



City of Libby Libby Montana

www.cityoflibby.com

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REGULAR COUNCIL MEETING #1667 MONDAY, DECEMBER 16, 2024 @ 7:00 PM COUNCIL CHAMBERS – CITY HALL

CALL TO ORDER:

- Pledge of Allegiance
- Prayer by Bill Sonntag
- Roll Call
- Welcome/Announcements
- Approve minutes for Regular Council meetings #1663 held October 21, #1664 held November 4, #1665 held November 18, #1666 held December 2, and Special Council meeting held November 18, 2024.

COMMITTEE REPORTS:

- City Administrators Report
- Fire
- Police
- Ordinances
- Lights/Streets/Sidewalks
- Building
- Water/Sewer
- Zoning Commission
- Cemetery/Parks
- Finance
- Wildlife
- City-County Board of Health
- Park District Manager of Projects

PUBLIC COMMENT ON NON-AGENDA ITEMS: This is an opportunity for the public to offer comments related to issues that are not currently on the agenda that the council has jurisdiction over. Public comment is limited to 3 minutes.

OLD BUSINESS: Each previous agenda item will be introduced by the mayor with a description of the item and explanation for the recommended action to be taken. Following council discussion on each item there will be an opportunity for public comment. Public comment is limited to 3 minutes concerning the agenda item being discussed only.

NEW BUSINESS: The mayor will introduce each new agenda item with a description of the item and an explanation for the recommended action to be taken. Following council discussion on each item, there will be an opportunity for public comment. Public comment is limited to 3 minutes concerning the agenda item being discussed only.

1. Approve Committee recommendation for skate park element construction.
2. Approve signing and submission of DNRC grant request for Urban Forest.
3. Approve Ordinance #2045 Aggressive Solicitation and adding definitions to same (second reading).
4. Approve Ordinance #2046 Urinating and Defecating in Public Places (second reading).
5. Approve Ordinance #2047 Camping, Sleeping, Motor Vehicles and Storage of Personal Property and Adding Definitions to Same (second reading.)
6. Approve Ordinance #2048 Parking violations fee schedule (second reading).
7. Approve Ordinance #2049 Amending Title 17, Chapters 12, 16, 17 and 20 Entitled “RESIDENTIAL A, RESIDENTIAL B, RESIDENTIAL C AND BUSINESS RESIDENTIAL (second reading).
8. Approve all alcohol license applications received to date.
 - a. American Legion Club, 319 California Ave.
 - b. Black Bord Bistro, 803 Mineral Ave.
 - c. Cabinet Mountain Brewing Company, 206 Mineral Ave.
 - d. Crosscut Casino, 812 W. 9th St.
 - e. Dorio’s, 316 California Ave.
 - f. Gold Pan Casino, 420 E. 9th St.
 - g. Harper-Erdman VFW, 114 W. 2nd
 - h. Kaiju Bar & Grill, 419 E. 9th St.
 - i. Libby Empire Foods, 1406 Minnesota Ave.
 - j. Libby Qwik Stop, 120 W. 9th St.
 - k. Lucky Lil’s Casino, 200 E. 9th St.
 - l. Lucky Logger Casino, 1313 Minnesota Ave.
 - m. Maggie’s 2 Casino, 519 E. Larch St.
 - n. Mint Bar, 110 Mineral Ave.
 - o. Pastime Bar and Lounge, 216 Mineral Ave.
 - p. Red, White & Brews, 411 Mineral Ave.
 - q. Rosaurers Supermarket, 703 W 9th St.
 - r. Switchback Bar & Grill, 1111 W. 9th St.
 - s. Town Pump, 1315 Minnesota Ave.
9. Approve all Coin Operated Amusement License applications to date.
 - a. American Legion, 319 California Ave.
 - b. Harper-Erdman VFW, 114 W. 2nd
 - c. Mint Bar, 110 Mineral Ave.
 - d. Pastime Bar and Lounge, 216 Mineral Ave.
10. Approve all claims received to date
11. Approve all business license applications received to date
 - a. Libby Pawn, 116 E 9th St., LLC, Pawn shop.
 - b. Master’s Touch, 252 Indusrty Way, LLC, Electrical service contractor for residential, commercial and industry.

UNFINISHED BUSINESS: Each item will be introduced by the mayor (or assigned liaison) with a description of the item. Following council discussion on each item, there will be an opportunity for public comment. **No action will be taken.** Public comment is limited to 3 minutes concerning each item.

Discussion to amend Libby Development Fund Policy and application process.

GENERAL COMMENTS FROM COUNCIL: Public comment will not be taken during this portion of the meeting

ADJOURNMENT:

The manner of Addressing Council:

- Each person, not a Council member, shall address the Council at the time designated in the agenda or as directed by the Council, by stepping to the podium or microphone, giving that person's name and address in an audible tone of voice for the record, unless further time is granted by the Council, shall limit the address to the Council to three minutes.
- All remarks shall be addressed to the Council as a body and not to any member of the Council or Staff with no personal remarks allowed.
- No person, other than the Council and the person having the floor, shall be permitted to enter any discussion either directly or through a member of the Council, without the permission of the Presiding Officer.
- Any person making personal, impertinent, or slanderous remarks or who shall become boisterous or disruptive during the council meeting shall be forthwith barred from further presentation to the council by the presiding officer unless permission to continue is granted by a majority vote of the council.

ATTENTION:

To access this meeting electronically with **ZOOM**,
Dial: 253-215-8782
Meeting ID: **4042719951**
Password: **151041**
Posted: 12/12/24



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Memo

Date: December 12, 2024

TO: City of Libby council members

From: Melissa Berke, Chair of Cemetery Parks Committee

RE: Recommendation for skatepark element requested by Ben Montgomery

The Cemetery Parks Committee met Wednesday, December 11 on location next to Legion Field for supporters to present plans for the construction of a 23x18 half-pipe skateboard park. The feature comes as a professionally pre-built ramp to be installed on-site by Omega Manufacturing. A concrete foundation will need to be poured; installation should be a couple of weeks from start to finish.

Insurance is expected to add an estimated \$167.00 a year to the city's insurance costs.

Two non-functioning lights are nearby, repairs are estimated to be about \$2,500.

LOR Foundation has a \$30,000 grant (\$27,000 for the feature, \$2,500 for the lights) ready to submit in January 2025, which will need council approval,

The committee's recommendation is to approve the request with construction in spring, 2025.

ORDINANCE NO. 2045 OF THE CITY OF LIBBY, MONTANA

AN ORDINANCE ADDING A NEW CHAPTER TO TITLE 9 -PUBLIC PEACE MORALS AND SAFETY - ENTITLED “AGGRESSIVE SOLICITATION” and ADDING DEFINITIONS TO SAME.

WHEREAS, the city deems it necessary to find solutions which make it easier for people to remain in public places peacefully rather than be excluded from them to make it easier for the city’s diverse residents and visitors to share public areas with less conflict; and

WHEREAS, the city deems it necessary to find solutions to encourage courteous behavior of people to promote greater tolerance and civility towards each other while narrowly defining unacceptable behaviors; and

WHEREAS, there has been an increase in the number of persons aggressively soliciting, or while soliciting, interfering with, obstructing, harassing, threatening and intimidating other pedestrians, or impeding vehicles and pedestrians in traffic on city streets in recent years. This conduct has been either related to obstruction of pedestrian passage or soliciting of pedestrians; and

WHEREAS, the police department and county law enforcement have received an increase in complaints from citizens and or businesses where aggressive solicitors have made people and or customers afraid to walk near the aggressive solicitors in downtown city streets and other public areas due to the aggressive, intimidating conduct of persons soliciting and/or conduct of persons harassing, intimidating, interfering with, obstructing or accosting pedestrians or people in public places; and

WHEREAS, the city deems it necessary to protect the rights of its citizens and visitors to move openly and freely on the city streets, sidewalks, walkways, parks and other public places without fear of being aggressively solicited, harassed, interfered with, obstructed, accosted, intimidated, injured or robbed by aggressive individuals soliciting them or interfering with their passage; and

WHEREAS, the city deems it necessary to protect pedestrians, in public places on public property from obstruction, interference, intimidation, harassment, damage or injury caused or partially attributable to being aggressively solicited, accosted, harassed, interfered with or obstructed by any person, especially someone with a weapon; and

WHEREAS, the city deems it necessary to protect citizens in vehicles from solicitation in general to protect and preserve the welfare and safety of citizens in vehicles and pedestrians on city streets.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LIBBY, MONTANA, the following new chapter to Title 9 V., is hereby adopted:

**New Chapter in Title 9 V.
AGGRESSIVE SOLICITATION**

DEFINITIONS:

The following definitions shall apply to the provisions of this chapter.

AGGRESSIVE MANNER shall mean:

1. Approaching or speaking to a person, or following a person before, during or after soliciting if that conduct is intended or is likely to cause a reasonable person to fear bodily harm to oneself or to another, or damage to or loss of property or otherwise be intimidated into giving money or other things of value;
2. Continuing to solicit from a person after the person has given a negative response to such soliciting;
3. Intentionally touching or causing physical contact with another person without that person's consent in the course of soliciting;
4. Intentionally blocking or interfering with the safe or free passage of a pedestrian or vehicle by any means, including unreasonably causing a pedestrian or vehicle operator to take evasive action to avoid physical contact;
5. Using violent or threatening gestures towards a person solicited;
6. Using profane or abusive language which is likely to provoke an immediate violent reaction from the person being solicited;
7. Following the person being solicited, with the intent of asking that person for money or things of value.

HARASS means words, conduct, or actions directed toward another which would reasonably be expected to annoy, alarm, or cause emotional distress.

INTIMIDATE means to engage in conduct which would make a reasonable person fearful of imminent harm to his person or property or feel threatened.

KNOWINGLY" means a person acts knowingly with respect to conduct or to a circumstance described by an ordinance defining an offense when he is aware of his conduct or that the circumstance exists. A person acts knowingly with respect to the result of conduct described by an ordinance defining an offense when he is aware that it is highly probable that such result will be caused by his conduct. When knowledge of the existence of a particular fact is an element of an offense, such knowledge is established if a person is aware of a high probability of its existence. Equivalent terms such as "knowing" or "with knowledge" have the same meaning.

PUBLIC PLACE means a place to which the public or a substantial group of people has access.

PURPOSELY means a person acts purposely with respect to a result or to conduct described by an ordinance defining an offense if it is his conscious object to engage in that conduct or to cause that result. When a particular purpose is an element of an offense, the element is established although such purpose is conditional, unless the condition negates the harm or evil sought to be prevented by the law defining the offense. Equivalent terms such as "purpose" and "with the purpose" have the same meaning.

SOLICITING shall mean asking for money or objects of value, with the intention that the money or object be transferred at that time and at that place. Soliciting shall include using the spoken, written or printed word, bodily gestures, signs or other means for the purpose of urging, requesting, commanding or obtaining an immediate donation of money or other thing of value or soliciting the sale of goods or services.

PURPOSE

The purpose of this chapter is to protect the health, safety and welfare of the citizens of and visitors to the city by prohibiting acts of aggression or interference towards pedestrians as allowed by Section 7-32-4304 of the Montana Code Annotated. This includes prohibiting aggressive soliciting actions that threaten, harass, intimidate or cause fear of bodily injury in pedestrians; general soliciting in places where pedestrians and citizens are more open to threats of aggression or harm; general soliciting that poses a threat of harm to pedestrians and vehicle traffic; and false or misleading soliciting actions. The following prohibitions are necessary and desirable for the following reasons:

Aggressive Soliciting

No person shall solicit in an aggressive manner in any public place.

Soliciting in Certain Places.

It shall be unlawful for any person to solicit within twenty-five (25) feet of the following places*:

- A. Banks and ATM's. Any entrance or exit of any check cashing business or bank, or any automated teller machine. Provided, however, that when an automated teller machine is located within a building or facility, such distance shall be measured from the entrance or exit of the facility.
- B. Motor Vehicles and Parking Lots. Any public transportation vehicle, bus or bus station or stop, or in any public or private parking lot or structure.
- C. A commercial building in the City of Libby's central business districts located on Mineral Ave., California St., and or on 9th. St.
- D. Any outdoor patio or sidewalk café where food or drink is served.
- E. Any vendor's location when the vendor has a valid permit.
- F. The entrance to or exit from any public toilet facility, which includes any temporary use site (port-a-toilet).
- G. Any entrance/exit to, any pedestrian foot bridge or pedestrian tunnel
- H. Private or residential property after having been asked to leave or asked to refrain from soliciting by the owner or other person lawfully in possession of such property.

*Exemption. An event that has obtained a Special Events Permit issued by the city may be provided an exemption to the provisions of this section.

False or Misleading Soliciting.

It shall be unlawful for any person to knowingly make any false or misleading representation while soliciting a donation. False or misleading representations include, but are not limited to, the following:

- A. Stating that the solicitor is from out of town and stranded when such is not true.
- B. Stating or suggesting falsely that the solicitor is either a present or former member of the armed service.
- C. Wearing or displaying an indication of physical disability, when the solicitor does not suffer the disability indicated.
- D. Stating the solicitor is homeless, when he or she is not.

VIOLATION-PENALTY:

Any person violating a provision of this chapter for which another penalty has not been provided shall, upon conviction thereof, be fined as set forth in [Section 1.28.010](#) with a minimum fine of \$85.

This Ordinance is effective thirty (30) days after its adoption by the City Council of the City of Libby, Montana, and signing by the Mayor thereof.

FIRST READING and approved by City Council on the 2nd day of December 2024.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF LIBBY, MONTANA on this 16th day of December 2024.

Attest:

Peggy Williams, Mayor

Leann Monigold, Clerk/Treasurer

ORDINANCE NO. 2046 OF THE CITY OF LIBBY, MONTANA

**AN ORDINANCE ADDING A NEW CHAPTER TO TITLE 9 -PUBLIC PEACE
MORALS AND SAFETY - ENTITLED “URINATING AND DEFECATING IN PUBLIC
PLACES”**

WHEREAS, the City of Libby has seen an increase in incidents of public urination defecation;
and

WHEREAS, the City of Libby municipal code is lacking specific language to deter such
behavior; and

WHEREAS, for the sake of protecting public health and safety, the City desires to reduce this
behavior.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
LIBBY, MONTANA**, the following new chapter to Title 9 V., is hereby adopted:

New Chapter in Title 9V.

URINATING AND DEFECATING IN PUBLIC PLACES

Acts Prohibited:

It shall be unlawful for any person to deposit or cause to be deposited, any human waste material on any public street, sidewalk, parking lot, alley, park, or other public place or any private property upon which the public is admitted by easement or license (other than in a public toilet or restroom designed to receive waste material), or in any place exposed to public view.

Human Waste Material Defined:

For the purposes of this chapter “human waste material” means human urine or human fecal matter discharged from the body.

Exemptions.

1. Persons who violate this ordinance due to verified medical conditions shall be exempt from the enforcement provisions of this ordinance.
2. If the act of urinating is on private property not open to public view.

VIOLATION-PENALTY:

Any person violating a provision of this chapter for which another penalty has not been provided shall, upon conviction thereof, be fined as set forth in [Section 1.28.010](#) with a minimum fine of \$185.

This Ordinance is effective thirty (30) days after its adoption by the City Council of the City of Libby, Montana, and signing by the Mayor thereof.

FIRST READING and approved by City Council on the 2nd day of December 2024.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF LIBBY, MONTANA on this 16th day of December 2024.

Attest:

Peggy Williams, Mayor

Leann Monigold, Clerk/Treasurer

ORDINANCE NO. 2047 OF THE CITY OF LIBBY, MONTANA

AN ORDINANCE ADDING A NEW CHAPTER TO TITLE 9 -PUBLIC PEACE MORALS AND SAFETY- ENTITLED “CAMPING, SLEEPING, MOTOR VEHICLES AND STORAGE OF PERSONAL PROPERTY” and ADDING DEFINITIONS TO SAME.

WHEREAS, the streets, public areas, and private areas within the City of Libby, and along the Kootenai River, need to be readily accessible and available to residents and the public at large. The use of these areas for camping, sleeping or living in vehicles, and for the storage of personal property interferes with the rights of others to use these areas for which they were intended. Such activities can also constitute a public health and safety hazard, which adversely impacts other members of the public, neighborhoods and commercial areas; and

WHEREAS, the purpose of this Chapter is to maintain public and private lands, streets, sidewalks, alleys, ways, creeks, waterways, parks, playgrounds, recreation areas, plazas, open spaces, lots, parcels and other public and private areas within the City, in a clean, sanitary and accessible condition; and

WHEREAS, further, the purpose of this Chapter is to protect the health, safety and welfare of the community, while recognizing that subject to reasonable conditions, camping associated with special events can be beneficial to the cultural and educational wellbeing of City residents.

WHEREAS, nothing in this Chapter is intended to interfere with otherwise lawful and ordinary uses of public or private property; and

WHEREAS, camping on private property without the consent of the owner, proper sanitary measures and for other than a minimal duration adversely affects private property rights as well as public health, safety, and welfare of the City; and

WHEREAS, the unauthorized or inappropriate use of outdoor cooking equipment, open flame, fires or stoves of any sort typically associated with camping creates a major fire threat to life, safety and property, including public and private property, open lands, and hillsides. Illegal campsites are typically located in areas where high levels of combustible vegetation are located (e.g., wooded areas), which creates an increased risk of fire; and

WHEREAS, further, camping adjacent to, within, or below the top of banks of any river, canal or stream poses a health and safety risk from potential flooding, proximity to unstable banks with slippage potential, health risks from human waste entering into rivers, streams or other waterways and the risk of damage to environmentally sensitive habitat and species known to exist in some portions of the City, such as rivers, streams, waterways, and wetlands.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LIBBY, MONTANA, the following new chapter in Title 9, section V., is hereby adopted:

New Chapter in Title 9.V.

CAMPING, SLEEPING IN MOTOR VEHICLES, AND STORAGE OF PERSONAL PROPERTY

DEFINITIONS:

The following words shall have the following meanings when used in this Chapter, unless the context clearly indicates otherwise:

- A. “Along the Kootenai River” means that area that extends from the incorporated City limits along the bed of the Kootenai River to a distance of three hundred (300) feet away from the bank of the river.
- B. “Camp” or “Camping” means use of public property or private property for living accommodation purposes such as: sleeping activities between the hours of sunset to sunrise, or making preparations to sleep (including the laying down of bedding for the purpose of sleeping) between the hours of sunset to sunrise; storing personal belongings; making any fire; using tents, shelter, or other structures or vehicles for sleeping; digging or earth breaking; or carrying on cooking activities. Such activities constitute camping when it reasonably appears, in light of all the circumstances that the participants are using the area as a living accommodation, regardless of the intent of the participants or the nature of any other activities in which they may also be engaging.
- C. “Camp facilities” include, but are not limited to, tents, huts, vehicles, vehicle camping outfits or temporary shelter.
- D. “Camp paraphernalia” includes but is not limited to: bedrolls; blankets; tarpaulins; cots; beds; sleeping bags; tents; hammocks; non-City designated cooking facilities; open flames; fire stoves; or any other equipment used to “camp.”
- E. “City” means the City of Libby, including any officers, officials, agents, employees, volunteers, or representatives of the City of Libby.
- F. “City Administrator” means the City Administrator or designee.
- G. “Overnight” means any time between the hours of sunset and sunrise.
- H. “Park” means and includes any park, parkway, plaza, greenbelt, garden, lake, river, and any other property owned by the City, including structures thereon, and used, operated, or maintained for recreational purposes whether passive or active. The term “park” also includes all off street parking areas which are used or intended to be used in connection therewith. The term “owned” includes any property interest under which the City operates, maintains, or controls said property. The term also includes any property owned or kept by the City as open space, including undeveloped sites for future parks.
- I. “Private property” means all private property including, but not limited to, streets, sidewalk, alleys, and improved or unimproved land.
- J. “Public property” means all public property including, but not limited to, streets, sidewalks, alleys, and improved or unimproved land and parks.

- K. “Store” means to put aside or accumulate for use when needed, to put for safekeeping and to place or leave in a location.
- L. “Street” or “public streets” means avenues, highways, lanes, alleys, ways, crossings or intersections, co-routes and cul-de-sacs that have been dedicated and accepted according to law, or which have been in common and undisputed use by the public for a period of not less than five years from the effective date of the ordinance enacting this Chapter. “Streets” and “public streets” does not include privately owned streets unless the context clearly provides otherwise.

Unlawful Camping.

It is unlawful and a public nuisance for any person to Camp, occupy Camp facilities, or use Camp Paraphernalia in the following areas:

- A. Any Public Property; or
- B. Any Private Property.

This prohibition does not apply to:

- 1. Overnight Camping on private residential property with the consent of the property owner or a person in lawful possession of the property, provided the camping does not pose a threat to the public’s health, safety, and welfare or otherwise create a public nuisance or private nuisance and so long as the overnight camping does not contradict other provisions of the Libby Municipal Code.
- 2. Camping on Public or Private Property in connection with a special event, when authorized pursuant to the Libby Municipal Code; and
- 3. Day use for lawful activities on Public Property where authorized.

Special Events Permit.

The City may issue a permit pursuant to this Section authorizing Overnight Camping on Public or Private Property for a special event, provided the community and City administrator, or his/her designee, finds that the event will not cause a public or private nuisance when conducted in accordance with reasonable conditions intended to avoid nuisance impacts. “Special event,” as used herein, means an event sponsored by the City or a nonprofit or community-based organization which is conducted for the purpose of promoting sports, education, or other charitable activities.

- A. The sponsoring organization must agree in writing to abide by the reasonable conditions imposed in connection with the issuance of a permit which shall include, at a minimum:
 - 1. Special event insurance with coverage and policy limits determined to be adequate by the City in consultation with its liability insurer;
 - 2. An agreement to indemnify and defend the City against any claims arising out the event;
 - 3. Provision for adequate sanitation and trash collection facilities; and
 - 4. Measures to control noise and other conditions which could disturb the peace and quiet enjoyment of neighboring properties.

- B. Any failure to comply with a condition imposed on a sponsoring organization shall be considered a violation of this Chapter and shall entitle the City administrator or his or her designee to deny a future application by such organization and shall be subject to any other remedies authorized by this code or other provisions of law.

Sleeping In Motor Vehicles.

Unless otherwise permitted by law, it is unlawful for a person to occupy for the purpose of sleeping or as a living accommodation any parked trailer, camper shell, motor home, or any motor vehicle as defined by the Montana Code Annotated located in any of the following areas overnight:

- A. Any Public Property, improved or unimproved, including but not limited to public streets and sidewalks, open space, and other property, including spaces in off street parking facilities owned or operated by the City; or
- B. Any Private Property.
- C. For the purpose of this Section “occupy for the purpose of sleeping or as a living accommodation” shall include but not be limited to acts of sleeping, living in, occupying as a dwelling or any other sojourn or stay within the vehicle not directly related to driving the vehicle.

This prohibition does not apply to:

- 1. Occupying a vehicle for the purpose of sleeping or as a living accommodation on private property with the consent of the owner or person in lawful possession of the property, provided that such use of the vehicle does not pose a threat to the public’s health, safety, or welfare or otherwise create a public nuisance or private nuisance and so long as such use of the vehicle does not contradict other provisions of the Libby Municipal Code.
- 2. Mobile home parks and special occupancy parks.

Storage of Personal Property.

It is unlawful and a public nuisance for any person to Store Camp Paraphernalia in the following areas:

- A. Any Public Property; or
- B. Outside a structure on any Private Property without the prior written consent of the owner. Any storage on Private Property shall be subject to all local and state regulatory controls.

Confiscation of Unattended Property.

The City shall have the right to confiscate any personal property stored in violation of this Chapter.

- A. The City shall make a good faith effort to locate the owner(s) of the personal property and to provide him or her with an opportunity to collect the personal property before seizing the items, by providing written notice of the intent to seize the personal property seventy-two (72) hours before seizing the items.

- B. Prior to removing any personal property, the City shall create a written inventory and take photos of the items.
- C. Upon removing any personal property, the City shall leave a written notice at the location of the confiscation confirming that a seizure has occurred pursuant to this Chapter and providing instructions for how to claim the items.
- D. The City shall store all items confiscated pursuant to this Chapter for ninety (90) days and shall, to the extent reasonably practical and without any duty to investigate the recommended storage parameters, properly store perishable items such as medication.
- E. The City shall comply with the provisions of the Montana Code Annotated in selling any items confiscated pursuant to this Chapter and in collecting the costs thereof.

General penalty—Municipal infraction.

Any person violating a provision of this chapter for which another penalty has not been provided shall, upon conviction thereof, be punished as set forth in [Section 1.28.010](#).

A person violating the provisions of this code is guilty of a separate offense for each day during any portion of which any violation of this code is committed, continued, or permitted to be committed with the first offense starting at \$25 and increasing to \$50 for the second offense; \$75 for the third offense and \$100 for the fourth offense.

This Ordinance is effective thirty (30) days after its adoption by the City Council of the City of Libby, Montana, and signing by the Mayor thereof.

FIRST READING and approved by City Council on the 2nd day of December 2024.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF LIBBY, MONTANA on this 16th day of December 2024.

Attest:

Peggy Williams, Mayor

Leann Monigold, Clerk/Treasurer

ORDINANCE NO. 2048 OF THE CITY OF LIBBY, MONTANA

AN ORDINANCE AMENDING 1.28.020 PARKING VIOLATIONS DECLASSIFIED AS MISDEMEANORS

WHEREAS, the City of Libby currently has no graduated fine schedule associated with parking violations; and

WHEREAS, the City of Libby currently leaves determination of fine schedule to officers making the parking citation; and

WHEREAS, the City of Libby law enforcement feels a need for clarification of fine schedule by first, second, third and fourth violations.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LIBBY, MONTANA, the following amendment of 1.28.020 Parking violations declassified as misdemeanors is hereby adopted:

1.28.020 Parking violations declassified as misdemeanors.

Violations of the following sections, or portions thereof, shall be declassified as misdemeanors and maximum fines of one hundred dollars (\$100.00) shall be set as penalties for violations of such sections:

No parking—Certain times	1 st offense \$25, 2 nd \$50, 3 rd \$75, 4 th and subsequent \$100	10.52.010
No parking—All times	1 st offense \$25, 2 nd \$50, 3 rd \$75, 4 th and subsequent \$100	10.52.020
No parking—Customer parking	1 st offense \$25, 2 nd \$50, 3 rd \$75, 4 th and subsequent \$100	10.52.030
No parking—Fifteen (15) minutes	1 st offense \$25, 2 nd \$50, 3 rd \$75, 4 th and subsequent \$100	10.52.031
No parking—Emergency	1 st offense \$25, 2 nd \$50, 3 rd \$75, 4 th and subsequent \$100	10.52.032
No parking—General	1 st offense \$25, 2 nd \$50, 3 rd 75, 4 th and subsequent \$100	10.52.035
No parking—Stop, stand, park	1 st offense \$25, 2 nd \$50, 3 rd \$75, 4 th and subsequent \$100	10.24.030
No parking—Curbs/signs	1 st offense \$25, 2 nd \$50, 3 rd \$75, 4 th and subsequent \$100	10.24.040
Improper parking—Unattended	1 st offense \$25, 2 nd \$50, 3 rd \$75, 4 th and subsequent \$100	10.24.060
Parking too long on street	1 st offense \$25, 2 nd \$50, 3 rd \$75, 4 th and subsequent \$100	10.24.070

Parking on private property	1 st offense \$25, 2 nd \$50, 3 rd \$75, 4 th and subsequent \$100	10.24.080
Parking—Obstructing traffic	1 st offense \$25, 2 nd \$50, 3 rd \$75, 4 th and subsequent \$100	10.24.090
Parking in alleys	1 st offense \$25, 2 nd \$50, 3 rd \$75, 4 th and subsequent \$100	10.24.100
Parking large vehicles	1 st offense \$25, 2 nd \$50, 3 rd \$75, 4 th and subsequent \$100	10.24.110
Parking—Tank trucks	1 st offense \$25, 2 nd \$50, 3 rd \$75, 4 th and subsequent \$100	10.24.120
Parking—Loading zone	1 st offense \$25, 2 nd \$50, 3 rd \$75, 4 th and subsequent \$100	10.24.140
Parking—Freight loading zone	1 st offense \$25, 2 nd \$50, 3 rd \$75, 4 th and subsequent \$100	10.24.150
Parking of buses prohibited	1 st offense \$25, 2 nd \$50, 3 rd \$75, 4 th and subsequent \$100	10.24.180
Parking—Bus and taxicab stands	1 st offense \$25, 2 nd \$50, 3 rd \$75, 4 th and subsequent \$100	10.24.190
Parking—Miscellaneous	1 st offense \$25, 2 nd \$50, 3 rd \$75, 4 th and subsequent \$100	10.24.200
Parking- Handicap only	\$100	MCA 49-4-307
Parking during snow removal	1 st offense \$25, 2 nd \$50, 3 rd \$75, 4 th and subsequent \$100	10.88.010

This Ordinance is effective thirty (30) days after its adoption by the City Council of the City of Libby, Montana, and signing by the Mayor thereof.

FIRST READING and approved by City Council on the 2nd day of December 2024.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF LIBBY, MONTANA on this 16th day of December 2024.

Attest:

Peggy Williams, Mayor

Leann Monigold, Clerk/Treasurer

ORDINANCE NO. 2049 OF THE CITY OF LIBBY, MONTANA

**AN ORDINANCE AMENDING TITLE 17, CHAPTERS 12, 16, 17 and 20 ENTITLED
“RESIDENTIAL A, RESIDENTIAL B, RESIDENTIAL C AND BUSINESS
RESIDENTIAL” RESPECTIVELY**

WHEREAS the City’s zoning code has not been updated since its adoption in 1987; and

WHEREAS the City of Libby has sought to modernize its residential zoning code considering many changes that have taken place since 1987; and

WHEREAS there have been several instances in our growing community wherein different interpretations of the zoning codes have resulted in conflicting outcomes; and

WHEREAS the City of Libby seeks to maintain a harmonious community, to prevent blight, to protect property values, to prevent neighbor conflicts and to provide clarity to property owners, staff and contractors.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LIBBY, MONTANA, the attached changes to the language of Title 17, Chapters 12, 16, 17 and 20 are hereby adopted:

This Ordinance is effective thirty (30) days after its adoption by the City Council of the City of Libby, Montana, and signing by the Mayor thereof.

FIRST READING and approved by City Council on the 2nd day of December 2024.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF LIBBY, MONTANA on this 16th day of December 2024.

Attest:

Peggy Williams, Mayor

Leann Monigold, Clerk/Treasurer

Chapter 17.12 - RESIDENCE A DISTRICT

Sections:

17.12.010 – Purpose & Intent

Residential A is the largest of the residential districts. It is characterized predominantly by single-family detached dwellings. The purpose and intent are to maintain the walkability and density of housing of the neighborhoods.

17.12.020 - Uses.

Within any Residence A District, no building, structure, or premises shall be used or arranged or designed to be used, except for the following:

Primary Uses

- A. A detached dwelling for only one family or for one housekeeping unit;
- B. A detached dwelling for two families or for two housekeeping units;
- C. The taking of boarders or the leasing of rooms by a resident family, provided the total number of boarders and roomers does not exceed two in any one-family dwelling or does not exceed four in any two-family dwelling;
- D. Churches and other places of worship;
- E. Community centers , except those in which a chief activity is a gainful service or activity usually conducted as a business;
- F. Truck gardens or nurseries;
- G. Educational or religious institutions.;
- I. Municipal playgrounds and parks;

Accessory Uses

Accessory uses customarily incidental to any of the above permitted uses, but not including the conduct of a business or industry or any driveway or walk giving access thereto:

- A. A private garage on the same lot with or within the building to which it is accessory and in which garage no business or industry is conducted. Garage space may be provided for two motor vehicles on any lot and may be provided for one additional motor vehicle for each two thousand five hundred (2,500) square feet of lot area by which such lot area exceeds five thousand (5,000) square feet. Only one commercial vehicle may be stored on any lot.
- C. Where alleys are present, alleys must be used as vehicular access to the lot.

D. Home Occupations:

Customary home occupations are defined as those carried out in the residence of the occupant but which do not generate traffic to or from the residence; nor do does it invite on-site customers or direct sales. Home occupations may not consume more than one-half (1/2) of the floor area of one story; provided further, that no person is employed in said occupation other than a member of the immediate family residing in the home. No sign shall be used to advertise such occupation except as is provided in this section.

E. Signs:

1. Any sign provided for herein shall not materially alter the appearance of said lot or dwelling nor affect the welfare of the neighbors.
2. There shall be no electronic signs.
3. Any illuminated signs must be downward directional.
4. Signs pertaining to the lease or sale, or use of a lot or building may be placed on the property; provided that the total area of all such signs does not exceed eight (8) square feet.
5. Signs bearing the name or occupation of an occupant, shall not exceed six (6) square foot for each family housed.
6. Signs not exceeding twelve (12) square feet in area may be erected upon the premises of a church, or other institution for the purpose of displaying the name and activities or services therein provided.
7. Notwithstanding any other provision of this chapter, non-illuminated political or campaign signs may be placed on the property. Any such signs may not be placed on the property so as to obstruct the vision of any driver of motor vehicles to the extent a safety hazard is created. All campaign signs must be removed within three (3) days after the election to which the sign relates.

17.12.030 - Lot area.

The minimum lot size shall be six thousand (6,000) square feet for each dwelling.

17.12.040 - Setbacks.

No building shall be erected, reconstructed, or altered so as to project in any manner beyond the property line.

Front Yard

- A. No new building shall be erected with its street wall or walls nearer than twenty-five (25) feet to the front property line.
- B. Steps and/or ramps extending beyond the front wall of the building are exempt from the above provision.

Rear yard

There shall be a rear yard on every lot, with a minimum depth of twenty-four (24) feet for a one-story building, and thirty-six (36) feet for a two story or two and one-half story building.

Side yard

There shall be a side yard on each side of every building except as provided for accessory buildings. The minimum side setback shall be seven (7) feet and the least sum of the widths of both side yards shall be sixteen (16) feet.

Corner lot

In the case of a corner lot, the minimum side setback on the side street shall be fifteen (15) feet.

17.12.050 - Building Footprint

Each single-family residence shall have a minimum footprint of not less than seven hundred (700) square feet. Each unit of a two-family dwelling shall have a minimum footprint of not less than five hundred fifty (550) square feet including one bedroom, and another one hundred (100) square feet per each additional bedroom.

17.12.060 - Height.

No building shall exceed thirty (30) feet in height.

17.12.070 - Accessory buildings.

- A. Accessory buildings not more than fifteen (15) feet high may be located in the rear yard; provided such buildings occupy not more than twenty-five percent (25%) of the rear yard area; provided, further, such accessory buildings come not nearer than three (3) feet to any lot line.
- B. On corner lots, no wall of an accessory building shall be nearer to a side street property line than the side wall of the main building.
- C. Industrial storage (freight containers) are not permitted.

17.12.080 - Vacant lots.

Vacant lots shall be maintained and kept free of weeds. Certain uses of vacant lots may be permitted by written authority of the building inspector and the board of adjustment, with the consent of the owners of eighty percent (80%) of the property within three hundred (300) feet of the lot or lots.

17.12.090 - Construction.

All construction shall be in accordance with the City's adopted Building Code.

17.12.100 – Outdoor Features, Storage and Temporary Storage (see Definitions)

- A. Outdoor storage of materials is not permitted other than typical items designed for residential outdoor use.
- B. Recreational Fires: Must only be located in rear yards; and shall not be conducted within 25 feet of a structure or combustible material. A portable outdoor fireplace shall only be used in accordance with manufacturer's instructions and may not be operated within 15 feet of a structure or combustible material. (See International Fire Code Section 307 Open Burning, Recreational Fires and Portable outdoor fireplaces).

Chapter 17.17 - RESIDENCE A-2 DISTRICT

Sections:

17.17 010 – Purpose & Intent

Residential A-2 is characterized by single-family detached dwellings, but with reduced setbacks from those in Residential A. It tends to be more suburban in design....

17.17.020 - Uses.

Within any Residence A-2 District, no building, structure, or premises shall be used or arranged or designed to be used, except for the following::

Primary Uses

- A. A detached dwelling for only one family or for one housekeeping unit;
- B. A detached dwelling for two families or for two housekeeping units;
- C. The taking of boarders or the leasing of rooms by a resident family, provided the total number of boarders and roomers does not exceed two in any one-family dwelling or does not exceed four in any two-family dwelling;
- D. Churches and other places of worship;
- E. Community centers , except those in which a chief activity is a gainful service or activity usually conducted as a business;
- F. Truck gardens or nurseries;
- G. Educational or religious institutions.;
- H. Municipal playgrounds and parks;

Accessory Uses

Accessory uses customarily incidental to any of the above permitted uses, but not including the conduct of a business or industry or any driveway or walk giving access thereto:

- A. A private garage on the same lot with or within the building to which it is accessory and in which garage no business or industry is conducted. Garage space may be provided for two motor vehicles on any lot and may be provided for one additional motor vehicle for each two thousand five hundred (2,500) square feet of lot area by which such lot area exceeds five thousand (5,000) square feet. Only one commercial vehicle may be stored on any lot.
- B. Where alleys are present, alleys must be used as vehicular access to the lot.
- C. Home Occupations:

Customary home occupations are defined as those carried out in the residence of the occupant but which do not generate traffic to or from the residence; nor do does it invite on-site customers or direct sales. Home occupations may not consume more than one-half (1/2) of the floor area of one story; provided further, that no person is employed in said occupation other than a member of the immediate family residing in the home. No sign shall be used to advertise such occupation except as is provided in this section.

D. Signs:

1. Any sign provided for herein shall not materially alter the appearance of said lot or dwelling nor affect the welfare of the neighbors.
2. There shall be no electronic signs.
3. Any illuminated signs must be downward directional.
4. Signs pertaining to the lease or sale, or use of a lot or building may be placed on the property; provided that the total area of all such signs does not exceed six (6) square feet.
5. Signs bearing the name or occupation of an occupant, shall not exceed six (6) square foot for each family housed.
6. Signs not exceeding twelve (12) square feet in area may be erected upon the premises of a church, or other institution for the purpose of displaying the name and activities or services therein provided.
7. Notwithstanding any other provision of this chapter, non-illuminated political or campaign signs may be placed on the property. Any such signs may not be placed on the property so as to obstruct the vision of any driver of motor vehicles to the extent a safety hazard is created. All campaign signs must be removed within three (3) days after the election to which the sign relates.

17.17.030 - Lot area.

The minimum lot size shall be six thousand (6,000) square feet for each dwelling.

17.17.040 - Setbacks.

No building shall be erected, reconstructed, or altered so as to project in any manner beyond the property line.

Front Yard

- A. No new building shall be erected with its street wall or walls nearer than fifteen (15) feet to the front property line.
- B. Steps and/or ramps extending beyond the front wall of the building are exempt from the above provision.

Rear yard

There shall be a rear yard on every lot, with a minimum depth of twenty-four (24) feet.

Side yard

There shall be a side yard on each side of every building except as provided for accessory buildings. The minimum side setback shall be seven (7) feet and the least sum of the widths of both side yards shall be sixteen (16) feet.

Corner lot

In the case of a corner lot, the minimum side setback on the side street shall be fifteen (15) feet.

17.17.050 - Building Footprint

Each single-family residence shall have a minimum footprint of not less than seven hundred (700) square feet. Each unit of a two-family dwelling shall have a minimum footprint of not less than five hundred fifty (550) square feet including one bedroom, and another one hundred (100) square feet per each additional bedroom.

17.17.060 - Height.

No building shall exceed twenty-four (24) feet in height.

17.12.070 - Accessory buildings.

- A. Accessory buildings not more than fifteen (15) feet high may be located in the rear yard; provided such buildings occupy not more than twenty-five percent (25%) of the rear yard area; provided, further, such accessory buildings come not nearer than three (3) feet to any lot line.
- B. On corner lots, no wall of an accessory building shall be nearer to a side street property line than the side wall of the main building.
- C. Industrial storage (freight containers) are not permitted.

17.17.080 - Vacant lots.

Vacant lots shall be maintained and kept free of weeds. Certain uses of vacant lots may be permitted by written authority of the building inspector and the board of adjustment, with the consent of the owners of eighty percent (80%) of the property within three hundred (300) feet of the lot or lots.

17.17.090 - Construction.

All construction shall be in accordance with the City's adopted Building Code.

17.17.100 – Outdoor Features, Storage and Temporary Storage (see Definitions)

- A. Outdoor storage of materials is not permitted other than typical items designed for residential outdoor use
- C. Recreational Fires: Must only be located in rear yards; and shall not be conducted within 25 feet of a structure or combustible material. A portable outdoor fireplace shall only be used in accordance with manufacturer's instructions and may not be operated within 15 feet of a structure or combustible material. (See International Fire Code Section 307 Open Burning, Recreational Fires and Portable outdoor fireplaces).

Chapter 17.16 RESIDENCE B DISTRICT

17.16.010 – Purpose and Intent.

The purpose of the Residential B District is to promote residential uses with greater density than Residential A. This takes the form of small lots as well as smaller footprints for single family homes; and more opportunities for multi-family housing.

17.16.020 Uses.

Within any Residence B District, no building, structure, or premises shall be used, arranged, or designed to be used, except for one or more of the following uses:

Primary Uses

- A. Any use permitted in Residence A District;
- B. Multi-family dwelling units meeting the design standards set forth herein;
- C. Each single-family residence or other main buildings shall have a total floor area, under roof, of not less than five hundred (500) square feet, twenty percent (20%) of which may be on a second floor above ground. Each multiple-family dwelling shall have an area of not less than four hundred (400) square feet including first bedroom and one hundred fifty (150) square feet additional for each additional bedroom for each family, which may be distributed on two floors above ground;

Accessory Uses

Accessory uses customarily incidental to any of the above permitted uses, but not including the conduct of a business or industry or any driveway or walk giving access thereto:

- A. A private garage on the same lot with or within the building to which it is accessory, and in which garage no business or industry is conducted. Garage space may be provided for two motor vehicles on any lot and may be provided for one additional motor vehicle for each one thousand (1,000) square feet of lot area by which such lot area exceeds five thousand (5,000) square feet. Only one commercial vehicle may be stored on any lot.
- B. Where alleys are present, alleys must be used as vehicular access to the lot.
- C. Home Occupations:
Customary home occupations are defined as those carried out in the residence of the occupant, but which do not generate traffic to or from the residence; nor do does it invite on-site customers or direct sales. Home occupations may not consume more than one-half (1/2) of the floor area of one story; provided further, that no person is employed in said occupation other than a member of the immediate family residing in the home. No sign shall be used to advertise such occupation except as is provided in this section.

D. Signs:

Any sign provided for herein shall not materially alter the appearance of said lot or dwelling nor affect the welfare of the neighbors.

1. There shall be no electronic signs.
2. Any illuminated signs must be downward directional.
3. Signs pertaining to the lease or sale, or use of a lot or building may be placed on the property, provided that the total area of all such signs does not exceed six (6) square feet.
4. Signs bearing the name or occupation of an occupant shall not exceed 6 (6) square foot for each family housed.
5. Signs not exceeding twelve (12) square feet in area may be erected upon the premises of a church, or other institution for the purpose of displaying the name and activities or services therein provided.
6. Notwithstanding any other provision of this chapter, non-illuminated political or campaign signs may be placed on the property. Such signs may not be placed on the property to obstruct the vision of any driver of motor vehicles to the extent a safety hazard is created. All campaign signs must be removed within three (3) days after the election to which the sign relates.

17.16.030 – Lot area.

The minimum lot area requirements shall be as follows:

Single-family dwelling	5,000 square feet
Two-family dwelling	6,000 square feet
Three-family dwelling	7,500 square feet
Four-family dwelling	10,000 square feet.

17.16.040 – Setbacks

No building shall be erected, reconstructed, or altered to project in any manner beyond the property line.

Front yards

- A. No new building shall be erected with its street wall or walls nearer than twenty-five (25) feet to the front property line.
- B. Steps and/or ramps, uncovered porches and covered but unenclosed porches on the first story, which do not extend more than ten (10) feet beyond the front wall of the building, are exempt from the foregoing provisions.

Rear yards.

There shall be a rear yard on every lot, which rear yard shall have a minimum depth of twenty-four (24) feet for a one-story building, thirty (30) feet for a two-story building and thirty-six (36) feet for a three-story building.

Side yards.

There shall be a side yard on each side of every building except as above provided for accessory buildings. The minimum width of any side yard and the least sum of the widths of both side yards shall be as follows:

Height	Least Widths of Side Yard	Least Sum of Widths of Both Side Yards
Sixteen (16) feet	Five (5) feet	Fourteen (14) feet
Twenty-eight (28) feet	Six (6) feet	Fifteen (15) feet
Thirty-six (36) feet	Eight (8) feet	Twenty (20) feet.
45 feet in height	Fifteen (15) feet each side	N/A

Corner lot.

In the case of a corner lot, the minimum side setback on the side street shall be fifteen (15) feet.

17.16.050 - Building Footprint

Each single-family residence or other main buildings shall have a total floor area, under roof, of not less than five hundred (500) square feet, twenty percent (20%) of which may be on a second floor above ground.

Each multiple-family dwelling shall have an area of not less than four hundred (400) square feet including first bedroom and one hundred fifty (150) square feet additional for each additional bedroom for each family, which may be distributed on two floors above ground.

17.16.060 Height.

No building shall exceed forty-five (45) feet. Multi-family dwellings may be higher than forty-five (45) feet with a Conditional Use Permit and Design Review with the Zoning Commission.

Buildings proposed to be more than 45 feet in height shall be submitted for design review with the Zoning Commission. Conditions that could be placed on such projects include but are not limited to:

1. Landscaping
2. Increased setbacks

17.16.070 Accessory buildings.

- A. Accessory buildings not more than fifteen (15) feet in height may be located in the rear yard; provided such buildings occupy not more than twenty-five percent (25%) of the rear yard area; provided, further, such accessory buildings come not nearer than three (3) feet to any lot line.
- B. On corner lots, no wall of an accessory building shall be nearer to a side street property line than the side wall of the main building.
- C. Industrial storage (freight containers) are NOT permitted.

17.16.080 Vacant lots.

Vacant lots shall be maintained and kept free of weeds. Certain uses of vacant lots may be permitted by written authority of the building inspector and the board of adjustment, with the consent of the owners of eighty percent (80%) of the property within three hundred (300) feet of the lot or lots.

17.16.090 Construction.

All construction shall be in accordance with the City's adopted Building Code.

17.12.100 – Outdoor Features, Storage and Temporary Storage (see Definitions)

~~A. Non-permanent parking structures may not be erected in the front yard without a permit for a set period, not to exceed 12 months while a permanent structure is being constructed.~~

~~B. Propane Tanks are not permitted in front yards~~

CB. Recreational Fires: Shall only be in rear yards; and shall not be conducted within 25 feet of a structure or combustible material. A portable outdoor fireplace shall only be used in accordance with manufacturer's instructions and may not be operated within 15 feet of a structure or combustible material. (See International Fire Code Section 307 Open Burning, Recreational Fires and Portable outdoor fireplaces)

17.16.110 - Parking

Parking shall be provided on property at a ratio of 2 spaces for each unit plus 1 guest space for every three (3) units.

Chapter 17.20 -RESIDENTIAL BUSINESS DISTRICT

17.20.010 Purpose Statement.

The purpose of the Residential Business district is to provide a transitional zone of residential uses blended with opportunities for low-impact commercial uses between fully commercial and fully residential districts. Historically, the district has been occupied by residential uses with some low-impact businesses intermixed.

17.20.020 Uses.

Within any Business-Residence District, no building, structure, or premises shall be used, arranged, or designed to be used except for one or more of the following uses:

Permitted Uses:

Any primary or accessory uses permitted in a Residence A, A2 or Residence B Districts;

Conditional Uses:

Any business may be permitted in this district only by the written approval of the Board of Adjustment. Such businesses shall be low-impact, i.e., not inviting traffic (other than consecutive vehicular trips for clients); non-retail.

Evaluating such applications shall follow the process detailed in Conditional Use Permit (17.10) with special consideration given to visual impact on neighboring residential uses.

17.20.030 Signs.

Any sign provided for herein shall not materially alter the appearance of said lot or dwelling nor affect the welfare of the neighbors.

- A. There shall be no electronic signs.
- B. Any illuminated signs must be downward directional.
- C. Signs pertaining to the lease or sale, or use of a lot or building may be placed on the property, provided that the total area of all such signs does not exceed eight (8) square feet.
- D. Signs bearing the name or occupation of an occupant shall not exceed six (6) square foot for each family housed.
- E. Signs not exceeding twelve (12) square feet in area may be erected upon the premises of a church, or other institution for the purpose of displaying the name and activities or services therein provided.
- F. Notwithstanding any other provision of this chapter, non-illuminated political or campaign signs may be placed on the property. Such signs may not be placed on the property so as to obstruct the vision of any driver of motor vehicles to the extent a safety hazard is created. All campaign signs must be removed within three (3) days after the election to which the sign relates.

17.20.040 – Outdoor Features, Storage and Temporary Storage (see Definitions)

- A. Outdoor storage of materials is not permitted other than typical items designed for residential outdoor use.

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- B. Recreational Fires: Shall only be in rear yards; and shall not be conducted within 25 feet of a structure or combustible material. A portable outdoor fireplace shall only be used in accordance with manufacturer's instructions and may not be operated within 15 feet of a structure or combustible material. (See International Fire Code Section 307 Open Burning, Recreational Fires and Portable outdoor fireplaces)

17.20.050 – Performance Standards

- A. Setbacks and building footprints for all buildings shall conform to the standards listed in Residential B District.
- B. Height of buildings may not be taller than adjacent properties that are in a different district; and may not exceed 45 feet (see Conditional Use above).
- C. Parking shall be in accordance with Chapter 17.34

17.20.060 Vacant lots.

Vacant lots shall be maintained and kept free of weeds. Certain uses of vacant lots may be permitted by written authority of the building inspector and the board of adjustment, with the consent of the owners of eighty percent (80%) of the property within three hundred (300) feet of the lot or lots.

17.20.070 Construction.

All construction shall be in accordance with the City's adopted Building Code.