

in Real Estate and insurance, one of said copies at the ### Post office in said City, that each of said copies so posted by me was a full true and correct copy of said ##### Resolution No. 27,.

Fred Perry

Subscribed and sworn to before me this day of June 1919.

Notary Public for the State of Montana, residing at Polson, My Commission expires Jan. 8th. 1921.

---- ORDINANCE NO. 137 -----

AN ORDINANCE PROVIDING FOR A PARK BOARD, A SUPERINTENDANT OF PARKS AND DEFINING THEIR DUTIES: FOR THE PURCHASE AND PLANTING AND CARE OF SHADE AND ORNAMENTAL TREES: THE SOWING OF GRASS PLOTS AND THE PROTECTION AND CARE OF TREES AND PARKING SPACES AND GRASS PLATS: PROVIDING PENALTIES FOR THE VIOLATION OF THE PROVISIONS OF THIS ORDINANCE: PROVIDING FOR THE METHOD OF ASSESSING PROPERTY WITHIN PARK IMPROVEMENT DISTRICTS: AS WELL AS FOR THE CARE AND MAINTENANCE OF TREES PLANTED: GRASS PLOTS CONSTRUCTED AND GRASS SOWN IN SUCH DISTRICTS AND OUTSIDE OF SUCH DISTRICTS:.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF POLSON, COUNTY OF FLATHEAD, STATE OF MONTANA;

Section 1 Park Board

It shall be the duty of the Mayor by and with the consent of the City Council to appoint three (3) Park Commissioners, one for one year, one for two years and one for three years, who shall constitute the Park Board, all of whom shall be resident freeholders of the City of Polson. when a vacancy shall occur in the office of Park Commissioner it shall be the duty of the Mayor by and with the consent of the Council to appoint a Park Commissioner to fill such vacancy.

Section 2 - Duties of the Park Board;.

It shall be the duty of the Park Board, 1- To elect from their members a president and a secretary and to appoint or employ a superintendent of Parks who shall be under the direct supervision of the Park Board, 2 - To exercise supervision over the buying and planting of trees, also the care and maintenance of trees and parks under the supervision of the City of Polson as designated and described by Ordinance and Resolution.

Section 3 - Duties of the Superintendent of Parks;

It shall be the duty of the Superintendent of Parks; 1 to personally inspect the trees and parks of the city and see that these are properly planted, mulched, trimmed, watered and otherwise cared for, 2- to make report to the Park Board as may be required from time to time by the said Park Board.

Section 4 - Sidewalks and system of planting of trees and grass plats;.-

The sidewalks shall be laid according to Ordinance and Resolution adopted by the City Council of the City of Polson, the space between the sidewalks and curb shall be reserved for trees and grass.

Section 5 - Permission; .

Permission is hereby given to the owners of Real Estate in the City of Polson to improve their premises by setting out trees and properly cultivating, protecting and caring for the same for a distance of six (6) feet from the front line of their respective lots in the said City provided that said trees or the cultivation or protection thereof, shall in no case interfere with the full use of the said streets for public purposes, Provided further that no person association or corporation

shall plant any tree within the limits of any park way street or alley of the City of Polson, Montana, without having first obtained a written permit so to do from the Park Board.

Section 6- Requests;;

Requests for such shall be made in writing to the Park Board and shall state the variety and precise location of each tree to be planted and the Park Board shall grant such permits if after personal investigation they consider the location such that it will allow the normal growth and development of each tree. The permits shall specify the location, variety and grade of each tree and the method of planting including the supplying of suitable soil. No charge shall be made for the investigation of the permit and no trees shall be planted except in accordance with its terms. The specifications of the permit shall be such as will secure the suitable location planting and growth of each tree. Said Park Board shall within five (5) days after the receipt of an application grant such permit or deny the same, stating their reasons.

Section 7- Kinds of Trees;;-

Only the following trees may be used for planting in any park way street or alley, to-wit; - Elms (Ulms); Hackberry, (Celtis Occidentalis) Norway soft and red Maples (Acer, Dasycarpum, and rubrum); Ash (Fraxinus); and no other trees than those herein mentioned shall be planted as Street Trees. Such trees shall be planted not less than 15 nor more than 45 feet apart. Provided however that if the owner of any lot or parcel of land or Park Board shall desire to plant trees of quicker growth than those by planting the before mentioned trees, at the required distance of 15 to 45 ft. for the permanent trees, he or they may plant alternately between them any of the following varieties; Carolina Poplar; Canadian Poplar; Silver Leaf Poplar; or Box Elder, provided that trees now planted and thrifty shall not be subject to change for the species of trees in this Ordinance recommended, but that said other trees may be removed by the Superintendent of Parks or Park Board at such time as the growth of the permanent trees make the same necessary.

Section 8-- Prohibitions::

No permit for the planting of trees shall be given where the clear space between the curb and the sidewalk is less than three feet; neither shall a permit be given where the soil is too poor to insure the growth of the tree, unless the applicant or owner agrees to excavate a suitable hole of not less than 50 cubic feet and to replace the material removed with suitable loam, and no tree shall be planted measuring less than one inch in diameter of trunk, one foot above the ground. The trunk of each tree shall be without branches for six feet above the ground, and the lowest branch shall not be over eight and one-half (8 1/2) feet above the ground.

Section 9 -- Moving Buildings;;.

No person shall move any building along any street avenue or alley in the City of Polson, in such a way as to interfere with or injure any tree or shrub in any street avenue or alley or public place, including park and parkways, without a special permit obtained from the Superintendent of Parks or the Park Board. The application for such permit and the permit issued shall specify the particular building and the particular route.

Section 10-- Moving of Trees.

All moving of trees and shrubs made necessary for the moving of such buildings or any other purpose shall be done by the Superintendent of parks or under his supervision at the expense of the owner of building. Should such re-planting cause the death of such tree or shrub, said owner shall replace the same, with others equally as good at his own expense under the supervision of the Superintendent of Parks.

Section 11-- Building Material.

No building material or any other material of any description shall be piled against any tree or parkway tree unless said tree is first sufficiently protected by a proper guard to prevent possible injury and all instructions issued for that purpose by the Superintendent of Parks must be promptly complied with by the owner or contractor.

Section 12-- Removing; Destroying; Cutting etc of trees;;

No person shall remove, destroy, cut, deface, trim or in any way injure or interfere with any tree or shrub on any of the avenues, streets, alleys or public grounds, including parks or park-ways, of the City of Polson, without a permit from the Superintendent of Parks.

Section 13-- Hitching to trees;;

No person shall hitch or fasten any horse or other animal to any tree or shrub in any street avenue or alley or public grounds, including parks and parkways, in the City of Polson, nor shall any person suffer or permit any horse or other animal to stand or be near enough to such tree or shrub to bite, rub against or in any manner injure or deface the same.

Section 14-- Injurious Insects;;

Every person firm or corporation who is the owner or is in possession or control or management of any lot, block or parcel of land upon which there is any shade or ornamental tree, which is infected with injurious insects, shall spray or cause the same to be sprayed with some insecticide to be designated by the Superintendent of Parks or Park Board.

Section 15-- Inside Trees;;

All trees inside of the property line shall be so sprayed at the expense of the owner.

Section 16- Outside Trees;;

All trees outside of the property line and in any street, avenue, alley or public ground, including parks, parkways and boulevards, shall be sprayed and trimmed under direction of the Superintendent of Parks and at the expense of the Park Commission and not otherwise.

Section 17- Penalties for neglecting or refusing to act;;

Any person, firm or corporation who shall violate any section of any clause or provision of any section of this Ordinance or shall fail or neglect, or refuse to perform any act or thing required hereby, shall on conviction thereof, pay a fine of not less than Two Dollars (\$2.00) or more than One Hundred dollars (\$100.00) or shall be imprisoned in the City Jail not more than Fifty (50) days, or both fine and imprisonment, and the cost of prosecution.

Section 18-- Penalties except by permission.

No person shall cut, injure, damage, destroy or deface in any manner, except with the consent of the Park Board, any tree, shrub, plant, turf, or any of the buildings, fences, or other property within or upon any of the parks of the City of Polson, Montana. Any person who violates any of the provisions of this section shall, upon conviction thereof, be punished by a fine in any sum, not less than \$5.00 nor more than \$100.00, or by imprisonment in the City Jail not less than 2 1/2 days nor more than 50 days or both, and cost of prosecution.

Section 19--; Petition of owners of a majority of all property;;-

Whenever the owner, or owners of a majority of the property in any block outside of an Improvement district shall petition the City Council in writing for a requirement of uniform boulevarding or parking of such block in accordance with this ordinance, and such petition shall be granted, it shall be the duty of the City Clerk to forthwith give notice to all property owners not joining in the petition, to within thirty days from the date of the notice, comply with and conform to the provisions of this ordinance, and upon the failure of any person so notified, or any person joining in the petition, to comply with the notice aforesaid, then in that case the city Council may, by contract or otherwise, provide for the doing of the necessary work to conform to the provisions of this ordinance and the cost of such work shall be and become a lien upon the property owned by any person failing to comply with the notice, to be foreclosed by suit brought in the name of the City or in the manner provided by law.

Section 20--; Notice;;-

Upon such notice being given, it shall be the duty of all property owners in any such block to remove or construct sidewalks and prepare and plant grass or trees or both according to this ordinance and all trees planted under the system herein provided shall be set on the tree line established on the said street or according to the direction of the Park Board.

Section 21- Care and maintenance of trees and grassplots;.

All necessary care and maintenance such as planting, replanting, mulching, trimming, watering, etc; of trees and grass plots under the control of the City of Polson, shall be under the direction and supervision of the Park Board.

Section 22;- Cost of care and maintenance of trees and grassplots;;-

Where care and maintenance of trees and grassplots shall be done by the Park Board or Park Superintendent within the boundaries

of a Parking Improvement District, all the property within the boundaries of the said Parking Improvement District is hereby declared to be the district benefited by the said care and maintenance and the property included within the boundaries of the said district is hereby declared to be the property to be assessed for the cost and expense of the said care and maintenance and the said cost and expense shall be assessed and become a lien upon the property within the said district and collected as other taxes are collected, but the entire cost# of the said care and maintenance shall be assessed against the entire district as follows; to-wit; - each lot or parcel of land within the district shall be assessed for that part of the whole cost which its area bears to the area of the entire district, exclusive of streets, avenues, alleys and public places; provided however that where said care and maintenance shall be along any side street or bordering or abutting upon the side of any corner lot of any block that the amount of the assessment for said cost of care and maintenance against the said property in said district shall be so assessed that each square foot of land embraced within the said corner lot shall be double the amount of the cost of the said care and maintenance that the square foot of any inside lot shall bear; provided further however, that lots wherein the said care and maintenance shall have been done or made by the owner of the property or abutting property according to the plans and specifications on file and under the directions and supervision of the Park Board of Park Superintendent, he shall be credited with its proportionate cost as the same bears to the cost of care and maintenance of the entire improvement district. Provided further, that where the care and maintenance shall be done outside of a Parking Improvement District, then the entire cost or care and maintenance shall be assessed and become a lien upon the property benefited or upon the property bordering or abutting upon the street where said care and maintenance has been done.

Section 23; - Maintenance fund; -

On recommendation of the Park Board ## the City Council may and is hereby empowered and authorized to create by special assessment a Parking Maintenance Fund for each Parking Improvement District in the City of Polson. this fund shall be used to defray the necessary cost of care and maintenance of the trees and grass-plots within the said district. This assessment shall be made and collected as other assessments and taxes are made and collected in the said Parking Improvement District.

Section 24; -

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Passed by the City Council this 4th. day of June 1919.
Approved by the Mayor this 4th. day of June 1919.

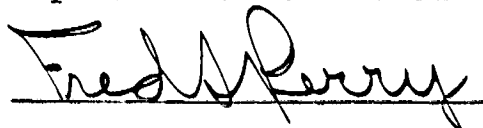
Attest


City Clerk

Mayor

State of Montana -;;; Affidavit of Posting; -
County of Flathead-ss-
City of Polson

Fred S. Perry 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 all times mentioned in this affidavit the City Clerk of the City of Polson Montana. that on the 6th. day of June 1919. in accordance with and order of the City Council of the City of Polson requiring all ordinances and resolutions to be published by posting in three of the most public places in the City; , I posted a copy of the foregoing Ordinance No. 137 in the following places in said City to-wit; One of said copies at the office of the Police Judge, one of said copies at the Post office, and one of said copies at the office of the City Treasurer, that each of said copies so posted were true full and correct copies of said ordinance, .



Subscribed and sworn to before me this day of June 1919.

Notary Public for the State of Mont.
Residing at Polson, Com-exp. 1-8-21.