



**Stevensville Committee of the Whole
Agenda for
THURSDAY, MARCH 21, 2019
6:30 PM**

1. Call to Order and Roll Call
2. Discussion on the Following Items
 - a. Purchasing Policy for the Town of Stevensville
 - b. Special Event Permit Ordinance
 - c. Protocol for the Town of Stevensville Use of Legal Counsel
3. Public Comment
4. Adjournment

Guidelines for Public Comment

Public Comment ensures an opportunity for citizens to meaningfully participate in the decisions of its elected officials. It is one of several ways your voice is heard by your local government. During public comment we ask that all participants respect the right of others to make their comment uninterrupted. The council's goal is to receive as much comment as time reasonably allows. All public comment should be directed to the chair (Mayor or designee). Comment made to the audience or individual council members may be ruled out of order. Public comment must remain on topic, and free from abusive language or unsupported allegations.

During any council meeting you have two opportunities to comment:

1. During the public comment period near the beginning of a meeting.
2. Before any decision-making vote of the council on an agenda item.

Comment made outside of these times may not be allowed.

Citizens wishing to speak during the official public comment period should come forward to the podium and state their name and address for the record. Comment during this time maybe time limited, as determined by the chair, to allow as many people as possible to comment. Citizens wishing to comment on a motion for decision before any vote can come forward or stand in place as they wish. Comment must remain on the motion before the council.

Item Attachment Documents:

- a. Purchasing Policy for the Town of Stevensville

RESOLUTION NO. 361

**A RESOLUTION ADOPTING A PURCHASING POLICY FOR
THE TOWN OF STEVENSVILLE**

WHEREAS, the Town of Stevensville Montana is a significant purchaser of goods and services to provide for the needs of its citizens; and

WHEREAS, the Town employees make decisions for the purchase of goods and services; and

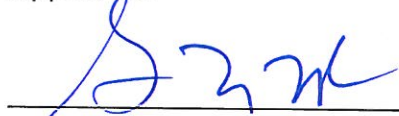
WHEREAS, the Town supports and open and transparent system for the public, vendors and employees to follow in making those decisions; and

WHEREAS, the Town encourages buying local where fiscally sound and providing a means for local suppliers to compete with larger vendors; and

NOW THEREFORE, BE IT RESOLVED, that the Town Council of Stevensville, Montana accepts and adopts the Purchasing Policy as the guiding document in the purchasing of goods and services.

Passed and adopted by the Town Council of the Town of Stevensville, Montana, this 23rd day of October, 2014.

Approved:



Gene Mim Mack, Mayor

Attest:



Stacy Bartlett, Town Clerk



Town of Stevensville Purchasing Policy

Purpose: The Town of Stevensville takes care to ensure that we comply with federal and state laws and Town ordinances for all expenditures. The public can rely on us to make fair, competitive, and open purchasing decisions that are in the best interest of the Town.

Policy:

1. General Provisions:

- a) No employee will personally benefit from a contract or purchase entered into by the Town of Stevensville.
- b) No employee will use Town funds for personal purchases of any nature.
 - i) Authorized personal use of Town-provided cell phone, data devices, and internet usage is allowed in certain cases, according to the Town's phone and internet usage policy.
- c) No employee will receive a commission, profit, gratuity, or gift as a result of any contract or purchase made by the Town.
- d) Itemized receipts and invoices are required for all purchases. Details must be shown to ensure the public can determine EXACTLY what is being paid for, including individual units purchased and/or hours of service and the associated rate for each.
- e) All boards, committees, or other recognized entities of the Town of Stevensville wherein a Town employee is the authorized approver of the board's purchases must comply with this purchasing policy.



Town of Stevensville Purchasing Policy

2. Transaction with employees and related parties:

- a) The Town does not contract with or purchase goods or services from employees or employee-owned businesses.
- b) The Town does not contract with or purchase goods or services from a business owned by an employee's spouse, ex-spouse, mother, father, sister, brother, child, step-child, or adopted child.
- c) Waiver of these employee and related-party restrictions can only be granted by the Town Council BEFORE the purchase or contract has been entered into. Such a waiver requires a publicly advertised hearing for that specific purpose, along with consideration of the circumstances and factors outlined in MCA 7-5-4109.
- d) Provisions for annual review and disclosure of employee-vendor relationships will be developed by the Treasurer, with disclosures on file in the Town Clerk's office.

3. Credit Card transactions: Use of credit card accounts can be advantageous to the Town. We seek to take advantage of the convenience of these accounts.

- a) Items charged to credit card accounts are subject to all existing purchasing and approval requirements.
- b) Cash advances are prohibited.

4. Meal and food purchases: Meal and food purchases are subject to all existing purchasing and approval requirements.

- a) All meal and food purchases must have receipts.
- b) Town of Stevensville Per Diem amounts follow the established State of Montana rates.
- c) The purchase of alcohol and tobacco with Town funds is prohibited.



Town of Stevensville Purchasing Policy

5. Information technology software and hardware purchases: Computers, servers, telephones, cell phones, personal data devices, printers, etc. All technology-related purchases, both hardware and software, must be approved by the Mayor prior to purchase.

6. Prevailing wage requirements: Certain “public works construction contracts and other Town non-construction contracts over \$25,000 must pay Montana’s prevailing wage. Refer to Section 18-2-401 MCA for definitions of these services.

7. Documentation and selection of vendors:

a) Purchasing goods: i.e. supplies, materials, equipment, or other assets. The Town seeks the lowest life-cycle costs when comparing like goods. Estimated useful life and maintenance costs must be documented whenever they are factored into purchasing decisions.

i) Purchases up to \$500 per Department. The department may purchase at the Department Supervisor’s authorized signatory’s discretion.

ii) \$501 - \$1,500 per Department. The department may purchase at the Department Supervisor’s authorized signatory discretion. For new vendors, the Department Supervisor will get a minimum of two phone quotes (or other documentation, i.e. catalog price lists, online price listings, etc.) for the item. For existing vendors, the Department Supervisor will do an annual review of vendor pricing vs. their competition. Documentation must accompany the claim submitted for approval.

iii) \$1,501 - \$25,000 per Department. A minimum of two written quotes (on vendor’s stationary) is required. Documentation must accompany the claim submitted for approval. For existing vendors, the Department Supervisor will do an annual review of vendor pricing vs. their competition. Documentation must accompany the claim submitted for approval.

For purchases contained in the Department’s current fiscal year budget or the Town’s current Capital Improvement budget, Department Supervisor’s need only get approval by the Mayor prior to purchasing.



Town of Stevensville Purchasing Policy

For purchases not contained in the Department's current fiscal year budget or the Town's current Capital Improvement budget, Department Supervisor's must obtain prior purchase approval from the Mayor and the Town Council.

iv) \$25,001 and up for auto, trucks, equipment, machinery, supplies, construction, repair and maintenance. All items in this range must follow the formal advertisement process outlined in MT State law.

For purchases contained in the Department's current fiscal year budget or the Town's current Capital Improvement budget, Department Supervisor's need only get approval by the Mayor prior to purchasing.

For purchases not contained in the Department's current fiscal year budget or the Town's current Capital Improvement budget, Department Supervisor's must obtain prior purchase approval from the Mayor and the Town Council.

b) Purchasing services: Contracts for services are awarded to the lowest most-responsible vendor or bidder. When determining which vendor or bidder is the lowest most responsible you may take into consideration generally available information regarding their skill, ability, their integrity to do faithful, conscientious work, and promptly, fulfill the contract according to its letter and spirit. (Including: qualifications, available Staff, references, delivery date, inspection, testing, quality and workmanship, etc.). All contracts for services must be approved by the Town Council.

i) For all Architectural, Engineering, and Land-Surveying services: Advertised Requests for Proposals or Requests for Qualifications must be made for services costing over \$20,000. Refer to Section 18-8-201 MCA for the procedures required for selection of these vendors.



Town of Stevensville Purchasing Policy

ii) Government Services (GSA, WSCA, etc.) Procurement: Supplies, equipment, and other professional services may be purchased from another government entity (including government purchasing programs) without bids or advertisements when done so at a substantial savings to the Town.

- It should be noted that these purchasing arrangements are often, but not always the lowest price available.
- Requirements for prevailing wages must still be met for public works construction contracts and non-construction contracts over \$25,000. Refer to Section 17-2-401 MCA for definitions of these services.

iii) Special Cases for Sole Source Purchases: In the case of some of the Town's information technology, building mechanical, public works utility, and other infrastructure, it is in the best interest of the Town to maintain a compatible and reliable system provided by a single vendor.

For cases where:

- There is only one source for the supply or service item, or
- Only one source is acceptable or suitable for the supply or service item, or service item.

Refer to specific dollar amount purchasing authority guidelines to determine Department Supervisor purchasing authority limits.

8. Approval of purchases: Payment for any goods or service purchased by the Town must be approved by the Town Council as part of the bi-weekly claims process. The following must appear on each claim submitted to the Treasurer:

- Authorizing signature: must be the Department Supervisor.
- To verify receipts of goods, packing slip and/or other shipping documents must be submitted to the Treasurer.

9. Emergency purchasing provisions: In the case of an emergency or disaster declared under Section 10-3-401 MCA, these purchasing rules may be temporarily suspended.

10. Violations of this policy: Violations of this policy are subject to disciplinary action in accordance with the Personnel Policy.

Item Attachment Documents:

- b. Special Event Permit Ordinance

TOWN OF STEVENSVILLE CODE OF ORDINANCES

ARTICLE IX. - PUBLIC EVENTS

DIVISION 1. - GENERALLY

Sec. 22-282. - Purpose and definitions.

(a) *Purpose.*

- (1) The town is interested in and encourages support of community sponsored events. The town recognizes the many social, cultural and financial benefits that are the result of including special events in the life of the community. Such benefits include general quality of life, economic growth, tourism, recreation, recognition of fine arts, charitable aid and many others that are both tangible and intangible. The town is aware of the need to blend the community events with other citizen activities in the community.
- (2) Notwithstanding the recognized importance of special events, it is incumbent upon the town to establish ordinances, policies and procedures which will allow for the advance planning and management of town personnel and financial resources as well as for the public land owned or controlled by the town, including, but not limited to, public sidewalks, streets, rights-of-way and parks. The town urges the private sector to increase its role in community activities so that impacts on operating budgets and staffing of town departments can be minimized or eliminated.

(b) *Definitions.* As used in this article:

Demonstration means any public gathering of 25 or more persons for the purpose of a public display of grievances or in the support of any legal purpose.

Parade means any organized group, marching or in procession, whether on foot, animal or vehicle or some combination thereof which does not comply with normal and usual traffic regulations and controls.

Parade route means the town approved route of travel of any permitted parade or fun run, including the assembly, staging and disbanding areas.

Political speech is the public expression of views in support of or opposition to public figures or political candidates or any laws, regulations, actions or policies of any branch of local, state, federal or global governmental institution and its executive and enforcement agencies.

Religious speech is the public espousal of or support for a particular religious or spiritual view or support or opposition to actions or policies of established religious institutions.

Special event means any parade, demonstration, fair, antique show, gun show, dog show, circus, rugby or soccer tournament, festival, block party, march, fun run, walk-a-thon, athletic event, bicycle race or any such gathering of people in which the activity takes place on, in, or through any public land owned or controlled by the town, including, but not limited to, public sidewalks, streets, rights-of-way and parks.

(Ord. No. 101, § 1(9.40.010), 8-25-2008)

Sec. 22-283. - Violation and penalty.

Any person who shall be guilty of a violation of any provision of this article shall be guilty of a misdemeanor and shall be punished by a fine of not less than \$10.00 and not more than \$500.00, There shall be no penalty of imprisonment for a violation of any provisions of this article.

(Ord. No. 101, § 8(9.40.080), 8-25-2008)

Secs. 22-284—22-314. - Reserved.

DIVISION 2. - PERMIT

Sec. 22-315. - Generally.

- (a) A special event permit shall be obtained from, and issued by, the town clerk with respect to any public land owned or controlled by the town, including, but not limited to, public sidewalks, streets, rights-of-way and parks. It is unlawful to conduct a special event regulated by this article without a permit. The entity or person organizing, sponsoring or conducting the special event shall be responsible for obtaining any required liability insurance policy coverage as well as for applying for a special event permit. An application for a special event permit must be submitted at least 14 days prior the date the special event is intended to occur. The town clerk shall seek the input of the fire, police and public works department. If the special event application is approved by all departments and the event involves less than 1,000 participants, it may be forwarded to mayor for final approval. The mayor shall make a report to the town council regarding any special event issues. If the special event involves more than 1,000 participants, it shall be forwarded to the town council for consideration and approval.
- (b) The application for the permit required herein shall be the activity permit currently utilized by the town. It shall contain the name of the person or entity requesting the permit, the location of the proposed event, the days, times and duration of the event, and whether the special event is intended to include the use of alcoholic beverages. If the special event or use is ongoing, renewal of permit shall be required every two weeks and be subject to the town council's approval.
- (c) A special event permit shall be issued once compliance with the following standards has been met:
 - (1) The applicant or sponsors of the special event shall provide liability insurance providing coverage for their organization and naming the town as an additional insured. To the extent reasonably possible, liability insurance coverage shall be in the minimum amounts of \$750,000.00 per claimant and \$1,500,000.00 per occurrence.
 - (2) The applicant for any special event must have a traffic control plan which has previously been reviewed by the public works department. If barricades or traffic control devices are deemed necessary the applicant shall be solely responsible for renting, placing and removing any required barricades or traffic control devices.
 - (3) If the special event involves overnight camping, working portable toilet facilities must be made available for the use of the campers.
 - (4) No permit shall be necessary for sidewalk picketing or marching being conducted solely on public sidewalks when the picketing is conducted in such a manner that allows pedestrian traffic an opportunity to pass by unobstructed and that allows pedestrian and/or motor vehicle traffic an unobstructed opportunity for ingress and egress to property.
 - (5) The police chief or his designee shall be empowered to reasonably designate the route of a parade or event to be consistent with one of the recommended routes approved by the police and public works department. If the applicant is unwilling to modify the application to incorporate this change, the application shall be denied.
 - (6) The police chief or his designee may limit use of a street for a special event to one side or portion of a street whenever necessary in the public interest in order to provide and preserve public safety and traffic control in order to permit simultaneous use of streets by those participating in the special event and other motor vehicle traffic.
 - (7) If the proposed special event is for the primary purpose of commercial advertising and it would disrupt streets or public places ordinarily subject to great congestion during the time of the special event, or would require such a diversion of police protection that it would deny reasonable police protection to the town, the application may be denied, unless the applicant modifies the proposed special event to satisfactorily deal with these concerns in a manner reasonably acceptable to the police chief or his designee.

- (8) A special event permit application shall be denied if it would require such a substantial amount of police protection for public safety that it would deny reasonable police protection to the remainder of the town.
- (9) A special event permit application shall be denied if the request is for a time and location where a special event or street excavation or construction project has already been scheduled for that time and location and an irreconcilable conflict exists between the two so that they could not reasonably be conducted at the same time and location.
- (10) A special event permit application shall be denied if it:
 - a. Would be obscene pursuant to state law;
 - b. Would be hazardous to public health or safety;
 - c. Would create an extraordinary amount of litter and the applicant has not presented an acceptable, effective plan for the applicant to clean up the litter immediately after the conclusion of the special event; or
 - d. Would substantially interfere with emergency ambulance, fire or police service and the applicant fails to modify the application request to satisfactorily alleviate or eliminate this interference with emergency services.
- (11) When such an event will be an exercise of political and religious rights protected by the First and Fourteenth Amendments to the United States Constitution, the application shall be processed, without requiring liability insurance.
- (12) Spontaneous special events in response to political and public controversies may not be denied a special event permit.
- (d) Special event permit fee. The fee for a special event permit shall be as established by resolution.
- (e) Length of event. No special event shall be conducted between the hours of 11:00 p.m. and 8:00 a.m., unless overnight camping is allowed.
- (f) Special event permit holders must clean up the public land to a state at least as clean as when they arrived and any permit holder shall be solely responsible for the immediate and timely picking up and removal or proper disposal of garbage at the location where the permittee is present within any town park, open space or trail area.
- (g) The individual or group of individuals in whose name the permit is issued shall be responsible for having the permit present at the site, informing and supervising others with respect to the compliance with town ordinances and state law, the safety, sobriety, conduct and behavior of each member of the group as well as cleaning up the public area prior to, during or immediately at the conclusion of the permit's authorized time period for possessing alcohol in public areas.
- (h) An applicant desiring to appeal any denial of a permit application may immediately appeal by submitting a written request to reconsider the denial of a permit application to the mayor, or in the mayor's absence, the town council president, or, in the town council president's absence, the town clerk. Whoever receives the written request for appeal shall forward it to the town council for consideration, and a decision on appeal will be issued at the next regularly scheduled town council meeting.

(Ord. No. 101, § 2(9.40.020), 8-25-2008; Ord. No. 156, § 1, 2-26-2015)

Sec. 22-316. - Events involving alcohol.

- (a) A special event permit involving the use or service of alcohol must be approved by the town council. An activity permit form must be filled out and submitted, along with an alcohol use request form, setting forth what alcohol will be used or served and a plan for how the permittee will:
 - (1) Ensure the legal use of alcohol;

- (2) Contain the use to a designated area; and
- (3) Provide for safety and security protections.

A copy of the state liquor license shall be attached to the permit in the event the intended use is service of alcohol by a commercial vendor.

- (b) In reviewing the application for a special event permit which includes the use or service of alcoholic beverages on public land, the mayor and departments shall consider the following factors:
 - (1) Whether the proposed activity contributes to the cultural, recreational or entertainment opportunities available to the community;
 - (2) The appropriateness of the public land or facilities, if any, for the proposed use;
 - (3) Any negative impact on adjacent property the proposed use might have;
 - (4) What security, crowd control and litter control measures the applicant will be utilizing for the event or activity;
 - (5) What the hours of the proposed use are, and whether there are any residences nearby that could be disturbed by late night conduct, noise and activity; and
 - (6) Whether the proposed activity is sponsored in whole or in part by a public agent or entity.
- (c) In no event shall a special event permit involving the use or service of alcoholic beverages be issued unless the following conditions are met:
 - (1) Appropriate supervision is provided by the applicant to ensure adequate supervision and security.
 - (2) State liquor control regulations have been complied with by the applicant, and all applicable state permits have been obtained.
 - (3) The town council has reviewed, and approved the special permit involving the use or service of alcohol.
 - (4) An appropriate deposit has been paid, to be established by the town council. The town council is authorized some discretion and flexibility for determining the amount of the damage deposit or bond in a range from \$200.00 to \$1,500.00. Whenever the town council exercises discretion pursuant to this provision in addition to the criteria identified herein the town council shall consider the estimated number of people that will likely be at the special event as well as the estimated amount of alcohol likely to be available for consumption. The town council's determination may be appealed by filing a request for consideration to the town council.
- (d) The individual or group of individuals in whose name the permit is issued shall be responsible for having the permit present at the site, informing and supervising others with respect to the compliance with town ordinances and state law, the safety, sobriety, conduct and behavior of each member of the group as well as cleaning up the public area prior to, during or immediately at the conclusion of the permit's authorized time period for possessing alcohol in public areas.

(Ord. No. 101, § 3(9.40.030), 8-25-2008)

Sec. 22-317. - Duties of the permittee/sponsor.

The permittee shall comply with all permit conditions and directions and with all applicable laws and ordinances. The permittee, sponsor or other person leading or directing the special event shall carry a copy of the permit upon his person during the conducting of the event and, if not available at the site, designate another individual to be present and have possession of a copy of the permit at the site.

(Ord. No. 101, § 4(9.40.040), 8-25-2008)

Sec. 22-318. - Revocation of special events permit.

All permits issued pursuant to this article are, without advance notice, subject to revocation for cause at any time by the chief of police or other police official in charge whenever the public interest, general welfare, health and safety would be best served by revocation for cause. The chief of police or other police official in charge upon revoking a permit may require the participants and spectators to disperse whenever the permittee is failing to satisfy the conditions and/or obligations under the permit or whenever there is imminent danger of public disturbance or disorder.

(Ord. No. 101, § 5(9.40.050), 8-25-2008)

Sec. 22-319. - Hold harmless and indemnification.

Applicants for a special event permit shall agree in writing to defend, hold the town and its employees harmless and indemnify the town for any and all claims, lawsuits or liability including attorneys' fees and costs allegedly arising out of loss, damage or injury to a person or person's property occurring during the course of, or pertaining to, the special event caused by the conduct of employees or agents of applicants.

(Ord. No. 101, § 6(9.40.060), 8-25-2008)

Sec. 22-320. - Exceptions.

The town council may grant exceptions to the provisions of section 22-315(c)(1) (pertaining to liability insurance requirement limits) and/or section 22-315(e) (pertaining to hours of event), taking into account the general public health, safety and welfare associated with the request for exception, as well as the liability risk and the applicant's ability to pay. When the town council considers requests for exceptions, the town council shall base the decision on the factual circumstances presented and decide the specific request on its merits and may not discriminate on the basis of race, color, religion, creed, political ideas, sex, age, marital status or physical or mental disability unless based on a bona fide liability risk, general welfare, health or safety reasons.

(Ord. No. 101, § 7(9.40.070), 8-25-2008)

Secs. 22-321—22-414. - Reserved.

ORDINANCE NO. 101

AN ORDINANCE REPEALING ORDINANCE NO. 9.32a THE STEVENSVILLE MUNICIPAL CODE ENTITLED "AN ORDINANCE AMENDING PROVISIONS REGARDING SALE, DISPLAY AND CONSUMPTION OF ALCOHOL AND AUTHORIZING LIMITED SALE, DISPLAY AND CONSUMPTION FOR THE HISTORIC CREAMERY PICNIC" AND CREATING STEVENSVILLE MUNICIPAL CODE CHAPTER 9.40, SECTIONS 9.40.010 THROUGH 9.40.080 ENTITLED "SPECIAL EVENTS PERMITS" TO ESTABLISH A UNIFORM PROCESS TO FOLLOW FOR ALL SPECIAL EVENTS THAT OCCUR WITHIN THE TOWN LIMITS IN A MANNER THAT PROTECTS THE HEALTH, SAFETY AND WELFARE OF THE TOWN OF STEVENSVILLE RESIDENTS.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF STEVENSVILLE THAT CHAPTER 9.32a OF THE STEVENSVILLE MUNICIPAL CODE IS HEREBY REPEALED AND BE IT FURTHER ORDAINED THAT CHAPTER 9.40 OF THE STEVENSVILLE MUNICIPAL CODE, SECTIONS 9.40.010 THROUGH 9.40.080 BE ESTABLISHED AS FOLLOWS:

SPECIAL EVENTS PERMITS

Section 1.

9.40.010 Purpose.

- A. The Town is interested in and encourages support of community sponsored events. The Town recognizes the many social, cultural and financial benefits that are the result of including special events in the life of the community. Such benefits include general quality of life, economic growth, tourism, recreation, recognition of fine arts, charitable aid and many others that are both tangible and intangible. The Town is aware of the need to blend the community events with other citizen activities in the community.
- B. Notwithstanding the recognized importance of special events, it is incumbent upon the Town to establish ordinances, policies and procedures which will allow for the advance planning and management of Town personnel and financial resources as well as for the public land owned or controlled by the Town including, but not limited to public sidewalks, streets, rights of way and parks. The Town urges the private sector to increase its role in community activities so that impacts on operating budgets and staffing of town departments can be minimized or eliminated
- C. **Definitions.** As used in this chapter:

1. "Demonstration" means any public gathering of twenty-five or more persons for the purpose of a public display of grievances or in the support of any legal purpose.

2. "Parade" means any organized group, marching or in procession, whether on foot, animal or vehicle or some combination thereof which does not comply with normal and usual traffic regulations and controls.
3. "Parade Route" means the town approved route of travel of any permitted parade or fun run including the assembly, staging and disbanding areas.
4. "Special event" means any parade, demonstration, fair, antique show, gun show, dog show, circus, rugby or soccer tournament, festival, block party, march, fun run, walk-a-thon, athletic event, bicycle race or any such gathering of people in which the activity takes place on, in, or through any public land owned or controlled by the Town including, but not limited to public sidewalks, streets, rights of way and parks.
5. "Political speech" is the public expression of views in support of or opposition to public figures or political candidates or any laws, regulations, actions, or policies of any branch of local, state, federal, or global governmental institution and its executive and enforcement agencies.
6. "Religious speech" is the public espousal of or support for a particular religious or spiritual view or support or opposition to actions or policies of established religious institutions.

Section 2.

9.40.020 Special Event Requirement

- A. A special event permit shall be obtained from and issued by the Town Clerk with respect to any public land owned or controlled by the town including, but not limited to public sidewalks, streets, rights of way and parks. It is unlawful to conduct a special event regulated by this chapter without a permit. The entity or person organizing, sponsoring or conducting the special event shall be responsible for obtaining any required liability insurance policy coverage as well as for applying for a special event permit. An application for a special event permit must be submitted at least 30 days prior the date the special event is intended to occur. The Town Clerk shall seek the input of the fire, police and public works department. If a special permit application is approved by all departments, it shall then be forwarded to the Town Council for final consideration.
- B. The application for the permit required herein shall be the activity permit currently utilized by the Town. It shall contain the name of the person or entity requesting the permit, the location of the proposed event, the day(s), time(s) and duration of the event, and whether the special event is intended to include the use of alcoholic beverages. If the special event or use is on-going, renewal of permit shall be required every two weeks and be subject to the Town Council's approval.

C. A special event permit shall be issued once compliance with the following standards has been met:

1. The applicant or sponsors of the special event shall provide liability insurance providing coverage for their organization and naming the town as an additional insured. To the extent reasonably possible, liability insurance coverage shall be in the minimum amounts of \$750,000 per claimant and \$1,500,000 per occurrence.
2. The applicant for any special event must have a traffic control plan which has previously been reviewed by the public works department. If barricades or traffic control devices are deemed necessary the applicant shall be solely responsible for renting, placing and removing any required barricades or traffic control devices.
3. If the special event involves overnight camping, working portable toilet facilities must be made available for the use of the campers.
4. No permit shall be necessary for sidewalk picketing or marching being conducted solely on public sidewalks when the picketing is conducted in such a manner that allows pedestrian traffic an opportunity to pass by unobstructed and that allows pedestrian and/or motor vehicle traffic an unobstructed opportunity for ingress and egress to property.
5. The police chief or his designee shall be empowered to reasonably designate the route of a parade or event to be consistent with one of the recommended routes approved by the police and public works department. If the applicant is unwilling to modify the application to incorporate this change, the application shall be denied.
6. The police chief or his designee may limit use of a street for a special event to one side or portion of a street whenever necessary in the public interest in order to provide and preserve public safety and traffic control in order to permit simultaneous use of streets by those participating in the special event and other motor vehicle traffic.
7. If the proposed special event is for the primary purpose of commercial advertising and it would disrupt streets or public places ordinarily subject to great congestion during the time of the special event, or would require such a diversion of police protection that it would deny reasonable police protection to the town, the application may be denied, unless the applicant modifies the proposed special event to satisfactorily deal with these concerns in a manner reasonably acceptable to the police chief or his designee.

8. A special event permit application shall be denied if it would require such a substantial amount of police protection for public safety that it would deny reasonable police protection to the remainder of the town.
9. A special event permit application shall be denied if the request is for a time and location where a special event or street excavation or construction project has already been scheduled for that time and location and an irreconcilable conflict exists between the two so that they could not reasonably be conducted at the same time and location.
10. A special event permit application shall be denied if it would be:
 - a. Obscene pursuant to Montana state law; or
 - b. Hazardous to public health or safety; or
 - c. Would create an extraordinary amount of litter and the applicant has not presented an acceptable, effective plan for the applicant to clean up the litter immediately after the conclusion of the special event; or
 - d. Would substantially interfere with emergency ambulance, fire or police service and the applicant fails to modify the application request to satisfactorily alleviate or eliminate this interference with emergency services.
11. When such an event will be an exercise of political and religious rights protected by the First and Fourteenth Amendments to the United States Constitution, the application shall be processed, without requiring liability insurance.
12. Spontaneous special events in response to political and public controversies may not be denied a special event permit.

D. Special Event Permit Fee. The fee for a special event permit shall be twenty-five dollars.

E. Length of Event. No Special Event shall be conducted between the hours of eleven p.m. and eight a.m., unless overnight camping is allowed.

F. Special event permit holders must clean up the public land to a state at least as clean as when they arrived and any permit holder shall be solely responsible for the immediate and timely picking up and removal or proper disposal of garbage at the location where the permittee is present within any town park, open space or trail area.

- G. The individual or group of individuals in whose name the permit is issued shall be responsible for having the permit present at the site, informing and supervising others with respect to the compliance with town ordinances and state law, the safety, sobriety, conduct and behavior of each member of the group as well as cleaning up the public area prior to, during or immediately at the conclusion of the permit's authorized time period for possessing alcohol in public area
- H. An applicant desiring to appeal any denial of a permit application may immediately appeal by submitting a written request to reconsider the denial of a permit application to the Mayor, or in the Mayor's absence, the Town Council president, or in the Town Council President's absence, the Town Clerk. Whoever receives the written request for appeal shall forward it to the Town Council for consideration, and a decision on appeal will be issued at the next regularly scheduled Town Council Meeting.

Section 3.

9.40.030 Special Event Permit Involving Alcohol

- A. A Special Event Permit involving the use or service of alcohol must be approved by the Town Council. An Activity Permit form must be filled out and submitted, along with an Alcohol Use Request form, setting forth what alcohol will be used or served and a plan for how the permittee will:
 - 1. ensure the legal use of alcohol;
 - 2. contain the use to a designated area; and
 - 3. provide for safety and security protections. A copy of the State of Montana Liquor License shall be attached to the permit in the event the intended use is service of alcohol by a commercial vendor.
- B. In reviewing the application for a special event permit which includes the use or service of alcoholic beverages on public land, the mayor and departments shall consider the following factors:
 - 1. Whether the proposed activity contributes to the cultural, recreational or entertainment opportunities available to the community;
 - 2. appropriateness of the public land or facilities, if any for the proposed use;
 - 3. Any negative impact on adjacent property the proposed use might have;
 - 4. What security, crowd control and litter control measures the applicant will be utilizing for the event or activity;
 - 5. the hours of the proposed use are and whether there are any residences nearby that could be disturbed by late night conduct, noise, and activity;
 - 6. Whether the proposed activity is sponsored in whole or in part by a public agent or entity; and

C. In no event shall a special event permit involving the use or service of alcoholic beverages be issued unless the following conditions are met:

1. Appropriate supervision is provided by the applicant to insure adequate supervision and security; and
2. State liquor control regulations have been complied with by the applicant, and all applicable state permits have been obtained.
3. The Town Council has reviewed, and approved the Special Permit involving the use or service of Alcohol.
4. An appropriate deposit has been paid, to be established by the Town Council. The Town Council is authorized some discretion and flexibility for determining the amount of the damage deposit or bond in a range from two hundred dollars to one thousand five hundred dollars. Whenever the Town Council exercises discretion pursuant to this provision in addition to the criteria identified herein the Town Council shall consider the estimated number of people that will likely be at the special event as well as the estimated amount of alcohol likely to be available for consumption. The Town Council's determination may be appealed by filing a request for consideration to the Town Council.

D. The individual or group of individuals in whose name the permit is issued shall be responsible for having the permit present at the site, informing and supervising others with respect to the compliance with town ordinances and state law, the safety, sobriety, conduct and behavior of each member of the group as well as cleaning up the public area prior to, during or immediately at the conclusion of the permit's authorized time period for possessing alcohol in public area

Section 4.

9.40.040 Duties of the permittee/sponsor.

The permittee shall comply with all permit conditions and directions and with all applicable laws and ordinances. The permittee, sponsor or other person leading or directing the special event shall carry a copy of the permit upon his/her person during the conducting of the event and if not available at the site designate another individual to be present and have possession of a copy of the permit at the site.

Section 5.

9.40.050 Revocation of special events permit. All permits issued pursuant to this chapter are, without advance notice, subject to revocation for cause at any time by the chief of police or other police official in charge whenever the public interest, general welfare, health and safety would be best served by revocation for cause. The chief of police or other police official in charge upon revoking a permit may require the participants and spectators to disperse whenever the permittee is failing to satisfy the

conditions and/or obligations under the permit or whenever there is imminent danger of public disturbance or disorder.

Section 6.

9.40.060 Hold harmless and indemnification. Applicants for a special event permit shall agree in writing to defend, hold the town and its employees harmless and indemnify the town for any and all claims, lawsuits or liability including attorneys' fees and costs allegedly arising out of loss, damage or injury to person or person's property occurring during the course of or pertaining to the special event caused by the conduct of employees or agents of applicants.

Section 7.

9.40.070 Exceptions. The Town Council may grant exceptions to the provisions of Section 1.02C(1) (pertaining to liability insurance requirement limits) and/or Section 1.02E (pertaining to hours of event) taking into account the general public health, safety and welfare associated with the request for exception, as well as the liability risk and the applicant's ability to pay. When the Town Council considers requests for exceptions, the Town Council shall base the decision on the factual circumstances presented and decide the specific request on its merits and may not discriminate on the basis of race, color, religion, creed, political ideas, sex, age, marital status, physical or mental disability unless based on a bona fide liability risk, general welfare, health or safety reason(s).

Section 8.

9.40.080 Violation--Penalty. Any person who shall be guilty of a violation or any provision of this chapter, shall be guilty of a misdemeanor and shall be punished by a fine of not less than ten dollars and not more than five hundred dollars. There shall be no penalty of imprisonment for a violation of any provisions of this chapter.

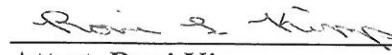
 X Passed by a vote of 3 in support and 1 passed

 Failed by a vote of against and in support

This 25th day of August, 2008.



Tom Brown
Council President, Town of Stevensville



Attest, Roni Kimp
Town Clerk

TOWN OF STEVENSVILLE
APPLICATION FOR SPECIAL EVENT PERMIT

APPLICATION DATE: _____ (Must be at least 30 days prior to event)

NAME OF GROUP OR ORGANIZATION: _____

CONTACT PERSON: _____ TELEPHONE: _____

ACTIVITY:

LOCATION REQUESTING:

DATE: _____ STARTING TIME: _____ ENDING TIME: _____

ESTIMATED NUMBER OF PEOPLE ATTENDING: _____

ALCOHOL USE? YES _____ NO _____

If yes please attach Alcohol use request form

IS OVERNIGHT CAMPING REQUESTED? YES _____ NO _____

DO YOU HAVE INSURANCE? YES _____ NO _____

If yes please attach declaration page as proof of insurance for \$1.5 million as pursuant to Montana Statute M.C.A. 2-9-108.

WILL SECURITY BE REQUIRED? YES _____ NO _____

IF YES, PLANS FOR SECURITY: _____

PLANS FOR CLEAN UP: _____

FEE: \$ _____

This application will be considered at the first Town Council Meeting after its receipt, and the contact person will be notified of the Council's decision the following day.

** A representative must attend the council meeting.

TOWN OF STEVENSVILLE
ALCOHOL USE REQUEST FORM

Applicant Name _____ Phone Number _____

Group/Organization Name _____

Describe Intended Alcohol Use (type, amount, commercial or private, etc.) _____

Has an Application to Use/Sell Alcohol been approved by the Montana Department of Revenue? _____ Yes _____ No. If yes, please provide a copy.

Describe the Plan to: 1. Contain the alcohol use to a restricted area. _____

Describe the Plan to: 2. Prevent the sale or use of alcohol by minors. _____

Describe the Plan to: 3. Provide for the safety and security of event attendants and other citizens. _____

Approved _____ Date _____ Denied _____ Date _____

Required Deposit: _____

ORDINANCE NO. 156

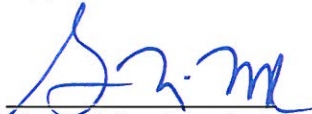
AN ORDINANCE AMENDING
CHAPTER 22, ARTICLE IX OF THE
STEVENSVILLE, MONTANA MUNICIPAL CODE

SECTION 1. Section 22-315(a) shall be amended to read in full as follows:

- (a) A special event permit shall be obtained from, and issued by, the town clerk with respect to any public land owned or controlled by the town, including, but not limited to, public sidewalks, streets, rights-of-way and parks. It is unlawful to conduct a special event regulated by this article without a permit. The entity or person organizing, sponsoring or conducting the special event shall be responsible for obtaining any required liability insurance policy coverage as well as for applying for a special event permit. An application for a special event permit must be submitted at least 14 days prior the date the special event is intended to occur. The town clerk shall seek the input of the fire, police and public works department. If the special event application is approved by all departments and the event involves less than 1000 participants, it may be forwarded to Mayor for final approval. The Mayor shall make a report to the Town Council regarding any special event issues. If the special event involves more than 1000 participants, it shall be forwarded to the Town Council for consideration and approval.

Passed on First Reading by the Stevensville Town Council this 12th day of February, 2015.

Approved:


Gene Mim Mack, Mayor

Attest:



Stacy Bartlett, Town Clerk

Passed and Adopted on Second Reading by the Stevensville Town Council this 26th day of February, 2015.

Approved:


Gene Mim Mack, Mayor

Attest:


Stacy Bartlett, Town Clerk

Item Attachment Documents:

- c. Protocol for the Town of Stevensville Use of Legal Counsel

RESOLUTION NO. 281A

**A RESOLUTION AMENDING PROTOCOL FOR THE
TOWN OF STEVENSVILLE USE OF LEGAL COUNSEL**

WHEREAS, the Council for the Town of Stevensville adopted protocol for the use of legal counsel by resolution on the 9th day of February, 2012;

WHEREAS, the Council recognized the need to amend the protocol for the use of legal counsel;

THEREFORE, BE IT RESOLVED by the Stevensville Town Council that the protocol for the Town's use of legal counsel be amended to include:

The Town Council may request access to the Town's legal counsel as a normal course of business as needed by the Town Council by;

1. Addressing questions to the Town Council President individually for consideration.
2. The Town Council President will consult with the Mayor regarding pre-existing answers to any question submitted to the Town Council president. Any question that has not been previously submitted to the Town Attorney will then be submitted by the Town Council President to the Town Attorney for consideration.
3. All correspondence between the Town Attorney, the Mayor and Town Council President shall readily be supplied in full to the Council regarding any business before the Council.

NOW, THEREFORE BE IS RESOLVED that the Town Council of Stevensville, Montana accepts and adopts the amendments to the protocol for the Town of Stevensville use of legal counsel.

Passed and adopted by the Town Council of the Town of Stevensville, Montana, this 12th day of May, 2016.

APPROVAL:



Jim Crews, Acting Mayor

ATTEST:



Stacy Bartlett, Town Clerk