

**THE CODE
OF THE CITY OF
THOMPSON FALLS, MONTANA**

Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 345, enacted July 8, 2019.

See the Code Comparative Table for further information.

Remove Old Pages

xiii, xiv

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Checklist of up-to-date pages
(following Table of Contents)

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Insert and maintain this instruction sheet in front of this publication. File removed pages for reference.

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THE CODE
OF THE CITY OF
THOMPSON FALLS, MONTANA

Published by Order of the City Council

Republication 2018

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CURRENT OFFICIALS
of the
CITY OF
THOMPSON FALLS, MONTANA

Jerry Lacy
Mayor

Lynne Kersten, Ward 1
Raoul Ribeiro, Ward 1
Earlene Powell, Ward 2
Katherine Maudrone, Ward 2
Shawni Vaught, Ward 3
Ruth Cheney, Ward 3
City Council

Tim Goen
City Attorney

Donald Strine
City Judge

Neil Harnett
*Director of Public
Works*

Christopher Nichols
Chief of Police

Chelsea Peterson
Clerk/Treasurer

PREFACE

This Code constitutes a republication of the general and permanent ordinances of the City of Thompson Falls, Montana.

Source materials used in the preparation of the Code were the 1985 Code, as updated through July 14, 2014, and ordinances subsequently adopted by the city council. The source of each section is included in the history note appearing in parentheses at the end thereof. The absence of such a note indicates that the section is new and was adopted for the first time with the adoption of the Code. By use of the comparative tables appearing in the back of this Code, the reader can locate any section of the 1985 Code, as supplemented, and any subsequent ordinance included herein.

Title, Chapter and Section Numbering System

The title, chapter and section numbering system used in this Code is the same system used in many state and local government codes. Each section number consists of three parts separated by a hyphen. The figure before the first hyphen refers to the title number, and the figure between the first hyphen and the second hyphen refers to the chapter number. The figure appearing after the second hyphen refers to the position of the section within the chapter. Thus, the first section of chapter 1 in title 1 is numbered 1-1-1, and the second section of chapter 1 in title 1 is 1-1-2. Under this system, each section is identified with its chapter and title and, at the same time, new sections can be inserted in their proper place by using the hyphenation system for amendments. For example, if new material consisting of one section that would logically come between sections 1-4-1 and 1-4-2 is desired to be added, such new section would be numbered 1-4-1-5. New articles and new divisions may be included in the same way or, in the case of articles, may be placed at the end of the chapter embracing the subject, and, in the case of divisions, may be placed at the end of the article embracing the subject. The next successive number shall be assigned to the new article or division. New chapters or titles may be included by using one of the reserved chapter or title numbers.

Page Numbering System

The page numbering system used in this Code is a prefix system. The letters to the left of the colon are an abbreviation which represents a certain portion of the volume. The number to the right of the colon represents the number of the page in that portion. In the case of a title of the Code, the number to the left of the colon indicates the number of the title. In the case of an appendix to the Code, the letter immediately to the left of the colon indicates the letter of the appendix. The following are typical parts of codes of ordinances, which may or may not appear in this Code at this time, and their corresponding prefixes:

| | |
|--------------------------------|---------|
| CHARTER | CHT:1 |
| RELATED LAWS | RL:1 |
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| CHARTER COMPARATIVE TABLE | CHTCT:1 |
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Index

The index been prepared with the greatest of care. Each particular item has been placed under several headings, some of which are couched in lay phraseology, others in legal terminology, and still others in language generally used by local government officials and employees. There are numerous cross references within the index itself which stand as guideposts to direct the user to the particular item in which the user is interested.

Looseleaf Supplements

A special feature of this publication is the looseleaf system of binding and supplemental servicing of the publication. With this system, the publication will be kept up to date. Subsequent amendatory legislation will be properly edited, and the affected page or pages will be reprinted. These new pages will be distributed to holders of copies of the publication, with instructions for the manner of inserting the new pages and deleting the obsolete pages.

Keeping this publication up to date at all times will depend largely upon the holder of the publication. As revised pages are received, it will then become the responsibility of the holder to have the amendments inserted according to the attached instructions. It is strongly recommended by the publisher that all such amendments be inserted immediately upon receipt to avoid misplacing them and, in addition, that all deleted pages be saved and filed for historical reference purposes.

Acknowledgments

This publication was under the direct supervision of Tassy Spinks, Vice President of the Supplement Department, Michelle Y. Walsh, Editor, of the Municipal Code

Corporation, Tallahassee, Florida. Credit is gratefully given to the other members of the publisher's staff for their sincere interest and able assistance throughout the project.

The publisher is most grateful to Chelsea Peterson, City Clerk/Treasurer, and Kathryn McEnery, City Attorney, for their cooperation and assistance during the progress of the work on this publication. It is hoped that their efforts and those of the publisher have resulted in a Code of Ordinances which will make the active law of the city readily accessible to all citizens and which will be a valuable tool in the day-to-day administration of the City's affairs.

Copyright

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Municipal Code Corporation and the City of Thompson Falls, Montana. 2018.

ORDINANCE NO. 338

AN ORDINANCE ADOPTING THE CITY CODE OF
THE CITY OF THOMPSON FALLS, MONTANA

NOW BE IT ORDAINED BY CITY COUNCIL OF THE CITY OF THOMPSON FALLS, MONTANA, AS FOLLOWS:

Section 1. The Code entitled "The Code of the City of Thompson Falls, Montana," published by Municipal Code Corporation, consisting of Titles 1 through 10, each inclusive, is hereby adopted as the official code and law of the City as enacted by its Mayor and Council.

Section 2. All ordinances of a general and permanent nature enacted on or before January 8, 2018, and not included in the Code or recognized and continued in force by reference therein, are hereby repealed. All ordinances of a special and temporary nature, such as tax levy ordinances, bond ordinances, franchises, vacating ordinances and annexation ordinances shall continue in full force and effect unless specifically repealed or amended by a provision of the City Code.

Section 3. The repeal provided for in section 2 hereof shall not be construed to revive any ordinance or part thereof that was repealed by a subsequent ordinance which is now repealed by this ordinance.

Section 4. Forthcoming ordinances of a general and permanent nature, or additions or amendments to the Code when passed in such form as to indicate the intention of the town council to make the same a part of the Code shall be deemed to be incorporated in the Code, so that reference to the Code includes the additions and amendments. The Office of the City Clerk shall maintain copies of forthcoming ordinances, certified as to correctness and available for inspection at any and all times that said office is regularly open.

Section 5. It shall be unlawful for any person, firm, or corporation to change or amend by additions or deletions, any part or portion of such code, or to insert or delete pages or portions thereof, or to alter or tamper with such code in any manner whatsoever which will cause the law of the City to be misrepresented thereby.

Section 6. Ordinances adopted after January 8, 2018 that amend or refer to ordinances that have been codified in the Code shall be construed as if they amend or refer to like provisions of the Code.

Section 7. This ordinance shall become effective February 8, 2018 and shall be remain in full force and effect from and after its passage, approval and publication as provided by law.

Passed and adopted by the City Council of the City of Thompson Falls, Montana, this 8th day of January, 2018.

By:

/s/

Mark Sheets, Mayor

Attest:

/s/

Chelsea Peterson, City Clerk/
Treasurer

1st Reading: December 11, 2017

2nd Reading: January 8, 2018

Checklist of Up-to-Date Pages

(This checklist will be updated with the
printing of each Supplement)

From our experience in publishing Looseleaf Supplements on a page-for-page substitution basis, it has become evident that through usage and supplementation many pages can be inserted and removed in error.

The following listing is included in this Code as a ready guide for the user to determine whether the Code volume properly reflects the latest printing of each page.

In the first column all page numbers are listed in sequence. The second column reflects the latest printing of the pages as they should appear in an up-to-date volume. The letters "OC" indicate the pages have not been reprinted in the Supplement Service and appear as published for the original Code. When a page has been reprinted or printed in the Supplement Service, this column reflects the identification number or Supplement Number printed on the bottom of the page.

In addition to assisting existing holders of the Code, this list may be used in compiling an up-to-date copy from the original Code and subsequent Supplements.

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SUPPLEMENT HISTORY TABLE

The table below allows users of this Code to quickly and accurately determine what ordinances have been considered for codification in each supplement. Ordinances that are of a general and permanent nature are codified in the Code Book and are considered "Included." Ordinances that are not of a general and permanent nature are not codified in the Code Book and are considered "Omitted."

In addition, by adding to this table with each supplement, users of this Code of Ordinances will be able to gain a more complete picture of the code's historical evolution.

| Ordinance Number | Date Adopted | Included/Omitted | Supplement Number |
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| 339 | 2-12-2018 | Included | 1 |
| 341 | 7-12-2018 | Included | 1 |
| 342 | 10-10-2018 | Included | 1 |
| 343 | 1-14-2019 | Included | 1 |
| 344 | 6-10-2019 | Included | 1 |
| 345 | 7- 8-2019 | Included | 1 |

TITLE 1

ADMINISTRATION

Chapter 1. Thompson Falls City Code

- Sec. 1-1-1. Title.
- Sec. 1-1-2. Acceptance.
- Sec. 1-1-3. Amendments.

Chapter 2. Saving Clause

- Sec. 1-2-1. Repealing ordinance; effect.
- Sec. 1-2-2. Constitutionality.
- Sec. 1-2-3. Rules for construction.

Chapter 3. Definitions

- Sec. 1-3-1. Construction of words.
- Sec. 1-3-2. Definitions, general.

Chapter 4. General Penalty

- Sec. 1-4-1. General penalty.

Chapter 5. City Officers and Employees

- Sec. 1-5-1. Elective and appointive officers.
- Sec. 1-5-2. Salaries and bonds.
- Sec. 1-5-3. Indemnification.

Chapter 5A. City Officers and Employees

Article A. City Clerk-Treasurer

- Sec. 1-5A-1. Offices consolidated.

Chapter 6. General and Corporate Provisions

- Sec. 1-6-1. Wards.
- Sec. 1-6-2. Ordinances.
- Sec. 1-6-3. Elections.

CHAPTER 1. THOMPSON FALLS CITY CODE**Sec. 1-1-1. Title.**

This compilation, revision and codification of the general ordinances of the City of Thompson Falls is hereby declared to be and shall hereafter constitute the official Code of General Ordinances of the City of Thompson Falls, Montana.

(1985 Code 1.00.01)

Sec. 1-1-2. Acceptance.

This code shall hereafter be known as and referred to as the official Code of the City of Thompson Falls, Montana and a copy or copies of such code in printed form shall be received without further proof as the ordinances of permanent and general effect in the City Of Thompson Falls in all courts and administrative tribunals of this state.

(1985 Code 1.00.02)

Sec. 1-1-3. Amendments.

Any ordinance amending this code shall set forth in full the section or sections of the code being amended, and this shall constitute a sufficient compliance with any statutory requirement that no ordinance or any section thereof shall be revised or amended unless the new ordinance sets forth the revised ordinance or amended section in full.

(1985 Code 1.00.03)

CHAPTER 2. SAVING CLAUSE

Sec. 1-2-1. Repealing ordinance; effect.

The repeal of ordinances as provided shall not affect any right which has accrued, any duty imposed, any penalty incurred, or any action or proceeding as commenced under or by virtue of the ordinance repealed, or the tenure of office of any person holding office at the time when they take effect; nor shall the repeal of any ordinance thereby have the effect of reviving any ordinance therefor repealed or superseded.

(1985 Code 1.00.04)

Sec. 1-2-2. Constitutionality.

Should any portion of this official code be declared by any court of competent jurisdiction to be unconstitutional or void, such adjudication shall in no way affect the remaining portion of this code.

(1985 Code 1.00.05)

Sec. 1-2-3. Rules for construction.

In the construction of the official code and all ordinances amendatory thereof or supplementary thereto the following rules shall be observed unless such construction would be inconsistent with the manifest intent of the legislative body or repugnant to the context:

- A. *Intent to defraud.* Whenever, by any of the provisions of the official code, an intent to defraud is required in order to constitute an offense, it is sufficient if any intent appears to defraud any person, association or body politic or any combination of persons.
- B. *Liability of employers and agents.* When the provisions herein contained prohibit the commission or omission of any act, not only the person actually doing the prohibited thing or omitting the directed act, but also the employer and all other persons concerned in aiding or abetting the person shall be guilty of the offense described and liable to the penalty set forth.

(1985 Code 1.00.05)

CHAPTER 3. DEFINITIONS**Sec. 1-3-1. Construction of words.**

- A. The singular number includes the plural.
- B. Words used in the present include the future.
- C. Words used in the masculine gender include, as well, the feminine and neuter.
- D. Words prohibiting anything being done, except in accordance with a license or permit or authority from a board of officers, shall be construed as giving such board of officers power to license or permit or authorize such thing to be done.
(1985 Code 1.00.05E)

Sec. 1-3-2. Definitions, general.

Whenever the following words or terms are used in this code, they shall have such meanings herein ascribed to them, unless the context makes such meaning repugnant thereto:

Chief of police means the city marshal or other designated officer.

City or town means the City of Thompson Falls, County of Sanders, State of Montana.

Clerk-treasurer means the city clerk or city treasurer of the City of Thompson Falls as the case may be applicable.

Council means the city council of the City of Thompson Falls.

Day means any 24-hour period from 12:00 midnight to 12:00 midnight.

Depose means every mode or oral statement under oath or affirmation.

Knowingly imparts a knowledge that the fact exists which brings the act or omission within the provisions of this code. It does not require any knowledge of the unlawfulness of such act or omission.

Land, real estate and real property includes lands, tenements, hereditaments, water rights, possessory rights and claims.

May is discretionary.

Neglect, negligence, negligently impart a want of such attention to nature or probable consequences of the act or omission as a prudent man ordinarily bestows in acting in his own concern.

Oath includes affirmation.

Occupant or tenant as applied to a building or land shall include any person who occupies the whole or any part of such building or land whether alone or with others.

Officers includes any officers and boards in charge of departments and the members of such boards of the City of Thompson Falls.

Official time means standard time in the City of Thompson Falls.

Owner as applied to a building or land, shall include any part owner, joint owner, tenant in common, and joint tenant or lessee of the whole or of a part of such building or land.

Person includes bodies politic and corporate, partnerships, associations and corporations.

Personal property includes every description of money, goods, chattels, effects, evidence of rights in action and all written instruments by which any pecuniary obligation, right or title to property is created, acknowledged, transferred, increased, defeated, discharged or diminished and every right or interest therein.

Property includes both real and personal property.

Public thoroughfare. includes streets, alleys, lanes, courts, boulevards, public ways, public squares, public places and sidewalks.

Quarter means any three-month period, ending with the last day of March, June, September and December.

Shall is mandatory.

Signature includes any name, mark or sign written with the intent to authenticate any instrument of writing.

Swear includes affirm.

Wilfully when applied to the intent with which an act is done or omitted, implies simply a purpose or willingness to commit the act or make intent to violate law or to injure another or to acquire an advantage.

Work month means a calendar month unless otherwise expressed.

Year means any one calendar year unless otherwise expressed.
(1985 Code 1.00.05E)

CHAPTER 4. GENERAL PENALTY**Sec. 1-4-1. General penalty.**

A. *Penalty.* Whenever in any provision of this Code or other ordinance of the city any act is prohibited or is made or declared to be unlawful, a misdemeanor or an offense, or whenever in any such provision or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is otherwise provided therefor, any person upon conviction for the violation of any such provision of this Code or ordinances shall be punished by a fine not exceeding \$500.00 or by imprisonment not to exceed six months, or both such fine and imprisonment for each such offense. Each day any violation of any provision of any ordinance shall continue shall constitute a separate offense.

B. *Construction; interpretation.* In the construction and interpretation of this section, the revocation of a license or permit shall not be considered as a recovery or penalty so as to bar any other penalty being enforced.

(1985 Code 1.04.01)

CHAPTER 5. CITY OFFICERS AND EMPLOYEES

Sec. 1-5-1. Elective and appointive officers.

A. *Elected officers.* The elected officers of the city shall be: one mayor of the city and two aldermen from each ward as provided by law.

B. *Appointed officers.* The appointed officers of the city shall consist of one city clerk-treasurer, one city attorney, one city judge, a chief of police, and a superintendent of streets and water, and such other officers as the council may from time to time create or authorize, or as may be allowed by law and authorized by the council, who shall be appointed by the mayor, with the advice and consent of the city council.

C. *Qualifications.* All elective and appointive officers of the city shall possess such qualifications as from time to time provided by the Montana state statutes.

D. *Duties.* The duties of the elective and appointive city officers shall be as provided by the Montana state statutes, and if no such provision is made in said statutes, then as appropriately directed by the mayor and city council.

(1985 Code 2.02.01—2.02.04)

Sec. 1-5-2. Salaries and bonds.

A. *Salaries.* The salaries of the officers and employees of the city shall be set by resolution of the city council

B. *Bonding of officers.* The city officers shall be bonded for the faithful performance of their duties; said bond to be executed by a duly authorized surety company, the premiums thereon to be paid by the city.

(1985 Code 2.00.01, 2.00.02)

Sec. 1-5-3. Indemnification.

In any civil action brought against any public official or employee of the city alleging a violation of initiative 75, the city shall defend the action on behalf of the official or employee and indemnify the official or employee for any liability resulting from the alleged violation of initiative 75.

(Ord 320, 1-1999)

CHAPTER 5A. CITY OFFICERS AND EMPLOYEES

ARTICLE A. CITY CLERK-TREASURER

Sec. 1-5A-1. Offices consolidated.

The office of city treasurer and the office of city clerk be, and the same are hereby consolidated and shall be held by one person who shall perform all of the duties pertaining to that of city clerk and that of city treasurer.

(1985 Code 2.06.01)

CHAPTER 6. GENERAL AND CORPORATE PROVISIONS**Sec. 1-6-1. Wards.**

The territory embraced and included within the corporate limits of the city shall be and the same is hereby divided into three wards which wards are bounded and described as follows.

- A. *Ward One.* Beginning at the intersection of the centerline of Spruce Street with the northerly city limits; thence southerly along the centerline of Spruce Street to its intersection with the northerly line of Preston Avenue; thence southeasterly to the intersection of the southerly line of Main Street with the centerline of Mill Street; thence southerly along the centerline of Mill Street to its intersection with the southerly city limits.
- B. *Ward Two.* Beginning at the intersection of the centerline of Woodland Street with the northerly city limits; thence southerly along the centerline of Woodland Street to its intersection with the northerly line of Preston Avenue; thence southerly to the intersection of the southerly line of Main Street with the East line of Block 14 of the Original Town site of Thompson Falls; thence southerly along the East line of said Block 14 to its intersection with the southerly city limits.
- C. *Ward Three.* All that territory within the corporate limits of the city lying easterly of the easterly line of Ward Two as above described.

(1985 Code § 1.02.01)

Sec. 1-6-2. Ordinances.

A. *Passage.* Passage of ordinances shall be in accordance with the provisions of the Montana state statutes.

B. *Posting.* It is the duty of the city clerk-treasurer, upon passage and approval of any ordinance, to forthwith post copies of the same in three public places within the city as designated in the council procedures, and such posting shall be a sufficient posting or publication of such ordinances unless otherwise specially ordered by the council.

(1985 Code 1.06.01; 1985 Code 1.06.02; amd. 2010 code)

Sec. 1-6-3. Elections.

A. *Elections in accordance with state statutes.* All primary and general elections shall be held in accordance with the statutes of the State of Montana

B. *Qualifications of electors.* Any person shall be qualified to vote in any and all city elections provided he is a resident of the city or any area which has been annexed and certified as such by the clerk and recorder of Sanders County.

(1985 Code 1.08.01, 1.08.02)

TITLE 2

BOARDS AND COMMISSIONS

Chapter 1. Board of Adjustment

- Sec. 2-1-1. Created.
- Sec. 2-1-2. Membership; terms.
- Sec. 2-1-3. Meetings.
- Sec. 2-1-4. Quorum.
- Sec. 2-1-5. Duties and powers.
- Sec. 2-1-6. Bylaws.
- Sec. 2-1-7. Records.
- Sec. 2-1-8. Changes in regulations, restrictions and boundaries.

Chapter 2. Planning Board

- Sec. 2-2-1. Establishment.
- Sec. 2-2-2. Jurisdiction.
- Sec. 2-2-3. Duties, services and functions.
- Sec. 2-2-4. Composition and appointment of members.
- Sec. 2-2-5. Officers.
- Sec. 2-2-6. Board procedures.
- Sec. 2-2-7. Schedule of meetings.
- Sec. 2-2-8. Voting and quorum.
- Sec. 2-2-9. Compensation and expenses.

CHAPTER 1. BOARD OF ADJUSTMENT**Sec. 2-1-1. Created.**

A city board of adjustment is established as authorized by MCA 76-2-321 through 76-2-328.
(Ord. 322, 2-14-2000)

Sec. 2-1-2. Membership; terms.

A. *Membership.* The board shall be comprised of city residents, consisting of regular members and one alternate member appointed by the mayor, with the approval of city council, for terms of three years. The alternate board member shall serve as a regular board member and vote as a regular board member whenever one of the regular board members is unable to attend a board meeting.

B. *Term.* The initial board membership shall consist of two individuals appointed to a one-year term, two individuals appointed to a two-year term, and one individual and one alternate member appointed for three-year terms. Successive appointments to the board shall be for three-year terms; provided that in the event any individual does not complete a term, his or her replacement shall be appointed to fill the remainder of the term.
(Ord. 322, 2-14-2000)

Sec. 2-1-3. Meetings.

The board shall hold its meetings at city hall or such place in the city as may be designated by its chairperson.
(Ord. 322, 2-14-2000)

Sec. 2-1-4. Quorum.

The presence of four members shall be necessary to constitute a quorum.
(Ord. 322, 2-14-2000)

Sec. 2-1-5. Duties and powers.

The board's duties and powers shall be as defined by state law and as defined herein. It shall be the duty of other departments of the city to render such assistance as may be reasonably required or requested by the board.

- A. *Zoning regulations.* Where there are practical difficulties or unnecessary hardships in the application of the provisions of title 10 of this Code, or any amendment thereto, the board of adjustment in a specific case shall have the power, after public notice and hearing, in a specific case, to vary or modify any of the regulations or provisions relating to the construction, structural change, or alteration of buildings or structures, in harmony with their fundamental purpose and intent, or any use thereof, so that the public health, safety, and general welfare may be conserved and substantial justice done.
- B. *Setback requirements.* Where there are practical difficulties or unnecessary hardships in the application of the provisions of all sections of the city ordinances, or any amendment thereto,

the board of adjustment in a specific case shall have the power, after public notice and hearing, in a specific case, to vary or modify any of the regulations or provisions relating to the setback requirements contained in said ordinance, so that the public health, safety and general welfare may be conserved and so that substantial justice is done; provided, that structural changes or alterations of buildings or structures is completed in harmony with the fundamental purpose and intent of the ordinance.

- C. *Burden of proof.* In every case where a variance is granted by the board of adjustment, it must be affirmatively shown by the record before the board that an unnecessary hardship or practical difficulty exists, and the records of the board shall clearly indicate in what particular and specific respect an unnecessary hardship or practical difficulty would be created. The burden shall be on the party appealing to the board to present sufficient evidence to establish a record justifying board action granting their request.

(Ord. 322, 2-14-2000)

Sec. 2-1-6. Bylaws.

The board of adjustment shall be charged with adopting bylaws providing for the conduct of its meetings and business. The bylaws shall include the guidelines for notice of meetings and actions to be taken by the board of adjustment, and shall be reviewed by the board on an annual basis and ratified by the city council.

(Ord. 322, 2-14-2000)

Sec. 2-1-7. Records.

The record kept by the board and created by the board shall be retained in the permanent files of the city, with variances granted pursuant to this chapter being indexed by street address and/or legal description of the premises that is affected.

(Ord. 322, 2-14-2000)

Sec. 2-1-8. Changes in regulations, restrictions and boundaries.

Any changes in the regulations, restrictions, and boundaries of any zoning district may be made only by the city council, and in a manner designated by law. Any changes in regulations, restrictions, and/or boundaries of any other city ordinance may be made only by the city council, and in the manner designated by law.

(Ord. 322, 2-14-2000)

CHAPTER 2. PLANNING BOARD**Sec. 2-2-1. Establishment.**

The Thompson Falls Planning Board is established to undertake the responsibilities herein defined, pursuant to and under the provisions of the statutory authority provided to the City of Thompson Falls. (Ord. No. 344, 6-10-2019)

Sec. 2-2-2. Jurisdiction.

The jurisdictional area of the board includes the area within the incorporated limits of the city. (Ord. No. 344, 6-10-2019)

Sec. 2-2-3. Duties, services and functions.

A. *Generally.* In general, the board shall perform and provide the duties, services and functions established and assigned through city ordinance, resolution, agreements, this chapter including the authority and responsibility to:

1. Advise the city council on all community planning and land development activities specified under city ordinances and plans, as well as any other duties, functions, services and activities requested or assigned;
2. Undertake and perform other duties, services and functions, as requested by the city council.

B. *Long-range planning.* The board shall have the authority and responsibility to:

1. If requested by the city, initiate, prepare, review, hear, and make recommendations to the city council on the adoption or amendment of a growth policy and such ordinances and resolutions necessary to implement the growth policy;
2. Initiate, prepare, review, hear and make recommendations to the city council on the adoption or amendment of any planning documents designed to guide the orderly development of the community.

C. *Subdivision, annexation review.* The board shall have the authority and responsibility to review, hear, and make recommendations to the city council on major subdivision applications and plats and annexations.

(Ord. No. 344, 6-10-2019)

Sec. 2-2-4. Composition and appointment of members.

A. *Number and appointment.* The board shall consist of seven members appointed by the city council, which will include:

1. One member to be appointed by the city council from its membership;
2. One member to be appointed by the city council, who may in the discretion of the city council be an employee of or hold public office in Thompson Falls;

3. One member to be appointed by the mayor upon the designation by the Sanders county commission;
4. Four citizen members to be appointed by the mayor.

B. *Terms.* Each member shall be appointed to a three-year term, beginning and ending on the first day of January.

C. *Vacancies.* When a position becomes vacant before the end of the term, the position shall be filled by the city council for the unexpired term.

D. *Conditions for removal.* A member may be removed from office by a majority vote of the city council.

(Ord. No. 344, 6-10-2019)

Sec. 2-2-5. Officers.

A. *Election.* At its first regular meeting in each calendar year, the board shall elect from its members a chair and vice-chair to serve for a period of one year. If there is more than one nominee for any office, voting shall be by secret ballot.

B. *Terms of office.* All elective offices shall be for one year. An officer whose term has expired shall hold office until a successor is elected.

C. *Vacancies.* In the event of a vacancy in any office, the chair, upon approval by a majority of voting members present, shall designate a member to fill the unexpired term of the office.

D. *Rights of chair.* The chair shall have all the rights and privileges of a board member.

E. *Duties of chair.* The chair shall:

1. Preside at all meetings of the board;
2. Act as a liaison between the board and the city council;
3. Execute all legal documents on behalf of the board;
4. Authorize all financial transactions upon approval of a majority of members present;
5. Call special meetings as provided herein; and
6. Act as the public representative of the board or designate an alternate.

F. *Duties of vice-chair.* The vice-chair shall perform the duties of the chair in all cases in which the chair is unable to serve or as otherwise directed by the chair.

G. *Duties of secretary.* The city clerk shall function as the secretary of the board. The secretary shall maintain the minutes and records of the board and issue calls and notices pertaining to the board, prepare and distribute the agenda for all regular meetings at least four days prior to the meeting, keep a roll of membership and attendance, and supervise the balloting at all elections.

(Ord. No. 344, 6-10-2019)

Sec. 2-2-6. Board procedures.

The board shall be governed by the rules contained in "Robert's Rules of Order, Revised," in all parliamentary procedures, as applicable.

(Ord. No. 344, 6-10-2019)

Sec. 2-2-7. Schedule of meetings.

The board shall fix the time for holding regular meetings but shall meet at least once in the months of January, April, July, and October.

(Ord. No. 344, 6-10-2019)

Sec. 2-2-8. Voting and quorum.

A. *Requirements for quorum.* A quorum shall consist of four members.

B. *Requirements for official action.* Each decision of the board shall be approved by a majority vote of the members present at a meeting in which a quorum is in attendance and voting.

C. *Disqualification or voluntary abstention from voting.* In adjudicative decisions, a member shall abstain from voting on an issue or shall be disqualified by majority vote of the remaining members present, if any of the following circumstances apply:

1. The member has a direct financial interest in the outcome of the matter at issue; or
2. The member has such close personal ties to the applicant, the project, or to a party opposing the application that the member cannot reasonably be expected to exercise sound judgment in the public interest; or
3. The member owns property within the area entitled to receive written notice; or
4. Participation in the matter might violate the letter or spirit of a member's code of professional responsibility; or
5. Other applicable law that applies.

(Ord. No. 344, 6-10-2019)

Sec. 2-2-9. Compensation and expenses.

Members shall receive no salary for serving on the board but may be reimbursed for transportation and actual expenses up to but not exceeding state transportation reimbursements and allowable expenses for attendance at conferences, workshops, training sessions, etc.

(Ord. No. 344, 6-10-2019)

TITLE 3

BUSINESS AND LICENSING REGULATIONS

Chapter 1. Liquor Control

- Sec. 3-1-1. License required; fees.
- Sec. 3-1-2. Application for license.
- Sec. 3-1-3. Collection of fees.
- Sec. 3-1-4. On-premises wine license.
- Sec. 3-1-5. Conditions of issuance and renewal.
- Sec. 3-1-6. Term.
- Sec. 3-1-7. Location near schools, churches.
- Sec. 3-1-8. Definition of "premises" for beer.
- Sec. 3-1-9. One liquor license per person.
- Sec. 3-1-10. Transfer place of business.
- Sec. 3-1-11. Transfer of license.
- Sec. 3-1-12. Display of license.
- Sec. 3-1-13. Revocation of licenses.
- Sec. 3-1-14. Penalty.

Chapter 2. Solicitors

- Sec. 3-2-1. Definitions.
- Sec. 3-2-2. License required.
- Sec. 3-2-3. Fees.
- Sec. 3-2-4. Application.
- Sec. 3-2-5. Issuance of license.
- Sec. 3-2-6. Must carry license.
- Sec. 3-2-7. Revocation.
- Sec. 3-2-8. Bond.
- Sec. 3-2-9. Exceptions.
- Sec. 3-2-10. City parks.
- Sec. 3-2-11. Door-to-door hours.
- Sec. 3-2-12. Permit restrictions.

Chapter 3. Video Draw Poker Machines

- Sec. 3-3-1. License required.
- Sec. 3-3-2. Application.
- Sec. 3-3-3. Fee; term.
- Sec. 3-3-4. Revocation.

CHAPTER 1. LIQUOR CONTROL**Sec. 3-1-1. License required; fees.**

It is hereby required that any person who shall desire to sell beer, wine or liquor at retail within the city under authority of Montana law shall apply for and obtain a such license an annual fee payable annually in advance. Such fees shall be in the amount of \$40.00 for wine license, \$60.00 for beer license and \$80.00 for liquor license.

(1985 Code 5.06.01)

Sec. 3-1-2. Application for license.

A. *Written application; appearance before council.* Every person required by this chapter to obtain a license and who is applying therefor for the first time, and every person whose license has been previously refused or revoked, must either file with the city clerk-treasurer an application, in writing, as hereinafter specified, or appear in person before the city council in regular meeting, and shall answer such questions as may be propounded and produce such evidence as the council may request.

B. *Required information.* If such application is made in writing, it shall specify the location of the premises where the business is to be carried on, the names of the persons conducting the business, and shall further state whether such business is to be carried on as a sole proprietorship, partnership or in some other form.

(1985 Code 5.06.02)

Sec. 3-1-3. Collection of fees.

The city clerk-treasurer shall be charged with the collection of the license fees herein required. The application, whether made in person or in writing, and any request for renewal of such license shall be accompanied by tender of the required fee.

(1985 Code 5.06.03)

Sec. 3-1-4. On-premises wine license.

The applicant shall show to the satisfaction of the council that the sale of wine for on-premises consumption, for which the license is sought, would be supplementary to a restaurant or prepared food business.

(1985 Code 5.06.04)

Sec. 3-1-5. Conditions of issuance and renewal.

The issuance and renewal of such license shall be conditioned, among other things, upon the possession by the applicant of an existing license for retail on-premises sale of beer and wine issued by the state department of revenue. The applicant shall also be required to have a concurrent retail beer license issued by the city.

(1985 Code 5.06.05)

Sec. 3-1-6. Term.

All licenses issued under this chapter in any one year shall expire at 12:00 midnight on June 30 of each year.

(1985 Code 5.06.10)

Sec. 3-1-7. Location near schools, churches.

The provisions of MCA 16-3-306(1) shall not apply to Main Street in the city. Any business or enterprise whose premises front Main Street may conduct retail sales of alcoholic beverages, provided the business shall have first obtained the necessary permits and licenses from the city, state and federal government.

(Ord. 294, 4-8-1989)

Sec. 3-1-8. Definition of "premises" for beer.

A "premises" within the meaning of this chapter is defined as a dispensing bar or any arrangement or device from which beer is dispensed or served.

(1985 Code 5.06.07)

Sec. 3-1-9. One liquor license per person.

Not more than one license for the retail sale of liquor shall be issued to any person, firm, association or corporation.

(1985 Code 5.06.08)

Sec. 3-1-10. Transfer place of business.

The licensee may transfer his place of business from one place to another providing he shall make application to and obtain from the mayor and city council leave so to do. Such change shall be noted on the records of the city clerk-treasurer.

(1985 Code 5.06.09)

Sec. 3-1-11. Transfer of license.

A. *Application for transfer.* Licenses may be sold and transferred by the licensee, but before any sale or transfer is made, application shall be made, in writing, to the city council for leave to make such transfer. The proposed assignee may be required to appear and answer such questions and produce such evidence as is required of applicants upon first issuance of a license.

B. *Council action.* Such assignment and transfer may be refused by the mayor and city council in their discretion. If leave is granted for an assignment, the city clerk-treasurer shall make proper notations thereof upon the license record.

C. *State approval required.* A transfer of any such license may be made only on application to the city council, accompanied by satisfactory evidence of an approval of the transfer of the license issued by the state department of revenue, for such business.

D. *Prorated fee; refund.* Where a license hereunder is issued for a period commencing subsequent to the first day of the current year for which such license may be issued, a pro rata fee calculated by a quarterly basis shall be charged for the balance of such current year; and provided, further, that nothing herein shall be construed to entitle any licensee hereunder to any refund of any portion of any license fee in the event of his discontinuing such business or the suspension or revocation of this license prior to the expiration of such year.

(1985 Code 5.06.09, 5.06.10)

Sec. 3-1-12. Display of license.

All licenses issued under the provisions of this chapter shall, at all times, be prominently displayed in the place of business of such license.

(1985 Code 5.06.11)

Sec. 3-1-13. Revocation of licenses.

All licenses issued under this chapter shall be revocable by the city council for proper cause, or the council may refuse to reissue or extend such license when its term expires, for the same reason. All such licenses shall be conditioned that the licensee will conduct his business in a quiet, orderly manner and will observe and obey the laws of the United States and the state, and the ordinances of the city and shall further be conditioned that the licensee will not permit upon the premises where his business is conducted any disorderly, noisy, offensive or illegal conduct; and such license may be summarily suspended or revoked by the council for a breach of any of the conditions of the license or any of the terms of this chapter. Where any such license is revoked prior to the expiration of the term for which payment has been made, the unearned portion shall be retained by the city.

(1985 Code 5.06.06)

Sec. 3-1-14. Penalty.

Penalties for the violation of this chapter shall be in accordance with the general penalty found in section 1-4-1 of this Code.

(1985 Code 5.06.12)

CHAPTER 2. SOLICITORS***Sec. 3-2-1. Definitions.**

A solicitor within the meaning of this chapter is defined to be any person who goes from house to house, or place to place within the corporate limits of the city (or from a stand, wagon, railroad car, motor vehicle, or upon any street or upon any public ground or from temporary quarters within the city, whether such business be conducted by personal contact and interview or by use of telephone for such purposes), selling or taking orders for or offering to sell or take orders for goods, wares, merchandise, professional or personal services, or for the making, manufacturing, or repairing of any article or thing whatsoever, except those selling to merchants for resale.

(Ord. No. 328, § 1, 6-14-2010)

Sec. 3-2-2. License required.

It shall be unlawful for any person to act as solicitor within the meaning and application of this chapter unless he or she or their employer shall have first secured a license therefore in the manner provided by this chapter. Each license shall be issued in the name of the applicant and firm and is not transferable to any other person or firm.

(Ord. No. 328, § 2, 6-14-2010)

Sec. 3-2-3. Fees.

The license fee for solicitors hereunder shall be as follows: \$50.00 per annum for each calendar year or fraction thereof, payable in advance, for each firm employing solicitors, as defined in section 3-2-1, and one solicitor employed by said firm. The license fee for each additional solicitor in excess of one employed by any firm shall be \$20.00 per calendar year or fraction thereof, payable in advance.

In addition to said license fee, any person, firm or corporation so engaged in such occupation or business who at the time of his application shall not maintain an established place of business within the city shall pay an investigation fee of \$35.00, which sum shall be used to investigate the ability of the applicant to qualify for a license under this chapter. Any sum not used for such investigation shall be returned to the applicant. The sum is payable at the time the application is filed. Where the applicant has been previously granted a license within a period of 12 months prior to the date of application, he shall not be required to pay the investigation fee.

(Ord. No. 328, § 3, 6-14-2010)

Sec. 3-2-4. Application.

Any person or firm desiring to secure a solicitor's license shall apply therefore in writing over his or her signature to the clerk on forms provided by the city, such application shall state as to each solicitor:

- A. The name and address of each solicitor;

***Editor's note**—Ord. No. 328, §§ 1—12, adopted June 14, 2010, amended ch. 2 in its entirety to read as herein set out. Former ch. 2, §§ 3-2-1—3-2-12, pertained to similar subject matter and derived from Ord. 301, adopted Jan. 1992.

- B. The name and address of the person, firm or corporation by whom employed; if the firm be a partnership, showing the names and addresses of all partners; if the employing firm be a corporation, showing the address of the principal place of business;
 - C. The length of service of each such solicitor with such employer;
 - D. The place of residence and nature of employment of each solicitor during the last preceding year;
 - E. The nature or character of good, wares, merchandise or services to be offered by each solicitor.
- (Ord. No. 328, § 4, 6-14-2010)

Sec. 3-2-5. Issuance of license.

If the chief of police shall determine after 30 days' investigation that the facts set forth in the application are true, that the solicitor proposes to engage in a lawful and legitimate commercial or professional enterprise, the chief of police shall then approve the application and the clerk may issue the license applied for. Such licenses shall expire on December 31 of the year in which such licenses have been issued. Except as hereinafter provided, no license shall be issued until the conclusion of 30 days' investigation.

(Ord. No. 328, § 5, 6-14-2010)

Sec. 3-2-6. Must carry license.

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

(Ord. No. 328, § 6, 6-14-2010)

Sec. 3-2-7. Revocation.

Any such license may be revoked by the clerk or chief of police for the violation by the solicitor or by the solicitor's employer of any of the laws of the city or of any state or federal laws, or whenever such solicitor shall, in the judgment of the council cease to possess the character and qualification required by this chapter for the issuance of such permit.

(Ord. No. 328, § 7, 6-14-2010)

Sec. 3-2-8. Bond.

If any applicant for a license, including solicitor or his employer, shall be unwilling to receive a license only upon the conclusion of a 30-day period of investigation as provided in section 2-2-5 hereof, and he desires the issuance of a license by the clerk a cash or surety bond in the sum of not less than \$10,000.00 at the discretion of the clerk or city attorney, said surety bond to be executed by a company authorized to write such bonds in the State of Montana, which bond shall be in the favor of the city covering the period for which said license is issued plus a period of 90 days thereafter and conditioned that said business will be conducted in a lawful and proper manner and that all goods, wares, merchandise or personal or professional services sold by the solicitor will be delivered in accordance with the terms of the written order, or failing therein, that the advance payment made by the buyer on such order shall be

refunded; thereupon such license or licenses may be immediately issued. Any person aggrieved by the action of such solicitor shall have a right of action on the bond for the recovery of money or damages or both. Such remaining cash bond will be returned at the termination of the license plus a period of 90 days without interest.

(Ord. No. 328, § 8, 6-14-2010)

Sec. 3-2-9. Exceptions.

The provision of this chapter shall not apply to:

- A. A person using a vehicle owned by him whether operated by him or his agent, for the transportation of farm produce raised or produced by him on his own or leased premises, when the entire course of such transportation extends not more than the confines of the territorial limits of the State of Montana.
- B. To any regularly licensed auctioneer in pursuit of his profession.
- C. To any local religious, charitable or social institution when the solicitors so engaged are bona fide residents of the city, employed without compensation or remuneration, to further and advance the aims and purposes of such institutions.
- D. To any regularly established and recognized charitable or welfare institutions or organizations of and within the State of Montana and whose benefits are available to any person within the State of Montana.
- E. To wholesalers calling upon established businesses in the city.
- F. To all class and yearbooks sponsored by public and parochial schools of the State of Montana.
- G. Special events preapproved by the city council as provided by Resolution No. 603.

(Ord. No. 328, § 9, 6-14-2010)

Sec. 3-2-10. City parks.

There shall be no soliciting allowed upon any city parks within the city. This provision shall apply to all persons whether licensed or not, and including those exceptions listed in section 3-2-9.

(Ord. No. 328, § 10, 6-14-2010)

Sec. 3-2-11. Door-to-door hours.

Solicitors conducting their business from door-to-door, shall operate only between the hours of 9:00 a.m. to 5:00 p.m.

(Ord. No. 328, § 11, 6-14-2010)

Sec. 3-2-12. Permit restrictions.

The city in its discretion may restrict a permit to provide that no solicitor shall operate in competition with any local religious, charitable, or social institution when the members of such organization so engaged are bona fide residents of the city, employed without compensation or remuneration, to further and advance the aims and purposes of such institutions.

(Ord. No. 328, § 12, 6-14-2010)

CHAPTER 3. VIDEO DRAW POKER MACHINES**Sec. 3-3-1. License required.**

No person, firm or corporation shall install, operate or engage in the business of an operator or proprietor of a "video draw poker machine" as defined by Montana law without having first obtained a license as provided in this chapter.

(Ord. 280, 8-1985)

Sec. 3-3-2. Application.

The applications for such licenses shall be made to the city clerk-treasurer and shall identify the video draw poker machine to be licensed and specify the location of the machine.

(Ord. 280, 8-1985)

Sec. 3-3-3. Fee; term.

The amount of the annual license fee shall be set and may be changed by resolution of the city council, but in no case shall the fee exceed \$1,000.00 for each video draw poker machine. The license expires on June 30 of each year and the fee is prorated.

(Ord. 280, 8-1985)

Sec. 3-3-4. Revocation.

The mayor shall have the right to revoke any license issued hereunder for the violation of any state law or administrative regulation governing the operation of video draw poker machines.

(Ord. 280, 8-1985)

TITLE 4

PUBLIC HEALTH AND SAFETY

Chapter 1. Control and Abatement of Nuisances

- Sec. 4-1-1. Power to enact.
- Sec. 4-1-2. Purpose.
- Sec. 4-1-3. Definitions.
- Sec. 4-1-4. Prohibitions.
- Sec. 4-1-5. Shielding.
- Sec. 4-1-6. Reporting and complaints.
- Sec. 4-1-7. Enforcement.
- Sec. 4-1-8. Right of entry.
- Sec. 4-1-9. Abatement.
- Sec. 4-1-10. Municipal infraction, penalties.
- Sec. 4-1-11. Procedures, remedies and costs.

Chapter 2. Civil Defense

- Sec. 4-2-1. Preamble.
- Sec. 4-2-2. Mayors and county commissioners.
- Sec. 4-2-3. County civil defense director.

Chapter 3. Open Burning

- Sec. 4-3-1. Purpose.
- Sec. 4-3-2. Definitions.
- Sec. 4-3-3. Residential burning.
- Sec. 4-3-4. Permit.
- Sec. 4-3-5. Precautions.
- Sec. 4-3-6. Prohibited.
- Sec. 4-3-7. Violation—Penalty.

Chapter 4. Hauling and Dumping Garbage

- Sec. 4-4-1. Littering.
- Sec. 4-4-2. Dumping.

Chapter 5. Littering

- Sec. 4-5-1. Littering.
- Sec. 4-5-2. Vehicles to be covered.

Chapter 6. Noise and Disturbances

- Sec. 4-6-1. Authority.
- Sec. 4-6-2. Purpose.
- Sec. 4-6-3. Definitions.
- Sec. 4-6-4. [Prohibited acts.]

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Sec. 4-6-5. Exceptions.
Sec. 4-6-6. Exemptions.
Sec. 4-6-7. Penalty.

CHAPTER 1. CONTROL AND ABATEMENT OF NUISANCES***Sec. 4-1-1. Power to enact.**

For the statutory provisions giving the city power to define and abate nuisances, see § 7-5-4104, MCA. (Ord. No. 345, § 2, 7-8-2019)

Sec. 4-1-2. Purpose.

The purpose of this chapter is to regulate, control, and prohibit conditions that constitute public nuisances and community decay which:

- A. Are injurious to public health, safety and welfare;
- B. Obstruct the free use of property or interfere with the comfortable enjoyment of life or property and to provide for the abatement of such nuisances;
- C. Serve to protect the public health, safety, and welfare and promotes the economic development within the incorporated areas of the City of Thompson Falls.

It is also the purpose of this chapter to prevent and prohibit those conditions which reduce the value of private property, interfere with the enjoyment of public and private property, create and constitute public nuisances and contribute to the degradation of the character and the depreciation of property values. (Ord. No. 345, § 2, 7-8-2019)

Sec. 4-1-3. Definitions.

In addition to all other definitions cited in this title, which are specifically incorporated herein by reference, the following definitions apply:

Abate means to repair, replace, remove, destroy or otherwise remedy the condition in question by such means, in such a manner and to such an extent that is determined necessary in the interest of the health, safety and general welfare of the city.

Accumulate means to store, gather, collect, heap or pile up.

Attractive hazard means the open storage on property of any container that may attract children and having a compartment of more than one and one-half cubic feet capacity and a door or lid that locks or fastens automatically when closed and cannot be easily opened from the inside.

***Editor's note**—Ord. No. 345, §§ 1, 2, adopted July 8, 2019, designated provisions to be added as title 7, ch. 7.03, §§ 7.03.010—7.03.110. At the editor's discretion and to preserve the style of this Code, such provisions have been deemed as superseding similar provisions designated as title 4, ch. 1, §§ 4-1-1—4-1-8, which pertained to community decay, and was derived from Ord. No. 327, §§ 1—8, adopted June 14, 2010.

Community decay means a public nuisance created by allowing rubble, debris, junk or refuse to accumulate resulting in conditions that are injurious to health, indecent, offensive to the senses, or which obstructs the free use of property so as to interfere with the comfortable enjoyment of life or property. Community decay as used in this chapter should not be construed or defined to apply to:

1. Normal farming, ranching, or other agricultural operations or to a farm, ranch, or other agricultural facility, and any appurtenances thereof, during the course of its normal operations;
2. Properly permitted construction or demolition projects during the time any necessary permits are in effect;
3. Persons servicing, manufacturing or processing materials, goods, or products on lots in public view, so long as the materials used in the normal operation of the business are neatly stacked or piled; or
4. Normal residential maintenance or landscaping.

Dangerous structure means any dangerous, decaying, unkempt, falling or damaged residential dwelling or other structure suitable for human occupancy excluding any structure related to an agricultural or farming operation.

Enforcement officer means the City of Thompson Falls and/or its designee.

Junk includes, but not limited to, the open storage of old appliances, equipment, or parts thereof, old iron or other scrap metal, automobile or truck tires, cardboard, old lumber or scrap wood, rags, rope, paper, debris, rubble, batteries, rubber debris, mattresses or any worn out, cast off or discarded article or material which is ready for destruction or has been collected or stored as salvage, for conversion to some other use or for reduction into components and is not part of a commercial or public salvaging or recycling operation.

Junk farm or lawn and garden equipment means any farm or lawn and garden equipment, including component parts, that is discarded, ruined, wrecked or dismantled; that is not lawfully and validly licensed; and remains inoperative or incapable of being driven.

Junk recreational equipment includes any discarded, wrecked, ruined, scrapped, junked, dismantled, or inoperable recreation vehicles and/or their component parts (including, but not limited to, snowmobiles, four-wheelers, recreational vehicles (RVs), camp trailers, travel trailers, pedal bikes, motorbikes and boats) or such recreational vehicles that are not otherwise capable of immediate and legal operation on public roads, if applicable.

Junk vehicle means any motor vehicle, including component parts, that:

1. Is discarded, ruined, wrecked or dismantled;
2. Is inoperable;
3. Is not capable of being promptly started and driven under its own power;
4. Is not currently licensed; or
5. Lacks any of the following items, which is otherwise standard factory equipment:
 - a. Windshield.

- b. Side or rear window(s).
- c. Door(s).
- d. Fender(s).
- e. Headlamp(s).
- f. Muffler(s).
- g. Wheel(s).
- h. Inflated tires.

Nuisance means a situation created or allowed to continue by the owner or occupant of real property which is injurious to health; indecent or offensive to the senses; an obstruction to the free use of another's property, so as to interfere with the comfortable enjoyment of life or property; renders any public right-of-way dangerous for passage; or adversely affects the property values of adjacent properties.

Obstruction to the public right-of-way means the placement of any debris, refuse, rubble, dirt, gravel, soil, fence, junk, junk vehicles or other personal property so as to obstruct traffic, drainage, pedestrians or otherwise safe and open access to such right-of-way.

Open storage means exposed to the elements or not stored inside an enclosed structure which includes walls on all sides and a roof.

Owner means an individual, firm, partnership, company, association, corporation, city, town, or any other entity, whether organized for profit or not, owning any land, easement, or right-of-way as recorded in the official record of the Sanders County clerk and recorder.

Person means an individual, firm, partnership, company, association, corporation, or any entity, public or private.

Premises means any lot, parcel of land, building, parcel, real estate, land or portion of land whether improved or unimproved including any portion of any street, right-of-way or alley lying between such lot or parcel of land and the center of such street, right-of-way or alley.

Public nuisance means a nuisance that affects, at the same time, an entire community or neighborhood or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal.

Public view means any area visible from a point up to six feet above the surface of the center of any public roadway or right-of-way.

Responsible person means any agent, lessee, owner or other person occupying or having charge or control of any premises.

Shielding means any natural barriers, fencing, or other manmade barriers used to conceal from public view.

(Ord. No. 345, § 2, 7-8-2019)

Sec. 4-1-4. Prohibitions.

It is unlawful under this chapter for any owner or other responsible person on the premises that they occupy or control within the limits of the City of Thompson Falls, or adjacent to any city property to create, continue, suffer, maintain, or in any manner allow any condition that contributes to the creation of a public nuisance and is injurious to health or safety, is offensive to the senses, or obstructs the free use of property, so as to interfere with the comfortable enjoyment of life or property, or obstructs a public right-of-way. Such condition shall be deemed a nuisance if it affects an entire community or neighborhood or any considerable number of persons.

A. Conditions that may contribute to public nuisances include, but are not limited to, the following:

1. The open storage, accumulations, or presence in public view for more than 30 consecutive days of:
 - a. Metal fixtures, appliances, and related items (including, but not limited to, iron metal, component vehicle and machine parts, household appliances, barrels, and other salvaged metal items);
 - b. Boxes, building materials, and related items (including, but not limited to, cardboard, packing material, construction and building materials, demolition waste, concrete or concrete blocks, or other similar and/or related materials);
 - c. Modular or mobile homes, sheds, and buildings (including, but not limited to, mobile or permanent structures) that are dilapidated due to neglect or are uninhabitable;
 - d. Garbage or trash that is not contained in a garbage receptacle;
 - e. Household furniture not designed for outdoor use;
 - f. Raw materials, equipment parts, or bulk commodities;
 - g. Other rubble, debris, junk, or refuse without removing such material to a legal disposal site or placing such collection inside a storage building or garage.
2. Maintaining a junk vehicle(s) on any premises in public view for more than 30 days without removing such vehicle(s) to a legal disposal site or placing said junk vehicle(s) inside a storage building or garage.

However, up to two junk vehicles may be stored on a residential property if (1) they are parked in the side or rear yard and (2) screened from public view as required by section 4-1-5.
3. Maintaining junk farm equipment on any premises in public view for more than 30 days without removing such equipment to a legal disposal site or placing said equipment inside a storage building or garage.
4. Maintaining junk recreational vehicles or equipment on any premises in public view for more than 30 days without removing such equipment to a legal disposal site or placing said junk recreational vehicles or equipment inside a storage building or garage.
5. Maintaining an attractive hazard on any premises for more than 24 hours without removing the door, lid, or locking or fastening device from such container.

6. Maintaining a dangerous structure for more than 30 days without securing such property against entry or abating the dangerous condition of such structure.
 7. Creating or maintaining on any premises an amount of decaying matter, animal or vegetable, which is not part of an agricultural or farming operation, so as to contaminate the atmosphere and be offensive to the senses and obstruct the free enjoyment of life and property.
 8. Allowing a structure to:
 - a. Remain unsecured from unauthorized entry; or
 - b. Become an eyesore or blight on a neighborhood by neglect or failure to make necessary repairs; or
 9. Allowing a residential structure to become unsuitable for human habitation, by failure to maintain the structure.
 10. Not maintaining the structurally safe and sound condition of fences and/or buildings which are allowed to deteriorate.
 11. Creating or maintaining an obstruction to a public right-of-way.
- B. Violations of this section may be grounds for a civil abatement action as provided in this chapter or for a criminal citation as provided for under Montana law, § 45-8-111, MCA.
(Ord. No. 345, § 2, 7-8-2019)

Sec. 4-1-5. Shielding.

The open storage, accumulations, or presence of items or materials that would be considered a public nuisance under section 4-1-4 shall be lawful if such materials are shielded from public view in accordance with the following standards:

- A. All shielding barriers must conform to all local zoning, planning, building and protective covenant requirements.
- B. All shielding barriers shall be of sufficient height and density to conceal any violation on the premises from public view.
- C. Any manmade shielding barriers must be constructed of sound building materials. Lumber or better is required. Other types of fencing of equivalent performance, attractiveness, and shielding qualities are also acceptable. The barriers must be maintained by the property owner or occupant in a neat and workmanlike manner and shall be replaced when necessary.
- D. Shielding with shrubs and trees, while not subject to precise measurements, must provide a similar degree of shielding at all times of the year.
- E. No more than one of the approved shielding materials shall be used on any one side of the property.
- F. Plastics or other materials placed over junk vehicles are not acceptable, except that reasonably attractive car covers specifically designed to attach tightly to and cover motor vehicles is

acceptable for shielding up to two junk vehicles at a single residential location as provided in section 4-1-4(A)(2). Car covers must be maintained and secured at all times and cannot be ripped, torn, or blowing.

(Ord. No. 345, § 2, 7-8-2019)

Sec. 4-1-6. Reporting and complaints.

Any citizen or employee of the city so affected by a nuisance and/or community decay is entitled to make a verbal or written complaint to the city hall of Thompson Falls. Such complaint shall include, whenever possible:

- A. The nature of the nuisance and/or community decay;
- B. The location of the nuisance, including the address;
- C. The name of the owner, occupant, or manager of the premises, if known;
- D. The duration of the nuisance and/or community decay, if known.

(Ord. No. 345, § 2, 7-8-2019)

Sec. 4-1-7. Enforcement.

Upon receipt of a complaint, or if an enforcement officer becomes aware of a condition or situation that may constitute a nuisance, the enforcement officer shall investigate the condition or situation within ten working days. Upon conclusion of the investigation, the enforcement officer will report to the city attorney who will determine if a violation exists.

If it is determined that a nuisance exists as defined herein, the city will give written notice of the violation to the property owner and the responsible person who is maintaining or creating such nuisance of the specific nature of the violation.

(Ord. No. 345, § 2, 7-8-2019)

Sec. 4-1-8. Right of entry.

If entry upon the property is necessary by the enforcement officer, the enforcement officer will contact the owner of the premises and the responsible person, either in writing or by telephone, prior to entry upon the premises. The purpose of this initial contact is to request consent to be on the property. If the owner or responsible person does not consent to entry onto the property, a search warrant or other court order will be obtained prior to any entry onto private property, unless exigent circumstances exist that require immediate entry.

(Ord. No. 345, § 2, 7-8-2019)

Sec. 4-1-9. Abatement.

A. *Emergency abatement.*

- 1. Whenever an enforcement officer has reason to believe that a nuisance exists, and that such nuisance constitutes an emergency presenting imminent danger of serious injury to persons or

property, the enforcement officer, his authorized representative, a fire marshal, or law enforcement, may immediately enter into any building or upon any premises within the jurisdiction of the city for purposes of inspection or abatement.

2. Whenever a nuisance exists which constitutes an emergency presenting imminent danger of serious injury to persons or property, an enforcement officer may order, without notice or judicial action, that the nuisance be immediately abated by removal, destruction or mitigation.
3. If the owner or responsible person fails to comply with the enforcement officer's order immediately, or cannot be located, the enforcement officer shall cause the structure to be demolished and removed, or the nuisance otherwise abated or mitigated, either through an available public body or agency or by contract or arrangement with private persons. The cost of such abatement shall be paid by the owner of the property upon which the nuisance existed, pursuant to the procedures established in section 4-1-11.

B. Voluntary abatement.

1. Unless a nuisance constitutes an emergency presenting imminent danger of serious injury to persons or property, the city shall contact the property owner and the responsible person who is maintaining or creating such nuisance and provide a written notice of the violation and afford 30 days to voluntarily abate the nuisance.
2. Included in the written notice must be the specific condition or conditions to be abated and the specific abatement required to be undertaken.
3. The written notice shall be served by personal service or certified mail, return receipt requested, to the owner and responsible person.
4. If, after good faith efforts have been made, the notice is unable to be served by personal service or certified mail, the notice may be served by mailing the notice to the owner and responsible person's last known address via standard U.S. Mail and posting the notice conspicuously on the premises where the violation exists.
5. Included with the notice shall be a voluntary abatement agreement for the owner of the premises' signature and the responsible person's (if different than the owner) signature. The signed agreement shall be returned to the city and will be placed in the public record of the complaint. If the responsible person is different than the owner of the premises, both parties must sign the voluntary abatement agreement.
6. If the owner believes abatement cannot be completed within the 30 days provided for in the notice, the owner may submit a written request to the city for additional time to abate beyond the 30 days.
 - a. The written request must include:
 - i. A plan of abatement;
 - ii. An explanation of why abatement cannot be completed within 30 days;
 - iii. The date for commencement and completion; and

- iv. If the responsible person is different than the owner of the premises, both parties must sign the request.
- b. The mayor or their designee may accept such plan and defer further proceedings under this chapter.
- c. The plan shall not exceed 90 days.
- d. The written request and the acceptance will be placed in the public record of the complaint.

(Ord. No. 345, § 2, 7-8-2019)

Sec. 4-1-10. Municipal infraction, penalties.

Violations of this chapter are civil municipal infractions within the exclusive jurisdiction of the city court of the City of Thompson Falls. Violations are punishable by a civil penalty of not more than \$300.00 for each violation.

Any condition that constitutes a nuisance condition where the same, or substantially similar, condition has been the subject of two or more enforcement actions within any 12-month period is deemed to be a continuing violation. Continuing violations are punishable by a penalty not to exceed \$500.00 for each repeat violation.

(Ord. No. 345, § 2, 7-8-2019)

Sec. 4-1-11. Procedures, remedies and costs.

- A. The remedies specified in this section shall be in addition to all other remedies provided by law.
- B. When a nuisance has not been voluntarily abated within the time specified in the notice to abate, or the voluntary abatement agreement the following procedures apply:
 1. The city may bring a civil action in the city court of the City of Thompson Falls, in the name of the citizens of the city, by filing a complaint to have the nuisance declared as such by the court and for an order enjoining the public nuisance or authorizing its restraint, removal, termination or abatement.
 2. The complaint shall be verified or supported by an affidavit. Summons shall be issued and served as provided by state law for civil cases. If the owner or responsible person cannot be personally served after good faith efforts, service may be made by publication as provided in state law for matters concerning real property.
 3. A notice of appearance shall be served with the summons and complaint. The appearance date shall not be less than 21 days from the date of service of the summons and complaint. The trial shall be held upon the appearance date, unless the court grants a continuance for good cause shown.
 4. The respondent shall file a response on or before the appearance date set forth in the notice of appearance.
 5. Upon the date and at the time set for appearance and trial, if the respondent has filed no response and fails to appear and if the city proves that proper service was made on the

respondent at least 21 days prior to the appearance date, the court may grant such orders as are requested by the city. The court shall order that enforcement by the city be stayed for ten days and that a copy of the court's order be mailed to the respondent at his/her last known address. Failure to appear on any other date set for trial shall be grounds for entering a default and judgment thereon against a non-appearing party. For good cause shown, and prior to enforcement, the court may set aside an entry of default and the judgment entered thereon.

6. The prevailing party in a proceeding pursuant to this chapter may bring an action in the city court for attorney fees and costs and the city court may, in its discretion, allow the prevailing party reasonable attorney fees and costs.
7. The judgment of the city court may be appealed to the district court.
8. The enforcement officer will coordinate the abatement project and oversee the work as it is being performed.
9. The enforcement officer has the discretion to coordinate and incur reasonable costs and services necessary for the safe, effective, and efficient cleanup of designated involuntary abatement properties.
10. The procedure for determining the cost of abatement of a nuisance will be as follows:
 - a. The city will secure a contract for removal of the nuisance by following the usual city procurement process and/or may use city resources, including staff and equipment, to complete some or all components of a court-ordered abatement.
 - b. The enforcement officer will notify the city clerk/treasurer before any additional contracted costs in excess of \$500.00 are incurred.
 - c. After the enforcement officer has approved the final bill(s) it will be forwarded to the city clerk/treasurer for payment.
 - d. A copy of approved bill(s) and proof of disbursement will be placed in the enforcement file.
 - e. The city shall determine the actual costs of cleanup and involuntary abatement actions and document such costs on an itemized abatement expense report which will determine the total cost of abatement for the property.
 - f. Costs that may be included on the abatement expense report are:
 - i. The assessment of the fair market value for the use of staff and equipment.
 - ii. City staff time, mileage and other costs;
 - iii. Postage/mailing and service costs;
 - iv. Other direct costs associated with abatement; and
 - v. An interest fee of six percent per annum will be computed on above costs.
 - g. When complete, the abatement expense report must be certified and transmitted to the city clerk/treasurer for the approval of assessment on the real property being abated.

- h. The property owner will then be sent the abatement expense report for the subject property and will be given notice that any assessment that is not paid within 30 days shall become a lien upon the property and is enforceable in the same manner as the nonpayment of property taxes.
 - i. Any interest fees will be waived for any payments made within 30 days of notice.
 - 11. A summary listing of the assessments, tax codes, and property owners will be kept by the clerk and recorder through August 31 of each year, and the list shall be presented to the department of revenue for billing on the next real property tax statement.
 - 12. A special abatement fund will be established to account for costs, collections, and transactions necessary to the efficient operation of the program. Assessment funds collected are returned to the designated abatement account for future use on other involuntary property abatements or for transfer back to the city general fund.
- (Ord. No. 345, § 2, 7-8-2019)

CHAPTER 2. CIVIL DEFENSE**Sec. 4-2-1. Preamble.**

The County of Sanders and the municipalities of Hot Springs, Plains and Thompson Falls Civil Defense Plan provides for an integrated cities-county organization for civil defense and for operations during periods of emergency. It thereby constitutes the most effective and efficient means of meeting the civil defense needs of the city and its citizens by making maximum use of the existing agencies and capabilities of local government within Sanders County. Supported by volunteers and private sector personnel and resources, it could prevent or minimize loss of life and property that could be caused by enemy attack or other disaster affecting the city. The mayor is hereby authorized to approve such revisions of such civil defense plan as may be made from time to time if he deems the revisions to be necessary to meet the civil defense needs of the city and its citizens.

(1985 Code 9.06.01)

Sec. 4-2-2. Mayors and county commissioners.

The mayors of the municipalities of Hot Springs, Plains and Thompson Falls and the board of county commissioners for Sanders County shall, during periods of emergency caused by enemy attack or other catastrophe or disaster affecting the city, jointly direct and control the operations of the cities-county organization for civil defense established in such civil defense plan. The mayor is hereby authorized and directed to take, during such periods of emergency, such actions as are reasonably necessary to prevent or minimize loss of life and property, in cooperation with said board of county commissioners and the county civil defense director.

(1985 Code 9.06.02)

Sec. 4-2-3. County civil defense director.

The county civil defense director, under policy guidance of the board of county commissioners in coordination with the mayors, is responsible to conduct the following: day to day training, assignment of personnel, licensing, marking and stock of public shelters, preparation of program paper, administration of civil defense program, coordination of the program with all departments, development of civil defense plan and supporting documents for approval by the mayors of Hot Springs, Plains and Thompson Falls and county commissioners. The civil defense director will act as chief of staff to the executives of the county and cities.

(1985 Code 9.06.03)

CHAPTER 3. OPEN BURNING***Sec. 4-3-1. Purpose.**

Ordinance No. 316 of the City of Thompson Falls, Montana (dated April 23, 1996) is hereby amended to allow a small firepit no larger than three feet in diameter and not less than one-foot deep. (Ord. No. 330, § 1, 10-11-2010)

Sec. 4-3-2. Definitions.

Burn permit means a permit for outdoor burning issued by the Thompson Falls Fire Department.

Residential burning means the burning of small outdoor fires consisting of leaves, grass, prunings and other yard and gardening refuse burned on lands immediately adjacent to and in close proximity to a human dwelling by the property owner or his designees. No garbage, railroad ties or tires may be burned. A small firepit shall be allowed. (Ord. No. 330, § 2, 10-11-2010)

Sec. 4-3-3. Residential burning.

There shall be no outdoor burning within the city, except residential burning and small firepits which may be permitted only under the conditions set out in this chapter. (Ord. No. 330, § 3, 10-11-2010)

Sec. 4-3-4. Permit.

A fire permit must be obtained prior to the commencement of any residential burning larger than four feet in diameter and three feet in height. Any fire permit so obtained may be cancelled by the Thompson Falls Fire Department upon its finding that this chapter is not complied with or that the residential burning causes a hazard or a nuisance. Upon the cancellation of a fire permit, any fire started pursuant to that permit shall be extinguished immediately. (Ord. No. 330, § 4, 10-11-2010)

Sec. 4-3-5. Precautions.

The following precautions shall be taken:

- A. The fire shall be attended at all times.
- B. Sufficient means to extinguish the fire shall be provided at all times, i.e. water, shovel, bucket, etc.
- C. No fire shall be started earlier than 10:00 a.m., nor burned after sundown except for firepits.
- D. No fire shall be closer than ten feet to any structure.
- E. No fire shall endanger persons or property.

***Editor's note**—Ord. No. 330, §§ 1—7, adopted 10-11-2010, amended ch. 3 in its entirety to read as herein set out. Former ch. 3, §§ 4-3-1—4-3-6, pertained to similar subject matter and derived from Ord. 316, adopted June, 1996.

- F. The property owner shall be responsible should the fire cause damage to other property or if the fire department must be called out. Property owner may be billed at the discretion of the fire chief or his designated representative.
 - G. Open burning shall comply with all forest service regulations and dates.
 - H. This permit covers pile burning only. Lot burning must be inspected and specifically approved by the fire chief.
- (Ord. No. 330, § 5, 10-11-2010)

Sec. 4-3-6. Prohibited.

The burning of any material not described in section 4-3-2.B is prohibited.
(Ord. No. 330, § 6, 10-11-2010)

Sec. 4-3-7. Violation—Penalty.

Any person who violates or fails to comply with any of the provisions of this chapter shall be deemed guilty of a misdemeanor.
(Ord. No. 330, § 7, 10-11-2010)

CHAPTER 4. HAULING AND DUMPING GARBAGE

Sec. 4-4-1. Littering.

It shall be unlawful for any person hauling garbage, refuse or litter in any vehicle within the city to allow said garbage, refuse or litter to fall, blow, or in any way be scattered upon the streets, alleys and roads of the city.

(1985 Code 7.08.01)

Sec. 4-4-2. Dumping.

It shall be unlawful for any person to throw or dump garbage, refuse or litter from any vehicle upon any street, alley or road within the city.

(1985 Code 7.08.02)

CHAPTER 5. LITTERING**Sec. 4-5-1. Littering.**

A. *Prohibited.* It shall be unlawful for any person to cast, throw, sweep or deposit in any manner in or upon any public way or other public place in the city, or any river, drain, gutter, sewer or receiving basin within the jurisdiction of the city, any kind of dirt, rubbish, waste article, thing or substance whatsoever, whether liquid or solid. Nor shall any person cast, throw, sweep or deposit any of the aforementioned items anywhere within the jurisdiction of the city in such manner that it may be carried or deposited in whole or in part by the action of the wind, sun, rain or snow, into any of the aforementioned places.

B. *Exception.* Provided, that this section shall not apply to the deposit of material under a permit authorized by any ordinance of the city, or to goods, wares or merchandise deposited upon any public way or other public place temporarily in the necessary course of trade and removed therefrom within two hours after being so deposited, or to articles or things deposited in our conducted into the city sewer system through lawful drains in accordance with the ordinances of the city relating thereto.

(1985 Code 9.08.01)

Sec. 4-5-2. Vehicles to be covered.

It shall be unlawful for any person to use any vehicle to haul any kind of dirt, rubbish, waste, article, thing or substance, whether liquid or solid, unless such vehicle is covered so as to prevent any part of its load from spilling or dropping at all times while such vehicle is in motion on any street or alley in the city: provided, however, that the requirements herein for covering such vehicles shall not apply to vehicles carrying brush cutting, tree trimmings, branches, logs and similar waste material, if such matter securely lashed to such vehicle to prevent spilling or dropping as aforesaid.

(1985 Code 9.08.02)

CHAPTER 6. NOISE AND DISTURBANCES***Sec. 4-6-1. Authority.**

This chapter is adopted under authority of 24 V.S.A. 2291(14) and 24 V.S.A. Chapter 59.
(Ord. No. 342, § 1, 10-10-2018)

Sec. 4-6-2. Purpose.

This chapter is enacted to protect, preserve and promote the health, safety, welfare, peace and quiet for the citizens of the City of Thompson Falls through the reduction, control and prevention of noise. The intent of this chapter is to establish standards which will eliminate and reduce unnecessary noises which are physically harmful or otherwise detrimental to the enjoyment of life, property and maintenance of business.

(Ord. No. 342, § 2, 10-10-2018)

Sec. 4-6-3. Definitions.

Plainly audible means any sound that can be detected by a person using his or her unaided hearing faculties. As an example, if the sound source under investigation is a portable or personal vehicular sound amplification or reproduction device, the enforcement officer need not determine the title of a song, specific words, or the artist performing the song. The detection of the rhythmic base component of the music is sufficient to constitute a plainly audible sound.

(Ord. No. 342, § 3 10-10-2018)

Sec. 4-6-4. [Prohibited acts.]

The following acts are declared to be loud, objectionable, and unnecessary noises, are therefore a public nuisance, and are prohibited by this chapter:

- A. *Defect in vehicle or operation of vehicle.* The operation of an automobile or motorcycle which creates squealing, squealing of tires, loud and unnecessary grating, grinding, exploding-type, rattling, muffler MCA 61-9-403 or other noises.
- B. *Loud speakers, amplifiers for advertising.* The use, operation, or permitting the use or operation of any radio receiving set, musical instrument, phonograph, loud speaker, amplifier, or other device for the production or reproduction of sound which is cast upon the public streets.
- C. *Horns, signaling devices, etc.* The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle except as a danger warning; the creation, by means of other signaling device, of unreasonably loud or harsh sound; and the sounding of any such device for unnecessary and/or unreasonable periods of time.
- D. *Radios, phonographs, etc.* The use, operation, or permitting the use or operation of any radio or television receiving set, musical instrument, phonograph, or other machine or device for the

***Editor's note**—Ord. No. 342, §§ 1—7, adopted Oct. 10, 2018, amended ch. 6 in its entirety to read as herein set out. Former ch. 6, §§ 4-6-1—4-6-6, pertained to similar subject matter and derived from Ord. No. 341, §§ 1—7, adopted July 12, 2018.

production or reproduction of sounds in such a manner as to disturb the peace, quiet, and comfort of the neighboring inhabitants at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle, or chamber in which such a machine or device is operated and who are voluntary listeners thereto.

- E. *Dogs, cats and other animals.* The keeping of any dog, cat or other animal which shall become a nuisance to another person in the vicinity where such dog, cat or other animal is kept, by frequent or continued barking, howling, yelping or screaming.
- F. *Vocal disturbances.* Yelling, shouting, whistling, singing or making any other loud vocal disturbance so as to disturb, destroy, or endanger the peace of persons in the immediate vicinity of the noise or disturbance.
- G. *Construction noise.* Noises emanating from the excavation, demolition, alteration or repair of buildings, structures, property or highways between the hours of 10:00 p.m. and 5:00 a.m., except for emergency repairs necessary to protect people or property.
- H. *Parties and other social events.* Loud or offensive noises caused by a person attending and/or caused or permitted by a person in charge of a party or social event which are plainly audible from another property or from the street. A person shall be deemed to be in charge of a party or social event when the event occurs on private property and the person is present at the party or social event, resides at the premises involved and has authorized the use of the premises for the party or social event. There may be more than one person in charge for purposes of this chapter.
- I. *Jake brakes prohibited.* No person operating a motor vehicle shall use jake brakes (engine compression brakes) to slow a vehicle except in emergency stopping situations within the city limits as well as certain other locations within five miles of the city limits. The locations outside the city limits shall be determined jointly by the city engineer and the county surveyor upon request and approval by the county commissioners.

This section may not be enforced against an operator of a motor vehicle until such time as appropriate signs in the proper position with the appropriate legend informing the motorist are placed.

(Ord. No. 342, § 4, 10-10-2018)

Sec. 4-6-5. Exceptions.

This chapter shall not be construed to prohibit the following:

- A. A vocal disturbance, whether or not it is electronically amplified, by spectators or participants in an athletic event, Main Street business or assembly sponsored by a public entity or private school between the hours of 5:00 a.m. and 10:00 p.m.
- B. A public address system being operated to request medical or vehicular assistance or to warn of a hazardous road condition.
- C. An emergency or public safety device operating in its official capacity.
- D. Any device owned and operated by the city or a gas, electric, communications or water utility company operating in its official capacity.
- E. Any person, organization, group or business that has obtained a prior waiver from the mayor.

F. The use of firearms when used in accordance with fish and wildlife laws or when used for sport shooting between the hours of 5:00 a.m. and 10:00 p.m.
(Ord. No. 342, § 5, 10-10-2018)

Sec. 4-6-6. Exemptions.

Letter by mayor for exemptions for specific events giving date and time of exemption from the ordinance.
(Ord. No. 342, § 6, 10-10-2018)

Sec. 4-6-7. Penalty.

A violation of this chapter shall be a civil matter enforced in accordance with the provisions of 24 V.S.A. 1974a and 1977 et seq. A civil penalty of \$50.00 may be imposed for the initial violation of this chapter. The penalty for the second offense within a six-month period shall be \$100.00, and the penalty for subsequent offenses within a six-month period shall be \$200.00.
(Ord. No. 342, § 7, 10-10-2018)

TITLE 5

POLICE REGULATIONS

Chapter 1. Police Policy, Procedure and Jurisdiction

- Sec. 5-1-1. Police policy and procedure.
- Sec. 5-1-2. Jurisdiction.

Chapter 2. General Offenses

- Sec. 5-2-1. Prohibited sexual behavior.
- Sec. 5-2-2. Public drinking, public display or exhibition of alcoholic beverages.
- Sec. 5-2-3. Coasting or sliding.
- Sec. 5-2-4. Placing signs or posters on city poles.
- Sec. 5-2-5. Reserved.

Chapter 3. Animal Control

Article A. Animals

- Sec. 5-3A-1. Definitions.
- Sec. 5-3A-2. Certain animals prohibited.
- Sec. 5-3A-3. Care of animals.
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Chapter 3. Animal Control

Article B. Dogs

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Chapter 4. Minors

- Sec. 5-4-1. Prohibited in saloons.
- Sec. 5-4-2. Curfew.

Chapter 5. Air Guns, Firearms, Bows and Arrows

- Sec. 5-5-1. Definition.
- Sec. 5-5-2. Discharge prohibited.
- Sec. 5-5-3. Exceptions; permit required.
- Sec. 5-5-4. Law enforcement officers.
- Sec. 5-5-5. Penalty.

Chapter 6. Fireworks

- Sec. 5-6-1. Discharge prohibited; public display.
- Sec. 5-6-2. Sale prohibited.

CHAPTER 1. POLICE POLICY, PROCEDURE AND JURISDICTION

Sec. 5-1-1. Police policy and procedure.

This section is reserved for use by the city for ordinances concerning police policy, procedures, and other police administration ordinances.

(Ord. 291, 12-1988)

Sec. 5-1-2. Jurisdiction.

The police of the city are authorized to make arrests of person charged with crime within the limits of the city and within five miles thereof and along the line of water supply of the city.

(Ord. 292, 12-1988)

CHAPTER 2. GENERAL OFFENSES

Sec. 5-2-1. Prohibited sexual behavior.

A. Prohibited acts.

1. There shall be no performance of acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any other sexual acts in a public place.
2. There shall be no public performance of actual touching, caressing or fondling of the breast, buttocks and/or genitals of a person in public place.
3. There shall be no public display of pubic hair, anus, vulvas or genitals or the areola of a female during a public performance.

B. Penalty. A person convicted of a nude performance in a public place shall, upon conviction, be subject to penalty as provided in section 1-4-1 of this Code.
(Ord. 295, 7-1989; amd. 2010 Code)

Sec. 5-2-2. Public drinking, public display or exhibition of alcoholic beverages.

A. Definitions. The following words and phrases used in this section shall be defined as follows:

Beer as set forth in MCA 16-1-106.

Liquor as set forth in MCA 16-1-106.

Motor vehicle means every vehicle which is self-propelled by which any person or property is, or may be, transported or drawn upon a public highway.

Public display or exhibition of beer, table wine or liquor means the carrying and exhibiting of open cans or bottles of beer, or the carrying and exhibiting of glasses or other types of containers containing beer, table wine or liquor, to any "public place" as defined in this section, or to, in, on or within any motor vehicles while parked or operated on any "public place" as defined in this section; but does not include carrying or transporting such beer, table wine or liquor from retail liquor or beer establishments in sacks, cases, boxes, cartons or other similar containers with unbroken seals when no display or exhibition is made, nor transporting from private residences.

Public drinking means the drinking or consuming of beer, table wine or liquor in any "public place" as defined in this section, or within or upon any motor vehicle while parked or operated in any "public place" as defined in this section.

Public place means all streets, avenues, alleys, stadiums, athletic fields, public parks, sidewalks, public parking lots and motor vehicles when parked or operated on streets, avenues, alleys, athletic fields, public parks or public parking or public parking lots within the city limits. For purposes of this definition, a public parking lot shall be deemed to be any parking lot, whether owned by the city or by private individuals, to which the general public has access to park.

B. *Prohibited.* "Public drinking" and "public display or exhibition of beer, table wine or liquor" as defined herein is hereby prohibited, and it shall be unlawful for any person to engage in "public drinking" as herein defined within the limits of the city, and it shall be unlawful for any person to engage in any "public display or exhibition of beer, table wine or liquor" as herein defined within the city.

C. *Notice.* The owner of every business licensed to sell liquor, table wine and beer at retail within the city limits shall obtain from the city clerk-treasurer and post in a conspicuous place inside said premises adjacent to each exit a notice reading as follows:

NOTICE

It is a misdemeanor punishable upon conviction by a fine not exceeding \$300.00 or by imprisonment not exceeding 90 days, or by both such fine and imprisonment, to leave any premises licensed to sell beer, table wine or liquor at retail with an open container of beer, table wine or liquor.

Failure to post such notice shall be deemed a misdemeanor and punishable as such.

D. *Permit for gathering.*

1. *Power to grant.* The mayor may grant a permit to a group of citizens or an organization to allow the public consumption of alcoholic beverages including beer and table wine in any city parks or public parking lots.
2. *Application.* Before any such permit shall be granted, application shall be made to the chief of police at least two weeks prior to the event.
3. *Size of group; deposit.* No permit shall be issued for a group of fewer than ten persons. For groups between ten and 20 persons, \$50.00 deposit shall be required. For groups of 20 persons or more, a \$100.00 deposit shall be required.
4. *Refund of deposit.* The deposit shall be held by the city to ensure that the park grounds or public parking lots are left free of refuse. The grounds or lots must be cleaned of all litter or refuse from the event by 10:00 a.m. of the day following the event, and after the grounds have been checked by a city police officer and determined to have been properly maintained, the deposit shall be refunded in full. If the grounds or lots have not been properly maintained, the deposit money shall be used to offset the cost of necessary cleanup.
5. *Glass containers prohibited.* In no event shall any beer in glass containers be brought into the parks or public parking lots, nor shall any alcoholic beverage other than beer be brought into the parks or public parking lots.
6. *Noise; disorderly conduct.* Violation of any city ordinances regarding excessive noise, disturbance of the peace or disorderly conduct during the event shall be grounds for the immediate revocation of such permit.
7. *Hours permitted.* Permits shall be valid from 10:00 a.m. until 10:00 p.m. on the day of the event only, unless otherwise specified, in writing, by the city council.

8. *Indemnification.* Where any city property or facilities are used for a special event, each applicant must indemnify and hold the city harmless for any and all liability arising out of the use of said property or facility.

E. *Restroom facilities.* If a permit is issued for a public place that does not have permanent restroom facilities, the person or organization requesting the permit shall provide temporary restroom facilities.

F. *Penalty.* A violation of this section shall be deemed a misdemeanor, and shall, upon conviction, be subject to penalty as provided in section 1-4-1 of this Code.

(Ord. 315, 4-10-1996; Ord. 315, 4-10-1996; amd. Per correspondence dated 2-9-2009; amd. 2010 Code)

Sec. 5-2-3. Coasting or sliding.

It is unlawful for any person to coast or slide except as posted in or upon any street used by the public within the corporate limits of said city; or to coast or slide in or upon any street within the corporate limits of said city which intersects with any street used by the public at said point of intersection.

(1985 Code 9.02.01)

Sec. 5-2-4. Placing signs or posters on city poles.

It shall be unlawful for any person to place any sign, poster, placard, advertisement or card upon any telegraph, telephone or electric light pole, or upon any pole belonging to the city, or any flag pole, or upon any street sign or marker belonging to the city or the state highway commission or to the bureau of public roads, in or upon any street or alley in the city.

(1985 Code 9.04.01)

Sec. 5-2-5. Reserved.

Editor's note—Ord. No. 339, adopted Feb. 12, 2018, repealed § 5-2-5, which pertained to refusal to submit to a breath, blood alcohol or drug test—unlawful, and derived from Ord. No. 333, §§ 1—4, adopted June 13, 2011.

CHAPTER 3. ANIMAL CONTROL***ARTICLE A. ANIMALS****Sec. 5-3A-1. Definitions.**

As used in this chapter, the following words and terms shall have the meanings ascribed to them in this section:

Animals includes any living creature, domestic or wild, kept within the city, specifically excluding dogs and cats.

Owner, in addition to its usual meaning, includes the parents or legal guardians of minors who own animals kept within the city, and shall also include any person who shall harbor or habitually permit an animal or animals to be kept or fed on or about such person's property.

(1985 Code 8.04.01, 8.04.02; amd. 2010 Code)

Sec. 5-3A-2. Certain animals prohibited.

A. *Keeping prohibited.* No person shall keep within the city limits any cattle, horses, mules, sheep, goats, swine, or other wild or domesticated animals. Some ducks or chickens or rabbits may be kept only by compliance with a city permit. This section shall not be applicable to cats, licensed dogs, or other household pets.

B. *Penalty.* Any person violating the provisions of this section shall, upon conviction, be subject to penalty as provided in section 1-4-1 of this Code.

(1985 Code 8.02.01, 8.02.02; amd. 2010 Code)

Sec. 5-3A-3. Care of animals.

It shall be unlawful and a violation of this chapter for an owner to keep an animal within the city without providing such animal with sufficient good and wholesome food and water, proper shelter and protection from the weather, adequate space, clean and wholesome enclosure, and humane care and treatment.

(1985 Code 8.04.03)

Sec. 5-3A-4. Running at large.

It shall be unlawful and a violation of this chapter for an owner to permit an animal to run at large in the city.

(1985 Code 8.04.03)

***Note**—See section 5-3B-12 of this chapter for provisions prohibiting the poisoning of animals or cruelty to animals. See section 5-3B-13 for provisions prohibiting the provoking, teasing or tormenting of animals.

Sec. 5-3A-5. Public nuisance.

A. *Unlawful.* It shall be unlawful and a violation of this chapter for an owner to fail to properly care for an animal within the city to prevent it or them from becoming a public nuisance.

B. *Nuisance declared.* Failure to provide the care required in section 5-3A-3 of this article shall result in such animal being deemed a public nuisance.

C. *Abatement.* The city may bring a civil action in any appropriate forum for the abatement of a public nuisance arising hereunder.

(1985 Code 8.04.04; 1985 Code 8.04.05; amd. 2010 Code)

Sec. 5-3A-6. Keeping of chickens, ducks, rabbits

A. *Purpose.* Ordinance No. 326 of the City of Thompson Falls, Montana (dated March 8, 2010) is hereby amended to allow for the keeping of up to eight female chickens, eight ducks and two rabbits.

B. *Conditions of having chickens or ducks in the city limits.* Chickens or ducks within the city limits of the City of Thompson Falls shall be kept in the following manner:

1. The chickens, ducks and rabbits must be kept on a single-family parcel(s), and may be kept on a parcel(s) under one ownership with more than one dwelling if all residents and the owner consent in writing to allowing them on the property. When chickens or rabbits are kept on a multi-dwelling parcel(s) the owner shall keep a copy of the signed approval document for inspection upon request by animal control personnel.
2. The owner must obtain an annual permit from the city clerk. The permit shall be \$5.00. Chickens, ducks and rabbits require separate permits.
3. Chicken or ducks requirements:
 - a. The chickens or ducks shall be provided with a covered, predator-proof chicken or duck house that is thoroughly ventilated, of sufficient size to admit free movement of the chickens or ducks, designed to be easily accessed, cleaned and maintained by the owners and be a least two-square feet per chicken or ducks in size.
 - b. The chickens or ducks shall be shut into the chicken or duck house at night, from sunset to sunrise.
 - c. During daylight hours the chickens or ducks shall have access to the chicken or duck house and, weather permitting, shall have access to an outdoor enclosure on the subject property, adequately fenced to contain the chickens or ducks to prevent access to the chickens or ducks by dogs and other predators.
4. Rabbit requirements:
 - a. The rabbits shall be provided with a covered, elevated (minimum of 34 inches) predator-proof rabbit hutch that is thoroughly ventilated, of sufficient size to admit free movement of rabbits, designed to be easily accessed, cleaned and maintained by the owners, and be at least four square feet per rabbit in size.
 - b. The rabbits shall not be allowed to run free on the owner's premises.

5. No chicken, duck house or rabbit hutch shall be located closer than 20 feet to any residential structure occupied by someone other than the chicken and duck owner, custodian, or keeper.
6. Stored feed must be kept in a rodent- and predator-proof container.
7. It is unlawful for the owner, custodian or keeper of any chicken, duck or rabbit to allow them to be a nuisance to any neighbors, including but not limited to: noxious odors from their enclosure; and noise of a loud and persistent and habitual nature. Animal control will determine whether or not a nuisance exists on a case-by-case basis.

C. Notice of violation and order to take corrective action. Upon receiving a complaint of a possible violation, animal control will investigate and determine if a violation exists. When animal control determines that a violation of the Code has occurred, animal control may issue written "notice of violation and order to take corrective action" to the owner, custodian or keeper, either personally or by certified mail. Such notice shall specify the provision or provisions alleged to have been violated, along with a short and plain statement of the facts that constitute the violation. Animal control will revisit the owner's address within ten days of the issuing of the notice of violation. If the owner, custodian, or keeper has failed to comply with the "notice of violation and order to take corrective action", animal control may issue a citation to the owner, custodian or keeper for failure to comply with the "notice of violation and order to take corrective action" as well as failure to comply with any other applicable requirement of this section.

D. Penalty—Fines. The city judge of Thompson Falls shall assess animal violation fines. An owner, custodian or keeper of a chicken or rabbit who is found guilty of any provision of this section shall be guilty of a misdemeanor and fined an amount not less than \$25.00 or more than \$500.00. Failure to comply with a properly issued notice of violation and order to take corrective action shall be counted as a separate offense from a citation issued after the compliance date described in the order. Each day an offense exists shall constitute a separate offense pursuant to this section.

(Ord. No. 332, §§ 1—4, 3-15-2011)

Editor's note—Permits/applications as referenced above have not been set out herein, but may be obtained from the city clerk's office.

CHAPTER 3. ANIMAL CONTROL**ARTICLE B. DOGS****Sec. 5-3B-1. Purpose.**

The city council has determined it to be in the best interest of the inhabitants of the city that dogs within the city limits be properly controlled and licensed. Enforcement of this article shall be primarily the responsibility of the dog warden or pound master (if any shall have been appointed), the city marshal and such other individuals that may from time to time be designated by the city council. All persons so designated shall have the right to arrest or cause to be arrested any person or persons, to serve summons or warrants of arrest and notices to appear upon any persons who may violate the provisions of this chapter and to otherwise take action as may be reasonably necessary to enforce the provisions hereof as the same relate to dog control licensing.

(Ord. 317, eff. 7-13-2009)

Sec. 5-3B-2. Licenses and registration.

A. *License required.* It is unlawful for any person to keep, maintain or harbor in the city any dog over five months of age unless the dog is duly registered and licensed as herein provided. License shall be issued by the city clerk-treasurer or by duly appointed license agents, upon payment of an annual license fee.

B. *Fees.* Every person registering a neutered male or spayed female dog shall pay license fees of \$5.00 per dog and every person registering an unsprayed female or unneutered male shall pay license fees of \$15.00 per dog. Citizens who will be 60 years of age or older in the licensing period shall pay only one-half of the regular licensing fee. Licenses for dogs used to assist persons with disabilities shall be furnished without charge.

C. *Dogs newly brought into city limits.* Dogs newly brought into the city limits shall be registered within 30 days.

D. *Owner required to obtain license.* Licenses must be obtained by the owner of the dog in question and licenses shall not be issued to any person under the age of 18 years unless a parent or guardian signs the application as co-owner. For these purposes, "owner" shall be deemed to be any person who is the actual owner of said dog or who shall harbor it or let it habitually remain or be fed in or about his house, store, enclosure or premises.

E. *Exemptions.* This section shall not apply to nonresidents having dogs under leash within the city for less than 15 days or to any dogs brought into the city for exhibition.

F. *Vaccination certificate.* At the time of application for a new license or renewal of a license of a dog that is over the age of three months, the applicant shall be required to provide to the city clerk-treasurer a veterinarian's certificate showing the dog has current vaccinations against rabies.

G. *Term; renewal.* All licenses issued for dogs shall expire on December 31 of each year and licenses for the current year must be obtained on or before February 15 of that year. Failure to purchase a license by February 15 shall result in a late charge to be set by the city council.

(Ord. 317, eff. 7-13-2009; 2010 Code)

Sec. 5-3B-3. Tag and collar.

A. *Issuance or certificate and tag.* Upon receipt of a proper application and the license fee, the city clerk-treasurer or license agent shall issue to the applicant a license certificate and metallic tag.

B. *Metal tag.* It shall be the duty of the city clerk-treasurer to provide a metallic tag of such size and shape as he or she shall deem expedient. The shape of the tag shall be changed each year and shall have stamped thereon the year for which it was issued and the number corresponding with the number on the application and certificate of license.

C. *Registry.* The city clerk-treasurer shall keep the dog registry and the city shall provide him or her with the necessary books and metallic tags.

D. *Collar.* It shall be the responsibility of the owner of the dog to provide the dog with a substantial collar to which the license tag shall be affixed at all times. Any dog found off the owner's premises without a license tag shall be deemed to be not licensed even though a license has been issued for such dog.

E. *Duplicate tag.* In the event that a dog tag is lost or destroyed, a duplicate shall be issued by the city clerk-treasurer upon presentation of an affidavit to that effect and the payment of a fee of \$1.00 for the duplicate license.

F. *Transferability.* License tags are not transferable from one dog to another, and it shall be unlawful for any person to cause or permit a license tag to be placed upon a dog for which it was not issued. Any dog found with a license tag issued for another dog shall be deemed not to be licensed.

G. *Refunds.* No refund shall be made on any dog license fee because of the death of the dog or the owner leaving the city before the expiration of the license period.

(Ord. 317, eff. 7-13-2009)

Sec. 5-3B-4. Running at large.

A. *Definition.* "At large" shall mean off the premises of the owner and not under the immediate control of the owner or a member of his family either by leash, cord or chain not to exceed six feet in length. Any dog not so restrained shall be considered to be at large except that dogs which are at all times at the obedience of their master by being confined within a vehicle or by being "at heel" shall not be considered to be "at large".

B. *Declared nuisance; prohibited.* The practice of any dogs running at large within the city limits is hereby declared to be a nuisance, harmful to lawns, gardens, shrubs, trees and other property, and an interference in the orderly administration of the school systems and the conduct of affairs within the city and is hereby prohibited. No person owning or having the custody, control or possession of a dog shall permit said dog to be at large within the city limits at any time.

(Ord. 317, eff. 7-13-2009)

Sec. 5-3B-5. Impoundment.

A. *Authority to impound.* Unlicensed dogs or dogs found at large and not under restraint may be taken up by the pound master or any law enforcement officer and impounded. Any dog may be taken up and impounded by using a tranquilizer gun or by any other means deemed effective and appropriate by the enforcement officer.

B. *Register.* Impounding authorities shall make a complete register of every dog impounded showing breed and sex of animal, date and location of the place of taking, the name of the owner, if known, and the date of redemption or date and means of disposing of the dog.

C. *Notice of impoundment.* In addition, if the owner of an impounded dog can be identified by the license tag or any other means, the impounding authorities shall forthwith notify the owner by telephone or other expedient means of the fact of impoundment.

D. *Redemption.* It is hereby declared to be the duty of every owner of any dog or other animal to know its whereabouts at all times. In the event that a dog shall have been impounded, the owner shall redeem the same within 72 hours or it shall be subject to disposal by authorities as hereinafter provided.

E. *License and impoundment fees.* Dogs which shall have been impounded may be redeemed by paying the license fee, if appropriate, and an impound fee to be set by the city council for each 24-hour period or part thereof of which said dog was impounded, including the impoundment day.

F. *Disposition of unredeemed animals.*

1. *Sale.* If an impounded dog or other animal is taken and impounded, the owner thereof forfeits all right, title and interest therein and the pound master shall offer the same for sale. The sale price shall correspond with the redemption fees. The purchaser of the dog automatically shall be issued a certificate of sale to confer title and ownership of the dog or other animal, free of all claims and interest of the previous licensee or owner.
2. *Unsold, unclaimed animals.* In the event that any impounded dog or other animal is not redeemed by the owner or purchased upon its being offered for sale, it shall be put to death under the supervision of the pound master in a medically approved and humane manner.
3. *Infectious disease.* Any dog or other animal suffering from an infectious disease shall not be released but must be put to death unless the county health officer and/or a licensee's veterinarian shall otherwise request.

(Ord. 317, eff. 7-13-2009; amd. 2010 Code)

Sec. 5-3B-6. Rabies.

A. *Animal that bites person.* Any dog or other animal which bites a person may be quarantined by the dog warden for up to 15 days. During quarantine, the animal shall be securely confined in the dog pound at the owner's expense. At the discretion of the dog warden, the quarantine may be on the premises of the owner or other approved place.

B. *Animal bitten or exposed to suspected rabid animal.* Every dog or other animal which has been bitten by or exposed to any animal suspected to have been infected with rabies shall be forthwith seized and taken up by the dog warden or any law enforcement officer and securely and separately impounded

in the city animal shelter. All such animals shall be quarantined in the pound or at a licensed veterinarian hospital within the city for a period of 15 days. It shall be the duty of the dog warden to notify the county health officer of every such animal impounded.

C. *Animals adjudged free of rabies.* If, after observation under the supervision of the county health officer for such period, any such animal is adjudged free of rabies, the owner may reclaim the animal, upon payment of the regular keeping fees and upon compliance with licensing requirements, if appropriate.

D. *Diagnosed as rabid; vicious dogs.*

1. In the event that any animal under quarantine is diagnosed as being rabid, it shall be disposed of only under the orders and directions of the county health officer in his or her absolute discretion. No person shall kill, or cause to be killed, any animal suspected of being rabid, unless such action is necessary to protect lives or property. If a veterinarian diagnoses rabies in an animal in quarantine, then the animal shall be humanely killed and the head of such animal sent to a laboratory for pathological examination and confirmation of diagnosis.
 2. Nothing herein shall prevent disposition of a vicious dog which does not have rabies.
- (Ord. 317, eff. 7-13-2009)

Sec. 5-3B-7. Nuisance animals.

A. *Declared nuisance.* It is hereby declared a public nuisance for any dog or other animal to destroy property or other pets, to bite, or chase after persons not trespassing on the property of the owner, to chase vehicles in public streets or ways, or by prolonged howling, yelping, barking, or by any other means, cause annoyance or disturbance to any person.

B. *Prohibited.* It is unlawful for any person to own, harbor, keep, or maintain any such nuisance animal, and it shall be the duty of the dog warden and all law enforcement officers to issue citations and file complaints for all such violations occurring in their presence.

C. *Complaint.* Any person aggrieved by the nuisance animal may file a complaint in the city court charging the owner with the violation of this section where the offense is not committed in the presence of the dog warden or a law enforcement officer.

D. *Seizure; impoundment.* Upon a third conviction under this section, the nuisance animal shall be seized and taken up by the dog warden. In the event the nuisance animal is seized and impounded and shall thereafter be redeemed as in the case of nonlicensed or "at large" dogs, an impoundment fee shall also be paid as in those cases.

(Ord. 317, eff. 7-13-2009; amd. 2010 Code)

Sec. 5-3B-8. Vicious dogs.

A. *Affidavit; order to appear.* Whenever affidavit shall be made before the city judge that any dog has bitten a person in said city or is terrorizing the residents of any portion of the city, and that the bitten person so terrorized by such animal was not at the time trespassing upon the person or property of the owner or possessor of said dog, the judge shall issue an order directing the owner or possessor of said dog to appear in court for disposition of the charge.

B. *Dog bite defined.* "Dog bite" shall mean a wound either of lacerated or punctured type wherein the continuity of the skin is broken, such wound having been inflicted by the teeth of a dog.

C. *Report of bite.* If any dog bites any person in the city, such dog bite shall be reported immediately to the county health officer or the chief of police by such person, his parent or guardian.

D. *Impoundment.* At the discretion of the county health officer or the pound master, such dog shall be isolated in strict confinement and observed in a pound or veterinary hospital at the owner's expense. Such dog shall not be released until 15 days after the infliction of the bite.

E. *Redemption.* The owner may claim such dog after this time by paying all costs of confinement and all other charges which may be due.

F. *Unclaimed animals.* Biting dogs not claimed by the owner must be destroyed or sold after expiration of the confinement period.

G. *Order to destroy.* The judge shall also, in his discretion, order the dog killed within 24 hours if deemed necessary. Refusal or neglect to kill any such animal within 24 hours after receiving such order shall constitute a violation of this chapter.

H. *Confinement; muzzle required.* The owner shall confine within a building or secure enclosure every fierce, dangerous, or vicious dog or other animal and shall not take such dog or other animal out of such building or enclosure unless it is securely muzzled.

(Ord. 317, eff. 7-13-2009)

Sec. 5-3B-9. Investigation.

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

(Ord. 317, eff. 7-13-2009)

Sec. 5-3B-10. Right to seize.

Any authority enforcing the provisions of this chapter shall have the right to pursue animals upon private property when he shall have discovered a violation or shall be investigating the possibility of a violation or when acting under a court order, warrant, affidavit of a vicious animal or when attempting to seize any animal suspected of having been exposed to rabies.

(Ord. 317, eff. 4-13-2009)

Sec. 5-3B-11. Interference.

A. *Interference prohibited.* It is unlawful for any person to hinder, delay or obstruct the dog warden, pound master, or other officer, while engaged in the performance of any duty or power imposed on him by this article, or to release, or attempt to release, any animal liable to be impounded under the provisions hereof.

B. *Release of animals prohibited.* It shall also be unlawful for any person to open gates or doors or otherwise cause or permit dogs or other animals to escape confinement against the wishes of the owner. (Ord. 317, eff. 7-13-2009)

Sec. 5-3B-12. Cruelty to animals; poisoning.

It is unlawful for any person to willfully and cruelly inflict pain upon or injure any animal. It is unlawful for any person to lay out or expose any poison for killing any dog or other animal, or to aid or abet any person in so doing. No owner shall fail to provide dogs or other animals with sufficient good and wholesome feed and water, proper shelter and protection from the weather. No person shall beat, ill-treat, torment, overwork, or otherwise abuse any animal. No owner of any animal shall abandon such animal.

(Ord. 317, eff. 7-13-2009)

Sec. 5-3B-13. Provoking animals.

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

(Ord. 317, eff. 7-13-2009)

Sec. 5-3B-14. Illegal opening of pound.

Any person breaking open or otherwise injuring or in any manner directly or indirectly aiding, counseling or advising the breaking open or injuring the city pound shall be deemed guilty of a misdemeanor.

(Ord. 317, eff. 7-13-2009)

Sec. 5-3B-15. Supervision of pound.

The pound master shall have the general supervision of the dog pound and shall see that the same is kept in sanitary condition and conducted in a quiet, reliable and proper manner.

(Ord. 317, eff. 7-13-2009)

Sec. 5-3B-16. Private dog kennels.

It shall be unlawful for any person to maintain or operate, or cause to be maintained or operated, at any place within the city any dog kennel.

(Ord. 317, eff. 7-13-2009)

Sec. 5-3B-17. Penalty.

Any person violating any provision of this article shall be guilty of a misdemeanor and shall be punished by a fine of not less than \$50.00 nor more than \$100.00 on the first offense and not less than \$75.00 nor more than \$300.00 for a subsequent offense, and/or imprisonment in jail for not more than ten days.

(Ord. 317, eff. 7-13-2009)

CHAPTER 4. MINORS**Sec. 5-4-1. Prohibited in saloons.**

It shall be unlawful for the owner or operator of any saloon or cocktail lounge in the city to permit any minor, either alone or in company with any adult, to enter or stay in his place of business.
(1985 Code S 7.02.01)

Sec. 5-4-2. Curfew.

A. *Curfew hours.* It shall be unlawful for minors under the age of 18 years to be in or upon or to loiter upon or frequent the streets, sidewalks, alleys, and public places within the city between the hours of 11:00 p.m. and 5:00 a.m. the following day; except, on the days of Friday and Saturday there shall be no nighttime restrictions until 1:00 a.m. the following day.

B. *Exceptions.* The provisions of this section shall not apply to any minor going to or return from his or her place of employment nor to any minor accompanied by his or her parents, guardian, or other adult person having the care or custody of such minor or where such minor is engaged upon an errand or business directed by his or her parent, guardian, or adult person having his or her care or custody; provided, however, that such minor embraced within the provisions of this section shall not unnecessarily linger or loiter at any time while engaged or occupied as in this subsection provided.

C. *Parental responsibility.* It shall be unlawful for the parent, guardian or other adult person having the care and custody of a minor under the age of 18 years to allow or permit such minor to violate the curfew stated herein. In any prosecution under this section against the parent, guardian or other adult person having the care and custody of a minor under said age, it shall not constitute a defense thereto that said person did not have knowledge that such minor violated said curfew hours.

D. *Penalty.* Any minor violating the provisions hereof shall be dealt with in accordance with and pursuant to the pertinent provisions of the statutes of Montana.
(1985 Code § 7.10.02; 1985 Code § 7.10.03; Ord. 289, 8-8-1988; amd. 2010 Code)

CHAPTER 5. AIR GUNS, FIREARMS, BOWS AND ARROWS

Sec. 5-5-1. Definition.

Wherever the term "weapon" is used in this chapter, the term shall mean any instrument used in the propulsion of shot, shell, bullets, arrows or other harmful objects by the action of gunpowder exploded within it, or by the action of compressed air within it, or by the power of springs, or by the power of bowstring and bow limbs.

(Ord. 296, 1-8-1990)

Sec. 5-5-2. Discharge prohibited.

It shall be unlawful for any person to fire or discharge any weapons within the city limits except as in this chapter provided.

(Ord. 296, 1-8-1990)

Sec. 5-5-3. Exceptions; permit required.

The mayor and council may, at any time upon receipt of proper application, grant permits to shooting galleries, gun clubs and others for shooting in fixed localities under specified rules. Such permits shall be in writing, attested by the clerk-treasurer, conforming to such requirements as the mayor and council shall demand, and the permit thus issued shall be subject to revocation at any time by action of the mayor and council.

(Ord. 296, 1-8-1990)

Sec. 5-5-4. Law enforcement officers.

This chapter shall have no application to a law enforcement officer engaged in the performance of his duty.

(Ord. 296, 1-8-1990)

Sec. 5-5-5. Penalty.

Any person who shall violate any of the provisions of this chapter shall upon conviction, be subject to penalty as provided in section 1-4-1 of this Code.

(Ord. 296, 1-8-1990; amd. 2010 Code)

CHAPTER 6. FIREWORKS

Sec. 5-6-1. Discharge prohibited; public display.

It shall be unlawful to use or discharge firecrackers, Roman candles, rockets, torpedoes or fireworks of any kind within the corporate limits of the city; provided, however, that the mayor or city council may permit the public display of fireworks by properly qualified individuals under the direct supervision of experts in the handling of fireworks; and provided further, that such display or displays shall be of such a character, and so located and discharged or fired as, in the opinion of the mayor, shall not be hazardous to surrounding property, or dangerous to the life or safety of individuals.

(1985 Code 9.12.01)

Sec. 5-6-2. Sale prohibited.

It shall be unlawful to sell, or offer for sale or delivery within the city any firecrackers, torpedoes, rockets, Roman candles, or any fireworks of any description whatever.

(1985 Code 9.12.02)

TITLE 6

MOTOR VEHICLES AND TRAFFIC

Chapter 1. Parking

- Sec. 6-1-1. No parking zones.
- Sec. 6-1-2. Time limitations.
- Sec. 6-1-3. Penalty.

Chapter 2. U-Turns

- Sec. 6-2-1. Prohibited.

Chapter 3. Bicycles, Roller Skates, Rollerblades and Skateboards

- Sec. 6-3-1. Prohibited.

Chapter 4. Cleated Vehicles

- Sec. 6-4-1. Prohibited.

Chapter 5. Regulation of Storage, Maintenance and Occupation of Recreational Vehicles

- Sec. 6-5-1. [Intent.]
- Sec. 6-5-2. [Definitions.]
- Sec. 6-5-3. [Rules for recreational vehicles.]
- Sec. 6-5-4. [Permits and fees.]
- Sec. 6-5-5. Extensions.
- Sec. 6-5-6. Penalty.

CHAPTER 1. PARKING

Sec. 6-1-1. No parking zones.

A. *Designated; signs.* "No parking" zones on the streets of the city shall be designated by appropriate signs being posted at the entrance and exit of such zones. It shall be unlawful for any person to park a motor vehicle within any such "no parking" zone.

B. *Zone established.* There shall be no parking of a wheeled vehicle on the north side of Main Street from the west boundary of the intersection of Gallatin and Main Streets, thence westerly for a distance of 200 feet.

(Ord. 298, 3-11-1991; Ord. 309, 11-1994)

Sec. 6-1-2. Time limitations.

A. *Two-hour limit.* It shall be unlawful for any person to park a motor vehicle for a period of time exceeding two hours in the following locations in the city:

1. South side of Main Street;
2. West side of Mill Street from Main Street south one-half block to the intersection with the alley;
3. Both sides of Fulton Street from Main Street south one block to Maiden Lane;
4. Both sides of Jefferson Street from Main Street south one block to Maiden Lane.

These restrictions shall be in effect from 9:00 a.m. to 6:00 p.m. each day, except holidays and Sundays.

B. *Fifteen minute loading zone.* There shall be a 15 minute loading zone on the east side of Mill Street south to the alley.

C. *Twenty-four hour limit.* There shall be a 24-hour parking limit on the north side of Main Street and all city maintained parking lots.

D. *Exceptions.* The owners or occupants of the following real property shall have parking for one vehicle without any time restrictions on the south side of Main Street bordering the respective properties:

1. Lots 3 and 4 of Block 11, plat of Thompson Falls original Townsite, Sanders County, Montana.
2. Lots 5 and 6 of Block 11, plat of Thompson Falls original Townsite, Sanders County, Montana.
3. Lots 5 and 6 of Block 12, plat of Thompson Falls Original Townsite, Sanders County, Montana.

(Ord. 298, 3-11-1991)

Sec. 6-1-3 Penalty.

Any person violating this chapter shall be punished upon conviction thereof by a fine not exceeding \$10.00 for the first offence and upon being convicted of a second or subsequent offense shall be fined in any sum not less than \$10.00 or more than \$50.00.

(Ord. 309, 11-1994)

CHAPTER 2. U-TURNS

Sec. 6-2-1. Prohibited.

U-turns are prohibited on that portion of Main Street from and including the intersection of Main Street with Wild Goose Landing Park to and including the intersection of Main Street with Pond Street. Appropriate signs shall be posted to inform motorists where U-turns are prohibited.
(Ord. 286, 8-10-1987, eff. 9-9-1987; amd. Ord. 319, 11-19-1998)

CHAPTER 3. BICYCLES, ROLLER SKATES, ROLLERBLADES AND SKATEBOARDS

Sec. 6-3-1. Prohibited.

It shall be unlawful for any person to ride or propel a bicycle, tricycle or any other kind of a velocipede, except a baby carriage, or to use roller skates, rollerblades or skateboards upon any of the public sidewalks in the city.

(1985 Code 10.04.01; amd. 2010 Code)

CHAPTER 4. CLEATED VEHICLES

Sec. 6-4-1. Prohibited.

It shall be unlawful for any person to operate or drive any threshing machine, steam engine, caterpillar, tractor or motor vehicle of any kind whatsoever having a cleat tread through, over or upon any street in the city which has been oiled or treated with oil.

(1985 Code 10.06.01)

**CHAPTER 5. REGULATION OF STORAGE, MAINTENANCE AND OCCUPATION OF
RECREATIONAL VEHICLES**

Sec. 6-5-1. [Intent.]

No person shall place, keep or maintain a vehicle, camper, or trailer, on any street, alley or lot as a residence or temporary living accommodation, within the corporate limits of the city for more than 30 days, except in a licensed trailer court or as otherwise stated herein below.

(Ord. No. 343, § 1, 1-14-2019)

Sec. 6-5-2. [Definitions.]

Recreational vehicle means a vehicular unit designed primarily as temporary living quarters for recreational, camping, travel, or seasonal or temporary use, and that either has its own power or is mounted on, or towed by, another vehicle which include, but are not limited to, camping trailer, fifth-wheel trailer, motor home, park trailer, travel trailer, and truck camper.

(Ord. No. 343, § 2, 1-14-2019)

Sec. 6-5-3. [Rules for recreational vehicles.]

The following rules are hereby adopted and apply to recreation vehicles:

- A. Unoccupied vehicles in long-term or temporary storage are not affected by this chapter as long as they are operable, licensed, parked or stored on private property.
- B. A recreational vehicle used in the occupant's employment with a private company, a recreational vehicle occupied during construction (including remodeling or reconstruction of a residence or commercial building containing a residence) or a recreational vehicle used by the city for employment purposes within the city limits, shall obtain a temporary occupancy permit from the city but may not be occupied until a permit has been obtained.

(Ord. No. 343, § 3, 1-14-2019)

Sec. 6-5-4. [Permits and fees.]

A. Temporary occupancy permit. Permits for temporary recreational vehicle occupancy must be filed in writing and filed with the city clerk on a form approved by the city containing the following information:

1. The location where the recreational vehicle is to be occupied, the property whereupon the vehicle will be temporarily placed, the length of occupation, a full description of the recreational vehicle to be occupied, including make, model, color, license plate number, and VIN number.
2. Recreational vehicle to be occupied must comply with the decay ordinance.
3. The vehicle must be connected to city water. The vehicle must be connected to city sewer or the applicant must disclose on the permit where the sewage or waste water generated by the recreational vehicle will be disposed. Proper disposal of sewage and waste water shall be at an approved, permitted, facility located in the county or an existing system.

B. The applicant shall pay a permit fee according to the fee schedule resolution passed yearly for review and issuance of the permit. This fee is in addition to any other fees or licensing required for the associated construction project.

C. The initial permit shall be valid for three months (90 days) from the date of issue.
(Ord. No. 343, §§ 4—6, 1-14-2019)

Sec. 6-5-5. Extensions.

Extensions, consisting of additional 90-day terms, may be obtained on written request prior to expiration of the current permit. The written request must contain a statement explaining the need for the extension. Extensions shall be approved by and granted by the mayor.
(Ord. No. 343, § 7, 1-14-2019)

Sec. 6-5-6. Penalty.

A violation of this chapter shall be a civil matter enforced in accordance with the provisions of § 7-1-4150 MCA. Violation of this part shall be considered a civil offense. A civil penalty of \$50.00 may be imposed for the initial violation of this chapter. The penalty for the second offense within a six-month period shall be \$100.00, and the penalty for subsequent offenses within a six-month period shall be \$200.00. A civil penalty shall not exceed \$500.00 for each repeat violation. The city attorney shall enforce this chapter and may issue a civil citation to a person who commits a violation of this part. The citation may be served by personal service, by certified mail addressed to the defendant at the defendant's last-known mailing address, return receipt requested, or by personal service or by publication. A copy of the issuing citation must be retained by the issuing officer and one copy must be sent to the clerk of the city court. The citation must serve as notification that a municipal infraction has been committed and must contain the information contained in § 7-1-4150(4) MCA.
(Ord. No. 343, § 8, 1-14-2019)

TITLE 7

PUBLIC WAYS AND PROPERTY

Chapter 1. Construction of Sidewalks

- Sec. 7-1-1. Permit required.
- Sec. 7-1-2. Duty of city officials.
- Sec. 7-1-3. Insurance.
- Sec. 7-1-4. Ordering of construction.
- Sec. 7-1-5. Notice.
- Sec. 7-1-6. Failure to comply; construction by city.
- Sec. 7-1-7. Bond of contractor; bids.
- Sec. 7-1-8. Lien on property.
- Sec. 7-1-9. Sidewalks in unsafe condition.
- Sec. 7-1-10. Repairs to sidewalks.
- Sec. 7-1-11. Snow and debris removal.
- Sec. 7-1-12. Penalty.

Chapter 2. Maintenance of Sidewalks

- Sec. 7-2-1. Duty of property owner.
- Sec. 7-2-2. Snow and ice removal.
- Sec. 7-2-3. Defective sidewalks.
- Sec. 7-2-4. Driving over, defacing or destroying sidewalks.
- Sec. 7-2-5. Penalty.

Chapter 3. Obstruction of Streets and Alleys

- Sec. 7-3-1. Obstructions.
- Sec. 7-3-2. Right of removal.
- Sec. 7-3-3. Lien.
- Sec. 7-3-4. Foreclosure.

Chapter 4. Obstruction of View at Intersections

- Sec. 7-4-1. Declared nuisance.
- Sec. 7-4-2. Notice of obstruction.
- Sec. 7-4-3. Failure to remove; abatement.
- Sec. 7-4-4. Lien.
- Sec. 7-4-5. Foreclosure.

Chapter 5. Uniform Right-of-Way Encroachment Code

- Sec. 7-5-1. Title.
- Sec. 7-5-2. Purpose; intent.
- Sec. 7-5-3. Definitions.
- Sec. 7-5-4. Regulation.
- Sec. 7-5-5. Projection and clearance.
- Sec. 7-5-6. Minimum standards.

THOMPSON FALLS CODE

Chapter 6. Excavations

- Sec. 7-6-1. Permission.
- Sec. 7-6-2. Safeguards.

Chapter 7. Closing Streets

- Sec. 7-7-1. Closing, notice.
- Sec. 7-7-2. Travel prohibited.

Chapter 8. Trees within the Public Right-of-Way

- Sec. 7-8-1. Definitions.
- Sec. 7-8-2. Creation and establishment of city tree board.
- Sec. 7-8-3. Term of office.
- Sec. 7-8-4. Compensation.
- Sec. 7-8-5. Duties and responsibilities.
- Sec. 7-8-6. Operation.
- Sec. 7-8-7. Street tree species to be planted.
- Sec. 7-8-8. Spacing.
- Sec. 7-8-9. Distance from street corners, fireplugs and property lines.
- Sec. 7-8-10. Utilities.
- Sec. 7-8-11. Public tree care.
- Sec. 7-8-12. Tree topping.
- Sec. 7-8-13. Pruning, corner clearance.
- Sec. 7-8-14. Newly planted trees on private property not in compliance with chapter.
- Sec. 7-8-15. Removal of stumps.
- Sec. 7-8-16. Interference with city tree board.
- Sec. 7-8-17. Damage to public trees prohibited.
- Sec. 7-8-18. Selection of arborist.
- Sec. 7-8-19. Review by city council.
- Sec. 7-8-20. Penalty.

CHAPTER 1. CONSTRUCTION OF SIDEWALKS**Sec. 7-1-1. Permit required.**

A. *Required.* No person shall construct any sidewalks on any of the streets or avenues of the city without a permit from the city superintendent, in writing.

B. *Application.* Applications for permit may be made by the parties employed to construct the work or by the owners of the property and must state the location, the name of the owner, the number of the lot and block abutting upon the sidewalk to be built.

(Ord. 300, 5-13-1991)

Sec. 7-1-2. Duty of city officials.

It shall be the duty of all of the police officers of the city, and the city superintendent or his assistants in all cases where they may find any person engaged in the work of constructing sidewalks, to ascertain at once if such person has a permit to perform such work and, in the event of such person not having a permit, to cause them to cease work until proper application has been made and a permit issued.

(Ord. 300, 5-13-1991)

Sec. 7-1-3. Insurance.

A. *Required.* Before any contractor shall be granted a permit to construct sidewalks in the city, he shall file with the clerk-treasurer a public liability insurance policy in such amount as the council shall deem necessary.

B. *Indemnification.* Such contract will indemnify and save harmless the city from all suits, accidents and damages consequent thereupon for or by reason of any opening in the streets and walks made by him or those in his employ, or any such damages due to any act of the contractor or those in his employ, by reason of the performance of such construction work.

C. *Exception.* No bond shall be required from the owner of any lot who wishes to actually construct the walk himself.

(Ord. 300, 5-13-1991)

Sec. 7-1-4. Ordering of construction.

Whenever, in the judgement of the council, a sidewalk or curb shall be constructed in front of any lot or parcel of land within the city, it shall, by majority vote, order the construction of the same. The order shall be entered upon the minutes of the council, shall name the street or avenue along which said sidewalk or curb is to be constructed and shall specify the general character of material of which such sidewalk or curb shall be constructed.

(Ord. 300, 5-13-1991)

Sec. 7-1-5. Notice.

A. *Publication.* Thereafter the clerk-treasurer shall cause to be published in one issue of the official newspaper of the city a notice that the council has ordered the construction of a sidewalk or curb, giving the description of the lot or parcel of land in front of which a sidewalk or curb is to be constructed, which notice shall state that if the owners or agents of the owners of lots or parcels of land in front of which such sidewalks or curbs are to be constructed shall fail for a period of 30 days after the date of the publication of such notice, to cause such sidewalks or curbs to be constructed, the city will cause such sidewalks or curbs to be constructed and will assess the cost thereof against the property in front of the which the same is constructed.

B. *Service by mail.* On or before the second day following the date of publication of said notice, the clerk-treasurer shall mail a copy thereof to the owner or agent of the owner of each lot or parcel of land in front of which a sidewalk or curb has been ordered constructed as specified in said notice.

(Ord. 300, 5-13-1991)

Sec. 7-1-6. Failure to comply; construction by city.

If the owner or agent of the owner of any lot or parcel of land in front of which any sidewalk or curb shall be ordered constructed shall fail or neglect, during such period of 30 days, to construct such sidewalk or curb, the council may cause the same to be constructed by the letting of a contract for the construction thereof to the lowest responsible bidder, after advertising for bids for the construction thereof; or upon failure to receive an acceptable bid, may order the city superintendent to construct such sidewalk or curb on force account.

(Ord. 300, 5-13-1991)

Sec. 7-1-7. Bond of contractor; bids.

If the construction of such sidewalk or curb is done by contract after advertisement for bids, such advertisement for bids and contract may be for sidewalks or curb in front of one or more lots or parcels of land as the council shall determine. All sidewalks and curbs constructed by the city shall be constructed in accordance with specifications therefor prepared by the city superintendent. Any contractor to whom a contract is let for the construction of sidewalks or curbs shall, before commencing work, execute and deliver to the city public liability and property damage insurance as provided in section 7-1-3 of this chapter.

(Ord. 300, 5-13-1991; amd. 2010 Code)

Sec. 7-1-8. Lien on property.

The cost and expense of the construction of sidewalks and curbs under the provisions of this chapter shall be a lien upon the lot or parcel of land in front of which the same is constructed. If the cost and expenses of construction are not paid by the responsible party, then the property against which the same is levied and assessed shall be sold by the clerk-treasurer, the same as the sale of property for nonpayment of assessments and levies for the making of improvements in special improvement districts.

(Ord. 300, 5-13-1991)

Sec. 7-1-9. Sidewalks in unsafe condition.

Whenever any sidewalk is in unsafe condition for pedestrians, it shall be the duty of the city superintendent to place a suitable obstruction on either side of that part of the sidewalk which is in unsafe condition and notify the owner or occupant of the abutting property that such sidewalk must be repaired. If the abutting property be unoccupied and the owner cannot be found within the city, then the city superintendent shall post a notice on such property requiring such walk to be repaired. If such walk is not properly repaired within 24 hours of the giving of the notice as herein provided, then the city superintendent shall report the facts to the mayor and the mayor may cause such sidewalk to be repaired or removed by the city as provided herein.

(Ord. 300, 5-13-1991)

Sec. 7-1-10. Repairs to sidewalks.

All repairs to sidewalks made by the city shall be paid out of the general fund. The clerk-treasurer shall keep a separate account of the cost of such repairs and charge the abutting property therewith, and shall certify a list of all property chargeable with repairs of sidewalks with the amount of the cost of repairs for which each separate parcel is chargeable, to which cost he shall add interest at the rate of six percent per annum from the date of the incurring of such charge by the city, and ten percent additional to cover costs and charges of administration, and such items shall constitute a tax against the property affected thereby. Such tax shall be collected or the property sold for delinquency as in the case of special improvement assessments. All money collected under the provisions of this chapter shall be placed in the general fund of the city.

(Ord. 300, 5-13-1991)

Sec. 7-1-11. Snow and debris removal.

The owner or occupant of the property abutting any sidewalk shall keep the same free of accumulations of snow, ice and other debris.

(Ord. 300, 5-13-1991)

Sec. 7-1-12. Penalty.

Any person who shall violate any of the provisions of this chapter shall, upon conviction, be fined in any sum not exceeding \$10.00 for the first offense and upon being convicted of a second offense shall be fined in any sum not less than \$10.00 or more than \$50.00. In the prosecution of any violation of this chapter, prior verbal or written warnings provided by any city official to the alleged violator shall be deemed admissible in any trial of the case.

(Ord. 300, 5-13-1991)

CHAPTER 2. MAINTENANCE OF SIDEWALKS**Sec. 7-2-1. Duty of property owner.**

It is the duty of the owners or tenants of any premises within the city to keep the sidewalks in front of and adjoining their premises in good, safe and substantial condition and repair. The owners or tenants shall see that all breaks and unsoundness of any character resulting from natural deterioration, or from any cause whatever, are repaired with all possible dispatch.

(Ord. 299, 4-1991)

Sec. 7-2-2. Snow and ice removal.

A. *Duty to keep clean.* It is the duty of the owners or tenants of any premises within the limits of the city to keep the sidewalk in front of and adjoining his premises clean and safe for pedestrians; and, with all possible dispatch, to remove snow, ice, slush and other impediments to safe and convenient foot travel and prevent continuous accumulation of the same upon such sidewalks.

B. *Dumping in street prohibited.* In no case in the city shall the snow, ice, slush, mud or other such material removed from such sidewalk be dumped, placed or deposited in the adjoining streets or avenues within two feet of the curb line.

C. *Time allowed for removal.* Sidewalks must, in all cases, be freed from the night's accumulation of snow, ice, slush, mud or other like impediment before 9:00 a.m. of the following morning.

D. *Use of sand or deicing agents.* When, from freezing of water, snow or slush thereon, or by reason of such compaction resulting from the wear of foot travel or from any cause whatever, sidewalks are rendered dangerous, unsafe or difficult to the free passage of pedestrians, it shall be the duty of the owners or tenants of premises in front of or adjoining such sidewalks to forthwith remedy such condition by sprinkling sand or deicing agent on the sidewalks, chipping or other safe and efficient means.

(Ord. 299, 4-1991)

Sec. 7-2-3. Defective sidewalks.

A. *Accidents; police report.* Police officers shall, and any other persons may, report to the city clerk-treasurer all defective or unsafe sidewalks or crossings as well as the particulars of any accidents that may occur by reason of any defective or unsafe sidewalk or crossing and the names of witnesses and persons injured thereby. A copy of this report shall be given to the city engineer who will in turn notify the owners of repairs required.

B. *Failure to repair.* Upon the refusal or neglect of the owners or tenants of any premises to remove obstructions from, or to make necessary repairs to, the sidewalks in front of or adjoining the premises, and when, in the opinion of the city engineer, immediate repairs or the removal of obstructions are necessary to prevent accidents, the city engineer may immediately proceed with the same. The full cost of such repairs or removal of such obstructions shall be assessed against the premises as provided in section 7-1-10 of this title.

C. *Absence of notice not defense.* Absence of notice to owners or tenants to repair dangerous or unsafe sidewalks or to remove snow, ice, slush or other obstructions therefrom shall not constitute a valid excuse against the payment of any fine, damage or assessment by such owners or tenants; and nothing contained in this chapter shall be so construed as to release the owners or tenants of real estate from the duty of keeping the sidewalks in front of and adjoining their respective premises in good and thorough state of repair, but such duty is hereby expressly enjoined and imposed upon all such owners or tenants.
(Ord. 299, 4-1991; amd. 2010 Code)

Sec. 7-2-4. Driving over, defacing or destroying sidewalks.

It shall be unlawful for any person to drive any vehicle of any kind upon, over or across any sidewalk, curb, parkway, or boulevard unless a driveway approach has been constructed. To mark, deface or destroy any sidewalk or curb or cause the same to be done is also unlawful.
(Ord. 299, 4-1991)

Sec. 7-2-5. Penalty.

A. *Violation.* Any person who shall violate any of the provisions of this chapter shall, upon conviction, be guilty of a misdemeanor.

B. *Jurisdiction.* Jurisdiction for such violation shall be in the city court.

C. *Penalty.* The penalty shall be a fine in any sum not exceeding \$10.00 for the first offense and upon being convicted of a second offense shall be fined in any sum not less than \$10.00 or more than \$50.00.

D. *Prior verbal or written warnings.* In the prosecution of any violation of this chapter, prior verbal or written warnings provided by any city official to the alleged violator shall be deemed admissible in any trial of the case.
(Ord. 299, 4-1991)

CHAPTER 3. OBSTRUCTION OF STREETS AND ALLEYS

Sec. 7-3-1. Obstructions.

It shall be unlawful to place or to permit to remain within the boundaries and rights-of-way of streets and alleys any vehicles, campers, trailers, lumber, firewood or other obstacles or materials in such a fashion as to prevent or impair the ability of the city to properly maintain, develop and care for said streets and alleys or to remove snow therefrom.

(1985 Code 12.02.01)

Sec. 7-3-2. Right of removal.

In addition to the imposition of penalties, the city shall have the further right, in its discretion, to remove an offending obstruction from city streets, alleys and rights-of-way and assess the cost of removal (and any costs related thereto, such as storage) against the owner of the obstruction.

(1985 Code 12.02.02)

Sec. 7-3-3. Lien.

A. *Statement of lien claim.* Costs which arise under section 7-3-2 of this chapter shall be a lien and a charge upon the property removed or upon the premises of the owner thereof. Whenever a bill for such charge remains unpaid for 60 days after it has been rendered, the clerk-treasurer may file with the county clerk and recorder a statement of lien claim. This statement shall contain a legal description of the premises charged, the expenses and costs incurred and the date that the obstacle was removed, and a notice that the city claims a lien for this amount.

B. *Notice.* Notice of such lien shall be mailed to the owner of the premises charged at his or her last known address. Failure of the owner to receive the notice shall not affect the right to foreclose the lien.

(1985 Code 12.02.03)

Sec. 7-3-4. Foreclosure.

Property subject to a lien so created shall be sold and the proceeds of such sale shall be applied to pay the expenses and charges after deducting costs of foreclosure as in the case of the foreclosure of liens upon real or personal property under the state law. Such foreclosure shall be brought in the name of the city and the city attorney is hereby authorized and directed to institute such proceedings in any court having jurisdiction over such matters.

(1985 Code 12.02.04)

CHAPTER 4. OBSTRUCTION OF VIEW AT INTERSECTIONS**Sec. 7-4-1. Declared nuisance.**

It shall be a nuisance and unlawful to plant or permit the growth of shrubs, trees or other plants including weeds, or to construct or maintain any fence, wall or other structure, in such manner as to create a traffic hazard by obstructing the view of motorists approaching any street intersection in this city.

(1985 Code 12.04.01)

Sec. 7-4-2. Notice of obstruction.

It shall be the duty of the city marshal, or other person designated by the council, to serve a notice upon the owner or occupant of any premises upon which any such obstruction is found to exist, demanding the removal of the obstruction within ten days.

(1985 Code 12.04.02)

Sec. 7-4-3. Failure to remove; abatement.

If the person so served does not abate the condition within ten days, the city may proceed to abate such nuisance, keeping an account of the expenses of the abatement, and such expenses shall be charged to and paid by the owner of the premises.

(1985 Code 12.04.03)

Sec. 7-4-4. Lien.

A. *Statement of lien.* Charges for such abatement shall be a lien upon the premises. Whenever a bill for such charges remains unpaid for 60 days after it has been rendered, the clerk-treasurer may file with the county clerk and recorder a statement of lien claim. This statement shall contain a legal description of the premises, the expenses and costs incurred and the date the condition was abated and a notice that the city claims a lien for this amount.

B. *Notice.* Notice of such lien claim shall be mailed to the owner of the premises at his last known address. Failure of the owner to receive the notice shall not affect the right to foreclose the lien.

(1985 Code 12.04.04)

Sec. 7-4-5. Foreclosure.

Property subject to a lien so created shall be sold and the proceeds of such sale shall be applied to pay the expenses and charges after deducting costs of foreclosure, as in the case of the foreclosure of liens upon real estate under the state law. Such foreclosure shall be brought in the name of the city and the city attorney is hereby authorized and directed to institute such proceedings in any court having jurisdiction over such matters.

(1985 Code 12.04.05)

CHAPTER 5. UNIFORM RIGHT-OF-WAY ENCROACHMENT CODE

Sec. 7-5-1. Title.

This chapter shall be known as the Thompson Falls Uniform Right-of-Way Encroachment Code.
(1985 Code 12.06.01)

Sec. 7-5-2. Purpose; intent.

The purpose of this chapter is to provide standards for the regulation and control of encroachments and private use of public rights-of-way within the incorporated limits of this city. This chapter will ensure full compliance by this incorporated city with all applicable federal, state and local laws, in the interest of public safety and the free and safe flow of traffic.
(1985 Code 12.06.02)

Sec. 7-5-3. Definitions.

As used in this chapter, the following words and terms shall have the meanings ascribed to them in this section:

Curb line means the line at the face of the curb nearest to the street or roadway. In the absence of a curb, the curb line shall be established by the city officials.

Encroachments include all private devices placed upon the public right-of-way including devices which overhang or underlie the right-of-way.
(1985 Code 12.06.03; amd. 2010 Code)

Sec. 7-5-4. Regulation.

No private signs, eaves, marquees, or similar device will be allowed to encroach on the public rights-of-way of this city within the incorporated limits except as provided herein and then only by permit issued by the proper authorities and revocable on ten days' written notice to the permittee. No gainful private or commercial use of the public right-of-way will be allowed. Examples: nonemergency servicing of vehicles, parking or placing of portable advertising devices on the public right-of-way.
(1985 Code 12.06.04)

Sec. 7-5-5. Projection and clearance.

The outermost portion on an overhanging device should be at least five feet behind the face of the curb; where there is no curb, it shall be as established by city officials. The lowest portion of an overhanging device should be at least ten feet above the top of the curb, sidewalk or roadway shoulder elevation.
(1985 Code 12.06.05; amd. 2010 Code)

Sec. 7-5-6. Minimum standards.

It is the purpose and intent of this chapter to provide minimum standards to safeguard life, health, property and public welfare by regulating and controlling the placement of all signs and sign structures within the incorporated limits so as to prevent the obstruction of view of any official traffic sign, signal or device.

(1985 Code 12.06.06)

CHAPTER 6. EXCAVATIONS

Sec. 7-6-1. Permission.

It shall be unlawful for any person to make any excavation in any street or alley of the city for the purpose of laying down gas, water or other mains or making any repairs or improvements upon any mains now laid on said streets or alleys, without the written permission of the city council or its authorized officer.

(1985 Code 12.08.01)

Sec. 7-6-2. Safeguards.

Any person, firm or corporation receiving a permit to do any such work in or upon any street or alley shall be required to properly safeguard the said work in order that no one can be injured in person or property while using said streets or alleys. Barricades must be kept around the works and red lights shall be placed on all obstructions and all openings in the streets or alleys where same are left for the night; and the said streets and alleys must be placed in as good condition by the person making the excavation as they were before the excavation was made, and the mains laid down or repairs and improvements made, and in default thereof the city council may order the same to be done at the expense of such person, firm or corporation.

(1985 Code 12.08.02)

CHAPTER 7. CLOSING STREETS**Sec. 7-7-1. Closing, notice.**

During the construction or the repairing of any street, alley or sidewalk within the corporate limits of the city, the person, firm or corporation in charge of any such construction or repair work shall in some way indicate to the public that such street, alley or sidewalk upon which this work is being performed is closed to the public by either roping off or boarding off the part or portion thereof which is being so worked upon.

(1985 Code 12.10.01)

Sec. 7-7-2. Travel prohibited.

During such construction or repairing, it shall be unlawful for anyone to go or travel thereon, either on foot or otherwise, except those actually engaged in such construction or repair work or supervising such work.

(1985 Code 12.10.01)

CHAPTER 8. TREES WITHIN THE PUBLIC RIGHT-OF-WAY**Sec. 7-8-1. Definitions.**

Street trees means trees, shrubs, bushes, and all other woody vegetation on land lying between property lines on either side of all streets, avenues or ways with the city.

Park trees means trees, shrubs, bushes and all other woody vegetation in city parks and all other areas owned by the city.

(Ord. No. 334, § 1, 8-12-2013)

Sec. 7-8-2. Creation and establishment of city tree board.

There is hereby created and established a city tree board for the City of Thompson Falls, Montana, which shall consist of five members, two city residents, two city council members of the recreation and public properties committee, and one member of the city public works crew. They shall be appointed by the mayor with the approval of the city council.

(Ord. No. 334, § 2, 8-12-2013)

Sec. 7-8-3. Term of office.

The term of the five persons to be appointed by the mayor shall be three years except that the term of two of the members appointed to the first board shall be for only one year and the term of the two members of the first board shall be for two years. In the event that a vacancy shall occur during the term of any member, his successor shall be appointed for the unexpired portion of the term.

(Ord. No. 334, § 3, 8-12-2013)

Sec. 7-8-4. Compensation.

Members of the board shall serve without compensation. Except, for the member from the public works crew.

(Ord. No. 334, § 4, 8-12-2013)

Sec. 7-8-5. Duties and responsibilities.

It shall be the responsibility of the board to study, investigate, counsel and develop and/or update annually, a written plan and inventory for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets right-of-way and in other city owned properties. Such plan will be presented annually to the city council and upon their acceptance and approval shall constitute the official comprehensive city tree plan for the City of Thompson Falls, Montana. The board, when requested by the city council, shall consider, investigate, make findings, report and recommend upon any special matter of question coming with the scope of its work.

(Ord. No. 334, § 5, 8-12-2013)

Sec. 7-8-6. Operation.

The board shall choose its own officers, make its own rules and regulations and report to the city council its proceedings. A majority of the members shall be a quorum for the transaction of business. (Ord. No. 334, § 6, 8-12-2013)

Sec. 7-8-7. Street tree species to be planted.

The following list constitutes the official street tree species for Thompson Falls, Montana. No species other than those included in this list may be planted as street trees without written permission of the city tree board.

(A list will be on file with the public works director at city hall)
(Ord. No. 334, § 7, 8-12-2013)

Sec. 7-8-8. Spacing.

The spacing of street trees will be in accordance with the three species size classes listed in section 7-8-7 of this chapter, and no trees may be planted closer together than the following: small trees, 30 feet; medium trees, 40 feet; and large trees, 50 feet; except in special plantings designed or approved by a landscape architect.
(Ord. No. 334, § 8, 8-12-2013)

Sec. 7-8-9. Distance from street corners, fireplugs and property lines.

No street tree shall be planted closer than 15 feet of any street corner, measured from the point of nearest intersecting right-of-way lines. No street tree shall be planted closer than ten feet of any fireplug. No tree shall be planted closer than five feet from a property boundary.
(Ord. No. 334, § 9, 8-12-2013)

Sec. 7-8-10. Utilities.

No street trees other than those species listed as small trees in section 7-8-7 of this chapter may be planted under or within ten lateral feet of any overhead utility wire, or over or within five lateral feet of any underground water line, sewer line, transmission line or other utility.
(Ord. No. 334, § 10, 8-12-2013)

Sec. 7-8-11. Public tree care.

The city shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and city property, as may be necessary to insure public safety or preserve or enhance the symmetry and beauty of such city property, and larger tracts of land (ie. sewer lagoon, community center, pump house site and city shop area) shall be managed in accordance with best management practices issued by the department of state lands.

The city tree board may remove or cause or order to be removed, any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, or is affected with any injurious fungus, insect or other pest. (Ord. No. 334, § 11, 8-12-2013)

Sec. 7-8-12. Tree topping.

It shall be unlawful as a normal practice for any person, firm, or city department to top any street tree, park tree, or other tree on city property. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this chapter at the determination of the city tree board. (Ord. No. 334, § 12, 8-12-2013)

Sec. 7-8-13. Pruning, corner clearance.

Every private property owner of a tree overhanging any street or right-of-way within the city shall prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of eight feet above the surface of the street or sidewalk. Said owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. The city shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a streetlight or interferes with visibility of any traffic control device or sign, interferes with the passage of traffic, or prevents an open sight path of intersecting traffic. (Ord. No. 334, § 13, 8-12-2013)

Sec. 7-8-14. Newly planted trees on private property not in compliance with chapter.

Any newly planted tree that is not in compliance with this chapter, will have to be moved to a correct placement or removed. The owner will be notified by letter and have 45 days from receipt of the letter to comply with the chapter. If compliance is not done, the city crew will remove the tree. (Ord. No. 334, § 14, 8-12-2013)

Sec. 7-8-15. Removal of stumps.

All stumps of street and park trees shall be removed to or below the surface of the ground so that the top of the stump shall not project above the surface of the ground. (Ord. No. 334, § 15, 8-12-2013)

Sec. 7-8-16. Interference with city tree board.

It shall be unlawful for any person to prevent, delay or interfere with the city tree board, or any of its agents, while engaging in and about the planting, cultivating, mulching, pruning, or removing of any

street trees, or park trees. Before any spraying of trees by the city tree board or its agents, all neighbors will be notified. If the neighbors have a problem with the spaying to be done, they will have the ability to work with the city to see if there are other alternatives to the spraying.

(Ord. No. 334, § 16, 8-12-2013)

Sec. 7-8-17. Damage to public trees prohibited.

Unless specifically authorized by the public works director, it is unlawful for any person to intentionally damage, cut, carve, transplant or remove any tree in the public right-of-way or from publicly owned property; attach any rope, wire, nails, or other contrivance to any public tree; allow any gaseous liquid or solid substance which is harmful to such trees to come in contact with them; or set fire or permit any fire to burn when such fire or the heat thereof could injure any portion of any public tree.

(Ord. No. 334, § 17, 8-12-2013)

Sec. 7-8-18. Selection of arborist.

The city shall select only a suitably qualified firm or person to maintain its street and/or park trees. They will have to meet the city's normal requirements for workman's comp insurance and liability insurance to indemnify the city or any person injured or damaged from the completion of the agreed upon tasks.

(Ord. No. 334, § 18, 8-12-2013)

Sec. 7-8-19. Review by city council.

The city council shall have the right to review the conduct, acts and decisions of the city tree board. Any person may appeal from any ruling or order of the city tree board to the city council who may hear the matter and make a final decision.

(Ord. No. 334, § 19, 8-12-2013)

Sec. 7-8-20. Penalty.

Any person violating any provision of this chapter shall be, upon conviction or plea of guilty, subject to a fine not to exceed \$300.00.

(Ord. No. 334, § 20, 8-12-2013)

TITLE 8

BUILDING REGULATIONS

Chapter 1. Fire District

Sec. 8-1-1. Established; zones.

Chapter 2. House Numbers

Sec. 8-2-1. Numbers required.

Sec. 8-2-2. Specifications.

Sec. 8-2-3. Assignment of numbers.

Sec. 8-2-4. Penalty.

Chapter 3. Sign Regulation (Main Street)

Sec. 8-3-1. Restriction.

Chapter 4. Fair Housing

Sec. 8-4-1. Regulation.

CHAPTER 1. FIRE DISTRICT

Sec. 8-1-1. Established; zones.

The entire incorporated area in the city is hereby declared to be and is hereby established as a fire district and such fire district shall be designated and known as fire zones 1, 2 and 3, each zone shall include such territory or portions of the city as illustrated, outlined and designated on a certain map on file in the office of the city clerk-treasurer, being marked and designated as "fire zones of the City of Thompson Falls, Montana," which is hereby adopted as the fire zoning map of the city.

(1985 Code 15.06.01)

CHAPTER 2. HOUSE NUMBERS

Sec. 8-2-1. Numbers required.

The owners of all businesses and residences in the city shall install street numbers on their buildings.
(Ord. 303, 2-1992)

Sec. 8-2-2. Specifications.

The individual numbers shall have a height of no less than three inches. The numbers shall be placed in a prominent location on or near the front of the structure and be clearly visible and legible from the street which the building fronts.
(Ord. 303, 2-1992; Ord. No. 2016-337, 3-14-2016)

Sec. 8-2-3. Assignment of numbers.

These numbers shall be obtained from the clerk-treasurer through the city hall.
(Ord. 303, 2-1992; amd. 2010 code)

Sec. 8-2-4. Penalty.

Any person violating the provisions of this chapter shall, upon conviction thereof, be fined the sum of \$50.00.
(Ord. 303, 2-1992)

CHAPTER 3. SIGN REGULATION (MAIN STREET)**Sec. 8-3-1. Restriction.**

It shall be unlawful for any person to build, construct or maintain across or over any part or portion of Main Street any sign or advertising device suspended or held in place by means of cable, wire, rope or in any other manner; subject, however, to the rights of any property owner or tenant to erect and maintain a sign or advertising device from his, her or its place of business to the curb line along such street providing such sign or advertising device does not interfere with the use of the sidewalk along said street.

(1985 Code 9.08.01)

CHAPTER 4. FAIR HOUSING

Sec. 8-4-1. Regulation.

It shall be unlawful for any person to refuse to sell, lease or rent any housing accommodation or property to any person because of race, gender, creed, religion, color, age or national origin.
(1985 Code 9.10.01; amd. 2010 Code)

TITLE 9

WATER AND SEWER

Chapter 1. Water

- Sec. 9-1-1: Rules.
- Sec. 9-1-2: Relation of rules to water ordinances.
- Secs. 9-1-3, 9-1-4. Reserved.

Chapter 2. Sewer

- Sec. 9-2-1. Definitions.
- Sec. 9-2-2. Use required.
- Sec. 9-2-3. Reserved.
- Sec. 9-2-4. Sanitary sewers, building sewers and connections.
- Sec. 9-2-3. Reserved.

Chapter 3. Reserved

Chapter 4. Reserved

CHAPTER 1. WATER**Sec. 9-1-1: Rules.**

Pursuant to MCA 69-7-201, the city shall, by resolution, adopt rules for the operation of the water utility. Such rules shall be made and adopted in accordance with such statutory section and other applicable statutory sections and amendments thereto. The rules shall provide for the regulatory measures permitted thereunder and may provide for the adoption and modification of schedules of charges for water services.

(1985 Code 4.02.01)

Sec. 9-1-2: Relation of rules to water ordinances.

The rule making authority granted by section 9-1-1 of this chapter shall not preclude the city from exercising any or all of its authority to regulate the water utility and to adopt a water service charge schedule by ordinance instead of or in combination with rules adopted pursuant to section 9-1-1 of this chapter.

(1985 Code 4.02.02)

Secs. 9-1-3, 9-1-4. Reserved.

Editor's note—Ord. No. 335, adopted April 21, 2014, repealed §§ 9-1-3, 9-1-4, which pertained to water meters and pits, and irrigation restrictions and derived from Ord. 308, adopted Aug. 8, 1994; Ord. 307, adopted June 14, 1993; and amd. 2010 Code.

CHAPTER 2. SEWER**Sec. 9-2-1. Definitions.**

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

Biochemical oxygen demand (BOD) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees Centigrade, expressed in milligrams per liter.

Building drain means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet (1.5 meters) outside the inner face of the building wall.

Building sewer means the extension from the building drain to the public sewer or other place of disposal. Also called house connection.

City means the City of Thompson Falls, Montana.

Combined sewer means a sewer intended to receive both wastewater and stormwater or surface water.

Easement means an acquired legal right for the specific use of land owned by others.

Floatable oil means oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. a wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.

Garbage means the animal and vegetable waste resulting from the handling, preparation, cooking and serving of foods.

Industrial wastes means the wastewater from industrial processes, trade, or business as distinct from domestic or sanitary wastes.

May means permissive.

Natural outlet means any outlet, including storm sewers and combined sewer overflow, into a watercourse, pond, ditch, lake, or other body of surface water or groundwater.

Person means any individual, firm, company, association, society, corporation or group.

pH means the logarithm of the reciprocal of the hydrogen ion concentration. The concentration of the weight of hydrogen ions, in grams per liter of solution. Neutral water, for example, has a pH of 7 and a hydrogen ion concentration of 10^{-7} .

Properly shredded garbage means the waste from the preparation, cooking and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1.27 centimeters) in any dimension.

Public sewer means a common sewer controlled by a governmental agency or public utility.

Sanitary sewer means a sewer that carries liquid and water carried waste from residences, commercial buildings, industrial plants, and institutions together with minor quantities of groundwater, stormwater and surface waters that are not admitted intentionally.

Sewage means the spent water of a community. The preferred term is "wastewater".

Sewer means a pipe or conduit that carries wastewater or drainage water.

Shall means mandatory.

Slug means any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average 24-hour concentration or flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater treatment works.

Storm drain or *storm sewer* means a drain or sewer for conveying water, groundwater, subsurface water or unpolluted water from any source.

Superintendent means the superintendent (of wastewater facilities, and/or of wastewater treatment works, and/or of water pollution control) of the city or his authorized deputy, agent or representative.

Suspended solids means total suspended matter that either floats on the surface of or is in suspension in water, wastewater or other liquids, and that is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater" and referred to as nonfilterable residue.

Unpolluted water means water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

Wastewater means the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water and stormwater that may be present.

Wastewater facilities means the structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent.

Wastewater treatment works means an arrangement of devices and structures for treating wastewater, industrial wastes and sludge. Sometimes used as synonymous with "waste treatment plant" or "wastewater treatment plant" or "water pollution control plant".

Watercourse means a natural or artificial channel for the passage of water either continuously or intermittently.

(Ord. 281, 1-6-1986)

Sec. 9-2-2. Use required.

A. *Prohibited deposits.* It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the city, or in any area under the jurisdiction of the city, any human or animal excrement, garbage, or other objectionable waste.

B. *Discharge prohibited.* It shall be unlawful to discharge to any natural outlet within the city, or in any area under the jurisdiction of the city, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

C. *Construction of privy, septic tank, cesspool.* Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater.

D. *Connection required.* The owners of all houses, buildings, or properties used for human occupancy, employment, recreation or other purposes, situated within the city and abutting on any street, alley or right of way in which there is now located or may in the future be located a public sanitary or combined sewer of the city, are hereby required, at the owners' expense, to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter within 120 days after date of official notice to do so; provided, that said public sewer is within 50 feet of the property line.

(Ord. 281, 1-6-1986)

Sec. 9-2-3. Reserved.

Editor's note—Ord. No. 336, adopted July 14, 2014, repealed § 9-2-3, which pertained to private waste disposal and derived from Ord. 311, adopted July 10, 1995; and amd. 2010 Code.

Sec. 9-2-4. Sanitary sewers, building sewers and connections.

A. *Permit required.* No unauthorized person shall uncover, make any connection with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the superintendent.

B. *Classes of permit; application.* There shall be two classes of building sewer permits: 1) for residential and commercial service; and 2) for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgement of the superintendent.

C. *Fees.* A permit and inspection fee for a residential or commercial building sewer permit and for an industrial building sewer permit in amounts to be set by resolution or regulation of the city council shall be paid to the city at the time the application is filed.

D. *Costs and expenses; indemnification.* All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

E. *Separate sewer required; exception.* A separate and independent building sewer shall be provided for every building; except, where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer, but the city does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.

F. *Old building sewers.* Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the superintendent, to meet all requirements of this chapter.

G. *Construction specifications.* The size, slope, alignment, materials of construction of all sanitary sewers including building sewers, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city and the state. In the absence of suitable code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF "Manual Of Practice No. 9" shall apply.

H. *Elevation.* Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

I. *Surface runoff, groundwater prohibited.* No person shall make connection of roof downspouts, foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer unless such connection is approved by the superintendent and the state department of health for purposes of disposal of polluted surface drainage.

J. *Connection.* The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city and the state, or the procedures set forth in appropriate specifications of the ASTM and the WPCF "Manual Of Practice No. 9". All such connections shall be made gastight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the superintendent before installation.

K. *Supervision; inspection.* The applicant for the building sewer permit shall notify the superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the superintendent or his representative.

L. *Excavations.* All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city. (Ord. 281, 1-6-1986)

Secs. 9-2-5—9-2-9. Reserved.

Editor's note—Ord. No. 336, adopted July 14, 2014, repealed §§ 9-2-5—9-2-9, which pertained to: use of public sewers; protection from damage; inspectors; hearing board; and penalty and derived from Ord. 281, adopted Jan. 6, 1986; and amd. 2010 Code.

CHAPTER 3. RESERVED

Editor's note—Ord. No. 336, adopted July 14, 2014, repealed ch. 3, which pertained to sewer charges and derived from Ord. 283, adopted July 14, 1986.

CHAPTER 4. RESERVED

Editor's note—Ord. No. 336, adopted July 14, 2014, repealed ch. 4, which pertained to outdoor privies and derived from 1985 Code 7.06.01—7.06.03.

TITLE 10

ZONING REGULATIONS

Chapter 1. Residential Buildings

Sec. 10-1-1. Regulation.

Chapter 2. Setbacks

Sec. 10-2-1. Purpose.
Sec. 10-2-2. Setbacks established.
Sec. 10-2-3. Application.
Sec. 10-2-4. Exception.
Sec. 10-2-5. Penalty.

Chapter 3. Mobile Homes

Sec. 10-3-1. Purpose.
Sec. 10-3-2. Definitions.
Sec. 10-3-3. Mobile homes prior to June 2, 1977.
Sec. 10-3-4. Restrictions.

CHAPTER 1. RESIDENTIAL BUILDINGS**Sec. 10-1-1. Regulation.**

It shall, after November 3, 1947, be unlawful for any owners of real property located in the following properties located in blocks 5 and 6 of Donlan's addition to the city, to erect or maintain, or permit the erection or maintenance of, buildings for other than residential purposes or purposes directly incidental to residential uses. This prohibition shall extend to all types of commercial and trade buildings and structures, including stores, garages, tourist camps and service stations, but shall apply only as against lands within the said blocks 5 and 6 of Donlan's addition to Thompson Falls, Montana.

(1985 Code 11.02.01)

CHAPTER 2. SETBACKS

Sec. 10-2-1. Purpose.

It is the purpose of this chapter to regulate the location of mobile homes, buildings, residences and other improvements (hereinafter collectively called "improvements") a sufficient distance from the exterior boundaries of parcels of land, to provide sight distance at intersections, fire protection for adjoining land, not allow encroachments upon adjoining city property, and to protect the safety of the residents of the city.

(Ord. 324, 7-14-2008)

Sec. 10-2-2. Setbacks established.

All improvements shall be set back 15 feet from streets and ten feet from adjoining property lines and alleys for corner lots, and ten feet from streets, and ten feet from adjoining property lines and alleys for noncorner lots. For the purposes of measurement, setbacks from streets and alleys shall be from property lines. This requirement shall not apply to fences, provided the fence does not block the view of traffic at an intersection.

(Ord. 324, 7-14-2008)

Sec. 10-2-3. Application.

Prior to locating an improvement on property in the city, the owner shall make application to the city superintendent at city hall. There shall be an application fee as determined from time to time by resolution of the city council. This fee may be waived or modified in the discretion of the city superintendent, if he determines that it only requires a summary review. The application shall include the property description, the owner of the property, and a narrative description of the proposed improvement. A sketch shall show distances from the improvement to the property boundary. The applicant shall be required to establish property boundaries to the satisfaction of the city superintendent. The construction permit shall be displayed in a visible place on the building site until the project is completed. There shall be a fifty dollar \$50.00 fine for not having a permit to construct within the city limits.

(Ord. 324, 7-14-2008; amd. 2010 Code)

Sec. 10-2-4. Exception.

Section 10-2-2 of this chapter shall have no application on the south side of Main Street on lots abutting Main Street.

(Ord. 324, 7-14-2008)

Sec. 10-2-5. Penalty.

An improvement placed in violation of the setback distances shall be relocated by the owner to fit the distances required herein. Anyone who places an improvement on his property in violation of this chapter shall be deemed guilty of a misdemeanor.

(Ord. 324, 7-14-2008)

CHAPTER 3. MOBILE HOMES**Sec. 10-3-1. Purpose.**

The purpose of this chapter is to provide a minimum standard (R-1) ordinance, whereby the health, neighborhood property and public welfare of others are considered and protected.
(1985 Code 11.04.01)

Sec. 10-3-2. Definitions.

A "mobile home" is defined as any vehicle or similar portable structure designed for use as a conveyance upon highways, so designed or constructed as to permit occupancy for dwelling or sleeping purposes.
(1985 code 11.04.03)

Sec. 10-3-3. Mobile homes prior to June 2, 1977.

Nothing in this chapter will have any effect or pertain to the licensed mobile home courts now in operation in the city, or to mobile homes presently located within the city and presently assessed on the tax rolls, but will pertain to all mobile home installations occurring hereafter.
(1985 Code 11.04.02)

Sec. 10-3-4. Restrictions.

Any and all mobile homes permitted in the city shall be subject to the following provisions:

- A. *Application.* Application must be made, in writing, to the city clerk-treasurer on forms provided by the city for the placement of any mobile home in the city.
- B. *Legal description; septic tank and drain field permit.* On forms provided, a full legal description will be made by applicant of both the mobile home and property involved. Also, at the same time, a septic tank and drain field permit will be received.
- C. *Septic tank and drain field required; inspection.* One septic tank and one connection drain field must be installed for each mobile home, and no backfill must be made until an inspection has been completed by the building inspector. The mobile home can then be moved onto the lot. (minimum 750 gallon septic tank; or connection be made to the city sewer.)
- D. *Number limited per lot.* There will be no more than one mobile home per lot and each shall be of single (single-family) occupancy only (R-1).
- E. *Minimum floor area.* Each mobile home shall have a floor area exclusive of carport, garage, open porch or breezeway, of at least 400 square feet.
- F. *New construction.* All building erected or permitted near mobile home must be of new construction.
- G. *Loss or destruction.* In the event of fire or any act of God, which may destroy the mobile home, or any part thereof, the same must be rebuilt or the debris removed from the property within 90 days.

- H. *Offstreet parking.* All mobile homes must provide at least one off street parking area.
 - I. *Setback regulations.* Refer to state law on trailer courts.
 - J. *Storage of auto trailer.* Nothing in this chapter shall be deemed to prohibit the storage of one auto trailer on the home premises of its owner for any length of time when not used for living, sleeping or business purposes; provided, that the owner of the trailer will call at the office of the county sanitarian and sign a form to that effect.
- (1985 Code 11.04.04; amd. 2010 Code)

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This table lists ordinances within the Code prior to the 2018 Republication.

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| 280 | Licencing of Poker Machines 07/85 & 8/85 |
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| 281A | Fixing Compensation for the City Council 09/88 & 10/88 |
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| 283 | Sewer Ordinance |
| 284 | Ammend Vendor Ordinance 10/86 & 11/86 |
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| 288 | Repeal Building Permit Ordinance 08/87 & 09/87 |
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| 293 | Residential Zoning Regulations 11/14/88 & 11/28/88 |
| 294 | Retail Sale of Alcohol Within 600' of Churches 04/89 & 05/89 |
| 295 | Prohibiting Nude Dancing in Public Places 06/89 & 07/89 |
| 296 | Regulating Firearm Discharge in City Limits 12/89 & 01/08/90 |
| 297 | Setting Coucnil Wages at \$25.00/Month 12/10/90 |
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| 303 | Address Numbering on Buildings 11/91 & 2/92 |
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| 316 | Amend Burning Ord 312 6/96 |
| 317 | Amend Dog Ord 6/97 |

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- 318 Amend Zoning Ordinance—Provide Variance
(Amended Jan./Feb. 2002, effective March 13, 2002)
- 319 Amend 286 U-turn Ordinance
- 320 Immunity(Indemnification)for City Council
- 321 Council Pay 9/99
- 322 Board of Adjustment 1/00
- 323 Curfew 8/00 & 10/00
- 324 Amend Ordinance 313 Establishing Setback 9/00 & 10/00
- 325 Amend Ordinance 322 Board of Adjustment 3/02
- 326 Amend Ord. 276 Keeping Chickens & Rabbits in City 3/08/10
- 331 Adoption of City Code 10/25/10
- 694 Resolution on jail time general penalty 1/9/2017

CODE COMPARATIVE TABLE

This table gives the location within this Code of those ordinances which are included herein. Ordinances not listed herein have been omitted as repealed, superseded or not of a general and permanent nature.

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| 327 | 6-14-2010 | 1—8 | | 4-1-1—4-1-8 |
| 328 | 6-14-2010 | 1—12 | | 3-2-1—3-2-12 |
| 330 | 10-11-2010 | 1—7 | | 4-3-1—4-3-7 |
| 332 | 3-15-2011 | 1—4 | Added | 5-3A-6 |
| 333 | 6-13-2011 | 1—4 | Added | 5-2-5 |
| 334 | 8-12-2013 | 1—20 | Added | 7-8-1—7-8-20 |
| 335 | 4-21-2014 | | Rpld | 9-1-3, 9-1-4 |
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| 338 | 1- 8-2018 | | | Adopting Ord. |
| 339 | 2-12-2018 | | Rpld | 5-2-5 |
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| 343 | 1-14-2019 | | Added | 6-5-1—6-5-6 |
| 344 | 6-10-2019 | | Added | 2-2-1—2-2-9 |
| 345 | 7- 8-2019 | 2 | Rpld | 4-1-1—4-1-8 |
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