

**TITLE 4**  
**POLICE REGULATIONS**

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## CHAPTER 1

## GENERAL OFFENSES

**ARTICLE A. OFFENSES BY OR AGAINST PUBLIC OFFICERS AND GOVERNMENT**

## SECTION:

- 4-1A-1: Resisting Or Obstructing Public Officer
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- 4-1A-5: Malicious Prosecution
- 4-1A-6: Penalty

4-1A-1: **RESISTING OR OBSTRUCTING PUBLIC OFFICER<sup>1</sup>:** No person shall resist, delay, obstruct or intimidate any official or employee of the town in the performance of his or her official duty. (1975 Code § 9.04.010)

4-1A-2: **FALSE ALARM<sup>2</sup>:** It is unlawful for any person to file, call in or in any way report or cause to be reported a false fire alarm to the fire department, to any member of the fire department, or to any officer of the town. (1975 Code § 9.04.020)

4-1A-3: **INTERFERENCE WITH FIRE ALARM SYSTEM:** No person shall use the public fire alarm except when an alarm of fire is given, or with the permission of the chief or assistant chief of the fire department, nor shall any person injure, in any way, any of the fire alarm boxes, bells, poles, wires or other appliances connected with the public fire alarm system of the town. (1975 Code § 9.04.030)

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1. MCA § 45-7-302. See also section 5-2-28 of this code.

2. MCA § 45-7-204.

**4-1A-4: HINDERING FIREFIGHTING OPERATIONS:**

- A. **Interference With Fireman:** No person shall wilfully interfere with or hinder any town officer or fireman in the performance of his duty at, going to, or returning from any fire, or while such officer or fireman is attending to his duties as a member of the fire department.
- B. **Driving Over Fire Hose<sup>1</sup>:** No person shall wilfully or negligently drive any motor vehicle, streetcar, locomotive, train of cars, or other vehicle across, or along or upon any hose used for firefighting purposes. (1975 Code § 9.04.040)

**4-1A-5: MALICIOUS PROSECUTION:** When any person has been arrested and brought to trial for the alleged violation of any provision of this code or any other ordinance of the town, and it shall appear to the presiding judge of the city court that the prosecutor or complaining witness has made complaint maliciously and without probable cause, judgment shall be rendered against the prosecutor or complaining witness for costs; and the court may issue execution to recover the same, as judgment for debt. Whenever the city judge, or presiding magistrate of the city court shall have reason to believe that any complainant is actuated by malice in making complaint, said judge, before issuing process, may require the complainant to deposit a sum sufficient to secure the probable costs. (1975 Code § 9.04.050; amd. 2006 Code)

**4-1A-6: PENALTY:** Any person violating a provision of this article for which another penalty has not been provided shall, upon conviction thereof, be punished as set forth in section 1-4-2 of this code. (1975 Code § 9.04.060)

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1. MCA § 61-8-364.

## CHAPTER 1

## GENERAL OFFENSES

**ARTICLE B. OFFENSES AGAINST PUBLIC SAFETY**

## SECTION:

- 4-1B-1: Bonfires
- 4-1B-2: Smoking In Bed In Hotels
- 4-1B-3: Storage Of Explosives
- 4-1B-4: Storage Of Flammable Liquids
- 4-1B-5: Fireworks
- 4-1B-6: Penalty

4-1B-1: **BONFIRES<sup>1</sup>**: No person shall build any bonfire in any street, alley, or public place, nor permit any bonfire to burn or smolder in the nighttime. Any person causing a bonfire shall maintain strict supervision and control of it so as to protect property and prevent the creation of excessive smoke. (1975 Code § 9.08.010)

4-1B-2: **SMOKING IN BED IN HOTELS**: It is unlawful for any person to smoke any form of tobacco while lying upon a bed in any hotel, motel, or other public rooming establishment within the town. (1975 Code § 9.08.020)

4-1B-3: **STORAGE OF EXPLOSIVES<sup>2</sup>**: It is unlawful for any person to keep or permit to be kept, any giant powder, nitroglycerine, dynamite, or other highly explosive compound within the town or within three (3) miles of the corporate limits of the town. (1975 Code § 9.08.030)

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1. MCA § 7-33-4206.

2. MCA § 7-33-4205.

**4-1B-4: STORAGE OF FLAMMABLE LIQUIDS:**

- A. Outside Aboveground Tanks: It is unlawful for any person to store flammable liquids in outside aboveground tanks, except in areas of the town zoned industrial.
- B. Bulk Plants: No person within the town shall store flammable or combustible liquids or liquefied petroleum gas in new bulk plants except in areas which are zoned industrial. (1975 Code § 9.08.040)

**4-1B-5: FIREWORKS:**

- A. Discharge Limited: The discharge, firing or use of fireworks within the town shall be limited annually to nine o'clock (9:00) A.M. until ten o'clock (10:00) P.M. beginning June 24 until July 2, and on July 5; fireworks on July 3 and 4 shall be permitted from nine o'clock (9:00) A.M. until twelve o'clock (12:00) midnight; fireworks on December 31 will be permitted from eleven o'clock (11:00) P.M. to twelve o'clock (12:00) midnight; and January 1 from one minute after twelve o'clock (12:01) A.M. to one o'clock (1:00) A.M. annually; and for special events with prior approval of the mayor and council. (Ord. 122, 7-28-1998)
- B. Time Period For Selling Fireworks: It is unlawful for any person to offer for sale, expose for sale, or sell at retail or wholesale, within the corporate limits of the town, any fireworks of any nature whatsoever, earlier than twenty (20) days prior to July 4 or later than July 7 of any year. (1975 Code § 9.08.060)

**4-1B-6: PENALTY:** Any person violating a provision of this article for which another penalty has not been provided shall, upon conviction thereof, be punished as set forth in section 1-4-2 of this code. (1975 Code § 9.08.070)

CHAPTER 1

GENERAL OFFENSES<sup>1</sup>

**ARTICLE C. OFFENSES AGAINST PUBLIC MORALS**

SECTION:

- 4-1C-1: Open Container
- 4-1C-2: Keeping House Of Ill Fame
- 4-1C-3: Prostitution And Solicitation
- 4-1C-4: Indecent Exposure
- 4-1C-5: Penalty

Amended  
ORD# 152  
5/27/2014

4-1C-1: **OPEN CONTAINER:** It is unlawful for any person to have an open container of alcoholic beverage or to consume such in any public park in the town. (Ord., 6-11-1979)

4-1C-2: **KEEPING HOUSE OF ILL FAME<sup>2</sup>:** No person shall keep or maintain a house of prostitution or any house, tavern, place or room resorted to for the purpose of prostitution or permit any house, room or other premises under his control to be used for the purposes of prostitution or assignation. (1975 Code § 9.12.010)

4-1C-3: **PROSTITUTION AND SOLICITATION<sup>3</sup>:**

A. It is unlawful for any female person to invite or solicit any male person not her husband to have sexual intercourse with her for hire or gain.

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1. Municipalities authorized to prevent and punish acts or conduct offensive to public morals, see MCA § 7-32-4302.  
 2. MCA § 45-5-602.  
 3. MCA § 45-5-601.

- B. No person shall invite or solicit any male person to have sexual intercourse with any female person not the wife of such male person for hire or gain.
- C. It is unlawful for any female person to have sexual intercourse with a male person not her husband for hire or gain.
- D. No person shall furnish or provide any female person for the purpose of having sexual intercourse with a male person not her husband for hire or gain. (1975 Code § 9.12.020)

4-1C-4: **INDECENT EXPOSURE**<sup>1</sup>: A person commits the offense of indecent exposure if the person knowingly or purposely exposes the person's genitals under circumstances in which the person knows the conduct is likely to cause affront or alarm in order to:

- A. Abuse, humiliate, harass, or degrade another; or
- B. Arouse or gratify the person's own sexual response or desire or the sexual response or desire of any person. (2006 Code)

4-1C-5: **PENALTY**: Any person violating a provision of this article for which another penalty has not been provided shall, upon conviction thereof, be punished as set forth in section 1-4-2 of this code. (1975 Code § 9.12.040)

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1. MCA § 45-5-504.



## CHAPTER 1

## GENERAL OFFENSES

**ARTICLE D. OFFENSES AGAINST PUBLIC PEACE<sup>1</sup>**

## SECTION:

- 4-1D-1: Disturbing The Peace  
 4-1D-2: Disorderly Houses  
 4-1D-3: Riot  
 4-1D-4: Disturbing Meetings  
 4-1D-5: Vagrancy  
 4-1D-6: Penalty

Amended  
 ORD # 151  
 4/23/2013

4-1D-1: **DISTURBING THE PEACE<sup>2</sup>**: No person within the town, or within three (3) miles of the town limits, shall wilfully and maliciously disturb the peace and quiet of any street, neighborhood, family, or person by loud, tumultuous noise, or by tumultuous or offensive conduct, or by using offensively loud radio or television sets, or by threatening, quarreling, scolding, hallooing, hollering, challenging to fight, or fighting, or by cursing, swearing, uttering obscene, profane, vulgar, or indecent language in the presence of any person or persons, or by committing any obscene, vulgar, indecent, or lewd act in any public place, or in view of any person or persons. (1975 Code § 9.16.010)

4-1D-2: **DISORDERLY HOUSES**: No person shall conduct, maintain or keep, any disorderly house. For the purposes of this section, a "disorderly house" is any house, room, tent or other structure or place of abode in which people live or abide or to which they resort, which is so maintained as to cause disturbance and annoyance or offense to the neighborhood or passersby, or which is used for purposes which are injurious to the public peace, quietness, safety, health, morals and

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1. Municipalities authorized to prevent and punish offenses against the public peace, see MCA § 7-32-4302; disorderly conduct, see MCA § 7-32-4304.

2. MCA § 45-8-101.

convenience, or in which prostitution is practiced, or which is habitually used for purposes of assignation and/or prostitution or is the resort of criminals, drunkards, vagrants, or other idle, dissolute or immoral persons, or to which persons resort for the purpose of concocting or planning crimes or misdemeanors, or other offenses against the public peace, health, safety, morals and good order. (1975 Code § 9.16.020)

**4-1D-3: RIOT<sup>1</sup>:**

- A. Definition: Any use of force or violence in a public place, disturbing the public peace, or any threats in a public place, to use force or violence, if accompanied by immediate power of execution, by two (2) or more persons acting together, and without authority of law, is a "riot". (1975 Code § 9.16.030)
- B. Prohibited: No person shall participate within the town, or within three (3) miles of the town limits, in any riot. (1975 Code § 9.16.040)
- C. Remaining Present After Warning To Disburse: No person shall remain present at the place of any riot within the town after the riot and rioters have been lawfully warned to disperse, except public officers and persons assisting public officers in attempting to disperse the same. (1975 Code § 9.16.050)

**4-1D-4: DISTURBING MEETINGS:** No person shall, at any time, wilfully and wantonly disturb any lawful meeting or assembly by noise, rude, offensive or improper behavior or language of any kind, or otherwise, or at all. (1975 Code § 9.16.060)

**4-1D-5: VAGRANCY<sup>2</sup>:** The following persons shall be deemed guilty of committing the crime of vagrancy:

- A. Every person begging food, money, drinks, lodging or other things, or soliciting charity for himself or dependents;
- B. Every person who lodges in or about any marketplace, shed, railroad car, outhouse, lavatory, restroom, warehouse, barn, service station, school, bar, cocktail lounge, or any other place of business or

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1. MCA § 45-8-103.

2. For power of town to define and control, see MCA § 7-32-4304.

structure within the town, without the permission of the owner or party entitled to possession thereof;

- C. Every person who lives upon the earnings of any prostitute;
- D. Every known prostitute, professional gambler, or any person who, by his acts in public, exhibits immorality or licentious conduct;
- E. Every person who annoys or molests any child. (1975 Code § 9.16.070)

4-1D-6: **PENALTY:** Any person violating a provision of this article for which another penalty has not been provided shall, upon conviction thereof, be punished as set forth in section 1-4-2 of this code. (1975 Code § 9.16.080)



## CHAPTER 1

## GENERAL OFFENSES

**ARTICLE E. OFFENSES AGAINST PROPERTY**

## SECTION:

- 4-1E-1:       Damage To Public Property
- 4-1E-2:       Utility Poles And Fixtures
- 4-1E-3:       Damage To Shrubs, Trees, Grass, Flowers
- 4-1E-4:       Advertisements
- 4-1E-5:       Handbills
- 4-1E-6:       Penalty

4-1E-1:       **DAMAGE TO PUBLIC PROPERTY:** No person shall wilfully and maliciously break, cut, tear down, destroy, or in any manner injure any motor vehicle, trailer, fire plug, machinery, hose, tool, utensil, or other property of any kind, belonging to or connected with the fire department of the town, or any jail, door, furniture, fixture, or other property of any kind, belonging to the town or any department thereof, or any public building, or schoolhouse. (1975 Code § 9.20.010)

4-1E-2:       **UTILITY POLES AND FIXTURES:** No person shall interfere with, cut, remove, break or destroy any telephone or electric light wires, poles or fixtures. (1975 Code § 9.20.020)

4-1E-3:       **DAMAGE TO SHRUBS, TREES, GRASS, FLOWERS:** It shall be unlawful for any person to, in any way, injure or destroy grass, trees, shrubs or flowers growing upon any public grounds, or anything placed in such places of a useful or ornamental character. (1975 Code § 9.20.030)

4-1E-4:       **ADVERTISEMENTS:** No person shall post, affix, place, write, draw or paint, or cause to be posted, affixed or otherwise attached, any advertisement, notice, handbill or placard on any telephone or electric light pole, tree, lamppost, fire hydrant, or municipal or other public building; provided, that official election notices for state, county and town or school district elections may be posted upon telephone, telegraph or electric light poles; and advertisements on bus benches may be installed and maintained on public boulevards. (1975 Code § 9.20.040)

4-1E-5:       **HANDBILLS:**

- A.    Definition: "Handbill" means and includes any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet, or any other printed or otherwise reproduced matter.
- B.    Prohibited; Exception: It is unlawful for any person to distribute, deposit, place, throw, scatter or cast any handbill in any public place or on any private premises, except as follows: It shall not be unlawful to:
1. Distribute any handbill in any public or private place to any person willing to accept the same;
  2. For a newspaper to distribute its newspapers on both public and private property;
  3. For a licensed distributor to distribute handbills in secured containers which are firmly attached to doors on private premises; provided, that such distribution shall not be made to persons requesting discontinuance thereof in writing; or
  4. Distribute official notices from governmental bodies. (1975 Code § 9.20.050)

4-1E-6:       **PENALTY:** Any person violating a provision of this article for which another penalty has not been provided shall, upon conviction thereof, be punished as set forth in section 1-4-2 of this code. (1975 Code § 9.20.060)

## CHAPTER 1

## GENERAL OFFENSES

**ARTICLE F. OFFENSES AGAINST PUBLIC LIBRARY**

## SECTION:

- 4-1F-1: Overdue Books  
4-1F-2: Penalty

4-1F-1: **OVERDUE BOOKS:** Any person who shall fail to return, within five (5) days after receipt of notice from the librarian, demanding the return to the library of such library material, no other books will be checked out to such person until the books are returned and the fines paid, or if the materials are lost, they must be paid for. If the listed materials are not returned or arrangements made to pay for them, the name of such person will be turned over to the chief of police who will contact such person concerning such matter. (Ord., 4-8-1985; amd. 2006 Code)

4-1F-2: **PENALTY:** Any person violating this article shall be punished by a fine from five dollars (\$5.00) to fifty dollars (\$50.00). (Ord., 4-8-1985; amd. 2006 Code)





CHAPTER 2

ANIMAL CONTROL

ARTICLE A. DEFINITIONS

SECTION:

4-2A-1: Definitions

Amended  
ORD# 147  
4/13/2010

4-2A-1: **DEFINITIONS:** As used in this chapter, the following words and terms shall have the meanings ascribed to them in this article:

**ADULT:** Any animal six (6) months of age or older.

**ANIMAL:** Any living creature, domestic or wild, including feline and canine, that are kept within the town.

**AT LARGE:** Refers to any canine off the premises of the owner and not under the control of the owner or any other competent person either by leash, cord, chain, or otherwise.

Amended  
ORD # 147  
4/13/2010

**HARASS OR HARASSES:** Worry, chase or run after livestock in a manner that may lead to subsequent injury to another human or animal.

**IMPOUND:** To sequester an animal at a place provided by the town for the impounding of canines or other animals. Hamilton pound and shelter will be used by the town of Darby.

**LEASH:** Cords, rope, chains or other similar devices of suitable strength to hold the animal to which it is attached.

Definition of Livestock added by Amendment  
ORD # 147  
4/13/2010

**OFFICER:** For the purpose of dealing with animals, any law enforcement officer, policeman, pound-master, dog warden or any other legally authorized person(s).

Amended  
ORD # 147  
4/13/2010

**OWNER:** Any person owning, keeping, maintaining, or harboring a canine or other animal, or who lets the same habitually remain or be fed in or about their premises. This term shall include the parents or legal guardians of minors who own animals kept within the town.

Amended  
ORD # 147  
4/13/2010

**PROLONGED:** Any canine or animal that continues to emit sounds that are objectionable to persons within the area of sound or noise. Prolonged may be habitual, continual, kept up, persistent, extended, resumed, or any other manner, other than letting the owner or custodian know of danger or of an intruder of their property or of improper care of such animal, so as to be objectionable to the peace and serenity of other people.

**VACCINATE:** The inoculation of any animal with an antirabies vaccine or other vaccinations deemed necessary by any licensed veterinarian.

**VICIOUS:** Any animal that bites or attempts to bite any human being without provocation or that worries, harasses, chases, bites, or attempts to bite any livestock, domestic pet, or hoofed game animal.

**WORRY:** To cause to feel uneasy in the mind, trouble, bother, pester, causing anxiety or vexation; or to harass by tearing, biting, snapping, shaking or pulling at with the teeth. (Ord. 137, 6-14-2005)

## CHAPTER 2

## ANIMAL CONTROL

**ARTICLE B. KEEPING OF ANIMALS OTHER  
THAN HOUSEHOLD PETS**

## SECTION:

- 4-2B-1: Certain Animals Prohibited  
 4-2B-2: Wild/Exotic Animals  
 4-2B-3: Livestock  
 4-2B-4: Penalty

Amended  
 ORD # 147  
 4/13/2010

**4-2B-1: CERTAIN ANIMALS PROHIBITED:**

- A. Swine: No person shall keep swine within the town limits. Swine may not be brought within the limits of the town except for marketing purposes.
- B. Cats And Dogs Limited: No person shall keep upon his premises more than three (3) "adult" feline or three (3) "adult" canine, as defined in section 4-2A-1 of this chapter.
- C. Rabbits: No person shall keep or maintain more than three (3) adult rabbits. The rabbits shall be confined to a pen, cage, or fenced yard at all times.
- D. Breeding Or Profit: It shall be unlawful for any animal to be kept or maintained for breeding or profit within the town limits. (Ord., 10-12-1995)

**4-2B-2: WILD/EXOTIC ANIMALS:**

- A. Definition: For the purpose of this section, a "wild/exotic animal" means any live monkey (nonhuman primate), raccoon, skunk, fox, poisonous snake, leopard, tiger, lion, lynx, wolf, or wolf hybrid, or

any mammal indigenous to the state of Montana taken from the wild state.

- B. **Display Or Exhibition:** No person shall keep or permit to be held on his or her premises any wild/exotic or vicious animal for display or for exhibition purposes, whether gratuitously or for a fee. This section shall not be construed to apply to zoological parks or their programs performing animal exhibits, or circuses.
- C. **Prohibited:** No person shall keep or permit to be kept any wild/exotic animal as a pet. (Ord., 10-12-1995)

**4-2B-3: LIVESTOCK:** Every person owning or having control of any of the following classes of domestic animals: horses, mules, asses, cattle, llamas, alpacas, emus, sheep, goats, chickens, ducks, canines, or turkeys at any time within the town limits shall keep the same within or upon his own premises at all times, except when such animals are necessarily passing through the public streets, and at such times the same shall be attended by some person competent to control and prevent them from damaging or troubling any person or property. (Ord., 10-12-1995; amd. 2006 Code)

**4-2B-4: PENALTY:**

- A. **Violation:** Any person violating this article shall, upon complaint and conviction thereof, be subject to penalty as provided in section 1-4-2 of this code. (Ord., 10-12-1995; amd. 2006 Code)
- B. **Separate Offense:** Each such person is guilty of a separate offense for each and every day during any portion of which any violation of any provision of this article is committed, continued or permitted by any such person, and he may be punished accordingly. (Ord., 10-12-1995)

Amended  
ORD #147  
4/13/2010

Amended  
ORD # 147

Added sections: 4-2 B-5:Permit  
4-2 B-6: Grandfather Clause  
4-2 B-7: Penalty  
4-2 B-8: Repealer  
4-2 B-9: Disclaimer

## CHAPTER 2

## ANIMAL CONTROL

**ARTICLE C. ANIMALS<sup>1</sup>**

## SECTION:

- 4-2C-1: Care Of Animals
- 4-2C-2: Cruelty To Animals
- 4-2C-3: Animal Waste
- 4-2C-4: Nuisance Animals
- 4-2C-5: Provoking Of Animals
- 4-2C-6: Complaints
- 4-2C-7: Interference With Any Officer
- 4-2C-8: Penalty

**4-2C-1: CARE OF ANIMALS:**

- A. **Required:** It shall be unlawful and a violation of this chapter for an owner to keep an animal within the town without providing such animal with sufficient, good, and wholesome food and water, proper shelter, and protection from the weather, adequate space, clean and sanitary enclosures, and humane care and treatment.
- B. **Running At Large:** No person owning or having the custody, control, or possession of a canine within the town limits shall permit the same to run at large within the said town limits at any time during the year. (Ord., 10-12-1995)

**4-2C-2: CRUELTY TO ANIMALS<sup>2</sup>:**

- A. **Pain Or Injury:** It is unlawful for any person to wilfully and cruelly inflict pain upon or injure any animal.

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1. See section 3-1-5 of this code for additional provisions regarding animal enclosures.

2. MCA § 45-8-211. For power of town to prohibit, see MCA § 7-23-4104.

- B. **Poison Or Other Toxic Substance:** It is unlawful for any person to lay out or expose any poison or other toxic substance for killing or injuring any animal or to aid or abet any person doing so.
- C. **Food, Water And Shelter:** No owner shall fail to provide any animal with sufficient, good, and wholesome food and water, proper shelter, and protection from the weather.
- D. **Abuse:** No person shall beat, ill treat, torment, overwork, or otherwise abuse any animal.
- E. **Abandon:** No owner of any animal shall abandon such animal. (Ord., 10-12-1995)

**4-2C-3: ANIMAL WASTE:**

- A. **Removal Required:** The owner or custodian of every animal shall immediately retrieve and remove all excreta deposited by his or her animal on public streets or ways, public walkways, public recreation areas, or in town parks.
- B. **Declared Nuisance:** It is a public nuisance for any person to keep or maintain any pen or enclosure, stable or building for animals in such a filthy or unsanitary condition as to be offensive to neighbors or passersby, or injurious to the health of the community. (Ord., 10-12-1995)

**4-2C-4: NUISANCE ANIMALS:**

- A. **Declared Public Nuisance:** It is hereby declared a public nuisance for any canine or other animal to destroy property or other pets, to bite or chase after persons not trespassing on the property of, or injuring or attempting to injure the person, family or property of the owner, to chase vehicles in public streets or ways, or by prolonged howling, yelping, barking, baying, or by any other means, cause annoyance or disturbance to any person.
- B. **Prohibited:** It is unlawful for any owner of any animal to permit such animal to cause any nuisance specified in this section.

C. **Abatement:**

1. **Issue Tickets And File Complaints:** It is unlawful for any person to own, harbor, keep, or maintain any such nuisance animal, and it shall be the duty of any officer to issue tickets and file complaints for all such violations in their presence.

2. **Complaints:** Any person aggrieved by a nuisance animal may file a complaint in the city court, charging the owner with a violation of this section.

3. **Third Conviction:** Upon third conviction under this section, the nuisance animal may be seized and taken up by any officer and put to death. (Ord., 10-12-1995)

4-2C-5: **PROVOKING OF ANIMALS:**

A. **Prohibited:** It is unlawful for any person to provoke, harass, tease, torment, or in any way disturb any animal with the intent to cause it to bark or attack any person.

B. **Open Gates Or Doors:** It is unlawful for any person to open gates or doors or otherwise cause or permit any animal to escape confinement against the wishes of the owner. (Ord., 10-12-1995)

4-2C-6: **COMPLAINTS:**

A. **Power To Demand Exhibition Of Animal:** For the purpose of enforcing this article, any officer is empowered to demand from the occupants of any premises, upon or in which any such canine is kept or harbored, the exhibition of such canine and the license or tag for the canine.

B. **Power To Examine And Take Possession:** Whenever complaint has been made that an animal is kept in a reportedly cruel or inhumane manner, the officer may examine such animal and take possession of the same when, in his opinion, it requires humane treatment. (Ord., 10-12-1995)

4-2C-7: **INTERFERENCE WITH ANY OFFICER:** It is unlawful for any person to prevent, hinder, obstruct or detain any officer in the

4-2C-7

4-2C-8

performance of any duty or power imposed on such officer by this title, or to release or attempt to release any animal in the custody of any officer. (Ord., 10-12-1995)

4-2C-8: **PENALTY:** Any person violating this article shall, upon conviction thereof, be subject to penalty as provided in section 1-4-2 of this code. (Ord., 10-12-1995; amd. 2006 Code)



## CHAPTER 2

## ANIMAL CONTROL

**ARTICLE D. IMPOUNDMENT**

## SECTION:

- 4-2D-1: Seizure And Impoundment
- 4-2D-2: Impoundment Notice And Terms
- 4-2D-3: Disposition Of Unredeemed Animals
- 4-2D-4: Alternative To Disposition
- 4-2D-5: Rabies And Other Infectious Disease Quarantine
- 4-2D-6: Illegal Opening Of Pound

4-2D-1: **SEIZURE AND IMPOUNDMENT:**

- A. **Running At Large:** Any canine which is found running at large without the identification tag or canine license tag which is pursuant to section 4-2E-5 of this chapter may be seized and impounded by any officer.
- B. **Nuisance Animal:** Any animal which has created a nuisance described in section 4-2C-4 of this chapter may be impounded by any officer. (Ord., 10-12-1995)

4-2D-2: **IMPOUNDMENT NOTICE AND TERMS:**

- A. **Notice To Owner:** The impounding officer shall give notice of impoundment of any animal by causing personal service on the owner or some responsible person at the owner's residence or place of business. If such person cannot be found, notice shall be given of the animal's detention by posting the information of impoundment in two (2) separate places in town.
- B. **Redemption By Owner:** The owner must redeem the impounded animal within five (5) days' giving of notice, or it shall be subject to

disposal by the poundmaster as provided in section 4-2D-3 of this article. The owner of any impounded animal may not regain possession of the animal until he has paid an impounding fee set by the poundmaster.

- C. Ticket; Notice To Appear: Any officer may issue a ticket or notice to appear in court to the person redeeming any animal impounded for the violation of any provisions of this title, and file a complaint in the city court. (Ord., 10-12-1995)

4-2D-3:       **DISPOSITION OF UNREDEEMED ANIMALS:** The refusal or failure of the owner of any such impounded animal to pay the fee and charges within five (5) days of notification shall be held to be an abandonment of the animal by the owner. The poundmaster may offer the animal for sale. The sale and certificate of sale shall confer title and ownership to the animal, free of all claims and interest of the previous owner. In the event that any impounded animal is not redeemed by the owner or purchased, it may be disposed of by the poundmaster in a humane manner. Any impounded animal suffering from an infectious disease shall not be released, but must be put to death, unless any licensed veterinarian shall otherwise order. (Ord., 10-12-1995)

4-2D-4:       **ALTERNATIVE TO DISPOSITION:** Whenever an animal is to be put to death under this article, except for infection with rabies, or other infectious diseases which may be hazardous to the community or other animals as deemed by licensed veterinarian, the owner or another person may apply to the city court for permission to remove the animal permanently from the town, upon such person's filing with the court his written agreement to remove the animal from the town and be responsible for its remaining out permanently, the city judge may, in his discretion, make an order allowing the animal to be removed from the town instead of being put to death. (Ord., 10-12-1995)

4-2D-5:       **RABIES AND OTHER INFECTIOUS DISEASE QUARANTINE:**

- A. Seizure: Every animal which has been bitten by or exposed to an animal suspected to have been infected with rabies or other infectious disease, deemed necessary by a licensed veterinarian, shall be forthwith seized and taken up by any officer and securely and separately impounded in the animal shelter.

- B. **Quarantine:** Such animal shall be quarantined in the pound or at a licensed veterinarian facility for a period of fourteen (14) days for rabies. For other infectious diseases, animals shall be quarantined for the amount of time deemed necessary by a licensed veterinarian.
- C. **Redemption By Owner:** If, after observation for such period, any such animal is adjudged free of rabies, the owner may reclaim the animal upon the payment of the regular keeping fees.
- D. **Diagnosed As Rabid:** In the event that any animal under quarantine or other confinement is diagnosed as being rabid, it shall be disposed of only under the order and direction of the police officer in his discretion.
- E. **Delay Or Obstruction Of Officer:** No person shall delay or obstruct any officer in the enforcement of this section. (Ord., 10-12-1995)

4-2D-6: **ILLEGAL OPENING OF POUND:** Any person breaking open or otherwise injuring or in any manner directly or indirectly aiding, counseling, or advising the breaking open or injuring the town pound, shall be deemed guilty of a misdemeanor. (Ord., 10-12-1995)



CHAPTER 2  
ANIMAL CONTROL  
**ARTICLE E. CANINE**

**SECTION:**

- 4-2E-1: License Requirements
- 4-2E-2: Rabies Vaccination
- 4-2E-3: License Fee
- 4-2E-4: Canine Registry
- 4-2E-5: Tag And Collar
- 4-2E-6: Leash Required
- 4-2E-7: Vicious Animals
- 4-2E-8: Kennels
- 4-2E-9: Penalty

**4-2E-1: LICENSE REQUIREMENTS:**

- A. License Required: No person shall keep, own, or have in his possession within the town, whether on his premises or running at large, any canine, at least six (6) months of age, without first having obtained a license for the same as provided in this article.
- B. Application; Fee: Licenses for canine shall be issued by the town clerk-treasurer upon application for the same as provided in this article and payment of the license fee provided in section 4-2E-3 of this article.
- C. Required Information: No license shall be issued unless and until the person applying therefor first sets forth on the application the age, breed, sex, color, alteration, if any, and other descriptive markings of the canine to be licensed, and the name and address of the owner or possessor.
- D. When Required: Canine shall be licensed on or before December 31 of each year, subject to the exception that owners or possessors of

newly acquired canine brought in the town shall obtain a license for such canine within thirty (30) days after bringing such canine into the town and the owners or possessors of puppies or young canine shall license such canine within six (6) months of their birth.

- E. Issuance To Persons Under Eighteen: Licenses shall not be issued to any person under the age of eighteen (18) years of age unless a parent or guardian signs the application as a coowner. (Ord., 10-12-1995)

4-2E-2: **RABIES VACCINATION:** No license shall be issued unless and until the application accompanies a certificate by a duly qualified veterinarian that the canine has been vaccinated and/or inoculated against rabies, and that the vaccination or inoculation will be reasonably effective for the period of the license to be issued to the usual standards of veterinarian medicine. (Ord., 10-12-1995; amd. 2006 Code)

4-2E-3: **LICENSE FEE:**

- A. Fees: A license fee of five dollars (\$5.00) shall be paid for each neutered canine male, spayed canine bitch and a licensing fee of ten dollars (\$10.00) shall be paid for each unspayed canine bitch and unneutered canine male.
- B. Senior Citizens: Citizens who will be sixty (60) years of age or older during the licensing period shall pay no fee for one neutered canine male or one spayed canine bitch and the same as all other citizens for an unneutered canine male or unspayed canine bitch or any amount of canine over one.
- C. Failure To License Prior To April 1: Whenever any canine owner fails or delays to obtain a license prior to April 1 of each year the license fee shall be doubled.
- D. Guide Dogs: Licenses for assistance dogs shall be furnished without charge, upon proof of vaccination. (Ord., 10-12-1995; amd. 2006 Code)

4-2E-4: **CANINE REGISTRY:** The town clerk-treasurer shall keep and maintain the canine registry. (Ord., 10-12-1995)

**4-2E-5: TAG AND COLLAR:**

- A. **Metallic Licenses:** Licenses shall be of a metallic type, capable of being worn on the collar of a canine and shall be worn on the collar of each licensed canine.
- B. **Collar Required:** Every owner is required to provide each canine with a substantial collar, to which the license tag shall be affixed at all times.
- C. **Running At Large Without Tag:** Any canine found off the owner's premises without a license tag shall be deemed unlicensed even though a license has been issued for such canine.
- D. **Duplicate Tag:** In the event that a canine tag is lost or destroyed, a duplicate shall be issued by the town clerk-treasurer upon presentation of an affidavit by the owner or possessor to that effect and the payment of one dollar (\$1.00) for the duplicate license.
- E. **Tags Nontransferable:** License tags are not transferable from one canine to another, and it shall be unlawful for any person to cause or permit a license tag to be placed upon a canine for which it was not issued.
- F. **Refunds:** No refund shall be made on any canine license fee because of the death of the canine or the owner leaving the town before the expiration of the license period. (Ord., 10-12-1995)

**4-2E-6: LEASH REQUIRED:** All canine within the town limits must be restrained by an adequate fence or "leash" at all times as defined in article A of this chapter. (Ord., 10-12-1995)

**4-2E-7: VICIOUS ANIMALS:**

- A. **Prohibited; Exception:** No persons shall keep or permit to be kept on his or her premises any vicious animal, excluding registered guard animals.
- B. **Animal Bite:** Whenever affidavit shall be made before the city judge that any canine or other animal has bitten a person or other animal in said town or is terrorizing the residents of any portion of the town, and that the bitten person, or persons, or animal so terrorized by

such vicious animal was not at the time trespassing upon the person or property of the owner or possession of said canine, the judge shall issue an order directing the owner or possessor of said canine or other animal to appear in court for disposition of the charge.

- C. Definition: "Canine bite" shall mean a wound of either a laceration or puncture type wherein the continuity of the skin is broken, such wound having been inflicted by the teeth of canine.
- D. Report To County Health Officer: If any canine bites any person or other animal in the town, such canine bite shall be reported immediately to the county health officer, or any officer, by such person or his parent or guardian. At the discretion of the health officer or the poundmaster, such canine shall be handled according to section 4-2D-5 of this chapter. Biting canines not claimed by the owner must be destroyed or sold after expiration of the confinement period.
- E. Destruction Of Animal: The judge may also, in his discretion, order the dog killed within twenty four (24) hours if deemed necessary. Refusal or neglect to kill any such animal within twenty four (24) hours after receiving such order shall constitute a violation of this article.
- F. Public Nuisance Declared: Any canine, while at large, which worries, harasses, chases, bites or attempts to bite any human or other animal shall be deemed a vicious animal and a public nuisance and may be seized and taken up by any officer and put to death. (Ord. 137, 6-14-2005)

**4-2E-8: KENNELS:**

- A. Definitions: As used in this section, the following words and terms shall have the meanings ascribed to them in this subsection:

<b>COMMERCIAL KENNEL:</b>	A place where canines or felines other than those owned by the kennel owner are kept and boarded for any period in excess of twenty four (24) hours. Female canines or felines are bred for the sole purpose of the sale of puppies or kittens for profit and female canines or felines numbering more than three (3) constitute a commercial kennel.
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**NON-  
COMMERCIAL  
KENNEL:**

A kennel at, in or adjoining a private residence where canines or felines are kept for the hobby or protection of the householder's property in accordance to subsection 4-2B-1B of this chapter. The occasional raising of a litter of puppies or kittens at the kennel should not change the character of residential property (no more than one litter of puppies or kittens shall be allowed in a calendar year).

- B. **Prohibited:** It shall be unlawful for any person to maintain or operate, or cause to be maintained or operated, at any place within the town, any commercial kennel. (Ord., 10-12-1995)

4-2E-9: **PENALTY:** Any person convicted of an offense under this article is guilty of a misdemeanor and subject to penalty as provided in section 1-4-2 of this code. (Ord. 137, 6-14-2005; amd. 2006 Code)



**CHAPTER 3**  
**CURFEW**

**SECTION:**

- 4-3-1: Definitions
- 4-3-2: Curfew Imposed
- 4-3-3: Posted Notice Of Curfew Areas
- 4-3-4: Exemptions
- 4-3-5: Temporary Custody Procedure
- 4-3-6: Parental Responsibility
- 4-3-7: Violation; Penalty

4-3-1: **DEFINITIONS:** As used in this chapter, the following words and terms shall have the meanings ascribed to them in this section:

**PUBLIC PLACE:** An area generally visible to public view, and includes, but is not limited to, streets, sidewalks, bridges, alleys, plazas, parks, parking lots, automobiles (whether moving or not), and buildings open to the general public, including those which serve food or drink or provide entertainment, and the doorways and entrances to such buildings and the grounds enclosing them.

**TOWN:** The area designated to be within the Darby town limits. (Ord. 9.28, 1-9-1995)

4-3-2: **CURFEW IMPOSED:**

- A. **Under Age Of Sixteen:** No minor under the age of sixteen (16) shall be in or upon any public street, highway, alley, park, vacant lot or other public place in the town between the hours of ten o'clock (10:00) P.M. and six o'clock (6:00) A.M. of the following day for all

days of the week excepting Friday and Saturday. On Friday and Saturday, no minor under the age of sixteen (16) years shall be in or upon any of the above mentioned places between the hours of eleven o'clock (11:00) P.M. and six o'clock (6:00) A.M. of the following day.

- B. **Sixteen Or Older:** No minor sixteen (16) years of age or older shall be in or upon any public street, highway, alley, park, vacant lot or other public place in the town between the hours of eleven o'clock (11:00) P.M. and six o'clock (6:00) A.M. of the following day for all days of the week excepting Friday and Saturday. On Friday and Saturday, no minor sixteen (16) years of age or older shall be in or upon any of the above mentioned places between the hours of twelve o'clock (12:00) midnight and six o'clock (6:00) A.M.
- C. **Separate Offense:** Each violation of the provisions of this section constitutes a separate offense. (Ord. 9.28, 1-9-1995)

4-3-3: **POSTED NOTICE OF CURFEW AREAS:** On a major street of the town there shall be posted signs which shall read substantially as follows:

*CURFEW AREA*

*1. NO MINORS UNDER 16 FROM 10 P.M. TO 6 A.M. WEEK-DAYS, 11 P.M. TO 6 A.M. FRIDAY AND SATURDAY;*

*2. NO MINORS 16 AND OLDER FROM 11 P.M. TO 6 A.M. WEEKDAYS, 12 MIDNIGHT TO 6 A.M. FRIDAY AND SATURDAY.*

*City Ordinance No. 9.28  
Maximum Penalty - \$150*

(Ord. 9.28, 1-9-1995)

4-3-4: **EXEMPTIONS:** The provisions of this chapter shall not apply in the following situations:

- A. **Accompanied By Parent, Legal Guardian, Or Other Responsible Person:** At any time, if the minor is accompanied by his or her parent, legal guardian, or other responsible person who is over the age of twenty one (21) and approved by the minor's parent,

guardian, custodian or other adult person having custody or control of such minor to accompany said minor.

- B. On An Errand: If the minor is on an errand as directed by his or her parent, guardian, custodian or other adult person having custody or control of such minor.
- C. Employed: If the minor is legally employed, for the period one-half ( $\frac{1}{2}$ ) hour before to one-half ( $\frac{1}{2}$ ) hour after work, while going directly between his or her home and place of employment.
- D. Adult Organized/Supervised Activity: If the minor is coming directly home from an adult organized/supervised activity or a place of public entertainment, such as a movie, play or sporting event. This exception will apply for one-half ( $\frac{1}{2}$ ) hour after the completion of such event.
- E. Emergency Errand: If the minor is on an emergency errand directed or permitted by his parent, guardian, custodian or other adult person having custody or control of such minor.
- F. Accredited Educational Institution Events: If the minor is traveling by a direct route to or from an event sponsored by an accredited educational institution.
- G. Interstate Travel: If the minor is in a motor vehicle and engaged in interstate travel with the consent of a parent, guardian, custodian or other adult person having custody or control of such minor through the state of Montana. (Ord. 9.28, 1-9-1995)

4-3-5: **TEMPORARY CUSTODY PROCEDURE:** A police officer who reasonably believes that a minor is violating any of the provisions of this chapter shall have authority to take the minor into custody and deliver or arrange to deliver the minor either to:

- A. The minor's parent, guardian or other adult person having custody or control of such minor; or
- B. The appropriate juvenile authority. (Ord. 9.28, 1-9-1995)

4-3-6: **PARENTAL RESPONSIBILITY:** It shall be unlawful for the parent, guardian or other adult person having custody or control of a minor to permit or by inefficient control to allow a violation of

this chapter by a minor in his or her custody or control. (Ord. 9.28, 1-9-1995)

**4-3-7: VIOLATION; PENALTY:**

- A. Infraction: A violation of any of the provisions of this chapter is designated a civil infraction.
- B. Penalty: A person found to have committed an infraction under this chapter shall be assessed a monetary penalty. No penalty may be less than twenty five dollars (\$25.00) nor more than one hundred fifty dollars (\$150.00) for each offense. In lieu of payment for all or part of the monetary penalty, the court may provide for the performance of community service. (Ord. 9.28, 1-9-1995)

CHAPTER 4  
**NOISE CONTROL**

SECTION:

- 4-4-1: Declaration Of Policy
- 4-4-2: Definitions
- 4-4-3: Noise Prohibited
- 4-4-4: Maximum Permissible Noise Levels
- 4-4-5: Measurement Of Noise
- 4-4-6: Action To Abate
- 4-4-7: Permit For Relief
- 4-4-8: Violation; Penalty

4-4-1:       **DECLARATION OF POLICY:** It is hereby declared to be the public policy of the town to regulate the ambient noise levels in the town so as to preserve, protect and promote the public health, safety and welfare, and the peace and quiet of the inhabitants of the town. It is the public policy of the town that every person is entitled to live in an environment where ambient noise levels are not detrimental to life, health and enjoyment of his property and community. It is hereby declared that the making, creation and maintenance of excessive and unnecessary noises within the town affect and are a menace to public health, comfort, convenience, safety, welfare, and prosperity of the people of the town. For the purpose of controlling and reducing such noises, the town shall hereby set necessary noise standards. (Ord. 9.18, 9-19-1979)

4-4-2:       **DEFINITIONS:** As used in this chapter, the following words and terms shall have the meanings ascribed to them in this section:

**DECIBEL:**                   A unit used to express the magnitude of the change in sound intensity or some pressure level. The difference in decibels between a measured sound pressure level and a reference sound pressure level is twenty (20) times the logarithm of their ratio (i.e.,  $SPL [dB] = 20 \log Pa/Po$ , e.g., an increase of 6 decibels [dB]

represents a doubling of the sound pressure level, and a decrease of 6 dB represents a halving of the sound pressure level [spl]).

**HEALTH:** An optimal state of physical, mental, and emotional well being and not merely the absence of disease. (Ord. 9.18, 9-19-1979)

**4-4-3: NOISE PROHIBITED:**

- A. **Making And Creating Prohibited:** The making and creating of an excessive or unusually loud noise within the town as heard without measurement or as measured in the manner prescribed in section 4-4-5 of this chapter is declared to be unlawful except when made under and in compliance with a permit issued pursuant to section 4-4-7 of this chapter.
- B. **Operation Of Vehicle, Machine Or Device:** No person shall operate any vehicle, machine or device or carry on any other activity in such a manner as violates this chapter. (Ord. 9.18, 9-19-1979)

**4-4-4: MAXIMUM PERMISSIBLE NOISE LEVELS:**

- A. **Vehicles:** It shall be unlawful to own or operate a motor vehicle which produces a maximum noise exceeding eighty five (85) dBA as measured at a distance of twenty five feet (25') from the center of the lane of travel or twenty five feet (25') from said vehicle designed for off highway use, under test procedures established by the town council or its designee. On rare occasions in construction projects, it may be necessary to operate special machines which exceed eighty five (85) dBA. A variance or exception to this chapter may be requested to operate such machines for a specified period of time.
- B. **Music:** It shall be unlawful for music within the town to exceed the following limits as measured at a distance of twenty five feet (25') from the point where the music originates:

75 dBA	6:00 A.M. to 12:00 midnight
70 dBA	12:00 midnight to 6:00 A.M.

On weekdays, the limit will reduce to 70 dBA at 10:00 P.M.

(Ord. 9.18, 9-19-1979)



- C. **Faulty Or Nonstock Muffler Systems:** Automobiles and motorcycles with faulty or nonstock muffler systems are the major source of vehicular noise. If a driver is given a summons for excessive vehicular noise, he is given ten (10) days to correct the problem. If the vehicle is brought into compliance and inspected by a town police officer, dismissal of the case may be recommended to the court. (Ord. 9.18, 9-19-1979; amd. 2006 Code)
- D. **Exemptions:** The requirements, prohibitions and terms of this chapter shall not apply to the following uses:
1. Warning signal devices of any authorized emergency vehicles acting in time of emergency.
  2. Civil defense warning signal devices when sounded either for testing purposes or in time of actual emergency.
  3. Fire emergency warning signal devices when sounded in time of fire emergency.
  4. Activities of a temporary duration permitted by law and for which a license or permit has been granted by the town, including, but not limited to, parades and firework displays. (Ord. 9.18, 9-19-1979)

4-4-5: **MEASUREMENT OF NOISE:** For the purpose of determining and classifying any noise as excessive or unusually loud as prohibited by this chapter, the following test measurements and requirements may be applied; but a violation of section 4-4-4 of this chapter may occur without the following measurements:

- A. **Measured On Sound Level Meter:** The noise shall be measured on a sound level meter operated on the "A" weighted scale.
- B. **Consideration To The Effect:** In all sound level measurements, consideration shall be given to the effect of the ambient noise level created by the encompassing noise of the environment from all sources at the time of such level measurements.
- C. **Readings Taken By Town Council:** Readings of the sound level meter shall be taken by the town council or its duly authorized representatives. (Ord. 9.18, 9-19-1979)

4-4-6: **ACTION TO ABATE:** Whenever there is reason to believe a "nuisance" exists as defined in section 4-4-4 of this chapter, any resident of the town may maintain an action in equity in the city court to abate and prevent such nuisance and to perpetually enjoin the person conducting or maintaining the same; the owner, lessee or agent of the building or place in or upon which such nuisance exists, from directly or indirectly maintaining or permitting such nuisance. The court may stay the effect of any order issued hereunder for such time as it is reasonably necessary for the defendant to come into compliance with the provisions of this chapter. (Ord. 9.18, 9-19-1979)

4-4-7: **PERMIT FOR RELIEF:** Applications for a permit for relief from the noise level designated in this chapter, on the basis of undue hardship, may be made to the town council or its duly authorized representative. Any permit so granted shall contain all conditions upon which it has been granted and shall specify a reasonable time that the permit shall be effective. The town council, or its duly authorized representative, may grant the relief as applied for if it finds:

- A. Additional time is necessary for applicant to alter or modify his activity or operation to comply with this chapter; or
- B. The activity, operation or noise source will be of temporary duration and cannot be done in a manner complying with section 4-4-4 of this chapter, and
- C. No other reasonable alternative is available to applicant, and
- D. The town council may prescribe any conditions or requirements it deems necessary to minimize adverse effects upon the community or the surrounding neighborhood. (Ord. 9.18, 9-19-1979)

4-4-8: **VIOLATION; PENALTY:**

- A. Violation: Any person, partnership, association or corporation violating the provisions of this chapter shall be subject to penalty as provided in section 1-4-2 of this code. Each offense or violation of this chapter shall be deemed a separate and distinct offense.
- B. Selling Or Offering For Sale Vehicle In Violation: Any person selling or offering for sale a vehicle in violation of section 4-4-4 of this chapter shall be guilty of a misdemeanor, and upon conviction

thereof, shall be subject to penalty as provided in section 1-4-2 of this code. (Ord. 9.18, 9-19-1979; amd. 2006 Code)



## CHAPTER 5

**WEAPONS<sup>1</sup>**

## SECTION:

- 4-5-1: Carrying Concealed Weapons  
 4-5-2: Exceptions  
 4-5-3: Penalty

4-5-1: **CARRYING CONCEALED WEAPONS:** No person within the limits of the town shall wear under his clothes or concealed or partially concealed upon his person, any dirk, dagger, pistol, revolver, sword cane, billy, blackjack, knuckles made of any metal or hard substance, knife having a blade four inches (4") long or longer, razor, not including a safety razor, or other deadly weapon. (1975 Code § 9.24.010)

4-5-2: **EXCEPTIONS:** The prohibition of section 4-5-1 of this chapter does not apply to:

- A. A sheriff or his deputy;
- B. A marshal or chief of police or their deputies;
- C. A constable or his deputy;
- D. A police officer or special policeman;
- E. A United States marshal or his deputy;
- F. A person in the secret service of the United States;
- G. A game warden or his deputy;
- H. A United States forest reserve official or his deputy;

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1. Town may prevent the carrying of concealed weapons, see MCA § 7-32-4305.

- I. A person in actual service as a national guardsman;
- J. A revenue officer or his deputy;
- K. A person summoned to the aid of any of the foregoing named persons;
- L. A civil officer or his deputy engaged in the discharge of official business;
- M. A person authorized by a judge of a district court of this state to carry a weapon;
- N. The carrying of arms by any person on his own premises or at his home or place of business;
- O. Any peace officer of the state. (1975 Code § 9.24.020)

4-5-3: **PENALTY:** Any person violating a provision of this chapter for which another penalty has not been provided shall, upon conviction thereof, be punished as set forth in section 1-4-2 of this code. (1975 Code § 9.24.030)