

## 12.60.050 Enforcement.

### B. Violations.

1. *Written Warning Required.* For a first violation of any provision of Chapter 12.60, a violator will be given a written warning identifying the provisions of Chapter 12.60 that were violated. Where possible, the written warning should provide suggested remedies that may correct the violation as well as a timeframe to correct the violation. ~~The written warning and associated municipal infraction under this Section must occur no less than 24 hours apart.~~

2. *Violations to Be Enforced as Community Service Suggestion to the Municipal Courts.* If a violator did not remedy the violations within the allotted timeframe and is receiving a second or subsequent violation of Chapter 12.60, this violation may be enforced as a community service directive by the municipal court.

~~2. *Violations to Be Enforced as a Municipal Infraction; Criminal Charges not Authorized.* A second or subsequent violation of Chapter 12.60, after a prior written warning or after a prior judgment as a municipal infraction under this Subsection within the previous year, may be enforced as a municipal infraction under Chapter 12.01 of the Missoula Municipal Code. If the City or private party incurs costs to remediate the area around an individual's camp structure due to violations of the Time, Place, and Manner requirements above, those costs may be imposed as restitution in lieu of the civil penalty provided by Section 7-1-4150, MCA.~~

~~3. *Deferred Prosecution Agreement or Deferred Imposition of Sentence for First Citation.* The City shall offer a deferred prosecution agreement or the Municipal Court shall impose a deferred imposition of sentence to an individual for their first citation issued to enforce the terms of this Chapter. If no further offenses under this Chapter occur for a period of six months after the deferred prosecution agreement is executed or the deferred imposition of sentence is imposed, the City shall move to dismiss the citation.~~

~~4. *Penalty Authorized.* No violation of this Chapter shall be considered a criminal offense; violations of this Chapter shall only be enforced as a municipal civil infraction. Further, the City desires to impose required community service and/or restitution in lieu of civil penalties; however, where the interests of justice are furthered by the imposition of a civil penalty, the state law defined penalties for municipal infractions are authorized (Section 7-1-4150, MCA). Jail time is not an authorized penalty under this Chapter.~~