

O R D I N A N C E N O 1 2 9

AN ORDINANCE AMENDING ORDINANCE NO. 110 AND RELATES TO NUISANCES AND THE ABATEMENT OF NUISANCES.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF POLSON:

Section 1 - It shall be the duty of the owner or owners, or agent, of every lot or parcel of ground within the city limits, where surface or other water may accumulate and become stagnant, or where a cesspool or privy vault or so-called septic vault exists, when declared a nuisance and ordered by the local board of health, the city council or the chief of police so to do, to fill the same with earth or drain the same into the city sewer or other suitable place as may be designated by the said local board of health, city council or chief of police, where it will not be detrimental to the public health or welfare. If any owner or owners, or agent, of such lot or parcel of ground within the city limits who shall be ordered to so fill in or drain the same, as provided in this ordinance, shall fail to do the same within a reasonable time, which time shall be provided in such order or notice, after the said order and notice thereof is made and given to him, or in case the owner or owners, or agent do not reside in the City of Polson and personal notice cannot be served upon said owner or owners, or agent, then once publishing in the local paper and mailing said order and notice to the last known address of the said owner or owners, or agent, or the posting of the said order and notice in a conspicuous place on the said lot or parcel of ground, shall be due and sufficient notice; it shall be the duty of the City Engineer, health officer, Mayor, City Council, Chief of Police or Sanitary Police to proceed to execute such order by doing the work himself, by hired labor, by contract or by any other reasonable means which the said Engineer, Health Officer, Mayor, City Council Chief of Police or Sanitary Police may see fit to use, and report the cost thereof to the City Council, and the same shall be assessed as a tax against such lot or parcel of land and certified to the proper officer by the City Clerk for collection, as other delinquent taxes are certified and collected and the same shall be a lien upon said property until paid.

Section 2 - It shall be the duty of the owner or owners, or agent, of every lot or parcel of ground within the city limits to keep the same in a clean and sanitary condition approved by the local Board of Health and in such condition that the appearance shall not become obnoxious or offensive to the neighbors or passers-by; and should any lot or parcel of ground within the city limits become unclean or unsanitary, or the appearance become obnoxious or offensive to the neighbors or passers-by, the owner or owners, or agent, shall be deemed as maintaining a nuisance; and if the same be not removed or corrected in such manner as may be prescribed by the Sanitary Officer, Chief of Police, Mayor, or City Council, after due and sufficient notice, or in case the owner or owners, or agent, do not reside in the City of Polson, and personal notice cannot be served upon said owner or owners, or agent, then once publishing in the local paper and mailing said order and notice to the last known address of the said owner or owners, or agent, or the posting of the said order and notice in a conspicuous place on the said lot or parcel of ground, shall be due and sufficient notice; it shall be the duty of the City Engineer, Health Officer, Mayor, City Council, Chief of Police or Sanitary Police to proceed to execute such order by doing the work himself, by hired labor, by contract or by any other reasonable means which the said Engineer, Health Officer, Mayor, City Council, Chief of Police or Sanitary Police, may see fit to use, and report the cost thereof to the City Council, and the same shall be assessed as a tax against such lot or parcel of ground and certified to the proper officer by the City Clerk for collection, as other delinquent taxes are certified and collected and the same shall be a lien upon said property until paid.

Section 3 - The Health Officer may call upon all Sheriffs, Counstables or other public officers to assist him in the discharge of his duties, and if such officer, so called, shall neglect or refuse to render such service, he shall be proceeded against in the manner as provided for by section 1490 of the Revised Codes of Montana.

Section 4 - Any person who shall attempt to hinder, or who shall hinder the work of the Health Officer, or who shall remove, deface or obscure any place card or notice posted under the authority of such officer, is guilty of a misdemeanor and punishable as hereinafter stated.

Section 5 - In any person or corporation shall neglect or refuse to comply with any written order of the Local Health Officer made and promulgated by him under this ordinance within a reasonable time, to be designated in the notice, such person or corporation shall be guilty of a misdemeanor. In case of such neglect or refusal to comply with such order the local board may cause it to be complied with at the expense of the city, and such expense shall be recovered from the person or corporation whose legal duty it was to comply with such order, by a civil action brought in the name of such city.

Section 6 - Every person violating any provisions of this article, or any rule thereof for which a penalty is not otherwise provided, shall, for each and every offense, upon conviction thereof, be fined not less than \$10.00 nor more than \$300.00 or imprisonment not to exceed thirty days, or both such fine and imprisonment, as aforesaid.

Section 7 - All ordinances or parts of ordinances in conflict herewith are hereby repealed.

This act shall be in full force and effect from and after its passage and approval.

Passed and approved this 7th day of October, 1918.

Wm. J. Marshall
Mayor

Attest W. E. Hanson
City Clerk

Vote - Ayes - Marshall, Gregg, Marsh.
Nays - None.

STATE OF MONTANA
COUNTY OF FLATHEAD - SS
CITY OF POLSON

H.S. Hanson, being first duly sworn, upon his oath deposes and says: I am a citizen of the United States, over the age of 21 years, and am, and was at the time mentioned in this affidavit the City Clerk of the City of Polson, in said County and State, that on the 21st, day of October, 1918, in accordance with the order of the City Council of the City of Polson, requiring all Resolutions and Ordinances of said City to be posted in three of the most public places in said city, I posted a copy of the foregoing Ordinance No 129 at the following places, to-wit: - One copy in the office of the City Treasurer, one copy in the office of the Police Judge and one copy in the office of the City Clerk; that each of said copies so posted by me was full, true and correct copy of the Ordinance No 129 and the whole thereof.

W. E. Hanson

Subscribed and sworn to before me this 21st day of October, 1918.

W. E. Hanson
Notary Public for the State of Mont
Residing at Polson, Montana.
My Commission expires June 1st, 1921.

