

**CITY OF POLSON COMMISSION  
MEETING AGENDA**

**COMMISSION CHAMBERS**

February 17, 2016

7:00 P.M.

**1. CALL TO ORDER**

Mayor Knutson

**2. PLEDGE OF ALLEGIANCE**

Mayor Knutson

**3. APPROVAL OF PROPOSED AGENDA**

Mayor Knutson

**4. PUBLIC COMMENT ON SIGNIFICANT MATTERS TO THE PUBLIC NOT ON THE AGENDA (address items to the Chair. Commission takes no action on items discussed)**

**5. CONSENT AGENDA**

a. February 1-11, 2016 claims

b. City Commission Meeting Minutes February 1, 2016

**6. CITY MANAGER COMMENTS**

City Manager Mark Shrives

**OLD BUSINESS**

**7. APPROVE SECOND READING OF TREE ORDINANCE NO. 2016-001 AMENDMENT TO PARKS & RECREATION ORDINANCES.**

City Manager Mark Shrives

**8. POLSON DEVELOPMENT CODE RE-WRITE UPDATE-INFORMATIONAL ONLY**

City Planner Kyle Roberts

**NEW BUSINESS**

**9. APPROVE RESOLUTION EQUAL EMPLOYMENT OPPORTUNITY (EEO) POLICY**

City Manager Mark Shrives

**10. APPROVE FIRST READING OF ORDINANCE PUBLIC SAFETY CHAPTER 7, ARTICLES 1-5**

City Manager Mark Shrives

**11. RECESS**

**EXECUTIVE SESSION**

**12. LITIGATION-MCA CODE 2-3-203 4(a)-EXCEPT AS PROVIDED IN SUBSECTION (4) (b), A MEETING MAY BE CLOSED TO DISCUSS A STRATEGY TO BE FOLLOWED WITH RESPECT TO LITIGATION WHEN AN OPEN MEETING WOULD HAVE A DETRIMENTAL EFFECT ON THE LITIGATING POSITION OF THE PUBLIC AGENCY.**

**13. RE-CONVENE**

**14. ADJOURN**

The City of Polson encourages public participation in its public meetings and hearings. In doing so the City holds its meetings in handicapped accessible facilities. Any persons desiring accommodations for a handicapping condition should call the City Clerk at 883-8203 for more information.

# CITY OF POLSON COMMISSION MEETING

5a.

Commission Chambers

February 1, 2016

7:00 p.m.

**ATTENDANCE:** Mayor Heather Knutson, Commissioners Coutts, Donovan, Erickson, Siler, and Southerland, Turner, City Manager Mark Shrives, City Clerk Cora Pritt

**OTHERS PRESENT** (who voluntarily signed in): Lita Fonda, Kevin Johnson DOWL Engineer, Irene Marchello, Lou Marchello, Bonnie Manicke, Lee Manicke, and Tony Porrazzo

**CALL TO ORDER: (00:00)** Mayor Knutson called the meeting to order. The Pledge of Allegiance was recited. Roll call was taken.

**APPROVAL OF PROPOSED AGENDA (00:46) - Commissioner Erickson motion to approve the proposed agenda. Commissioner Southerland second.** City Commission discussion: none  
Public comment: none **VOTE: Unanimous Motion carried**

**PUBLIC COMMENT ON SIGNIFICANT MATTERS TO THE PUBLIC NOT ON THE AGENDA (01:21)**-Commissioner Siler commented that interviews were conducted for 2 potential fire fighters; Robin Smith and Hal Christopher. Mayor Knutson commented that the January 2016 winner of the Polson Proud 2016 was Polson Rural Firefighter Will Widger. Will rescued a cat from a tree. His prize was a movie box.

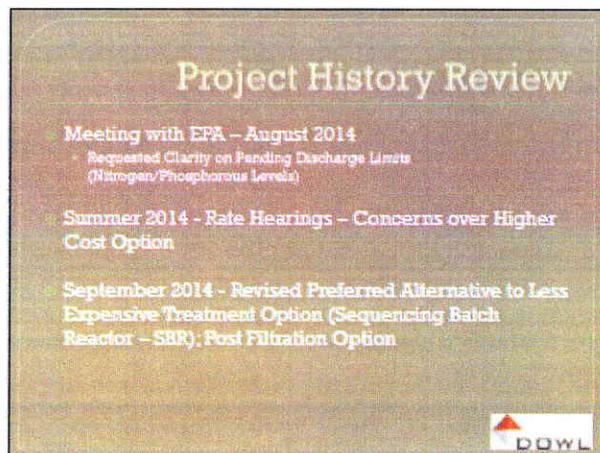
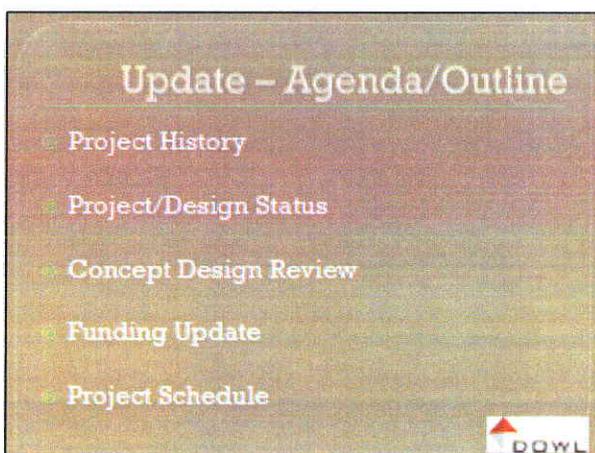
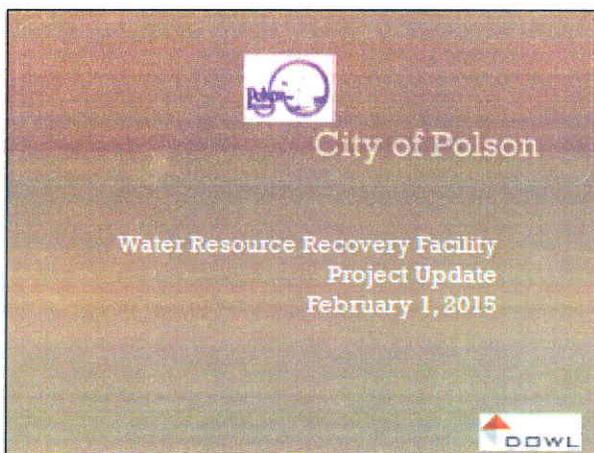
**CONSENT AGENDA (03:45)**-(a). January 14-27, 2016 claims, (b). City Commission meeting Minutes January 20, 2016. (c.) Bank Reconciliations January – June 2015. **Commissioner Siler motion to approve the consent agenda. Commissioner Southerland second.** Commission discussion: Commissioner Turner inquired about the Quik E'Z Towing claims. Polson Police Chief Nash explained that police cruiser #9 had to have the engine replaced. Commissioner Southerland asked about the claim for installing windows. Police Chief Nash answered that new windows were installed at the City Shop. Commissioner Turner asked about the Sewer claim for \$67,174.00. Water/Sewer Superintendent Tony Porrazzo explained about the \$67,174.00 claim. That was procurement for the equipment for the new waste water treatment recovery facility. Public Comment: none. **VOTE: Unanimous Motion carried**

**CITY MANAGER COMMENTS (07:46)**-City Manager Shrives reminded the Mayor and Commissioners about the upcoming Regional Training on Wednesday, February 3<sup>rd</sup>. There will be a Strategic Planning workshop on February 27<sup>th</sup>. There should be a survey monkey sent from the Local Government Center who will be conducting the Strategic Planning workshop. Now that the City has transitioned over to the G.I.S. there was some media coverage last week regarding the new plotter that the City has acquired. City Employee Forrest Neimeyer is getting a G.I.S. certification from the Confederated Salish Kootenai College. Forrest recently completed all of his first quarter of classes and got an A in all of his classes. The Fire Department budgeted \$60,000.00 for a brush truck. This money is being paid out of Impact Fees. The Truck Committee recently located a truck in Texas. Chief Cottle and another fire fighter are going to inspect the truck, purchase it for \$37,000.00 and drive the truck back to Polson. A skid mount will need to be built to put on the back. It is a 2013 Ford. Melanie Smith, Tribal Social Service Department had a conversation with City Manager Shrives about the Handle with Care program that the Polson Police Department and the Polson School District recently began. Melanie Smith has asked the City for a Memorandum of Agreement to work with Tribal Social Services in a collaborative effort regarding Drug Endangered Children. Melanie Smith gave a brief presentation of the National Drug Endangered Children substance abuse program. This is an emotional subject matter. There was an awareness training that occurred in June 2015. The Handle Me with Care program came

from a six hour training program that Polson Police Department and Polson School Department attended. The Confederated Salish Kootenai Tribe was very excited about the Handle Me with Care and wanted to know how fast they could get the program implemented in their schools. In the first week of March there will be a training that will be open to the public. Drug endangered alliances make a huge difference where the program is working. Anyone who handles children and their families are encouraged to attend. City Manager Shrives commented that there is a requirement for the City staff to attend. There will be a couple of Polson Police officers attending. Mayor Knutson commented that this is an incredibly important issue within the community. If we all work together we can make a difference in these children's lives. In closing City Manager Shrives commented that Polson Police Chief Nash had posted his presentation to the Polson Police Facebook page. There has been a tremendous amount of comments from the statistics that were posted.

**APPROVE DNRC RENEWABLE RESOURCE GRANT AGREEMENT (23:53)**-City Manager Shrives presented this agenda item. This is the first agreement with one of the grant agencies. By accepting this agreement, we are accepting the grant. **Commissioner Turner motion to approve acceptance of the Renewable Resource Grant Agreement awarding the City a \$125,000.00 grant. Commissioner Erickson second.** Commission discussion: Commissioner Siler commented that it just proves that free money isn't free. Public comment: none VOTE: Unanimous Motion carried

**WASTE WATER RECOVERY FACILITY UPDATE (25:25)**-DOWL Project Engineer Kevin Johnson presented the following power point update on this project:



## Project History Review

- Amended the Wastewater Facility Plan – March 2015
- Complete Pre-Design Report – June 2015
- Headworks Equipment Procurement – June/July 2015
- SBR Equipment Procurement – August/Sept 2015
- Currently in Final Design



## Equipment Procurement

- Headworks Equip. Procurement Complete
- Grit Removal (Vortex Chamber, Grit Washer)



## Equipment Procurement

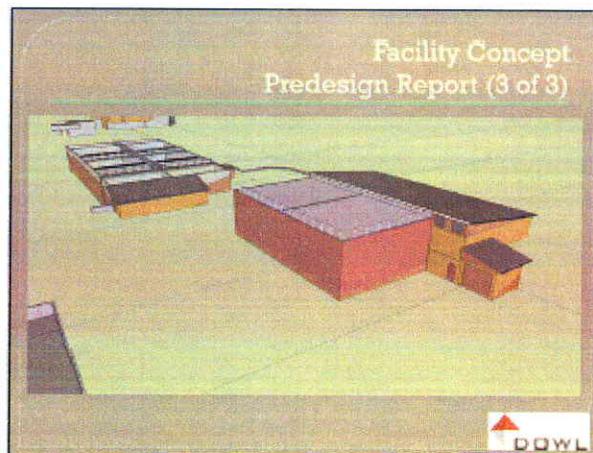
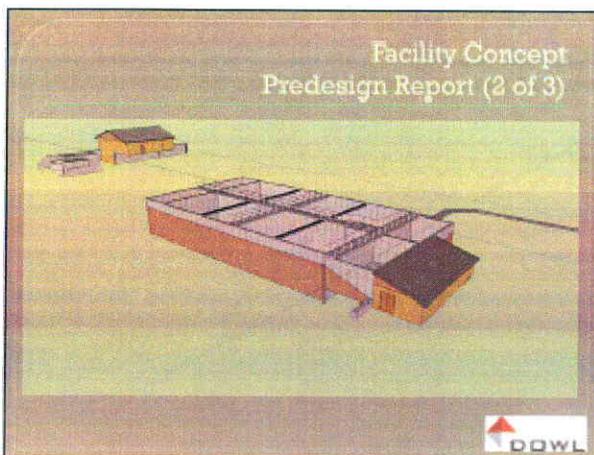
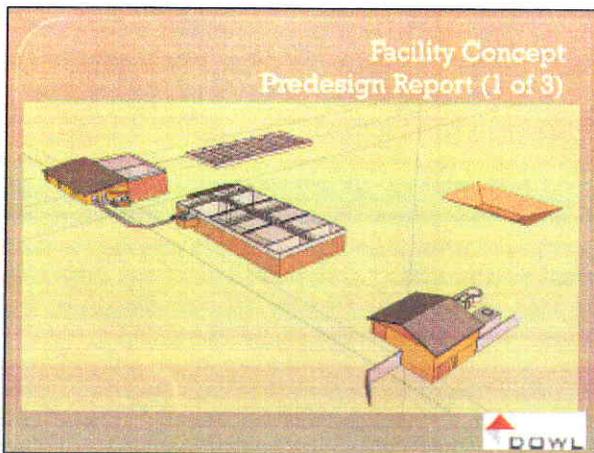
- Headworks Equip. Procurement Complete
- Shop Drawing Resubmittal in Process
- Screens Selected (3 mm perf. plate, drum screen)

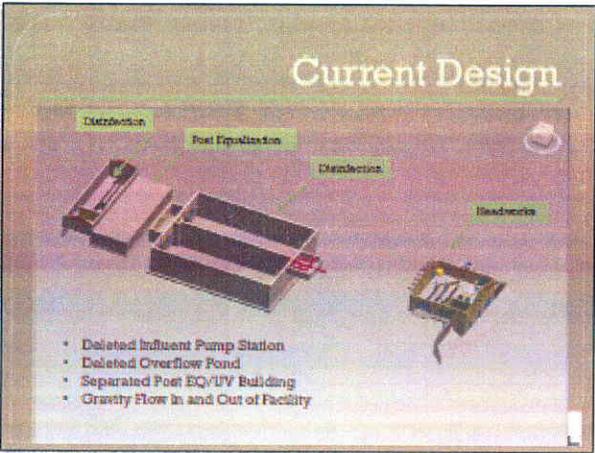
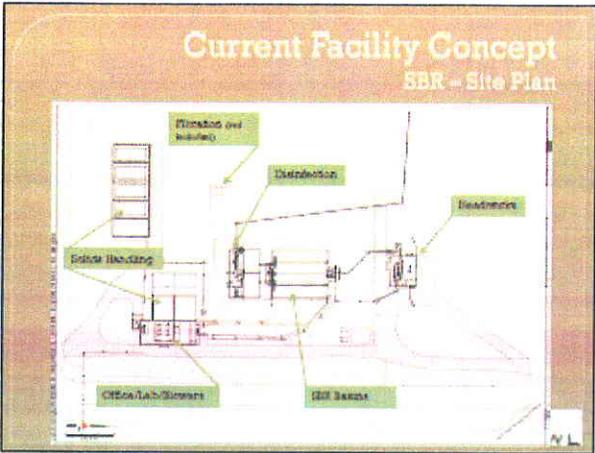


## Equipment Procurement

- SBR (Biological Process) Procurement
- Submittals in Process







### Project Funding Summary

Project Funding Summary	
Total Project Cost	\$16,700,000
ISLP Grant	\$150,000
EPAC Grant	\$125,000
USMCA Grant	\$450,000
SIF Loan Forgiveness	\$400,000
Local Contribution	\$1,200,000
SIF Loan - Balance of Funding	\$13,185,000

WRDA Grant Possible - Amount ???

## Project Sewer Rate Summary

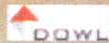
Base Rate Basis	Projected User Rate
Average User Rate at Close of Project	\$ 28.75
Apr. 2014 Utility Engr. Report & Grant Agree.	\$ 68.73
With Change to the SBR Treatment Process (Over Loan)	\$ 72.41
<b>With Change to 30-day Loan</b>	<b>\$ 80.71</b>

- Initiate Rate Adjustment Process Soon
- Rate Hearing Process Completed Before Loan Can Close
  - Time for Several Incremental Rate Adjustments
  - Put Final Rate in Place After Bidding
  - Loan Payments Don't Start Until Through Most of Construction

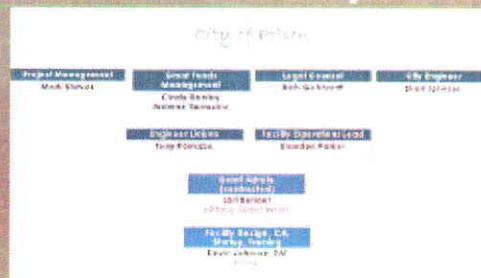


## Schedule

- Design – In Process
  - 60-day DEQ Review (July – Aug. 2016)
  - 30-days; Comment Response and DEQ Approval
- Bidding September 2016
  - 30-day Bid Period (Sept 2016)
  - 30-days to Contracts, Notice to Proceed (Nov 1)
- Construction
  - 18-month Construction Period
  - Startup (April 2018)
  - Decommission Existing Lagoons



## Project Team



Mayor Knutson thanked Kevin for the updated. There will be quarterly updates as the project proceeds.

(01:35:55) Mayor Knutson asked the Commission if there were any items that needed full minutes or will action minutes suffice. The Commission commented that action minutes would be sufficient on all agenda items.

**Adjourn. (01:36:18) Commissioner Southerland motion to adjourn. Commissioner Donovan second. Commission discussion: none Public Comment: none VOTE: Unanimous Motion carried.**

**ADJOURN: 8:36 p.m.**

\_\_\_\_\_  
**Heather Knutson, Mayor**

**ATTEST:** \_\_\_\_\_  
**Cora E. Pritt, City Clerk**

56.

For doc #s from 123248 to 123383

Fund	Department Name (Account)	Vendor #/Name	Description	Amount
1000 General All-Purpose Fund	410360 Municipal Court	2031 DENNIS DEVRIES	CORT-CITY JUDGE CONT	1,650.00
1000 General All-Purpose Fund	410360 Municipal Court	000010 CENTURYLINK	CORT-SHARED FAX	20.69
1000 General All-Purpose Fund	410360 Municipal Court	3068 WALMART COMMUNITY CREDIT	CORT-INK CARTRIDGE	8.48
1000 General All-Purpose Fund	410360 Municipal Court	000282 QUILL CORPORATION	CORT-INDEX RG BK	11.98
1000 General All-Purpose Fund	410360 Municipal Court	000282 QUILL CORPORATION	CORT-SHARED POST IT	6.78
1000 General All-Purpose Fund	410400 Administrative Services	4880 ACCESS MONTANA	ADMIN-INTERNET SERVI	15.00
1000 General All-Purpose Fund	410400 Administrative Services	4743 WEX BANK	ADMIN-C.M. FUEL 1/1-	46.43
1000 General All-Purpose Fund	410400 Administrative Services	2074 VERIZON WIRELESS	ADMIN-CTY MNGR CELL	29.68
1000 General All-Purpose Fund	410500 Financial Services	4880 ACCESS MONTANA	FINC-INTERNET SERV	15.00
1000 General All-Purpose Fund	411100 Legal Services	4820 M RICHARD GEBHARDT	FACL-CITY ATTY CNTRC	2,000.00
1000 General All-Purpose Fund	411100 Legal Services	4850 MORIGEAU LAW PLLC	FACL-CITY ATTY CNTR	2,000.00
1000 General All-Purpose Fund	411200 Facilities (Shared Costs)	000010 CENTURYLINK	FACL-FAX SERVICE	38.52
1000 General All-Purpose Fund	411200 Facilities (Shared Costs)	2943 CLICK HERE DESIGNS	FACL-MAINT, EMAILS,	80.00
1000 General All-Purpose Fund	411200 Facilities (Shared Costs)	1925 VALLEY BUSINESS SYTEMS	FACL-3232 CLN/TEST	228.00
1000 General All-Purpose Fund	411200 Facilities (Shared Costs)	1925 VALLEY BUSINESS SYTEMS	FACL-TIA 305 CLN/TES	35.00
1000 General All-Purpose Fund	411200 Facilities (Shared Costs)	4831 COTE AND ASSOCIATES, CPAs	FACL-SET UP FY15 AUD	500.00
1000 General All-Purpose Fund	411200 Facilities (Shared Costs)	2234 ACE HARDWARE/ TREMPER'S	FACL-CLEANING SUPPLI	21.94
1000 General All-Purpose Fund	411200 Facilities (Shared Costs)	2234 ACE HARDWARE/ TREMPER'S	FACL-STORAGE UNIT LO	16.99
1000 General All-Purpose Fund	411200 Facilities (Shared Costs)	000044 REPUBLIC SERVICES #889	FACL-WASTE DISPOSAL	54.15
1000 General All-Purpose Fund	411200 Facilities (Shared Costs)	000282 QUILL CORPORATION	FACL-LASER BUSINESS	18.99
1000 General All-Purpose Fund	411200 Facilities (Shared Costs)	000282 QUILL CORPORATION	FACL-BIC STIC BP BLK	5.99
1000 General All-Purpose Fund	411200 Facilities (Shared Costs)	4950 U.S. POSTAL SERVICE	FACL-POSTAGE FOR PST	400.00
1000 General All-Purpose Fund	420140 Crime Control and	4880 ACCESS MONTANA	POLC-INTERNET SERVIC	15.00
1000 General All-Purpose Fund	420140 Crime Control and	4880 ACCESS MONTANA	POLC-DEDICATED LINE	57.94
1000 General All-Purpose Fund	420140 Crime Control and	000010 CENTURYLINK	POLC-SHARED FAX	20.68
1000 General All-Purpose Fund	420140 Crime Control and	2074 VERIZON WIRELESS	POLC-CELL PHONE SERV	289.56
1000 General All-Purpose Fund	420140 Crime Control and	3068 WALMART COMMUNITY CREDIT	POLC-INK CARTRIDGE	8.49
1000 General All-Purpose Fund	420140 Crime Control and	000545 POLSON ANIMAL CLINIC	POLC-K-9 BOARD, BNP	78.00
1000 General All-Purpose Fund	420140 Crime Control and	2234 ACE HARDWARE/ TREMPER'S	POLC-FASTENERS, TOGG	3.27
1000 General All-Purpose Fund	420140 Crime Control and	000044 REPUBLIC SERVICES #889	POLC-SHARED WASTE DI	27.65
1000 General All-Purpose Fund	420140 Crime Control and	4743 WEX BANK	POLC-FUEL 1/1-31/16	1,784.51
1000 General All-Purpose Fund	420140 Crime Control and	4049 D & D CUSTOMS AND	POLC-NOTICE 687 SIGN	55.00
1000 General All-Purpose Fund	420140 Crime Control and	4849 JOHN DEERE FINANCIAL	POLC-K-9 SUPPLIES	11.32
1000 General All-Purpose Fund	420140 Crime Control and	000023 GULL PRINTING	POLC-SIGNATURE STAMP	27.95
1000 General All-Purpose Fund	420140 Crime Control and	000023 GULL PRINTING	POLC-JUAN MASO BUSIN	49.95
1000 General All-Purpose Fund	420140 Crime Control and	000282 QUILL CORPORATION	POLC-ECONOMY STORAGE	24.99
1000 General All-Purpose Fund	420140 Crime Control and	000282 QUILL CORPORATION	POLC-FULL STRIP STAP	6.99
1000 General All-Purpose Fund	420140 Crime Control and	000282 QUILL CORPORATION	POLC-LOW ODOR UF 8PK	11.45
1000 General All-Purpose Fund	420140 Crime Control and	000282 QUILL CORPORATION	POLC-QUANTUM AA BATT	58.40
1000 General All-Purpose Fund	420140 Crime Control and	000282 QUILL CORPORATION	POLC-SHARED POST IT	6.77
1000 General All-Purpose Fund	420140 Crime Control and	3614 THE CAR WASH/GROGAN'S	POLC-VEH WASH 1/1-31	10.72
1000 General All-Purpose Fund	420140 Crime Control and	4684 WASH N' GO, LLC	POLC-VEH WASH 1/1-31	14.99
1000 General All-Purpose Fund	420140 Crime Control and	2074 VERIZON WIRELESS	POLC-I PHONES	313.02
1000 General All-Purpose Fund	420140 Crime Control and	000877 JOHNCO STORAGE	POLC-STORAG UNIT	40.00
1000 General All-Purpose Fund	420400 Fire Protection and	4880 ACCESS MONTANA	FIRE-INTERNET SERVIC	15.00
1000 General All-Purpose Fund	420400 Fire Protection and	000010 CENTURYLINK	FIRE-FIREHALL TELEPH	36.96
1000 General All-Purpose Fund	420400 Fire Protection and	000034 WESTERN BUILDING CENTER	FIRE-11/2 90L, ST G	13.79
1000 General All-Purpose Fund	420400 Fire Protection and	3822 TRACE ANALYTICS, INC.	FIRE-ROUTINE ANALYSI	390.00
1000 General All-Purpose Fund	420400 Fire Protection and	3025 FIRST BANKCARD	FIRE-QFIT ANNUAL CAL	760.00
1000 General All-Purpose Fund	420400 Fire Protection and	2234 ACE HARDWARE/ TREMPER'S	FIRE-13 GAL ACE BAGS	4.99
1000 General All-Purpose Fund	420400 Fire Protection and	4743 WEX BANK	FIRE-FUEL 1/1-31/16	131.48
1000 General All-Purpose Fund	420400 Fire Protection and	3306 POLSON PROPANE	FIRE-120 GAL TANK RE	69.00

For doc #s from 123248 to 123383

Fund	Department Name (Account)	Vendor #/Name	Description	Amount
1000 General All-Purpose Fund	420400 Fire Protection and	000185 SUPER 1 FOODS	FIRE-COFFEE FOR FIRE	15.96
1000 General All-Purpose Fund	420400 Fire Protection and	4456 MONTANA INTERACTIVE	FIRE-DOJ-RUSER CHOPR	40.50
1000 General All-Purpose Fund	420400 Fire Protection and	4436 LES SCHWAB TIRES	FIRE-TIRES, STEM, SP	1,693.67
1000 General All-Purpose Fund	420400 Fire Protection and	4793 AUTOZONE, INC	FIRE-DURLAST BATTERY	280.59
1000 General All-Purpose Fund	420400 Fire Protection and	4793 AUTOZONE, INC	FIRE-BATTERY CREDIT	-36.00
1000 General All-Purpose Fund	420540 Land Use	000080 FLATHEAD NEWSPAPER GROUP	PLNG-PUBLIC HEARING	42.00
1000 General All-Purpose Fund	420540 Land Use	000080 FLATHEAD NEWSPAPER GROUP	PLNG-PUBLIC HEARING	20.45
1000 General All-Purpose Fund	420540 Land Use	4880 ACCESS MONTANA	PLNG-INTERNET SERVIC	15.00
1000 General All-Purpose Fund	420540 Land Use	2943 CLICK HERE DESIGNS	PLNG-ADD PAGE, ADD M	75.00
1000 General All-Purpose Fund	420545 Zoning Update	4327 LAND SOLUTIONS, LLC	PLNG.-PDC RE-WRITE	1,188.00
1000 General All-Purpose Fund	430240 Road and Street	000020 PROVIDENCE HEALTH &	STRT-B SMITH CDL EXA	80.00
1000 General All-Purpose Fund	430240 Road and Street	4880 ACCESS MONTANA	STRT-SATELITE @1003	28.97
1000 General All-Purpose Fund	430240 Road and Street	000034 WESTERN BUILDING CENTER	STRT-T STAR INSERT B	1.21
1000 General All-Purpose Fund	430240 Road and Street	000034 WESTERN BUILDING CENTER	STRT-WHT LOUVR VENT	4.29
1000 General All-Purpose Fund	430240 Road and Street	000034 WESTERN BUILDING CENTER	STRT-1/2 DRILL SEAL	67.00
1000 General All-Purpose Fund	430240 Road and Street	000034 WESTERN BUILDING CENTER	STRT-ASSORTED PRODUC	319.03
1000 General All-Purpose Fund	430240 Road and Street	000034 WESTERN BUILDING CENTER	STRT-ANCR RING, CARR	22.86
1000 General All-Purpose Fund	430240 Road and Street	000034 WESTERN BUILDING CENTER	STRT-RETURN PRODUCT	-4.88
1000 General All-Purpose Fund	430240 Road and Street	000034 WESTERN BUILDING CENTER	STRT-CARRIAGE SCREW	2.48
1000 General All-Purpose Fund	430240 Road and Street	000034 WESTERN BUILDING CENTER	STRT-CARRIAGE SCREW	2.48
1000 General All-Purpose Fund	430240 Road and Street	3025 FIRST BANKCARD	STRT-BREATHHER VENT B	22.28
1000 General All-Purpose Fund	430240 Road and Street	000044 REPUBLIC SERVICES #889	STRT-SHARED WASTE DI	27.65
1000 General All-Purpose Fund	430240 Road and Street	2074 VERIZON WIRELESS	STRT-CELL PHONE SERV	150.15
1000 General All-Purpose Fund	460430 Parks	4880 ACCESS MONTANA	PRKS-INTERNET SERVIC	15.00
1000 General All-Purpose Fund	460430 Parks	4880 ACCESS MONTANA	PRKS-SATELITE SERVIC	28.97
1000 General All-Purpose Fund	460430 Parks	4159 REXEL INC, d/b/a PLAT	PRKS-LGHT ARRSTOR, C	59.27
1000 General All-Purpose Fund	460430 Parks	000044 REPUBLIC SERVICES #889	PRKS-WASTE DISPSOSAL	1.10
1000 General All-Purpose Fund	460430 Parks	4743 WEX BANK	PRKS-FUEL 1/1-31/16	48.26
1000 General All-Purpose Fund	460430 Parks	2074 VERIZON WIRELESS	PRKS-CELL PHONE SERV	75.47
Total for Fund:				15,828.25
2001 Fire Impact Fees	420400 Fire Protection and	3256 CLINT COTTLE	FIRE-CC TRAVEL MEALS	184.00
2001 Fire Impact Fees	420400 Fire Protection and	4852 BLAKE HOLMAN	FIRE-BH TRAVEL MEALS	184.00
Total for Fund:				368.00
2020 Police Municipal Services	420140 Crime Control and	4965 MODERN MARKETING	POLC-DRUG TESTING KI	401.72
2020 Police Municipal Services	420140 Crime Control and	3560 TASER INTERNATIONAL	POLC-TASER SUPPLIES	895.07
2020 Police Municipal Services	420140 Crime Control and	2074 VERIZON WIRELESS	POLC-AIRCARDS & NOTE	400.12
Total for Fund:				1,696.91
2390 Drug Forfeiture Fund	420140 Crime Control and	999999 COULTER AUTOMOTIVE INC	POLC-TOWING 215CR000	395.00
Total for Fund:				395.00
2394 Building Code Enforcement	420500 Protective Inspections	4880 ACCESS MONTANA	BLDG-INTERNET SERVIC	15.00
2394 Building Code Enforcement	420500 Protective Inspections	2074 VERIZON WIRELESS	BLDG-CELL PHONE	32.49
2394 Building Code Enforcement	420500 Protective Inspections	4743 WEX BANK	BLDG-FUEL 1/1-31/16	37.03

For doc #s from 123248 to 123383

Fund	Department Name (Account)	Vendor #/Name	Description	Amount
			Total for Fund:	84.52
2395 Tree Fund	480150 Tree Conservation	000011 MISSION VALLEY POWER	PRKS-SPORTS COMPLEX,	12.00
			Total for Fund:	12.00
2720 Police Donations	420140 Crime Control and	3068 WALMART COMMUNITY CREDIT	POLC-CHRISTMAS PARTY	113.05
2720 Police Donations	420140 Crime Control and	3068 WALMART COMMUNITY CREDIT	POLC-CHRISTMAS PARTY	26.88
2720 Police Donations	420140 Crime Control and	3025 FIRST BANKCARD	POLC-CHRISTMAS PARTY	40.00
			Total for Fund:	179.93
2810 Police Training Fund	420140 Crime Control and	3025 FIRST BANKCARD	POLC-AB TRAVEL LODGI	99.44
			Total for Fund:	99.44
2820 Gas Apportionment Tax	430240 Road and Street	2234 ACE HARDWARE/ TREMPER'S	STRT-FUEL CAN SPOUT	8.49
2820 Gas Apportionment Tax	430240 Road and Street	2234 ACE HARDWARE/ TREMPER'S	STRT-KEY TAG ID W/RI	5.79
2820 Gas Apportionment Tax	430240 Road and Street	4743 WEX BANK	STRT-FUEL 1/1-31/16	678.85
2820 Gas Apportionment Tax	430240 Road and Street	4436 LES SCHWAB TIRES	STRT-BAL ON INV FOR	40.00
2820 Gas Apportionment Tax	430240 Road and Street	4559 TOOLS PLUS INDUSTRIES	STRT-ROAD CLOSED SIG	202.11
2820 Gas Apportionment Tax	430240 Road and Street	1860 PIONEER RESEARCH	STRT-ENVIRO PRO	998.75
2820 Gas Apportionment Tax	430240 Road and Street	000302 WESTLAND SEED INC.	STRT-FLANGE CLAMP, G	26.20
			Total for Fund:	1,960.19
2943 RCDI/Growth Policy	420545 Zoning Update	4835 SANDS SURVEYING, INC	PLNG-GROWTH POLICY R	1,260.00
			Total for Fund:	1,260.00
5010 Golf Fund	214600 Retainage Payable	4929 BJORN JOHNSON	GLFP-GOLF CAR STORAG	10,985.26
5010 Golf Fund	460446 Golf Course -	4662 FERGUSON ENTERPRISES, INC	GLFM-SERVICE CHARGE	36.53
5010 Golf Fund	460446 Golf Course -	4662 FERGUSON ENTERPRISES, INC	GLFM-SERVICE CHARGE	36.53
5010 Golf Fund	460446 Golf Course -	4662 FERGUSON ENTERPRISES, INC	GLFM-ACME RAINBIRD	2,435.48
5010 Golf Fund	460446 Golf Course -	4955 PACIFIC GOLF & TURF LLC	GLFM-ASSORTED PARTS	326.79
5010 Golf Fund	460446 Golf Course -	4955 PACIFIC GOLF & TURF LLC	GLFM-OUTSTANDING CRE	-2.20
5010 Golf Fund	460446 Golf Course -	4159 REXEL INC, d/b/a PLATT	GLFM-ASSORTED SUPPLI	94.50
5010 Golf Fund	460446 Golf Course -	4880 ACCESS MONTANA	GLFM-SATELITE SERVIC	77.94
5010 Golf Fund	460446 Golf Course -	000010 CENTURYLINK	GLFM-TELEPHONE SERVI	150.33
5010 Golf Fund	460446 Golf Course -	000644 CITY OF POLSON WATER	GLFM-COURSE RESTROOM	42.13
5010 Golf Fund	460446 Golf Course -	000644 CITY OF POLSON WATER	GLFM-COURSE RESTROOM	42.13
5010 Golf Fund	460446 Golf Course -	000644 CITY OF POLSON WATER	GLFM-COURSE RESTROOM	42.13
5010 Golf Fund	460446 Golf Course -	000644 CITY OF POLSON WATER	GLFM-COURSE RESTROOM	56.82
5010 Golf Fund	460446 Golf Course -	2074 VERIZON WIRELESS	GLFM-CELL PHONE	159.40
5010 Golf Fund	460446 Golf Course -	3992 PAT NOWLEN	GLFM-PN TRAVEL MEALS	184.00
5010 Golf Fund	460446 Golf Course -	2234 ACE HARDWARE/ TREMPER'S	GLFM-MISC SUPPLIES	32.75
5010 Golf Fund	460446 Golf Course -	2234 ACE HARDWARE/ TREMPER'S	GLFM-FASTENERS	11.40
5010 Golf Fund	460446 Golf Course -	2234 ACE HARDWARE/ TREMPER'S	GLFM-FASTENERS	7.00
5010 Golf Fund	460446 Golf Course -	2234 ACE HARDWARE/ TREMPER'S	GLFM-PRODUCT RETURN	-0.40
5010 Golf Fund	460446 Golf Course -	000044 REPUBLIC SERVICES #889	GLFM-WASTE DISPOSAL	55.25
5010 Golf Fund	460446 Golf Course -	2323 R & R PRODUCTS, INC.	GLFM-ASSORTED PARTS	401.72

For doc #s from 123248 to 123383

Fund	Department Name (Account)	Vendor #/Name	Description	Amount
5010 Golf Fund	460446 Golf Course -	000048 MIDLAND IMPLEMENT CO.	GLFM-TORO PARTS	105.89
5010 Golf Fund	460446 Golf Course -	000048 MIDLAND IMPLEMENT CO.	GLFM-TORO BEDKNIFE-L	51.69
5010 Golf Fund	460446 Golf Course -	001145 MISSOULA TEXTILE SERVICES	GLFM-LAUNDRY	11.66
5010 Golf Fund	460446 Golf Course -	001145 MISSOULA TEXTILE SERVICES	GLFM-LAUNDRY	19.39
5010 Golf Fund	460446 Golf Course -	001145 MISSOULA TEXTILE SERVICES	GLFM-LAUNDRY	11.66
5010 Golf Fund	460446 Golf Course -	001145 MISSOULA TEXTILE SERVICES	GLFM-LAUNDRY	20.80
5010 Golf Fund	460446 Golf Course -	2323 R & R PRODUCTS, INC.	GLFM-BOLT-SHOULDER W	85.33
5010 Golf Fund	460447 Golf Course - Pro Shop	000076 LINK'S MANAGEMENT, INC.	GLFP-PRO CONTRCT SER	10,048.76
5010 Golf Fund	460447 Golf Course - Pro Shop	000010 CENTURYLINK	GLFP-PRO SHOP TELEPH	154.34
5010 Golf Fund	460447 Golf Course - Pro Shop	000644 CITY OF POLSON WATER	GLFP-PRO SHOP WATER	23.07
5010 Golf Fund	460447 Golf Course - Pro Shop	1925 VALLEY BUSINESS SYTEMS	GFLP-OFFICE SUPPLY	90.00
5010 Golf Fund	460447 Golf Course - Pro Shop	4929 BJORN JOHNSON	GLFP-1% CGR	-109.85
5010 Golf Fund	460447 Golf Course - Pro Shop	4425 DEPARTMENT OF REVENUE	GLFP-1% CGR BJORN CO	109.85
5010 Golf Fund	460447 Golf Course - Pro Shop	000044 REPUBLIC SERVICES #889	GLFP-WASTE DISPOSAL	55.25
5010 Golf Fund	460447 Golf Course - Pro Shop	000010 CENTURYLINK	GLFP-INTERNET SERVIC	22.95
5010 Golf Fund	460460 G. C. Restaurant O & M	000010 CENTURYLINK	GLFR-RESTAURANT TELP	123.60
5010 Golf Fund	460460 G. C. Restaurant O & M	000644 CITY OF POLSON WATER	GLFR-RESTAURANT WATE	23.06
Total for Fund:				26,022.94
5210 Water Fund	214100 Refunds Payable	999999 THERESA CAME	WATR-OVERPYMNT CREDI	45.11
5210 Water Fund	430500 Water Utilities	4880 ACCESS MONTANA	WATR-INTERNET SERVIC	15.00
5210 Water Fund	430500 Water Utilities	4880 ACCESS MONTANA	WATR-SATELITE@ 715 7	38.97
5210 Water Fund	430500 Water Utilities	3068 WALMART COMMUNITY CREDIT	WATR-HP INK	16.98
5210 Water Fund	430500 Water Utilities	3068 WALMART COMMUNITY CREDIT	SEWR-HP INK	16.99
5210 Water Fund	430500 Water Utilities	3025 FIRST BANKCARD	WATR-CRASHPLAN SUB.	3.00
5210 Water Fund	430500 Water Utilities	3025 FIRST BANKCARD	WATR-BUSINESS LUNCH	25.00
5210 Water Fund	430500 Water Utilities	3025 FIRST BANKCARD	WATR-SHARP CALCULATO	20.00
5210 Water Fund	430500 Water Utilities	000282 QUILL CORPORATION	WATR-SHARED OFFICE S	13.43
5210 Water Fund	430500 Water Utilities	000036 MAIN HARBOR PUMPS & WELL	WATR-REPLACE WELL #2	21,091.85
5210 Water Fund	430530 Source of Supply and	3103 JIM MORELLI ELECTRIC LLC	WATR-WELL HSE ON 15T	149.64
5210 Water Fund	430540 Purification and	3487 THATCHER COMPANY OF	WATR-T-CHLOR 1 G BUL	2,470.00
5210 Water Fund	430540 Purification and	000101 MONTANA ENVIRONMENTAL	WATR-LAB CHLRINE, CO	96.00
5210 Water Fund	430550 Transmission and	2665 MERCER WELDING & REPAIR	WATR-ANGLE, TUBE, PL	138.85
5210 Water Fund	430550 Transmission and	000010 CENTURYLINK	WATR-DISPNSR, WELL 6	216.41
5210 Water Fund	430550 Transmission and	000034 WESTERN BUILDING CENTER	SEWR-SAW HOLE, DRILL	11.58
5210 Water Fund	430550 Transmission and	000034 WESTERN BUILDING CENTER	SEWR-GLUE, PVC CEMEN	9.44
5210 Water Fund	430550 Transmission and	3614 THE CAR WASH/GROGAN'S	WATR-VEH WASH 1/1-31	3.95
5210 Water Fund	430550 Transmission and	2234 ACE HARDWARE/ TREMPER'S	WATR-FASTENERS	38.24
5210 Water Fund	430550 Transmission and	2234 ACE HARDWARE/ TREMPER'S	WATR-FASTENERS, SHEL	35.35
5210 Water Fund	430550 Transmission and	2234 ACE HARDWARE/ TREMPER'S	WATR-DUCT SUPUR-FLX	11.99
5210 Water Fund	430550 Transmission and	2234 ACE HARDWARE/ TREMPER'S	WATR-SHELF BRACKET,	5.39
5210 Water Fund	430550 Transmission and	2234 ACE HARDWARE/ TREMPER'S	WATR-FASTNERS	10.40
5210 Water Fund	430550 Transmission and	2234 ACE HARDWARE/ TREMPER'S	WATR-FASTNERS	14.24
5210 Water Fund	430550 Transmission and	2234 ACE HARDWARE/ TREMPER'S	WATR-FLAP WHEELS	23.96
5210 Water Fund	430550 Transmission and	2234 ACE HARDWARE/ TREMPER'S	WATR-1GAL ISO ALCOHO	27.99
5210 Water Fund	430550 Transmission and	2234 ACE HARDWARE/ TREMPER'S	WATR-PLUGS	6.98
5210 Water Fund	430550 Transmission and	2234 ACE HARDWARE/ TREMPER'S	WATR-BALL ROPE, U BO	41.73
5210 Water Fund	430550 Transmission and	000044 REPUBLIC SERVICES #889	WATR-SHARED WASTE DI	27.65
5210 Water Fund	430550 Transmission and	4743 WEX BANK	WATR-FUEL 1/1-31/16	201.86
5210 Water Fund	430550 Transmission and	3306 POLSON PROPANE	WATR-1000 GALLON TAN	144.00
5210 Water Fund	430550 Transmission and	3411 WESTERN STATES EQUIPMENT	WATR-RIVRSDE PARK AT	2,593.81

For doc #s from 123248 to 123383

Fund	Department Name (Account)	Vendor #/Name	Description	Amount
5210 Water Fund	430550 Transmission and	000282 QUILL CORPORATION	WATR-RUBBER BANDS	2.00
5210 Water Fund	430550 Transmission and	000282 QUILL CORPORATION	WATR-ASSORTED OFFICE	38.15
5210 Water Fund	430550 Transmission and	3614 THE CAR WASH/GROGAN'S	WATR-VEH WASH 1/1-31	3.95
5210 Water Fund	430550 Transmission and	4793 AUTOZONE, INC	WATR-ASSORTED PRODUC	18.73
5210 Water Fund	430550 Transmission and	4793 AUTOZONE, INC	WATR-STAIN, SPOT LIFT	9.06
5210 Water Fund	430550 Transmission and	4793 AUTOZONE, INC	WATR-FABRIC REPAIR K	6.00
5210 Water Fund	430550 Transmission and	4793 AUTOZONE, INC	WATR-ASSORTED PRODUC	106.52
5210 Water Fund	430550 Transmission and	4793 AUTOZONE, INC	WATR-ASSORTED CLEANE	6.33
5210 Water Fund	430550 Transmission and	4793 AUTOZONE, INC	WATR-LED RND DRIVING	11.94
5210 Water Fund	430550 Transmission and	4793 AUTOZONE, INC	WATR-LED RND DRV LGH	-11.94
5210 Water Fund	430550 Transmission and	4793 AUTOZONE, INC	WATR-LED OFF ROAD LG	36.23
5210 Water Fund	430550 Transmission and	2007 UTILITIES UNDERGROUND	WATR-UTIL LOCATE JAN	3.14
5210 Water Fund	430550 Transmission and	2665 MERCER WELDING & REPAIR	WATR-REPAIR WELD ALU	37.50
5210 Water Fund	430560 Geographical Information	4605 THIRD EYE TECHNOLOGIES,	WATR-GIS NETWORK PRI	18.75
5210 Water Fund	430560 Geographical Information	4964 SELBY'S	WATR-LRG FORMAT IMAG	8,753.00
5210 Water Fund	430560 Geographical Information	2888 MISSION VALLEY SECURITY	WATR-SITE CALL G.I.S	48.75
5210 Water Fund	430570 Customer Accounting and	000005 POSTMASTER	WATR-BILLING RESERVE	315.00
5210 Water Fund	430570 Customer Accounting and	000023 GULL PRINTING	WATR-TRUCK & TRAILER	150.00
5210 Water Fund	430570 Customer Accounting and	4006 HD SUPPLY WATERWORKS,	WATR-STOCK METER ORD	397.82
5210 Water Fund	430570 Customer Accounting and	2888 MISSION VALLEY SECURITY	WATR-SHOP WORK, ALAR	107.59
Total for Fund:				37,624.31
5310 Sewer Fund	430600 Sewer Utilities	4880 ACCESS MONTANA	SEWR-INTERNET SERVIC	15.00
5310 Sewer Fund	430600 Sewer Utilities	4880 ACCESS MONTANA	SEWR-SATELITE @ 715	38.97
5310 Sewer Fund	430600 Sewer Utilities	3025 FIRST BANKCARD	SEWR-CRASHPLAN SUB.	2.99
5310 Sewer Fund	430600 Sewer Utilities	3025 FIRST BANKCARD	SEWR-SHARP CALCULATO	19.99
5310 Sewer Fund	430630 Collection and	000010 CENTURYLINK	SEWR-LAGOON LAB	106.96
5310 Sewer Fund	430630 Collection and	000010 CENTURYLINK	SEWR-TELEPHONE SERVI	187.87
5310 Sewer Fund	430630 Collection and	3614 THE CAR WASH/GROGAN'S	SEWR-VEH WASH 1/1-31	3.94
5310 Sewer Fund	430630 Collection and	000101 MONTANA ENVIRONMENTAL	SEWR-LAB BOD	47.00
5310 Sewer Fund	430630 Collection and	000101 MONTANA ENVIRONMENTAL	SEWR-AMMONIA, BOD, C	187.00
5310 Sewer Fund	430630 Collection and	000101 MONTANA ENVIRONMENTAL	SEWR-LAB BOD	47.00
5310 Sewer Fund	430630 Collection and	000101 MONTANA ENVIRONMENTAL	SEWR-LAB BOD	47.00
5310 Sewer Fund	430630 Collection and	2234 ACE HARDWARE/ TREMPER'S	SEWR-POLONIS HEATER/	26.99
5310 Sewer Fund	430630 Collection and	2234 ACE HARDWARE/ TREMPER'S	SEWR-A&M W/S BLK	6.29
5310 Sewer Fund	430630 Collection and	2234 ACE HARDWARE/ TREMPER'S	SEWR-BLADE CUT OF MT	11.96
5310 Sewer Fund	430630 Collection and	2234 ACE HARDWARE/ TREMPER'S	SEWR-FLAP DISC	16.98
5310 Sewer Fund	430630 Collection and	000011 MISSION VALLEY POWER	SEWR-WEST SHORE	186.95
5310 Sewer Fund	430630 Collection and	4743 WEX BANK	SEWR-FUEL 1/1-31/16	497.86
5310 Sewer Fund	430630 Collection and	3614 THE CAR WASH/GROGAN'S	SEWR-VEH WASH 1/1-31	3.94
5310 Sewer Fund	430630 Collection and	4793 AUTOZONE, INC	SEWR-ASSORTED PRODUC	18.73
5310 Sewer Fund	430630 Collection and	4793 AUTOZONE, INC	SEWR-STAIN, SPOT LIF	9.06
5310 Sewer Fund	430630 Collection and	4793 AUTOZONE, INC	SEWR-FABRIC REPAIR K	5.99
5310 Sewer Fund	430630 Collection and	4793 AUTOZONE, INC	SEWR-ASSORTED PRODUC	106.52
5310 Sewer Fund	430630 Collection and	4793 AUTOZONE, INC	SEWR-ASSORTED CLEANE	6.33
5310 Sewer Fund	430630 Collection and	4793 AUTOZONE, INC	SEWR-LED RND DRIVING	11.93
5310 Sewer Fund	430630 Collection and	4793 AUTOZONE, INC	SEWR-LED RND DRV LGH	-11.93
5310 Sewer Fund	430630 Collection and	4793 AUTOZONE, INC	SEWR-LED OFF ROAD LG	36.22
5310 Sewer Fund	430630 Collection and	2007 UTILITIES UNDERGROUND	SEWR-UTIL LOCATE JAN	3.14
5310 Sewer Fund	430640 Treatment and Disposal	2183 DOWL HKM ENGINEERING	SEWR-TASK ORDER #4-I	45,569.18
5310 Sewer Fund	430640 Treatment and Disposal	000044 REPUBLIC SERVICES #889	SEWR-SHARED WASTE DI	27.65

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City of Polson  
Claim Details by Fund, Account  
For the Accounting Period: 2/16

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Report ID: AP100Z

For doc #s from 123248 to 123383

Fund	Department Name (Account)	Vendor #/Name	Description	Amount
5310 Sewer Fund	430660 Geographical Information	4605 THIRD EYE TECHNOLOGIES,	SEWR-GIS NETWORK PRI	18.75
5310 Sewer Fund	430660 Geographical Information	2888 MISSION VALLEY SECURITY	SEWR-SITE CALL G.I.S	48.75
5310 Sewer Fund	430670 Customer Accounting and	000005 POSTMASTER	SEWR-BILLING RESERVE	315.00
5310 Sewer Fund	430670 Customer Accounting and	000023 GULL PRINTING	SEWR-TRUCK & TRAILER	150.00
5310 Sewer Fund	430670 Customer Accounting and	4006 HD SUPPLY WATERWORKS,	SEWR-STOCK METER ORD	397.82
5310 Sewer Fund	430670 Customer Accounting and	000341 MMIA-LIABILITY PROGRAM	SEWR-GC2015037565 SP	750.00
5310 Sewer Fund	430670 Customer Accounting and	000282 QUILL CORPORATION	SEWR-SHARED OFFICE S	13.42
5310 Sewer Fund	430670 Customer Accounting and	000282 QUILL CORPORATION	SEWR-RUBBER BANDS	1.99
			Total for Fund:	48,933.24
			Total:	134,464.73



## CITY OF POLSON COMMISSION AGENDA ITEM SUMMARY

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Agenda Item Number: 7 (Motion) Second reading of Ordinance Number 2016-001 Sec.15.02.230- Regulation of Public Trees to the City of Polson Book of Ordinances.  
Commissions meeting Date: February 17, 2016  
Staff Contact: Mark Shrives.

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**AGENDA ITEM SUMMARY:** Second reading of the Tree Ordinance Amendment to the Parks and Recreation Ordinances in the Polson Municipal Code.

**BACKGROUND:** The Parks and Recreation Ordinances were voted on and passed last year. To fulfill the requirements of the Tree City Re-Certification, the City of Polson must have a tree ordinance. We incorporated the previously separate Polson Tree Ordinance as Section 15.02.230 of Chapter 15, Articles 1 and 2 of the Polson Municipal Code. The attached red lined version includes the changes/corrections that were discussed at the January 20<sup>th</sup> meeting.

**ANALYSIS:** Pass the Second Reading.

**FINANCIAL CONSIDERATIONS:** None

**STAFF RECOMMENDATION:** Staff recommends approval of the 2nd reading of Ordinance 2016-001

**SUGGESTED MOTION:** *I make a motion to approve the 2<sup>nd</sup> reading of the Ordinance Number 2016-001 of the Tree Ordinance Amendment (Section 15.02.230) to Chapter 15, Articles 1 and 2-Parks Regulations as part of the City of Polson Book of Ordinances.*

**ATTACHMENTS:**

1. Ordinance Number 2016-001 Tree Ordinance, Section 15.02.230

**ORDINANCE Ord #2016-001**

**AN ORDINANCE TO ADOPT  
SEC. 15.02.230. - REGULATION OF PUBLIC TREES  
TO THE CITY OF POLSON BOOK OF ORDINANCES**

**WHEREAS**, the City Commission of Polson has determined that it is in the best interests of the citizens of Polson to reestablish, rewrite and reauthorize the Ordinances of the City;

**WHEREAS**, the Commission wishes to continue its commitment to orderly and comprehensive management of trees within the City limits;

**WHEREAS**, it appears in the best public interest that the following ordinance be adopted and codified for the City of Polson;

**NOW, THEREFORE, BE IT ORDAINED** by the City of Polson that the following Section of the Ordinances of the City of Polson be adopted in full as attachments hereto:

**Sec. 15.02.230. Regulation of Public Trees**

The clerk is hereby instructed to codify this Ordinance and to place the same in the Book of Ordinances of the City of Polson.

Date: January 20, 2016

First Reading:      7   ayes         nays         abstentions

Date: February 17, 2016

Second Reading:         ayes         nays         abstentions

Effective Date:    \_\_\_\_\_

\_\_\_\_\_  
Mayor Heather Knutson

Attest:

\_\_\_\_\_  
City Clerk Cora E. Pritt

**Sec. 15.02.230. Regulation of Public Trees**

A. *Title and Purpose.* Short title: This section shall be known as and be cited and referred to as the city of Polson Tree Ordinance. The purpose of this section is to regulate public trees within the city, to provide for their planting, protection, maintenance and removal, establishing a tree board, and delegating to the director of parks and recreation and/or the streets superintendent, the duty of assuring orderly development of public trees.

B. *Establishment of tree board.* In the discretion of the city commission, the commission may appoint the parks and recreation board to serve as the Polson tree advisory board. In the event that the city commission shall choose to appoint such advisory board, the commission shall create the five member Polson tree advisory board under the terms and conditions herein stated. ~~There shall be created a board to be known and designated as "Tree board" composed of five members, all of whom shall be year-round residents of the Polson area. In the discretion of the city commission, the commission may appoint the parks and recreation board to serve in accordance and under the terms of that board's appointment.~~

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1. All said members shall be appointed by the mayor with approval of the city commission.
2. All members of the board shall serve without pay.
3. The members appointed by the mayor shall be appointed for five-two year terms.
4. Serve until their successors are duly appointed and approved by the city commission.
5. Subsequent to the initial appointment all new appointees shall be:
  - a. Appointed for five-two year terms:
    - i. Provided, however, that the event of vacancy caused by resignation, death or otherwise.
    - ii. The member's successor shall be appointed to fill the unexpired term of the member replaced.
6. The Tree board shall appoint annually, whose terms shall be for one year, with the option to renew their position at the end of a year's time.
7. In addition, there may be created, as needed, ~~is hereby created~~ an advisory board to the tree board, the membership of which shall consist of the Polson parks and recreation director (hereafter referred to as director) and/or streets department superintendent (hereafter referred to as superintendent), and two additional individuals with appropriate backgrounds in landscaping or experience with plants, trees and shrubs, whose terms shall be for two years each.

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8. Duties of tree board:

- a. Study the problems and determine the needs of the city in connection with its tree planting and maintenance program.
- b. Assist the properly established officials of the city, as well as the city commission and citizens of the city.
- c. Dissemination of news and information regarding the selection, planting and maintenance of trees within the city limits, whether the same be on private or public property.
- d. Make recommendations from time to time to the city commission, as to desirable legislation concerning the tree program and activities for the city.
- e. Provide regular and special meeting sat which the subject of trees insofar as it relates to the city may be discussed by the members of the board, Officers and personnel of the city and its divisions, and all others interested in the tree program.

9. Organization:

That within a reasonable time after the appointment of said board and the approval of the members there of, upon call of the chairman, ~~said~~ the board shall meet and organize other officers and committees as may be deemed appropriate. The said board shall then provide for the adoption of rules and procedures and for the holding of regular and special meetings as said board shall deem advisable and necessary in order to perform the duties set forth.

C. *Species, Cultivars or Varieties of Trees Permitted.*

1. The ~~advisory~~ board shall:

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- a. Prepare lists of trees acceptable for planting in the public sites of the city.
  - b. Undesirable trees shall not be recommended for general planting and their use, if any, shall be restricted to special locations where, because of certain characteristics of adaptability or landscape effect, they can be used advantageously.
2. Only desirable, long-lived trees of good appearance, beauty, adaptability and generally free from injurious insects or disease shall be planted in public sites.
3. The ~~advisory~~ board shall review at least once every two years the species, cultivars and varieties included on the approved list to determine if any

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should be removed for any reason or if certain new species, cultivars or varieties of proven dependability and value should be added.

D. *Work on public trees.*

1. Compliance: All work on public trees will comply with this chapter.
2. Authority: The director/superintendent or their designated representative shall have the authority and jurisdiction of regulating the planting, maintenance and removal of public trees on streets and other publicly owned property to ensure safety and/or preserve the aesthetics of such public sites.
3. Duty: The director/superintendent or their designated representative shall have the authority, and it shall be their duty to supervise or inspect all work performed under the terms of this section.
4. Director/Superintendent authority in granting permits: The director/superintendent or their designated representative shall have the authority to affix reasonable conditions to the granting of a permit in accordance with the terms of this chapter.
5. Permit required for work on public trees:
  - a. No person shall plant, spray, perform major pruning, remove or otherwise disturb any public tree without a permit issued by the director/superintendent or their designated representative.
  - b. The person receiving the permit shall abide by the arboricultural specifications and standards of practice as outlined by this chapter, and provide evidence of public liability insurance in an amount determined to be appropriate by the parks and streets departments.
6. Removal of public trees, replacement and allocation of costs:
  - a. No person or property owner is to remove a public tree from the boulevard for the purpose of construction or for any other reason without first obtaining a permit from the director/superintendent.
  - b. Public trees removed under this section ~~Section 15.02.230 (6)~~ must be replaced as deemed appropriate by the director/superintendent. The person or property owner shall bear the cost of removal and replacement of all public trees removed.
7. Appeal to city commission: Any person may make a written appeal from any ruling or order made by the director/superintendent to the city commission, which shall make a final decision.

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~~8. Appeal to city commission: Any person may make a written appeal from any ruling or order made by the director/superintendent to the city commission, which shall make a final decision.~~

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E. *Protection of Trees.*

1. Damage to public trees is prohibited unless specifically authorized by the director/superintendent.

a. It is unlawful to:

i. Intentionally damage, cut, carve, transplant or remove any public tree; attach any rope, wire, nails or other contrivance to any public tree.

ii. Allow any gaseous liquid or solid substance which is harmful to such trees to come in contact with them.

iii. Set fire or permit any fire to burn when such fire or the heat thereof could injure any portion of any public tree.

iv. Excavate any ditches, tunnels, trenches or lay drive within a radius of 10 feet of any public tree without first obtaining permission from director/superintendent.

v. Excavation for new utilities and structures within a radius of 10 feet of any public tree will not be permitted unless approved by the board.

2. Protection of Trees:

a. All trees on any street or other publicly owned property near any excavation or construction of any building, structure or street work shall be guarded with a good substantial fence, frame, or box. All building material, dirt or other debris shall be kept outside the barrier.

b. Maintenance and/or repair work on existing underground utilities will be permitted.

3. Removal of public trees: No trees shall be removed from public places unless they are dead, diseased, constitute a hazard to life or property, are a public nuisance or because a revision of planting plans necessitates it.

F. *Public protection.*

1. Public Protection:

a. To protect the public from danger, suitable street and sidewalk barriers and sidewalk barriers, highway cones or signs must be used when pruning, removing or spraying trees.

- b. Flashing signals or flares must be placed on all barriers or obstructions remaining in the street after dark
  - c. All safety devices must conform to the standards as set forth in the Manual of Uniform Traffic Control Devices, distributed by the Federal Highway Administration, U.S. Department of Transportation.
2. Stumps: The stumps of all removed public trees shall be cut to at least three inches below the ground, soil shall be replaced and the area leveled. If the area where the tree is removed is to be paved, the stump shall be removed to meet general construction standards.
  3. Spraying: Suitable precautions shall be taken to protect and warn the public of the spraying of public trees. Spraying will be completed only for the control of specific diseases or insects, with the proper materials in the necessary strength. Shall be applied at the proper time to obtain the desired control. All spraying practices shall conform to federal, state and local regulations and must be completed by licensed applicator.

G. *Penalty.*

1. Removal of violating trees, procedure:
  - a. Whenever any tree is planted or set out in violation of the provisions of this section, the director/superintendent may remove or have the tree removed.
  - b. The director/superintendent will first notify the property owner, in writing, of the city's intention to remove the tree and give the property owner a reasonable period of time (not to exceed 45 days) within which to remove the tree.
  - c. If the property owner does not comply within the specified time, the director/superintendent will implement the removal of the tree.
  - d. The total costs thereof will be added to the taxes levied against the real property owner.
2. Criminal penalty: Any person, firm or corporation who violates any provisions of this chapter or fails to comply with any provisions of this chapter, shall be guilty of a misdemeanor. Upon conviction thereof such person shall be punished in the manner provided by the se city ordinances.

**Sec. 15.02.230. Regulation of Public Trees**

A. *Title and Purpose.* Short title: This section shall be known as and be cited and referred to as the city of Polson Tree Ordinance. The purpose of this section is to regulate public trees within the city, to provide for their planting, protection, maintenance and removal, establishing a tree board, and delegating to the director of parks and recreation and/or the streets superintendent, the duty of assuring orderly development of public trees.

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1. All said members shall be appointed by the mayor with approval of the city commission.
2. All members of the board shall serve without pay.
3. The members appointed by the mayor shall be appointed for two year terms.
4. Serve until their successors are duly appointed and approved by the city commission.
5. Subsequent to the initial appointment all new appointees shall be:
  - a. Appointed for two year terms:
    - i. Provided, however, that the event of vacancy caused by resignation, death or otherwise.
    - ii. The member's successor shall be appointed to fill the unexpired term of the member replaced.
6. The Tree board shall appoint annually, whose terms shall be for one year, with the option to renew their position at the end of a year's time.
7. In addition, there may be created, as needed, an advisory board to the tree board, the membership of which shall consist of the Polson parks and recreation director (hereafter referred to as director) and/or streets department superintendent (hereafter referred to as superintendent), and two additional individuals with appropriate backgrounds in landscaping or experience with plants, trees and shrubs, whose terms shall be for two years each.
8. Duties of tree board:
  - a. Study the problems and determine the needs of the city in connection with its tree planting and maintenance program.

- b. Assist the properly established officials of the city, as well as the city commission and citizens of the city.
- c. Dissemination of news and information regarding the selection, planting and maintenance of trees within the city limits, whether the same be on private or public property.
- d. Make recommendations from time to time to the city commission, as to desirable legislation concerning the tree program and activities for the city.
- e. Provide regular and special meeting sat which the subject of trees insofar as it relates to the city may be discussed by the members of the board, Officers and personnel of the city and its divisions, and all others interested in the tree program.

9. Organization:

That within a reasonable time after the appointment of said board and the approval of the members there of, upon call of the chairman said the board shall meet and organize other officers and committees as may be deemed appropriate. The said board shall then provide for the adoption of rules and procedures and for the holding of regular and special meetings as said board shall deem advisable and necessary in order to perform the duties set forth.

C. *Species, Cultivars or Varieties of Trees Permitted.*

- 1. The advisory board shall:
  - a. Prepare lists of trees acceptable for planting in the public sites of the city.
  - b. Undesirable trees shall not be recommended for general planting and their use, if any, shall be restricted to special locations where, because of certain characteristics of adaptability or landscape effect, they can be used advantageously.
- 2. Only desirable, long-lived trees of good appearance, beauty, adaptability and generally free from injurious insects or disease shall be planted in public sites.
- 3. The advisory board shall review at least once every two years the species, cultivars and varieties included on the approved list to determine if any should be removed for any reason or if certain new species, cultivars or varieties of proven dependability and value should be added.

D. *Work on public trees.*

- 1. Compliance: All work on public trees will comply with this chapter.

2. Authority: The director/superintendent or their designated representative shall have the authority and jurisdiction of regulating the planting, maintenance and removal of public trees on streets and other publicly owned property to ensure safety and/or preserve the aesthetics of such public sites.
3. Duty: The director/superintendent or their designated representative shall have the authority, and it shall be their duty to supervise or inspect all work performed under the terms of this section.
4. Director/Superintendent authority in granting permits: The director/superintendent or their designated representative shall have the authority to affix reasonable conditions to the granting of a permit in accordance with the terms of this chapter.
5. Permit required for work on public trees:
  - a. No person shall plant, spray, perform major pruning, remove or otherwise disturb any public tree without a permit issued by the director/superintendent or their designated representative.
  - b. The person receiving the permit shall abide by the arboricultural specifications and standards of practice as outlined by this chapter, and provide evidence of public liability insurance in an amount determined to be appropriate by the parks and streets departments.
6. Removal of public trees, replacement and allocation of costs:
  - a. No person or property owner is to remove a public tree from the boulevard for the purpose of construction or for any other reason without first obtaining a permit from the director/superintendent.
  - b. Public trees removed under this section must be replaced as deemed appropriate by the director/superintendent. The person or property owner shall bear the cost of removal and replacement of all public trees removed.
7. Appeal to city commission: Any person may make a written appeal from any ruling or order made by the director/superintendent to the city commission, which shall make a final decision.

E. *Protection of Trees.*

1. Damage to public trees is prohibited unless specifically authorized by the director/superintendent.
  - a. It is unlawful to:

- i. Intentionally damage, cut, carve, transplant or remove any public tree; attach any rope, wire, nails or other contrivance to any public tree.
- ii. Allow any gaseous liquid or solid substance which is harmful to such trees to come in contact with them.
- iii. Set fire or permit any fire to burn when such fire or the heat thereof could injure any portion of any public tree.
- iv. Excavate any ditches, tunnels, trenches or lay drive within a radius of 10 feet of any public tree without first obtaining permission from director/superintendent.
- v. Excavation for new utilities and structures within a radius of 10 feet of any public tree will not be permitted unless approved by the board.

2. Protection of Trees:

- a. All trees on any street or other publicly owned property near any excavation or construction of any building, structure or street work shall be guarded with a good substantial fence, frame, or box. All building material, dirt or other debris shall be kept outside the barrier.
- b. Maintenance and/or repair work on existing underground utilities will be permitted.

3. Removal of public trees: No trees shall be removed from public places unless they are dead, diseased, constitute a hazard to life or property, are a public nuisance or because a revision of planting plans necessitates it.

F. *Public protection.*

1. Public Protection:

- a. To protect the public from danger, suitable street and sidewalk barriers and sidewalk barriers, highway cones or signs must be used when pruning, removing or spraying trees.
- b. Flashing signals or flares must be placed on all barriers or obstructions remaining in the street after dark
- c. All safety devices must conform to the standards as set forth in the Manual of Uniform Traffic Control Devices, distributed by the Federal Highway Administration, U.S. Department of Transportation.

2. Stumps: The stumps of all removed public trees shall be cut to at least three inches below the ground, soil shall be replaced and the area leveled. If the area where the tree is removed is to be paved, the stump shall be removed to meet general construction standards.

3. Spraying: Suitable precautions shall be taken to protect and warn the public of the spraying of public trees. Spraying will be completed only for the control of specific diseases or insects, with the proper materials in the necessary strength. Shall be applied at the proper time to obtain the desired control. All spraying practices shall conform to federal, state and local regulations and must be completed by licensed applicator.

G. *Penalty.*

1. Removal of violating trees, procedure:
  - a. Whenever any tree is planted or set out in violation of the provisions of this section, the director/superintendent may remove or have the tree removed.
  - b. The director/superintendent will first notify the property owner, in writing, of the city's intention to remove the tree and give the property owner a reasonable period of time (not to exceed 45 days) within which to remove the tree.
  - c. If the property owner does not comply within the specified time, the director/superintendent will implement the removal of the tree.
  - d. The total costs thereof will be added to the taxes levied against the real property owner.
2. Criminal penalty: Any person, firm or corporation who violates any provisions of this chapter or fails to comply with any provisions of this chapter, shall be guilty of a misdemeanor. Upon conviction thereof such person shall be punished in the manner provided by these city ordinances.

# CITY OF POLSON

## CITY COMMISSION AGENDA ITEM SUMMARY

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Consent Agenda Item Number: 8  
 Meeting Date: February 17, 2016  
 Staff Contact: Kyle Roberts, City Planner  
 Email: [cityplanner@cityofpolson.com](mailto:cityplanner@cityofpolson.com) Phone: 406-883-8213

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**AGENDA ITEM SUMMARY:** Draft Polson Development Code, Winter 2016 and Zoning Map Timeline

**BACKGROUND:** Since October 2015, great progress has been made with the draft Polson Development Code (PDC). Staff has worked through further edits and made needed revisions to the Spring 2015 draft.

Draft PDC discussions with the City-County Planning Board (CCPB) took place during the December and January CCPB meetings. These meetings were productive and resulted in great feedback used to make further needed edits. The result of these efforts is the current Winter 2016 draft. Staff feels that the draft PDC is nearly complete. The draft PDC and Zoning Map are currently going through the public hearing process with the CCPB. The first public hearing with the CCPB, albeit unofficial, occurred on Tuesday, January 26<sup>th</sup>. The hearing was well-attended and citizens provided staff with many comments. These comments were compiled and will be addressed at the public hearing with the CCPB scheduled for Tuesday, February 16<sup>th</sup>.

**ANALYSIS:** Before the draft PDC is brought to the City Commission for public hearing, it must go through at least two official public hearings with the CCPB. As mentioned above, the first official public hearing with the CCPB is scheduled for Tuesday, February 16<sup>th</sup>. The second is scheduled for Tuesday, March 8<sup>th</sup>. The culmination of the public hearings with the CCPB will be a preliminary report on the draft updates to the subdivision and zoning regulations and zoning map along with the CCPB's recommendation.

Staff anticipates that the draft PDC will be ready to bring to the City Commission for an official public hearing and first ordinance reading on Monday, March 21<sup>st</sup> and the second official public hearing and second ordinance reading on Monday, April 4<sup>th</sup>.

1 <sup>st</sup> official public hearing with CCPB	Tuesday, February 16 <sup>th</sup>
2 <sup>nd</sup> official public hearing with CCPB	Tuesday, March 8 <sup>th</sup>
1 <sup>st</sup> official public hearing and 1 <sup>st</sup> ordinance reading with City Commission	Monday, March 21 <sup>st</sup>
2 <sup>nd</sup> official public hearing and 2 <sup>nd</sup> ordinance reading with City Commission	Monday, April 4 <sup>th</sup>

**STAFF RECOMMENDATION:** N/A

**SUGGESTED MOTION:** N/A

**ATTACHMENTS:** -Draft Polson Development Code, Winter 2016 and draft Zoning Map, February 1, 2016 (physical copy will be provided at the meeting; an electronic copy is available on the City's website)

# CITY OF POLSON

## CITY COMMISSION AGENDA ITEM SUMMARY

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Agenda Item Number: \_\_9\_ (Motion) Approve Resolution Adopting Equal Employment Opportunity Policy.

Meeting Date: February 17, 2016

Staff Contact: Mark Shrives

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**AGENDA ITEM SUMMARY:** Approve resolution approving Equal Employment Opportunity Policy.

**BACKGROUND:** As part of the CDBG Grant, the City is required to have an adopted EEO policy that conforms to CDBG guidelines. The City Attorney and the City's grant administrator Lori Benner have worked together preparing this policy in accordance with CDBG guidelines.

**ANALYSIS:** The attached resolution meets required CDBG guidelines

**FINANCIAL CONSIDERATIONS:** This resolution is one of the many grant conditions to be met to receive the awarded \$450,000 CDBG grant.

**STAFF RECOMMENDATION:** Approve Resolution

**SUGGESTED MOTION:** *I move to approve resolution number \_\_\_ adopting an Equal Employment Opportunity Policy.*

**ATTACHMENTS:**

1. Resolution Adopting Equal Opportunity Policy

**RESOLUTION NO. 2016-\_\_\_\_\_**

**EQUAL EMPLOYMENT OPPORTUNITY (EEO) POLICY**

**PURPOSE**

To provide equal employment opportunity in direct employment with City of Polson.

**POLICY**

It is the policy of City of Polson to provide equal opportunity to all of its employees and applicants for employment and to assure that there shall be no discrimination against any person on the basis of race, color, religion, creed, national origin, sex, age, physical or mental handicap, marital status or political beliefs unless related to a bona fide occupational requirement.

The City of Polson will not refuse employment to a person, to bar a person from employment, or to discriminate against a person in compensation or in a term, condition, or privilege of employment because of race, creed, religion, color, or national origin or because of age, physical or mental disability, marital status, or sex when the reasonable demands of the position do not require an age, physical or mental disability, marital status, or sex distinction;

The City of Polson recognizes an obligation to make reasonable accommodation to the known physical or mental limitations of an otherwise qualified handicapped applicant or employee unless the accommodation imposes an undue hardship.

All applicants for employment with City of Polson will be recruited from the reasonably available labor market and evaluated on each person's individual qualifications and abilities.

All City of Polson employees shall be afforded equal employment opportunity during their terms of employment, and are guaranteed protection against retaliation for exercising any legal or administrative procedures to secure rights to equal employment opportunity or testifying on behalf of someone else doing so.

Adoption of this document reaffirms City of Polson's policy of nondiscrimination in employment, including but not limited to the following:

- recruitment
- selection
- placement
- testing
- training
- promotion
- transfer
- discipline
- demotion
- layoff and termination

All supervisory personnel are responsible for and shall be committed to achieving and promoting equal employment opportunity with City of Polson and for implementing this equal employment opportunity policy.

## ASSIGNMENT OF RESPONSIBILITY

Primary responsibility for the development, implementation and maintenance of procedures in accordance with this equal employment opportunity policy will be assigned to an individual appointed by the City Manager who will serve as the equal opportunity officer and will conduct periodic reviews of City of Polson's personnel action to ensure that the policy of equal opportunity is being adhered to and will hold equal opportunity meetings, as needed, with the City Manager and all supervisors to apprise them of progress and of any developing problems for which remedial action would be appropriate.

The City Commission hereby directs the City Manager to ensure all employees of City of Polson engaged in any phase of employment, including but not limited to the following:

- recruitment
- selection
- placement
- testing
- training
- promotion
- transfer
- discipline
- demotion
- layoff and termination

to take appropriate steps to ensure that employment opportunities with City of Polson are offered on an equal basis to all without regard to race, color, sex, creed, religion, national origin, age, physical or mental handicap, marital status, or political beliefs unless such distinction is a bona fide occupational qualification.

## IMPLEMENTATION

The City of Polson will implement this policy and Title VII of the Civil Rights Act of 1964, by means of the Equal Employment Program outlined below. This program is drawn to the specifications and standards established by Presidential Executive Orders 11246 and 11375, which are described in Part 60-2 of the *Code of Federal Regulations* (issued by the Office of Federal Contract Compliance, U.S. Department of Labor) and the *Montana Human Rights Act* (Title 49 MCA).

This policy shall be comprehensive in its range. City of Polson shall make good faith efforts to implement this policy. Procedures adopted will include, at a minimum:

- evaluate all current employment practices for evidence of discriminatory effect. Where such practices are found to be discriminatory in their effect, they shall be modified so as to excise any discriminatory effect;
- remedy any unwarranted instances of under-utilization of women, minorities, and other individuals who have traditionally been the victims of discrimination;
- disseminate the substance of this policy on a continual basis through written notice to all employees, recruitment sources and other interested persons and organizations;
- provide equal pay for equal work;
- apprise all contractors and subcontractors of their affirmative action responsibilities in all contracts awarded by this jurisdiction;

- ensure compliance with all applicable federal and state equal employment requirements;
- include the following clause in all vacancy announcements:

***“We are an Equal Opportunity Employer.”***

- apprise all employment referral agencies of the substance of this policy in order to facilitate referral of qualified minorities, women and handicapped individuals;
- post EEO posters in conspicuous places on City of Polson premises;
- instruct all supervisory personnel in the required procedures following an EEO complaint;
- inform all supervisory personnel of their duties and responsibilities with respect to equal employment opportunity; and
- inform all employees of City of Polson’s commitment to equal employment opportunity and of their rights and remedies under the law.

**EFFECTIVE DATE**

This policy shall supersede all previous declarations of equal employment opportunity and will take effect immediately upon passage.

**PASSED AND APPROVED** this \_\_\_\_\_ day of February, 2016.

\_\_\_\_\_  
Heather Knutson, Mayor

ATTEST:

\_\_\_\_\_  
Cora E. Pritt, City Clerk

## CITY OF POLSON COMMISSION AGENDA ITEM SUMMARY

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Agenda Item Number: 10 (Motion) First reading of Ordinance Number 2016-\_\_\_ to adopt Chapter 7, Public Safety Article 1., Garbage, Chapter 2., Weeds, Chapter 3., Community Decay-Nuisance, Article 4., Abandoned or Junked Vehicles, Article 5., Firearms and Bows on Public Property, to the City of Polson Book of Ordinances.

Commissions meeting Date: February 17, 2016

Staff Contact: Mark Shrives.

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**AGENDA ITEM SUMMARY:** This Agenda Item requests City Commission adoption of Ordinance Number 2016-\_\_\_ to adopt Chapter 7, Public Safety Article 1., Garbage, Chapter 2., Weeds, Chapter 3., Community Decay-Nuisance, Article 4., Abandoned or Junked Vehicles, Article 5., Firearms and Bows on Public Property, to the City of Polson Book of Ordinances.

**BACKGROUND:** Several months ago it was proposed to review and recodify the City of Polson Municipal Code. Rather than rewrite the entire code and then adopt all of the code at one time, based on staff recommendation, the City Commission directed that we move forward with the recodification process and adopt the new code in pieces when completed.

**ANALYSIS:** City staff has also reviewed the additions and changes and have provided their input.

**FINANCIAL CONSIDERATIONS:** None

**STAFF RECOMMENDATION:** Staff recommends approval of the 1st reading of Ordinance 2016-\_\_\_

**SUGGESTED MOTION:** *I make a motion to approve the 1st reading of the Ordinance Number 2016-\_\_\_ to adopt Chapter 7, Public Safety Article 1., Garbage, Chapter 2., Weeds, Chapter 3., Community Decay-Nuisance, Article 4., Abandoned or Junked Vehicles, Article 5., Firearms and Bows on Public Property, to the City of Polson Book of Ordinances.*

**ATTACHMENTS:**

1. Ordinance with Chapter 7, Articles 1, 2, 3, 4, and 5

ORDINANCE Ord #2016-\_\_\_\_\_

AN ORDINANCE TO ADOPT  
PUBLIC SAFETY REGULATIONS: CHAPTER 7, ARTICLE 1. GARBAGE, ARTICLE 2.  
WEEDS, ARTICLE 3. COMMUNITY DECAY – NUISANCE, ARTICLE 4. ABANDONED OR  
JUNKED VEHICLES, ARTICLE 5. FIREARMS AND BOWS ON PUBLIC PROPERTY  
TO THE CITY OF POLSON BOOK OF ORDINANCES

WHEREAS, the City Commission of Polson has determined that it is in the best interests of the citizens of Polson to reestablish, rewrite and reauthorize the Ordinances of the City;

WHEREAS, the Commission wishes to continue its commitment to orderly and comprehensive management of Public Safety Regulations within the City limits;

WHEREAS, it appears in the best public interest that the following ordinance be adopted and codified for the City of Polson;

NOW, THEREFORE, BE IT ORDAINED by the City of Polson that the following Section of the Ordinances of the City of Polson be adopted in full as attachments hereto:

Chapter 7:

Article 1 Garbage

Article 2 Weeds

Article 3 Community Decay-Nuisance

Article 4 Abandoned or Junked Vehicles

Article 5 Firearms and Bows on Public Property

The clerk is hereby instructed to codify this Ordinance and to place the same in the Book of Ordinances of the City of Polson.

Date: February 17, 2016

First Reading:     \_\_\_ayes     \_\_\_nays     \_\_\_abstentions

Date:                     2016

Second Reading:   \_\_\_ayes     \_\_\_nays     \_\_\_abstentions

Effective Date:     \_\_\_\_\_

\_\_\_\_\_  
Mayor Heather Knutson

Attest:

\_\_\_\_\_  
City Clerk Cora E. Pritt

## CHAPTER 7. HEALTH AND SAFETY

### ARTICLE 1. GARBAGE

### ARTICLE 2. WEEDS

### ARTICLE 3. COMMUNITY DECAY – NUISANCE

### ARTICLE 4. ABANDONED OR JUNKED VEHICLES

### ARTICLE 5. FIREARMS AND BOWS ON PUBLIC PROPERTY

### ARTICLE 1. GARBAGE

Sec. 7.01.010 Definitions.

Sec. 7.01.020 Jurisdiction.

Sec. 7.01.030 Littering.

Sec. 7.01.040 Supply and use of containers.

Sec. 7.01.050 Removal of litter at construction and other sites.

Sec. 7.01.060 Keeping property clean.

Sec. 7.01.070 Burning garbage prohibited.

Sec. 7.01.080 Transporting garbage upon the streets.

Sec. 7.01.090 Enforcement.

Secs. 7.03.150-7.03.199. Reserved.

#### 7.01.010 Definitions.

Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be as follows:

A. "Approved container" shall mean a container for the storage of rubbish, litter and garbage which shall be water, insect and rodent proof and which shall be fitted with a close, tight-fitting lid at all times other than when emptying or filling.

B. "Garbage" shall mean putrefying or decaying animal and vegetable wastes resulting from handling, preparation, cooking and consumption of food.

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

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

1. Delivering written notice to the owner or occupant of the property, if the property is non-owner occupied.

2. Mailing a written notice by registered or certified mail to the owner, agent, occupant, or lessee at the address held out by him as the place for receipt of communications or in the absence of such designation to his last known address.

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

F. "Private property" shall include but is not limited to the following exterior locations owned by persons: yards, grounds, driveways, entranceways, passageways, parking areas, working areas, storage areas, vacant lots and recreation facilities.

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

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

I. "Unkempt foliage" shall mean weeds, uncut grass, brush, untrimmed hedges and trees.

#### 7.01.020 Jurisdiction.

The provisions of this chapter shall apply to all areas within the city limits.

#### 7.01.030 Littering.

It shall be unlawful for any person to throw, discard, place, or deposit litter in any manner on any public or private property except in containers provided for such. It shall be the duty of every person distributing or causing to be distributed commercial handbills, leaflets, fliers, or any other advertising or informational material to take all measures necessary to keep such materials from littering public or private property.

#### 7.01.040 Supply and use of containers.

Every person owning or in possession of property from which refuse is generated shall maintain at all times one or more approved containers adequate to hold all refuse generated and shall empty said containers at least once every two weeks. It shall be the duty of the owner or person in possession of property to dispose of non-containerized items such as, but not limited to, appliances, mattresses and furniture within 72 hours after their deposit which is visible to the public.

#### 7.01.050 Removal of litter at construction and other sites.

Any person or institution at which litter or rubbish attendant to the packing, unpacking, loading, or unloading of materials is generated outside of a building shall provide approved containers for the disposal and storage of such litter and rubbish. It shall be unlawful for the person in charge of any construction or demolition site to cause, maintain, permit, or allow to be caused, maintained, or permitted the accumulation of any litter or rubbish on the site before, during, or after completion of the construction or demolition project. 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.

7.01.060 Keeping property clean.

It shall be the duty of the owner, agent, occupant, or lessee of property to keep premises free of litter, rubbish, garbage and unkempt foliage, including but not limited to weeds and uncut grass. This requirement applies not only to loose litter, but also to materials that already are or become trapped at such locations as fence and wall bases, grassy or planted areas, borders, embankments and other lodging points. Persons whose properties face on municipal sidewalks and boulevards are responsible for keeping that portion of the sidewalks and boulevards adjacent to their property free of garbage, litter and rubbish. The same responsibility extends to properties that face alleys. It shall be unlawful to sweep or push litter from sidewalks and boulevards into streets. It shall be the duty of every owner of a vacant property to keep that property free of litter, rubbish, garbage and unkempt foliage, including but not limited to weeds and uncut grass.

7.01.070 Burning garbage prohibited.

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 these ordinances. If the building or facility is specifically designed to be a garbage powered energy facility then the burning of garbage can be permitted. Said facility shall have all the proper environmental pollution preventing equipment.

7.01.080 Transporting garbage upon the streets.

It shall be unlawful for any person 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 covers which prevent the escape of any material contained therein.

7.01.090 Enforcement.

The city police department shall have primary enforcement authority and responsibility. If, in the determination of the city, a litter situation exists that constitutes an "emergency" to the city or neighboring property owners, the city may remove the litter and bill the owner or lessee of the property for the cost thereof after making a good faith effort to notify such person, by telephone or in person, of the problems and giving the same a 24-hour period to remedy the situation. The city police chief shall in his sole discretion determine the nature of the emergency. If the situation is a non-emergency the city police chief shall give the responsible party a ten day notice to correct the deficiency and if the litter has not been removed the person may be cited by the police under the public nuisance laws of the State and this city.

The following is a sample of the notice to be given to the owner of lessee of property:

**ORDER AND NOTICE**

**The Police Chief of the City of Polson or designee has determined that an emergency/non-emergency litter or garbage dumping has occurred on the following described property \_\_\_\_\_ located at \_\_\_\_\_.** You are hereby notified that such condition is in

violation of **Polson Ordinance 7.01.010, et seq.** and if declared an **emergency situation** must be cleared within 24 hours. If it is declared to be a **non-emergency** you will have 10 days to remove the garbage or litter. Contact **City Hall at 883-8200** for further information or questions. You are **subject to the penalties** prescribed by law for a violation of this order and notice which **may include a fine or imprisonment.**

Secs. 7.01.100-7.03.199. Reserved.

## ARTICLE 2. WEEDS

7.02.010 Nuisance weeds defined.

7.02.020 Weed removal—Property owner duty.

7.02.030 Weed removal--Collection of charges.

7.02.040 Weed removal--Fee for removal by city.

7.02.050 Violation--Penalty.

Secs. 7.02.160-7.02.199. Reserved.

### **7.02.010 Cutting weeds and vegetation required; notice**

It shall be the duty of persons to maintain their property so that it shall not be considered a fire hazard or a public or private nuisance. Any person who is the owner of or agent for any lot or parcel of land within the city limits, who permits or suffers to exist upon, in front of, or along such premises so owned by said person or for which said person is the agent, any growth of weeds or vegetation, or any tree or shrub of which the limbs or branches extend over any public sidewalk at a height of less than seven feet above such sidewalk, shall be deemed guilty of maintaining a nuisance and a violation of this ordinance.

If such owner or agent neglects or refuses to cut and destroy any such growth of weeds or vegetation, or to cut away such branches, within ten days after being notified in writing by the city clerk to cut the same, that person may be charged and convicted in accordance with 7.02.040.

### **7.02.020 Weed removal--Collection of charges.**

In the event the owner, representative of the owner, contract purchaser, or occupant of any property required by Section 7.02.010 to cut and remove vegetation fails to do so, the city may, at any time, cause such vegetation to be removed. The cost of such removal shall be based upon charges as set forth in Section 7.02.040 and collected as a special tax against the property, in accordance with the provisions of MCA Section 7-22-4101, et seq.

### **7.02.030 Fees for removal by city.**

A minimum fee of \$50 per hour or \$75 dollars per lot shall be charged for extermination work performed by the city or by a contractor at the direction of the city. Fees are intended to pay for labor, fuel, equipment and administrative costs and may exceed the minimum fee in instances where actual costs exceed the minimum fees.

### **7.02.040 Violation--Penalty.**

Any owner, representative of the owner, contract purchaser, or occupant of any property violating the provisions of Section 7.02.010 shall be fined and/or imprisoned in according with the general penalties proscribed by the ordinances of the city of Polson. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violation within 10 days of receipt of notice, to be served either personally or by certified mail, return receipt requested. Each 10 days that prohibited conditions are maintained shall constitute a separate offense. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

Secs. 7.02.160-7.02.199. Reserved.

### ARTICLE 3. COMMUNITY DECAY - NUISANCE

Sec. 7.03.010. Purpose.  
Sec. 7.03.020. Application.  
Sec. 7.03.030. Responsibility for maintenance.  
Sec. 7.03.040. Definitions.  
Sec. 7.03.050. Public nuisances.  
Sec. 7.03.060. Enforcement.  
Sec. 7.03.070. Summary abatement.  
Sec. 7.03.080. Abatement in other cases; notice.  
Sec. 7.03.090. Abatement by owner.  
Sec. 7.03.100. Appeal procedures; hearing.  
Sec. 7.03.110. Abatement by city.  
Sec. 7.03.120. Notice of assessment—Appeal of charges.  
Sec. 7.03.130. Personal liability of owner.  
Sec. 7.03.140. Overhead charge; civil penalties.  
Secs. 7.03.150-7.03.199. Reserved.

Sec. 7.03.010. Purpose.

A. The intent of this article is to provide a comprehensive mechanism for the identification and abatement of public nuisances within the city.

B. The remedies provided for in this article are supplemental and complementary to all of the provisions of this Code, and state and federal law, and nothing herein shall be read, interpreted or construed in any manner to limit any existing right or power of the city to abate any and all public nuisances.

Sec. 7.03.020. Application.

The provisions of this article shall apply to all property throughout the city wherein any of the conditions hereinafter specified are found to exist; provided, however, that any condition which would constitute a violation of this article but which is duly authorized under any other city, state or federal law, shall not constitute a violation.

Sec. 7.03.030. Responsibility for maintenance.

Every owner, occupant, lessee or holder of any possessory interest of real property within the city is required to maintain such property so as not to violate the provisions of this article. The owner of the property shall remain liable for violations hereof regardless of any contract or agreement with any third party regarding such property or the occupation of the property by any third party.

Sec. 7.03.040. Definitions.

A. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

1. "Abatement" means the removal, stoppage, prostration, or destruction of that which causes or constitutes a nuisance, whether by breaking or pulling it down, or otherwise destroying, or effacing it.

2. "Owner" means the owner of record or any person with legal, financial or equitable interest in the property on which the alleged public nuisance exists at the time of the violation.

3. "Property" means any real property, premises, structure or location on which a public nuisance is alleged to exist.

4. "Public nuisance" means any fence, wall, shed, deck, house, garage, building, structure or any part of any of the aforesaid; or any tree, pole, smokestack; or any excavation, hole, pit, basement, cellar, sidewalk subspace, dock; or any lot, land, yard, premises or location which in its entirety, or in any part thereof, by reason of the condition in which the same is found or permitted to be or remain, shall or may endanger the health, safety, life, limb or property, or cause any hurt, harm, inconvenience, discomfort, damage or injury to any one or more individuals in the city, in any one or more of the following particulars:

a. By reason of being a menace, threat and/or hazard to the general health and safety of the community.

b. By reason of being a fire hazard.

c. By reason of being unsafe for occupancy, or use on, in, upon, about or around the aforesaid property.

d. By reason of lack of sufficient or adequate maintenance of the property, and/or being vacant, any of which depreciates the enjoyment and use of the property in the immediate vicinity to such an extent that it is harmful to the community in which such property is situated or such condition exists.

The term "public nuisance" shall mean any nuisance designated in section 7.03.050.

5. "Summary abatement" means abatement of the nuisance by the city, or a contractor employed by the city, by removal, repair, or other acts without notice to the owner, agent, or occupant of the property except for the notice required by this article.

#### Sec. 7.03.050. Public nuisances.

A. The following are declared to be public nuisances:

1. Any building or structure which meets the definition of an unsafe building or structure as provided in Section 17 of the International Building Code, or any successor provision.

2. Any violation of the city's subdivision and zoning laws and regulations, except where lawfully grandfathered.

3. Any imminent life safety hazard which creates a present and immediate danger to life, property, health or public safety.

B. The following may be declared to be public nuisances:

1. Any condition which constitutes an attractive nuisance whether within a structure or on the premises.

2. Any building or place which has been operated or maintained in a manner that has resulted in repeated disruptive activities including, but not limited to, disturbances of the peace, public drunkenness, drinking in public, harassment of passersby, sale of stolen goods, public urination, theft, assaults, batteries, acts of vandalism, excessive littering, illegal parking, loud noises (particularly in late night or early morning hours), traffic violations, or police detentions and arrests.

3. Any condition which renders air, food or drink unwholesome, unsanitary or detrimental to health.

4. Any condition which poses a fire hazard.

5. Any condition in violation of chapter 13 (Animals).

6. The ownership, maintenance or operation of a dog or animal kennel without proper provisions for the protection of the surrounding properties from odor and sound generated by the kennel.

7. The keeping, storage, depositing or accumulation on the premises for an unreasonable period of time of any personal property or wastes, including, but not limited to, abandoned, wrecked, dismantled or inoperative vehicles, abandoned, wrecked, or dismantled boats or vessels, automotive parts and equipment, appliances, furniture, containers, packing materials, scrap metal, wood, building materials, junk, rubbish, debris, dirt, sand, gravel, concrete or other similar materials which is within the view of persons on adjacent or nearby real property or the public right-of-way and which is detrimental to the public health, safety and general welfare. However, building materials being used or to be used for a project of repair or renovation for which a building permit has been obtained may be stored for such period of time as is necessary to expeditiously complete the project.

8. Any public nuisance as defined in MCA 45-8-111 or otherwise recognized in law as constituting a public nuisance.

Sec. 7.03.060. Enforcement.

The building official shall have primary responsibility for the abatement of a public nuisance under this article.

Sec. 7.03.070. Summary abatement.

A. Whenever a complaint is made to the building official of the existence of a public nuisance, as defined in section 7.03.040 or 7.03.050, the building official shall promptly cause to be inspected the property on which it is alleged that such public nuisance exists.

Should the building official find that a public nuisance exists, and that the public health, safety or welfare may be in immediate danger, then summary abatement procedures shall be implemented and the building official may cause the nuisance to be removed or abated.

B. When summary abatement is authorized, notice to the owner, agent or occupant of the property is not required. Following summary abatement, the building official shall cause to be posted on the property liable for the abatement a notice describing the action taken to abate the nuisance.

Sec. 7.03.080. Abatement in other cases; notice.

A. If, after inspecting the property on which the nuisance is reported, the building official declares the existence of a public nuisance, but the nature thereof is not such as to require the summary abatement of such nuisance, then, regular abatement procedures shall be followed. Photographs and reports of the findings and inspections shall be made and filed with the building official.

B. The building official shall determine the individual, firm or corporation who, from the records in the clerk and recorder's office, appears to be the titled owner of the aforesaid property and immediately cause a written notice to be served on such individual, firm or corporation by personal service or by leaving a copy of the notice at the usual place of residence or business of such owner, or address of such owner shown in the clerk and recorder's records, or by copy mailed to such owner at such place or address by United States certified mail return receipt. If service of such written notice is unable to be perfected by any of the methods described in this subsection, the building official shall cause a copy of the aforesaid notice to be published in a newspaper of general circulation in the city, once a week for two consecutive weeks and shall further cause a copy of the aforesaid notice to be left with the individual, if any, in possession of such property on which it is alleged such public nuisance exists, or if there is no individual in possession thereof, the building official shall cause a copy of the notice to be posted at such structure, location or premises. The building official shall also determine from the clerk and recorder's office who the lienholder of the property, if any, as documented therein, is and cause a written notice to be served on such lienholder by United States mail return receipt.

C. The aforesaid notice to the owner, and lienholder, if any, of the property shall state clearly and concisely the findings of the building official with respect to the existence of a public nuisance. The notice shall further state that unless the owner thereof shall cause the abatement of the public nuisance, pursuant to the orders contained in the building official's notice, the public nuisance shall be abated by the city at the expense of the owner.

D. Any person who is the record owner of the premises, location or structure at the time an order pursuant to this article is issued and served upon said person, shall be responsible for complying with that order, and liable for any costs incurred by the city therewith, notwithstanding the fact that such person conveys such person's interests in the property to another after such order was issued and served.

E. It shall not be a defense to the determination that a public nuisance exists that the property is boarded up or otherwise enclosed.

Sec. 7.03.090. Abatement by owner.

A. Within 30 days after the posting and mailing of a notice to abate a nuisance, the owner, agent of the owner, or individual in possession of the affected property shall remove and abate such nuisance or show that no nuisance in fact exists. Such showing shall be made by filing a written statement that no nuisance exists. The statement shall be filed with the building official.

B. The building official, upon written application by the owner within the 30-day period after the notice has been served, may grant additional time for the owner to effect the abatement of the public nuisance, provided that such extension is limited to a specific time period.

Sec. 7.03.100. Appeal procedures; hearing.

A. The owner or occupant of the property who has been served with a notice pursuant to this article that a public nuisance exists and that it must be abated within 30 days, may, within seven calendar days after receipt of such notice, make a written demand to the building official for a hearing on the question of whether a public nuisance in fact exists. The hearing shall be held at the next scheduled regular meeting of the city commission following receipt by the building official of the written demand, and at least two days' notice of the hearing shall be given to the individual who made the written demand for the hearing.

B. The hearing shall be conducted by the city commission. The commission may amend or modify the notice and/or order, or extend the time for compliance with the building official's order by the owner by such date as the majority of the commission may determine.

C. The owner, agent of the owner, occupant and lienholder, if any, of the subject property shall be given the opportunity to present evidence to the commission in the course of the hearing.

D. In those instances where the nuisance has been abated by the city, the commission shall have discretion to waive the cost of abating a nuisance, in whole or in part, if in the course of the hearing reviewing the decision, the commission finds that any of the following did not conform to the provisions of this article:

1. The notice to remove the nuisance;
2. The work performed in abating the nuisance; or
3. The computation of charges.

Sec. 7.03.110. Abatement by city.

A. Should any public nuisance not be abated at the expiration of time stated in the notice/order or within such additional time as the building official or commission may grant, the building official shall have the authority to enter upon the property and abate the public nuisance found thereon. In abating such nuisance, the building official may go to whatever extent may be necessary to complete the abatement of the public nuisance and should it be practicable to salvage any material derived in the aforesaid abatement, the building official

may sell the salvaged material at private or public sale at the best price obtainable and shall keep an accounting of the proceeds thereof.

B. The proceeds, if any, obtained from the sale of any material salvaged as a result of an abatement of a public nuisance by the building official shall be deposited to the general fund of the city and any deficit between the amount so received and the cost of the abatement may be levied as an assessment against the property in question by the city commission and collected as any other assessment by the city; however, any other alternative collection method may be utilized by the city to recoup the deficit. Should the proceeds of the sale of such salvaged material exceed the cost of abatement, the surplus, if any, shall be paid to the owner of the property from which the public nuisance was abated when a proper claim to the excess is established.

C. In abating a public nuisance, the building official may call upon any of the city departments or divisions for whatever assistance shall be deemed necessary or may by private contract cause the abatement of the public nuisance.

D. The building official shall, after completing the removal and abatement, file a statement of costs with the city clerk.

#### Sec. 7.03.120. Notice of assessment—Appeal of charges.

A. Upon receipt of the statement of costs from the building official, the city clerk shall mail to the owner of the property upon which the public nuisance has been abated notice of the amounts set forth in the statement plus an additional amount sufficient to defray the costs of the notice and stating that the city proposes to assess against the property the amount set forth in the notice and that objections to the proposed assessment must be made in writing and received by the city clerk within 20 days from the date of mailing such notice. Upon the expiration of the 20-day period, if no objections have been received by the city clerk, the city clerk shall enter that amount in the city liens docket which shall therefore constitute a lien against the property.

B. If objections of either the property owner or their representative are received by the city clerk prior to the expiration of the 20-day period, the city clerk shall refer the matter to the city manager for administrative review.

C. Upon conclusion of administrative review, the city manager shall make a written determination that the amount of the charges shall be canceled, reduced, or remain the same. A copy of this determination shall be furnished to the person making the objections together with a notice of such person's right to appeal to the city commission.

D. If no appeal of a determination by the city manager is filed within the time period allowed, a copy of the determination will be furnished to the city clerk who shall then enter a lien in the amount determined by the city manager in the city liens docket as provided in subsection A of this section.

E. If a timely appeal is received by the city commission, a hearing shall be scheduled and held on the matter. If, after the hearing, the city commission determines that the proposed assessment does not comply with subsection G of this section, the city commission shall so certify to the city clerk, and the proposed assessment shall be canceled. If, after the hearing, it is determined that the proposed assessment or any part of it is proper and

authorized, the city commission shall so certify to the city clerk who shall enter a lien in such amount as determined appropriate by the city commission, in the lien docket as provided in subsection A of this section.

F. The determination of the city commission is a final administrative decision.

G. The city manager, in administrative review, or the city commission, on appeal, may reduce or cancel a proposed assessment if it is determined that:

1. Any of the following did not conform to the provisions of this article:
  - a. The notice to remove the nuisance; or
  - b. The work performed in abating the nuisance; or
  - c. The computation of charges; or
2. The owner of the property was eligible for a waiver of costs under section 7.03.140.

H. The city manager, in administrative review, or the city commission, on appeal, may reduce a proposed assessment by eliminating the civil penalty portion of the invoice if it is determined that:

1. The current owner was not in possession of the property at the time the notice required in section 7.03.080 was posted; or
2. The owner did not receive the notice to remove the nuisance, did not have knowledge of the nuisance and could not, with the exercise of reasonable diligence, have had such knowledge.

I. If, after a lien has been entered in the docket of city liens, there is a written request of an owner who alleges that the owner did not receive notice of the proposed assessment, the city clerk shall refer the matter for review pursuant to subsection B of this section.

J. The lien may be canceled or reduced by the city manager, in administrative review, or the city commission, on appeal, if it is determined that the owner did not receive notice of the proposed assessment, did not previously have knowledge of the lien or of the nuisance abatement work constituting the basis of the lien, could not, in the exercise of reasonable care or diligence, have had such knowledge, and in addition, that the circumstances are such that a reduction or cancellation of the charges would have been appropriate had the matter been reviewed pursuant to this section prior to assessment. Upon receipt of a certification from the city commission, pursuant to subsection E of this section, the city clerk shall cancel or reduce the lien if required by the determination of the building official and/or city commission.

Sec. 7.03.130. Personal liability of owner.

The person who is the owner of the property at the time at which the notice required under section 7.03.080 is posted shall be personally liable for the amount of the assessment including all interest, civil penalties, and other charges.

Sec. 7.03.140. Overhead charge; civil penalties.

A. Whenever a nuisance is abated by the city, the building official shall keep an accurate account of all expenses incurred, including an overhead charge of 25 percent for administration and a civil penalty of \$200.00 for each nuisance abated.

B. When the city has abated a nuisance maintained by any owner of real property, for each subsequent nuisance that is abated by the city within two consecutive calendar years concerning real property owned by the same person, an additional civil penalty of 50 percent, minimum of \$50.00, of the cost of abatement shall be added to the costs, charges and civil penalties provided for in subsection A of this section. The civil penalty shall be imposed without regard to whether the nuisances abated by the city involve the same real property or are of the same character.

Secs. 7.03.150-7.03.199. Reserved.

**ARTICLE 4. ABANDONED OR JUNKED VEHICLES**

**Sec. 7.04.010. Leaving abandoned, wrecked or junked vehicles on private property prohibited when; removal.**

**Sec. 7.04.020. Removal notice—To owner of vehicle or land.**

**Sec. 7.04.030. Same—Public posting required when; form.**

**Sec. 7.04.040. Removal of vehicle by city or contractor authorized when; costs.**

**Sec. 7.04.050. Contract for removal; authority of city manager.**

**Secs. 7.04.160-7.04.199. Reserved.**

**Sec. 7.04.010. Leaving abandoned, wrecked or junked vehicles on private property prohibited when; removal.**

A. It is unlawful to park, store or leave, or permit parking or storing of any licensed or unlicensed motor vehicle or any kind, or part thereof, for a period of time in excess of 72 hours, which is in wrecked, junked, partially dismantled or inoperative or abandoned condition, whether attended or not, upon any private property within the city limits, unless it is completely enclosed within a building, blocked from view with appropriate privacy fencing, or unless it is in connection with a business enterprise lawfully situated and licensed for same.

B. The accumulation and storage of two or more of such vehicles or part thereof as hereinbefore defined on private property shall constitute a nuisance, detrimental to the health, safety and welfare of inhabitants of the city, and it shall be the duty of the registered owner of such vehicle or part thereof, and it shall also be the duty of the owner of the private property, or lessee or other person in possession of private property upon which such vehicle or part thereof is located, to remove same from the city limits, or to have the same housed in a building where it will not be visible from the street.

**Sec. 7.04.020. Removal notice—To owner of vehicle or land.**

A. It shall be the duty of the chief of police or designee to give written notice to the registered owner of any motor vehicle or part thereof which is in violation of section 7.04.010, or to give such notice to the owner or lessee of private land upon which the motor vehicle or part thereof is situated, giving notice that the vehicle or part thereof violates section 7.04.010 and demanding that the motor vehicle or part thereof be removed from the city limits within 72 hours from the time of service of notice, or that within 72 hours same may be housed in a building where it will not be visible from the street. The notice may be given by personal service, or by certified mail, with a return receipt requested.

B. Written notice required by this section shall be deemed to have been given (i.e., constructive notice) when the registered owner of the motor vehicle or part thereof, or the owner, lessee or other person in possession of private property concerned herein either:

1. Refuses to accept the prepaid United States mail certified letter from the city and the letter is returned from the post office marked "refused"; or

2. The person to be notified is present in the city but the notification letter is returned marked "unclaimed" by the post office, in which event notice by the city

may be made by affixing the letter in a conspicuous place at the main entrance, fence or to the front door of the residence of such person.

**Sec. 7.04.030. Same—Public posting required when; form.**

A. After diligent search and inquiry by the chief of police or designee, no written notice as in section 7.04.020 shall be required where the registered owner of such vehicle or part thereof or the owner of the private property or lessee or other person in possession of private property upon which such vehicle or part thereof is located cannot be found or determined, but instead a public notice shall be posted by the city clerk in three public places in the city for five consecutive days.

B. Such public notice shall substantially conform to the following:

"Public Notice: To Whom It May Concern,"

The City of Polson has declared the following described vehicle or parts thereof to be an abandoned or junked vehicle which has been declared a public nuisance and will be removed on \_\_\_\_\_ from its present location to a junk vehicle wrecking yard or impoundment facility located at \_\_\_\_\_.

Location of vehicle: \_\_\_\_\_

Address of vehicle location: \_\_\_\_\_

Vehicle description: \_\_\_\_\_

Last known owner of vehicle: \_\_\_\_\_

**Sec. 7.04.040. Removal of vehicle by city or contractor authorized when; costs.**

In the event that any of the aforesaid persons, whether an individual, firm or corporation, fails, neglects or refuses to remove the abandoned, wrecked or junked vehicle or part thereof, or house same in the building as provided in section 7.04.010, and abate the nuisance after the required notice, the city, its agent or contractor may remove the vehicle or part thereof at the cost not to exceed \$250.00 and a minimum cost of \$100.00 as determined by the city; which cost shall, if in the best interests of the city as determined by the city manager, be collected from the registered owner of such vehicle or part thereof or the owner of the private property or lessee or other person in possession of private property upon which such vehicle or part thereof is located. Ownership of any vehicle or part thereof removed by the city, its agent or contractor shall, upon such removal, be vested in the city, its agent or contractor, as applicable.

**Sec. 7.04.050. Contract for removal; authority of city manager.**

The city manager is authorized to enter into a written agreement with a qualified junk vehicle dealer or wrecking yard for the removal of abandoned, wrecked or junked vehicles or part thereof under this article wherein the consideration for the services of the junk vehicle dealer shall be the vehicle or part thereof at no expense to the city. The junk vehicle dealer, before entering into contract with the city or being appointed its agent or contractor in reference to sections 7.04.040 and 7.04.050, shall furnish evidence of public liability insurance, to adequately protect such agent or contractor and the city, deemed reasonable in the opinion of the city manager. In the event a qualified and suitable junk vehicle dealer is not available to contract with or act as the city's agent or contractor as provided herein, the city manager is

authorized to contract with the lowest responsible bidder to provide for the removal from private property of abandoned, wrecked or junked vehicles or part thereof under section 7.04.040.

**Secs. 7.04.160-7.04.199. Reserved.**

## ARTICLE 5. FIREARMS AND BOWS ON PUBLIC PROPERTY

Sec. 7.05.010. Concealed weapons defined; carrying prohibited without permit.

Sec. 7.05.020. Weapons in public buildings and property.

Sec. 7.05.030. Discharge of firearms prohibited; exceptions.

Sec. 7.05.040. Bows and crossbows and other devices.

Secs. 7.05.050-7.05.099. Reserved.

### **Sec. 7.05.010. - Concealed weapons defined; carrying prohibited without permit.**

No person shall carry or bear concealed a dirk, dagger, pistol, revolver, sling-shot, sword, cane, billy, knuckles made of any metal or hard substance, knife having a blade four inches long or longer, razor (not including a safety razor), or other dangerous or deadly weapon, without written permission from the proper authority with legal power to grant such permit. The term "concealed weapons," within the meaning of this section, shall be any weapon mentioned herein which shall be wholly or partially covered by the clothing or wearing apparel of the person carrying or bearing such weapon.

### **Sec. 7.05.020. - Weapons in public buildings and property.**

A. *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

1. "Destructive device" means:

- a. A projectile containing an explosive or incendiary material or any other similar chemical substance including, but not limited to, that which is commonly known as tracer or incendiary ammunition, except tracer ammunition manufactured for use in shotguns;
- b. A bomb, grenade, explosive missile or similar device or a launching device therefor;
- c. A weapon of a caliber greater than .60 caliber which fires fixed ammunition or any ammunition therefor, other than a shotgun or shotgun ammunition;
- d. A rocket, rocket-propelled projectile or similar device of a diameter greater than .60 inch or a launching device therefor and a rocket, rocket-propelled projectile or similar device containing an explosive or incendiary material or any other similar chemical substance other than the propellant for the device, except devices designed primarily for emergency or distress signaling purposes;
- e. A breakable container which contains a flammable liquid with a flashpoint of 150 degrees Fahrenheit or less and which has a wick or similar device capable of being ignited, other than a device which is commercially manufactured primarily for the purpose of illumination.

2. "Firearms" means any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of any explosive; the frame or receiver of any such weapon; any firearm muffler or firearm silencer; or any destructive device.
  3. "Park" means a park, playground, recreation complex or any other area in the city, developed or undeveloped, owned or used by the city, and devoted to active or passive recreation.
  4. "Weapon" means dirk; dagger; pistol; revolver; rifle; shotgun; **firearms**; slingshot; sword cane; billy; knuckles made of any metal or hard surface; razor, not including a safety razor; or other deadly weapon or destructive device.
- B. *Prohibition of weapons in city-owned buildings and property.* The carrying or possession of a weapon by any person in or on the city-owned buildings and property described in subsection D of this section or in any park is prohibited.
- C. *Exceptions.* The provisions of subsection B of this section do not apply to:
1. Any peace officer of the state;
  2. Any officer of the United States government authorized to carry a concealed weapon;
  3. Any member of the armed services or reserve forces of the United States or National Guard, while in the performance of their official duties;
  4. A person summoned to the aid of any of the persons named in subsections C.1 through 3 of this section;
  5. A probation and parole officer authorized to carry a **firearm** under MCA 46-23-1002;
  6. An agent of the state department of justice or a criminal investigator in a county attorney's office;
  7. Sponsored events, gun shows or displays authorized by the city;
  8. A person who is participating in a public event or program, including but not limited to a gun show or gun safety program which is authorized by the city to occur on city property; or
  9. A person authorized by the chief of police to carry or possess an unconcealed weapon on city property.
- D. *Areas subject to prohibition.* The city-owned property to which the prohibition in subsection B of this section applies includes, but is not limited to:
1. City Hall
  2. City Parks

3. City Shop and City Water and Sewer Shop, including all lawns, parking areas and sidewalks leading to the site, as well as all areas inside the perimeter fence;
  4. Water pumps and treatment facilities
  5. Wastewater Treatment Plant
  6. City Fire Station
  7. Golf course and pro shop
- E. *Signing.* Suitable signs shall be posted at each entrance to the facilities listed in subsection D.1 through 7, stating the possession of weapons on the premises is prohibited except for law enforcement personnel.

**Sec. 7.05.030. - Discharge of firearms prohibited; exceptions.**

No person shall, except in necessary defense of himself/herself or others, or unless duly authorized by law, discharge any firearm.

**Sec. 7.05.040. - Bows and crossbows and other devices.**

No person shall throw, shoot, fire, or otherwise discharge any arrow, bolt or other projectile through the use of a bow, crossbow or other device within the city limits. No person shall throw, shoot, fire or otherwise discharge any arrow, bolt, or other projectile through the use of a bow, crossbow or other device in parks or other public property.

Exception:

A person may discharge such projectiles in a lawful fashion if done at an archery shooting target area on an organized and established public or private archery shooting range or gallery. The discharge of such projectiles shall be performed in a manner so as not to endanger person, property, animal or fowl, and also performed in such a manner so as to prevent any arrow, bolt or other projectile from traversing any grounds or air space outside the established boundaries or limits of the organized and established public or private archery shooting range or gallery.

Defense to Prosecution:

It is a legal defense to this section if the discharge of the projectile is made in defense of persons or property.

**Secs. 7.05.050-7.05.099. Reserved.**