

Ordinance \_\_\_\_\_

An ordinance of the Missoula City Council amending Missoula Municipal Code Title 12, entitled “Streets, Sidewalks and Public Places,” by revising the private street definition, allocating funds to the appropriate fund, clarifying language and processes, increasing time to shovel snow to 24-hours, adding tree requirements for public trees, adding a section for latecomer’s agreements for privately financed right-of-way improvements, revising the distribution of Cemetery revenue, and clarifying meetings and quorum for the Cemetery Board of Trustees, to be effective on July 24, 2024.

Be it ordained that Sections 12.02, 12.04.020, 12.08.040, 12.10.050, 12.10.060, 12.10.110, 12.10.130, 12.10.140, 12.16.030, 12.17.060, 12.17.070, 12.18.050, 12.24.030, 12.24.060, 12.24.140, 12.32.095, 12.44.060, 12.44.070, and 12.44.280 of the Missoula Municipal Code are hereby amended:

Title 12

**STREETS, SIDEWALKS AND PUBLIC PLACES**

Chapters:

- [12.01 General Provisions](#)
- [12.02 Definitions](#)
- [12.04 Street Vacation](#)
- [12.08 Bonded Contractors](#)
- [12.10 Right-of-Way Improvements](#)
- [12.12 Repealed](#)
- [12.14 Right-of-Way Occupancy Permit](#)
- [12.16 Sidewalk Maintenance](#)
- [12.17 Parking Facilities](#)
- [12.18 Sidewalk Cafés](#)
- [12.20 Repealed.](#)
- [12.22 Repealed](#)
- [12.24 Excavations](#)
- [12.28 Obstructions](#)
- [12.30 Repealed](#)
- [12.31 Fences](#)
- [12.32 Comprehensive Tree and Shrub Planting, Pruning and Maintenance Regulations](#)
- [12.36 Poles and Wires](#)
- [12.40 City Parks](#)
- [12.41 Disposition of City Park Property](#)
- [12.42 Alcoholic Beverages on Public Lands](#)
- [12.44 Cemeteries](#)
- [12.48 Boulevards](#)
- [12.50 Banner Placement](#)
- [12.52 Street Numbers](#)
- [12.56 Open Space Acquisition](#)
- [12.58 Special Events Permits](#)

**Chapter 12.02**

**DEFINITIONS**

**Definitions.** For the purposes of Title 12, the following words and phrases shall have the meanings respectively ascribed to them by this chapter:

“Accessible Parking Space” means any parking space that meets current minimum Americans with Disabilities Act (ADA) parking requirements.

“Accessible Route” means a pedestrian walkway that connects and provides ADA compliant access to accessible elements of a development(s), site(s) and / or structure(s) with other elements, including but not limited to accessible parking spaces to accessible entrances, accessible entrances to other accessible entrances, accessible entrances to public sidewalks, access to solid waste (garbage) collection area(s), long-term / short- term storage area(s) and postal services or mailboxes.

“Alley” or “Alley approach” means any subordinate right-of-way between the connected street(s) used to access private or public property.

“Alley Approach Improvements” means any millings, asphalt, concrete or other dust control improvements along any length of an alley.

“Approach” means the area from the edge of street or alley to the property line or edge of public access easement which is intended to provide access for vehicles to a parking facility. Component parts of a “approach” include and are referred to as the “curb cut” (laydown), the “apron” and the “sidewalk section”.

“Apron” means that portion of the approach extending from the back of curb to the property line excluding the sidewalk.

“Bonded Right-of-Way Contractor” shall mean any person(s), company(ies), corporation(s) who has filed the proper bond, paid necessary fee(s), and has obtained a bonded right-of-way contractor license from City of Missoula Development Services. Only bonded right-of-way contractors shall perform construction or repair right-of-way improvements (sidewalks, curb/gutter, paving, etc).

“Boulevard” means an area of right-of-way between the edge of the street, whether curbed or not, and the private property line.

“Boulevard sidewalk” means sidewalks located so as to create a boulevard between the curb/gutter or edge of the paved street and the sidewalk.

“Boulevard Tree” means any tree which exists in an area of right-of-way between the edges of the street, whether curbed or not, and the adjacent private property line; within a public easement; or more than one-half of the tree trunk at ground level is within the right-of-way.

“Construction” generally means and is synonymous with install, installation, reconstruct, reconstruction, remove and/or replace, and repair.

“Curb Cut” means the portion of curb at the “approach” or “alley approach” constructed so as to facilitate the passage of vehicles to/from the street to private property. (may also be referred to as a “laydown”)

“Director” means the Public Works Director or their designee.

“Driveway” means an area on private property where motorized and/or non-motorized vehicles are operated or allows access between a parking facility and a street.

“Parking Facility” means an area where vehicles are allowed to be parked or stored and includes pads, carports, garages, parking lots, or structures.

“Paved” means surface treatment consisting of asphalt, concrete or other City Engineer approved hard surface material including the appropriate subsurface materials.

"Paving Construction Work" includes parking facilities, driveway, approach, street, alley and alley approach whether upon and / or within private property, right-of-way, or public easement, that is required to be performed as a result of the Paving Permit, Building Permit, or Zoning Compliance Permit process or to comply with any other Federal, State or Local Law.

"Pedestrian Connection" or "Cross-connection" means a pedestrian walkway that connects structures (on and off site), parking facilities (on and off site) and / or existing or future pedestrian facilities in the right of way or public access easement. Alleys are not considered pedestrian connections unless designed and constructed as such.

"Private Street" means a street owned and maintained by an individual(s), organization(s) or company(ies) that has not been accepted for ownership or maintenance by the City of Missoula and/or does not comply with Missoula City Public Work Standards and Specifications. Private street maintenance shall be covered in covenants or maintenance agreements. ~~"Private Street" means a street owned and maintained by an individual(s), organization(s) or company(ies) rather than by the city of Missoula or the state of Montana.~~

"Property Frontage" means the boundary / property line of a parcel that abuts a street and/or other right-of-way.

"Public Access Easement" is an easement for public benefit and use. Public access easements may contain streets, curb/gutter, sidewalks, trails and other related features (these may also be designated as: public easement, public sidewalk easement, public right-of-way easement, public non-motorized easement, etc.) Public access easements shall be subject to the same specifications, fees, inspections and requirements as right-of-way.

"Repair" typically includes activities such as grinding, saw-cutting, crack sealing, mud-jacking, etc.

"Residential Dwelling" is a structure providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. The intent is to be consistent with the building code and zoning code.

"Right-of-Way" or "ROW" means land, property and / or any interest in land or property and is generally acquired, dedicated and devoted to public use.

"Right-of-Way Encroachment" shall mean any activity/object and/or obstacle occurring/placed/constructed/located upon/over/within the right-of-way or public access easement and that is owned/possessed/controlled by an entity other than a governmental body or a public utility. A right-of-way encroachment is semi-permanent in nature with a duration exceeding thirty-six (36) months/three (3) years.

"Right-of-way improvement(s)" or "ROW improvement(s)" or "Public Infrastructure improvements" includes all construction work in the right-of-way and/or public easement(s). Improvements include, but are not limited to; all materials, equipment and labor to install or repair curb/gutter, sidewalk, road/street/alley paving, grading, drainage structures, bridges (vehicular and pedestrian), railings, retaining walls, boulevard or median improvements, approaches, alley approaches, curb ramps, landscaping, boulevard trees, street lighting, traffic management signs, traffic signals, curb and pavement markings, traffic management structures, and utilities.

"Right-of-Way Occupancy" shall mean any activity/object and/or obstacle occurring/placed/constructed/located upon/over/within the right-of-way or public access easement that impedes free and safe movement of vehicular, bicycle, pedestrian travel, etc., and/or access or parking. A

right-of-way occupancy is temporary in nature with a maximum duration of thirty-six (36) months/three (3) years or less.

"Sidewalk Section" in regards to approaches; means the portion of a approach lying between the apron and the driveway, within right-of-way or public access easement visually and functionally serving as the public sidewalk.

"Snow Storage Area" means a designated or specified area within private property that is reserved for the storage or stockpiling of accumulated snowfall (snow), occurring and accumulated within private property, when plowed, shoveled or removed from hardscape areas, including but not limited to driveways, parking lots, parking garages, and pedestrian facilities (sidewalks, trails, pathways, etc.). Snow storage areas shall address the seasonal storage and management of accumulated snowfall (snow). Only snowfall (snow) occurring and accumulated upon / within the public right-of-way may be plowed or shoveled and stored within the right-of-way.

"Stacked Parking" means the parking of one vehicle directly behind another where the second vehicle blocks access to the street, alley, drive aisle, etcetera of the first vehicle.

"Traffic Control Plan" shall mean a plan for the safe management and passage of motor vehicles, bicyclists, pedestrians, etc., as well as workers, equipment and materials. Traffic control plans shall be submitted, reviewed and approved by the City Engineer or designee prior to use of the right-of-way or public access easement whether a right-of-way occupancy permit is required or not. Traffic control plans shall comply with the current revision/version of the Manual on Uniform Traffic Control Devices (MUTCD), Montana Department of Transportation (MDT), Americans with Disabilities Act (ADA), and the Missoula City Public Works Standards and Specifications.

#### **Acronyms/References.**

"ACI" = American Concrete Institute

"ADA" = Americans with Disabilities Act

"MCA" = Montana Code Annotated

"Missoula City-County Air Pollution Program"

"Missoula City Subdivision Standards"

"Missoula City Zoning Ordinance"

"MCPWSS" = Missoula City Public Works Standards and Specifications Manual

"MMC" = Missoula Municipal Code

"MPRDM" = Missoula Parks and Recreation Design Manual

"MPWSS" = Montana Public Works Standard Specifications

"MUTCD" = Manual on Uniform Traffic Control Devices

(Ord. 3709, 2023; Ord. 3670, 2020)

## **Chapter 12.04**

### **STREET VACATION**

Sections:

[12.04.010 Purpose of this chapter.](#)

[12.04.020 Payment of cost of right-of-way petition process for vacations and closures.](#)

[12.04.030 Procedures for right-of-way vacations and closures.](#)

[12.04.040 Limitation on refiling rejected petition to discontinue any street or alley.](#)

**12.04.020 Payment of cost of right-of-way petition process for vacations and closures.** At the time any petition is submitted by property owners for the vacation and closure of any public right-of-way within the city, the petitioning property owners shall also pay a fee to the city treasurer for the purpose of defraying the necessary costs of title searches and public notice publications. The fee shall be established and/or amended by City Council resolution after a public hearing has been conducted. The money so received shall be deposited by the city treasurer in the general fund appropriate City fund of the

city, provided, however, where an amended plat or replatting is required in accordance with the laws of the state, and such amended plat or replatting requires or requests any right-of-way to be vacated and/or closed, that has been originally established by the prior official subdivision plat, all costs associated with the preparation and review of the amended plat or replatting shall be the obligation of the petitioner for such amended plat or replatting. (Ord. 3526, 2014; Ord. 3501 §1, 2013; Ord. 3476 §2, 2012; Ord. 3462 §2, 2011; Ord. 3433 §2, 2010; Ord. 3384 §2, 2008; Ord. 3350 §2, 2007; Ord. 3323 §2, 2006; Ord. 3298 §1, 2005 Ord. 3259 §1, 2004; Ord. 3227, 2003; Ord. 2997, 1996; Prior code §2813.1).

## Chapter 12.08

### BONDED CONTRACTORS

#### BONDED RIGHT-OF-WAY CONTRACTORS

##### Sections:

[12.08.003 Authority.](#)

[12.08.005 Purpose.](#)

[12.08.007 Applicability.](#)

[12.08.009 Conflicting Provisions.](#)

[12.08.010 Definitions.](#)

[12.08.020 Bonded Right-of-Way Contractors – License Requirement.](#)

[12.08.030 Bonded Right-of-Way Contractors – License Bond Required.](#)

[12.08.040 Bonded Right-of-Way Contractors – License Suspension Grounds.](#)

[12.08.050 Bonded Right-of-Way Contractors – License Suspension Report to City Council.](#)

[12.08.060 Bonded Right-of-Way Contractors -- Liability Upon Bond, Time Limit.](#)

##### **Section 8**

##### **12.08.040 Contractor – License Suspension Grounds.**

The City Engineer may suspend the business license of any contractor who shall perform any work within/upon the public right-of-way in manner or form other than that permitted by the City Engineer, or who shall deviate from City ~~Engineering Public Works & Mobility Standard Drawings~~ ~~Standard Drawings~~ and/or Missoula Public Works Standards and Specifications available at the City of Missoula Engineering, or who shall perform any work without first obtaining from the City Engineer the proper reviewed and approved construction plans, or who shall fail, neglect or refuse to comply with any of the other provisions in this chapter. It shall be unlawful for any contractor to engage in the business of performing any work within/upon the public right-of-way while such license shall remain suspended. (Ord. 3552, 2015; Ord. 3492, 2013; Ord. 3244, 2004; Ord. 2043 §25, 1979; prior code §20-97) .

## Chapter 12.10

### RIGHT-OF-WAY IMPROVEMENTS

[12.10.010 Authority](#)

[12.10.020 Purpose](#)

[12.10.030 Applicability](#)

[12.10.040 Conflicting Provisions](#)

[12.10.050 Right-of-Way Improvements Permit – Required](#)

[12.10.060 Permit Fees for Right-of-Way Improvements](#)

[12.10.070 Permit Fee Refunds](#)

[12.10.080 Investigation Fee – Work Without a Permit](#)

[12.10.090 Construction Specifications for Right-of-Way Improvements – Material Requirements](#)  
[12.10.100 Right-of-Way Improvements Shall Only be Performed by a City Licensed and Bonded Contractor](#)  
[12.10.110 Requirements for Right-of-Way Improvements](#)  
[12.10.120 Construction Locations for City Sidewalks](#)  
[12.10.130 Postponement of Required Right-of-Way Improvements](#)  
[12.10.135 Latecomer’s agreements for privately financed right-of-way improvements](#)  
[12.10.140 Inspection by Development Services](#)  
[12.10.150 Right-of-Way/ Public Easement Paving Construction Work -- Application, Approval, and Permit Required](#)  
[12.10.160 Right-of-Way/Public Easement Paving Construction Work -- Standards Compliance Required](#)  
[12.10.170 Approaches onto Right-of-Way – Approval](#)  
[12.10.180 Approaches onto Right-of-Way – Locations](#)  
[12.10.190 Approaches onto Right-of-way – Approach Width](#)  
[12.10.200 Rights-of-Way – Vehicles to be Parked within Private Property Lines](#)  
[12.10.210 Condemnation by City Engineer](#)  
[12.10.220 Defective Sidewalks – Failure of Owner to Repair](#)  
[12.10.230 City Council to Order Construction and/or Repair](#)  
[12.10.240 Notice – Required](#)  
[12.10.250 Notice – Service](#)  
[12.10.260 Notice – Service by Publication](#)  
[12.10.270 Notice – Contents](#)  
[12.10.280 Notice – To Contain Statement as to Noncompliance](#)  
[12.10.290 Notice – Filing of Copies to be Conclusive Proof of Service](#)  
[12.10.300 Construction by City – After Noncompliance with Notice](#)  
[12.10.310 Construction by City – Regulations Generally](#)  
[12.10.320 Payment to be Made by City Check](#)  
[12.10.330 Assessment for Construction – When Work Completed by City Contractor](#)  
[12.10.340 Assessment for Construction – When Work Completed by Private Contractor](#)  
[12.10.350 Assessment for Construction – May be Paid in Full](#)  
[12.10.360 Assessment for Construction – Payable in Installments](#)

**12.10.050 Right-of-Way Improvements Permit – Required.**

Right-of-way improvements shall be performed only after first obtaining the appropriate permit from the City and paying the necessary permit fees found in the [Engineering-Public Works and Mobility Fee Schedule](#). These permits shall expire after one hundred-eighty (180) days unless an inspection is conducted or an extension is requested by the permittee and granted by the Director. In addition, all work associated with pruning planting, or removing of a boulevard tree requires a Tree Permit from Parks and Recreation. (Ord. 3670, 2020)

**12.10.060 Permit Fees for Right-of-Way Improvements.**

The City Council shall establish and amend fees for the following services by resolution after conducting a public hearing.

- A. Inspecting right-of-way improvements related to curb and gutter construction.
- B. Inspecting right-of-way improvements related to sidewalk and approach construction.
- ~~C. Inspecting right-of-way improvements related to striping work within/upon the right-of-way.~~
- C. Boulevard tree planting or removal through Parks and Recreation.
- D. Inspecting other repair work on curb and gutter, sidewalk and approach; grinding, saw cutting, crack sealing and other concrete work that does not require complete removal and replacement.

E. Inspecting areas of street or alley paving construction work within/upon the right-of-way, including striping. (Note: when both private and right-of-way paving permits are required, only a right-of-way paving permit will be issued and the higher of the two permit fees from the Engineering-Public Works & Mobility Fee Schedules will be applied.)

F. Right-of-way/paving project administration and management on city-initiated projects.

The fee for Public Works and Mobility staff to review subdivision plan submittals for compliance with applicable codes shall be collected when the subdivision plan is submitted. The fee for Public Works and Mobility staff to review building construction site plans for compliance with applicable codes shall be collected prior to the issuance of the building permit. (Ord. 3709, 2023; Ord. 3670, 2020)

### **12.10.110 Requirements for Right-of-Way Improvements.**

The City Engineer shall require right-of-way improvements to be shown on all site plans required for the issuance of the appropriate permit; and further, shall require right-of-way improvements to be installed prior to the issuance of a permanent certificate of occupancy. The location and construction specifications of right-of-way improvements shall be approved by the City Engineer, who shall also be responsible for reviewing and inspecting the construction of all improvements constructed within/upon right-of-way. Right-of-way improvements may be postponed upon approval of the Director, or Director's designee. The criteria for applying for a postponement are listed in 12.10.130 below.

A. Right-of-way improvements shall be installed where none currently exist for the following:

~~a.1.~~ New construction of residential dwelling, commercial, and/or industrial building, excluding accessory dwelling units.

~~b.2.~~ Additions or changes to existing structures that will cause an increase in the required parking.

~~c.~~ Where new construction or additions to parking facilities occur, excluding single and two-family residential carports and garages.

~~d.3.~~ Where a Subdivision Exemption Affidavit for a boundary line relocation or family transfer is applied for and approved. Boundary line relocation that do not create additional building sites are not subject to this requirement.

B. Existing hazardous and/or deteriorated right-of-way improvements, as determined by the City Engineer, shall be replaced/repared or otherwise upgraded to present standards for the following:

1. New construction of residential dwelling, commercial, and/or industrial building, excluding accessory dwelling units.

2. When the footprint of a residential dwelling, commercial, and/or industrial building is increased by 200 square feet or more.

3. Where new approaches accessing city streets are constructed.

~~4.~~ Where a Subdivision Exemption Affidavit for a boundary line relocation or family transfer is applied for and approved (except for a boundary line relocation that does not create additional building sites).

C. Non ADA compliant right-of-way improvements directly adjacent to the permitted on-site construction, as determined by the City Engineer, shall be replaced/repared or otherwise upgraded to present Americans With Disabilities Act (ADA) requirements.

~~C.~~

D. Private Street Required. At the discretion of the City Engineer, an access that serves as the primary fire access route requires a private street and may include concrete curb/gutter, concrete sidewalks and storm water drainage /management, shall be designed and constructed in accordance with the Missoula City Public Works Standards and Specifications Manual as reviewed and approved by the



City Engineer. Private street paving construction work shall be completed along the entire length of a private street starting at the existing adjacent intersecting street.

- E. All streets shall have curbing and sidewalk on both sides unless otherwise approved by the City Engineer.  
Homezones/woonerfs may be considered as a design alternative for developments.
- F. Street names for developments:
- a. New streets that align with existing streets must have the same name as the existing street.
  - ~~b.~~ Street names for non-continuing streets may not duplicate nor be named so as to be confused with existing street names.
  - ~~b.~~
  - ~~c.~~ Street names shall be approved by City GIS Division.
  - ~~c.~~
- G. Alleys must meet the following standards:
- a. When right-of-way improvements are required under this Chapter, and vehicular access to the public street system is from the alley, the alley shall be controlled for dust (asphalt millings recommended) along the extents of the property frontage of the alley to the nearest intersecting street. If four or more parking spaces are proposed off the alley, the entire length of the alley to intersecting streets shall be controlled for dust.
  - b. All alleys in the Central Business District shall be paved with concrete.
  - c. All alleys shall be designed and constructed to the Missoula City Public Works Standard and Specifications Manual.
  - d. In areas where development patterns include alleys the developer is required to continue the circulation pattern inclusive of alley construction unless topographic constraints exist.
  - e. Alleys must not dead end.
- H. Connectivity Requirements. New or proposed developments shall be reviewed by the City Engineer for the purpose of establishing connectivity. Issues to be considered with this review include the safety and wellbeing of the residents of the development and their access to a sound multimodal transportation system as well as the ability to move about within the development and access adjacent destinations.

New or proposed developments should also meet the applicable goals and policies of any relevant community plans including, but not limited to the following: Long Range Transportation Plan, Active Transportation Plan, Our Missoula Growth Policy, the Pedestrian Facilities Master Plan, The Bicycle Facilities Master Plan, and the Master Parks and Recreation Plan for the Greater Missoula Area.

During Review, the City Engineer may require the following:

- a. Street connections, which can include one or more of the following:
  - i. Continue existing or planned street patterns adjacent to the Development.
  - ii. Connect internal private streets to adjacent public or private streets.
- b. Internal connections in compliance with the requirements of Chapter 12.17.



- c. That connections be located within a right-of-way or public access easement.
- I. Exceptions to these standards: The Director or the City Engineer may grant deviations from these standards if there is documentation provided by the developer that justifies the requested changes.
- J. Failure to meet the above requirements shall be considered a violation of this Chapter.
- K. Property owners may finance the costs of right-of-way improvements adjacent to their property pursuant to this Chapter, payable in installments extending over a period of eight, twelve, or twenty years as specified by the property. If the property owner does not specify the number of years, the default term shall be twenty years. (Ord. 3709, 2023; Ord. 3670, 2020)

**12.10.130 Postponement of Required Right-of-Way Improvements.**

- A. A postponement request shall be made to the Director, or Director's Designee, in writing providing reasons for the requested postponement. Single family or duplex residential units or lots are eligible for right of way improvement postponements. Note: Three or more residential units or lots on the same block, or any commercial or industrial lots will not be eligible for a postponement.
- ~~A.~~
- B. The Director, or Director's Designee, may approve postponement of the requirement for right-of-way improvements when any one of the following criteria is met:
  - 1. The improvements do not provide immediate public benefit, including, but not limited to, connection to other public infrastructure, safety, not located on a priority sidewalk and/or bicycle corridor, protection of existing infrastructure, or protection of the natural environment.
  - 2. The ultimate alignment and grade of the street has not been established by physical, on the ground, improvements or preliminary engineering plans. However, properties with large frontage, high pedestrian need, drainage concerns, or parking and access control problems may be required to establish street alignment and construct right-of-way improvements.
  - 3. Adverse conditions exist that prevent cost-effective construction of improvements including, but not limited to, lack of available right-of-way, adverse topography, major utility conflicts, or irrigation ditches. Existing landscaping, existing fences, or lack of existing sidewalks are not considered adverse conditions.
  - 4. A City initiated right-of-way improvements construction project adjacent to the property is planned to be completed as identified within the current five (5) year Community Investment Program (CIP).
  - 5. The cost of the right-of-way improvements for an existing building remodel exceeds 20% of the total project cost, subject to review and approval of cost estimates by the City Engineer.
- ~~5.~~
- C. Postponements are subject to future orders for right-of-way improvements by City Council. Postponements are not eligible for subsidy under the City's Right-of-Way Special Improvement Assessment Program. The Director's letter of approval for postponement shall be filed with the Missoula County Clerk and Recorder. If applicable, plans for the development shall also note that a

postponement has been granted but that sidewalk and other ROW improvements maybe ordered by the City Council at any time.

~~C.~~

D. The need for temporary pedestrian facilities may be required if the conditions in this chapter have resulted in a postponement of right-of-way improvements. A corridor for future ROW improvements must be maintained. The plans for temporary pedestrian facilities, if required, as well as plans for landscaping and grading in the right-of-way shall be approved by the Director, or Director's designee prior to construction.

~~D.~~

E. Sidewalks and other ROW improvements deferred pursuant to subsection (A) of this section, may be initiated at anytime by resolution of the City Council. (Ord. 3709, 2023; Ord. 3670, 2020)

### **12.10.135 Latecomer's agreements for privately financed right-of-way improvements**

A. Property owners or Developers ("Developers") may contract to install right-of-way improvements within rights-of-way or public access easements at their own expense after obtaining applicable approval from the city, and where applicable state authorities, and obtaining applicable permits. Any such public surface infrastructure improvements ("Improvements") must be installed in conformance with the regulations and rules of both city and state and under the direction of the City Engineer.

B. Upon request from the Developer installing the Improvements ("the Sponsor"), a Latecomer's Agreement may be created between the City and the Sponsor through which other developers directly benefitting from the Improvements pay the Sponsor a proportionate share of the total cost of the Improvements. Latecomer's Agreements are intended for situations in which the Improvements are intended to serve a finite number of properties. The City Engineer has the discretion to determine if a Latecomer's Agreement is appropriate.

C. The Director of Public Works & Mobility is authorized to adopt administrative rules addressing eligible projects, the process, deadlines, methodology, reimbursable costs, repayment procedure, and any other provisions necessary to administer these Latecomer's Agreements.

D. Any Latecomer's Agreement that is developed pursuant to these adopted rules will require City Council approval.

E. Owners of any properties subject to a Latecomer's Agreement shall be provided a copy of the Latecomer's Agreement in writing.

F. An executed Latecomer's Agreement shall remain in effect for ten (10) years after the date the Latecomer's Agreement is executed. Upon approval by City Council the timeframe can be extended up to 20 years for projects with extraordinary circumstances. Developers connecting to the Improvements shall pay a 5% administrative fee to offset the City's cost of administering the program. The administrative fees shall be deposited in the enterprise fund associated with the Improvements.

G. Latecomer's Agreements cannot be combined with other refund or crediting systems provided by the Missoula Municipal Code or administrative rules.

H. Once a Latecomer's Agreement has been approved by the City, for a period of ten (10) years after the City's approval and acceptance of the Improvements, no property owner or their representative desiring to develop adjacent to those Improvements shall be issued any building

permit or be allowed to access onto the street until their proportionate latecomer's fee, as determined by the City, has been paid to the City Finance Officer or designee.

#### **12.10.140 Inspection by Public Works & Mobility Development Services.**

All right-of-way improvements shall be inspected and perform to the approval of the Director. Public Works & Mobility staff may at any time, when right-of-way improvements are not being constructed in accordance with this chapter, have authority to order the contractor constructing right-of-way improvements to suspend work until construction conforms with the specifications set forth in this chapter.

Sidewalk inspections will consist of a subgrade inspection before the base material is placed and a final inspection after the concrete placement. Upon request, the City will perform courtesy inspections of concrete forms; but this is not a required inspection.

The contractor will be required to request an inspection the day before, or prior to 7:00 AM on the day of the inspection. Inspections will occur Monday through Friday during normal working hours 8:00 AM to 5:00 PM, but will not occur on city-observed holidays.

The City of Missoula reviewed, stamped and approved set of plans shall be available on all construction site(s) at all time(s).

Repair work that does not require complete removal and replacement requires an inspection.

Striping work requires an inspection.

For asphalt paving, inspections are required at (1) subgrade installation, (2) subbase/base installation, striping (3) and (~~4~~) final inspection. (Ord. 3709, 2023; Ord. 3670, 2020)

## **Chapter 12.16**

### **SIDEWALK MAINTENANCE**

Sections:

[12.16.010 Duties of property owners to keep sidewalks repaired.](#)

[12.16.020 Legislative intent and purpose.](#)

[12.16.025 Definitions.](#)

[12.16.030 Snow and ice to be removed from sidewalks](#)

[12.16.035 Depositing of snow and ice restricted](#)

[12.16.040 Violations: work done, liability therefore, civil penalty and collection](#)

[12.16.045 Criminal penalties](#)

[12.16.050 Defective sidewalks—Accidents—Police report.](#)

[12.16.060 Defective sidewalks—Failure of owner to repair.](#)

[12.16.070 Absence of notice to repair not a defense against fines or assessments.](#)

[12.16.080 Unlawful to drive over or deface or destroy sidewalks.](#)

#### **12.16.030 Snow and ice to be removed from sidewalks.**

A. Every person owning, in charge or control of, or occupying as tenant any building or lot of land within the city which fronts on, abuts, or contains within a public use easement a sidewalk, shall remove and clear away, or cause to be removed and cleared away, snow, ice, slush, mud, or other impediment to safe and convenient foot travel from so much of said sidewalk as is in front of, abuts on, or is contained

within said building or lot of land. It is further such person's duty to prevent accumulation of the same upon such sidewalks.

Snow, ice, slush, mud, or other impediment shall be removed from all sidewalks in the City ~~by~~ within 24 hours nine a.m. of the next day following a snowfall.

B. When from freezing of water, snow or slush thereon, or by reason of such compaction resulting from the wear of foot travel or from any cause whatever, sidewalks are rendered dangerous, unsafe or difficult to the free passage of pedestrians, it shall be the duty of the owners or tenants of premises in front of, adjoining or containing within a public use easement such sidewalks to forthwith remedy such conditions by sprinkling sand or de-icing agents on the sidewalks, or chipping or by other safe and efficient means. (Ord. 3040, 1997; Ord. 2043 §2, 1979; prior code §28-3)

## Chapter 12.17

### PARKING FACILITIES

[12.17.010 Purpose](#)

[12.17.020 Applicability](#)

[12.17.030 Conflicting Provisions](#)

[12.17.040 Paving Construction Work – Application, Approval, and Permit Required](#)

[12.17.050 Paving Construction Work – Standards Compliance Required](#)

[12.17.060 General Requirements](#)

[12.17.070 Private Property Parking Facility Maintenance](#)

[12.17.080 Construction Requirements for Driveways](#)

[12.17.090 Construction Requirements for Parking Facilities](#)

[12.17.100 Private Property Paving Construction Work – Inspection by City](#)

#### **12.17.060 General Requirements.**

- A. Driveways and parking facilities shall be laid out, designed and constructed in accordance with Missoula Municipal Code requirements, City Fire Department and Missoula City Public Works Standards and Specifications.
  
- B. Accessible parking facilities shall be provided in accordance with current ADA regulations and Missoula Municipal Code requirements, and Missoula City Public Works Standards and Specifications.
  
- C. All driveways and parking facilities shall be paved in the following scenarios:
  - 1. New construction or change of use for residential dwelling, commercial, or industrial structures.
  - 2. Additions or changes to existing structures that cause an increase in the parking requirement.
  - 3. Where construction, reconstruction, or additions to parking facilities, driveways, or driveway approaches occur.
  - 4. Where a Subdivision Exemption Affidavit for a boundary line relocation or family transfer is applied for and approved (except for a boundary line relocation that does not create additional building sites).

- D. Sidewalks/walkways next to paved areas used for driving or parking shall be grade separated by a minimum of four (4) inches or separated by bollards or “B” curb. Pin-down curbs or wheel stops shall not be used to separate vehicular passages or parking areas from an at grade sidewalk/walkway.
- E. Vehicular access is prohibited to unpaved areas, including but not limited to front, back or side yards, boulevards, secondary unpaved areas, and unimproved areas. Refer to the Missoula City-County Air Pollution Program Chapter 8 for specific exemptions from this requirement. These exemptions must also meet City of Missoula ~~Small Municipal Separate Storm Sewer System~~ stormwater requirements.
- F. Driveways serving as an approved fire apparatus access road shall meet the requirements of the International Fire Code, Appendix D as adopted by the City.
- G. Parking facilities may include the street and/or alley for minimum backing distance. See City of Missoula Standard Drawings for reference.
- H. Existing parking facilities shall not be altered to violate the requirements of this chapter including allowing vehicles to park in areas not designated for parking per the approved site plan.
- I. All parking facilities shall provide a snow removal plan. The snow removal plan shall include the removal or storage of accumulated snowfall (snow) within the site.
  - 1. The snow removal plan may include:
    - a. Storage areas located on-site within landscape, lawn or turf areas,
    - b. Storage areas located on site within excess parking areas i.e. parking areas exceeding the minimum required parking as required by Missoula Municipal Code (MMC) Title 20,
    - c. Storage areas located off-site where snow may be legally disposed of.
  - 2. Storage of snow is prohibited in the following locations that:
    - a. Are within the right-of-way.
    - b. Create a visibility obstruction as per Missoula Municipal Code (MMC) Title 12.
    - c. Block fire hydrants or fire apparatus access roads.
    - d. Reduce the quantity of parking spaces below minimum required.
    - e. Inhibit vehicular movements.
    - f. Adversely affects vehicular, pedestrian, or cyclist safety.
    - g. Obstruct accessible parking spaces, routes, aisles, or other accessible site amenities.
    - h. Obstruct entrances, fire exits, mailboxes, storage areas, trash enclosures or other accessible site amenities.
    - i. Block Bike parking locations.
    - j. Adversely affects an access easement.

- k. Obstruct storm-water facilities.
  - l. Is within a riparian zone, wetlands, floodplain, levee, irrigation or other open waterway.
  - m. Is within a private, public or community wellhead isolation or protection zone
  - n. Violates the Clean Water Act (CWA) and / or the Montana Pollutant Discharge Elimination System (MPDES) and / or any other federal, state or local law / statute.
- J. At the discretion of the City Engineer, when a building or development permit is needed, pedestrian Connections (sidewalks and/or trails) may be required to connect various facilities, including but not limited to:
1. Parking facilities with entrances to structures.
  2. Multiple structures on the same site.
  3. Structures to parking facilities, mailboxes, and garbage collection points.
  4. Structures and/or parking facilities on adjacent parcels.
  5. Existing or future pedestrian facilities (such as sidewalk or trails) in the right-of-way or a public access easement.

These connections, when required, shall meet all accessibility requirements when required by other local, state, or federal regulations.

- K. At the discretion of the City Engineer, when a building or development permit is needed, Vehicular Connections (driveways or other drive lanes) may be required, including at, but not limited to, the following locations:
1. Adjacent destinations.
  2. Internal roads to adjacent public or private roads.
  3. Internal roads to each other.
  4. For external connectivity requirements, refer to Chapter 12.10.
- L. Exceptions to these standards: The Director or the City Engineer may grant deviations from these standards if there is documentation provided by the developer that justifies the requested changes.  
(Ord. 3709, 2023; Ord. 3670, 2020)

#### **12.17.070 Private Property Parking Facility Maintenance.**

- A. Purpose: Many parking facilities are altered to a different configuration which does not comply with the original approved plans and may result in conflicts with zoning and engineering standards. Parking facility maintenance work, for the purpose of this chapter, shall include all work listed below on private or public parking facilities.

1. Paving Work: Any surface material used in previously unpaved areas where vehicles may drive, park or be stored, and includes but is not be limited to; hot mix asphalt, Portland cement concrete, or any other material approved by the City Engineer.
  2. Repaving Work: The removal of any layer of existing asphalt, concrete or other surface material and the subsequent installation of a new paved surface.
  3. Reconstruction Work: One or more of the following work activities: installation or removal of existing parking facility surface and/or re-grading of the parking facility, storm-water drainage improvements, installation or maintenance of curb and gutter or the installation or maintenance of pedestrian access routes (including sidewalks).
- B. Permit Requirements for Paving, Repaving or Reconstruction of Parking Facilities.
1. A Parking Facility Paving Permit (see Title 15) is required for paving, repaving or reconstruction of a parking facility. The fee for this permit is set by resolution. The following is required for permit review:
    - a. A site plan(s) drawn to a scale not greater than 1'=20'.
    - b. If re-striping is to exactly match the existing layout then the applicant may submit copies of the original site plan(s) provided that the existing layout meets current standards.
    - c. Show property lines.
    - d. Show all existing structures and entrances.
    - e. Show existing and proposed storm-water drainage, snow storage area(s), landscaping, lighting, etcetera.
    - f. Show existing and proposed pedestrian access routes (sidewalks) and driveways on private property, adjacent right-of-way, and easements.
    - g. Show parking space dimensions, layout, quantity, and configuration.  
Show ADA accessible parking facilities on the site plan including signing, striping, ramps, access, etcetera.
- C. Upon approval of a Parking Facility Paving Permit, all applicable additional permits, including but not limited to: Zoning Compliance Permit, Right-of-Way Permit, Accessibility Permit or Storm-~~W~~water Permit, shall be issued prior to parking facility maintenance work commencement. (Ord. 3670, 2020)

## Chapter 12.18

### Sidewalk Cafés

#### Sections:

[12.18.010 Purpose](#)

[12.18.020 Definitions](#)

[12.18.030 Liability of license holder and indemnification of the City of Missoula](#)

[12.18.040 Insurance](#)

[12.18.050 Rules, regulations, and specifications](#)

[12.18.060 Sidewalk Café Alcohol Addendum Required to Serve Alcoholic Beverages](#)

[12.18.070 License application required](#)

[12.18.080 Fees for sidewalk café licenses](#)

[12.18.090 Notice of violation; failure to comply](#)

[12.18.100. Violations and penalties](#)

#### **Section 5**

**12.18.050 Rules, regulations and specifications**



A sidewalk café authorized and operating pursuant to this chapter shall comply with all of the following rules and regulations, and such others as may be adopted by the City-County Health Department.

- A. Sidewalk cafés may be located on public sidewalks adjacent to the retail food establishment which operates the outdoor dining subject to the following restrictions:
  - 1. The lateral extent of sidewalk cafés shall extend no further than the actual principal façade of the operating restaurant.
  - 2. Sidewalk café operations shall provide not less than five contiguous (5') feet of public sidewalk clear of obstructions to allow unimpeded pedestrian traffic.
  - 3. Sidewalk café operations located next to the curb shall not impede access to: parked vehicles, parking meters, bicycle racks, garbage receptacles, traffic signal poles, fire hydrants, utility structures, trees or tree grates, planters, or any other feature that requires public access and / or maintenance.
  - 4. Sidewalk café operations, at street intersections and street / alley intersections, shall not obstruct the clear sight distance as per, MMC 12.28.110 – Visibility Obstructions.
  - 5. Sidewalk café operations at street intersections shall not impede or obstruct pedestrian access including such access as required by the Americans with Disabilities Act (ADA).
- B. Contains readily removable tables and chairs of a type used for outdoor use, Sidewalk cafés shall be operated and maintained in accordance with the approved sidewalk café plan by the same person who operates and maintains the abutting retail food establishment. See MMC 12.18.060 and MMC 12.18.070 of this section for minimum plan submittal requirements.
- C. The placement of furniture, apparatus, decoration or object used in connection with the operation of the sidewalk café in relation to any fire hydrant, plug or standpipe permanent fixture shall be approved by specific written authorization of the Fire Marshall based upon his/her review of the sidewalk café plan.
- D. No furniture, apparatus, decoration or object used in connection with the operation of the sidewalk café shall be located in such a way so as to impede the safe and speedy access (ingress / egress) from any building or structure.
- E. No furniture, apparatus, decoration or object used in connection with the operation of the sidewalk café shall be located in or project or protrude into the required pedestrian passageway. Additionally, such encumbrances shall at no time pose a safety hazard to the general public.
- F. Any table service provided at the sidewalk café shall be provided by persons engaged or employed for that purpose and shall be furnished to seated patrons only. Table service is not required, and retail food establishments that do not provide table service may operate sidewalk cafés in which patrons carry their food from inside the premises to tables located in the sidewalk café.
- G. The public sidewalk area utilized by the sidewalk café shall be kept clean and free of litter and shall be washed regularly as needed. Covered trash receptacles shall be provided and regularly maintained (emptied) by the retail food establishment operator.
- H. All solid waste / refuse shall be picked up / swept up and placed in a trash receptacle. No food, trash or other solid waste / refuse shall be washed or deposited into ~~any storm drain~~ the stormwater system or state waters.
- I. Signage for sidewalk cafés shall be considered part of the signage approved for the retail food establishment and shall comply with MMC 20.75 – Missoula Sign Ordinance.
- J. Noise from the sidewalk café shall be in conformance with MMC 09.30 – Noise Control.
- K. Exterior lighting of the sidewalk café shall be in conformance with MMC 08.64 – Missoula Outdoor Lighting Ordinance.
- L. Sidewalk cafés shall be licensed to operate between the hours of 07:00 a.m. to 12:00 a.m.
- M. When the sidewalk café is not operating, the license holder may store, for no more than seventy-two (72) hours, furniture or items used in connection with the operation of the sidewalk café in a manner

to minimize the intrusion of those items into the public right-of-way. All such materials and items shall be not be stored in any entrance way or doorway so as to not impede access, ingress or egress to the structure, in a manner subject to approval by the Fire Marshall.

- N. No food may be prepared or stored in the sidewalk café or outside the adjacent building.
- O. The City reserves the right and power to temporarily order the discontinuation of the operation of public outdoor dining at any time due to anticipated or actual problems or conflicts in the use of the public sidewalk area. These situations include, but shall not be limited to festivals, parades, marches, road races, repairs to the street or sidewalk, or any other emergencies occurring in the area. To the extent possible, the licensee shall be given prior written notice of the time period during which the operation of outdoor dining will not be licensed by the City, but failure to give notice shall not affect the right and power of the City to prohibit outdoor dining operation at any time.
- P. The licensee may, at their discretion, restrict smoking within the boundaries of the sidewalk café. (Ord. 3543, 2015)

## Chapter 12.24

### EXCAVATIONS

Sections:

- [12.24.005 Definitions.](#)
- [12.24.010 Permit--Required.](#)
- [12.24.020 Permit--Application.](#)
- [12.24.030 Permit--Application--Fee.](#)
- [12.24.035 Permit fee exceptions.](#)
- [12.24.036 Investigation Fees; Work without a Permit.](#)
- [12.24.037 Permit Fee Refunds.](#)
- [12.24.040 Construction Specifications.](#)
- [12.24.045 Repealed](#)
- [12.24.050 Repealed](#)
- [12.24.060 Contractor Responsibility and Public Safety.](#)
- [12.24.070 Repealed](#)
- [12.24.080 Repealed](#)
- [12.24.090 Repealed](#)
- [12.24.100 Failure to complete excavation and repair surface --Inspection and completion of repair by city.](#)
- [12.24.110 Business license and liability insurance requirement.](#)
- [12.24.120 Surety bond requirements.](#)
- [12.24.130 Liability of city.](#)
- [12.24.140 Assessments for damaging or opening pavement.](#)
- [12.24.150 Requirements for non-municipal utilities](#)
- [12.24.160 Repealed](#)
- [12.24.170 Cleaning up of excavation site.](#)
- [12.24.180 Requirements for special projects](#)
- [12.24.190 Violation--Penalty.](#)

#### **12.24.030 Permit -Application- --Fee.**

Permit fees are based on the average direct and indirect costs to provide plan checking, permit administration, field inspection, record management, warranty inspection, and Public Works and Mobility for excavations. The fees for the following excavation permits shall be established and amended by City Council resolution after conducting a public hearing.

- A. Excavation permits for sanitary sewer

- B. Excavation permits for water
- C. Excavation permits for storm-water
- D. Excavation permits for miscellaneous excavations including sewer, water, storm drain, gas, electric, phone, and cable television.

Revenue from these fees shall be credited to the general-appropriate City fund.

(Ord. 3709, 2023; Ord. 3679, 2021; Ord. 3526, 2014; Ord. 3501 §4, 2013; Ord. 3492, 2013; Ord. 3476 §6, 2012; Ord. 3462 §6, 2011; Ord. 3433 §4, 2010; Ord. 3384 §4, 2008; Ord. 3350 §4 2007; Ord. 3323 §4, 2006; Ord. 3298, 2005; Ord. 3259 §3, 2004; Ord. 3244, 2004; Ord. 3227, 2003; 3014, 1997; Ord. 2380 (part), 1984; Ord. 1846, 1977; prior code §28-34).

#### **12.24.060 Contractor Responsibility and Public Safety.**

A. Responsibility: The Excavator in accepting and acting under the excavation permit granted under the provisions hereof agrees to assume full responsibility for injury to persons or losses or damage to property incurred by reason of, or arising out of, any act or omission of such excavation or to properly barricade, guard, and warn the public of such excavation.

B. Traffic Control: Prior to the issuance of a permit the excavator shall provide a traffic control plan (as defined in the Manual on Uniform Traffic Control Devices Part VI of the U.S. Department of Transportation Federal Highway Administration, latest edition) or a traffic control plan number from the *City of Missoula Guidelines for Traffic Control* if applicable, and gain approval of the traffic control plan from Public Works and Mobility staff. The excavator shall be responsible for maintaining safe travel corridors for all vehicle, bicycle and pedestrian traffic as part of the approved traffic control plan. Traffic control devices shall be installed in accordance with the approved traffic control plan before construction or maintenance operations, and shall be properly maintained and operated during the time such special conditions exist. They shall remain in place only as long as they are needed and shall be immediately removed thereafter. Where operations are performed in stages, there shall be in place only those devices that apply to the conditions present. Devices or signs that do not apply to existing conditions shall be removed, covered or turned so as to not be readable by oncoming traffic. Barricade and sign supports shall be constructed and erected in a proper manner. Weeds, trees shrubbery, construction materials, equipment, spoil piles etc., shall not obscure any traffic control device. Excavated material that is stockpiled on city right-of-way shall be safeguarded by means of flashing barricades and proper traffic regulatory signing. All safeguarding of excavation projects must conform to the Manual on Uniform Traffic Control Devices for Streets and Highways, U.S. Department of Transportation Federal Highway Administration.

C. Excavation Safety: All work covered in this ordinance shall meet current OSHA Safety and Health Standards. Failure to comply with OSHA rules may result in an immediate loss of the excavation permit. The excavator shall take all necessary precaution to prevent injury to workers and others, and to protect any and all adjacent private and public property. This shall include protecting ~~sumps, storm drains~~the stormwater system, sidewalks, curbs, sprinkler systems, traffic loops, traffic signals, etc. The excavator shall be required to have a competent person, as defined by OSHA, on site during all work associated with the Excavation Permit. The excavator shall be solely responsible for all safety related to the excavation. (Ord. 3709, 2023; Ord. 3492, 2013; Ord. 3244, 2004; Ord. 3014, 1997; Prior code §28-37).

#### **12.24.140 Assessments for damaging or opening pavement.**

- A. A charge separate from the excavation permit fee must be paid by the excavator for each square foot of pavement to be removed or damaged. Pavement may be considered damaged if it is gauged, scraped, cracked, or has wheel or tread marks as a result of excavation operations.
- B. The asphalt cut assessment rate shall be established and amended by City Council after conducting a public hearing.

- C. The Public Works and Mobility Director may, in their judgment, waive the assessment if the pavement is in poor condition. Monies obtained by these assessments shall be credited to the ~~general~~ appropriate City fund and earmarked for street construction and repairs.
- D. Asphalt cut assessments shall be charged prior to construction at the time of permit issuance. Square footage shall be based on the linear feet of a project along with standard trench widths as determined in the Missoula City Public Works Standards and Specifications Manual.
- E. ~~E.~~The following exceptions apply to pavement assessments:
- F. ~~F.~~When the excavation is performed at the request of the City for street reconstruction that requires utility improvements, no pavement assessment will be required of the utility making the improvements.
- G. ~~G.~~When an excavation is performed to replace or repair an existing water or sewer service, no paving assessment will be required of the property owner.

(Ord. 3709, 2023; Ord. 3526, 2014; Ord. 3492, 2013; Ord. 3462 §7, 2011; Ord. 3244, 2004; Ord. 3014, 1997; Ord. 2254 §1, 1982; prior code §28-46).

## Chapter 12.32

### COMPREHENSIVE TREE AND SHRUB PLANTING, PRUNING AND MAINTENANCE REGULATIONS

Sections:

- [12.32.010 Purpose.](#)
- [12.32.020 The City Tree Board.](#)
- [12.32.030 City forester--Establishment--Duties.](#)
- [12.32.040 Scope of applicability.](#)
- [12.32.050 Definitions.](#)
- [12.32.060 Permit requirement.](#)
- [12.32.070 Responsibility for trees.](#)
- [12.32.080 Licensing.](#)
- [12.32.090 Landscaping required for new developments.](#)
- [12.32.095 Tree requirements for public trees.](#)
- [12.32.100 Public utilities.](#)
- [12.32.110 Vandalism or damage to woody vegetation.](#)
- [12.32.120 Providing barriers during construction.](#)
- [12.32.130 Attaching ropes, wires or handbills to trees in a public place.](#)
- [12.32.140 Tree topping.](#)
- [12.32.150 Declaration of hazard.](#)
- [12.32.160 Tree planting, maintenance and removal.](#)
- [12.32.170 Interference with city parks and recreation department](#)
- [12.32.180 Appeal from order of city parks and recreation department.](#)
- [12.32.190 Penalties.](#)
- [12.32.200 Tree Appendix.](#)
- [12.32.210 Severability.](#)

**12.32.095 Tree Requirements for Public Trees.** Tree planting minimum requirements for rights-of-way and city owned parcels are detailed in the City of Missoula, Parks and Recreation Design Manual.

## Chapter 12.44

### CEMETERIES

Sections:

## ARTICLE I. CEMETERY

- [12.44.010 Established.](#)
- [12.44.020 Location.](#)
- [12.44.025 Repealed.](#)
- [12.44.030 Records.](#)
- [12.44.040 Purchases.](#)
- [12.44.050 Conveyance of Assignment.](#)
- [12.44.060 Cemetery funding.](#)
- [12.44.070 Reserve Funds.](#)
- 12.44.080 Repealed
- 12.44.090 Repealed
- [12.44.100 Repealed.](#)
- [12.44.110 Grounds regulations.](#)
- [12.44.120 Interment arrangements.](#)
- [12.44.130 Fees.](#)
- [12.44.140 Niches.](#)
- [12.44.150 Use of bud vases on niche wall.](#)
- 12.44.160 Repealed
- [12.44.170 Monument placement.](#)
- [12.44.180 Missoula City Cemetery Permit for approved work.](#)
- [12.44.190 Liability.](#)
- [12.44.200 Infants.](#)
- 12.44.210 Repealed
- 12.44.220 Repealed
- [12.44.230 Disinterments.](#)
- [12.44.240 Mausoleum Section Established.](#)
- [12.44.245 Sections.](#)
- 12.44.250 Repealed

## ARTICLE II. CEMETERY BOARD OF TRUSTEES

- [12.44.260 Composition.](#)
- 12.44.270 Repealed
- [12.44.280 Organization.](#)
- [12.44.290 Meetings.](#)
- [12.44.300 Conflict of interest.](#)
- [12.44.310 Powers and duties generally.](#)
- 12.44.320 Repealed
- [12.44.330 Public Record.](#)

## ARTICLE I. CEMETERY

**12.44.060 Cemetery Funding.** ~~All moneys received from sales and services in the Missoula City Cemetery, and all moneys received from all other sources in any manner connected with such city cemetery or Missoula City Cemetery property, must be paid over to the Missoula City Finance Department to be placed in the Missoula City's General Fund. A portion of the moneys received as determined by The Missoula City Council shall approve all Missoula City Cemetery fees by resolution after conducting a public hearing. The fees shall be available on the City's website and at the cemetery administration building in accordance with Montana State Law, must be deposited in the appropriate funds for Missoula City Cemetery purposes. All Such funds must be for the care, maintenance and improvement of the Missoula City Cemetery and cemetery property as required by this chapter and Montana Law.~~

(Ord. 3594, 2017; Ord. 3532, 2014; Ord. 3440 §1, 2010; Ord. 3292, 2005; Ord. 3179, 2001; Ord. 2910 §6, 1994; Ord. 2866 §6, 1993) .

**12.44.070 Reserve Funds.** It is in the best interest of the Missoula City Cemetery and the City of Missoula to initiate a long-range financial care plan for the Missoula City Cemetery. Therefore, the Missoula City Cemetery Board of Trustees, Missoula City Council, and Missoula City Administration have committed to the ongoing preservation of the Missoula City Cemetery by designating all revenues be placed into permanent funds designated for the long-term care of the Missoula City Cemetery unless otherwise determined by Missoula City Council. ~~All revenue generated from sales and services at the Missoula City Cemetery must be deposited as follows:~~

~~**A. Cemetery Capital Fund Reserve.** All revenue generated from the sales and services of the Missoula City Cemetery, with the exception of any memorial donations, requests, and grants, shall be deposited into the Missoula City Cemetery Fund Reserve to offset the cost of operating and maintaining the Cemetery. Fifty percent of all revenue generated from sales and services at the Missoula City Cemetery with the exception of niche or memorial walls sales and services and memorial monetary donations, bequests, and grants must be deposited into the Missoula City Cemetery Cemetery Capital Fund Reserve with the remaining 50% to be deposited into City of Missoula General Fund.~~

~~The Cemetery Capital Fund Reserve is intended to be used for the care, maintenance, equipment, and improvement of the Cemetery facilities and property, as required by this chapter and Montana law. funding of Missoula City Cemetery equipment following the City of Missoula equipment replacement schedule and for Missoula City Cemetery facilities and maintenance improvements. All revenues placed into cemetery reserve funds must be designated for the long-term care of the Missoula City Cemetery until further review between Missoula City Council and Missoula City Cemetery Board of Trustees.~~

~~**B. Niche Fund Reserve.** All revenue generated from niche sales and services must be deposited into the Cemetery Capital Fund Reserve.~~

~~**C. Memorial Fund Reserve.** All donations, bequests, and grants designated as memorials ~~must~~ shall be deposited to the Missoula City Cemetery Memorial Fund Reserve. The Missoula City Cemetery Board of Trustees shall approve all non-designated expenditures from this fund.~~

~~**D.** Missoula City Administration has agreed to allow the Missoula City Cemetery to keep intact (not use for General Revenue) use of the existing Missoula City Cemetery Reserve funds: Cemetery Capital Fund Reserve, Niche Fund Reserve, and Memorial Fund Reserve. Such funds must be for the care, maintenance, equipment and improvement of the Missoula City Cemetery, facilities and cemetery property as required by this chapter and Montana Law.~~

~~**E.** It is in the best interest of the Missoula City Cemetery and the City of Missoula to continue this long-range financial care plan for the Missoula City Cemetery. This long term financial plan concept allows the Missoula City Cemetery to help reduce (but not eliminate) the total general revenue that the Missoula City Cemetery requires to operate. Therefore, the Missoula City Cemetery Board of Trustees, Missoula City Council, and Missoula City Administration have committed to the ongoing preservation of the cemetery by designating these revenues be placed into reserve funds designated for the long-term care of the Missoula City Cemetery.~~

(Ord. 3681, 2021; Ord. 3594, 2017; Ord. 3532, 2014; Ord. 3482, 2012; Ord. 3440 §2, 2010; Ord. 3292, 2005; Ord. 3179, 2001; Ord. 2910 §7, 1994; Ord. 2866 §7, 1993).

## ARTICLE II. CEMETERY BOARD OF TRUSTEES

**12.44.280 Organization.** The Missoula City Cemetery Board of Trustees shall organize in ~~July~~May of each year by electing one of their members Chair and one Co-Chair. These officers shall hold office for one year and until their successors are elected and qualified. ~~Three~~A majority of members of the

Missoula City Cemetery Board of Trustees shall constitute a quorum for the transaction of business at any special or regularly called meeting.

(Ord. 3594, 2017; Ord. 3532, 2014; Ord. 3292, 2005; Ord. 3179, 2001; Ord. 2910 §28, 1994; Ord. 2866 §28, 1993).