

protest against such change is signed by the owners of 20% or more either of the area of the lots included in such proposed change, or of those immediately adjacent in the rear thereof extending 150 feet therefrom, or of those directly opposite thereto extending 150 feet from the street frontage of such opposite lots, then such amendments may not become effective except by the favorable vote of three-fourths of the Town council.

SECTION 14. SCHEDULE OF FEES

- A. The Town council shall establish a schedule of fees and charges and a collection procedure for zoning permits, conditional use permits, variances and zoning amendments.
- B. Until all applicable fees and charges have been paid in full, no action may be taken on any application or appeal.
- C. Fee Summary

(1) Zoning Permit	
Single-family residential	\$ 25
All other	\$ 50
(2) Conditional Use Permit	\$200
(3) Zoning Amendment	\$400
(4) Variance (Bd. of Adjustment)	
Single-family residential	\$ 25
All other	\$100

SECTION 15. VIOLATION OF ORDINANCE; PENALTIES

A. Filing a Complaint

Whenever a violation of this Ordinance occurs or is alleged to have occurred, any person may file a written complaint. The complaint, stating fully the causes and basis of the violation, shall be filed with the Zoning Administrator. He shall properly record the complaint and immediately investigate and take action as provided by this Ordinance.

B. Penalties

- 1. Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with the grant of variances or conditional uses or any of the requirements for conditions imposed by the Town council, shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall upon conviction 'thereof be fined not more than \$500 for each offense or imprisoned not more than six months, or both, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense and be punishable as such (76-2-315,

MCA).

2. The owner or tenant of any building, structure, premises or part thereof, and any architect, builder, contractor, agent or other person who commits, participates in, assists, or maintains such violation may be found guilty of a separate offense and suffer the penalties specified above.
3. Nothing set forth in this section shall prevent the City from taking other lawful action as is necessary to prevent or remedy any violation.

SECTION 16. SEPARABILITY CLAUSE

Should any section or provision of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the decision shall not affect the validity of the Ordinance as a whole, or any part thereof other than the part declared to be unconstitutional or invalid.

ARTICLE II. GENERAL REQUIREMENTS

The provisions of this Article shall apply to all lands, uses and structures subject to this Ordinance.

SECTION 17. NONCONFORMING LOTS, USES AND STRUCTURES

A. Purpose

1. Within the districts established by this Ordinance, lots, structures, and uses of land and structures may exist which were lawful at the time this Ordinance was adopted or amended, but which would be prohibited or regulated under the terms of this Ordinance or future amendment. The intent of this Section is to permit these nonconformities to continue until they are removed, but not to encourage their survival. This Ordinance further intends that nonconformities shall not be enlarged, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.
2. Nonconforming uses are declared by this Ordinance to be incompatible with permitted uses in the same district. However, to avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation, demolition or removal of an existing building has substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

B. Nonconforming Lots of Record
