

STATE OF MONTANA,
) SS
County of Flathead

H.S.Hanson, being first duly sworn, upon his oath says; I am a citizen of the United States, over the age of 21 years, and am, and was at the time mentioned in this affidavit, the City Clerk of the City of Polson, in said County and State, that on the 10th day of April, 1916, in accordance with the order of the City Council of the City of Polson, requiring all Resolutions and Ordinances of said City, to be published by posting in three of the most public places in said City, I caused to be posted a copy of the foregoing Ordinance Number 109 in three of the most public places in said City, to-wit: - One of the said copies in the office of the Police Judge, one of the copies at the office of the City Treasurer and one copy at the office of the City Clerk; that each of said copies so posted and caused to be posted by me was a true, full and correct copy of the said Ordinance and the whole thereof.

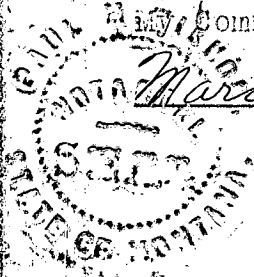
H.S. Hanson

Subscribed and sworn to before me this 10th day of April, 1916:

Paul Murshon
Notary Public for the State of Montana. Residing at Polson, Montana.

My Commission expires

March 31, 1919



ORDINANCE NO. 110

AN ORDINANCE DESCRIBING CERTAIN NUISANCES AND PENALTIES, RELATING TO NOXIOUS WEEDS AND THE ABATEMENT OF NUISANCES.

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

KEEPING ANIMALS

Section 1. Any one who shall, within the limits of the City of Polson, keep or maintain any pen, enclosure, stable or building for ~~some~~ horses, cattle or other animals, in such a filthy condition as to be offensive to neighbors or passers-by, or injurious to the health of the neighborhood, shall be deemed guilty of maintaining a nuisance, and upon conviction thereof, shall be fined not less than ten dollars nor more than fifty dollars; and the continuance of the same, for every day after being notified by any city officer to abate the same shall be regarded as a separate offense to be punished by a like fine.

PRIVIES AND DRAINS

Section 2. If any person shall suffer any cellar, vault, private drain, pool, privy, sewer or ground upon any premises belonging to or occupied by him or her to become a nuisance, foul, offensive or injurious to public health, or offensive or injurious to any person, such person shall be deemed guilty of maintaining a nuisance, and upon conviction thereof shall be fined not less than ten dollars nor more than fifty dollars; and the continuance of the same for every day after due notice by the city authorities to abate the same, shall be deemed a separate offense, punishable with like fine.

DEAD ANIMALS

Section 3. It shall be the duty of the owner of any animal dying within the city limits, forthwith, or with all reasonable

dispatch, and before the same becomes offensive from decomposition to remove the same beyond the city limits and burn or bury the same. Any such owner who shall fail, neglect or refuse to remove, burn or bury the same after reasonable notice, or who shall throw or leave any such dead animal in any public way, or on any private grounds or in any water course, or in any pit or vault, unburied or less than five feet deep, shall be deemed to have maintained a nuisance, and upon conviction thereof, shall be fined not less than ten dollars, nor more than fifty dollars; and if the party responsible thereof, shall not proceed at once to abate such nuisance, it shall be done by the chief of police, and the cost thereof may be recovered in an action before the police judge, in addition to the penalty hereinbefore provided for.

DECAYING OR OFFENSIVE MATTER

Section 4. No person shall throw, place or conduct or suffer any member of his or her family or any servant or employee to throw, place or conduct, into any street or alley or let any putrid or decaying meats, fish, fowl, hides or skins of any kind, or any kind of rubbish, filth, offal, dung, dead animals, vegetables or fruits or other decaying or offensive matter whatever, or anything likely to become so, or allow such rubbish, filth, offal, dung or other offensive matter as aforesaid to be or remain upon his or her premises, or in any outhouse, stable, privy or other place occupied by him or her, or in any street or alley in the front or rear of such premises, in such manner as to be offensive or injurious to any person.

UNCLEAN PREMISES

Section 5. Any person who shall allow, suffer or permit any cellar, vault, drain, tank, gutter, sewer, or any slop, garbage, waste or manure box, or receptacle of similar character, or any yard, grounds or premises belonging to or controlled by him or her as owner, agent or tenant, to become from any cause, unclean, nauseous, stinking, foul, defective, offensive or injurious to the public health, or unpleasant or disagreeable to adjacent residents or persons passing; or who shall allow, suffer or permit loose or wastepaper, hay, straw, waste clothing, hats, boots, empty cans, boxes, bottles, scraps of old iron, rotten wood, chips, sawdust or boards, ashes, bricks or pieces of brick, or stone, paper dodgers or advertisements or other rubbish to accumulate and remain on any yard, grounds or premises belonging to or controlled by him or her as owner, agent or tenant to become offensive or injurious to the public health or obnoxious and objectionable to the residents of the immediate neighborhood, shall be deemed guilty of committing and maintaining a nuisance.

OBSTRUCTIONS TO STREETS AND ALLEYS

Section 6. If any person shall place or cause to be placed any obstructions to the free passage through a street, alley, crossing or sidewalk of this city, or excavate in or under the same without lawful permission, such person shall be deemed guilty of committing a nuisance.

DEPOSITS IN ALLEYS AND STREETS

Section 7. If any person shall throw or deposit loose or waste paper, straw, hay, waste clothing, hats, boots, empty cans, boxes, scraps of old iron, manure, wood, chips, sawdust, boards, ashes, brick, stone, paper dodgers or advertisements or other rubbish in any street, alley or public grounds; or allow the same to accumulate upon the premises occupied by him or her, so as to become dangerous to such or adjoining premises, or shall place the same in such place and manner as to be liable to be blown or fall upon any street, alley or other public grounds, in either case such person shall be deemed guilty of committing a nuisance.

SPITTING ON SIDEWALKS

Section 7 (continued). If any person shall spit or expectorate, vomit, urinate, defecate, place or deposit, or cause to be placed any foul, stinking or objectionable material upon any sidewalk or crossing, or upon the floor of any public hall, theater or church or upon the floor of any store, or upon the floor or walk

intended for the use of the public, such person shall be deemed guilty of a misdemeanor and shall be fined not less than ten dollars nor more than one hundred dollars.

VEHICLES

Section 8. It is hereby constituted and declared a nuisance to allow wagons, buggies, other vehicles and implements customarily to remain in and cumber the streets and alleys in front of or in the vicinity of livery stables, blacksmith shops, wagon or paint shops, barns, sheds, etc., within the limits of the City of Polson, and any person who shall use and occupy any of the public streets, alleys or grounds for such purpose shall be deemed guilty of committing and maintaining a nuisance.

WEEDS

Section 9. Any person who shall allow or permit to grow or remain on any yard, grounds or premises belonging to or controlled by him or her as owner, agent or tenant any Canada, Scotch, bull or Russian thistles, burdock, mustard or any other weed or weeds which may spread to adjacent grounds and premises and become unpleasant and disagreeable to adjacent residents, shall be deemed guilty of maintaining a nuisance.

OTHER NUISANCES

Section 10. In all cases where no provision is hereby made defining what are nuisances, and how the same may be removed, abated or prevented, in addition to what may be declared as such herein, those offenses which are known to the common law of the land as nuisances, shall be treated as such, and are hereby declared nuisances, and shall be proceeded against as in this ordinance provided.

RECEPTACLE FOR RUBBISH

Section 11: The City Council, Board of Health, Street Commissioner or Chief of Police are hereby empowered and given authority to order each resident, owner, tenant or agent to place or cause to be placed at the back of the lot or lots or premises belonging to or controlled by him or her, and accessible from the alley a suitable receptacle or receptacles in which shall be placed all refuse, manure and so-called rubbish; any person who shall fail or refuse to provide such receptacle within twenty-four hours after receiving notice to provide same from the proper authorities shall be deemed guilty of a misdemeanor and shall be fined in a sum not less than ten dollars nor more than one hundred dollars. etc

REMOVAL OF RUBBISH

Section 12. The City Council, Board of Health, Street Commissioner or Chief of Police are hereby empowered and given authority to enter into contract with or hire a suitable person or persons whose duty shall be to collect and remove refuse and so-called rubbish within the limits of the City of Polson; they are also hereby empowered and given authority to prescribe the manner in which the said refuse and rubbish shall be collected and removed, the time of its removal, the place to which it shall be removed, the price charged for its removal, and the manner of recovering the cost of the said removal; and any person who shall fail or refuse to comply with the rulings of the said City Council, Board of Health, Street Commissioner or Chief of Police within twenty-four hours after having received due notice of the said rulings, shall be deemed guilty of a misdemeanor and fined in a sum not less than ten dollars nor more than one hundred dollars. etc

EXAMINATION OF PREMISES

Section 13. For the purpose of carrying the foregoing provisions into effect, it shall be the duty of the Street Commissioner, Health Officer and Chief of Police to make, from time to time, a thorough and systematic examination of the city.

and to ascertain and report to the proper authority for prosecution all violation of this Ordinance; and for this purpose they shall be permitted, between sunrise and sunset, to visit and enter into any building, lot or grounds within the limits of the city and to make examinations thereof.

DUTY OF OFFICERS

Section 14. It shall be the duty of the Street Commissioner, Health Officer and Chief of Police to notify the author of any nuisance in the city, or beyond the limits within three miles thereof, by a written or verbal notice to abate such nuisance; PROVIDED, such notice shall not be required to be served in order to maintain a prosecution for a violation of this Ordinance. If such nuisance is not abated within twenty-four hours after the notice aforesaid, then it shall become the duty of the Chief of Police, or Street Commissioner, or Health Officer, to forthwith file a complaint under oath before the Police Magistrate, setting forth the facts of the violation of any ordinance concerning nuisances, and it shall be the duty of the proper officer to prosecute the same before the Police Magistrate.

UNKNOWN AND ABSENT OWNER. PROPERTY RESPONSIBLE.

Section 15. In case any such nuisance shall be in, about or upon any unoccupied lot or lots or premises within the city, or tenement or other structure thereon owned by an unknown or non-resident owner, or by a person who is absent from the city; or in, about or upon any lot or lots or premises within the city; or tenement or other structure occupied by a destitute or otherwise irresponsible person, the Chief of Police or Street Commissioner may cause such nuisance to be removed or abated, which shall be done at the expense of the owner. If suit for the recovery of costs for abating such nuisance be not brought against such owner of the property, the City Council may assess such costs to the property, and such costs shall be collected as are other taxes.

JUDGMENT

Section 16. When Judgment shall be rendered against any person for creating, keeping or maintaining any nuisance, it shall be the duty of the court before which the conviction is had to order the defendant in such action to forthwith abate and remove such nuisance, and if the same is not done by such offender within twenty-four hours the same shall be abated and removed by the Street Commissioner or the Chief of Police.

CONTINUING NUISANCE

Section 17. Any person having been found guilty of creating, keeping or maintaining any nuisance, who shall fail or neglect to abate or remove the said nuisance within twenty-four hours next after his conviction, shall for every twenty-four hours thereafter in which the said nuisance is continued be deemed guilty of keeping and maintaining a separate and distinct nuisance, and for each offence be subject to the penalties for maintaining a nuisance.

URGENT ABATEMENT

Section 18. When any nuisance is of such a character and is so situated that the same can be abated without invasion or destruction to private property, and the further continuance thereof is likely to result in expense to the City, or injury to any person, it shall be the duty of the Chief of Police or the Street Commissioner to abate and remove the same without waiting for the conviction of the author thereof.

PENALTY

Section 19. Any person who shall be guilty of any violation of any of the provisions of this ordinance in committing or maintaining a nuisance, where no penalty is provided, he shall be fined in any sum not more than one hundred

dollars..

Section 20. All ordinances and parts of ordinances in conflict here-with are hereby repealed.

Section 21. WHEREAS, an emergency exists and it is immediately necessary for the preservation of the peace, health and safety of the inhabitants of the City of Polson, this ordinance shall take effect immediately upon its passage and approval according to law.

Passed and approved this 14th day of April, 1916.

Attested E. S. Hanson City Clerk. J. J. Clark Mayor.

Vote--Yeas Clark,-- Douglas

Nays: None

State of Montana.)
County of Flathead.) ss.

E. S. Hanson, being first duly sworn, upon his oath says; I am a citizen of the United States, over the age of 21 years, and am, and was at the time mentioned in this affidavit, the City Clerk of the City of Polson, in said County and State, that on the 15th day of April, 1916, in accordance with the order of the City Council of the City of Polson, requiring all Resolutions and Ordinances of said City to be published by posting in three of the most public places in said City, I caused to be posted a copy of the foregoing Ordinance Number 110 in three of the most public places in said City, to-wit: - One of the said copies in the office of the Police Judge, one of the copies at the office of the City Treasurer, and one copy at the office of the City Clerk; that each of said copies so posted and caused to be posted by me was a true, full and correct copy of the said Ordinance and the whole thereof.

E. S. Hanson

Subscribed and sworn to before me this 17th day of April, 1916.

Paul Murphree
Notary Public for the State of Montana,
Residing at Polson, Montana.

My Commission expires March 31 1919

