



Item: Conduct a Public Hearing and (adopt/deny) Ordinance 3009.

From: David Gliko, City Attorney

Initiated By: Gregory T. Doyon, City Manager

Presented By: Gregory T. Doyon, City Manager, and David Gliko, City Attorney

Action Requested: Conduct a Public Hearing and (adopt/deny) Ordinance 3009.

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (adopt/deny) Ordinance 3009 as amended.

2. Mayor calls for a second, public hearing discussion, and calls the vote.

Staff Recommendation: It is the considered recommendation of the City Manager, Police Chief, Community Development Director and City Attorney that the City Commission adopt Ordinance 3009 as amended to address those premises where various types of disturbances arise and when the police are dispatched to said premises as frequently as three to five times in a thirty day period. If a meeting with the responsible party and resultant agreement does not resolve such disturbances, further legal action may be taken.

Amendment: Ordinance 3009 has been amended to provide a warning notice be sent to the owner and related parties after three visits thereby alerting the responsible parties to the problem and possible penalties should they not resolve the issues on their own. If, thereafter, five or more visits occur within 30days, the City may then proceed to designate the premises as a “disorderly premises” with results as specified in the Ordinance. Further, since the object of the Ordinance is to correct a use of property issue as opposed to punishment for explicit criminal activity, the penalty should be a fine and no incarceration. The “disorderly premises” definition has also been amended to excluded partner or family member assault as defined by 45-5-206, M.C.A.

Background: There are many instances where the police are dispatched to the same premises on chronic frequency that do not warrant disturbing the peace or domestic abuse or other criminal charges or where criminal charges do not have an effect on the frequency of such activity. The activity includes: loud music or noise, boisterous parties, sounds emanating from within a structure which are audible outside the building, criminal activity.

Ordinance 3009 seeks to resolve such activity by designating the location as a "disorderly premises" and requiring the owner or tenant or responsibly party to meet with representatives of the City inclusive of the Police Department and Community Development Department designees and enter into an agreement to eliminate the disorderly activity.

If the owner or tenant or responsible party fails to agree to take effective measures or fails to implement the agreement, other legal means may be instituted inclusive of criminal charges, injunctive action, fines and other penalties.

Concurrences: The Police Department, Community Development Department and City Attorney have been involved in the review and development of Ordinance 3009 and recommend the same.

Fiscal Impact: It is anticipated a savings of law enforcement service will result from the effectiveness of implementation of the ordinance but otherwise should not incur any added costs.

Alternatives: The City Commission could deny acceptance of Ordinance 3009 and continue to address the chronic problem of "disorderly premises" with the current criminal code and ordinances.

Attachments/Exhibits: Ordinance 3009