

Chapter 9.12

DEFINING MISDEMEANORS, CURFEW AND PUNISHMENTS

Sections:

- 9.12.010 Defined
- 9.12.020 Offenses Designated
- 9.12.030 Penalty not Specified
- 9.12.040 Unlawful Assemblies
- 9.12.080 Lewdness
- 9.12.100 Defacing Buildings
- 9.12.170 Openings in Streets
- 9.12.180 Storage -- Combustibles
- 9.12.190 Keeping o Combustibles Covered
- 9.12.260 Stands or Wagons on Streets
- 9.12.270 Assemblies on Streets
- 9.12.280 Destruction of Advertisements
- 9.12.373 Curfew, Hours, Age Limit and Penalties
- 9.12.374 Curfew, Responsibility of Parents, Guardians, Persons Having or Exercising Parental Control or Authority
- 9.12.375 Curfew: Official Permission Defined



9.12.010 Defined. For the purpose of this ordinance or any of the ordinances of the City of Harlowton now in force or which may be hereafter adopted by said city, misdemeanors shall be taken and deemed and considered to mean the violation of any of the provisions of any ordinance or ordinances of the City of Harlowton, either by the doing or suffering of any act or thing prohibited by said ordinance or by the neglect or refusal to do any duty or thing imposed by the provisions of said ordinance.

9.12.020 Offenses Designated. Wherever in this ordinance or any ordinance now in force in the City of Harlowton, or which may be hereafter adopted by said city, an offense shall be designated by the provisions of such ordinance or ordinances, such offense is not designated by name, same shall be deemed to be and is hereby declared to be a misdemeanor, And of such offense shall be punished according to the provisions of this ordinance.

9.12.030 Penalty not Specified. Wherever by the provisions of this ordinance or any ordinance or ordinances now in force in said city, or by the provisions of any ordinance or ordinances which may be hereafter adopted by said city, and offense is designated and no penalty therein provided such offense shall be punished as a misdemeanor according to the provisions of this ordinance.

9.12.040 Unlawful Assemblies. Whenever three or more persons assemble together within the City of Harlowton, with intent to do any unlawful act with force and violence against the person or property of any individual or corporation, or to do any unlawful acts against the public peace of the inhabitants of said city, or being lawfully assembled shall agree with each other to do, or without agreement to do any unlawful act, such person and each and every one of them shall be deemed guilty of a misdemeanor.

9.12.080 Lewdness. Every person who shall appear in public places in a state of nudity, or in an indecent or lewd dress, or shall make any indecent exposure of his or her person, or be guilty of any lewd or indecent act or behavior, or shall exhibit, sell or offer for sale any indecent or lewd book, picture or other thing, or shall exhibit or perform any indecent, immoral or lewd lay, or other representation, shall be deemed guilty of a misdemeanor.

9.12.100 Defacing Buildings. Any person who shall paste, nail or by any means affix to any building, erection, or other improvement, without first having obtained the consent of the owner, agent or occupant thereof, any poster, show bill, hand bill, or other printed or written notice, shall be deemed guilty of a misdemeanor.

9.12.170 Openings in Streets. It shall be unlawful for any person in said city to leave or keep open, uncovered or unguarded any cellar door, pit, grating or vault, or any other passage, opening from, into or upon any street, alley or sidewalk; and it shall be unlawful for any person to suffer any such cellar door or any other opening or any place of like nature, connected with the premises owned or occupied by him, to remain in any insecure or unsafe condition, so that persons may fall into, or otherwise injured by the same, and any person who shall violate any of the provisions of this section shall be deemed guilty of a misdemeanor.

9.12.180 Storage -- Combustibles. It shall be unlawful for any merchant, dealer or other person to keep within the fire limits of the City of Harlowton any greater quantity of substitute petroleum products or gasoline, than one hundred gallons, and that in original packages or tanks equally amounting to one hundred gallons.



greater than one hundred pounds, kept in original package, nor more than one thousand giant powder caps, nor any other inflammable or explosive material in large quantities or unsafe packages, Any person violating any of the provisions of this section shall be fined not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00).

9.12.190 Keeping of Combustibles Covered. No person within the fire limits of the City of Harlowton, shall have or keep straw hay or other combustible fodder in open stacks or otherwise than securely covered from fire; any person who shall refuse or fail to take care of said hay, straw or other combustible fodder after being notified by the city marshal shall be fined in any sum not to exceed twenty-five dollars(\$25.00).

9.12.260 Stands or Wagons on Streets. It shall be unlawful for any person upon any street or public ground of the City of Harlowton, to set up any stand or wagon for the purpose of selling there from or exposing for sale, any meat, provisions, refreshments or any goods or merchandise, or to cry out and expose for sale any property whatever, without the written permission of the mayor or the city council. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor.

9.12.270 Assemblies on Streets. It shall be unlawful for any number of persons to assemble upon any sidewalk, bridge, street or public way in the City of Harlowton in a manner which tends to hinder or impede free public travel thereon or hinder or impeded free agress or ingress to and from any place of business, public hall, church or other building, and any of the persons so assembled who shall refuse or neglect to move away, depart and give free passage after requested to do so by the owner, occupant, or manager of such building or by the chief of police or any other police officer, shall be deemed guilty of a misdemeanor.

9.12.280 Destruction of Advertisements. Whoever shall tear down or deface in whole or in part, any advertisement, ordinance, resolution or notice posted by order of the city council or any city officer, shall be deemed guilty of a misdemeanor.

9.12.373 Curfew: Hours, Age Limit and Penalties. No person under the age of majority, as defined by Montana Law, shall run, stray, loiter, wander, be in public bars or upon streets, alley-ways, public places or areas within the City of Harlowton, on Sundays, Monday, Tuesday, Wednesday or Thursday later than the hour of 10:00 o'clock PM or later than the hour of 12:00 o'clock PM on Friday or Saturday of any week, said time being either mountain standard or mountain daylight time, which ever time system is then in effect, without good cause of official permission as hereinafter defined in ordinance 9.12.375.

Any person violating any of the provisions of this ordinance shall, upon conviction thereof, be punished by a fine of not more than twenty five dollars (\$25.00) nor less the fifteen dollars (\$15.00), or by community service at a rate of five dollars (\$5.00) per hour, or both.

9.12.374 Curfew, Responsibility of Parents, Guardians, Persons Having or Exercising Parental Control or Authority. Any parent, legal guardian, or person having or exercising parental control or authority over any minor child or children, as defined by Montana law, who purposely or knowingly causes, allows, or permits said minor child or children to run, stray, loiter, wander, be in public bars, or upon the streets, alley-ways, public places or areas within the City of Harlowton, on Sunday, Monday, Tuesday, Wednesday or Thursday later than the hour of 10:00 o'clock PM or later than the hour



of 12:00 o'clock pm on Friday or Saturday of any week, said time being either Mountain Standard Time or Mountain Daylight Time, whichever time system is then in effect, without good cause or official permission as hereinafter in this Ordinance defined shall be guilty of a misdemeanor and upon a plea of "guilty" or upon conviction said person shall be subject to a fine of an amount not to exceed one hundred dollars (\$100.00) or imprisonment for a period not to exceed ten (10) days or both such fine and imprisonment. If the sentence be fine or imprisonment until the fine is paid, the imprisonment shall be at the rate of ten dollars (\$10.00) per day.

9.12.375 Curfew: Official Permission Defined. The term "OFFICIAL PERMISSION" as used in City of Harlowton Ordinances 9.12.373 and 9.12.374 is, for the purposes of interpreting said Ordinances is defined as follows:

1. OFFICIAL PERMISSION means written permission to be dated and signed by the Chief of Police of the Harlowton Police Department setting out the name of the minor child, describing with particularity the times and dates that the minor may be excused from compliance with Ordinances 9.12.373 and the reason or reasons therefor.

2. The Official Permission shall not be issued or granted by the Chief of Police of the Harlowton Police Department without, if possible, prior consultation by said Chief of Police with the parent, legal guardian, or person having or exercising parental control or authority over the said minor child.

3. The Chief of Police of the Harlowton Police Department may, upon his own authority, make a blanket dispensation as to the requirements of observance of Ordinance 9.12.373 for the purpose of allowing minor children, or any designated group of minors, to take part in school or community activities. When such dispensation is granted the Chief of Police shall, if possible, cause a notice thereof to be printed in the newspaper then being published in the community.

