

7. *Abandoned Personal Property*. Unclaimed or abandoned items found in an abatement site shall be eligible for storage ~~if: circumstances indicate that the item belongs to a person, the item has apparent utility in its current condition and circumstances (i.e. the item is not damaged, deteriorating, or falling apart), and the item can be safely retrieved from the site.~~

i. Examples of items potentially eligible for storage include identification and associated paperwork, medication stored in medication bottles with identifying information, and items that reasonably appear to have sentimental value in their current condition. An item need not be in a new or perfect condition to have apparent utility.

ii. An eligible item found during an abatement shall be put into storage and be able to be reclaimed for a period of 30 days, unless it meets one the following disqualifying conditions:

1. hazardous, including items contaminated with human waste, animal waste, or bugs, explosives, weapons, liquids, drug paraphernalia, or mold;
2. likely to become hazardous in storage, including perishables, wet materials that might become moldy, and items covered in mud;
3. practically un-storable, due to large size, weight, or other similar characteristic;
4. contraband or stolen; or
5. is on the City's current list, published on the City's website, of common types of items that, in the experience of City staff, individuals regularly abandon during abatement, and there is no contrary indication as to the specific item.

iii. The City shall place a notice of the location to claim stored items at the abatement site. A person may retrieve stored items based on a description with sufficient specificity to demonstrate ownership. A person may retrieve stored items without inquiry into the person's criminal background or outstanding warrants.

#### **12.60.040 Designated Temporary Camping Sites and Safe Parking Sites**

A. Mayor to Investigate Designating Camping/Parking Sites. The Mayor is directed to ~~investigate the possibility of designating designate~~ temporary camping sites and safe parking sites on City property or on private property where the owner of the property is voluntarily willing to allow use of their property under agreed upon terms and conditions enforceable by the City. ~~If the Mayor, in their sole discretion, deems it feasible, practicable, and in the public interest, †~~ The Mayor ~~is authorized to shall~~ designate temporary camping sites and safe parking sites on City property or on private property where the owner of the property is voluntarily willing to allow use of their property under agreed upon terms and conditions enforceable by the City.

## 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 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. *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.~~

~~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.~~

