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TITLE: Upon adoption by the City Council, this City Code is hereby declared to be and shall hereafter constitute the Official City Code of Forsyth, Montana. This City Code of ordinances shall be known and cited as the FORSYTH CITY CODE and is hereby published by authority of the City Council and shall be supplemented to incorporate the most recent legislation of the City as provided in Section 1-1-3 of this Chapter. Any reference to the number of any section contained herein shall be understood to refer to the position of the same number, its appropriate chapter and title heading, and to the general

1 penalty or infraction clause relating thereto, as well as to the section itself, when  
2 reference is made to this City Code by title in any legal documents.  
3

4 **B. Section 1-3-2** is retitled as “DEFINITIONS AND RULES OF CONSTRUCTION.” The  
5 following definitions and rules are amended or added to Section 1-3-2 of the City Code and shall  
6 be added alphabetically to the section:  
7

8 COMPUTATION OF TIME: Means the time within which an act is to be done. It shall  
9 be computed by excluding the first and including the last day; and if the last day be  
10 Sunday or a legal holiday, that day shall be excluded.  
11

12 INTENT TO DEFRAUD: Whenever an intent to defraud is required in order to constitute  
13 an offense under the Code, it shall be sufficient if an intent appears to defraud any person.  
14

15 LIABILITY OF EMPLOYERS AND AGENTS: When the provisions of any section of  
16 this Code prohibit the commission of an act, not only the person actually doing the  
17 prohibited act or omitting the directed act, but also the employer and all other persons  
18 concerned with or aiding or abetting the same person shall be guilty of the offense  
19 described and liable to the penalty set forth.  
20

21 MONTH: The word "month" means a calendar month unless specifically defined  
22 otherwise.  
23

24 MUNICIPAL INFRACTION: Any violation of this Code which has been specifically  
25 declared to be a municipal infraction under provisions of this Code as provided for in  
26 Mont. Code Ann. § 7-1-4150, et seq.  
27

28 OFFICER: Any employee or official authorized by the City Council to enforce provisions  
29 of this Code, as amended. Whenever reference is made in this Code to a City officer or  
30 agent by title only, this shall be construed as though followed by the words “of the City  
31 of Forsyth.”  
32

33 PENALTY: Includes both criminal and civil penalties provided for in the Code.  
34

35 REPEAT VIOLATION: A recurring violation of the same section of this Code within a  
36 twelve (12) month period.  
37

38 SHALL, MAY: "Shall" is mandatory; "may" is permissive.  
39

1 UNLAWFUL: Shall mean a violation of the City Code, unless otherwise provided for in  
2 Montana law or the context requires otherwise. Violations of the City Code may be  
3 punished as criminal or civil penalties as provided for in the City Code.  
4

5 YEAR: "Year" means a calendar year unless specifically defined otherwise.  
6

7 **C. Title 1, Chapter 4, General Penalty**, is deleted in its entirety and the following new Chapter  
8 4 is inserted in its place:  
9

10 **CHAPTER 4**  
11 **CRIMINAL PENALTIES & MUNICIPAL INFRACTIONS**  
12

13 **SECTION:**

- 14 1-4-1: Criminal Penalty for Violation of Code or Ordinance of the City.  
15 1-4-2: Municipal Infractions.  
16 1-4-3: Municipal Infractions -- Civil Citations.  
17 1-4-4: Municipal Infractions -- Court Proceedings.  
18 1-4-5: Municipal Infractions -- Civil Penalties.  
19 1-4-6: Municipal Infractions -- Appeals Following Judgment.  
20 1-4-7: Municipal Infractions -- Issuance of Civil Citations Not Grounds for  
21 Further Legal Action.  
22 1-4-8: Municipal Infractions -- Environmental Actions.  
23

24 1-4-1: Criminal Penalty for Violation of Code or Ordinance of the City.  
25

- 26 A. All state law misdemeanors committed within the jurisdiction of the City  
27 may be prosecuted and punished under the state statutes in the City Court.  
28  
29 B. Unless otherwise specified by the provisions of the Code, any person who  
30 violates any provision of the Code shall be deemed guilty of a misdemeanor  
31 and, upon conviction thereof, shall be punishable by a fine not to exceed  
32 \$500.00, by imprisonment for a term not to exceed six months, or both.  
33  
34 C. A person shall be guilty of a separate offense for each and every day during  
35 any portion of which any violation of any provision of this Code or any  
36 ordinance of the City is committed, continued or permitted by any such  
37 person, and the person shall be punished accordingly.  
38  
39 D. In addition to the above penalty the City may abate any condition which is in  
40 violation of this Code.  
41

1 E. In all cases where the same offense is made punishable or is created by  
2 different clauses or sections of this Code, the prosecuting officer may elect  
3 under which to proceed, but not more than one recovery shall be had against  
4 the same person for the same offense; provided that the revocation of a license  
5 or permit or other remedy under the municipal infraction provisions in the  
6 Code shall not be considered a recovery or penalty so as to bar any other  
7 penalty being enforced.  
8

9 F. Whenever the doing of any act or the omission to do any act constitutes a  
10 breach of any section or provision of this Code and there shall be no fine or  
11 penalty specifically declared for such breach, the provisions of this section 1-  
12 4-1 shall apply.  
13

14 G. When any person is convicted of a violation of any section of the Code, any  
15 City license previously issued to such person by the City may be revoked by  
16 the Court or by the City Council.  
17

18 H. No provision of this Code designating the duties of any officer or employee  
19 shall be so construed as to make such officer or employee liable for any fine  
20 or penalty provided for a failure to perform such duty, unless the intention of  
21 the City Council to impose such fine or penalty on such officer or employee is  
22 specifically and clearly expressed in the section creating the duty.  
23

24 I. The City adopts the Montana Criminal Code of 1973, MCA §§ 45-1-101, et  
25 seq., except insofar as the application thereof is clearly impractical or  
26 inappropriate.  
27

28 J. Any person found to have committed an offense specifically designated as a  
29 municipal infraction shall be subject to civil penalties as specified in  
30 sections 1-4-2, et seq.  
31

32 1-4-2: Municipal Infractions. A municipal infraction is a civil offense punishable by civil  
33 penalty as provided for in Montana law and this Code.  
34

35 1-4-3: Municipal Infractions -- Civil Citations: Service and Requirements.  
36

37 A. Any officer may issue a civil citation to a person who commits a  
38 municipal infraction.  
39

40 B. The citation may be served on the alleged violator by any one of the  
41 following methods:

1. Personal service; or
  2. By certified mail addressed to the defendant at the defendant's last known mailing address, return receipt requested; or
  3. By publication, in the manner described in the Montana Rules of Civil Procedure.
- C. A copy of the citation must be retained by the issuing officer and one copy be sent to or filed with the clerk of the Forsyth City Court.
- D. The citation shall serve as notification that a municipal infraction has been committed and shall contain the following information:
1. The name and address of the defendant;
  2. The name or description of the infraction attested to by the officer issuing the citation;
  3. The location and time of the infraction;
  4. The amount of the civil penalty to be assessed or the alternative relief sought, or both;
  5. The manner, location, and time in which the penalty may be paid;
  6. The time and place of any court appearance; and
  7. The penalty for failure to appear in court.

#### 1-4-4: Municipal Infractions -- Court Proceedings.

A. If the total amount of civil penalties does not exceed three thousand dollars (\$3,000.00), the matter shall be tried before the City Judge in the same manner as a small claim. If the total amount of civil penalties assessed exceeds three thousand dollars (\$3,000.00), the matter must be tried before a District Court Judge.

B. The City has the burden of proof that the municipal infraction occurred and that the defendant committed the infraction. The proof must be by clear and convincing evidence. [Note: Clear and convincing evidence means evidence in which

1 there is no serious or substantial doubt about the correctness of the conclusions drawn  
2 from the evidence. It is more than a preponderance of evidence but less than beyond a  
3 reasonable doubt. Source MCA Section 27-1-221; Cartwright v. Equitable Life  
4 Assurance Soc'y, 276 M 1, 914 P2d 976, 53 St. Rep. 268 (1996).]

5  
6 C. The court shall ensure that the defendant has received a copy of the  
7 charges and that the defendant understands the charges. The defendant may question all  
8 witnesses who appear for the City and produce evidence or witnesses on the defendant's  
9 behalf.

10  
11 D. The defendant may be represented by counsel of the defendant's own  
12 choosing and at the defendant's own expense.

13  
14 E. The defendant may answer by admitting or denying the infraction.

15  
16 F. If a municipal infraction is proven, the court shall enter judgment against  
17 the defendant. If the infraction is not proven, the court shall dismiss the charges. If the  
18 action is dismissed by the court, the City is liable for the court costs and court fees.

19  
20 G. If the person named in the citation is shown to have been served with the  
21 civil citation in the proper manner and, without good cause, fails to appear in response to  
22 the citation, judgment shall be entered against the person by the court.

23  
24 1-4-5: Municipal Infractions -- Civil Penalties.

25  
26 A. A municipal infraction is a civil offense and for a proven violation, a civil  
27 penalty may be imposed.

28  
29 B. For a first violation, a civil penalty of twenty-five dollars (\$25.00) shall be  
30 imposed.

31  
32 C. For each repeat violation, a civil penalty of fifty dollars (\$50.00) shall be  
33 imposed. Each day that a violation occurs or is permitted to exist constitutes a separate  
34 and distinct infraction.

35  
36 D. Seeking a civil penalty as authorized in this article does not preclude the  
37 City from seeking alternative relief from the court in the same action. When any person  
38 is found to have violated any section of this Code, any City license previously issued to  
39 such person by the City may be revoked by the Court or by the City Council.

1           E.       Statutory surcharges and required City surcharges must be imposed, as  
2 provided in MCA Sections 3-1-317(1)(a), 3-1-318(1), and 46-18-236(6), on municipal  
3 infractions that are criminal offenses under state law, and the amounts must be distributed  
4 as provided in those sections.  
5

6           F.       All penalties and forfeitures collected by the City Court for a municipal  
7 infraction shall be remitted to the City in the same manner as fines and forfeitures  
8 collected for criminal offenses.  
9

10          G.       A defendant against whom judgment is entered shall pay court costs and  
11 fees as in small claims court under Title 25, Chapter 35 of the Montana Code Annotated  
12 in addition to the penalties imposed by the court.  
13

14          H.       In addition to the imposition of civil penalties authorized by law against a  
15 defendant, the court may impose alternative relief in the same action. Alternative relief  
16 may consist of any of the following:  
17

18           1.       Direct that payment of the civil penalty be suspended or deferred under  
19 conditions imposed by the court;  
20

21           2.       Order the defendant to abate or cease the violation;  
22

23           3.       Authorize the City to abate or correct the violation;  
24

25           4.       Order the City's costs for abatement or correction of the violation be  
26 entered as a judgment against the defendant or assessed against the property where the  
27 violation occurred or both.  
28

29          I.       The City Court may assess or enter judgment for costs of abatement or  
30 correction in any amount not to exceed the jurisdictional amount for a money judgment in  
31 a civil action under MCA Section 3-11-103. If the City seeks abatement or correction  
32 costs in excess of this amount, the matter shall be referred to District Court for hearing  
33 and entry of an appropriate order. The procedure for hearing in the District Court shall be  
34 the same procedure as that for a small claims appealed under MCA Section 25-35-803.  
35

36          J.       A defendant who willfully violates the terms of an order imposed by the  
37 City Court is guilty of contempt.  
38

39       1-4-6: Municipal Infractions -- Appeals Following Judgment.  
40

1           A.     The defendant or the City may file a motion for a new trial or may appeal  
2 the decision to District Court.

3  
4           B.     A factual determination made by the trial court, supported by substantial  
5 evidence as shown on the record, is binding for purposes of appeal relating to the  
6 violation at issue, but is not admissible or binding as to any future violations for the same  
7 or similar ordinance provision by the same defendant.

8  
9     1-4-7: Municipal Infractions -- Issuance of Civil Citations Not Grounds for Further Legal  
10 Action

11  
12           Except for willful or wanton misconduct on the part of the City, the issuance of a  
13 civil citation for a municipal infraction or the ensuing court proceedings do not provide  
14 an action for false arrest, false imprisonment, or malicious prosecution.

15  
16     1-4-8: Municipal Infractions -- Environmental Actions

17  
18           An action brought by the City for an environmental violation does not preclude,  
19 and is in addition to, any other enforcement action that may be brought under State law.

20  
21           **TITLE 4 – BUSINESS AND LICENSING REGULATIONS**

22  
23     **D. Section 4-1-10** (re General License Provisions) of the City Code is amended as follows:

24  
25           PENALTY: ~~Any properly owed license fee that remains unpaid for over sixty (60)~~  
26 ~~days shall result in the issuance of a misdemeanor citation, which shall require the~~  
27 ~~payment of the license fee and penalty shall be as provided in section 1-4-1 of this code.~~  
28 ~~(Ord. 2000-04, 11-13-2000, eff. 12-13-2000)~~ Violations of this Chapter are designated as  
29 municipal infractions as specified in Title 1, Chapter 4 of the City Code.

30  
31     **E. Section 4-2-5** (re Liquor Control) of the City Code is amended as follows:

32  
33           PENALTY: ~~Any person violating any of the provisions of this Chapter shall be deemed~~  
34 ~~guilty of a misdemeanor and upon conviction thereof, shall be subject to penalty as~~  
35 ~~provided in Section 1-4-1 of this Code. (Ord., 11-22-1982; amd. 1999 Code)~~ Except as  
36 otherwise provided by Montana law, violations of this Chapter are designated as  
37 municipal infractions as specified in Title 1, Chapter 4 of the City Code.

38     **F. Section 4-5-3** (re Campgrounds and Trailer Courts) of the City Code is amended as follows:  
39



1 ENFORCEMENT: It shall be the duty of the City to enforce all of the regulations of this  
2 Chapter and for the purpose of securing enforcement thereof, the County Sanitation  
3 Officer, or any of his duly authorized representatives, or the Building Inspector, shall  
4 have the right and are hereby empowered to enter upon the premises of any campground  
5 now operating or which may hereafter be operated within the City, to inspect the same  
6 and all accommodations connected therewith. (Ord. 164, 6-7-1950; amd. 1999 Code)  
7 Violations of this Chapter are designated as municipal infractions as specified in Title 1,  
8 Chapter 4 of the City Code.

9 **G. Section 4-6-6** (re After Hours Card Games) of the City Code is amended as follows:

10  
11 VIOLATION OF CHAPTER: ~~Any establishment, which violates this chapter shall be~~  
12 ~~guilty of a misdemeanor, as provided for under section 1-4-1 of this code. (Ord. 2008-02,~~  
13 ~~10-27-2008, eff. 11-27-2008)~~ Violations of this Chapter are designated as municipal  
14 infractions as specified in Title 1, Chapter 4 of the City Code.

## 15 TITLE 5 – PUBLIC HEALTH AND SAFETY

16  
17 **H. Section 5-1 A-3** (re Refuse in Buildings; Stagnant Water) of the City Code is amended as  
18 follows:

19  
20 PENALTY: ~~Any person violating any provision of this Article shall be subject to penalty~~  
21 ~~as provided in Section 1-4-1 of this Code (1999 Code).~~ Violations of this Chapter 1,  
22 Article A are designated as municipal infractions as specified in Title 1, Chapter 4 of the  
23 City Code.

24 **I. Section 5-2-1** (re Refrigerators and Iceboxes ) of the City Code is amended as follows:

25  
26 REFRIGERATORS, ~~ICEBOXES~~: It shall be unlawful for any person to leave or permit  
27 to remain outside of any dwelling, building or other structure or within any unoccupied or  
28 abandoned building, structure or dwelling under his control, in a place accessible to  
29 children, any abandoned, unattended or discarded ~~icebox~~, refrigerator, freezer, or other  
30 container which has a door or lid, snaplock or other locking device which may not be  
31 released from the inside, without first removing said door or lid, snaplock or other  
32 locking device. (1961 Code § 6-4-1) Violations of this Code are designated as municipal  
33 infractions as specified in Title 1, Chapter 4 of the City Code.

34 **J. Section 5-3-10 E** (re Garbage and Refuse) of the City Code is amended as follows:  
35

1 Unauthorized Disposal: It shall be unlawful for any person to knowingly dump, dispose  
2 or otherwise transfer garbage in their possession into a City garbage container located on  
3 the property of another owner, tenant or government entity without their expressed  
4 permission. ~~Violation of this subsection shall constitute a misdemeanor and punishable as~~  
5 ~~provided in Section 1-4-1 of this Code. (Ord. 98-01, 5-26-1998, eff. 6-26-1998)~~  
6 Violations of this Chapter are designated as municipal infractions as specified in Title 1,  
7 Chapter 4 of the City Code.

8 **K. Section 5-3-11** (re Garbage and Refuse) of the City Code is amended as follows:  
9

10 PENALTY: Any individual or legal entity failing to comply with the requirements of this  
11 Chapter may be denied City garbage service until such time as they comply. ~~A violation~~  
12 ~~of this Chapter is further punishable as provided in Section 1-4-1 of this Code. (Ord. 95-~~  
13 ~~03, 7-10-1995)~~ Violations of this Chapter are designated as municipal infractions as  
14 specified in Title 1, Chapter 4 of the City Code.

15 **L. Section 5-4-2 B** (re Weed Control) of the City Code is amended as follows:

16 Failure to Comply; Assessment & Penalty: The City may levy the cost of weed  
17 extermination and removal and may bill or otherwise assess such cost as a special tax  
18 against the property in the event the landowner fails to satisfactorily remove the weeds  
19 within a reasonable time after notice. Violations of this Chapter are designated as  
20 municipal infractions as specified in Title 1, Chapter 4 of the City Code.

21 **M. Section 5-5-18** (re Trees) of the City Code is amended as follows:  
22

23 PENALTY: ~~Any person violating any of the provisions of this chapter shall be deemed~~  
24 ~~guilty of a misdemeanor and upon conviction thereof, shall be subject to penalty as~~  
25 ~~provided in section 1-4-2 of this code. (Ord. 2005-03, 11-14-2005)~~ Violations of this  
26 Chapter are designated as municipal infractions as specified in Title 1, Chapter 4 of the  
27 City Code.

28 **N. Section 5-6-4** (re Animal Wastes) of the City Code is amended as follows:  
29

30 FAILURE TO COMPLY; REMOVAL BY CITY: Should any person neglect or refuse to  
31 remove accumulations of manure from private premises after being ordered to do so by  
32 an officer of the City as provided in this Chapter, said Public Works Director shall cause  
33 the same to be removed and shall certify the cost thereof to the City Council. The City  
34 Council shall thereafter, by resolution, levy and assess the cost thereof against the

property from which said manure was so removed, and the City Clerk-Treasurer shall transmit to the County Clerk a certified copy of such resolution. (Ord. 159, 1-7-1943; amd. 1999 Code) ~~refer back to penalty 1-4-1?~~ In addition, violations of this Chapter are designated as municipal infractions as specified in Title 1, Chapter 4 of the City Code.

**O. Section 5-7-11** (re Abandoned and Junk Vehicles, Machinery, Trailers and Parts) of the City Code is amended as follows:

PENALTY:

A. Failure of the person or persons responsible for the accumulation and storage of abandoned, wrecked, junked or dismantled or inoperative vehicles, machinery, trailers, or parts thereof on public property or illegally parked on private property which has not been abated as such in accordance with the provisions of this chapter within the time specified in the notice, after the same has been served as provided in this chapter, constitutes a violation of the chapter. ~~Any person violating any provision of this article shall be subject to a penalty as provided in section 1-4-1 of this code.~~ Violations of this Chapter are designated as municipal infractions as specified in Title 1, Chapter 4 of the City Code.

B. In any action or proceeding brought for the violation of this chapter, as defined in this chapter, the reasonable cost and expense to city in connection with the mailing or serving of notice and the inspection of the private property in question, shall be awarded to city as part of the court's ~~sentence~~ judgment.

~~Any person found guilty of a violation of any of the provisions of this chapter shall, upon conviction, be subject to the penalty provisions of this code. Each day that a violation is allowed to continue shall constitute a separate and distinct violation. (Ord. 2003-05, 7-14-2003, eff. 8-14-2003)~~

**P. Section 5-8-7** (re Unsafe Signs) of the City Code is amended as follows:

PENALTY: ~~Any person violating any provision of this chapter shall be subject to the penalty as provided in section 1-4-1 of this code. (Ord. 2003-09, 10-27-2003, eff. 11-27-2003)~~ Violations of this Chapter are designated as municipal infractions as specified in Title 1, Chapter 4 of the City Code.

**Q. Section 5-9-6** (re Community Decay) of the City Code is amended as follows:

1 PENALTY: ~~A. Any person violating any provision of this chapter shall be subject to~~  
2 ~~penalty as provided in section 1-4-1 of this code. A separate violation can be assessed for~~  
3 ~~each day the violation continues to occur. (Ord. 2003-10, 11-10-2003, eff. 12-10-2003)~~  
4 Violations of this Chapter are designated as municipal infractions as specified in Title 1,  
5 Chapter 4 of the City Code.

6 **R. Section 5-10-5** (re Enforcement of Public Health & Safety) of the City Code is amended as  
7 follows:

8  
9 PENALTY: ~~Any person violating any provision of this chapter shall be subject to the~~  
10 ~~penalty as provided in section 1-4-1 of this code. (Ord. 2015-08, 12-21-2015)~~ Violations  
11 of this Chapter are designated as municipal infractions as specified in Title 1, Chapter 4  
12 of the City Code.

## 13 TITLE 6 – FIRE REGULATIONS

14  
15 **S. Section 6-2-4** (re Fireworks) of the City Code is amended as follows:

16  
17 PENALTY: ~~Any person violating the provisions of this chapter shall be guilty of a~~  
18 ~~misdemeanor and upon conviction thereof shall be subject to penalty as provided in~~  
19 ~~section 1-4-1 of this code. (1961 Code § 7-3-4; amd. 1999 Code)~~ Violations of this  
20 Chapter are designated as municipal infractions as specified in Title 1, Chapter 4 of the  
21 City Code.

22 **T. Section 6-3-2** (re Fire Safety Regulations) of the City Code is amended as follows:

23  
24 OPEN BURNING; PERMIT REQUIRED: It shall be unlawful for any person to burn  
25 any debris or material outside a dwelling house without first obtaining ~~a permit~~  
26 permission from the County Sheriff's Office. ~~(Res. 1990-R11, 11-12-1990; amd. 1999~~  
27 ~~Code)~~ Violations of this Chapter are designated as municipal infractions as specified in  
28 Title 1, Chapter 4 of the City Code.

## 29 TITLE 7 – POLICE REGULATIONS

30 **U. Section 7-1-1** (re State Criminal Code Adoption) of the City Code is amended as follows:

31 STATE CRIMINAL CODE ADOPTED: ~~Except insofar as the application thereof is~~  
32 ~~clearly impractical or inappropriate, in view of the context of the purposes or penalty as~~  
33 ~~provided, all of the definitions, requirements, regulations, prohibitions, provisions and~~  
34 ~~sections of the Montana criminal code (title 45), as amended, are hereby adopted by the~~

city. Any and all violations thereof shall be considered violations of this chapter and each such violation shall subject the violator thereof to penalty provisions under this chapter if proceeded hereunder. (2003 Code) The City adopts the Montana Criminal Code of 1973, MCA §§ 45-1-101, et seq., except insofar as the application thereof is clearly impractical or inappropriate.

**V. Section 7-1-2** (re Barbed Wire and Electric Fences) of the City Code is amended as follows:

BARBED WIRE AND ELECTRIC FENCES: It shall be unlawful for any person to erect or maintain any electric fence. It is further unlawful for any person to erect any fence constructed in whole or in part of barbed wire or to use barbed wire as a guard to any parking lot or parcel of land; provided, however, the city council may, in specific instances upon request, grant a written license to erect certain barbed wire fences or structures within the city limits for protective purposes, if in the judgment of the city council, the erection of said barbed wire fence is in the interest of public safety or is an adjunct to law enforcement; further provided, however, in the event the city council elects to approve the erection of a barbed wire fence under the exceptions herein provided, the licensee will be obligated to provide to the city an indemnifying agreement holding the city harmless for any bodily injury or property damage resulting from the erection and maintenance of said fence, or in lieu thereof, a bond or such other security as the city council may require. (Res. 1974, eff. 6-24-1974) Violations of this Section are designated as municipal infractions as specified in Title 1, Chapter 4 of the City Code.

**W. Section 7-1-4** (re Lug Wheels) of the City Code is amended as follows:

LUG WHEELS: It shall be unlawful for tractors or other vehicles equipped with wheels injurious to pavement to be permitted upon the public thoroughfares, ~~unless the operator of such vehicle shall first plank such streets.~~ Vehicles must have lug nut covers. (Res., 5-13-1974) Violations of this Section are designated as municipal infractions as specified in Title 1, Chapter 4 of the City Code.

**X. Section 7-1-6 B** (re Drinking in Public Places; Display) of the City Code is amended as follows:

Public Drinking and Display Prohibited: "Public drinking" and "public display or exhibitionism of beer or liquor", as defined in subsection A of this section, is hereby prohibited and it shall be unlawful for any person to engage in "public drinking", as herein defined, within the city limits, and it shall be unlawful for any person to engage in "public display or exhibitionism of beer or liquor", as herein defined in, within the city limits. (Ord. 186, 10-14-1963) Violations of this section shall be considered a misdemeanor and punishable as set forth in this Code.

1 **Y. Section 7-1-9** (re Dike Preservation) of the City Code is amended as follows:

2 A. Deterioration Unlawful: It shall be unlawful for any person to perform any activity  
3 which may cause a deterioration of the Yellowstone River dike or any vegetation on said  
4 dike. ~~Such activity to include, but not be limited to, building of fires on the dike,~~  
5 ~~swinging from ropes hanging from trees on the dike, climbing onto the dike from the~~  
6 ~~Yellowstone River (except in case of emergency) or any other such similar activity.~~  
7 Violations of this section shall be considered a misdemeanor and punishable as set forth  
8 in this Code.  
9

10 B. Protected Area: The length of the dike to be so protected shall include that part of the  
11 Yellowstone River dike running from the boat dock to the diversion dam.  
12

13 ~~C. No Swimming Signs: The city shall be authorized to post "No Swimming" signs at~~  
14 ~~appropriate locations along the dike. (Ord., 6-22-1987)~~  
15

16 **Z. Section 7-1-10** (re Littering) of the City Code is amended as follows:

17 It shall be unlawful for any person to throw, deposit, dump or leave any garbage,  
18 debris, refuse, dead animal, including bottles, cans, glass, nails, wire, paper or any other  
19 substance in or upon any street, alley, private property of another or upon any public  
20 property under the control of any governmental or political subdivision within the city. ~~A~~  
21 ~~person guilty of violating this section shall be fined fifty dollars (\$50.00). (Res. 1990-~~  
22 ~~R10, 11-12-1990) Violations of this section shall be considered a misdemeanor and~~  
23 ~~punishable as set forth in this Code.~~  
24

25 **AA. Section 7-1-11 B** (re Quiet Hours) of the City Code is amended as follows:

26  
27 ~~Violation of this section shall be considered a misdemeanor, and punishable as set forth~~  
28 ~~in section 1-4-1 of this code. (Ord. 2002-10, 11-12-2002, eff. 12-12-2002) Violations of~~  
29 ~~this Section are designated as municipal infractions as specified in Title 1, Chapter 4 of~~  
30 ~~the City Code.~~  
31

32 **BB. Section 7-1-12** (re Abandoned Vehicles) of the City Code is amended as follows:

33  
34 7. Violations of this Section are designated as municipal infractions as specified in Title  
35 1, Chapter 4 of the City Code.  
36

37 **CC. Section 7-2-3 C** (re Curfew Violations) of the City Code is amended as follows:

38  
39 Violations:  
40

1 1. Minor: Violations shall be handled in accordance with the Montana Code Annotated  
2 title 41, chapter 5, the Youth Court Act.

3  
4 2. Parent: ~~Any parent, guardian or other adult person having the care and custody of a~~  
5 ~~minor violating this Chapter, shall, upon trial and conviction thereof, be subject to~~  
6 ~~penalty as provided in Section 1 4 1 of this Code. (Ord. 178, 1958; amd. Ord. 178, 3 28-~~  
7 ~~1966; 1999 Code)~~ Violations of this Section by any parent, guardian or other adult care  
8 giver are designated as municipal infractions as specified in Title 1, Chapter 4 of the City  
9 Code.

10  
11 **DD. Title 7, Chapter 3** (re Animal Control) of the City Code is amended as follows:

12  
13 7-3-2: RUNNING AT LARGE:

14  
15 A. Unlawful: It shall be unlawful for the owner of any horse, mule, goat, sheep, swine,  
16 potbellied pig, ~~or any~~ cattle, or livestock to allow or permit the same to run at large  
17 within the limits of the city. Violations of this Section are designated as municipal  
18 infractions as specified in Title 1, Chapter 4 of the City Code.

19  
20 7-3-6: PUBLIC NUISANCE ANIMALS:

21  
22 B. It shall be unlawful for any person to have in his/her possession, ownership,  
23 maintenance or control, a public nuisance animal. Violations of this Section are  
24 designated as municipal infractions as specified in Title 1, Chapter 4 of the City Code. In  
25 addition to the penalties provided in Title 1, Chapter 4 of the City Code, the Court may  
26 require payment of all impoundment fees and all reasonable costs incurred in providing  
27 necessary veterinary attention and treatment for the subject animal and any and all other  
28 reasonable costs incurred as a result of the violation and, depending upon the severity of  
29 the offense, order that the animal be seized and destroyed.

30  
31 C. ~~Whenever a person has been found guilty of a violation of this section, he/she shall be~~  
32 ~~found guilty of a misdemeanor, and the court may:~~

33 1. ~~Impose a fine of not less than twenty five dollars (\$25.00) or more than five hundred~~  
34 ~~dollars (\$500.00) and may be confined in the county jail for a period of not more than six~~  
35 ~~(6) months.~~

36 2. ~~Require payment of all impoundment fees and all reasonable costs incurred in~~  
37 ~~providing necessary veterinary attention and treatment for the subject animal and any and~~  
38 ~~all other reasonable costs incurred as a result of the violation.~~

39 3. ~~Depending upon the severity of the offense, order that the animal be seized and~~  
40 ~~destroyed. (Ord. 2010-05, 2-14-2011)~~

1 **EE. Section 7-3A-10, Penalty** (re Dogs and Cats) of the City Code is deleted and the following  
2 new Section 7-3A-10 is inserted in its place:

3  
4 PENALTY: Except as provided for in this Chapter 3, Article A, violations of this Chapter  
5 3, Article A are designated as municipal infractions as specified in Title 1, Chapter 4 of  
6 the City Code. The following violations shall be considered a misdemeanor and  
7 punishable as set forth in this Code: (1) owning or possessing a vicious dog, as defined in  
8 Section 7-3A-8, (2) hindering impoundment, as defined in Section 7-3A-9 A, and (3)  
9 killing a licensed dog, as defined in Section 7-3A-9 B.

10  
11 **FF. Section 7-5-1** (re Hunting) of the City Code is amended as follows:

12  
13 C. Violations; Penalty: ~~Any person guilty of such an offense shall be guilty of a~~  
14 ~~misdemeanor and upon conviction thereof, subject to the penalties as provided in section~~  
15 ~~1-4-1 of this code. (Ord. 2000-02, 4-26-2000, eff. 5-26-2000)~~ Violations of this Chapter  
16 3, Article A are designated as municipal infractions as specified in Title 1, Chapter 4 of  
17 the City Code.

18  
19 **GG. Section 7-6-8** (re Vehicles on Private Property) of the City Code is amended as follows:

20  
21 C. Violations of this Title 7, Chapter 6 are designated as municipal infractions as  
22 specified in Title 1, Chapter 4 of the City Code.

## 23 24 **TITLE 8 – PUBLIC WAYS AND PROPERTY**

25 **HH. Title 8** (re Public Ways and Property) of the City Code is amended as follows:

26 The following language is inserted at the beginning of Title 8: Violations of this Title 8  
27 are designated as municipal infractions as specified in Title 1, Chapter 4 of the City  
28 Code.

29 **II. Section 8-3-3** (re Snow and Ice Removal) of the City Code is amended as follows:

30 PENALTY: In addition, any tenant and/or owner of property abutting a public sidewalk  
31 on Main Street between 8th and 12th and between Main Street and Cedar Street on 9th,  
32 10th and 11th Streets, ~~who shall fail to~~ shall remove, to a reasonable extent, any  
33 accumulation of ~~such~~ ice or snow within forty-eight (48) hours of the accumulation of  
34 such ice and/or snow. ~~, shall be guilty of a misdemeanor, and upon conviction thereof,~~  
35 ~~subject to penalty as provided in section 1-4-1 of this code. (1-3-1978; amd. 1999 Code)~~



1 Violations of this section are designated as municipal infractions as specified in Title 1,  
2 Chapter 4 of the City Code.

### 3 **TITLE 9 – MOTOR VEHICLES AND TRAFFIC**

4 **JJ. Title 9** (re Motor Vehicles & Traffic) of the City Code is amended as follows:

5 The following language is inserted at the beginning of Title 9: Except as otherwise  
6 provided for in this Title 9, violations of this Title 9 are designated as municipal  
7 infractions as specified in Title 1, Chapter 4 of the City Code. The following violations  
8 shall be considered a misdemeanor and punishable as set forth in this Code: (1)  
9 unauthorized use of flood control dike, as defined in Section 9-4-6 and (2) driving on  
10 pedestrian crossing, as defined in Section 9-4-7.

### 11 **TITLE 10 – WATER AND SEWER**

12 **KK. Title 10** (re Water and Sewer) of the City Code is amended as follows:

13 The following language is inserted at the beginning of Title 10: Violations of this Title  
14 10 are designated as municipal infractions as specified in Title 1, Chapter 4 of the City  
15 Code.

16 **LL. Section 10-1-4** (re Water and Sewer) of the City Code is amended as follows:

17 A. Permit Required: Each person or organization desiring customer service must make  
18 written application for a permit to have service lines connected to the existing Water  
19 Department system. Until such permit is approved by the Water/Wastewater  
20 Superintendent director or directly by the City Council, no one is permitted to make any  
21 connection to the existing water system or to attempt such connection. Any excavation of  
22 streets or alleys, for the purpose of attempting to make or making water service  
23 connection to any existing pipe or units of the Water Department system, without a  
24 written permit to make such entry into the street or alley, is a ~~misdemeanor~~ municipal  
25 infraction. Any unauthorized connection to an existing pipe of the Water Department  
26 system is a ~~misdemeanor~~ municipal infraction. Violations of this section are designated  
27 as municipal infractions as specified in Title 1, Chapter 4 of the City Code.

28 **MM. Section 10-1-7** (re Water and Sewer) of the City Code is amended as follows:

29 Rule 5: Whenever the water has been turned off from any consumer, he shall not turn it  
30 on again nor permit it to be turned on without the written consent of the Director and

1 whoever violates this Section shall be ~~deemed guilty of a misdemeanor~~ subject to a  
2 municipal infraction.

3  
4 **NN. Section 10-1-13** (re Water and Sewer) of the City Code is amended as follows:

5 A. Violation: Any person violating any provision of the ordinances or rules and  
6 regulations in this Chapter shall be guilty of a misdemeanor and upon conviction thereof,  
7 subject to penalty as provided in Section 1-4-1 of this Code. Violations of this Title 10  
8 are designated as municipal infractions as specified in Title 1, Chapter 4 of the City  
9 Code.

10  
11 B. Plumbers: If the person making unauthorized entry and unauthorized connection or  
12 attempt to make an unauthorized connection is a plumber or an employee of a licensed  
13 plumber, the City Council will by resolution report such plumber to the State Plumbing  
14 Board and request disciplinary action. ~~Additionally, all such persons guilty of such~~  
15 ~~violation shall be subject to the penalty for a misdemeanor provided in Section 1-4-1 of~~  
16 ~~this Code. (1981; and, 1999 Code)~~ Violations of this Title 10 are designated as municipal  
17 infractions as specified in Title 1, Chapter 4 of the City Code.

## 18 19 **TITLE 11 – BUILDING REGULATIONS**

20 **OO. Title 11** (re Building Regulations) of the City Code is amended as follows:

21 The following language is inserted at the beginning of Title 11: Violations of this Title  
22 11 are designated as municipal infractions as specified in Title 1, Chapter 4 of the City  
23 Code.

## 24 **TITLE 12 – ZONING REGULATIONS**

25 **PP. Title 12** (re Zoning Regulations) of the City Code is amended as follows:

26 The following language is inserted at the beginning of Title 12: Violations of this Title  
27 12 are designated as municipal infractions as specified in Title 1, Chapter 4 of the City  
28 Code.

29 **QQ. Section 12-1-15** (re Zoning Regulations) of the City Code is amended as follows:

30 B. Penalties:

31  
32 1. ~~Violation of the provisions of this title or failure to comply with any of its~~  
33 ~~requirements, including violations of conditions and safeguards established in connection~~

1 ~~with the grant of variances or conditional uses or any of the requirements for conditions~~  
2 ~~imposed by the city council, shall constitute a misdemeanor. Any person who violates~~  
3 ~~this title or fails to comply with any of its requirements shall upon conviction there be~~  
4 ~~finned not more than five hundred dollars (\$500.00) for each offense or imprisoned not~~  
5 ~~more than six (6) months, or both, and in addition shall pay all costs and expenses~~  
6 ~~involved in t eh case. Each day such violation continues shall be considered a separate~~  
7 ~~offense and be punishable as such. Violations of this Title 10 are designated as municipal~~  
8 ~~infractions as specified in Title 1, Chapter 4 of the City Code.~~

### 9 10 **TITLE 13 – SUBDIVISION REGULATIONS**

11 **RR. Title 13** (re Subdivision Regulations) of the City Code is amended as follows:

12 The following language is inserted at the beginning of Title 13: Violations of this Title  
13 13 are designated as municipal infractions as specified in Title 1, Chapter 4 of the City  
14 Code.

### 15 **TITLE 14 – FLOOD CONTROL**

16 **SS. Title 14** (re Flood Control) of the City Code is amended as follows:

17 The following language is inserted at the beginning of Title 14: Violations of this Title  
18 14 are designated as municipal infractions as specified in Title 1, Chapter 4 of the City  
19 Code.

20 **TT. Section 14-2-9** (re Flood Control) of the City Code is amended as follows:

21 ~~PENALTY: Violation of the provision of these regulations or failure to comply with any~~  
22 ~~of the requirements, including permit approval prior to development of flood prone lands~~  
23 ~~and conditions who violates these regulations or fails to comply with any of its~~  
24 ~~requirements shall, upon conviction, be subject to penalty as provided in Section 1-4-1 of~~  
25 ~~this Code. Each day's continuance of a violation shall be deemed a separate and distinet~~  
26 ~~offense. Violations of this Title 14 are designated as municipal infractions as specified in~~  
27 ~~Title 1, Chapter 4 of the City Code~~

28  
29 **UU.** This amendment of the City Code is made pursuant to Section 1-1-3 of the Forsyth City  
30 Code. A copy of the Department's notice and all attachments shall be filed with the City Clerk  
31 for inspection by the public. The City Clerk shall forward a copy of this Ordinance to the  
32 codifiers for insertion in the City Code.  
33

1 **VV.** This Ordinance shall become effective on January 1, 2019.

2  
3 **WW.** Matters pending in the City Court before the effective date of this Ordinance may continue  
4 to be prosecuted under Code sections in effect before the effective date of this Ordinance.

5  
6 **XX.** If any provision of this Ordinance or the application thereof to any person or circumstances  
7 is held invalid, such invalidity shall not affect the other provisions of this Ordinance which may  
8 be given effect without the invalid provisions or application, and, to this end, the provisions of  
9 this Ordinance are declared to be severable.

10  
11 Passed and approved by the City Council this 19th day of November 2018.

12  
13 City of Forsyth

14  
15 \_\_\_\_\_  
16 Dennis Kopitzke, Mayor

17 ATTEST:

18  
19 \_\_\_\_\_  
20 Doris Pinkerton, City Clerk