



CITY OF MILES CITY

AGENDA

*Regular Council Meeting
City Council Chambers
and online at zoom.us*

*August 23, 2022
6:00 p.m.*

CALL TO ORDER PLEDGE OF ALLEGIANCE ROLL CALL

1. APPROVAL OF COUNCIL MINUTES/COMMITTEE MINUTES
 - A. Public Safety Committee Meeting 07/07/22
 - B. Public Safety Committee Meeting 08/11/22

2. SCHEDULE MEETINGS
3. REQUEST OF CITIZENS & PUBLIC COMMENT
4. APPOINTMENTS

Ward III Council Member

5. PROCLAMATIONS
6. STAFF REPORTS

Army Corps of Engineers Presentation

7. CITY COUNCIL COMMENTS
8. MAYOR COMMENTS
9. COMMITTEE RECOMMENDATIONS
 - A. Zoning Committee recommends approval of zone change at 1501 North Merriam.

 - B. Board of Appeals recommend approving the variance request at 2815 Tompy.

10. BID OPENINGS
11. BID AWARDS
12. PUBLIC HEARINGS
 - A. **RESOLUTION NO. 4468 – A RESOLUTION PURSUANT TO §7-6-4006 OF THE MONTANA CODE ANNOTATED, AUTHORIZING AMENDMENT OF FINAL BUDGET FOR FY 2021-2022 TO INCREASE THE BUDGETED AMOUNT IN VARIOUS FUNDS FOR VARIOUS UNBUDGETED REVENUES AND EXPENDITURES.**

13. UNFINISHED BUSINESS
 - A. **RESOLUTION NO. 4468 – (Second Reading) A RESOLUTION PURSUANT TO §7-6-4006 OF THE MONTANA CODE ANNOTATED, AUTHORIZING AMENDMENT OF FINAL BUDGET FOR FY 2021-2022 TO INCREASE THE**

BUDGETED AMOUNT IN VARIOUS FUNDS FOR VARIOUS UNBUDGETED REVENUES AND EXPENDITURES.

- B. ORDINANCE NO. 1357 (*Second Reading*) – AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF MILES CITY, MONTANA, REGARDING MUNICIPAL INFRACTIONS AND CRIMINAL PROVISIONS AND PENALTIES.**
- C. ORDINANCE NO. 1361 (*Second Reading*) - AN ORDINANCE ENACTING SECTION 22-152 OF THE CODE OF ORDINANCES OF THE CITY OF MILES CITY WITH RESPECT TO PROHIBITING THE USE OF ELECTRONIC COMMUNICATION DEVICES WHILE DRIVING.**

14. NEW BUSINESS

- A. CHOOSE FIRE DEPARTMENT PRELIMINARY ARCHITECTURAL REPORT (PAR) OPTION; REBUILD OR REMODEL.**
- B. ORDINANCE NO. 1362 (*First Reading*) – AN ORDINANCE AMENDING SECTION 2-54 AND 2-55 REGARDING THE CITY COUNCIL FLOOD CONTROL COMMITTEE.**
- C. RESOLUTION NO. 4469 – A RESOLUTION GRANTING A REVOCABLE LICENSE TO GABRIEL MARTINSEN FOR PLACEMENT OF A PRIVACY FENCE UPON CITY OF MILES CITY RIGHT OF WAY FOR DOEDEN AVENUE.**
- D. RESOLUTION NO. 4470 - A RESOLUTION APPROVING A MONTANA-DAKOTA UTILITIES CO. ELECTRIC LINE EASEMENT ACROSS CERTAIN CITY OWNED REAL PROPERTY.**
- E. RESOLUTION NO. 4471 - A RESOLUTION APPROVING AN “EDUCATIONAL EXPERIENCE AGREEMENT” WITH HOLY ROSARY HEALTHCARE.**
- F. RESOLUTION NO. 4472 - A RESOLUTION PURSUANT TO §2-9-212 OF THE MONTANA CODE ANNOTATED, AUTHORIZING A PERMISSIVE MEDICAL LEVY FOR FY 2022-2023 TO FUND GROUP HEALTH INSURANCE PREMIUM CONTRIBUTIONS BY THE CITY AND PROVIDING FOR HEARING THEREON**
- G. RESOLUTION NO. 4473 - A RESOLUTION LEVYING AND ASSESSING A TAX UPON ALL PROPERTY IN SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 165 TO DEFRAY THE COST OF LEASING, MAINTENANCE AND ELECTRICAL CURRENT IN SAID SPECIAL IMPROVEMENT LIGHTING DISTRICT AND AUTHORIZING AND DIRECTING PAYMENT THEREFORE, FOR THE FISCAL YEAR 2022-2023.**

- H. **RESOLUTION NO. 4474 - A RESOLUTION LEVYING AND ASSESSING A TAX UPON ALL PROPERTY IN SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 167 TO DEFRAY THE COST OF LEASING, MAINTENANCE AND ELECTRICAL CURRENT IN SAID SPECIAL IMPROVEMENT LIGHTING DISTRICT AND AUTHORIZING AND DIRECTING PAYMENT THEREFORE, FOR THE FISCAL YEAR 2022-2023.**
- I. **RESOLUTION NO. 4475 - A RESOLUTION LEVYING AND ASSESSING A TAX UPON ALL PROPERTY IN SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 171 TO DEFRAY THE COST OF LEASING, MAINTENANCE AND ELECTRICAL CURRENT IN SAID SPECIAL IMPROVEMENT LIGHTING DISTRICT AND AUTHORIZING AND DIRECTING PAYMENT THEREFORE, FOR THE FISCAL YEAR 2022-2023.**
- J. **RESOLUTION NO. 4476 - A RESOLUTION LEVYING AND ASSESSING A TAX UPON ALL PROPERTY IN SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 172 TO DEFRAY THE COST OF LEASING, MAINTENANCE AND ELECTRICAL CURRENT IN SAID SPECIAL IMPROVEMENT LIGHTING DISTRICT AND AUTHORIZING AND DIRECTING PAYMENT THEREFORE, FOR THE FISCAL YEAR 2022-2023.**
- K. **RESOLUTION NO. 4477 - A RESOLUTION LEVYING AND ASSESSING A TAX UPON ALL PROPERTY IN SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 195 TO DEFRAY THE COST OF LEASING, MAINTENANCE AND ELECTRICAL CURRENT IN SAID SPECIAL IMPROVEMENT LIGHTING DISTRICT AND AUTHORIZING AND DIRECTING PAYMENT THEREFORE, FOR THE FISCAL YEAR 2022-2023.**
- L. **RESOLUTION NO. 4478 - A RESOLUTION LEVYING AND ASSESSING A TAX UPON ALL PROPERTY IN SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 202 TO DEFRAY THE COST OF LEASING, MAINTENANCE AND ELECTRICAL CURRENT IN SAID SPECIAL IMPROVEMENT LIGHTING DISTRICT AND AUTHORIZING AND DIRECTING PAYMENT THEREFORE, FOR THE FISCAL YEAR 2022-2023.**
- M. **RESOLUTION NO. 4479 – A RESOLUTION LEVYING AND ASSESSING A TAX UPON ALL PROPERTY IN SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 173 TO DEFRAY THE COST OF LEASING, MAINTENANCE AND ELECTRICAL CURRENT IN SAID SPECIAL IMPROVEMENT LIGHTING DISTRICT AND AUTHORIZING AND DIRECTING PAYMENT THEREFORE, FOR THE FISCAL YEAR 2022-2023.**
- N. **RESOLUTION NO. 4480 – A RESOLUTION LEVYING AND ASSESSING A TAX UPON ALL OF THE PROPERTY WITHIN MAINTENANCE DISTRICT NO. 205 TO DEFRAY THE COST OF MAINTAINING THE IMPROVEMENTS IN THE SAID MAINTENANCE DISTRICT NO. 205 FOR THE FISCAL YEAR 2022-2023.**

- O. **RESOLUTION NO. 4481 – A RESOLUTION LEVYING AND ASSESSING A TAX UPON ALL OF THE PROPERTY WITHIN MAINTENANCE DISTRICT NO. 207 TO DEFRAY THE COST OF MAINTAINING THE IMPROVEMENTS IN THE SAID MAINTENANCE DISTRICT NO. 207 FOR THE FISCAL YEAR 2022-2023.**

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

**Public Safety Committee Meeting
July 7, 2022**

The Public Safety Committee met Friday, July 7, 2022, at 6:00 p.m. via live attendance and Zoom Conferencing in the City Hall Conference Room, 17 S. 8th. Present were Committee Members Roxanna Brush, Chris Grenz, and Ken Gardner. Absent was: Committee Member Kathy Wilcox. Also present were: Police Chief Doug Colombik, Fire Chief Branden Stevens, Councilperson Rick Huber and HR Officer/Recorder Linda Wilkins.

Chairperson Brush called the meeting to order.

1. Request of Citizens

None

2. Staff Comments

Chief Stevens updated the committee on progress of securing funding for the fire station remodel. In order to obtain funding from USDA denial letters from three banks must be obtained, meetings have been scheduled to meet this requirement. There are currently two Preliminary Architectural Reports (PAR) and there will be a public meeting on the two options. The department is also currently addressing the CO issue in the garage and have installed timers on the garage doors to help alleviate this issue. Committee Member Grenz expressed that the CO issue should be fixed. Chief Stevens stated he would get quotes on what a system would cost to fix the problem.

Chief Colombik commented on the weed issue at the police station and asked the committee how do officers enforce public nuisance when their own facility was not in order.

3. Committee Member Comments

Committee Member Brush asked how the stop sign was working on Leighton Boulevard. Chief Colombik commented that there were no lights up yet, but a lot of tickets were being written and he will get the lights orders.

4. Discuss and Recommend Ordinance No. 1357 AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF MILES CITY, MONTANA, REGARDING MUNICIPAL INFRACTIONS AND CRIMINAL PROVISIONS AND PENALTIES.

Committee Member Brush moved to recommend to approve Ordinance No. 1357 AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF MILES CITY, MONTANA, REGARDING MUNICIPAL INFRACTIONS AND CRIMINAL PROVISIONS AND PENALTIES, seconded by Committee Member Grenz.

There was discussion regarding no jail time for the offense of public nuisance.

Committee Member Grenz amended the motion to table, seconded by Committee Member Gardner. The amended motion passed, 3-0.

5. Discuss and Recommend stop sign at corner of North Lake and Robinson

The cross street should be Riverside no action was taken.

6. Adjournment

***Committee Member Grenz moved to adjourn the meeting, seconded by Committee Member Gardner and passed unanimously, 3-0.*

The meeting was adjourned at 6:40 p.m.

Chairperson Roxanna Brush

Recorder Linda Wilkins

**Public Safety Committee Meeting
August 11, 2022**

The Public Safety Committee met Friday, July 7, 2022, at 9:00 am via live attendance and Zoom Conferencing in the City Hall Conference Room, 17 S. 8th. Present were Committee Members Roxanna Brush, Kathy Wilcox, Chris Grenz, and Ken Gardner. Also present were: Police Det/Lt Spencer Anderson, Dispatch Supervisor Lyne Anderson, Fire Lt Casey Miller, Councilperson Rick Huber and HR Officer/Recorder Linda Wilkins.

Chairperson Brush called the meeting to order.

1. Request of Citizens

None

2. Staff Comments

Supervisor Anderson updated the committee on the work with being done with Dawson County Dispatch, there have been a huge network of providers working together to ensure equipment is working properly. There will be a test this weekend to make sure connections are correct and working properly. The 911 Board will be meeting Monday in regards to the contract with Dawson County this contract will include charging Glendive for additional staff time.

Det/Lt Anderson stated that the police department needs tasers, this is a significant issue. There was recently an attempt of suicide by cop, had it not been the good work of an officer and the use of a taser the incident may have turned out differently, leaving the department without an officer while the officer was placed on administrative during an investigation.

3. Committee Member Comments

There was request for funding by an animal rescue group, it was suggested this be taken up during the budget process. Another stop sign has been requested at Comstock and South Earling.

4. Discuss and Recommend Ordinance No. 1357 AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF MILES CITY, MONTANA, REGARDING MUNICIPAL INFRACTIONS AND CRIMINAL PROVISIONS AND PENALTIES.

Det/Lt Anderson explained that the City would be losing nothing, the ordinance would prevent overlap of city code and state statute.

Committee Member Wilcox moved to recommend to approve Ordinance No. 1357 AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF MILES CITY, MONTANA, REGARDING MUNICIPAL INFRACTIONS AND CRIMINAL PROVISIONS AND PENALTIES, seconded by Committee Member Gardner. On roll call vote, the motion passed 4-0.

5. Discuss and Recommend Ordinance No. 1361 AN ORDINANCE ENACTING SECTION 22-152 OF THE CODE OF ORDINANCES OF THE CITY OF MILES CITY WITH RESPECT TO PROHIBITING THE USE OF ELECTRONIC COMMUNICATION DEVICES WHILE DRIVING.

Committee Member Wilcox moved to recommend to approve Ordinance No. 1361 AN ORDINANCE ENACTING SECTION 22-152 OF THE CODE OF ORDINANCES OF THE CITY OF MILES CITY WITH RESPECT TO PROHIBITING THE USE OF ELECTRONIC COMMUNICATION DEVICES WHILE DRIVING, seconded by Committee Member Brush.

Concern was expressed on the enforcement of this ordinance. Det/Lt Anderson explained that this ordinance would serve as more of a deterrent, but could help enforce if another infraction was committed. A couple commented at the last City Council meeting that it was unfair and wanted to added wanted an exception

Committee Member Brush moved to amend Ordinance No. 1361 AN ORDINANCE ENACTING SECTION 22-152 OF THE CODE OF ORDINANCES OF THE CITY OF MILES CITY WITH RESPECT TO PROHIBITING THE USE OF ELECTRONIC COMMUNICATION DEVICES WHILE DRIVING, Section 1.c.ii to read "This provision shall not apply to on duty governmental fire agencies, ambulance services, law enforcement agencies, emergency responders, or other "authorized emergency vehicle" as defined in MCA 61-8-102(2)(a) during response to an emergency." seconded by Committee Member Wilcox.

On roll call vote, the amended motion passed 4-0.

6. Discuss and Recommend stop sign at corner of North Lake and Riverside

Committee Member Grenz moved that no stop sign be placed at the corner of North Lake and Riverside. seconded by Committee Member Wilcox. The motion passed, 4-0.

7. Discuss and Recommendation of Police Building repairs

There was a discussion about the windows upstairs.

Committee Member Brush moved to table. seconded by Committee Member Grenz. The motion passed, 4-0.

8. Adjournment

***Committee Member Grenz moved to adjourn the meeting, seconded by Committee Member Gardner and passed unanimously, 3-0.*

The meeting was adjourned at 10:20 a.m.

Chairperson Roxanna Brush

Recorder Linda Wilkins

Mary Rowe

From: Gary Cridland <gcriland@midrivers.com> on behalf of Gary Cridland
Sent: Tuesday, August 09, 2022 3:34 PM
To: Mary Rowe
Subject: +Miles City Ward III Council Appointment

Hi Mary,

My name is Gary Cridland, a life time resident of Miles City. My residence is at 2804 Sudlow (Ward III). My wife Bernadette & I also own & operate the Miles City CridCo Water Treatment business at 809 Bridge St.

Please be informed of my Interest in appointment to fill remaining term of resigning council member for Ward III. It is my understanding that the term will expire & require election in end of 2023.

Also further open notification to any concerned, that existing Mayor John Hollowell is my son-in-law.

Thank you for your consideration, Gary Cridland C (406) 951-2651

Miles City Zoning Commission
P.O. Box 910
Miles City, MT 89301

August 5, 2022

Mayor Hollowell and City Council:

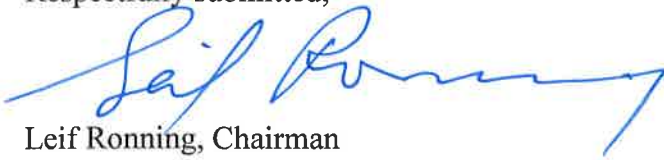
RE: 1501 N Merriam, Zone Change

The Miles City Zoning Commission conducted its public hearing on Thursday, July 28, 2022 to consider the zone change to a property described as East ½ of Lots 9 & 10, Block 7 of Woodland Park Addition, located in Section 27 of Township 8 North, Range 47 E, PMM, City of Miles City, Custer County, Montana Residential A to Mobile Home A.

After reviewing comments from the hearing, the Zoning Commission recommends approval of the Zone Change at 1501 N Merriam.

Please schedule this for review by the City Council at your earliest convenience.

Respectfully submitted,



Leif Ronning, Chairman
Miles City Zoning Commission

City of Miles City Zoning Commission

Meeting Minutes

July 28, 2022

2:00 P.M.

Call to Order: The Miles City Zoning Commission met for a regular meeting. Chairman Ronning called the meeting to order at 2:01 PM and requested a roll call. Board Members (BM) present were Leif Ronning, Amber Trenka, LeRoy Meidinger and Nancy Mitchell. Others present were Public Works Director Scott Gray, Joel Nelson from Land Solutions and Nicole Richardson served as recorder. Matthew Sheldon property owner was not present as well as no one from the public. A quorum was present.

Approval of Minutes: Non-applicable.

Citizen/Visitor Request: None present.

Unfinished Business: Nothing.

New Business: The Miles City Zoning Commission set the months for quarterly meetings. The meeting will be held in January, April, July and October with more meeting dates as needed. The next meeting date for the Zoning Commission will be Thursday, October 13, 2022 at 2:00 PM.

***BM Trenka moved that the Zoning Commission will have quarterly meeting dates in January, April, July and October, second by Meidinger. All in favor, motion passed.*

Petition for zone change at 1501 N Merriam from Residential A (RA) to Mobile Home A (MH-A). Chairman Ronning stated from driving in the neighborhood this would not be a spot zoning issue and he asked the board for any comments or discussion on the property variance. BM Mitchell stated that when driving by the property it looked small so she asked what size of trailer the applicant was planning on adding. On page 7 of the staff report the minimum lot size is 4800 square feet and the current lot size of 1501 N Merriam is 3444 square feet. She also noted the minimum setback for the front yard is 20 ft, side yard adjacent to the street is 10 ft and backyard setback of 15ft.

The board asked Scott Gray what size of trailer would be put in. Scott said the Zoning Commission should go ahead with the process of recommending the approval of the zone change to City Council. Scott explained that if the City Council approves the zone change the applicant would then have to go in front of the Board of Appeals for a variance on the setbacks for lot size.

Joel Nelson stated to the Zoning Commission that if the City Council approves the zone change the applicant will not start at the BOA with the minimum lot size they will have to demonstrate compliance with the standard of Mobile Home District. It currently is a nonconforming lot as

Residential A and it would remain a nonconforming lot in Mobile Home A. If the applicant cannot get a mobile home on the lot that is when they would need to go for a variance.

BM Mitchell raised the question as to why the owner of the property is Bink's Enterprises, LLC. The concern with it being an LLC owning the property is if there will be a business there. Joel explained he just put the property in the LLC and to his knowledge will not be running a business out of there. BM Mitchell also mentioned the property being in the flood zone. Scott Gray said the applicant has already been in communication with Floodplain Administrator Sam Malenovsky.

Joel Nelson gave a summary of the staff report. He went through the criteria and made recommended findings. Based on the finding required to be addressed the zone change does comply. The staff recommendation would be to adopt this preliminary report and findings as the Zoning Commissions findings and recommend the City Council approve the property going from Residential A to Mobile Home A. The next step will be Joel writing up the Zoning Commissions final report based off the preliminary report that its in compliance. Once City Council approves this the City will update the zoning map to include this property as Mobile Home A.

The City received no comments from neighbors.

Chairman Ronning called for recommendation.

***BM Meidinger moved that the Zoning Commission adopts the preliminary report as the Zoning Commissions findings of fact and recommend to the City Council to approve the zone change, second by BM Ronning. All in favor, motion passed.*

Zone Change will go before City Council on August 23, 2022.

Commission Member Comment: Nothing.

Adjournment: With no further business, on motion the meeting was adjourned at 2:25 PM.



Leif Ronning, Chairman
Zoning Commission



CITY OF MILES CITY

17 S. 8th, P.O. Box 910
Miles City, MT 59301

Telephone: 406-234-3462

**Miles City Board of Adjustment
17 S 8th Street
Miles City, MT 59301**

August 16, 2022

Gabe Martinsen
2815 Tompy
Miles City, MT 59301

RE: Miles City Board of Adjustment Action on 2815 Tompy Variance Request

On Wednesday, August 10, 2022 the Miles City Board of Adjustment held a public hearing and accepted comments on the variance request related to clear vision triangle at 2815 Tompy.

At the conclusion of the hearing, the Board of Adjustment voted 4-0 (with the excused absence of Board Member Jenny Sloan) to approve the variance request and adopt the Staff Report dated June 13, 2022 as findings of fact pertaining to the variance.


This letter is intended to notify you of official action taken by the Board of Adjustment. Per 76-2-327, MCA, any person or persons, jointly or severally, aggrieved any decision of the board of adjustment or any taxpayer or any officer, department, board or bureau of the municipality may present to a court of record a petition, duly verified, setting forth that the decision is illegal, in whole or in part, and specifying the grounds of the illegality. The petition must be presented to the court within 30 days after the filing of the decision in the office of the board. See also Sec. 24-93(b)(11) of the Miles City Zoning Code.

If you have any questions or concerns, please contact us at your convenience.

Sincerely,


Noah Mahan
Board Chairman

and


Eric Gilmore
Building Inspector
egilmore@milescity-mt.org
406-234-3462

Board of Appeals

Public Hearing Minutes

August 10, 2022

5:30 P.M.

Call to Order: The Miles City Board of Appeals met in the Conference Room for a public hearing and meeting. Chairman Mahan called the public meeting to order at 5:32 PM and requested a roll call. Board Members (BM) present were Cory Wilhelm, Josh Huber, Nate Dunning and Noah Mahan. Jenny Sloan was an excused absence. Others present were Dan Rice City Attorney, Eric Gilmore Building Inspector and Nicole Richardson serving as recorder. See sign in sheet for public present. A quorum was present.

Approval of Minutes: Chairman Mahan called for approval of the minutes from the June 13, 2022 public hearing and meeting.

***Mahan moved to approve the minutes as written from the June 13, 2022 hearing and meeting, second by Wilhelm. With no objection motion was approved.*

New Business: The Board of Appeals set quarterly meeting months as March, June, September and December with more meetings scheduled as needed. Nicole Richardson will set the next meeting date for the upcoming variance request and will confirm the date with board members as soon as possible.

Before Building Inspector (BI) Eric Gilmore gave the board an overview of the staff report on 2815 Tompy variance request Chairman Mahan called for any and all ex parte communication from the board members. There were no ex parte communications or conflict of interest from the last meeting on this variance request. Chairman Mahan called for the staff report from BI Gilmore. BI Gilmore stated at the previous BOA meeting we had, the board was looking at the 6ft parameter of the house, the blocking of the 30-foot triangle and the height ordinance. On Doeden and Tompy the City calls for 36" solid or 42" chain link. The City's previous Building Inspector had told the applicant he could build the fence as it currently stands. The City had received complaints about the fence and that is why it is in front of the board.

Chairman Mahan called for any questions from the board for BI Gilmore or Dan Rice City Attorney. Dan Rice stated he had discussed this variance request with Joel Nelson the contract planner for the City and they both agreed this does meet the financial hardship criteria which was caused by the City. As long as the clear vision triangle is addressed correcting the safety concerns by the fence. The height of the fence in the residential district is an aesthetic issue and not safety related. BI Gilmore stated the only complaint he received was in reference to the yield sign not being visible. In addressing the clear vision triangle, the issue will be rectified. Dan stated the variance will be contrary to the public interest and approving it will provide substantial justice under the circumstances to resolve the clear vision issue. If this is approved tonight by the board, Dan will take it to City Council for approval of the fence on the Doeden side to remain in the City right of way.

After discussion between BM Wilhelm, BM Dunning and BI Gilmore about new fences in the community Chairman Mahan noted to the board the reason the fence is in front of the board. It wasn't because BI Gilmore was out looking for it, a complaint was received which brought it to his attention. BM Dunning noted hypothetically if he were to build a fence and he didn't want to find out what was wrong with the placement he wouldn't have to come to the City due to no fence permitting. BM Wilhelm asked about how the process is going to implement a fence permit. BI Gilmore is in the process of writing a fence permit to take to Council for them to pass. BM Wilhelm is in favor of the permit so there is documentation of things rather than hear say which is the case of the fence at 2815 Tompy. Dan explained past practice is the Council will approve fences, carports etc. in the City right of way with a revocable license. The Council has set stipulations on the license in the event they need the structure moved due to improvements being done.

BM Wilhelm wanted to clarify the financial hardship factor discussed earlier. In the past he has been told by City personal that financial is not an adequate reason for a hardship. The clarification BM Wilhelm wanted to note in the case of passing this request and future variance requests only presenting to the board financial hardship it will not set precedence. Each variance will be case by case.

Chairman Mahan called for public comment. Gabe Martinsen asked for clarification on the financial hardship since it was stated normally this wouldn't fall under that. Dan explained since the City allowed the fence to be built the way it was and now is going to cost money to undue what was given permission to do, it does fall under financial hardship. Gabe Martinsen also provided board members the text messages he shared with the previous BI Murphy, where fault was admitted. Gabe also stated he is willing to get the clear vision triangle done quickly to resolve this. Sarah McNamee asked the board if they go ahead and do the 45 if they will get something in writing stating this is all they needed to do to comply. Nicole Richardson stated they will receive a signed letter of approval on the variance request. Dan also stated if approved, the City Council will give the license on the fence being in City right of way.

Donna Dukart at 907 Doeden had public comment. She mentioned people not obeying the traffic sign on the corner of Tompy and Doeden and wants it changed to a stop sign. BM Wilhelm asked if she had any issues regarding the fence. Donna does not have any issues with the fence just the yield sign. Nancy Patch at 2216 Bridge and Garth Sleight at 501 S Lake both weighed in that the fence doesn't bother them just the issue of the yield sign and people not obeying. Garth also stated he saw this a great course correction to get fencing permits involved in the process. After further conversation between board members and people of the public Dan reminds the board exactly what they are looking at here. The board is to look at the 6' height of the fence that closer than 20' to the street. The clear vision triangle issue is being addressed, the encroachment into City right of way will be addressed just not by this board. Public comment closed.

Chairman Mahan called for a motion on the variance at 2815 Tompy.

***Wilhelm moved to approve the variance as written subject to the City Council approval on the Doeden side being in City right of way and proper paper work along with it, second by Dunning.*

A roll call vote was called. Dunning; aye, Mahan; aye; Huber; aye and Wilhelm; aye. With no objection motion was approved.

Chairman Mahan called for any ex parte communication before BI Gilmore gave staff report. There was no ex parte on this variance request. Chairman Mahan called for the staff report to be given to the board. BI Gilmore read from the staff report that the applicants are wanting to demo the small garage that is in their backyard and build a new garage. The Kuchynka's are wanting more storage, places to park their vehicles and it looks like they will have a small storage space above the garage BI Gilmore stated. With the new build the 15ft backyard setback required by the City will remain. BI Gilmore included the Residential A District Specifications which address lot size, lot coverage, setbacks and building height.

BM Wilhelm asked BI Gilmore what exactly the variance request was for. BI Gilmore replied it was lot size. BM Wilhelm asked for clarification of lot size or lot coverage. The variance request is for lot coverage. There will be building specifications that will need to be looked into as on the south side of the property there is a garage right on the property line. BM Dunning asked BI Gilmore if the Kuchynka's were to build what is already built, would it be over the maximum lot coverage. BI Gilmore confirmed they are already over the maximum lot coverage. BM Wilhelm asked if BI Gilmore had the current coverage compared to what is proposed. BM Wilhelm based off google maps estimated 51% currently and 58% proposed. BI Gilmore agreed that was close.

BM Wilhelm reminded the board of the previous Singleton/Solberg variance request with the lot coverage on that one. Anything except grass counts against the lot coverage such as that lot being mostly gravel it was over the maximum lot coverage. Chairman Mahan asked what the distance is between the neighbor's garage and the proposed garage. BI Gilmore answered it is 9ft with the requirement being 10ft by the National Fire Code. Chairman Mahan asked if the setbacks will still be the same as building code minimums with the variance being on lot coverage. BI Gilmore confirmed.

Chairman Mahan called for public comment. Garth Sleight at 501 S Lake asked the Kuchynka's if the shed in the back yard would stay or go. Garth also asked if the shed counted against the lot coverage. BI Gilmore stated per City Ordinance you are allowed a utility building within the 15 ft backyard setback. The utility building must be 10ft from the main dwelling and any other dwelling. Garth asked the board what the alley setback was. BM Wilhelm stated it was a 15ft setback. Chairman Mahan called for any further public comment. Timothy Letke at 509 S Lake and Garth both stated they were good with the improvement. BM Dunning stated the current approach to garage was from the driveway and asked if it would remain or change to the alley. Rick Kuchynka stated they will use the current drive way for parking but will approach the new garage from the alley. Public comment closed.

Chairman Mahan called for a motion on the variance as written at 504 S Lake.

***Huber moved to approve the variance as written, second by Dunning. A roll call vote was called. Dunning; aye, Mahan; aye; Huber; aye and Wilhelm; aye. With no objection motion was approved.*

Chairman Mahan called for any ex parte communication before BI Gilmore gave the staff report on 17 S Stacy. There was no ex parte communication on this variance request. Chairman Mahan called for the staff report to be given to the board. They would like to extend the current garage towards the property line, which would be closer than 5ft from the property line BI Gilmore stated. The direct neighbor currently sits 10ft from the property line so this would not be a fire issue. The only issue will be if the neighbor wants to do an addition it will encroach the 10ft fire safety line. Chairman Mahan asked if it was a carport or extension of the garage. BI Gilmore stated an extension of the garage. BM Wilhelm had some questions for BI Gilmore to further clarify what is being proposed. Based off the drawing included in the staff report it looks like the addition will be 2ft off the property line. Wilhelm asked if that measurement was from the eave or the building itself. BI Gilmore said the 2ft is from the building. Chairman Mahan asked how much of an overhang will there be. The applicant Robert Martell explained the roof is flat so it will be given a slant with 6" overhang from a gutter. He further explained it won't be a gable but instead a shed roof. BI Gilmore asked where the water was going to be directed to. Robert said it will go to the north to towards the property line.

BM Wilhelm reminded the board of a previous variance request the board had seen where the building edge was being asked to be 4ft from the property edge. The board and applicant settled on it being 5ft from the property edge with the eaves encroaching the 5ft setbacks. BM Dunning asked about the proposed addition goes out to the existing driveway based off the drawing provided. The proposed addition will actually go 1 foot past the existing driveway. BM Huber stated this was a hard one considering the potential of the neighbor also wanting to do an addition then the 10ft setback between properties wouldn't be met. The way it looks to BM Huber is both would then be getting into the middle area where no one is supposed to be. No further questions between board members.

Chairman Mahan called for public comment. Mark Ahner at 13 S Stacy addressed the board with all of his concerns in regards to the proposed addition. BM Wilhelm stated that he did do the survey for this property so the sketch included did have exact measurements. BM Wilhelm asked Robert why he was wanting specifically 7.5ft is there something specific with that width and what is his idea of a hardship and why he is requesting to bring the building 3ft over the setback. Robert wants to have a 2-stall garage, it currently is a 12.5ft feet so just a one stall now. He wants to widen it out to get 2 vehicles in the garage. Going to the south will not work due to how the roof is on the house, a double hip roof. The garage is built into the corner of where the two meet. If he built to the south it would cover up windows as well as getting the roof line would be difficult. The reason for a flat roof or slightly slanted roof is so it wont drain back onto the house, the water needs to drain to the north. If he were to build in the backyard and come from the north it would come within 3 ft of the existing garage and take up 2/3 of his backyard. Robert address the drainage issue saying there is a slight ditch between the two properties where both owners direct their drainage to. BM Wilhelm asked if the new addition would have a gutter system added, Robert said yes it would.

Chairman Mahan asked if Robert had considered if a fence were to be put up down the property line how that would affect his ability to use the area. Robert mentioned his house already sits about 7ft away from his neighbor house so if a fence went up it wouldn't bother him any. BI Gilmore addressed a point Mark had made about fire apparatus' and that there is plenty of room

as of now. If the garage is built the end wall would be required to have a 2-hour fire wall added. BM Wilhelm had some concerns such as the precedence set with the 5ft side yard setbacks and it was not passed, the fence issue earlier mentioned by Chairman Mahan. The biggest concern BM Wilhelm has is the future issue it will have on the neighboring property to build into the 5ft from the property line. In that case another fire wall would have to be installed when it should be if everyone complied and didn't encroach the setbacks. Neighbor Mark Ahner asked the board for denial due to future complications this could cause his property as well as thinks there are other building options for Robert. BM Dunning asked BI Gilmore to confirm if there was adequate space, with the understanding it will take up much of the back yard, another place to put this garage on the property. BI Gilmore stated he would need to visit the property and look. Based on the drawing he cannot say either way. BI Gilmore thinks there is more than likely another solution for the build. After some further conversation between board members BM Wilhelm does not see any hardship on this variance request. Chairman Mahan asked for any further public comment, and with none public comment closed.

Chairman Mahan called for a motion on the variance as written at 17 S Stacy.

***Dunning moved to approve the variance as written, second by Wilhelm. A roll call vote was called. Dunning; nae, Mahan; nae; Huber; nae and Wilhelm; nae. Motion denied.*

Citizen/Visitor Request: None.

Open Public Hearing for Comments/Discussion: None.

Open regular BOA Meeting

Unfinished Business: None on agenda.

Adjournment: Without objection, the meeting was adjourned at 7:01 PM.



Noah Mahan, Chairman
Board of Appeals

Public Hearing

RESOLUTION NO. 4468

A RESOLUTION PURSUANT TO §7-6-4006 OF THE MONTANA CODE ANNOTATED, AUTHORIZING AMENDMENT OF FINAL BUDGET FOR FY 2021-2022 TO INCREASE THE BUDGETED AMOUNT IN VARIOUS FUNDS FOR VARIOUS UNBUDGETED REVENUES AND EXPENDITURES.

WHEREAS, the City of Miles City wishes to amend the budget for Fiscal Year 2020-2021 to increased appropriations as a result of several unanticipated revenues and expenditures related to the City of Miles City, as permitted by §7-6-4006 MCA;

AND WHEREAS, such amendment of the final budget will result in an overall increase in appropriation authority within multiple funds,

AND WHEREAS the provisions of §7-6-4006 MCA require public hearing upon any budget amendment resulting in an overall increase in appropriation authority,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Miles City, Montana as follows:

The appropriations for the Final Budget for Fiscal Year 2021-2022 shall be increased in the following amounts:

<u>FUND/ACCOUNT</u>	<u>DESCRIPTION</u>	<u>REVENUE</u>
1000-381070 (101000)	Unanticipated loan proceeds	\$73,821
2220-365000 (101000)	Received more than anticipated	\$42,669
2260-311010 (101000)	Received more than anticipated	\$21
2400-363010 (101000)	Received more than anticipated	\$878
2470-363010 (101000)	Received more than anticipated	\$210
2480-363010 (101000)	Received more than anticipated	\$227
2540-363010 (101000)	Received more than anticipated	\$257
2880-365035 (101000)	Library Board Donations	\$52,297
3301-311010 (101000)	Delinquent property tax revenue	\$1,478
4000-371010 (101000)	Investment Earnings	\$122

Total Revenue increased in various funds \$171,980

<u>FUND/ACCOUNT</u>	<u>DESCRIPTION</u>	<u>EXPENSE</u>
2260-201-521000-820	Prior year outstanding taxes	\$139
2270-037-440140-350	Incorrect fund budget expense	\$15,311
2372-020-521000-820	Prior year excess cash	\$16,846

Total expense increased in various funds \$32,296

BE IT FURTHER RESOLVED that a public hearing shall be held on the above proposed amendment to the Final Budget for Fiscal Year 2021-2022 on the 23rd day of August, 2022, at 6:00 p.m. in the City Council Chambers at City Hall, Miles City, Montana. The City Clerk shall cause notice of such hearing to be published in the Miles City Star, in accordance with §7-1-4128 MCA, at least 2 times with at least 6 days separating each publication.

SAID RESOLUTION READ AND PUT UPON ITS FINAL PASSAGE THIS 9TH DAY OF SEPTEMBER, 2022.

John Hollowell, Mayor

ATTEST:

Mary Rowe, City Clerk

SAID RESOLUTION FINALLY PASSED AND ADOPTED BY A DULY CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA, THIS 23RD DAY OF SEPTEMBER, 2022.

John Hollowell, Mayor

ATTEST:

Mary Rowe, City Clerk

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 23rd day of August, 2022.

John Hollowell, Mayor

ATTEST:

Mary Rowe, City Clerk

ORDINANCE NO. 1361

AN ORDINANCE ENACTING SECTION 22-152 OF THE CODE OF ORDINANCES OF THE CITY OF MILES CITY WITH RESPECT TO PROHIBITING THE USE OF ELECTRONIC COMMUNICATION DEVICES WHILE DRIVING.

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

Section 1. Sections 22-152 is hereby enacted, as follows:

Sec. 22-152, Electronic Communication Device Usage While Driving Prohibited.

- a. No person operating a motorized vehicle upon a public highway within the city limits of the City of Miles City shall use a mobile telephone to engage a call and/or use any other handheld electronic communication device to compose, send, view, or retrieve email, text message, or other electronic data; with the exception of handsfree devices as defined herein.
- b. "Handheld electronic communication device" includes mobile phones, laptops, tablets, notebook computers, navigational systems, electronic games, and any other similar device.
- c. Exceptions.
 - i. This provision shall not apply to any person reporting a health, fire, safety, or police emergency.
 - ii. This provision shall not apply to on duty governmental fire agencies, ambulance services, law enforcement agencies, emergency responders, or other "authorized emergency vehicle" as defined in MCA 61-8-102(2)(a) during response to an emergency.
 - iii. This provision shall not apply to the use of handsfree devices which allow for voice communication and navigation without the use of hands to manipulate the device for purposes of voice communication or navigation. The use of electronic games, web browsing, text messaging, and any other use of electronic devices other than for voice communication and navigation, with or without handsfree equipment, are prohibited.
 - iv. This provision shall not apply to drivers using two-way radios while in the performance of work related duties, or to drivers holding a valid amateur radio operator license issued by the Federal Communications Commission while using a two-way radio.
- d. Violation and Penalty. A person who is found to have committed a violation of this section shall be fined in an amount not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500).

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

Said Ordinance read and put on its passage this 26th day of July, 2022.

John Hollowell, Mayor

ATTEST:

Mary Rowe, City Clerk

FINALLY PASSED AND ADOPTED this 23rd day of August, 2022.

John Hollowell, Mayor

ATTEST:

Mary Rowe, City Clerk

New Business

ORDINANCE NO. 1362

AN ORDINANCE AMENDING SECTION 2-54 AND 2-55 REGARDING THE CITY COUNCIL FLOOD CONTROL COMMITTEE.

WHEREAS, the City Council has determined that it no longer requires a separate flood control committee, and that review of floodplain and floodway related matters are properly conducted by the remaining standing committees;

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

Section 1. Section 22-124 is amended to read as follows:

Sec. 2-54. - Standing committees—Created and designated.

At the first regular meeting of the city council after the first Monday in January of each year, the mayor, with the approval of a majority of the membership of the city council, shall appoint standing committees each consisting of four members of the city council, one from each ward, for the ensuing year as follows:

- (1) Committee on finance.
- (2) Committee on public safety.
- (3) Committee on public services.
- (4) Committee on human resources.
- ~~(5) Committee on flood control.~~

Sec. 2-55. - Same—Duties.

- (a) To the committee on finance shall be referred all policy matters related to the financial condition of the city including regular revenue and expenditures reviews; department budget preparation and reviews; auditing and passing upon all bills and claims presented against the city; and auditing of all books of accounts of all city officers. This committee shall also consider all policy matters related to apportionment, property rented or leased by the city and all zoning matters.
- (b) To the committee on public safety shall be referred all policy matters related to the fire and ambulance and police departments, including dispatch and animal/parking control, of the city; all safety matters concerning the inspection and regulation of buildings and occupancy of buildings; all matters related to the prevention and abatement of nuisances as well as all matters related to city court.
- (c) To the committee on public services shall be referred all policy matters related to streets and alleys of the city; water and sewer plant matters; mains and facilities, both public and private; and use of recreational facilities of the city including parks, playgrounds, libraries, public amusements and entertainment.

- (d) To the committee on human resources shall be referred all policy matters related to the recruitment, management and development of the human resources of the city including periodic review of the pay and classification systems for city employees. This committee will serve as a review board for employee grievances as directed by written city policy or as directed by the city council. To this committee union grievances concerning "phase II" shall be referred for recommendation to the whole council. The committee will serve as a review board for probationary performance evaluations as provided by written policy or as directed by the city council.
- ~~(e) To the committee on flood control shall be referred all policy matters related to flood control and floodplain management, including abatement and mitigation plans, disaster management plans pertaining to flood readiness and response, revisions to the flood insurance rate map (LOMRs), and policies pertaining to the National Flood Insurance Program such as the community rating system (CRS). To this committee the mayor shall refer all ordinances introduced dealing with matters relating to this section.~~

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

Said Ordinance read and put on its passage this 23rd day of August, 2022.

John Hollowell, Mayor

ATTEST:

Mary Rowe, City Clerk

FINALLY PASSED AND ADOPTED this 13th day of September, 2022.

John Hollowell, Mayor

ATTEST:

Mary Rowe, City Clerk

Return To:
City of Miles City
P.O. Box 910
Miles City, MT 59301

RESOLUTION NO. 4469

A RESOLUTION GRANTING A REVOCABLE LICENSE TO GABRIEL MARTINSEN FOR PLACEMENT OF A PRIVACY FENCE UPON CITY OF MILES CITY RIGHT OF WAY FOR DOEDEN AVENUE.

WHEREAS, Gabriel Martinson of Miles City Montana has made application for an encroachment upon the right of way of Doeden Avenue adjacent to the following described real property located in Miles City, Custer County, Montana:

Lots 17A-2 and 18A in Block 3 of the Pioneer Subdivision of the City of Miles City, Montana, according to the plat and survey thereof on file in the office of the clerk and Recorder of Custer County, Montana; commonly known as 2815 Tompy Street.

AND WHEREAS, such encroachment consists of a privacy fence 6' in height, set back approximately 6' from the curb, and accommodating for the "clear vision triangle" vision requirements for intersections as set forth in the Code of Ordinances of the City of Miles City,

AND WHEREAS, the Board of Adjustment for the City of Miles City has approved a variance with respect to the height of the fence along Doeden Avenue,

AND WHEREAS, the City Council finds that the granting of a revocable license for such encroachment is reasonable under the circumstances.

NOW THEREFORE BE IT RESOLVED by the City Council of Miles City, Montana, as follows:

It does hereby authorize and grant to Gabriel Martinsen a revocable license to maintain a 6' privacy fence in the right of way for Doeden Avenue, to be set back from the curb not less than 6', and which shall be compliant with the clear vision triangle intersection requirements of the City Code, adjacent to the following described real property:

Lots 17A-2 and 18A in Block 3 of the Pioneer Subdivision of the City of Miles City, Montana, according to the plat and survey thereof on file in the office of the clerk and Recorder of Custer County, Montana; commonly known as 2815 Tompy Street.

This license shall terminate, and the licensee shall, at licensee's sole expense, completely remove said fence upon 90 days' advanced written notice by the City of Miles City.

This license shall be recorded with the Clerk & Recorder for Custer County, Montana, and shall run with the above described real property, subject to the terms, conditions and right to terminate provided herein. Licensee shall pay to the City Clerk the recording cost of \$16.00

SAID RESOLUTION FINALLY PASSED AND ADOPTED BY A DULY CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA, AT A DULY CALLED MEETING THIS 23RD DAY OF AUGUST, 2022.

John Hollowell, Mayor

ATTEST:

Mary Rowe, City Clerk

RESOLUTION NO. 4470

A RESOLUTION APPROVING A MONTANA-DAKOTA UTILITIES CO. ELECTRIC LINE EASEMENT ACROSS CERTAIN CITY OWNED REAL PROPERTY.

WHEREAS, the City of Miles City owns certain real property located in Custer County, Montana, described as Section 4, Township Seven North, Range 47 East, in an area commonly known as the Spotted Eagle recreation area;

AND WHEREAS, certain electric lines owned by Montana-Dakota Utilities Co. (MDU) are located on and across said property, and MDU has requested a formal easement pertaining to the placement and maintenance of said lines;

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

1. The “Montana-Dakota Utilities Co. Electric Line Easement,” attached hereto as Exhibit “A” and incorporated by this reference, is hereby approved; and the Mayor of the City of Miles City shall be authorized to execute the same on behalf of the City.

SAID RESOLUTION FINALLY PASSED AND ADOPTED BY TWO-THIRDS OF THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA, THIS 23RD DAY OF AUGUST, 2022.

John Hollowell, Mayor

ATTEST:

Mary Rowe, City Clerk

MONTANA-DAKOTA UTILITIES CO.
ELECTRIC LINE EASEMENT

THIS EASEMENT, made this _____ day of _____, 2022, between MONTANA-DAKOTA UTILITIES CO., a Delaware corporation, 400 North Fourth Street, Bismarck, North Dakota, hereinafter called 'COMPANY,' its successors and assigns, and the following named persons, hereinafter, whether singular or plural, called 'OWNER,' namely: _____

CITY OF MILES CITY

whose address is 17 South 8th Street, Miles City, MT 59301

WITNESSETH, that for valuable considerations received, OWNER does hereby grant unto COMPANY, its successors and assigns, an easement 50' feet in width, being ___ feet left, and ___ feet right of the center line, as laid out and/or surveyed in and to the tract of land hereinafter described for the purpose of erecting and constructing thereon, and thereafter to reconstruct, increase the capacity of, operate, inspect, protect, maintain, repair and remove an electric line, including without limitation pole structures supporting one or more electric power circuits together with crossarms, cables, wires, guys, supports, anchors, fixtures, and such other structures, installations and facilities, and to license, permit or otherwise agree to the joint use or occupancy of the line by any other persons, associations or corporations, said tract of land being situated in the County of Custer, State of Montana and more particularly described as follows:

A Fifty (50') foot easement located across a tract of land in Section 4, Township Seven (T7N) North, Range Forty-Seven (R47E) East of the M.P.M, Custer County, Montana

***Easement more fully described on attached Exhibits A and B.**

Said line may be constructed either overhead, as described above, or underground, or the said line, if constructed overhead, may be converted from overhead to an underground line at some future time.

The OWNER, its successors and assigns, hereby grants to COMPANY, its successors and assigns, the right at all reasonable times of ingress and egress to the above described premises across adjacent lands of Owner, its successors and assigns, at convenient points for the enjoyment of the aforesaid uses, rights and privileges.

OWNER, its successors and assigns, agrees not to build, create or construct or permit to be built, created, or constructed any obstruction, building, engineering works or other structures upon, over, or under the above described tract of land or that would interfere with said electric line or COMPANY'S rights hereunder. Company shall have the right, but not the obligation, to remove, cut and trim trees and shrubbery located within ___ feet of the center line of the electric line and trees located outside such area where they interfere with or threaten to endanger the operation or maintenance of said line.

Said electric line and every part hereof shall be confined to the area granted under this easement, except that the COMPANY shall have the right of placing and maintaining guys and anchors at greater distance from said center line where necessary to support said electric line.

COMPANY hereby agrees that it will pay any and all damages that may result to the crops, fences, buildings and improvements on said premises caused by constructing, reconstructing, increasing the capacity of, inspecting, protecting, maintaining, repairing, converting to underground, operating or removing said electric line. It is agreed the removal and trimming of trees and shrubs within the area of the easement or that interfere with or endanger the operation and maintenance of the electric line shall not be regarded as compensable damages. The damages, if not mutually agreed upon, may be determined by three disinterested persons, one to be selected by COMPANY and one by OWNER; these two shall select the third person. The award of these three persons shall be final and conclusive.

If the herein described lands are in the State of North Dakota, this easement is limited to a term of 99 years.

If the herein described lands are in the State of Wyoming, OWNER does hereby release and waive all rights under and by virtue of the homestead exemption laws of that state.

IN WITNESS WHEREOF, OWNER has executed this easement as of the day and year first above written.

John Hollowell, Mayor

Attested by: Mary Rowe, City Clerk

STATE OF _____)
):ss
COUNTY OF _____)

On this _____ day of _____, 2022, before me personally appeared _____

known to me to be the same person described in and who executed the above and foregoing instrument and acknowledged to me that he executed the same, (known to me to be the _____ and _____ respectively, of the corporation that is described in and that executed the foregoing instrument, and acknowledged to me that such corporation executed the same.)

(THIS SPACE FOR RECORDING DATA ONLY)

Notary Public, _____ County,
State of _____
Residing at _____

(SEAL)

My Commission Expires: _____

W.O. _____ L.R.R NO _____

FILE NO. _____ TRACT NO. _____

Exhibit B

EASEMENT AREA 1

A POWER LINE EASEMENT LYING 25 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE AS LOCATED IN TRACT S OF SECTION 4, T7N, R47E, P.M.M., CITY OF MILES CITY, CUSTER COUNTY, MONTANA:

COMMENCING AT THE NORTHERLY CORNER OF TRACT Y OF SECTION 4; THENCE N 38° 55' 15" E, ALONG THE SOUTHEASTERLY SIDE OF TRACT 2, A DISTANCE OF 31.20 FEET TO THE POINT OF BEGINNING; THENCE S 51° 11' 13" E, A DISTANCE OF 1672.85 FEET; THENCE N 68° 44' 48" E, A DISTANCE OF 1253.44 FEET TO THE EASTERLY SIDE OF TRACT S. SAID POINT BEING S 15° 22' 53" W, ALONG SAID EASTERLY SIDE, A DISTANCE OF 8.71 FEET FROM THE EASTERLY CORNER OF SAID TRACT S.

SAID EASEMENT CONTAINS 3.32 ACRES MORE OR LESS AND IS SUBJECT TO ANY EXISTING EASEMENTS AND RIGHT-OF-WAY.

EASEMENT AREA 2

A POWER LINE EASEMENT LYING 25 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE AS LOCATED IN TRACT S OF SECTION 4, T7N, R47E, P.M.M., CITY OF MILES CITY, CUSTER COUNTY, MONTANA:

COMMENCING AT THE EASTERLY CORNER OF TRACT Y OF SECTION 4; THENCE S 79° 52' 00" E, ALONG THE SOUTHERLY SIDE OF TRACT S, A DISTANCE OF 311.20 FEET TO THE POINT OF BEGINNING; THENCE N 68° 46' 33" E, A DISTANCE OF 954.91 FEET TO THE EASTERLY SIDE OF SAID TRACT S. SAID POINT BEING S 15° 22' 53" W, ALONG SAID EASTERLY SIDE, A DISTANCE OF 292.43 FEET TO THE SOUTHEASTERLY CORNER OF SAID TRACT S.

SAID EASEMENT CONTAINS 1.10 ACRES MORE OR LESS AND IS SUBJECT TO ANY EXISTING EASEMENTS AND RIGHT-OF-WAY.

EXHIBIT A
POWER LINE EASEMENT
 AS LOCATED TRACT S OF SECTION 4
 TOWNSHIP 7 NORTH - RANGE 47 EAST - P.M.M.
 CITY OF MILES CITY, CUSTER COUNTY, MONTANA

EASEMENT AREA 1

A POWER LINE EASEMENT LYING 25 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE AS LOCATED IN TRACT S OF SECTION 4, T7N, R47E, P.M.M., CITY OF MILES CITY, CUSTER COUNTY, MONTANA:

COMMENCING AT THE NORTHERLY CORNER OF TRACT Y OF SECTION 4, THENCE N 38° 55' 15" E ALONG THE SOUTHEASTERLY SIDE OF TRACT 2, A DISTANCE OF 311.20 FEET TO THE POINT OF BEGINNING, THENCE S 51° 11' 13" E, A DISTANCE OF 1672.85 FEET, THENCE N 68° 44' 48" E, A DISTANCE OF 1253.44 FEET TO THE EASTERLY SIDE OF TRACT S, SAID POINT BEING S 15° 22' 53" W, ALONG SAID EASTERLY SIDE, A DISTANCE OF 8.71 FEET FROM THE EASTERLY CORNER OF SAID TRACT S.

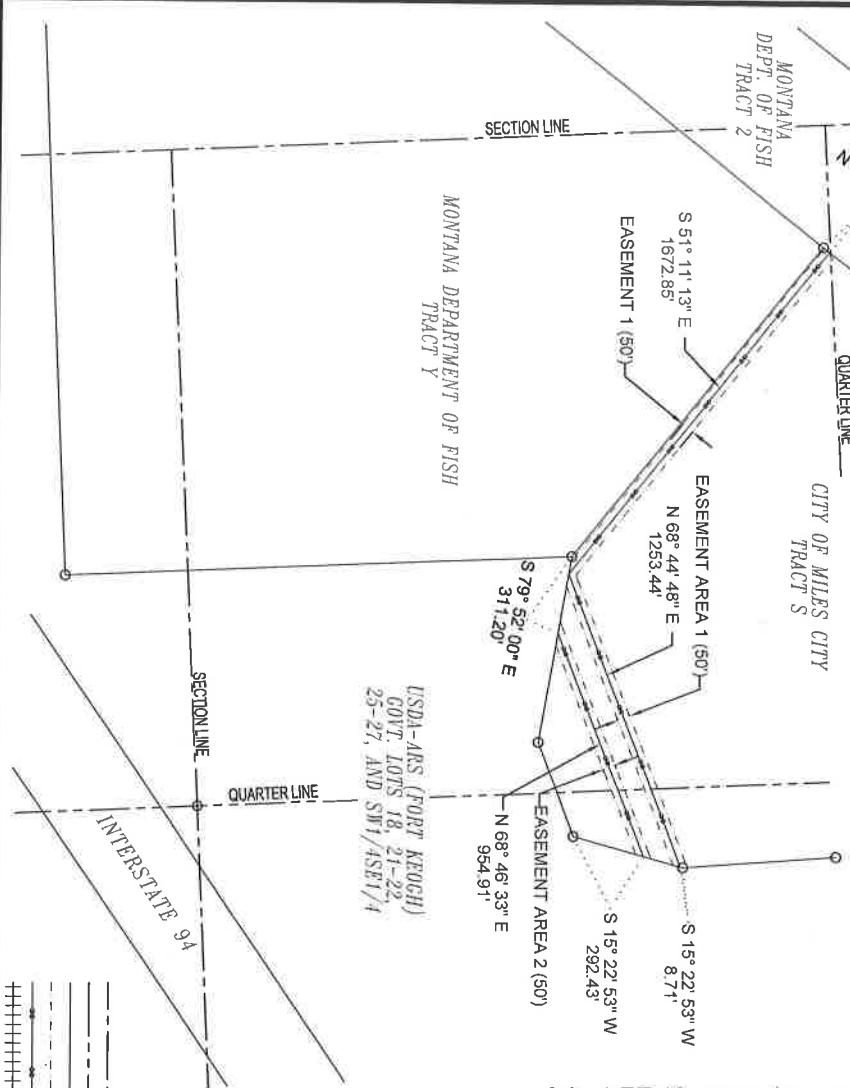
SAID EASEMENT CONTAINS 3.32 ACRES MORE OR LESS AND IS SUBJECT TO ANY EXISTING EASEMENTS AND RIGHT-OF-WAY.

EASEMENT AREA 2

A POWER LINE EASEMENT LYING 25 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE AS LOCATED IN TRACT S OF SECTION 4, T7N, R47E, P.M.M., CITY OF MILES CITY, CUSTER COUNTY, MONTANA:

COMMENCING AT THE EASTERLY CORNER OF TRACT Y OF SECTION 4, THENCE S 79° 52' 00" E, ALONG THE SOUTHERLY SIDE OF TRACT S, A DISTANCE OF 311.20 FEET TO THE POINT OF BEGINNING, THENCE N 68° 46' 33" E, A DISTANCE OF 954.91 FEET TO THE EASTERLY SIDE OF SAID TRACT S, SAID POINT BEING S 15° 22' 53" W, ALONG SAID EASTERLY SIDE, A DISTANCE OF 292.43 FEET TO THE SOUTHEASTERLY CORNER OF SAID TRACT S.

SAID EASEMENT CONTAINS 1.10 ACRES MORE OR LESS AND IS SUBJECT TO ANY EXISTING EASEMENTS AND RIGHT-OF-WAY.



- = REBAR & CAP SET
- = PIN FOUND
- ⊗ = COMPUTED
- = SECTION LINE
- - - = QUARTER LINE
- = PROPERTY LINE
- - - = EASEMENT LINE
- = POWER LINE
- ++++ = RR TRACKS



I CERTIFY THAT THIS PLAT CORRECTLY REPRESENTS WORK PERFORMED BY ME OR UNDER MY RESPONSIBLE CHARGE, AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

John Paulson
 JOHN PAULSON, R.L.S. 11705LS
 PROFESSIONAL LAND SURVEYOR
 11705LS

PERSON AUTHORIZING SURVEY:
 JUSTIN WILLIAMS - MDU
 BASIS OF BEARING: MONTANA STATE PLANE
 GRID DISTANCES - CIP: 0.9993414995

PROJECT NO. 2201200



RESOLUTION NO. 4471

A RESOLUTION APPROVING AN “EDUCATIONAL EXPERIENCE AGREEMENT” WITH HOLY ROSARY HEALTHCARE.

WHEREAS, the City of Miles City employs emergency medical technicians and desires to allow said employees to observe healthcare operations with medical providers employed by Holy Rosary Healthcare (HRH) subject to the conditions set forth in an Educational Experience Agreement provided to the City by HRH, and the City desires to approve the same;

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

1. The “Educational Experience Agreement” attached hereto as Exhibit “A” and incorporated by this reference, are hereby approved, and the Mayor of the City of Miles City is hereby authorized to execute the same on behalf of the City.

SAID RESOLUTION FINALLY PASSED AND ADOPTED BY A DULY CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA, THIS 23RD DAY OF AUGUST, 2022.

John Hollowell, Mayor

ATTEST:

Mary Rowe, City Clerk

EDUCATIONAL EXPERIENCE AGREEMENT

(Allowing Licensed Nurses, Mid-Level Providers, and other Healthcare Professionals to Observe Health Center Operations under Supervision and Responsibility of Qualified Healthcare Professional)

This EDUCATIONAL EXPERIENCE AGREEMENT between City Of Miles City (the “Sponsor”) and Holy Rosary Healthcare, located in Miles City, Montana (the “Facility”) (each individually, a “Party,” and collectively, the “Parties”) is effective as of the last date of signature hereunder (“Effective Date”).

Recitals

- A. The Sponsor is a City that maintains an ambulance service through its fire department employing or contracting with emergency medical technicians (“EMTs”) (whether singular or plural, “Trainee”) who have a need for additional clinical education experiences (whether singular or plural, “Experience”).
- B. The Facility employs and/or engages through its affiliated medical group, licensed Physicians, Registered Nurses and other medical personnel (each individually, a “Provider” and collectively, the “Providers”).
- C. The Providers are members of the Facility’s medical staff or allied medical staff and have admitting privileges at Facility, such that the Providers perform certain medical and/or health care services for the benefit of Providers’ patients within the Facility.
- D. The Parties desire for each Sponsor-selected Trainee to obtain observational Experiences only at the Facility while under the direction and supervision of Providers.

Agreement

In consideration of the foregoing recitals and the mutual covenants herein contained and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

I. Mutual Responsibilities and Coordination.

- A. Exchange and Review. Each Party retains a privilege to exchange visits and review materials relevant to a Trainee’s Experience.
- B. Nondiscrimination. Each Party must not discriminate on the basis of race, creed, sex, national origin, age or disability, unless that basis is a bona fide occupational criterion.
- C. Organization. The Parties will allow a designated representative of the Sponsor to cooperate with the Facility’s clinical coordinator (or other designee) in arranging the schedule, content, objectives and goals for each Experience (“Sponsor Representative”).
- D. Practice and Provider Oversight. The Parties understand that the Providers will

be responsible for the supervision, direction and oversight of each Trainee. A Trainee will not be allowed to interact with any patient without the direct supervision of a Provider and the Experience for each Trainee will be for observational purposes, only. The Facility and any patient admitted to Facility (or such patient's personal representative, as applicable) will at all times have the right to refuse consent to Trainee participation in the patient's treatment.

II. Sponsor Responsibilities.

- A. Duties. The Sponsor must, prior to the time a Trainee engages in an Experience hereunder:
1. provide a statement to the Facility that describes the philosophy, goals, objectives, and schedule of:
 - a. the Sponsor's orientation goals generally; and
 - b. each Experience in particular.
 2. ensure that each Trainee appropriately is assigned to the Experience, including:
 - a. evaluating the Trainee's competence and knowledge before the Experience begins;
 - b. assessing Trainee's health before the Experience begins;
 - c. ensuring the Trainee is properly licensed and has the appropriate education and training to engage in activities related to the Experience; and
 - d. requiring the Trainee to carry appropriate professional liability insurance;
 3. ensure that the Trainee is knowledgeable concerning and has prepared for:
 - a. transportation needed to fulfill responsibilities at the Facility;
 - b. room and board concurrently with the Experience; and
 - c. scheduling arrival at and departure from the Facility;
 4. ensure each Trainee has been made aware of each relevant Facility rule, regulation, policy, procedure and schedule that Facility has made known to the Sponsor;
 5. ensure each Trainee has been made aware of each Sponsor requirement and regulation for clinical education, including professional practice standards;
 6. facilitate communication between the Parties, including:
 - a. appointing a member of the Sponsor to serve as the Sponsor Representative;
 - b. notifying the Facility in writing of the identity of the Sponsor

- Representative and any Sponsor-designated Sponsor director;
- c. notifying the Facility of each specific Trainee assignment no later than ten (10) working days before the Trainee's arrival, subject to the arrangement set forth below in Sections IV.B and IV.C; and
 - d. describing to the Facility specific Trainee outcome objectives for the each assigned Trainee's Experience;
7. direct each Trainee to comply with the Facility's policies and procedures governing any use or disclosure of individually identifiable health information under federal law, specifically including the Health Insurance Portability and Accountability Act of 1996, and any of its implementing regulations, as amended from time to time ("HIPAA");
 8. ensure at the Facility's request that each Trainee signs and delivers to the Facility before the Experience begins a copy of a Confidentiality Understanding (attached and incorporated into this Agreement as **Attachment A**);
 9. ensure each Trainee meets all Facility requirements for health care immunizations or similar requirements, background checks, and health status; and,
 10. complete the form describing each Experience attached hereto and incorporated herein as **Attachment B**.
- B. Excluded Provider. The Sponsor represents and warrants that it nor its employees nor agents, including Trainees, is now nor has ever been excluded, sanctioned, debarred, or otherwise made ineligible from participation in any government sponsored program, including any federal or state health care program (e.g., Medicare, Medicaid), and no proceedings, investigations, or inquiries are currently pending or threatened by any federal or state agency as a result of which the Sponsor nor its employees nor agents could be excluded, sanctioned, debarred or otherwise made ineligible from participation in any government sponsored program or sanctioned for any violation of any rule or regulation of such programs (excluding denial of reimbursement or payment of any specific claim or claims). The Sponsor will immediately provide written notice to the Facility of any such pending or threatened investigation or inquiry upon becoming aware of such investigation or inquiry and the Facility shall thereafter have the right to terminate this Agreement immediately.
- C. Ethical and Religious Directives. The parties acknowledge and agree that, Facility is required to be operated in accordance with the Ethical and Religious Directives for Catholic Health Care Services, as approved by the United States Conference of Catholic Bishops ("Directives") and each Trainee, while engaged in the Experience, shall comply with such Directives. Notwithstanding any provision of this Agreement to the contrary, Facility shall not be required, nor shall any provision hereof be construed to require Facility, to provide services or participate in activities that are inconsistent with the health care ethics or precepts of the

Catholic Church.

III. Facility Responsibilities. The Facility must:

- A. notify the Sponsor - no later than fifteen working days before a clinical assignment - of any change in the Facility's ability to accept the Trainee;
- B. provide the Trainee a schedule for the observational Experience;
- C. complete and return each Trainee evaluation according to the Sponsor's guidelines and schedule in coordination with the Sponsor, if applicable;
- D. not subject the Trainee to any sexual harassment act; and
- E. inform and train the Trainee regarding Facility's HIPAA-related policies and practices.

IV. Trainee Experience Characteristics.

A. No Employment relationship with the Sponsor.

- 1. *In General.* The Facility's rules and regulations apply to each Trainee who the Sponsor assigns to an Experience. The Parties agree that if a Trainee is engaged in an Experience with a duration of more than twenty-four (24) hours, Trainee will be required to abide by and complete any applicable Facility requirements (including orientation, etc.) for independent third parties who are within the Facility's premises for more than a twenty-four (24) hour consecutive period.
- 2. *Liability.* The Trainee is not considered an officer, employee, agent, representative, or volunteer of either Party for any purpose, including liability or Workers' Compensation, but instead an employment candidate or employee:
 - a. of the Sponsor engaged in the Experiences as a part of the Sponsor's orientation; and
 - b. in clinical practice.
- 3. *HIPAA.* Each Trainee specifically is not and shall not be considered to be the Facility's employee. Rather, the Trainee shall be considered to be a member of the Facility's "workforce," when engaged in any Agreement activity:
 - a. solely for the purpose under HIPAA to define the Trainee's role in relation to using and disclosing the Facility's protected health information; and
 - b. as that term is defined under 45 C.F.R. 160.103.

B. Short-Notice Assignment. In an emergency circumstance, the Sponsor may

request to assign a Trainee to an Experience upon less than ten (10) days' notice to the Facility.

- C. Short-Notice Cancellation. The Sponsor retains a right to cancel a Trainee's Experience assignment for any or no cause upon less than ten (10) days' notice to Facility, with no duty to designate another Trainee as a replacement.
- D. Assignment Refusal. The Facility retains a right for any or no cause to refuse any Trainee from engaging in an Experience at the Facility upon prior written notice to the Sponsor.
- E. Withdrawal. Each Party is entitled at any time to withdraw a Trainee from the Facility after assignment for any or no reason.

V. **Effective Duration.**

- A. Term. This Agreement will commence as of the Effective Date for an initial term of one (1) year and will thereafter automatically renew for successive one (1) year terms.
- B. Termination. Each Party has a right to terminate the Agreement with or without cause and without penalty upon no less than sixty (60) days' written notice to the other Party.
- C. Effect of Termination. In the event of termination of this Agreement by either Party, Trainees currently assigned to clinical experiences at the Facility at the time of notice of termination will be given the opportunity to complete their Experience at the Facility.

VI. **Liability.**

A. **Sponsor Commitment.**

- 1. *Insurance.* The Sponsor at its own expense must provide adequate professional and corporate general liability insurance coverage for its officers, employees, and agents providing services or engaged in activities hereunder, including Trainees, each with minimum limits of \$1 Million per occurrence and \$3 Million annual aggregate and include Facility as additionally insured. If any policies are written on claims made basis, Sponsor must maintain such policies for a minimum of seven (7) years or purchase extended reporting ("tail") coverage. A statement of self-insurance or a certificate of insurance from the insurer evidencing each type of insurance coverage required hereunder must be delivered to Facility upon Sponsor's execution of this Agreement. Thereafter, Sponsor must give Facility written notice thirty (30) days prior to the effective date of any material changes in terms of such insurance. In the event the insurance is canceled in whole or in part or as to any insured, Sponsor must immediately notify Facility and Facility may immediately terminate this Agreement in whole or in part or require that an uninsured Trainee be removed immediately from participation in the Experience. Sponsor shall

provide Facility with a Certificate of Insurance evidence of such insurance coverage. This Section will survive termination of this Agreement.

2. *Workers Compensation.* The Sponsor must, at its own expense, obtain and maintain appropriate Workers' Compensation coverage for Sponsor's employed personnel, including Trainees.

B. Facility Commitment.

1. *Insurance.* The Facility at its own expense must provide adequate liability insurance coverage for its officers, employees, agents, representatives, and volunteers.

C. Responsibility for Claims / Indemnification.

1. Facility will defend, indemnify and hold harmless Sponsor from, and be liable for, any and all claims, costs and expenses (including reasonable attorneys' fees) arising out of any alleged act, error, or omission of Facility, its agents or employees in the performance of its obligations or any services provided under this Agreement.
2. Sponsor will defend, indemnify and hold harmless Facility from, and be liable for, any and all claims, costs and expenses (including reasonable attorneys' fees):
 - a) arising out of any alleged act, error, or omission of Sponsor, its Trainee(s), its agent(s), employee(s) or representative(s) in the performance of its or Trainee's obligation(s); or
 - b) any service(s) provided under this Agreement; or
 - c) any act, error, or omission of Trainee(s) or Sponsor Representative(s) while at or represented to be acting for Facility related to this Agreement.
3. Each party to this Agreement will give the other party prompt written notice of any and all claims brought or actions filed against it or against its Trainees, agents, employees or representatives with respect to the subject matter of this Agreement.

VIII. Amendment. Any change to this agreement requires a written amendment that each Party must sign.

IX. Notices. Each Party must send any notice under this agreement in writing either hand-delivered or mailed by certified mail to the addresses set forth below.

Sponsor Notification Address:

City Of Miles City
17 S 8Th St
Miles City, Montana 59301

Facility Notification Address:

Holy Rosary Healthcare
2600 Wilson Street
Miles City, Montana 59301

With Copy to:

SCL Health
Legal Division
500 Eldorado Blvd, Ste. 4300
Broomfield, CO 80021

X. **Governing Law.** This Agreement has been executed and delivered in, and will be interpreted, construed and enforced pursuant to and in accordance with, the laws of the State the Facility is located. All duties and obligations of the parties created hereunder are performable in the location of the Facility's County and State, and the same will be the exclusive venue and jurisdiction for any litigation, arbitration, special proceeding or other proceeding between the parties that may be brought, or arise out of, in connection with or by reason of this Agreement.

X. **Assignment.** Neither Party may assign this Agreement to another party without the prior written consent of the other Party, provided the Facility may assign this Agreement with the Sponsor's prior written consent to any entity that it is controlled by, controls, or is under common control with.

XI. **Binding Authority.** Each Party has authorized the undersigned individual to sign this Agreement on behalf of that Party.

XII. **Counterparts; Electronic Signatures.** This Agreement and amendments thereto may be executed in multiple counterparts, each of which may be deemed an original, but all of which together will constitute one and the same instrument. Each party agrees to be bound by its digital or electronic signature ("e-signature") which evidences an intent to be bound, whether transmitted by fax machine, in the form of an electronically scanned image (e.g. in .pdf form), by e-mail, or by other means of e-signature technology, and each party agrees that it shall accept the signature of the other party transmitted in such a manner.

[Signature Page follows]

SIGNATURE PAGE

IN WITNESS WHEREOF, the parties have executed this Agreement to be effective as of the Effective Date.

Sponsor: City Of Miles City

By: _____
John Hollowell, Mayor

Date: _____

Facility: Holy Rosary Healthcare

By: _____
Karen Costello, President

Date: _____

ATTACHMENT A

Confidentiality Understanding

By signing and dating this Confidentiality Understanding, the undersigned Trainee indicates an understanding of, and agrees to be bound by, a certain Affiliation Agreement between Holy Rosary Healthcare (“Facility”) and City Of Miles City (“Sponsor”).

As a material part of any consideration that Trainee provides to the Facility in exchange for the Facility allowing Trainee’s clinical experience at the Facility, Trainee confirms that any patient information acquired during the clinical experience is confidential, and Trainee at all times must maintain the confidentiality of and not disclose this information, whether during the clinical experience or after it has ended.

Trainee further must abide by the applicable rules and policies of both the Facility and the Sponsor while at the Facility. Trainee understands that, in addition to other available remedies, the Facility immediately may remove Trainee and terminate Trainee’s clinical experience for any or no reason, including if the Facility considers Trainee to endanger any patient, breach patient confidentiality, disrupt the Facility’s operation, or not to comply with any request by the including its supervisory staff.

I have read and understand the Affiliation Agreement, and I agree to abide by this Confidentiality Understanding.

Trainee’s Signature Date

Trainee’s Name (Print)

Sponsor Witness (Signature) Date

Sponsor Witness Name and Title (Print)

ATTACHMENT B

Additional Educational Experience Agreement Application

Thank you for your interest in considering Facility as a site location for your Healthcare Professionals to gain additional experience. In order to properly access the candidate, please complete the following application. Incomplete applications cannot be processed.

1. **Name** of Institution ("Sponsor"):

2. **Type** of Institution:

3. **Name** and **Contact** information of Sponsor Representative:
Name: _____
Address: _____
Telephone / Fax: _____
Email: _____
4. **Length** of additional experience (beginning and ending date on-site at Facility):

5. **Number of Hours** that any Trainee would be at Facility on any given day:

6. **Total Number** of Trainees to be placed at Facility: _____
7. **Number** of Trainees at Facility at any one time: _____
8. **Proposed Facility Clinical Areas or Departments** for Trainee Placement:

9. Please attach **Experience / Trainee Objectives**, Trainee Protocols and/or Anticipated Experience Outcomes of what it is expected the Trainee will accomplish at Facility (*This is a mandatory requirement for application evaluation*).
10. Use **additional sheets** as necessary to provide full and complete information about your program and in response to the questions above.

- Facility use only: Clinical Department approval: _____
- Department VP approval: _____
 - Risk Management approval: _____
 - Human Resources / Education approval: _____
 - Legal approval (contract content): _____
 - Contract approval: _____
 - Other: _____

RESOLUTION NO. 4472

A RESOLUTION PURSUANT TO §2-9-212 OF THE MONTANA CODE ANNOTATED, AUTHORIZING A PERMISSIVE MEDICAL LEVY FOR FY 2022-2023 TO FUND GROUP HEALTH INSURANCE PREMIUM CONTRIBUTIONS BY THE CITY AND PROVIDING FOR HEARING THEREON

WHEREAS, the City of Miles City contributes funds for employee group health insurance premiums;

AND WHEREAS, §2-9-212 MCA permits the City of Miles City to levy an annual property tax, designated "Permissive Medical Levy," to fund the payment of such health insurance premiums in the amount in excess of the base contribution as determined under §2-18-703(4)(c) MCA for group benefits under §2-18-703 MCA;

AND WHEREAS, such levy is not subject to the mill levy limitation set forth in §15-10-420 MCA;

AND WHEREAS, the City of Miles City desires to levy such property tax for Fiscal Year 2022-2023;

AND WHEREAS, the provisions of §2-9-212(2)(b) MCA require public hearing upon any increase in such permissive medical levy prior to implementing such levy;

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

That a property tax levy of 24.40 mills be imposed, pursuant to §2-9-212 MCA, for the purposes of funding the premium for group health insurance for Fiscal Year 2022-2023.

BE IT FURTHER RESOLVED that a public hearing shall be held on the above proposed levy on the 6th day of September, 2022, at 6:00 p.m. in the City Hall Chambers at City Hall, 17 S. Eighth Street, Miles City, Montana. The City Clerk shall cause notice of such hearing to be published in the Miles City Star, in accordance with §7-1-4127 MCA, at least 2 times with at least 6 days separating each publication.

SAID RESOLUTION READ AND PUT UPON ITS FINAL PASSAGE THIS 23RD DAY OF AUGUST, 2022.

John Hollowell, Mayor

ATTEST:

Mary Rowe, City Clerk

SAID RESOLUTION FINALLY PASSED AND ADOPTED BY A DULY CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA, THIS 6TH DAY OF SEPTEMBER, 2022.

John Hollowell, Mayor

ATTEST:

Mary Rowe, City Clerk

RESOLUTION NO. 4473

A RESOLUTION LEVYING AND ASSESSING A TAX UPON ALL PROPERTY IN SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 165 TO DEFRAY THE COST OF LEASING, MAINTENANCE AND ELECTRICAL CURRENT IN SAID SPECIAL IMPROVEMENT LIGHTING DISTRICT AND AUTHORIZING AND DIRECTING PAYMENT THEREFORE, FOR THE FISCAL YEAR 2022-2023.

WHEREAS, the City Council for the City of Miles City, Montana did, on the 25th of February, 1968, create a special improvement district in said City, known and designated as Special Improvement Lighting District No. 165; and,

WHEREAS, the whole cost of LEASING, MAINTENANCE AND ELECTRICAL CURRENT for the fiscal year of 2022-2023 is estimated by the City Council at the sum of \$154,440 and,

WHEREAS, the property in said Special Improvement Lighting District No. 165 is to be assessed one hundred percent (100%) of the cost during the fiscal year 2022-2023 for LEASING, MAINTENANCE AND ELECTRICAL CURRENT for each lot or parcel of land within Special Improvement Lighting District No. 165.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF MILES CITY, MONTANA, THAT:

Section 1: To defray one hundred percent (100%) of the cost of LEASING, MAINTENANCE AND ELECTRICAL CURRENT in Special Improvement Lighting District No. 165, there shall be levied and assessed a tax upon all property in Special Improvement Lighting District No. 165 amounting to 0.005161 per square foot;

Section 2: A description of each lot or parcel of land, the total square footage of property contained therein, the name of the owner and the amount assessed against each lot or parcel of land in Special Improvement Lighting District 165, is attached hereto as Exhibit "A" and made a part hereof, and shall, upon passage, be kept on file in the City Clerk's Office.

Section 3: The City Council of Miles City, Montana, will be in session at the City Council Chambers on the 6th day of September, 2022, at 6:00 P.M., at which time and place the said Council will hear objections to the final adoption of this resolution.

Section 4: The City Clerk is hereby authorized and directed to publish in a newspaper of general circulation within the City of Miles City, in the manner provided for in 7-1-4127 MCA, a notice stating that the resolution levying the special assessment to defray the cost of LEASING, MAINTENANCE AND ELECTRICAL CURRENT for Special Improvement Lighting District No. 165 is on file at City Hall and subject to inspection.

Section 5: Said notice shall state time and place at which objections to the final adoption of this resolution will be heard by the City Council, and the last publication of said notice shall be published at least five (5) days before the time set by the Council for hearing objections to the final adoption of this resolution.

PASSED BY THE CITY COUNCIL THIS 23rd day of August, 2022.

John Hollowell, Mayor

ATTEST:

Mary Rowe, City Clerk

WHEREAS, the above-entitled Resolution was filed in the Office of the City Clerk on the 23rd day of August, 2022, and has ever since been on file in said office subject to public inspection.

WHEREAS, the City Clerk, having given notice of the passing and filing of said Resolution by publishing, in accordance with 7-1-4127 MCA, said notice in the Miles City Star, a newspaper published in Miles City, with the last date of publication at least five (5) days before the day set therein for hearing all objections to the final adoption of said Resolution.

WHEREAS, a hearing on objections was conducted by the City Council on September 6th, 2022, pursuant to published notice;

WHEREAS, the cost of LEASING, MAINTENANCE AND ELECTRICAL CURRENT for fiscal year 2022-2023 appears to the satisfaction of the City Council as suitable and proper and, therefore, the cost shall be assessed against the property in said District.

THEREFORE, BE IT RESOLVED that the Resolution 4473 is hereby adopted, that the special assessment therein provided is hereby levied and assessed accordingly, and that the said assessments are now due and payable and will appear on the fiscal year 2022-2023 Tax Statement. A copy of this resolution, as adopted, certified by the City Clerk, must be delivered to the City Treasurer within 2 days after its passage.

FINALLY PASSED AND ADOPTED by the City Council this 6th day of September, 2022.

John Hollowell, Mayor

ATTEST:

Mary Rowe, City Clerk

RESOLUTION NO. 4474

A RESOLUTION LEVYING AND ASSESSING A TAX UPON ALL PROPERTY IN SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 167 TO DEFRAY THE COST OF LEASING, MAINTENANCE AND ELECTRICAL CURRENT IN SAID SPECIAL IMPROVEMENT LIGHTING DISTRICT AND AUTHORIZING AND DIRECTING PAYMENT THEREFORE, FOR THE FISCAL YEAR 2022-2023.

WHEREAS, the City Council for the City of Miles City, Montana did, on the 25th of February, 1968, create a special improvement district in said City, known and designated as Special Improvement Lighting District No. 167; and,

WHEREAS, the whole cost of LEASING, MAINTENANCE AND ELECTRICAL CURRENT for the fiscal year of 2022-2023 is estimated by the City Council at the sum of \$18,870 and,

WHEREAS, the property in said Special Improvement Lighting District No. 167 is to be assessed one hundred percent (100%) of the cost during the fiscal year 2022-2023 for LEASING, MAINTENANCE AND ELECTRICAL CURRENT for each lot or parcel of land within Special Improvement Lighting District No. 167.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF MILES CITY, MONTANA, THAT:

Section 1: To defray one hundred percent (100%) of the cost of LEASING, MAINTENANCE AND ELECTRICAL CURRENT in Special Improvement Lighting District No. 167, there shall be levied and assessed a tax upon all property in Special Improvement Lighting District No. 167 amounting to 0.007592 per square foot;

Section 2: A description of each lot or parcel of land, the total square footage of property contained therein, the name of the owner and the amount assessed against each lot or parcel of land in Special Improvement Lighting District 167, is attached hereto as Exhibit "A" and made a part hereof, and shall, upon passage, be kept on file in the City Clerk's Office.

Section 3: The City Council of Miles City, Montana, will be in session at the City Council Chambers on the 6th day of September, 2022 at 6:00 P.M., at which time and place the said Council will hear objections to the final adoption of this resolution.

Section 4: The City Clerk is hereby authorized and directed to publish in a newspaper of general circulation within the City of Miles City, in the manner provided for in 7-1-4127 MCA, a notice stating that the resolution levying the special assessment to defray the cost of LEASING, MAINTENANCE AND ELECTRICAL CURRENT for Special Improvement Lighting District No. 167 is on file at City Hall and subject to inspection.

Section 5: Said notice shall state time and place at which objections to the final adoption of this resolution will be heard by the City Council, and the last publication of said notice shall be published at least five (5) days before the time set by the Council for hearing objections to the final adoption of this resolution.

PASSED BY THE CITY COUNCIL THIS 23rd day of August, 2022.

John Hollowell, Mayor

ATTEST:

Mary Rowe, City Clerk

WHEREAS, the above-entitled Resolution was filed in the Office of the City Clerk on the 23rd day of August, 2022, and has ever since been on file in said office subject to public inspection.

WHEREAS, the City Clerk, having given notice of the passing and filing of said Resolution by publishing, in accordance with 7-1-4127 MCA, said notice in the Miles City Star, a newspaper published in Miles City, with the last date of publication at least five (5) days before the day set therein for hearing all objections to the final adoption of said Resolution.

WHEREAS, a hearing on objections was conducted by the City Council on September 6th, 2022, pursuant to published notice;

WHEREAS, the cost of LEASING, MAINTENANCE AND ELECTRICAL CURRENT for fiscal year 2022-2023 appears to the satisfaction of the City Council as suitable and proper and, therefore, the cost shall be assessed against the property in said District.

THEREFORE, BE IT RESOLVED that the Resolution 4474 is hereby adopted, that the special assessment therein provided is hereby levied and assessed accordingly, and that the said assessments are now due and payable and will appear on the fiscal year 2022-2023 Tax Statement. A copy of this resolution, as adopted, certified by the City Clerk, must be delivered to the City Treasurer within 2 days after its passage.

FINALLY PASSED AND ADOPTED by the City Council this 6th day of September, 2022.

John Hollowell, Mayor

ATTEST:

Mary Rowe, City Clerk

RESOLUTION NO. 4475

A RESOLUTION LEVYING AND ASSESSING A TAX UPON ALL PROPERTY IN SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 171 TO DEFRAY THE COST OF LEASING, MAINTENANCE AND ELECTRICAL CURRENT IN SAID SPECIAL IMPROVEMENT LIGHTING DISTRICT AND AUTHORIZING AND DIRECTING PAYMENT THEREFORE, FOR THE FISCAL YEAR 2022-2023.

WHEREAS, the City Council for the City of Miles City, Montana, did on the 10th day of November, 1969, create a special improvement district in said City, known and designated as Special Improvement Lighting District No. 171; and

WHEREAS, the whole cost of LEASING, MAINTENANCE AND ELECTRICAL CURRENT for the fiscal year of 2022-2023 is estimated by the City Council at the sum of \$9,780 and,

WHEREAS, the property in said Special Improvement Lighting District No. 171 is to be assessed one hundred percent (100%) of the cost during the fiscal year 2022-2023 for LEASING, MAINTENANCE AND ELECTRICAL CURRENT for each lot or parcel of land within Special Improvement Lighting District No. 171.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF MILES CITY, MONTANA, THAT:

Section 1: To defray one hundred percent (100%) of the cost of LEASING, MAINTENANCE AND ELECTRICAL CURRENT in Special Improvement Lighting District No. 171, there shall be levied and assessed a tax upon all property in Special Improvement Lighting District No. 171 amounting to 0.012337 per square foot;

Section 2: A description of each lot or parcel of land, the total square footage of property contained therein, the name of the owner and the amount assessed against each lot or parcel of land in Special Improvement Lighting District 171, is attached hereto as Exhibit "A" and made a part hereof, and shall, upon passage, be kept on file in the City Clerk's Office.

Section 3: The City Council of Miles City, Montana, will be in session at the City Council Chambers on the 6th day of September, 2022, at 6:00 P.M., at which time and place the said Council will hear objections to the final adoption of this resolution.

Section 4: The City Clerk is hereby authorized and directed to publish in a newspaper of general circulation within the City of Miles City, in the manner provided for in 7-1-4127 MCA, a notice stating that the resolution levying the special assessment to defray the cost of LEASING, MAINTENANCE AND ELECTRICAL CURRENT for Special Improvement Lighting District No. 171 is on file at City Hall and subject to inspection.

Section 5: Said notice shall state time and place at which objections to the final adoption of this resolution will be heard by the City Council, and the last publication of said notice shall be published at least five (5) days before the time set by the Council for hearing objections to the final adoption of this resolution.

PASSED BY THE CITY COUNCIL THIS 23rd day of August, 2022.

John Hollowell, Mayor

ATTEST:

Mary Rowe, City Clerk

WHEREAS, the above-entitled Resolution was filed in the Office of the City Clerk on the 23rd day of August, 2022, and has ever since been on file in said office subject to public inspection.

WHEREAS, the City Clerk, having given notice of the passing and filing of said Resolution by publishing, in accordance with 7-1-4127 MCA, said notice in the Miles City Star, a newspaper published in Miles City, with the last date of publication at least five (5) days before the day set therein for hearing all objections to the final adoption of said Resolution.

WHEREAS, a hearing on objections was conducted by the City Council on September 6th, 2022, pursuant to published notice;

WHEREAS, the cost of LEASING, MAINTENANCE AND ELECTRICAL CURRENT for fiscal year 2022-2023 appears to the satisfaction of the City Council as suitable and proper and, therefore, the cost shall be assessed against the property in said District.

THEREFORE, BE IT RESOLVED that the Resolution 4475 is hereby adopted, that the special assessment therein provided is hereby levied and assessed accordingly, and that the said assessments are now due and payable and will appear on the fiscal year 2022-2023 Tax Statement. A copy of this resolution, as adopted, certified by the City Clerk, must be delivered to the City Treasurer within 2 days after its passage.

FINALLY PASSED AND ADOPTED by the City Council this 6th day of September, 2022.

John Hollowell, Mayor

ATTEST:

Mary Rowe, City Clerk

RESOLUTION NO. 4476

A RESOLUTION LEVYING AND ASSESSING A TAX UPON ALL PROPERTY IN SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 172 TO DEFRAY THE COST OF LEASING, MAINTENANCE AND ELECTRICAL CURRENT IN SAID SPECIAL IMPROVEMENT LIGHTING DISTRICT AND AUTHORIZING AND DIRECTING PAYMENT THEREFORE, FOR THE FISCAL YEAR 2022-2023.

WHEREAS, the City Council for the City of Miles City, Montana did, on the 13th day of April, 1970, create a special improvement district in said City, known and designated as Special Improvement Lighting District No. 172; and

WHEREAS, the whole cost of LEASING, MAINTENANCE AND ELECTRICAL CURRENT for the fiscal year of 2022-2023 is estimated by the City Council at the sum of \$23,857 and,

WHEREAS, the property in said Special Improvement Lighting District No. 172 is to be assessed one hundred percent (100%) of the cost during the fiscal year 2022-2023 for LEASING, MAINTENANCE AND ELECTRICAL CURRENT for each lot or parcel of land within Special Improvement Lighting District No. 172.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF MILES CITY, MONTANA, THAT:

Section 1: To defray one hundred percent (100%) of the cost of LEASING, MAINTENANCE AND ELECTRICAL CURRENT in Special Improvement Lighting District No. 172, there shall be levied and assessed a tax upon all property in Special Improvement Lighting District No. 172 amounting to 0.031294 per square foot;

Section 2: A description of each lot or parcel of land, the total square footage of property contained therein, the name of the owner and the amount assessed against each lot or parcel of land in Special Improvement Lighting District 172, is attached hereto as Exhibit "A" and made a part hereof, and shall, upon passage, be kept on file in the City Clerk's Office.

Section 3: The City Council of Miles City, Montana, will be in session at the City Council Chambers on the 6th day of September, 2022, at 6:00 P.M., at which time and place the said Council will hear objections to the final adoption of this resolution.

Section 4: The City Clerk is hereby authorized and directed to publish in a newspaper of general circulation within the City of Miles City, in the manner provided for in 7-1-4127 MCA, a notice stating that the resolution levying the special assessment to defray the cost of LEASING, MAINTENANCE AND ELECTRICAL CURRENT for Special Improvement Lighting District No. 172 is on file at City Hall and subject to inspection.

Section 5: Said notice shall state time and place at which objections to the final adoption of this resolution will be heard by the City Council, and the last publication of said notice shall be published at least five (5) days before the time set by the Council for hearing objections to the final adoption of this resolution.

PASSED BY THE CITY COUNCIL THIS 23rd day of August, 2022.

John Hollowell, Mayor

ATTEST:

Mary Rowe, City Clerk

WHEREAS, the above-entitled Resolution was filed in the Office of the City Clerk on the 23rd day of August, 2022, and has ever since been on file in said office subject to public inspection.

WHEREAS, the City Clerk, having given notice of the passing and filing of said Resolution by publishing, in accordance with 7-1-4127 MCA, said notice in the Miles City Star, a newspaper published in Miles City, with the last date of publication at least five (5) days before the day set therein for hearing all objections to the final adoption of said Resolution.

WHEREAS, a hearing on objections was conducted by the City Council on September 6th, 2022, pursuant to published notice;

WHEREAS, the cost of LEASING, MAINTENANCE AND ELECTRICAL CURRENT for fiscal year 2022-2023 appears to the satisfaction of the City Council as suitable and proper and, therefore, the cost shall be assessed against the property in said District.

THEREFORE, BE IT RESOLVED that the Resolution 4476 is hereby adopted, that the special assessment therein provided is hereby levied and assessed accordingly, and that the said assessments are now due and payable and will appear on the fiscal year 2022-2023 Tax Statement. A copy of this resolution, as adopted, certified by the City Clerk, must be delivered to the City Treasurer within 2 days after its passage.

FINALLY PASSED AND ADOPTED by the City Council this 6th day of August, 2022.

John Hollowell, Mayor

ATTEST:

Mary Rowe, City Clerk

RESOLUTION NO. 4477

A RESOLUTION LEVYING AND ASSESSING A TAX UPON ALL PROPERTY IN SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 195 TO DEFRAY THE COST OF LEASING, MAINTENANCE AND ELECTRICAL CURRENT IN SAID SPECIAL IMPROVEMENT LIGHTING DISTRICT AND AUTHORIZING AND DIRECTING PAYMENT THEREFORE, FOR THE FISCAL YEAR 2022-2023.

WHEREAS, the City Council for the City of Miles City, Montana, did, on the 28th day of March, 1978, create a special improvement district in said City, known and designated as Special Improvement Lighting District No. 195; and,

WHEREAS, the whole cost of LEASING, MAINTENANCE AND ELECTRICAL CURRENT for the fiscal year of 2022-2023 is estimated by the City Council at the sum of \$7,177 and,

WHEREAS, the property in said Special Improvement Lighting District No. 195 is to be assessed one hundred percent (100%) of the cost during the fiscal year 2022-2023 for LEASING, MAINTENANCE AND ELECTRICAL CURRENT for each lot or parcel of land within Special Improvement Lighting District No. 195.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF MILES CITY, MONTANA, THAT:

Section 1: To defray one hundred percent (100%) of the cost of LEASING, MAINTENANCE AND ELECTRICAL CURRENT in Special Improvement Lighting District No. 195, there shall be levied and assessed a tax upon all property in Special Improvement Lighting District No. 195 amounting to 0.009768 per square foot;

Section 2: A description of each lot or parcel of land, the total square footage of property contained therein, the name of the owner and the amount assessed against each lot or parcel of land in Special Improvement Lighting District 195, is attached hereto as Exhibit "A" and made a part hereof, and shall, upon passage, be kept on file in the City Clerk's Office.

Section 3: The City Council of Miles City, Montana, will be in session at the City Council Chambers on the 6th day of September, 2022, at 6:00 P.M., at which time and place the said Council will hear objections to the final adoption of this resolution.

Section 4: The City Clerk is hereby authorized and directed to publish in a newspaper of general circulation within the City of Miles City, in the manner provided for in 7-1-4127 MCA, a notice stating that the resolution levying the special assessment to defray the cost of LEASING, MAINTENANCE AND ELECTRICAL CURRENT for Special Improvement Lighting District No. 195 is on file at City Hall and subject to inspection.

Section 5: Said notice shall state time and place at which objections to the final adoption of this resolution will be heard by the City Council, and the last publication of said notice shall be published at least five (5) days before the time set by the Council for hearing objections to the final adoption of this resolution.

PASSED BY THE CITY COUNCIL THIS 23rd day of August, 2022.

John Hollowell, Mayor

ATTEST:

Mary Rowe, City Clerk

WHEREAS, the above-entitled Resolution was filed in the Office of the City Clerk on the 23rd day of August, 2022, and has ever since been on file in said office subject to public inspection.

WHEREAS, the City Clerk, having given notice of the passing and filing of said Resolution by publishing, in accordance with 7-1-4127 MCA, said notice in the Miles City Star, a newspaper published in Miles City, with the last date of publication at least five (5) days before the day set therein for hearing all objections to the final adoption of said Resolution.

WHEREAS, a hearing on objections was conducted by the City Council on September 6th, 2022, pursuant to published notice;

WHEREAS, the cost of LEASING, MAINTENANCE AND ELECTRICAL CURRENT for fiscal year 2022-2023 appears to the satisfaction of the City Council as suitable and proper and, therefore, the cost shall be assessed against the property in said District.

THEREFORE, BE IT RESOLVED that the Resolution 4477 is hereby adopted, that the special assessment therein provided is hereby levied and assessed accordingly, and that the said assessments are now due and payable and will appear on the fiscal year 2022-2023 Tax Statement. A copy of this resolution, as adopted, certified by the City Clerk, must be delivered to the City Treasurer within 2 days after its passage.

FINALLY PASSED AND ADOPTED by the City Council this 6th day of September, 2022.

John Hollowell, Mayor

ATTEST:

Mary Rowe, City Clerk

RESOLUTION NO. 4478

A RESOLUTION LEVYING AND ASSESSING A TAX UPON ALL PROPERTY IN SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 202 TO DEFRAY THE COST OF LEASING, MAINTENANCE AND ELECTRICAL CURRENT IN SAID SPECIAL IMPROVEMENT LIGHTING DISTRICT AND AUTHORIZING AND DIRECTING PAYMENT THEREFORE, FOR THE FISCAL YEAR 2022-2023.

WHEREAS, the City Council for the City of Miles City, Montana did, on the 10th day of May, 1983, create a special improvement district in said City, known and designated as Special Improvement Lighting District No. 202; and,

WHEREAS, the whole cost of LEASING, MAINTENANCE AND ELECTRICAL CURRENT for the fiscal year of 2022-2023 is estimated by the City Council at the sum of \$6,189 and,

WHEREAS, the property in said Special Improvement Lighting District No. 202 is to be assessed one hundred percent (100%) of the cost during the fiscal year 2022-2023 for LEASING, MAINTENANCE AND ELECTRICAL CURRENT for each lot or parcel of land within Special Improvement Lighting District No. 202.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF MILES CITY, MONTANA, THAT:

Section 1: To defray one hundred percent (100%) of the cost of LEASING, MAINTENANCE AND ELECTRICAL CURRENT in Special Improvement Lighting District No. 202, there shall be levied and assessed a tax upon all property in Special Improvement Lighting District No. 202 amounting to 0.007236 per square foot;

Section 2: A description of each lot or parcel of land, the total square footage of property contained therein, the name of the owner and the amount assessed against each lot or parcel of land in Special Improvement Lighting District 202, is attached hereto as Exhibit "A" and made a part hereof, and shall, upon passage, be kept on file in the City Clerk's Office.

Section 3: The City Council of Miles City, Montana, will be in session at the City Council Chambers on the 6th day of September, 2022, at 6:00 P.M., at which time and place the said Council will hear objections to the final adoption of this resolution.

Section 4: The City Clerk is hereby authorized and directed to publish in a newspaper of general circulation within the City of Miles City, in the manner provided for in 7-1-4127 MCA, a notice stating that the resolution levying the special assessment to defray the cost of LEASING, MAINTENANCE AND ELECTRICAL CURRENT for Special Improvement Lighting District No. 202 is on file at City Hall and subject to inspection.

Section 5: Said notice shall state time and place at which objections to the final adoption of this resolution will be heard by the City Council, and the last publication of said notice shall be published at least five (5) days before the time set by the Council for hearing objections to the final adoption of this resolution.

PASSED BY THE CITY COUNCIL THIS 23rd day of August, 2022.

John Hollowell, Mayor

ATTEST:

Mary Rowe, City Clerk

WHEREAS, the above-entitled Resolution was filed in the Office of the City Clerk on the 23rd day of August, 2022, and has ever since been on file in said office subject to public inspection.

WHEREAS, the City Clerk, having given notice of the passing and filing of said Resolution by publishing, in accordance with 7-1-4127 MCA, said notice in the Miles City Star, a newspaper published in Miles City, with the last date of publication at least five (5) days before the day set therein for hearing all objections to the final adoption of said Resolution.

WHEREAS, a hearing on objections was conducted by the City Council on September 6th, 2022, pursuant to published notice;

WHEREAS, the cost of LEASING, MAINTENANCE AND ELECTRICAL CURRENT for fiscal year 2022-2023 appears to the satisfaction of the City Council as suitable and proper and, therefore, the cost shall be assessed against the property in said District.

THEREFORE, BE IT RESOLVED that the Resolution 4478 is hereby adopted, that the special assessment therein provided is hereby levied and assessed accordingly, and that the said assessments are now due and payable and will appear on the fiscal year 2022-2023 Tax Statement. A copy of this resolution, as adopted, certified by the City Clerk, must be delivered to the City Treasurer within 2 days after its passage.

FINALLY PASSED AND ADOPTED by the City Council this 6th day of September, 2022.

John Hollowell, Mayor

ATTEST:

Mary Rowe, City Clerk

RESOLUTION NO. 4479

A RESOLUTION LEVYING AND ASSESSING A TAX UPON ALL PROPERTY IN SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 173 TO DEFRAY THE COST OF LEASING, MAINTENANCE AND ELECTRICAL CURRENT IN SAID SPECIAL IMPROVEMENT LIGHTING DISTRICT AND AUTHORIZING AND DIRECTING PAYMENT THEREFORE, FOR THE FISCAL YEAR 2022-2023.

WHEREAS, the City Council for the City of Miles City, Montana, did on the 13th day of March, 2007, create a special improvement district in said City, known and designated as Special Improvement Lighting District No. 173; and,

WHEREAS, the whole cost of LEASING, MAINTENANCE AND ELECTRICAL CURRENT for the fiscal year of 2022-2023 is estimated by the City Council at the sum of \$1,216 and,

WHEREAS, the property in said Special Improvement Lighting District No. 173 is to be assessed one hundred percent (100%) of the cost during the fiscal year 2022-2023 for LEASING, MAINTENANCE AND ELECTRICAL CURRENT for each lot or parcel of land within Special Improvement Lighting District No. 173.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF MILES CITY, MONTANA, THAT:

Section 1: To defray one hundred percent (100%) of the cost of LEASING, MAINTENANCE AND ELECTRICAL CURRENT in Special Improvement Lighting District No. 173, there shall be levied and assessed a tax upon all property in Special Improvement Lighting District No. 173 amounting to 0.002533 per square foot;

Section 2: A description of each lot or parcel of land, the total square footage of property contained therein, the name of the owner and the amount assessed against each lot or parcel of land in Special Improvement Lighting District 173, is attached hereto as Exhibit "A" and made a part hereof, and shall, upon passage, be kept on file in the City Clerk's Office.

Section 3: The City Council of Miles City, Montana, will be in session at the City Council Chambers on the 6th day of September, 2022, at 6:00 P.M., at which time and place the said Council will hear objections to the final adoption of this resolution.

Section 4: The City Clerk is hereby authorized and directed to publish in a newspaper of general circulation within the City of Miles City, in the manner provided for in 7-1-4127 MCA, a notice stating that the resolution levying the special assessment to defray the cost of LEASING, MAINTENANCE AND ELECTRICAL CURRENT for Special Improvement Lighting District No. 173 is on file at City Hall and subject to inspection.

Section 5: Said notice shall state time and place at which objections to the final adoption of this resolution will be heard by the City Council, and the last publication of said notice shall be published at least five (5) days before the time set by the Council for hearing objections to the final adoption of this resolution.

PASSED BY THE CITY COUNCIL THIS 23rd day of August, 2022.

John Hollowell, Mayor

ATTEST:

Mary Rowe, City Clerk

WHEREAS, the above-entitled Resolution was filed in the Office of the City Clerk on the 23rd day of August, 2022, and has ever since been on file in said office subject to public inspection.

WHEREAS, the City Clerk, having given notice of the passing and filing of said Resolution by publishing, in accordance with 7-1-4127 MCA, said notice in the Miles City Star, a newspaper published in Miles City, with the last date of publication at least five (5) days before the day set therein for hearing all objections to the final adoption of said Resolution.

WHEREAS, a hearing on objections was conducted by the City Council on September 6th, 2022, pursuant to published notice;

WHEREAS, the cost of LEASING, MAINTENANCE AND ELECTRICAL CURRENT for fiscal year 2022-2023 appears to the satisfaction of the City Council as suitable and proper and, therefore, the cost shall be assessed against the property in said District.

THEREFORE, BE IT RESOLVED that the Resolution 4479 is hereby adopted, that the special assessment therein provided is hereby levied and assessed accordingly, and that the said assessments are now due and payable and will appear on the fiscal year 2022-2023 Tax Statement. A copy of this resolution, as adopted, certified by the City Clerk, must be delivered to the City Treasurer within 2 days after its passage.

FINALLY PASSED AND ADOPTED by the City Council this 6th day of September, 2022.

John Hollowell, Mayor

ATTEST:

Mary Rowe, City Clerk

RESOLUTION NO. 4480

A RESOLUTION LEVYING AND ASSESSING A TAX UPON ALL OF THE PROPERTY WITHIN MAINTENANCE DISTRICT NO. 205 TO DEFRAY THE COST OF MAINTAINING THE IMPROVEMENTS IN THE SAID MAINTENANCE DISTRICT NO. 205 FOR THE FISCAL YEAR 2022-2023.

WHEREAS, on the 15th day of May, 1984, the City Council of the City of Miles City, Montana, passed Ordinance No. 933 and Resolution No. 2285 creating Maintenance District No. 205 includes, but is not limited to, sprinkling, chip sealing, seal coating, overlaying, treating, pothole repair, general cleaning, sweeping, flushing, snow removal, leaf and debris removal and the operation, maintenance and repair of traffic signal systems, the repair of traffic and street signs, the placement and maintenance of pavement markings, curb and gutter repair, and minor sidewalk repair that includes cracking, chipping, sinking, and the replacement of not more than 6 feet of sidewalk in any 100-foot portion of sidewalk, and

WHEREAS, not more than forty percent (40%) of the property owners protested in writing against the passage of the ordinance and the said ordinance was finally passed and adopted on June 12, 1984; and

WHEREAS, pursuant to 7-12-4425, MCA the City Council of the City of Miles City, Montana, is mandated to pass and finally adopt a resolution assessing all of the property within Maintenance District No. 205 in an amount equal to not less than seventy-five percent (75%) of the entire cost of the said work and the estimated cost of maintenance in said district for fiscal year 2022-2023 is \$194,343.

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

Section 1: That to defray the costs of maintaining Maintenance District No. 205 for the fiscal year 2022-2023 there is hereby levied and assessed a tax upon all property in said district as follows:

MAINTENANCE DISTRICT NO. 205: 0.023322 per
sq. ft. assessment

FOR EXAMPLE: A typical lot within the district of approximately 7,000 square feet shall have an annual assessment of \$163.25.

Section 2: That there shall be maintained open to public inspection at the City Clerk's Office at City Hall in the City of Miles City, Montana, a list which describes each lot or parcel of land being assessed, with the name of the owner thereof, if known, and the amount levied thereon set opposite which shall be open to the public during business hours between 8:00 AM and 5:00 PM, Monday through Friday, excluding holidays.

Section 3: That the City Clerk of the City of Miles City, Montana, shall sign a notice stating that this resolution levying a special assessment to defray the cost of Maintenance District No. 205, is on file in his or her office and is subject to inspection and said notice shall be published at in the Miles City Star as provided in 7-1-4127 MCA. The notice shall also state that the City Council of the City of Miles City, Montana, shall on 6th day of September, 2022, at 6:00 PM in the City Council Chambers at City Hall, Miles City, Montana, hear objections to the final adoption of this resolution. This Notice shall contain a statement setting out the method of assessment being proposed for adoption. The final date of publication of such Notice shall be at least 5 days prior to the date of such hearing.

PASSED BY THE CITY COUNCIL this 23rd day of August, 2022.

John Hollowell, Mayor

ATTEST:

Mary Rowe, City Clerk

FINALLY PASSED AND ADOPTED THIS 6th day of September, 2022.

John Hollowell, Mayor

ATTEST:

Mary Rowe, City Clerk

RESOLUTION NO. 4481

A RESOLUTION LEVYING AND ASSESSING A TAX UPON ALL OF THE PROPERTY WITHIN MAINTENANCE DISTRICT NO. 207 TO DEFRAY THE COST OF MAINTAINING THE IMPROVEMENTS IN THE SAID MAINTENANCE DISTRICT NO. 207 FOR THE FISCAL YEAR 2022-2023.

WHEREAS, on the 27th day of March, 2007, the City Council of the City of Miles, Montana, passed Ordinance No. 1167 and on March 13th, 2007 Resolution No. 3137 creating Maintenance District No. 207 includes, but is not limited to, sprinkling, chip sealing, seal coating, overlaying, treating, pothole repair, general cleaning, sweeping, flushing, snow removal, leaf and debris removal and the operation, maintenance and repair of traffic signal systems, the repair of traffic and street signs, the placement and maintenance of pavement markings, curb and gutter repair, and minor sidewalk repair that includes cracking, chipping, sinking, and the replacement of not more than 6 feet of sidewalk in any 100-foot portion of sidewalk, and

WHEREAS, not more than forty percent (40%) of the property owners protested in writing against the passage of the ordinance and the said ordinance was finally passed and adopted on June 12, 1984; and

WHEREAS, pursuant to 7-12-4425, MCA the City Council of the City of Miles City, Montana, is mandated to pass and finally adopt a resolution assessing all of the property within Maintenance District No. 207 in an amount equal to not less than seventy-five percent (75%) of the entire cost of the said work and the estimated cost of maintenance in said district for fiscal year 2022-2023 is \$5,784.

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

Section 1: That to defray the costs of maintaining Maintenance District No. 207 for the fiscal year 2022-2023 there is hereby levied and assessed a tax upon all property in said district as follows:

MAINTENANCE DISTRICT NO. 207: 0.011376 per
sq. ft. assessment

FOR EXAMPLE: A typical lot within the district of approximately 7,000 square feet shall have an annual assessment of \$79.63.

Section 2: That there shall be maintained open to public inspection at the City Clerk's Office at City Hall in the City of Miles City, Montana, a list which describes each lot or parcel of land being assessed, with the name of the owner thereof, if known, and the amount levied thereon set opposite which shall be open to the public during business hours between 8:00 AM and 5:00 PM, Monday through Friday, excluding holidays.

Section 3: That the City Clerk of the City of Miles City, Montana, shall sign a notice stating that this resolution levying a special assessment to defray the cost of Maintenance District No. 207, is on file in his or her office and is subject to inspection and said notice shall be published at in the Miles City Star as provided in 7-1-4127 MCA. The notice shall also state that the City Council of the City of Miles City, Montana, shall on 6th day of September, 2022, at 6:00 PM in the City Council Chambers at City Hall, Miles City, Montana, hear objections to the final adoption of this resolution. This Notice shall contain a statement setting out the method of assessment being proposed for adoption. The final date of publication of such Notice shall be at least 5 days prior to the date of such hearing.

PASSED BY THE CITY COUNCIL this 23rd day of August, 2022.

John Hollowell, Mayor

ATTEST:

Mary Rowe, City Clerk

FINALLY PASSED AND ADOPTED THIS 6th day of September, 2022.

John Hollowell, Mayor

ATTEST:

Mary Rowe, City Clerk