. (Ord. 206, § 5, 6-27-17.)

**Cross reference**—Inspection of buildings and premises by fire chief for fire hazards, § 9-15.

### Article II. Moving Buildings.\*

#### Sec. 7-4. Prohibited generally; board of adjustment authorized to consider applications for permits, recommend issuance; procedure when authorized.

No building, structure or any substantial part thereof shall be moved into or within the city. The board of adjust-

\***Editor's note**—Art. II, § 7-4, is derived from Ord. No. 688, enacted July 2, 1958. This ordinance specifically repealed Ord. No. 147, enacted November 11, 1914, from which Art. II, consisting of §§ 7-4—7-10, was previously derived.

Supp. No. 2

ment of said city shall however, hear and consider applications for moving permits to determine whether the granting or refusal of such permit will best serve the interests of the inhabitants of the city. In the event said board of adjustment recommends granting a moving permit, then the following provisions shall apply:

(A) *Permit.* No person shall move any building or structure over, along or across any highway, street or alley in the city without first obtaining a permit from the city engineer.

(B) *Application.* Any person, firm, partnership, association, corporation, company or organization of any kind seeking issuance of a building moving permit hereunder shall file an application for such permit with the city engineer:

(1) *Form.* The application shall be made in writing upon forms provided by the city engineer and shall be filed in the office of the city engineer.

(2) *Contents.* The application shall set forth:

(a) A description of the building proposed to be moved, giving street number, construction materials, dimensions, number of rooms and condition of the exterior and interior.

(b) A legal description of the lot from which the building is to be moved, giving the lot, block and tract number if located in the city.

(c) A legal description of the lot to which it is proposed such building be moved, giving lot, block and tract number if located in the City.

(d) The portion of the lot to be occupied by the building when moved.

(e) The highways, streets and alleys over, along or across which the building is proposed to be moved.

(f) Proposed moving date and hours.

(g) Any additional information which the city engineer shall find necessary to a fair determination of whether a permit should issue.

(C) *Cash deposit, indemnity bond.* An application hereunder shall be accompanied by a cash deposit in the

sum of five hundred dollars (\$500.00) as an indemnity for any damage which the city may sustain by reason of damage or injury to any highway, street or alley, sidewalk, fire hydrant or other property of the city, which may be caused by or be incidental to the removal of any building over, along or across any street in the city and to indemnify the city any claim of damages to persons or private property, and to satisfy any claims by private individuals arising out of, caused by, or incidental to the moving of any building over, along or across any street in the city, provided however, that any person filing an application hereunder may in lieu of the general cash deposit required above file with the city engineer a bond executed by a bonding or surety company authorized to do business in the State of Montana in the amount of five hundred dollars (\$500.00) conditioned upon the assurance that this and other applicable ordinances and laws will be complied with.

(D) *Duties of city engineer.*

- (1) *Inspection.* The city engineer shall inspect the building and the applicant's equipment to determine whether the standards for issuance of a permit are met.
- (2) *Council to grant permit.* The city engineer shall thereafter report the findings of his inspection to the city council and provide his recommendation for acceptance or rejection whereupon the city council shall determine whether or not such permit shall issue.
- (3) *Standards for issuance.* The city council shall refuse to issue a permit if it finds:
  - (a) That any application requirement or any fee or deposit required has not been complied with.
  - (b) That the building is too large to move without endangering persons or property in the city.
  - (c) That the building is in such a state of deterioration or disrepair or is otherwise so structurally unsafe that it could not be moved without endangering persons and property in the city.

- (d) That the building is structurally unsafe or unfit for the purpose for which moved if removal location is within the city.
  - (e) That the applicant's equipment is unsafe and that persons and property would be endangered by its use.
  - (f) That zoning or other ordinances would be violated by the building in its new location.
  - (g) That for any other reason persons or property in the city would be endangered by the moving of the building.
- (4) *Deposit.* The city engineer shall deposit all fees and deposits and all bonds with the city treasurer.
- (E) *Duties of permittee.* Every permittee under this article shall:
- (1) *Use designated streets.* Move a building only over streets designated for such use in a written permit.
  - (2) *Notify of revised moving time.* Notify the city engineer of the desired change in moving date and hours as proposed in the application.
  - (3) *Notify of damage.* Notify the city engineer in writing of any and all damage done to property belonging to the city within twenty-four (24) hours after the damage or injury has occurred.
  - (4) *Display lights.* Cause red lights to be displayed during the nighttime on every side of the building while standing on the street in such manner as to warn the public of the obstruction and shall at all times erect and maintain barricades across the streets in such manner as to protect the public from damage or injury by reason of the removal of the building.
  - (5) *Comply with governing law.* Comply with the building code, the fire zone, the zoning ordinance and all other applicable ordinances and laws upon relocating the building in the city.
  - (6) *Clear all premises.* Remove all rubbish and materials and fill all excavations to existing grade at the original building site so that premises are left in a safe and sanitary condition.

**Sec. 7A-5. Requirements for interment.**

The caretaker shall dig graves and properly inter the dead when called upon to do so but no deceased person shall be interred until the caretaker:

- (1) Determines that the lot in which burial is to be made has been fully paid for;
- (2) Determines that such lot is not being used beyond its capacity; and
- (3) Makes a proper record of the name and age of the deceased person and the exact location of the grave.

The deceased remains must be enclosed within a rigid container of sufficient strength and durability and constructed of such materials as will permanently withstand pressures of earth compaction, resist decay, and prevent settling of the excavated area.

(Ord. No. 903, § 6, 8-5-96)

**Sec. 7A-6. Charges for lots.**

Values of all unsold lots in the Glasgow Cemetery and additions thereto are fixed and established as set forth below. Upon receipt of payment in full, conveyance of burial lots shall be made by deed from the City of Glasgow to the purchaser. The city will prepare the deed and the realty transfer certificate and record same in the office of the Valley County Clerk and Recorder. After filing, the original deed shall be returned to the purchaser. For the remainder of fiscal year 2010—2011, charges for each lot shall be in the following amounts:

Resident purchaser .....	\$150.00
Non-resident purchaser .....	150.00
Baby lots* .....	25.00
Deed .....	7.00
	or actual filing fee at time of purchase

In subsequent fiscal years 2011—2012 through 2019—2020, the lot charges will increase two (2) percent per year, as shown on schedule A which is attached.

\*Baby lots are not larger than three (3) feet by eight (8) feet. Burial lot is defined herein as the area in which one (1) interment is or may be made. Multiple interments are hereby authorized, but such multiple interments shall be in one (1) burial lot, and must be approved by the city.

The term "resident purchaser" is defined as an individual who has been a continuous, bona fide resident within the boundaries of the City of Glasgow for a period of not less than six (6) months prior to the date of purchase, or the owner of a business that has been in continuous, bona fide operation within the boundaries of the City of Glasgow for a period of not less than six (6) months prior to the date of purchase.

(Ord. No. 903, § 7, 8-5-96; Ord. No. 943, § 2, 9-7-2010)

**Sec. 7A-7. Perpetual care fund.**

For the remainder of fiscal year 2010—2011, an additional charge shall be assessed for the Perpetual Care Fund No. 8010, for each regular lot, in the following amounts:

Resident purchaser .....	\$100.00
Non-resident purchaser .....	150.00

The term "resident purchaser" is defined as an individual who has been a continuous, bona fide resident within the boundaries of the City of Glasgow for a period of not less than six (6) months prior to the date of purchase, or the owner of a business that has been in continuous, bona fide operation within the boundaries of the City of Glasgow for a period of not less than six (6) months prior to the date of purchase.

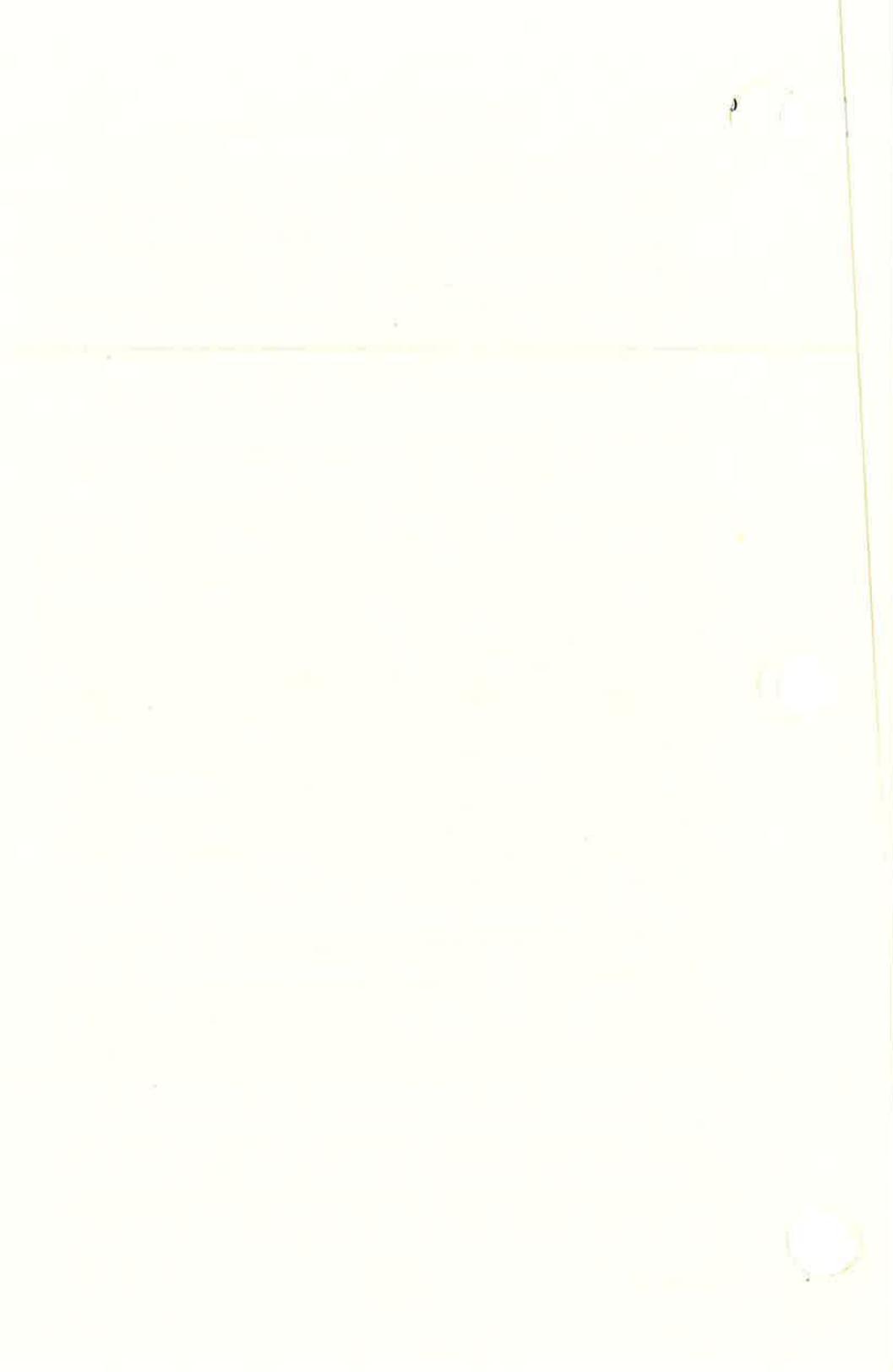
In subsequent fiscal years 2011—2012 through 2019—2020, the perpetual care charges will increase two (2) percent per year, as shown on schedule A which is attached to the ordinance from which this section is derived.

(Ord. No. 903, § 8, 7-1-96; Ord. No. 943, § 3, 9-7-2010)

**Sec. 7A-8. Charges for services.**

The following schedule of charges for opening and closing cemetery lots for burials is hereby adopted:

- (1) For interments made on regularly scheduled workdays, Monday through Friday, exclusive of holidays ..... \$200.00
- (2) For interments made on Saturdays, Sundays and legal holidays ..... 400.00



## Chapter 8.

### ELECTRICITY.\*

#### Sec. 8-1. Electrical wiring; license and fee, bond, revocation of license.

All companies, firms, corporations or individuals installing electric wires or appliances for the transmission of electrical energy for lights, heat or power in any building within the City of Glasgow, Montana, except central stations, power houses, substations, shall take out an electrical wiring license, the fee for which shall be fifty dollars the first time the license is issued and twenty-five dollars for each consecutive year thereafter. All licenses shall be issued for one year and obtained on or before January 30th of each year and will expire on the 31st day of December of the current year. Any license not renewed on or before January 30th shall revert to fifty dollars.

The applicant for an electrical wiring license shall file with the City of Glasgow a bond in the sum of five thousand dollars and no license shall be issued until a bond has been filed as herein required. The bond herein required shall be approved as to form and sufficiency by the city council and conditioned that he or they will in good faith perform all of the things required by the ordinances of the City of Glasgow, and that, if any injury to any person or damage to any property results by reason of his or their failure or neglect to conform with any ordinance relating to the installation of electric wiring and equipment, he or they shall save harmless and indemnify such person injured or the owner of such property damaged.

A license of any person, firm or corporation engaged in doing electrical work may, by the city council, be revoked if it is proven to the satisfaction of said council that such person, firm, or corporation wilfully or through carelessness or ignorance, violates or permits its employees to violate any of the provisions of this chapter.

Bonded sign companies shall be permitted to do wiring in signs and outline lighting on the secondary side of the transformers only. (Ord. No. 671, § 1, 3-7-56.)

\* Editor's note.—This chapter, consisting of §§ 8-1 through 8-8, is derived from Ord. No. 671, enacted on March 7, 1956. Although said ordinance did not amend this Code, § 11 thereof repealed all ordinances in conflict therewith which in effect repealed §§ 8-1 through 8-21 which appeared herein at the time this Code was published.

Cross references.—Adoption of Pacific Coast Building Code, § 7-1; Fire zones enumerated, § 7-2; poles and wires in streets, § 17-18 et seq. Supp. No. 1

**Sec. 8-2. Application for wiring permits.**

No electrical equipment shall be installed within or on any building, structure or premises, publicly or privately owned, nor shall any alteration or addition be made in any such existing equipment without first securing a permit therefor from the building inspector except as provided in section 8-1 and except that no permit will be required to execute any of the classes of electrical work specified in the following paragraphs (a) to (d) inclusive:

- (a) Minor repair work, the replacement of lamps or the connection of portable electrical equipment to suitable permanently installed receptacles.
- (b) The installation, alteration or repair of electrical equipment for the operation of signals or the transmission of intelligence by wire or radio.
- (c) The installation, alteration or repair of electrical equipment installed by or for any electrical supply agency for the use of such agency in the generation, transmission, distribution or meeting of electricity.
- (d) Any work involved in the manufacturing, testing, servicing, altering or repairing of electrical equipment or apparatus, except that this exemption shall not include any permanent wiring other than that required for testing purposes.

Application for such permit shall described the work to be done, and made in writing to the building inspector by the person, firm or corporation installing the work. The application shall be accompanied by such plans, specifications and schedules as may be necessary to determine whether the installation as described will be in conformity with the requirements of this chapter. If it shall be found that the installation as described will conform with all legal requirements and if the applicant has complied with all provisions of this chapter, a permit for such installation shall be issued.

No deviation may be made from the installation described in the permit without the written approval of the building inspector. (Ord. No. 671, § 2, 3-7-56.)

**Sec. 8-3. Fees for permits and inspection.**

Before any permit is granted for the installation or alteration of electrical equipment, the person, firm or corporation making application for such permit shall pay to the building inspector a fee in such amount as specified below:

Supp. No. 1

- (a) *Outlets*—From one to thirty outlets \$1.50, each additional outlet \$0.10; except for one family residence, for which a charge of \$3.00 will be made covering all outlets.
- (b) *Motors and generators*—For electric motors two horsepower or less, \$0.50, each additional horsepower, \$0.25.
- (c) *Electric signs*—For each electric sign a rate of \$1.00 will be charged.
- (d) *Dryers*—A fee of \$1.00 will be charged.
- (e) *Ceiling fans*—Where wiring is installed for ceiling fans, a permit fee of \$0.50 will be charged for the first fan and \$0.25 for each additional fan.
- (f) *Electric stoves*—A permit fee of \$1.00 will be charged for inspection.
- (g) *Electric hot water heater*—A permit fee of \$1.00 will be charged for inspection.
- (h) *Meter loop*—A permit fee of \$1.00 will be charged.
- (i) *Minimum inspection fee.* The minimum fee for any inspection shall be \$1.00.
- (j) *No fee herein prescribed.* For inspecting apparatus for which no fee is prescribed, the building inspector shall charge \$2.00 for the first hour or part thereof and \$1.00 for each additional hour or part thereof engaged in the making the inspection. When any addition or change is made the work that a permit has been issued on, the original permit shall be cancelled and the regular fee charged for the reinspection of the original work and the additional work.
- (k) *Reinspection fee.* Each reinspection made necessary by reason of failure to comply with this chapter is \$1.00. (Ord. No. 671, § 3, 3-7-56)

#### **Sec. 8-4. Roughing in and final inspection.**

All work must be reported immediately upon completion of the roughing in and it shall be unlawful to cover up the said work until the same has been approved by the building inspector and a tag attached to the wiring or conduit as the same may be, authorizing the said work to be covered.

When fixtures or appliances are all in place, and the work is completed, the work shall be immediately reported for

final inspection when it shall be the duty of the building inspector to finally inspect the work if the same is approved to attach a red tag to the meter loop, authorizing same to be connected for service. When more than one (1) service is used, a tag shall be attached to each loop, and no connection shall be made unless the said approval tag is attached.

The building inspector may, however, authorize the system to be connected for temporary use, if the same should be necessary, before the completion of the work. (Ord. No. 671, § 4, 3-7-56)

### **Sec. 8-5. Defective wiring, notice to repair.**

The building inspector shall have the right to enter all buildings where electric-current-carrying wire exists, for the purpose of inspecting the same. Whenever the said electrical conductors or apparatus are found to be unsafe to life or property, he shall notify the owner or agent of the building wherein such unsafe wiring or apparatus occurs, and may prescribe the time within which to place the same in proper condition and shall specify just what parts are to be replaced, repaired, or changed.

Any such agent or owner who refuses or fails to have the said defective work changed, as ordered, shall be subject to the penalty hereinafter provided.

The building inspector is hereby authorized to order the service wires disconnected whenever the owner or agent or lessee of any building fails or neglects to repair or renew any work as ordered by the building inspector. (Ord. No. 671, § 5, 3-7-56)

### **Sec. 8-5.1. National Electrical Code adopted by reference.**

(1) The current edition of the National Electrical Code published by the National Fire Protection Association and all accompanying appendices, amendments and modifications adopted by the Building Codes Bureau, Montana Department of Commerce (or its successor), as set out in the Administrative Rules of Montana, as amended from time to time by the building codes bureau, are adopted by reference and incorporated in this section as if set forth in full, except for any exceptions noted in this section or any regulations not applicable to local government jurisdictions. The provisions of this model technical code shall serve as minimum standards and requirements for electrical installations.

(2) Any amendments adopted by the building codes bureau which apply to local government jurisdictions, including the adop-

tion of the latest editions of this model technical code or applicable Administrative Rules of Montana, shall become effective in the City of Glasgow ninety (90) days after the date that the bureau notifies the city of said amendments.

(3) One (1) copy of this model technical code shall be on file in the office of the city clerk.

(4) Any appeal under this model technical code shall be to the board of appeals as set forth in Chapter 6A of this City Code.

(5) A violation of this model technical code or the applicable Administrative Rules of Montana, is a misdemeanor. Any person, firm or corporation convicted of a violation shall be punished as provided in section 1-6 of this City Code.

(Ord. No. 790, §§ 2, 5, 11-5-79; Ord. No. 894, § 8, 12-19-94)

**Editor's note**—Ord. No. 790, §§ 2, 5, adopted Nov. 5, 1979, did not expressly amend this Code; hence, codification as § 8-5.1 is at the discretion of the editor.

### **Sec. 8-6. Compliance with wiring regulations generally.**

Except as otherwise provided in section 8-1, all installations of electrical equipment shall be in conformity with the provisions of this chapter, with the statutes of the State of Montana and any orders, rules and regulations issued by authority thereof, and with approved electrical standards for safety to persons and property. Where no specific standards are prescribed by this chapter or by the statutes of the State of Montana or by any orders, rules or regulations issued by authority thereof, conformity with the regulations set forth in the last *National Electrical Code*, as approved by the American Standards Association and the electrical provisions of other safety codes approved by the American Standards Association, shall be prima facie evidence of conformity with approved standards for safety to persons and property. (Ord. No. 671, § 6, 3-7-56)

### **Sec. 8-7. Special owner's permit.**

The electrical inspector may issue to an individual a special owner's permit authorizing said individual to install, alter, change or repair electrical equipment, in, on, or about a single-family dwelling, of which said individual is owner and in which he resides or intends to reside, but not elsewhere upon the payment of the fees provided herein; provided that no electrical work authorized under such special owner's permit shall be done, except personally by the owner to whom the permit is issued, or by a bonded and licensed electrician, and shall submit a wiring diagram of

the work to be done in accordance with the provisions of section 8-2; and if this, or any other provision hereof, shall be violated by the holder of such special owner's permit, such permit shall be subject to immediate cancellation by the building inspector, and the holder thereof shall be liable to the penalty hereinafter provided for the violation of this Code. (Ord. No. 671, § 7, 3-7-56)

### **Sec. 8-8. Responsibility and penalties.**

This chapter shall not be construed to relieve from or lessen the responsibility or liability of any party owning, operating, controlling or installing any electric wiring, electric devices and/or electric material for damages to person or property caused by any defect therein, nor shall the city or the inspector be held as assuming any such liability by reason of the inspection authorized herein, or certificate of inspection issued as herein provided.

Any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day, or portion thereof, during which any violation of any provision of this chapter is committed, continued or permitted, and upon conviction of any such violation, such person shall be punishable by a fine of not more than three hundred dollars (\$300.00) or by imprisonment in the city jail for not more than twenty-five (25) days, or by both such fine and imprisonment. (Ord. No. 671, § 8, 3-7-56)

## Chapter 9

### FIRE PROTECTION\*

**Art. I.** In General, §§ 9-01—9-34

**Art. II.** Glasgow Fire Department, §§ 9-35—9-46

#### ARTICLE I. IN GENERAL†

##### Sec. 9-1. Uniform Fire Code adopted.

The Uniform Fire Code including all Appendix chapters and Appendix Standards contained in Volumes I and II of the 1997 Edition, published by the International Fire Code Institute, and also including all subsequent amendments and additions thereto, is hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this article shall take effect, the provisions thereof shall be controlling within the limits of the City of Glasgow. A copy of the code shall be filed in the office of the city's director of public works.  
(Ord. No. 920, § 2, 1-18-2000)

##### Sec. 9-2. Enforcement.

The Uniform Fire Code as adopted herein shall be enforced by the director of public works and the Glasgow Fire Department.  
(Ord. No. 920, § 3, 1-18-2000)

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**\*Cross references**—Fire limits enumerated, § 7-2; removal of damaged frame building within fire limits, § 7-3; adoption of building code, § 7-1; housing, Ch. 11A; false fire alarms, §§ 14-2, 14-15; tampering with fire alarm system, § 14-15; right-of-way of authorized emergency vehicles, § 18-46; operation of other vehicles on approach of authorized emergency vehicle, § 18-49; following fire apparatus, § 18-49; crossing fire hose, § 18-50; fire extinguishing equipment in auto trailer parks, § 19-28.

**State law reference**—Authority to adopt technical codes, M.C.A. 1978, § 7-5-4202.

†**Editor's note**—Ord. No. 919, § 1, adopted February 7, 2000 repealed §§ 9-1.2, 9-5—9-24, which pertained to various fire prevention provisions derived from Ord. No. 276½, adopted May 9, 1923; Ord. No. 550, adopted March 19, 1946; Ord. No. 730, adopted September 6, 1967; and Ord. No. 828, adopted September 19, 1983, and numerous sections which bore no history note. Ord. No. 920 § 1, adopted January 18, 2000, repealed § 9-01, Uniform Fire Code adopted by reference, derived from Ord. No. 828, adopted September 19, 1983; and Ord. No. 894, adopted Dec. 19, 1994. Sections 2—12 of Ord. No. 920 provided for the adoption of the 1997 edition of the Uniform Fire Code and certain amendments thereto. Such provisions are set out herein as §§ 9-1, 9-2, 9-5—9-14. For more complete derivation of Art. I, see the Code Comparative Table at the back of this volume.

**Sec. 9-3. Explosives; storage.**

No person shall have or keep any quantity of gunpowder, dynamite, or other explosive substance or material, except in such magazines as may be approved by the city council.

(Ord. 276½, § 2, 5-9-23)

**Cross reference**—Storage, sale, discharge of fireworks, § 14-14.

**Sec. 9-4. Blasting permit; bond.**

No person shall blast or carry on blasting operations in the city without first having obtained a permit from the city council. The applicant for each permit shall file a bond in such amount and under such conditions to protect the city and all inhabitants from damage. The bond shall become available in the payment of any damage arising from the neglect of the permit holder or his agents or employees.

**Sec. 9-5. Jurisdiction.**

Wherever the word "jurisdiction" is used in the Uniform Fire Code, it means the City of Glasgow.

(Ord. No. 920, § 4, 1-18-2000)

**Sec. 9-6. Definition of "fire marshal".**

Wherever the party responsible for the enforcement of the Uniform Fire Code is given the title of "fire marshal", it shall mean the director of public works and the chief of the Glasgow Fire Department.

(Ord. No. 920, § 5, 1-18-2000)

**Sec. 9-7. Districts in which storage of flammable or combustible liquids in outside aboveground tanks is prohibited.**

The limits referred to in Sections 7902.2.2.1 and 7904.2.5.4.2 of the Uniform Fire Code wherein storage of flammable or combustible liquids in outside aboveground storage tanks is prohibited are the limits of the following zoning districts of the city as set forth in chapter 21 of the Code of Ordinances:

"A" Residential District,

"B" Residential District,

"Mobile Home" Districts.

(Ord. No. 920, § 6, 1-18-2000)

**Sec. 9-8. Districts in which the storage of liquified petroleum gases is prohibited.**

The limits referred to in Section 8204.2 of the Uniform Fire Code wherein storage of liquified petroleum gas is prohibited are the limits of the following zoning districts of the city as set forth in Chapter 21 of the Code of Ordinances:

"A" Residential District,

"B" Residential District,

"Mobile Home" Districts.

(Ord. No. 920, § 7, 1-18-2000)

**Sec. 9-9. Districts in which the storage of explosives and blasting agents is prohibited.**

The limits referred to in Section 7701.7.2 of the Uniform Fire Code wherein storage of explosives and blasting agents is prohibited, except as provided in Sections 50-61-120 and 50-61-121, MCA, are the limits of the following zoning districts of the city as set forth in Chapter 21 of the Code of Ordinances:

"A" Residential District,

"B" Residential District,

"Mobile Home" Districts,

"C" Commercial District.

(Ord. No. 920, § 8, 1-18-2000)

**Sec. 9-10. Districts in which the storage of compressed natural gas is limited.**

The limits referred to in Section 5204.5.2 of the Uniform Fire Code wherein storage of compressed natural gas is limited to one hundred eighty-three thousand (183,000) cubic feet per installation are the limits of the city and include all zoning districts within the city.

(Ord. No. 920, § 8, 1-18-2000)

**Sec. 9-11. Districts in which the storage of stationary tanks of flammable cryogenic fluids is prohibited.**

The limits referred to in Section 3-1.5 of Uniform Fire Code Standard 80-3 wherein storage of flammable cryogenic liquids in stationary containers is prohibited are the limits of the following zoning districts of the city as set forth in Chapter 21 of the Code of Ordinances:

"A" Residential District,

"B" Residential District,  
 "Mobile Home" Districts,  
 "C" Commercial District.  
 (Ord. No. 920, § 9, 1-18-2000)

**Sec. 9-12. Districts in which the storage of hazardous materials.**

The limits referred to in Section 8001.1.1 of the Uniform Fire Code wherein the storage of hazardous materials is prohibited or limited are the limits of the following zoning districts of the city as set forth in Chapter 21 of the Code of Ordinances:

"A" Residential District,  
 "B" Residential District,  
 "Mobile Home" Districts.  
 "C" Commercial District.  
 (Ord. No. 920, § 10, 1-18-2000)

**Sec. 9-13. Appeals.**

Whenever the director of public works and/or the fire chief disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision to the board of appeals within thirty (30) days from the date of the decision appealed.  
 (Ord. No. 920, § 11, 1-18-2000)

**Sec. 9-14. Penalty for violation.**

Any person who violates any of the provisions of the Uniform Fire Code as adopted herein or who fails to comply therewith, or who violates or fails to comply with any order made thereunder, or who builds in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who fails to comply with such an order as affirmed or modified by the board of appeals or by a court of competent jurisdiction, within the required time, shall severally for each and every such violation and noncompliance, respectively, be guilty of a misdemeanor and upon conviction shall be punished as set forth in section 1-6 of this Code.  
 (Ord. No. 920, § 12, 1-18-2000)

**Secs. 9-15—9-34. Reserved.****ARTICLE II. GLASGOW FIRE DEPARTMENT\*****Sec. 9-35. Department established.**

Pursuant to Montana Code Annotated (MCA), Section 7-33-4101, which requires every city in the State of Montana to have a fire department, the Glasgow Volunteer Fire Department is hereby established for the City of Glasgow, a city of the 3<sup>rd</sup> Class. (Ord. No. 919, § 2, 2-7-2000; Ord. No. 927, § 1, 12-15-2003)

**Sec. 9-36. Firefighters authorized.**

Including its officers, the department is authorized to have a maximum of twenty-eight (28) firefighters, which number may be changed from time to time only by resolution of the city council. (Ord. No. 919, § 3, 2-7-2000)

**Sec. 9-37. Qualifications.**

- (a) The qualifications of firefighters are that they:
  - (1) Shall have passed a physical examination by a practicing physician duly authorized to practice in the State of Montana. The physical examination shall be in writing and filed with the city clerk-treasurer at the time of each firefighter's appointment, and shall disclose the ability of each applicant to perform the physical work usually required of firefighters in the performance of their duty. No person will be considered for appointment as a firefighter unless he or she shall have first successfully passed the required physical examination; and
  - (2) Shall reside within the city limits or within a reasonable response area to the city limits or have employment or business activities which are normally conducted within the city limits.

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\***Editor's note**—Ord. No. 919, § 1, adopted Feb. 7, 2000, repealed §§ 9-35—9-37, 9-39—9-41, which pertained to a volunteer fire department, derived from Ord. No. 709, adopted June 7, 1961 and Ord. No. 851, adopted Nov. 17, 1986. Sections 2—12 of Ord. No. 919 enacted new provisions which pertained to the Glasgow Fire Department and which are set out herein as §§ 9-35—9-45. Former § 9-38, equipment, was renumbered by the editor as § 9-46 for purposes of classification. For more complete derivation of Art. II, see the Code Comparative Table at the back of this volume.

(b) For purposes of the initial appointment of officers and firefighters, the requirements regarding age and physical examination were waived for those persons who were then serving as members of the Glasgow Volunteer Fire Department at the time of the passage of Ordinance 919 on February 7, 2000. (Ord. No. 919, § 4, 2-7-2000; Ord. No. 937, § 1, 6-15-2009)

### **Sec. 9-38. Officers.**

The officers of the department will be a chief and two (2) assistant chiefs. (Ord. No. 919, § 5, 2-7-2000)

### **Sec. 9-39. Appointment.**

(a) The mayor shall nominate and, with the consent of the city council, appoint the chief, the assistant chiefs, and all firefighters.

(b) Each appointment shall be first made for a probationary term of six (6) months, and thereafter the mayor may nominate, and with the consent of the city council, appoint the chief, the assistant chiefs, and the firefighters who shall thereafter hold their respective appointments during good behavior and while they have the physical ability to perform their duties. Upon passage of a resolution of appointment following the probationary period, the respective officers and firefighters shall be considered volunteers of the city. Unless a resolution of appointment shall have been duly passed by the city council following the probationary period for each firefighter, the firefighter shall be considered terminated from the department as of the date of the end of the six-month probationary period. Unless a resolution of appointment shall have been duly passed by the city council following the probationary period for each officer, the officer will revert to the status of firefighter as of the date of the end of the six-month probationary period.

(c) The initial probationary appointment of officers and firefighters shall be effective as of March 1, 2000, pursuant to a resolution duly adopted by the city council, or at such later time as such resolution is actually passed by the council.  
(Ord. No. 919, § 6, 2-7-2000; Ord. No. 927, § 2, 12-15-2003)

#### **Sec. 9-40. City personnel policies applicable.**

Unless specifically excepted by this article or by Montana Law, the personnel policies and procedures of the city shall apply to the firefighters and officers of the fire department, and shall be applied when determining the "good behavior" of firefighters and officers. The city's personnel policies and procedures shall be considered rules of the fire department, in addition to any other rules set forth herein or subsequently approved by the city council (Ord. No. 919, § 7, 2-7-2000)

#### **Sec. 9-41. Powers and duties of chief.**

(a) The chief shall have sole command and control over all persons connected with the fire department and shall possess full power and authority over its organization, government, and discipline and to that end may from time to time establish such disciplinary rules as he or she may deem advisable, subject to the prior approval of the city council. In exercising said powers:

- (1) The chief shall have charge of and be responsible for the engines, other apparatus, and other property of the city furnished to the department and shall see to it that they are at all times ready for use in the extinguishing of fires.
- (2) At least once a month, the chief shall conduct or cause to be conducted suitable drills or instruction in the operation and handling of equipment, first aid and rescue work, a study of buildings in the city, fire prevention, water supplies, and other matters considered essential to good firefighting and safety of life and property from fire.
- (3) The chief shall maintain or cause to be maintained complete records of all fires, inspections, investigations, apparatus and minor equipment, training, and personnel. Complete reports of all fires shall be filed with the state fire marshal on a timely basis.
- (4) The chief shall assist the proper authorities in suppressing the crime of arson and other criminal activity by investigating or causing to be investigated the cause, origin, and circumstances of all fires.

- (5) In cooperation with the city clerk-treasurer, the chief shall annually submit a proposed budget for the fire department as part of the city's budget process.
- (6) The chief, or in the chief's absence, the assistant chiefs shall have the power to assign personnel and equipment for response to calls for mutual aid outside the city limits to those areas covered by then existing written mutual aid agreements with the city. Responses to mutual aid requests will be made only when the absence of equipment and personnel will not jeopardize fire protection within the city limits.
- (7) On or before August 1 of each year, the chief shall make a complete report to the city council of the department's activities during the previous fiscal year including the department's personnel and equipment, the number of fires responded to, other calls responded to, recommendations for improving the department's effectiveness, and such other information as may be requested by the mayor or the council.
- (8) The chief or his designated assistant may enter any and all buildings and premises at all reasonable hours for the purpose of making inspections and to serve written notice upon the owner or occupant to abate, within a specified time, any and all fire hazards which may be found.

(b) The assistant chiefs shall aid the chief in the work of the department, shall carry out duties as assigned by the chief. In the chief's absence, the first assistant chief shall perform the chief's duties. In absence of both the chief and the first assistant chief, the second assistant chief shall perform the chief's duties.

(Ord. No. 919, § 8, 2-7-2000; Ord. No. 927, § 3, 12-15-2003)

### **Sec. 9-42. Authority to suspend firefighters.**

(a) The mayor may suspend the chief, any assistant chief, and any firefighter of the department for neglect of duty or a violation of any of the rules of the department.

(b) The chief may suspend any assistant chief or any firefighter of the department for like cause.

(c) The assistant chiefs may suspend any firefighter for like cause.

(Ord. No. 919, § 9, 2-7-2000)

**Sec. 9-43. Suspension procedure.**

In any case of suspension, the person suspended shall be entitled to notice and hearing as set forth in MCA, Sec. 7-33-4124. (Ord. No. 919, § 10, 2-7-2000)

**Sec. 9-44. Reimbursement for expenses.**

(a) The officers and firefighters shall not receive compensation for their services. Beginning July 1, 2004, the officers and firefighters shall receive reimbursement for their actual, ordinary, and necessary expenses incurred for their authorized activities as volunteers of the fire department.

(b) The amount of reimbursement shall not exceed the funds provided by the city council in the city's annual budgets.

(c) Claims for reimbursement shall be submitted quarterly to the city clerk-treasurer on such forms and accompanied by such receipts and/or other documentation as the clerk-treasurer and the city council may deem appropriate. The final determination as to the payment of any claim shall be the city council's. (Ord. No. 919, § 11, 2-7-2000; Ord. No. 927, § 4, 12-15-2003)

**Sec. 9-45. Pension and disability benefits.**

The firefighters and officers of the department are members of the Fire Department Relief Association of Glasgow, Montana, Inc. which provides pension and disability benefits to qualifying members.

(Ord. No. 919, § 12, 2-7-2000)

**Sec. 9-46. Equipment.**

(1) *Generally.* The department shall be equipped with such apparatus and other equipment as may be required from time to time to maintain its efficiency and properly protect life and property from fire.

(2) *Recommendation, purchase.* Recommendations of apparatus and equipment needed shall be made by the chief, and after approval by the city council shall be purchased in such manner as may be designated by the city council.

(3) *Housing.* All equipment of the department shall be safely and conveniently housed in such places as may be designated by the city council. Such places shall be heated during the winter season.

(4) *Alarm equipment.* Suitable arrangement or equipment shall be provided for citizens to turn in an alarm, and for notifying all members of the department so that they may promptly respond.

(5) *Use for private purposes; concealing.* No person shall use any fire apparatus or equipment for any private purpose, nor shall any person wilfully and without proper authority take away or conceal any article used in any way by the department.

(6) *Permission required to enter place where equipment housed or to use equipment.* No person shall enter any place where fire apparatus is housed or handle any apparatus or equipment belonging to the department unless accompanied by, or having the special permission of an officer or authorized member of the department.

(7) *Contracts for fire protection; mutual aid systems.* The mayor of the City of Glasgow is hereby authorized to enter into agreements or contracts with nearby incorporated communities or governing bodies of other organizations to provide the members of such communities or organizations with fire protection or to establish a mutual aid system.

(8) *Use outside city limits.* No apparatus shall be hired out or permitted to leave the city limits, except in response to a call for aid at a fire in a neighboring community without the consent of the mayor. The officer in charge of the department shall have the power to assign equipment for response to calls for outside aid in accordance with subsection (7), and in other cases only when the absence of such equipment will not jeopardize protection in this city.

(Ord. No. 709, § 4, Arts. 1—8, 6-7-61)

**Cross reference**—Riding on fire apparatus, § 18-9.

## Chapter 10

### GARBAGE, TRASH AND WEEDS\*

#### **Sec. 10-1. Garbage, defined.**

The word "garbage" as used in this chapter is intended to mean and include all animal and vegetable matter, ashes, store sweepings, tin cans, bottles, rags, dead animals or parts thereof, trash or filth, and all other offensive matter, but shall not be construed to mean or include manure, basement or lawn excavations, building refuse, rocks, trees, leaves or other like debris. (Ord. No. 655, § 10, 1-20-54)

#### **Sec. 10-2. Authority of city to dispose or contract to dispose.**

The city shall provide for the disposal of all garbage within the city and to that end shall have the power to contract with some responsible person, firm or corporation or other business organization and/or the city council is hereby authorized and empowered to purchase equipment and hire personnel for the removal of the garbage and other refuse accumulated within the city. (Ord. 655, § 1, 1-20-54)

#### **Sec. 10-3. Contracts for collection and disposal—Advertising for bids; bond of contractor.**

Before the letting of any contract for the collection and removal of garbage and other refuse within the city limits, the city council shall advertise for bids pursuant to Montana Codes Annotated, and amendments thereto; upon the letting of such a contract, the person receiving the same shall give a bond to the city in such sum as shall be designated by the city council, which bond shall provide for the faithful performance of such contract. (Ord. No. 655, § 2, 1-20-54; Ord. No. 794, § 1, 1-21-80)

#### **Sec. 10-4. Cost of collection—Assessed against real property.**

The cost of collection of garbage from streets, alleys, business establishments, and private premises of the city shall in all cases be assessed and taxed against the real estate from which the garbage is removed. Each lot from which garbage is removed shall as far as is practicable, bear its share of the expense of collection and disposing of

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\*Cross references—Disposal of dead animals, § 13-3; garbage collection at auto trailer parks, §§ 19-4(c)(7), 19-19.

the garbage in proportion to the amount of garbage removed therefrom. (Ord. No. 655, § 3, 1-20-54)

**Sec. 10-5. Same—List of lots and uses; filing.**

The city clerk shall prepare a list of all lots or parts of lots in the city upon which there are buildings or other improvements. Except in the cases of single unit dwellings, such lists shall show in connection with each building, the number of rooms therein and the nature of business or occupation for which the same is used. If used or occupied as a multiple dwelling, the number of apartments or dwelling units in which it is divided shall be listed. The lists shall also show the number of stories of each building, other than residences and the character of business carried on in such building so far as is necessary for fixing the rate of taxation hereinafter set forth. Such lists shall be filed in the office of the city clerk and constitute the list of lots upon which garbage tax shall be collected each year except as later modified and revised. (Ord. No. 655, § 4, 1-20-54)

**Sec. 10-6. Same—Additions to lists.**

It shall be the duty of the city clerk each year on or before the first day of April to prepare a list of all lots, fractions of lots, or other real estate in the city not theretofore taxed upon which buildings or improvements have been erected or constructed necessitating the removal of garbage. Any addition to buildings or changes in the use thereof which shall effect the rate of taxation as hereinafter set forth, shall be noted on aforesaid list to accomplish an annual revision of the lists. (Ord. No. 655, § 6, 1-20-54)

**Sec. 10-7. Same—Assessment of unplatted premises.**

An area of 30 × 120 feet upon any unplatted premises within the city upon which is situated a building or part of a building which necessitates the removal of garbage under this chapter shall constitute a unit for the purpose of taxation and shall be assessed in the same proportion and in the same manner as lots or portions of lots on which there are buildings, or parts of buildings necessitating the removal of garbage and other refuse hereunder. (Ord. No. 655, § 7, 1-20-54)

**Sec. 10-8. Tax for collection—Levying; classes of uses.**

It shall be the duty of the city council to pass and finally adopt a resolution levying and assessing a basic tax upon

all lots or portions or occupied lots. All occupied lots shall be classified according to the use thereof designated as follows:

Class I—Single-unit residence

Class II—Business and multiple-dwelling units

(Ord. No. 655, § 8, 1-20-54)

**Sec. 10-9. Same—Fixing amount of tax for classes of uses.**

Basic tax for Class I occupancies shall be fixed and determined by the city council by resolution. To fix equitable tax rates for Class II occupancies, it shall be the duty of the city clerk or his representative to fairly appraise the kind and quantity of garbage and refuse service required by each Class II occupancy. Whereupon the city council shall fix the tax rates for each individual Class II occupancy based upon service required. (Ord. No. 655, § 9, 1-20-54)

**Secs. 10-10, 10-11. Reserved.**

*Editor's note*—Ord. No. 794, §§ 2, 3, adopted Jan. 21, 1980, repealed former §§ 10-10, 10-11, respectively. Said former sections required owners, occupants, etc., of residential and business premises to supply garbage containers of a specified type and set forth additional container regulations. Said former sections were derived from Ord. No. 655, §§ 11, 12, adopted Jan. 20, 1954, and Ord. No. 724, § 1, adopted Oct. 7, 1964.

**Sec. 10-12. Cleanliness of garbage containers.**

It shall be the duty of the user of garbage containers to keep the same in a clean and sanitary condition to the satisfaction of city health officer. (Ord. No. 655, § 13, 1-20-54)

**Sec. 10-13. Draining garbage; packaging tree trimmings, etc.**

(a) All garbage shall be drained of all liquids except grease before depositing in a garbage container.

(b) Trimmings resulting from trimming trees or removing hedges shall be cut into short lengths not to exceed four (4) feet and placed beside garbage containers. All refuse of every kind and nature other than garbage, shall be packaged and piled neatly near the garbage containers. (Ord. No. 655, § 14, 1-20-54)

**Sec. 10-14. Health officer to determine use for Class II occupancy.**

At Class II premises where special facilities are considered necessary to contain garbage, the use, or continued use of such facilities shall be determined by the city health officer. Nothing in this section shall be construed to grant or afford immunity to any owner or occupant of any premises within the

city from the duty to keep the same free from unsanitary, unsafe or unsightly accumulations of garbage. (Ord. No. 655, § 15, 1-20-54)

**Sec. 10-15. Depositing in street or public place.**

It shall be unlawful for any person to throw, scatter or otherwise place or have, or cause to be thrown, scattered or otherwise placed or left, upon or along any street or other public place or upon any vacant or unoccupied lot or lots within the city any waste, paper, rubbish, refuse, debris or garbage of any kind. (Ord. No. 655, § 16, 1-20-54)

**Sec. 10-16. Transporting garbage, etc., through streets.**

It shall be unlawful for any person, firm, or corporation to convey or cause to be conveyed through the streets, alleys, and public places of the city any earth, manure, mortar, shavings, rubbish, garbage, or loose material of any description except in tight receptacles, boxes, or truck bodies equipped with secure tarpaulin covers which prevent the escape of any material contained therein. (Ord. No. 655, § 17, 1-20-54; Ord. No. 862, 4-4-88)

**Sec. 10-17. Burning garbage.**

(a) The burning of garbage, as defined herein within the corporate limits of the city in or out of incinerators, is hereby forbidden and prohibited and any such burning or disposing shall be deemed a violation of this chapter. Dry combustible materials may be burned in such incinerators as may be approved by the city health officer or his representative.

(b) Any owner, occupant, or person having control of any land within the city limits of the City of Glasgow who deposits or permits to be deposited any burning garbage or material of any kind, nature, or substance, or any ashes, coals, cinders or other residue of burning garbage or materials in any garbage container or who deposits or who permits to be deposited such material at the dump grounds of the City of Glasgow, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished as provided in section 1-6 of the Glasgow City Code. Such burning materials or residue thereof shall be disposed of only in the manner set forth by the city health officer. (Ord. No. 655, § 18, 1-20-54; Ord. No. 837, § 1, 3-4-85)

**Sec. 10-18. Building construction waste, removal; large trees, etc.**

Building rubbish resulting from new construction or extensive alterations to buildings or yards or the removal of large trees, or any trade waste condemned in large quantities, is not garbage under this chapter and must be disposed of at the expense of the person responsible for its production.

(Ord. No. 655, § 19, 1-20-54)

**Cross reference**—Daily removal of building rubbish from streets, § 17-11.

**Sec. 10-18.1. Leaving dead animals at dump grounds.**

No person shall leave at the dump grounds of the city, aboveground, any dead animals or parts of dead animals, nor shall such person kill animals at the dump grounds and leave the animal there without being covered or placed underground.

(Ord. 643, § 2, 5-17-50)

**Cross reference**—Time limit for disposal of dead animals, § 13-3.

**Editor's note**—The provisions of § 10-18.1 were formerly codified as § 5-7 of this Code; for purposes of classification, said provisions were redesignated by the editor at his discretion.

**Sec. 10-19. Unsanitary and offensive conditions—Ordering abatement; compliance; right of entry of health officer.**

(a) The city health officer, the agency in charge of garbage collection, or any of their authorized representatives may order the owner, occupant, or agent of the owner of any premises upon which there is an accumulation of any rubbish, ashes, garbage, or other waste matter to remove the same within a reasonable time if such accumulation is:

- (1) Offensive to sight; or
- (2) In a condition which fosters the propagation of rats or vermin or flies or other insects; or
- (3) Otherwise insanitary, prejudicial, or in any manner hazardous to the public health.

Such order shall be made in writing, delivered, whenever feasible, personally to the owner, occupant, or agent of the owner, where such personal delivery is not feasible posted conspicuously at the premises. Such order shall specify a reasonable period within which compliance shall be had.

(b) For purpose of ascertaining violations of this section and investigating complaints made hereunder, whenever reasonable cause for investigation appears, the right of entry onto any

premises at any reasonable time to conduct a reasonable inspection or investigation is hereby granted to the city health officer, or any of his authorized representatives.

In the event that any order lawfully issued in pursuance of subsection (a) hereof is not complied with in such reasonable time as is specified, the particular instance of improper accumulation or storage of rubbish, ashes, or garbage is hereby declared to be a nuisance and may be summarily abated by the city health officer, or any of his authorized representatives. It shall be unlawful to hinder, prevent, or refuse to permit any lawful inspection or investigation authorized in pursuance of subsection (b) thereof. (Ord. No. 655, § 20, 1-20-54)

**Cross reference**—Conditions declared nuisances, Ch. 13.

### **Sec. 10-20. Nuisance weeds defined.**

Nuisance weeds are all weeds, grass, and uncared for vegetation growing to a height in excess of eight (8) inches on premises located within the city.

(Ord. No. 448, § 1, 6-13-39; Ord. No. 882, § 1, 6-5-89; Ord. No. 936, § 1, 5-18-2009)

**Cross reference**—Nuisance generally, Ch. 13.

### **Sec. 10-21. Nuisance weeds deemed a nuisance.**

It is a public offense punishable under the general penalty provided in section 1-6, and it is a nuisance for any person, firm, or corporation to maintain, cause, permit or suffer any growth to of nuisance weeds as defined in section 10-20 to exist in or upon any premises in the city owned by such person, form or corporation, or upon the boulevards or the one-half of any public roads, streets, or alleys adjacent thereto.

(Ord. No. 448, § 2, 6-13-39; Ord. No. 882, § 2, 6-5-89; Ord. No. 936, § 2, 5-18-2009)

### **Sec. 10-22. Violation—Notice—Removal by city.**

It shall be the duty of the director of public works/chief of police or authorized representative to enforce the provisions of this chapter, and upon determination that a violation exists, shall ascertain the name and mailing address of the owner of the premises and the description of the premises where the violation exists. The name and mailing address may be obtained from the current assessment list maintained by the Montana Department of Revenue and/or the Valley County Treasurer at their offices in the Valley County Courthouse. Written notice of violation shall be served upon the owner directing that the nuisance weeds be cut

and removed from the premises within seven (7) days or the city will cause the nuisance weeds to be removed, with the cost thereof charged against the owner.

Notice of violation shall be made by either:

- (1) Posting a notice of the notice on the premises; or
  - (2) Mailing a copy of the notice to the owner by first-class United States mail.
  - (3) The notice shall be deemed complete on the day the notice is posted or mailed.
- (Ord. No. 448, § 2, 6-13-39; Ord. No. 882, § 3, 6-5-89; Ord. No. 936, § 3, 5-18-2009)

### **Sec. 10-23. Failure to comply with notice.**

(a) Upon first failure to comply with the notice provided for in section 10-22, the city may by its own forces or by contract cause the weeds to be cut and/or removed, and the cost thereof shall be assessed against the non-complying real property together with an administrative fee equal to twenty-five (25) percent of the cutting and/or removal cost and a penalty of twenty-five dollars (\$25.00) for the first time the city provides cutting/removal, fifty dollars (\$50.00) for the second time the city provides cutting/removal, and seventy-five dollars (\$75.00) for the third and any subsequent times the city provides cutting/removal in a calendar year.

(b) If the owner of any parcel continues to allow nuisance weeds to grow in violation of this chapter after the city has cut and/or removed at that same parcel within the preceding twelve (12) months, the city may at its sole discretion, cut and/or remove the weeds again as needed without any additional notice to the owner.

(c) Payment for removing nuisance weeds shall be made to the city clerk-treasurer within fifteen (15) days after the billing date. If such payment is not made, such costs, including administrative fee and penalty, can be assessed against the property.  
(Ord. No. 884, § 1, 7-17-89; Ord. No. 936, § 4, 5-18-2009)

**Editor's note**—Provisions setting out rates charged by the city for abatement of nuisance weeds, derived from Ord. No. 884, § 1, adopted July 17, 1989, have been designated by the editor as § 10-23.

**Sec. 10-24. Assessment.**

(a) Annually the city shall prepare a list of all lots, tracts, and parcels of real property within the city from which weed were cut/removed by the city and for which such charges and penalties have not yet been paid, which list shall include the following:

- (1) Owner's name as shown on the tax rolls and common address if known;
- (2) Tax Code number of the property;
- (3) Legal description of the lot, tract or parcel;
- (4) Cost of the weed removal for that property;
- (5) Administrative costs; and
- (6) Penalty or penalties.

(b) The assessment list shall be incorporated into a special assessment resolution which shall be presented to the city council. From and after passage of the resolution, the assessments stated therein together with administrative costs and penalty shall constitute a special tax as provided in Montana Code Annotated (MCA), § 7-22-4101, and a lien on the real property shown on the assessment list. A copy of the resolution after passage shall be certified to the official collecting the city's taxes and assessments.

(Ord. No. 936, § 5, 5-18-2009)

## Chapter 11

### GAS PIPING AND APPLIANCES\*

#### **Sec. 11-1. "Utility" defined.**

The gas utility is hereby defined to be any person, firm or corporation selling gas, either natural or artificial, to the public in the city. (Ord. 745, § 15, 3-17-53)

#### **Sec. 11-2. Application of provisions.**

The provisions of this chapter shall apply to all installations of gas appliances and to the extensions, additions, alterations or repairs, of gas piping from the meter outlet to and including the installation of all appliances in the consumer's building, in and about all buildings, including service lines, where natural, manufactured or liquefied petroleum gas is used in the city.

The provisions of this chapter shall apply to all installations of gas appliances and to the extensions, additions, alterations or repairs of gas piping from the distribution system of the gas utility to all appliances in the consumer's buildings, and in and about all buildings where natural or manufactured gas is used in the city. (Ord. 745, §§ 1, 6, 3-17-53)

#### **Sec. 11-3. Gas fitters license required; fee; when due and payable; surety bond.**

Any individual engaged in the work of a gas fitter, or in the business of installing gas piping, fixtures or gas appliances shall apply to the city council for a license to engage in such business and shall pay to the city treasurer, for the use of the city, the sum of twenty-five dollars per year for each year in which he shall be engaged in such business as a license fee for engaging in such business. The first payment shall be made at the time of receiving the license, and thereafter such license fee shall be payable on the first Monday of January of each year, in advance; provided however that any person duly licensed and qualified to carry on the business of plumbing in the city and who has paid the license fee therefor shall be permitted to engage in the business of gas fitting and installing, as aforesaid, without the necessity of any addi-

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\*Cross references—Air conditioning, heating, refrigeration and ventilation, Ch. 3A; plumbing, Ch. 16; gas water heaters in auto trailer parks, § 19-29.

Supp. No. 8

tional license and without paying any additional license fee, nor shall it be necessary to furnish the bond hereinafter referred to. At the time of receiving such license such person shall file and keep on file, in full force and effect at all times, in the office of the city clerk of the city a surety bond, executed by a surety company duly authorized to transact business in the State of Montana, running to the city and to any and all persons who may hereafter have any claim against the licensee, under and by virtue of the provisions of this chapter, and amendments thereto, and acceptable to and approved by the city council of the city in the sum of two thousand dollars conditioned to the effect that such person shall perform all work in connection with the installation, extensions, additions, alterations and repairs of gas piping, gas fixtures and gas appliances done by him in a skillful and workmanlike manner and shall supply only suitable and proper material and shall comply with all provisions of this chapter and amendments thereto. (Ord. 745, § 2, 3-17-53)

#### **Sec. 11-4. Permit to make installations—Required; exceptions.**

The act of installing, altering or extending any system of gas piping, or of installing, venting, or altering the installation of gas appliances, is hereby declared unlawful unless the owner of the premises on which the work is to be done or someone on his behalf shall first obtain from the gas inspector a written permit authorizing such installation, extension, or alteration. Exception is made to meter and regulator installations or service lines by employees of the gas utility for which no permit is required. (Ord. 745, § 3, 3-17-53)

#### **Sec. 11-5. Same—Application; issuance.**

All applications for permits for the installation of any new gas piping, or the making of any extension or alteration to present gas equipment or existing installation shall be made in writing to the gas inspector on special permit forms to be provided by the city council, and when satisfied that such work is to be done in accordance with the provisions of this chapter he shall issue a permit therefor. (Ord. 745, § 4, 3-17-53)

#### **Sec. 11-6. Same—Fees; payable in advance; monthly report of inspector.**

The gas inspector shall collect such permit and inspection fees as hereafter set forth:

**Schedule of Fees**

For issuing each permit _____	\$1.00
For each gas piping system of 1 to 5 outlets _____	1.00
For each gas piping system of 6 or more outlets, each outlet _____	.20

All permit and inspection fees provided for in this chapter shall be payable in advance.

Monthly reports shall be prepared by the gas inspector and presented to the city council for their approval, showing number of permits issued and number of inspections made during the month, the amount of fees collected and the amount of moneys deposited with the city treasurer. (Ord. 745, § 12, 3-17-53)

**Sec. 11-7. Same—Disposition of fees.**

All license, permit and inspection fees paid to the city under this chapter shall be placed in the custody of the city treasurer of the city who shall keep such moneys in such fund as the city council shall direct. (Ord. 745, § 13, 3-17-53)

**Sec. 11-8. Inspection of installations—Required before concealing; approval.**

Before any part of an installation is covered from sight, except gas service lines, a notification in writing or in person shall be given the gas inspector, who shall within thirty-six hours, excepting Sundays and holidays, inspect such part of the installation, and if such installation meets the requirements of this chapter shall give his written approval. Before any installation is put into service, all parts of the piping installation, equipment, appliances and vents must be examined by the gas inspector and his written approval obtained. Such inspection shall insure full compliance with this chapter as regards pipe size, materials, appliances, manner of installation, type and sizes of vents, and all other points which can be determined by examination. (Ord. 745, § 7, 3-17-53)

**Sec. 11-9. Gas inspector—Appointment; term; absence or disability.**

The city council of the city shall appoint some competent person to act as "gas inspector", whose duty it shall be to make all necessary inspections and to issue the necessary permits provided for under this chapter. Such appointment shall  
Supp. No. 8

be for a period of one year, subject to removal at any time, at the pleasure of the city council. During the absence, disability or refusal of the gas inspector to act, the city council may from time to time appoint someone to act in his place. (Ord. 754, § 5, 3-17-53)

#### **Sec. 11-10. Workmanship; disputes; standards of N.B.F.U.**

All piping and appliances shall be installed in a first class and workmanlike manner. The gas inspector may prohibit the use of any piping and appliances not so installed. In case of dispute on any items not specifically covered in this chapter the standards as prescribed in "Standards of the National Board of Fire Underwriters for the Installation of Gas Piping and Gas Appliances in Buildings" NBFU Pamphlet No. 54; "Air Conditioning, Warm Air Heating, Air Cooling and Ventilating Systems" NBFU Pamphlet No. 90, and "American Standard Installation of Gas Piping and Gas Appliances in Building approved by American Gas Association", shall prevail. (Ord. 745, § 9, 3-17-53)

**Note**—The user's attention is directed to § 3A-1, which section provides for adoption of the Uniform Mechanical Code as the technical standards for installation of heating, air conditioning, refrigerating and ventilating systems.

#### **Sec. 11-11. Hazardous installations and appliances.**

The gas inspector may prohibit the use of any installation, equipment or appliance which, after inspection or test, is considered as introducing a distinct hazard to life or property. (Ord. 745, § 8, 3-17-53)

#### **Sec. 11-12. Adoption of N.B.F.U. Pamphlets 54 and 90.**

The National Board of Fire Underwriters Pamphlets 54 and 90, thereof, are hereby adopted and incorporated by reference into this chapter and the rules and regulations therein contained shall prevail as though set out at length herein. (Ord. 745, § 10, 3-17-53)

**Note**—The user's attention is directed to § 3A-1, which section provides for adoption of the Uniform Mechanical Code as the technical standards for installation of heating, air conditioning, refrigerating and ventilating systems.

#### **Sec. 11-13. Test for tightness.**

The test for tightness shall be made by the installer in the presence of the gas inspector with an air pump and mercury Supp. No. 8

column gauge or a high grade test gauge having one quarter pound graduations furnished by the installer. The pump and gauge shall be so attached to the piping that the gauge can be watched during the rise of pressure. All line cocks and valves in the system tested shall be opened so that the pressure will be applied during the test, up to all outlets. The test of the system shall be made at a pressure of at least ten pounds per square inch, and, to prove the system satisfactory, must be continued for a period of fifteen minutes without showing any decrease in pressure. (Ord. 745, § 11, 3-17-53)

**Sec. 11-14. Work between gas main and meter.**

No plumber or gas fitter, unless in the employ of the gas utility or having a permit from the utility shall repair, alter, or open the service pipe, carrying unmetered gas or set or disconnect the service meter or do any other work on that part of the gas supply line up to and including the meter.



However, if gas is leaking from any part of the gas supply system in this paragraph referred to, a plumber or gas fitter not in the employ of the gas utility shall shut off the gas or make temporary repairs and report same to the gas inspector or to the gas utility. The gas inspector will notify the gas utility to make permanent repairs. (Ord. 745, § 14, 3-17-53)

#### **Sec. 11-15. Service lines; installation generally.**

Service lines to carry unmetered gas shall be installed by the gas utility or by others as approved by the gas utility.

Before being covered and before connection to the main, service lines shall be given the same pressure tests as house piping, by an authorized representative of the gas utility.

Service lines shall be laid with a minimum cover of fifteen (15) inches.

Low pressure services shall be not less than one and one-fourth ( $1\frac{1}{4}$ ) inches in diameter, medium pressure service lines shall be not less than one (1) inch in diameter and all service lines shall be so sized that the pressure drop from main to meter shall not be greater than one (1) inch water column for low pressure lines and one-half ( $\frac{1}{2}$ ) pound for medium pressure lines.

Service line entrances to buildings without basements or with uncemented partial basements shall be made in an approved manner by bringing the line up above ground level outside the building and entering through the building wall.

Service line entrances, into full basements with cemented walls may run through cemented wall, but shall be cemented on both sides to make them water and gas tight.

Service lines shall not be run under buildings or porches, garage ramps, unless the line first pass through a foundation wall and the hole thus made is sealed up to prevent gas seeping under the building from service line ditch. In case there is no foundation, the line must be brought above ground outside the building and thence into the building.

No building or additions thereto shall be erected over a gas service line that is laid under ground. Service line must be removed or brought above level of ground. (Ord. 745, § 16, 3-17-53)

#### **Sec. 11-15.1. Specifications for natural gas lines serving outdoor gas lights.**

Tin-lined copper tubing of specification "Type K" is authorized for the underground gas carrier pipe from point of Supp. No. 3

connection with specified rigid piping outside the structure to the point of connection at the gas light. Use of such tubing shall be installed or used inside any building, nor shall such tubing exceed .375 inches outside diameter.

No more than two (2) gas lights shall be connected with a single tin-lined service line, and then only when the distance between such lights does not exceed fifteen (15) feet. In all installations involving greater spacing or more than two (2) gas lights, all underground lines shall be rigid pipe as required by Ordinance No. 745 [Chapter 11]. (Ord. No. 711, §§ 2, 3, 6-20-62)

#### **Sec. 11-16. Supply lines for large gas engines.**

Except as approved by the gas inspector and the gas utility, supply lines for gas engines or other large appliances of high momentary demand shall be taken only from intermediate pressure lines. (Ord. 745, § 17, 3-17-53)

#### **Sec. 11-17. Location of meters.**

The meter ends of the main supply line shall be so located that any meter can be installed in a standard manner as prescribed by the gas utility.

The gas meter shall be located as close as possible to the point where the service line enters the building.

Meters shall not be located in places where damages are likely to occur. Meters shall not be placed in closets or small confined places or in any inaccessible location.

When necessary to locate meter outside of building it must be protected with a wood box of suitable size and made fast to the building and provided with hinged cover to permit inspection, reading and removal. (Ord. 745, § 18, 3-17-53)

#### **Sec. 11-18. Turning gas off and on.**

No one not in the employ of the gas utility shall turn the gas on at the meter cock. Where gas is shut-off to permit the installation or alterations of appliances or piping by others, the gas utility must be called to reestablish service. When necessary to turn the gas off the gas fitter shall use the meter cock or a line cock which affects only part of the piping of a single customer; he shall not turn the gas off at the curb stop unless authorized to do so by the gas utility. Exception is made in the case of a leak when the fitter or plumber shall

Supp. No. 3

shut off the gas by any available means or in case of fire a fireman may shut off the gas when necessary, and notify the gas utility or the gas inspector. (Ord. 745, § 19, 3-17-53)

**Sec. 11-19. Vents and flues on certain boilers and furnaces.**

The installation of "Type B" flue or vent is approved on gas fired boilers and gas fired warm air furnaces which produce flue gas temperatures not in excess of 550 degrees Fahrenheit at the outlet of the draft hood when burning gas at the manufacturer's normal input rating. (Ord. 745, § 20, 3-17-53)

**Sec. 11-20. Violations, penalty.**

Any and all persons who shall violate any of the provisions of this chapter or fail to comply therewith, or who shall violate or fail to comply with any order or regulation made thereunder within ten (10) days, shall severally for each and every violation and noncompliance, respectively, forfeit and pay a penalty in the sum of twenty-five dollars (\$25.00), each day constituting a separate offense. The imposition of one penalty for any violation of this chapter 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. (Ord. 745, § 21, 3-17-53)



## Chapter 11A

### HOUSING\*

#### Sec. 11A-1. Housing Code adopted by reference.

(1) The current edition of the Housing Code published by the International Conference of Building Officials and all accompanying appendices, amendments and modifications adopted by the Building Codes Bureau, Montana Department of Commerce (or its successor), as set out in the Administrative Rules of Montana, as amended from time to time by the building codes bureau, are adopted by reference and incorporated in this section as if set forth in full, except for any exceptions noted in this section or any regulations not applicable to local government jurisdictions. The provisions of this model technical code regulate and control the use and occupancy, location and maintenance of all residential buildings and structures within the city and its jurisdictional area.

(2) Any amendments adopted by the building codes bureau which apply to local government jurisdictions, including the adoption of the latest editions of this model technical code or applicable Administrative Rules of Montana, shall become effective in the City of Glasgow ninety (90) days after the date that the bureau notifies the city of said amendments.

(3) One (1) copy of this model technical code shall be on file in the office of the city clerk.

(4) Any appeal under this model technical code shall be to the board of appeals as set forth in Chapter 6A of this City Code.

(5) A violation of this model technical code or the applicable Administrative Rules of Montana, is a misdemeanor. Any person, firm or corporation convicted of a violation shall be punished as provided in section 1-6 of this City Code.

(Ord. No. 715, 2-20-63; Ord. No. 894, § 12, 12-19-94)

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\***Editor's note**—Ord. No. 715 adopted Feb. 20, 1963 did not amend this Code. Inclusion herein as Ch. 11A, § 11A-1, was at the discretion of the editors.

**Cross references**—Buildings generally, Ch. 7; electricity, Ch. 8; fire protection, Ch. 9; gas piping and appliances, Ch. 11; plumbing, Ch. 16; subdivisions, Ch. 17A; utilities generally, Ch. 20.



## Chapter 12

### LICENSES\*

<b>Art. I.</b>	<b>In General, §§ 12-1—12-17</b>
<b>Art. II.</b>	<b>Reserved, §§ 12-18—12-50</b>
<b>Art. III.</b>	<b>Coin-Operated Amusement Machines, §§ 12-51—12-70</b>
<b>Art. IV.</b>	<b>Solicitors, Itinerant Vendors and Transient Retail Merchants, §§ 12-71—12-79</b>

#### ARTICLE I. IN GENERAL†

##### **Sec. 12-1. Reserved.**

**Editor's note**—Ord. No. 846, § 1, adopted Apr. 21, 1986, provided for the repeal of § 12-1, occupational license fees, the history note for which indicated derivations from Ord. 314, § 1, adopted Aug. 13, 1930, and an ordinance adopted Sept. 1, 1954.

##### **Sec. 12-2. Dancing in establishments selling alcoholic beverages—License required.**

It shall be unlawful for a person licensed to sell alcoholic beverages under chapter 4 of this code, to permit dancing on the licensed premises unless a license for such dancing has been obtained from the city.  
(Ord. 668, § 2, 6-6-51)

**Cross reference**—Regulatory provisions relating to public dances and dance halls, see §§ 14-20 et seq.

##### **Sec. 12-3. Same—Fee for license; duration.**

The fee for the license required in section 12-2 shall be one hundred dollars per year or any part thereof and such license shall run from July 1st to June 30th of each and every year.  
(Ord. 668, § 3, 6-6-51)

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\***Cross references**—Licenses to sell beer and other alcoholic beverages, Ch. 4; licenses for dogs, § 5-8 et seq.; bicycle registration, § 6-2; license for electrical contractors, § 8-11; license for plumbers, § 16-2 et seq.; obstructing sidewalks, merchandise etc., § 17-14; license for trailer parks, § 19-3; license fee for solicitors, §§ 15-3, 15-6; motor vehicle licenses, § 18-131 et seq.

†**Editor's note**—The addition of Art. II, §§ 12-8—12-45 to this chapter required the designation of §§ 12-1—12-17 as Ch. 12, Art. I, as herein set forth.

**Sec. 12-4. Reserved.**

**Editor's note**—Ord. No. 846, § 2, adopted Apr. 21, 1986, repealed § 12-4 which pertained to times dancing permitted in establishments selling alcoholic beverages, and bore a history reflecting derivation from Ord. 668, § 4, adopted June 6, 1951.

**Sec. 12-5. Same—Persons under 18 years of age dancing.**

No place where beer and/or other intoxicating liquor is sold shall, whether or not they have a license to permit dancing, allow anyone under the age of eighteen (18) years to dance in the establishment.

(Ord. 668, § 5, 6-6-51; Ord. No. 846, § 3, 4-21-86)

**Sec. 12-6. Same—Conduct of business; compliance with laws.**

Each place having a license to permit dancing shall be operated in an orderly manner and all laws of the State of Montana and the ordinances of the city shall be obeyed.

(Ord. 668, § 6, 6-6-51)

**Sec. 12-7. Same—Complaints against licensee.**

If complaint is made in writing against any licensed premises because of dancing on premises as times not allowed by law, or of minors dancing on the premises or of the premises not keeping order or of any violation of any Statute of the State of Montana or ordinance of the city by the operators of the premises, the license of the operator shall immediately be suspended and within five days after the suspension, the city council shall hold a hearing of which hearing the owner shall be notified at least twenty-four hours before the hearing and at which hearing both the complainant and the owner or his agent may appear and shall be heard. The city council shall decide whether or not the suspension should be upheld and for how long a period of time the license to dance shall be suspended. The complainant and the owner shall both be notified of the decision of the city council in writing as soon after its decision as possible. The decision of the city council shall be final and conclusive.

(Ord. 668, § 7, 6-6-51)

**Secs. 12-8—12-17. Reserved.**

**ARTICLE II. RESERVED\*****Secs. 12-18—12-50. Reserved.****ARTICLE III. COIN-OPERATED AMUSEMENT MACHINES†****Sec. 12-51. Definitions.**

(a) *Operation of coin-operated amusement devices* is defined as the physical location where any such device or game is located for purposes of use by the public or a portion thereof.

(b) *Coin-operated amusement machines or games* are defined as such things as video games, foosball machines, pinball machines, but excludes music devices and pool or billiard tables. Excluded from this definition are electronic poker machines or similar devices, whether or not such machines are designated or marked as being for amusement only.  
(Ord. No. 827, § 7, 6-20-83)

**Sec. 12-52. License required.**

No person shall operate a coin-operated amusement game or machine without a license therefor, as herein provided. The fee charged for said license shall be as fixed in this article, and the monies received from said licenses shall be used to defray the expense of processing and issuing said licenses and the inspection, regulation and control of the aforementioned business in the City of Glasgow, Montana.  
(Ord. No. 827, § 1, 6-20-83)

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\***Editor's note**—Ord. No. 892, § 1, adopted Mar. 21, 1994, repealed Art. II, Glasgow Gaming Ordinance, §§ 12-18—12-45. Such provisions were derived from Ord. No. 756, §§ 1—28, adopted Apr. 23, 1974; Ord. No. 792, §§ 2—9, adopted Nov. 19, 1979; Ord. No. 826, §§ 2—9, adopted June 20, 1983; Ord. No. 858, §§ 2—5, adopted June 1, 1987.

†**Editor's note**—Ord. No. 827, §§ 1—8, adopted June 20, 1983, did not specifically amend the code, but has been codified herein as Art. III; for purposes of classification, sections were designated in the following manner: §§ 1—3 as §§ 12-52—12-54, § 4 as § 12-57; § 5 as § 12-56; § 6 as § 12-58; § 7 as § 12-51; and § 8 as § 12-55.

**Sec. 12-53. License fee.**

A fee of twenty dollars (\$20.00) for each coin-operated amusement machine or game on a premises shall be charged for said license.

(Ord. No. 827, § 2, 6-20-83)

**Sec. 12-54. Application for and issuance of license; duty of the city clerk-treasurer.**

(a) *Contents of application.* The city clerk-treasurer shall be charged with the collection of the fees for the license required by this article. The city clerk-treasurer shall procure blanks for applications and receipts and books of account in connection with the issuance of licenses. Applicants for licenses shall file with the city clerk-treasurer an application, in writing, on a form which shall contain the following information:

- (1) Name and permanent address of applicant;
- (2) Full business name;
- (3) The endorsement of the city engineer showing that the business location sought to be licensed does not violate any zoning ordinance, provided that such endorsement shall not be required on an application for renewal of license;
- (4) The number of machines to be operated on the premises in question.

(b) *Issuance of license.* No license shall be issued until five (5) days have passed from the date of the presentation of the completed application. It shall further be the duty of the city clerk-treasurer to issue a license after the required time has passed, together with tender of the appropriate license fee, as herein provided, unless an inspection by the city engineer indicates a violation of an ordinance existing at the place of business seeking to be licensed, in which case such inspector shall submit a written description of said violation specifying the steps necessary to qualify the premises for license, a copy of which shall be furnished to the applicant.

(Ord. No. 827, § 3, 6-20-83)

**Sec. 12-55. License issued to premises; number of machines.**

The license authorized herein for the operation of coin-operated amusement machines or games shall be issued to a

particular premises and shall authorize that premises to have in operation the number of machines requested in the license application and for which payment has been made hereunder. (Ord. No. 827, § 8, 6-20-83)

**Sec. 12-56. Posting required.**

Every license issued under the provisions of this article shall be posted in a conspicuous place on the premises where the business is conducted. (Ord. No. 827, § 5, 6-20-83)

**Sec. 12-57. License term; fee payable in advance.**

Every license, except as otherwise herein provided, shall run from July 1st to June 30th of each and every year and shall be payable in advance and on or before the first day of July. Any license issued after January of each year shall be issued at one-half the yearly rate; provided that any license issued for a specified date shall not be a license for any other date, time or place. All licenses, except as otherwise herein provided, shall expire on June 30th in each year. (Ord. No. 827, § 4, 6-20-83)

**Sec. 12-58. Penalties.**

Every person carrying on or engaging in the transaction of the business of operating coin-operated amusement machines without first procuring the proper license therefor, and any persons providing misinformation upon application for license, shall be guilty of a misdemeanor and shall be punishable by a fine not to exceed three hundred dollars (\$300.00) or by imprisonment in the city jail for ninety (90) days, or by both fine and imprisonment. Every day business is conducted without a license shall constitute a separate offense. (Ord. No. 827, § 6, 6-20-83)

**Secs. 12-59—12-70. Reserved.**

**ARTICLE IV. SOLICITORS, ITINERANT VENDORS AND  
TRANSIENT RETAIL MERCHANTS**

**Sec. 12-71. Definitions.**

As used in this article:

*Solicitor* means any person who goes from house to house or place to place with the city limits, or who from a stand, wagon,

railroad car, vehicle, or upon any street, or upon any public grounds, or from temporary quarters within the city, whether such business be conducted by personal contact and interview or by use of telephone for such purposes, sells or takes orders for or offers to sell or take orders for goods, wares, merchandise, professional or personal services, or who makes, manufactures, or repairs any article or thing whatsoever, except those selling to merchants for re-sale. The term includes "itinerant vendors", and "transient retail merchants" as those terms are defined in Montana law.

*Vehicle* means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power.  
(Ord. No. 946, § 1, 3-19-2012)

### **Sec. 12-72. License required.**

It shall be unlawful for any person to act as a solicitor within the meaning and application of this chapter, unless such person shall have first secured a license therefor in the manner provided by this chapter. Each license shall be issued in the name of each applicant and firm, and is not transferable to any other person or firm.  
(Ord. No. 946, § 2, 3-19-2012)

### **Sec. 12-73. Fees.**

The license fee for solicitors shall be twenty-five dollars (\$25.00), payable in advance, for each time the solicitor comes into the city to set up operation.  
(Ord. No. 946, § 3, 3-19-2012)

### **Sec. 12-74. Application.**

Any person or organization/firm desiring to secure a solicitor's license shall apply in writing to the city clerk-treasurer on forms provided by the city. When the city clerk-treasurer's office is closed, the forms may be obtained from any on-duty Glasgow Police Officer.

Each application shall include:

- (a) The name, address, and phone number for each solicitor.
- (b) The name, address and phone number of the organization/firm employing the solicitor. If the solicitor or employer is a partnership, the name of the partnership and the

names and addresses of all the partners. If the solicitor's employer is a corporation, the name of the corporation, and the address of its principal place of business.

- (c) The length of service of the solicitor with such organization/firm.
  - (d) The residence and employment of each solicitor during the past year.
  - (e) The nature or character of the goods, wares, merchandise, or services to be offered by each solicitor.
  - (f) A copy of a government-issued photo identification card.
- (Ord. No. 946, § 4, 3-19-2012)

**Sec. 12-75. Issuance of license.**

Upon receipt of payment and a properly completed application, the city clerk-treasurer or Glasgow Police Officer may issue the license.

(Ord. No. 946, § 5, 3-19-2012)

**Sec. 12-76. Solicitor to carry license.**

Such license with attached personal description shall be carried at all times by each solicitor for whom the license was issued, when soliciting or canvassing in the city, and shall be exhibited by the solicitor whenever requested by any police officer or person solicited.

(Ord. No. 946, § 6, 3-19-2012)

**Sec. 12-77. Revocation of license.**

Any such license may be revoked by the city clerk-treasurer or by the chief of police or his designate for the violation by the solicitor or the solicitor's organization/firm of any law of the City of Glasgow, of the State of Montana, or of the United States, or whenever the solicitor or his organization/firm ceases to possess the qualifications required by this chapter.

(Ord. No. 946, § 7, 3-19-2012)

**Sec. 12-78. Exceptions.**

The provisions of this chapter shall not apply to:

- (a) Any persons selling farm produce raised or produced by such person on his own premises or on his leased premises in the State of Montana.
- (b) Auctioneers.

- (c) Any local religious, charitable, or social organization when its solicitors are bona fide residents of the city, employed without compensation or remuneration, to further and advance the aims and purposes of such organization.
- (d) Any regularly-established and recognized school or charitable organization in the State of Montana whose benefits are available to persons within the State of Montana.
- (e) Any wholesaler calling on any established business in the city.
- (f) Any citizen of Valley County, Montana, who has had an established place of business within the city limits for not less than three (3) consecutive months preceding the date upon which he or she commences any business regulated by this Chapter.
- (g) Any vendor selling goods or operating a booth at any event authorized by the city council or the chamber of commerce and agriculture.
- (h) Valley County residents under the age of eighteen (18) years.

The burden of proof for establishing the eligibility for any exception listed in this section shall be on the person claiming the exception.

(Ord. No. 946, § 8, 3-19-2012)

### **Sec. 12-79. Penalties.**

(a) Violation of this article shall constitute a misdemeanor and is punishable as set forth in section 1-6 of the Code of Ordinances of the City of Glasgow, except that the minimum fine shall be one hundred dollars (\$100.00).

(b) This article may also be enforced by an injunction or other appropriate action in law or in equity.

(Ord. No. 946, § 9, 3-19-2012)

## Chapter 13

### NUISANCES\*

<b>Art. I.</b>	<b>In General, §§ 13-1—13-25</b>
<b>Art. II.</b>	<b>Abandoned, Wrecked or Disabled Vehicles, §§ 13-26—13-40</b>
<b>Art. III.</b>	<b>Medical Marijuana, §§ 13-41—13-46</b>

#### ARTICLE I. IN GENERAL

##### **Sec. 13-1. Pens and stables for animals.**

Any person who shall within the limits of the city keep or maintain any pen, enclosure, stable, or building for cattle, horses or other animals, in such a filthy condition as to be offensive to neighbors or passersby, or injurious to the neighborhood, such persons shall be guilty of maintaining a nuisance, and on conviction thereof, shall be punished as provided in section 1-6 hereof, and costs and a continuance of the same for every day after being notified by any city officer to abate the same. Each such day of violation shall be regarded as a separate offense to be punished by a like fine.

(Ord. 67, § 1, 3-23-10)

##### **Sec. 13-2. Privies, sewers, cellars, etc.**

Whoever shall suffer or permit any cellar, vault, drain, pool, privy, sewer grounds or premises belonging to or controlled by him as agent or tenant, to become, from any cause, nuisance, fowl, offensive or injurious to the public health or unpleasant and disagreeable to adjacent residents or persons, in the limits of the city shall be deemed guilty of committing a nuisance and on conviction shall be punished as provided by section 1-6 hereof.

(Ord. 67, § 2, 3-23-10)

##### **Sec. 13-3. Dead animals, disposal.**

Any person the owner of or in possession of any animal which shall have died within the city and knowing of its death, who shall not within twenty-four hours thereafter cause the same to be removed without the limits of the city, or to the city dump ground, and to be buried at least three feet under ground, shall be deemed guilty of maintaining a nuisance and on conviction

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\*Cross references—Ordering abatement of unsanitary and offensive conditions, § 10-19; weeds declared nuisance, § 10-20.

thereof shall be punished as provided by section 1-6 hereof and costs of prosecution, to which may be added all costs of removal and burial.

(Ord. 67, § 3, 3-23-10)

**Cross reference**—Leaving dead animals at city dump grounds, § 10-18.1.

#### **Sec. 13-4. Offensive substances, meats, fish, etc.**

Whoever shall place or conduct to or upon any premises, or any street, land, alley, square or public place or in any yard, lot, block or premises within the city any bones, putrid, unsound, unwholesome or refuse meat of any animal whether salted or otherwise or any hides or skins of any kind, or the whole or the part of any dead animal or fish, or unsound, putrid or unwholesome substance or the offal, garbage, or other offensive part of any dead animal, shall be deemed guilty of committing a nuisance, and on conviction be punished as provided in section 1-6 hereof.

(Ord. 67, § 4, 3-23-10)

#### **Sec. 13-5. Discharging or permitting offensive substances on adjacent property or public property.**

Whoever within the limits of the city shall cause or permit nauseous, foul or putrid liquor, or substance, or any liquid substance likely to become nauseous, foul or offensive or putrid, upon any premises to be discharged, placed, or thrown or to flow from or out of any premises into or upon any adjacent premises, or any public street, alley, road or highway, shall be deemed guilty of committing a nuisance, and on conviction thereof shall be punished as provided in section 1-6 hereof.

(Ord. 67, § 5, 3-23-10)

#### **Sec. 13-6. Reserved.**

**Editor's note**—Ord. No. 910, § 1, adopted Oct. 5, 1998, repealed § 13-6 which prohibited the keeping of swine in the city and was derived from Ord. No. 67, § 6, adopted Mar. 23, 1910. The user's attention is directed to § 5-3 for provisions covering such subject matter.

#### **Sec. 13-7. Garbage and trash accumulations—Prohibited; placing in streets.**

If any person within the limits of the city shall throw or deposit loose or waste paper, straw, hay, waste, clothing, hats, boots, empty cans, old kettles, or vessels, ashes, manure, garbage of any kind, boxes or other rubbish in any of the streets or alleys, or allow the same to accumulate on the premises occupied by him so as to become dangerous to adjoining property or premises or offensive or prejudicial to adjoining property owners or tenants;

or shall place any paper or rubbish in such place or manner as to be liable to be blown upon any of the streets or alleys, in either case such person shall be deemed guilty of committing a nuisance, and upon conviction shall be punished as provided in section 1-6 hereof.

(Ord. 67, § 7, 3-23-10)

**Cross reference**—Abatement of unsanitary and offensive conditions, § 10-19.

**Sec. 13-8. Same—Contributing to; placing animal bedding in streets.**

Whoever shall pile or deposit any manure, offal, dirt or garbage, or any accumulation of any offensive or nauseous substance within the city or whoever shall contribute to the making of such accumulation, or shall place or dry, any straw or hay, or other substance which has been used as bedding for animals upon any street, sidewalk, or roof of any building, shall be deemed guilty of maintaining a nuisance and upon conviction shall be punished as provided in section 1-6 hereof and costs of prosecution, and costs of removal, when done at the expense of the city.

(Ord. 67, § 8, 3-23-10)

**Sec. 13-9. Abatement of nuisance—Assessing costs when city abates.**

In case any nuisance shall be in, about or upon any unoccupied lot or lots within the city, or tenement or other structure thereon, when the owner is absent from the city, or is a nonresident thereof or is unknown to the officer, or whom the officer cannot find, the chief of police or other authorized city officer may cause such nuisance to be removed or abated which shall be done at the expense of the owner. If suit for the recovery of costs for abating such nuisance be not brought against such owner of the property, the city council may assess such costs to such property, and such costs shall be collected as other taxes are collected.

(Ord. 67, § 9, 3-23-10)

**Sec. 13-10. Same—Cost of abatement as part of cost of prosecution.**

Every person guilty of any nuisance shall be liable for any and all costs and expenses of abating the same, which, when such officer, the costs and expenses shall be taxed as a part of the costs of any prosecution against the party liable and be recovered after the same shall have been ascertained, and taxed as part of the judgment.

(Ord. 67, § 10, 3-23-10)

**Sec. 13-11. Same—Abatement by city upon failure of owner to act.**

When judgment shall be rendered against any person, or persons for creating, keeping or maintaining any nuisance it shall be the duty of the court before whom the conviction is had to order the defendant or defendants in such action to forthwith abate and remove such nuisance; and if the same is not done by such offender, within twenty-four hours, the same shall be abated and removed by the authority of the city.  
(Ord. 67, § 11, 3-23-10)

**Sec. 13-12. Each day's violation considered separate offense.**

Any person having been found guilty of creating or maintaining any nuisance, who shall neglect or fail to abate or remove such nuisance within twenty-four hours next after such conviction shall for each twenty-four hours thereafter in which the nuisance is continued, be subject as a separate offense for violating this chapter.  
(Ord. 67, § 12, 3-23-10)

**Secs. 13-13—13-25. Reserved.**

**ARTICLE II. ABANDONED VEHICLES OR DISCARDED VEHICLES\***

**Sec. 13-26. Definitions.**

As used in this article, unless the context otherwise indicates, the following terms shall have the meaning ascribed to each:

*Component part:* Any identifiable part of a discarded, ruined, wrecked, or dismantled vehicle, including but not limited to fenders, doors, hoods, engine blocks, motor parts, transmissions, frames, axles, wheels, tires, and passenger compartment fixtures.

*Junk vehicle:* A motor vehicle including component parts:

- (1) That is discarded, ruined, wrecked, or dismantled;

\***Editor's note**—Ord. No. 791, §§ 1—6, adopted Nov. 19, 1979, did not expressly amend this Code; hence, codification as Art. II of Ch. 13, §§ 13-26—13-31, is at the discretion of the editor.

**Cross reference**—Abandoned, unattended, discarded refrigerators, etc. prohibited, penalty, § 14-39.

- (2) That except as provided in subsection (4) below, is not lawfully and validly licensed; and
- (3) That remains inoperative or incapable of being driven.
- (4) If a vehicle is permanently registered under Montana Code Annotated (MCA), § 61-3-562, and meets the criteria for a junk vehicle under subsections (1) through (3) above, the vehicle is a junk vehicle.

*Motor vehicle:* A vehicle propelled by its own power and designed or used to transport persons or property upon the highways of the state.

*Person:* Any person, firm, partnership, association, corporation, company, or organization of any kind.

*Public road:* All streets, roads, highways, and related structures:

- (1) Built and maintained with appropriated funds of the United States, the State of Montana, or any political subdivision of the state;
- (2) Dedicated to public use;
- (3) Acquired by eminent domain; or
- (4) Acquired by adverse use by the public, with jurisdiction having been assumed by the state or any political subdivision of the state.

*Public view:* Any point six (6) feet above the surface of the center of a public road from which junk vehicles can be seen.

*Shielding:* The construction or use of fencing or manmade or natural barriers to conceal junk vehicles from public view.

*Vehicle:* Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

(Ord. No. 791, § 1, 11-19-79; Ord. No. 911, § 1, 10-5-98; Ord. No. 935, § 1, 5-4-2009)

### **Sec. 13-27. Abandonment of vehicles prohibited.**

No person shall abandon any vehicle within the city, and no person shall leave any vehicle at any place within the city for such time and under such circumstances as to cause such vehicle reasonably to appear to have been abandoned.

(Ord. No. 791, § 2, 11-19-79)

**Sec. 13-28. Leaving of wrecked, nonoperable vehicle on street prohibited.**

No person shall leave any partially dismantled, nonoperable, wrecked, or junked vehicle on any street or highway within the city.

(Ord. No. 791, § 3, 11-19-79)

**Sec. 13-29. Junk vehicles.**

Any person possessing one (1) or more junk vehicles, regardless of ownership, shall completely shield the vehicles from public view.

(Ord. No. 791, § 4, 11-19-79; Ord. No. 793, § 1, 12-17-79; Ord. No. 911, § 2, 10-5-98)

**Sec. 13-30. Requirements for shielding of junk vehicles.**

Any person possessing a junk vehicle or junk vehicles shall shield it in compliance with the following requirements:

- (1) Fences must be constructed of sound building materials.
- (2) Rough dimensional lumber or better is acceptable. Slabs are not considered rough dimensional lumber. Other types of fencing of equivalent performance, attractiveness and shielding qualities are also acceptable. Plastics and other materials placed over junk vehicles are not acceptable, except that reasonably-attractive car cover specifically designed to attach tightly to and cover a motor vehicle is acceptable for shielding one junk vehicle at a single location.
- (3) If a fence is used, the boards may be spaced or slanted to reduce wind load. The space which may be seen from a broad-side view may not be more than 1.5 inches wide. The interval between spaces may not be more than 7.5 inches. Notwithstanding the spacing and interval requirements contained in this subsection, chainlink metal fences with standard fiberglass or similar inserts are acceptable. The spacing in the fence must be no greater than forty-five (45) degrees from vertical.
- (4) Screening with shrubs and trees, while not subject to precise measurements, must provide a similar degree of shielding at all times of the year.
- (5) Shielding must be of sufficient height to shield any junk vehicle(s) on the premises from public view.

- (6) Shielding must be maintained in a neat and workmanlike manner and must be replaced or repaired when necessary. Damage by vandals or other causes is not a valid reason for not maintaining the shielding.  
(Ord. No. 935, § 2, 5-4-2009)

### **Sec. 13-31. Removal, impounding and sale.**

The chief of police or any member of his department designated by him is hereby authorized to remove[, impound and sell,] or have removed[, impounded or sold,] any vehicle left at any place within the city which reasonably appears to be in violation of this article or lost, stolen, or unclaimed, as follows:

- (1) *Notice to owner of intent to remove.* Before any such vehicle is removed, the chief of police or his designated representative shall give written notice to the owner of the vehicle to be removed and, if the vehicle is to be removed from private property, to the person in charge of the property upon which the vehicle is located that said vehicle will be removed on a date specified in the notice. The notice may be given by personal service upon the proper persons, by depositing said notice in the United States mail addressed to the respective persons at their last known address and containing the proper postage, or by attaching a copy of the notice to the vehicle to be removed. The notice shall advise the person involved of his or her right to appear prior to the removal of the vehicle at a place, time and date stated before the chief of police or his representative to show why the vehicle should not be removed. If the vehicle abandoned constitutes an imminent danger to the health and safety of the general public, the vehicle may be removed without the above notice being first given, but a notice shall be given in accordance with the following as soon as possible after the vehicle is removed.
- (2) *Removal.* The chief of police may authorize the use of city equipment for the removal or preservation of vehicle, or he may hire other personnel, equipment, and facilities for those purposes.
- (3) *Notice to county sheriff of removal and impoundment.* Within seventy-two (72) hours after any vehicle is removed and held by or at the direction of the chief of police, he shall notify the sheriff of Valley County of the time the vehicle was taken into custody and the place where the vehicle is being held. In addition, the chief of police shall furnish the sheriff a complete description of the vehicle, to include year, make, model, serial number, and license

number if available, and any costs incurred to that date in the removal, preservation, and custody of the vehicle, and any available information concerning its ownership.

- (4) *Sale of impounded vehicles.* Any vehicle so impounded, after proper notice to the county sheriff is given, shall be disposed of in accordance with the sheriff's instructions and state statute regarding the removal and sale of abandoned vehicles.
- (5) *Disposition of sale proceeds.* If such vehicle is sold, the proceeds of such sale shall be transmitted to the city treasurer after having deducted any costs as set forth for the sale, removal, preservation and storage. The balance of the proceeds of sale shall be deposited in the city street fund.

(Ord. No. 791, § 5, 11-19-79; Ord. No. 935, § 3, 5-4-2009)

### **Sec. 13-32. Violation a misdemeanor.**

Any person violating a provision of this chapter shall, upon conviction thereof, be guilty of a misdemeanor and punished as set forth in section 1-6 of this Code.

(Ord. No. 791, § 6, 11-19-79; Ord. No. 911, § 3, 10-5-98; Ord. No. 935, § 4, 5-4-2009)

### **Secs. 13-33—13-40. Reserved.**

## **ARTICLE III. MEDICAL MARIJUANA**

### **Sec. 13-41. Definitions.**

*Commerce:* To exchange, buy, sell, barter, trade, or otherwise exchange medical marijuana as a commodity, or to transport medical marijuana in furtherance of commercial activity.

*Highway:* The entire width between the boundary lines of every publicly maintained way when any part thereof is open to the use of the public for purposes of vehicular travel. The term includes ways which have been or shall be dedicated to public use, ways established by easement, ways established by prescriptive use, and ways established common usage. In the case of ways established by prescriptive use or common usage, the boundary lines shall be the outside edges of the way.

*Public place:* A place to which the public or a substantial group has access.

*Public view:* Any point six (6) feet above the surface of the center of a way of the state open to the public from which medical marijuana can be seen.

*Sell or sale:* To sell marijuana for profit.

*Shielding:* The construction or use of fencing or manmade or natural barriers to conceal medical marijuana from public view.

*Ways of this state open to the public:* Any highway, road, alley, lane, parking area or other public or private place adapted and fitted for public travel that is in use by the public.  
(Ord. No. 944, § 1, 9-7-2010)

### **Sec. 13-42. Sale and commerce prohibited.**

(a) The sale or commerce of medical marijuana is deemed a public nuisance in the City of Glasgow.

(b) No person shall sell marijuana for any purpose within the boundaries of the City of Glasgow.

(c) No person shall open a store-front business for the purpose of engaging in the sale or commerce of medical marijuana.

(d) No person shall engage in the sale or commerce of medical marijuana for profit from a home business operation or from a vehicular business operation.

(e) No person shall set up an itinerant business for the purpose of selling medical marijuana or engaging in the commerce of medical marijuana.

(f) No person shall transport medical marijuana from outside Glasgow into Glasgow in order to engage in the sale or commerce of medical marijuana for profit. This section does not prohibit a qualified caregiver from transferring legally-acquired medical marijuana through the City of Glasgow for use by a qualified patient, outside the City of Glasgow.

(g) No person shall market, advertise, or promote medical marijuana for sale or commerce in the City of Glasgow.

(h) No person shall open an internet or e-commerce business in the City of Glasgow for the purpose of selling medical marijuana or engaging in the commerce of medical marijuana.  
(Ord. No. 944, § 1, 9-7-2010)

### **Sec. 13-43. Public use prohibited.**

(a) The public use of medical marijuana is deemed a public nuisance in the City of Glasgow.

(b) Smoking or otherwise inhaling vapors of medical marijuana, consuming medical marijuana as some portion of an edible food product, or otherwise ingesting medical marijuana is prohibited in all public places in the City of Glasgow.

(c) No person authorized by the Medical Marijuana Act may acquire, possess, cultivate, manufacture, deliver, transfer, or transport medical marijuana on the ways of the state open to the public, display, smoke, or consume medical marijuana in an open or visible manner. A violation of this section is an absolute liability offense.

(d) All use of medical marijuana is restricted to the qualifying patient's home, the caregiver's home, or any other private place reasonably suited to the administration of medical care.

(e) A private business or other entity may provide a place for an employee or person to self-administer medical marijuana, but it must be a private place out of the area in which the public is generally invited to visit, and must conform to the requirements of the Montana Clean Indoor Air Act.

(f) No symbols, signs, or other graphic representations of marijuana leaves, plants, joints, or other cigarette, paraphernalia, or other marijuana-related symbols may be placed in a public location or in a location visible from a public place or way of the state open to the public, which locates or identifies a medical marijuana caregiver's growing or production location.

(g) Because the secondhand effects of inhaling marijuana smoke or vapors can have serious deleterious effects on family members and children, qualified patients must make all reasonable efforts to consume medical marijuana outside the presence of children, other family members, and household guests.

(h) Any qualified patient or caregiver possessing medical marijuana in any form in the City of Glasgow shall completely shield it from public view.

(i) The premises on which any qualified patient or caregiver grows or stores medical marijuana shall be secured at all times by a physical barrier with suitable locks.  
(Ord. No. 944, § 1, 9-7-2010)

### **Sec. 13-44. Penalties.**

(a) Violation of this article shall constitute a misdemeanor and is punishable as set forth in section 1-6 of the Code of Ordinances of the City of Glasgow, except that the minimum fine shall be one hundred dollars (\$100.00).

(b) This article may also be enforced by an injunction or other appropriate action in law or in equity.  
(Ord. No. 944, § 1, 9-7-2010)

**Sec. 13-45. Federal law.**

(a) Understanding that the State of Montana and the United States of America currently have conflicting laws governing marijuana, nothing in this article is presumed to be enacted pursuant to federal law.

(b) No person will be prosecuted by the city under this article for any allegation of violation of federal dangerous drug laws.  
(Ord. No. 944, § 1, 9-7-2010)

**Sec. 13-46. Emergency measure.**

Pursuant to Montana Code Annotated (MCA), §§ 7-5-4203 and 7-5-4204, and because the city council has determined the need to control the sale, commerce, and public use of medical marijuana in the City of Glasgow, the City Council further declares the ordinance from which this article is derived to be an emergency measure which shall become effective immediately upon passage.  
(Ord. No. 944, § 1, 9-7-2010)



## Chapter 14

### OFFENSES AND MISCELLANEOUS PROVISIONS

#### **Sec. 14-1. Reserved.**

**Editors Note**—Ord. No. 867, §§ 1, 2, adopted Apr. 3, 1989, repealed §§ 14-1, 14-1.1. Prior to such repeal, § 14-1 pertained to congregating in streets and public places and bore no history note; § 14-1.1 pertained to disorderly conduct and was derived from Ord. No. 763, §§ 1, 2, adopted Apr. 7, 1975; and Ord. No. 802, § 1, adopted Oct. 18, 1980.

#### **Sec. 14-2. Disturbing peace; false alarms; assault and battery; cruelty to animals; obscene language.**

Any person within the limits of the city who shall willfully and maliciously or intentionally and unnecessarily disturb the peace and quiet of any street, neighborhood, family, or person by lewd, or unusual noises, vocal or instrumental, or shall make false alarms by crying "Fire!", or shall threaten, quarrel, scold, holler or shall evoke or commit an assault or an assault or battery or by any other means whatsoever disturb the peace or who shall wantonly and cruelly abuse any animal or utter any obscene, vulgar, or indecent language shall be deemed guilty of violating this Code and upon conviction thereof shall be punished as provided in section 1-6 hereof.

(Ord. 676, § 1, 8-15-51)

**Cross references**—Offense against animals, § 5-4; nudity in public, indecent exposures, obscene literature and pictures, §§ 14-6, 14-33.1; in connection with this section false fire alarms, see also, §§ 9-39(7), 14-15.

#### **Sec. 14-3. Same—Permitting violations on premises.**

Any person knowingly allowing any disturbance described in the foregoing section, upon premises owned or occupied by him shall be deemed guilty of violating this Code, and upon conviction thereof shall be punished as provided in section 1-6 of this Code. (Ord. 676, § 2, 8-15-51)

**Editor's note**—Former § 14-4, pertaining to public drunkenness as derived from Ord. No. 676, § 3, adopted Aug. 15, 1951, was repealed by Ord. No. 803, § 1, adopted 8-18-80.

#### **Sec. 14-4. Reserved.**

#### **Sec. 14-5. Disturbing public assemblies or private houses.**

Any person within the limits of the city who shall wantonly disturb any public hall or private house, by day or night, by rude,

profane, obscene or other offensive speech or lewd noises, or by any rude, offensive and improper behavior, or otherwise, shall be deemed guilty of violating this Code, and upon conviction thereof shall be punished as provided in section 1-6 hereof.  
(Ord. 676, § 4, 8-15-51)

### **Sec. 14-6. Nudity in public; indecent exposure; threatening or abusive language.**

Any person within the limits of the city, who shall appear in any public place in a state of nudity, or shall make an indecent exposure of his or her person, or shall perform any of the duties of nature in any street or alley, or in any place where such act shall be seen by passersby, or shall commit any indecent or lewd act in any place where such act can be seen by passersby in the city, or use any threatening or abusive language in the hearing of other persons publicly, shall be deemed guilty of a violation of this Code, and upon conviction thereof shall be punished as provided in section 1-6 of this Code.

(Ord. 676, § 5, 8-15-51; Ord. No. 870, § 1, 4-17-89)

**Cross reference**—Obscene language, § 14-2.

### **Sec. 14-7. Curfew for minors.**

(a) It shall be unlawful for any minor under the age of eighteen (18) years to be in or upon any of the streets, alleys, highways, or any public place, or other unsupervised place between the hours of 12:30 a.m. and 6:00 a.m.; provided however, that the provisions of this section do not apply to any minor accompanied by his or her parent, guardian, or other adult person having the care and custody of the minor, or where the minor is upon an emergency errand or legitimate business directed by his or her parent, guardian, or other adult person having the care and custody of the minor.

(b) It shall be unlawful for the parent, guardian, or other adult person having the care and custody of a minor under the age of eighteen (18) years to knowingly permit such minor to be in or upon any of the streets, alley, highways, or any public place or other unsupervised place between the hours of 12:30 a.m. and 6:00 a.m.; provided however, that the provisions of this section do not apply when the minor is accompanied by his or her parent, guardian, or other adult person having the care and custody of the minor, or where the minor is upon an emergency errand or legitimate business directed by his or her parent, guardian, or other adult person having the care and custody of the minor.

(c) Any minor person violating the provisions of subsection (a) hereof shall be taken into custody, turned over to the youth court authorities, and dealt with under the provisions of state law governing offenses committed by youths. Any parent, guardian, or other adult person having the care and custody of a minor violating subsection (b) hereof shall, upon conviction thereof, be guilty of a misdemeanor and shall be punished as set forth in section 1-6 of this Code.

(Ord. No. 741, §§ 1—3, 2-18-70; Ord. No. 870, § 2, 4-17-89; Ord. No. 908, § 1, 6-15-98)

**Editor's note**—Ord. No. 741, §§ 1—3, has been included herein as § 14-7 at the discretion of the editors.

### **Secs. 14-8—14-11. Reserved.**

**Editor's note**—Ord. No. 741, § 4, adopted Feb. 18, 1970, repealed Ord. No. 487 adopted March 10, 1942; Ord. No. 704 adopted July 6, 1960 and Ord. No. 707 adopted Feb. 1, 1961 from which former §§ 14-8—14-10 were derived. Said sections pertained to curfew for persons under the age of 19 years. Sec. 14-11 prohibited purchases from minors without written parental consent. Such section, derived from Ord. No. 355, § 1, adopted July 11, 1934, was repealed by Ord. No. 867, § 3, adopted Apr. 3, 1989.

### **Sec. 14-12. Junk and secondhand dealers; records of purchases.**

Every secondhand dealer or junk dealer in the city shall keep a written record of the date when each purchase was made by him, of the person and the address of the person from whom he purchased, the description of the articles purchased, and the price paid for it, and shall exhibit such record, upon demand, to any police officer of the city.

(Ord. 355, § 2, 7-11-34)

### **Sec. 14-13. Reserved.**

**Editor's note**—Former § 14-13, penalty for violation of sections 14-11 and 14-12, derived from Ord. 355, § 3, adopted July 11, 1934, was repealed by Ord. No. 867, § 4, adopted Apr. 3, 1989.

### **Sec. 14-14. Fireworks; storage, sale, possessing for sale, discharging.**

(a) It shall be unlawful for any person to store, sell, fire or explode or discharge any fireworks, Roman candles, skyrocket, pinwheels, toy pistols, toy cannons, flower pots, or any fireworks of any description within the city limits of the city.

(b) It shall be unlawful for any individual, firm, partnership, corporation, or association to possess for sale any fireworks, firecrackers, torpedoes or pyrotechnics of combustible or explosive composition capable of providing a visible or audible effect within the City of Glasgow, or within one (1) mile of the exterior boundaries thereof.

(Ord. No. 350, § 1, 5-31-34; Ord. No. 751, § 5, 7-11-73; Ord. No. 889, § 5, 6-21-93)

### **Sec. 14-15. False fire alarms; tampering with fire alarm system.**

It shall be unlawful for any person to turn in an alarm of fire or to in any manner disturb or tamper with the fire alarm boxes or fire alarm system of the city, when such person at the time of turning in such alarm or at the time of tampering with the fire alarm boxes or fire alarm system had no knowledge of the existence of a fire requiring the services of the fire department to extinguish the same.

(Ord. 267, § 1, 10-26-21)

**Cross references**—In connection with this section relating to false fire alarms, see also § 14-2; see also § § 9-39(7).

### **Secs. 14-16—14-19. Reserved.**

**Editor's note**—Ord. No. 871, §§ 1—3, adopted Apr. 17, 1989, repealed §§ 14-16—14-18 which pertained to gambling; § 14-16 prohibited setting up, promoting and participating; § 14-17 provided for forfeiture of moneys through civil proceedings by the city; and § 14-18 provided that apparatus, paraphernalia, etc., found on premises be prima facie evidence. Such sections bore no history notes. Former § 14-19 provided for seizure and destruction of gambling devices, bore no history note, and was repealed by Ord. No. 867, § 5, adopted Apr. 3, 1989.

### **Sec. 14-20. Public dances and dance halls; definitions.**

A public dance as herein used is hereby defined to be any dance to which the public, generally is invited.

A public dance hall, as herein used, is hereby defined to be any public hall in which dances are held and at which the public, generally, is invited.

(Ord. 254, §§ 8, 9, 2-18-20)

**Cross reference**—License to dance in establishments selling alcoholic beverages, § 12-2 et seq.

**Secs. 14-21—14-23. Reserved.**

**Editor's note**—Ord. No. 867, §§ 6—8, adopted Apr. 3, 1989, repealed the following sections:

14-21, minimum ages of persons attending public dances and dance halls, removal of minors;

14-22, dimming lights during dance unlawful;

14-23, proprietor permitting attendance of minors unlawful.

Such sections were derived from Ord. 254, §§ 1—3, adopted Feb. 18, 1920; and Ord. 257, §§ 1, 3, adopted Mar. 12, 1920.

**Sec. 14-24. Public dances and dance halls—Supervision by police; patrons revealing name upon request.**

Every public dance shall be subject to the supervision, control and inspection of the police officers of the city and any person attending any public dance in the city shall, upon request of any police officer of the city, give to such police officer or person in charge of such dance hall, his or her name and age.  
(Ord. 254, § 4, 2-18-20)

**Sec. 14-25. Same—Refusal of patron to reveal name and age.**

If any person so attending any public dance in the city shall fail to answer any questions relating to his name or age asked by any police officer of the city or by any person in charge of the dance hall, he may be and shall be summarily removed from such public dance hall.  
(Ord. 254, § 5, 2-18-20)

**Secs. 14-26—14-32. Reserved.**

**Editor's note**—Ord. No. 867, §§ 9—14, adopted Apr. 3, 1989, repealed §§ 14-26—14-29, 14-31 and 14-32. Ord. No. 871, § 4, adopted Apr. 17, 1989, repealed § 14-30. Prior to repeal, such sections pertained to false representations as parent of minor; minors in poolrooms and bowling alleys; prostitution, fornication and adultery; offenses against private property; resisting arrest and refusing to aid police; and spitting in public. Such sections were derived from:

Ord. No.	Date	Sec.	Ord. No.	Date	Sec.
207	6-27-17	7	257	3-12-20	6
253	2-18-20	1, 2	352	6-27-34	1
254	2-18-20	6	722	2-19-64	1, 2
256	3-12-20	1, 2	759	12-16-74	1A, 2A

with the exception of § 14-31 which bore no history note.

**Sec. 14-33. State misdemeanors.**

- (1) It shall be unlawful to commit, within the limits of the city, any act which is recognized by the general law of the State of Montana as a misdemeanor, and the commission of such acts is hereby forbidden.
- (2) Whosoever shall violate the provisions of this section, upon conviction thereof, shall be punished as provided in section 1-6 of this Code.

**Editor's note**—Formerly, provisions pertaining to the city's assumption of jurisdiction of certain public offenses were codified as § 14-33.1. Such provisions, derived from Ord. No. 746, § 1, adopted June 16, 1971, and Ord. No. 752, adopted July 11, 1973, were repealed by Ord. No. 867, § 15, adopted Apr. 3, 1989.

**Sec. 14-34. Tourist camps and lodging houses—Registration of guests required; information; open to inspection.**

Every tourist camp and place where transients are lodged shall keep a register on which each person lodging at the camp or place shall enter the date on which he registers, the license number of his automobile, truck or motorcycle, if he is traveling in an automobile, truck or motorcycle, and the state issuing the license, the make and model of the automobile, truck or motorcycle, his own name and place of residence and the name and place of residence of each person traveling with him. This register shall be open to the public and to public inspection and to inspection of officers and employees of the city at all times.

(Ord. 359, § 1, 11-14-34)

**Cross reference**—Duty of manager of trailer park to maintain register of guests, § 19-4(c)(1).

**Secs. 14-35—14-38. Reserved.**

**Editor's note**—Ord. No. 867, §§ 16—19, adopted Apr. 3, 1989, repealed §§ 14-35—14-38, which pertained to false registration, failure to register and failure to keep registration book at lodging places; defined and provided penalty for vagrants; and prohibited carrying concealed weapons. Such sections were derived from Ord. 3, § 1, adopted June 13, 1902; Ord. No. 353, §§ 1, 2, adopted June 27, 1934; and Ord. 359, §§ 2, 3, adopted Nov. 14, 1934.

**Sec. 14-39. Abandoned, unattended, discarded refrigerators, etc., prohibited; penalty.**

- (1) It shall be unlawful for any person, firm or corporation to leave or permit to remain outside of any dwelling, building or other structure or within any unoccupied or abandoned building, dwelling or structure under his or its control in a place accessible to children any abandoned,

unattended or discarded ice box, refrigerator, or other container which has an airtight door or lid, snap lock or other locking device which may not be released from the inside without first removing said door or lid, snap lock or other locking device from said ice box, refrigerator or container.

- (2) Any firm, person or corporation violating any of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding one hundred dollars (\$100.00) or being imprisoned for a period not exceeding thirty (30) days or be both so fined and imprisoned. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

(Ord. No. 723, § 1, 2, 6-3-64)

**Editor's note**—Ord. No. 723, §§ 1 and 2, is included herein as § 14-39 at the discretion of the editors.



## Chapter 15

### PERSONNEL\*

Art. I. In General, §§ 15-1—15-15  
Art. II. Leaves, §§ 15-16—15-26

#### ARTICLE I. IN GENERAL

Secs. 15-1—15-15. Reserved.

#### ARTICLE II. LEAVES†

Sec. 15-16. Definitions.

For the purpose of this article, the following definitions apply:

*Break in service* means a period of time in excess of five (5) working days when the person is not employed and that severs continuous employment.

*City* means the City of Glasgow.

*Continuous employment* means working within the same jurisdiction without a break in service of more than five (5) working days or without a continuous absence without pay of more than fifteen (15) working days.

*Employee* means any person employed by the city except elected city officials and persons contracted as independent contractors or hired under personal services contracts.

*Employee, full-time* means an employee who normally works forty (40) hours a week.

*Employee, part-time* means an employee who normally works less than forty (40) hours a week.

*Employee, permanent* means an employee who is assigned to a position designated as permanent.

\***Editor's note**—Formerly, Ch. 15, §§ 15-1—15-16, pertained to peddlers, solicitors and itinerant merchants, derived from Ord. No. 703, §§ 1—16, adopted May 4, 1960. Such provisions were repealed by Ord. No. 805, adopted Dec. 1, 1980.

**Cross references**—Administration generally, Ch. 2; bonds for officers and employees, § 2-7.

†**Editor's note**—Ord. No. 881, §§ 1—11, adopted May 15, 1989, enacted provisions pertaining to leave time for city employees, but did not specify manner of codification; hence, such provisions have been designated by the editor as Art. II, §§ 15-16—15-26. For the derivation of each specific section, see the history note following the section.

*Employee, seasonal* means an employee assigned to a position designated as seasonal and for which the city has a permanent need but which is interrupted by the seasonal nature of the assignment.

*Employee, temporary* means an employee assigned to a position designated as temporary and created for a definite period of time not to exceed nine (9) months.

*Sick leave* means a leave of absence with pay for a sickness suffered by an employee or his immediate family.

*Vacation leave* means a leave of absence with pay for the purpose of rest, relaxation, or personal business at the request of the employee and with the concurrence of the employer. (Ord. No. 881, § 1, 5-15-89)

### **Sec. 15-17. Administration of rules.**

The administrative officer of the city is responsible for the proper administration of the employee annual, sick, or military leave provisions and the jury duty provisions found in this article. The city shall promulgate rules necessary to achieve the uniform administration of these provisions and to prevent the abuse thereof. When promulgated, the rules are effective as to all employees of the city. (Ord. No. 881, § 3, 5-15-89)

### **Sec. 15-18. Holidays; observance when falling on employee's day off.**

Any full-time employee who is scheduled for a day off on a day which is observed as a legal holiday, except Sundays, shall be entitled to receive a day off with pay either on the day preceding the holiday or on another day following the holiday in the same pay period or as scheduled by the employee and his supervisor, whichever allows a day off in addition to the employee's regularly scheduled days off, provided the employee is in a pay status on his last regularly scheduled working day immediately before the holiday or on his first regularly scheduled working day immediately after the holiday. Part-time employees receive pay for the holiday on a prorated basis according to rules adopted by the city under section 15-17 of this article. (Ord. No. 881, § 2, 5-15-89)

### **Sec. 15-19. Annual vacation leave.**

(a) Each permanent full-time employee shall earn annual vacation leave credits from the first day of employment. Vacation leave credits earned shall be credited at the end of each pay period. However, employees are not entitled to any vacation leave with pay until they have been continuously employed for a period of six (6) calendar months.

(b) Seasonal employees shall earn vacation credits. However, such persons must be employed six (6) qualifying months before they may use the vacation credits. In order to qualify, such employees must immediately report back for work when operations resume in order to avoid a break in service.

(c) Permanent part-time employees are entitled to prorated annual vacation benefits if they have worked the qualifying period.

(d) An employee may not accrue annual vacation leave credits while in a leave-without-pay status.

(e) Temporary employees do not earn vacation leave credits, except that a temporary employee who is subsequently hired into a permanent position without a break in service and temporary employees who are employed continuously longer than six (6) months may count as earned leave credits for the immediate term of temporary employment.

(f) An employee whose hours have been reduced temporarily from forty (40) hours a week to less than forty (40) hours a week as a result of a budget deficit accrues annual vacation leave credits as if he were a full-time employee. A reduction in hours resulting from a budget deficit is temporary if it ends on or before the last day of the current fiscal year. (Ord. No. 881, § 4, 5-15-89)

**Sec. 15-20. Rate earned.**

(a) Vacation leave credits are earned at a yearly rate calculated in accordance with the following schedule, which applies to the total years of an employee's employment with the city whether the employment is continuous or not:

<i>Years of employment</i>	<i>Working days credit</i>
1 day through 10 years	15
10 years through 15 years	18
15 years through 20 years	21
20 years on	24

(b) For the purpose of determining years of employment under this section, an employee eligible to earn vacation credits under section 15-19 of this article must be credited with one (1) year of employment for each period of:

- (1) Two thousand eighty (2,080) hours of service following his date of employment; and employee must be credited with eighty (80) hours of service for each biweekly pay period in which he is in a pay status or on an authorized leave of absence without pay, regardless of the number of hours of service in the pay period; or

- (2) Twelve (12) calendar months in which he was in a pay status or on an authorized leave of absence without pay, regardless of the number of hours of service in any one (1) month. (Ord. No. 881, § 5, 5-15-89)

### **Sec. 15-21. Military leave considered service.**

A period of absence from employment with the city occurring either during a war involving the United States or in any other national emergency and for ninety (90) days thereafter for one of the following reasons is considered as service for the purpose of determining the number of years of employment used in calculating vacation leave credits under this section:

- (1) Having been ordered on active duty with the armed forces of the United States;
- (2) Voluntary service on active duty in the armed forces or on ships operated by or for the United States government; or
- (3) Direct assignment to the United States Department of Defense for duties related to national defense efforts if a leave of absence has been granted by the employer. (Ord. No. 881, § 6, 5-15-89)

### **Sec. 15-22. Determination of vacation dates.**

The dates when employees' annual vacation leaves shall be granted shall be determined by agreement between each employee and his supervisor with regard to the best interest of the city as well as the best interests of each employee. (Ord. No. 881, § 8, 5-15-89)

### **Sec. 15-23. Accumulation of vacation leave; cash for unused.**

(a) Annual vacation leave may be accumulated to a total not to exceed two (2) times the maximum number of days earned annually as of the end of the first pay period of the next calendar year. Excess vacation time is not forfeited if taken within ninety (90) calendar days from the last day of the calendar year in which the excess was accrued.

(b) An employee who terminates his employment for reason not reflecting discredit on himself shall be entitled upon the date of such termination to cash compensation for unused vacation leave, assuming that the employee has worked the qualifying period set forth in section 15-19 of this article. (Ord. No. 881, § 9, 5-15-89)

**Sec. 15-24. Absence due to illness not chargeable against vacation without employee approval.**

Absence from employment by reason of illness shall not be chargeable against unused vacation leave credits unless approved by the employee. (Ord. No. 881, § 7, 5-15-89)

**Sec. 15-25. Sick leave.**

(a) Each permanent full-time employee shall earn sick leave credits from the first day of employment. For calculating sick leave credits, two thousand eighty (2,080) hours (52 weeks × 40 hours) shall equal one (1) year. Sick leave credits shall be credited at the end of each pay period. Sick leave credits shall be earned at the rate of twelve (12) working days for each year of service without restriction as to the number of working days that may be accumulated. Employees are not entitled to be paid sick leave until they have been continuously employed ninety (90) days.

(b) An employee may not accrue sick leave credits while in a leave-without-pay status.

(c) Permanent part-time employees are entitled to prorated leave benefits if they have worked the qualifying period.

(d) Full-time temporary and seasonal employees are entitled to sick leave benefits provided they work the qualifying period.

(e) An employee shall furnish, upon request of his supervisor, the mayor, or the city council, evidence of his illness or medical treatment.

(f) An employee who terminates employment with the city is entitled to a lump-sum payment equal to one-fourth of the pay attributed to the accumulated sick leave. The pay attributed to the accumulated sick leave shall be computed on the basis of the employee's salary or wage at the time he terminates his employment with the city.

(g) An employee who receives a lump-sum payment pursuant to this section and who is again employed by the city shall not be credited with any sick leave for which the employee has previously been compensated.

(h) Abuse of sick leave is cause for dismissal and forfeiture of the lump-sum payments provided for in this section.

(i) An employee whose hours have been reduced temporarily from forty (40) hours a week to less than forty (40) hours a week as a result of a budget deficit shall accrue annual sick leave

credits as if he were a full-time employee. A reduction in hours resulting from a budget deficit is temporary if it ends on or before the last day of the current fiscal year. (Ord. No. 881, § 10, 5-15-89)

**Sec. 15-26. Jury duty; service as witness.**

(a) Each employee who is under proper summons as a juror shall collect all fees and allowances payable as a result of the service and forward the fees to the city clerk. Juror fees shall be applied against the amount due the employee from his employer. However, if an employee elects to charge his juror time off against his annual leave, he shall not be required to remit his juror fees to his employer. In no instance is an employee required to remit to his employer any expense or mileage allowance paid him by the court.

(b) An employee subpoenaed to serve as a witness shall collect all fees and allowances payable as a result of the service and forward the fees to the city clerk. Witness fees shall be applied against the amount due the employee from his employer. However, if an employee elects to charge his witness time off against his annual leave, he shall not be required to remit his witness fees to his employer. In no instance is an employee required to remit to his employer any expense or mileage allowances paid him by the court.

(c) Employers may request the court to excuse their employees from jury duty if they are needed for the proper operation of a unit of local government. (Ord. No. 881, § 11, 5-15-89)

## Chapter 16

### PLUMBING\*

#### Sec. 16-1. Short title; administration and enforcement of provisions.

This chapter shall be known as the "Plumbing Code of the City of Glasgow," may be so cited, and will be referred to in this chapter as "this code".

The administration and enforcement of this chapter shall be the duty of the city engineer who is hereby authorized to take such action as may be reasonably necessary to enforce the purpose of this chapter. Such person or persons may be appointed and authorized as assistants or agents of such administrative authority as may be necessary to carry out the provisions of this code. (Ord. No. 712, § 1, 7-12-62)

**Editor's note**—Section 16-1, as originally enacted, provided for this Chapter to be known as the "National Plumbing Code"; inasmuch as the city, pursuant to Ord. No. 774, § 2, adopted June 20, 1977, has adopted the Uniform Plumbing Code as the technical standard for plumbing installation in the city, and inasmuch as the content of this chapter is broader than the contents of the Uniform Plumbing Code, the editor has substituted in lieu of the phrase "National Plumbing Code" the title "Plumbing Code of the City of Glasgow".

#### Sec. 16-2. Scope of provisions.

The provisions of this code shall apply to and govern plumbing as defined in this code, including the practice, materials and fixtures used in the installation, maintenance, extension, and alteration of all piping, fixtures, appliances, and appurtenances in connection with any of the following: sanitary drainage or storm drainage facilities, the venting system, and the public or private water supply systems, within or adjacent to any building or other structure, or conveyance; also the practice and materials used in the installation, main-

**\*Editor's note**—Ch. 16, §§ 16-1—16-16, is derived from Ord. No. 712, §§ 1—16, adopted July 12, 1962. Sec. 17 of said ordinance expressly repealed Ord. No. 233 adopted Dec. 13, 1917 and Ord. No. 649 adopted Nov. 5, 1952 from which Ch. 16, §§ 16-1—16-6, was formerly derived.

**Cross references**—Buildings generally, Ch. 7; gas piping and appliances, Ch. 11; housing, Ch. 11A; permits to install private cesspools, septic tanks, § 20-1; connection to city sewer line, § 20-23; regulations concerning city sewerage system, § 20-21 et seq.; regulations concerning city water and waterworks, § 20-6 et seq.

Supp. No. 8

tenance, extension or alteration of the storm water or sewerage system of any premises to their connection with any point of public disposal or other terminal. (Ord. No. 712, § 2, 7-12-62)

**Sec. 16-3. Recognition that only portion of certain facilities under control or ownership of owner or occupant.**

It is recognized that certain facilities in or adjacent to public streets are referred to in this code, only a portion of which is under the ownership or the control of the owner or occupant of the building or premises to which this code applies. (Ord. No. 712, § 3, 7-12-62)

**Sec. 16-4. Plumber's license and bond required.**

(1) *Scope of work:* No person shall engage in or conduct the business of water or sewer connecting or in any manner perform any work in the city or upon any of the mains, connections or appliances pertaining to the city sewer and waterworks until he shall have been granted a proper license for such work, and filed the required bond and received a permit therefor.

(2) *Application for license:* The application for license shall present proof to the city of having had issued to him a valid master plumber's certificate of qualification by the Montana Board of Plumber Examiners.

(3) *Fee and duration of license:* The license fee shall be twenty-five dollars (\$25.00) per annum, payable in advance, and no license shall be granted for a greater or less period than one (1) year. Licenses will be issued on a calendar year.

(4) *Bond:* At the time of application for a license and before the same shall be issued, the applicant shall file with the city clerk a bond in the sum of five thousand dollars (\$5,000.00) conditioned upon the protection of the city against all loss or damage which may occur on account of such license through any carelessness or negligence in either the execution or protection of his work, or by reason of any unfaithful or inadequate work done by such person or by his employees, and that the licensee will also conform to the conditions and requirements set forth in the rules and regulations of the city and the State of Montana. (Ord. No. 712, § 4, 7-12-62; Ord. No. 750, §§ 1—4, 1-24-73)

*Editor's note*—Not specifying the manner of codification, Ord. No. 750 was codified as § 16-4, superseding former § 16-4, at the editor's discretion.

Supp. No. 8

**Sec. 16-5. Supervision of work.**

No individual, firm, partnership, or corporation shall engage in the business of installing, repairing, or altering plumbing unless the plumbing work performed in the course of such business is under the direct supervision of a licensed master plumber. (Ord. No. 712, § 5, 7-12-62)

**Sec. 16-6. Use of licensee's name by another.**

No person who has obtained a plumber's license shall allow his name to be used by another person either for the purpose of obtaining permits or for doing business or work under the license. Every person licensed shall notify the board of the address of his place of business, if any, and the name under which such business is carried on and shall give immediate notice to the board of any change in either. (Ord. No. 712, § 6, 7-12-62)

**Sec. 16-7. Uniform Plumbing Code adopted by reference.**

(1) The current edition of the Uniform Plumbing Code published by the International Association of Plumbing and Mechanical Officials and all accompanying appendices, amendments and modifications adopted by the Building Codes Bureau, Montana Department of Commerce (or its successor), as set out in the Administrative Rules of Montana, as amended from time to time by the building codes bureau, are adopted by reference and incorporated in this section as if set forth in full, except for any exceptions noted in this section or any regulations not applicable to local government jurisdictions. The provisions of this model technical code regulate all plumbing and gas piping systems within the city and its jurisdictional area.

(2) Any amendments adopted by the building codes bureau which apply to local government jurisdictions, including the adoption of the latest editions of this model technical code or applicable Administrative Rules of Montana, shall become effective in the City of Glasgow ninety (90) days after the date that the bureau notifies the city of said amendments.

(3) One (1) copy of this model technical code shall be on file in the office of the city clerk.

(4) Any appeal under this model technical code shall be to the board of appeals as set forth in Chapter 6A of this City Code.

(5) A violation of this model technical code or the applicable Administrative Rules of Montana, is a misdemeanor. Any person,

firm or corporation convicted of a violation shall be punished as provided in section 1-6 of this City Code.

(Ord. No. 774, §§ 2, 5, 6-20-77; Ord. No. 868, §§ 2, 5, 4-17-89; Ord. No. 894, § 13, 12-19-94)

**Editor's note**—Ord. No. 774, §§ 2, 5, adopted June 20, 1977, did not expressly amend the Code; hence, inclusion herein as a new § 16-7, superseding former §§ 16-7, 16-8, is at the discretion of the editor. Former §§ 16-7, 16-8, provided for adoption of a technical code of plumbing standards and for maintaining official copies of said code on file; said former sections were derived from Ord. No. 712, §§ 7, 8, adopted July 12, 1962.

**State law reference**—Authority to adopt technical plumbing codes by reference, RCM 1947, § 11-1102.

### **Sec. 16-8. Reserved.**

**Note**—See editor's note, § 16-7.

### **Sec. 16-9. Permit for plumbing work—Required; issuance.**

No plumbing work, unless excepted in this section, shall be undertaken prior to the issuance of a permit therefor by the city engineer. A permit shall be issued to a licensed master plumber except as provided below. (Ord. No. 712, § 9, 7-12-62)

### **Sec. 16-10. Same—Exception.**

Any permit required by this code may be issued to any person to do any work regulated by this code in a single-family dwelling used exclusively for living purposes, including the usual accessory buildings and quarters in connection with such building, provided the person is the bona fide owner of such dwelling and that the same will be occupied by said owner and that said owner shall personally purchase all material and perform all labor in connection therewith, and complying with the requirements of this code. (Ord. No. 712, § 10, 7-12-62)

### **Sec. 16-11. Same—Application.**

Application for a permit for plumbing work shall be made on suitable forms provided by the city engineer. The application shall be accompanied by fees in accordance with schedule of fees. (Ord. No. 712, § 11, 7-12-62)

### **Sec. 16-12. Same—Requirements; plans and specifications.**

No permit shall be issued until plans and specifications showing the proposed work in necessary detail have been sub-

mitted to the city engineer and the board has determined from examination of such plans and specifications that they give assurance that the work will conform to the provisions of this code. If a permit is denied, the applicant may submit revised plans and specifications without payment of the additional fee. If, in the course of the work, it is found necessary to make any has been issued, amended plans and specifications shall be sub-change from the plans and specifications on which a permit mitted and a supplementary permit, subject to the same conditions applicable to original application for permit, shall be issued to cover the change. (Ord. No. 712, § 12, 7-12-62)

#### **Sec. 16-13. Protection of water supply system.**

The city engineer shall make such rules and regulations in furtherance of the purposes of this code, and not inconsistent with the specific provisions of this code, for the installation, repair or alteration of air conditioning systems, water treatment equipment, and water evaporating devices as may be deemed necessary to properly protect the water supply system. (Ord. No. 712, § 13, 7-12-62)

#### **Sec. 16-14. Inspection and tests.**

It shall be the duty of the city engineer to enforce the provisions of this code and to make the inspections and tests required thereunder. (Ord. No. 712, § 14, 7-12-62)

#### **Sec. 16-15. City's right of entry.**

The administrative authority shall prepare, and it and its authorized representatives shall carry, sufficient identification and shall exhibit same before entering any premises for the purpose of inspecting any plumbing system at such times as may be reasonably necessary to protect the public health. (Ord. No. 712, § 15, 7-12-62)

#### **Sec. 16-16. Penalty.**

Any person violating any provision of this chapter shall be punishable by fine of not less than one dollar (\$1.00) nor more than three hundred dollars (\$300.00) or imprisonment for not less than one (1) day nor more than ninety (90) days. (Ord. No. 712, § 16, 7-12-62)



## Chapter 16A

### POLICE\*

#### **Sec. 16A-1. Short title.**

This chapter shall be known and may be cited as the "Police Ordinance of the City of Glasgow." (Ord. No. 718, § 1, 7-31-63; Ord. No. 860, § 1, 11-2-87)

#### **Sec. 16A-2. Definitions; supervision of police department.**

As used in this chapter unless the context otherwise requires:

- (1) *Mayor* is the duly elected, qualified, and acting mayor of the City of Glasgow.
- (2) *Chief of police* is the officer who shall have direct supervision and control of all personnel of the police department and of all operations of the department.
- (3) *City* is the City of Glasgow.
- (4) *City council* or *council* is the council of the City of Glasgow.

The mayor shall have charge of and supervision of the police department and shall appoint all the members and officers thereof; and he shall nominate and, with the consent of the city council, appoint five (5) residents of the City of Glasgow who shall constitute a board to be known as the police commission. (Ord. No. 718, § 2, 7-31-63; Ord. No. 860, § 2, 11-2-87)

#### **Sec. 16A-3. Police commission; appointment, terms, rights and powers; adoption of rules and regulations.**

Members of the police commission shall hold office for three (3) years and appointments shall be made annually at the first regular meeting of the city council in May of each year provided that in the year 1963, the mayor shall, subject to the approval of the council, appoint three (3) members to the police commission: one to serve for one (1) year, one to serve for two (2) years, and one to serve for three (3) years from the date of their appointment and confirmation. In the year 1987, the mayor shall, subject to the

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\*Editor's note—Ord. No. 718, §§ 1—4, adopted July 31, 1963, did not expressly amend this Code, hence codification as Ch. 16A, §§ 16A-1—16A-4, was at the discretion of the editors. In several instances, catchlines and catch phrases were altered to facilitate indexing and use.

**Cross references**—Bond of chief of police, police magistrate, § 2-7; responsibility of police chief for city prisoners, § 2-9; duty to aid fire department, § 9-40(3); offenses generally, Ch. 14.

approval of the council, appoint two (2) new members to the police commission: one to serve for two (2) years and one to serve three (3) years.

The police commission shall be vested with all of the rights and powers and shall discharge all of the duties of the police commission as described in Title 7, Chapter 32, Montana Code Annotated, and may at their discretion adopt such rules and regulations not inconsistent with the provisions of said title and chapter as may be necessary to facilitate and properly administer their duties. (Ord. No. 718, § 3, 7-31-63; Ord. No. 860, § 3, 11-2-87)

#### **Sec. 16A-4. Membership in the police force.**

(1) *Appointment, confirmation, application, training, probationary period.* All appointments to the police force must be appointed by the mayor and confirmed by the city council. No such appointment may be made until an application for such position on the police force has been filed with the mayor and referred by him to the police commission. Each applicant must successfully complete the peace officer's standard training requirements and a certificate from the police commission to the effect that the applicant has qualified for appointment must be filed with the mayor. Every applicant who has passed the examination must first serve for a probationary period of one (1) year. Within thirty (30) days after the completion of such probationary period, the appointment of said applicant must be submitted to the city council for approval and confirmation. If such appointment is confirmed by the city council, applicant becomes a member of the police force and shall hold such position during good behavior unless suspended or discharged as provided by law.

(2) *Examination.* All applicants for positions on the police force shall be required to successfully undergo an examination before the police commission, and it shall be the duty of the police commission to examine all such applicants as to their legal, mental, and physical qualifications as to their ability to fill the position as a member of the police force.

(3) *Active list, eligible list.* The city council shall divide the police membership into two (2) lists, one an active list who are actually employed and receive pay while so employed, and one an eligible list who shall not receive pay while not actually employed as an officer or member.

(4) *Age requirements.* The members of the police department at the time of their appointment shall not be less than twenty-one (21) years of age nor more than forty (40) years of age provided, however, that members of the police force who have continuously

served in the police force of the City of Glasgow for a continuous period of three (3) years before the enactment of this subsection shall not be subject to the age restriction herein provided; nor shall such age restriction apply to an honorably discharged person who served in the Armed Forces of the United States in time of war for a period of three (3) months or more.

(5) *Reserved.*

(6) *Days off duty.* Each member of the police force shall be given two (2) days off duty in each seven day period without loss of compensation.

(7) *Acceptance of gratuities, rewards, gifts, etc.* No member of the police force shall accept or receive from any person or persons any gratuity, reward, or gift, or other article or thing directly or indirectly as compensation or pay for services rendered in the discharge of his duties as a member of the police force, except his regular stipulated pay from the City of Glasgow. This rule shall not prevent the acceptance by any such member of advertised rewards for wanted criminals, rewards for meritorious service, or rewards of similar nature; but the acceptance of a reward of any such character shall be made after report to and approval by the mayor.

(8) *Disposing of seized, etc., property.* All property taken on suspicion of having been feloniously obtained or of being the proceeds of a crime and all stolen and other property seized officially by the members of the police force shall be deposited with the chief of police or the officer in charge of the shift during which such property is taken or seized.

(9) *Uniform.* During the hours when he is on duty, every member of the police department shall be dressed in the official uniform and shall carry the equipment prescribed by the chief of police. All members of the police department shall keep their uniforms in a clean, neat, and well-pressed condition to adhere to accepted standards in personal appearance, in care and maintenance of uniform and equipment.

(10) *Outside employment.* All members of the police department shall make such employment their principal business and shall have no other permanent employment and shall not engage in any temporary employment which will interfere in any way with his duties as a police officer.

(11) *Acts resulting in disciplinary action.* Acts or failure to act by any member of the police department which will automatically make him subject to disciplinary action up to and including

discharge are: Reporting to duty under the influence of intoxicating liquor or partaking of intoxicating liquor during the hours when he is on duty, insubordination, disobedience of lawful orders or disrespect toward a superior officer, neglect or wilful failure to carry out assigned duties, conduct at any time which will bring discredit upon himself or the department, neglect or refusal to pay a just debt, or any other act contrary to good order and discipline. (Ord. No. 718, § 4, 7-31-63; Ord. No. 860, §§ 4-7, 11-2-87)

## Chapter 17

### STREETS AND SIDEWALKS\*

- Art. I. In General, §§ 17-1—17-24
- Art. II. Construction and Repair of Sidewalks, §§ 17-25—17-38
- Art. III. Excavations and Openings in Streets, §§ 17-39—17-45
- Art. IV. Trees and Shrubbery, §§ 17-46—17-52
- Art. V. Curb Cuts and Driveway Construction, §§ 17-53—17-70
- Art. VI. Uniform Right-of-Way Encroachment Code, §§ 17-71—17-76

#### ARTICLE I. IN GENERAL

##### Sec. 17-1. Street defined.

For the purpose of this chapter the word street as herein used shall mean to include all streets, avenues, alleys, roadways, parkways, thoroughfares, or any part thereof. (Ord. 654, § 22, 10-21-53)

##### Sec. 17-2. Official street grades.

The grades as given upon the official profiles in the city engineer's office, so far as the same may have been or may hereinafter be approved by the city council, are hereby declared to be the established grades upon the streets and parts of streets therein shown. (Ord. 654, § 1, 10-21-53)

##### Sec. 17-3. Alterations in street grades; clerk to notify city engineer.

It shall be the duty of the city engineer to make such alterations upon the official profiles of all the several streets, and upon the duplicates of the profiles, that may from time to time become necessary to indicate any changes that may have been ordered by the city council, or may hereafter be ordered in the established grade of any street or part of any street. And the city clerk shall notify the city engineer of all official profiles approved or changed by the city council. (Ord. 654, § 2, 10-21-53)

##### Sec. 17-4. Cross sections of streets.

The cross section of a street shall be established by the city engineer upon any or all streets in the city whenever so di-

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\*Cross references—Signs over sidewalks, § 3-3; distribution of handbills on streets, § 3-4; posting bills on poles on streets, § 3-7; placing banners and canvas signs across streets, § 3-8; depositing garbage and trash in streets and public places, § 10-15; transporting garbage through streets, § 10-16; driving vehicles on sidewalks, § 18-39.

rected by the city council, and the city engineer shall report his action in establishing the cross section of any street to the city council for approval. (Ord. 654, § 3, 10-21-53)

### **Sec. 17-5. Circular curbs at intersecting streets.**

All intersecting curbs on streets shall be connected by a circular curb of not less than eight (8) foot radius from a center formed by such circular curb. (Ord. 654, § 4, 10-21-53)

### **Sec. 17-5.1. Ramps for the physically handicapped.**

(a) Pursuant to section 228 of the Federal Highway Act of 1973, and in response to demand by the department of highways of the State of Montana, the city council has determined that it is in the best interests of inhabitants of the City of Glasgow, that reasonable access for the safe and convenient movement of the physically handicapped persons, including those in wheel chairs, [should be provided, and therefore, the city] should provide ramps at all pedestrian crossings on all public thoroughfares within the city.

(b) The city council has adopted a standard drawing specifying dimension and design of such ramps and by this reference the standard drawing is constituted as a part of this section.

(c) From and after the effective date of this section all pedestrian cross walks serving public thoroughfares within the City of Glasgow, shall be designed in conformity with this section, whether such project be new construction or replacement work.

(d) It shall be unlawful, and punishable with fine or imprisonment or both, for any person, firm, or corporation to construct, reconstruct, or install any curb or gutter bordering upon a public thoroughfare within the City of Glasgow without first obtaining a written permit therefor from the city engineer, whose duty it shall be to require that such work be done in compliance with said permit and in conformity with the terms of this section. (Ord. No. 770, §§ 1-4, 6-21-76)

**Editor's note**—Ord. No. 770, §§ 1-4, adopted June 21, 1976, being non-amendatory of this Code, is included herein as a new § 17-5.1 in the editor's discretion. A copy of the standard drawing specifying dimension and design of ramps for handicapped persons is on file in the office of the city clerk.

### **Sec. 17-6. Area wall—Proximity to curbs.**

No subterranean area wall shall hereafter be built approaching nearer than two (2) feet of the inside or sidewalk side of  
Supp. No. 7

the curbing under a penalty of not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00), which shall be recovered by fine as in other cases of misdemeanor, made and provided. (Ord. 654, § 5, 10-21-53)

**Sec. 17-7. Poles and hydrants, placed inside curb.**

All telegraph, telephone, electric light, electric power and fire alarm poles, and all hydrants shall be placed inside of and within twelve (12) inches of the curb, and it shall be unlawful to place any obstruction whatever outside of the curb. (Ord. 654, § 6, 10-21-53)

**Sec. 17-8. Obstructing or occupying streets and sidewalks during building construction—Maximum occupancy permitted.**

Any person who shall desire to occupy or obstruct any part of any sidewalk or street during the excavation for any building, or for the storage of material, for the construction, repair or removal of any building may, after having procured the permits required by law and the ordinances of the city, occupy or obstruct for such purposes not more than one-third ( $\frac{1}{3}$ ) of the width of such street, including the sidewalk on the conditions hereinafter set forth. (Ord. 654, § 15, 10-21-53)

**Sec. 17-9. Same—Enclosing with fence; temporary wooden sidewalk.**

Such person shall construct and maintain, during the progress of such work, a good and sufficient fence, enclosing such excavation or obstruction, provided that a driveway may be left in such fence during the actual delivery of material into or from such excavation. Such driveway shall be safely closed except when in actual use. Such person shall construct and



maintain a sidewalk free from obstructions, not less than three feet in width and composed of plank not less than two inches in thickness around such excavation, or such materials or fence for the use and benefit of pedestrians and the public using such obstructed street and sidewalk. (Ord. 654, § 16, 10-21-53.)

**Sec. 17-10. Same—Warning lights.**

Warning or flare lights shall be placed about such excavations or deposits of material from dark to daylight of each day. (Ord. 654, § 17, 10-21-53.)

**Sec. 17-11. Same—Only street in front of premises to be used; rubbish disposal.**

That portion of the sidewalk or street, so to be used shall be only that portion directly in front of the property to be improved, and no material shall be stored upon the street, except such as is to be immediately used in such improvement or construction. No rubbish removed from the excavation of a building shall be allowed to be stored upon the street, but the same must be removed from day to day. (Ord. 654, § 18, 10-21-53.)

**Cross reference.**—Cost of removal of rubbish borne by person responsible, § 10-18.

**Sec. 17-12. Same—Termination of permit; removal of fence, etc.**

The permission herein given shall terminate with the construction of the intended improvement and such fence and all other obstructions shall be immediately removed. (Ord. 654, § 19, 10-21-53.)

**Sec. 17-13. Streets closed for repairs—Driving vehicles on; removing barricades, etc.**

Whenever by order of the city council any street or any portion thereof, has been temporarily closed for constructing improvements thereon or repairing the same, it shall be unlawful for any person other than the city contractor or the city's employees in case the city itself is constructing such improvement, to ride or drive any animal or operate any vehicle thereon, or to interfere with, take down or remove any of the lights, barricades, guards, or barriers, or any portions thereof, surrounding the closed portion of such street or alley. (Ord. 654, § 21, 10-21-53.)

**Sec. 17-14. Obstructing sidewalks with merchandise, etc.**

It shall be the duty of any of the occupants of any premises within the limits of the city to keep the sidewalks in front of same at all times clear of boxes, wood or other encumbrance or obstructions to travel, except that such occupant, when receiving or shipping goods may temporarily occupy such portions of the sidewalk as is necessary for that purpose, leaving a passageway open at all times. (Ord. 207, § 2, 6-27-17.)

**Sec. 17-15. Storm or rainwater drainage system into streets.**

No person shall, without the consent of the city council, erect, construct or maintain any gutter, eavestrough or other rain water drainage system extending or projecting into, over or across any street or sidewalk within the city. (Ord. 207, § 5, 6-27-17.)

**Sec. 17-16. Street names changed.**

Hereafter\* the following named streets and avenues be changed and be designated as herein provided.

Front Street shall be known and designated as First Avenue South.

Market Street shall be known and designated as Second Avenue South.

Chestnut Street shall be known and designated as Third Avenue South.

Walnut Street shall be known and designated as Fourth Avenue South.

Spruce Street shall be known and designated as Fifth Avenue South.

Pine Street shall be known and designated as Sixth Avenue South.

Maple Street shall be known and designated as Seventh Avenue South.

Fir Street shall be known and designated as Eighth Street South.

First Street south of the Great Northern Railway Track shall be known and designated as South First Street.

Second Street south of the Great Northern Railway Track shall be known and designated as South Second Street.

Third Street south of the Great Northern Railway Track shall be known and designated as South Third Street.

\* The ordinance from which this section is derived was passed on January 28, 1914.

Fourth Street south of the Great Northern Railway Track shall be known and designated as South Fourth Street.

Fifth Street south of the Great Northern Railway Track shall be known and designated as South Fifth Street.

Sixth Street south of the Great Northern Railway Track shall be known and designated as South Sixth Street.

Seventh Street south of the Great Northern Railway Track shall be known and designated as South Seventh Street.

Eighth Street south of the Great Northern Railway Track shall be known and designated as South Eighth Street.

Ninth Street south of the Great Northern Railway Track shall be known and designated as South Ninth Street.

Tenth Street south of the Great Northern Railway Track shall be known and designated as South Tenth Street.

Eleventh Street south of the Great Northern Railway Track shall be known and designated as South Eleventh Street.

Grant Street shall be known and designated as Court Street East.

Lincoln Street shall be known and designated as Court Street West.

Arch Street shall be known and designated as First Avenue North.

Race Street shall be known and designated as Second Avenue North.

Vine Street shall be known and designated as Third Avenue North.

Callowhill Street shall be known and designated as Fourth Avenue North.

Spring Garden Street shall be known and designated as Fifth Avenue North.

Green Street shall be known and designated as Sixth Avenue North.

Wedum Street shall be known and designated as Seventh Avenue North.

Custer Street shall be known and designated as First Avenue North.

Park Street shall be known and designated as Second Avenue North.

Grant Street north of the Great Northern Railway Track shall be known and designated as North Division Street.

Hoffman Street shall be known and designated as North First Street.

Valley Street shall be known and designated as North Second Street.

First Avenue shall be known and designated as North Third Street.

Second Avenue shall be known and designated as North Fourth Street.

Third Avenue shall be known and designated as North Fifth Street.

Fourth Avenue shall be known and designated as North Sixth Street.

Fifth Avenue shall be known and designated as North Seventh Street.

Fourth Avenue North as established herein east of North Division Street, shall be known and designated as East Fourth Avenue North. (Ord. 125, § 1, 1-28-14.)

#### **Sec. 17-17. House numbering—Basic plan.**

The starting point for the numbering system by which the houses of the city shall be numbered shall be the intersection of the main track of the Great Northern Railway Company with a line at right angles to the same and three hundred ninety feet easterly of the center line of South First Street, and the line so running at right angles shall be the center line of the street to be known and designated as South Division Street where it lies south of the main track of the Great Northern Railway Company and to be known and designated as North Division Street where it lies north of the main track.

All numbers south of the main track shall be designated as south.

All numbers north of the main track shall be designated as north.

All numbers east of the North Division Street or South Division Street, shall be designated as east.

All numbers west of North Division Street or South Division Street, shall be designated as west.

All numbers on the left facing from the point of intersection shall be odd, and the ones on the right shall be even numbers.

All numbers shall run according to streets or avenues by hundreds, and each fifteen feet shall represent a number. (Ord. 125, § 2, 1-28-14.)

**Sec. 17-18. Poles and wires in streets—Permit to erect.**

No person, firm or corporation shall elevate, erect or maintain any electric light pole, telegraph pole, telephone pole or other like pole or post; or any electric light or power wire, telegraph wire or telephone wire, or other similar wires, in, upon, across or along any street, alley or public place, within the city without first having obtained the consent and permission of the city council therefor, in writing.

(Ord. 69, § 1, 4-13-10)

**Sec. 17-19. Same—Obstructing use of streets.**

No person, firm or corporation, obtaining permission or authority as mentioned in section 17-18 from the city council, shall so set, erect, or maintain any poles or posts, or so place or hang any wires thereon, in such manner as to impede or interfere with the public travel upon any street, sidewalk, avenue or alley, or public grounds within the city.

(Ord. 69, § 2, 4-13-10)

**Sec. 17-20. Same—Erection under supervision of city engineer; minimum height of wires.**

The setting replacing of all electric light, power, telegraph or telephone poles, or posts, within the city under or by virtue of the permission of the city council, as aforesaid, shall be done under the supervision of the city engineer. All wires running parallel with sidewalks, streets and alleys, within the city shall not be less than sixteen (16) feet above the surface of the sidewalk, street or alley.

(Ord. 69, § 3, 4-13-10)

**Sec. 17-21. Same—Removal upon direction of council.**

In all cases where permission is given as herein provided, it shall be granted with the express reservation or understanding, that it shall be the duty of the recipient of such permit to remove any such poles, or posts or wires, or to change the location of any such poles, or posts or wires erected or used by them, within the city, whenever the city council, by resolution or otherwise, so directs.

(Ord. 69, § 4, 4-13-10)

**Sec. 17-22. Snow and ice on sidewalks, duty of property owner to clear.**

The owner of any lot or parts thereof in the city, adjacent to which any sidewalk has been constructed, shall clear or cause

such sidewalk to be cleared from snow and ice before the hour of 9:00 a.m. every day when necessary, and shall thereafter during the daytime, keep or cause the sidewalk to be kept reasonable free from snow and ice.

When from freezing water, snow, or slush, thereon, or by reason of such compaction resulting from foot travel or from any cause whatever, sidewalks are rendered dangerous, unsafe, or difficult to the free passage of pedestrians, it shall be the duty of the owner of any lot or parts thereof adjacent to which any sidewalk has been constructed, to forthwith remedy such condition by sprinkling abrasive material such as sand, or by applying de-icing agents, or by chipping, or by other safe and efficient methods.

(Ord. 28, § 1, 12-14-03; Ord. No. 934, § 1, 2-23-2009)

### **Sec. 17-23. Depositing of snow, ice and slush restricted.**

It is unlawful for any person to deposit or cause to be deposited any accumulation of snow, ice and/or slush from private property onto or against any fire hydrant, street, alley, or sidewalk.  
(Ord. No. 934, § 2, 2-23-2009)

### **Sec. 17-24. Violations, work by city, penalties, collection.**

(a) If any person deposits any snow, ice, or slush from private property onto or against any fire hydrant, street, alley, or sidewalk, and fails to remedy such condition within twenty-four (24) hours after being notified to do so by the director of public works or the police department, the director of public works may cause such work to be done. Said work shall be done at the expense of the person who deposited said snow, ice or slush and/or at the expense of the property owner from which the snow, ice or slush was removed.

(b) In the event of the failure of any person responsible for clearing a sidewalk to clear away or treat with abrasives or de-icing agents any snow, ice or slush, or to cause this to be done, the director of public works may, after such failure, and after twenty-four (24) hours of notifying the adjacent property owner, tenant, or occupant to do so by the director of public works or the police department, cause such work to be done at the expense of the property owner.

(c) The director of public works shall ascertain and keep a record of: the exact date and costs of all work caused to be done in accordance with this section on account of the act or omission of each person; a legal description of the lot or lots abutting the

sidewalks cleared; the street address; and the identity of the owner(s) of the property with, when possible, the identity of any tenant, occupant or lessee.

(d) Each person whose act or omission makes it necessary for the director of public works to cause work to be done in accordance with this section shall be liable to the city for the cost of such work. The costs will be: a minimum of twenty-five dollars (\$25.00) for up to one-half ( $\frac{1}{2}$ ) hour of work, plus the actual time for such work beyond one-half ( $\frac{1}{2}$ ) hour at the rate of fifty dollars (\$50.00) per hour, plus an administrative fee of thirty-five dollars (\$35.00).

(e) The director of public works shall cause each person to be given written notice of the amount owed to the city as soon as practicable. Payment of such amount may be enforced through suit for collection or by levying an assessment on the premises, or both.

(f) In the event of assessment, the city council shall annually pass and adopt a resolution levying an assessment against each lot or part thereof abutting a sidewalk, or in the case of snow, ice, or slush deposited onto or against a fire hydrant, street, alley or sidewalk, against each lot or part thereof from which it was removed.

(g) Any person violating any provision of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished as set forth in section 1-6 of this Code (of Ordinances). Absolute liability as provided in MCA, section 45-2-104, will be imposed for a violation of this section. (Ord. No. 934, § 2, 2-23-2009)

**Editor's note**—Formerly, Ord. No. 899, § 1, adopted Oct. 2, 1995, repealed §§ 2, 3 of Ord. No. 28, adopted Dec. 14, 1903. Such provisions pertained to the city clearing snow and ice from sidewalks upon property owner's failure to do so and required that boards of control of religious, educational, fraternal, or public organizations be responsible for removal of snow and ice on sidewalks adjacent to properties under their control.

## ARTICLE II. CONSTRUCTION AND REPAIR OF SIDEWALKS

### Sec. 17-25. Application of provisions.

The rules, regulations and specifications prescribed by this article shall apply to all sidewalks or curbs hereafter made, whether built by order of the city council or not. (Ord. 116, § 10, 8-13-13)

**Sec. 17-26. Repair of sidewalks—Duty of property owner.**

It shall be the duty of all property owners before whose property concrete sidewalks are now or shall hereafter be located, to keep such sidewalks in reasonable repair.  
(Ord. 515, § 1, 12-44)

**Sec. 17-27. Same—Repair by city upon failure of owner to act; assessing costs.**

If any property owner shall not keep the sidewalks in reasonable repair, the city council may order the property owner to place the sidewalk in proper condition. The city council shall give to the property owner written notice that he shall immediately repair the sidewalk surrounding his property within thirty days, or the city will itself repair the sidewalk and assess the costs of repair against the property owner and his property. If the property owner does not repair the sidewalk after this notice has been duly served upon him, the mayor shall have the authority to have the repair work done at the city's expense with an assessment made against the property owner. (Ord. 515, § 2, 12-44.)

**Sec. 17-28. Sidewalks and curbs to be laid on grade of street.**

All sidewalks or curbs which may hereafter be laid and constructed upon any street or avenue in the city shall be laid and constructed upon the grade of the street or avenue so improved. All sidewalks or curbs upon streets or avenues where no grade has been established, shall be built upon the grade given therefor by the city engineer. (Ord. 116, § 1, 8-13-13.)

**Sec. 17-29. Proximity of sidewalk to property lines.**

The inside line of all sidewalks of over five feet in width, hereafter laid and constructed upon any street or avenue in the city, shall be on and along the property line of the property in front of which the sidewalk is constructed; and the inside line of all sidewalks of five feet in width, hereafter laid and constructed upon any street or avenue in the city, shall be one foot distance from the property line of the property in front of which the sidewalk is constructed, within the street, and parallel to the property line. (Ord. 116, § 2, 8-13-13.)

**Sec. 17-30. Sidewalk specifications.**

All sidewalks hereafter laid and constructed upon any street or avenue in the city shall be laid and constructed of the materials and in the manner following, to wit:

A foundation of sand and gravel, or such other material as the council by resolution may designate, shall be laid. Such foundation shall be not less than four inches in thickness, to be properly tamped and brought to within four inches of the grade of the surface of the walk. On top of said foundation shall be laid four inches of concrete composed of one part

Portland cement conforming to the regulations of the A. A. S: HH. OO.; two parts of clean, sharp sand; and four parts of clean gravel unless otherwise specified, properly mixed and taped in place, using a minimum amount of water to obtain a satisfactory plasticity and workability. A maximum of six gallons per bag of cement shall not be exceeded except on special permission of the city engineer. Concrete shall have a consistency such that it will be workable in the required position. Bags of cement in which for any reason the cement has become partially set, or contains lumps of caked cement, shall be rejected, provided, however, that the cement from such bags which is not partially set, caked, or otherwise damaged may be salvaged and used as bulk cement. Concrete shall be thoroughly mixed in a batch mixer of approved type and capacity for a period of not less than one and one-half minutes after all materials including water, are in the drum. Concrete shall be placed in forms immediately after mixing avoiding segregation of aggregates or displacement of reinforcement. No concrete shall be used which does not reach final position in forms within thirty minutes after water is first added to mix. Concrete slabs are to be square and four inches in thickness. One-half inch premolded bituminous filler expansion joints are to be placed at twenty-five foot intervals, unless otherwise specified.

Concrete shall be worked until the coarse aggregate is forced down into the body of the concrete and a layer of mortar is flushed to the top. The surface shall be floated to a smooth, but not slippery finish. Early or excessive trowing or floating will not be permitted. No dry cement or cement-sand mixture will be permitted to be spread on the surface to absorb moisture or hasten hardening. As soon as the surface has hardened to prevent damage thereby it shall be covered with a covering satisfactory to the city engineer and shall be kept wet for at least three days. (Ord. 116, § 3, 8-13-13; Ord. 581, § 1, 9-2-47.)

#### **Sec. 17-31. Curb specifications.**

All curbs for sidewalks hereafter built upon any street or avenue in the city, shall be built of the materials and in the manner following to wit:

A curb, whether attached to the sidewalk or otherwise, shall consist of a combination curb and gutter to conform to the dimensions of the standard of the city, approved by the council. August 19, 1947, which shall consist of curb and gutter of the same consistency as the sidewalk.

**FOR BUSINESS AND RESIDENTIAL STREETS:** The depth of curb at sidewalk shall be at least twelve inches in depth, with a horizontal distance of curb and gutter slab of twenty-four inches and the outside or street side of the gutter slab to be at least seven and one-fourth inches in thickness sloping inward to the gutter to conform with the parabolic crown of the street. The top of the curb adjacent to the sidewalk shall be tangent to the walk for a distance of one and one-half inches with an interior and exterior radius of six inches. (Ord. 116, § 4, 8-13-13; Ord. 581, § 2, 9-2-47.)

**Sec. 17-32. Curb lines—Established on specific streets.**

The curb line on the following named streets and avenues shall be such distance from the property line as established in this section:

(1) First Avenue South .....	12 feet
(2) South Fourth Street .....	12 feet
(3) Second Avenue South .....	12 feet
(4) South Sixth Street .....	12 feet
(5) North Third Street .....	12 feet
(6) North Fourth Street .....	12 feet
(7) North Fifth Street .....	12 feet
(8) North Sixth Street .....	12 feet
(9) North Seventh Street .....	12 feet
(10) Third Avenue South .....	15 feet
(11) Fourth Avenue South .....	15 feet
(12) Fifth Avenue South .....	15 feet
(13) Sixth Avenue South .....	15 feet
(14) Seventh Avenue South .....	15 feet
(15) Eighth Street South .....	15 feet
(16) First Avenue North .....	15 feet
(17) Second Avenue North .....	15 feet
(18) Third Avenue North .....	15 feet
(19) Fourth Avenue North .....	15 feet
(20) Fifth Avenue North .....	15 feet
(21) Sixth Avenue North .....	15 feet
(22) First Street South .....	10 feet
(23) South Second Street .....	10 feet
(24) South Third Street .....	10 feet
(25) South Fifth Street .....	10 feet
(26) South Seventh Street .....	10 feet
(27) South Eighth Street .....	10 feet
(28) South Ninth Street .....	10 feet
(29) South Tenth Street .....	10 feet
(30) South Eleventh Street .....	10 feet
(31) Court Street East .....	20 feet
(32) Court Street West .....	20 feet

(Ord. 64, §§ 1—4, 10-13-09.)

**Sec. 17-33. Slope of sidewalks.**

All sidewalks hereafter built upon any street or avenue in the city shall have a slope to the street or avenue of one-fourth inch to the foot, and the top of the curb shall be set to this slope. (Ord. 116, § 5, 8-13-13.)

**Sec. 17-34. Width of sidewalks.**

All sidewalks hereafter laid and constructed upon either side of First Avenue South, from South First Street to South Seventh Street, inclusive, upon either side of Second Avenue South, from South Third Street to South Eighth Street, inclusive and upon either side of South Sixth Street, from First Avenue South to Third Avenue South, shall be twelve feet in width, inclusive of curb.

All sidewalks hereafter laid and constructed upon either side of South Fourth Street from First Avenue South to the alley between Second Avenue South and Third Avenue South, inclusive, or upon either side of South Fifth Street, from First Avenue South to Third Avenue South, inclusive, shall be ten feet in width, inclusive of curb.

All sidewalks hereafter laid and constructed upon any street or avenue, or any part of any street or avenue, not hereinabove named and specified, and within the corporate limits of the city shall be five feet in width. (Ord. 116, § 6, 8-13-13.)

It is of the best interest of the residential districts herein described, of the city, to allow sidewalks to be built next to the street with no boulevards, and to allow sidewalks to be five feet wide, and to allow the property owners to landscape the property belonging to the city between the sidewalks and their property, and to place any landscape items such as hedges, fences, grass, walls, and etc. upon said area, all with the provision that at any time it may be necessary, the city may take back the use of the property without cost to the city. The area involved is all of Bell's First Addition to the City of Glasgow and all of Blocks, 3, 5, 6, 7, and 8 of Wedum's First Addition to the City of Glasgow; all of Blocks 2 and 4 of Wedum's First Addition save facing Sixth Avenue North; all of Dignan's Addition to the City of Glasgow; all of Block 81 of the original Townsite of Glasgow; Murray Addition; Block 74 and S 1/2 of Block 45 Original Townsite of Glasgow. In the areas described above, all sidewalks shall be built five feet wide next to the street on both the avenues and streets. (Ord. 667, § 1, 8-17-55.)

**Sec. 17-35. Resolution of council ordering construction by property owner; notice, service.**

The city council by resolution may order any sidewalk or curb, to be built in accordance with the rules, regulations and specifications set forth in and prescribed by this article. Such resolution shall be entered on the minutes of the council and shall name the street or avenue along which such sidewalk or curb is to be constructed, and shall name by lot number and block the lot or lots (and by feet and inches describe any fractional part or parts of any lot or lots so named) in front of which the sidewalk or curb is to be constructed. After the making of such resolution, the city clerk shall give written notice thereof to the owner, or owners, of the lot, or lots, or fractional part of lot or lots, in front of which the sidewalk or curb is to be built. The notice shall state the substance of the resolution, and shall notify the owner or owners, that if he or they does or do not by a certain date (which date must be at least thirty days after the date of services of such notice) construct the sidewalk or curb ordered by the resolution (and such sidewalk or curb must be built strictly in conformity with the rules, regulations and specifications prescribed by this article), that then the city will construct, or cause to be constructed, such sidewalk or curb, and will assess the cost thereof against the property in front of which the same is constructed. Such notice shall be served by handing a copy thereof to each owner (personally) of property in front of which the sidewalk or curb is to be constructed. If the owner does not reside in the city, or cannot be found in the city then such notice may be served where the post office address of the owner is known, upon the owner by mailing a copy of such notice contained in an envelope, the postage thereon prepaid, addressed to the owner of the post office address. The envelope containing the notice shall be entered as registered mail matter at the United States Post Office, and the registry fees thereon prepaid. The envelope shall then be deposited in the United States Post Office for delivery to the owner, and the date of service of such notice shall be the date whereon the owner acknowledges receipt of the mail matter on the registry return card therefor signed by him or by some one in his behalf. In any event such service shall be complete upon the third day immediately succeeding the date of the mailing of such notice. If the address of the owner is unknown or if he cannot, by due diligence, be located, service of notice shall be made by publishing the notice (addressed to the owner) in one issue of a newspaper published by the city; and by leaving a copy of the notice with a person over the age of eighteen years who resides on the prop-

erty of the owner in front of which the sidewalk or curb is to be constructed. If no person over the age of eighteen years resides on the property, then a copy of the notice (addressed to the owner) shall be posted in a conspicuous place on the property. Service of notice shall be complete on the day the notice is published and a copy thereof left with a person residing on the property or posted on the property, as aforesaid.

The city council may, in the manner outlined in this section order a sidewalk or curb to be built (strictly in accordance with the rules, regulations and specifications prescribed by this article) in front of any property in front of which on the date of the passage and approval of the resolution ordering such walk or curb to be built, there is situate a sidewalk or curb not of the height, width or material prescribed by this article, or not otherwise built substantially in accordance with the rules, regulations and specifications prescribed by this article. If, in the opinion of the city council such sidewalk, or curb existing on the date of the passage and approval of the resolution as aforesaid, need not be entirely rebuilt, but may be altered so as to conform to the rules, regulations and specifications prescribed by this article, then the council may order such alteration to be made by the owner of the property in front of which such sidewalk is situate, giving the notice and proceeding in the manner hereinabove and in this section set forth. (Ord. 116, § 7, 8-13-13.)

#### **Sec. 17-36. Filling or cutting for sidewalk to conform to grade.**

Where filling is necessary to bring any sidewalk or curb up to the grade of the street or avenue prescribed by ordinance as the established grade of the street or avenue upon which the sidewalk or curb is to be built, altered or reconstructed or to bring any sidewalk or curb up to the grade given therefor by the city engineer, where no grade has been established for the street or avenue where the sidewalk or curb is built, altered or reconstructed then such filling shall be done, or caused to be done, by the owner or owners of the property in front of which the filling is necessary and the sidewalk or curb is to be built, altered or reconstructed, and the expense thereof shall be borne by the owner or owners. And wherever it is necessary to cut out or remove any earth in order to bring a sidewalk or curb down to the grade of the street or avenue so established or given, such earth shall be cut out and removed, or caused to be cut out and removed, by the owner or owners of the property in front of which such cutting out or removing is necessary and the sidewalk or curb

is to be built, altered or reconstructed, and the expense thereof shall be borne by the owner or owners, and all earth so cut out or removed shall be carried to and deposited at, or shall be caused to be carried to and deposited at, by the owner or owners, such place within the city as the city council or the city engineer may direct, and the expense thereof shall be borne by the owner or owners. Where a sidewalk or curb is built, altered or reconstructed, by the city, the cost of filling in to bring the sidewalk or curb up to the grade so established or given, or of cutting out or removing earth, and carrying away and depositing the earth so cut out or removed, to bring the sidewalk or curb down to the grade so established or given, shall be considered a part of the cost of constructing, altering or reconstructing the sidewalk or curb. (Ord. 116, § 8, 8-13-13)

**Sec. 17-37. Supervision of city engineer.**

All sidewalks or curbs hereafter built shall be constructed under the supervision and to the satisfaction of the city engineer according to the rules, regulations and specifications prescribed by this article. (Ord. 116, § 9, 8-13-13)

**Sec. 17-38. Violations, penalty.**

If any person shall build, or cause to be built or assist in building, any sidewalk or curb where no grade has been established, without first obtaining a grade therefor from the city engineer; or contrary to any grade which may have been obtained from the city engineer; or shall build, or cause to be built, or assist in building, any sidewalk or curb contrary to the grade which is established by ordinance of the city; or contrary to any of the provisions of this article; he shall, upon conviction, be punished as provided in section 1-6 of this Code, and shall be subject to a like penalty for each and every day he shall fail to remove or reconstruct or alter the same, after receiving notice from the city engineer so to do. (Ord. 116, § 11, 8-13-13)

**ARTICLE III. EXCAVATIONS AND OPENINGS  
IN STREETS**

**Sec. 17-39. Compliance required.**

It shall be unlawful for any person to cut through or tear open the surface of any street, within the city without first complying with the conditions hereinafter set forth. (Ord. 654, § 7, 10-21-53)

**Sec. 17-39.1. Permit required, fee; failure to obtain declared misdemeanor.**

(a) No person shall cut into or excavate any portion of a street or alley within the city without first having obtained a permit therefor from the office of the city engineer, for which there shall be a uniform fee of ten dollars (\$10.00) payable in advance.

(b) Failure to obtain the permit from the office of the city engineer shall be a misdemeanor and, upon conviction thereof, shall be punished as provided for in section 1-6 of this Code. (Ord. No. 789, §§ 1, 2, 8-6-79)

*Editor's note*—Ord. No. 789, §§ 1, 2, adopted Aug. 6, 1979, did not expressly amend this Code; hence, inclusion herein as § 17-39.1 is at the discretion of the editor.

**Sec. 17-40. Application for permit; information on.**

Any person desiring to cut through or tear open the surface of any street, within the city, shall first file a written application with the city engineer. The application shall state the object sought, the purpose for which the street is to be cut through or broken open, the proposed area of such opening, and the exact location thereof. (Ord. 654, § 8, 10-21-53)

**Sec. 17-41. Openings less than one thousand square feet—Grant or refusal of permit by city engineer; review of refusal; backfilling.**

If the opening proposed in such application does not exceed one thousand square feet in area, the city engineer may, in his discretion, grant or refuse to grant such application. The refusal of the city engineer to grant any such application is subject to review by the city council. In case the application be granted, the applicant shall accomplish the proposed work within the time allowed by the city engineer and under his supervision, and shall backfill any such excavation by flooding or tamping in six-inch lifts. (Ord. 654, § 9, 10-21-53)

**Sec. 17-42. Same—Openings in pavement; tunneling under street; backfilling.**

In case the proposed opening is in pavement, the surface shall be left in such condition so that the city may repair the pavement, before repaving the opening. No tunneling shall be allowed under any street, within the city, for a distance greater than fifteen (15) feet, provided without at least one (1) opening to the surface thereof for backfilling.

Backfill placed in tunnels shall be thoroughly tamped in layers to prevent settlement. Within a reasonable length of time, after backfilling has been completed in any excavation made in a surfaced street, the city shall restore the surface thereof. (Ord. 654, § 9, 10-21-53)

**Sec. 17-43. Openings exceeding one thousand square feet—Permit from council.**

(a) Where the opening or openings proposed in such application shall exceed one thousand (1,000) square feet in area, the applicant must appear before the city council for permission to open the street or streets, and must pay for the same as hereinafter provided.

(b) Where separate applications are made covering one continuous project, immediately under construction, the total area included in all of the applications shall be the basis for determining the amount to be paid. (Ord. 654, § 10, 10-21-53)

**Sec. 17-44. Bond of applicant.**

Any applicant for permission to open any city street, must post with the city clerk a bond in the penal sum of three thousand dollars, payable to the city, to protect the city from any liability of any kind or character whatsoever, which may arise as a result of the applicant's opening any such street, or which may in any wise or manner be connected therewith, or related thereto. (Ord. 654, § 11, 10-21-53)

**Sec. 17-45. Charges for street and alley closings.**

The following schedule of charges shall be made for the street and alley closing of any kind or character whatsoever, and the cost of the closing shall be assessed against the property owner and his property as a tax upon and shall constitute a lien against the property:

- (a) There shall be a minimum charge of fifteen dollars (\$15.00) per square yard for the closing of any gravel or dirt street or alley. This charge, however, may be waived by the city engineer if such closing is done under his supervision and to the standards as set forth in section 17-41.
- (b) There shall be a minimum charge of twenty-five dollars (\$25.00) per square yard for closing any street and providing the asphalt with approximately two (2) inches asphalt compacted mat.

- (c) There shall be a minimum charge of thirty-five dollars (\$35.00) per square yard for closing any street and providing the asphalt with approximately four (4) inches compacted mat.

(Ord. No. 654, § 12, 10-21-53; Ord. No. 789, § 3, 8-6-79; Ord. No. 848, 7-7-86)

## ARTICLE IV. TREES AND SHRUBBERY\*

### Sec. 17-46. Permit to plant on public property.

It shall be unlawful for any person to plant any shade or ornamental tree, plant or shrub in any of the streets, sidewalks or public ways unless permission has been granted from the city engineer.

### Sec. 17-47. Hitching animals to.

It shall be unlawful for any person to hitch or fasten any horse or other animal to any ornamental or shade tree or to any boxing or other material protecting the same or to any ornamental fence or railing, or to injure or destroy any ornamental or shade tree, shrub, fence or railing upon any street, avenue, alley or public grounds or upon any private premises without the consent of the owner. (Ord. 11, § 1, 7-28-02)

### Sec. 17-48. Russian thistles—Prohibited.

Any person owning, occupying or having control of any land or premises within the city knowingly permitting or suffering any Russian thistle to grow upon such land or premises owned or occupied by him or under his control, shall be deemed guilty of supporting and maintaining a common nuisance and upon conviction thereof shall be punished as provided in section 1-6 of this code. (Ord. 204, § 5, 5-23-17)

### Sec. 17-49. Same—Abatement by owner; city to abate upon failure of owner to act.

It shall be the duty of the chief of police upon hearing that any Russian thistles are growing upon any land or premises in the city forthwith to notify the owner, occupant or agent of such premises to destroy such thistles. If such thistles are not destroyed within twenty-four hours after the

\*Cross references—Posting bills and advertising matter on trees in streets and parks, § 3-7; disposal of tree trimmings, § 10-13.

giving of such notice or in case the owner, occupant, or agent of such premises cannot be found within the city, it shall be the duty of the chief of police or city engineer to employ suitable persons to destroy such thistles and to keep an accurate account of the expense of the same. Such cost and expense shall become lien on such premises, and shall be certified and collected as other taxes or the city attorney may begin a civil suit in the police court in the name of the city and against any owner, occupant or agent of such premises for the collection of such cost and expenses and the cost of the action.

(Ord. 204, § 6, 5-23-17)

**Sec. 17-50. Trees and shrubbery overhanging sidewalks; duty of property owner to trim; minimum clearance.**

It shall be the duty of any person growing a tree, hedge or shrub upon his private property or upon his adjoining boulevard, when such tree or shrub shall overhang any public sidewalk, to trim such tree or shrub, so as not to cause a hazard upon the public sidewalk or interfere with the proper lighting of public sidewalk or street, and so that the minimum clearance of any overhanging portion thereof shall be eight (8) feet from street level, and further, so that it shall not extend laterally over or upon the sidewalk boundaries.

(Ord. No. 672, § 1, 3-7-56)

**Editor's note**—Sections 17-50, 17-51 and 17-52 are derived from Ord. No. 672, enacted on March 7, 1956, and effective thirty days after passage. As said ordinance did not amend this Code it has been codified as said sections at the discretion of the editors.

**Sec. 17-51. Fences, walls and hedges; permits; restrictions.**

(a) Fences, walls and hedges may be erected or maintained in any zoning district provided the height, setback and material provisions outlined in this section are followed and a permit is secured from the department of public works. "Fence" for the purposes of this section shall mean any fence, wall, or hedge. No fence shall be erected or maintained in a public right-of-way.

(b) Height for the purposes of this section shall be defined as the vertical distance from the top rail, board, wire, or highest growth (in the case of a hedge) to the ground directly below.

(c) *Setbacks required.* Fences, walls, or hedges up to three (3) feet in height may be erected or maintained in the required clear vision zones as defined herein (see figure C3-1). Fences, walls, or hedges between a height of three (3) feet and six (6) feet may be erected or maintained anywhere outside of the clear vision zone, except as described in subsection (d) below. Any fence, wall or hedge in excess of six (6) feet shall meet all of the yard setback requirements as defined in this section and section 21-10. None of the above setback requirements shall apply to properties located in zoning districts "C" (commercial) district, "E" (unrestricted) district, or "I" (industrial) district unless a property in "E" or "C" districts is developed for residential use; in those cases, the setbacks shall apply.

(d) *Setbacks for clear vision zone.* No fence, wall or hedge greater than three (3) feet in height may be erected or maintained in any zoning district with clear vision zone pursuant to section 21-10(f) and as illustrated in figure C3-1.

(e) *Material permitted for residential and commercial zones.* All fences in residential and commercial zoning districts shall be constructed from materials which are commonly used for fencing. No fence shall be constructed from railroad ties, wood pallets, tires, rubble, metal panels or salvaged material. Commonly used fence materials include wood, brick, stone, split railing, chain-link, wire, vinyl, ornamental iron work and the like. Any materials not listed are subject to special review. The fence is to be constructed such that the finish side of a fence shall face the outside of the fence or the neighbor's property.

(f) *Material permitted for industrial zones.* Fences in industrial zoning districts shall be constructed from materials which are commonly used for fencing. No fence shall be constructed from railroad ties, wood pallets, tires, rubble or salvaged material. Commonly used fence materials include wood, brick, stone, split railing, chain-link, wire, vinyl, ornamental iron work, finished or coated steel or aluminum building panels and the like. Any

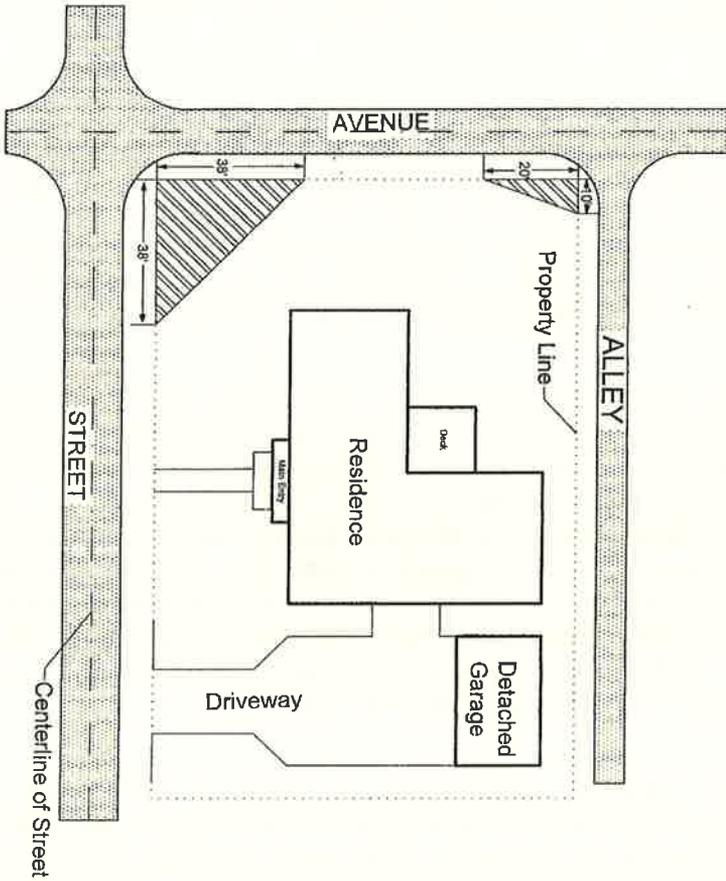
materials not listed are subject to special review. The fence is to be constructed such that the finish side of a fence shall face the outside or the neighboring property.

(g) *Material exception.* Absolutely no barbed wire, razor wire, security wire, or electric fencing material shall be permitted in any residential zoning district. Any use of such wire in commercial or industrial zones is subject to review and must be preapproved during the permitting process by the department of public works. Only a government owned facility shall be pre-approved to install any fencing material listed in this subsection.

(h) *Fencing permit required.* Any fence height of three (3) feet and higher shall require a permit from the department of public works. Applications for a fence permit shall be accompanied by a detailed plan showing all proposed fence or wall, or hedge installations including the exact location on the property. Said information is to be provided with the standard city fence application and shall be filed with the director of public works or appointed representative. Any retaining wall exceeding four (4) feet in height or a fence exceeding the height of six (6) feet shall require a permit under building codes.

(i) Before any fence permit is granted for installation of a fence, wall or proposed screening shrubbery (hedge) the person(s) making the application for such permit shall pay to the City of Glasgow Public Works Department a fee for five dollars (\$5.00).

(j) The lawful installation and existence of any fences, walls, or hedges at the time of the adoption of this chapter, although such fences, walls or hedges, may not conform to the provisions hereof may be continued, provided no alterations, or re-building are made therein. When any alterations, replacement, rebuilding of a fence or wall, or re-planting of a hedge occurs a fence permit must be secured and the replacement fence, wall, or hedge shall conform with the provisions of this article.



**Figure C3-1 (Clear Vision Setbacks)**

(Ord. No. 953, §§ 1—10, 6-15-2015)

**Editor's note**—Ord. No. 953, adopted June 15, 2015, amended § 17-51 in its entirety to read as herein set out. Former § 17-51, pertained to walls, fences, hedges, trees etc. on corner lots; obstructing view of traffic prohibited; maximum height, and derived from Ord. No. 672, adopted March 7, 1956. The title of § 17-51 was changed at discretion of the editor.

See editor's note following § 17-50.

**Sec. 17-52. Penalty for violation of sections 17-50 and 17-51.**

Any person, firm or corporation violating any of the provisions of sections 17-50 and 17-51 shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable under the provisions of section 1-6 of this Code.

(Ord. No. 672, § 3, 3-7-56)

**Note**—See editor's note following § 17-50.

**ARTICLE V. CURB CUTS AND DRIVEWAY  
CONSTRUCTION\*****Sec. 17-53. Permits—Required; application.**

Applications for driveway and curb cut permits shall be in writing and shall be accompanied by a detailed plan showing all the proposed construction affecting the traffic movements, including such information as the exact location of the property; the dimensions and property lines; the width of proposed and existing driveways and the radii involved.

The application shall be filed with the city engineer, who shall examine such application, and examine the site to determine compliance with this article and all traffic flow and safety standards before granting such permit. Any and all exceptions and unusual applications shall be referred to the city council, who may authorize exceptions, when they are deemed desirable and are not incompatible with the public safety and welfare and who may authorize that such permit be issued.

(Ord. No. 676, 3-6-57)

**Sec. 17-54. Same—Fee.**

All applications submitted under provisions of this article shall be accompanied by a permit fee computed at the rate of fifty cents

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\***Editor's note**—Article V, §§ 17-53 through 17-62, is derived from Ord. No. 676, enacted on March 6, 1957. As said ordinance did not amend this Code it has been codified as said article and sections at the discretion of the editors.

(\$0.50) per foot of driveway applied for payable to the City of Glasgow to help defray costs of inspection of site and engineering overhead.

(Ord. No. 676, § 9, 3-6-57)

**Sec. 17-55. Materials required for driveways between the curb line and property line.**

All driveways between the curb line and property line shall be constructed of a minimum of six (6) inches of 2400 # Portland Cement at twenty-eight-day test with 6 × 6 # 10 welded wire mesh and a minimum of four (4) inches approved gravel, sub-base, and constructed to the standards and specifications on file in the office of the city engineer.

(Ord. No. 676, § 1, 3-6-57)

**Sec. 17-56. Radius of driveways where distance from curb to sidewalk is three or more feet; radius in residential areas.**

All commercial driveways and all residential driveways where the distance from the curb to the sidewalk is three (3) feet or more shall have a radius of four (4) feet.

In residential areas where the sidewalk is placed adjacent to the curb, the driveway shall have a radius of two (2) feet.

(Ord. No. 676, § 2, 3-6-57)

**Sec. 17-57. Maximum length along curb for single and double residential driveways.**

The maximum length measured along the curb, for residential driveways shall be twenty (20) feet plus the radii.

(Ord. No. 676, § 3, 3-6-57; Ord. No. 887, § 1, 9-9-91)

**Sec. 17-58. Maximum length along curb for commercial driveways.**

The total maximum length, measured along the curb, of commercial driveways shall be governed as follows:

- (1) When only one (1) driveway serves a given frontage of property abutting a street or an avenue the maximum length of driveway shall be thirty-five (35) feet.

- (2) When more than one driveway serves a given property frontage, the total length of driveways shall not exceed seventy per cent (70%) of the frontage, where such frontage is one hundred (100) feet or less. Where the frontage is greater than one hundred (100) feet, the length of driveways shall not exceed sixty per cent (60%) of said frontage.
- (3) A safety island of not less than twenty (20) feet shall in all cases be provided between driveways serving any one property. (Ord. No. 676, § 4, 3-6-57)

**Sec. 17-59. Driveway including radii not to exceed property frontage.**

In no case shall the driveway including the radii exceed the property frontage.

Frontage referred to includes areas directly in front of the property owned or under control of the applicant, and such areas in front of adjoining property which is used for approach purposes. (Ord. No. 676, § 5, 3-6-57)

**Sec. 17-60. Merging of certain driveway approaches and alley intersections—Maximum allowable length.**

Driveway approaches located within five (5) feet of existing curb return at an alley intersection may be merged with the alley intersection. The total distance of the driveway length plus the alley width measured along the bottom of the driveway to the opposite alley line shall not exceed forty (40) feet. (Ord. No. 676, § 6, 3-6-57)

**Sec. 17-61. Same—Location of driveway in relation to intersection.**

Driveways shall be located far enough from the intersection so that cars using them can cross the intersection in a normal traffic pattern. (Ord. No. 676, § 7, 3-6-57)

**Sec. 17-62. Interior angle between axis of driveway and center of street.**

The interior angle between the axis of a driveway and center of the street shall fall between forty-five (45) and ninety (90) degrees. (Ord. No. 676, § 8, 3-6-57)

**Secs. 17-63—17-70. Reserved.**

## Article VI. Uniform Right-of-Way Encroachment Code\*

### Sec. 17-71. Title.

This article shall be known as the "Glasgow Uniform Right-of-Way Encroachment Code". (Ord. No. 736, § 1, 5-15-68)

### Sec. 17-72. Scope and purpose.

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

It is the purpose and intent of this code to provide maximum standards to safeguard life, health, property and public welfare by regulating and controlling the placement of all signs and sign structures within the incorporated limits so as to prevent the obstruction of view of any official traffic sign, signal or device. (Ord. No. 736, §§ 2, 6, 5-15-68)

### Sec. 17-73. Definitions.

(a) *Encroachments*. Encroachments shall include all private devices placed upon the public right-of-way, including devices which overhang or underlie the right-of-way.

(b) *Curbline*. Curbline shall be at the line at the face of the curb nearest to the street or roadway. In the absence of a curb, the curb shall be established by the city officials. (Ord. No. 736, § 3, 5-15-68)

### Sec. 17-74. Regulation.

No private signs, eaves, marquees, or similar device will be allowed to encroach on the public rights-of-way of this municipality within the incorporated limits, except as provided herein and then only by permit issued by the proper authorities and revocable on ten (10) days written notice to

\*Editor's note—Art. VI, §§ 17-71—17-76, is derived from Ord. No. 736, §§ 1—7, adopted May 15, 1968.

Cross references—Signs over sidewalks, § 3-3; placing banners, etc. across streets, § 3-8; obstructing streets, sidewalks during building construction, § 17-8; obstructing sidewalks with merchandise, § 17-14; poles, wires in streets, § 17-18 et seq.  
Supp. No. 3

the permittee. No gainful private or commercial use of the public right-of-way will be allowed. Examples: Nonemergency servicing of vehicles, parking or placing of portable advertising devices on the public right-of-way. (Ord. No. 736, § 4, 5-15-68)

**Sec. 17-75. Projection and clearance.**

The outermost portion of an overhanging device should be at least five (5) feet behind the face of the curb, or where there is no curb, from the shoulder of the roadway, and the lowest portion of an overhanging device should be at least ten (10) feet above the top of the curb, sidewalk, or roadway shoulder elevation. (Ord. No. 736, § 5, 5-15-68)

**Sec. 17-76. Enforcement.**

Authorized city and county officials are hereby directed to enforce all of the provisions of this code as provided herein and in accordance with the provisions of Sections 32-4405 to 32-4409, inclusive, R.C.M., 1947. Any person, firm or corporation violating the provisions of this article shall be, in addition to the penalties provided by the aforementioned Montana Law, punishable by a fine not to exceed three hundred dollars (\$300.00). (Ord. No. 736, § 7, 5-15-68)



## Chapter 17A

### SUBDIVISIONS\*

#### **Sec. 17A-1. Regulations adopted by reference.**

The Restated Subdivision Regulations, Glasgow, Montana, prepared by the Glasgow City-County Planning Board dated September, 1984, is hereby enacted in its entirety and is incorporated herein by reference as if fully set forth herein. Three (3) copies of such regulations are on file and available for inspection in the office of the city clerk. (Ord. No. 833, §§ 2, 3, 11-19-84)

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\***Editor's note**—Ord. No. 833, §§ 1—3, adopted Nov. 19, 1984, provided for the repeal of former subdivision regulations as adopted by Ord. No. 822, § 2, Feb. 21, 1983, and adopted by reference new provisions as stated in § 17A-1.

**Cross references**—City-county planning board, § 2-41; buildings, Ch. 7; housing, Ch. 11A; streets and sidewalks, Ch. 17; trailers and trailer parks, Ch. 19; water and sewers, Ch. 20; zoning, Ch. 21.



## Chapter 18

### TRAFFIC\*

- Art. I.**           **In General, §§ 18-1—18-20**  
**Art. II.**           **Operation of Vehicles, §§ 18-21—18-40**  
**Art. III.**          **Traffic Control Signs, Signals and Devices, §§ 18-41—18-60**  
**Art. IV.**          **Parking, Stopping and Standing, §§ 18-61—18-120**  
                    Div. 1. Generally, §§ 18-61—18-80  
                    Div. 2. Parking Violations and Enforcement, General, §§ 18-81—  
                            18-120  
**Art. V.**           **Accidents, § 18-121**

### ARTICLE I. IN GENERAL

#### Sec. 18-1. Definitions.

The following words and phrases when used in this chapter shall for the purpose of this chapter have the meanings respectively ascribed to them in this section.

*Alley.* A right-of-way, usually narrow, passing between the rear of buildings or lots.

*Authorized emergency vehicles.* Vehicles of the fire department (fire patrol), police vehicles and such ambulances and emergency vehicles of municipal departments or public service corporations as are designated or authorized by the chief of police of this city.

*Business district.* The territory contiguous to and including a highway when fifty per cent (50%) or more of the frontage thereon for a distance of three hundred (300) feet or more is occupied by buildings in use for business.

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\***Editor's note**—Ord. No. 900, §§ 1—20, adopted July 1, 1996, amended Ch. 18 extensively by repealing numerous sections, amending several sections and adding certain provisions, and § 23 of such ordinance provided for re-arrangement of the chapter; hence, most sections have been history noted to the specifically amendatory section as well as to § 23 in order to provide a tracing mechanism for the chapter re-arrangement. It should be noted that former Arts. V—IX, §§ 18-95—18-144, were repealed. See the Code Comparative Table at the back of the Code for specific disposition of ordinance and chapter material.

**Cross references**—Drinking, display of beer, liquor in motor vehicles prohibited, § 4-20; driving over fire hose; parking near, obstructing, following fire apparatus; parking near scene of fire; bicycles, ch. 6.

*Crosswalk.*

- (1) That portion of a roadway ordinarily included with the prolongation or connection of the lateral lines of sidewalks at intersections.
- (2) Any portion of a roadway distinctly indicated for pedestrian crossing by lines or other markings on the surface.

*Driver.* Every person who drives or is in actual physical control of vehicles.

*Highway.* The entire width between the boundary lines of every publicly maintained way when any part thereof is open to the use of the public for purposes of vehicular travel. The term includes ways which have been or shall be dedicated to public use, ways established by easement, ways established by prescriptive use, and ways established common usage. In the case of ways established by prescriptive use or common usage, the boundary lines shall be the outside edges of the way.

*Intersection.* The area embraced within the prolongation or connection of the lateral curblines, or if none then the lateral boundary lines of the roadways of two (2) highways which join one another at or approximately at right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.

*Motor vehicle.* A vehicle propelled by its own power and designed primarily to transport persons or property upon the highways of the state. The term does not include a bicycle.

*Motorcycle.* A motor vehicle having not more than three (3) wheels in contact with the ground and a saddle on which the operator sits or a platform on which he stands and a driving wheel in contact with the ground in addition to the wheels of the vehicle itself. A motorcycle may carry one (1) or more attachments and a seat for the conveyance of a passenger. The term does not include a tractor or a bicycle.

*Official time standard.* Whenever certain hours are named herein they shall mean standard time or daylight saving time as may be in current use in this city.

*Official traffic control devices.* All signs, signals, markings and devices not inconsistent with this chapter placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulation, warning or guiding traffic.

*Official traffic signals.* Any device, whether manually, electrically, or mechanically operated by which traffic is alternately directed to stop and to proceed.

*Operator.* A person who is in actual physical control of a motor vehicle.

*Owner.* A person who holds the legal title to a vehicle. If a vehicle is the subject of an agreement for the conditional sale thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee, or in the event a vehicle is subject to a lease, contract, or other legal arrangement vesting right of possession or control, for security or otherwise, or in the event a mortgagor of a vehicle is entitled to possession, then the owner is the person in whom is vested right of possession or control.

*Park.* The standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading.

*Parking.* When prohibited, means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading.

*Pedestrian.* Any person afoot.

*Person.* An individual, corporation, partnership, association, firm, or other legal entity.

*Police officer.* Every officer of the municipal police department or any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

*Private road or driveway.* Every way or place in private ownership and use for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

*Railroad.* A carrier of persons or property upon cars, other than streetcars, operated upon stationary rails.

*Railroad train.* A steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails, except streetcars.

*Residence district.* The territory contiguous to and including a highway not comprising a business district when the property on such highway for a distance of three hundred (300) feet or more is in the main improved with dwellings and buildings in use for business.

*Right-of-way.* The privilege for the immediate use of the roadway.

*Safety zone.* The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

*Sidewalk.* That portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

*Standing.* Any stopping of a vehicle, whether occupied or not.

*Stop.* When required means complete cessation of movement.

*Stop or stopping.* When prohibited means any stopping of a vehicle when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or traffic control sign or signal.

*Street.* The entire width between the boundary lines of every publicly maintained way when any part thereof is open to the use of the public for purposes of vehicular travel. The term includes ways which have been or shall be dedicated to public use, ways established by easement, ways established by prescriptive use, and ways established by common usage. In the case of ways established by prescriptive use or common usage, the boundary lines shall be the outside edges of the way.

*Traffic.* Pedestrians, ridden or herded animals, vehicles, and other conveyances either singly or together while using any street for purposes of travel.

*Truck.* "Truck" means any vehicle designed, used, or maintained primarily for the transportation of property and which is licensed or rated for thirty-two thousand (32,000) pounds GVW or more. It includes truck tractors.

*Truck tractor.* "Truck tractor" means any vehicle designed or used primarily for drawing other vehicles and not constructed primarily to carry a load other than a part of the weight of the vehicle and load drawn.

*Vehicle.* Every device in, upon or by, which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

(Ord. No. 900, §§ 3, 4, 7-1-96; Ord. No. 941, § 1, 5-3-2010; Ord. No. 947, § 1, 6-18-2012)

**Cross references**—Truck defined, § 18-30; definitions re parking meters, § 18-101.

**Sec. 18-2. Compliance with chapter.**

It is a misdemeanor for any person to do any act forbidden or fail to perform any act required in this chapter.  
(Ord. No. 900, § 23, 7-1-96)

**Sec. 18-3. Boarding or alighting from vehicles.**

No person shall board or alight from any vehicle while such vehicle is in motion.  
(Ord. No. 900, § 23, 7-1-96)

**Sec. 18-4. Riding on portions of vehicle not designed for passengers.**

No person shall ride on any portion of any vehicle not designed or intended for the use of passengers. This provision shall not



apply to an employee engaged in the necessary discharge of a duty, or to persons riding within truck bodies in space intended for merchandise.

(Ord. No. 900, § 23, 7-1-96)

**Sec. 18-5. Clinging to moving vehicles.**

Any person riding upon any bicycle, motorcycle, coaster, sled, roller skates, or any toy vehicle shall not attach the same or himself to any moving vehicle upon any roadway.

(Ord. No. 900, § 23, 7-1-96)

**Sec. 18-6. Riding on fire apparatus.**

It is unlawful for any person, other than a member of the fire department of the city to ride upon any of the fire apparatus of the city when the same is being used in going to or coming from a fire.

(Ord. No. 900, § 23, 7-1-96)

**Sec. 18-7. Coasters, roller skates, and similar devices.**

No person upon roller skates, or riding in or by means of any coaster, toy vehicle or similar device, shall go upon any roadway except while crossing a street on a crosswalk and except upon streets set aside as play streets when and as authorized by ordinance of this city.

(Ord. No. 900, § 23, 7-1-96)

**Sec. 18-8. Persons propelling pushcarts, riding bicycles or animals to obey traffic regulations.**

Every person propelling any push carts or riding a bicycle or an animal upon a roadway, and every person driving any animal drawn vehicle, shall be subject to the provisions of this chapter applicable to the driver of any vehicle, except those provisions of this chapter which by their very nature can have no application.

(Ord. No. 900, § 23, 7-1-96)

**Sec. 18-9. Dragging of vehicle or load upon streets.**

It shall be unlawful for any person driving any vehicle or contrivance to allow such vehicle or contrivance or any part of same, or any load or portion of load carried thereon, to drag upon any streets in the city.

(Ord. No. 900, § 23, 7-1-96)

**Sec. 18-10. Operation of vehicles having wheels with sharpened surface; implements of city used in repairing streets excepted.**

It shall be unlawful for any person to drive, propel or operate, or to cause to be driven, propelled or operated on, upon or over any street in the city any vehicle or contrivance having wheels provided with sharpened or roughened surfaces other than roughened pneumatic or solid rubber tires, or wheels from which tires are detached; provided, however, that this restriction shall not apply to vehicles or implements used by the city in the construction and maintenance of city streets when permit for such use shall have been previously had and obtained from the city manager. Such permit shall state and designate the streets which may be so used, the length and time the same shall be in force and the nature and character of the vehicle or implement to be so used. This restriction shall not apply to farm implements weighing less than one thousand (1,000) pounds and provided with wheel surfaces of more than one-half inch in width. Wheels of traction engines, and other vehicles when provided with suitable filler blocks between cleats shall be considered as having smooth tires.

(Ord. No. 900, § 23, 7-1-96)

**Sec. 18-11. Parades; permits required.**

No parade shall occupy, march or proceed along any street except in accordance with a permit issued by the chief of police and such other regulations as are set forth herein which may apply. Applications for parade permits must be made not less than two (2) weeks before the date requested for any parade.

(Ord. No. 900, §§ 5, 23, 7-1-96)

**Secs. 18-12—18-20. Reserved.**

## **ARTICLE II. OPERATION OF VEHICLES**

**Sec. 18-21. Overloaded passenger vehicles.**

No motor vehicle of any kind which is overloaded shall be driven on the streets of the city, and any motor vehicle carrying more than seven (7) persons shall be deemed prima facie overloaded and unsafe.

(Ord. No. 900, § 23, 7-1-96)

**Sec. 18-22. Slow moving vehicles.**

All vehicles moving slowly along the street shall keep as close as possible to the curb line so as to allow fast moving vehicles free passage on the left hand side.  
(Ord. No. 900, § 23, 7-1-96)

**Sec. 18-23. Quiet zone.**

Whenever authorized signs are erected indicating a zone for quiet, no person operating a motor vehicle within any such zone shall sound the horn or other warning device of said vehicle except in an emergency.  
(Ord. No. 900, § 23, 7-1-96)

**Sec. 18-24. Driving through safety zone.**

No vehicle shall at any time be driven through or within a safety zone.  
(Ord. No. 900, § 23, 7-1-96)

**Sec. 18-25. Driving on sidewalks.**

The driver of a vehicle shall not drive within any sidewalk area except at a permanent or temporary driveway.  
(Ord. No. 900, § 23, 7-1-96)

**Sec. 18-26. Backing.**

The driver of a vehicle shall not back the same into an intersection or over a crosswalk and shall not in any event or at any place back a vehicle unless such movement can be made in safety.  
(Ord. No. 900, § 23, 7-1-96)

**Sec. 18-27. Entering intersection or marked crosswalk; obstructing other vehicles or pedestrians.**

No driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic control signal indication to proceed.  
(Ord. No. 900 § 23, 7-1-96)

**Sec. 18-28. Driving through property adjacent to street corner.**

It shall be unlawful for the driver of any vehicle to cut across property which is located adjacent to any street corner to avoid making a proper turn at the street corner.

(Ord. No. 900, §§ 6, 23, 7-1-96)

**Sec. 18-29. U-turns.**

The driver of any vehicle shall not turn such vehicle so as to proceed in the opposite direction upon any street in the business district and shall not upon any other street so turn a vehicle unless such movement can be made in safety and without interfering with other traffic.

(Ord. No. 900, § 23, 7-1-96)

**Sec. 18-30. Truck routes.**

(a) *Operation of trucks over established routes only; truck defined.* All trucks within the city shall be operated over only and along the truck routes herein established over which truck travel is permitted. For the purpose of this section the word "truck" is defined as any vehicle designed or operated for transportation of property whose combined body and load weight exceeds four hundred (400) pounds per inch width per tire.

(b) *Routes established.* There is hereby established within the city the following truck routes:

- (1) All of First Ave. North.
- (2) All of First Ave. South.
- (3) All of Second Ave. South.
- (4) All of Tenth St. South.
- (5) Fourth St. and the Underpass as they join First Ave. North and First Ave. South.
- (6) Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth and Tenth Streets between First Ave. South and Second Ave. South.

(c) *Police chief authorized to weight noncomplying trucks.* The chief of police shall have the authority to require any person driving or in control of any truck not proceeding over a truck route to proceed to any private or public scale available for the purpose of weighing and determining whether this section has been complied with.

(Ord. No. 686, §§ 1-6, 4-16-58; Ord. No. 900, §§ 2, 23, 7-1-96)

**Secs. 18-31—18-40. Reserved.****ARTICLE III. TRAFFIC CONTROL SIGNS, SIGNALS  
AND DEVICES****Sec. 18-41. Existing traffic control devices enforceable.**

All traffic control devices, including signs, signals, markings, parking spaces, and devices not inconsistent with this chapter, in existence on the date ordinance no. 900 becomes effective [August 1, 1996], are declared to be "official traffic control devices" and are enforceable.

(Ord. No. 900, § 19, 7-1-96)

**Sec. 18-42. City council may place traffic control devices.**

From time to time, the city council may, by ordinance or resolution, direct the director of public works to place new traffic control devices, or to modify or amend existing official traffic control devices. All official traffic control devices hereafter erected shall conform to the then-current Montana Department of Transportation's sign manual.

(Ord. No. 900, § 20, 7-1-96)

**Sec. 18-43. Position and legibility of signs.**

No provision herein for which signs are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official sign is not in proper position and sufficiently legible to be seen by an ordinarily observant person.

(Ord. No. 900, § 23, 7-1-96)

**Sec. 18-44. Display of unauthorized signs, signals, or markings.**

(a) No person shall place, maintain, or display upon or in view of any highway any unauthorized sign, signal marking, or device which purports to be or is an imitation of or resembles an official traffic control device or railroad sign or signal, or which attempts to direct the movement of traffic or which hides from view or interferes with the effectiveness of any official traffic control device or any railroad sign or signal and no person shall place or maintain nor shall any public authority permit upon any highway, any traffic sign or signal bearing thereon any commercial advertising. This shall not be deemed to prohibit the erection upon private property adjacent to highways of signs giving useful directional information and of a type that cannot be mistaken for official signs.

(b) Every such prohibited sign, signal, or marking is hereby declare to be a public nuisance, and the authority having jurisdiction over the highway is hereby empowered to remove the same or cause it to be removed without notice.  
(Ord. No. 900, § 23, 7-1-96)

### **Sec. 18-45. Obedience to no-turn signs and turning markers.**

Whenever authorized signs are erected indicating that no right or left or "U" turns are permitted, no driver of a vehicle shall disobey the directions of any such sign, and when authorized marks, buttons or other indications are placed within an intersection indicating the course to be traveled by vehicles turning thereat, no driver of a vehicle shall disobey the directions of such indications.

(Ord. No. 900, § 23, 7-1-96)

### **Sec. 18-46. One-way streets.**

Vehicular traffic shall move only in the indicated direction when signs indicating the direction of traffic are erected and maintained at every intersection where movement in the opposite direction is prohibited.

(Ord. No. 900, § 23, 7-1-96)

### **Secs. 18-47—18-60. Reserved.**

## **ARTICLE IV. PARKING, STOPPING OR STANDING**

### **DIVISION 1. GENERALLY**

#### **Sec. 18-61. Standing or parking close to curb.**

No person shall stand or park a vehicle in a roadway other than parallel with the edge of the roadway headed in the direction of the traffic, and with the curbside wheels of the vehicle within twelve (12) inches of the edge of the roadway, except as provided in the following paragraphs:

- (a) Upon those streets which have been marked or signed for angle parking, vehicles shall be parked at the angle to the curb indicated by such mark or sign.
- (b) In places where and at hours when stopping for the loading or unloading of merchandise or materials is permitted, vehicles used for the transportation of merchandise or

materials may back into the curb to take on or discharge loads when the owner of such vehicle holds a permit granting him such privilege and such permit shall be either in the possession of the driver or on the vehicle at the time such vehicle is backed against the curb to take on or discharge a load and it shall be unlawful for any owner or driver to violate any of the special terms or conditions of any such special permit.

(Ord. No. 900, § 23, 7-1-96)

### **Sec. 18-62. Maximum parking time.**

(a) No person who owns or has possession, custody or control of any vehicle shall park such vehicle on any street or alley of this city for more than a consecutive period of five (5) days.

(b) A person who owns or has possession, custody or control of any vehicle may apply for an extension of the five (5) consecutive days parking limit by completing a parking extension request with the city police department. Upon application, the city police department shall issue parking extension permits for up to fourteen (14) consecutive days.

(c) No person who owns or has possession, custody or control of any camper, RV, or watercraft shall park such camper, RV, or watercraft on any street or alley of this city from December 1st through March 31st.

(Ord. No. 900, § 23, 7-1-96; Ord. No. 951, §§ 1—3, 9-8-2015)

**Cross references**—Parking time limits, general, § 18-82; meter time limits, § 18-103.

### **Sec. 18-63. Moving cars from parked positions.**

Cars parked shall move out in the direction headed, or if they are parked at an angle with the curb they shall back out on that angle until they have cleared the other cars and shall proceed in the direction they are most nearly headed in. No person shall start a vehicle which is stopped, standing, or parked unless and until such movement can be made with reasonable safety.

(Ord. No. 900, § 23, 7-1-96)

**Sec. 18-64. Standing for loading and unloading.**

(a) No person shall stop, stand, or park any vehicle upon a street, other than an alley, in such manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway for free movement of vehicular traffic, except that a driver may stop temporarily during the actual loading or unloading of passengers for a period not to exceed three (3) minutes, or when necessary in obedience to traffic regulations or traffic signs or signals or a police officer.

(b) No person shall stop, stand, or park any vehicle upon an alley in such manner or under such conditions as to leave available less than eight (8) feet of the width of the alley for free movement of vehicular traffic, except that a driver may stop temporarily during the actual loading or unloading of passengers for a period not to exceed three (3) minutes, or a driver may stop for a period not to exceed fifteen (15) minutes for the actual loading or unloading of materials, or when necessary in obedience to traffic regulations or traffic signs or signals or a police officer.

(c) No person shall stop, stand, or park a vehicle for any purpose or length of time other than for the actual loading or unloading of materials in any place marked as a loading zone. In no case shall the stop for loading and unloading of materials exceed thirty (30) minutes.

(Ord. No. 900, §§ 9, 23, 7-1-96)

**Sec. 18-65. Unlawful parking.**

No person shall park a vehicle upon any roadway for the principal purpose of repairing it, except for repairs necessitated by an emergency.

(Ord. No. 900, §§ 7, 23, 7-1-96)

**Sec. 18-66. Prohibited in specified places.**

(a) No person shall stop, stand, or park a vehicle except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device, in any of the following places:

- (1) On a sidewalk.

- (2) In front of a private or public driveway.
- (3) Within an intersection.
- (4) Within ten feet of a fire hydrant.
- (5) On a crosswalk.
- (6) Within twenty feet of a crosswalk at an intersection.
- (7) Within thirty feet upon the approach to any flashing beacon, stop sign or traffic control signal located at the side of the roadway.
- (8) Between a safety zone and the adjacent curb or within thirty feet of points on the curb immediately opposite the ends of a safety zone, unless the traffic authority indicates a different length of signs or markings.
- (9) So that any part of the vehicle shall come within ten feet of the nearest rail of a railroad crossing.
- (10) Within twenty feet of the driveway entrance to any fire station and on the side of a street opposite the entrance of any fire station within seventy-five feet of said entrance.
- (11) Along side or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic.



- (12) On the roadway side of any vehicle stopped or parked at the edge of a curb or street.
- (13) Upon a bridge.
- (14) At any place where official signs prohibit stopping.
- (15) With the left side of any vehicle to the curb.

(b) No person shall move a vehicle not owned by such person into any such prohibited area or away from a curb such distance as is unlawful.

(Ord. No. 900, § 23, 7-1-96)

### **Sec. 18-67. Parking adjacent to schools.**

When signs are erected indicating no parking upon that side of the street adjacent to any school property, no person shall park a vehicle in any such designated place.

(Ord. No. 900, § 23, 7-1-96)

### **Sec. 18-68. All night parking prohibited.**

No person shall park a vehicle on any street for a period of time longer than thirty (30) minutes between the hours of 2:00 a.m. and 6:00 p.m. of any day, when signs are erected in each block giving notice thereof.

(Ord. No. 900, §§ 8, 23, 7-1-96)

### **Sec. 18-69. Trucks; parking prohibited on specific streets.**

All trucks larger than a pick-up are hereby prohibited from parking on the following streets and avenues in the city at any time other than for the purpose of loading and unloading. All such trucks to load and unload within a reasonable time, and to be moved as soon as the loading and unloading has been completed:

- (a) On Second Avenue South, between Seventh Street South and Fourth Street South.
- (b) On Fourth Street South, between First Avenue and Third Avenue South.
- (c) On Third Avenue South, between Fourth Street South and Sixth Street South.
- (d) On Sixth Street South, between First Avenue South and Third Avenue South.
- (e) On Fifth Street South, between First Avenue South and Third Avenue South.

- (f) Moving vans and transport trucks only are not to park on First Avenue between Third Street and Fifth Street South. (Ord. 534, § 1, 9-4-45; Ord. No. 900, §§ 10, 23, 7-1-96)  
 Cross reference—Truck routes, § 18-30.

**Sec. 18-70. Tractors, plows, etc., parking on street.**

No person shall park or store any tractor, plow, disc, binder, harvester, combine, threshing machine or other farm implement on any street, avenue, alley or other public place within the city. (Ord. 304, § 1, 7-1-29; Ord. No. 900, 23, 7-1-96)

**Secs. 18-71—18-80. Reserved.**

**DIVISION 2. PARKING VIOLATIONS AND ENFORCEMENT,  
 GENERAL**

**Sec. 18-81. Parking spaces, violations.**

It shall be unlawful and a violation of this chapter for any person:

- (a) To cause, allow, permit or suffer any vehicle owned or operated by such person, to be parked overtime or beyond the period of the legal parking time established for any parking space.
- (b) Any vehicle continuing to occupy such space after issuance of an initial notice of violation shall be in continuing violation, and such person shall be subject to a separate charge for each additional prescribed time period during which the vehicle remains so parked.

(Ord. No. 900, § 11, 7-1-96)

**Sec. 18-82. Parking time limits.**

The various parking time limits shall be enforced each and every day between the hours of 9:00 a.m. and 5:00 p.m., except on Sundays and holidays.

(Ord. No. 900, § 12, 7-1-96)

Cross references—Maximum parking limit, § 18-62; meter time limits, § 18-103.

**Sec. 18-83. Notice of violation; forms.**

(a) The chief of police shall provide duplicate, serially numbered forms for notifying an alleged violator to appear and answer to charges of violating parking laws and ordinances.

(b) At least monthly, the chief of police or his designee shall deposit with the city clerk-treasurer all monies collected by his department for parking violations and shall properly account for all the duplicate notices issued by the department. All fines and forfeitures of bail from persons charged with violating any provision of this Chapter shall be deposited to the credit of the city's general fund, as directed by the city clerk-treasurer.  
(Ord. No. 900, § 13, 7-1-96)

**Sec. 18-84. Parking violation notice, issuance.**

Whenever a vehicle is found parked or stopped in violation of city ordinance or state law, the police officer finding the vehicle shall take its license registration number and may take any other information displayed on the vehicle which may identify its operator, and shall conspicuously affix to the vehicle a notice of parking violation directing the operator to answer to the charge against him within five (5) days during the hours and at a place specified in the notice. If the driver of the vehicle is then present, the officer may personally serve the notice of violation on the driver. The officer shall deliver the duplicate copy of the notice to the police department office by the end of his shift.  
(Ord. No. 900, § 14, 7-1-96)

**Sec. 18-85. Failure to obey parking violation notice misdemeanor.**

Any person who fails to appear at the law enforcement center in compliance with the directions contained in any parking violation notice, is guilty of a misdemeanor regardless of the disposition of the charge(s) contained in the notice.  
(Ord. No. 900, § 15, 7-1-96)

**Sec. 18-86. Failure to appear; warning letter.**

If any person fails to appear in response to a notice of violation within the five-day period, the police department shall send to the owner of the vehicle a letter informing him of the violation and directing him to appear, and warning him that if the letter is disregarded for a period of five (5) calendar days, a complaint may be filed in city court and a warrant of arrest requested, in the manner provided by law.  
(Ord. No. 900, § 16, 7-1-96)

**Sec. 18-87. Parking violation notice, prima facie presumption and exception.**

(a) In any prosecution charging a violation of any law or regulation governing the standing or parking of a vehicle, the vehicle's owner shall be absolutely liable for such violation and shall be subject to the penalty therefor.

(b) Whenever competent evidence shows that the vehicle was reported stolen at the time in question, or was not parked illegally, or that the person charged was not the owner of the vehicle at the time of the alleged violation, that person is absolved of responsibility for the particular offense.  
(Ord. No. 900, § 17, 7-1-96)

#### **Sec. 18-88. Penalties for parking violations.**

(a) For any person pleading guilty to, or convicted of violating any vehicle parking regulation contained in this chapter, the fine shall be fifteen dollars (\$15.00).

(b) Whenever the police department has mailed a notice of any unpaid parking ticket to the owner, and the owner fails to appear or post bail within the time specified in the notice, a formal complaint may be filed in city court.

(c) No sentence of imprisonment shall be imposed for the violation of any parking regulation contained in this chapter.  
(Ord. No. 900, § 18, 7-1-96; Ord. No. 941, § 2, 5-3-10)

#### **Sec. 18-88. Penalties for parking violations.**

(a) For any person pleading guilty to, or convicted of violating any vehicle parking regulation contained in this chapter, the fine shall be fifteen dollars (\$15.00).

(b) Whenever the police department has mailed a notice of any unpaid parking ticket to the owner, and the owner fails to appear or post bail within the time specified in the notice, a formal complaint may be filed in city court.

(c) No sentence of imprisonment shall be imposed for the violation of any parking regulation contained in this chapter.  
(Ord. No. 900, § 18, 7-1-96; Ord. No. 941, § 2, 5-3-2010)

#### **Sec. 18-89. Truck parking prohibited in residential and mobile home districts.**

Except as herein otherwise expressly provided, it shall be unlawful for the owner or operator of any truck, bus, truck tractor, trailer, semi-trailer, or any combination thereof to operate, park or let stand, or permit the same to be operated, parked, or let stand on any street or alley within any residential or mobile home zone in the City of Glasgow, Montana, as those zones are defined in chapter 21. Such vehicles need not be carrying a load to be in violation of this article.  
(Ord. No. 947, § 2, 6-18-2012)

**Sec. 18-90. Exceptions.**

(a) Any truck, bus, truck tractor, trailer, semi-trailer or any combination thereof which is being operated, parked, or let stand for the express purpose of loading or unloading merchandise, property, goods, or passengers or for providing a service in a residential or mobile home zone, provided, however, that such operation, parking, or standing shall not be for longer than one (1) hour, and in no case shall overnight parking be allowed except when such operation, standing, or parking is necessitated by a bona fide emergency or act of God.

(b) Any vehicle which is engaged in providing emergency services for public welfare or safety or providing for the maintenance and repair of public or private property, but only for such time as is reasonably necessary to provide such service.  
(Ord. No. 947, § 2, 6-18-2012)

**Secs. 18-91—18-120. Reserved.****ARTICLE V. ACCIDENTS****Sec. 18-121. Duty to report.**

(a) The driver of a motor vehicle involved in an accident resulting in injury to or death of any person or property damage to an apparent extent of one hundred dollars (\$100.00) or more, shall immediately by the quickest means of communication give notice of such accident to the Glasgow Police Department if such accident occurs within the boundaries of the City of Glasgow.

Any person violating the provisions of this subsection shall upon conviction thereof be punished by a fine not to exceed three hundred dollars (\$300.00), or by imprisonment not to exceed ten (10) days, or by both such fine and imprisonment.

(b) The police department of this city may require any driver of a vehicle involved in an accident of which report must be made as provided in this section to file supplemental reports whenever the original report is insufficient in the opinion of said department, and may require witnesses of accidents to render reports to said department.

(Ord. No. 738, §§ 1, 2, 10-2-68; Ord. No. 900, § 23, 7-1-96)



## Chapter 19.

### TRAILERS AND TRAILER PARKS.

#### Sec. 19-1. Purpose and scope of provisions.

The purpose of this chapter is to provide certain minimum standards, provisions, requirements and arrangements for sanitation, safety and use of materials for all auto trailer parks and auto trailers on public and private property. (Ord. 664, § 1, 5-18-55.)

#### Sec. 19-2. Definitions.

For the purpose of this chapter, certain terms used herein are defined as follows: All words used in the present tense shall include the future; all words in the plural number shall include the singular number, and all words in the singular shall include the plural number unless otherwise clearly indicated in the context. Any gender shall include other genders.

(a) *Auto trailer* includes the words "house car" or "camp car" and shall be defined as any building or structure designed and/or used for living or sleeping purposes and equipped to facilitate movements from place to place and automobiles used for living or sleeping purposes. Auto trailer automobiles shall have the following requirements:

- (1) A state license for motor vehicles and attached state license plates, issued to the owner within the last current year.
- (2) Wheels shall be maintained permanently in place on the auto trailer axles for its immediate movement.

(b) *Auto trailer park* includes the words "auto trailer camp" and shall be defined as any lot or parcel of land used or intended to be used for the accommodation of one or more auto trailers.

(c) *Auto trailer unit* includes the words "auto trailer site" and shall be defined as a plot of land in an auto trailer park used or intended to be used for the accommodation of not more than one trailer and not more than two motor vehicles which are not auto trailers.

(d) *Building* shall be defined as any structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind.

(e) *Building department* shall be defined as the officer, department or agency of the city who is charged with the enforcement of the provisions pertaining to the erection, construction, reconstruction, alteration, conversion, movement, arrangement or use of building or structure and the use of property within the city.

(f) *Building inspector* shall be defined as the building inspector or any regularly authorized deputy.

(g) *Electrical inspector* shall be defined as the electrical inspector or any regularly authorized deputy.

(h) *Plumbing inspector* shall be defined as the plumbing inspector or any regularly authorized deputy.

(i) *Park sewer* shall be defined as a sewer constructed in any auto trailer park for the service of auto trailers and connected to the city sewer.

(j) *Health officer* shall be defined as the officer designated by authority of the city and entrusted with the regulation control or supervision of all matters pertaining to the general health of the citizens of the city.

(k) *License bureau* shall be defined as such department created or established by authority of the city and entrusted with the issuance of licenses and the collection of license fees.

(l) *Persons* shall be defined as any natural person, firm, association, or corporation. (Ord. 664, § 2, 5-18-55.)

**Sec. 19-3. License to operate park—Required; application; fee; expiration date.**

Application for a permit to obtain a license for a trailer park shall be filed with the building inspector. Applications shall be in writing, signed by the applicant, and shall contain the following:

- (a) The name and address of the applicant.
- (b) The location and legal description of the trailer park.
- (c) The complete plan of the park showing compliance with this chapter.
- (d) Plans and specifications of all buildings and other improvements, constructed or to be constructed within the trailer park.
- (e) Such further information as may be required by the building inspector to enable him to determine if the pro-

posed park will comply with legal requirements. The application and all accompanying plans and specifications shall be filed in triplicate. The health officer, the inspector of buildings and the local enforcing agencies shall investigate the applicant and inspect the proposed plans and specifications. If the applicant is found to be of good moral character, and the proposed trailer park will be in compliance with all provisions of this chapter and all other applicable ordinances or statutes, the health officer and building inspector shall approve the application and upon completion of the park, according to plans, shall permit the license to be issued by the proper licensing bureau. Upon application for a transfer of the license, the health officer shall issue a permit to transfer if the law enforcing agencies shall report that the transferee is of good moral character.

- (f) All trailer camps or parks shall pay a license fee of ten dollars per year for the first ten trailer spaces or fraction thereof, and one dollar per year for each additional trailer space, exceeding ten spaces. The license to be issued by and the license fee paid to the city treasurer, expiring December 31st of each year. (Ord. 664, § 29, 5-18-55.)

#### **Sec. 19-4. Duties of manager of park.**

(a) *Manager required.* The owner or operator of every auto trailer park before allowing any auto trailers therein, shall file with the health officer the name of the person who will be in continuous responsible charge of the park, and who is authorized to act for him. Any change in such person in charge will be immediately reported to the above mentioned health officer.

(b) *Office building.* In every auto trailer park there shall be an office building in which shall be located the office of the person in charge of the park. The park register shall at all times be kept in the office.

(c) *Rules and regulations.* It shall be the duty of the owner, operator or person in charge of any auto trailer park:

- (1) *Register.* To keep at all times a register of all persons staying in his park, which register shall be at all times open to inspection by city, state and federal officers. Such register shall record the names and home address of all persons staying in the auto trailer park, the date of their arrival, date of their de-

parture, the license number of all auto trailer and automobiles in the park, the name of the state and county in which they are registered, and the trailer unit on which each is located.

**Cross reference.**—Similar provisions requiring registration of tourist camps, lodging houses, § 14-34.

- (2) *Cleanliness.* To maintain the park in a clean, orderly and sanitary condition at all times.
- (3) *Location of vehicles.* To require that all such auto trailers and automobiles are located in their respective trailer units as required by the terms of this chapter.
- (4) *Sealing toilets in trailers.* To require all toilets in every auto trailer in the park to be sealed so that they cannot be used during the total time it shall remain in the park, unless through trap to approved sanitary sewer.
- (5) *Sewer connections.* To require every plumbing fixture in any auto trailer in the park to be connected to the park sewer during its entire stay in the park.
- (6) *Lighting park.* To see that all required lights are kept lighted as provided for in this chapter.
- (7) *Garbage collection.* To see that garbage is drained and wrapped as required by ordinance and deposited in the garbage cans required by section 19-19 and see that all such garbage cans are collected, cleaned and re-distributed as required by the ordinances of the city.
- (8) *Animals.* Not to permit any domestic animals in the camp unless they meet the requirements of ordinances pertaining to such.
- (9) *Violations.* To report promptly to the proper authorities any violation of law which may come to his attention.
- (10) *Posting regulations.* To post in a water proof holder in a conspicuous place in each trailer park a copy of this subsection, and the provisions of the ordinance relating to the disposition of garbage. (Ord. 664, § 28, 5-18-55.)

#### **Sec. 19-5. Parking trailers on private property.**

It shall be unlawful for any person to place, keep or maintain any auto trailer on any land within the city without the

express permission of the owner of such land. No person shall allow, suffer or permit any auto trailer to be placed, kept, or maintained on any land owned or controlled by him except in an auto trailer park for which a permit to construct and establish has been issued by the building inspector and a license to operate has been issued by the license bureau. It shall be unlawful for the owner, occupant or other person having charge or control of any lot or tract of land in the city, other than a trailer park as herein defined, to permit any person to occupy for living or sleeping quarters or business purposes any trailer parked thereon; provided, that nothing in this section shall be construed to prohibit any owner of a lot or tract of land from parking his own trailer for not more than one year thereon and living therein while actually constructing a house, if proper sanitary facilities are provided as required by law. (Ord. 664, § 3, 5-18-55.)

**Sec. 19-6. Parking trailer with auto trailer unit; limitations on street parking.**

Except as provided in section 19-7 herein, it shall be unlawful to store, park, or inhabit any trailer within the city unless such trailer be situated in a duly licensed auto trailer unit. This section shall not be construed to prohibit a bona fide tourist from street parking a trailer for necessary stops within the city for a period not to exceed twelve hours. (Ord. 664, § 4, 5-18-55.)

**Sec. 19-7. Storage of trailers not in use for human habitation.**

Nothing in this chapter shall be deemed to prohibit the storage of one auto trailer on the home premises of its owner for any length of time when not used for living, sleeping or business purposes; provided, that the owner of the trailer will call at the office of the city health department and sign a form to that effect. (Ord. 664, § 5, 5-18-55.)

**Sec. 19-8. Separate building, electrical and plumbing permits required.**

Permits issued under the terms of this chapter convey no right to erect any building, other than the accessory buildings designated on the plot plan for the auto trailer park, or to do any electrical work or to do any plumbing work. Regular building, electrical, plumbing or other permits, as required by the provisions of the ordinance of the city shall be secured for all such work. Where no work is done under a permit within sixty days after its issuance, it shall become null and void. (Ord. 664, § 6, 5-18-55.)

**Cross reference.**—Building regulations, Ch. 7. Electrical regulations, Ch. 8. Plumbing regulations, Ch. 16.

**Sec. 19-9. Permit for auto trailer park—Application; plot plan required.**

Applicants for a building permit to construct and establish an auto trailer park shall file an application therefor with the building department, on a form to be furnished by the department and filled in by the applicant. Complete information shall be filled in on the building permit application and such other information as the building inspector may reasonably require. A plot plan in duplicate of the property shall be filed by applicant with his application, drawn to a scale of not less than one-eighth of an inch per foot, showing the location and dimensions of all the auto trailer units, roads, yard areas, all offices and accessory buildings, sewer connections, electric outlets, toilets, showers and other essential requirements of this chapter and other city ordinances involved. (Ord. 664, § 7, 5-18-55.)

**Sec. 19-10. Zoning regulations, compliance.**

Subject to the provisions of this chapter, auto trailer parks may be established and maintained only in zones as are especially mentioned for auto trailer parks in the text and maps of the zoning ordinance and any amendments thereto. (Ord. 664, § 8, 5-18-55.)

Cross reference.—Zoning regulations, Ch. 21.

**Sec. 19-11. Size and area of auto trailer units; marking.**

Each auto trailer unit in every auto trailer park shall contain not less than one thousand square feet of ground area and shall not be less than twenty feet in minimum width measured at right angles to the side lines thereof. The boundary lines of every auto trailer unit shall be plainly and permanently marked, or otherwise indicated. (Ord. 664, § 9, 5-18-55.)

**Sec. 19-12. Clearance between trailers and buildings; setback lines.**

There shall be a clearance of not less than ten feet between auto trailers or auto trailers and other buildings. Where trailers are placed on the same lot with a residential building, the yard area of such residential building shall be maintained as provided in the city zoning ordinance. There shall be a clearance of not less than five feet between auto trailers and the interior property lines of an auto trailer court, and not less than three feet from any driveway. There will be a setback clearance from the property lines of not less than five feet. (Ord. 664, § 10, 5-18-55.)

**Sec. 19-13. Streets and roadways in trailer park.**

Every auto trailer park shall have access to a public street either by abutting directly on such street or by means of a private road not less than twenty feet wide, exclusive of parking areas, and such road shall be surfaced and so located that each and every auto trailer unit shall have direct access thereto. The entire area of every auto trailer park excluding roadways, shall be thoroughly graveled, blacktopped or concreted, except those areas maintained with lawns and plants. (Ord. 664, § 11, 5-18-55.)

**Sec. 19-14. Areaway surrounding buildings.**

There shall be an unobstructed, graveled or paved surface areaway, not less than four feet wide, adjoining and surrounding any buildings, except those areas maintained with lawns or plants. (Ord. 664, § 12, 5-18-55.)

**Sec. 19-15. Sewerage system.**

On each and every auto trailer unit there shall be a connection to the auto park sewer, arranged so that the sinks or lavatories in any auto trailer may be readily connected thereto, and such connection shall be an arrangement approved by the plumbing inspector. Immediately after being placed in any trailer park, every auto trailer shall have its sink or lavatory connected to the sewer or other approved sewage disposal by an approved air tight and gas tight connection. All sewage other than a city sanitary sewer must be approved by the health department. Every trailer park shall have a cast iron, or other approved equivalent, main sewer, which shall comply with the rules and ordinances governing sewers connected with the public sewer system of the city, and which shall not be less than four inches in diameter. (Ord. 664, § 13, 5-18-55.)

**Cross reference.**—Regulations concerning sewerage system and water works system of city, Ch. 20.

**Sec. 19-16. Water supply.**

On each and/or every auto trailer unit there shall be an ample supply of water, as approved by local plumbing ordinances, from an approved water service for the use of the occupants thereof. Not less than one water outlet for each and every auto trailer unit. All such water outlets shall be adapted for hose connections. Where water is obtained from other than an approved culinary pipe line, the trailer park operator shall be required to submit one water sample per month to the health department for bacteriological examinations. (Ord. 664, § 14, 5-18-55.)

**Sec. 19-17. Buildings in trailer parks; floor drains.**

Office rooms for keeping of the required records and accessory buildings for toilets, urinals, showers, slop sinks, laundries and garbage enclosures shall be constructed according to the general requirements of the building ordinance, zoning ordinance, fire regulation ordinances and garbage ordinances of the city.

*Floor drains.* An approved type of floor drain shall be installed in all concrete floors in all rooms containing sanitary plumbing fixtures. Such floor drains shall be connected to the auto trailer court sewer. One outlet for water at or near each and every floor drain shall be installed. (Ord. 664, § 15, 5-18-55.)

**Sec. 19-18. Toilet and laundry facilities.**

In every auto trailer park the following facilities shall be installed except a single trailer unit which has independent sanitary facilities and has access to laundry facilities in an adjacent building:

- (1) One public toilet and one stall shower for each sex, for every eight auto trailer units or fraction thereof.
- (2) One public urinal may be substituted to the extent of twenty-five percent in men's section for every eight auto trailer units or fraction thereof.
- (3) One public lavatory for each sex for every eight auto trailer units or fraction thereof.
- (4) One double compartment laundry tray and one slop sink for every thirty-five auto trailer units or fraction thereof; except where automatic machines are provided. Laundry yards may be established and their location shall be adjoining the accessory buildings. Such laundry yards shall be constructed as to meet the requirements of the building department. No laundry lines shall be allowed in the auto trailer units. (Ord. 664, § 16, 5-18-55.)

**Sec. 19-19. Garbage cans.**

Every auto trailer park shall be provided with one substantial covered galvanized metal garbage can for each trailer unit, centrally located on the alley in an approved garbage can rack. (Ord. 664, § 17, 5-18-55.)

**Sec. 19-20. Distance of trailers to toilet facilities.**

No auto trailer unit shall be more than two hundred feet from an accessory building or sanitary fixtures required by this chapter to serve the auto trailer unit; except trailers with self-contained sanitary facilities. (Ord. 664, § 18, 5-18-55.)

**Sec. 19-21. Drainage of trailer park area.**

Every auto trailer park shall be located and constructed on a well-drained area, and such premises shall be properly graded so as to prevent the accumulation of storm or casual water. (Ord. 664, § 19, 5-18-55.)

**Sec. 19-22. Tents and other enclosures.**

No tents or other habitable enclosure shall be allowed in any auto trailer unit or any other location within an auto trailer park unless complying with city ordinances except that fire proof canvas roofs only may be installed with one side or end fastened to one auto trailer. (Ord. 664, § 20, 5-18-55.)

**Sec. 19-23. Removing wheels of trailers; permanently affixing to ground.**

It shall be unlawful for any person owning, operating or occupying for living quarters any auto trailer within the city to remove or cause to have removed the wheels or any similar transporting device from the auto trailer, or to otherwise permanently fix it to the ground in a manner that would prevent the ready removal of the auto trailer. (Ord. 664, § 21, 5-18-55.)

**Sec. 19-24. Animals in trailer parks.**

Dogs or other animals in any auto trailer park shall meet the requirements of chapter 5 of this code pertaining to such animals. (Ord. 664, § 22, 5-18-55.)

**Sec. 19-25. Only licensed park or trailer to be rented or leased.**

It shall be unlawful for any person to rent or lease, or cause to be rented or leased any land or auto trailer to any person to be used as living quarters within the city, except within a licensed trailer court. (Ord. 664, § 23, 5-18-55.)

**Sec. 19-26. Electrical service.**

All electrical service in any trailer park shall be governed by and conform with the city ordinances. (Ord. 664, § 24, 5-18-55.)

Cross reference.—Regulations concerning electricity and electrical wiring, Ch. 8.

**Sec. 19-27. Lighting of toilet facilities and roadways.**

Every public toilet and every public urinal room shall be lighted from sunset to sunrise of the succeeding day. Such lighting shall be provided in an amount not less than one-half watt per square foot of floor area in any such room. Every public bath, laundry room, sink and slop sink shall be supplied with lights which may be turned on by the person using such room.

Every required roadway in any auto trailer park shall be adequately lighted from sunset to sunrise of the succeeding day. The lighting equipment shall be such that not less than one hundred watt lamps shall be provided for each one hundred feet, linear, of roadway, or major fraction thereof or as otherwise directed by the city electrical inspector. (Ord. 664, § 25, 5-18-55.)

**Sec. 19-28. Fire extinguishing equipment.**

Every auto trailer park shall be provided with not less than one suitable extinguisher approved by the department having jurisdiction as to location, type and number, and where there are more than two trailers, there shall be one additional fire extinguisher. (Ord. 664, § 26, 5-18-55.)

**Sec. 19-29. Gas water heaters.**

Every gas water heater or appliance used for the purpose of heating shall be an approved vented type appliance and shall comply with all applicable provisions of the health and safety code and this code. (Ord. 664, § 27, 5-18-55.)

Cross reference.—Regulations concerning gas piping and appliances generally, Ch. 11.

**Sec. 19-30. Violations; penalty.**

It shall be unlawful for any person to violate any provision or to fail to comply with any requirement of this chapter. Any person violating any of the provisions of this chapter or failing to comply with any of its mandatory provisions shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed five hundred dollars, or

by imprisonment in the city jail for a period of not to exceed six months, or by both such fine and imprisonment. Each such person shall be guilty of a separate offense for each and every day during any portion of which a violation of any provision of this chapter is committed, continued, or permitted by such person. (Ord. 664, § 30, 5-18-55.)



## Chapter 20

### WATER, SEWERS AND SEWAGE DISPOSAL\*

- Art. I.** In General, §§ 20-1, 20-2  
**Art. II.** Reserved, §§ 20-3—20-5  
**Art. III.** Water and Waterworks, §§ 20-6—20-50  
Div. 1. Generally, §§ 20-6—20-15  
Div. 2. Rates, Charges, Billing and Collection, §§ 20-16—20-40  
Div. 3. Conservation, §§ 20-41—20-50  
**Art. IV.** Sewers and Sewage Disposal, §§ 20-51—20-82  
Div. 1. Generally, §§ 20-51—20-70  
Div. 2. Rates, Charges, Billing and Collection, §§ 20-71—20-80  
Div. 3. Discharge and Disposal Regulations, §§ 20-81, 20-82

#### ARTICLE I. IN GENERAL

##### **Sec. 20-1. Privies, cesspools, septic tanks, etc.—Permit from health officer.**

No cesspool, septic tank, private sewer, outhouse or privy vault shall be constructed or used without the consent of the health officer, and a written permit therefor obtained from him. Plans and specifications for cesspools, septic tanks and private sewers must accompany the application for the permit. Outhouses and privy vaults must conform in all respects with the regulations of the health officer and he may require of the applicant for each permit sufficient information to ascertain whether the same will be sanitary and constructed in accordance with his regulations and those of the state board of health. All permits required under the provisions of this section must be obtained before the work of construction is commenced.

(Ord. 348, § 3, 5-23-24)

##### **Sec. 20-2. Same—Sanitary condition.**

All cesspools, septic tanks, private sewers, outhouses and privy vaults, shall be kept and maintained by the persons owning or using the same in a sanitary condition and in a condition conforming with the regulations of the health officer and the state board of health.

(Ord. 348, § 5, 5-23-24)

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\*Cross references—Buildings generally, Ch. 7; electricity, Ch. 8; housing, Ch. 11A; plumbing, Ch. 16; streets and sidewalks generally, Ch. 17; poles and wires in streets, § 17-18 et seq.; subdivisions, Ch. 17A; sewerage system in trailer parks, § 19-15.

## ARTICLE II. RESERVED

### Secs. 20-3—20-5. Reserved.

## ARTICLE III. WATER AND WATERWORKS\*

### DIVISION 1. GENERALLY

#### Sec. 20-6. Director of public works, duties; enforcement.

(a) The water department and the waterworks system of the city shall at all times be under the general control and management of the director of public works.

(b) The director of public works shall have charge of all contracts relating to the city water system and see that they are faithfully executed.

(c) The director of public works shall have the exclusive authority to issue permits to tap mains, to make connections with the same, or to service pipes or extensions, and to make such extensions.

(d) The director of public works shall enforce and interpret the provisions and rules of this chapter. Any person aggrieved by a decision of the director of public works may appeal same to the city council. Unless appealed to the city council, all interpretations of the director of public works shall be final and shall be binding and enforceable as any other rule or provision of this chapter.

(e) The director of public works and all city employees shall enforce all the rules and provisions of this chapter.  
(Ord. No. 896, § 2, 4-17-95; Ord. No. 905, § 1, 3-3-97)

#### Sec. 20-7. Reserved.

**Editor's note**—Ord. No. 905, § 2, adopted Mar. 3, 1997, deleted § 20-7, Duties of director of public works, derived from Ord. No. 896, § 14, adopted Apr. 17, 1995.

**\*Editor's note**—Ord. No. 896, § 21, adopted Apr. 17, 1995, repealed Ord. Nos. 777, 781, 808, 885 and 888 being the substantive provisions of Art. III, water and waterworks, §§ 20-6—20-15, 20-16—20-20, with the exception of § 20-15.1, water conservation during shortage. Secs. 1—20 of Ord. No. 896 enacted new provisions pertaining to water and waterworks. Such provisions have been designated by the editor as Art. III, §§ 20-6—20-11, 20-15—20-29, and former § 20-15.1 was redesignated as § 20-41 for purposes of classification. See also the editor's footnote to Article IV.

**Sec. 20-8. Tapping water mains.**

No person other than an authorized, licensed plumber or an authorized employee of the city shall tap or make a perforation or opening of any kind in any city water main. Before any person who shall be desirous of obtaining water from the system shall proceed to lay any service or other water pipe, such person shall apply to the director of public works for a permit to tap the main or other pipe, which application shall state the exact location at which the main or other pipe is to be tapped. The director of public works shall have the authority to direct the location of the tap and the type of tap to be used.  
(Ord. No. 896, § 12, 4-17-95; Ord. No. 905, § 3, 3-3-97)

**Sec. 20-9. One connection for two or more buildings prohibited; exceptions.**

It shall be unlawful for any owner, agent or tenant to supply, or permit to be supplied, any water to two (2) or more buildings through one (1) and the same connection, except on special, temporary, written contract with the waterworks department.  
(Ord. No. 896, § 9, 4-17-95)

**Sec. 20-10. Rules regulating use of water.**

The following rules and regulations are hereby established for the management, control and protection of the waterworks system. The rules shall be considered a part of the contract with every person who takes water supplied by the city, and every person taking water shall be considered as having expressed consent to be bound thereby:

*Rule 1. Water Service Application.*

Application for use of water must be made at the office of the city clerk on printed forms furnished for that purpose. The applications must be made by the owner or agent of the property to be benefitted, designating the lot, block and post office address where water is desired, and shall state all the purposes for which the water may be required, and shall sign a contract therefor. No taps will be made to the main until the applicant, for whom such connection is to be made, has signed the contract mentioned herein and shall have fully paid all charges in advance.

*Rule 2. Voluntary Discontinuance.*

Owners or consumers desiring to discontinue the use of water shall notify the city clerk, who will have the meter read

and make such refunds as are found to be due the person when service is discontinued. The water will then be turned off without charge.

*Rule 3. Water Bills.*

The director of public works or the city clerk shall cause all water meters to be read at least once every month, and the city clerk shall bill for said water for the month of said reading.

*Rule 4. Separate Connections for Each Premises.*

Two (2) or more premises cannot be supplied from one (1) and the same connection on new construction, but may be so served upon the patron obtaining a special contract with the waterworks department to serve existing systems.

*Rule 5. Stop Cocks and Boxes.*

Every service pipe must be equipped with a stop and waste for controlling the supply of water to the consumer, and such stops and boxes shall be placed at a location to be designated by the director of public works at an elevation to conform to the surface of the sidewalk, boulevard or other surface in which it is installed, unless otherwise ordered by the director of public works.

*Rule 6. Nonliability of the City for Service Lines and Repairs.*

The city shall not be responsible for pipes and fixtures constituting service lines. All owners, at their own expense, must keep the service line from the city mains, including all curbstops, curbstop risers, and related apparatus, in good working order and properly protected from frost and other dangers at their own expense. No claim shall be made against the city on account of the breaking of any water service pipe or apparatus or for the accidental failure in supply of the water.

If an owner receives written notice from the city that his service line or any part thereof, including all curbstops, curbstop risers, and related apparatus needs to be installed, repaired or replaced, and thereafter fails to make said installation, repair or replacement within thirty (30) days, the city may turn off the water by whatever means it deems appropriate. In such cases, the water will not be turned back on until the necessary repair or replacement has been completed and a charge of fifty dollars (\$50.00) for turning the water off and on has been paid.

If an owner fails to install, repair or replace any curbstop, curbstop riser, or related apparatus after notice thereof, the city may at its option make said installation, repair, or replacement. If a service line fails between the city main and the curbstop, and the owner does not take prompt action for its

repair after notice thereof, the city may shut the service line off at the corporation cock (connection to the main) but will not repair or replace the service line. The entire cost of time, excavation, and materials will be charged to the owner. This charge, plus the charge to turn the water on, must be paid before the water service will be restored. Payment of such charges may be enforced through suit for collection or by levying an assessment on the premises, or both.

In the event of assessment, the city council shall annually pass and adopt a resolution levying an assessment against each lot or part thereof served by the water service which was shut off, installed, repaired or replaced.

*Rule 7. Unnecessary Waste of Water.*

Consumers shall prevent unnecessary waste of water and shall keep all water outlets closed when not in actual use. In the event of unnecessary waste of water, the city reserves the



right to cut off the supply and assess a penalty of fifty dollars (\$50.00) which shall be paid before the water is turned on again.

*Rule 8. Meter Size and Locations.*

The city reserves the exclusive right to supply and install a water meter to any service pipe it deems it advisable. The city will provide a meter up to one (1) inch in size at no cost to the owner. Any owner requesting or needing a meter larger than one (1) inch in size will be required to pay the difference between the then-current cost of a one-inch meter and the size required by the owner. For example: if a one-inch meter costs fifty dollars (\$50.00) and an owner requires a two-inch meter which costs two hundred dollars (\$200.00), the owner will pay the city one hundred fifty dollars (\$150.00). Full payment must be made before the meter will be installed.

Meters may be placed on service pipes not to exceed three (3) feet from the wall where such pipe enters the premises with a stop and waste on each side of the meter. For meters which must be installed outside mobile homes, the city will supply the meter, but the owner will be responsible for the installation. Meters shall be placed so as to be easily accessible to the employees of the water department and must be protected from freezing and other damage.

Except for duly authorized city employees, it shall be unlawful for any person to remove, modify, adjust, open, bypass, or otherwise tamper with any water meter.

*Rule 9. Protection from Steam and Back Pressure.*

If the meter is placed on pipe connected with a boiler or other hot water apparatus, a check valve must be placed between such meter and the boiler and other hot water apparatus to protect the meter from back pressure and steam or hot water.

*Rule 10. Damage to Meters.*

If meters are not placed as herein directed, or where meters are broken by tampering, misuse or negligence of the owner or occupants of premises, the same shall be replaced by the city and paid for by the owner of the premises at the then-current replacement cost, and in case payment therefor is neglected or refused, the water may be turned off and will not be turned on again until paid.

*Rule 11. Ownership of Meters.*

All meters shall be and remain the property of the city and may be removed and/or replaced whenever the director of

public works may so elect. If a meter fails to function properly and is replaced, the consumer shall be billed as follows for water service:

- (a) For customers who have been served for more than one (1) year, the amount will be based on consumption for the same period in the previous year;
- (b) For customers who have been served for less than one (1) year, the amount will be based on the average consumption for the previous billing periods.

*Rule 12. Consumers Supplying Water to Others.*

No occupant or owner of any building into which water is introduced shall be allowed to supply water to other persons or families without special permission of the director of public works, in which case permission may be granted for temporary emergency situations. If, therefore, consumers furnish other people or supply water without the prior written permission of the director of public works, it is a violation of the contract, and consumers so offending shall be required to pay double the price of water so used, and the city reserves the right to shut off the supply for abuses of water privileges. When the water has been turned off for the violation of any of the rules, the water department will withhold water service until all dues and penalties have been paid, including the further sum of fifty dollars (\$50.00) for turning on the water.

*Rule 13. Discontinuing Service.*

In case there shall be any water charge delinquent and the supply has been turned off, the water shall not be turned on again until all of such delinquent water rents shall have been paid, including fifty dollars (\$50.00) for turning the water on and off.

*Rule 14. Turning off Water for Repairs to System.*

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

*Rule 15. Water for Construction Purposes.*

Contractors, builders or others desiring temporary water service for construction purposes must make application to the director of public works who may issue a permit therefor. The

amount to be paid for such water service shall be paid in advance, in a negotiated sum to be determined by the estimated usage in each case.

*Rule 16. Violations.*

It shall be unlawful for any person by himself or by any other person acting under his direction, without the permission of the director of public works, to open, curb over, modify, tamper with, or remove any fireplug, hydrant, stop cock valve, valve box, or other fixture appurtenant to the city's waterworks. Any person violating any rule or provision of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished as set forth in section 1-6 of this Code.

*Rule 17. Right of Entry of City Employees.*

The director of public works or any authorized officer or employee of the city shall be permitted at all reasonable times to enter the premises or buildings of consumers to examine the water pipes and fixtures, to read meters, to remove meters, to replace meters, to make repairs, to perform maintenance, to determine if water is being used, and/or to determine the manner in which water is being used. Except in cases of emergency, the city will use reasonable means to notify the building owner, tenant, or occupant of the need to enter the premises and to arrange for same. If an owner, tenant, or occupant refuses to allow entry of a building the city may use whatever means it deems necessary to effect such entry. The city will not be responsible for any costs or repairs necessitated by such entry.

*Rule 18. Workmanship of Plumbers.*

No person except a regularly licensed plumber shall be permitted to do any work on any pipes or connections made with the mains or water supply of the waterworks of the city. Plumbers failing to perform their work according to established rules and regulations therefor, or executing it unskillfully or to the detriment of the city may be prohibited from making future connections to the city mains. It will be understood that this prohibition does not apply to an owner doing work upon private water lines within his own building.

*Rule 19. Reporting Violations; Enforcement.*

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

A copy of these rules may be made available to all owners and consumers of water, and the same shall be considered a part of the contract made between the city and every such owner and consumer.

*Rule 20. Frozen Water Lines.*

It shall be illegal and a violation of this chapter for anyone to affix, hire, or order to be affixed an electric welder to any frozen water service line or related apparatus to thaw the frozen line or related apparatus.

(Ord. No. 896, § 15, 4-17-95; Ord. No. 905, §§ 4—11, 3-3-97; Ord. No. 938, §§ 1, 2, 6-29-2009)

**Sec. 20-11. Duties of the city clerk.**

The city clerk shall:

- (a) Keep records of all permits issued and collect all fees cash in advance.
- (b) Keep a record of all applications for water service, and direct denials of applications to the city council.
- (c) Coordinate with the director of public works and his designated assistants so that water service may be turned on and off in accordance with the provisions of this chapter.
- (d) Make available to the director of public works a current monthly list of all water customers, showing all delinquencies, and listing all premises where water service is to be shut off for nonpayment, in accordance with the provisions of this chapter.
- (e) Cause the water meters on all premises being supplied with water to be read on a monthly basis and to calculate therefrom the quantity of water supplied to such premises, prepare and mail bills on a monthly basis for the value of water supplied, in accordance with the then current rate schedule, and keep accurate records thereof.
- (g) Keep correct records of all money due from water service charges, both current and delinquent, keep records of all money collected, and credit all accounts as money is received.

(Ord. No. 896, § 3, 4-17-95; Ord. No. 905, § 12, 3-3-97)

**Sec. 20-12. Notice.**

Any notice required in this article may be served personally or by regular U.S. mail. If by mail, service is considered to have been made three (3) days after the date of mailing.  
(Ord. No. 905, § 19, 3-3-97)



**Secs. 20-13—20-15. Reserved.****DIVISION 2. RATES, CHARGES, BILLING AND COLLECTION****Sec. 20-16. Rates for tapping main established.**

Uniform fees for permits for tapping city water mains shall be collected by the director of public works in accordance with the following schedule:

Permit to tap water main: \$200.00.  
(Ord. No. 896, § 13, 4-17-95)

**Sec. 20-17. Owner responsible for service pipes; cost.**

The service pipes within and without the premises and through their entire length to the tap in the city water main, together with curb cock and box, must be laid, kept in repair and protected from freezing at the expense of the owner of the premises.  
(Ord. No. 876, § 11, 4-17-95)

**Sec. 20-18. Must contract for water.**

It shall be unlawful for any person to take, use or allow water to be used, without having previously contracted for the same.  
(Ord. No. 876, § 8, 4-17-95)

**Sec. 20-19. Water to be turned on by authorized person only.**

Water may be turned on at the curb cock only by an authorized employee of the city, and if turned on by any other person, an additional penalty of two hundred dollars (\$200.00) shall be assessed against the property, and, in addition thereto, the unauthorized person so turning on the water shall be guilty of a misdemeanor.  
(Ord. No. 896, § 7, 4-17-95)

**Sec. 20-20. Liability for water service lines and repairs.**

The property owner shall be responsible for pipes and fixtures constituting service lines from the main, and said owners at their own expense must keep the service lines from their residence to the main, including all stops, boxes, cutoffs and all related apparatus in good working order and properly protected from frost and other dangers at their own expense. No claim shall be made against the city on account of the breaking of any water service pipe or apparatus from the residence to the main, or for

the accidental failure in the supply of water. All owners are charged with the responsibility of maintaining the above-described service lines, stops and boxes in a good state of repair at their own expense and at all times.

(Ord. No. 896, § 4, 4-17-95; Ord. No. 898, § 1, 5-15-95)

### **Sec. 20-21. Customer deposit to guarantee payment.**

(a) An application for residential water service must be accompanied by a deposit of one hundred dollars (\$100.00) per occupancy, except as hereinafter provided.

(b) An application for commercial service must be accompanied by a deposit of two hundred dollars (\$200.00) per occupancy, except as hereinafter provided.

(c) An applicant for water service may, in the city's discretion, establish credit by demonstrating the following factors:

- (1) Prior water/sewer service with the city within the previous twelve (12) months, during which service was rendered and was not disconnected for failure to pay, and no delinquency notice was served upon the customer, or
- (2) Ownership of (a) a substantial legal interest in the premises to be served, (b) proof of full-time, consecutive employment during the entire twelve (12) months preceding the application for service, and (c) a record showing no delinquency in payment for water/sewer services during the twelve (12) months preceding the application.

(Ord. No. 896, § 16, 4-17-95; Ord. No. 905, § 13, 3-3-97; Ord. No. 923, § 1, 7-7-2001)

### **Sec. 20-22. Record of deposit.**

The city clerk shall maintain a record of all deposits received from the applicants, showing the name of each depositor, the date and amount of the deposit made, the location of the premises to which the deposit applies at the time for making the deposit, and each successive location while the deposit is retained.

(Ord. No. 896, § 20, 4-17-95)

### **Sec. 20-23. Interest on deposits.**

Interest shall not accrue on deposits held by the city.

(Ord. No. 896, § 18, 4-17-95)

**Sec. 20-24. Refund on deposits.**

Deposits shall be refunded by the city clerk after the customer has, for twenty-four (24) consecutive months, paid for water/sewer service when due in a prompt and satisfactory manner. Upon termination of the service, the city shall return the deposit to the customer, less any amounts then due for service charges. (Ord. No. 896, § 19, 4-17-95; Ord. No. 905, § 14, 3-3-97; Ord. No. 923, § 2, 7-7-2001)

**Sec. 20-25. Transfer of deposit.**

Where an applicant, from whom a deposit is required, transfers his service to a new location, the deposit, less any outstanding balance, shall be transferred and applicable to the new service location. (Ord. No. 896, § 17, 4-17-95)

**Sec. 20-26. Water rates established.**

The rates and charges to be assessed by the city to each water customer, effective October 23, 2016, shall be as follows:

- (1) *Base rate charge.* The following table shows the annual two (2) percent increase on the base rate for each size of service:

<i>Line / Meter Size</i>	<i>Oct. 2016</i>	<i>Oct. 2017</i>	<i>Oct. 2018</i>	<i>Oct. 2019</i>	<i>Oct. 2020</i>	<i>Oct. 2021</i>
	<i>Sept. 2017</i>	<i>Sept. 2018</i>	<i>Sept. 2019</i>	<i>Sept. 2020</i>	<i>Sept. 2021</i>	<i>Sept. 2022</i>
Residential 3/4"	\$25.50	\$26.01	\$26.53	\$27.06	\$27.60	\$28.15
Com- mercial 3/4"	\$25.50	\$26.01	\$26.53	\$27.06	\$27.60	\$28.15
Com- mercial 1"	\$25.50	\$26.01	\$26.53	\$27.06	\$27.60	\$28.15
Com- mercial 1 1/4"	\$38.25	\$39.02	\$39.80	\$40.59	\$41.40	\$42.23
Com- mercial 1 1/2"	\$38.25	\$39.02	\$39.80	\$40.59	\$41.40	\$42.23
Com- mercial 2"	\$51.00	\$52.02	\$53.06	\$54.12	\$55.20	\$56.31
Com- mercial 3"	\$51.00	\$52.02	\$53.06	\$54.12	\$55.20	\$56.31

- (2) *Charge based on gallons used.* An additional charge based on a rate of one dollar and seventy-eight cents (\$1.78) per one thousand gallons (1,000) of water used will be assessed for each meter or connection on a monthly basis. The council may from time to time increase the rates and charges in accordance with subsections (4) and (5).
  - (3) *Subject to minimum meter charge.* Once city water service to a lot or parcel of real property has been established in accordance with applicable city ordinances, resolutions, regulations, and procedures, the real property owner shall pay the monthly minimum base rate set by the city, which shall be payable twelve (12) months of the year.
  - (4) *Determination of annual budget for system.* At least once each year the city council shall determine the amount of money needed to pay the costs of the system, including, but not limited to: (a) the payment of the reasonable expense of operation and maintenance of the system; (b) administration of the system; and (c) the establishment or maintenance of any required reserves, including reserves needed for expenditures for depreciation and replacement of facilities, as may be determined necessary from time to time by the council. Based on the annual needs of the system, the council will establish monthly charges for the use of the system.
  - (5) *Further rate increases.* Subsequent adjustments to the rates and charges for the use of the system will be made by resolution of the council duly adopted after a public hearing with notice thereof given as provided by law.
- (Ord. No. 896, § 1, 4-17-95; Ord. No. 905, § 15, 3-3-97; Ord. No. 915, 5-17-99; Ord. No. 949, 10-7-2013; Ord. No. 955, §§ 1—3, 8-15-16)

### **Sec. 20-27. Rates to be charged when water turned on.**

Charges for water and related services will be charged against the property from the date on which the water is turned on, at the current rates in effect from time to time, until the date

on which the property owner or his agent orders the water turned off, or the date on which the water is otherwise turned off as provided in this chapter.

(Ord. No. 896, § 5, 4-17-95; Ord. No. 905, § 16, 3-3-97)

### **Sec. 20-28. Bills; when due; delinquent.**

All bills for water and sewer service are due and payable at the office of the city clerk on the first day of each month for all water used during the preceding month and will become delinquent on the tenth day of the month if not paid. If payment is not received by 5:00 p.m. on the tenth day of the month, a late charge of three dollars (\$3.00) will be assessed, and will appear on the next billing.

If the account remains delinquent thirty (30) days after the first billing, the delinquent amount will be shown as past due on the next regular billing. This will constitute the first notice of delinquency.

If such account remains delinquent sixty (60) days after the first billing, a disconnection notice will be personally served or mailed to the property owner and tenant, if applicable, that the account is sixty (60) days delinquent and that service will be terminated. A delinquent late fee of fifty dollars (\$50.00) will be assessed. After service of the disconnection notice is complete, the water may be shut off and will not be turned on until all charges are paid, including the delinquent late charge. Owners of the property served shall be liable for all charges. Payments will be accepted from tenants, but such payments will not relieve the property owner of liability if tenant becomes delinquent. (Ord. No. 896, § 6, 4-17-95; Ord. No. 905, § 17, 3-3-97)

### **Sec. 20-29. When water discontinued.**

If undue waste is permitted, or water is bypassed to other customers, or in cases of theft, deception, misrepresentation, or abuse of the privilege of connection with the water system, the water may be turned off without notice, and before the water is turned back on, a charge of fifty dollars (\$50.00) must be paid for turning the water off and on.

(Ord. No. 896, § 10, 4-17-95; Ord. No. 905, § 18, 3-3-97)

**Secs. 20-30—20-40. Reserved.**

## DIVISION 3. CONSERVATION

**Sec. 20-41. Water shortage procedures.**

(a) *Voluntary water conservation stage.* Whenever the mayor or city council deems that a water shortage is imminent, or that it would be reasonable and prudent to encourage water conservation within the city, he or they shall be empowered to declare that the city shall be in a voluntary water conservation stage.

(b) *Mandatory water conservation stage.* The mayor of the city shall be empowered to declare a mandatory water conservation stage as soon as the conditions set forth in the water conservation

policy have been met or the city council shall be empowered to declare a mandatory water conservation stage whenever it deems that a water shortage is imminent. Whenever a mandatory water conservation condition is declared to exist, said condition shall exist for no longer than forty-eight (48) hours or until the city council of the city has concurred by a majority vote of the council present at a meeting held for that purpose that a mandatory water conservation stage has occurred.

(c) *Extreme mandatory water conservation stage.* The mayor shall be empowered to declare an extreme mandatory water conservation stage as soon as the conditions set forth in the water conservation policy have been met or the city council shall be empowered to declare an extreme mandatory water conservation stage whenever it deems that a water shortage is imminent. Whenever an extreme mandatory water conservation condition is declared to exist, said condition shall exist for no longer than forty-eight (48) hours or until the city council has concurred by a majority vote of the council present at a meeting held for that purpose that an extreme mandatory water conservation stage has occurred.

(d) *Requirements.* The following shall be the requirements of each stage of water conservation:

- (1) Stage 1 voluntary conservation. The voluntary conservation stage shall consist of requesting the citizens of the City of Glasgow to conserve water whenever possible and to curtail all public watering to a maximum of four (4) hours per day, two (2) days per week. Said watering shall be done between the hours of 7 a.m. and 11 a.m.
- (2) Stage 2 mandatory conservation. The mandatory conservation stage shall require hand watering only of yards and gardens for any private water user subscribing to the city water service and shall absolutely curtail all public watering for public water users.
- (3) Stage 3 extreme mandatory conservation. The extreme mandatory conservation stage shall require absolutely no irrigation or watering of yards or gardens by any water user.

(e) *Definitions:*

- (1) "Public watering" or "public irrigation" shall include, but not be limited to the Glasgow City Cemetery, Glasgow City Parks, schools, hospital, nursing home and all federal, state and county water users.



- (2) "Individual water users" shall include individual residences and any commercial or industrial user of water within the city water system.
- (3) "Council meeting" shall mean a special or regular meeting of the council, time and place of which each councilman shall have had reasonable notice.

(f) *Penalties:*

- (1) During the voluntary water conservation stage, failure to conserve water shall constitute an unnecessary waste of water and shall be subject to the penalties as described in Rule 7, section 20-10. Unnecessary waste of water shall mean watering of yards and gardens to excess or allowing water to run off the yards and down the streets.
- (2) During the mandatory water conservation stage, any water user, owner, occupant, tenant or person having control of any water source within the city water distribution system who shall fail to comply shall be guilty of a misdemeanor and upon conviction thereof, shall be punished as provided in section 1-6 of the city Code.
- (3) During the extreme mandatory water conservation stage, any water user, owner, occupant, tenant or person having control of any water source within the city water distribution system who shall fail to comply shall be guilty of a misdemeanor and upon conviction thereof, shall be punished as provided in section 1-6 of the city Code.
- (4) Any person found guilty of a misdemeanor under (2) or (3) above shall be presumed to have been guilty of unnecessary waste of water as provided for in Rule 7, section 20-10 of the City of Glasgow and shall be subject to any sanctions therein provided.

(g) *Enforcement:* It shall be the duty of the police of the city to give vigilant aid to the water department in the enforcement of these rules and regulations, and to this end, shall report all violations thereof that come into their knowledge to the city engineer's office.

(Ord. No. 812, §§ 1-7, 6-15-81; Ord. No. 865, §§ 2, 3, 8-15-88)

**Editor's note**—Nonamendatory Ord. No. 812, §§ 1-7, adopted June 15, 1981, has been included herein as § 20-41 at the discretion of the editor.

**Secs. 20-42—20-50. Reserved.**



**ARTICLE IV. SEWERS AND SEWAGE DISPOSAL\***

**DIVISION 1. GENERALLY**

**Sec. 20-51. Supervision and control of director of public works.**

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

The director of public works shall, under the direction of the city council, take the general supervision of all sewers and their connections which are now or may hereafter be built by the city or which may be permitted to be built under its authority, and shall take charge of the building and repairs of the same and all matters in connection with the sewerage of the city; and he shall be building inspector within and for the city.

(Ord. No. 148, §§ 1, 2, 9-23-14; Ord. No. 897, § 1, 4-17-95)

**Sec. 20-52. Rules of director of public works.**

It is expressly understood that all work performed must be done in accordance with rules and regulations on file in the office of the director of public works.

(Ord. No. 148, § 3, 9-23-14; Ord. No. 897, § 2, 4-17-95)

**\*Editor's note**—Ord. No. 897, §§ 1—17, adopted Apr. 17, 1995, amended Art. IV in the following respects:

§§ 1—6 amended §§ 20-21—20-24, 20-24.1 and 20-25;

§§ 7—9 repealed §§ 20-28—20-30

§ 10 amended § 20-31

§§ 11—13 repealed §§ 20-34—20-36

§§ 14, 15 amended §§ 20-37, 20-38

§§ 16, 17 repealed §§ 20-38.1 and 20-39

In order to facilitate the expansion of Art. III, and for purposes of classification, the editor renumbered sections of Art. IV in the following manner:

<i>Former</i>	<i>Renumbered As</i>
§§ 20-21—20-24.1, 20-25	§§ 20-51—20-55, 20-56
§§ 20-26, 20-27	§§ 20-57, 20-58
§ 20-31	§ 20-59
§ 20-32	§ 20-60
§ 20-33	§ 20-71
§§ 20-37, 20-38	§§ 20-72, 20-73
§§ 20-40, 20-42	§§ 20-81, 20-82



**Sec. 20-53. Connections to sewer line—Power of council to require; notice to owners.**

The city council shall have the power to order the owner of any house upon any street or part of street in the city to make connection with the sanitary sewerage system of the city. It shall be the duty of every owner of any house situated upon any lot upon the line of any sewer in the city, after being ordered so to do by the city council and notice thereof given, to make connections with the sewer nearest to such house, and for that purpose when such connection shall be ordered by the city council, it shall be the duty of the director of public works or the chief of police to give notice of such order to the owner of such house or to his agent. (Ord. No. 348, § 1, 5-23-24; Ord. No. 897, § 3, 4-17-95)

**Sec. 20-54. Permit required; penalty for violation.**

No connection shall be made with any sewer without a permit from the director of public works, and no house drain or private sewer will be allowed to be put in place nor any work in connection therewith commenced or prosecuted unless the permit to construct the drain or sewer is in the possession of the owner or the licensed plumber at the site of the proposed work or with one of his employees engaged in the work. Any person making an opening or connection into any sewer without such permission or in any manner different from the mode prescribed for such opening or connections by this article shall, upon conviction thereof, be guilty of a misdemeanor and shall be punished as set forth in section 1-6 of this Code.

(Ord. 148, § 7, 9-23-14; Ord. No. 897, § 4, 4-17-95; Ord. No. 906, § 1, 3-3-97)

**Sec. 20-55. Same—Failure to obtain permit declared unlawful.**

It shall be unlawful for any person, firm or corporation, either as owner or as an agent, or employee of the owner, or as an independent contractor, to tap any city sewer main of the City of Glasgow until written application therefor has been approved by the director of public works and an appropriate permit is issued. (Ord. No. 777, § 1, 8-29-77; Ord. No. 897, § 5, 4-17-95)

**Sec. 20-56. Same—Application for permit fee.**

Application for permits may be made by the person employed to do the work or the owners of the property, and must state the location, the name of the owner, number of the building to be connected and now occupied; and a plan shall be deposited with the director of public works, drawn in ink to a scale which shall



show the whole course of the drain from the connection with the sewer to its terminus within the building line. A uniform fee for a permit for tapping city sewer mains shall be collected by the director of public works in the amount of two hundred dollars (\$200.00).

(Ord. No. 148, § 10, 9-23-14; Ord. No. 777, § 2, 8-29-77; Ord. No. 808, 3-21-81; Ord. No. 885, § 1, 12-18-89; Ord. No. 897, § 10, 4-17-95)

**Sec. 20-57. Same—Tapping line off street where property located, permit required.**

No permit shall be granted to any person to tap or connect with any sewer off of the line of the street upon which the property is situated.

(Ord. No. 148, § 8, 9-23-14)

**Sec. 20-58. Separate connections for each dwelling.**

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

(Ord. No. 148, § 9, 9-23-14)

**Sec. 20-59. Receipt for fees paid.**

All sums to be paid by any person for licenses or permits, as provided for in this article, shall be paid to the city treasurer, taking receipt therefor, which receipt shall be noted and recorded by the director of public works before he shall deliver the licenses or permits.

(Ord. No. 148, § 3, 9-23-14; Ord. No. 897, § 10, 4-17-95)

**Sec. 20-60. Maliciously damaging, tampering with wastewater facility property.**

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

(Ord. No. 760, § 9, 1-17-75)

**Sec. 20-61. Liability for sewer service lines and repairs.**

The property owner shall be responsible for pipes and fixtures constituting sewer service lines and shall at their own expense keep the service line from the sewer main to their residence in good working order and properly protected from frost and other dangers at their own expense. No claim shall be made against the City of Glasgow on account of the breaking of any sewer pipe or apparatus or for the accidental failure of sewer system from the city main to the residence. All owners are charged with the responsibility of maintaining sewer service lines in a good state of repair at their own expense at all times.

(Ord. No. 898, § 2, 5-15-95)

**Editor's note**—For purposes of classification, provisions designated as § 20-32.1 by Ord. No. 898 have been redesignated as § 20-61.

**Secs. 20-62—20-70. Reserved.**

DIVISION 2. RATES, CHARGES, BILLING AND COLLECTION

**Sec. 20-71. Purpose.**

The purpose of this article shall be to generate sufficient revenue to pay all costs for the operation and maintenance of the complete wastewater system. Insofar as practicable, the costs shall be distributed equitably to all users of the wastewater system.

(Ord. No. 760, § 1, 1-17-75)

**Sec. 20-72. Sewer rates established.**

The rates and charges to be assessed by the city to each sewer customer, effective October 23, 2016, shall be as follows:

- (1) *Base rate charge.* A flat rate for both residential and commercial users of the system shall be charged each month. The following table shows the annual two (2) percent increase on the base rate for each size of service:

<i>Line/ Meter Size</i>	<i>Oct. 2016</i>	<i>Oct. 2017</i>	<i>Oct. 2018</i>	<i>Oct. 2019</i>	<i>Oct. 2020</i>	<i>Oct. 2021</i>
	<i>Sept. 2017</i>	<i>Sept. 2018</i>	<i>Sept. 2019</i>	<i>Sept. 2020</i>	<i>Sept. 2021</i>	<i>Sept. 2022</i>
Residential ¾"	\$40.65	\$41.46	\$42.28	\$43.12	\$43.98	\$44.85
Com- mercial ¾"	\$40.65	\$41.46	\$42.28	\$43.12	\$43.98	\$44.85
Com- mercial 1"	\$72.76	\$74.21	\$75.69	\$77.20	\$78.74	\$80.31
Com- mercial 1 ¼"	\$113.02	\$115.28	\$117.58	\$119.93	\$122.32	\$124.76
Com- mercial 1 ½"	\$162.61	\$165.86	\$169.17	\$172.55	\$176.00	\$179.52
Com- mercial 2"	\$290.26	\$296.06	\$301.98	\$308.01	\$314.17	\$320.45
Com- mercial 3"	\$650.45	\$663.45	\$676.71	\$690.24	\$704.04	\$718.12

- (2) *Charge based on gallons used.* In addition, the city shall charge commercial users a monthly usage charge of \$0.595 per one thousand gallons (1,000) of water used for treatment of waste water produced will be assessed for each meter or connection on a monthly basis. The council may from time to time increase the rates and charges in accordance with subsections (4) and (5).
- (3) *Subject to minimum meter charge.* Once city sewer service to a lot or parcel of real property has been established in accordance with applicable city ordinances, resolutions, regulations, and procedures, the real property owner shall pay the monthly minimum base rate set by the city, which shall be payable twelve (12) months of the year.
- (4) *Determination of annual budget for system.* At least once each year the city council shall determine the amount of money needed to pay the costs of the system, including, but not limited to: (a) the payment of the reasonable expense of operation and maintenance of the system; (b) administration of the system; and (c) the establishment or maintenance of any required reserves, including reserves needed for expenditures for depreciation and replacement of facilities, as may be determined neces-

sary from time to time by the council. Based on the annual needs of the system, the council will establish monthly charges for the use of the system.

- (5) *Further rate increases.* Subsequent adjustments to the rates and charges for the use of the system will be made by resolution of the council duly adopted after a public hearing with notice thereof given as provided by law.

(Ord. No. 760, § 5, 1-17-75; Ord. No. 806, 3-2-81; Ord. No. 816, 4-19-82; Ord. No. 824, 4-18-83; Ord. No. 853, 4-6-87; Ord. No. 864, 4-4-88; Ord. No. 897, § 14, 4-17-95; Ord. No. 906, § 2, 3-3-97; Ord. No. 907, 9-22-97; Ord. No. 915, 5-17-99; Ord. No. 942, § 1, 8-16-2010; Ord. No. 956, §§ 1—3, 8-15-16)

### **Sec. 20-73. Owners liable for charges.**

Owners of the property served will be held liable for all water and sewer charges. Payments will be accepted from tenants but will not relieve the owner if the tenant becomes delinquent.

(Ord. No. 760, 1-17-75; Ord. No. 806, 3-2-81; Ord. No. 897, § 15, 4-17-95; Ord. No. 906, § 3, 3-3-97)

### **Secs. 20-74—20-80. Reserved.**

## DIVISION 3. DISCHARGE AND DISPOSAL REGULATIONS\*

### **Sec. 20-81. Use of the public sewers.**

(a) No person shall discharge or cause to be discharged any unpolluted waters such as stormwater, groundwater, roof runoff, subsurface drainage, or cooling water to any sewer, except stormwater runoff from limited areas, which stormwater may be polluted at times, may be discharged to the sanitary sewer by permission of the city.

**\*Editor's note**—It should be noted that the last paragraph of Ord. No. 897, adopted Apr. 17, 1995, provided that the term "city engineer" be deleted and replaced with "director of public works" in the sewer code.

(b) Stormwater other than that exempted under subsection (a), and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers or to a natural outlet approved by the city and other regulatory agencies. Unpolluted industrial cooling water or process water may be discharged on approval of the city, to a storm sewer, combined sewer, or natural outlet.

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

- (1) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.



- (2) Any waters containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any waste treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment plant.
- (3) Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater works.
- (4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities such as, but not limited to, ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or unground by garbage grinders.

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

- (1) Wastewater having a temperature higher than one hundred fifty (150) degrees Fahrenheit (65° Celsius).
- (2) Wastewater containing more than twenty-five (25) milligrams per liter of petroleum oil, nonbiodegradable cutting oils, or product of mineral oil origin.
- (3) Wastewater from industrial plants containing floatable oils, fat, or grease.

- (4) Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.
  - (5) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances to such degree that any such material received in the composite wastewater at the wastewater treatment works exceeds the limits established by the city for such materials.
  - (6) Any waters or wastes containing odor-producing substances exceeding limits which may be established by the city.
  - (7) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the city in compliance with applicable state or federal regulations.
  - (8) Quantities of flow, concentrations, or both which constitute a "slug" as defined herein.
  - (9) Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
  - (10) Any water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.
- (e) If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in subsection 20-81(d), and which in the judgment of the city, may have a deleterious effect upon the wastewater facilities, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a nuisance, the city may:
- (1) Reject the wastes.
  - (2) Require pretreatment to an acceptable condition for discharge to the public sewers.
  - (3) Require control over the quantities and rates of discharge, and/or
  - (4) Require payment to cover added cost of handling and treating the wastes not covered by existing taxes or sewer charges.

If the city permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the city.

### **Sec. 20-82. Powers and authority of inspectors.**

(a) The director of public works and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing pertinent to discharge to the community system in accordance with the provisions of this article.

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

(c) While performing the necessary work on private properties referred to in subsection (a), the director of public works or duly authorized employees of the city shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the city employees, and the city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in subsection 20-81(h).

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

(f) Grease, oil, and sand interceptors shall be provided when, in the opinion of the city, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, as specified in subsection 20-81(d)(3) of this section, or any flammable wastes, sand, or other harmful ingredients; except

that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the city, and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors the owners shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates, and means of disposal which are subject to review by the city. Any removal and hauling of the collected materials not performed by owners' personnel must be performed by currently licensed waste disposal firms.

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

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

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

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

(Ord. No. 760, §§ 8, 10, 1-17-75; Ord. No. 897, 4-17-95)

## Chapter 21

### ZONING

#### Sec. 21-1. Definitions.

For the purpose of this chapter certain terms and words are hereby defined as follows:

Words used in the present tense include the future; words in the singular number include the plural; words in the plural include the singular; the word "building" includes the word "structure"; the word "person" includes a corporation or other organization; the term "used" includes the terms "arranged," or "intended to be used," or "designed"; and the word "shall" is mandatory and not directory.

*Access street.* The term access street shall apply to those streets which connect to townhouse subdivisions with other streets not included in the subdivision.

*Accessory use of buildings.* An accessory use or building is a use or building customarily incidental to, and accessory to the principal and ordinary use of a building, or premises, located on the same premises with such principal use or building.

*Agricultural.* Use of the land for such purposes as farming, dairying, pasturage, grazing, animal and poultry husbandry, silviculture, and removal of forest products, floraculture and horticulture.

*Apartment house.* See "multiple dwelling."

*Boarding house.* A building, other than a hotel or club, where meals are regularly served for compensation to more than six persons not members of the family there residing.

*Building.* A structure having a roof supported by walls, and, when separated by a party wall without openings, it shall be deemed a separate building.

*Common open space.* Parcel or parcels of land with improvements which are shared by the owners and occupants of the building sites in the planned unit development.

*Community garage.* A series of private garages of capacity of not more than one automobile each, located jointly on a common lot, and having no public shop or service in connection therewith.

*Conditional use.* A conditional use is a use permitted or a use which is specifically listed as a conditional use within a

Supp. No. 11

district provided the additional conditions specified in the district regulations for the use are met.

*Conforming use.* Any use allowed by the regulations of the district as a permitted use, conditional use or special exception.

*Dwelling, one-family.* A detached building designed for, or occupied exclusively by one family.

*Dwelling, two-family.* A detached, or semi-detached building designed for, or occupied exclusively, by two families living independently of each other.

*Dwelling mutiple.* A building, or portion thereof, designed for, or occupied as the home of three or more families living independently of each other, including tenement house, apartment houses, apartment hotels.

*District.* A section of the city for which the regulations governing the area height and use of buildings and premises are the same.

*Family.* One or more persons, living, sleeping, and usually cooking and eating on the premises, as a single housekeeping unit.

*Feed lot.* An animal enclosure where the land is not grazed or cropped, either a secondary or an accessory use to an agricultural operation or a primary use as in commercial feed lot.

*Filling station.* A filling station is a building and appurtenances located on a lot where gasoline, or and other liquids used in the operation of motor vehicles, are retailed and usually delivered directly into such vehicles.

*Floor area.* The sum of the areas of the several occupied floors of a building, measured from the exterior walls or center line of walls separating buildings.

*Front yard.* An open space extending across the front of the lot from the front line of the building proper to the street line, and occupied only by uncovered steps and open porches.

*Gross area per acreage.* Shall apply to the overall total area of the townhouse subdivision site exclusive of deductions.

*Heights of building.* The vertical distance from the ground in front of the building to the highest point of the coping of a flat roof, to the deck line of a mansard roof; to the junction of the wall and the eaves of a building with a gable or hip roof.

*Hotel.* A building in which lodging is provided with or without meals, and open to transient guests.

*Industry.* The manufacture, storage, extraction, fabricating, processing, reduction, destruction, conversion or wholesaling of any article, substance or commodity or any treatment thereof in such a manner as to change the form, character or appearance thereof.

*Interior street.* Streets within a townhouse subdivision and serving only a limited area within the subdivision.

*Lodging house.* A building, other than a hotel, where lodging is provided for six, or more, persons not members of the family.

*Lot.* The land bounded by definite lines, and occupied by a building and its accessory buildings, and including the open spaces required under these regulations. It may, or may not be a definite parcel as shown on the recorded plat.

*Mobile home.* Any residential structure larger than two hundred fifty-six (256) square feet in area which is either wholly or in substantial part manufactured at an off-site location; any movable or portable residential structure over thirty-two (32) feet in length and over eight (8) feet wide, constructed to be towed on its own chassis and designed without a permanent foundation for year-round occupancy, which includes one (1) or more components that can be retracted for towing purposes and subsequently expanded for additional capacity, or of two (2) or more units separately towable, but designed to be joined into one (1) integral unit, as well as a portable residential structure composed of a single unit. Mobile homes shall meet current structural codes (American National Standards Institute) and fire codes (National Fire Protection Association 501B) as adopted by the State of Montana.

*Modular dwelling.* A detached one-family dwelling with all of the following design characteristics:

- (a) For long-term occupancy and containing sleeping accommodation, a flush toilet, a tub or shower bath, and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems;
- (b) Transportable on temporary wheels, a flatbed, or other type of trailer;
- (c) Without a permanent frame or undercarriage so as to be placed on a permanent foundation necessary for occupancy;

- (d) Factory construction meets or exceeds uniform building codes; and
- (e) Eligible for long-term amortized mortgage financing of fifteen (15) years or more.

*Non-conforming use.* A use of a building or premises that does not conform with the regulations of the district in which it is situated.

*One-family dwelling.* A detached building designed for, or occupied exclusively by one family.

*Open space.* The term open space shall apply to lands designated to be used for recreation area, park, play lot area and plaza or ornamental areas; in townhouse subdivisions the required open space shall be accessible common area.

*Parking space.* A land area of not less than one hundred eighty (180) square feet exclusive of driveways and aisles usable for the parking of a motor vehicle and so located to be readily accessible to a public street or alley.

*Planned unit development.* A land development project consisting of residential clusters, commercial, recreational and common open space elements; a planned mixture of land uses built in a prearranged relationship to each other and having open space and community facilities in a common ownership or use.

*Private garage.* A garage with capacity of not more than four motor-driven vehicles, and having no public shop or service in connection therewith.

*Public garage.* Any premises used for housing or care of more than four motor-driven vehicles, or, where any such vehicles are equipped for operation, repaired, or kept for remuneration, hire or sale not including show rooms or exhibition for model cars.

*Rear yard.* An open unoccupied space between the rear line of a building and the rear lot line, for the full width of the lot, and unoccupied except by accessory buildings.

*Setback.* The shortest distance between the lot line and the foundation wall or main frame of the building. An imaginary line establishing the minimum distance that structures may be located from lot lines and street rights-of-way.

*Side yard.* An open, unoccupied space on the same lot with a building, between the building and the side line of the lot, and extending through from the front yard to the rear yard.

*Structural alteration.* Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders; excepting such alterations as may be required for the safety of the building.

*Two-family dwelling.* A building designed for, or occupied exclusively by, two families living independently of each other.

*Use.* The purpose for which land or a building structure thereon is designated, arranged, intended or maintained or for which it is or may be occupied or used.

*Variance.* A relaxation of specific provisions of this chapter when a literal enforcement of this chapter would result in unnecessary or undue hardship. (Ord. No. 653, § 9, 8-5-53; Ord. No. 813, § 5, 8-3-81)

#### **Sec. 21-1.1. Zoning commission—Established; membership; meetings; organization and records.**

A zoning commission is hereby established as provided by statute. It shall consist of five (5) members appointed by the mayor, subject to the confirmation of the city council; each member to serve for a term of three (3) years. It shall hold its meetings, which shall be open to the public, in the council chambers in the city hall, and the presence of three (3) members shall be necessary to constitute a quorum. The commission shall adopt rules and regulations necessary for the conduct of its business. Meetings of the commission shall be held at the call of the chair and at such times as the commission may determine. Such chair or, in the absence of the chair, the acting chair may administer oaths and compel the attendance of witnesses. The commission shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its investigations, decisions and other official actions, all of which shall be a public record maintained in the office of the city clerk. (Ord. No. 815, § 2, 3-15-82; Ord. No. 891, § 1, 2-23-94)

**Cross reference—**City-county planning board, § 2-41.

#### **Sec. 21-1.2. Same—Powers.**

(a) The zoning commission shall be empowered to recommend boundaries of various original districts and appropriate regulations to be enforced therein. Such commission shall make a preliminary report and hold public hearings in regard to the establishment or change of any zoning boundaries before submitting its final report, and such city council shall not hold its public hearings or take any action in regard to creating new zoning districts or changing the boundaries of any zoning districts until

it has received the final report of the zoning commission. Any recommendation regarding the alteration of boundaries or regulations concerning the same shall be based upon the consideration of the following factors:

- (1) Whether the new zoning was designed in accordance with the comprehensive plan.
  - (2) Whether the new zoning was designed to lessen congestion in the streets.
  - (3) Whether the new zoning will secure safety from fire, panic and other dangers.
  - (4) Whether the new zoning will promote health and general welfare.
  - (5) Whether the new zoning will provide adequate light and air.
  - (6) Whether the new zoning will prevent the overcrowding of land.
  - (7) Whether the new zoning will avoid undue concentration of population.
  - (8) Whether the new zoning will facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements.
  - (9) Whether the new zoning gives reasonable consideration to the character of the district.
  - (10) Whether the new zoning gives consideration to the particular suitability of the property for particular uses.
  - (11) Whether the new zoning was adopted with a view to conserving the value of buildings.
  - (12) Whether the new zoning will encourage the most appropriate use of land throughout the municipality.
- (b) The zoning commission shall serve in an advisory capacity to the city council and shall make recommendations in regard to any regulation or ordinance for the enforcement of any zoning matter that may come before the council.
- (c) A permit for a conditional use will not be approved by the zoning commission unless and until:
- (1) An accurate and complete written application for conditional use, which must be accompanied by a fee equal to the cost of publishing notice, is submitted to the zoning commission through the zoning administrator. All applications for conditional use permits must be accompanied by

plans in duplicate drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of buildings already existing, if any; the location and dimensions of the proposed building or alteration; and information which clearly states how the conditions for the use must be met. The application must include such other information as may lawfully be required by the administrative official, including descriptions of and proposed buildings or alterations; exist-



ing or proposed uses of the building and land; the number of families, housekeeping units or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of, this chapter. One (1) copy of the plans must be returned to the applicant by the administrative official, after he has marked it as either approved or disapproved and signed it. The original of the plans, similarly marked, shall be retained by the administrative official.

- (2) Notice shall be given at least fifteen (15) days in advance of public hearing before the zoning commission. The owner of the property for which a conditional use is sought or his agent shall be notified of the hearing by mail. Notice of such hearings shall be conspicuously posted on the property for which the conditional use is sought, at the county courthouse, at the city hall, and in a newspaper of general circulation within the zoning jurisdiction at least fifteen (15) days prior to the public hearing.
- (3) The public hearing shall be held. Any party may appear in person, or by agent or attorney.
- (4) The zoning commission shall make a written finding that it is empowered under the section of this chapter described in the application to grant the conditional use, and that the granting of the conditional use will not adversely affect the character of the zoning district.
- (5) Before any conditional use is approved, the commission shall make written findings certifying compliance with the specific conditions governing the use.

(Ord. No. 844, § 1, 2-3-86)

Note—See the editor's note following § 21-1.1.

### **Sec. 21-2. Districts—Designated.**

For the purpose of regulating, classifying and restricting the location of trades, industries and enterprises, and the location of the buildings designed, erected or altered for specified uses, and limiting the height and size of such buildings, and the use of lot areas, and regulating and limiting the density of population in the city and regulating and determining the areas of the yards and other open spaces surrounding buildings hereafter erected, and preventing additions to, and alterations or remodeling of, existing buildings or structures in such a manner as to avoid the restrictions and limitations

in this article contained, the city is hereby divided into four districts termed respectively as follows:

“A” Residence District, “B” Residence District, “C” Commercial District, “E” Unrestricted District.

The boundaries of the districts shall be defined as in section 21-11 hereof. (Ord. 653, § 1, 8-5-53.)

### Sec. 21-3. Compliance with height, area and use regulations.

Except as hereinafter provided, no building shall be erected or structurally altered to exceed in height the limit herein established for the district in which such building is located. No lot area shall be so reduced or diminished, that the yard or other open spaces, shall be smaller than prescribed by this article nor shall the lot area per family be reduced except in conformity with area regulations hereby established for the district in which such building is located. No building shall be erected or structurally altered, nor shall any building or premises be used for any purpose other than that permitted in the district in which such building or premises are located. (Ord. 653, § 1, 8-5-53.)

### Sec. 21-4. “A” residence district.

In the “A” residence district:

(a) *Height.* No building shall exceed forty feet or three stories in height.

(b) *Front yard.* There shall be a front yard having a depth of not less than twenty feet, provided, however, that, where lots comprising forty percent, or more, of the frontage developed with buildings between cross streets, having an average front yard with a variation in depth of not more than six feet, no building hereafter erected or altered, shall project beyond the average front yard line so established, provided further, that this regulation shall not require a front yard of more than forty feet in depth.

Where there are no buildings in a block, the depth of the front yard shall be determined by making it conform to the depth on the same side of the street, in the adjoining block.

Where buildings front on a side street (or, a street not parallel to an alley), the front yard shall have a depth of not less than ten feet.

(c) *Rear yard.* There shall be a rear yard having a depth of not less than twenty feet where the rear lot line coincides with an alley line; otherwise, the depth shall be not less than one-half of the height of the building.

(d) *Side yard.* There shall be a side yard on each side of the building, each yard having a width of not less than five feet. The width, however, shall be not less than one-third of the height of the building; and where a building fronts the street parallel to an alley, on a corner lot, it shall have the side yard on the street side not less than ten feet in width.

On corner lots, the side yard regulations shall be the same as for interior lots, except as noted above, but, in the case of reversed frontage, where the corner lot is developed so that the buildings face an intersecting street, there shall be a side yard on the street side of the corner lot, of not less than the front yard required on the lots in the rear of such corner lot; and no accessory building on such corner lot, shall project beyond the front yard line of the lots in the rear.

Where an accessory building, such as a garage, is attached to a building, it shall be not less than five feet from the side line of the lot.

(e) *Lot area per family.* Every building hereafter erected, structurally altered or maintained, shall provide a lot area of not less than three thousand square feet per family.

(f) *Use.* No building, structure or premises shall be used, and no building or structure shall be erected, structurally



altered or maintained, unless otherwise provided in this article, except for one (1) or more of the following uses:

- (1) One-family dwellings.
- (2) Two-family dwellings.
- (3) Churches and temples.
- (4) Libraries.
- (5) Schools and colleges.
- (6) Parks and playgrounds.
- (7) Any public fire station, telephone exchange where no public business office and no repair or storage facilities are maintained, or any necessary public utility building.
- (8) Accessory buildings incidental to the above uses and located on the same lot (not involving the conduct of a business) including one (1) private garage, or community garage. Garages shall not exceed the following sizes for each lot:

<i>Lot Size</i>	<i>Maximum Garage Size</i>
3,900 to 7,000 sq. ft.	1,000 sq. ft.
7,001 to 10,000 sq. ft.	1,200 sq. ft.
over 10,000 sq. ft.	1,600 sq. ft.

Accessory buildings must comply with all setback requirements of this section.

- (9) Accessory uses customarily incident to any of the above uses when located on the same lot and not involving the conduct of a business; and including also, home occupations engaged in by the occupants of a dwelling, not involving the conduct of a retail business on the premises, and including the office of a physician, dentist, musician or artist, when situated in the same dwelling used by such person as his or her, private dwelling, provided that no name plate exceeding one (1) square foot in area, nor signs exceeding eight (8) square feet in area; pertaining to the lease, hire or sale of a building or premises, nor advertising sign of any other character, shall be permitted in this district, except that bulletin boards not exceeding twelve (12) square feet in area, may be permitted on premises occupied by churches, temples, libraries, schools, colleges and playgrounds.

(10) Conditional uses. Allowable once planning board review and special conditions are met to protect the public health, safety and general welfare.

- a. Nursing homes; requiring adherence to section 21-6, "C" commercial district design standards which include lot width, set back requirements, landscaping requirements, off-street parking, signs and utilities.

(Ord. 653, § 2, 8-5-53; Ord. 663, § 1, Ord. No. 813, § 1, 8-3-81; Ord. No. 922, § 1, 10-16-2000)

### **Sec. 21-5. "B" residence district.**

In the "B" residence district:

- (a) *Height.* No building shall exceed forty-five (45) feet, or three (3) stories in height.
- (b) *Front yard.* There shall be a front yard having a depth of not less than twenty (20) feet; provided, however, that where lots comprising forty (40) percent, or more, of the frontage developed with buildings between cross streets, having an average front yard with a variation in depth of not more than six (6) feet, no building hereafter erected or altered, shall project beyond the average front yard line so established, provided further, that this regulation shall not require a front yard of more than forty (40) feet in depth.

Where buildings front on a side street (or, a street not parallel to an alley), the front yard shall have a depth of not less than ten (10) feet.

- (c) *Rear yard.* There shall be a rear yard having a depth of not less than twenty (20) feet where the rear lot line coincides with an alley line; otherwise, the depth shall not be less than one-half ( $\frac{1}{2}$ ) of the height of the building; provided further, that where the lot is occupied by other than a residential building, the depth of the rear yard need not exceed six (6) feet.
- (d) *Side yard.* There shall be a side yard on each side of the building, each yard having a width of not less than five (5) feet, the width, however, shall be not less than one-third ( $\frac{1}{3}$ ) of the height of the building. However, no building fronting the street parallel to an alley, on a corner lot, shall have a side yard on the street side, less than ten (10) feet.

On corner lots, the side yard regulations shall be the same as for the interior lots, except as noted above, but, in the case of

reversed frontage, where the corner lot is developed so that the buildings face an intersecting street, there shall be a side yard on the street side of the corner lot of not less than the front yard required on the lots in the rear of such corner lot and, no accessory buildings on the corner lot, shall project beyond the front yard line of the lots in the rear.

Where an accessory building, such as a garage, is attached to a building, it shall be not less than five (5) feet from the side line of the lot.

- (e) *Lot area per family.* Every building hereafter erected, structurally altered or maintained, shall provide a lot area of not less than five hundred (500) square feet per family.
- (f) *Use.* No building, structure or premises shall be used, and no building or structure shall be erected, structurally altered or maintained, unless otherwise provided in this article, except for one or more of the following uses:
  - (1) Any use permitted in the "A" residence district.
  - (2) Multiple dwellings.
  - (3) Hotels.
  - (4) Private clubs.
  - (5) Boarding and lodging house.
  - (6) Bath houses.
  - (7) Hospitals and clinics.
  - (8) Nurseries and greenhouses.
  - (9) Institutions of a philanthropic nature.
  - (10) Undertaking parlors.
  - (11) Accessory buildings incidental to the above uses and located on the same lot (not involving the conduct of a business). A private or community garage. Garages shall not exceed the following sizes for each lot:

<i>Lot Size</i>	<i>Maximum Garage Size</i>
3,900 to 7,000 sq. ft.	1,000 sq. ft.
7,001 to 10,000 sq. ft.	1,200 sq. ft.
over 10,000 sq. ft.	1,600 sq. ft.

Accessory buildings must comply with all setback requirements of this section.

- (12) Either a public garage or filling station, may be established or erected in this district if, when the permit is issued, there is on file with the building inspector, the written consent of the owners of not less than seventy-five (75) percent of all the property within a distance of two hundred (200) feet of the lot upon which the proposed establishment is to be erected; provided, that the real estate occupied by a garage or filling station within the two hundred (200) feet distance, shall not count either for or against, such consent.
- (g) *Townhouse subdivisions.* Shall apply to those developments in which it is proposed to partition land into individual lots and construct townhouses which may be individually or collectively owned (condominiums or co-operatives) and where the minimum lot sizes are to be less than those required under the city-county subdivision ordinance. The minimum required area of a townhouse subdivision shall not be less than one-half ( $\frac{1}{2}$ ) acre.
  - (1) Streets:
    - a. Interior streets shall have a minimum right-of-way width of thirty-six (36) feet and shall be developed with a twenty-four-foot paving section with concrete curb and gutters in accordance with city standards.
    - b. Access streets [shall have a] minimum right-of-way width of fifty (50) feet.
    - c. Private drives shall have a minimum paving width of twenty-six (26) feet, curbs both sides.
  - (2) Space and bulk requirements:
    - a. Minimum lot area, none.
    - b. Minimum lot width, twenty-four (24) feet, single story units.
    - c. Sixteen (16) feet for multistory units.
    - d. Minimum interior living area, eight hundred fifty (850) square feet multistory and single story.
    - e. Dwellings shall be constructed up to side lot lines without side yards.
    - f. Maximum density, sixteen (16) living units per gross acre.

- g. Optimum grouping of townhouses, five (5) to eight (8) living units per series.
  - h. Minimum distance between townhouse series, twelve (12) feet.
  - i. Orientation. All units in a series shall be oriented in same manner.
- (3) Building setback lines:
- a. Building setback lines of ten (10) feet shall be required on all lots siding on access or interior streets or upon plat boundary.



- b. Building setback lines of six (6) feet shall be required on all lots fronting on an access street.
  - c. Building setback for townhouse series fronting the sides of another series, not less than twenty (20) feet.
- (4) Utilities: All utilities shall be underground and located at rear of lot, and all lots shall be served by sanitary sewer and water systems. Utility easements are required only where a subdivision abuts an access street.
- (5) Open space (including common open space):
- a. A minimum of twenty percent of gross site area shall be set aside; approval subject to planning board.
  - b. If provided in a common area, not to exceed three hundred (300) feet distance from lot it is intended for.
  - c. Private patios shall be provided on each lot.
  - d. Sidewalks shall be required, near side of access streets which abut the subdivision.
  - e. Common or open access, courtyards shall be at least forty (40) feet wide, and not include vehicular drives or parking area.
- (6) Illumination. All streets, private drives and walkways shall be lighted a minimum of 0.2 footcandles.
- (7) Off-street parking. A minimum of one and one-half (1½) off-street parking spaces required per lot. May be located in a common parking lot area within two hundred (200) feet of the lots [such parking is] intended to serve.
- (8) Ownership and maintenance:
- a. A declaration of protective covenants and restrictions applicable to the land within the subdivision.
  - b. Articles and bylaws of a homes association and its incorporation.
  - c. Cooperatives, corporate structuring and ownership of stock; proprietary lease format and management function.
  - d. Condominiums, developer's proposal to investors, leases, construction agreement, registration or com-

pliance with MCA sections 70-23-703 of Unit Ownership Act.

All documents pertinent to the type of ownership and maintenance shall be approved by the planning board prior to recording any instrument(s).

(h) *Conditional uses.* The following conditional uses may be allowed in a "B" Residential District once review and minimum requirements are met according to the planning board and city Code section 21-5.1. Design standards set forth as conditional to approval must also be met by the applicant.

- (1) Mobile or modular homes. Such structures meeting the requirements of section 21-5.1 and property owners' approval who live adjacent to or border upon the conditional use proposal may be allowed. A seventy-five percent majority approval must be secured from adjacent or bordering property owners whose property or any portion thereof lies within a distance of two hundred (200) feet of the exterior boundaries of the subject lot(s) and presented in the form of a written petition.
  - a. Density and spacing shall be as stated in section 21-5.1 (E) (H) (I) (J) (K) (L) and (M).
  - b. Applicant shall consider utilizing two (2) lots with a common interior lot line in order to meet density requirements of city Code section 21-5.1 (F).
  - c. A site plan must be submitted at the time of application showing utilities location, building size and type, spacing, landscaping, off-street parking, accessory buildings, canopies and awnings. A legal description of the property proposed for use, shall also be submitted.
  - d. The property owner shall be determined by:
    1. The person who owns the fee, which means a person who appears at the time of the presentation of the petition to have legal title to the lots and the lands by duly recorded deed in the clerk and recorder's office; or
    2. Any person in possession of lands, lots or portions thereof, or exercising claim or acts of ownership as executor, administrator, personal representative or guardian.

3. In the case of property leased, the possession of the tenant or lessee holding and occupying under such person shall deem [the property] to be in possession of the owner.
4. In the event the ownership shall be divided between more than one person, any one person who is a joint owner or appearing to have an ownership interest shall be able to consent for all property owners.

The consent shall be determined on a pro rata basis wherein the consents shall be weighted in accordance with the square footage owned by each owner or joint owner as bears to the square footage of all of the lots within the two hundred (200) feet as defined above, excluding any streets, alleys or property owned by the city, the county or any federal agency.

- (2) Planned unit developments. Planned unit developments may be allowed in order to encourage development of a variety of housing types and densities by allowing for a mixture of types ranging from single-family to multi-family apartments and including commercial uses. Design and improvement standards of the Glasgow City-County Subdivision Regulations must be met along with the following requirements:
  - a. A minimum site area of not less than three (3) acres is necessary for clustering developments and promoting economies for utility services, preserving and enhancing open space or unique natural features.
  - b. Plat review shall occur since a PUD is a subdivision. Preapplication procedures shall also take place with the developer and owner presenting a sketch plan of the proposed use. Review procedure and time frame for approval or disapproval by the planning board shall be adhered to.
  - c. Condominium, cooperatives and townhouse developments may be included within a PUD. If a division of land is created, surveying requirements must be met; however, if there is not a division of land, the procedure for subdivisions created by lease or rent shall be completed meeting the City-County Subdivision Regulation.

- d. Design standards. Total size of the project area must be stated; common area, area dedicated to the public and private open space and area of ground to be covered by buildings, specific types of land uses, density computations and proposed number of residential units, maximum heights of buildings or structures shall be shown on overall plan drawings.
- e. Density requirements (PUD):
1. Maximum land coverage for structures and accessory buildings, fifty (50) percent.
  2. Single-family dwellings, six (6) dwelling units per gross acre.
  3. Two-family dwellings, ten (10) dwelling units per gross acre.
  4. Townhouse, row house, sixteen (16) dwelling units per gross acre.
  5. Multifamily, thirty (30) dwelling units per gross acre.
  6. Overall density, not to exceed sixteen (16) units per gross acre.
  7. Commercial use area (convenience for the PUD), five (5) percent of total PUD land area; neighborhood retail and business service uses only when specifically and selectively authorized as to type and size and integrated by design as an accessory element to the PUD. The landowner-developer shall bear the burden of proof that commercial uses shall serve principally the residents of the PUD.
- f. Private open space:
1. Single-family, minimum four hundred (400) square feet per dwelling.
  2. Duplex, 2-family, townhouse, row house; minimum two hundred (200) square feet per dwelling. Private open space shall adjoin.
- g. Common open space: Twenty (20) percent of the gross site area shall be dedicated for common open space (common property).

- h. Recreation open space. In multifamily rental development areas, fifteen (15) percent of gross site area shall be open (recreation improvements) to multifamily dwellers.
  - i. Other requirements and standards. Other requirements or standards which shall be submitted to the planning board:
    - 1. Legal format of the Homeowner's Association;
    - 2. Protective covenants;
    - 3. Schedule of construction, prior to final approval of subdivision plat;
    - 4. Landscape plan (showing planting scheme, existing trees, drainage);
    - 5. Construction plan and profile drawings and cross-sections of all proposed streets, walkways, off-street parking and driveways;
    - 6. Construction plan and profile drawings of all existing and proposed water lines, storm drains and sanitary sewers (indicate structures, pipe sizes, types and grades);
    - 7. All utilities shall be underground. Fire hydrants shall be placed throughout the PUD in accordance with fire code.
    - 8. A surety bond in an amount to one hundred (100) percent of the utility improvements required, approved by city attorney.
- (3) *Townhouse developments*; where land has previously been subdivided in "B" residential districts: A special exception shall be made by the planning board in reviewing and approving all proposed construction of townhouse developments for those residential "B" lots which have been recorded in the past. The intent of the exception is to allow for higher density development in the older residential neighborhoods, allow for unit ownership of residences by low and moderate income families, and offer the amenities to future unit owners living in a townhouse development.
- a. Minimum building setback, side lot, and rear lot line requirements:

1. Front yard building setback, ten (10) feet; if off-street parking is located at rear of property. Twenty (20) feet; if off-street parking is in the front yard.
  2. Side yard building setback line for a lot siding on a public street right-of-way, ten (10) feet.
  3. Minimum lot area, gross, two thousand (2,000) square feet.
  4. Minimum lot width, twenty (20) feet.
  5. Maximum lot coverage/buildings, fifty (50) percent gross area.
  6. Minimum lot depth, one hundred (100) feet.
  7. Minimum rear lot setback, ten (10) feet (twenty (20) feet if off-street parking at rear of lot).
  8. Minimum side yard setback, none, except end lots or lots siding on a public street.
  9. Private patio area, screened and fenced, (private garden or yard), two hundred (200) square feet.
  10. Off-street parking, one (1) off-street parking space per residential unit.
  11. Sidewalks; yes, meeting city standards.
  12. Common open space, none.
- b. Permitting process: The planning board shall review and approve all townhouse developments within its planning jurisdiction. The developer shall present the following at a regularly scheduled planning board meeting:
1. Architectural and engineering drawings indicating the townhouse site plan, buildings, facilities, landscaping, parking, lighting, private and open space (patios, garden areas, etc.), utilities and other dimensional standards which the planning board finds appropriate.
  2. A development progress schedule indicating the construction time and completion of the dwelling units and their appurtenances. A completion date requirement may be stipulated

by the planning board, as part of the approval of a development permit being issued.

3. Protective covenants and legal format of a homeowner's association (if used) shall also be presented to the planning board.

(Ord. 653, § 3, 8-5-53; Ord. No. 813, § 2, 8-3-81; Ord. No. 922, § 2, 10-16-2000)

**Sec. 21-5.1. Mobile home districts; minimum requirements for design, construction, occupancy and spacing of modular and mobile homes.**

(A) *Purpose.* The purpose of this section is for the promotion, protection and improvement of the public health, the safety, economy, appearance, convenience, and general welfare of the city by providing for the orderly accommodation and regulation of erection and occupancy of modular homes and mobile homes within the City of Glasgow. In furtherance of the general intent and purposes of this section, establishment of mobile home districts within the City of Glasgow is authorized for the following specific purposes:

- (1) To encourage the development of attractive, safe and economically viable home and modular home districts.
- (2) To promote the development of additional new lower cost housing on appropriately located building sites, and to establish maximum density.
- (3) To encourage individual home ownership among medium and lower income families in order to stimulate sound and attractive neighborhood development, promote the elimination of blighted and substandard housing areas, and to reduce dependency upon publicly owned or subsidized housing.

(B) *District locations.*

- (1) All of Valley Addition to the Township of Glasgow, Montana, consisting of lots numbered 1 through 33 of Block 1, and lots 1 through 31 of Block 2.
- (2) Hoffman's Addition to Glasgow, Montana, consisting of lots numbered 9 through 22 of Block 23; lots numbered 17 through 28 of Block 25; lots numbered 1 through 5 and 19 through 22 of Block 26.

(C) *Application of section.* It shall be unlawful to erect, place, locate or occupy a mobile home or modular home on any lot, size or parcel of land within the City of Glasgow without first obtaining a permit therefor and meeting the minimum require-

ments of all provisions of this section. Likewise, it shall be unlawful for any person to add on, modify or relocate any mobile home or modular home unless such person first obtains a valid permit from the city engineer of the City of Glasgow issued in the name of the applicant for the specific alteration or proposed addition.

(D) *Enforcement officer.* It shall be the duty of the city engineer of the City of Glasgow to receive all applications for location, placement, design, alteration, additions or improvements to mobile or modular homes, and upon approval of such applications to issue appropriate permits pursuant thereto. It shall be the further duty of the city engineer to enforce all of the provisions and to report all violations pertaining to the occupancy, operating maintenance, use, sanitation, and safety of all modular and mobile homes.

(E) *Reserved.*

(F) *Density and spacing.*

- (1) *Density.* The maximum density of modular and mobile homes shall be not more than one (1) unit for each four thousand five hundred (4,500) square foot building site, and each living unit shall have a minimum of three thousand (3,000) square feet of open yard within its site.
- (2) *Spacing.* Each unit shall be so placed upon its site so as to comply with the following minimum requirements.
  - (a) *Front yard.* There shall be a front yard having a depth of not less than twenty (20) feet.
  - (b) *Rear yard.* There shall be a rear yard having a depth of not less than ten (10) feet.
  - (c) *Side yard.* There will be side yards on each side of the mobile home having a width of not less than ten (10) feet.
- (3) *Accessory buildings.* Whenever an accessory building such as a garage is attached to the main building, the vertical wall shall be a minimum of ten (10) feet from the side property line. In the event an accessory building is located on a line fifty (50) feet or more from the front lot line and is twelve (12) feet or more from the residential unit, said accessory building may be placed within two (2) feet of the side property line.
- (4) *Temporary structures.* No structure of a temporary character, such as a tent, shack, garage or other build-

ing shall be used at any time as either a temporary or permanent residence.

**(G) Utilities and other services.**

- (1) Water.** All water lines shall comply with and be constructed, maintained and placed in accordance with city and state plumbing and health codes.
- (2) Sewer.** All sewer lines and appurtenances shall comply and be constructed, maintained and placed in accordance with city and state plumbing and health codes.
- (3) Electrical.** All electrical lines serving each modular or mobile home shall comply with and be constructed, maintained and located in accordance with city and local electrical codes.
- (4) Natural gas services.** All natural gas lines shall be constructed and maintained in accordance with city and state natural gas codes.
- (5) Fuel storage.** There shall be no storage of liquid petroleum gas, fuel oil, or other flammable liquid or gases in bulk on any building site.

**(H) Off-street parking requirements.** Off-street parking spaces shall be provided adjacent to each mobile or modular home to meet the needs of its occupants. Minimum space for parking shall be nine (9) feet in width and twenty (20) feet in length within the property boundaries.

**(I) Skirting, canopies and awnings.**

- (1) Each mobile home shall be skirted within thirty (30) days after the home is moved upon its site. Such skirting shall be specifically designed for the purpose of mobile home skirting. The skirting shall be secured and shall resist wind loads, and when skirting is placed around a mobile home which has a need for air intake to serve a furnace or hot water heater from a point beneath the unit, a screened and louvred intake shall be so constructed so as to draw air from outside skirting.**
- (2) Canopies and awnings may be attached to any mobile home but must be securely fashioned and be designed so as to blend with the exterior decor of the mobile or modular home.**
- (3) At no time will any attachment, addition or appurtenance other than those specifically permitted by this**

section, whether permanent or temporary, be added or attached to any mobile or modular home unless such addition or attachment is specifically designed for mobile or modular home use and is compatible in appearance with the mobile or modular home to which it is attached.

- (J) *Footings, piers, caps, shims and tie down requirements.*
- (1) Footings, piers, caps and shims shall be installed directly under the main frame or chassis of the mobile or modular home and all tie down requirements must be met according to manufacturers' recommendations.
  - (2) All footings, piers, caps and shims shall be located under both frame rails and joists, and shall be installed so that the longest dimension of each piece of material used for construction of a pier and of each footing, cap and shim is parallel with the ground and perpendicular to the frame rail or joist. Those nearest each end of the unit shall be not less than five (5) feet from the end of the home, and shall have a maximum spacing of ten (10) feet on centers.

(K) *Landscaping.* Each mobile or modular home building site shall be appropriately seeded or put into sod, and in addition, shall be planted and cultivated in balanced landscaping consisting of decorative shrubs, flowers, deciduous and coniferous trees, and shall be maintained in a neat and orderly manner, free of weeds, noxious growth, trash and foreign materials.

(L) *Fees.* There shall be paid to the City of Glasgow for the making of each inspection by the city engineer of the tie downs, footings, piers, caps and shims of each mobile or modular home a fee of five dollars (\$5.00). All other fees for inspection, site spacing, utilities, accessory structures and other inspections and permits necessary or required by this section shall be on the same schedule as is charged for conventional dwelling houses.

(M) *Penalty for violations.* Any person, firm or corporation found guilty of violating any provision of this section shall be guilty of a misdemeanor, and on conviction thereof shall be fined not more than three hundred dollars (\$300.00), or shall be imprisoned for a period not to exceed sixty (60)

days, or by both such fine and imprisonment. (Ord. No. 766, §§ 1—13, 1-5-76; Ord. No. 813, § 8, 8-3-81)

**Editor's note**—Ord. No. 766, § 1—13, being nonamendatory of this Code, has been included herein as § 21-5.1 at the discretion of the editors.

**Cross reference**—Trailers and trailer parks, Ch. 19.

### Sec. 21-6. "C" commercial district.

In the "C" commercial district;

- (a) *Height*. No restriction as to height of buildings.
- (b) *Front yard*. No front yard in this district shall be required for commercial buildings, but, for residential buildings, the front yard regulations for "B" residence districts shall govern. Where part of the frontage on one side of the street between two (2) intersecting streets is located in a "C" commercial district, and the remainder of the frontage is an "A" or "B" residence district, respectively, shall govern; provided that on corner lots, such front yard requirements shall not be applied to the frontage on the side street, i.e., the street which is not parallel to any alley in the same block.
- (c) *Rear yard*. No rear yard in this district shall be required for commercial buildings, but, for residential buildings, the rear yard regulations for "B" residence districts shall govern.
- (d) *Side yard*. No side yard in this district shall be required for commercial buildings, but, for residential buildings, the side yard regulations for "B" residence districts shall govern.
- (e) *Lot area per family*. Every building hereafter erected, structurally altered or maintained for residential purposes, shall provide a lot area of not less than two hundred fifty (250) square feet per family.
- (f) *Use*. No building, structure or premises shall be used, and no building or structure shall be erected, structurally altered or maintained unless otherwise provided in this article, except for one or more of the following uses:
  - (1) Any use permitted in the "B" residence district.
  - (2) Business or professional office.

- (3) Retail stores.
- (4) Retail trades.
- (5) Wholesale business.
- (6) Amusement where wholly within the building.
- (7) Assembly hall.
- (8) Automobile repair garage.
- (9) Automobile storage.
- (10) Bakery.
- (11) Bank.
- (12) Beauty parlor.
- (13) Barbershop.
- (14) Billboard.
- (15) Chicken hatchery.
- (16) Dry cleaning and dyeing.
- (17) Gasoline or oil retail supply station, including filling station.
- (18) Feed store.
- (19) Food products or preparation, except such uses as are involved in handling live animals or fowls to finished products.
- (20) Ice plant or ice storage for less than five (5) tons.
- (21) Laundry.
- (22) Public or rental library.
- (22) Machine shop for small tools, provided total power used is less than seven and one-half (7½) horse power.
- (24) General sheet metal working.
- (25) Printing and bookbinding.
- (26) Radio broadcasting station.
- (27) Restaurant.
- (28) Shoeshining or shoe repairing.
- (29) Theater.
- (30) Light manufacturing or assembly.

No business, trade or industry shall be permitted in any of the "C" commercial districts which is harmful to the environment by reason of the emission of odor, dust, smoke, gas, vibration or noise, or which imposes any extraordinary hazard to life or property.

- (g) *Conditional uses.* The following conditional uses may be allowed once planning board review and special conditions are met to protect the public health, safety and general welfare:

- (1) Community shopping centers, planned unit developments:

- a. A group of not less than five (5) joined retail stores, planned and developed as a single unit having a total gross floor area of at least thirty-five thousand (35,000) square feet and a common parking area off-street.
  - b. There shall be one (1) parking space for each two hundred and fifty (250) square feet of floor space.
  - c. Off-street parking, driveway approaches, loading berths, and minimum number of spaces required shall meet the approval of the city engineer's office regardless of zoning status. Joint use of parking spaces for primary nighttime or weekend uses, such as, theatres, bars, bowling alleys, churches, auditoriums is allowable; however, the building or use utilizing the off-street parking spaces provided by another building or use shall be located within five hundred (500) feet of such parking facilities.
- (2) Contractors, with outside storage; provided it is contained within an enclosed fence which acts as a screen or buffer which may consist of plantings, walls, fences or combinations thereof, and shall provide seventy-five (75) percent opacity. Such screens, buffers or fences shall be not less than five (5) feet in height.
  - (3) Commercial miniwarehouses.
  - (4) Drive-in theatres.
  - (5) Flammable liquids or gases, bulk storage above-ground. All such uses must be set back not less than fifty (50) feet from all lot lines.
  - (6) Veterinary hospitals, no portion of a building or other enclosure to be used for the retention of animals may be located less than three hundred (300) feet from a residential district or site of an institutional use.
  - (7) Heavy agricultural implements, or heavy machinery, sale, repair, rental or storage.
  - (8) Warehouses, wholesale storage or sales, or storage services.
  - (9) Bowling alleys.

- (10) Motels, hotels and drive-in eating establishments.
  - (11) Mobile home parks, trailer sales and service; however, individual mobile home residence shall not be included as a conditional use under any circumstances.
  - (12) Theatres, churches and auditoriums.
  - (13) Banks, business and professional offices with on-site customer service.
  - (14) Retail trade and service with a floor area greater than two thousand five hundred (2,500) square feet.
  - (15) Amusement parks.
- (h) *Standards and requirements for conditional uses.*

(1) Design standards.

- a. Lot width shall be one hundred twenty (120) feet.
- b. Set back requirements for buildings:
  1. Minimum front yard, forty (40) feet.
  2. Minimum rear yard, ten (10) feet.
  3. Minimum side yard, ten (10) feet.
  4. Maximum building height, forty-five (45) feet.

(2) Landscaping requirements:

- a. Any use having more than three thousand five hundred (3,500) square feet of required parking shall have two (2) percent of the gross required parking area landscaped with parking lot trees and shrubs having a low profile; such landscaping will be properly maintained at all times.
- b. Screening adjacent to residential areas shall provide a visual barrier at least five (5) feet high.

(3) Off-street parking requirements, unless otherwise stated:

- a. An off-street parking space shall be at least nine (9) feet in width and at least twenty (20)

feet in length. All open parking areas with four (4) or more parking spaces shall be screened from any property in a residential "A" or "B" district by a wall, fence or landscaping.

- b. Driveway approaches, parking lots and storm drains; their design and construction shall meet with the standards set forth by the city engineer.
- c. Number of parking spaces required:
  1. Heavy equipment, machinery sales, motor vehicle sales, wholesale stores; one (1) space for each four hundred (400) square feet of floor area and one (1) space for each five (5) employees.
  2. Motels and hotels; one (1) parking space for each room for rent and one (1) space for each five (5) employees.
  3. Warehousing or storage buildings; one (1) parking space for each three (3) employees.
  4. Retail sales stores, personal service establishments, bars, cafeterias or other drinking and eating establishments; one (1) space for each one hundred (100) square feet, one (1) space for each four (4) seats.
  5. Theatres, churches and auditoriums; one (1) parking space for each four (4) seats.
  6. Bowling alleys; four (4) parking spaces for each alley.
  7. Banks, business and professional offices with on-site customer services; one (1) parking space per four (4) employees or one (1) per four hundred (400) square feet gross floor area.

Other uses: For any other uses not specifically mentioned or provided for, the planning board shall determine the standards to be applied for parking in a manner which most closely resembles the intended uses.

- (4) Signs: One protruding sign advertising the particular use of the property shall be permitted pro-

vided such sign does not exceed fifty (50) square feet in area and does not exceed a height of thirty-five (35) feet. Such signs shall not be located on public property.

- a. No sign, outdoor commercial advertising device, or lighting device shall conflict with public traffic control devices, adjacent residential districts because of lighting glare, focus, animation or flashing. Revolving beacons, fountain, spot lights, strobe lights, pogo or zipsticks not used for the purpose of sign illumination and intended for attracting attention are prohibited.

(5) Utilities: All utilities shall be underground and designed, located and constructed in order to meet the approval of the City Engineer.

(Ord. No. 653, § 4, 8-5-53; Ord. No. 767, 2-17-76; Ord. No. 768, § 1, 2-17-76; Ord. No. 813, § 3, 8-3-81)

#### **Sec. 21-7. "E" unrestricted district.**

In the "E" unrestricted district:

There shall be no restriction on the height of buildings, nor as to the portions of the lot that may, or may not be occupied by them.

*Use.* Buildings and premises may be used for any purpose whatsoever, provided that the provisions of the present, or hereafter adopted ordinances of the city regulating the location or maintenance of nuisances, are complied with; and provided further, that no building or occupancy permit shall be issued for any of the following uses until, and unless, the location of such uses shall have been approved by the city council:

- (1) Acid manufacture.
- (2) Distillation of bones, coal or wood.
- (3) Explosive manufacture or storage.
- (4) Fat rendering.
- (5) Fertilizer manufacture.
- (6) Garbage, offal or dead animal reduction.
- (7) Glue manufacture.

- (8) Petroleum refining.
- (9) Smelting of tin, copper, zinc, or iron ores.
- (10) Stock yards or slaughter of animals.

*Conditional use.* The following uses may be allowed in an "E" unrestricted district once review and minimum requirements are met according to the planning board and City Code section 21-5.1. Design standards set forth as conditional to approval must also be met by the applicant.

- (1) Mobile or modular homes. Such structures meeting the requirements of section 21-5.1 and approval of property owners who live adjacent to or border upon the conditional use proposal may be allowed. A seventy-five (75) percent majority approval must be secured from adjacent or bordering property owners whose property or any portion thereof lies within a distance of two hundred (200) feet of the exterior boundaries of the subject lot(s) and presented in the form of a written petition.
  - a. Density and spacing shall be as stated in section 21-5.1 (E) (H) (I) (J) (K) (L) and (M).
  - b. Applicant shall consider utilizing two (2) lots with a common interior lot line in order to meet density requirements of City Code section 21-5.1 (F).
  - c. A site plan must be submitted at the time of application showing utilities location, building size and type, spacing, landscaping, off-street parking, accessory buildings, canopies and awnings. A legal description of the property proposed for use, shall also be submitted.
  - d. The property owner shall be determined by:
    1. The person who owns the fee, which means a person who appears at the time of the presentation of the petition to have legal title to the lots and the lands by duly recorded deed in the clerk and recorder's office; or
    2. Any person in possession of lands, lots or portions thereof, or exercising claim or acts of ownership as executor, administrator, personal representative or guardian.
    3. In the case of property leased, the possession of the tenant or lessee holding and occupying

under such person shall deem [the property] to be in possession of the owner.

4. In the event the ownership shall be divided between more than one person, any one person who is a joint owner or appears to have an ownership interest shall be able to consent for all property owners. The consent shall be determined on a pro rata basis wherein the consents shall be weighted in accordance with the square footage owned by each owner or joint owner as bears relationship to the square footage of all of the lots within the two hundred (200) feet as defined above, excluding any streets, alleys or property owned by the city, the county or any federal agency. (Ord. No. 653, § 5, 8-5-53; Ord. No. 813, § 4, 8-3-81)

#### Sec. 21-7.1. "I" industrial district.\*

(A) *Intent.* The industrial district is established to provide for industries which generally require specially selected locations in the community. These activities require reasonable access to arterial highways and railroads, may have extensive open storage and service areas, and generate heavy traffic. The requirements for the district are intended to insure reasonable standards of community safety and acceptability consistent with industrial practices.

(B) *Space and bulk requirements.* Minimum yard requirements:

- (1) **Front—Setback** for buildings fronting on industrial districts shall not be less than twenty-five (25) feet. Where buildings front on arterial or collector streets, setbacks shall be not less than thirty (30) feet.
- (2) **Side yard—Fifteen (15) feet**
- (3) **Rear yard—Fifteen (15) feet**

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\***Editor's note**—Ord. No. 813, § 7, adopted Aug. 3, 1981, set forth provisions relative to a new zoning classification, the industrial district, but did not specify manner of inclusion in the Code; hence, the editor has designated such material as § 21-7.1. Reference to such district as district "I" was deemed to have been implied by § 6 of the adopting ordinance, see § 21-11 this Code.

(C) *Off-street parking/loading and docking standards:*

- (1) Parking and loading areas in the business and industrial districts must be designed so that ingress to or egress from a parking or loading space is from an aisle or driveway, not directly from the public right-of-way.
- (2) All open parking areas with four (4) or more parking spaces shall be effectively screened by wall, fence or landscaping from any residential property in any district. Parking and loading areas shall be approved by the city engineer prior to construction.
- (3) All manufacturing uses, research, testing, processing, assembling, all industries shall provide on premises, a parking area nine (9) feet wide and eighteen and one-half (18½) feet long and in the following ratio: One (1) per two (2) employees and not less than (1) one per each three thousand five hundred (3,500) square feet of gross floor area.
- (4) Off-street loading docks shall be provided by industries whose principal uses are freight terminal, railroad yard, truck terminal, industrial plant, manufacturing or wholesale establishment.
- (5) All loading docks (berths) shall be provided on the same lot as the use they serve. Off-street loading docks (berths) shall not be less than fourteen (14) feet wide and twenty-five (25) feet long.
- (6) No loading dock shall interfere with existing or projected alleys and pedestrian movement.

(D) *Permitted uses.* No building or structure or premises shall be used, and no building or structure shall be altered, erected or maintained, unless otherwise provided in this code except for one of the following uses:

- (1) Agriculture;
- (2) Cement products, including mixing plants for storage yards, bulk materials, concrete or paving materials;
- (3) Auto repair and body shops;
- (4) Beverage bottling and distributing;
- (5) Building material and equipment, wholesale and retail sales, including storage yards;
- (6) Electric equipment, assembly and repair;

- (7) Grain elevators;
- (8) Feed and seed sales, wholesale and retail storage yards, bulk materials, including oil, gasoline and petroleum products;
- (9) Heavy agricultural (implements or heavy machinery sale, repair, rental or storage);
- (10) Cleaning and dyeing establishments;
- (11) Freight terminals, trucks or rail;
- (12) Laboratories for industrial processing, experimental, testing and research or analytical;
- (13) Railroads and support facilities;
- (14) Welding or sheet metal working;
- (15) Wholesale storage or sales, or storage services;
- (16) Service stations, automobile, marine, trailer and mobile home sale, rental and service;
- (17) Manufacturing or processing:
  - (a) Any processing or the manufacturing or any products from any material (including but not limited to animal or vegetable matter, chemicals, glass, metals, minerals, stones or earth).
  - (b) Fabrication or assembly of products from pre-structured materials or compounds.
  - (c) Manufacture of food stuffs, textiles, electrical components, fabrication of wood, leather, paper or plastic products.

All large-scale industrial developments requiring a construction permit under M.A.C. 16-2.14 (1)-S1400 (2) or industries having an effect on public health, plant and animal life and property, must undergo State of Montana and/or federal permitting procedures. The Glasgow City-County Planning Board, city council or Valley County Board of County Commissioners shall not act on an industrial rezoning application until all state or federal agencies, involved in sitings or monitoring for industries, have completed their review, comment and written stipulations which are conditional to the actual rezoning becoming effective.

(E) *Conditional uses.* The following uses must comply with the requirements below and approval secured from the Glasgow City-County Planning Board:

- (1) Junk yards, auto wrecking yards, scrap and waste material wholesaling or salvaging when conducted entirely within a building enclosed on all sides or when entirely enclosed with a fence or screened plantings approved by the zoning board of appeals, minimum eight (8) feet in height.
- (2) Sand, rock and gravel extraction pits or quarries.
- (3) Slaughterhouses, rendering plants.
- (4) Livestock sales yards, commercial feed lots for livestock, processing and distribution or other business activity which encloses or retains animals for medical or commercial purposes.
- (5) Explosives, chemicals or fertilizers of an explosive nature and including the storage of flammable fuels, gases or liquid storage above ground.
- (6) Signs; no sign or its supporting structure shall extend within five (5) horizontal feet of a property line. All temporary signs shall be located on private property. Signs less than twelve (12) square feet in area are not subject to a permit. Signs shall be located a minimum of seventy-five (75) feet to any property line of any residential district. (Ord. No. 813, § 7, 8-3-81)

#### **Sec. 21-8. Nonconforming uses.**

(a) The lawful use of land, existing at the time of the adoption of this chapter\*, although such use does not conform to the provisions hereof may be continued, but, if such nonconforming use is discontinued for a period of two years, any future use of the premises shall be in conformity with the provisions of this article.

(b) The lawful use of a building existing at the time of the adoption of this chapter, may be continued although such use does not conform with the provisions hereof, and such use may be extended throughout the building provided no structural alterations, except those required by ordinance, are made therein. If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or a higher classification.

If a nonconforming use of a building is discontinued for a period of two years, any future use of such structure shall be in conformity with the provisions of this article.

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\*Editor's note—The ordinance from which this chapter is derived was passed on August 5, 1953.

(c) When a district shall hereafter be changed, any then existing nonconforming use in such changed district may be continued, or changed to any use permitted in the same district as that in which the existing use is permitted, provided that all other regulations governing the new use are complied with.

(d) This chapter shall not apply to existing structures, nor to the existing use of any buildings, but shall apply to any alteration of a building to provide for its use for a purpose, or in any manner, different from the use to which it was put before alteration, provided that, this article shall not be construed to prevent the restoration of a building damaged not more than fifty percent of its valuation, by fire, explosion, act of God, or the public enemy, or prevent the continuance of the use of such building, or part thereof, as such use existed at the time of such damage, provided that such restoration shall be begun, and diligently pursued, within one (1) year; nor shall the same be construed to prevent a change of such existing use under higher classification as herein provided.

No building which has been damaged as above provided, to the extent of more than fifty (50) percent of its valuation, shall be rebuilt or repaired, except in conformity with the regulations contained in this article.

(e) When the boundary line of any district divides a plot or area in single ownership at the time of the adoption of this chapter nothing herein shall be construed to prevent the extension of the use existing on either portion of such parcel of land for a distance of not greater than twenty-five (25) feet.

(f) The board of adjustment may authorize in a residence district for a period of not more than two (2) years from the date of such permit, a temporary building for commerce or industry incidental to the residential development; provided, however, that such permit shall not be renewed.

(g) The board of adjustment may grant a permit for the enlargement of an existing building or buildings, or erection, on the same lot or plot of ground, of additional buildings for trade, business, or industry located in a district restricted against its use, where such enlargement or expansion of facilities will not be detrimental to, or tend to alter, the character of the neighborhood.

(h) Any structure vacant at the time of the adoption of this chapter shall be classified as to use in accordance with its previous use, arrangement, design or intended use. (Ord. 653, § 6, 8-5-53)

**Sec. 21-9. Exceptions to height regulations.**

(a) This article shall not be deemed to limit or restrict the height of belfries, chimneys, clock towers, cooling towers, elevators, bulkheads, grain elevators, penthouses, stacks, water towers, ornamental towers, wireless towers or any similar appurtenances to buildings, but these structures shall be subject to such restrictions and regulations as may be imposed by other ordinances.

(b) Churches, public or semipublic buildings, hospitals, schools, colleges and private clubs may exceed the height restrictions of the district in which they are constructed, provided such structures shall have side yards on both sides complying with the area regulations of the district, and in addition, the side yards shall be increased one (1) foot in width for each five (5) feet that the height of the building exceeds the height regulations of the district.

(c) No fence exceeding four (4) feet in height shall be constructed in an A or B residence district. (Ord. 653, § 7, 8-5-53)

**Sec. 21-10. Exceptions to area requirements.**

(a) Where churches, schools, hospitals or colleges are located in any A residence district or B residence district and have no portion used as a place for habitation, the depth of the rear yard may be reduced to six (6) feet.

(b) The front, side and rear yards shall be waived where dwellings are erected above stores, shops or other commercial uses.

(c) No lot area shall at any time be so reduced or diminished that the front, rear, or side yards shall be smaller than prescribed by this chapter.

(d) Every part of a required yard shall be open from its lowest point to the sky, unobstructed, except for the ordinary projection of sills, belt courses, cornices and ornamental features; provided that open or lattice-enclosed fire escapes, fireproof outside stairways and balconies opening into fire towers, projecting into a yard not more than five (5) feet, and the ordinary projections of chimneys and flues, bay or breast windows not over fifteen (15) feet long and projecting not more than eighteen (18) inches, may be permitted by the building inspector where the same are so placed as not to obstruct the light or ventilation.

(e) If a residential building is to be erected in the rear of an existing or proposed building on an inside lot, there shall

be side yards provided the same as if the building were on a separate lot and there shall be provided a front yard or open space between the rear lot line of the house in front and the rear house of not less than twenty (20) feet. No area shall be included twice in providing the yards for the different buildings, and no rear yard need be provided for such rear building.

(f) On any corner lot in which a front yard is required by this chapter, no wall, fence or other structure shall be erected, and no hedge, shrub, tree or other growth shall be maintained in such location between such front yard line and the street line as to cause danger to traffic by obscuring the view. (Ord. 653, § 8, 8-5-53)

(g) Special exceptions. The board of adjustment shall hear and decide only such special exceptions as authorized by the terms of this chapter. A special exception shall not be granted by the board of adjustment unless and until the board shall make written findings certifying compliance with the specific rules governing individual special exceptions and that satisfactory provision and arrangement has been made concerning the following, where applicable:

- (1) Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;
- (2) Off-street parking and loading areas where required, with particular attention to the items in (1) above and the economic, noise, glare or odor effects of the special exception on adjoining properties and properties generally in the district;
- (3) Refuse and service areas, with particular reference to the items in (1) and (2) above;
- (4) Utilities, with reference to locations, availability and compatibility;
- (5) Screening and buffering with reference to type, dimensions and character;
- (6) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district. (Ord. No. 653, § 8, 8-5-53; Ord. No. 813, § 10, 8-3-81)

**Sec. 21-11. Boundaries of districts shown on map in office of city clerk; enumeration of lots and blocks in designated zones.**

A map of the city showing district boundaries of Glasgow is on file in the office of the city clerk. Lots and blocks are hereby placed in the following zones:

**A ZONE, RESIDENTIAL**

**Original Townsite:**

Block 64: Lots 1 to 8 inclusive.

Block 65: Lots 1 to 22 inclusive.

Block 66: Lots 1 to 14 inclusive.

Block 67: Lots 1 to 38 inclusive.

Block 68: Lots 1 to 44 inclusive.

Block 69: Lots 1 to 8 inclusive.

Blocks 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82: All, except Block 70, Lots 10 through 14.

**Bell's First Addition:**

Blocks 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 13, 14: All, except Block 1, Lots 13 and 14, and Block 5, Lots 4, 5, 6, 7.

**Carney's 2<sup>nd</sup> Addition, also described as:**

A parcel located in the SW1/4, Section 1 and the SE1/4, Section 2, T28 N, R39E, P.M.M., Valley County, Montana, and more particularly described as follows: Beginning at the W1/4 corner of said Section 1, then S 58d 52' 21"E a distance of 349.06 feet to the TRUE POINT OF BEGINNING; then N 26d 22' 55" W a distance of 449.75 feet; then S 68d 34' 37" E a distance of 598.73 feet; then N 89d 28' 59" E a distance of 660.00 feet; then S 00d 08' 55"W a distance of 464.48 feet; then S 81d 54' 40"W a distance of 1246.27 feet, then N 20d 00'30"W a distance of 343.46 feet; then N 69d 15'15"E a distance of 358.34 feet to the true point of beginning and containing 16.21 acres more or less.

**Dignan's Addition: All.**

**The Highlands First Addition: All the area situated within the exterior boundaries.**

**Hillside Addition:**

Blocks 1, 2, 3, 4: All.

Kerr's First Addition:

- Block 2: Lots 1 to 14 inclusive.
- Block 3: Lots 1 to 11 inclusive.
- Block 4: Lots 1 to 4 inclusive.

Kerr's Second Addition:

- Block 1: Lots 1 to 11 inclusive.
- Block 2: Lots 1 to 18 inclusive.
- Block 3: All.

Pattison's Heights Addition:

- Block 1: Lots 1 to 8 inclusive.
- Block 2: Lots 1 to 12 inclusive.
- Block 3: Lots 1 to 8 inclusive.

Rhodes' Addition:

- Block 1: Lots 1 to 22 inclusive.
- Block 2: Lots 12 to 22 inclusive.

Shuland's Addition:

- Lots 1 to 39 inclusive.

Shulund's Valley View Addition [First Addition] to Shuland's Addition:

- Lots 40 to 140 inclusive, except Lots 80, 81 and 82.

Shuland's Valley View Addition, Second Addition to Shulund's Addition:

- Lots, 141 to 217 inclusive, and Lots A, B and C.

Valley Addition:

- Block 1: Lot 33 (Park designation).

Wedum's First Addition:

- Blocks 1, 2, 3, 4, 5: All.
- Block 6: Lots 1 to 11 inclusive.
- Block 7: Lots 1 to 11 inclusive.
- Block 8: Lots 1 to 16 inclusive.

Pattison's First Addition.

Sunset Heights; First Addition to Sunset Heights Addition—  
Conditional use.

Fred E. Marchinek's Tracts (Tracts "A," "B" and "C," (3.01 acres).

Thor Nilson Tract (4.1 acres).

Heritage Hills, formerly Indian Hills.

Anna B. Nyquist Parcel ( $\pm$  3 acres) bordered by 3rd Avenue North;  
Division Street and Highland Drive) unplatted lands as described  
on Document #298925 and recorded in Book 51 of Deeds, page  
538.

Andrew Shipp property as described on Document #20722 in  
Book 121 of Deeds, page 806, in the office of the Valley County  
Clerk and Recorder.

Russell Tracts described [as set forth in Ord. No. 518, § 6, 8-13-81  
on file in the office of the city clerk's office.]

#### B ZONE, RESIDENTIAL AND MOBILE HOME

Original Townsite:

Block 3: Lots 12 to 22 inclusive.

Block 10: Lots 12 to 22 inclusive.

Block 15: All.

Block 26: Lots 12 to 22 inclusive.

Block 27: Lots 18, 19, 20 inclusive.

Blocks 29, 30, 31, 32, 36, 37, 38, 39, 41, 42, 44, 45, 46, 47, 48,  
49, 50, 51, 56, 57, 58: All, except Block 29, Lots 1 through 11,  
and Block 30, Lots 1 through 11.

Block 70: Lots 10 through 14 inclusive.

Arnold Addition: All.

Clifton Addition: All.

Hoffman's Addition:

Block 7: Lots 1 to 22 inclusive.

Block 8: Lots 1 to 22 inclusive.

Block 9: Lots 1 to 22 inclusive, except Lots 8 through 16.

Block 10: Lots 1 to 22 inclusive, except Lots 8 through 15.

Hughes' Addition: All.

Mahon's Addition:

Blocks 1, 2, 3, 4, 5, 6, 7, 8: All.

Mahon's First Addition:

Blocks 9 and 10.

Rhodes' Addition:

Block 2: Lots 1 to 11 inclusive.

Blocks 3, 4, 5, 6, 7, 8: All.

Shulund's Valley View Addition [First Addition] to Shuland's Addition:

Lots 80, 81 and 82.

Sierts Addition: All.

Valley Addition:

Block 1: Lots 2 to 32 inclusive.

Block 2: Lots 1 to 31 inclusive.

C ZONE, COMMERCIAL

Original Townsite:

Blocks 1, 2: All.

Block 3: Lots 1 to 11 inclusive.

Blocks 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, 21, 23: All.

Block 26: Lots 1 to 11 inclusive.

Block 27:

Lots 1 to 5 inclusive.

Lots 21 and 22 inclusive.

Block 28: Lots 7 to 16 inclusive.

Block 29: Lots 1 to 11 inclusive.

Block 30: Lots 1 to 11 inclusive.

Block 64: Lots 9 to 18 inclusive.

Block 65: Lots 23 to 44 inclusive.

Block 66: Lots 15 to 35 inclusive.

Assessor's Tract:

Lots 1 to 40.

**Bell's First Addition:**

Block 1: Lots 13 and 14.

Block 5: Lots 4, 5, 6, 7.

Blocks 9, 12, 15, 16: All.

**Bell's Second Addition: All.**

**Carney's First Addition to Glasgow, Montana.**

Tract One (1)

**Hoffman's Addition:**

Block 9: Lots 8 through 16.

Block 10: Lots 8 through 15.

Block 23: Lots 1 through 9.

Block 25: Lots 1 through 8.

**Jerome-Schneider Addition:**

Block 1: Lots 1 to 5 inclusive.

Block 2: Lots 1 to 10 inclusive.

**Jerome-Schneider Addition, Jerome's First Addition to:**

Block 1: Lots 1 to 4 inclusive.

**Kerr's First Addition:**

Block 3: Lots 12 to 19 inclusive.

Block 4: Lots 5 to 6 inclusive.

**Star-Char-el Addition:**

Block I: Lots A and B.

**Holter Addition.**

**Rasmussan Addition.**

**Milk River Addition.**

**Jerome Second Addition.**

**First Addition Star Char-El.**

**Valley Edition:**

Block 1: Lot 1

Block 1: Lot 1A (certificate of survey # 163)

A1 Kolstad Tract (.74 acres) including Lots 1, 2 and 3 as described on Document #44153 of Misc. File #M18960 filed June 17, 1964, in the office of the Valley County Clerk and Recorder.

Block 2, Second School Addition and that certain parcel of land situated in the SW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 12, Township 28 North, Range 39 East, MPM, more particularly described as:

Commencing at the southeast corner of the alley in Block 1 of Bell's First Addition to Glasgow, Montana; thence south 23D23"W a distance of 368.9 feet to a point; thence due north 338.63 feet to a point on the south line of the above-described alley; thence in an easterly direction along the south line of the said alley a distance of 146.42 feet to the point of beginning.

A tract of land located in the NE $\frac{1}{4}$  SE $\frac{1}{4}$  SE $\frac{1}{4}$  Section 12, T28 N, R39E, M.P.M., Valley County, Montana, and more particularly described on the Plat filed as Doc No. 371388, Misc. File No. 14462,

Excepting therefrom Tracts A and D of the Allen Stuber Tracts according to the plat filed in Book 88 of Deeds on Page 93, Doc. No. 407129,

Also excepting therefrom land conveyed to the State of Montana Highway Commission and more particularly described in Book 93 of Deeds on pages 297-298, Doc. No. 419351.

Said Tract contains approximately 3.8 acres.

Section 21-11 is amended by changing the zone on the following-described property located in Glasgow, Valley County, Montana, from the "A" Residence District into the "C" Commercial District":

Lots 2A and 3, Block 1, Second School Addition to Glasgow, Montana, and Lots B, 7, and 4A, Block 4, Kerr's Addition to Glasgow, Montana.

### E ZONE, UNRESTRICTED

Original Townsite:

Block 11: Lots 8 to 18 inclusive.

Block 12: Lots 1 to 4 inclusive.

Blocks 13, 14, 33, 34 35, 52: All

Browning's Addition: All

Del's First Addition:

Block 1: Lots 1 to 7 inclusive.

Block 2: Lots 1 and 2.

Gillespie's Addition: All.

Hoffman's Addition:

Block 23: Lots 9 to 22 inclusive.

Block 25:

Lots 1 through 8.

Lots 9 to 16 inclusive.

Lots 17 to 28 inclusive.

Miller's First Addition:

Blocks 1 and 2: All.

Block 3: Lots 1 to 7 inclusive.

Block 4: Lots 1 to 11 inclusive.

Block 5: Lots 1 to 3 inclusive.

Wilson's Addition: All.

## I ZONE INDUSTRIAL

All of the Burlington Northern Railroad right-of-way within the city limits of Glasgow, Montana, and lying within Township 28 North, Range 39 E.M.M., Sections 11 and 12.

Original Townsite, N½ of Block 10.

(Ord. 653, § 10, 8-5-53; Ord. 662, 8-5-53; Ord. 669, 9-25-56; Ord. No. 674, § 1, 12-5-56; Ord. No. 690, § 1, 7-2-58; Ord. No. 697, 2-3-60; Ord. No. 732, § 1, 11-1-67; Ord. No. 769, § 2, 2-18-76; Ord. No. 786, § 2, 2-5-79; Ord. No. 813, § 6, 8-3-81; Ord. No. 818, § 1, 4-19-82; Ord. No. 836, § 1, 12-17-84; Ord. No. 840, § 2, 9-23-85; Ord. No. 843, § 2, 2-3-86; Ord. No. 912, § 1, 9-21-98; Ord. No. 918, § 1, 11-15-99; Ord. No. 932, § 1, 4-16-2007; Ord. No. 939, § 1, 12-21-2009; Ord. No. 940, § 1, 12-21-2009)

**Editor's note**—For purposes of classification, and to facilitate use of the Code, the editor has worked the amendments to the zoning district boundaries, formerly codified as § 21-11.1, into the provisions of § 21-11, which sets forth the district boundaries. Former § 21-11.1 set forth amendments to § 21-11 as derived from Ord. No. 669, adopted Sept. 25, 1956; Ord. No. 674, § 1, adopted Dec. 5, 1956; Ord. No. 697, adopted Feb. 3, 1960; Ord. No. 769, § 2, adopted Feb. 18, 1976.

### **Sec. 21-11.1. Zoning map.**

The city clerk of the City of Glasgow shall maintain an official zoning map. Said official zoning map shall be identified by the signature of the mayor and shall truly reflect the boundaries of

each zoning district as set forth by this chapter. Said official zoning map shall be located in the office of the city clerk of the City of Glasgow and shall be updated from time to time as required by the city clerk of the City of Glasgow and be available for public inspection as necessary.

(Ord. No. 813, § 9, 8-3-81)

**Editor's note**—Sec. 9 of Ord. No. 813, adopted Aug. 3, 1981, did not specify manner of codification; hence, inclusion herein as § 21-11.1 has been at the editor's discretion.

### **Sec. 21-12. Changes and amendments to boundaries of districts; procedure.**

(a) Changes in the boundaries of any district, or part thereof may be made by the city council, but the following procedure shall be followed: An application and petition requesting such change shall first be presented to the city engineer, who shall also be charged with the responsibility of a zoning administrator, duly signed by the owners of thirty-five (35) per cent or more either of the area of the lots included within such change, or of the lots immediately adjacent in the rear thereof, extending one hundred fifty (150) feet therefrom, or of the lots directly opposite thereto, extending one hundred fifty (150) feet from the street frontage of such opposite lots. He shall receive applications for zoning permits and conditional use permits, review applications and plans to see that they meet zoning ordinance requirements, issue zoning permits and certificate of zoning compliance, and conditional use permits when approved by the zoning commission, inspect premises to see that permit conditions are met and maintain a permanent file on all applications, permits issued

with notations of approval conditions, and accompanying plans. Further, if the city engineer finds that any of the provisions of the zoning ordinance are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal buildings or structures or of illegal additions, alterations or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this ordinance to ensure compliance with or to prevent violation of its provisions. Changes to the boundaries of any district or part thereof may also be initiated by request of the zoning commission or city-county planning board, or by the city council in the same manner as above prescribed, except that such action shall be initiated without the presentation of a petition requesting it.

(b) A zoning permit shall be secured from the city engineer, acting as zoning administrator, prior to the construction, reconstruction, erection, enlargement, relocation or structural alteration of any building or part thereof, or of any sign or group of signs having permanent geographical location, and prior to any change of use of any building or land, except that no such permit shall be required for the erection or alteration of a barn or other outbuilding on a bona fide farm. A zoning permit shall also be secured for any home occupation permitted and any permitted temporary use.

(c) All applications for permits other than a permit for a temporary use shall be accompanied by plans in duplicate drawn to scale, showing the actual dimensions and shape of the lot to be built upon, the exact sizes and location on the lot of buildings already existing, if any, and the location and dimensions of the proposed building or alteration. The application shall include such other information as lawfully may be required by the administrative official, including existing or proposed building or alteration; existing or proposed uses of the building and land; the number of families, housekeeping units or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of, this zoning ordinance. One copy of the plans shall be returned to the applicant by the administrative official, after he has marked such copy either as approved or disapproved and attested to the same by placing his signature on such copy. The original of the plans, similarly marked, shall be retained by the administrative official.

(d) If the work described in any zoning permit has not begun within one (1) year from the date of issuance thereof, the permit expires and the zoning administrator shall give written notice of

the expiration to the persons affected. A single one-year extension of the permit may be granted by the zoning administrator.

A zoning permit for a temporary use other than those associated with construction and grading may be issued by the zoning administrator for not more than six (6) months. Zoning permits for temporary uses associated with construction and grading may be issued for one (1) year. The zoning administrator may issue one extension of a temporary use permit for a period not exceeding the permitted maximum time period of the original permit.

(e) Zoning permits or certificates of compliance issued on the basis of plans and applications approved by the zoning officer or zoning commission authorize only the use, arrangement and construction set forth in such approved plans and applications, and no other use, arrangement or construction. Use, arrangement or construction at variance with that authorized is a violation of this ordinance and punishable as provided by section 1-6 of the City Code of the City of Glasgow.

(f) Such petitions or applications, which must be accompanied by a fee equal to the cost of publishing notice, shall be referred to the zoning commission who shall make careful investigation of such proposed changes and file a report therein within thirty (30) days after the same has been referred.

(g) No action to amend, supplement, change or repeal this zoning ordinance may be taken until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. At least fifteen (15) days' notice of the time and place of such hearing shall be published in a newspaper of general circulation in the City of Glasgow. If the petition or application is for amendment to the zoning map, notice of such hearing shall be mailed to all owners of property included in the petition. Public hearing requirements apply to the zoning commission meeting to consider a recommendation and to the city council meeting for the purpose of acting on the proposal.

When a proposed amendment affects the zoning classification of property and a protest against such change is signed by the owners of twenty (20) per cent or more either of the area of the lots included in such proposed change, or of those immediately adjacent in the rear thereof extending one hundred fifty (150) feet therefrom, or of those adjacent on either side thereof within the same block, or of those directly opposite thereto extending one hundred fifty (150) feet from the street frontage of such opposite lots, then such amendments may not become effective except by the favorable vote of three-fourths of all members of the city council of the City of Glasgow.

(h) When such proposed amendment has been rejected by the city council, neither it, nor one involving only the same property, shall be offered for adoption within one (1) year after such rejection. (Ord. 653, § 11, 8-5-53; Ord. No. 815, § 1, 3-15-82; Ord. No. 844, § 2, 2-3-86)

**Sec. 21-13. Enforcement; appeals from orders; certificate of occupancy; building permits; plans and specifications.**

This chapter shall be enforced by the building inspector or his assistants, subject to such variations and interpretations which may be made by the board of adjustment. Appeal of any decision of the enforcing officer, may be made to the board of adjustment as provided in the law of the State of Montana.

A certificate of occupancy shall be issued by the enforcing officer, before any building, or premises, or part thereof, may hereafter be created, erected, changed, or converted, wholly or in part, in its use or structure, to the effect that such building, and use proposed therefor, conform to the provisions of this chapter. These certificates shall be applied for, and issued at the same time, or before, the building inspector grants a building permit for the premises.

Temporary certificates of occupancy may be issued for a period not exceeding six months, during the completion of any alterations, or during a partial occupancy of such building. Such temporary certificate shall not be extended, nor shall it, in any way, affect the rights, duties and obligations of the owner or the city, relative to the use or occupancy of the premises covered, or any other matter covered by this chapter.

Each application for a building permit must be accompanied by a plat drawn to scale, and in such form, as may be prescribed by the building inspector, showing the actual size and dimensions of the lot to be built upon, the size of the building to be erected, and such other information as may be necessary to provide for the enforcement of the regulations contained in this chapter, and the issuing, as before required, of a certificate of occupancy. The building inspector shall file a careful record of such application and plat. (Ord. 653, § 12, 8-5-53)

**Sec. 21-14. Board of adjustment.**

(a) A board of adjustment is hereby established as provided by statute. It shall consist of five (5) members appointed by the

mayor, subject to the confirmation of the city council, for terms of three (3) years. It shall hold its meetings in the council chamber in the city hall and the presence of three (3) members shall be necessary to constitute a quorum.

The board shall adopt rules and regulations in accordance with the provisions of any ordinance adopted by the City of Glasgow and statutes of the State of Montana. Meetings of the board shall be held at the call of the chairman and at such times as the board may determine. Such chairman or, in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses.

(b) The powers of the board of adjustment are as follows:

- (1) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official of the City of Glasgow in the enforcement of the zoning ordinances.
- (2) To hear and decide special exceptions to the terms of the zoning chapter upon which this board is required to pass under the chapter.
- (3) To authorize upon appeal in specific cases such variance from the terms of this chapter as will not be contrary to the public interest, where, owing to special circumstances, a literal enforcement of the provisions of this chapter will result in unnecessary hardship and so that the spirit of this chapter shall be observed and substantial justice done.
- (4) In exercising the above-mentioned powers, the board may, in conformity with the provisions of this part, reverse or affirm, wholly or partly, or modify the order, requirement, decision or determination appealed from and may make such other order, requirement, decision or determination as ought to be made and to that end shall have all the powers of the officer from whom the appeal is taken. The board of adjustment shall not, however, have any authority to amend or change the boundaries of any zoning district previously zoned by the City of Glasgow. Said changes in the boundaries of said zoning districts may be made only by the city council of the City of Glasgow.

(c) In exercising its duties and powers, the chairman of the board of adjustment shall have the power to call on any and all other city departments for assistance in the performance of his duties, and it shall be the duty of such other departments to render such assistance as may be reasonably required.

(d) No variance from the terms of the zoning chapter shall be granted by the board of adjustment unless and until:

- (1) A written application for a variance, which must be accompanied by a fee of two hundred dollars (\$200.00), is submitted demonstrating:
  - a. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;
  - b. That literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter;
  - c. That the special conditions and circumstances do not result from the action of the applicant;
  - d. That granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures, or buildings in the same district. Neither the nonconforming use of neighboring lands, structures, or buildings in the same district, nor the permitted or nonconforming use of lands, structures, or buildings in other districts are grounds for the issuance of a variance.
- (2) Notice shall be given at least fifteen (15) days in advance of public hearing. The owner of the property for which variance is sought or his agent shall be notified of the hearing by mail. Notice of such hearing shall be published in a newspaper of general circulation within the zoning jurisdiction at least fifteen (15) days prior to the public hearing.
- (3) The public hearing shall be held. Any party may appear in person, or by agent or by attorney.
- (4) Before granting a variance, the board of adjustment shall make findings that the requirements of the zoning chapter have been met by the applicant.
- (5) The board of adjustment shall further make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.
- (6) The board of adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this chapter and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

In granting any variance, the board of adjustment may prescribe appropriate conditions and safeguards in conformity with this chapter. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this chapter and punishable under the terms of the zoning chapter.

(e) The jurisdictional area of the board of adjustment shall be the City of Glasgow and any area contiguous to the City of Glasgow wherein the city council has exercised its zoning and subdivision regulations.

(f) All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record maintained in the office of the city clerk of the City of Glasgow.

(g) Appeals to the board of adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the municipality affected by any decision of the administrative officer. Such appeal shall be taken within a reasonable time, as provided by the rules of the board, by filing with the officer from whom the appeal is taken and with the board of adjustment a notice of appeal specifying the grounds thereof.

(h) The concurring vote of four (4) members of the board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official; to decide in favor of the applicant on any matter upon which it is required to pass under any such ordinance; or to effect any variation in such ordinance.

(i) The officer from whom the appeal is taken shall forthwith transmit to the board all papers constituting the record upon which the action appealed was taken.

(j) An appeal stays all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the board of adjustment after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the board of adjustment or by a court of record on application, on notice to the officer from whom the appeal is taken, and on due cause shown.

(k) Any person or persons, jointly or severally, aggrieved by any decision of the board of adjustment or any taxpayer or any officer, department, board or bureau of the municipality may appeal a decision of the board of adjustment to any court of record by presentation of a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the board of adjustment. Said procedure shall be set forth in the Montana Statutes.

(l) In every case where a permit is either granted or revoked by the board of adjustment, it must be affirmatively shown that an unnecessary hardship or practical difficulty exists, and the records of such board shall clearly indicate in what particular and specific respects an unnecessary hardship or practical difficulty would be created, and the records of said board shall clearly indicate that such action is taken in conformity with all other ordinances and regulations of the City of Glasgow and statutes of the State of Montana.

(Ord. No. 653, § 13, 8-5-53; Ord. No. 813, § 11, 8-3-81; Ord. No. 815, § 4, 3-15-82; Ord. No. 842, § 1, 1-6-86; Ord. No. 894, § 15, 12-19-94; Ord. No. 945, § 1, 4-18-2011)



**Sec. 21-15. Violations; penalties.**

Any person owning, controlling or managing any building or premises wherein or whereon there shall be placed, or there exists anything in violation of the provisions of this chapter; or, any person who shall assist in the commission of any violation of these provisions, or who shall build contrary to the plans and specifications submitted to, and approved by, the building inspector; or, any person who shall omit, neglect or refuse to do any act required in these provisions, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than twenty-five dollars, nor more than three hundred dollars for each offense, and shall be imprisoned until such fine be paid, but not exceeding fifty days. Each day that a violation is permitted to exist shall constitute a separate offense. (Ord. 653, § 14, 8-5-53.)

**Sec. 21-16. Same—Procedure upon nonconformity.**

If on any inspection, the condition of a building or premises, or its use or occupancy is found not to conform to the requirements of this chapter, or the conditions of an existing certificate therefor, the building inspector shall at once issue written notice to the owner, specifying the manner in which the buildings or premises, or its use or occupancy, fails to so conform, and the owner shall at once take steps to make it so conform, as directed by the building inspector; and, if it is necessary for the proper protection of the occupants, he shall order the use or premises vacated until its condition is made satisfactory and in conformity with the requirements of this chapter, at which time a certificate will be issued as herein provided for new buildings, or for the use of premises. (Ord. 653, § 15, 8-5-53.)

**Sec. 21-17. Interpretation and purpose.**

In interpreting and applying the provisions of this chapter, they shall be held to be the minimum requirements for the promotion of the public health, safety, convenience, comfort, prosperity, and general welfare.

It is not intended by this chapter to interfere with, or abrogate or annul rules or permits previously adopted or issued according to the law relating to the use of buildings or premises, not to interfere with, abrogate or annul any easement, covenants, or agreements between parties; provided, however, that where this chapter imposes greater restrictions as to use, or requires larger open spaces or less height, than are required by such rules or permits or by easements, covenants or agreements, the provisions of this chapter shall control. (Ord. 653, § 15, 8-5-53.)

**Sec. 21-18. Severability of provisions.**

If any section, paragraph, subdivision, clause, phrase or provision of this chapter shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this chapter as a whole, or any part or provision thereof, other than the part so decided to be invalid or unconstitutional. (Ord. 653, § 17, 8-5-53.)