



CITY OF MILES CITY AGENDA

*Regular Council Meeting
City Council Chambers
And on zoom.us*

*June 28, 2022
6:00 p.m.*

CALL TO ORDER PLEDGE OF ALLEGIANCE ROLL CALL

1. APPROVAL OF COUNCIL MINUTES/COMMITTEE MINUTES
 - A. Regular City Council Meeting 06/14/2022
2. SCHEDULE MEETINGS
3. REQUEST OF CITIZENS & PUBLIC COMMENT

Kelcee Lance request for a stop sign at North Lake and Riverside
4. APPOINTMENTS

Library Board
5. PROCLAMATIONS
6. STAFF REPORTS
7. CITY COUNCIL COMMENTS
8. MAYOR COMMENTS
9. COMMITTEE RECOMMENDATIONS
10. BID OPENINGS
11. BID AWARDS
12. PUBLIC HEARINGS
13. UNFINISHED BUSINESS
14. NEW BUSINESS
 - A. **ORDINANCE NO. 1357 (*First Reading*) – AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF MILES CITY, MONTANA, REGARDING MUNICIPAL INFRACTIONS AND CRIMINAL PROVISIONS AND PENALTIES.**
 - B. **RESOLUTION NO. 4462 – A RESOLUTION APPROVING A FIREWORKS DISPLAY ON JULY 6, 2022, AT CONNOR’S STADIUM.**
 - C. **APPROVE MEMORANDUM OF UNDERSTANDING WITH RETIRED SENIOR VOLUNTEER PROGRAM (RSVP).**
 - D. **CO-ED ADULT SOFTBALL REQUESTING ALCOHOL VARIANCE FOR MULTIPLE DATES AT BENDER PARK.**

- E. LEASE EXTENSION FOR HUGO MUGGLI, INC LOCATED AT TRACT E, LOTS 1 & W ½ OF 2.
- F. LEASE EXTENSION FOR TODD AND ELIZABETH NEIFFER LOCATED AT TRACT E, LOTS 6-7.

15. ADJOURNMENT

Public comment on any public matter that is not on the agenda of this meeting can be presented under Request of Citizens, provided it is within the jurisdiction of the City to address. Public comment will be entered into the minutes of this meeting. The City Council cannot take any action on a matter unless notice of the matter has been made on an agenda and an opportunity for public comment has been allowed on the matter. Public matter does not include contested cases and other adjudicative proceedings

Minutes

REGULAR COUNCIL MEETING June 14, 2022
6:00 p.m.

CALL TO ORDER

The Regular Council meeting was held Tuesday, June 14, 2022, in the City Hall Conference Room at City Hall, 17 S. 8th Street, Miles City, Montana. Mayor John Hollowell called the meeting to order. Council Members present were Stacy Broell, Ken Gardner, Rick Huber, Chris Grenz, Kathy Wilcox, and Roxanna Brush. Council Members Brant Kassner and Dwayne Andrews were not present.

Also present were City Attorney Dan Rice, Public Works Director Scott Gray, Police Chief Doug Colombik, Fire Chief Branden Stevens, Fire Battalion Chief Sarah Lewin, Local 600 President Casey Miller, Dispatch Supervisor Lyne Anderson, and City Clerk/Minute Recorder Mary Rowe.

PLEDGE OF ALLEGIANCE

Mayor Hollowell led the Council in the Pledge of Allegiance.

APPROVAL OF COUNCIL & COMMITTEE MINUTES

City Council Minutes: 5/24/2022

** *Councilperson Brush moved to approve the minutes of the Regular Council Meeting of May 24, 2022, subject to any changes, and seconded by Councilperson Gardner. The motion **passed** by unanimous consent, 6-0.*

Public Service Committee Meeting: 5/26/2022

** *Councilperson Gardner moved to approve the minutes of the Public Service Committee Meeting of May 26, 2022, subject to any changes, and seconded by Councilperson Wilcox. The motion **passed** by unanimous consent, 6-0.*

Finance Committee Meeting: 5/26/2022

** *Councilperson Broell moved to approve the minutes of the Finance Committee Meeting of May 26, 2022, subject to any changes, and seconded by Councilperson Brush. The motion **passed** by unanimous consent, 6-0.*

SCHEDULE MEETINGS

The following meetings will be held in the City Hall Conference Room:
Finance Committee, June 21, 2022, 6:00 pm

REQUEST OF CITIZENS & PUBLIC COMMENT

None

APPOINTMENTS

None

PROCLAMATIONS

None

STAFF REPORTS

Chief Colombik gave an update on the Woolhouse/Police Department building, which included the completion of the brick work and the bat issue was resolved. He stated that the Girls Scouts performed community service by gutting out the garages in back of the Police Department building and Dan Decker hauled all of the garbage and debris away. He requested that the Police Department be added to the mowing/maintenance schedule. There are some gravel issues that remain, but will be brought up during Public Safety meeting. The Police cars are still having several issues because the electronics have to run 24/7. Captain Baker will be back from the FBI academy. He also reported that Bucking Horse this year had less fighting, less everything, except minor in possession tickets.

Battalion Chief Lewin reported on behalf of Chief Stevens who was called out on flood assistance. Last year was their highest call volume. There will be an open house on Thursday and Saturday at the Fire Department. Thursday at 1500 is the expected peak for the flood and reassured everyone that they are prepared, even though the flood risk is low. She noted that they are having supply chain issues for AED machine batteries and IV fluids.

Director Gray stated that there is continuous monitoring of the Tongue and Yellowstone rivers. The levels compare to previous years and pose a low flood risk for our area. All of the pools are open and lifeguards are trained. He spoke about the runoff at Southgate on Horizon Parkway. The detention pond is fixed and the runoff is better now than it had been in the past, but the Department of Environmental Quality (DEQ) and engineers are studying it. He then gave a report on behalf of Director Speelmon, that the utility crew has been busy with locates and clean camera lines on Haynes.

CITY COUNCIL COMMENTS

Councilperson Wilcox had three things to say:

- 1- She appreciates the Council looking out for the best interest of the City regarding the Fire Department even though it is known that there are strong feelings on both sides of the fence.
- 2- She requested that new chairs for the Council be added to the budget this year.
- 3- She wanted to apply for a Historic Preservation grant for City Hall with Julie Emmons-Stoddard from South Eastern Montana Development Corporation (SEMDC).

Councilperson Brush reported that there is a “no trucks” sign on Edgewood street that looks like it was hit by a truck. Director Gray said he would look into it.

Councilperson Grenz asked when we are planning to put the Fire Department on the ballot, to which Mayor Hollowell replied, hopefully it will not have to go the ballot at all.

Councilperson Gardner stated that the splashpad is such a great thing for the community and it is always super busy.

MAYOR COMMENTS

There are three flood stages here. Stage one is at a fourteen foot minimum and currently the risk is at 13.8. In 2017 it was seventeen feet. We do not need to be concerned about a flood at this time.

COMMITTEE RECOMMENDATIONS

- A. Public Service Recommend adding angle parking for the building at 2000 Clark Street.

** *Councilperson Wilcox moved to approve adding angle parking on the 2000 block of Clark Street and on North Jordan, seconded by Councilperson Brush.*

Director Gray noted that the owners are in attendance. The sidewalks are currently fourteen feet wide from the curb in. If angle parking were to be put in, there would still be six foot sidewalks with the indent road on both streets. The City will pay for curbing, and the owners will pay for additional concrete.

Councilperson Huber asked how far the cars would hang over the sidewalk when parking at an angle towards the curb. Director Gray explained that there would still be the thirty-two inches remaining for the ADA allowance.

** *The motion passed by unanimous consent, 6-0.*

BID OPENINGS

None

BID AWARDS

None

PUBLIC HEARINGS

None

UNFINISHED BUSINESS

None

NEW BUSINESS

- A. **RESOLUTION NO. 4461 – A RESOLUTION ADOPTING FINDINGS OF FACT AND APPROVING THE AMENDED PLAT FOR THE PURPOSE OF A BOUNDARY LINE RELOCATION INVOLVING LOTS 3 & 4 OF THE AMENDED PLAT OF BLOCK 7 OF**

HUNTER'S ADDITION AND BLOCK 8 OF SCHMALSLE AND ULLMAN'S ADDITION IN THE CITY OF MILES CITY, MONTANA.

****** *Councilperson Wilcox moved to approve the Resolution, read by title only and seconded by Councilperson Huber. On roll call vote, the motion passed by unanimous consent, 6-0. Resolution No. 4461 passed.*

B. APPROVAL TO WRITE OFF DECEASED CUSTOMER UTILITY ACCOUNT IN THE AMOUNT OF \$312.36

****** *Councilperson Brush moved to approve writing off deceased customer utility account in the amount of \$312.36, seconded by Councilperson Gardner and passed unanimously, 6-0.*

C. APPROVAL TO SEND PAST DUE UTILITY ACCOUNTS TO COLLECTIONS IN THE AMOUNT OF \$684.90

****** *Councilperson Broell moved to approve sending past due utility accounts to collections, seconded by Councilperson Huber and passed unanimously, 6-0.*

D. APPROVAL OF MAY CLAIMS

****** *Councilperson Brush moved to approve May claims, seconded by Councilperson Huber.*

Councilperson Huber requested additional information on six vendors, City Service, Morrison Maierle, L.N. Curtis & Sons, Hardy Construction, Double J Concrete, and Flathead Valley Community College.

****** *The motion passed by unanimous consent, 6-0.*

ADJOURNMENT

****** *Councilperson Huber moved to adjourn the meeting, seconded by Councilperson Brush and passed unanimously.*

The meeting was adjourned at 7:10 p.m.

John Hollowell, Mayor

Mary Rowe, City Clerk

New Business

ORDINANCE NO. 1357

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF MILES CITY, MONTANA, REGARDING MUNICIPAL INFRACTIONS AND CRIMINAL PROVISIONS AND PENALTIES.

WHEREAS, the Code of Ordinances of Miles City, Montana, includes a variety of criminal offenses which the City deems inappropriate to be charged as city code violations; and

WHEREAS, the Code of Ordinances of Miles City, Montana, includes general criminal penalties which are more appropriately punished as Municipal Infractions as authorized by MCA 7-4-4150; therefore

BE IT ORDAINED, by the City Council of the City of Miles City, Montana, as follows:

Section 1. The following city code provisions are hereby amended to read as indicated below, with strike through font indicating deletion:

Chapter 1 – GENERAL PROVISIONS

Sec. 1-11. - General penalty.

(a)Whenever in this Code or in any ordinance of the city any act is prohibited or is made or declared to be unlawful or an offense, or whenever in the Code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefor, the violation of any such provision of this Code or any ordinance shall be punished by a ~~fine not to exceed \$500.00. Each day any violation of any provision of this Code or of any ordinance shall continue, it shall constitute a separate offense.~~(b)~~In addition to the penalty provided in subsection (a) of this section, any condition caused or permitted to exist in violation of any of the provisions of this Code or any ordinance shall be deemed a public nuisance and may be abated by the city as provided by law, and each day that such condition continues shall be regarded as a new and separate offense. civil penalty of not more than three hundred dollars (\$300.00) for a first infraction. For each repeat infraction of the same section, a civil penalty not to exceed five hundred dollars (\$500.00) shall be imposed. A person violating the provisions of this code is guilty of a separate offense for each and every day during any portion of which any violation of this code is committed, continued, or permitted to be committed.~~

Chapter 3 – ALCOHOLIC BEVERAGES

Sec. 3-27. - Penalty for violation of article.

~~(a) Except as otherwise specified, any person who violates the provisions of this article shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punishable by a fine not to exceed \$500.00 or by imprisonment for a term not to exceed six months, or both. (b) Each day of failure to comply with the provisions of this article shall constitute a separate offense.~~

Unless otherwise specifically provided, any person violating any provision of this chapter is guilty of a municipal infraction and shall have imposed a civil penalty of not more than three hundred dollars (\$300.00) for a first infraction.

For each repeat infraction of the same section, a civil penalty not to exceed five hundred dollars (\$500.00) shall be imposed.

A person violating the provisions of this code is guilty of a separate offense for each and every day during any portion of which any violation of this code is committed, continued, or permitted to be committed.

Chapter 4 – ANIMALS

Sec. 4-1. - Penalty for violation of chapter.

~~Except as otherwise specified, any person who violates the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punishable by a fine not to exceed \$500.00 or by imprisonment for a term not to exceed six months, or both.~~

Unless otherwise specifically provided, any person violating any provision of this chapter is guilty of a municipal infraction and shall have imposed a civil penalty of not more than three hundred dollars (\$300.00) for a first infraction.

For each repeat infraction of the same section, a civil penalty not to exceed five hundred dollars (\$500.00) shall be imposed.

A person violating the provisions of this code is guilty of a separate offense for each and every day during any portion of which any violation of this code is committed, continued, or permitted to be committed.

Chapter 5 – BUILDS AND BUILDING REGULATIONS

Sec. 5-3. - Penalty for violation of chapter.

Unless otherwise specified by the provisions of this chapter, any person who violates the provisions of this chapter ~~shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed \$500.00 or by imprisonment for a term not to exceed six months, or both. Each day that a violation exists shall be deemed a distinct and separate offense.~~ is guilty of a municipal infraction and shall have imposed a civil penalty of not more than three hundred dollars (\$300.00) for a first infraction. For each repeat infraction of the same section, a civil penalty not to exceed five hundred dollars (\$500.00) shall be imposed. A person violating the provisions of this code is guilty of a separate offense for each and every day during any portion of which any violation of this code is committed, continued, or permitted to be committed.

Chapter 6 – BUSINESS AND BUSINESS REGULATIONS

ARTICLE III. – ALARM SYSTEMS

Sec. 6-59. - Penalty for violation of article.

Any person violating any section of this article ~~shall be guilty of a misdemeanor, and jurisdiction for such violations shall be in the city court.~~ is guilty of a municipal infraction and shall have imposed a civil penalty of not more than three hundred dollars (\$300.00) for a first infraction. For each repeat infraction of the same section, a civil penalty not to exceed five hundred dollars (\$500.00) shall be imposed. A person violating the provisions of this code is guilty of a separate offense for each and every day during any portion of which any violation of this code is committed, continued, or permitted to be committed.

ARTICLE IV. - AMBULANCES

Sec. 6-88. - Penalty for violation of article.

Any person violating any provision of this article ~~shall be guilty of a misdemeanor and shall be prosecuted and punished in accordance with state law.~~ is guilty of a municipal infraction and shall have imposed a civil penalty of not more than three hundred dollars (\$300.00) for a first infraction. For each repeat infraction of the same section, a civil penalty not to exceed five hundred dollars (\$500.00) shall be imposed. A person violating the provisions of this code is guilty of a separate offense for each and every day during any portion of which any violation of this code is committed, continued, or permitted to be committed.

ARTICLE V. – AMUSEMENTS

Sec. 6-111. – Penalty for Violation of Article.

(a) Any person who violates the provisions of this article is guilty of a municipal infraction and shall have imposed a civil penalty of not more than three hundred dollars (\$300.00) for a

first infraction. For each repeat infraction of the same section, a civil penalty not to exceed five hundred dollars (\$500.00) shall be imposed. A person violating the provisions of this code is guilty of a separate offense for each and every day during any portion of which any violation of this code is committed, continued, or permitted to be committed.

~~Sec. 6-133. — Penalty for violation of division. —~~

~~(a) Any person who violates the provisions of this division shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punishable by a fine not to exceed \$500.00 or by imprisonment for a term not to exceed six months, or both. (b) Each day of failure to comply with the provisions of this division shall constitute a separate offense.~~

~~Sec. 6-158. — Penalty for violation of division. —~~

~~(a) Any person who violates the provisions of this division shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punishable by a fine not to exceed \$500.00 or by imprisonment for a term not to exceed six months, or both. (b) Each day of failure to comply with the provisions of this division shall constitute a separate offense.~~

ARTICLE VI. – HOME OCCUPATIONS.

Sec. 6-247. - Penalty for violation of article.

~~Violation of this article shall be a misdemeanor, and each day of violation shall constitute a separate offense. The fine for such violation shall be \$5.00 per day for each day. If violations exist for more than 30 days, they shall be deemed a public nuisance.~~ is guilty of a municipal infraction and shall have imposed a civil penalty of not more than three hundred dollars (\$300.00) for a first infraction. For each repeat infraction of the same section, a civil penalty not to exceed five hundred dollars (\$500.00) shall be imposed. A person violating the provisions of this code is guilty of a separate offense for each and every day during any portion of which any violation of this code is committed, continued, or permitted to be committed.

ARTICLE VII. – HOTELS AND MOTELS

Sec. 6-266. - Penalty for violation of article.

~~Any person who violates the provisions of this article shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punishable by a fine not to exceed \$500.00 or by imprisonment for a term not to exceed six months, or both.~~ is guilty of a municipal infraction and shall have imposed a civil penalty of not more than three hundred dollars (\$300.00) for a first infraction. For each repeat infraction of the same section, a civil penalty not to exceed five hundred dollars (\$500.00) shall be imposed. A person violating the provisions of this code is guilty of a separate offense for each and every day during any

portion of which any violation of this code is committed, continued, or permitted to be committed.

ARTICLE VIII. – PAWNBROKERS, JUNK DEALERS AND DEALERS IN SECOND HAND GOODS.

Sec. 6-292. - Penalty for violation of article.

~~(a) Any person who violates the provisions of this article shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punishable by a fine not to exceed \$500.00 or by imprisonment for a term not to exceed six months, or both. (b) Each day of failure to comply with the provisions of this article shall constitute a separate offense.~~ is guilty of a municipal infraction and shall have imposed a civil penalty of not more than three hundred dollars (\$300.00) for a first infraction. For each repeat infraction of the same section, a civil penalty not to exceed five hundred dollars (\$500.00) shall be imposed. A person violating the provisions of this code is guilty of a separate offense for each and every day during any portion of which any violation of this code is committed, continued, or permitted to be committed.

Chapter 16 – MUNICIPAL INFRACTIONS

ARTICLE I. - IN GENERAL

Sec. 16-1. - Penalty for violation of chapter.

Unless otherwise specifically provided, any person violating any provision of this chapter is guilty of a municipal infraction and shall have imposed a civil penalty of not more than three hundred dollars (\$300.00) for a first infraction.

For each repeat infraction of the same section, a civil penalty not to exceed five hundred dollars (\$500.00) shall be imposed.

A person violating the provisions of this code is guilty of a separate offense for each and every day during any portion of which any violation of this code is committed, continued, or permitted to be committed.

REPEAL Sections 16-2 through 16-46; 16-50

~~Sec. 16-2. – Assault.~~

~~A person commits the offense of assault if he:~~

~~(1) Purposely or knowingly causes bodily injury to another; (2) Negligently causes bodily injury to another with a weapon; (3) Purposely or knowingly makes physical contact of an insulting or provoking nature with any individual; or (4) Purposely or knowingly causes reasonable apprehension of bodily injury to another. The purpose to cause reasonable apprehension or the knowledge that reasonable apprehension would be caused shall be presumed in any case in which a person knowingly points a firearm at or in the direction of another, whether or not the offender believes the firearm to be loaded.~~
(Code 1981, § 9.02.010)

State Law reference—Assault, MCA 45-4-201.

~~Sec. 16-3.—Sexual assault.—~~

~~(a) A person who knowingly subjects another, not his spouse, to any sexual contact without consent commits the offense of sexual assault. (b) An act in the course of committing sexual assault shall include an attempt to commit the offense or flight after the attempt or commission.~~

(Code 1981, § 9.02.020)

State Law reference—Sexual assault, MCA 45-5-502.

~~Sec. 16-4.—Indecent exposure.—~~

~~A person who, for the purpose of arousing or gratifying the sexual desire of such person or of any person other than a spouse, exposes his or her genitals under circumstances in which the person knows such conduct is likely to cause affront or alarm commits the offense of indecent exposure.~~

(Code 1981, § 9.02.030)

State Law reference—Indecent exposure, MCA 45-5-504.

~~Sec. 16-5.—Prostitution.—~~

~~A person commits the offense of prostitution if such person:~~

~~(1) Engages in or agrees or offers to engage in sexual intercourse with another person for compensation; or (2) Loiters in or within view of any public place for the purpose of being hired to engage in sexual intercourse.~~

(Code 1981, § 9.02.040)

State Law reference—Prostitution, MCA 45-5-601.

~~Sec. 16-6.—Promoting prostitution.—~~

(a) A person commits the offense of promoting prostitution if such person purposely or knowingly commits any of the following acts: (1) Owns, controls, manages, supervises, resides in or otherwise keeps, alone or in association with others, a house of prostitution or a prostitution business; (2) Procures an inmate for a house of prostitution or a place in a house of prostitution for one who would be an inmate; (3) Encourages, induces or otherwise purposely causes another to become or remain a prostitute; (4) Solicits a person to patronize a prostitute; (5) Procures a prostitute for a patron; (6) Transports a person into or within this state with the purpose to promote that person's engaging in prostitution, or procures or pays for transportation with that purpose; (7) Leases or otherwise permits a place controlled by the offender, alone or in association with others, to be regularly used for prostitution or for the procurement of prostitution, or fails to make reasonable effort to abate such use by ejecting the tenant, notifying law enforcement authorities or using other legally available means; or (8) Lives, in whole or in part, upon the earnings of a person engaging in prostitution, unless the person is the prostitute's minor child or other legal dependent incapable of self-support. (b) On the issue of whether a place is a house of prostitution, the following, in addition to all other admissible evidence, shall be admissible: its general repute; the repute of the persons who reside in or frequent the place; or the frequency, timing and duration of the visits by nonresidents. Testimony of a person against a spouse shall be admissible under this action. (Code 1981, § 9.02.050)

State Law reference—Promoting prostitution, MCA 45-5-602.

Sec. 16-7.—Unlawful transactions with children.—

A person commits the offense of unlawful transactions with children if such person knowingly:

(1) Sells or gives explosives to a child under the age of majority, except as authorized under appropriate city ordinances; or (2) Sells or gives intoxicating substances to a child under the age of majority.

(Code 1981, § 9.02.060)

Cross reference—Sale of alcoholic beverages to minors, § 3-59; fireworks, § 16-48.

State Law reference—Unlawful transactions with children, MCA 45-5-623.

Sec. 16-8.—Criminal mischief.—

A person commits the offense of criminal mischief if such person knowingly or purposely:

(1) Injures, damages or destroys any property of another without consent; (2) Without consent, tampers with the property of another or public property so as to endanger or interfere with persons or property or its use; or (3) Damages or destroys property with the purpose to defraud an insurer.

~~(Code 1981, § 9.02.070)~~

~~Cross reference — Damaging or tampering with wastewater facilities, § 23-57.~~

~~State Law reference — Criminal mischief, MCA 45-6-101.~~

~~Sec. 16-9. — Negligent arson. —~~

~~A person commits the offense of negligent arson if such person purposely or knowingly starts a fire or causes an explosion, whether on such person's own property or property of another, and thereby negligently:~~

~~(1) Places another person in danger of death or bodily injury; or (2) Places property of another in danger of damage or destruction.~~

~~(Code 1981, § 9.02.080)~~

~~Cross reference — Causing fire by careless smoking, § 15-10.~~

~~State Law reference — Negligent arson, MCA 45-6-102.~~

~~Sec. 16-10. — Criminal trespass to vehicles. —~~

~~A person commits the offense of criminal trespass to vehicles when such person purposely or knowingly and without authority enters any vehicle or any part thereof.~~

~~(Code 1981, § 9.02.090)~~

~~Cross reference — Unauthorized use of motor vehicle, § 16-16.~~

~~State Law reference — Criminal trespass to vehicles, MCA 45-6-202.~~

~~Sec. 16-11. — Criminal trespass to property. —~~

~~A person commits the offense of criminal trespass to property if such person knowingly:~~

~~(1) Enters or remains unlawfully in an occupied structure; or (2) Enters or remains unlawfully in or upon the premises of another.~~

~~(Code 1981, § 9.02.100)~~

~~State Law reference — Criminal trespass to property, MCA 45-6-203.~~

~~Sec. 16-12. — Possession of burglary tools. —~~

~~A person commits the offense of possession of burglary tools when such person knowingly possesses any key, tool, instrument, device or explosive suitable for breaking into an occupied~~

structure or vehicle or any depository designed for the safekeeping of property, or any part thereof, with the purpose to commit an offense therewith.

(Code 1981, § 9.02.110)

State Law reference—Possession of burglary tools, MCA 45-6-205.

Sec. 16-13.—Theft generally.—

(a) A person commits the offense of theft when he: (1) Purposely or knowingly obtains or exerts unauthorized control over property of the owner; (2) Purposely or knowingly obtains by threat or deception control over property of the owner; (3) Purposely or knowingly obtains control over stolen property, knowing the property to have been stolen by another; (4) Has the purpose of depriving the owner of the property; (5) Purposely or knowingly uses, conceals or abandons the property in such manner as to deprive the owner of the property; or (6) Purposely or knowingly uses, conceals or abandons the property, knowing such use, concealment or abandonment probably will deprive the owner of the property. (b) A person convicted of the offense of theft of property under this section not exceeding \$150.00 in value shall be fined not to exceed \$500.00 or be imprisoned in jail for any term not to exceed six months, or both.

(Code 1981, § 9.02.120)

State Law reference—Theft, MCA 45-6-301.

Sec. 16-14.—Theft of lost or mislaid property.—

A person who obtains control over lost or mislaid property commits the offense of theft when such person:

(1) Knows or learns the identity of the owner, or knows or is aware of or learns of a reasonable method of identifying the owner; (2) Fails to take reasonable measures to restore the property to the owner; and (3) Has the purpose of depriving the owner permanently of the use or benefit of the property.

(Code 1981, § 9.02.130)

State Law reference—Theft of lost or mislaid property, MCA 45-6-302.

Sec. 16-15.—Theft of labor or services or use of property.—

A person commits the offense of theft when such person obtains the temporary use of property, labor or service of another which is available only for hire by means of threat or deception, or knowing that such use is without the consent of the person providing the property, labor or services.

(Code 1981, § 9.02.140)

State Law reference—Theft of labor or services or use of property, MCA 45-6-305.

Sec. 16-16.—Unauthorized use of motor vehicle.—

(a) A person commits the offense of unauthorized use of motor vehicles if such person knowingly operates the automobile, airplane, motorcycle, motorboat or other motor-propelled vehicle of another without his consent. (b) It is an affirmative defense that the offender reasonably believed that the owner would have consented to the operation had such owner known of it.

(Code 1981, § 9.02.150)

Cross-reference—Criminal trespass to vehicles, § 16-10.

State Law reference—Unauthorized use of motor vehicle, MCA 45-6-308.

Sec. 16-17.—Deceptive practices generally.—

A person commits the offense of deceptive practices when such person purposely or knowingly:

(1) Causes another, by deception or threat, to execute a document by which a pecuniary obligation is incurred; (2) Makes or directs another to make a false or deceptive statement addressed to the public or any person for the purpose of promoting or procuring the sale of property or services; (3) Makes or directs another person to make or knowingly accepts a false or deceptive statement to any person respecting his financial condition for the purpose of procuring a loan or credit; or (4) Obtains or attempts to obtain property, labor or services by any of the following means: a. Using a credit card which was issued to another, without the other's consent. b. Using a credit card that has been revoked or cancelled. c. Using a credit card that has been falsely made, counterfeited or altered in any material respect. d. Using the pretended number or description of a fictitious credit card. e. Using a credit card which has expired, provided that the credit card clearly indicates the expiration date.

(Code 1981, § 9.02.160)

State Law reference—Deceptive practices, MCA 45-6-317.

Sec. 16-18.—Deceptive business practices.—

(a) A person commits the offense of deceptive business practices if in the course of engaging in a business, occupation or profession such person purposely or knowingly: (1) Uses or possesses for use a false weight or measure or any other device for falsely determining or recording any quality or quantity; (2) Sells, offers or exposes for sale or delivers less than the represented quantity of any commodity or service; (3) Takes or attempts to take more than the represented quantity of any commodity or service when as buyer he furnished the weight or measure; (4) Sells, offers or exposes for sale adulterated commodities; (5) Sells, offers or exposes for sale mislabeled commodities; or (6) Makes a deceptive statement regarding the

quantity or price of goods in any advertisement addressed to the public.(b)For purposes of this section:(1)Adulterated means varying from the standard of composition or quality prescribed by state law or lawfully promulgated administrative regulation or, if none, as set by established commercial usage.(2)Mislabeled means:a.Varying from the standard truth or disclosure in labeling prescribed by state law or lawfully promulgated administrative regulation or, if none, as set by established commercial usage; orb.Represented as being another person's produce, though otherwise labeled accurately as to quality or quantity.
(Code 1981, § 9.02.170)

State Law reference—Deceptive business practices, MCA 45-6-318.

Sec. 16-19.—Issuing bad checks.—

(a)A person commits the offense of issuing a bad check when, with the purpose of obtaining control over property or to secure property, labor or services of another, such person issues or delivers a check or other order upon a real or fictitious depository for the payment of money, knowing that it will not be paid by the depository.(b)If the offender has an account with the depository, failure to make good the check or other order within five days after written notice of nonpayment has been received by the issuer is prima facie evidence that the offender knew that it would not be paid by the depository.
(Code 1981, § 9.02.180)

State Law reference—Issuing bad check, MCA 45-6-316.

Sec. 16-20.—Forgery.—

(a)A person commits the offense of forgery when, with purpose to defraud, such person knowingly:(1)Without authority makes or alters any document or other object apparently capable of being used to defraud another in such manner that it purports to have been made by another or at another time, or with different provisions or of different composition;(2)Issues or delivers such document or other object, knowing it to have been thus altered;(3)Possesses with the purpose of issuing or delivering any such document or other object, knowing it to have been thus made or altered; or(4)Possesses with knowledge of its character any plate, die or other device, apparatus, equipment or article specifically designed for use in counterfeiting or otherwise forging written instruments.(b)A purpose to defraud means that the purpose of causing another to assume, create, transfer, alter or terminate any right, obligation or power with reference to any person or property.(c)A document or other object capable of being used to defraud includes, but is not limited to, one by which any right, obligation or power with reference to any person or property may be created, transferred, altered or terminated.
(Code 1981, § 9.02.190)

State Law reference—Forgery, MCA 45-6-325.

Sec. 16-21.—Obscuring identity of machine.—

A person commits the offense of obscuring the identity of a machine if such person:

(1) Removes, defaces, covers, alters, destroys or otherwise obscures the manufacturer's serial number or any other distinguishing identification number or mark upon any machine, vehicle or electrical device with the purpose to conceal, misrepresent or transfer any such machine, vehicle or electrical device; or (2) Possesses with the purpose to conceal, misrepresent or transfer any such machine, vehicle or device, knowing that such serial number or other identification number or mark has been removed or otherwise obscured.

(Code 1981, § 9.02.200)

State Law reference—Obscuring the identity of a machine, MCA 45-6-326.

Sec. 16-22.—Defrauding creditors.—

A person commits the offense of defrauding creditors if he destroys, conceals, encumbers, transfers, removes from the state or otherwise deals with property subject to a security interest with the purpose to hinder enforcement of that interest. The term "security interest" means an interest in personal property or fixtures as defined in the Uniform Commercial Code of the state statutes.

(Code 1981, § 9.02.210)

State Law reference—Defrauding creditors, MCA 45-6-315.

Sec. 16-23.—Threats and other improper influence in official and political proceedings.—

A person commits an offense under this section if such person purposely or knowingly:

(1) Threatens unlawful harm to any person with the purpose of influencing the decision, opinion, recommendation, vote or other exercise of discretion as a public servant, party official or voter of such person; (2) Threatens harm to any public servant with the purpose to influence the decision, opinion, recommendation, vote or other exercise of discretion in a judicial or administrative proceeding of such public servant; (3) Threatens harm to any public servant or party official with the purpose to influence such public servant or party official to violate his duty; (4) Privately addresses to any public servant who has or will have an official discretion in a judicial or administrative proceeding any representation, entreaty, argument or other communication designed to influence the outcome on the basis of considerations other than those authorized by law. It is no defense to prosecution under this section that a person whom the offender sought to influence was not qualified to act in the desired way, whether because such person had not yet assumed office, or lacked jurisdiction or for any other reason; or (5) As a juror, or officer in charge of a jury, receives or permits to be received any communication relating to any matter pending before such jury, except according to the regular course of proceedings.

(Code 1981, § 9.02.220)

State Law reference—Threats and other improper influence in official and political matters, MCA 45-7-102.

Sec. 16-24.— Accepting compensation for past actions as public servant.—

A person commits an offense under this section if such person knowingly solicits or accepts or agrees to accept any pecuniary benefit as compensation for having, as a public servant, given a decision, opinion, recommendation or vote favorable to another, or for having violated his duty. A person commits an offense under this section if such person knowingly offers, confers or agrees to confer compensation, acceptance of which is prohibited by this section.

(Code 1981, § 9.02.230)

State Law reference— Compensation for past official behavior, MCA 45-7-103.

Sec. 16-25.— Gifts to public servants by persons subject to their jurisdiction.—

(a) No public servant in any department or agency exercising regulatory function, conducting inspections or investigations, carrying on a civil or criminal litigation on behalf of the government, or having custody of prisoners shall solicit, accept or agree to accept any pecuniary benefit from a person known to be subject to such regulation, inspection, investigation or custody, or against whom such litigation is known to be pending or contemplated. (b) No public servant having any discretionary function to perform in connection with contracts, purchases, payments, claims or other pecuniary transactions of the government shall solicit, accept or agree to accept any pecuniary benefit from any person known to be interested in or likely to become interested in any contract, purchase, payment, claim or transaction. (c) No public servant having judicial or administrative authority and no public servant employed by or in a court or other tribunal having such authority or participating in the enforcement of its decision, shall solicit, accept or agree to accept any pecuniary benefit from a person known to be interested in or likely to become interested in any matter before such public servant or tribunal with which he is associated. (d) No legislator or public servant employed by the legislature or by any committee or agency thereof shall solicit, accept or agree to accept any pecuniary benefit from a person known to be interested in or likely to become interested in any matter before the legislature or any committee or agency thereof. (e) This section shall not apply to: (1) Fees prescribed by law to be received by a public servant, or any other benefit for which the recipient gives legitimate consideration or to which such recipient is otherwise entitled; or (2) Trivial benefits incidental to personal, professional or business contacts and involving no substantial risk of undermining official impartiality. (f) No person shall knowingly confer or offer or agree to confer any benefit prohibited by this section.

(Code 1981, § 9.02.240)

State Law reference—Gifts to public servants by persons subject to their jurisdiction, MCA 45-7-104.

~~Sec. 16-26.—False swearing.—~~

~~A person commits the offense of false swearing if such person knowingly makes a false statement under oath or equivalent affirmation, or swears or affirms the truth of such a statement previously made when such person does not believe the statement to be true, and:~~

~~(1)The falsification occurs in an official proceeding;(2)The falsification is purposely made to mislead a public servant in performing his official function; or(3)The statement is one which is required by law to be sworn or affirmed before a notary or other person authorized to administer oaths.~~

~~(Code 1981, § 9.02.250)~~

State Law reference—False statements, MCA 45-7-202.

~~Sec. 16-27.—Unsworn falsification to authorities.—~~

~~A person commits an offense under this section if, with purpose to mislead a public servant in performing his official function, he:~~

~~(1)Makes any written false statement which he does not believe to be true;(2)Purposely creates a false impression in a written application for any pecuniary or other benefit by omitting information necessary to prevent statements therein from being misleading;(3)Submits or invites reliance on any writing which he knows to be forged, altered or otherwise lacking in authenticity; or(4)Submits or invites reliance on any sample, specimen, map, boundary mark or other object which he knows to be false.~~

~~(Code 1981, § 9.02.260)~~

State Law reference—Unsworn falsification to authorities, MCA 45-7-203.

~~Sec. 16-28.—False alarms to agencies of public safety.—~~

~~A person commits an offense under this section if such person knowingly causes a false alarm of fire or other emergency to be transmitted to or within any organization, official or volunteer, which deals with emergencies involving danger to life or property.~~

~~(Code 1981, § 9.02.270)~~

State Law reference—False alarms to agencies of public safety, MCA 45-7-204.

~~Sec. 16-29.—False reports to law enforcement authorities.—~~

~~A person commits an offense under this section if such person knowingly:~~

(1) Gives false information to any law enforcement officer with the purpose to implicate another; (2) Reports to law enforcement authorities an offense or other incident within their concern, knowing that it did not occur; or (3) Pretends to furnish such authorities with information relating to an offense or incident when such person knows he has no information relating to such offense or incident.

(Code 1981, § 9.02.280)

State Law reference—False reports to law enforcement authorities, MCA 45-7-205.

Sec. 16-30.—Impersonating public servant.—

A person commits the offense of impersonating a public servant if such person falsely pretends to hold a position in the public service with the purpose to induce another to submit to such pretended official authority or otherwise to act in reliance upon that pretense to his prejudice.

(Code 1981, § 9.02.290)

State Law reference—Impersonating a public servant, MCA 45-7-209.

Sec. 16-31.—Resisting arrest.—

(a) A person commits the offense of resisting arrest if such person knowingly prevents or attempts to prevent a police officer from effecting an arrest by: (1) Using or threatening to use physical force or violence against the police officer or another; or (2) Using any other means which creates a risk of causing physical injury to the police officer or another. (b) It is no defense to a prosecution under this section that the arrest was unlawful, provided the police officer was acting under color of official authority.

(Code 1981, § 9.02.300)

State Law reference—Resisting arrest, MCA 45-7-301.

Sec. 16-32.—Obstructing police officer or other public servant.—

(a) A person commits the offense of obstructing a police officer or public servant if such person knowingly obstructs, impairs or hinders the enforcement of the criminal law, the preservation of the peace or the performance of a governmental function. (b) It is no defense to prosecution under this section that the police officer was acting in an illegal manner, provided the police officer was acting under color of official authority.

(Code 1981, § 9.02.310)

State Law reference—Obstructing a peace officer or other public servant, MCA 45-7-302.

Sec. 16-33.—Obstructing justice.—

(a) A person commits the offense of obstructing justice if, knowing a person is an offender, he purposely: (1) Harbors or conceals an offender; (2) Warns an offender of impending discovery or apprehension, except this does not apply to a warning given in connection with an effort to bring an offender into compliance with the law; (3) Provides an offender with money, transportation, weapon, disguise or other means of avoiding discovery or apprehension; (4) Prevents or obstructs, by means of force, deception or intimidation, anyone from performing an act that might aid in the discovery or apprehension of an offender; (5) Suppresses by act of concealment, alteration or destruction any physical evidence that might aid in the discovery or apprehension of an offender; or (6) Aids an offender who is subject to official detention to escape from such official detention. (b) For the purpose of this section, offender means a person who has been or is liable to be arrested, charged, convicted or punished for a public offense.
(Code 1981, § 9.02.320)

State Law reference — Obstructing justice, MCA 45-7-303.

Sec. 16-34. — Failure to aid police officer. —

Where it is reasonable for a police officer to enlist the cooperation of a person in:

(1) Effectuating or securing an arrest of another; or (2) Preventing the commission by another of an offense;
a police officer may order such person to cooperate. A person commits the offense of failure to aid a police officer if such person knowingly refuses to obey such an order.

(Code 1981, § 9.02.330)

State Law reference — Failure to aid a peace officer, MCA 45-7-304.

Sec. 16-35. — Compounding a felony.

A person commits the offense of compounding a felony if such person knowingly accepts or agrees to accept any pecuniary benefit in consideration for:

(1) Refraining from seeking prosecution of a felony; or (2) Refraining from reporting to law enforcement authorities the commission or suspected commission of any felony or information relating to a felony.

(Code 1981, § 9.02.340)

State Law reference — Compounding a felony, MCA 45-7-305.

Sec. 16-36. — Bail jumping. —

(a) A person commits the offense of bail jumping if, having been set at liberty by court order, with or without security, upon condition that such person will subsequently appear at a

specified time and place, he purposely fails without excuse to appear at that time and place.(b)This section shall not interfere with the exercise by any court of its power to punish for contempt.(c)This section shall not apply to a person set at liberty by court order upon condition that such person will appear in connection with a charge of having committed a misdemeanor, except it shall apply where the judge has released the defendant on his own recognizance.

(Code 1981, § 9.02.350)

State Law reference—Bail jumping, MCA 45-7-308.

Sec. 16-37.—Criminal contempt.—

A person commits the offense of criminal contempt when such person knowingly engages in any of the following conduct:

(1)Disorderly, contemptuous or insolent behavior committed during the sitting of a court, in its immediate view and presence and directly tending to interrupt its proceedings or to impair the respect due to its authority;(2)Breach of the peace, noise or other disturbance directly tending to interrupt a court's proceeding;(3)Purposely disobeying or refusing any lawful process or other mandate of a court;(4)Unlawfully refusing to be sworn as a witness in any court proceeding or, after being sworn, refusing to answer any legal and proper interrogatory;(5)Purposely publishing a false or grossly inaccurate report of a court's proceeding; or(6)Purposely failing to obey any mandate, process or notice relative to juries, issued pursuant to state statutes.

(Code 1981, § 9.02.360)

Cross reference—Court, ch. 8.

State Law reference—Criminal contempt, MCA 45-7-309.

Sec. 16-39.—Failure of disorderly persons to disperse.—

(a)Where two or more persons are engaged in disorderly conduct, a police officer, judge or mayor may order the participants to disperse. A person who purposely refuses or knowingly fails to obey such an order commits the offense of failure to disperse.(b)A person convicted of the offense of failure to disperse shall be fined not to exceed \$100.00 or be imprisoned in jail for a term not to exceed ten days, or both.

(Code 1981, § 9.02.380)

State Law reference—Failure of disorderly persons to disperse, MCA 45-8-102.

Sec. 16-40.—Riot.—

A person commits the offense of riot if such person purposely and knowingly disturbs the peace by engaging in an act of violence or threat to commit an act of violence as part of an

assemblage of five or more persons, which act or threat presents a clear and present danger of, or results in, damage to property or injury to persons.

(Code 1981, § 9.02.390)

State Law reference—Riot, MCA 45-8-103.

Sec. 16-41.—Incitement to riot.—

A person commits the offense of incitement to riot if such person purposely and knowingly commits an act or engages in conduct that urges other persons to riot. Such act or conduct shall not include the mere oral or written advocacy of ideas or expression of belief, which advocacy or expression does not urge the commission of an act of immediate violence.

(Code 1981, § 9.02.400)

State Law reference—Incitement to riot, MCA 45-8-104.

Sec. 16-42.—Firearms—Definition.—

(a)Whenever used in this Code, the word "firearm" shall include the following:(1)Any small arms weapon, including, but not limited to a rifle, shotgun, pistol, or revolver, which fires a projectile which is propelled by gunpowder;(2)Any bb gun or pellet gun, with the exception of toy type guns which shoot non-metallic projectiles at a velocity which is not great enough to penetrate human skin.

(Ord. No. 1298, § 1, 8-11-15)

Sec. 16-43.—Discharge of firearms.—

(a)It shall be unlawful for any person to willfully shoot or fire off a firearm within the limits of the city.(b)It shall be unlawful for any person to willfully discharge a firearm upon any city-owned or city-leased property within three miles beyond the city limits of the City of Miles City, including, but not limited to, Spotted Eagle Recreation Area, Frank Wiley Field, the city wastewater treatment plant and adjoining former lagoon area, the city water treatment plant property and pumping plant park, and the industrial site west of the city limits. This prohibition shall not apply to authorized users of the Miles City Police Department pistol range adjacent to the city water treatment plant, nor to shotgun users of the trap shooting range at Spotted Eagle Recreation Area during daylight hours. The following hunting exceptions apply: with permission obtained 24 hours in advance from the airport manager or the waste water plant manager/operator, archery for big game hunting; shotgun and archery hunting of upland game birds, spring turkey and waterfowl on city-owned property which is fenced outside of the runways at the airport, and hunting access is also allowed at the wastewater plant, providing hunting access to the river.(c)Any person who violates this section shall be punishable by a fine not exceeding \$500.00 or by imprisonment in the county jail for a period not exceeding six months, or both.(d)Firearms may be discharged in an indoor

or outdoor rifle, pistol, or shotgun shooting range located within the city limits if the shooting range is approved by the city council. (e) Subsections (a) and (b) do not apply if the discharge of a firearm is justifiable under MCA Title 45, Chapter 3, Part 1. (Code 1981, § 9.02.420; Ord. No. 1236, § 2, 4-10-12; Ord. No. 1250, § 1, 2-12-13; Ord. No. 1298, § 2, 8-11-15)

State Law reference—Firing firearms, MCA 45-8-343.

~~Sec. 16-44.—Reserved.——~~

~~Editor's note—Ord. No. 1332, § 1, adopted April 23, 2019, repealed § 16-44, which pertained to carrying or sale of switchblade knives and derived from the Code of 1981, § 9.02.430.~~

~~Sec. 16-45.—Carrying weapon in prohibited place.—~~

~~(a) It is unlawful for any person to purposely or knowingly carry, concealed or unconcealed, any dirk, dagger, firearm, slingshot, sword, sword cane, billy knuckles made of any metal or hard surface, knife having a blade four inches long or longer, razor, not including a safety razor, or other deadly weapon in the following places: (1) In a publicly owned building within the city limits; (2) In a park within the city, unless such person has a concealed weapon permit (CWP) valid in the State of Montana, in which case they may carry the same in a concealed fashion; (3) In a school within the city limits. (b) Subsection (a) shall not apply to: (1) Any peace officer of the State of Montana or of another state who has the power to make arrests; (2) Any officer of the United States government authorized to carry a concealed weapon; (3) A person in actual service as a member of the national guard; (4) A person summoned to the aid of any of the persons named in subsections (b)(1) through (b)(3); (5) A civil officer or the officer's deputy engaged in the discharge of official business; (6) A probation and parole officer authorized to carry a firearm under MCA 46-23-1002; (7) An agent of the department of justice or a criminal investigator in a county attorney's office. (c) Nothing contained in this section shall prohibit the legitimate display of firearms at shows or other public occasions by collectors or others or the legitimate transportation of firearms through the city, whether in airports or otherwise. (d) It is not a defense to this section that the person had a valid permit to carry a concealed weapon. (e) A person convicted of violating this section shall be punished by a fine not to exceed \$500.00 or imprisonment in the county jail for a term not to exceed six months, or both.~~

~~(Code 1981, § 9.02.440; Ord. No. 1236, § 3, 4-10-12; Ord. No. 1298, § 3, 8-11-15)~~

~~Sec. 16-46.—Carrying of firearms by minors.——~~

~~It is unlawful for a parent, guardian or other person having the charge or custody of any minor child under the age of 14 years to permit such minor child to carry or use in public any firearms of any description within the city limits, except when the child is accompanied by a person having charge or custody of the child or under the supervision of a qualified firearms safety instructor or an adult who has been authorized by the parent or guardian.~~

~~(Code 1981, § 9.02.450; Ord. No. 1236, § 4, 4-10-12)~~

~~State Law reference— Use of firearms by children under fourteen prohibited, MCA 45-8-344.~~

Sec. 16-47. - Open burning.

It shall be unlawful for any person to start an open outdoor fire without a permit from the chief of the city fire department; provided this section shall not apply to small fires used for outdoor cooking or other recreational purposes as long as no public nuisance is created.

(Code 1981, § 9.02.460)

Cross reference— Incineration of solid waste, § 19-7.

Sec. 16-48. - Fireworks.

It shall be unlawful for any person to discharge or cause to be discharged any fireworks, as defined by state law, within the city limits; provided that the city council may grant a permit for a supervised public display of fireworks to be held by the city, fair association, amusement park or other organizations or groups of individuals. The city council, by resolution, may allow the discharge of fireworks at special times and places as deemed appropriate as long as such use is in accordance with state law and any other reasonable restrictions which the council may impose in order to preserve the public peace and safety. Notwithstanding the foregoing, the discharge of fireworks shall be allowed between the hours of 10:00 a.m. and 10:00 p.m. on July 3rd; between 10:00 a.m. and midnight on July 4th; and between 10:00 a.m. and 10:00 p.m. July 5th; at the following locations within the city of Miles City, to-wit: Bender Park, Riverside Park, Jaycee Field, Tedesco Field. Furthermore, non-aerial fireworks, being those fireworks which do not project themselves into the air, or fire projectiles into the air, shall be generally allowed within the city limits on July 4th of each year, but shall not be allowed on any other day except as hereinbefore set forth. The foregoing allowances may be altered or suspended by resolution of the city council, or by executive order of the mayor.

(Code 1981, § 9.02.470; Ord. No. 1154, § 1, 4-26-05; Ord. No. 1313, § 1, 7-11-17)

Cross reference— Unlawful transactions with children, § 16-7.

State Law reference— Supervised public display of fireworks authorized, MCA 50-37-107.

Sec. 16-49. - Posting of handbills.

It shall be unlawful for any person to post or cause to be posted any advertisement, political or otherwise, upon any telephone pole, tree, building or other structure within the city limits, without first having obtained the written consent of the owner of such property.

(Code 1981, § 9.02.480)

Cross reference— Posting of advertisements in public places, § 20-2.

~~Sec. 16-50.—Peeping person.—~~

~~(a)Definition. The term "peeping person" means one who looks or peeps through the window(s) or door(s) or other like places of the premises of another for the purpose of spying upon or invading the privacy of the person spied upon, and the doing of any other act of a similar nature which invades the privacy of such persons. A person does not have to be on the premises of another to be a peeping person.(b)Prohibited. It is unlawful for any person to be a peeping person, or to go upon, approach or be near the premises of another for the purpose of becoming a peeping person.(c)Penalty for violation. Any person who violates the provisions of this section shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punishable by a fine not to exceed \$500.00 or by imprisonment for a term not to exceed six months, or both.(d)Severability. If any provision of this section shall be held invalid or unenforceable, none of the other provisions of this section shall thereby in any way be affected, impaired or rendered inoperative but shall be given full force and effect as if all the provisions of this section were lawfully valid and enforceable.~~

~~(Ord. No. 1057, §§ 1—4, 11-22-94)~~

Secs. 16-51—16-100. - Reserved.

ARTICLE II. - CURFEW

Sec. 16-101. - Short title.

This article shall be known and may be cited as the curfew article.

(Ord. No. 1052, § 4, 7-26-94)

Sec. 16-102. - Purpose.

The purpose of this article is to establish reasonable restrictions upon the time of day during which juveniles shall be allowed in or upon any of the streets or other public places of the city. Such restrictions are enacted to further the general welfare of the community and specifically to further the following community interests: (1) the protection of the younger children in the city from each other and from other persons on the street during the nighttime hours; (2) the enforcement of parental control of, and responsibility for, their children; (3) the protection of the public from nocturnal mischief by children, which has been increasing; (4) the reduction in the incidence of juvenile criminal activity, which has been on the rise; and (5) prevent exposure to, and the possibility of being led into involvement with, crimes of violence, destruction and/or self-destruction. These restrictions are enacted pursuant to MCA 7-1-4123.

Sec. 16-103. - Scope.

The provisions of this article are intended to apply to all juveniles under the age of 18 years and to the parent(s) of such juveniles.

Sec. 16-104. - Definitions.

As used in this article, the following definitions shall apply:

City. The local government of the city, and all of the area located within its boundaries and properties owned by the city.

Curfew. A regulation establishing restrictions upon the time of day during which juveniles may appear on any of the street or public places of the city.

Emergency. Emergency shall include, but not limited to, fire, natural disaster, an automobile accident, or obtaining immediate medical care for another person.

~~Law enforcement facility. The offices of the City of Miles City Police Department, 1010 Main, Miles City, Montana, or the Custer County Sheriff's Office, located in the city.~~

Law enforcement officer. Any duly sworn peace officer or agent acting under the authority of a recognized law enforcement entity.

Juvenile. Any person, male or female, who has not attained the age of 18 years.

Juvenile child(ren). Any juvenile person(s) over whom an adult has legal custody of: (i) by being the natural or adoptive parent of such juvenile person; (ii) by being the legal guardian of such juvenile person; or (iii) by being given legal custody of such juvenile person by order of court.

Parents. Any person(s) having legal custody of a juvenile: (i) as a natural or adoptive parent; (ii) as a legal guardian; or (iii) as a person to whom legal custody has been given by order of court.

Person. Any human being, male or female.

Public place. Any park, playground, school yard, or other public or privately-owned property within the jurisdiction of the city to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, vehicles and shops.

Street. Any public street, highway, sidewalk, parking lot, alley or other public way within the jurisdiction of the city.

(Ord. No. 1052, § 5, 7-26-94)

Sec. 16-105. - Curfew for juveniles.

A curfew restricting the time of day during which juvenile persons may appear on any of the streets or in any of the public places of the city, is hereby established. No juvenile shall knowingly remain, walk, run, stand, drive or ride about, in or upon any street or public place in the city between the hours of 11:00 p.m. and 6:00 a.m. except on Friday or Saturday nights and on any other night preceding a holiday recognized by the United States of America, State of Montana, or the City of Miles City, the hours shall be between 12:00 midnight and 6:00 a.m.

Sec. 16-106. - Exceptions.

In the following exceptional cases, a juvenile in or upon any street or public place within the city, during the hours provided herein, shall not be considered in violation of this curfew article when:

(1)Accompanied by a parent of such juvenile.(2)In the performance of an emergency.(3)Attending a school, government, or religious activity. This exception will apply for one-half hour before to one-half hour after such activity.(4)Engaged in legally recognized employment. This exception will apply for the period from one-half hour before to one-half hour after work.

(Ord. No. 1052, § 6, 7-26-94)

Sec. 16-107. - Duty of parent.

No parent of any juvenile shall knowingly allow or permit any such juvenile to go or be in or upon any street or public place within the city after the hours prescribed. The circumstances must be such that a reasonable, responsible parent should have known of the juvenile's violation.

(Ord. No. 1052, § 5, 7-26-94)

Sec. 16-108. - Duty of law enforcement officers.

(a)Upon finding a juvenile in violation of any of the provisions of this curfew article, it shall be the duty and responsibility of any law enforcement officer to take the name of such juvenile and the name and address of the juvenile's parent.(b)The law enforcement officer shall ~~arrest~~ detain the juvenile and the parent shall immediately be notified to appear and take custody and charge of such juvenile.(c)When a juvenile is ~~arrested~~ detained for violation of the provisions of this article, the law enforcement officer shall turn the juvenile over to the juvenile's parent(s). If a parent cannot be located, or fails to take charge of the juvenile, said juvenile may be entrusted to a relative, neighbor or other person who will, on behalf of the parent(s), assume the responsibility of caring for the juvenile pending the availability or the arrival of the parent(s). In cases where the juvenile is released to someone other than a parent

the ~~arresting~~ investigating officer must locate and notify such parent(s) within 48 hours of the arrest.(d)In cases where a responsible relative or adult cannot be readily located, the arresting officer shall transport the juvenile to the police department law enforcement facility until a responsible adult can be located. The juvenile shall then be released into their custody.(e)If an officer locates the juvenile's parent(s) and the investigation reveals the parent(s) knowingly allowed or permitted the juvenile to violate this curfew article, the officer shall have the authority to issue to said parent(s) a citation for the described violation. Both parents may be issued a separate citation under this paragraph and in such case, each parent cited shall be subject to the fines listed below.(f)The law enforcement officer shall file a written report (Complaint and Offense Report) to the chief of police or his designee within 24 hours of violation if criminal charges are to be made under this article.(g)Notwithstanding the penal effect of this article, the chief of police is encouraged to develop alternative enforcement strategies, which may include, but need not be limited to, the return of juveniles to their residences and counseling with juveniles and their parent(s). The enforcement strategies shall be promulgated in writing to members of the police department so that this article may be enforced in a uniform manner.

Sec. 16-109. - Penalty for violation.

Upon an incident of violation of this article by a juvenile, written notice shall be given to the juvenile and such juvenile's parent(s), whether or not such parent(s) knowingly allowed or permitted such violation. Violations and convictions of this article by either a juvenile or parent(s) subsequent to this giving of written notice shall be considered municipal infractions and shall result in the imposition of the following fines:

	Juvenile Violation	Parental Violation
1st Subsequent Violation	\$ 25.00	\$ 50.00
2nd Subsequent Violation	50.00	75.00
3rd Subsequent Violation	50.00	100.00
4th Subsequent Violation	50.00	150.00
5th Subsequent Violation	50.00	200.00
6th and all Subsequent Violations	50.00	250.00

The parental violation shall apply and accumulate to each parent separately and individually. The parental violation and juvenile violation shall be determined independently. For purposes of determining whether a parental violation is a 1st, 2nd, 3rd, 4th, 5th or 6th and subsequent violation, all previous violations by the parent shall be counted without regard to whether they related to different juvenile children of the parent.

Juveniles shall be cited into city court upon violation of this article at the discretion of the arresting police officer, or alternatively, may be cited into juvenile probation.

(Ord. No. 1052, § 9, 7-26-94)

Sec. 16-110. - Severability.

If any provision of this curfew article shall be held invalid or unenforceable, none of the other provisions of this article shall thereby in any way be affected, impaired, or rendered inoperative but shall be given full force and effect as if all the provisions of this article were lawfully valid and enforceable.

CHAPTER 17 – PARKS AND RECREATION

ARTICLE IV. – BOATS, LAKES, and WATERWAYS

Sec. 17-79. - Motorboats prohibited on Cook Lake.

(a)Prohibition. It shall be unlawful to operate a motorboat or personal watercraft within and upon the confines of Cook Lake except as provided in subsection (c), below.

(b)Definitions.

(1)Motorboat. Motorboat means any vessel propelled by any machinery, motor, or engine of any description, whether or not such machinery, motor, or engine is the principal source of propulsion. The term includes boats temporarily equipped with detachable machinery, motors, or engines, but does not include personal watercraft.

(2)Personal watercraft. Personal watercraft means a vessel that uses an outboard motor or inboard engine powering a water jet pump as its primary source of propulsion and that is designed to be operated by a person sitting, standing or kneeling on the vessel rather than by the conventional method of sitting or standing in the vessel.

(c)Exceptions. It shall be lawful to operate a motorboat or personal watercraft within and upon the confines of Cook Lake from July 1st through August 15th of any year under the following conditions:

(1)Motorboats. No more than one motorboat shall be in operation within and upon the confines of Cook Lake at any one time.

(2)Personal watercraft. No more than four personal watercrafts shall be in operation within and upon the confines of Cook Lake at any one time.

(3)Exclusivity. No motorboat or personal watercraft shall be in operation at the same time within the confines of Cook Lake.

~~(d)Penalty for violation. Any person who violates the provisions of this article shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punishable by any one or all of the following penalties:(1)Fine. A fine not to exceed \$500.00;(2)Imprisonment. By imprisonment for a term not to exceed six months;~~

(1) Any person violating any provision of this section is guilty of a municipal infraction and shall have imposed a civil penalty of not more than three hundred dollars (\$300.00) for a first infraction. For each repeat infraction of the same section, a civil penalty not to exceed five hundred dollars (\$500.00) shall be imposed. A person violating the

provisions of this code is guilty of a separate offense for each and every day during any portion of which any violation of this code is committed, continued, or permitted to be committed; and/or

(2)Suspension of privileges. Any person violating this section may have his or her privileges for operating a motorboat or personal watercraft within or upon the confines of Cook Lake suspended for a period of up to one year.

ARTICLE V. – PARK USE PERMITS

Sec. 17-113. - Violation ~~a misdemeanor~~; penalty.

~~Any person violating any provisions of this article shall be guilty of a misdemeanor punishable by a fine not to exceed \$500.00, or imprisonment for a term not to exceed six months, or both.~~

Any person violating any provision of this article is guilty of a municipal infraction and shall have imposed a civil penalty of not more than three hundred dollars (\$300.00) for a first infraction. For each repeat infraction of the same section, a civil penalty not to exceed five hundred dollars (\$500.00) shall be imposed. A person violating the provisions of this code is guilty of a separate offense for each and every day during any portion of which any violation of this code is committed, continued, or permitted to be committed.

ARTICLE VI. – PARK REGULATIONS.

Sec. 17-122. - Violation ~~a misdemeanor~~; penalty.

~~Any person violating any provisions of this Article shall be guilty of a misdemeanor punishable by a fine not to exceed \$500.00, or imprisonment for a term not to exceed six months, or both.~~

Any person violating any provision of this article is guilty of a municipal infraction and shall have imposed a civil penalty of not more than three hundred dollars (\$300.00) for a first infraction. For each repeat infraction of the same section, a civil penalty not to exceed five hundred dollars (\$500.00) shall be imposed. A person violating the provisions of this code is guilty of a separate offense for each and every day during any portion of which any violation of this code is committed, continued, or permitted to be committed.

Chapter 19 – SOLID WASTE

Sec. 19-2. - Penalty for violation of chapter.

Except as otherwise specified, any person who violates the provisions of this chapter ~~shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punishable by a fine not to exceed \$500.00 or by imprisonment for a term not to exceed six months, or both.~~ is guilty of a municipal infraction and shall have imposed a civil penalty of not more than three

hundred dollars (\$300.00) for a first infraction. For each repeat infraction of the same section, a civil penalty not to exceed five hundred dollars (\$500.00) shall be imposed. A person violating the provisions of this code is guilty of a separate offense for each and every day during any portion of which any violation of this code is committed, continued, or permitted to be committed.

Chapter 20 – STREETS AND SIDEWALKS

ARTICLE II. – GRADES AND BENCHMARKS; CONSTRUCTION STANDARDS

Sec. 20-36. - Penalty for violation of article.

Any person who violates the provisions of this article ~~shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punishable by a fine not to exceed \$500.00 or by imprisonment for a term not to exceed six months, or both.~~ is guilty of a municipal infraction and shall have imposed a civil penalty of not more than three hundred dollars (\$300.00) for a first infraction. For each repeat infraction of the same section, a civil penalty not to exceed five hundred dollars (\$500.00) shall be imposed. A person violating the provisions of this code is guilty of a separate offense for each and every day during any portion of which any violation of this code is committed, continued, or permitted to be committed.

Chapter 22 - TRAFFIC AND MOTOR VEHICLES

ARTICLE II. - LICENSES AND VEHICLE REGISTRATION

ARTICLE I. - IN GENERAL

(NOTE: ALL TRAFFIC RELATED OFFENSES CURRENTLY IN THE CODE WOULD REMAIN INTACT, AND COULD BE CHARGED AS MUNICIPAL INFRACTIONS RATHER THAN UNDER THE MCA)

...

Sec. 22-3. - Penalty for violation of chapter.

~~Except as otherwise specified, any person who violates the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punishable by a fine not to exceed \$500.00 or by imprisonment for a term not to exceed six months, or both.~~

Unless otherwise specifically provided, any person violating any provision of this chapter is guilty of a municipal infraction and shall have imposed a civil penalty of not more than three hundred dollars (\$300.00) for a first infraction.

For each repeat infraction of the same section, a civil penalty not to exceed five hundred dollars (\$500.00) shall be imposed.

A person violating the provisions of this code is guilty of a separate offense for each and every day during any portion of which any violation of this code is committed, continued, or permitted to be committed.

REPEAL ALL PENALTY PROVISIONS FOR INDIVIDUAL ARTICLES, ALL WILL FALL UNDER PENALTY PROVISION FOR CHAPTER, SET FORTH IN SEC. 22-3

~~Sec. 22-56.—Penalty for violation of article.—~~

~~Any person who violates the provisions of this article shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punishable by a fine not to exceed \$500.00 or by imprisonment for a term not to exceed six months, or both.~~

~~Sec. 22-86.—Penalty for violation of article.—~~

~~Except as otherwise specified, any person who violates the provisions of this article shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punishable by a fine not to exceed \$500.00 or by imprisonment for a term not to exceed six months, or both.~~

~~Sec. 22-111.—Penalty for violation of article.—~~

~~Except as otherwise specified, any person who violates the provisions of this article shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punishable by a fine not to exceed \$500.00 or by imprisonment for a term not to exceed six months, or both.~~

~~Sec. 22-150.—Driving under influence of intoxicating liquor or drugs.—~~

~~(a)It is unlawful and punishable as provided in subsection (d) of this section for any person who is under the influence of intoxicating liquor to drive or be in actual physical control of any motor vehicle upon the highways of this municipality.(b)In any criminal prosecution for a violation of subsection (a) of this section relating to driving a vehicle while under the influence of intoxicating liquor, the amount of alcohol in the defendant's blood at the time alleged, as shown by chemical analysis of the defendant's blood, urine, breath or other bodily substance, shall give rise to the following presumptions:(1)If there was at that time 0.05 percent or less by weight of alcohol in the defendant's blood, it shall be presumed that the defendant was not under the influence of intoxicating liquor.(2)If there was at that time is excess of 0.05 percent but less than 0.10 percent by weight of alcohol in the defendant's blood, such fact shall not give rise to any presumption that the defendant was or was not under the influence of intoxicating liquor, but such fact may be considered with other competent evidence in determining the guilt or innocence of the defendant.(3)If there was at that time 0.10 percent or more by weight of alcohol in the defendant's blood, it shall be presumed that the defendant was under the influence of intoxicating liquor.(4)Percent by~~

weight of alcohol in the blood shall be based upon grams of alcohol per 100 cubic centimeters of blood.(5)The provisions of this subsection (b) shall not be construed as limiting the introduction of any other competent evidence bearing upon the question whether or not the defendant was under the influence of intoxicating liquor.(c)It is unlawful, and punishable as provided in subsection (d) of this section, for any person who is an habitual user of or under the influence of any narcotic drug, or who is under the influence of any other drug to a degree which renders him incapable of safely driving a motor vehicle, to drive a motor vehicle within this municipality. The fact that any person charged with a violation of this subsection is or has been entitled to use such a drug under the laws of this municipality shall not constitute a defense against any charge of violating this subsection.(d)Every person who is convicted of a violation of this section shall be punished by imprisonment in the city jail for not more than six months or by a fine of not less than \$100.00 or more than \$500.00, or by both such fine and imprisonment. On a second conviction he shall be punished by imprisonment in the city jail for not less than ten days nor more than six months, to which may be added, at the discretion of the court, a fine of not less than \$300.00 nor more than \$500.00. On the third or subsequent conviction he shall be punished by imprisonment for a term of not less than 30 days nor more than one year, to which may be added, at the discretion of the court, a fine of not less than \$500.00 nor more than \$1,000.00.

~~Sec. 22-171. — Penalty for violation of article. —~~

~~Except as otherwise specified, any person who violates the provisions of this article shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punishable by a fine not to exceed \$500.00 or by imprisonment for a term not to exceed six months, or both.~~

~~Sec. 22-242. — Penalty for violation of article. —~~

~~Any person who violates the provisions of this article shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punishable by a fine of not less than \$100.00 and not more than \$500.00 or by imprisonment for a term not to exceed six months, or both.~~

~~Sec. 22-271. — Penalty for violation of article. —~~

~~(a)Any person who violates the provisions of this article shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punishable by a fine not to exceed \$500.00 or by imprisonment for a term not to exceed six months, or both.(b)Each day of failure to comply with the provisions of this article shall constitute a separate offense.~~

~~Sec. 22-301. — Penalty for violation of article. —~~

~~Any person who violates the provisions of this article shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punishable by a fine not to exceed \$500.00 or imprisonment for a term not to exceed six months, or both.~~

~~Sec. 22-366. — Penalty for violation of article. —~~

~~Any person who violates the provisions of this article shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punishable by a fine not to exceed \$500.00 or by imprisonment for a term not to exceed six months, or both.~~

~~Sec. 22-396. — Penalty for violation of article. —~~

~~Any person who violates the provisions of this article shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punishable by a fine not to exceed \$500.00 or by imprisonment for a term not to exceed six months, or both.~~

~~Sec. 22-426. — Penalty for violation of article. —~~

~~Any person who violates the provisions of this article shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punishable by a fine not to exceed \$500.00 or by imprisonment for a term not to exceed six months, or both.~~

~~Sec. 22-451. — Penalty for violation of article. —~~

~~Unless otherwise provided, any person who violates the provisions of this article shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punishable by a fine not to exceed \$500.00 or by imprisonment for a term not to exceed six months, or both.~~

Chapter 20 – STREETS AND SIDEWALKS

Sec. 20-1. - Penalty for violation of chapter.

~~(a) Except as otherwise specified, any person who violates the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punishable by a fine not to exceed \$500.00 or by imprisonment for a term not to exceed six months, or both.~~ (b) ~~Each day of failure to comply with the provisions of this chapter shall constitute a separate offense.~~ is guilty of a municipal infraction and shall have imposed a civil penalty of not more than three hundred dollars (\$300.00) for a first infraction. For each repeat infraction of the same section, a civil penalty not to exceed five hundred dollars (\$500.00) shall be imposed. A person violating the provisions of this code is guilty of a separate offense for each and every day during any portion of which any violation of this code is committed, continued, or permitted to be committed.

Chapter 21 – SUBDIVISIONS

Sec. 21-6. - Violations and penalties.

~~Any person who violates any of the provisions of the MSPA or these regulations (Chapter 21) is guilty of a misdemeanor punishable by a fine of not less than \$100.00 nor more than \$500.00 or by imprisonment in a county jail for not more than three months or by both fine and imprisonment. Each sale, lease, or transfer of each separate parcel of land in violation of any provision of the MSPA or these regulations (Chapter 21) shall be deemed a separate and distinct offense.~~ is guilty of a municipal infraction and shall have imposed a civil penalty of

not more than three hundred dollars (\$300.00) for a first infraction. For each repeat infraction of the same section, a civil penalty not to exceed five hundred dollars (\$500.00) shall be imposed. A person violating the provisions of this code is guilty of a separate offense for each and every day during any portion of which any violation of this code is committed, continued, or permitted to be committed.

Chapter 23 – UTILITIES

ARTICLE II. – WATER

Sec. 23-26. - Penalty for violation of article.

~~Unless otherwise provided, any person who violates the provisions of this article shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punishable by a fine not to exceed \$500.00 or by imprisonment for a term not to exceed six months, or both. Any~~ person violating any provision of this article is guilty of a municipal infraction and shall have imposed a civil penalty of not more than three hundred dollars (\$300.00) for a first infraction. For each repeat infraction of the same section, a civil penalty not to exceed five hundred dollars (\$500.00) shall be imposed. A person violating the provisions of this code is guilty of a separate offense for each and every day during any portion of which any violation of this code is committed, continued, or permitted to be committed.

Section 2. This Ordinance shall become effective thirty (30) days after its final passage.

Said Ordinance read and put on its passage this 28th day of June, 2022.

John Hollowell, Mayor

ATTEST:

Mary Rowe, City Clerk

FINALLY PASSED AND ADOPTED this 12th day of July, 2022.

John Hollowell, Mayor

ATTEST:

Mary Rowe, City Clerk

RESOLUTION NO. 4462

A RESOLUTION APPROVING A FIREWORKS DISPLAY ON JULY 6, 2022, AT CONNOR'S STADIUM.

WHEREAS, the City of Miles City has received a request from the Miles City Youth Baseball Association to approve a fireworks display on July 6, 2022, at approximately 10:00 p.m., to be held in the gravel parking area to the south of Connor's Stadium;

AND WHEREAS, the City finds that said request is appropriately approved;

NOW THEREFORE, IT IS RESOLVED BY THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA AS FOLLOWS:

1. The Miles City Youth Baseball Association (MCYBA) is authorized to provide a fireworks display on July 6, 2022, at approximately 10:00 p.m., to be held in the gravel parking area to the south of Connor's Stadium. MCYBA shall provide liability insurance for said event in an amount not less than \$750,000 for each claim and \$1.5 million for each occurrence for said event, with the City of Miles City named as an additional insured.

SAID RESOLUTION FINALLY PASSED AND ADOPTED BY A DULY CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA, THIS 28TH DAY OF JUNE, 2022.

John Hollowell, Mayor

ATTEST:

Mary Rowe, City Clerk



11 South 7th Street – Suite 110, Miles City, MT 59301
 (406) 234-0505 • Fax: (406) 234-0554 • rsvp05@midrivers.com

Sponsored by the City of Miles City, RSVP provides meaningful volunteer opportunities for those 55 and older in Custer, Carter, Fallon, & Rosebud Counties including the Northern Cheyenne Indian Reservation

MEMORANDUM OF UNDERSTANDING (MOU)

This Memorandum of Understanding (MOU) contains basic provisions, which will guide the working relationship between both parties. It may also include a Programming for Impact Addendum.

This MOU is in effective for 3 years from the date of the signature of the volunteer station supervisor.

Agency Name: City of Miles City	Agency Address: 17 S. 8th Street/PO BOX 910
City, State, Zip: Miles City, MT 59301	Contact Name: City Clerk/Mary Rowe
Contact Title: City Clerk	Contact E-mail: cityclerk@milescity-mt.org
Contact Phone: 406-874-8602	Contact Fax: 406-234-2903

BASIC PROVISIONS OF MEMORANDUM OF UNDERSTANDING

A. City of Miles City RSVP will:

- 1) Recruit, interview, enroll RSVP volunteers and refer volunteer to the volunteer station.
- 2) Instruct RSVP volunteers in proper use of monthly reports, reimbursement guidance and program procedures.
- 3) Provide RSVP orientation to volunteer station staff prior to placement of volunteers and at other times, as the need arises.
- 4) Furnish accident, personal liability and excess automobile insurance coverage as required by program policies. Insurance is secondary and is not primary insurance.
- 5) Periodically monitor volunteer activities at volunteer station to assess and/or discuss needs of volunteers and volunteer station.
- 6) Reimburse RSVP volunteers for transportation cost between their home and volunteer station for volunteers who qualify in accordance with RSVP policies and as allowed by RSVP budget.

B. The Volunteer Station will:

- 1) Interview and make final decision on assignment of volunteers.
- 2) Implement orientation, in-service instruction, or special training of volunteers.

- 3) Furnish volunteers with materials required for assignment.
- 4) Provide a job description to the volunteer, and RSVP, describing the responsibilities and duties of the assignment.
- 5) Provide supervision of volunteers on assignments.
- 6) Publicity: The Volunteer Station will specify, either by written information or verbal, that RSVP volunteers are participants in the Volunteer Station's program in all publicity featuring such volunteers, whether it be radio, TV, print, or verbal presentation.
- 7) Background Checks: RSVP will NOT conduct background checks when referring RSVP members to volunteer stations. Background checks will be done by the agency per their rules.
- 8) Investigate and report any accidents and injuries involving RSVP volunteers immediately to the RSVP office. All reports will be submitted in writing.

C. Volunteer Station will report to RSVP:

- a) Validate appropriate volunteer timesheets and submit to the RSVP office no later than the 5th of each month. Volunteer timesheets must reflect accurate time for insurance and cab fare reimbursement.
- b) Document Veterans Served: If at all possible, Volunteer Station will document veterans served for bi-annual reporting.
- c) Programming for Impact: The Volunteer Station will supply statistical data on volunteer impact on the community needs to the RSVP Director as requested.

D. In-Kind and Meal Documentation:

If meals are provided to volunteers, please complete the following:

() Contributed meals are FEDERALLY FUNDED under:

_____ Title III of the Older Americans Act

_____ Other (federal) funding source

_____ Contributed meals ARE NOT PROVIDED BY FEDERAL FUNDS.

() Meals will be provided to RSVP volunteers at a free or reduced price of \$_____ when _____ hours of service have been or will be volunteered during that day. The value of the meal provided is \$_____ each.

() Other volunteer meal policy: _____

() Other volunteer benefits/recognition such as free tickets, etc.

() Not applicable

NOTE: Volunteer stations providing meals or other recognition to volunteers will be asked to complete in-kind vouchers. In-Kind donations are an important part of RSVP's funding as we must match the federal funding with 30% local funding.

E. Other provisions:

- 1) **Separation from Volunteer Service:** The volunteer station may request the removal of a RSVP volunteer at any time. The RSVP volunteer may withdraw from service at the Volunteer Station or from RSVP at any time. Discussion of individual separations will occur among RSVP staff, Volunteer Station staff and the Volunteer to clarify the reasons, resolve conflicts, or take remedial action, including placement with another Volunteer Station.
- 2) **Grievance Policy:** Volunteer Station will follow the grievance policy of the RSVP program as outlined in the Handbook.
- 3) **In-Home Assignments:** In-home assignments are not encouraged; however, some stations such as require home visits. When in-home assignments for volunteers are made, a letter of agreement will be signed by the parties involved. The document will authorize volunteer service in the home and identify special volunteer activities, periods, and conditions of service.
- 4) **Inappropriate Activities:** The Volunteer Station will not request or assign RSVP volunteers to conduct or engage in religious, sectarian, or political activities.
- 5) **Displacement of Employees:** The Volunteer Station will not assign RSVP volunteers to any assignment which would displace employed workers or impair existing contracts for services.
- 6) **Accessibility and Reasonable Accommodation:** The Volunteer Station will ensure that the facilities, programs, and activities to which RSVP volunteers are assigned are accessible to persons with disabilities and/or provide reasonable accommodation to allow persons with disabilities to participate in programs and activities.

<p>This workstation is handicapped accessible. <input type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>Verified by: _____</p>

- 7) **Prohibition of Discrimination:** The Volunteer Station will not discriminate against RSVP volunteers or on the basis of race, color, national origin, sex, age, political affiliation, religion, or on the basis of disability if the volunteer is a qualified individual with a disability.

Terms and Conditions: This MOU contains all the terms and conditions agreed upon by the contracting parties. NO other understanding, oral or otherwise, shall be deemed to exist or to bind any of the parties hereto.

Effective Date: This MOU will be in effect upon dated signature of the RSVP Director.

AMENDMENTS: This Memorandum of Understanding may be amended at any time in writing, by either party. It must be negotiated at least every three (3) years. All amendments shall be affixed to and form a part of this agreement. All amendments must be signed by both the Volunteer Station and the RSVP Director.

We hereby agree to the above conditions and terms:

Signature, Authorized Station Representative	Mary Rowe Printed Name	Date
--	---------------------------	------

Signature, RSVP Director	Cindy Erickson Printed Name	Date
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Volunteer Station Primary Type: To qualify for a RSVP Volunteer Station, an agency/office/department must self-certify that it is on the following:

Non-Profit 501(c)3 Proprietary Health Care Facility Public Agency

AGENCY INFORMATION: PLEASE COMPLETE

- Total number of RSVP Volunteer job assignments projected to be available with the Volunteer Station on an annual basis is _____.
- If Volunteers will be serving at a different address than the Volunteer Stations, please list the address here:

May 25, 2022

City of Miles City
17 S. 8th St.
Miles City, MT 59301

To Whom It May Concern:

This letter is written requesting, from the City of Miles City, an extension to the lease of the shop (Lot 1 and Lot 2 of the Industrial Site) owned by Hugo Muggli Inc.. The shop has been utilized for welding and repairs and if able to extend the lease it will continue to be utilized in the same manner. The current lease has been kept in good standing. As per the request of The City of Miles City, there has been a lot of cleanup needed around the shop building and a significant portion has been completed. Cleanup is still being done and will continue until fully completed.

I have verified the insurance requirements for this site and all required needs are met. Please see a copy of the insurance plan enclosed.

Please reach out to me if there are any concerns or questions.

Sincerely,

Dustin Muggli
Hugo Muggli, Inc.
406-232-2058

Enclosure



EVIDENCE OF PROPERTY INSURANCE

DATE (MM/DD/YYYY)

05/23/2022

THIS EVIDENCE OF PROPERTY INSURANCE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE ADDITIONAL INTEREST NAMED BELOW. THIS EVIDENCE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS EVIDENCE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE ADDITIONAL INTEREST.

AGENCY FRED WACKER AGENCY INC. 1413 MAIN, P.O. BOX 70 MILES CITY MT 59301	PHONE (A/C, No, Ext): 406-232-1111	COMPANY Ohio Security Ins Co 24001 E MISSION AVE, SUITE 100 LIBERTY LAKE WA 99019
FAX (A/C, No): 406-232-4754 E-MAIL ADDRESS: WACKERINS2@MIDRIVERS.COM C.O.D.E: 8415096 AGENCY CUSTOMER ID #: 100072		
INSURED HUGO MUGGLI, INC. ETAL 558 Tongue River Rd MILES CITY MT 59301	LOAN NUMBER	POLICY NUMBER FMS59963441
	EFFECTIVE DATE 06/29/2022	EXPIRATION DATE 06/29/2023
	<input type="checkbox"/> CONTINUED UNTIL TERMINATED IF CHECKED	
THIS REPLACES PRIOR EVIDENCE DATED:		

PROPERTY INFORMATION

LOCATION/DESCRIPTION

INDUSTRIAL PARK THREE MILES WEST OF MILES CITY, MT 59301

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS EVIDENCE OF PROPERTY INSURANCE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

COVERAGE INFORMATION

PERILS INSURED

BASIC

BROAD

SPECIAL

COVERAGE / PERILS / FORMS	AMOUNT OF INSURANCE	DEDUCTIBLE
1975 SHOP (SPECIAL FORM/ REPLACEMENT COST)	81,131	1,000
MISC TOOLS AND SUPPLIES	50,000	1,000
LIABILITY EACH OCCURENCE	1,000,000	
GENERAL AGGREGATE	2,000,000	
FIRE LEGAL LIABILITY	100,000	
MEDICAL PAYMENTS	5,000	
PERSONAL AND ADVERTISING INJURY	1,000,000	

REMARKS (Including Special Conditions)

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CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

ADDITIONAL INTEREST

NAME AND ADDRESS CITY OF MILES CITY P.O. BOX 910 MILES MT 59301	<input checked="" type="checkbox"/> ADDITIONAL INSURED	LENDER'S LOSS PAYABLE	<input checked="" type="checkbox"/> LOSS PAYEE
	<input type="checkbox"/> MORTGAGEE		
	LOAN #		
	AUTHORIZED REPRESENTATIVE 		

ACORD 27 (2016/03)

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To Whom It May Concern: June 6th. 2022....

We were Leasing 2 Tracts of City Pasture Land by the City Pet Crematory; In the Middle Fields.

We r Now ending our 10yr. Lease Contract.We have treated the Land with the utmost Respect.We Appreciated the Opportunity to be able to put our Horses there.We have not Cluttered it with Excess Farm Equipment or Broken down Vehicles Either..We have even Improved it Some,and will Continue to do so...

We would Definantly Love to Lease it again for another 10yrs. Or Whatever u will Allow us to..For it is just the right Distance from our house to come Manage our Horses, and be able to ride them too.

So we would love to Thank You for letting us Lease this Property..And would love to Continue to do so..

Sincerely the Neiffer,s

Todd and Elizabeth