

Town of West Yellowstone

Tuesday, August 6, 2024

West Yellowstone Town Hall, 440 Yellowstone Avenue

The Town Council work session/meeting will be conducted in person and virtually using ZOOM, connect at zoom.us or through the Zoom Cloud Meetings mobile app.

Meeting ID: 893 834 1297.

TOWN COUNCIL WORK SESSION – 5:00 PM

5:00 PM - FY 2023 Audit Report

Discussion

5:30 PM - FY 2025 Budget – Budget Review

Discussion.

6:00 PM - Pending Litigation, West Development Lawsuit – Executive Session, Closed to the Public

TOWN COUNCIL MEETING – 7:00 PM

Pledge of Allegiance

Comment Period

- Public Comment
- Council Comments

Treasurer's & Securities Reports

Purchase Orders #6241 to Dana Safety Supply, Inc. – equipment for 2 patrol vehicles, \$34,412.00
#6242 to Elan City – (2) radar speed signs, \$6200.00

Claims

Business License Applications

Consent Agenda

Minutes: **July 16, 2024 Town Council Meeting**

Town Manager & Staff Reports

Advisory Board Reports

Public Hearing: Ordinance No. 276 – Revised Zoning Code

NEW BUSINESS

Ordinance No. 276, Revised Zoning Code, 1 st Reading	Discussion/Action
Application to Maintain an Encroachment, 15 Hayden Street, storage	Discussion/Action
Municipal Auditor Recommendation	Discussion/Action
Pioneer Park Bathrooms Cleaning Contract	Discussion/Action
Change Order, Museum Roof Project, \$5625.00	Discussion/Action
Change Order, Police Department Roof Project, \$6500.00	Discussion/Action
Resolution No. 805, Cemetery Fees	Discussion/Action
USFS Easement Request for Cemetery Expansion	Discussion/Action
Residential Building Permits Report	Discussion
Correspondence/FYI/Meeting Reminder	



Policy No. 16 (Abbreviated)
Policy on Public Hearings and Conduct at Public Meetings

Public Hearing/Public Meeting

A public hearing is a formal opportunity for citizens to give their views to the Town Council for consideration in its decision-making process on a specific issue. At a minimum, a public hearing shall provide for submission of both oral and written testimony for and against the action or matter at issue.

Oral Communication

It is the Council's goal that citizens resolve their complaints for service or regarding employees' performance at the staff level. However, it is recognized that citizens may from time to time believe it is necessary to speak to Town Council on matters of concern. Accordingly, Town Council expects any citizen to speak in a civil manner, with due respect for the decorum of the meeting, and with due respect for all persons attending.

- No member of the public shall be heard until recognized by the presiding officer.
- Public comments related to non-agenda items will only be heard during the Public Comment portion of the meeting unless the issue is a Public Hearing. Public comments specifically related to an agenda item will be heard immediately prior to the Council taking up the item for deliberation.
- Speakers must state their name for the record.
- Any citizen requesting to speak shall limit him or herself to matters of fact regarding the issue of concern.
- Comments should be limited to three (3) minutes unless prior approval by the presiding officer.
- If a representative is elected to speak for a group, the presiding officer may approve an increased time allotment.
- If a response from the Council or Board is requested by the speaker and cannot be made verbally at the Council or Board meeting, the speaker's concerns should be addressed in writing within two weeks.
- Personal attacks made publicly toward any citizen, council member, or town employees are not allowed. Citizens are encouraged to bring their complaints regarding employee performance through the supervisory chain of command. Any member of the public interrupting Town Council proceedings, approaching the dais without permission, otherwise creating a disturbance, or failing to abide by these rules of procedure in addressing Town Council, shall be deemed to have disrupted a public meeting and, at the direction of the presiding officer, shall be removed from the meeting room by Police Department personnel or other agent designated by Town Council or Town Manager.

General Town Council Meeting Information

- Regular Town Council meetings are held at 7:00 PM on the first and third Tuesdays of each month at the West Yellowstone Town Hall, 440 Yellowstone Avenue, West Yellowstone, Montana.
- Presently, informal Town Council work sessions are held prior to regular Tuesday meetings and occasionally on other mornings and evenings. Work sessions also take place at the Town Hall located at 440 Yellowstone Avenue.
- The schedule for Town Council meetings and work sessions is detailed on an agenda. The agenda is a list of business items to be considered at a meeting. Copies of agendas are available at the entrance to the meeting room.
- Agendas are published at least 48 hours prior to Town Council meetings and work sessions. Agendas are posted at the Town Offices and at the Post Office. In addition, agendas and packets are available online at the Town's website: www.townofwestyellowstone.com. Questions about the agenda may be directed to the Town Clerk at (406) 646-7795 or eroos@townofwestyellowstone.com.
- Official minutes of Town Council meetings are prepared and kept by the Town Clerk and are reviewed and approved by the Town Council. Copies of approved minutes are available at the Town Clerk's office or on the Town's website: www.townofwestyellowstone.com.



July 30, 2024

To the Honorable Mayor, and Town Council of
Town of West Yellowstone, Montana:

We have audited the financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the Town of West Yellowstone, Montana for the year ended June 30, 2023. Professional standards require that we communicate to you the following information related to our audit.

Our Responsibilities under U.S. Generally Accepted Auditing Standards and Governmental Auditing Standards

As stated in our engagement letter dated October 30, 2023, our responsibility, as described by professional standards, is to express opinions about whether the financial statements prepared by management with your oversight are fairly presented, in all material respects, in conformity with U.S. generally accepted accounting principles. Our audit of the financial statements does not relieve you or management of your responsibilities.

As part of our audit, we considered the internal control of the Town of West Yellowstone, Montana. Such considerations were solely for the purpose of determining our audit procedures and not to provide any assurance concerning such internal control.

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we performed tests of the Town of West Yellowstone, Montana's compliance with certain provisions of laws, regulations, contracts, and grants. However, providing an opinion on compliance with those provisions was not an objective of our audit.

Planned Scope and Timing of the Audit

We performed the audit according to the planned scope and timing previously communicated to you in our meeting about planning matters on November 20, 2023.

Significant Audit Matters

Qualitative Aspects of Accounting Practices

Management is responsible for the selection and use of appropriate accounting policies. The significant accounting policies used by the Town of West Yellowstone are described in Note 1 to the financial statements. As described in Note 1 to the financial statements the Town adopted accounting GASB Statement No. 96, *Subscription-Based Information Technology Arrangements (SBITA)*, in fiscal year 2023. The implementation of this standard did not have a material effect on the Town's financial statements. The application of existing policies was not changed during the year ended June 30, 2023. We noted no transactions entered into by the Town during the year for which there is a lack of authoritative guidance or consensus. All significant transactions have been recognized in the financial statements in the proper period.

Accounting estimates are an integral part of the financial statements prepared by management and are based on management's knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ significantly from those expected.

The most sensitive estimates affecting the financial statements were the following:

Capital assets' useful lives, potential impairments, and depreciation are estimates made by management.

Other post-employment healthcare benefits are based on a calculation completed using assumptions and information provided by the benefit provider and their actuarial calculations.

The Town's proportionate share of the net pension liability is based on estimates used in the actuarial calculation for the entire pension plan and the allocation of the Town's proportionate share of that liability.

We evaluated the key factors and assumptions used to develop the estimates in determining that these balances are reasonable in relation to the financial statements taken as a whole.

Certain financial statement disclosures are particularly sensitive because of their significance to financial statement users. The most sensitive disclosures affecting the financial statements were the annual debt service requirements for long-term debt, other post-employment benefits liability and net pension liability.

The financial statement disclosures are neutral, consistent and clear.

Difficulties Encountered in Performing the Audit

We encountered no significant difficulties in dealing with management in performing and completing our audit.

Corrected and Uncorrected Misstatements

Professional standards require us to accumulate all known and likely misstatements identified during the audit, other than those that are clearly trivial, and communicate them to the appropriate level of management. Management has corrected all such misstatements. The following material misstatements detected as a result of audit procedures were corrected by management: Resort tax receivables and deferred inflows (AJE-1), correction of cash items (AJE-2, AJE-6), accrued wages (AJE-4), property tax revenues (AJE-5, AJE-7), lease liabilities (AJE-8).

Disagreements with Management

For purposes of this letter, a disagreement with management is a disagreement on a financial accounting, reporting, or auditing matter, whether or not resolved to our satisfaction, that could be significant to the financial statements or the auditors' report. We are pleased to report that no such disagreements arose during the course of our audit.

Management Representations

We have requested certain representations from management that are included in the management representation letter dated July 30, 2024.

Management Consultations with Other Independent Accountants

In some cases, management may decide to consult with other accountants about auditing and accounting matters, similar to obtaining a "second opinion" on certain situations.

If a consultation involves application of an accounting principle to the Town's financial statements or, a determination of the type of auditors' opinion that may be expressed on those statements, our professional standards require the consulting accountant check with us to determine that the consultant has all the relevant facts. To our knowledge, there were no such consultations with other accountants.

Other Audit Findings or Issues

We generally discuss a variety of matters, including the application of accounting principles and audit standards, with management each year prior to retention as the Town's auditors. However, these discussions occurred in the normal course of our professional relationship and our responses were not a condition to our retention.

Other Matters

We applied certain limited procedures to the Management Discussion and Analysis, the Schedule of Changes in Total OPEB Liability and Related Ratios, the Schedule of Proportionate Share of the Net Pension Liability – PERS, the Schedule of the Contributions – PERS and Budgetary Comparison – General Fund and Major Special Revenue Funds, which are required supplementary information (RSI) that supplement the basic financial statements. Our procedures consisted of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We did not audit the RSI and do not express an opinion or provide any assurance on the RSI.

We were not engaged to report on the introductory section, which accompanies the financial statements but is not RSI. Such information has not been subjected to the auditing procedures applied in the audit of the basic financial statements, and accordingly, we do not express an opinion or provide any assurance on it.

Restriction on Use

This information is intended solely for the use of management and Town Council of the Town of West Yellowstone and the Montana Department of Administration and is not intended to be, and should not be, used for anyone than these specified parties.

Sincerely,



Attachment

Capital Improvement Summary Table for FY 2025-2029

Purchase Date	Project Name	Total Project Cost	Accounting
Public Works			
FY25	Seal Coat Treatment of Old Town	\$100,000.00	2820.430200.367
FY25	Traffic marking: stop bars/crosswalks/parking restriped	\$35,000.00	2111.430266.931
FY25	Madison Add. Pump Installation Project to include backup pumps	\$38,204.00	5310.430630.941
FY25	Lighting in front of Town Hall	\$25,000.00	
FY25	Loader Mount	\$222,795.00	1000.430200.369
FY25	Asphalt sidewalk on N Electric St (pkwy D to Madison Apts)	\$33,388.00	2820.430262.365
FY25	Hwy 20 Street Lighting Project	\$796,159.00	4000.430263.937
FY25	Iris Lift Station: Replace Force Main Air Relief Valve	\$12,000.00	
FY25	Iris Lift Station: Reduce Pump Start-Stops/HR- Optimize Pumps & Wet Well Volume	\$0.00	
FY25	Iris Lift Station: Replace Safety Grate	\$13,500.00	
FY25	Iris Lift Station: Replace Pump Rails and Piping. Install valves before sand trap on 12" pipes.	\$104,900.00	
FY25	Replace trees on Canyon Street with hydro excavating the tree pits	\$90,000.00	1000.430200.221
FY25	Engineering for new Railroad Well Building	\$50,000.00	5210.430530.937
FY25	Museum Roof Replacement	\$625,624.00	4000.460460.920
FY25	Police Station Roof Replacement	\$95,380.00	1000.411258.920
FY25	Remodel of Chief Office at Police Station	\$60,000.00	1000.411258.920
FY25	Mechanical Wastewater Treatment Plant	\$38,552,244.00	5320.430640.951
FY25	Electric Park basketball court overlay asphalt	\$32,000.00	
FY25	Chamber spot asphalt repairs & restriping	\$15,000.00	2111.430266.931
Police / Dispatch			
FY25	Police Vehicle (FY24 Truck, FY25 Truck, Chief Truck Replacement)	\$210,000.00	4000.420110.944
FY25	New Phone System	\$130,000.00	2850.420750.948
FY25	New Server for Dispatch	\$18,000.00	2850.420750.948

Public Works

FY26	Fire Hydrant replacement in Mad. Add (x3)	\$10,000	5210-430500-940
FY26	New Railroad Well Building Repairs	\$30,000	5210-430530-937
FY26	Well #5- Facility Planning Study	\$125,000	
FY26	Sewer Line Repair Parkway A&B damaged sections	\$50,000	5310-430630-937
FY26	Sewer and water line installation behind DeLacy & Tennis Court	\$100,000	5210-430550-930/5310-430630-937
FY26	Engineering and oher studies to relocate Public Works shop	\$30,000	
FY26	Casting Pond - Phase 3 Aesthetics: Fence, Lighting	\$60,000	
FY26	Restroom w/ drinking fountain at Tennis Courts	\$100,000	4000-460430-920
FY26	Mammoth Room upgrade Task #11 (design for \$21,000)	\$1,000,000	4000-460460-920
FY26	Mechanical Wastewater Treatment Plant	\$37,211,600	5320-430640-951

Police/Dispatch

FY26	Police Vehicle	\$70,000	4000-420110-944
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Public Works

- FY27 ADA Sidewalk Aprons 10 or 2.5 intersections
- FY27 New chlorinator residual readers (x2)
- FY27 Rails to Trails Corridor - Iris to Museum
- FY27 Construct equipment storage barn
- FY27 Synthetic surface at playground
- FY27 Additional accessibility ramp at UPDH
- FY27 Lighted trail from Grizzly Ave to Yellowstone
- FY27 Engineering for Interior Park Paving Project
- FY27 Replace public services 2008 GMC 3/4 ton pickup truck
- FY27 UPDL/Museum: resurface concrete
- FY27 Pioneer Park equipment replacement
- FY27 Basketball court to Pickleball court

Police/Dispatch

- FY27 Police Vehicle

Public Works

- FY28 Build an additional million-gallon water tank
- FY28 Skateboard park facilities
- FY28 Well #5- new well needed for full capacity
- FY28 Interior Park Parking Lot (1st of 8)
- FY28 Dunbar Park- Pathway Improvements, Irrigation System, Grass
- FY28 Vactor Truck

Police/Dispatch

- FY28 Police Vehicle
- FY28 Police generator structure project

Public Works

- FY29 Sewer lagoon fence
- FY29 Interior Park parking lot (2nd of 8)
- FY29 Summer recreation building
- FY29 Iris Street Parking Lot

Police/Dispatch

- FY29 Police Vehicle

Upcoming and Pending

- TBD Interior Park parking lot (3rd of 8)
- TBD Surface Frontier Trail
- TBD Police Vehicle
- TBD Interior Park parking lot (4th of 8)
- TBD Pave Obsidian St. between Geyser and Faithful streets
- TBD Install elevator in Town Hall
- TBD Parkway paving project- Phase II
- TBD Relocation of Public Services shop

P.O. BOX 1570

**TOWN OF WEST YELLOWSTONE
MONTANA**

PHONE: 406-646-7795

FAX: 406-646-7511

info@townofwestyellowstone.com

PURCHASE ORDER

4000-420110-944

Date

Ship Via

Order No. 006241

Department *West Yellowstone Police Department*

TO: *DANA Safety Supply, INC*

ADDRESS: *4809 Koger Blvd.*

Greensboro, NC 27407

PLEASE FURNISH THE TOWN OF WEST YELLOWSTONE WITH:

Quantity	Description
1	<i>Patrol Vehicle upfit + Buildout Quote # 540673A - INSURANCE CLAIM Vehicle \$ 17,206.⁰⁰</i>
1	<i>Patrol Vehicle upfit + Buildout Quote # 540672B - CIP 2025 \$ 17,206.⁰⁰</i>

Authorized By _____

Estimated Cost \$ *34,412.⁰⁰*

Requested By: *MIKE GAVAGAN*

VENDOR COPY - White OFFICE COPY - Canary

TOWN OF WEST YELLOWSTONE

WYPD Patrol Vehicle Purchase – Part 2

Upfit & Install of all interior equipment of two 2024 Ford F-150 Patrol Vehicles – Qty.2

The following information provides a more detailed description of Purchase Orders #006240 & 006241.

PO #00641 – This PO is to Dana Safety Supply in Livingston Montana for the complete build out and upfit of the two new 2024 Ford F-150 patrol vehicles approved at the July 16th Town Council meeting. I listed both quotes on the same purchase order for simplicity, but I asked for two quotes for tracking purposes. One of the quotes is for the vehicle being purchased with 2025 CIP money, and the other quote is for the vehicle purchased with insurance claim money. Both vehicle buildouts from Dana are \$17,206.00 each. This number includes emergency lights, light control panel, center console, prisoner cage, installation of all interior gear, gun racks, etc.

PO #006240 – This purchase order is to Dunne Communication for a radio to install in one of the new vehicles. This will be paid with money from the insurance company. It totals \$5,146.36 The other vehicle, purchased with 2025 CIP money will be outfitted with a radio, radar detector, video/audio recording system, computer stand, etc. from an existing patrol vehicle we will be taking out of service.

Additional information on equipment purchased for the insurance claim vehicle – Two additional pieces of equipment have been ordered for the insurance claim vehicle that fell below the amount needed for a purchase order. I will list them here and provide a summary below that makes these multiple purchases a little easier to understand. I have ordered a Stalker DSR Dual Band Radar unit for \$1,925.00 and a Watchguard 4RE Video Recording system for \$1,920.00

The total cost associated with the 2025 CIP patrol vehicle is \$66,756.16 This is the cost of the vehicle, cost of the upfit, and WYPD providing the equipment from an existing patrol vehicle.

The total cost associated with the insurance claim vehicle is \$75,747.52 This is the cost of the vehicle, cost of the upfit, cost of the radio, cost of the radar detector, and cost of the video recording system. I will be submitting the purchase orders and invoices to MMIA within the next few days.

Explanation for only obtaining one bid: There are two qualified companies in the State of Montana who do these types of buildouts for emergency vehicles. Dana Safety Supply in Livingston and another company in Kalispell. The logistics of dealing with a company in Livingston seems obvious, and they have done our last few buildouts and done an excellent job. It is the relationship that we have built with them that allowed us to jump the line with the purchase of our last two vehicles.

We have budgeted \$73,000 in the capital improvement plan for the 2025 CIP vehicle purchase, so the total cost of this purchase at \$66,756.16 is currently under budget. As mentioned above, the second vehicle and upfit will be paid for via our insurance claim. That vehicle is more money due to all of the equipment inside the vehicle that needed to be replaced because of the crash damage.



TOWN OF WEST YELLOWSTONE

RECOMMENDATION: I recommend that the Council approve Purchase Order #006241 in the amount of \$34,412 to Dana Safety Supply for the upfit & buildout of our two new patrol vehicles.

I also recommend that the Council approve Purchase Order #006240 in the amount of \$5,146.36 to Dunne Communications for the radio unit to be installed in one of our new patrol vehicles.

I am available to answer any questions in advance of the council meeting or at the meeting. Thank you for taking the time to review these purchase orders.

Mike Gavagan

7/23/2024



P.O. BOX 1570

TOWN OF WEST YELLOWSTONE
MONTANA

PHONE: 406-646-7795

FAX: 406-646-7511

info@townofwestyellowstone.com

PURCHASE ORDER

4000-420110-944

Date 7-19-24

Ship Via

Insurance Claim Vehicle

Order No. 006240

Department

West Yellowstone Police Dept.

TO: DUNNE COMMUNICATIONS

ADDRESS: PO BOX 97 204 EAST COMMERCIAL AVE.

ANACONDA, MT 59711 (406) 563-7115

PLEASE FURNISH THE TOWN OF WEST YELLOWSTONE WITH:

Quantity	Description
1	Kenwood VM7000-MB Multiband Radio for Patrol Vehicle - Insurance Claim Vehicle

Authorized By

Estimated Cost \$ 5,146.³⁶

Requested By:

MIKE GAVAGAN

VENDOR COPY - White OFFICE COPY - Canary

4000-420110-944
Insurance Claim Vehicle

Dunne Communications, Inc
P.O. Box 97
204 East Commercial Ave
Anaconda Mt 59711
406.563.7115 406.563.6065 (fax)



GALLATIAN COUNTY
WEST YELLOWSTONE PD
Q240716-2
QUOTE
VM7000 MOBILE

7/16/2024

QTY	Part Number	Description	Price Per Unit	EXT.
1	VM7000-MB	MULTI BAND MOBILE	\$4,971.46	\$ 4,971.46
1		50 WATT VHF / MED PWR 7/800/UHF		
1		VHF BAND		
1		7/800 BAND		
1		P25 CONV-		
1		P25 TRUNKING PHASE 1		
		MULTIKEY AES		
1		MULTIKEY DES-OFB ENCRYPT		
1		OTAP		
1		MULTIBAND ANT KIT	\$ 175.00	\$ 175.00
		RADIO TOTAL WITH OPTIONS		\$ 5,146.46

KENWOOD VM7000 VHF/7.800 MULTIBAND P25 TRUNKING MOBILE

4000-420110-944
CIP 2025 Vehicle upfit

Sales Quote

DANA SAFETY SUPPLY, INC
4809 KOGER BLVD
GREENSBORO, NC 27407

Telephone: 800-845-0405

Sales Quote No.	540672-B
Customer No.	WYELLOWPD

Bill To

WEST YELLOWSTONE POLICE DEPT
PO Box 1570
West Yellowstone, MT 59758

Ship To

(For Pickup - MT)
Montana Warehouse
1 W End Rd
Livingston, MT 59047

Contact:
Telephone: 406-646-7600
E-mail: police@townofwestyellowstone.com

Contact:
Telephone:
E-mail:

Quote Date	Ship Via	F.O.B.	Customer PO Number	Payment Method	
07/17/24	Ground	QUOTED FREIGHT		NET30	
Entered By		Salesperson	Ordered By	Resale Number	
Cody Craig		CODY CRAIG - MONTANA	CHIEF GAVAGAN		
Order Quantity	Approve Quantity	Tax	Item Number / Description	Unit Price	Extended Price
1	1	Y	EVP EMERGENCY VEHICLE PACKAGE. Warehouse: MT	9,391.0000	9,391.00
1	1	Y	ENULB00EJC-0ZK SOI, NFUSE LBAR, 54", RW/RB/BW, RW/RA/RB/BA/BW, HK32 Warehouse: MT 54"/137cm 9-32 VOLT NFUSE LED LIGHTBAR W/ LIN DSC TECHNOLOGY /D12/D12/D12/D12/D12/D12/D12/D12/D12/D12 /R_W/R_W/R_W/R_W/R_B/B_W/B_W/B_W/B_W D12--CLR-- CLR-- CLR-- CLR-- O-CLR-- D12 R_W--CLR-- CLR-- CLR-- CLR-- O-CLR-- B_W \D12 D12 D12 D12 S06 D12 D12 D12 D12 /D12/ \R_W\R_A\R_A\R_A R_B B_A B_A B_A B_W/ Domes - No Hardcoat [12 6 12] Accessories - PNFLBSPLT1, AUTO-DIM Mount - Standard Fixed Height Mount (PNFLBK06) Hook - PNFLBF32	0.0000	0.00
1	1	Y	HZND4-1RB2W BI 4 Head Horizon light stick - DUAL COLOR/ DUAL MODE Warehouse: MT front of PB - FACE FRONT R/B WITH WHITE SCENE ON SCENE	0.0000	0.00

Print Date	07/21/24
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Sales Quote

DANA SAFETY SUPPLY, INC
 4809 KOGER BLVD
 GREENSBORO, NC 27407

Telephone: 800-845-0405

Sales Quote No.	540672-B
Customer No.	WYELLOWPD

Bill To

WEST YELLOWSTONE POLICE DEPT
 PO Box 1570
 West Yellowstone, MT 59758

Ship To

(For Pickup - MT)
 Montana Warehouse
 1 W End Rd
 Livingston, MT 59047

Contact:
 Telephone: 406-646-7600
 E-mail: police@townofwestyellowstone.com

Contact:
 Telephone:
 E-mail:

Quote Date	Ship Via	F.O.B.	Customer PO Number	Payment Method	
07/17/24	Ground	QUOTED FREIGHT		NET30	
Entered By		Salesperson	Ordered By	Resale Number	
Cody Craig		CODY CRAIG - MONTANA	CHIEF GAVAGAN		
Order Quantity	Approve Quantity	Tax	Item Number / Description	Unit Price	Extended Price
1	1	Y	PNFLBF34 SOI, HOOK KIT, 2021-23 F150 F250, 54-60" SEE WEB Warehouse: MT https://soundoffsignal.com/support-page/vehicle-specific-lookup/ Hook Kit - Standard Fixed Mount Hook Kit for Standard Fixed Mount (see Vehicle Lookup under Support on our website or call for Part Numbers)	0.0000	0.00
1	1	Y	221016-0002 UNI 6' SPOTLIGHT BLACK (335) S04 LH Warehouse: MT	0.0000	0.00
1	1	Y	9078 UNITY INSTALLATION KIT LH FOR F150 Warehouse: MT	0.0000	0.00
1	1	Y	FLD21-100 THUNDER STRUCK FORD FRONT GRILLE 21+ Warehouse: MT	0.0000	0.00

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DANA SAFETY SUPPLY, INC
 4809 KOGER BLVD
 GREENSBORO, NC 27407

Sales Quote

Telephone: 800-845-0405

Sales Quote No.	540672-B
Customer No.	WYELLOWPD

Bill To

WEST YELLOWSTONE POLICE DEPT
 PO Box 1570
 West Yellowstone, MT 59758

Ship To

(For Pickup - MT)
 Montana Warehouse
 1 W End Rd
 Livingston, MT 59047

Contact:
 Telephone: 406-646-7600
 E-mail: police@townofwestyellowstone.com

Contact:
 Telephone:
 E-mail:

Quote Date	Ship Via	F.O.B.	Customer PO Number	Payment Method	
07/17/24	Ground	QUOTED FREIGHT		NET30	
Entered By	Salesperson	Ordered By	Resale Number		
Cody Craig	CODY CRAIG - MONTANA	CHIEF GAVAGAN			
Order Quantity	Approve Quantity	Tax	Item Number / Description	Unit Price	Extended Price
4	4	Y	CD3802RBW-S CODE3, MEGATHIN, SURFACE MT, RED/BLU/WHT, +SMOKE 3CLR Warehouse: MT REPLACES BI-M16'S WITH TRIO CODE 3 - SMOKED SURFACE MOUNTS 2 ON GRILLE GUARD 2 ON TAILGAGE GRILLE GUARD - WHITE ON SCNEE TAILGATE - WHITE IN REVERSE	0.0000	0.00
1	1	Y	ETSA481RSP SOI, 400 SERIES REMOTE SIREN, 100WATT Warehouse: MT	0.0000	0.00
1	1	Y	ETSS100J SOI 100J SERIES COMPOSITE SPEAKER Warehouse: MT 100J series composite speaker w/ universal bail brkt-100 watt	0.0000	0.00
1	1	Y	ETHFSS-SP-ISO SOI SOLID STATE ISOLATED HEADLIGHT FLASHER Warehouse: MT NOTE --- NO FLASHER AVAILABLE FOR THE HIGH INTENSITY GAS DISCHARGE HEADKIGHTS. POSITIVE SIDE SWITCHING ONLY *****	0.0000	0.00

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Sales Quote

DANA SAFETY SUPPLY, INC
 4809 KOGER BLVD
 GREENSBORO, NC 27407

Telephone: 800-845-0405

Sales Quote No.	540672-B
Customer No.	WYELLOWPD

Bill To

WEST YELLOWSTONE POLICE DEPT
 PO Box 1570
 West Yellowstone, MT 59758

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(For Pickup - MT)
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 1 W End Rd
 Livingston, MT 59047

Contact:
 Telephone: 406-646-7600
 E-mail: police@townofwestyellowstone.com

Contact:
 Telephone:
 E-mail:

Quote Date	Ship Via	F.O.B.	Customer PO Number	Payment Method	
07/17/24	Ground	QUOTED FREIGHT		NET30	
Entered By		Salesperson	Ordered By	Resale Number	
Cody Craig		CODY CRAIG - MONTANA	CHIEF GAVAGAN		
Order Quantity	Approve Quantity	Tax	Item Number / Description	Unit Price	Extended Price
1	1	Y	ETFBSSN-P SOI 100% SOLID STATE TAILLIGHT FLASHER (12-WIRE) Warehouse: MT	0.0000	0.00
1	1	Y	17170 GJ KENWOOD NX5000 FACEPLATE Warehouse: MT	0.0000	0.00
1	1	Y	16932 GJ, FACE PLATE NERGY 400 SERIES Warehouse: MT	0.0000	0.00
1	1	Y	7170-0883-03 GJ KIT 2021+ Ford F-150 Wide Body Console Box with P Warehouse: MT INCLUDES FACE PLATES AND FILLER PLATES AS NOTED 1) 7140-0335 1) 16030 1) 20549	0.0000	0.00
1	1	Y	15082 GJ ROCKER SWITCH & CIGARRETTE KNOCK-OUT PANEL Warehouse: MT	0.0000	0.00

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Continued on Next Page

DANA SAFETY SUPPLY, INC
 4809 KOGER BLVD
 GREENSBORO, NC 27407

Sales Quote

Telephone: 800-845-0405

Sales Quote No.	540672-B
Customer No.	WYELLOWPD

Bill To

WEST YELLOWSTONE POLICE DEPT
 PO Box 1570
 West Yellowstone, MT 59758

Ship To

(For Pickup - MT)
 Montana Warehouse
 1 W End Rd
 Livingston, MT 59047

Contact:
 Telephone: 406-646-7600
 E-mail: police@townofwestyellowstone.com

Contact:
 Telephone:
 E-mail:

Quote Date	Ship Via	F.O.B.	Customer PO Number	Payment Method	
07/17/24	Ground	QUOTED FREIGHT		NET30	
Entered By	Salesperson	Ordered By	Resale Number		
Cody Craig	CODY CRAIG - MONTANA	CHIEF GAVAGAN			
Order Quantity	Approve Quantity	Tax	Item Number / Description	Unit Price	Extended Price
2	2	Y	7160-0063 GJ 12V OUTLET RECEPTACLE ONLY (782-1685) Warehouse: MT FITS IN STANDARD 12 V OUTLET RECEPTACLE KNOCKOUT IN PANEL OR CONSOLE. ***** ****	0.0000	0.00
1	1	Y	15371 GJ DUAL USB POWER PORT 4.2 A Warehouse: MT FITS ROCKER SWITCH KNOCK-OUT *****	0.0000	0.00
1	1	Y	MMSU-1 MAGNETIC MIC SINGLE UNIT CONVERSION KIT Warehouse: MT	0.0000	0.00
1	1	Y	1K0574FDT15F150PDR 6VS SPT COATED POLY PARTITION 2015 F150 Warehouse: MT	0.0000	0.00
1	1	Y	WK0595FDT15F150 SMC CLEAR POLY WINDOW BARRIER FOR 2015+ FORD F-1: Warehouse: MT VEHICLE YEAR - *****	0.0000	0.00

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Sales Quote

DANA SAFETY SUPPLY, INC
 4809 KOGER BLVD
 GREENSBORO, NC 27407

Telephone: 800-845-0405

Sales Quote No.	540672-B
Customer No.	WYELLOWPD

Bill To

WEST YELLOWSTONE POLICE DEPT
 PO Box 1570
 West Yellowstone, MT 59758

Ship To

(For Pickup - MT)
 Montana Warehouse
 1 W End Rd
 Livingston, MT 59047

Contact:
 Telephone: 406-646-7600
 E-mail: police@townofwestyellowstone.com

Contact:
 Telephone:
 E-mail:

Quote Date	Ship Via	F.O.B.	Customer PO Number	Payment Method	
07/17/24	Ground	QUOTED FREIGHT		NET30	
Entered By		Salesperson	Ordered By	Resale Number	
Cody Craig		CODY CRAIG - MONTANA	CHIEF GAVAGAN		
Order Quantity	Approve Quantity	Tax	Item Number / Description	Unit Price	Extended Price
1	1	Y	32836 LAIRD (TES) MB8UMI 3/4" BRASS MT, COAX W/MINI-USB CON Warehouse: MT LAIRD # MB8UMI 3/4 " BRASS PERMANENT MOUNT ANTENNA BASE WITH 17' OF RG58/U COAX CABLE WITH AN INSTALLED MINI UHF CONNECTOR. *****	0.0000	0.00
1	1	Y	65794 TES PCTEL 132-174 MHZ VHF WIDE BAND ANTENNA, MWV132S Warehouse: MT	0.0000	0.00
1	1	Y	5032B BLUE SEA SYSTEM FUSE BLOCK ST BLADE Warehouse: MT	0.0000	0.00
1	1	Y	CG-X HAV CHARGE GARD, UNIVERSAL, CONTROL MODULE Warehouse: MT INFINITE TIMER, SURGE PROTECTOR 12VDC, 30a *****	0.0000	0.00
1	1	Y	05.0700.075 ABL 75 AMP RELAY (CIRCUIT BREAKER) Warehouse: MT	0.0000	0.00

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DANA SAFETY SUPPLY, INC
 4809 KOGER BLVD
 GREENSBORO, NC 27407

Sales Quote

Telephone: 800-845-0405

Sales Quote No.	540672-B
Customer No.	WYELLOWPD

Bill To

WEST YELLOWSTONE POLICE DEPT
 PO Box 1570
 West Yellowstone, MT 59758

Ship To

(For Pickup - MT)
 Montana Warehouse
 I W End Rd
 Livingston, MT 59047

Contact:
 Telephone: 406-646-7600
 E-mail: police@townofwestyellowstone.com

Contact:
 Telephone:
 E-mail:

Quote Date	Ship Via	F.O.B.	Customer PO Number	Payment Method	
07/17/24	Ground	QUOTED FREIGHT		NET30	
Entered By		Salesperson	Ordered By	Resale Number	
Cody Craig		CODY CRAIG - MONTANA	CHIEF GAVAGAN		
Order Quantity	Approve Quantity	Tax	Item Number / Description	Unit Price	Extended Price
1	1	Y	INSTALL KIT MISC INSTALLATION SUPPLIES I.E. Warehouse: MT LOOM, WIRE, HARDWARE, CONNECTORS, ETC *****	425.0000	425.00
1	1	N	INSTALL DSS INSTALLATION OF EQUIPMENT Warehouse: MT	4,250.0000	4,250.00
0	0	Y	CUSTOMER SUPPLIED CUSTOMER SUPPLIED EQUIPMENT Warehouse: MT KENWOOD RADIO RADAR SYSTEM SETINA GUN LOCKS REFURBISHED WATHGUARD SYSTEM	0.0000	0.00
1	1	Y	GRAPHICS-513268 GRAPHICS FOR SALES ORDER 513268 Warehouse: MT West Yellowstone F-150 Graphics 2024	0.0000	0.00
0	0	Y	GRAPHICS-459993 GRAPHICS FOR SO 459993 Warehouse: MT	0.0000	0.00

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Sales Quote

DANA SAFETY SUPPLY, INC
 4809 KOGER BLVD
 GREENSBORO, NC 27407

Telephone: 800-845-0405

Sales Quote No.	540672-B
Customer No.	WYELLOWPD

Bill To

WEST YELLOWSTONE POLICE DEPT
 PO Box 1570
 West Yellowstone, MT 59758

Ship To

(For Pickup - MT)
 Montana Warehouse
 1 W End Rd
 Livingston, MT 59047

Contact:
 Telephone: 406-646-7600
 E-mail: police@townofwestyellowstone.com

Contact:
 Telephone:
 E-mail:

Quote Date	Ship Via	F.O.B.	Customer PO Number	Payment Method	
07/17/24	Ground	QUOTED FREIGHT		NET30	
Entered By	Salesperson	Ordered By	Resale Number		
Cody Craig	CODY CRAIG - MONTANA	CHIEF GAVAGAN			
Order Quantity	Approve Quantity	Tax	Item Number / Description	Unit Price	Extended Price
1	1	Y	INSTALL-GRAPHIC INSTALLATION OF GRAPHICS DANA Warehouse: MT	0.0000	0.00
1	1	Y	7160-0554 GJ VEHICLE BASE FORD F150 2015+ ALUMINUM BODY Warehouse: MT ALSO 2017+ FORD SUPER-DUTY F-250 TO F-550 & 2018+ EXPEDITION. *****	135.0000	135.00
1	1	N	INFO customer has computer stand other than base Warehouse: MT	0.0000	0.00
1	1	N	INFO customer supplied dock Warehouse: MT	0.0000	0.00
1	1	Y	GK10342UHK SMC DUAL VERT. RACK 2 UNIV. LOCKS W/ HC KEY Warehouse: MT "Dual T-Rail Mount2 Universal XL Handcuff Key Override"	0.0000	0.00
1	1	Y	XF4 DECKED 2 DRAWER PICK UP TRUCK BED BOX FOR 5'6" BE Warehouse: MT DECKED 2 DRAWER DECKED SYSTEM FOR A 2023 FORD F-150 CREW CAB	1,450.0000	1,450.00

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Insurance Claim
Quote

Sales Quote

DANA SAFETY SUPPLY, INC
4809 KOGER BLVD
GREENSBORO, NC 27407

Telephone: 800-845-0405

Sales Quote No.	540673-A
Customer No.	WYELLOWPD

Bill To

WEST YELLOWSTONE POLICE DEPT
PO Box 1570
West Yellowstone, MT 59758

Ship To

WEST YELLOWSTONE POLICE DEPT
124 Yellowstone Ave
West Yellowstone, MT 59758

Contact:
Telephone: 406-646-7600
E-mail: police@townofwestyellowstone.com

Contact:
Telephone: 406-646-7795
E-mail: info@townofwestyellowstone.com

Quote Date	Ship Via	F.O.B.	Customer PO Number	Payment Method	
07/17/24	Ground	QUOTED FREIGHT		NET30	
Entered By	Salesperson	Ordered By	Resale Number		
Cody Craig	CODY CRAIG - MONTANA	CHIEF GAVAGAN			
Order Quantity	Approve Quantity	Tax	Item Number / Description	Unit Price	Extended Price
1	1	Y	A0062-LOCK DECKED DRAWER LOCKS, SET OF 2 Warehouse: MT	65.0000	65.00
1	1	N	INSTALL INSTALLATION OF DECKED UNIT Warehouse: MT	315.0000	315.00
1	1	Y	WGP02225-600-KIT2 WGA HEADLINER BRACKET, F-150 Warehouse: MT	225.0000	225.00
1	1	N	BRACKET, 4RE DISPLAY/BWC BASE/CAMERA MOUNT, VISOR POST, F-151 INFO CUSTOMER SUPPLIED EQUIPMENT Warehouse: MT kenwood radio watchguard video	0.0000	0.00
2024 F-150 RESPONDER					

Approved By: _____

Approve All Items & Quantities

Quote Good for 30 Days

Print Date	07/21/24
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Subtotal	16,256.00
Freight	950.00
Order Total	17,206.00

Printed By: Cody Craig

CIP 2025
Quote

DANA SAFETY SUPPLY, INC
4809 KOGER BLVD
GREENSBORO, NC 27407

Sales Quote

Telephone: 800-845-0405

Sales Quote No.	540672-B
Customer No.	WYELLOWPD

Bill To

WEST YELLOWSTONE POLICE DEPT
PO Box 1570
West Yellowstone, MT 59758

Ship To

(For Pickup - MT)
Montana Warehouse
1 W End Rd
Livingston, MT 59047

Contact:
Telephone: 406-646-7600
E-mail: police@townofwestyellowstone.com

Contact:
Telephone:
E-mail:

Quote Date	Ship Via	F.O.B.	Customer PO Number	Payment Method	
07/17/24	Ground	QUOTED FREIGHT		NET30	
Entered By		Salesperson	Ordered By	Resale Number	
Cody Craig		CODY CRAIG - MONTANA	CHIEF GAVAGAN		
Order Quantity	Approve Quantity	Tax	Item Number / Description	Unit Price	Extended Price
1	1	Y	A0062-LOCK DECKED DRAWER LOCKS, SET OF 2 Warehouse: MT	65.0000	65.00
1	1	N	INSTALL INSTALLATION OF DECKED UNIT Warehouse: MT	315.0000	315.00
1	1	Y	WGP02225-600-KIT2 WGA HEADLINER BRACKET, F-150 Warehouse: MT	225.0000	225.00
1	1	N	BRACKET, 4RE DISPLAY/BWC BASE/CAMERA MOUNT, VISOR POST, F-151 INFO CUSTOMER SUPPLIED EQUIPMENT Warehouse: MT kenwood radio watchguard video Radar system	0.0000	0.00
2024	F-150 RESPONDER				

Approved By: _____
 Approve All Items & Quantities
Quote Good for 30 Days

Print Date	07/21/24
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Subtotal	16,256.00
Freight	950.00
Order Total	17,206.00

Printed By: Cody Craig

P.O. BOX 1570

TOWN OF WEST YELLOWSTONE
MONTANA

PHONE: 406-646-7795

FAX: 406-646-7511

info@townofwestyellowstone.com

PURCHASE ORDER

1000-420100-212

Date 7/31/2024

Ship Via

Order No. 006242

Department West Yellowstone Police Dept.

TO: ELAN City

ADDRESS: 450 17th Avenue (+ 34th St) Suite 1501

New York City, NY 10123-1591 (646) 878-6259

PLEASE FURNISH THE TOWN OF WEST YELLOWSTONE WITH:

Quantity	Description
2	EVOLIS Vision RADAR Speed Signs - Hybrid/Electric Version

Estimated Cost \$ 6,200.⁰⁰

Authorized By _____

Requested By: Mike GAVAGAN

VENDOR COPY - White OFFICE COPY - Canary

TOWN OF WEST YELLOWSTONE

Purchase Order #006242

Evolis Vision Radar Speed Signs – Qty.2

The following information provides a more detailed description of Purchase Order #006242.

I am requesting that the Town Council authorize the purchase of two radar speed signs to be placed at each end of Highway 20. Controlling speed on the section of road between Canyon Street and Iris Street has been a significant problem for the last two decades that I have lived in West Yellowstone. The recent project by the Business Improvement Advisory Board is certainly a great step in the right direction. There continues to be good discussion about enhancements to that installation, including the possibilities of adding additional crosswalk lines, "Please Slow Down" signs added to the planter boxes, adding a bump out where the current radar trailer is, and moving the radar trailer to a location between Electric and Faithful. The project will continue to evolve as we all collect more data.

I spent a great deal of time researching radar speed signs to find a unit that would fit our needs effectively. This sign has all the features that I believe make it the most effective and pleasant for our town. The sign has three different colors for displaying the speed, that change based on speed. Green for respecting the speed limit, Amber for slightly exceeding the speed limit, and Red for going way to fast. There is also a message section at the bottom of the sign that can display a pre-programmed message of our choice based on the speed limit range we select. Examples are Thank You, Slow Down, Too Fast, etc. Speed ranges and messages are all programable by us. These signs also collect traffic data. Examples of that include: Number of cars, times of travel, maximum speeds, average speed and more. It stores up to 5 million cars worth of data. The signs are AC powered off of the light poles they will be attached to and they are programmable via a smartphone app. It will require an electrician to install. The signs have a battery pack in them which allows them to operate during a power failure. The battery pack charges for 8 hours a day, then runs off of the battery for the other 16 hours of the day, saving electricity. The signs meet all federal and state DOT requirements.

I believe these signs will make a significant difference in controlling the speed on Highway 20 through town and improving public safety. We have all seen signs similar to these in towns around both Idaho and Montana, so you can judge for yourselves how effective you think they would be in our town.

RECOMMENDATION: I recommend that we purchase two radar speed signs from Elan City for \$6,200. The money for these signs is coming out of the Police Department budget for Small Items of Equipment. I was accounting for roughly \$7400 from this fund when I submitted my budget for the 2025 fiscal year. Due to special pricing on these particular signs through the end of August, it will be under budget. Delivery time is approximately two weeks.

I am available to answer any questions in advance of the council meeting or at the meeting. Thank you for taking the time to review this purchase order. Mike Gavagan



ELAN CITY
 450 7th Avenue (& 34th St.) Suite 1501
 New York City, NY 10123-1591
 United States
 Phone. : (646) 878-6259
 Fax. : (646) 770-3906
 Email: sales@elancity.net

Shipping address :
 Town of West Yellowstone
 PO Box 1570
 124 Yellowstone Ave
 WEST YELLOWSTONE, MT 59758
 United States

Invoice address :
 Town of West Yellowstone
 PO Box 1570
 124 Yellowstone Ave
 WEST YELLOWSTONE, MT 59758
 United States

Town of West Yellowstone
PO Box 1570
124 Yellowstone Ave
WEST YELLOWSTONE, MT 59758
United States

Tel. : +14066467600
 Fax : +14066467650

Quotation N° SO10487

Your Reference	Quotation Date	Contact			Payment Term
	07/30/2024	MOLINA RIVAS Romel			
Description	Qté	P.U	Disc.(%)	Discounted price	Price
[EPRA0158AA] US[HY-BT] EVOLIS VISION RADAR SPEED SIGN HYBRID - ELECTRIC Version - WHITE Reflective Front ready to install including: - Speed display: 15" high (green/amber/red) - Polycarbonate front panel screen-printed "YOUR SPEED" - Integrated solar power regulator - USB and BLUETOOTH LE (Low Energy) connection - Upgradable to 3G/4G (optional) -BI-DIRECTIONAL traffic data and statistics, - Software provided for PC and Smartphone, - Mounting kit included (excluding clamps), - 2-year warranty	2.00 Unit(s)	3,100.00	0.00	3,100.00	\$ 6,200.00
[EACC0046AB] Yuasa battery pack 12V22Ah with integrated fuse protection (8A) - 6-month warranty	2.00 Unit(s)	125.00	0.00	125.00	\$ 250.00
[DCE] Delivery Charge EXPRESS	1.00 Unit(s)	350.00	0.00	350.00	\$ 350.00
[99900] Discount TPS24	1.00 Unit(s)	-600.00	0.00	-600.00	\$ -600.00
Total discount HT:					\$ 600.00
Net Total :					\$ 6,200.00
Taxes (20%):					\$ 0.00
Total :					\$ 6,200.00

CUSTOMER CONTACT INFO:
 • Name: Mike Gavagan
 • Phone:
 • Email: mgavagan@townofwestyellowstone.com



ELAN CITY
450 7th Avenue (& 34th St.) Suite 1501
New York City, NY 10123-1591
United States
Phone. : (646) 878-6259
Fax. : (646) 770-3906
Email: sales@elancity.net

Description	Qté	P.U	Disc.(%)	Discounted price	Price
-------------	-----	-----	----------	------------------	-------

QUOTE PRICING AND EXPIRATION:
• Quote valid until : 08/*31/2024
• PROMO CODE / OFFER: TPS24

Valid for agreement
(Stamp, Signature and Date)

The :

the prior written consent of both parties.

22. Notices.

All notices, requests, consents, claims, demands, waivers, and other communications hereunder (each, a "Notice") shall be in writing and addressed to the parties at the addresses set forth on the face of the signed quote or to such other address that may be designated by the receiving party in writing. All Notices shall be delivered by personal delivery, nationally recognized overnight courier (with all fees pre-paid), facsimile (with confirmation of

transmission), or certified or registered mail (in each case, return receipt requested, postage prepaid). Except as otherwise provided in this Agreement, a Notice is effective only (a) upon receipt of the receiving party, and (b) if the party giving the Notice has complied with the requirements of this Section.

23. Severability.

If any term or provision of this Agreement is invalid, illegal, or unenforceable in any jurisdiction, such invalidity, illegality, or unenforceability shall not affect any other term or provision of this

Agreement or invalidate or render unenforceable such term or provision in any other jurisdiction.

24. Survival.

Provisions of these Terms which by their nature should apply beyond their terms will remain in force after any termination or expiration of this Agreement including, but not limited to, the following provisions: Compliance with Laws, Confidential Information, Governing Law, Submission to Arbitration and Survival.

INFORMATION - SIGNATURE - STAMP

Delivery address

Site name: West Yellowstone Police Department
Address: 124 Yellowstone Ave
Post code: 59758 City: West Yellowstone MONTANA.

Delivery schedule : (mandatory in case of equipment purchase)

Monday to Friday: 5:00am to 11:00pm
Closing days: NO CLOSING DAYS 24/7 OPERATION

Contact

Name: MIKE GAVAGAN
Tel: 406-646-7600
E-mail address of MGAVAGAN@TOWNOFWESTYELLOWSTONE.COM

Specific information

The signatory declares having the capacity to represent and bind the buyer.
S/he declares having reviewed and validated these general terms and conditions of sale.

Approved on:

First name Last name:

Title:

Signature

The new EVOLIS Radar Speed Sign

...MORE AUTONOMOUS,
EFFICIENT AND
CONNECTED!

The EVOLIS Radar Speed Sign is a highly effective traffic-calming tool that can be used in a wide variety of traffic scenarios and environments.

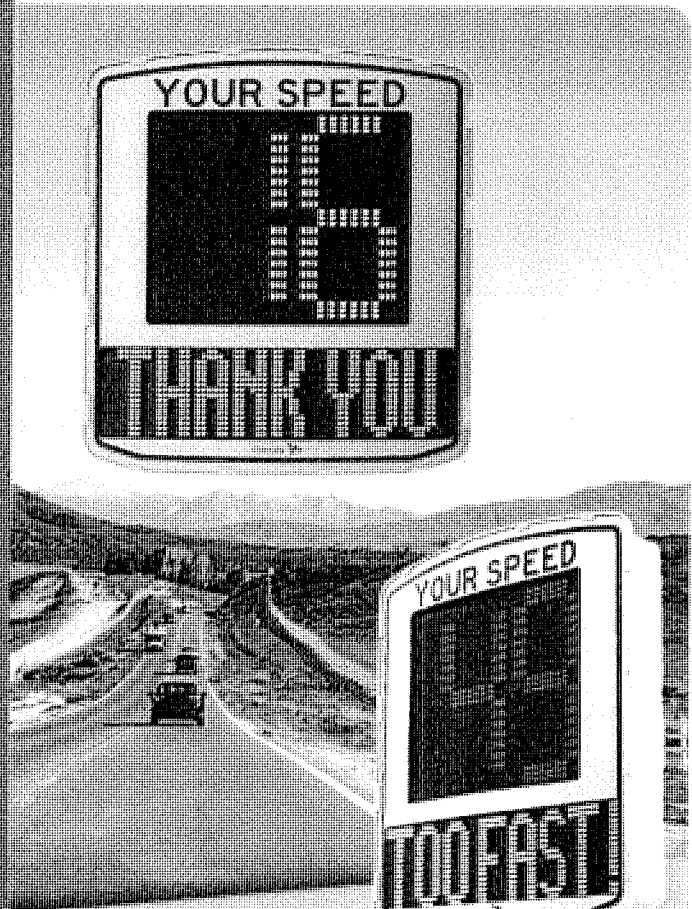
The EVOLIS Radar Speed Sign: a portable powerhouse in traffic safety... Built with durable ABS Injection Molded Resin, weighing a mere 20lbs! With an extended vehicle detection range of over 1,000 feet, it uses superior Doppler radar technology. The 15" speed digits, illuminated by ultra-bright, tri-color LEDs, catch attention. Driver behavior correction is achieved through programmable messages and speed digits, resulting in an impressive 25% decrease in overall speed.

Choose flexibility with the EVOLIS RSS: battery-operated or solar-powered options available. Embrace energy autonomy and reduce your carbon footprint. The full-option package ensures immediate functionality and a remarkable autonomy of up to 7000 vehicles per day. Additionally, enjoy bi-directional traffic data collection and comprehensive analysis software, eliminating the need for subscription fees and providing free updates for life.

Join the global success of the EVOLIS RSS, trusted by 10,000 communities worldwide with over 30,000 units installed. Its superior design, advanced technology, and user-friendly nature make it an indispensable tool for enhancing road safety and promoting responsible driving.

GET A QUOTE NOW!

WANT MORE
INFORMATIONS



EACH PACKAGE INCLUDES:

- 30"x28" Evolis Radar Speed Sign (2 power choices)
- Highly visible 15" speed digits, 3 rows of tri-color LEDs
- 3M Diamond Grade Reflective Sheeting Front Face
- Customizable message display
- Bi-directional traffic data collection
- Comprehensive analysis & configuration software
- FREE updates & NO subscription fees!
- Bluetooth + smartphone app
- Mounting kit & specific accessories for solar or battery-operated packs
- 2 year warranty

ElanCity

450 7th Avenue
Suite 1501
New York, NY 10123-1591

(646) 878-6259


www.elancity.net
sales@elancity.net



SPEED DISPLAY	Speed Digits	Height: 15"
	"YOUR SPEED" legend	1.65" Highway-Gothic font
	LEDs	Ultra-bright, 3-row thick LEDs. Amber-only mode or tri-color: Amber, Green and Red.
	Visibility	1.000 feet
	Power consumption	Ultra-low power consumption. Average <5W
	Flash rate	Default setting: 54 cycles/minute. Configurable
TEXT DISPLAY	LEDs	Ultra-bright, Amber
	Messages	Pre-programmed or entirely personalized
	Size-font / Graphics	Choice of size and font, 1 or 2 lines of text
DETECTION	Doppler radar	Bidirectional, K-Band, 24.125 GHz (FCC part 15 compliant)
	Accuracy	+/- 1 Mph, 99% accuracy
	Beam width	33° Horizontal and Vertical
	Speed detection	9 – 160 Mph
	Detection range	500 feet to 1.000 feet (configurable)
CASING	Material	Robust, anti-corrosive ABS injection molded resin; Curved polycarbonate front face
	Size / Weight	Dimensions: 30"H x 28"W x 6"D - Weight: 20lbs (without batteries)
	Front face	3M Diamond Grade Reflective Sheeting
	Waterproof rating	NEMA 4R / IP 65
	Color	UV treated light grey (other colors available)
	Temperature resistance	-40° F to +140° F (operational in extreme weather conditions)
	User access	External access to the batteries, the control screen and the USB port. Secured by two locks
CONFIGURATION	Evocom	Software for radar configuration + FREE updates
	Communication	USB, Bluetooth®, EVOMOBILE Smartphone application and 4G (Optional)
	Thresholds	Speed (min, limit, max), anti-racing, flashing, color change (if activated)
	Timer mode	(School-zone mode) Alternative speed threshold: up to 2 settings / 4 time slots per day
	Stealth mode	Continuous traffic data collection with blank display
TRAFFIC DATA ANALYSIS	Evograph	Software for traffic data analysis + FREE updates & NO subscription fees ever
	Speed	Average and maximum speed, 85th percentile, distribution per speed group
	Count	Estimated vehicle count
	Type	Bi-directional, time-stamped data
	Memory storage	Up to 5 millions vehicles
	Format	Charts and graphs in Excel and/or Pdf form, for easy report printing
POWER OPTIONS	"Solar-Mobile"	Solar-powered Portable, fully autonomous, powered through solar panel and batteries
	"Ultra-Mobile"	Battery-operated Portable, fully battery-powered with average 14 days autonomy, includes external charger
	"AC"	City lighting (available in certain states) Stationary, powered by battery charged through and dependent on city lighting
ACCESSORIES	Mounting kits	Curved, ABS-injected resin, universal mounting-bar (pole and pole straps not included)
	Solar panel	32" x 27" x 1.4", 95 Watts solar panel w/ aluminum bracket mounting kit
	Batteries	12V/22AH batteries included: AC X 1, Solar-Mobile X 2, Ultra-Mobile X 4



450 7th Avenue
Suite 1501
New York, NY 10123-1591

 (646) 878- 6259

www.elancity.net
sales@elancity.net



FSB - Operating account
* ... Over spent expenditure

Claim	Check	Vendor #/Name/ Invoice #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
*** Claim from another period (6/24) ***								
51345	E	2964 CITI CARDS	2,666.34					
		06/11/24 Amazon - Toner	74.56		ADMIN	1000 410210	220	101000
		06/14/24 TC meeting supplies	3.11		LEGIS	1000 410100	220	101000
		06/14/24 TC meeting supplies	55.44		LEGIS	1000 410100	220	101000
		06/14/24 FoodTraysfor GroundBreakWWTP	253.87		LEGIS	1000 410100	220	101000
		06/15/24 SumRec Supplies	223.02		SUMREC	1000 460449	220	101000
		06/15/24 SumRec Supplies	205.86		SUMREC	1000 460449	220	101000
		06/17/24 Supplies	15.28		ADMIN	1000 410210	220	101000
		06/18/24 FireholeBBQ TC meeting	147.34		LEGIS	1000 410100	220	101000
		06/20/24 Postage	68.00		FINADM	1000 410510	311	101000
		06/20/24 Postage	68.00		SOCSER	1000 450135	311	101000
		06/20/24 Postage	68.00		ADMIN	1000 410210	311	101000
		06/20/24 Postage	68.00		FINADM	1000 410510	311	101000
		06/21/24 Yell Bear World Sum Rec	755.78		SUMREC	1000 460449	871	101000
		06/25/24 CustomLogoSumRec	218.05		SUMREC	1000 460449	226	101000
		06/27/24 ZoningMeetSupplies	27.95		LEGIS	1000 410100	220	101000
		06/27/24 RunningBearZoningmeeting	123.28		LEGIS	1000 410100	220	101000
		06/28/24 ID Falls Zoo Sum Rec	190.80		SUMREC	1000 460449	871	101000
		07/03/24 Fat CatsRexburgSumRec	100.00		SUMREC	1000 460449	871	101000
51445		1089 Gallatin County Treasurer	636.00					
		12/31/23 Tech Surcharge	200.00		COURT	7458 212200		101000
		12/31/23 MLEA	240.00		COURT	7467 212200		101000
		12/31/23 Viictims Assistance	196.00		COURT	7699 212200		101000
51446		1089 Gallatin County Treasurer	249.00					
		01/31/24 Tech Surcharge	100.00		COURT	7458 212200		101000
		01/31/24 MLEA	100.00		COURT	7467 212200		101000
		01/31/24 Viictims Assistance	49.00		COURT	7699 212200		101000
51447		1089 Gallatin County Treasurer	498.00					
		02/29/24 Tech Surcharge	170.00		COURT	7458 212200		101000
		02/29/24 MLEA	230.00		COURT	7467 212200		101000
		02/29/24 Viictims Assistance	98.00		COURT	7699 212200		101000
51448		1089 Gallatin County Treasurer	363.00					
		03/31/24 Tech Surcharge	140.00		COURT	7458 212200		101000
		03/31/24 MLEA	150.00		COURT	7467 212200		101000
		03/31/24 Viictims Assistance	73.00		COURT	7699 212200		101000

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51449		1089 Gallatin County Treasurer	417.00					
	04/30/24	Tech Surcharge	130.00		COURT	7458 212200		101000
	04/30/24	MLEA	140.00		COURT	7467 212200		101000
	04/30/24	Viictims Assistance	147.00		COURT	7699 212200		101000
51450		1089 Gallatin County Treasurer	416.00					
	05/31/24	Tech Surcharge	100.00		COURT	7458 212200		101000
	05/31/24	MLEA	120.00		COURT	7467 212200		101000
	05/31/24	Viictims Assistance	196.00		COURT	7699 212200		101000
51453		266 Utilities Underground Location	39.56					
	4075381 07/31/24	excavation notifications	19.78		WATER	5210 430500	870	101000
	4075381 07/31/24	excavation notifications	19.78		SEWER	5310 430600	870	101000
51455		2575 WY Tourism Business Improvement	53,831.19					
	07/31/24	Collections in July	53,831.19		TBID	7202 411800	540	101000
51457		2813 Century Link	1,582.46					
	07/19/24	E911 Viper 255-9710	988.34		E911	2850 420750	345	101000
	07/19/24	E911 Viper 255-9712	29.31		E911	2850 420750	345	101000
	07/19/24	E911 Viper 646-5170	133.40		E911	2850 420750	345	101000
	07/19/24	Alarm Lines 646-5185	112.66		TWNHLL	1000 411250	345	101000
	07/19/24	Police - 646-7600	318.75		POLICE	2850 420750	345	101000
51459		2088 Town West Yellowstone	1,291.19					
	08/01/24	utility chrgs, Chamber, 895	168.52		BLDGS	1000 411257	340	101000
	08/01/24	utility chrgs, UPDL, 892	131.71		BLDGS	1000 411252	340	101000
	08/01/24	utility chrgs, PS Shops, 884	58.74		BLDGS	1000 411253	340	101000
	08/01/24	utility chrgs. Povah Ctr, 887	320.53		BLDGS	1000 411255	340	101000
	08/01/24	utility chrgs, Police Dept,886	74.44		BLDGS	1000 411258	340	101000
	08/01/24	utility chrgs, City Park, 885	199.59		BLDGS	1000 411253	340	101000
	08/01/24	utility chrgs, Library, 891	62.37		LIBBLD	1000 411259	340	101000
	08/01/24	utility chrgs, Twn Hall, 921	275.29		TWNHAL	1000 411250	340	101000
51463		2546 Century Link QCC	24.21					
	696852673 07/24/24	long dist chg 406-646-7600	24.21		DISPAT	1000 420160	345	101000
51464		73 Westmart Building Center	2,686.49					
	07/27/24	Street Supplies	1,034.47		STREET	1000 430200	220	101000
	07/27/24	Police supplies	142.49		POLICE	1000 420100	220	101000
	07/27/24	UPDL Supplies	121.28		UPDL	1000 411252	220	101000
	07/27/24	Library supplies buldng	25.63		LIBRY	1000 411259	220	101000
	07/27/24	Chamber supplies buldng	53.83		CHMBR	1000 411257	220	101000
	07/27/24	Povah Ctr. Suuplies	65.28		POVAH	1000 411255	220	101000

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	07/27/24	Parks Supplies	1,179.92		PARKS	1000 460430	220	101000
	07/27/24	Cemetery supplies	20.85		CEMTRY	2240 430900	220	101000
	07/27/24	Sum Rec Supplies	42.74		SUMREC	1000 460449	220	101000
51465		3242 Fisher's Technology	20.00					
	1360898	07/25/24 copy fee	20.00		FINADM	1000 410510	356	101000
51466		95 Energy West-Montana	884.22					
	08/01/24	nat gas 210361788 updl	247.26		UPDH	1000 411252	344	101000
	08/01/24	nat gas 210360293 Police	27.95		POLBLD	1000 411258	344	101000
	08/01/24	nat gas 210361746 Pub Services	42.35		STREET	1000 430200	344	101000
	08/01/24	nat gas 210361811 old firehall	26.15		PARK	1000 460430	344	101000
	08/01/24	nat gas 210363966 old bld ins	24.35		STREET	1000 430200	344	101000
	08/01/24	nat gas 210360540 library	22.54		LIBBLD	1000 411259	344	101000
	08/01/24	nat gas 210364599 Povah	303.62		POVAH	1000 411255	344	101000
	08/01/24	nat gas 210361697 Iris Lift St	44.15		SEWER	5310 430600	344	101000
	08/01/24	nat gas 210365425 Twm Hall	123.31		TWNHAL	1000 411250	344	101000
	08/01/24	nat gas 210361655 Mad Add Sewe	22.54		SEWER	5310 430600	344	101000
51470		1514 Verizon Wireless	1,280.20					
		22 Smartphones						
		7 laptops						
	07/20/24	640-0108, Police	45.46		POLICE	1000 420100	345	101000
	07/20/24	223-2779 586 Laptop	40.01		POLICE	1000 420100	345	101000
	07/20/24	333-8121 Head DsptchLaptop	40.01		DSPTCH	1000 420160	345	101000
	07/20/24	640-0121 Laptop	40.01		POLICE	1000 420100	345	101000
	07/20/24	640-0141 Street SP	45.46		STREET	1000 430200	345	101000
	07/20/24	640-0159 Street SP	45.46		STREET	1000 430200	345	101000
	07/20/24	640-0606 911 Dispatch	45.46		911	1000 420160	345	101000
	07/20/24	640-1103, Operator SP	45.46		STREET	1000 430200	345	101000
	07/20/24	640-1460, Library Dir, SP	45.46		LIBRAR	2220 460100	345	101000
	07/20/24	640-1461, S & W operator, SP	45.46		SEWER	5310 430600	345	101000
	07/20/24	640-1462, S & W Super, SP	45.46		WATER	5210 430500	345	101000
	07/20/24	640-1463, Deputy PSS, SP Sspnd	45.46		PARKS	1000 460430	345	101000
	07/20/24	640-1472, Ops Mgr, SP	45.46		ADMIN	1000 410210	345	101000
	07/20/24	640-1676, Rec Coor, SP	45.46		REC	1000 460440	345	101000
	07/20/24	640-1754, COP, SP	45.47		POLICE	1000 420100	345	101000
	07/20/24	640-1755, Police	45.46		POLICE	1000 420100	345	101000
	07/20/24	640-1756, Police	45.46		POLICE	1000 420100	345	101000
	07/20/24	640-1757, Police	45.46		POLICE	1000 420100	345	101000
	07/20/24	640-1758, Head Dispatcher	45.46		DSPTCH	1000 420160	345	101000
	07/20/24	640-1759, Police	45.46		POLICE	1000 420100	345	101000
	07/20/24	640-7547,WS Super	45.46		SEWER	5310 430600	345	101000
	07/20/24	640-9074, PSS, SP	45.46		STREET	1000 430200	345	101000
	07/20/24	640-2195 683 laptop	40.01		POLICE	1000 420100	345	101000

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	07/20/24	640-2551 COP laptop	40.01		POLICE	1000 420100	345	101000
	07/20/24	641-0184 686 laptop	40.01		POLICE	1000 420100	345	101000
	07/20/24	641.0207 681 laptop	40.01		POLICE	1000 420100	345	101000
	07/20/24	640-2354 Social Services	45.46		SOCSER	1000 450135	345	101000
	07/20/24	640-2629 City Judge	45.46		COURT	1000 410360	345	101000
	07/20/24	640-7108 Police Officer	45.46		POLICE	1000 420100	345	101000
51471		3421 Ernesto Romero Rivero	800.00					
	07/17/24	CleaningParkRstrms6/1-6/30/24	800.00		PARK	1000 411253	357	101000
51477		2852 Blackfoot Communications	2,215.65					
	08/01/24	646-5106, fax soc svc	40.53		SOCSRV	1000 450135	345	101000
	08/01/24	646-5119, police station Dispa	40.53		DISPCH	2850 420750	345	101000
	08/01/24	646-5141, sewer plant alarm	40.53		SEWER	5310 430600	345	101000
	08/01/24	646-5185, town hall alarm	40.53		TWNHAL	1000 411250	345	101000
	08/01/24	646-7311, social services	22.01		SOCSRV	1000 450135	345	101000
	08/01/24	646-7481, povah elevator	58.16		POVAH	1000 411255	345	101000
	08/01/24	646-7511, town hall fax	40.53		TWNHAL	1000 411250	345	101000
	08/01/24	646-7609, public works	26.44		PUBSVC	1000 430200	345	101000
	08/01/24	646-7650, police station fax	40.53		DISPCH	2850 420750	345	101000
	08/01/24	646-7715, povah center	24.95		POVAH	1000 411255	345	101000
	08/01/24	646-7795, town hall	231.59		TWNHAL	1000 411250	345	101000
	08/01/24	646-7845, court clerk	254.59		COURT	1000 410360	345	101000
	08/01/24	646-9017, library	43.95		LIBRAR	2220 460100	345	101000
	08/01/24	646-9027, sewer plant alarm	40.53		SEWER	5310 430600	345	101000
	08/01/24	ethernet, library	300.00		LIBRAR	2220 460100	345	101000
	08/01/24	ethernet, povah center	146.26		POVAH	1000 411255	345	101000
	08/01/24	ethernet, police station	359.95		POLICE	1000 411258	345	101000
	08/01/24	ethernet, town hall	272.00		TWNHAL	1000 411250	345	101000
	08/01/24	ethernet, public works shop	125.00		STREET	1000 430200	345	101000
	08/01/24	602-4909, town hall judge	14.44		COURT	1000 410360	345	101000
	08/01/24	602-4894 Town hall Court Clerk	1.10		COURT	1000 410360	345	101000
	08/01/24	602-4897 town hall	1.10		TWNHAL	1000 411250	345	101000
	08/01/24	602-4898 town hall	1.10		TWNHAL	1000 411250	345	101000
	08/01/24	602-4900 town hall	5.25		TWNHAL	1000 411250	345	101000
	08/01/24	602-4901 town hall	5.25		TWNHAL	1000 411250	345	101000
	08/01/24	602-4902 town hall	1.10		TWNHAL	1000 411250	345	101000
	08/01/24	602-4903 town hall	1.10		TWNHAL	1000 411250	345	101000
	08/01/24	602-4904 town hall	1.10		TWNHAL	1000 411250	345	101000
	08/01/24	602-4905 town hall	1.10		TWNHAL	1000 411250	345	101000
	08/01/24	602-4906 Library Main desk	1.10		LIBRY	2220 460100	345	101000
	08/01/24	602-4907 Library Director	1.10		LIBRY	2220 460100	345	101000
	08/01/24	602-4908 Povah Ctr	11.10		POVAH	1000 411255	345	101000
	08/01/24	602-4949 Town Hall	11.10		TWNHAL	1000 411250	345	101000
	08/01/24	6024044 Soc Ser Pantry	10.00		SOCSER	1000 450135	345	101000

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51478		3400 Julie Brown	2,405.00					
	072524	07/25/24 Library	337.50		LIBRY	1000 411259	357	101000
	072524	07/25/24 Rendezvous Ski building	40.00		TRLHD	1000 411256	350	101000
	072524	07/25/24 Town Hall	825.00		TWNHLL	1000 411250	357	101000
	072524	07/25/24 Povah Building	450.00		POVAH	1000 411255	350	101000
	072524	07/25/24 Public Works Shop	0.00		PARKS	1000 411253	357	101000
	073124	07/31/24 Town Hall	275.00		TWNHLL	1000 411250	357	101000
	073124	07/31/24 Library	112.50		LIBRY	1000 411259	357	101000
	073124	07/31/24 Povah Building	325.00		POVAH	1000 411255	350	101000
	073124	07/31/24 Rendezvous Ski Building	40.00		TRLHD	1000 411256	350	101000
51479		3182 Senior Center	1,541.34					
	07/08/24	1/2PriceofFridgeforPovahcenter	1,541.34		POVAH	1000 411255	212	101000
51482		42 Fall River Electric	7,755.91					
	07/19/24	PARK, old firehouse 2901001	53.75		PARK	1000 411253	341	101000
	07/19/24	povah comm ctr 4212001	321.52		POVAH	1000 411255	341	101000
	07/19/24	unmetered lights 4212004	1,451.25		STLITE	1000 430263	341	101000
	07/19/24	RR Well 4212005	70.91		WATER	5210 430500	341	101000
	07/19/24	IRIS LIFT STATION 4212006	341.46		SEWER	5310 430600	341	101000
	07/19/24	POLICE 4212008	190.74		POLICE	1000 411258	341	101000
	07/19/24	TOWN HALL 4212009	275.54		TWNHLA	1000 411250	341	101000
	07/19/24	ICE RINK 421010	103.73		PARKS	1000 411253	341	101000
	07/19/24	S Canyon XmasTreelite 4212011	0.00		STLITE	1000 430263	341	101000
	07/19/24	Sewer Plant 4212012	1,442.50		SEWER	5310 430600	341	101000
	07/19/24	South Iris Street Well 4212013	916.26		WATER	5210 430500	341	101000
	07/19/24	Hayden/DeLaceyPump 4212014	115.47		SEWER	5310 430600	341	101000
	07/19/24	Hayden/Grouse Well 4212015	39.00		WATER	5210 430500	341	101000
	07/19/24	911 Tower 4212016	144.68		911	2850 420750	341	101000
	07/19/24	MADADD H20 Tower 4212017	55.46		WATER	5210 430500	341	101000
	07/19/24	SHOP 4212018	86.80		STREET	1000 430200	341	101000
	07/19/24	ANIMAL 4212029	69.18		ANIML	1000 440600	341	101000
	07/19/24	CLORINATOR 4212030	54.05		WATER	5210 430500	341	101000
	07/19/24	Electric Well 4212031	40.68		WATER	5210 430500	341	101000
	07/19/24	PARK 4212032	104.27		PARKS	1000 411253	341	101000
	07/19/24	UPDL 4212041	291.21		UPDL	1000 411252	341	101000
	07/19/24	861PowerLinTREATSERV 4212046	1,409.38		SEWER	5310 430600	341	101000
	07/19/24	LIBRARY 23 dunraven 4212054	178.07		LIBR	1000 411259	341	101000

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51485		547 WY Chamber of Commerce	2,474.67					
	TOWY-71824	07/18/24 VIC Supply Reimbursement	2,474.67		PARKS	1000 460430	220	101000
		*** Claim from another period (6/24) ****						
51486		547 WY Chamber of Commerce	1,300.00					
	TOWY-POR	07/18/24 VIC Bathrooms	1,300.00		COFC	1000 411257	357	101000
51487		3473 GWC LLC	53,171.20					
	5746	07/18/24 Final paymentforPD Roof	53,171.20		POLICE	1000 411258	920	101000
51488	E	2323 Montana Department of Revenue	1,018.80					
	5746	07/18/24 1%Contractors TaxPDRoof	1,018.80		POLICE	1000 411258	920	101000
51489		3277 Hadronex, Inc. dba SmartCover	3,061.60					
	32949	07/22/24 ASM-SF1R8/1/24-7/31/25Renewal	683.00		WATER	5210 430500	870	101000
	32655	07/09/24 SystemControlSatellite	2,378.60*		WATER	5210 430500	212	101000
51490		3480 SYBERTECH Waste Reduction Ltd.	3,428.56					
	U11164	07/15/24 Planters for Highway	3,428.56		STREET	1000 430200	221	101000
51491		660 Swiss Precision Landscaping	2,919.24					
	24-0748	07/01/24 SprinklerLineRepairs	2,919.24		PARKS	1000 460430	365	101000
51492		3437 T-Mobile	25.29					
	3459434-9	07/01/24 MobileInternet	25.29		STREET	1000 430200	345	101000
51493		2800 RDO Equipment Co.	1,746.99					
	1992916	07/11/24 SewerEquipmentRepairs	1,746.99		SEWER	5310 430600	369	101000
51494		65 Tractor & Equipment	208.50					
	0468848	07/12/24 Straps	208.50		SEWER	5310 430630	220	101000
51495		3481 SUPPLY LYNX	1,589.00					
	2	07/22/24 SewerSupplies	1,189.65		SEWER	5310 430600	220	101000
	1	07/22/24 SewerSupplies	399.35		SEWER	5310 430600	220	101000
51496		2403 Way West Services	179.50					
	2405	07/06/24 RefrigeratorPowerswitch	179.50		TWNHLL	1000 411250	220	101000
51497		3239 Salt Lake Wholesale Sports	434.00					
	99250	07/23/24 Smallitems of equipmentPolice	434.00		POLICE	1000 420100	212	101000

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51499		3315 IAS EnviroChem	2,350.00					
	2403984	07/16/24 WW Tests	1,390.00		SEWER	5310 430600	348	101000
	2403046	06/14/24 WW Tests	960.00		SEWER	5310 430600	348	101000
51500		3422 Sprinter Heating & Air LLC	13,480.77					
	21648	07/23/24 ReplaceHVACinfrontofTownHll	5,615.79*		TWNHLL	1000 411250	366	101000
	21649	07/23/24 Furnace Tuneup	953.24		POVAH	1000 411255	350	101000
	24650	07/23/24 Furnace Tuneup	336.38		STREET	1000 430200	398	101000
	21632	07/22/24 Boiler tune up	491.63		STREET	1000 430200	398	101000
	21620	07/17/24 Yearly Maintenanceonallsystems	1,420.02		CLINIC	1000 411251	357	101000
	21619	07/17/24 Yearly Maintenanceonallsystems	592.02		CHMBR	1000 411257	357	101000
	21618	07/17/24 ReplaceMainHVACcontrolpanelTH	4,071.69*		TWNHLL	1000 411250	366	101000
51501		2851 Amatics CPA Group	13,000.00					
	77596	05/31/24 AuditFinancialStatementsFY23	13,000.00		AUDIT	1000 410530	353	101000
51502		999999 I SAW IT IN MN	500.00					
	07/13/24	RefundResortTaxBondDeVilliers	500.00		RT	2100 214000		101000
51503		999999 CHRISTOPHER GENE PRICE	251.00					
	07/17/24	ExoneratedBondPrice	251.00		COURT	7469 212401		101000
51504		999999 RUSSELL LLOYD GEMAR	1,500.00					
	07/17/24	ExoneratedbondGemar	1,500.00		COURT	7469 212401		101000
51505		2751 Gallatin County Justice Court	285.00					
	07/22/24	MHP Bond Pass ThroughAlamillo	285.00		COURT	7469 213000		101000
51506		2952 DIS Technologies	675.00					
	14329	07/16/24 DIGAdvancedEndpointProtectAI	675.00		DSPTCH	1000 420160	398	101000
51507		346 Montana Board of Investments	65,692.55					
	07/15/24	TwnHllConstructionInterest	7,247.55		DEBT	2100 490200	620	101000
	07/15/24	TwnHllConstructionPrinciple	58,445.00		DEBT	2100 490200	610	101000
51508		2470 Island Park News	75.00					
	4368	07/23/24 3 weeks Notice	75.00		ADMIN	1000 410210	327	101000
51509		3482 PB ELECTRONICS	1,925.00					
	146204	07/19/24 Directional Radar	1,925.00		CIP	4000 420110	944	101000

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Claim	Check	Vendor #/Name/ Invoice #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
51510		1454 Bozeman Daily Chronicle/Big Sky	60.00					
	540322	07/24/24 PublicHearingRevisedZoncode	60.00		ADMIN	1000 410210	327	101000
51511		2822 ClearBlu Business Services	3,450.00					
	2577	07/15/24 HydroJetDrain LinespkywybJune	3,450.00		SEWER	5310 430630	357	101000
51512		2455 Tri State Excavating, LLC	3,901.65					
	16007	07/18/24 Road Base for June	3,072.19		PARKS	1000 460430	220	101000
	16031	07/25/24 Road Base for june	829.46		SEWER	5310 430600	398	101000
51513		3483 SWS Equipment	222,795.00					
	0171357	07/16/24 SnowBlowerAttachment	222,795.00		STREET	1000 430200	369	101000
51514		3476 RSCI	901,862.38					
	03	07/31/24 WWTP Contractor Payment	901,862.38		WWTP	5320 430640	951	101000
51515	E	2323 Montana Department of Revenue	9,109.72					
	03	07/31/24 1% MT Gross Receipts Tax	9,109.72		WWTP	5320 430640	951	101000
51516		999999 TOMMY CHURCH	500.00					
		07/30/24 RefundofResorttaxBondChurch	500.00		RT	2100 214000		101000
51517		1 First Security Bank of BZN, Div	38,835.69					
		08/01/24 LearningCenterPrinc	33,503.63		DEBT	1000 490500	610	101000
		08/01/24 LearningCenterInter	5,332.06		DEPT	1000 490500	620	101000
51518		1 First Security Bank of BZN, Div	43,855.93					
		08/01/24 80Acres Principle	37,899.19		DEBT	2100 490200	610	101000
		08/01/24 80Acres Interest	5,956.74		DEBT	2100 490200	620	101000
51519		3473 GWC LLC	132,603.00					
	5747	07/22/24 RoofCompletionMuseum	132,603.00		CIP	4000 460460	920	101000
51520		2751 Gallatin County Justice Court	305.00					
		07/30/24 BenchWarrantBondpassthrough	305.00		COURT	7469 213000		101000
51521		764 General Distributing Co.	91.05					
	1402570	07/31/24 welding supplies	91.05		STREET	1000 430200	231	101000

08/02/24
10:56:18

TOWN OF WEST YELLOWSTONE
Claim Approval List
For the Accounting Period: 8/24

Page: 9 of 11
Report ID: AP100

FSB - Operating account
* ... Over spent expenditure

Claim	Check	Vendor #/Name/ Invoice #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
51522		3212 Mike's Mobile Auto and Diesel	250.00					
	208 07/30/24	Vehicle Repair	250.00		STREET	1000 430200	361	101000
51523		3221 Rocky Mountain Electric	139,647.04					
	2024-085 07/29/24	Lighting projecton20	139,647.04		CIP	4000 430263	937	101000
51524		3192 Floyd's Truck Center	1,669.60					
	401058290 07/26/24	Equipmentrepair	1,669.60		STREET	1000 430200	369	101000
51525		999999 GIZZEL RAMALES	20.00					
	07/30/24	Exonerated Bond Ramales	20.00		COURT	7469 212401		101000
51526		3413 Yellowstone Towing & Repair	540.00					
	5434 07/23/24	2020RamTowing	540.00		POLICE	1000 420100	317	101000
51527		3388 YCG, Inc.	1,920.00					
	233346 07/25/24	Video Equipment	1,920.00		CIP	4000 420110	944	101000
51528		3438 ESG (Elemental Solutions Group)	425.00					
	E242E032 07/25/24	JumpStarter	425.00		STREET	1000 430200	220	101000
51529		3280 Fall River Propane	370.72					
	2626060 07/16/24	Propanedelivered	370.72		WATER	5210 430500	231	101000
51530		266 Utilities Underground Location	18.60					
	700413 07/23/24	Protection Program	18.60		SEWER	5310 430600	340	101000
51531		2491 MMIA	157.50					
	1005612 07/31/24	MadAddOwnersAssocLawsuit	157.50		LIABTY	1000 510330	513	101000
51532		2893 Wild Bill Productions, LLC	11,528.50					
	24-07-2 07/15/24	WildBillDays24-07	11,528.50		MAP	2101 410130	398	101000
51533		2099 Quick Print of West Yellowstone	255.80					
	19576 07/30/24	PO forms	247.00		ADMIN	1000 410210	220	101000
	19501 07/17/24	Office supplies	8.80		ADMIN	1000 410210	220	101000
51534		1089 Gallatin County Treasurer	329.00					
	July 2024	Court Fees						
	July2024 07/31/24	Tech	120.00		COURT	7458 212200		101000
	July2024 07/31/24	MLEA	160.00		COURT4	7467 212200		101000
	July2024 07/31/24	Victims	49.00		COURT	7699 212200		101000

08/02/24
10:56:18

TOWN OF WEST YELLOWSTONE
Claim Approval List
For the Accounting Period: 8/24

Page: 10 of 11
Report ID: AP100

FSB - Operating account
* ... Over spent expenditure

Claim	Check	Vendor #/Name/ Invoice #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
51535		2490 MMIA	53,896.50					
	120-Prop-2	07/01/24 MMIA Property Insurance FY	37,188.59*		INSUR	1000 510330	512	101000
	120-Prop	07/01/24 MMIA Property Insurance FY25	6,467.58*		INSUR	5210 510330	512	101000
	120-Prop	07/01/24 MMIA Property Insurance FY25	10,240.33*		INSUR	5310 510330	512	101000
		# of Claims	71	Total:				1821,292.11
		Total Electronic Claims	12,794.86	Total Non-Electronic Claims				1808497.25

Fund/Account	Amount
1000 General Fund	
101000 CASH	415,798.16
2100 Local Option Taxation-Resort Tax	
101000 CASH	110,548.48
2101 Marketing & Promotions (MAP)	
101000 CASH	11,528.50
2220 Library	
101000 CASH	391.61
2240 Cemetery	
101000 CASH	20.85
2850 911 Emergency	
101000 CASH	1,695.54
4000 Capital Projects/Equipment	
101000 CASH	276,095.04
5210 Water Operating Fund	
101000 CASH	11,141.50
5310 Sewer Operating Fund	
101000 CASH	24,000.14
5320 Sewer Replacement Depreciation Fund	
101000 CASH	910,972.10
7202 TBID Agency Fund	
101000 CASH	53,831.19
7458 Court Surcharge HB176	
101000 CASH	960.00
7467 MT Law Enforcement Academy (MLEA)	
101000 CASH	1,140.00
7469 City Court - Judge Jent	
101000 CASH	2,361.00
7699 Victims Assistance Program	
101000 CASH	808.00
Total:	1,821,292.11

Town of West Yellowstone
Town Council Meeting
July 16, 2024

TOWN COUNCIL MEMBERS PRESENT: Mayor Travis Watt, Lisa Griffith, Jeff McBirnie, Jeff Mathews, Brian Benike

COUNTY COMMISSIONERS: Jennifer Boyer, Scott MacFarlane, Zach Brown

OTHERS PRESENT: Town Attorney Jane Mersen, Town Manager Dan Walker, Town Clerk Liz Roos, Finance Director Katie Thompson, Public Services Superintendent Jon Simms, Chief of Police Mike Gavagan, Hebgen Basin Rural Fire District Chief Shane Grube, HBRFD Board Chair Kyle Goltz, Julie Wiesler-WYSEF, Carrie Coan-WYF, Kayla Wilson-HBRFD Firefighter, Ashlee Stoneburner-WYPD Officer

Zoom Participants: Clair Kloster (Senator Tester's staff), Meghan Eleain (KZBK MTN News), Jan Neish-Island Park News, Lindsay Charlton, Nancy Meyer, Pily Collins, SJ Shepherd

The meeting is called to order by Mayor Travis Watt at 4:00 PM in the Town Hall, 440 Yellowstone Avenue, West Yellowstone, Montana.

The meeting is being broadcast over the internet using a program called Zoom.

LISTENING SESSION-GALLATIN COUNTY COMMISSION

Mayor Travis Watt calls the meeting to order and everyone in the room introduces themselves. Commissioner MacFarlane explains that the purpose of the meeting is to listen and discuss current issues that affect the West Yellowstone area. The first topic of discussion is housing. Town Manager Dan Walker explains that housing in this area is very challenging. He explains that they have a Housing Coalition, working with HRDC and multiple community members and organizations. They have recently completed a draft housing strategy that will be released to the public in the near future, HRDC intends to attend the Town Council meeting on September 3, 2024. He explains that they have a moratorium on new wastewater connections but the new plant is under construction. They are also preparing to open up the 80 acres for development. Commissioner Brown says that a few years ago, they supported a HRDC led housing project and allocated money to support it. Unfortunately, after bidding the project a couple times, HRDC was unable to proceed with the project and the money was reallocated to another project. Fire Chief Shane Grube explains that project was eventually sold to the West Yellowstone School to build school teacher housing. Boyer adds that they are working on a county-wide housing strategy and would like to participate in the meeting on September 3. The commissioners explain that Gallatin County is working on a housing project in Bozeman area to convert the Gallatin County rest home into affordable housing. The next topic is an update on the airport and wastewater projects. Walker explains that the construction completion date is the end of November 2025, expect to be operation by spring of 2026. He says that it has taken a lot of effort to get started, but they broke ground last month and are making progress. Boyer asks about the capacity of the new plant. Walker explains that the new plant will be capable of processing 1.5 million gallons per day. The current lagoon was built to process about 480,000 gallons per day and during the summer, they are processing closer to 750,000 gallons per day. Brown asks about the money that was allocated by Gallatin County from ARPA funds for the project. Finance Director Katie Thompson responds that they were able to accept the money and put it towards the wastewater project. Brown asks about the land lease for the project from Montana Department of Aeronautics. Walker responds that they were able to work out a lease with MDT for the project and that has been settled. The group discusses the Hospital District. Bob Kinney explains that the Hospital District is represented by a 5-member board. Kinney explains that he is relatively new to this area, but was recruited to serve on the board and understands that there is a desire in the community to improve access to healthcare. Kinney says that they are putting together an RFP to hire a feasibility consultant to determine the type of healthcare services for the community, recognizing the seasonal population changes. He says that the next step will be to figure out how to fund expanded healthcare services. They do have the option of pursuing a mill levy for to fund the project. MacFarlane adds that they do have access to low interest funding through municipal bonds that may be an option when they get to that step. Brown says that when they get further along, the commission will be interested in the

results of the feasibility study and then potential taxation options. HBRFD asks what they expect a feasibility study to cost. Kinney says that one of the consultants they contacted estimated \$150,000, but they are pursuing other options acknowledging that Billings Clinic has already done a fair amount of research on the topic. The next topic is the Federal Lands Access Project (FLAP) road projects for Rainbow Point and Denny Creek roads. Brown explains that federal grants were awarded for the roads. The grants will be administered by the federal government and the County will not be involved with scheduling or project management. It is clarified that Rainbow Point was funded but Denny Creek did not get funded. Boyer explains that Denny Creek did get second tier award, so it may be scheduled later on. Brown explains that it was very fortuitous to get the grant as the pavement was deteriorating to the point that they were going to have to go back to a gravel road. The group discusses the Rails to Trails project, which was not successful obtaining a FLAP grant. Thompson explains that the trail is completed from the edge of Town to the top of Reas Pass, approximately 9 miles. The Town would like to connect the trail to the Town but is struggling to find funding for the project. The group discusses possible grant opportunities for the project. The next topic is the upcoming legislative session. Walker says that they would like to be involved in discussions about initiatives that affect this area. MacFarlane says that they often work with MACO to bring forth initiatives. He says that realistically, they do not expect to be able to get a lot through the next session due to difficult issues in the last session. He says they feel like maintaining the ability of local governments to support their communities will be a priority. He says there has been discussion about changing the law to allow 72-hour holds for mental health issues before seeing a judge. Brown says they expect local governments will need to defend their authority to regulate housing and taxation. He says that Gallatin County has not traditionally hired professional lobbyists, but it is being discussed because of an adversarial relationship between the MACO staff and the Governor's office. Brown comments on zoning districts and the effects potential legislation could have. Jan Neish asks if emergency services are considered an essential service. Grube says it is not. Neish explains that in Idaho, that effort has been made to require the government to fund it. Chief Grube says that his department provides service out in the forest and county and requests support from the County for the calls they respond to outside of their area. He asks for an agreement with Gallatin County to support their responses on forest lands. Griffith asks if he has approached federal agencies for support for those types of responses. Grube says that he does have an agreement with the National Park, but the County receives PILT money, which means "Payment in Lieu of Taxes." Grube contends that some of that money should be allocated to HBRFD to support response on the Forest. Brown responds that he appreciates Grube's perspective and persistence, but their research doesn't agree with Grube's perspective. Boyer shares a recent idea to implement gate access fees and possibly bill insurance companies that represent people that cause accidents. Chief Gavagan says that he has been involved with Gallatin County Search & Rescue for a very long time, they respond to massive accidents and major injuries, not just twisted ankles. He says he has read up on PILT Funding at least five times and requests an explanation of what that money is for. Brown responds that they have over 40 special districts and they cannot treat each district differently. He says it is their perspective that they do not help special districts fund their operations. Gavagan contends that they are different because of the massive amount of forest service land in this area. Grube says that they have over 114,000 acres of forest service land in this district. The next largest amount of forest service land is in the Big Sky district where they have 22,000 acres.

Thompson expresses appreciation for the staff at the County for their assistance. Brown asks if West Yellowstone has been involved with the crises responder program for mental health services. Gavagan comments that the program is not available here, their only option is really to drive the individual up to Bozeman. Brown says mental health services is a constant discussion point and they are trying to figure out a creative way to address the need.

The meeting adjourns at 5:45 PM.

WORK SESSION

Mayor Travis Watt calls the work session meeting to order. The purpose of the meeting is to review the most recent draft of the zoning code. Scott Hazelton, Senior Planner for Hyalite, is a consultant hired by the Town to guide the project. Hazelton participates in the meeting by Zoom. Hazelton guides the Council through the draft and points out additions and changes. He notes that they did add language that enables the Town to double the permit fee for a project that is started without a permit. He explains that the updates made to the residential sections are consistent across all of the residential zones. He points out language for the B-3 zone that requires the display of outdoor merchandise must be set back at least 18” from the public right of way. He explains that the proposed downtown overlay district was discussed extensively by the Planning Board. The district designates specific areas in the downtown area and prohibits businesses that are not open in the evenings and residential uses in that area. The Planning Board recommended this section be presented to the Council as a draft. Hazelton describes the conditional use process and the addition of additional dwelling units (ADU). He explains that state legislation was passed last year to simplify the addition of ADUs, but it is currently tied up in a lawsuit. The language in the code complies with the new legislation with the inclusion of parking and permit requirements. Hazelton explains that the parking requirements were updated and specifically they changed the cash-in-lieu for parking process from a one-time fee to an annual payment. He addresses non-conformance and when it no longer applies to a property. Sales and regular maintenance do not trigger a review for conformance. The signs chapter has been updated and non-conforming signs are allowed to remain. Hazelton also points out that the Council is designated to act as the Board of Adjustments. He states that the Planning Board was great to work with on this project. Benike thanks Hazelton and Planning Board for their efforts. He says he has no other comments, neither does Mathews. Griffith asks when will all of her comments and grammatical corrections be taken into account? Hazelton says that before they release the final draft for the first public hearing, he will make all the grammatical corrections. Griffith says she has several comments and believes several of the definitions should be clarified. She asks about the definition of an apartment and home occupations. Hazelton explains that there is a difference between home occupations and working from home. He says that a home occupation is when customers come to the home. Hazelton says that home occupations are not prohibited, but it does have to be reviewed. Griffith disagrees with the regulations for home occupations. She also questions the definition of “industrial use.” Hazelton explains that industrial use means more than three steps to the final project. Griffith disagrees with the definition of industrial use. McBirnie asks about the decision to require the 18” setback for the display of outdoor merchandise and why that length was chosen. Hazelton says that the average distance between the sidewalk and buildings around town is about 14” but in some places is as much as 18”. Mathews says they also wanted to ensure that if someone that stops to browse the merchandise, they would not have to stand in the public thoroughfare to do so. McBirnie also asks about short-term rentals in the business overlay district. SJ Shepherd asks about non-conforming parking and non-conforming signs and how that will be addressed. Hazelton says that unless there is a change of use or change in the dimensions of the building, then the non-conforming parking is allowed to remain. Regarding non-conforming signs, Hazelton says how the code is written, non-conforming signs or historical signs may remain. Walker points out that there are probably a lot of signs out there that are not permitted and perhaps it is better to require the signs to obtain a permit. Jerry Johnson explains that until the first sign ordinance was passed, no signs required a permit other than the ones along the highways. He points this out because there are many signs that are older than that and are not permitted. Hazelton explains that when those signs are replaced or updated, they would need to obtain a permit. Watt asks the council if they have more comments. Griffith suggests directing the discussion to the broader topics such as parking. Walker says that the parking section of the draft ordinance is largely unchanged, but the Planning Board felt like the entire section needs more review. He says that the current parking regulations are not effective and difficult to interpret and enforce. Johnson says that the Planning Board also would like more time to also review the business overlay district and signs. The council discusses moving forward to adopt the code and then establishing the zoning for the 80 acres. Mathews says a lot of time and discussion has gone into developing the current draft. Jan Neish asks if any consideration was given to solar or cell phone towers. Hazelton responds

that towers are addressed but he did not make any reference to solar. Hazelton says he will work with Walker to finish the draft and prepare for the first public meeting.

TOWN COUNCIL MEETING

Public Comment

Jan Neish says the new microphone system, the Owl System, is working very well.

Council Comments

Jeff Mathews says the alleys are in good condition this year and holding up. Mayor Watt asks if they can fix the flagpole in front of the Town Hall and make it straight.

ACTION TAKEN

- 1) Motion carried to approve Purchase Order #5797 to Mountain Valley Construction to apply dust control to the alleys for \$15,000. (McBirnle, Griffith)
- 2) Motion carried to approve Purchase Order #6649 to Sweet Electric, LLC to connect and install the electric service for the streetlights on North Electric for \$16,690.00. (McBirnle, Griffith)
- 3) Motion carried to approve Purchase Order #6325 to Duval Ford two Ford F-150 police responder vehicles for \$99,100.32. (McBirnle, Mathews)
- 4) Motion carried to approve Purchase Order #6326 to Sprinter Heating & Air to replace the HVAC unit on the west end of the Town Hall for \$5615.79. (McBirnle, Griffith)
- 5) Motion carried to approve Purchase Order #6327 to Swiss Precision Enterprises to purchase and plant (16) 3-inch Caliber Aspens and Canada Red trees and cast-iron tree guards for \$60,340,00. (Griffith, Benike)
- 6) Motion carried to approve the claims which total \$2,284,473.39 which includes a payment of \$1,641,458.41 to RSCI for the wastewater treatment project. (Griffith, Benike)
- 7) Motion carried to approve the minutes of the July 2, 2024 Town Council Meeting. (McBirnle, Mathews) Griffith is opposed, motion passes.
- 8) Motion carried to approve the recommendation from the Marketing and Promotions Fund Advisory Board to award \$7560 to the Earthquake Lake Visitor Center (USFS) for 2024 programs. (McBirnle, Griffith)
- 9) Motion carried to approve the recommendation from the Marketing and Promotions Fund Advisory Board to award \$21,000 to the Wretched Mess Fest 2024. (McBirnle, Griffith)
- 10) Motion carried to approve the Yellowstone Rod Run Event Permit, Outside Amplification Permit, Approve Resolution No. 804 to lift the open container ordinance during the event, and waive the resort tax bond for the event. (McBirnle, Benike)
- 11) Motion carried to pass resolution No. 803, a resolution to issue a moratorium on connections to or new uses of the Town's wastewater treatment system for one year with the amendment to remove the duplicate "2024" in the final paragraph. (Griffith, McBirnle)
- 12) Motion carried to direct Finance Director Katie Thompson to apply for the Montana Emergency Tourism Assistance Program for the full amount of \$75,000. (Griffith, McBirnle)

- 13) Motion carried to approve the Application to Maintain an Encroachment for the The Branch Restaurant & Bar projecting sign at 315 Yellowstone Avenue. (McBirnle, Benike) Griffith is opposed, motion passes.
- 14) Motion carried to approve the Salary Exempted Employee Policy (Benike, McBirnle)

DISCUSSION

- 1) Mathews asks if they apply the dust control to the interior parks. Simms responds that they do not but estimates it would double the cost. McBirnle asks about just doing the interior parks in the downtown area. Simms says he will find out.
- 8-9) John Greve addresses the Council regarding two event permits: Wretched Mess Fest and Earthquake Lake Visitors Center Programs 2024. Greve explains that Wretched Mess Fest is an expanded event this year and will include food trucks and tie into the fly fishing industry. He also explains that the Earthquake Lake programs, which is offering new programs this year but is outside the area for which they typically approve funding. He says the board agreed that the Earthquake Lake Visitors Center represents an important piece of West Yellowstone history. Ellen Butler, manager for the Earthquake Lake Visitors Center, explains that they are celebrating the 65th anniversary of the earthquake and have invited two survivors to attend and speak. They are also celebrating Smokey Bear's 80th Birthday this summer. She also mentions that the MAP Fund award will also be used to replace/repair the east portal sign, which attracts a lot of traffic.
- 11) Griffith says that she thinks it is confusing to call it a building moratorium because it is really a moratorium on sewer connections.
- 12) Thompson explains that multiple people shared this grant opportunity with her. She says that if they are successful, the grant could be used to purchase one of the new police vehicles.
- 13) Assistant Public Services Superintendent, KC Tanner, explains that the sign is ten feet from the ground and projects over the sidewalk. Tanner recommends approval as long as the business provides proof of insurance.
- 14) Walker explains that when they updated the Employee Personnel Policy Manual, they took out the section that pertained to department heads and salaried employees. Legal counsel recommended presenting this policy separately for adoption.
- A) **Town Manager & Staff Reports:** Town Manager Dan Walker reports that they had a very successful 4th of July holiday in West Yellowstone. He especially credits the Police Department for keeping the Town safe, irregardless of the shooting and threat in the Park, and the Public Services Department for getting the Town into great shape for the holiday. He reports that the Housing Coalition is meeting tomorrow and is preparing to release a housing strategy and host public meetings. They had their first meeting with the Kyle Scarr of TD&H this week and started to discuss expanding the water system. The roof project at the Police Department is complete and they expect to complete the roof on the Museum by the end of this weekend. There is an open house tomorrow at the Chamber building hosted by Montana Department of Transportation regarding the Denny Creek turn lane project. Mathews asks about the vandalism at the city park bathrooms. Simms responds that they do have cameras up on the outside of the building, but it is an ongoing problem. Simms adds that the light pole project along Highway 20 is making great progress and should wrap up next week. The new loader-mount snowblower arrived yesterday. The materials for the traffic mitigation project have arrived and will be installed soon. Jan Neish asks about the electronic traffic signs. Chief Gavagan says that they expect to have enough extra money from the traffic mitigation project to purchase at least one sign and he'd like to purchase two.

July 16, 2024
Town Council Meeting
Minutes, Page 6 of 6

The meeting is adjourned at 8:45 PM.

Mayor

ATTEST:

Town Clerk

DRAFT

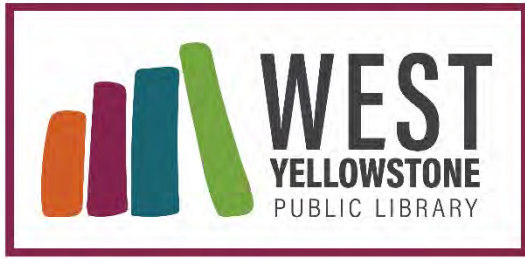
Police Department - Department Head(s) Report July 25 – July 31, 2024

129 calls for service

- 7 citations issued
 - 23 Warnings
 - 8 Cases Generated
 - 1 Arrests
 - 9 Public Assists
 - 4 Agency Assists
 - 19 Fire/EMS calls
-
- Calls included: Traffic Stops, 911 calls, Citizen Assists, Agency Assists, Crashes, Parking, Reckless, Fights, Disturbances, Animal Complaints, Suspicious Person/Activity, Lost/Found, Thefts, Sex Crime, Subject Stops, Civil, Mental Health, Warrants, Search & Rescue, Domestic and other fun stuff.
-
- WYPD Officers, GCSO Deputies, and Gallatin County Youth & Family Outreach passed out popsicles in the park. The summer rec kids were all there and many lucky families just having lunch.
 - Missouri River Drug Task Force Meeting
 - PD officers held Taser scenario training
 - Finished researching radar speed signs for the east and west end of Hwy. 20. Purchase order and explanation sheet of my recommended purchase will be in the council package.
 - We still have patrol vehicle at Billion's for repairs, working on week three.
 - Created patrol officer schedule for September through November. It's a little ugly and September is going to be a struggle for the four of us at that point.
 - The new Voice logger installation has started, hopefully completed by next week sometime.
 - Spent a good deal of time working on the Traffic Calming project.
 - Brenda took this week off.

Until next week,

Mike & Brenda



Library Report, August 2024

Children's Programs:

Summer Reading Challenge- Adventure Begins at the Library!

Summer school kids coming Wednesday mornings for reading and programs

Storytime: Wednesdays 11:00.

Storytime Outreach: Friday mornings at Little Rangers

Megan is tutoring a five-year-old; helping her prepare for kindergarten.

Language Classes:

Intermediate Spanish to English: Monday & Wednesdays 5:00 pm

Beginner Spanish: Tuesday & Thursday Mornings at 9:00 am

English as a Second Language (non-Spanish) Tuesdays 4:30 pm

Adult Programs:

Adult art classes have been canceled because Jessica is moving, we are researching other options

Book Club: The third Wednesday of the month, 6:30 pm

Cookin' the Books: The fourth Wednesday of the month, 6:00 pm

General Update:

- The library is fully in compliance with Montana State Library public library standard requirements because of staff and trustee CE, programs offered, and policies. We will be eligible for State funding.
- The building was painted and repaired by Yellowstone Log Chinking and looks like a new building
- New fence up, built by Charlotte Mooney with help from volunteers
- Samantha is writing book reviews for the town newsletter
- Summer is busy with locals and visitors
- Library staff is great, the library has had some incredible upgrades this year, and we are having fun!



Week of 07.29.2024

- Worked on debt payments for 08.15.2024 deadline.
- Court reconciliation is up to date.
- Worked on year-end entries for FY2024.
- Prepared for Town Council meeting agenda items for the August 6, 2024, meeting.
- Met with Triple S Cleaning regarding Pioneer Park bathrooms. Worked with Jane Mersen, with the cleaning contract.
- Kept working on resort tax audit situation and starting process for 2023 Resort Tax audit with the auditors.
- Updated project trackers for the summer projects we are working on.
- Worked on FY2025 budget updates.
- Raised water and sewer rates for FY2025, this is the last planning rate increase from the 3-year plan.



AUGUST 2, 2024

TO: Town Manager Dan Walker, Town Council

FROM: Liz Roos, Town Clerk

SUBJECT: Town Clerk Report

- Celebrated Peggy's 60th Birthday and Debbi's retirement!
- Planned and participated in a DRG meeting this week, new owner seeking to develop the WYED building at 209 Electric
- Lots of Facebook chatter this week, posted about the police officer position, public hearing for the revised zoning code, pictures of the functioning streetlights on North Electric, notification of the upcoming street projects (seal coat and striping), and the link to our interactive zoning map. The Town uses social media to distribute information. We do not engage in conversations or respond to comments on social media.
- Current Job Openings:
 - Chief of Police, closes August 2, may extend deadline
 - Social Services Associate, closes August 9
 - Equipment Operator, open until filled
 - Police Officer, priority consideration by August 30
 - 911 Communications Dispatcher, open until filled
- August Event Permits:
 - Yellowstone Rod Run, August 2-3
 - Music in the Park, August 2, 3, 10, and 24
 - Montana POW/MIA Awareness Ride, August 17
- Posted and prepared for 8/6/24 Town Council Meeting, processed payroll July 12 and 26



SOCIAL SERVICES

HIGHLIGHTS

JULY 18-AUGUST 2, 2024

- Social Services saw 344 clients in July with a total of 1943 individuals for the past six months. Social Services is a happening place!!
- The lobby food and the Clothing Bank are popular with summer employees
 - Picked up the Cash Boxes that are at local businesses
 - Shower facilities are being used regularly
 - The Job Board is being updated daily
 - Assisting a local family with medical bill issues
 - Directing individuals to other agencies for specific needs
 - Local businesses are donating to the Food Bank
 - Dianna has been working with Ed Geiger and they have the OpiSign program working on three TV's
 - Dianna organized a marvelous Farwell party for Debbi

Dianna

Debbi

Public Services Dept. Bi-Weekly Report: July 12th through July 25th, 2024

Work Performed

- Prep and finish concrete: fill in tree pits along canyon that will not be receiving trees this fall, sidewalk tripping hazards, MH and gate valve risers, reset ring on altitude valve.
- Fill in low spots within inner parks/ snow storage areas with road base.
- Event support: Touch-a-Truck.
- Set headstones and clean up the deadfall at cemetery.
- Maintain casting pond, fix sprinkler system lines, mowing grass, trimming weeds/ trees.
- Grade roads to well and lagoon, sweep streets, fill potholes. York rake operations.
- WW treatment plant continues forward. Bypassing cells, raking solids from Cell B.
- Flush SAS service laterals and mainlines that continue accumulating debris.
- SAS weekly manhole/ problem areas inspections: ongoing.
- Perform water & WW samples: ongoing.
- Sewer and water systems maintenance: ongoing. Fixing broken lines, Curb-stop requests.
- Continue inventory for the EPA's lead and copper rule/ data entry to meet the October 16th, 2024, deadline.
- Building maintenance and service calls: ongoing.
- Daily trash/ refuse route: ongoing.
- Vehicle and equipment repairs: ongoing. Utility locates ongoing.
- Respond to vandalism: ongoing. Haul away abandoned vehicles.
- Code enforcement and citations issued: ongoing.
- Cross training the PW crew on vehicle maintenance, daily lift stations route, utility locates, water monitoring and testing, equipment, etc.
- Fix damaged castings and signage: ongoing.

Administrative

- Line up CDL test for Crew: Oscar and Jose will take driving test August 28th in Dillon.
- Continue to work with vendors and technicians on fleet updates: ongoing. Chase parts
- Coordinate parts and supplies orders: ongoing.
- Line up burial services and coordinate headstone deliveries w/ monument companies.
- Work with/ meet contractors on project scheduling: ongoing.
- Fill in for staff/ operate equipment/ wrench on equipment.
- Manage current public works staff and seek ways to recruit additional employees: ongoing.
- Met with residents and business owners regarding complaints: ongoing.
- Meetings: Cemetery Board, TD&H Engineering, RSCI.
- Continue to seek bids for future CIP's, get the ball rolling years in advance.
- Submit departmental reports to the Town Manager.
- Code bills and submit check request: ongoing.
- Seek additional training opportunities for the crew.
- Evaluate building and infrastructure issues, coordinate repairs as needed.

Water/Wastewater Report

Wastewater flows have been extremely high. It averages between 750,000 to 800,000 gallons per day. For the last 3 months we have pushed 70 million gallons of wastewater through the IP beds.

IP cells 8 and 9 have reached the maximum amount of wastewater that can be taken, and now we have diverted wastewater to the IP beds 6 and 7 to keep up with flows. IP cells 1 and 2 have been cleaned out and we have removed 2 to 3 feet of soil. We have rebuilt the dyke between the cells and put a new overflow pipe in which took several days to accomplish.



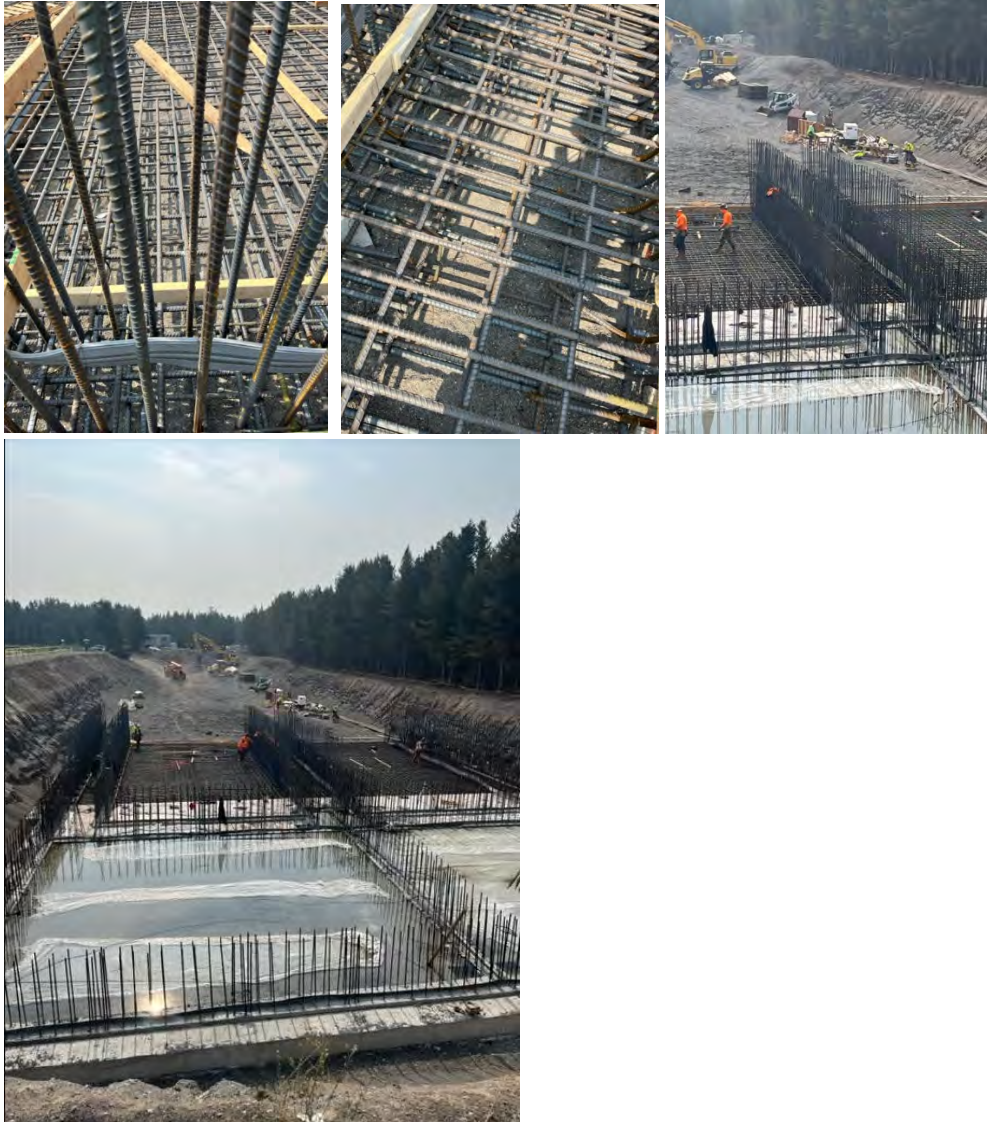
The lagoons are going through a phenomenon due to the extremely high temperatures and lack of dissolved oxygen.

We only have so much air we can produce to the lagoon system and with the high wastewater flows this has caused high loading conditions. This means that we are lacking DO (dissolved oxygen) to the bacteria, so we convert aerobic bacteria into anaerobic bacteria which starts changing the color of the lagoon system on Cell A & B to a very bright pink. This is an example of why a new wastewater plant is needed.

Construction for the new wastewater plant is coming along. They have poured 1 out of 5 floor pads and are working on #2. There was a delay in pouring #2 floor pad due to some water stop issues that needed to be repaired. There is great progress being made daily. The FAA finally signed off crane height to 128 feet which is great news. RSCI is now in the

process of setting up the crane and they have also completed the building permit requirements.

I recommend that the council members schedule a time with me to tour the progress of the plant. The rebar in this project is amazing and in my many years in this field I have never seen so much steel in the ground.



I have worked on, completed, and submitted the second quarter Discharge Monitoring Report which includes the monitoring wells for the EPA.

I installed a new Smart cover control system which monitors the water discharge of Whiskey Springs.

Working on Lead and Copper inventory field inspections. This is an ongoing project.

Worked on manhole and sewer line inspections. Spot cleaned some lines that needed attention.

Worked on 811 locates throughout the Town daily. Working with local contractor regarding the school housing project to ensure the water and wastewater lines are properly installed.

I finally have an electrical contract to install the electrical panel in the Madison lift pump station. We have had 5 electrical contractors that could not complete the task.

Working on installing a subpanel on the exterior wall of the Iris lift pump station to store the generator power cables.

Rebuild the Kabota tractor's steering wheel assembly for the public works.

We have torn out 2 badly damaged sections of the sidewalk behind the Museum and are now prepping for new concrete. From time-to-time concrete is rejected from the wastewater project for various reasons. We are hoping to use rejected loads to fix the sidewalk and other areas in Town which will save money.



If you have any questions, please feel free to contact me.

Thank you,

Jon Brown

TOWN OF WEST YELLOWSTONE

PUBLIC HEARING

Ordinance No. 276 Revised Zoning Code

NOTICE IS HEREBY GIVEN that the Town Council of the Town of West Yellowstone will conduct a Public Hearing on **August 6, 2024** regarding Ordinance 276. Ordinance No. 276 amends all chapters of Title 17 of the West Yellowstone Municipal Code, commonly known as the Zoning Code, which pertains to all zoning districts, land use, permitted and prohibited uses, conditional uses, setbacks, encroachments, parking, signage and development standards, etc.

Complete copies of the ordinance are available at the Town Hall, 440 Yellowstone Avenue, West Yellowstone, MT or by email at eroos@townofwestyellowstone.com. The proposed ordinance is also posted on the Town's website: www.townofwestyellowstone.com. The public hearing will be held during the regular Town Council Meeting which begins at **7:00 PM** on **August 6, 2024**. The meeting will take place in the Town Hall, 440 Yellowstone Avenue in West Yellowstone, MT, at which time oral testimony will be taken from the public. The meeting will also be broadcast on the internet through zoom.us, meeting ID: 893 834 1297. Written testimony may be submitted until 5:00 PM on the date of the hearing to the Town Clerk at the Town Hall, by mail to P.O. Box 1570, West Yellowstone, MT 59758, or by email to eroos@townofwestyellowstone.com. For further information contact the Town Offices, 646-7795.

Elizabeth Roos
Town Clerk



ORDINANCE No. 276

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF WEST YELLOWSTONE REPLACING TITLE 17 OF THE WEST YELLOWSTONE TOWN CODE WITH A REVISED ZONING CODE

WHEREAS, the Town Council of the Town of West Yellowstone believes that an updated zoning code is in the best interests of the health, safety and welfare of the citizens of West Yellowstone; and

WHEREAS, the Town's zoning code was adopted in 1982 with various amendments having been made to it over the years; and

WHEREAS, it is in the best interest of the Town to have a comprehensive updated zoning code so that the Town and the public can more easily understand the code and how it applies within the Town and one which complies with the current state regulations on local zoning; and

WHEREAS, the West Yellowstone Planning Commission has held several meetings to discuss the revisions and recommended that the Town adopt the revised zoning code that is attached hereto as **Exhibit 1**, (the "Revised Zone Code"); and

WHEREAS, on July 16, 2024, the Town Council of the Town of West Yellowstone held a work session at which the Revised Zone Code was presented by the Town's Planning Consultant; and

WHEREAS, the Town was informed the Planning Commission recommended that the Town delay adoption of the Overlay District chapter for additional review; and

WHEREAS, on August 6, 2024, the Town Council held a duly noticed public hearing for the first reading of the Ordinance adopting the Revised Zone Code at which it received public testimony in favor of or against the Revised Zone Code; and

WHEREAS, on _____, 2024, the Town Council held a duly noticed public meeting on the second reading of the Ordinance adopting the Revised Zone Code at which it received public testimony either in favor of or against the Revised Zone Code; and

WHEREAS, based on the recommendation of the Planning Commission, staff input and public testimony, the Town Council believes it is in the best interests of the citizens of the Town of West Yellowstone to adopt the Ordinance enacting the Revised Zone Code, without the Overlay District chapter:

NOW THEREFORE, BE IT ORDAINED by the Town Council of the Town of West Yellowstone that the Revised Zone Code as set out on **Exhibit 1**, attached hereto, is hereby adopted, without the Overlay District chapter, and shall entirely replace Title 17 of the 1982 zoning code and its previous amendments.

REPEALER: All ordinances and parts of ordinances in conflict with provisions of this ordinance, except as provided above, are hereby amended or repealed.

EFFECTIVE DATE: This ordinance shall be in full force and effect thirty (30) days after final adoption by the Town Council of the Town of West Yellowstone.

SEVERABILITY: If any portion of this ordinance or the application therefore to any person or circumstance is held invalid, such invalidity shall not affect other provisions of this ordinance which may be given effect without the invalid provisions or application and, to this end, the provisions of this ordinance are declared to be severable.

PASSED BY the Town Council and approved by the Mayor of the Town of West Yellowstone, Montana, this ____ day of _____, 2024.

Mayor Travis Watt

Council Member Jeff Mathews

Council Member Brian Benike

Council Member Jeff McBirnie

Council Member Lisa Griffith

ATTEST:



Town Clerk Elizabeth Roos

Chapter 17.02: GENERAL PROVISIONS

Sections:

17.02.020 Title

17.02.030 Zoning map adopted

17.02.020 Title

The ordinance codified in this title shall be known and cited as the zoning ordinance of the Town of West Yellowstone and referred to as the zoning title of this code.

17.02.030 Zoning map adopted

The town zoning ordinance is amended by adopting the West Yellowstone zoning map placed before the Town Council and signed on _____

Chapter 17.04: DEFINITIONS

Sections:

- 17.04.010 Generally
- 17.04.020 Accessory use or building
- 17.04.030 Alley
- 17.04.040 Amusement center
- 17.04.050 Animal-drawn carriage
- 17.04.060 Apartment
- 17.04.070 Architectural feature
- 17.04.080 Automobile wrecking
- 17.04.090 Boarding, lodging, or rooming house
- 17.04.100 Building
- 17.04.110 Building height
- 17.04.120 Building official
- 17.04.130 Building perimeter
- 17.04.140 Campsite
- 17.04.150 Casino
- 17.04.160 Church
- 17.04.170 Clinic
- 17.04.180 Clubs, fraternal lodges
- 17.04.190 Communications tower
- 17.04.200 Conditional use
- 17.04.210 Condominium
- 17.04.220 Day and youth camps
- 17.04.230 Density
- 17.04.240 Dwelling
- 17.04.250 Dwelling, duplex
- 17.04.260 Dwelling, multi-unit
- 17.04.270 Dwelling, one-unit
- 17.04.280 Dwelling unit

17.04.290	Fallout shelters
17.04.300	Finished good
17.04.310	Floor area
17.04.320	Four-plex
17.04.330	Fuel service stations
17.04.340	Garage, automotive repair
17.04.350	Garage, residential
17.04.360	Growth policy
17.04.370	Home occupation
17.04.380	Hospital
17.04.390	Hotel
17.04.400	Independent recreational vehicle
17.04.410	Independent recreational vehicle site
17.04.420	Industrial use
17.04.430	Interior park
17.04.440	Junk yard
17.04.450	Landscaping
17.04.460	Limited services campground
17.04.470	Live-work units
17.04.480	Loading berth, off-street
17.04.490	Lot
17.04.500	Lot, corner
17.04.510	Lot coverage
17.04.520	Lot lines
17.04.540	Lot line, front
17.04.550	Lot line, rear
17.04.560	Lot line, side
17.04.570	Lot width
17.04.580	Manufacturing, heavy
17.04.590	Manufacturing, light

17.04.600	Mobile food vendor
17.04.610	Mobile home
17.04.620	Mobile home park
17.04.630	Mobile home stand
17.04.640	Motel
17.04.650	Nursing home
17.04.660	Outdoor merchandise
17.04.670	Parking lots
17.04.680	Parking space, off-street
17.04.690	Parkway
17.04.700	Personal service establishment
17.04.710	Planned unit development
17.04.720	Prefabricated home
17.04.730	Professional business offices
17.04.740	Public park
17.04.750	Recreation area
17.04.760	Restaurant, café, and drive-in restaurant
17.04.770	Retail sales
17.04.780	Rooming house
17.04.790	Rooming unit
17.04.800	Salvage yard
17.04.810	Screened
17.04.820	Setback
17.04.830	Shopping center
17.04.840	Short-term rental
17.04.850	Sign
17.04.860	Splash pad, public
17.04.870	Street
17.04.880	Structure
17.04.890	Structural alteration

- 17.04.900 Swimming pool, private
- 17.04.910 Swimming pool, public
- 17.04.920 Timeshare interest
- 17.04.930 Timeshare plan
- 17.04.940 Timeshare use
- 17.04.950 Tower
- 17.04.960 Townhouses
- 17.04.970 Townhouse group
- 17.04.980 Travel trailer
- 17.04.990 Travel trailer park
- 17.04.1000 Triplex
- 17.04.1010 Unit, efficiency
- 17.04.1020 Unit, rooming
- 17.04.1030 Use
- 17.04.1040 Use, conditional
- 17.04.1050 Variance
- 17.04.1060 Vehicle repairs, major
- 17.04.1070 Vehicle repairs, minor
- 17.04.1080 Walk up business
- 17.04.1090 Water park, public
- 17.04.1100 Wholesale establishment
- 17.04.1110 Yard, front
- 17.04.1120 Yard, rear
- 17.04.1130 Yard, side
- 17.04.1140 Zero lot line

- 17.04.010 Generally

For the purpose of this title, words used in the present tense shall also include the future; words or phrases used in the singular shall also include the plural, words used in the plural shall also include the singular; the word "building" includes structure and "structure" includes building; the words "used" and "occupied" shall include within their meaning "intended, arranged, or designed

to be used or occupied." The word "person" shall include corporation, individual, partnership, trustee, or other legal entity. Where other definitions are necessary and are not defined in this chapter, the current version of the American Planning Association Planner's Dictionary may be used. When no definition is available, the Town Manager or designee may issue a formal definition. Certain terms and words are defined as follows:

17.04.020 Accessory use or building

"Accessory use or building" means the use of land or a subordinate building or a portion of a main building, such use being secondary to or incidental to the principal use or structure.

17.04.030 Alley

"Alley" means a right-of-way, dedicated to public uses, which gives a primary or secondary means of vehicular access to the rear or side of properties otherwise abutting a street, and which may be used for public vehicular or utility access.

17.04.040 Amusement center

"Amusement center" means a place or facility where recreation activities, arcade/video games or other similar electronic games are played for amusement only. Shall not be construed so as to include bingo games nor shall it be construed so as to include gambling devices or any other devices prohibited by law.

17.04.050 Animal-drawn carriage

"Animal drawn carriage" any carriage, buggy, rickshaw, or similar device drawn by one or more persons or animals in which the public, for a fee, is allowed to ride for purposes of transportation, entertainment, or amusement.

17.04.060 Apartment

"Apartment" means a building or portions thereof designed with more than four (4) individual dwelling units.

17.04.070 Architectural feature

"Architectural feature" means a part, portion, or projection that contributes to the beauty or elegance of a building or structure, exclusive of signs, that is not necessary for the structural integrity of the building. Architectural feature includes belfries, cornices, chimneys, canopies, eaves, balconies, steeples, or other similar features.

17.04.080 Automobile wrecking

"Automobile wrecking" means the dismantling or wrecking of a used motor vehicle or trailer and includes the storage, sale or dumping of dismantled, or partially dismantled, obsolete, or wrecked vehicles, trailers or other parts.

17.04.090 Boarding, lodging, or rooming house

"Boarding, lodging, or rooming house" means a building, or portion thereof, other than a hotel, rest home, or home for the aged where lodging or lodging and meals exclusive of the operator's immediate family are provided for compensation.

17.04.100 Building

"Building" means any structure built for support, shelter, or enclosure of persons, animals, or property of any kind.

17.04.110 Building height

"Building height" means the vertical distance from the average elevation of the proposed finished grade at the front of a building to the highest point of any element of the building not defined as an architectural feature.

17.04.120 Building official

"Building official" means that official designated by the town manager, or their designee, as the official responsible for accepting, reviewing, and approving or rejecting plans for buildings or occupancy, and applications for building and occupancy permits, and for interpretations and enforcement of ordinances related thereto.

17.04.130 Building perimeter

"Building perimeter" means the foundation walls of a building and/or supports for appendages thereto.

17.04.140 Campsite

"Campsite" means an area specifically designated or marked for camping

17.04.150 Casino

"Casino" means a commercial facility where patrons wager money on the outcome of a game or sporting event.

17.04.160 Church

"Church" means a building designed for public worship by any religious body.

17.04.170 Clinic

"Clinic" means a place used for the care, diagnosis, or treatment of sick, ailing, infirmed, or injured persons and those who need medical or surgical attention, but who are not kept overnight on the premises.

17.04.180 Clubs, fraternal lodges

"Clubs, fraternal lodges" means buildings, facilities or premises owned and or operated by a corporation, association, person, or persons for a social, educational, charitable or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.

17.04.190 Communications tower

"Communications tower" means any ground-mounted pole, spire, structure, or combination thereof, including supporting lines, cables, wires, braces, and masts, intended primarily for the purpose of mounting an antenna or similar apparatus above ground. This includes any tower used to communicate public safety or emergency service information.

17.04.200 Conditional use

See "use, conditional."

17.04.210 Condominium

"Condominium" means a multiple dwelling or development containing individually owned dwelling units and jointly owned and shared areas and facilities, which dwelling or development is subject to the provisions of state and local laws.

17.04.220 Day and youth camps

"Day and youth camps" means premises and facilities used occasionally or periodically for the accommodation of members of groups or associations for outdoor recreational activities.

17.04.230 Density

"Density" means the total number of dwelling units allowed per gross acre.

17.04.240 Dwelling

"Dwelling" means a building or portion thereof designed with one (1) or more dwelling units.

17.04.250 Dwelling, duplex

"Duplex dwelling" means a single building with a total of two (2) dwelling units.

17.04.260 Dwelling, multi-unit

"Multi-unit dwelling" means a building designed with five (5) or more dwelling units.

17.04.270 Dwelling, one-unit

"One-unit dwelling" means a building designed with one (1) dwelling unit within the building.

17.04.280 Dwelling unit

"Dwelling unit" means a building or portion thereof providing cooking, eating, sleeping, sanitary, and living facilities.

17.04.290 Fallout shelters

Fallout shelters to protect human life during periods of danger may be constructed in, or under, any required yard except that if constructed in a front yard or side yard none of it may protrude above the average grade of the lot.

17.04.300 Finished good

"Finished good" means materials or products which have received the final increments of value through manufacturing or processing operations, and which are being held in inventory for delivery, sale, or use to the final consumer.

17.04.310 Floor area

"Floor area" means the total number of square feet of floor space within the exterior walls of a building.

17.04.320 Four-plex

"Four-plex" means a building containing four (4) individual dwellings. Accessory dwelling units are not included in this definition.

17.04.330 Fuel service stations

"Fuel service stations" means any building or portion thereof and the land upon which it is situated used for supplying fuel and/or oil for motor vehicles at retail direct to the consumer and/or used for making minor vehicle repairs. Reference Chapter 17.04.1080 for the definition of minor vehicle repairs.

17.04.340 Garage, automotive repair

"Automotive repair garage" means any building or premises used for major repairs of motor vehicles for compensation but not including auto wrecking, storage of wrecked cars, nor structures used for private vehicle repairs. Repair activity shall be conducted in enclosed places or screened from public view.

17.04.350 Garage, residential

"Residential garage" means a building or structure, or part thereof, used or designed to be used for the parking and storage of vehicles.

17.04.360 Growth policy

"Growth policy" means a document or any portion thereof adopted by the Town Council which shall guide the town in terms of project review and growth within the town limits.

17.04.370 Home occupation

"Home occupation" means the use of a portion of a dwelling as an office, studio, or work room for occupations at home, when clients visit the home or if service is rendered on the property, by one or more persons residing in the dwelling unit. No home occupation shall occupy more than twenty percent (20%) of the gross floor area nor more than four hundred square feet (400 sq. ft.) of gross floor area. The activity must be clearly incidental to the use of the dwelling for dwelling purposes and shall not change the character or appearance thereof.

17.04.380 Hospital

"Hospital" means a facility or institution providing health care services, primarily for in-patients and medical or surgical care of the sick or injured, including out-patient departments, training facilities, central service facilities and staff offices.

17.04.390 Hotel

"Hotel" means a building or structure kept, used, maintained as, advertised as, or held out to the public to be a hotel, motel, inn, motor court, tourist court, public lodginghouse, or similar name. A place where sleeping accommodations are furnished for a fee to transient guests, with or without meals.

17.04.400 Independent recreational vehicle

"Independent recreational vehicle" means a recreational vehicle that has a toilet, lavatory, bathing facilities, and waste holding tank. Omission of any of these facilities will classify the recreational vehicle as a dependent recreational vehicle.

17.04.410 Independent recreational vehicle site

"Independent recreational vehicle site" means that part of an individual lot which has been reserved for the placement of an independent recreational vehicle and appurtenant structures.

17.04.420 Industrial use

"Industrial use" means the refinement of raw products used in the creation of future goods. This excludes any process that provides a consumer ready product.

17.04.430 Interior park

"Interior park" means public property that is interior to a block typically used for dumpsters, parking, propane tanks, snow storage, utility placement and maintenance, and similar accessory uses.

17.04.440 Junk yard

"Junk yard" means primary or accessory use of a parcel of land for the storage, dismantling or selling of cast-off or salvage material of any sort in any other than the original form in which it was manufactured and/or assembled, thus, not including reconditioned second-hand furniture, fixtures, or antiques sold from within a walled building.

17.04.450 Landscaping

"Landscaping" means the placement of ornamental fixtures such as fountains, ornamental walls, fences, benches, along with vegetative plantings of trees, shrubs, grass, flowers, etc. This definition shall also include the designing of the placement of such materials.

17.04.460 Limited services campground

"Limited services campground" means a campground used for public camping that is accessible by a motorized vehicle and provides the following services only: electricity, an adequate and potable water supply, adequate sewage disposal, and adequate solid waste disposal.

17.04.470 Live-work units

"Live-work units" means buildings or spaces within buildings that are used jointly for commercial and residential purposes where the residential use of the space is secondary or accessory to the primary use as a place of work.

17.04.480 Loading berth, off-street

"Off-street loading berth" means an off-street space or berth on the same lot with a principal building for the parking of commercial vehicles while loading or unloading materials and which has direct access from a public street or alley.

17.04.490 Lot

"Lot" means land held as an individual unit of ownership shown on the most recent plat or other record of ownership.

17.04.500 Lot, corner

"Corner lot" means a lot situated at the junction of and abutting on two (2) or more streets or an alley and a street.

17.04.510 Lot coverage

"Lot coverage" means the total area of a lot covered by any structure or building on the lot.

17.04.520 Lot lines

"Lot lines" means the lines bounding a lot as defined in this chapter.

17.04.540 Lot line, front

"Front lot line" means the lot line that abuts a public or private road which lends its name to the address of any structure or use on a property.

17.04.550 Lot line, rear

"Rear lot line" means the lot line that is opposite and most distant from the front lot line as defined.

17.04.560 Lot line, side

"Side lot line" means the lot line that does not meet the definition of front or rear lot line.

17.04.570 Lot width

"Lot width" means the width of a lot along the frontage thereof and lying a distance equal to the required front yard setback on such lot.

17.04.580 Manufacturing, heavy

"Heavy manufacturing" means the activities or processes that would necessitate the storage of large volumes of highly flammable, toxic matter or explosive materials needed for the manufacturing process. These activities may involve outdoor operations as part of their manufacturing process.

17.04.590 Manufacturing, light

"Light Manufacturing" means the creation, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding basic industrial processing and custom manufacturing.

17.04.600 Mobile food vendor

"Mobile food vendor" means a temporary food service establishment that is a vehicle mounted food service establishment designed to be readily movable.

17.04.610 Mobile home

"Mobile home" means a transportable structure built on a chassis and designated to be used, without a permanent foundation, as a dwelling unit when connected to sanitary facilities (the phrase "without permanent foundation" indicates that the support system is constructed with the intent that the mobile home placed thereon will be moved from time to time at the convenience of the owner).

17.04.620 Mobile home park

"Mobile home park" means a parcel of land that has been planned and improved for the placement of mobile homes for residential use. Mobile home parks shall undergo the subdivision exemption process dictated by Montana Code Annotated.

17.04.630 Mobile home stand

"Mobile home stand" means that part of an individual lot which has been reserved for the placement of a mobile home, appurtenant structures, or additions.

17.04.640 Motel

See "hotel."

17.04.650 Nursing home

"Nursing home" means a building or portion thereof used for the housing of and caring for the ambulatory, aged, or infirmed by a professional staff.

17.04.660 Outdoor merchandise

"Outdoor merchandise " means the placement of any item outside of a structure for sale or rent.

17.04.670 Parking lots

"Parking lots" means a structure or an area, other than a public street or alley, designed or used for the temporary parking of motor vehicles and available for public use whether free, for compensation, or as an accommodation for customers or clients.

17.04.680 Parking space, off-street

"Off-street parking space" means a space located off any public right-of-way which meets the size requirements outline in 17.37 for parking of any motor vehicles, with room to get out of either side of the vehicle, with adequate maneuvering space, and with access to public streets or alleys.

17.04.690 Parkway

"Parkway" means a secondary public access that provides travel lanes through a block that is not a named street.

17.04.700 Personal service establishment

"Personal service establishment" means a business which provides services such as banks, hairdressers, shoe repair, tattoo parlors, tanning salons, and real estate services. These uses may also include accessory retail sales of products related to the services provided.

17.04.710 Planned unit development

"Planned unit development" means an area of land in single ownership or control to be developed as a single integrated unit, the plan for which may not correspond in lot size, bulk or type of building, density, lot coverage, use, and required open space of the regulations established in the district.

17.04.720 Prefabricated home

"Prefabricated home" means a partially constructed factory fabricated building unit which will be substantially assembled onsite, utilizing premanufactured component parts. This term intended is to include modular housing. This term shall not be construed to include "mobile homes" as defined in 17.04.610

17.04.730 Professional business offices

"Professional business offices" means offices to be occupied by accountants, architects, dentists, doctors, engineers, lawyers, insurance agents, real estate agents, or other professions which are of a similar nature.

17.04.740 Public park

"Public park" means a natural or landscaped area, buildings, or structures, provided by a unit of government, to meet the active or passive recreational needs of people.

17.04.750 Recreation area

"Recreation area" means an area including open spaces, playgrounds, buildings, and apparatus designed for recreational activities set aside for the use of the mobile home park residents.

17.04.760 Restaurant, café, and drive-in restaurant

"Restaurant, café, and drive-in restaurant" means a public eating house.

17.04.770 Retail sales

"Retail sales" means an establishment selling goods, wares, or merchandise directly to the ultimate consumer.

17.04.780 Rooming house

See "boarding house."

17.04.790 Rooming unit

See "unit, rooming."

17.04.800 Salvage yard

"Salvage yard" means a facility or area for storing, keeping, selling, dismantling, shredding, compressing, or salvaging scrap or discarded material or equipment.

17.04.810 Screened

"Screened" means concealed or cut off from direct visual contact using fencing or vegetation.

17.04.820 Setback

"Setback" means the horizontal distance required between any structure and a lot line. This distance to be measured at right angles (perpendicular) to the lot line.

17.04.830 Shopping center

"Shopping center" means one (1) or more buildings containing at least three (3) separate retail businesses planned, developed, and managed as a unit, with off-street parking provided on the property for all properties.

17.04.840 Short-term rental

"Short-term rental(s)" means a transient vacation rental or use in which overnight accommodations are provided in dwelling units to guests for compensation, for periods of less than thirty (30) days.

17.04.850 Sign

"Sign" is defined by the current edition of the Uniform Sign Code of the International Conference of Building Officials.

17.04.860 Splash pad, public

"Public splash pad" means an artificially constructed public recreation area for water play over which water is sprayed but is not allowed to pool.

17.04.870 Street

"Street" a public thoroughfare, including road, highway, drive, lane, avenue, place, boulevard, and any other thoroughfare that affords the principal means of access to abutting property.

17.04.880 Structure

"Structure" means that which is built or constructed, an edifice or building of any kind or any piece of work artificially built up or composed of parts joined together in some definite manner.

17.04.890 Structural alteration

"Structural alteration" means any change in the shape or size of any portion of a building or of the supporting members of the building or structure such as walls, columns, beams, arches, girders, floor joist, or roof joist.

17.04.900 Swimming pool, private

"Private swimming pool" means a recreation facility designed and intended for water contact activities that serves a single-unit dwelling(s), duplex dwellings, or multifamily dwellings, or combinations thereof, including pools owned or controlled by a neighborhood club or similar organization and not open to the general public.

17.04.910 Swimming pool, public

"Public swimming pool" means a recreation facility designed and intended for water contact activities that is open to the general public and that is operated as a business or as a club unless such club is associated with a neighborhood club or similar organization.

17.04.920 Timeshare interest

"Timeshare interest," as used in the definition of timeshares, is the right to exclusively occupy an accommodation for a period of time on a recurring basis pursuant to a timeshare plan, whether or not coupled with an estate in real property.

17.04.930 Timeshare plan

"Timeshare plan," as used in the definition of timeshares, is any arrangement, plan, scheme, or similar device, whether established by membership agreement, sale, lease, deed, license, right-to-use agreement, articles of organization or incorporation, operating agreement or bylaws, or by any other means, whereby a purchaser receives the right to exclusive use of an accommodation(s) or portion thereof, according to a fixed or floating time schedule, for a period of time less than a full year during any given year, on a recurring basis for more than one year, but not necessarily for consecutive years. A timeshare plan shall be deemed to exist whenever such recurring rights of exclusive use to the accommodation(s), or portion thereof, are created, regardless of whether such exclusive rights of use are a result of a grant of ownership rights, possessory rights, membership rights, rights pursuant to contract, or ownership of a fractional interest or share in the accommodation(s), and regardless of whether they are coupled with an estate in real property such as a freehold interest or an estate for years in the property subject to the timeshare plan.

17.04.940 Timeshare use

"Timeshare use" means the use of one or more accommodations or any part thereof, pursuant to a timeshare plan.

17.04.950 Tower

"Tower" means a structure consisting of a single pole of any kind or poles connected by cross arms or cross members, either welded, bolted, or fastened together in any way, used for signaling, broadcasting, or communications equipment or for any other purpose.

17.04.960 Townhouses

"Townhouses." "Townhouse" is a one-unit (1) dwelling unit which is part of a group of two or more such units separated by a common party wall, having no doors, windows, or other provisions for human passage or visibility. Each one-dwelling unit shall be attached by not more than two party walls. Where units are offset from one another and a common party wall is used, the wall may be placed equidistant on each side of the lot line not exceeding the length of the offset.

17.04.970 Townhouse group

Townhouse Group. "Townhouse group" means a cluster or grouping of townhouse units containing not less than two nor more than six individual townhouse dwelling units contiguous to one another.

17.04.980 Travel trailer

"Travel trailer" means a vehicular portable enclosure designed as a temporary dwelling for travel, recreation, and vacation uses.

17.04.990 Travel trailer park

"Travel trailer park" means any area or tract of land rented or held out for rent to one or more persons or users for parking or placement of individual recreational vehicle for, not to exceed fourteen (14) consecutive days, recreational or vacation housing.

17.04.1000 Triplex

"Triplex" means a building containing three (3) individual dwellings. Accessory dwelling units are not included in this definition.

17.04.1010 Unit, efficiency

"Efficiency unit" means an apartment unit with unseparated area for sleeping and/or cooking.

17.04.1020 Unit, rooming

"Rooming unit" means a space for human occupancy lacking private bath and/or kitchen facilities with a floor area of at least four hundred fifty square feet (450 sq. ft.).

17.04.1030 Use

"Use" means any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained, or occupied or any activity, occupation, business, or operation carried on or intended to be carried on in a building or other structure or on a tract of land.

17.04.1040 Use, conditional

"Conditional use" means uses, other than permitted uses, that may be allowed in a specific district but requiring additional safeguards to maintain and assure the health, safety, and general welfare of the community and to maintain the character of the district.

17.04.1050 Variance

"Variance" means the relaxation of the strict application of the terms of this title with respect to mechanical requirements such as setback requirements, yard requirements, area requirements, etc., where specific physical conditions unique to the site of the lot would create a hardship by making its development for uses difficult or impossible.

17.04.1060 Vehicle repairs, major

"Major vehicle repairs" means the repair or replacement of frames and bodies, including but not limited to painting, of vehicles of all weights and sizes, and the repair or replacement of engines, transmissions, power trains and wheels of vehicles. This includes such things as oil changes, transmission flushing, tire replacement, and any mechanical repairs.

17.04.1070 Vehicle repairs, minor

"Minor vehicle repairs" means the replacement of parts and motor services to passenger cars and trucks not exceeding one and one-half ton (1 1/2) capacity including wiper blade replacement, battery replacement, and headlight replacement, but not including repairs specified under 17.04.1060.

17.04.1080 Walk up business

"Walk up business" means an establishment which sells at retail certain foods readily prepared for immediate consumption without facilities and services customarily incidental to a restaurant operation, including but not limited to waiter service. This does not include mobile food vendors. "Walk-up business" also means exterior automatic tellers or exterior walk-up teller (banking) windows and the like.

17.04.1090 Water park, public

"Public water park" means a recreational park or facility in which the primary functions are entertainment and activities using water.

17.04.1100 Wholesale establishment

"Wholesale establishment" means an establishment for the sale of goods and merchandise for resale instead of direct consumption.

17.04.1110 Yard, front

"Front yard" means an open space extending across the full width of the lot between the front building line and lot line abutting the street. The front lot line is defined as the lot line from which any structure receives a street address.

17.04.1120 Yard, rear

"Rear yard" means an open space extending across the full width of the lot between the rear building line and the lot line opposite and most distant from the front lot as defined.

17.04.1130 Yard, side

"Side yard" means an open space extending from the side building line to a side lot line as defined.

17.04.1140 Zero lot line

"Zero lot line" means the elimination of a side setback to allow a structure to cross property lines. A zero-lot line may only be used for single-unit dwellings, but only to create a zero-lot line on one side of any two lots.

Chapter 17.06: ESTABLISHMENT OF DISTRICTS

Sections:

- 17.06.010 Official zoning map
- 17.06.020 Map authentication-Certificates
- 17.06.030 Replacement of official zoning map
- 17.06.040 Interpretation of boundaries
- 17.06.050 Lots in two zones
- 17.06.060 Interpretation of uses
- 17.06.070 Appeal of administrative decision

17.06.010 Official zoning map

- A. The town is divided into zones, or districts, as shown on the official zoning maps which, together with all explanatory matter thereon, are adopted by reference and declared to be a part of this chapter.
- B. For this chapter, the town is divided and classified into the following use districts:
 - 1. R-1 residential single-unit, low density
 - 2. R-2 residential single-unit, medium density
 - 3. R-3 residential, medium density
 - 4. R-4 residential, medium density, apartments
 - 5. B-3 central business
 - 6. B-4 expanded business
 - 7. M-1 commercial, light manufacturing
 - 8. E-2 entertainment
 - 9. PLI public lands and institutions
 - 10. Downtown Overlay District (Draft, Not yet adopted)
 - 11. Transitional District

17.06.020 Map authentication-Certificates

- 1. The official map shall be available in the office of the town clerk and shall bear certificate with the signature of the mayor attested by the clerk of the Town Council and the date of adoption of the ordinance codified in this chapter.
- 2. Copies of the official map shall also be found on the town website of West Yellowstone in static and interactive formats.
- 3. The certificate should read as follows:

This is to certify that this is an Official Zoning Map referred to in Section 3 of Ordinance Number ____ of the Town of West Yellowstone, Montana.

Mayor _____

Attested _____

Date of Adoption _____

- C. If any changes to the map are made by amendment of this chapter in accordance with Chapter 17.54, such changes shall be made to the official zoning map and signed, dated, and certified upon the map or upon the material attached thereto.
- D. Regardless of the existence of purported copies of the official zoning maps which may from time to time be made or published, the official zoning maps kept in the town offices by the town clerk shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the town.

17.06.030 Replacement of official zoning map

- A. If the official zoning maps become damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions thereto, the Town Council may adopt and certify new official zoning maps which shall supersede the prior official zoning maps. The new official zoning maps may correct drafting or other errors or omissions in the prior map, but no such corrections shall have the effect of amending the original official zoning maps or any subsequent amendment thereof.
- B. The new official zoning maps shall be identified by signature of the mayor attested by the town clerk. The certificate should read as follows:

This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted _____ as part of Ordinance Number _____ of the Town of West Yellowstone.

Mayor _____

Attested _____

Date _____

17.06.040 Interpretation of boundaries

Where uncertainty exists as to the boundaries of districts as shown on the official zoning map, the boundaries shall be interpreted as following the nearest logical line to that shown; where:

- A. Boundaries indicated as approximately following the center line of streets, highways, or alleys shall be construed to follow such center lines;
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
- C. Boundaries indicated as approximately following town limits shall be construed as following such town limits;
- D. Boundaries indicated as following railroad lines shall be construed to be midway between the main track(s);
- E. Boundaries indicated as following the centerline of streams, rivers, canals, or ditches shall be construed to follow such centerlines;
- F. Boundaries indicated as parallel to or extensions of features indicated on the official zoning map shall be determined by the scale of the map;
- G. Where physical or culture features existing on the ground are at variance with those shown on the official zoning map or where other circumstances or controversy arise over district boundaries, the Town Council shall interpret the district boundary.

17.06.050 Lots in two zones

Where a district boundary line as established in this title divides a lot which was of single ownership and of record at the time of this title, the use thereon and the district requirements applying to the least restricted portion of such lot under this title shall be considered as extending to the entire lot, provided the more restricted portion of such lot is entirely within twenty feet (20') of the dividing line, the use so extended shall be deemed to be conforming.

Lots in two zones should be avoided when rezoning parcels in the future.

17.06.060 Interpretation of uses

- A. If questions arise concerning the appropriate classification of a particular use, or if the specific use is not listed, the town manager or designee shall determine the appropriate classification for that use.
- B. In interpreting use classification, the town manager or designee, shall determine:
 - 1. That the use and its operation are compatible with the uses permitted in the district wherein the use is proposed to be located;
 - 2. That the use is similar to one or more uses permitted in the district wherein it is proposed to be located;
 - 3. That the use will not cause substantial injury to values of property in the neighborhood or district wherein it is proposed to be located;
 - 4. That neither the intent of this title nor the intent of the district will be abrogated by such classification.
- C. If the town manager or designee determines that a use meets the criteria in Section B of this title then that use shall be added to the appropriate district through a zone text amendment.
- D. Anyone wishing for the town manager or designee to make such use determination as outlined in this subsection shall present an application to the town hall explaining the following information:
 - 1. The proposed use and general function of such use
 - 2. The identified use in the district and how the proposed use is similar
 - 3. Any manner of differences between the use defined in the chapter and the proposed use in the district
- E. The town manager or their designee shall provide the interpretation in use in writing to the applicant with their decision and how the proposed use meets the criteria of section B of this chapter.
- F. If deemed that the use may become prevalent in the district for which the use is being interpreted the town manager or designee shall initiate the code amendment process outline in 17.08.140.

17.06.070 Appeal of administrative decision

Any person or persons, jointly or severally aggrieved by an administrative interpretation of use by a Town official may present to the Board of Adjustments an appeal petition specifying the grounds for the appeal. Such petition shall be presented to the Board of Adjustments within thirty (30) days after the filing of the zoning administrator or building official.

Chapter 17.08: ADMINISTRATIVE REGULATIONS AND PROCESSES

Sections:

- 17.08.010 Zoning of annexed territory
- 17.08.020 Minimum requirements
- 17.08.030 Minimum requirements-Conflicting provisions
- 17.08.040 Conformity to district regulations
- 17.08.050 Height, area, and yard requirements
- 17.08.060 Yard requirements exclusive to property on which it is located
- 17.08.070 Minimum yard requirements
- 17.08.080 Officials designated and duties
- 17.08.090 Stop order
- 17.08.100 Permits
- 17.08.110 Conformance
- 17.08.120 Expiration of permit
- 17.08.130 Unlawful permits
- 17.08.140 Schedule of fees, charges, and expenses
- 17.08.150 Permits applied for after project start
- 17.08.160 Physical and legal access
- 17.08.170 Street rights-of-way
- 17.08.180 Amendment-Initiation
- 17.08.190 Amendment-Investigation
- 17.08.200 Amendment-Hearing
- 17.08.210 Enforcement
- 17.08.220 Complaints
- 17.08.230 Appeal of administrative decision
- 17.08.240 Appeal of a town board decision
- 17.08.250 Violations-Penalty

17.08.010 Zoning of annexed territory

- A. The Town Council shall determine the appropriate zoning for all areas to be annexed to the town but shall take into consideration the area growth policy and written requests of the owner of record of the land to be annexed.
- B. When such zoning of annexed territory is to be effective at the time of such annexation, the Town Council may determine the proper zoning to be effective upon the date of such annexation and include this determination in the decision to annex said parcels.

17.08.020 Minimum requirements

Except as provided in Chapter 17.29, 17.39, 17.41 and 17.50 with respect to conditional uses, nonconforming uses and nonconforming buildings, and variances, the regulations set by this title shall be minimum regulations and all regulations as categorized shall apply uniformly to each class or kind of structure or land.

17.08.030 Minimum requirements-Conflicting provisions

In their interpretation and application, the provisions of this title shall be held to be minimum requirements adopted for the promotion of the health, safety, morals, and general welfare of the community. Wherever the requirements of this title are at variance with the requirements of any other lawfully adopted rules and regulations, the most restrictive, or that imposing the higher standards, shall govern.

17.08.040 Conformity to district regulations

No building, structure, or land shall hereafter be used or occupied, and no building, structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered unless it is in conformity with all the regulations in this title specified for the district in which it is located unless a variance has been granted by the town.

17.08.050 Height, area, and yard requirements

No building or other structure shall hereafter be erected or altered unless a variance has been granted by the town, that violates the terms of the underlying zoning district of the following elements:

- A. The height or bulk;
- B. Accommodating or housing a greater number of dwelling units;
- C. Occupying a greater percentage of lot area;
- D. Encroaching on rear yards, front yards, side yards, or other open spaces.

17.08.060 Yard requirements exclusive to property on which it is located

Required yard area, open space, off street parking or loading zones shall not be used by any adjacent parcels for complying with any provisions of this chapter.

17.08.070 Minimum yard requirements

No yard or lot existing at the time of adoption of the ordinance codified in this title shall be reduced in dimension or area below the minimum requirements set forth in this title. Yards or lots created

after the effective date of the ordinance codified in this title shall meet at least the minimum requirements established by this title unless a variance is granted by the town.

17.08.080 Officials designated and duties

- A. The building official and town manager shall administer and enforce this title. They may be provided with the assistance of such other persons as the Town Council may direct and those assistants shall have essentially the same responsibilities as directed by the building official.
- B. If the building official or town manager, or their designee, shall find that any of the provisions of this title are being violated, they shall notify in writing the person responsible for such violations, indicating the nature of the violation, references to the specific sections of this code that are being violated, and ordering the action necessary to correct it. They shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this title to ensure compliance with or prevent violation of its provisions.
- C. The building official or town manager, or their designee, shall check all plans and applications for permits for compliance with this title both before and during construction. If during this procedure the building official or town manager, or their designee, deems that the proposed plan or construction does not comply with this title, they shall inform the applicant of the infraction and shall stop all construction on the project until such time as the applicant, building, or principal revises their plan to conform to the title or obtains a variance, conditional use permit, or zone change as set forth in this chapter.

17.08.090 Stop order

Whenever any building work is being done contrary to the provisions of this title, the building official shall order the work stopped by notice in writing served on any person engaged in doing or causing such work to be done, and any such person shall forthwith stop such work until authorized by the building official to proceed with the work.

17.08.100 Permits

- A. No building or other structure shall be erected, moved, added to, or structurally altered and no land use shall be changed without valid permits as described in this chapter.
- B. Within the limits of the town, building permits shall be obtained in accordance with applicable building codes.
- C. The application shall include such other information as lawfully may be required by the building official or town manager, or their designee, , including but not limited to existing or proposed building and land; the number of persons, housing units, or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of this title.
- D. One copy of the application and plans shall be returned to the applicant by the building official or town manager, or their designee, after they shall have marked such copy either as approved or disapproved and attested to same by his signature. The second copy similarly marked shall be retained by the building official or town manager, or their designee.

17.08.110 Conformance

- A. No permit of any type shall be issued unless in conformance with the regulations contained within this title. Permits issued based on plans and applications approved by the building official or town manager, or their designee, authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement or construction shall be utilized. Use, arrangement or construction at variance with that authorized shall be deemed a violation of this title punishable as provided in Section 17.08.250 of this title.
- B. Conditional use permits approved by the Town Council and variances granted by the board of adjustment shall be deemed in conformance with the terms of this title. However, building permits or land use permits shall be issued only in accordance with the terms set forth in the conditional use permit and variance chapters of this title.

17.08.120 Expiration of permit

Every permit issued by the building official or town manager, or their designee, under this title shall expire in accordance with the provisions of applicable building codes. When a building permit expires, issuance of a new permit to recommence work on the same building project shall also be governed by the provisions of applicable building codes. An applicant may propose an extension by submitting written notice to the town manager that details why the project cannot be completed. The town manager may only approve an extension if the plans have not had any changes. The extension may be granted for a period not to exceed the initial approval period.

17.08.130 Unlawful permits

Any building permit, or any authorization issued, granted, or approved in violation of the provisions of this title, shall be invalid and of no effect without the necessity of any proceedings or a revocation or nullification thereof, and any work undertaken or use established pursuant to any such building permit or other authorization shall be unlawful.

17.08.140 Schedule of fees, charges, and expenses

- A. The Town Council shall establish a schedule of fees, charges, and expenses and a collection procedure for building permits, land use and zoning permits, subdivisions, appeals, and other matters pertaining to this title. The schedule of fees shall be set by resolution of the Town Council and shall be posted in the town offices. The fee schedule shall only be changed by resolution of the Town Council.
- B. No permit, zone change, conditional use, or variance shall be issued unless or until such costs, charges, fees, or expenses listed on the fee schedule posted in the town offices have been paid in full, nor shall any action be taken on proceedings by the Town Council, or the board of adjustment, unless, or until, preliminary charges and fees have been paid in full.

17.08.150 Permits applied for after project start

Any person or persons who is required by the Town of West Yellowstone to apply for a permit contained within this chapter after beginning use or construction of a project without the proper permit shall pay double the application fee for the necessary permit(s).

17.08.160 Physical and legal access

Every building hereafter erected or moved shall be on a lot adjacent to a public street, or with physical and legal access to an approved private street, alley, parkway, or interior park, and all structures shall be so located on lots as to provide safe convenient access for servicing, fire protection, required off-street parking per Chapter 17.37 of this title, and off-street loading per Chapter 17.38 of this title.

The town will not maintain any access from a public street once it is located on private property. The town will not maintain any access from a private street, alley, parkway, nor interior park.

17.08.170 Street rights-of-way

No building permit shall be issued or use proposed in any right-of-way or any right-of-way proposed on the town growth policy.

17.08.180 Amendment-Initiation

- A. The Town Council may, from time to time, amend, supplement, or change this title and the regulation of maps, appertaining thereto. The Town Council may initiate an amendment, supplement, or change.
- B. Whenever the property owner of any land or building desires a reclassification of his property or change in regulations applicable thereto, he may file with the town clerk, a petition duly signed and verified by him requesting an amendment or change of regulations prescribed for such property.

17.08.190 Amendment-Investigation

Upon initiation of an amendment by the Town Council or upon petition from a property owner, the Town Council shall cause to be made such an investigation of facts bearing on such initiation or petition as will provide necessary information to assure that the action of each such petition is consistent with the intent and purpose of this title and the Montana Code Annotated.

17.08.200 Amendment-Hearing

The Town Council shall hold public hearings on the matters referred to in such initiation or petition at which parties in interest and citizens shall have an opportunity to be heard and for the purpose of acting upon the proposed amendment or supplement after public notice. Such public notice shall be published in an official paper or paper of general circulation in the town telling the time and place of the meeting at least fifteen (15) days prior to the meeting date. In case, however, of protest against such changes signed by the owners of twenty percent (20%) or more either of the area of the lots included in such proposed change or of those lots within one hundred fifty feet (150') of the parcel for a proposed change, including the width of any adjacent right of ways therefrom such amendment shall not become effective except by the favorable vote of eighty percent (80%) of all members of the Town Council.

17.08.210 Enforcement

This title shall be enforced by the Town Council and their authorized representatives. No building permit or business or occupational use license shall be issued except in compliance with the provisions of this chapter.

17.08.220 Complaints

Whenever a violation of this title occurs or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the building official. They shall record properly such complaint and immediately investigate and act thereon as provided by this title.

17.08.230 Appeal of administrative decision

Any person or persons, jointly or severally aggrieved by any administrative decision of town official may present to the Board of Adjustments an appeal petition specifying the grounds for the appeal. Such petition shall be presented to the Board of Adjustments within thirty (30) days after the filing of the zoning administrator or building official.

17.08.240 Appeal of a town board decision

Any person or persons, jointly or severally aggrieved by any decision of the Town Council, Board of Adjustments, or any other quasi-judicial board representing the Town of West Yellowstone, may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision of the office of the Board.

17.08.250 Violations-Penalty

Violation of this title is a municipal infraction subject to the provisions of Sections 7-1-4150 through 7-1-4152, MCA unless noted elsewhere in this title.

Chapter 17.10: R-1 RESIDENTIAL-SINGLE-UNIT-LOW DENSITY

Sections:

- 17.10.010 Intent
- 17.10.020 Permitted uses
- 17.10.025 Conditional uses
- 17.10.030 Prohibited uses
- 17.10.040 Lot area and width
- 17.10.050 Lot coverage and floor area
- 17.10.060 Yards
- 17.10.070 Corner lots
- 17.10.080 Yard encroachments
- 17.10.090 Building height
- 17.10.100 Off-street parking
- 17.10.110 Off-street loading
- 17.10.120 Visibility at intersections
- 17.10.130 Outdoor lighting
- 17.10.140 Signs
- 17.10.150 Fences, walls, and hedges
- 17.10.160 Curb cuts

17.10.010 Intent

The intent of this district is to provide for newly constructed, low density, single-unit residential development, to conform to the system of services available, or limiting factors, and to provide for such community facilities and services as will serve the area's residents while protecting the residential character and quality of the area.

17.10.020 Permitted uses

All permitted uses in this district shall undergo a zoning review during the building permit process. The required submittal for that can be found on the Town website or at Town Hall. Permitted uses in the R-1 district are:

- A. Accessory uses to include:
 - 1. Private swimming pools
 - 2. Fallout shelters
- B. Accessory dwelling units subject to Chapter 17.30

- C. Newly constructed one-unit dwellings; including pre-fabricated homes per the definition in Chapter 17.04
- D. Publicly owned land used for parks, playgrounds, and open space
- E. Temporary buildings for and during construction only

17.10.025 Conditional uses

The uses that are permitted in the R-1 district if successful in acquiring a conditional use permit approval from the Town of West Yellowstone are as follows:

- A. Churches
- B. Duplexes
- C. Home occupations
- D. Libraries
- E. Private parks
- F. Playgrounds
- G. Schools
- H. Townhouses (up to three (3) units)
- I. Any combination of two (2) or more permitted uses on one (1) lot

17.10.030 Prohibited uses

The following uses are prohibited in the R-1 District:

- A. Heavy manufacturing
- B. Industrial uses
- C. Outdoor merchandise
- D. Short-term rentals
- E. Salvage yards
- F. Timeshares

17.10.040 Lot area and width

Lot area for any use in this district shall be no less than eight thousand square feet (8,000 sq. ft.) and no lot width shall be less than sixty feet (60'). Unless the lot is to be used for a public park, playground, or open space where there is no minimum lot size requirement.

17.10.050 Lot coverage and floor area

Not more than thirty-five percent (35%) of the lot area shall be occupied by buildings.

17.10.060 Yards

Every lot in the R-1 district shall have the following minimum yards:

- A. Front yard, twenty feet (20')
- B. Rear yard, twenty-five feet (25')
- C. Side yards, ten feet (10') each side

No accessory building shall be erected in any required yard, unless it is a residential garage in conformance with the definition in 17.04.350 and it may be placed with ten feet (10') of the rear property line, and no accessory building shall be erected within ten feet (10') of any principal building unless a variance is granted by the Town of West Yellowstone.

17.10.070 Corner lots

When a lot faces more than one street and front yard setbacks have been established on both streets, corner lot setbacks shall be at least as great as the minimum front yard setback established for the district. If the lot is wholly in one district than both sides of a corner lot shall conform to the front setback in that district.

17.10.080 Yard encroachments

Every part of a required yard or court shall be open and unobstructed by any building or structure from its lowest point upward except as follows:

- A. Architectural features that include belfries, cornices, chimneys, canopies, eaves, balconies, steeples, or other similar features may extend into a required yard space not more than three feet (3’).
- B. Open, unwall, uncovered steps and entrance landings may extend into a required yard space not more than five feet (5’).

17.10.090 Building height

Maximum height in the R-1 district shall be twenty-six feet six inches (26’ 6”). All elements of a structure shall be at or below the maximum height in the district unless is an architectural feature as defined in Chapter 17.04 which may extend to six feet (6’) above the maximum height.

17.10.100 Off-street parking

Off-street parking shall be provided in accordance with the requirement in Chapter 17.37 of this title.

17.10.110 Off-street loading

Off-street loading shall be provided in accordance with the requirements of Chapter 17.38 of this title.

17.10.120 Visibility at intersections

On corner lots on streets in all districts, no fence, wall, or planting in excess of four feet (4’) above the street centerline grade is permitted within the area defined as follows: beginning at the intersection of the physical roadway twenty feet (20’) along each roadway, except when traffic control signals are installed.

At the intersection of each driveway or alley with a street, no fence, wall, or planting in excess of four feet (4’) above the street centerline grade is permitted fifteen feet (15’) on each side of the physical intersection of the driveway or alley with the street.

17.10.130 Outdoor lighting

Outdoor lighting shall not illuminate or be reflected upon any adjacent property.

17.10.140 Signs

All signs in this district shall be in conformance with the requirements of Chapter 17.40.

17.10.150 Fences, walls, and hedges

- A. Fences, walls, and hedges in any district may be located on lot lines provided such fences, walls, and hedges do not exceed eight feet (8') in height, measured from the adjacent ground elevation. Fences, walls, and hedges exceeding eight feet (8') in height, measured from the ground elevation, shall be subject to the minimum yard requirements of the district in which they are located unless a variance is granted by the Town of West Yellowstone.
- B. No fences, walls, and hedges shall exceed four feet (4') in any front yard as defined in this title.
- C. No barbed wire or other sharp fencing materials and no electrically charged fence shall be erected or maintained in any district created by this title.
- D. In case of a fence erected on top of a retaining wall, the height shall be measured from the grade of the high side of the wall.

17.10.160 Curb cuts

Curb cuts for residential uses shall be a maximum of twelve feet (12') throat width for a single car garage and a maximum of twenty feet (20') throat width for two (2) or more stall garage.

Chapter 17.12: R-2 RESIDENTIAL---MEDIUM DENSITY

Sections:

- 17.12.010 Intent
- 17.12.020 Permitted uses
- 17.12.025 Conditional uses
- 17.12.030 Prohibited uses
- 17.12.040 Lot area and width
- 17.12.050 Lot coverage and floor area
- 17.12.060 Yards
- 17.12.070 Corner lots
- 17.12.080 Yard encroachments
- 17.12.090 Building height
- 17.12.100 Off-street parking
- 17.12.110 Off-street loading
- 17.12.120 Visibility at intersections
- 17.12.130 Outdoor lighting
- 17.12.140 Signs
- 17.12.150 Fences, walls, and hedges
- 17.12.160 Curb cuts

- 17.12.010 Intent

The intent of this district is to provide for newly constructed medium density single-unit residential development to conform to the system of services available or possible limiting factors and to provide for such community facilities and services as will serve the area's residents while protecting the residential character and quality of the area.

17.12.020 Permitted uses

All permitted uses in this district shall undergo a zoning review during the building permit process. The required submittal for that can be found on the Town website or at Town Hall. Permitted uses in the R-2 district are:

- A. Accessory uses to include
 - 1. Private swimming pools
 - 2. Fallout shelters;
- B. Accessory dwelling units subject to Chapter 17.30
- C. Condominiums
- D. Duplexes
- E. Newly constructed one-unit dwellings; including pre-fabricated homes per the definition in Chapter 17.04
- F. Publicly owned land used for parks, playgrounds, and open space
- G. Temporary buildings for and during construction, only

17.12.025 Conditional uses

The uses that are permitted in the R-2 district if successful in acquiring a conditional use permit approval from the Town of West Yellowstone are as follows:

- A. Churches
- B. Four-plex
- C. Home occupations
- D. Libraries
- E. Playgrounds
- F. Private parks
- G. Schools
- H. Townhouses (up to three (3) units)
- I. Triplex
- J. Any combination of two (2) or more permitted uses on one (1) lot

17.12.030 Prohibited uses

The following uses are prohibited in the R-2 District:

- A. Heavy manufacturing
- B. Industrial uses
- C. Outdoor merchandise
- D. Short-term rentals
- E. Salvage yards
- F. Timeshares

17.12.040 Lot area and width

Lot area for any use in this district shall be not less than five thousand square feet (5,000 sq. ft.) and no lot width shall be less than sixty feet (60'). Unless the lot is to be used for a public park, playground, or open space where there is no minimum lot size requirement.

17.12.050 Lot coverage and floor area

No more than forty-five percent (45%) of the lot area shall be occupied by buildings.

17.12.060 Yards

Every lot in the R-2 district shall have the following minimum yards:

- A. Front yard, twenty feet (20')
- B. Rear yard, twenty feet (20')
- C. Side yards, eight feet (8') each side

No accessory building shall be erected in any required yard, unless it is a residential garage in conformance with the definition in 17.04.350 and it may be placed with ten feet (10') of the rear property line, and no accessory building shall be erected within ten feet (10') of any principal building unless a variance is granted by the Town of West Yellowstone.

17.12.070 Corner lots

When a lot faces more than one street and front yard setbacks have been established on both streets, corner lot setbacks shall be at least as great as the minimum front yard setback established for the district. If the lot is completely in one (1) district than both sides of a corner lot shall conform to the front setback in that district.

17.12.080 Yard encroachments

Every part of a required yard or court shall be open and unobstructed by any building or structure from its lowest point upward except as follows:

- A. Architectural features that include belfries, cornices, chimneys, canopies, eaves, balconies, steeples, or other similar features may extend into a required yard space not more than three feet (3').
- B. Open, unwall, uncovered steps and entrance landings may extend into a required yard space not more than five feet (5').

17.12.090 Building height

Maximum height in the R-2 district shall be twenty-six feet six inches (26' 6"). All elements of a structure shall be at or below the maximum height in the district unless is an architectural feature as defined in Chapter 17.04 which may extend to six feet (6') above the maximum height.

17.12.100 Off-street parking

Off-street parking shall be provided in accordance with the requirement in Chapter 17.37 of this title.

17.12.110 Off-street loading

Off-street loading shall be provided in accordance with the requirements of Chapter 17.38 of this title.

17.12.120 Visibility at intersections

On corner lots on streets in all districts, no fence, wall, or planting in excess of four feet (4') above the street centerline grade is permitted within the area defined as follows: beginning at the intersection of the physical roadway twenty feet (20') along each roadway, except when traffic control signals are installed.

At the intersection of each driveway or alley with a street, no fence, wall, or planting in excess of four feet (4') above the street centerline grade is permitted 15 feet on each side of the physical intersection of the driveway or alley with the street.

17.12.130 Outdoor lighting

Outdoor lighting shall not illuminate or be reflected upon any adjacent property.

17.12.140 Signs

All signs in this district shall be in conformance with the requirements of Chapter 17.40.

17.12.150 Fences, walls, and hedges

- A. Fences, walls, and hedges in any district may be located on lot lines provided such fences, walls, and hedges do not exceed eight feet (8') in height, measured from the adjacent ground elevation. Fences, walls, and hedges exceeding eight feet (8') in height, measured from the ground elevation, shall be subject to the minimum yard requirements of the district in which they are located unless a variance is granted by the Town of West Yellowstone.
- B. No fences, walls, and hedges shall exceed four feet (4') in any front yard as defined in this title.
- C. No barbed wire or other sharp fencing materials and no electrically charged fence shall be erected or maintained in any district created by this title.
- D. In case of a fence erected on top of a retaining wall, the height shall be measured from the grade of the high side of the wall.

17.12.160 Curb cuts

Curb cuts for residential uses shall be a maximum of twelve feet (12') throat width for a single car garage and a maximum of twenty feet (20') throat width for two (2) or more stall garage.

Chapter 17.14: R-3 RESIDENTIAL—MEDIUM DENSITY

Sections:

- 17.14.010 Intent
- 17.14.020 Permitted uses
- 17.14.025 Conditional uses
- 17.14.030 Prohibited uses
- 17.14.040 Lot area and width
- 17.14.050 Lot coverage and floor area
- 17.14.060 Yards
- 17.14.070 Corner lots
- 17.14.080 Yard encroachments
- 17.14.090 Building height
- 17.14.100 Off-street parking
- 17.14.110 Off-street loading
- 17.14.120 Visibility at intersections
- 17.14.130 Outdoor lighting
- 17.14.140 Signs
- 17.14.150 Fences, walls, and hedges
- 17.14.160 Curb cuts

17.14.010 Intent

The intent of this district is to provide for the development of one (1) to four (4) unit residential structures. It should provide for changing patterns of residential areas where facilities can be provided to serve the residents and for a variety of housing types to serve the varied needs of families of different size, age, and character, while reducing the adverse effects of nonresidential uses.

17.14.020 Permitted uses

All permitted uses in this district shall undergo a zoning review during the building permit process. The required submittal for that can be found on the Town website or at Town Hall. Permitted uses in the R-3 district are:

- A. Accessory dwelling units subject to Chapter 17.30
- B. Accessory uses to include
 - 1. Private swimming pools
 - 2. Fallout shelters
- C. Churches
- D. Condominiums
- E. Duplexes
- F. Multi-unit dwellings (up to six (6) dwelling-units)
- G. Newly constructed one-unit dwellings; including pre-fabricated homes per the definition in Chapter 17.04
- H. Single story triplexes
- I. Temporary buildings for and during construction only
- J. Townhouses (up to four (4) units)
- K. Triplex

17.14.025 Conditional uses

The uses that are permitted in the R-3 district if successful in acquiring a conditional use permit approval from the Town of West Yellowstone are as follows:

- A. Clubs, fraternal lodges when associated with another use in this Chapter
- B. Four-plex
- C. Home occupations
- D. Libraries
- E. Multi-unit Dwelling (seven (7) or more units)
- F. Playgrounds
- G. Private parks
- H. Schools
- I. Townhouses (five (5) or more units)
- J. Any combination of two (2) or more permitted uses on one (1) lot

17.14.030 Prohibited uses

The following uses are prohibited in the R-3 District:

- A. Heavy manufacturing
- B. Industrial uses
- C. Outdoor merchandise
- D. Short-term rentals
- E. Salvage yards
- F. Timeshares

17.14.040 Lot area and width

- A. Minimum lot area for two (2) or four (4) units shall be two thousand five hundred square feet (2,500 sq. ft.) per dwelling unit with a lot width of at least thirty-six feet (36').
- B. Minimum lot area for other uses shall be three thousand square feet (3,000 sq. ft.) with a minimum lot width of fifty feet (50').

17.14.050 Lot coverage and floor area

Not more than fifty percent (50%) of the lot area shall be occupied by buildings.

17.14.060 Yards

Every lot in the R-3 district shall have the following minimum yards:

- A. Front yard, twenty-five feet (25')
- B. Rear yard, twenty feet (20')
- C. Side yards, eight feet (8') each side

Zero lot lines maybe acceptable, between side yards, if the properties are in single ownership or if a legally binding agreement between separate property owners is submitted and reviewed by appropriate town officials. Zero lot lines will be reviewed by the Town Manager prior to approval. If utilizing a zero lot line the applicant shall ensure that all construction complies with the adopted building and fire Code of the Town of West Yellowstone.

No accessory building shall be erected in any required yard, unless it is a residential garage in conformance with the definition in 17.04.350 and it may be placed with ten feet (10') of the rear property line, and no accessory building shall be erected within ten feet (10') of any principal building unless a variance is granted by the Town of West Yellowstone.

17.14.070 Corner lots

When a lot faces more than one street and front yard setbacks have been established on both streets, corner lot setbacks shall be at least as great as the minimum front yard setback established for the district. If the lot is completely in one (1) district than both sides of a corner lot shall conform to the front setback in that district.

17.14.080 Yard encroachments

Every part of a required yard or court shall be open and unobstructed by any building or structure from its lowest point upward except as follows:

- A. Architectural features that include belfries, cornices, chimneys, canopies, eaves, balconies, steeples, or other similar features may extend into a required yard space not more than three feet (3').
- B. Open, unwallled, uncovered steps and entrance landings may extend into a required yard space not more than five feet (5').

17.14.090 Building height

Maximum building height in the R-3 district shall be thirty-two feet (32'). All elements of a structure shall be at or below the maximum height in the district unless is an architectural feature as defined in Chapter 17.04 which may extend to six feet (6') above the maximum height.

17.14.100 Off-street parking

Off-street parking shall be provided in accordance with the requirement in Chapter 17.37 of this title.

17.14.110 Off-street loading

Off-street loading shall be provided in accordance with the requirements of Chapter 17.38 of this title.

17.14.120 Visibility at intersections

On corner lots on streets in all districts, no fence, wall, or planting in excess of four feet (4') above the street centerline grade is permitted within the area defined as follows: beginning at the intersection of the physical roadway twenty feet (20') along each roadway, except when traffic control signals are installed.

At the intersection of each driveway or alley with a street, no fence, wall, or planting in excess of four feet (4') above the street centerline grade is permitted 15 feet on each side of the physical intersection of the driveway or alley with the street.

17.14.130 Outdoor lighting

Outdoor lighting shall not illuminate or be reflected upon any adjacent property.

17.14.140 Signs

All signs in this district shall be in conformance with the requirements of Chapter 17.40.

17.14.150 Fences, walls, and hedges

- A. Fences, walls, and hedges in any district may be located on lot lines provided such fences, walls, and hedges do not exceed eight feet (8') in height, measured from the adjacent ground elevation. Fences, walls, and hedges exceeding eight feet (8') in height, measured from the ground elevation, shall be subject to the minimum yard requirements of the district in which they are located unless a variance is granted by the Town of West Yellowstone.
- B. No fences, walls, and hedges shall exceed four feet (4') in any front yard as defined in this title.
- C. No barbed wire or other sharp fencing materials and no electrically charged fence shall be erected or maintained in any district created by this title.
- D. In case of a fence erected on top of a retaining wall, the height shall be measured from the grade of the high side of the wall.

17.14.160 Curb cuts

Curb cuts for residential uses shall be a maximum of twelve feet (12') throat width for a single car garage and a maximum of twenty feet (20') throat width for two (2) or more stall garage.

Chapter 17.16: R-4 RESIDENTIAL-MEDIUM DENSITY APARTMENTS

Sections:

- 17.16.010 Intent
- 17.16.020 Permitted uses
- 17.16.025 Conditional uses
- 17.16.030 Prohibited uses
- 17.16.040 Lot area and width
- 17.16.050 Lot coverage and floor area
- 17.16.060 Yards
- 17.16.070 Yard encroachments
- 17.16.080 Building height
- 17.16.090 Off-street parking
- 17.16.100 Off-street loading
- 17.16.110 Visibility at intersections
- 17.16.120 Outdoor lighting
- 17.16.130 Signs
- 17.16.140 Corner lots
- 17.16.150 Fences, walls, and hedges
- 17.16.160 Curb cuts

17.16.010 Intent

The intent of this district is to provide for the development of medium density apartments. The district should provide for a variety of housing types to serve the varied housing needs of area residents.

17.16.020 Permitted uses

All permitted uses in this district shall undergo a zoning review during the building permit process. The required submittal for that can be found on the Town website or at Town Hall. Permitted uses in the R-4 district are:

- A. Accessory dwelling units subject to Chapter 17.30
- B. Accessory uses to include
 - 1. Private swimming pools
 - 2. Fallout shelters
- C. Apartments
- D. Churches
- E. Condominiums
- F. Duplexes
- G. Efficiency units
- H. Four-plex
- I. Multi-unit dwellings (up to six (6) dwelling-units)
- J. Newly constructed one-unit dwellings; including pre-fabricated homes per the definition in Chapter 17.04
- K. Publicly owned land used for parks, playgrounds, and open space
- L. Temporary buildings for and during construction only
- M. Townhouses (up to four (4) units)
- N. Triplex

17.16.025 Conditional uses

The uses that are permitted in the R-4 district if successful in acquiring a conditional use permit approval from the Town of West Yellowstone are as follows:

- A. Clinics, hospitals, and nursing homes
- B. Clubs, fraternal lodges when associated with another use in this Chapter
- C. Home occupations
- D. Live work units
- E. Mixed use development
- F. Mobile Home Park subject to Chapter 17.32
- G. Multi-unit dwelling (seven (7) or more units)
- H. Townhouses (five (5) or more units)
- I. Travel Trailer Park subject to Chapter 17.33
- J. Any combination of two (2) or more permitted uses on one (1) lot

17.16.030 Prohibited uses

The following uses are prohibited in the R-4 District:

- A. Heavy manufacturing
- B. Industrial uses
- C. Outdoor merchandise
- D. Short-term rentals
- E. Salvage yards
- F. Timeshares

17.16.040 Lot area and width

Lot area of single unit or use parcels shall be not less than four thousand square feet (4,000 sq. ft.). Multi-use parcels shall be four thousand square feet (4,000 sq. ft.) plus an additional five hundred square feet (500 sq. ft.) per additional unit or use with a minimum lot width of fifty feet (50').

17.16.050 Lot coverage and floor area

Not more than fifty-five percent (55%) of the lot area shall be occupied by buildings.

17.16.060 Yards

Every lot in the R-4 district shall have the following minimum yards:

- A. Front yard, fifteen feet (15')
- B. Rear yard, twenty feet (20')
- C. Side yards, eight feet (8') each side

Zero lot lines maybe acceptable, between side yards, if the properties are in single ownership or if a legally binding agreement between separate property owners is submitted and reviewed by the Town. Zero lot lines will be reviewed by the Town Manager prior to approval. If utilizing a zero lot line the applicant shall ensure that all construction complies with the adopted Building and Fire Code of the Town of West Yellowstone.

No accessory building shall be erected in any required yard, unless it is a residential garage in conformance with the definition in Section 17.04.350 and it may be placed with fifteen feet (15') of the rear property line, and no accessory building shall be erected within ten feet (10') of any principal building unless a variance is granted by the Town of West Yellowstone.

17.16.140 Corner lots

When a lot faces more than one street and front yard setbacks have been established on both streets, corner lot setbacks shall be at least as great as the minimum front yard setback established for the district. If the lot is completely in one (1) district than both sides of a corner lot shall conform to the front setback in that district.

17.16.070 Yard encroachments

Every part of a required yard or court shall be open and unobstructed by any building or structure from its lowest point upward except as follows:

- A. Architectural features that include belfries, cornices, chimneys, canopies, eaves, balconies, steeples, or other similar features may extend into a required yard space not more than three feet (3').
- B. Open, unwallled, uncovered steps and entrance landings may extend into a required yard space not more than five feet (5').

17.16.080 Building height

Maximum building height shall be thirty-two feet (32'). All elements of a structure shall be at or below the maximum height in the district unless is an architectural feature as defined in Chapter 17.04 which may extend to six feet (6') above the maximum height.

17.16.090 Off-street parking

Off-street parking shall be provided in accordance with the requirements in Chapter 17.37 of this title.

17.16.100 Off-street loading

Off-street loading shall be provided in accordance with the requirements of Chapter 17.38 of this title.

17.16.110 Visibility at intersections

On corner lots on streets in all districts, no fence, wall, or planting in excess of four feet (4') above the street centerline grade is permitted within the area defined as follows: beginning at the intersection of the physical roadway twenty feet (20') along each roadway, except when traffic control signals are installed.

At the intersection of each driveway or alley with a street, no fence, wall, or planting in excess of four feet (4') above the street centerline grade is permitted 15 feet on each side of the physical intersection of the driveway or alley with the street.

17.16.120 Outdoor lighting

Outdoor lighting shall not illuminate or be reflected upon any adjacent property.

17.16.130 Signs

All signs in this district shall be in conformance with the requirements of Chapter 17.40.

17.16.150 Fences, walls, and hedges

- A. Fences, walls, and hedges in any district may be located on lot lines provided such fences, walls, and hedges do not exceed eight feet (8') in height, measured from the adjacent ground elevation. Fences, walls, and hedges exceeding eight feet (8') in height, measured from the ground elevation, shall be subject to the minimum yard requirements of the district in which they are located unless a variance is granted by the Town of West Yellowstone.

- B. No fences, walls, and hedges shall exceed four feet (4') in any front yard as defined in this title.
- C. No barbed wire or other sharp fencing materials and no electrically charged fence shall be erected or maintained in any district created by this title.
- D. In case of a fence erected on top of a retaining wall, the height shall be measured from the grade of the high side of the wall.

17.16.160 Curb cuts

Curb cuts for residential uses shall be a maximum of twelve feet (12') throat width for a single car garage and a maximum of twenty feet (20') throat width for two (2) or more stall garage.

Chapter 17.22: B-3 CENTRAL BUSINESS DISTRICT

Sections:

- 17.22.010 Intent
- 17.22.020 Permitted uses
- 17.22.025 Conditional uses
- 17.22.030 Prohibited uses
- 17.22.040 Lot area and width
- 17.22.050 Lot coverage
- 17.22.060 Yards
- 17.22.070 Corner lots
- 17.22.080 Yard encroachments
- 17.22.090 Building height
- 17.22.100 Off-street parking
- 17.22.110 Off-street loading
- 17.22.120 Visibility at intersections
- 17.22.130 Outdoor lighting
- 17.22.140 Signs
- 17.22.150 Fences, walls, and hedges
- 17.22.160 Curb cuts

- 17.22.010 Intent

The intent of this district is to provide a central area for the community's business, service, and cultural activities. Uses within this district should be appropriate to such a focal center with inappropriate uses being excluded. Room should be provided in appropriate areas for logical and planned expansion of the present district.

17.22.020 Permitted uses

All permitted uses in this district shall undergo a zoning review during the building permit process. The required submittal for that can be found on the Town website or at Town Hall. Permitted uses in the B-3 district are:

- A. Accessory dwelling units subject to Chapter 17.30
- B. Apartments
- C. Bakeries
- D. Bars, cocktail lounges
- E. Boarding houses
- F. Casino
- G. Clubs, fraternal lodges
- H. Condominiums
- I. Dressmaking
- J. Fallout shelters
- K. Four-plex
- L. Fuel service station
- M. Hotels and motels
- N. Home occupation
- O. Laundry and dry cleaning
- P. Light Manufacturing
- Q. Live work units
- R. Meeting and lodge halls
- S. Mobile food vendors as defined in Chapter 5.30
- T. Mobile homes and mobile home parks
- U. Multi-unit residential
- V. Museums, libraries, and galleries
- W. Parking lots
- X. Personal service establishment
- Y. Printing offices
- Z. Private schools, such as dance, business, secretarial and technical but not private or public elementary or secondary schools
- AA. Private swimming pools
- BB. Professional and business offices
- CC. Publicly owned land used for parks, playgrounds, and open space
- DD. Public offices
- EE. Rental of automobiles, bicycles, motorcycles, snowmobiles, and other vehicles both motorized and non-motorized
- FF. Repair services for clothes, dolls, small appliances, watches, glasses, and such other items
- GG. Restaurants and cafes
- HH. Retail sales such of any legal finished good to the final consumer
- II. Signs
- JJ. Single-unit residential
- KK. Short-Term Rentals
- LL. Temporary buildings for and during construction only
- MM. Theaters, except drive-ins

- NN. Triplex
- OO. Uses customarily accessory to those listed
- PP. Wholesale establishment

17.22.025 Conditional uses

The uses that are permitted in the B-3 district if successful in acquiring a conditional use permit approval from the Town of West Yellowstone are as follows:

- A. Animal drawn carriages
- B. Communications tower
- C. Public swimming pool
- D. Public water park or public splash pad
- E. Timeshares

17.22.030 Prohibited uses

The following uses are prohibited in the B-3 District:

- A. Heavy manufacturing
- B. Industrial uses
- C. Salvage yards

17.22.040 Lot area and width

In the B-3 district there are no minimum lot size, lot coverage or width requirements.

17.22.050 Lot coverage

Buildings may cover the entire lot providing other requirements are met.

17.22.060 Yards

The only setback prescribed in this district is that there shall be no buildings or building development whatsoever closer than thirty feet (30') from the center line of a street. The only exception to the previous sentence is that all lots on 191-20, (Highway Avenue) from Electric Street to Iris Street shall be treated on an individual, lot by lot basis; also, any residential use of lots shall have the following minimum yards:

- A. Rear yard, five feet
- B. Side yards, five feet each side

No accessory building shall be erected in any required yard, and no accessory building shall be erected within ten feet (10') of any principal building unless a variance is granted by the Town of West Yellowstone.

All outdoor merchandise as defined in Chapter 17.04 shall have an eighteen inch (18") setback from all property lines.

17.22.070 Corner lots

When a lot faces more than one street and front yard setbacks have been established on both streets, corner lot setbacks shall be at least as great as the minimum front yard setback established for the district. If the lot is completely in one (1) district than both sides of a corner lot shall conform to the front setback in that district.

17.22.080 Yard encroachments

Every part of a required yard or court shall be open and unobstructed by any building or structure from its lowest point upward except as follows:

- A. Architectural features that include belfries, cornices, chimneys, canopies, eaves, balconies, steeples, or other similar features may extend into a required yard space not more than three feet (3').
- B. Open, unwall, uncovered steps and entrance landings may extend into a required yard space not more than five feet (5').

17.22.090 Building height

Maximum building height in this district shall be thirty-five feet (35'). All elements of a structure shall be at or below the maximum height in the district unless is an architectural feature as defined in Chapter 17.04 which may extend to six feet (6') above the maximum height.

17.22.100 Off-street parking

Off-street parking shall be provided in accordance with Chapter 17.37 of this title.

17.22.110 Off-street loading

Off-street loading shall be provided in accordance with Chapter 17.38 of this title.

17.22.120 Visibility at intersections

On corner lots on streets in all districts, no fence, wall, or planting in excess of four feet (4') above the street centerline grade is permitted within the area defined as follows: beginning at the intersection of the physical roadway twenty feet (20') along each roadway, except when traffic control signals are installed.

At the intersection of each driveway or alley with a street, no fence, wall, or planting in excess of four feet (4') above the street centerline grade is permitted 15 feet on each side of the physical intersection of the driveway or alley with the street.

17.22.130 Outdoor lighting

Outdoor lighting shall not illuminate or be reflected upon any adjacent property.

17.22.140 Signs

All signs in this district shall be in conformance with the requirements of Chapter 17.40.

17.22.150 Fences, walls, and hedges

- A. Fences, walls, and hedges in any district may be located on lot lines provided such fences, walls, and hedges do not exceed eight feet (8') in height, measured from the adjacent

ground elevation. Fences, walls, and hedges exceeding eight feet (8') in height, measured from the ground elevation, shall be subject to the minimum yard requirements of the district in which they are located unless a variance is granted by the Town of West Yellowstone.

- B. No fences, walls, and hedges shall exceed four feet (4') in any front yard as defined in this title.
- C. No barbed wire or other sharp fencing materials and no electrically charged fence shall be erected or maintained in any district created by this title.
- D. In case of a fence erected on top of a retaining wall, the height shall be measured from the grade of the high side of the wall.

17.22.160 Curb cuts

Curb cuts for residential uses shall be a maximum of twelve feet (12') throat width for a single car garage and a maximum of twenty feet (20') throat width for two (2) or more stall garage.

Chapter 17.23: B-4 EXPANDED BUSINESS DISTRICT

Sections:

- 17.23.010 Intent
- 17.23.020 Permitted uses
- 17.23.025 Conditional uses
- 17.23.030 Prohibited uses
- 17.23.040 Lot area and width
- 17.23.050 Coverage
- 17.23.060 Yards
- 17.23.070 Corner lots
- 17.23.080 Yard encroachments
- 17.23.090 Building height
- 17.23.100 Off-street parking
- 17.23.110 Off-street loading
- 17.23.120 Visibility at intersections
- 17.23.130 Outdoor lighting
- 17.23.140 Signs
- 17.23.150 Fences, walls, and hedges

17.23.010 Intent

The intent of this district is to provide expansion of the community's business, service, and cultural activities. Uses within this district should be appropriate to such a focal center with inappropriate uses being excluded. The expansion on this central business district should happen in a planned logical manner.

17.23.020 Permitted uses

All permitted uses in this district shall undergo a zoning review during the building permit process. The required submittal for that can be found on the Town website or at Town Hall. Permitted uses in the B-4 district are:

- A. Amusement centers, (indoor only)
- B. Bakeries
- C. Bars and cocktail lounges
- D. Casinos
- E. Dressmaking
- F. Florist
- G. Fuel service stations
- H. Hotels and motels
- I. Home occupation
- J. Live work units
- K. Meeting and lodge halls
- L. Mortuary
- M. Museums, libraries, and galleries
- N. Nursery
- O. Personal service establishment
- P. Printing offices
- Q. Private schools, such as dance, business, secretarial and technical but not private or public elementary or secondary schools
- R. Professional and business offices
- S. Public offices
- T. Rental of automobiles, bicycles, motorcycles, snowmobiles, and other vehicles
- U. Repair services for clothes, dolls, small appliances, watches, glasses, and such other items
- V. Restaurants and cafes
- W. Retail sales of any legal finished good to the final consumer
- X. Temporary buildings for and during construction only
- Y. Theaters, except drive-ins
- Z. Uses customarily accessory to those listed including
 - 1. Fallout shelters
- AA. Wholesale establishments

17.23.025 Conditional uses

The uses that are permitted in the B-4 district if successful in acquiring a conditional use permit approval from the Town of West Yellowstone are as follows:

- A. Communications tower
- B. Heavy manufacturing
- C. Industrial uses
- D. Major vehicle repairs
- E. Public swimming pool
- F. Public water park or public splash pad
- G. Salvage yards
- H. Timeshares

17.23.030 Prohibited uses

The following uses are prohibited in the B-4 District:

- A. Salvage yards

17.23.040 Lot area and width

No minimum lot area or width prescribed.

17.23.050 Coverage

Buildings may cover the entire lot providing other requirements are met.

17.23.060 Yards

There are no yard requirements in the B-4 Expanded Business District. Except for all outdoor merchandise as defined in Chapter 17.04 shall have an eighteen inch (18") setback from all property lines.

No accessory building shall be erected within ten feet (10') of any principal building unless a variance is granted by the Town of West Yellowstone.

17.23.070 Corner lots

When a lot faces more than one street and front yard setbacks have been established on both streets, corner lot setbacks shall be at least as great as the minimum front yard setback established for the district. If the lot is completely in one (1) district than both sides of a corner lot shall conform to the front setback in that district.

17.23.080 Yard encroachments

Every part of a required yard or court shall be open and unobstructed by any building or structure from its lowest point upward except as follows:

- A. Architectural features that include belfries, cornices, chimneys, canopies, eaves, balconies, steeples, or other similar features may extend into a required yard space not more than three feet (3').
- B. Open, unwall, uncovered steps and entrance landings may extend into a required yard space not more than five feet (5').

17.23.090 Building height

Maximum building height in this district shall be thirty-five feet (35'). All elements of a structure shall be at or below the maximum height in the district unless is an architectural feature as defined in Chapter 17.04 which may extend to six feet (6') above the maximum height.

17.23.100 Off-street parking

Off-street parking shall be provided in accordance with Chapter 17.37.

17.23.110 Off-street loading

Off-street loading shall be provided in accordance with Chapter 17.38.

17.23.120 Visibility at intersections

On corner lots on streets in all districts, no fence, wall, or planting in excess of four feet (4') above the street centerline grade is permitted within the area defined as follows: beginning at the intersection of the physical roadway twenty feet (20') along each roadway, except when traffic control signals are installed.

At the intersection of each driveway or alley with a street, no fence, wall, or planting in excess of four feet (4') above the street centerline grade is permitted 15 feet on each side of the physical intersection of the driveway or alley with the street.

17.23.130 Outdoor lighting

Outdoor lighting shall not illuminate or be reflected upon any adjacent property.

17.23.140 Signs

All signs in this district shall be in conformance with the requirements of Chapter 17.40.

17.23.150 Fences, walls, and hedges

- A. Fences, walls, and hedges in any district may be located on lot lines provided such fences, walls, and hedges do not exceed eight feet (8') in height, measured from the adjacent ground elevation. Fences, walls, and hedges exceeding eight feet (8') in height, measured from the ground elevation, shall be subject to the minimum yard requirements of the district in which they are located unless a variance is granted by the Town of West Yellowstone.
- B. No fences, walls, and hedges shall exceed four feet (4') in any front yard as defined in this title.
- C. No barbed wire or other sharp fencing materials and no electrically charged fence shall be erected or maintained in any district created by this title.
- D. In case of a fence erected on top of a retaining wall, the height shall be measured from the grade of the high side of the wall.

Chapter 17.24: M-1 COMMERCIAL-LIGHT MANUFACTURING

Sections:

- 17.24.010 Intent
- 17.24.020 Permitted uses
- 17.24.025 Conditional uses
- 17.24.030 Lot area and width
- 17.24.040 Lot coverage
- 17.24.050 Yards
- 17.24.060 Corner lots
- 17.24.070 Yard encroachments
- 17.24.080 Building height
- 17.24.090 Off-street parking
- 17.24.100 Off-street loading
- 17.24.110 Visibility at intersections
- 17.24.120 Outdoor lighting
- 17.24.130 Outside storage-Enclosure required
- 17.24.140 Fences, walls, and hedges

17.24.010 Intent

The intent of this district is to provide for the community's needs for wholesale trade, storage, and warehousing, trucking, and transportation terminals, light manufacturing, and similar activities. District should be oriented to major transportation facilities yet arranged to minimize adverse effects on residential developments; therefore, some type of screening may be necessary.

17.24.020 Permitted uses

All permitted uses in this district shall undergo a zoning review during the building permit process. The required submittal for that can be found on the Town website or at Town Hall. Permitted uses in the M-1 district are:

- A. Accessory uses including
 - A. Private swimming pools
 - B. Fallout shelters
- B. Building materials sales
- C. Building contractors establishments
- D. Cabinet shops
- E. Enclosed warehousing
- F. Gasoline service stations

- G. Light manufacturing
- H. Machine shops
- I. Manufacturing of light consumer goods, i.e., electronic equipment, appliances, furniture, beverages
- J. Outside storage if accessory to permitted use and if screened from street and surrounding properties by solid fence six feet (6') high
- K. Paint shops
- L. Rental of automobiles, bicycles, motorcycles, snowmobiles, and other vehicles
- M. Repair and service establishments for light consumer goods, i.e., automobiles, appliances, furniture
- N. Sign shops
- O. Temporary buildings for and during construction only
- P. Truck and rail terminal facilities
- Q. Vehicle and boat sales

17.24.025 Conditional uses

The uses that are permitted in the M-1 district if successful in acquiring a conditional use permit approval from the Town of West Yellowstone are as follows:

- A. Communications tower
- B. Heavy manufacturing
- C. Industrial uses
- D. Live work units
- E. Salvage yards

17.24.030 Lot area and width

Lot area for this district shall not be less than seven thousand five hundred square feet (7,500 sq. ft.) and no lot width shall be less than seventy-five feet (75').

17.24.040 Lot coverage

The entire lot, exclusive of required yards and parking, may be occupied by the principal and accessory buildings.

17.24.050 Yards

- A. Every lot shall have the following minimum yards
 - 1. Front yard, twenty feet (20')
 - 2. Rear yard, fifteen feet (15')
 - 3. Side yards, fifteen feet (15') each side
- B. When a lot is adjacent or faces upon another zone, the yards shall meet the requirements of the adjoining zone and the entire property line that abuts the other zone shall be screened with either a decorative fence or plantings. When a lot abuts a street or alley on any side, a yard of at least fifteen feet (15') shall be provided on the street or alley side.

No accessory building shall be erected in any required yard, and no accessory building shall be erected within ten feet (10') of any principal building unless a variance is granted by the Town of West Yellowstone.

All outdoor merchandise as defined in Chapter 17.04 shall have an eighteen inch (18") setback from all property lines.

17.24.060 Corner lots

When a lot faces more than one street and front yard setbacks have been established on both streets, corner lot setbacks shall be at least as great as the minimum front yard setback established for the district. If the lot is completely in one (1) district than both sides of a corner lot shall conform to the front setback in that district.

17.24.070 Yard encroachments

Every part of a required yard or court shall be open and unobstructed by any building or structure from its lowest point upward except as follows:

- A. Architectural features that include belfries, cornices, chimneys, canopies, eaves, balconies, steeples, or other similar features may extend into a required yard space not more than three feet (3').
- B. Open, unwall, uncovered steps and entrance landings may extend into a required yard space not more than five feet (5').

17.24.080 Building height

Maximum building height in this district shall be forty feet (40'). All elements of a structure shall be at or below the maximum height in the district unless is an architectural feature as defined in Chapter 17.04 which may extend to six feet (6') above the maximum height.

17.24.090 Off-street parking

Off-street parking shall be provided in accordance with Chapter 17.37 of this title.

17.24.100 Off-street loading

Off-street loading shall be provided in accordance with Chapter 17.38 of this title.

17.24.110 Visibility at intersections

On corner lots on streets in all districts, no fence, wall, or planting in excess of four feet (4') above the street centerline grade is permitted within the area defined as follows: beginning at the intersection of the physical roadway twenty feet (20') along each roadway, except when traffic control signals are installed.

At the intersection of each driveway or alley with a street, no fence, wall, or planting in excess of four feet (4') above the street centerline grade is permitted 15 feet on each side of the physical intersection of the driveway or alley with the street.

17.24.120 Outdoor lighting

Outdoor lighting shall not illuminate or be reflected upon any adjacent property.

17.24.130 Outside storage-Enclosure required

All salvage dealers, or other persons accumulating, depositing, or storing salvage material within the town limits when the accumulating, depositing, or storing thereof shall be without a building

or not within a building, either now stored, deposited, or accumulated, shall fence surrounding salvage materials with a solid fence at least six (6') high, sufficient to enclose the salvaged materials from public view from outside the enclosure. No salvage material may be placed in the front or side yard setback that abuts a street of a corner lot.

17.24.140 Fences, walls, and hedges

- A. Fences, walls, and hedges in any district may be located on lot lines provided such fences, walls, and hedges do not exceed eight feet (8') in height, measured from the adjacent ground elevation. Fences, walls, and hedges exceeding eight feet (8') in height, measured from the ground elevation, shall be subject to the minimum yard requirements of the district in which they are located unless a variance is granted by the Town of West Yellowstone.
- B. No fences, walls, and hedges shall exceed four feet (4') in any front yard as defined in this title.
- C. No barbed wire or other sharp fencing materials and no electrically charged fence shall be erected or maintained in any district created by this title.
- D. In case of a fence erected on top of a retaining wall, the height shall be measured from the grade of the high side of the wall.

Chapter 17.25: E-2 ENTERTAINMENT DISTRICT

Sections:

- 17.25.010 Intent
- 17.25.020 Permitted uses
- 17.25.025 Conditional uses
- 17.25.030 Prohibited uses
- 17.25.040 Lot area and width
- 17.25.050 Lot coverage
- 17.25.060 Yards
- 17.25.070 Corner lots
- 17.25.080 Yard encroachments
- 17.25.090 Building height
- 17.25.100 Off-street parking
- 17.25.110 Off-street loading
- 17.25.120 Visibility at intersections
- 17.25.130 Outdoor lighting
- 17.25.140 Signs
- 17.25.150 Fences, walls, and hedges
- 17.25.160 Curb cuts

17.25.010 Intent

For the purposes of this district, the uses of land shall be those of a public entertainment and educational nature for the purposes of providing educational and informative opportunities to the people visiting the area. In this district small commercial retail shall only be allowed when in conjunction as a complement to the permitted uses.

17.25.020 Permitted uses

All permitted uses in this district shall undergo a zoning review during the building permit process. The required submittal for that can be found on the Town website or at Town Hall. Permitted uses in the E-2 district are:

- A. Government buildings open to the public
- B. Information center
- C. Museum
- D. Residential uses for caretakers, employees, or security people only
- E. Theaters, including large format theaters such as IMAX

- F. Visitor center
- G. Zoos, wildlife sanctuary

17.25.025 Conditional uses

The uses that are permitted in the E-2 district if successful in acquiring a conditional use permit approval from the Town of West Yellowstone are as follows:

- A. Communications tower
- B. Live work units
- C. Public swimming pool
- D. Public water park
- E. Public splash pad

17.25.030 Prohibited uses

The following uses are prohibited in the E-2 District:

- A. Heavy manufacturing
- B. Industrial uses
- C. Salvage yards
- D. Short-term rentals
- E. Timeshares

17.25.040 Lot area and width

In the E-2 district there is no minimum lot area or width requirements.

17.25.050 Lot coverage

Buildings may cover the entire lot providing other requirements are met.

17.25.060 Yards

The setbacks prescribed in this district are that no buildings or building development whatsoever closer than thirty feet (30') from the center line of a street and all outdoor merchandise as defined in Chapter 17.04 shall have an eighteen inch (18") setback from all property lines. No accessory building shall be erected within ten feet (10') of any principal building unless a variance is granted by the Town of West Yellowstone.

17.25.070 Corner lots

When a lot faces more than one street and front yard setbacks have been established on both streets, corner lot setbacks shall be at least as great as the minimum front yard setback established for the district. If the lot is completely in one (1) district than both sides of a corner lot shall conform to the front setback in that district.

17.25.080 Yard encroachments

Every part of a required yard or court shall be open and unobstructed by any building or structure from its lowest point upward except as follows:

- A. Architectural features that include belfries, cornices, chimneys, canopies, eaves, balconies, steeples, or other similar features may extend into a required yard space not more than three feet (3’).
- B. Open, unwall, uncovered steps and entrance landings may extend into a required yard space not more than five feet (5’).

17.25.090 Building height

Maximum building height in this district shall be forty feet (40’). All elements of a structure shall be at or below the maximum height in the district unless is an architectural feature as defined in Chapter 17.04 which may extend to six feet (6’) above the maximum height.

17.25.100 Off-street parking

Off-street parking shall be provided in accordance with Chapter 17.37.

17.25.110 Off-street loading

Off-street loading for the district shall be provided in accordance with Chapter 17.38.

17.25.120 Visibility at intersections

On corner lots on streets in all districts, no fence, wall, or planting in excess of four feet (4’) above the street centerline grade is permitted within the area defined as follows: beginning at the intersection of the physical roadway twenty feet (20’) along each roadway, except when traffic control signals are installed.

At the intersection of each driveway or alley with a street, no fence, wall, or planting in excess of four feet (4’) above the street centerline grade is permitted 15 feet on each side of the physical intersection of the driveway or alley with the street.

17.25.130 Outdoor lighting

Outdoor lighting shall not illuminate or be reflected upon any adjacent property.

17.25.140 Signs

All signs in this district shall be in conformance with the requirements of Chapter 17.40.

17.25.150 Fences, walls, and hedges

- A. Fences, walls, and hedges in any district may be located on lot lines provided such fences, walls, and hedges do not exceed eight feet (8’) in height, measured from the adjacent ground elevation. Fences, walls, and hedges exceeding eight (8’) feet in height, measured from the ground elevation, shall be subject to the minimum yard requirements of the district in which they are located unless a variance is granted by the Town of West Yellowstone.
- B. No fences, walls, and hedges shall exceed four feet (4’) in any front yard as defined in this title.

- C. No barbed wire or other sharp fencing materials and no electrically charged fence shall be erected or maintained in any district created by this title.
- D. In case of a fence erected on top of a retaining wall, the height shall be measured from the grade of the high side of the wall.

17.25.160 Curb cuts

Curb cuts for residential uses shall be a maximum of twelve feet (12') throat width for a single car garage and a maximum of twenty feet (20') throat width for two (2) or more stall garage.

Chapter 17.26: PLI PUBLIC LAND AND INSTITUTIONS

Sections:

- 17.26.010 Intent
- 17.26.020 Permitted uses
- 17.26.025 Conditional uses
- 17.26.030 Prohibited uses
- 17.26.040 Lot area and width
- 17.26.050 Lot coverage
- 17.26.060 Yards
- 17.26.070 Corner lots
- 17.26.080 Yard encroachments
- 17.26.090 Building height
- 17.26.100 Off-street parking
- 17.26.110 Off-street loading
- 17.26.120 Visibility at intersections
- 17.26.130 Outdoor lighting
- 17.26.140 Outside storage-Enclosure required
- 17.26.150 Fences, walls, and hedges

17.26.010 Intent

The intent of this district is to provide for major public and quasi-public uses outside of other districts. Not all public and quasi-public uses need be classified PLI. Some may fit within another district; however, the larger areas should be distinguished PLI.

17.26.020 Permitted uses

All permitted uses in this district shall undergo a zoning review during the building permit process. The required submittal for that can be found on the Town website or at Town Hall. Permitted uses in the PLI district are:

- A. Accessory uses
- B. Communications tower that beneath sixty feet (60') from the ground elevation
- C. Day and youth camps
- D. Government owned outdoor storage
- E. Government buildings
- F. Museums, zoos, historic, and culture exhibits
- G. Public and nonprofit quasi-public institutions

- H. Public fallout shelters
- I. Publicly owned land used for parks, playgrounds, and open space
- J. Temporary buildings for and during construction only

17.26.025 Conditional uses

- A. Cemeteries
- B. Communications tower that exceeds sixty feet (60') from the ground elevation
- C. Private parks
- D. Public swimming pools
- E. Public water parks or public splash pads

17.26.030 Prohibited uses

The following uses are prohibited in the PLI District:

- A. Heavy manufacturing
- B. Industrial uses
- C. Salvage yards
- D. Outdoor merchandise
- E. Outdoor storage unless a government owned storage area

17.26.040 Lot area and width

There are no lot area and width requirements in the PLI district.

17.26.050 Lot coverage

The entire lot, exclusive of required yards and parking, may be occupied by buildings.

17.26.060 Yards

There are no yard requirements in the PLI district except when a lot is adjacent to another district. The yards then shall be the same as the adjacent district.

No accessory building shall be erected within ten feet (10') of any principal building unless a variance is granted by the Town of West Yellowstone.

17.26.070 Corner lots

When a lot faces more than one street and front yard setbacks have been established on both streets, corner lot setbacks shall be at least as great as the minimum front yard setback established for the district. If the lot is completely in one (1) district than both sides of a corner lot shall conform to the front setback in that district.

17.26.080 Yard encroachments

Every part of a required yard or court shall be open and unobstructed by any building or structure from its lowest point upward except as follows:

- A. Architectural features that include cornices, chimneys, canopies, eaves, balconies, or other similar features may extend into a required yard space not more than three feet (3').
- B. Open, unwalled, uncovered steps and entrance landings may extend into a required yard space not more than five feet (5').

17.26.090 Building height

Maximum building height in this district shall be forty feet (40'). All elements of a structure shall be at or below the maximum height in the district unless is an architectural feature as defined in Chapter 17.04 which may extend to six feet (6') above the maximum height.

17.26.100 Off-street parking

Off-street parking for this district shall be provided in accordance with Chapter 17.37 of this title.

17.26.110 Off-street loading

Off-street loading for this district shall be provided in accordance with Chapter 17.38 of this title.

17.26.120 Visibility at intersections

On corner lots on streets in all districts, no fence, wall, or planting in excess of four feet (4') above the street centerline grade is permitted within the area defined as follows: beginning at the intersection of the physical roadway twenty feet (20') along each roadway, except when traffic control signals are installed.

At the intersection of each driveway or alley with a street, no fence, wall, or planting in excess of four feet (4') above the street centerline grade is permitted 15 feet on each side of the physical intersection of the driveway or alley with the street.

17.26.130 Outdoor lighting

Outdoor lighting shall not illuminate or be reflected upon any adjacent property.

17.26.140 Outside storage—Enclosure required

Government outdoor storage shall fence the storage area with a solid fence at least six (6') high, sufficient to enclose the stored materials from public view from outside the enclosure. No stored material may be placed in the front setback that abuts a street of a corner lot.

17.26.150 Fences, walls, and hedges

- A. Fences, walls, and hedges in any district may be located on lot lines provided such fences, walls, and hedges do not exceed eight feet (8') in height, measured from the adjacent ground elevation. Fences, walls, and hedges exceeding eight feet (8') in height, measured from the ground elevation, shall be subject to the minimum yard requirements of the district in which they are located unless a variance is granted by the Town of West Yellowstone.
- B. No fences, walls, and hedges shall exceed four feet (4') in any front yard as defined in this title.
- C. No barbed wire or other sharp fencing materials and no electrically charged fence shall be erected or maintained in any district created by this title.
- D. In case of a fence erected on top of a retaining wall, the height shall be measured from the grade of the high side of the wall.

Chapter 17.27: DOWNTOWN OVERLAY DISTRICT

Sections:

- 17.27.010 Intent
- 17.27.020 Overlay boundaries
- 17.27.030 Dimensional requirements of the downtown overlay
- 17.27.040 Permitted uses
- 17.27.045 Conditional uses
- 17.27.050 Prohibited uses
- 17.27.060 Signs
- 17.27.070 Outdoor lighting
- 17.27.080 Off-street parking
- 17.27.090 Off-street loading

17.27.010 Intent

The intent of this section of the code is to provide for long-term commercial use in the main corridors in West Yellowstone. The overlay district is focused on providing opportunities throughout the historic commercial corridors of the Town. The Town is prescribing this area for commercial and retail purposes with limited residential opportunities.

17.27.020 Overlay boundaries

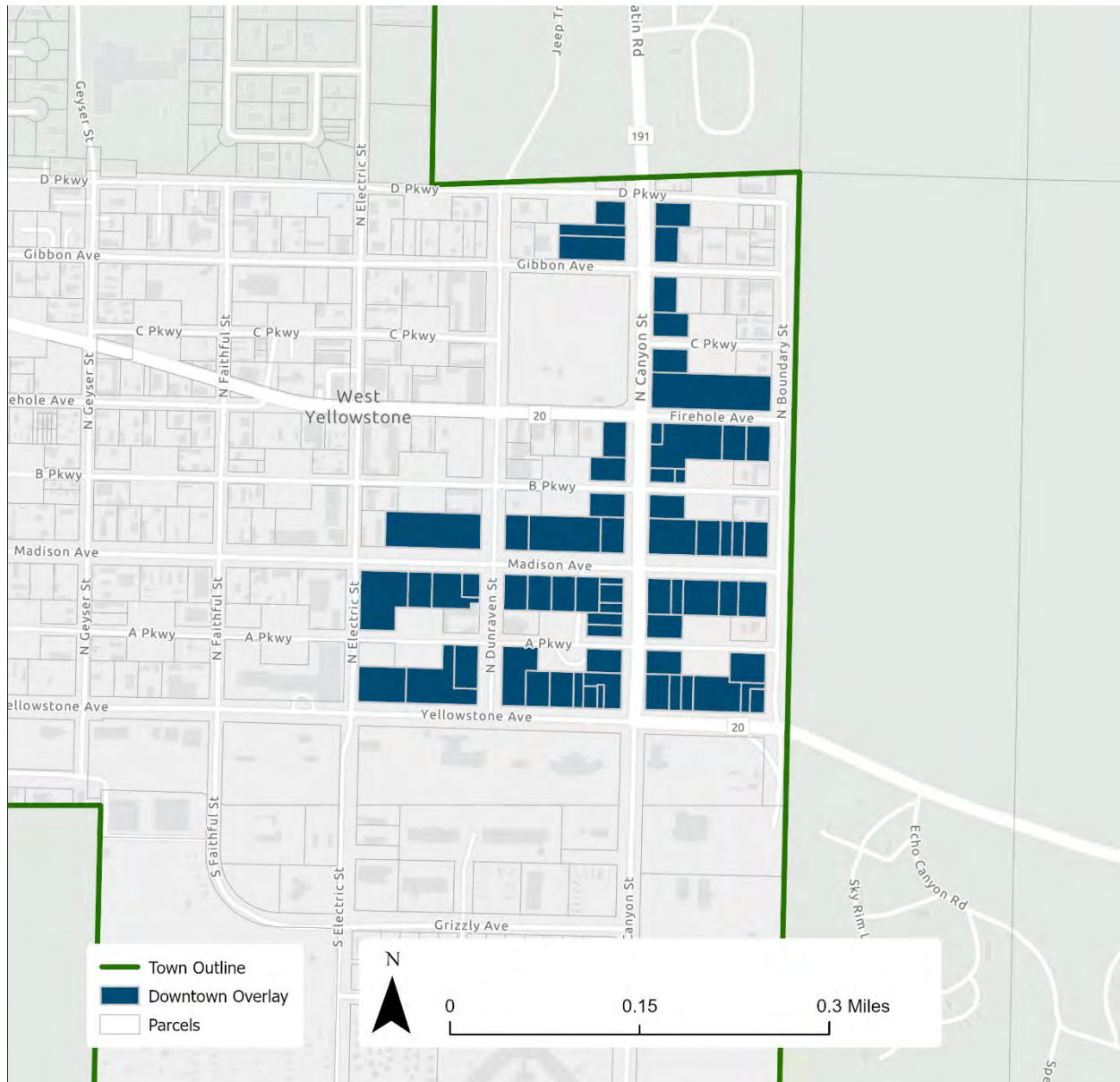
This is a draft area for the overlay boundaries at this time the overlay is not enforceable as the Town continues to update the code to fit the needs of West Yellowstone.

The Downtown Overlay runs in the following areas:

1. North Canyon Street from where it enters town limits on the north east side of town, excluding West Yellowstone Town Park, to the north side of Yellowstone Avenue.
2. Properties on the north side of Yellowstone Avenue from North Boundary Street to the intersection of North Electric Street.
3. Madison Avenue from the North Boundary Street to the intersection with North Electric Street, excluding SECTION 34, TOWNSHIP 13 SOUTH, RANGE 05 EAST, WEST YELLOWSTONE LOT 7 BLOCK 17.
4. Firehole Avenue from North Boundary Street to North Canyon Street.

The figure below shows the Downtown Overlay District.

Figure 27.025 DRAFT Downtown Overlay District



17.27.030 Dimensional Requirements of the Downtown Overlay

The dimensional requirements (setbacks, height, lot coverage) of the Downtown Overlay shall be the same as the B-3 District in which the overlay is placed.

17.27.040 Permitted uses

All permitted uses in this district shall undergo a zoning review during the building permit process. The required submittal for that can be found on the Town website or at Town Hall. Permitted uses in the downtown overlay district are:

- A. Bars and cocktail lounges
- B. Hotels and motels
- C. Meeting and lodge halls
- D. Mobile food vendors as defined in Chapter 5.30
- E. Museums, libraries, and galleries
- F. Professional and business offices (second story only)
- G. Public offices
- H. Rear residential units with individual entrances
- I. Repair services for clothes, dolls, small appliances, watches, glasses, and such other items
- J. Restaurants
- K. Retail sales of finished products to the final consumer
- L. Second story residential units
- M. Second story or rear short term rentals
- N. Temporary buildings for and during construction only
- O. Theaters, except drive-ins
- P. Uses customarily accessory to those listed
- Q. Any combination of permitted uses in this Chapter

17.27.045 Conditional uses

The following are conditional uses in the overlay district:

- A. Animal-drawn carriages

17.27.050 Prohibited uses

The following uses are prohibited in the overlay district:

- A. First floor residential
- B. Storage or salvage yards
- C. Timeshares

17.27.060 Signs

All signs in the overlay district shall be in conformance with the requirements of Chapter 17.40. With the following signs prohibited in the DOD:

- A. Feather flags
- B. Freestanding signs

17.27.070 Outdoor lighting

Outdoor lighting shall not illuminate or be reflected upon any adjacent property.

17.27.080 Off-street parking

Off-street parking for this district shall be provided in accordance with Chapter 17.37 of this title.

17.27.090 Off-street loading

Off-street loading for this district shall be provided in accordance with Chapter 17.38 of this title.

Chapter 17.28: T TRANSITIONAL DISTRICT

Sections:

- 17.28.010 Intent
- 17.28.020 Permitted uses
- 17.28.025 Interim uses
- 17.28.030 Conditional uses
- 17.28.040 General standards

17.28.010 Intent

It is the intent of this district to create a district where an area is in transition from one major use to another, i.e., residential to commercial.

17.28.020 Permitted uses

- A. Government uses including
 1. Infrastructure
 2. Government buildings open to the public
 3. Government offices
 4. Maintenance shops
- B. Publicly owned land used for parks, playgrounds, and open space

17.28.025 Interim uses

The following uses are permitted in the Transitional District for a period to be set by the town. These uses can become permanent through the conditional use process in Chapter 17.29.

- A. Limited Services Campground
- B. Unpaved parking areas subject to Chapter 17.37

17.28.030 Conditional uses

The following are conditional uses in the transitional district:

- A. Libraries
- B. Schools

17.28.040 General standards

The T district and specific standards for each T district shall be the same as the proposed final zoning of the property. This includes:

- A. Lot area and width
- B. Coverage
- C. Yards
- D. Corner lots
- E. Yard encroachments
- F. Building height

- G. Off-street parking
- H. Off-street loading
- I. Visibility at intersections
- J. Outdoor lighting
- K. Signs
- L. Fences, walls, and hedges

However, uses may vary from the final zoning that complies with 17.28 and uses may cover multiple lots until the final zoning is adopted by the Town Council.

Chapter 17.29: CONDITIONAL USES

Sections:

- 17.29.010 Intent
- 17.29.020 Conditional use requirements
- 17.29.030 Permit requirements
- 17.29.040 Conditional use permit procedure
- 17.29.050 Conditional approval
- 17.29.060 Conditional use review and design criteria
- 17.29.070 Appeal process

17.29.010 Intent

The intent of conditional use permits is to provide for specified uses, other than those specifically permitted in each district, which may be appropriate in the district under certain safeguards or conditions.

17.29.020 Conditional use requirements

- A. No structure or land may be used for any purpose in any district where such use is not a permitted use, unless such use is listed as a conditional use and approval for that use is obtained through the proper procedure.
- B. Conditional use permits shall be granted only by the Town Council when their findings are that:
 - 1. The use conforms to the objectives of the growth policy and the intent of this title and the district in which the use is placed,
 - 2. Such use will not adversely affect nearby properties or their occupants,
 - 3. Such use meets density, coverage, yard, height, and all other regulations of the district in which it is to be located, unless otherwise provided for in this title, and
 - 4. Public hearings have been held, after the required legal notices have been given and the public has been given a chance to be heard upon the matter.

17.29.030 Permit requirements

The following items are required for all conditional use permits in the Town of West Yellowstone. These items can be addressed through narrative and a scaled site plan attached to the Town Conditional Use Permit.

- A. Narrative generally explaining the project
- B. A parking plan in compliance with Chapter 17.37
- C. Impacts and mitigation strategies to the following items
 - 1. Community services to include
 - i. Water
 - ii. Wastewater
 - iii. Traffic

- iv. Police
 - v. Fire Department
 - vi. Emergency Services
 - vii. Other services as identified by Town Staff, the Planning Board, or Town Council
- 2. Stormwater drainage
 - 3. Snow storage
 - 4. Traffic impacts

17.29.040 Conditional use permit procedure

- A. All applications for conditional use permits shall be filed in the town office accompanied with the appropriate fee prescribed on the adopted Town of West Yellowstone Fee Schedule.
- B. The Town Council shall then cause to be made such investigation of facts bearing on the application as will provide necessary information to assure that the action on each such application is consistent with the intent and purpose of this title.
- C. The planning board shall, after legal notice of not less than ten (10) days, hold a public hearing to review the application. At the hearing the planning board shall make a recommendation to the Town Council and add any relevant conditions to mitigate impacts to the criteria found in 17.29.030
- D. The Town Council shall, after legal notice of not less than ten (10) days, hold a public hearing on the application and take testimony from interested parties. The Town Council shall then either approve or deny the application. If the application is denied, reasons for denial shall be given.

17.29.050 Conditional approval

The Town Council may make the granting of a conditional use permit subject to reasonable limitations or conditions as it may deem necessary to protect the public health, safety, and welfare and to reduce any impacts to nearby property or residences.

17.29.060 Conditional use review and design criteria

The following criteria apply to all districts. These criteria are specific to the uses outline below and are created to ensure that any use's impacts are properly mitigated. Uses that are designated as a conditional use shall provide plans or narrative on how their application complies to the following criteria.

- A. Animal-drawn carriages
 - 1. Operators of an animal drawn carriage shall obtain a business license pursuant to Chapter 5.04 of this code
 - 2. Provide an excrement collection method to ensure that no animal excrement is placed upon the public right-of-way
 - 3. All carriages, equipment, transactions with the public, and loading and unloading of passengers shall occur completely on private property.
 - 4. The animals used to pull the carriages shall be kept outside of the West Yellowstone town limits overnight.

B. Combination of Permitted Uses

1. The application narrative should explain how the two (2) permitted uses will work in harmony on the single parcel
2. Parking maybe provided as a shared lot on the parcel but each use's minimum space requirement shall be met in accordance with Chapter 17.37

C. Communications Tower

1. The application narrative shall identify and mitigate any impacts to air travel
2. Communication towers should be designed in the event of structural failure no portion of the structure falls outside of the subject parcel

D. Home Occupations

1. The application narrative shall list the following:
 - i. ADA compliance
 - ii. Air quality impacts to adjacent landowners
 - iii. Any signage proposed with the home occupation
 - iv. Employees
 - v. Expected water and sewer use
 - vi. Hours of operation
 - vii. Lighting impacts to adjacent landowners
 - viii. Noise increases from normal residential use

E. Mixed Use Developments

1. Mixed use developments may be a combination of permitted uses and conditional uses or two conditional uses on one (1) parcel if included within that district.
2. Any commercial use in a mixed used development shall be limited to the ground floor facing the addressed street unless an office use.
3. Residential uses when combined with commercial uses shall have separate entrances from commercial uses.
4. Parking maybe provided as a shared lot on the parcel but each use's minimum space requirement shall be met in accordance with Chapter 17.37

F. Multiple dwelling units

1. Each unit in a multi-unit dwelling shall have a separate entrance from the ground on which the structure is erected unless second story units.

G. Public water parks and Public Splash pads

1. Water must be used in a closed circuit system to not place burdensome requirements on the Town water system

H. Salvage yards

1. The entirety of the storage area shall be screened by acceptable fencing material or planted vegetation to a height of eight feet (8').
 - i. If the owner proposes to use vegetation for screening the plants should be planted to a height of five feet (5') with the ability to grow to a height of ten feet (10') and maintained at a height of eight feet (8').

I. Timeshares

1. Must provide a copy of their timeshare plan per the definition in Chapter 17.04

17.29.070 Appeal process

Any person or persons, jointly or severally aggrieved by any decision of the Town Council, may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in

whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision of the office of the Council.

Chapter 17.30: ACCESSORY DWELLING UNIT STRUCTURES

Sections:

- 17.30.010 Intent
- 17.30.020 Definitions
- 17.30.030 Regulations pertaining to accessory dwelling units
- 17.30.040 Requirements for an accessory dwelling unit
- 17.30.050 Dimensional standards

17.30.010 Intent

The intent of this chapter is to provide for flexibility in housing in residential areas.

17.30.020 Definitions

For the purposes of this section:

- A. "Accessory dwelling unit" means a self-contained living unit on the same parcel as a single-unit dwelling of greater square footage that includes its own cooking, sleeping, and sanitation facilities and complies with or is otherwise exempt from any applicable building code, fire code, and public health and safety regulations.
- B. "By right" means the ability to be approved without requiring:
 - 1. a public hearing;
 - 2. a variance, conditional use permit, special permit, or special exception; or
 - 3. other discretionary zoning action other than a determination that a site plan conforms with applicable zoning regulations;
- C. "Gross floor area" means the interior habitable area of a single-unit dwelling or an accessory dwelling unit;
- D. "Single-unit dwelling" means a building with one or more rooms designed for residential living purposes by one household that is detached from any other dwelling unit.

17.30.030 Regulations pertaining to accessory dwelling units

- A. A minimum of one (1) accessory dwelling unit is allowed by right on a lot or parcel that contains a single-unit dwelling per the definition in Chapter 17.30
- B. An accessory dwelling unit may be attached, detached, or internal to the single-unit dwelling on a lot or parcel.
- C. If the accessory dwelling unit is detached from or attached to the single-unit dwelling, it may not be more than 75% of the gross floor area of the single-unit dwelling or one thousand square feet (1,000 sq. ft.), whichever is less.
- D. Accessory dwelling units shall not be used as a short-term rental nor timeshare per the definitions in Chapter 17.04

17.30.040 Requirements for an accessory dwelling unit

The Town of West Yellowstone shall only permit an accessory dwelling unit if:

- A. The applicant can provide additional parking to accommodate an accessory dwelling unit. One off-street parking space is required per accessory dwelling unit. The required parking may be placed in the rear setback but must maintain five feet (5') of separation from any lot line.
- B. The applicant pays impact fees on the construction of an accessory dwelling unit;
- C. An accessory dwelling unit must have a will-serve letter from both a municipal water system and a municipal sewer system.
- D. The proposed accessory dwelling unit complies with all applicable local, state, federal, fire, electrical, plumbing, and building codes.
- E. Submission requirements for an accessory dwelling unit shall be:
 1. Applicable fee
 2. Building plans and elevations
 3. Scaled site plan showing existing features including trees and building
 4. Scaled site plan showing proposed location of accessory dwelling unit, off-street parking, and access for the accessory dwelling unit

There are no requirements for:

- A. That an accessory dwelling unit match the exterior design, roof pitch, or finishing materials of the single-unit dwelling;
- B. That the single-unit dwelling or the accessory dwelling unit be occupied by the owner;
- C. Any familial, marital, or employment relationship between the occupants of the single-unit dwelling and the occupants of the accessory dwelling unit;
- D. Any improvements to public streets as a condition of permitting an accessory dwelling unit, except as necessary to reconstruct or repair a public infrastructure that is disturbed during the construction of the accessory dwelling unit;

17.30.050 Dimensional standards

The dimensional requirements (setbacks, height, lot coverage) for accessory residential units shall be the same as the district in which the unit is placed.

Chapter 17.31: PLANNED UNIT DEVELOPMENT

Sections:

- 17.31.010 Intent
- 17.31.020 Administration and review process
- 17.31.030 Conditional approval
- 17.31.040 Definitions
- 17.31.050 Project design
- 17.31.060 Application requirements
- 17.31.070 Legal requirements
- 17.31.080 Standards of development
- 17.31.090 Approval
- 17.31.100 Appeal process

17.31.010 Intent

The intent of the planned unit development (PUD) chapter is to encourage better land use development in all districts by relaxing the strict mechanical regulations of this title and providing a method and standards whereby structures and uses can be designed and developed as a unit instead of the traditional lot-by-lot method; yet carrying out the intended purpose of this title. A PUD shall be in general harmony with adjacent uses and shall not create negative documentable impacts to adjacent parcels.

17.31.020 Administration and review process

A PUD shall not be placed in any Downtown Overlay District nor the Public Lands and Institutions District.

A PUD application shall follow the review process outlined below.

- A. All applications for a planned unit development shall be filed in the town office accompanied with the appropriate fee prescribed on the adopted Town of West Yellowstone Fee Schedule.
- B. The Town Council shall then cause to be made such investigation of facts bearing on the application as will provide necessary information to assure that the action on each such application is consistent with the intent and purpose of this title and the individual district where the PUD is proposed.
- C. The planning board shall, after legal notice of not less than ten (10) days, hold a public hearing to review the application. At the hearing the planning board shall make a recommendation to the Town Council and add any relevant conditions to mitigate impacts to the criteria found in 17.31.040
- D. The Town Council shall, after legal notice of not less than ten (10) days, hold a public hearing on the application and take testimony from interested parties. The Town Council

shall then either approve or deny the application. If the application is denied, reasons for denial shall be given.

17.31.030 Conditional approval

The Town Council may make the granting of a planned unit development subject to reasonable limitations or conditions as it may deem necessary to protect the public health, safety, and welfare and to reduce any impacts to nearby property or residences.

17.31.040 Definitions

For the purpose of this chapter, definitions in Chapter 17.04 of this title shall apply except for the following terms:

- A. "Common open space" means a parcel or parcels of land, or an area of water, or a combination of land and water within a planned unit development designated and intended for the use or enjoyment of residents of the development. Common open spaces may contain complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of occupants of the development.
- B. "Owners association" means an incorporated, nonprofit organization operating under recorded land agreements through which:
 - A. Each lot owner in the planned unit development is automatically a member,
 - B. Each lot is automatically subject to a charge for a proportionate share of the expenses for the organizations' activities, and
 - C. Common open space and facilities are maintained.
- C. "Plan" means the provisions for the development of a planned unit development including, but not limited to, the following:
 - 1. Any proposed land subdivision;
 - 2. Proposed location and use of a lot or structure;
 - 3. Design of all structures;
 - 4. Density of development;
 - 5. Development and location of streets and utilities;
 - 6. Legal documents pertaining to the development.

17.31.050 Project design

- A. The applicant may submit any combination of proposed uses to the Town Council for a PUD. The combination of uses and their impacts to adjacent owners within and adjacent to the subject site shall be a primary review criterion.
- B. The applicant may propose uses that are not currently defined in the Town Code.
- C. The applicant shall propose their own standards regarding the following items for review by the Council:
 - 1. Alleys
 - 2. Density
 - 3. Encroachments
 - 4. Lot Size
 - 5. Height Restrictions
 - 6. Use

17.31.060 Application requirements

A planned unit development application shall include the following information:

- A. A sketch of the proposed site showing existing physical features, i.e., topography, trees, streams, structures, streets, utility lines, etc.;
- B. General information and plans of utility systems and any design plans or reports as required to ensure that the proposal complies with Town standards;
- C. Legal description and plat of proposed site;
- D. Notation of acreage within the proposed site, numbers of lots, typical lot size, proposed uses of lots, sites for parks and recreation, or other public and quasi-public uses;
- E. Existing zoning of the proposed site and surrounding area;
- F. Names, location, and tentative finished grades of all proposed streets;
- G. Location and design of all proposed structures (should include distances from streets and property lines and between structures);
- H. Location and number of proposed parking spaces;
- I. Proposed design standards and proposed zoning requirements of the PUD
- J. Copies of all covenants and legal instruments pertaining to operation of the planned unit development.
- K. Impacts and mitigation strategies to the following items
 - A. Stormwater drainage
 - B. Snow storage
 - C. Traffic impacts
 - D. Community services to include
 - i. Emergency Services
 - ii. Fire Department
 - iii. Municipal Wastewater
 - iv. Municipal Water
 - v. Police
 - vi. Traffic
 - vii. Other services as identified by Town Staff, the Planning Board, or Town Council

17.31.070 Legal requirements

- A. In a planned unit development containing areas or facilities of common or restricted ownership, the subdivision plat, dedication, covenants, and other recorded legal agreements shall:
 - 1. Legally create automatic membership in a nonprofit property owner's association or similar instrument;
 - 2. Place title to any common property or facility in the property owner's association possession;
 - 3. Appropriately and permanently limit the uses of common property and open space;
 - 4. Give each lot or unit owner the right to use and enjoyment of any common property or facility;
 - 5. Place responsibility for operation and maintenance of the common property on the property owner's association;
 - 6. Place an association charge on each lot or unit in a manner which will:

- i. Ensure sufficient funds for maintenance and operation, such charge to be a lien on the property,
 - ii. Provide adequate safeguards for owners against undesirably high charges.
7. Where any of the above are not applicable or suitable, the applicant may suggest alternative solutions approved by the Town Council.

17.31.080 Standards of development

All planned unit developments shall meet or exceed the following standards of development:

- A. Planned unit development sites shall not be exposed to adverse elements, i.e., smoke, dust, noise, etc., which might create damage to property or bring harm to occupants.
- B. Site size for planned unit developments shall be appropriate to the proposed area and design but shall not be less than two acres (except B-3 district—fifteen thousand square feet (15,000 sq. ft.) minimum).
- C. Off-street parking shall be provided in convenient locations and in accordance with Chapter 17.37 of this title.
- D. Off-street loading shall be provided in accordance with Chapter 17.38 of this title.
- E. Not less than fifteen percent (15%) of the planned unit development site shall be designated and maintained as common open space for the use of the occupants of the development.
- F. Utilities shall be provided in a manner to meet town specifications.
- G. Landscaping may be required to provide a buffer between proposed uses or between different adjacent district classifications.

17.31.090 Approval

- A. When the Town Council gives approval of a planned unit development, permits shall be issued only in accordance with the approved plan and stipulated conditions.
- B. When the Town Council approves the planned unit development it shall be noted on the official Town of West Yellowstone zoning map and any future development shall adhere to the approved PUD design standards.

17.31.100 Appeal process

Any person or persons, jointly or severally aggrieved by any decision of the Town Council, may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision of the office of the Council.

Chapter 17.32: MOBILE HOME PARKS

Sections:

- 17.32.010 Intent
- 17.32.020 More restrictive regulations shall apply
- 17.32.030 Permits
- 17.32.040 Licenses
- 17.32.050 Design standards-Generally
- 17.32.060 Site
- 17.32.070 Site size
- 17.32.080 Density
- 17.32.090 Site coverage
- 17.32.100 Access
- 17.32.110 Lot size
- 17.32.120 Mobile home stand
- 17.32.130 Setback
- 17.32.140 Height
- 17.32.150 Streets
- 17.32.160 Parking
- 17.32.170 Walks
- 17.32.180 Recreation area
- 17.32.190 Landscaping
- 17.32.200 Utilities
- 17.32.210 Fire protection

- 17.32.010 Intent

The intent of this chapter is to provide for mobile home park development at appropriate locations and to establish standards for development to integrate mobile homes into an area without adversely affecting surrounding property and to provide safeguards for residents of mobile homes.

17.32.020 More restrictive regulations shall apply

The regulations in this district shall not be interpreted to supersede or amend any state or federal regulations pertaining to mobile home park development. These regulations are intended to be supplemental to other established mobile home park regulations and their amendments. When the standards and regulations in this district are more restrictive than other established standards and regulations, the more restrictive shall be used.

This includes all regulations of local, state, and federal fire codes, building codes, design standards, infrastructure requirements, and access standards.

17.32.030 Permits

It is unlawful for any person to construct, alter, or extend any mobile home park unless he holds necessary valid permits issued by the Montana Department of Health and Human Services, Montana Department of Environmental Quality, Gallatin Town-County Health Department, the town building official and the town public services department. This includes a conditional use permit where required by the zoning district.

17.32.040 Licenses

It is unlawful for any person to operate any mobile home park unless they hold a valid license issued by the town.

17.32.050 Design standards-Generally

Any person desiring to enlarge or establish a mobile home park shall meet or exceed the design standards in Chapter 17.32.

17.32.060 Site

The mobile home park site shall not be exposed to smoke, dust, noise, odors, or other adverse influences which might create damage to property or bring harm to occupants of the park.

17.32.070 Site size

There is no minimum lot size for a mobile home park.

17.32.080 Density

The maximum density of mobile home parks shall be fifteen (15) units per acre.

17.32.090 Site coverage

Maximum mobile home lot coverage shall not exceed fifty percent (50%). Coverage shall mean any manmade structure.

17.32.100 Access

All mobile home parks shall have physical and legal access. Entrances and exits shall be designed for safe and convenient movement of traffic into and out of the park, and to minimize congestion of free moving traffic on adjacent streets.

17.32.110 Lot size

Individual unit minimum lot size shall be two thousand nine hundred square feet (2,900 sq. ft.) with no less than forty feet (40') of lot width.

17.32.120 Mobile home stand

Each mobile home lot shall be provided with a well-drained stand with a structural base, approved by the Town Council for the placement of the mobile home. Each stand must be at least twelve by fifty feet (12' x 50') for single-wide units and twenty-four by fifty feet (24' x 50') for double-wide units.

17.32.130 Setback

Setbacks shall conform to the requirements of the zoning district.

17.32.140 Height

Maximum height shall conform to the requirements of the zoning district .

17.32.150 Streets

All street shall be designed in accordance with the Town of West Yellowstone design standards.

17.32.160 Parking

Parking shall be in accordance with Chapter 17.37.

17.32.170 Walks

Safe, convenient, all-season walks, with a minimum width of five feet (5') shall be provided in locations where pedestrian traffic is concentrated and connect to existing networks where possible.

17.32.180 Recreation area

A minimum of ten percent (10%) of the gross site area shall be reserved for park and recreation development. Location and design of such recreation area shall either be centrally located or placed in a manner to facilitate pedestrian connectivity to existing networks.

17.32.190 Landscaping

Landscaping may be required to provide a buffer between mobile home parks and adjacent properties in other district classifications. Landscaping buffers are allowed to be included in the requirements for recreation area. Examples of what could be required are:

- A. A greenbelt strip of natural tree cover may be left in its natural state. However, cutting, removal and replacement of older natural tree vegetation shall be allowed;
- B. A greenbelt planting strip of not less than twenty feet (20') in width along the perimeter of the mobile home park where it abuts public right-of-way or an area zoned in any other district classification. The greenbelt shall be developed and maintained thereafter in a neat and orderly manner;
- C. A continual ornamental wall six feet (6') in height above grade, erected one foot off property line abutting property of another district classification and six feet (6') from public

rights-of-way. Such wall shall be landscaped with suitable plant materials along both sides of the wall except where prohibited.

17.32.200 Utilities

Utilities shall be provided in the following manner or by an alternative manner approved by the Town Council:

- A. All mobile home parks are required to connect to town water utilities and town sewage utilities.
- B. All sanitary sewage utilities and water facilities, including connections provided to individual lots, shall meet the requirements of the town;
- C. The plumbing connections to each mobile home lot shall be constructed so that all lines are protected from freezing, from accidental bumping or from creating any type of nuisance or health hazard;
- D. An adequate amount of running water shall be supplied to each mobile home;
- E. Storm drainage facilities, where necessary, shall be so constructed as to protect those that will reside in the mobile home park as well as the property owners adjacent to the park. Such park facilities shall be of such capacity as dictated by the Town to insure proper drainage and prevent the accumulation of water in, or adjacent to, the park;
- F. All electric, telephone and other lines from supply poles to each mobile home lot shall be underground. When meters are installed, they shall be uniformly located;
- G. All fuel lines leading to mobile home lots shall be underground, and so designed as to conform with any state code that is found to be applicable;
- H. Facilities for the storage and disposal of trash and garbage in a sanitary and lawful manner shall be provided in each mobile home park;
- I. Street and yard lights, attached to standards approved by the town shall be provided in sufficient number and intensity to permit the safe movement of vehicles and pedestrians at night, and shall be effectively related to buildings, trees, walks, steps, and ramps;
- J. The erection, construction, reconstruction, repair, relocation and/or alteration of all permanent buildings and structures located within a mobile home park shall conform to the requirements of applicable building codes adopted by the town and applicable administrative rules or regulations adopted by the Department of Public Health and Human Services or other state agency;
- K. All mobile home parks developed under this title shall comply with Montana State Department of Health's Regulation No. 53-43-8 or any amendment thereto concerning plumbing and electrical requirements.

17.32.210 Fire protection

The water supply system serving the mobile home park shall be subject to the rules and regulations of the local fire prevention authority or the system shall meet the standards for adequate fire protection established by the National Fire Protection Association Standard NFPA No. 501A, whichever is more stringent. Nonetheless, the Town Council must approve fire protection systems.

Chapter 17.33: TRAVEL TRAILER PARKS

Sections:

- 17.33.010 Intent
- 17.33.020 More restrictive provisions shall apply
- 17.33.030 Permits for expansion
- 17.33.040 Licenses
- 17.33.050 Design standards-Generally
- 17.33.060 Site size
- 17.33.070 Density
- 17.33.080 Street access
- 17.33.090 Setbacks
- 17.32.100 Height
- 17.33.110 Streets
- 17.33.120 Service areas
- 17.33.130 Parking

17.33.010 Intent

The intent of this chapter is to provide for travel trailer park development at appropriate locations and to establish standards of development to integrate travel trailer parks into certain areas of the community without adversely affecting surrounding properties.

17.33.020 More restrictive provisions shall apply

If there appears to be a conflict between the regulations and standards in this chapter with any other local, state, or federal regulation for travel trailer parks, the more restrictive regulation shall apply.

This includes all regulations of local, state, and federal fire codes, building codes, design standards, infrastructure requirements, and access standards.

17.33.030 Permits for expansion

It is unlawful for any person to construct, alter, or extend any travel trailer park unless they hold necessary valid permits issued by the Montana Department of Health and Human Services, Montana Department of Environmental Quality, Gallatin Town-County Health Department, the town building official and the town public services department.

17.33.040 Licenses

It is unlawful for any person to operate any travel trailer park unless he holds a valid license issued by the town clerk.

17.33.050 Design standards-Generally

Any person desiring to enlarge or establish a travel trailer park shall meet or exceed the following design standards in Chapter 17.33.

17.33.060 Site size

There is no minimum lot size for a travel trailer park.

17.33.070 Density

The maximum density of a travel trailer park shall be twenty-five (25) units per acre.

17.33.080 Street access

All travel trailer parks shall have legal and physical access. Entrances and exits shall be designed for safe and convenient movement of traffic into and out of the park, and to minimize congestion of free moving traffic on adjacent streets.

17.33.090 Setbacks

Setbacks shall conform to the requirements of the zoning district.

17.32.100 Height

Maximum height shall conform to the requirements of the zoning district.

17.33.110 Streets

Interior streets within the park shall meet the design standards of the Town of West Yellowstone.

17.33.120 Service areas

Service areas shall be provided in the following manner:

- A. At least one (1) service building containing necessary toilet and other plumbing fixtures specified shall be provided in the park when there are more than three (3) rental spaces available to the public. Service buildings shall be conveniently located with a radius of approximately three hundred feet (300') to all spaces to be served. Laundry facilities shall be required in addition to the following. If commercial laundry facilities are located within a quarter mile (0.25 miles) to the trailer park, the laundry facility requirement may be waived by the Town Council.

Number of Dependent Parking Spaces	Toilets		Men's Urinals	Lavatories		Showers		Other Fixtures
	Men	Women		Men	Women	Men	Women	
4 – 15	1	1	1	1	1	1	1	At least one janitor sink per service building
16 – 30	1	2	1	2	2	1	1	
31 – 45	2	2	1	3	3	1	1	
46 – 60	2	3	2	3	3	2	2	
61 – 80	3	4	2	4	4	2	2	
81 – 100	3	4	2	4	4	3	3	

B. Facilities for storage and disposal of trash and garbage in a sanitary manner shall be provided in each park.

C. Street and yard lights shall meet the design requirements of the Town of West Yellowstone.

17.33.130 Parking

Parking for all uses within the travel trailer park shall be provided in accordance with Chapter 17.37 of this title.

Chapter 17.34: LIMITED SERVICES CAMPGROUNDS

Sections:

- 17.34.010 Intent
- 17.34.020 More restrictive provisions shall apply
- 17.34.030 Permits for expansion
- 17.34.040 Design standards-Generally
- 17.34.050 Parking
- 17.34.060 Street access
- 17.34.070 Streets
- 17.34.080 Independent recreational vehicle site
- 17.34.090 Setback
- 17.34.100 Height
- 17.34.110 Utilities and landscaping

17.34.010 Intent

The intent of this chapter is to provide for limited services campground development at appropriate locations and to establish standards of development to integrate limited services campgrounds, which cater to independent recreational vehicles and campsites only, into certain areas of the community without adversely affecting surrounding properties.

17.34.020 More restrictive provisions shall apply

If there appears to be a conflict between the regulations and standards in this chapter with any other local, state, or federal regulation for limited services campgrounds, the more restrictive regulation shall apply.

17.34.030 Permits for expansion

It is unlawful for any person to construct, alter or extend any limited services campground unless they hold necessary valid permits issued by the Montana Department of Health and Human Services, Montana Department of Environmental Quality, Gallatin Town-County Health Department, the town building official and the town public services department.

17.34.040 Design standards-Generally

Any person desiring to alter, enlarge or establish a limited services campground shall meet or exceed the following design standards in Chapter 17.34.

17.34.050 Parking

Parking for all uses within the limited services campground shall be provided in accordance with Chapter 17.37 of this title.

17.34.060 Street access

All limited service campgrounds shall have legal and physical access. Entrances and exits shall be designed for safe and convenient movement of traffic into and out of the park, and to minimize congestion of free moving traffic on adjacent streets.

17.34.070 Streets

Interior streets within the limited services campground shall provide for safe convenient circulation without interference or hazard to general park activities.

17.34.080 Independent recreational vehicle site

Each independent recreational vehicle shall be provided with a well-drained site with a firm base, approved by the town for the placement of the independent recreational vehicle.

17.34.090 Setback

Setbacks shall be in conformance with the underlying zoning district.

17.34.100 Height

Height restrictions shall be in conformance with the underlying zoning district.

17.34.110 Utilities and landscaping

Utilities and landscaping shall be provided in the following manner or by an alternative manner approved by the town:

- A. All sanitary sewage utilities and water facilities, including connections provided to individual lots, shall meet the requirements of the town's public works standards, if applicable;
- B. The plumbing connections to each limited services campground site shall be constructed so that all lines are protected from accidental bumping or from creating any type of nuisance or health hazard, if applicable;
- C. An adequate amount of running water shall be piped to each campground site, if applicable;
- D. Storm drainage facilities, where necessary, shall be so constructed as to protect those that will reside in the limited services campground as well as the property owners adjacent to the campground. Such campground facilities shall be of such capacity to ensure proper drainage and prevent the accumulation of water in, or adjacent to, the campground;
- E. All electric, telephone and other lines from supply poles to each limited services campground lot shall be underground. When meters are installed, they shall be uniformly located, if applicable;
- F. Facilities for the storage and disposal of trash and garbage in a sanitary and lawful manner shall be provided in each limited services campground;
- G. The erection, construction, reconstruction, repair, relocation and/or alteration of all permanent buildings and structures located within a limited services campground shall

conform to the requirements of applicable building codes adopted by the town and applicable administrative rules or regulations adopted by the Department of Public Health and Human Services or other state agency;

- H. Street and yard lights, attached to standards, shall be approved by the town if applicable;
- I. Landscaping is recommended to provide a buffer between limited services campgrounds and adjacent residential properties;
- J. All limited services campgrounds developed under this title shall comply with Montana State Department of Health's Regulation No. 53-43-8 or any amendment thereto concerning plumbing and electrical requirements.

Chapter 17.35: TOWNHOUSE DEVELOPMENT STANDARDS

Sections:

- 17.35.010 Intent
- 17.35.020 Design standards
- 17.35.030 Final landscape and site improvement plan
- 17.35.040 Architectural treatment
- 17.35.050 Maintenance of common area
- 17.35.060 Setback requirements
- 17.35.070 Yard requirements
- 17.35.080 Street frontage
- 17.35.090 Street system
- 17.35.100 Street improvements and right-of-way
- 17.35.110 Ingress and egress
- 17.35.120 Parking and driveways
- 17.35.130 Curb cuts
- 17.35.140 Landscaping
- 17.35.150 Utilities and services
- 17.35.160 Accessory buildings
- 17.35.170 Building design-Fire hydrant location
- 17.35.180 Building design-Fire walkways
- 17.35.190 Fire safety requirements

17.35.010 Intent

- A. It is the purpose and intent of this chapter to accommodate various types of unique and innovative housing forms which are usually based upon a concept of reducing the area of individually owned lots, and grouping such lots together to utilize the total space more efficiently within the subdivision by creating common open spaces, scenic, and recreational areas, and other spaces which would compensate for the reduction of land area contained within the individually owned lot.
- B. Specifically, this chapter is designed to allow the grouping of separately owned one-unit (1) dwelling units into a group of townhouses in such a manner as to make efficient, economical, and aesthetically pleasing use of land so restricted that the same will be continually well maintained to preserve the health, welfare, safety, and convenience of the surrounding neighborhood and insure a reasonable amount of open space and architectural variety.

17.35.020 Design standards

The following standards have been developed and apply to a variety of such attached and semi-detached single-unit housing forms including but not limited to townhouses or any other similar designation. All other provisions contained in the town zoning code are applicable to these types of housing forms unless specifically noted in this chapter.

- A. No two (2) townhouse dwelling units shall be served by the same interior or exterior stairway or by the same exterior door.
- B. No townhouse lot shall contain an area of less than one thousand six hundred square feet (1,600 sq. ft.) and a minimum lot and building width of not less than twenty feet (20').
- C. The minimum size of the site to be developed for townhouse units shall be five thousand square feet (5,000 sq. ft.).

17.35.030 Final landscape and site improvement plan

A detailed final landscape plan and final site improvement plan shall be submitted and approved by both the planning official and building official prior to the issuance of a building permit. Final approval shall include but not be limited to the following:

- A. Conformance to the approved site plan;
- B. Inclusion of appropriate plant materials;
- C. All other requirements as set forth in Chapter 17.31.

17.35.040 Architectural treatment

In any townhouse division, architectural treatment shall be as follows: The facades of townhouses in a group shall be varied by changed front yard setbacks and variation in materials or design so that no more than two (2) abutting townhouses will have the same front yard setback and the same or essentially the same architectural treatment of facades and roof lines.

17.35.050 Maintenance of common area

- A. Provisions satisfactory to the Town Council shall be made to assure that nonpublic areas and facilities for the common use of occupants of a townhouse development, but not in individual ownership of such occupants, shall be maintained in a satisfactory manner without expense to the general taxpayers of the town. To this end, the incorporation of an automatic membership owner’s association created under recorded land agreements will be required for the purpose of continuously holding title to such nonpublic areas and facilities, and levying assessments against each townhouse lot, whether improved or not, for the purpose of paying the taxes and maintaining such nonpublic areas and facilities may include but not be limited to recreational areas, off-street parking bays, private streets, sidewalks, street lights, and common open and landscaped area.
- B. Such assessments shall be a lien superior to all other liens save and except tax liens and mortgage liens, provided the mortgage liens are first liens against the property encumbered thereby, subject only to tax liens, and secure indebtedness which are amortized in monthly or quarter-annual payments over a period of not less than ten (10) years. Other methods may be acceptable if the same positively provide for the proper and continuous payment of taxes and maintenance without expense to the general taxpayers. The instrument incorporated by such provisions shall be approved by the Town Council and shall be recorded in the public records of the county if satisfactory to the Town Council.
- C. In the event that this or a similar entity fails to maintain the common area in accordance with the landscaping plan approved by the Town Council, or should the entity fail to maintain the common area in a reasonable condition and state of repair, the determination of such failure to be made by the building official, the Town Council, may at its option through its own agents or by independent contractor, enter the common area for purposes of maintenance thereof, together with an additional charge of twenty-five percent (25%) of the costs for management fees, such costs to constitute a lien upon each and every lot in the project.

17.35.060 Setback requirements

Setbacks shall be in conformance with the underlying zoning district.

17.35.070 Yard requirements

- A. Townhouses may be arranged to face onto a common open area, such a common area shall be provided for unobstructed access of emergency vehicles.
- B. Private Yard Area. Every lot containing a townhouse must provide a private yard of at least three hundred twenty square feet (320 sq. ft.), oriented to either the building front, rear or side.

17.35.080 Street frontage

Each townhouse project site must have a frontage on a public street. Individual lots need not front a public or private street but may face upon common open areas.

17.35.090 Street system

All elements of the street system shall be designed in compliance with the Town of West Yellowstone Design Standards.

17.35.100 Street improvements and right-of-way

The right-of-way width of public streets and private streets serving a group of townhouses and the improvements therein shall conform to all applicable town standards and requirements for such streets.

17.35.110 Ingress and egress

No townhouse shall be constructed to provide direct vehicular ingress or egress to any controlled access highway or major thoroughfare.

17.35.120 Parking and driveways

- A. Driveway widths shall not exceed twenty feet (20').
- B. Parking shall be provided in compliance with Chapter 17.37.

17.35.130 Curb cuts

- A. A minimum distance of fifty (50') feet shall be maintained between all curb cuts. Not more than one curb cut shall be permitted per two townhouses. A minimum corner clearance shall be fifteen feet (15') from property line at uncontrolled intersections and thirty feet (30') from property line at controlled (either signed or signalized) intersections.
- B. In no case shall any curb cut be permitted which, in the opinion of the building official, may cause an unsafe or hazardous driving condition.

17.35.140 Landscaping

The property shall be landscaped in general compliance with surrounding properties.

17.35.150 Utilities and services

All townhouses must be connected to public water and sewer lines, and all electrical and telephone lines in a townhouse development site shall be placed underground. Proper and adequate access for firefighting purposes and access to service areas to provide garbage and waste collection, and for other necessary services, shall be provided.

17.35.160 Accessory buildings

An accessory building may only be located in a rear yard.

17.35.170 Building design-Fire hydrant location

All buildings proposed to be constructed within any project containing private streets must be so arranged and located that firefighting apparatus can park and reach any building with a one hundred fifty-foot (150') long hose extending from such equipment. This one hundred fifty-foot (150') hose length must be measured as the hose is laid on the ground and may not be measured as the aerial radius from the parking equipment.

In addition, fire hydrants must be so located and provided within the project boundaries so that four hundred feet (400') of fire hose, extending on the ground from the hydrant, can reach the furthest part of any building within the boundaries of the project. Entrances to all buildings containing residential dwellings must be illustrated on the plat of any project containing private streets.

17.35.180 Building design-Fire walkways

All buildings proposed to be constructed within any project containing private streets, and which contain residential dwelling units and have an overall length of three hundred feet (300') or more, must be so designed to have one (1) or more open unobstructed walkways through the building at ground level, having a width of not less than five feet (5') each to allow ready access emergency services to each side of such buildings. In those instances where buildings are to be constructed over and across any private street, the unobstructed overhead clearance must not be less than fourteen feet (14'), measured between the highest point of the private street paving under the structure and the lowest part of the building structure or associated parts thereof and suitable restrictions to this condition must be noted on the plat.

17.35.190 Fire safety requirements

Townhouse developments shall provide fire hydrants on or adjacent to the area to be developed as required by the fire department. All construction shall comply with applicable building and fire codes as adopted by the Town of West Yellowstone.

Chapter 17.37: OFF-STREET PARKING

Sections:

- 17.37.010 Intent
- 17.37.020 Location
- 17.37.030 Parking layouts
- 17.37.040 Size and surfacing requirements
- 17.37.050 Development of interior parks for parking
- 17.37.060 Plans
- 17.37.070 Lighting
- 17.37.080 Mixed and shared uses
- 17.37.090 Joint use
- 17.37.100 Spaces required
- 17.37.110 Payment for purchase of off-street parking spaces
- 17.37.120 Payment exceptions
- 17.37.130 Change of use
- 17.37.140 Creation of special improvement parking district

17.37.010 Intent

The intent of this chapter is to reduce traffic congestion and the need for parking on public streets and hazards caused thereby, and to provide private off-street parking adequate for each type of development in terms of both quantity and location.

17.37.020 Location

- A. Required off-street parking shall be located as specified in this chapter:
 - 1. Single-unit dwellings, on the same lot with the dwelling they are required to serve;
 - 2. Multi-unit dwellings, on the same lot with the dwelling they are required to serve;
 - 3. Hospitals, apartments, rooming and boarding houses, fraternity and sorority houses, not more than one hundred (100') feet from the building they are required to serve;
 - 4. Commercial and industrial uses, not more than three hundred (300') feet from the building they are required to serve.
- B. Where a distance is specified, such distance shall be measured by a straight line from the nearest point of the building to the parking area that it is required to serve.
- C. Off-site parking areas must be accessible by a public street, parkway, or interior park and shall be owned or leased by the owner of the property being served by such parking and such parking lot shall have a recorded land covenant requiring such land be maintained

as a parking lot so long as the property, building or use served is in operation or until another suitable parking area is established in accordance with this chapter and approved by the Town Council.

- D. Required parking spaces may be located in any required front setback in the R-1, R-2, R-3, and R-4 districts, except a minimum of five feet (5') must be maintained from any front lot line.
- E. Parking maybe placed in a front or side setback in the B-3, B-4, DOD, M-1, E-2, and PLI district if no permanent fixture is placed in the required setback.

17.37.030 Parking layouts

Where more than three off-street parking spaces are required, they must be constructed in accordance with one of the designs shown in Figure 17.37.040 or other parking layout approved by the building official and the Town Council.

Figure 17.37.040 (Figures not drawn to scale)

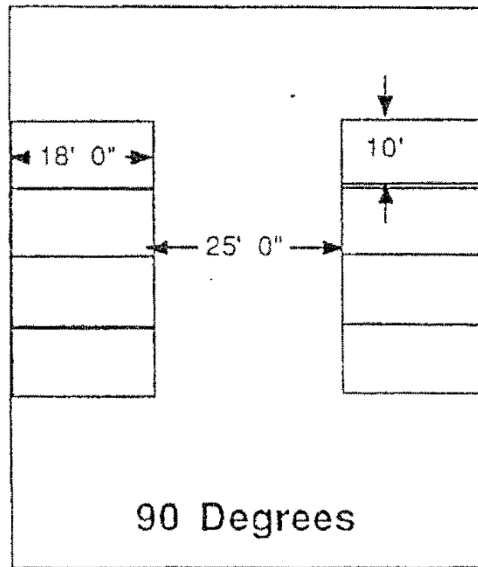
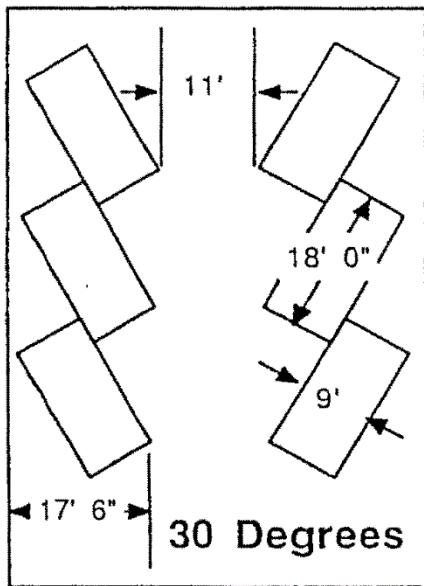
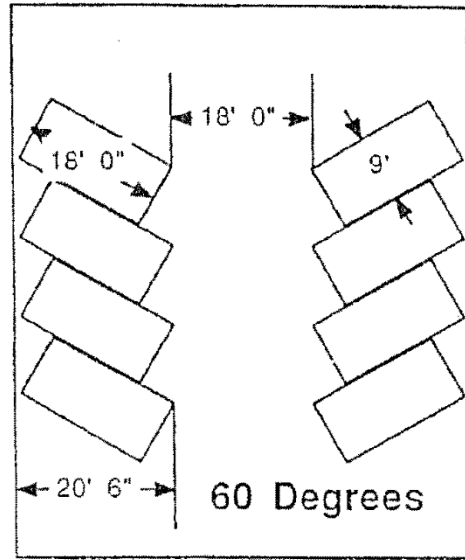
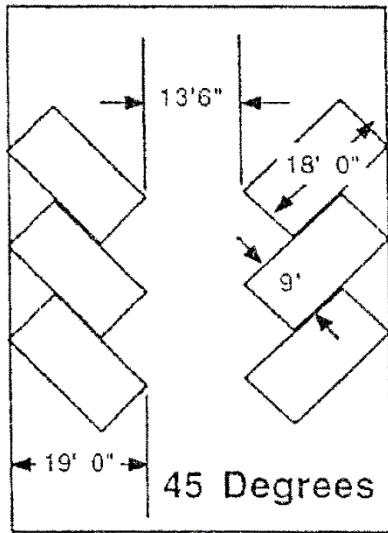
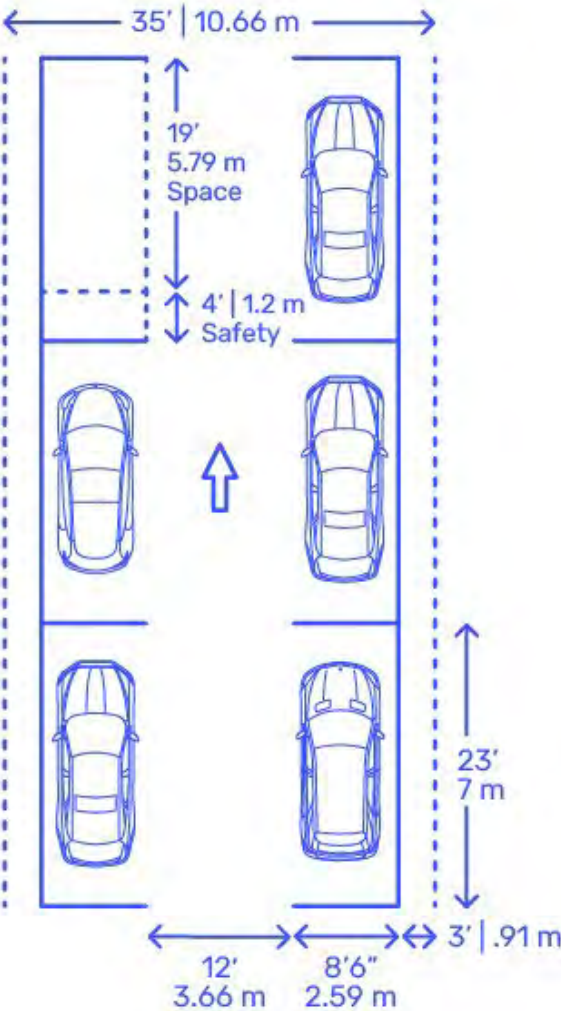


Figure 17.37.041 (Figures not drawn to scale)



17.37.040 Size and surfacing requirements

- A. Parking spaces shall have a vertical clearance of at least seven (7') feet. Dimensions of spaces shall be in conformance with Figure 17.37.040.
- B. Where more than three off-street parking spaces are created, spaces must be developed and maintained with a dust-free surface approved by the building official and Town Council.
- C. A bond for an amount equal to one hundred fifty percent (150%) the cost of those improvements shall be provided to the town to be held until such time as the required improvements are completed and approved.
- D. If parking lot improvements are not completed, the bond shall be forfeited and bond proceeds shall be used to complete the project.

17.37.050 Development of interior parks for parking

The town may permit the development of interior parks; provided, that such development follows town engineering standards. Interior park development plans must be submitted to the Town Council for approval. A bond equal to one hundred fifty percent (150%) the cost of the improvements in the interior park shall be provided to the town to be held until such time as the required improvements are completed. The bond shall be returned upon completion of the development and with the approval of the town engineer (or designee). Parking developed in an interior park shall not be signed or otherwise encumbered in any way to suggest that the developed area is not open to and available for public access and use.

17.37.060 Plans

A plan of the proposed off-street parking facility shall be submitted along with the number of employees on the largest shift, and any application for a building permit. The plan shall clearly indicate the following:

- A. Curb cuts
- B. Lighting
- C. Landscaping
- D. Construction details
- E. Fencing and
- F. Other features which may be required by the Town Council or the building official

17.37.070 Lighting

Lighting used to illuminate a parking area shall be arranged in such a manner that it will not be a hazard to passing motorists or constitute a nuisance of any kind. Where the parking area is within one hundred fifty feet (150') of any property classified as residential by this title and where the parking area is directly visible by the residents within one hundred fifty feet (150'), illuminating devices shall be shaded in a manner that would direct the light away from the residential property.

17.37.080 Mixed and shared uses

Where two (2) or more uses are combined in one development, the total parking spaces shall be the total of the spaces required for each individual use, unless it is determined by the Town Council that a smaller number of spaces is adequate because of staggered use during the day and night hours or seasonal changes in use during the year. If a building has seasonal changes of use, the

use that generates the most required off-street parking space shall apply. Off-street parking for a single use, unless seasonal, shall not be considered for joint use as hereinafter specified.

17.37.090 Joint use

- A. The Town Council may authorize the joint use of off-street parking facilities for the following uses or activities under the conditions specified:
 - 1. Up to fifty (50%) percent of the required off-street parking for primarily nighttime uses such as theaters, bowling alleys, bars and supper clubs may be supplied by the parking requirement for primarily daytime uses such as banks, offices, retail, and personal service establishments.
 - 2. Subsection A of this section may be reversed so that parking for daytime uses may be used for nighttime activities.
 - 3. Up to fifty percent (50%) of the parking facilities required by this chapter for churches or auditoriums may be supplied by the parking facilities provided for uses primarily of a daytime or weekday use nature.
- B. Where joint uses are desired, an application shall be made to the Town Council. The application shall contain proof that there will be no substantial conflict in the principal operating hours of the two (2) buildings or uses for which the joint use is proposed; that all other conditions within this chapter are met; and, legal documents executed by the parties involved in the joint use guaranteeing use by both parties. The legal documents shall be approved by the town attorney and recorded with the town clerk and recorder.

17.37.100 Spaces required

The following numbers of off-street parking spaces per use are required in all zoning districts:

- A. Single and multifamily, two (2) spaces per unit (one (1) space as required may be within the driveway area and one space maybe placed within a garage);
- B. Apartments, one and one-half (1.5) spaces per unit;
- C. Rooming and boarding houses, two (2) spaces per dwelling unit plus one (1) space per rooming unit;
- D. Churches and chapels, one (1) space per three and one-half (3.5) church or chapel seats;
- E. Hotels, motels, and short-term rentals, one and seventy-five thousandths (1.075) spaces per each room for rent, with the total rounded to the nearest whole number;
- F. Mobile home parks, one (1) space per mobile home;
- G. Snowmobile, all-terrain vehicle, or similar vehicle rental shops, the number derived by multiplying the total number of snowmobiles for rent by three tenths (0.3), rounded to the nearest whole number, and providing in addition at least thirty square feet (30 sq. ft.) of storage space for each rental snowmobile, which storage space may be provided in a separate storage structure. Space counted for parking shall not be counted as space used for storage and vice versa.

Example: Ninety-five (95) snowmobiles for rent times three tenths (0.3) equals twenty-eight and one-half (28.5), or twenty-nine (29) parking spaces;

- H. Snowcoach operations, the number derived by dividing the number of rental seats by three (3) and rounding to the nearest whole number, and providing in addition one ten-foot by twenty-foot (10' x 20') parking space for each snowcoach, which parking space may be provided in a separate storage structure.

Example: Twenty-five (25) snowcoach seats for rent divided by three (3) equals eight and thirty-three hundredths (8.33), or eight (8) parking spaces;

- I. All commercial uses, the number derived by multiplying the factor in the Parking Factor Table (Table 17.37.100) by the total square footage divided by one thousand (1,000) and then figured to the nearest single decimal place: "total square footage" means the total usable space in the structure or business less unused basements, attics, and storage areas. When a building contains multiple uses, the building official may request the planning board to review the parking plan and make a recommendation regarding the number of parking spaces required by a new use; however, any new business shall provide at least one parking space.

Examples:

- A. Bank building, two thousand two hundred fifty square feet (2,250 sq. ft.) (table factor is four and a half (4.5)): two and two tenths (2.2) (square feet in thousands) times four and a half (4.5) (table factor) = nine and nine tenths (9.9), or ten (10) parking spaces;
- B. Medical office building, three thousand one hundred twenty-five square feet (3,125 sq. ft.) (table factor is three and eight tenths (3.8)): three and one tenth (3.1) (square feet in thousands) times three and eight tenths (3.8) (table factor) = eleven and seventy-eight hundredths (11.78), or twelve (12) parking spaces;
- J. All industrial uses, one and one-half (1.5) spaces per employee;
- K. Theaters or playhouses of any kind, but excluding outdoor theaters or drive-ins, one (1) space per four (4) theater seats;
- L. Because of the existing public lands in the center of some blocks within the town, the Town Council may reduce the amount of parking spaces required by this chapter, if the existing public land in the center of a block is currently being used for parking, or where the council determines that the public land area can be used for parking. In making a reduction in the amount of parking spaces required, the council may require additional conditions, safeguards, or improvements to the public parking area;
- M. No private parking space that removes or eliminates a public parking space may be counted or considered as a part of required off-street parking under this chapter;
- N. Required parking spaces may not be used for storage of any kind (e.g., snow, dumpsters, boats);
- O. Colleges, vocational schools, and trade schools, both public and private, one (1) space per four (4) classroom seats.
- P. No work space shall be counted as off street parking. This includes automotive repair bays, area adjacent to fuel pumps, loading bays, or similar spaces that serve a function other than off street parking.

Table 17.37.100 PARKING FACTOR TABLE

USE	FACTOR
Auto and equipment sales and rentals and similar establishments	1.0
Auto service, tire service, body shops, plumbing, heating and electrical shops and similar establishments	4.0
Bowling alley and similar entertainment enterprises	6.5
Department and clothing stores and similar establishments	2.5*
Drive-in, eating establishments	20.0
Furniture stores and similar establishments	1.0*
General business 1. Grocery and drug stores, sporting goods, hardware and variety stores and similar establishments	3.6*
General business 2. Motor supply, paint stores, bakeries, upholstery and mail order houses and similar establishments	1.5*
Medical offices, clinics and hospitals and similar establishments	3.8*
Offices, banks, utility companies, barber and beauty shops and similar establishments	4.5*
Public eating and/or drinking establishments and similar establishments	8.0*

* See Section 17.37.110. The parking factor table accounts for employee parking within the factors.

17.37.110 Payment for use of off-street parking spaces

Whenever within the B-3 zoning district of the town off-street parking spaces must be provided, the property owner or developer may, subject to Town Council review and approval, pay an annual fee for parking spaces not provided in accordance with Section 17.37.100.

The property owner or developer, upon written application to the Town Council, shall make a request to the Town Council to pay an annual fee for off-street parking spaces in lieu of those not provided by the property owner or developer. The Town Council shall review each application and shall only approve an application if it conforms to the intent of this code as set forth in Section 17.37.010, and to criteria established by the Town Council, including but not limited to traffic congestion, potential traffic hazards, and the general safety and well-being of the public.

If the application is approved, the property owner or developer shall pay an annual fee to the town for parking spaces not provided for the building or use, prorated in accordance with lot ownership. The fee paid does not “purchase” any specific parking space and does not entitle the purchaser to park on any public right-of-way.

Of the total parking required for motels, eighty percent (80%) must be provided on site. Twenty percent (20%) may be off site through the cash-for-parking fee.

Example: If a motel needs one hundred (100) spaces, eighty (80) spaces must be on site. They will still pay the current parking space fee for all twenty (20) spaces.

For short-term uses, which are those uses shown with an asterisk in Table 17.37.100, the following formula shall be applied: total number of spaces required according to Table 17.37.100 minus those provided on premises, with the difference to be multiplied by 0.2. The result is the number of spaces that must be purchased.

The fee charged for each parking space required which is not provided by the developer in accordance with the requirements of this chapter shall be assessed during the building permit process, the amount of which shall be established by resolution of the Town Council. This fee amount shall be paid to the town on an annual basis and shall be reviewed and adjusted periodically to reflect changes in the cost to maintain the spaces and in development costs. Approval by the Town Council shall be obtained and payment of the fee shall be made to the town prior to the issuance of a building permit, or if there is no construction or alteration of a building, but only a change of use, then prior to the granting of a business license. The town shall also collect an annual fee, set by the Town Council, for every business license renewal that utilizes cash for parking “spaces”. This fee will ensure that continued use of the parking spaces help create municipal parking in other areas. All fees collected and all interest earned shall be held in a parking fund established by the town to be used for the creation and maintenance of municipal parking spaces. Failure to pay the annual fee will result in the loss of the business license for any businesses located on the parcel.

17.37.120 Payment exceptions

Payment of parking spaces not provided shall not be acceptable for residential uses, excluding live work units, in the B-3 zoning district.

17.37.130 Change of use

If the use or dimensions of a building change or if the use of a parcel of land changes and these changes result in an increase of parking demand under the parking factors in Section 17.37.110, the project shall be reviewed in its entirety to determine if the parking requirements are met. For the purposes of this section, a "parcel" shall, at a minimum, mean the entire lot upon which a building is located. If the owner of the property in question owns contiguous property which shares parking with the property being reviewed for change of use, then the contiguous property may be included in the change of use review required by this section. A site plan, showing all buildings, structures, and parking spaces, drawn to scale, shall be submitted as part of the review. The town shall not issue a building permit or a business license until the requirements of this chapter concerning off-street parking have been satisfied.

Using procedures established in Chapter 17.50 of this title, variances may be considered by the board of adjustments when an application for a change in use, outside of the B-3 District, will create a hardship due to any of the following:

- A. Lot shape
- B. Lot size

17.37.140 Creation of special improvement parking district

In creation of any special district, provisions must be made in the establishment of the district for those in the affected area who have provided sufficient on-site parking.

Chapter 17.38: OFF-STREET LOADING

Sections:

- 17.38.010 Intent
- 17.38.020 Standards
- 17.38.030 Berths required

17.38.010 Intent

The intent of this chapter is to reduce traffic hazards and congestion by providing off-street loading berths on the same lot as the building to be served by deliveries of goods without adverse effects on adjacent properties. The provisions of this chapter shall not apply in the B-2 and B-3 districts.

17.38.020 Standards

- A. Off-street loading berths shall be provided on the same lot as the use it serves and shall not occupy the front yard.
- B. No loading berth shall be located closer to a residential zoned lot than fifty feet (50') unless enclosed by a wall or solid fence, not less than six feet (6') in height.
- C. Each loading berth shall be so designed with access to a public street or alley and so designed as not to interfere with normal traffic movement.
- D. Each berth shall be at least twelve feet (12') by thirty-five feet (35') in size with a height clearance of eighteen feet (18') from the adjacent grade.
- E. Loading berths shall not be considered as off-street parking spaces.
- F. All or part of the required loading berths may be within buildings.

17.38.030 Berths required

Off-street loading berths shall be provided in accordance with the following schedule. If more than one (1) use is combined in a building, the number of berths can be reduced as determined by the building official. Where uses are not specifically mentioned, the number of berths shall be determined by the building official using as a guide the most similar use listed in the following table.

Use	Gross Floor Area (square feet)	Number Of Berths Required
Multiple dwellings with over 16 units	-	1
Schools, auditoriums, meeting halls	over 20,000	1
	50,000 - 150,000	1
	150,000 - 300,000	2
	Each additional 300,000	1
Department stores and other retail shops, restaurants, funeral homes	7,000 - 14,000	1
	14,000 - 40,000	2
	40,000 - 80,000	3
	Each additional 50,000	1
Hospitals, clinics, jail	10,000 - 100,000	1
	Each additional 250,000	1
Hotel or office building	25,000 - 40,000	1
	40,000 - 100,000	2
	Each additional 100,000	1
Industrial plant, manufacturing, or wholesale establishment	10,000 - 40,000	1
	40,000 - 65,000	2
	65,000 - 100,000	3
	Each additional 50,000	1

Chapter 17.39: NONCONFORMING LOTS, USES, AND STRUCTURES

Sections:

- 17.39.010 Intent
- 17.39.020 Administrative regulations
- 17.39.030 Nonconforming lots of record
- 17.39.040 Nonconforming uses of land
- 17.39.050 Nonconforming structures
- 17.39.060 Nonconforming uses of structures
- 17.39.070 Repairs and maintenance

17.39.010 Intent

Within the districts established by this title or amendments thereto there exist lots, structures, uses of land and structures, and characteristics of use which were lawful before the ordinance codified in this title was adopted or amended, but which would be prohibited regulated, or restricted under terms of this title or future amendment. It is the intent of this title to permit those nonconformities to continue until they are removed, but not to encourage their survival. It is further the intent of this title that nonconformities shall not be enlarged upon, expanded, or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

17.39.020 Administrative regulations

Nonconforming uses are declared by this title to be incompatible with permitted uses in the district involved. However, to avoid undue hardship, nothing in this title 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 to the ordinance codified in this title and which actual building construction has been carried on diligently. Actual construction is defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been 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. This does not include items not yet submitted regardless if the town is aware of the project nor projects still in the review process where they do not comply with the future amendments to this title.

17.39.030 Nonconforming lots of record

In any district, notwithstanding other limitations imposed by this title, structures permitted in the district may be erected on any single lot of record on the effective date of the ordinance codified in this title. Such lot must be in separate ownership and not of continuous frontage with other lots of the same ownership. A lot of record that does not meet lot area or lot width requirements must still meet other requirements of the district.

17.39.040 Nonconforming uses of land

Where at the time of passage of the ordinance codified in this title lawful use of land exists which would not be permitted by the regulations imposed by this title the use may be continued so long as it remains otherwise lawful, provided:

- A. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of the ordinance codified in this title.
- B. No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of the ordinance codified in this title.
- C. If any such nonconforming use of land ceases for any reason for a period of more than twelve (12) months, any subsequent use of such land shall conform to the regulations specified by this title for the district in which such land is located.
- D. No additional nonconforming structure in connection with the requirements of this title shall be erected in connection with such nonconforming uses of land.

17.39.050 Nonconforming structures

Where a lawful structure exists at the effective date of adoption or amendment of the ordinance codified in this title that could not be built under the terms of this title by reason of restriction on lot area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No such nonconforming structure may be altered or enlarged in any way which increases its nonconformity or height of the structure, but any structure or portion thereof may be altered to retain or decrease its nonconformity.
- B. Should such nonconforming structure or nonconforming portion of a structure be destroyed by any means to the extent of more than fifty percent (50%) of its square footage at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this title.
- C. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

17.39.060 Nonconforming uses of structures

If lawful use of a structure, or of structures and premises exist at the effective date of adoption or amendment of the ordinance codified in this title that would not be allowed in the district under the terms of this title, the lawful use may be continued so long as it remains otherwise lawful providing that:

- A. No existing structure devoted to a nonconforming use shall be enlarged, extended, constructed, or structurally altered, unless the use is changed to conform with this title.
- B. Any nonconforming use may be extended to any other part of a building designed for such use, but no such use may be extended in any way to occupy land outside the building.
- C. Any structure, or structure and land, in or on which a nonconforming use is superseded by a permitted use shall thereafter conform to the regulations of the district in which it is located and the nonconforming use may not thereafter be resumed.

- D. Whenever a nonconforming use of a structure or a premises ceases for twelve (12) months, the structure or premises shall not thereafter be used except in conformance with the regulations of the district in which it is located. The term "ceases" as used in this subsection shall mean that the activity in question has not been in operation for a period of twelve (12) months.
 - 1. The twelve (12) month period shall be extended with the terms designated on an approved building permit within the town.
- E. Where nonconforming use status applies to both structure and land, the removal or destruction of the structure shall eliminate the nonconforming status of the land.

17.39.070 Repairs and maintenance

On any nonconforming structure or portion of the structure containing a nonconforming use, work may be done on ordinary repairs and fixtures, wiring, plumbing, or repair or replacement of nonbearing walls, to an extent not exceeding ten percent (10%) of the replacement value of the building in any one (1) year. Value of the building shall be calculated based on the assessment provided through Montana Cadastral data; provided, that such work does not increase the cubic content of the building. Nothing in this title shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

Chapter 17.40: SIGNS

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17.40.010 Intent

The intent of this chapter is to provide a comprehensive system of reasonable, effective, consistent, content-neutral, and nondiscriminatory sign standards. By establishing regulations for signs, the intent of this Chapter is to:

- A. Promote the general health, safety, and welfare of the public.
- B. Protect property values through eliminating visual clutter and light intrusion.
- C. Create a more attractive economic and business climate.
- D. Enhance the physical appearance and respect the identity of the community.
- E. Reduce hazards, obstructions and distractions that may endanger persons and contribute to vehicular accidents.
- F. Encourage the protection of historic resources.
- G. Protect the area's natural scenic beauty.
- H. Provide all businesses an equal opportunity to display signage adequate for people to locate the goods and services they desire.

17.40.020 Definitions

Words and phrases used in this Chapter shall have the meanings set forth in this Section.

17.40.020.010 Abandoned/Obsolete signs

Any sign, including all structural, support and other componential elements, which advertises a business no longer in operation; a lessor, owner, product or activity conducted or product available on the premises that is no longer available where the sign is displayed; or an off-premises sign which is vacant of copy or which advertises an establishment, goods or services which no longer exist. Excluding signs that have been designated by the Town of West Yellowstone or which is listed on the National Register of Historic Places.

17.40.020.020 Address signs

Any sign displaying the name and/or location of the occupant/tenant of the property, building, or subdivision.

17.40.020.030 Animated sign

A sign or display manifesting either kinetic or illusionary motion occasioned by natural, manual, mechanical, electrical, or other means. This includes a skydancer, air dancer, inflatable man, or

any other similar air filled or propelled stationary attractant, or any item commonly referred to as a “wacky waving inflatable tube man”.

17.04.020.040 Architectural decoration

Decorative or architectural features integral to the design of a building, except moving parts, flashing lights, or letters or trademarks indicating a use or business housed within the building.

17.40.020.050 Awning

A roof-like structure composed of a skeletal frame, covered with a fabric or similar material, and that projects beyond the wall of a building, generally constructed to provide protection from the weather.

17.40.020.060 Awning sign

A sign attached to, printed on, or made part of an awning.

17.40.020.070 Banner sign

An advertising sign intended to be hung without a frame, that can be indented with the touch of a finger, and is generally made of paper, plastic, vinyl, or fabric.

17.40.020.080 Beacon lights and strobe lights

Any light source with one or more beams directed into the atmosphere or directed at one or more points not on the same lot as the light source; also, any light with one or more beams that rotate, flash, or move.

17.40.020.090 Billboard signs

An off-premises sign that is two hundred square feet (200 sq. ft.) or larger that advertises a business, service, or location that is not located within the Town of West Yellowstone.

17.40.020.100 Canopy

A sign attached to or constructed in or on a canopy.

17.40.020.110 Changeable copy sign

A sign or portion thereof with letters or numbers that can be periodically changed or rearranged without altering the face of the sign.

17.40.020.120 Construction/Artisan signs

Temporary signs of contractors or artisans displayed during the period during which such contractors or artisans are performing work on the property upon which such signs are displayed.

17.40.020.130 Directional or instructional signs

A permanently erected and incidental sign designed to guide or direct pedestrian or vehicular traffic. Such signs include those identifying restrooms, public telephones, public walkways, public entrances, freight entrances, affiliation with motor clubs, acceptance of designated credit cards, and other similar signs providing direction or instruction to persons using a facility.

17.40.020.140 Drive thru sign

A sign used by a business providing drive-thru service to communicate to customers using the drive-thru located on the same premises as the sign.

17.40.020.150 Feather sign

“Feather sign” means sign constructed in whole or in part of lightweight material which is designed to, or which actually does, wave or move in the wind, and which does not meet the definition of a flag or banner sign.

17.40.020.160 Flags

A piece of fabric attached to a staff or cord on one end and generally used as a symbol of a nation, state, political subdivision, or organization.

17.40.020.170 Freestanding sign

A sign erected on a freestanding frame, mast or pole, not attached to a building, and located on the property where the business advertised on the sign face is located.

17.40.020.180 Garage sale sign

A sign used to advertise a garage sale or yard sale.

17.40.020.190 Government sign

A sign placed or erected by a governmental agency or nonprofit civic association for a public purpose in the public interest for control of traffic and for other regulatory purposes; street signs, warning signs, railroad crossing signs, signs of public service companies indicating danger; and aids to service and safety which are erected by or for the order of government. Government signs include notice signs for meetings, events, or general information which is to be provided to the general public. This does include location of government and emergency services location.

17.04.020.200 Governmental insignia signs

Flags, banners, symbols or other insignia of any governmental body or political subdivision,

17.40.020.210 Historic sign

A sign which has historical or cultural significance to the Town of West Yellowstone or which is listed on the National Register of Historic Places. This includes historic signs associated with the National Park service or Yellowstone National Park.

17.40.020.220 Holiday decorations

Noncommercial signs or other materials displayed on traditionally accepted civic, patriotic, and/or religious holidays.

17.04.020.230 Identification signs

Signs bearing only property numbers, postbox numbers, names of occupants of premises, or other identification of premises not having commercial connotations.

17.40.020.240 Illuminated sign

A sign that uses a source of light to make the message readable, including signs that are either internally or externally lighted and signs that may be reflecting, glowing, or radiating by virtue of another light source. This includes any sign that is illuminated by light-emitting diode (LED) lights.

17.04.020.250 Information signs

Signs directing, informing, or guiding pedestrians or vehicles on public or private property, whether erected by public or private bodies, and bearing no advertising matter.

17.40.020.260 Interior sign

A sign which is fully located within the interior of any building or within an enclosed lobby or court of any building.

17.40.020.270 Marquee sign

A sign attached to or part of a marquee, which is a permanent roof-like structure projecting beyond the wall of a building and generally designed to provide protection from the weather.

17.40.020.280 Master signage plan

A combined proposal for all signs on two (2) or more contiguous lots, or for all signs on one lot with two (2) or more uses or business establishments.

17.40.020.290 Menu sign

A sign that displays a list of food products offered by a business.

17.40.020.300 Message center sign

A sign containing a display that can be changed by a manual, mechanical, electrical, electronic, and/or a computerized process.

17.40.020.310 Neon sign

Any illuminated sign using bent glass tubes for the copy.

17.40.020.320 Obscene sign

A sign that contains offensive language, is hate based, is discriminatory, or on which the dominant theme of material taken as a whole appeals to a prurient interest in sex, illicit drugs, or other such subject, or is patently offensive because it affronts community standards relating to the description or representation of sexual matters, illicit drug use, or other related subjects, and is without redeeming social value.

17.40.020.330 Off-Premises sign

Any sign normally that advertises a business, service, or good, that is located within West Yellowstone, that is not located on the same lot as the sign advertising the business, service, or good.

17.40.020.340 Political sign

A temporary sign intended to advance a political statement, cause, or candidate for office. Political signs are erected in conjunction with campaigns for elected public office and are erected no

sooner than sixty (60) days prior to the election and removed no later than fifteen (15) days following the election.

17.40.020.350 Portable sign

A sign not permanently attached to the ground or to a permanent structure.

17.40.020.360 Projecting sign

A sign that is attached to a structure, building face, or pole and projects over a public right-of-way.

17.40.020.370 Public notice signs

Official government notices, legal notices, "No Trespassing" signs, and signs which indicate the private nature of a road, driveway, or property.

17.40.020.380 Real estate sign

A temporary sign that is used to advertise the fact that a property is for sale, lease, or rent.

17.40.020.390 Roof sign

A sign constructed wholly on and over the roof of a building.

17.40.020.400 Sale Sign

A sign advertising a reduction in price, a value deal such as "buy one get one", "buy three and the fourth is free", "going out of business sale", or any other similar messaging.

17.40.020.410 Sidewalk sign

A temporary and movable, nonilluminated sign placed on the public right-of-way immediately in front of the business establishment it serves, and displayed only during business hours.

17.40.020.420 Skylights and searchlights

Lights used to illuminate the sky for the purpose of drawing attention to a business or event.

17.40.020.430 Special event signs

A sign promoting a community wide event that happens during a discrete time that does not happen on a year-round basis.

17.40.020.440 Suspended sign

A sign suspended from the underside of a horizontal surface.

17.40.020.450 Vacancy/Open/Office sign

Signs that advertise "Vacancy," "No Vacancy," "Open," "Closed," and "Office."

17.40.020.460 Vehicle sign

A sign that is attached to or placed in or on a truck, bus, car, trailer, boat, recreational vehicle, or any other vehicle. Vehicle signs shall exclude bumper stickers, license plates, and inspection and registration stickers.

17.40.020.470 Wall sign

A sign affixed to a building or wall in such a manner that the sign face is parallel to the building or wall. For gasoline service stations and similar uses, signs on the fascia of a protective canopy and signs attached to objects or apparatus beneath the canopy shall be considered as wall signs.

17.40.020.480 Window sign

A sign that may include lettering, pictures or symbols, designed to communicate information about an activity, business, commodity, event, sale or service, that is placed inside a window or affixed to the glass and is visible from the exterior of the window.

17.40.020.490 Works of art

Works of art which in no way identify or advertise a person, product, service, or business; also religious symbols and commemorative plaques shall be exempt from obtaining a sign permit

17.40.030 Signs permitted without a permit

The following signs are permitted in all zoning districts and do not require a permit. When a sign is proposed that meets the definition of the signs included in 17.40.030 but exceeds the size or number requirements of this section they shall be required to obtain a sign permit from the Town of West Yellowstone. None of these signs are allowed to be placed within the public right-of-way without an encroachment permit from the relevant agency.

A. Architectural Decoration

B. Commercial Real Estate Sign

- a. Commercial real estate signs which do not exceed thirty-two square feet (32 sq. ft.)

C. Contractor or Artisan Signs:

- a. Number: Each business working on the lot may have one sign.
- b. Area: Maximum total area of any contractor or artisan sign shall be six square feet (6 sq. ft.)
- c. Placement: The contractor or artisan signs maybe attached to fencing on the property or placed upon a temporary base or support structure.
- d. Time Limitation: The sign may be placed during the duration of construction when associated with an approved building permit. If there is not a building permit associated with any work occurring the sign may be placed for ten (10) days.

D. Flags:

- a. Each lot in West Yellowstone is allowed one flag per abutting public street.

E. Government Signs

F. Governmental Insignia:

- a. Except when displayed in connection with commercial promotion or when a governmental insignia item is for sale to the general public

G. Holiday Decorations:

- a. Only when displayed only during the normal holiday season.

H. Identification Signs:

- a. The area of such signs shall not exceed one square foot (1 sq. ft.).

I. Information Signs:

- a. The area of such signs shall not exceed two square feet (2 sq. ft.).

J. Notice Signs

K. Open Signs:

- a. One open sign per public entrance per valid business license.
- b. The area of such sign shall not exceed three square feet (3 sq. ft.).

L. Political Sign

M. Preexisting Signs:

- a. Any sign erected prior to the effective date hereof that was permitted by the Town of West Yellowstone, shall be exempt from the requirements set forth herein. However, any subsequent alteration to a preexisting sign that results in any alteration to its external appearance shall cause the sign to be subject to regulation by this chapter.

N. Residential Real Estate Sign:

- a. Residential real estate signs which do not exceed six square feet in area (6 sq. ft.).

17.40.040 Sign regulations

A. Prohibited Signs: The following signs are prohibited in all districts within West Yellowstone

1. Abandoned/Obsolete Signs
2. Animated Sign
3. Beacon Lights and Strobe Lights
4. Billboard Signs
5. Obscene Sign
6. Off-Premises Sign
7. Portable Sign
8. Roof Signs
9. Skylights and Searchlights

B. Abandoned/Obsolete Signs: The following regulations apply to abandoned and obsolete signs:

1. When the town manager or designee determines a permitted sign is an abandoned or obsolete sign, the town manager, or designee, shall notify the sign owner of the violation and require remedial action within sixty (60) days. If such action is not taken, the permit will be revoked and action for the removal of the sign will be taken as provided in MCA 75-15-131. An extension of time to accomplish the work may be

granted at the sole discretion of the town manager upon written request from the sign owner stating the reason(s) for the request.

2. A sign is in disrepair if the structure is unsafe or if the sign face is not visible from a public right of way.
- C. All Districts: Each allowable size, number, and placement is unique to each parcel. Owners of contiguous parcels shall not be able to compile their allowable signage onto any other parcel, regardless of the number of contiguous parcels owned. The following signs require permits and must comply with the following regulations:
1. Awning Signs:
 - i. Area: Awning signs shall be calculated as wall signs. Awning signs shall not be allowed above the first floor of a building.
 2. Changeable Copy Signs: Changeable copy signs are permitted in all but residential districts. This permitted use is contingent upon the continued maintenance of the copy or reader board and the prompt updating of information and replacement of missing letters or numbers to avoid the blighting influence of poorly maintained changeable copy signs.
 3. Freestanding Signs: Freestanding signs shall not be placed within the sight distance triangle required for traffic safety including any corners created by alleys
 4. Historic Signs: Any sign that can be demonstrated to have been erected at least thirty-five (35) years prior to the effective date hereof shall be exempt from the requirements set forth herein, so long as the sign is restored to and continues to be maintained in its original condition. Applicants for historic sign designations must be granted a historic sign permit as per section 17.40.060 of this chapter.
 5. Illuminated Signs: An illuminated sign or lighting device must emit a light of constant intensity, and no sign may be illuminated by or contain flashing, intermittent, rotating or moving lights. Portions of a sign that indicate the current time or temperature shall be allowed to have intermittent illumination. No illuminated sign or lighting device may be placed or directed so that the illumination therefrom causes glare or reflection beyond the property lines of the lot. No exposed light bulbs except Christmas decoration.
 - i. Illuminated sign brightness shall not exceed the maximum luminance level of seven hundred (700) cd/m² or Nits, or seven hundredths (0.07) of a lumen at least one-half hour before apparent sunset, as determined by the National Oceanic and Atmospheric Administration (NOAA), US Department of Commerce, for West Yellowstone. All illuminated signs comply with this maximum luminance level throughout the night, if the sign is energized, until apparent sunrise, as determined by the NOAA, at which time the sign may resume luminance levels appropriate for daylight conditions.
 6. Marquee Signs: Marquee signs shall be calculated as wall signs.
 7. Master Signage Plan:
 - i. Sign Applications: Sign applications eligible for consideration as part of a master signage plan may, at the discretion of the town manager or designee, be required to be submitted as a master signage plan.

- ii. Projecting Signs: Where projecting signs are permitted in a district, the maximum number of projecting signs in a master signage plan shall be one per use or business establishment.
 - iii. Freestanding Signs: Where freestanding signs are permitted in a district, the maximum number of freestanding signs for all uses or business establishments included in a master signage plan shall not exceed one (1) unless there are multiple frontages and the proposed signage does not exceed the maximum total area.
 - iv. Maximum Total Area: For each business establishment greater than one that is included in a master signage plan, the maximum total area of all signs permitted under the master signage plan shall increase by twenty percent (25%) over the total sign area permitted for one use in that district. However, the total area of any individual sign shall not exceed the total area for individual signs permitted in that district, and the maximum height of any sign shall not exceed the maximum sign height permitted in that district.
8. Animated Signs: No sign or portion thereof may consist of or contain moving devices, including, but not limited to, banners, pennants, ribbons, streamers, or spinners.
 9. Signs On Multiple-Frontage Lots: Lots fronting on two (2) or more streets are allowed the permitted sign area for the initial building frontage, and each subsequent building frontage shall be allowed a maximum of twenty five percent (25%) of the permitted sign area for the initial frontage. The primary frontage shall be calculated based on the official 911 emergency services address.
 10. Portable Signs: Portable signs, except for sidewalk signs, are prohibited in all districts. Portable signs that have changeable copy are allowed up to thirty (30) days per organization. Unless the portable sign is a notice sign as defined in 17.40.020.320.
 11. Suspended Signs: Suspended signs shall be calculated as wall signs or projecting signs, depending on their orientation in relation to the surface of the building to which they are attached.
 12. Special Event Sign: Special event signs may be put up no more than fourteen (14) days in advance of the event the sign is advertising and must be removed within seven (7) days following the conclusion of the event. For events over multiple weeks the first event and the last event shall be the dates considered for the time limitations.
 13. Vehicle Signs: Vehicle signs may not be parked on any public right-of-way when the purpose of the vehicle is primarily for signage. When the promotion of a product is secondary to another main use, such as delivery of goods or services, the vehicle may be parked on the public right-of-way in conformance with all other Town of West Yellowstone Codes.
 14. Wall Signs: A wall sign shall not project more than one foot (1') from the face of the building to which it is attached. A wall sign attached to the fascia of a protective canopy shall not project horizontally or vertically beyond the edges of the fascia. A wall sign attached to an object or apparatus underneath a protective canopy shall not project horizontally or vertically beyond the edges of the object or apparatus to which it is attached.

D. All Residential Districts:

1. When submitting a conditional use permit and the applicant wishes to have a sign the application shall be reviewed concurrently with the conditional use permit.
 - i. Maximum total area of all signs on a lot for conditional uses shall be eight square feet (8 sq. ft.).

E. B-3 Central Business District and Downtown Overlay District

1. Area: Maximum total area of all signs on a lot shall be two and a half square feet (2.5 sq. ft.) per lineal foot of lot frontage..
2. Banner Signs:
 - i. Number: Each lot may have up to one (1) banner signs
 - ii. Area: Maximum total area of a banner signs shall be twenty-four square feet (24 sq. ft.).
 - iii. Placement: Banner signs must be firmly attached to the side of a building. They may not extend or flap in the window over the public right-of-way.
3. Drive thru signs
 - i. Number: Maximum number permitted on a lot shall be one (1) sign.
 - ii. Maximum Total Area: Maximum total area of a drive thru sign is nine square feet (9 sq. ft.).
 - iii. Height: Drive thru signs are permitted with a maximum height of eight feet (8').
4. Feather sign:
 - i. Number: Each lot that does directly abut a public right-of-way may have one feather sign.
 - ii. Area: Maximum total area of any feather sign is fifteen square feet (15 sq. ft.)
 - iii. Height: Maximum height of any feather flag shall be ten feet (10'). Height shall be measured based on the pole height of the feather flag.
 - iv. Placement: Any feather sign shall be placed on the ground and not extend into the public right of way.
5. Menu Signs:
 - i. Menu signs shall be calculated and reviewed as a wall sign in the B-3 District and Downtown Overlay District.
6. Neon Signs:
 - i. Neon signs shall be calculated and reviewed as a wall sign in the B-3 District and Downtown Overlay District.
7. Projecting Signs:

- i. Maximum Number: Maximum number permitted on a lot shall be two (2).
- ii. Maximum Total Area: Maximum total area of all projecting signs shall be twenty-four square feet (24 sq. ft.).
- iii. Height; Clearance:
 - (1) Maximum height of any projecting sign shall not exceed twenty-four feet (24').
 - (2) Signs that extend over a sidewalk or walkway shall have a vertical clearance of at least eight feet (8').
 - (3) Signs that extend over a driveway, an alleyway, or pavement shall have a minimum height of fourteen feet (14') to bottom of sign.

8. Sidewalk Signs:

- i. Maximum Number: Maximum number permitted shall be one (1) per valid business license.
- ii. Maximum Total Area: The area of a sidewalk sign shall not exceed six square feet (6 sq. ft.).
- iii. Placement: It shall be placed in a manner that does not interfere with the flow of pedestrian traffic.

9. Wall Signs:

10. Window Signs:

- i. Area: Permanent window signs may cover no more than fifty percent (50%) of the surface area of the window or door on which such signs are placed.

11. Freestanding Signs:

- i. Number: Maximum number permitted on a lot shall be one per frontage on a public street, not to include alleys.
- ii. Height; Clearance: Freestanding signs are permitted with a maximum height of the district in which the sign is located.
 - (1) Signs that extend over a sidewalk or walkway shall have a vertical clearance of at least eight feet (8').
 - (2) Signs that extend over a driveway, an alleyway, or pavement shall have a minimum height of fourteen feet (14') to bottom of sign.

12. Illumination: Internally and externally illuminated signs are permitted in this District.

13. Setback: No sign shall be placed within public right-of-way unless it extends over the right of way in conformance with this chapter.

F. B-4 Expanded Business District:

- 1. Area: Maximum total area of all signs on a lot shall be two and a half square feet (2.5 sq. ft.) per lineal foot of lot frontage.

2. Feather sign:

- i. Number: Each lot that does directly abut a public right-of-way may have one feather sign.
- ii. Area: Maximum total area of any feather sign is fifteen square feet (15 sq. ft.)
- iii. Height: Maximum height of any feather flag shall be ten feet (10'). Height shall be measured based on the pole height of the feather flag.
- iv. Placement: Any feather sign shall be placed on the ground and not extend into the public right of way.

3. Menu Signs:

- i. Menu signs shall be calculated as a wall sign in the B-4 District.

4. Neon Signs:

- i. Neon signs shall be calculated and reviewed as a wall sign in the B-4 District and Downtown Overlay District.

5. Projecting Signs: Projecting signs are permitted in this District.

- i. Number: Maximum number permitted on a lot shall be two (2).
- ii. Area: Maximum total area of all projecting sign shall be twenty-four square feet (24 sq. ft.).
- iii. Height; Clearance: Maximum height of any projecting sign shall be eighteen feet (18').
 - (1) Signs that extend over a sidewalk or walkway shall have a vertical clearance of at least eight feet (8').
 - (2) Signs that extend over a driveway an alleyway or pavement shall have a minimum height of fourteen feet (14') to the bottom of the sign.

6. Wall Signs

7. Freestanding Signs:

- i. Number: Maximum number permitted on a lot shall be one per frontage on a public street, not to include alleys.
- ii. Height; Clearance:
- iii. Freestanding signs are permitted with a maximum height of the district in which the sign is located.
 - (1) Signs that extend over a sidewalk or walkway shall have a vertical clearance of at least eight feet (8').
 - (2) Signs that extend over a driveway, an alleyway, or pavement shall have a minimum height of fourteen feet (14') to bottom of sign.

8. Illumination: Internally and externally illuminated signs are permitted in this District.
9. Setback: No sign shall be placed within public right-of-way unless it extends over the right of way in conformance with this chapter.

G. M-1 Light Industrial District:

- i. Area: Maximum total area of all signs on a lot shall be two and a half square feet (2.5 sq. ft.) per lineal foot of lot frontage.
2. Feather sign:
 - i. Number: Each lot that does directly abut a public right-of-way may have one feather sign.
 - ii. Area: Maximum total area of any feather sign is fifteen square feet (15 sq. ft.)
 - iii. Height: Maximum height of any feather flag shall be ten feet (10'). Height shall be measured based on the pole height of the feather flag.
 - iv. Placement: Any feather sign shall be placed on the ground and not extend into the public right of way.
 3. Projecting Signs: Projecting signs are permitted in this District.
 - i. Number: Maximum number permitted on a lot shall be one (1) per street frontage.
 - ii. Area: Maximum total area of any projecting sign shall be twenty-four square feet (24 sq. ft.).
 - iii. Height; Clearance:
 - (1) Maximum height of any projecting sign shall be fifteen feet (15').
 - (2) Signs that extend over a sidewalk or walkway shall have a vertical clearance of at least eight feet (8').
 - (3) Signs that extend over a driveway, an alleyway, or pavement shall have a minimum height of fourteen feet (14') to bottom of sign.
 4. Wall Signs
 5. Freestanding Signs:
 - i. Number: Maximum number permitted on a lot shall be one per frontage on a public street, not to include alleys.
 - ii. Height; Clearance:
 - iii. Freestanding signs are permitted with a maximum height of the district in which the sign is located.
 - (1) Signs that extend over a sidewalk or walkway shall have a vertical clearance of at least eight feet (8').

- (2) Signs that extend over a driveway, an alleyway, or pavement shall have a minimum height of fourteen feet (14') to bottom of sign.

6. Illumination: Internally and externally illuminated signs are permitted in this district.

H. E-2 Entertainment District:

A. Area: Maximum total area of all signs on a lot shall be two and a half square feet (2.5 sq. ft.) per lineal foot of lot frontage.

a. Feather sign:

- i. Number: Each lot that does directly abut a public right-of-way may have one feather sign.
- ii. Area: Maximum total area of any feather sign is fifteen square feet (15 sq. ft.)
- iii. Height: Maximum height of any feather flag shall be ten feet (10'). Height shall be measured based on the pole height of the feather flag.
- iv. Placement: Any feather sign shall be placed on the ground and not extend into the public right of way.

B. Neon Signs:

- i. Neon signs shall be calculated and reviewed as a wall sign in the E-2 District.

C. Projecting Signs: Projecting signs are permitted in this District.

- i. Number: Maximum number permitted on a lot shall be one (1) per street frontage.
- ii. Area: Maximum total area of any projecting sign shall be twenty-four (24) square feet.
- iii. Height; Clearance:
 - (1) Maximum height of any projecting sign shall be fifteen feet (15').
 - (2) Signs that extend over a sidewalk or walkway shall have a vertical clearance of at least eight feet (8').
 - (3) Signs that extend over a driveway, an alleyway, or pavement shall have a minimum height of fourteen feet (14') to bottom of sign.

D. Wall Signs: Maximum square feet of signage per linear foot of building frontage: 2.0.

E. Freestanding Signs:

- i. Number: Maximum number permitted on a lot shall be one per frontage on a public street, not to include alleys.
- ii. Height; Clearance: Freestanding signs are permitted with a maximum height of the district in which the sign is located.

- (1) Signs that extend over a sidewalk or walkway shall have a vertical clearance of at least eight feet (8').
- (2) Signs that extend over a driveway, an alleyway, or pavement shall have a minimum height of fourteen feet (14') to bottom of sign.

F. Illumination: Internally and externally illuminated signs are permitted in this district.

I. PLI Public Lands and Institutions District:

1. Area: Maximum total area of all signs on a lot shall be two and a half square feet (2.5 sq. ft.) per lineal foot of lot frontage.
2. Special Event Signs:
 - i. Number: Each lot is allowed one special event sign
 - ii. Area: Maximum total area of any special event sign shall be fifty square feet (50 sq. ft.)
 - iii. Height: Maximum height of any special event sign shall be fifteen feet (15').
 - iv. Placement: The sign shall be placed outside of the vision triangle of corner lots, including corner lots created by an alley.

J. T Transitional District:

1. Area: Maximum total area of all signs on a lot shall be two and a half square feet (2.5 sq. ft.) per lineal foot of lot frontage. .
2. Special Event Signs:
 - i. Number: Each lot is allowed one special event sign
 - ii. Area: Maximum total area of any special event sign shall be fifty square feet (50 sq. ft.)
 - iii. Height: Maximum height of any special event sign shall be fifteen feet (15').
 - iv. Placement: The sign shall be placed outside of the vision triangle of corner lots, including corner lots created by an alley.

17.40.050 Area computation; permitted deviations

A. Computation of Sign Area:

1. Measurement of Sign Area: Sign area shall comprise the length times the width of a sign at the outside edge. Circular or other alternative shapes shall not exceed maximum square footage.
2. Area of Multifaced Sign: The area of a sign with more than one face shall be computed by using the length times the width of each face visible from any one point. Unless the copy on each side of the sign is identical then only one face shall be used for the area computation.

B. Permitted Deviations From Sign Regulations:

1. Exceptional Cases: To accomplish the purpose of this chapter, and to produce an environment, landscape quality or architectural character superior to that produced by the standard sign regulations, in exceptional cases it may be necessary to deviate from the strict application of the sign regulations prescribed herein.
2. Recommendation Of Planning Board: In such exceptional cases, the planning board may recommend and the Town Council may authorize deviations beyond or below minimum or maximum standards for signs, respectively, if it is demonstrated in the submittal that the deviation will produce an environment, landscape quality or architectural character superior to that produced by the standard sign regulations.
3. Application: An application for deviation shall be subject to the submittal and approval requirements of section 17.40.060 of this chapter and shall be accompanied by sufficient documentation to illustrate the superior environment, landscape quality or architectural character that the deviations will produce, over and above compliance with the standard sign regulations.

17.40.60 Application procedure

- A. Permit Required: Prior to placing, erecting, or modifying any sign requiring a permit under this chapter, the owner of the lot shall obtain a sign permit.
- B. Fee Required: At the time of submission the fee as prescribed by the Town of West Yellowstone Fee Schedule shall be paid. Any sign that is placed prior to approval of a sign permit shall pay double the associated fee. The amount of which shall be set and amended as necessary by resolution. No permits shall be reviewed or issued unless or until such fee is paid in full. The fee schedule can be found at the Town Hall of West Yellowstone.
- C. Required Documentation: The application for a sign permit shall consist of:
 1. A letter of intent stating the owner's name and address.
 2. Accurate, scaled, color drawing of the proposed sign or signs.
 3. An accurate, scaled drawing of the proposed location of the sign or signs on the building(s) and lot(s).
 4. Where one or more deviations are requested, sufficient explanation of the result to be obtained from the proposed deviation, in comparison to compliance with the standard sign regulations, to allow the planning board and Town Council to make a reasoned decision on the application.
 5. The application for a sign permit shall be accompanied by a fee,
- D. Submittal To Council: Applications for sign permits shall be submitted to the Town Council, which shall review applications as follows:
 1. Applications Not Requesting Deviations: The Town Manager or designee shall review the application materials and, upon finding that the application materials are complete and that the proposed sign or master signage plan conforms to the intent and regulations of this chapter, may approve, approve with conditions, or deny an application for a sign permit without deviations.

2. Applications Requesting Deviations: For an application with deviations, the planning board shall hold a public hearing on the proposed sign or master signage plan. At the public hearing, interested parties and citizens shall have an opportunity to be heard. Following the public hearing, the planning board shall make a recommendation to the Town Council, which shall also hold a public hearing prior to making a decision for approval, approval with conditions, or denial.
- E. Notice Of Hearing: Notice of the public hearings for a sign permit before the planning board and Town Council shall be prominently posted on the front of the lot where the proposed sign is to be installed. Such notice shall be posted at least fifteen (15) days prior to the public hearing and shall remain posted until the public hearing is closed.
- F. Master Signage Plan: Application and review procedures for a master signage plan shall be the same as for a single sign permit.
- G. Historic Sign Permit: Applicants requesting designation of a sign as a "historic sign" shall be required to document, for review by the planning board, the date when the sign was erected and the dates of subsequent alterations. Historic sign applications are subject to the public hearing procedures of this section.

17.40.070 Construction specifications and indemnification.

- A. All signs shall comply with the appropriate detailed provisions of the building code relating to design, structural members, and connections. Signs shall also comply with the provisions of the National Electrical Code and the additional construction standards hereinafter set forth in this section.
- B. At the discretion of the building official, town manager, or their designee sign applicants may have to adhere to the auxiliary construction specifications below:
 1. The building inspector may impose requirements on the construction of signs to satisfy or comply with weight and wind load requirements, distance from overhead electrical conductors, and safety concerns with regard to materials used.
 2. No sign shall be placed or maintained in any manner which will interfere with any opening required for ventilation.
 3. A parapet wall or roof must be designed for and have sufficient strength to support any sign which is attached thereto.
- C. Every sign shall be maintained in a safe, presentable, and good structural material condition at all times. Such maintenance shall include repair, replacement of defective parts, painting, repainting, cleaning, and other acts required for the maintenance of said sign. The public services superintendent or their designee shall have the authority to order the painting, repair, alteration, or removal of signs which become dilapidated or are abandoned, or which constitute physical hazard to the public safety.
- D. The town and its agents shall in no way be liable for negligence or failure of the owner, or the person responsible, for any damage caused by defective conditions related to a sign within the town.

17.40.080 Acceptable materials

All signs within town limits shall be made of a durable rigid material that will not degrade due to exposure to the weather. The following sign types are excluded from this requirement:

- A. Banner signs
- B. Construction/Artisan signs
- C. Feather signs
- D. Flags
- E. Garage sale signs
- F. Special even sign
- G. Window sign
- H. Works of art

17.40.090 Nonconforming signage

The intent of this section is to eliminate existing signs that are not in conformity with the provisions of Chapter 17.40.

- A. Except as otherwise provided within this section, the owner of any lot or other premises on which a sign exists that does not conform with the requirements of this Chapter and for which there is no prior, valid sign permit must remove such sign.
- B. All signs which were legally permitted prior to _____ are considered legal, permitted signs under this Chapter. Except as provided for in subsection D of this section, such signs, if nonconforming with this, must not be:
 - 1. Replaced, except with a conforming sign;
 - 2. Structurally altered to extend its useful life unless the structural alteration is needed to protect safety or the public or property; or
 - 3. Expanded, moved, or relocated except as allowed below.
- C. No legal, nonconforming sign may be altered or enlarged in any way which increases its nonconformity, but any existing signage, or portions thereof, may be altered by decreasing its nonconformity.
- D. Any lot with a nonconforming sign may not add, relocate, or replace signage, except as provided below, until all signs on the lot are brought into conformance with this Chapter. The exceptions listed below do not apply to off-premises signs.
 - 1. A sign legally permitted prior to _____ which must be relocated due to a physical alteration to the sign or expansion of a public right-of-way.

17.40.100: Appeals of Town Council decision regarding sign permits with deviations

Any person or persons, jointly or severally aggrieved by any decision of the Town Council, may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision of the office of the Board.

17.40.110: Appeals of zoning administrator decision regarding sign permits without deviations

Any person or persons, jointly or severally aggrieved by any decision of the building official, may present to the Board of Adjustments a petition, duly verified, setting forth that such decision is unfounded, in whole or in part, specifying the grounds of the complaint. Such petition shall be presented to the Board of Adjustments within thirty (30) days after the filing of the decision of the zoning administrator.

17.40.120: Penalty

A violation of this chapter in part or in whole is considered a municipal infraction subject to the processes and penalties in Section 1.12.010 and Section 1.12.020 of this code.

17.40.130 Chapter review

This chapter may be subject to an automatic review every two (2) years.

Chapter 17.50: BOARD OF ADJUSTMENT

Sections:

- 17.50.010 Created
- 17.50.020 Officers
- 17.50.030 Powers and duties
- 17.50.040 Appeal procedure
- 17.50.050 Hearing and notice
- 17.50.060 Approval
- 17.50.070 Conditions for approval
- 17.50.080 Appeals of the board of adjustment
- 17.50.090 Effective date of board decision

17.50.010 Created

The board of adjustment is established to act on variance applications as detailed in this chapter. The Town Council of West Yellowstone shall serve as the Board of Adjustments until such time that a separate board is established. Once a separate board is established the board shall consist of five members appointed by the mayor for three-year terms (with staggering terms), and subject to confirmation by the Town Council.

17.50.020 Officers

- A. At the first meeting each year, the board shall appoint one of its members to serve as chairman and one member to serve as vice-chairman.
- B. The town building official shall be at the disposal of the board to receive and process applications of appeal and to give advice to the board.
- C. The board's office shall be that of the town municipal building and all files of the board shall be held therein.

17.50.030 Powers and duties

The board shall set its operating rules in accordance with MCA Section 76-2-321 et seq. (2023) and shall have the following powers:

- A. To hear and decide appeals where it is alleged that there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this act or of any ordinance adopted pursuant thereto.
- B. To authorize upon variances from the terms of the title as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions of the title will result in unnecessary hardship, and so that the spirit of the title shall be observed and substantial justice done.

- C. More specifically, the board may, after public notice and hearing, conditionally approve, deny, or approve any request to modify only the following requirements of this title.
 - 1. Setback requirements;
 - 2. Yard requirements;
 - 3. Area requirements;
 - 4. Height requirements;
 - 5. Parking requirements;
 - 6. Loading requirements.
- D. The concurring vote of four members of the board shall be necessary to reverse any order, requirements, decisions, or determination of any administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this title, or to affect any variation of this title.
- E. A majority vote of the board of appeals shall be necessary to grant any variance to this title due to a hardship of which the property owner has no control.
- F. The Board of Adjustments shall review any variance request for the following criteria or situation:
 - 1. That the physical makeup of the subject parcel presents a hardship outside of the applicant's control
 - 2. That the hardship was not the result of a lack of due diligence during the purchase period
 - 3. That the hardship is not resulting from the actions of the applicant
 - 4. That the variance does not constitute a rezone of the parcel

17.50.040 Appeal procedure

- A. Written applications for appeals or variance shall be filed at Town Hall. Notwithstanding any other provisions of this title, the fee dictated by the adopted fee schedule shall be paid to the town upon filing of each application for the purpose of defraying expenses incidental to proceedings. No application will be regarded as having been filed until such fee has been paid.
- B. The board shall cause to be made such investigation of facts bearing on the application as will provide necessary information to assure that the action on each such application is consistent with the intent and purpose of this title. During time of appeal, all construction shall cease and shall not commence until such time of approval on the board of adjustment.

17.50.050 Hearing and notice

- A. There shall be a hearing for each application of appeal or variance. The hearing shall be held at an appointed time and place. Testimony shall be taken by the board from persons interested in the application.
- B. Notice of hearing shall be published once in a newspaper of general circulation within the town at least fifteen (15) days prior to the hearing date.

17.50.060 Approval

In approving applications of appeal or variance, the board shall designate such lawful conditions as will secure substantial protection for the public health, safety, and general welfare, and shall find as follows:

- A. Such modifications will not be inconsistent with the intent and purpose of this title and/or any adopted growth policy;

- B. That strict compliance with the provisions of this title would create unnecessary hardship or unreasonable situation on a particular property due to unusual or extreme topography, unusual shape of the property, or the prevalence of similar conditions in the immediate vicinity of the property;
- C. That such modifications will have minimal adverse effect on abutting properties or the permitted uses thereof;
- D. That the lawful conditions stated in the approval are deemed necessary to protect the public health, safety and general welfare, which provisions may include:
 - 1. A period within which the proposed structures shall be erected,
 - 2. Requiring landscaping and maintenance thereof,
 - 3. Requiring the surfacing and marking of off-street parking and loading areas,
 - 4. Any other conditions as will make possible the development of the town in an orderly and efficient manner and in conformity with the intent and purpose set forth in this chapter.

17.50.070 Conditions for approval

Any approval under this chapter shall be subject to the terms of the conditions designated in connection therein.

17.50.080 Appeals of the board of adjustment

Any person or persons, jointly or severally aggrieved by any decision of the board of adjustment, or any taxpayer, or any officer, department, board, or bureau of the municipality, may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the board.

17.50.090 Effective date of board decision

The decision of the board of adjustment shall be final except as provided in Section 17.50.080 and if a building permit or occupancy permit is not obtained for the subject property within six (6) months from the date of the board's decision, the variance shall be automatically cancelled and become invalid.

The applicant may request an extension from the board of adjustment. The applicant shall submit a written statement explaining the reason they were unable to obtain a building permit or occupancy permit. The board of adjustments shall review this request at a hearing as outlined in 17.50.050. The board shall review the request and grant an extension not to exceed six (6) months if they find that the reason for the extension request is reasonable and out of the control of the applicant.

APPLICATION TO MAINTAIN AN ENCROACHMENT

Town of West Yellowstone
Gallatin County, Montana

DATE: 7/18/24
APPLICANT: Atanas Markov
MAILING ADDRESS: P.O. Box 915
PHYSICAL ADDRESS: 238 Madison Ave. W. Yellowstone MT
PHONE: 406-640-1199
INTEREST IN PROPERTY: owner

OWNER OF RECORD'S SIGNATURE: Atanas Markov

1. LEGAL DESCRIPTION:

Subdivision: West Yellowstone Original Plat S34, T13S, R05E,
Block: 23 Lot: 9
Zoning District Number: Business

2. Please describe specifically the construction and size of the proposed encroachment. On the reverse of this application, please provide a sketch of the proposed encroachment. 15 Hayden Street. Asking to use city park east of property line. We would be putting construction materials there. Materials include logs ~~used~~ that will be used in the construction of the units. May have some other piping & wood construction materials. We need to have the property clear to start the excavating and foundation process. We then plan to move logs back onto property before winter.

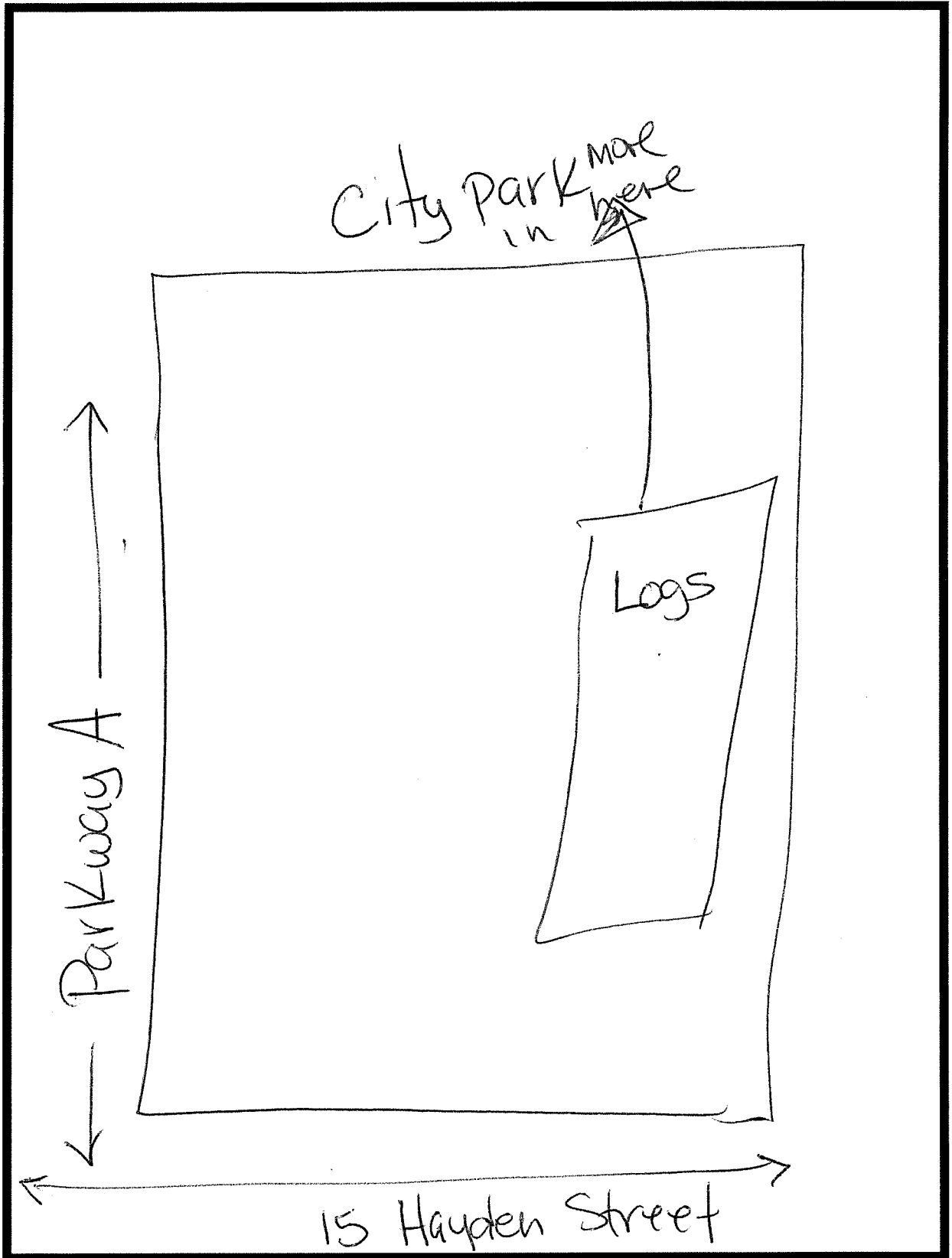
Size approx 20x50 feet

Atanas Markov
Signature of Applicant

7/18/24
Date

FOR OFFICE USE ONLY

Approved Disapproved _____
Mayor/Town Manager
Date _____



PLEASE INDICATE DIRECTION



Town Council Agenda Item Summary Report

Meeting Date: Tuesday, August 6, 2024	
Item Title: TOWY Municipal Auditor for FY 24-26	
Submitted By (Name/Title): Katie Thompson, Finance Director	
Discussion Only <input type="checkbox"/>	Discussion/Action <input checked="" type="checkbox"/>
Funding Source:	Budgeted <input type="checkbox"/>
Estimated Date of Completion: March 2027	

Item Summary

Based on the Town's Policy #6, the Auditor of Town Finances needs to be reviewed every 3 years. Municipalities across the state are struggling with either finding an auditor or with the timing their auditors are giving them, making them fall behind and fall out of compliance with reporting. Also based on the WWTP funding needing a federal audit for FY2025 and FY2026, this brings another element of difficulty finding an auditor.

Amatics CPA has been our auditor for many years, we started with them as they audited FY2013, they did not audit FY 2018, 2019, or 2020 during that timeframe. With a relatively new Finance Director, it's nice to have an auditor that knows the Town's history and policies as we gain more experience and it is also nice to have an auditor that is willing to help us through these federal audits.

Staff Recommendation

An auditor is truly part of the Town of West Yellowstone's team and I highly recommend approving another 3 year contract with Amatics CPA Group.

Suggested Motion

I move to renew our contract with Amatics CPA Group for FY2024, FY2025, and FY2026 to be our municipal auditor.

TOWN OF WEST YELLOWSTONE

MONTANA
naturally amazing

Policy 6

A policy requiring the review of all professional services contracts with the Town of West Yellowstone.

It shall be the policy of the Town Council to call for a review and evaluation of all professional service contracts at the intervals established in the schedule below. This review may include a review and evaluation of current contracts or may, at the council's option, include a competitive Request for Proposals from persons or firms in the field under consideration.

Annually: Construction Equipment Services, Street Sweeper and Street Light Maintenance.

Two year review: Town Attorney

Three year review: Architect, Auditor of Town Finances, Computer Consultant, Engineer, Planning Board Consultant.

Where necessary, specifications for the performance of the provider will be drawn up and used in the selection or evaluation of the professional services provider.

Adopted by Council September 16, 1993

Background: Council minutes 8/19/93, 9/2/93, 9/16/93



DEPARTMENT OF ADMINISTRATION

STANDARD AUDIT CONTRACT

This Contract is made this 30th day of July, 2024, by and among

Amatics CPA Group

Certified Public Accountant
("Contractor"),

Town of West Yellowstone, Montana

Governmental Entity
("Entity"),

and the **Montana Department of Administration, Local Government Services**, ("State"), acting under the authority of Title 2, Chapter 7, Part 5, of the Montana Code Annotated. **The State's mailing address, phone number and e-mail address are P.O. Box 200547, Helena, MT 59620-0547; (406) 444-9101; and LGSPortalRegistration@mt.gov.**

1. **Effective Date:** This contract is not effective with respect to any party until it is approved and signed by the State, as required by Section 2-7-506(3), MCA. The Contractor may not begin any audit work until the State gives this approval. If the Contractor begins work before the State's approval of the contract and the State subsequently does not approve the contract, the Contractor is not entitled to receive any compensation for the work performed.

2. **Audit Period and Payment:** This contract covers the following audit period(s):

July 1, 2023 to June 30, 2026.

A. The Entity shall pay the Contractor for the audit work on the basis of time and necessary out-of-pocket expenses, which will not exceed:

\$ 27,500 for initial (or sole) audit covering 07 / 01 / 23 to 06 / 30 / 24.

\$ 35,000 for subsequent audit covering 07 / 01 / 24 to 06 / 30 / 25.

\$ 40,000 for subsequent audit covering 07 / 01 / 25 to 06 / 30 / 26.

The Entity shall pay the fees listed in Appendices A, B & C, as applicable, which are attached hereto and incorporated by reference. Any change to the audit fees requires a contract amendment.

B. The contract payments do not include the cost of additional work that may be required if the Contractor discovers a defalcation or material irregularity. Any change in the scope of the audit services to be provided under this contract requires a contract amendment.

C. The Contractor may submit interim bills to the Entity each month, based upon the estimated percentage of contract completion. The Entity may retain ten percent (10%) of each of these estimates until the Contractor has delivered the final audit report, at which time the Entity shall release the amount retained.

3. **Peer Review:** The Contractor shall provide the Entity with a copy of its most recent external peer review report and any letter of comment, and any subsequent peer review reports and letters of comment received

during the contract period.

4. **Audit Scope:** The Contractor shall perform the following:

- A. The Contractor shall conduct the audit in accordance with (i) generally accepted auditing standards adopted by the American Institute of Certified Public Accountants and (ii) the standards applicable to financial audits contained in Government Auditing Standards, issued by the Comptroller General of the United States.

The Contractor shall opine on the presentation of the Entity's financial statements in accordance with the Entity's applicable financial reporting framework prescribed at Section 2-7-504, MCA.

If the Contractor's opinion on the Entity's financial statements is other than unmodified, the Contractor shall fully discuss the reasons with the Entity in advance of issuing a report. If, for any reason, the Contractor is unable to complete the audit or is unable to form or has not formed an opinion, the Contractor may decline to express an opinion or decline to issue a report as a result of the engagement.

- B. The Contractor shall perform tests of internal control over financial reporting. Findings resulting from these tests shall be reported in accordance with Government Auditing Standards.
- C. The Contractor shall perform tests of the Entity's compliance with provisions of laws, regulations, contracts, and grant agreements. The Contractor shall use the local government compliance supplement prepared by the State, as required by Section 2-7-505(2), MCA, in conjunction with Government Auditing Standards to determine the compliance testing to be performed during the audit. Findings resulting from these tests shall be reported in accordance with Government Auditing Standards. If the Contractor becomes aware of fraud, waste or abuse, the Contractor shall report related findings in accordance with Government Auditing Standards. The Contractor shall perform tests, including but not limited to the following, to determine whether:

- (1) the Entity has complied with all appropriate statutes and regulations, as required by Section 2-7-502, MCA;
- (2) the Entity has complied with the provisions of each of its debt covenants and agreements;
- (3) if the audit is of a county, city or town, the Entity has retained money in a local charge for services fund contrary to the requirements of Sections 17-2-301 through 17-2-303, MCA, as required by Section 17-2-302, MCA. **The Contractor shall report any findings of noncompliance with the provisions of these statutes, regardless of materiality;** and
- (4) if the audit is of a county or consolidated city/county government, the Entity has complied with state laws relating to receipts and disbursements of agency or custodial funds maintained by the Entity, as required by Section 2-7-505, MCA.

If required by the State, the Contractor shall provide documentation of testing performed to comply with (3) and (4), above.

- D. When applicable, the audit must meet all requirements of the Federal Single Audit Act of 1984, as amended, and Title 2 U.S. *Code of Federal Regulations* Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* ("Uniform Guidance"). If these federal regulations are amended, the amended regulations will prevail.

- E. The audit scope with regard to federal financial assistance for each fiscal year covered by this contract must be as specified in Appendices A, B and C. Any change to the audit scope with regard to federal financial assistance requires a contract amendment.
- F. Except as provided below, for purposes of determining the scope of the audit, the Entity is considered the financial reporting entity as defined in the Entity's applicable financial reporting framework prescribed at Section 2-7-504, MCA. This provision does not preclude the Entity from engaging a different audit firm for the audit of a segment, fund or component unit of the Entity. However, both the Entity and Contractor shall notify the State whenever the Entity elects to engage a different audit firm for the audit of a segment, fund or governmental component unit. Such additional audit must be contracted for on the State's Standard Audit Contract, and the audit firm shall be on the Roster of Independent Auditors authorized to conduct audits of Montana local governments that is maintained by the State.

If this contract is for an audit of a segment, fund, or governmental component unit of the primary government, the Entity is considered to be the segment, fund or component unit.

- G. Any school district audit must also include auditing procedures sufficient to provide an opinion as to whether the following supplemental information is fairly stated in relation to the basic financial statements:
 - (1) the school district's enrollment for the fiscal year or years being audited as reported to the Office of Public Instruction in the Fall and Spring "Student Count for ANB" reports; and
 - (2) when applicable, the extracurricular funds for pupil functions.
- H. If the Entity is a school district or associated cooperative, the Contractor shall contact the State Office of Public Instruction and the county superintendent of schools before or during the audit of the Entity. The Contractor shall determine whether those offices are aware of potential financial or legal compliance problems relating to the Entity that could affect the scope of the audit.
- I. The Contractor shall immediately notify the Entity and the State in writing of any material irregularities it discovers. If the Entity is a school district or special education cooperative, the Contractor shall also immediately notify the State Office of Public Instruction in writing. To notify the State, Contractors shall email LGSPortalRegistration@mt.gov to the attention of the Local Government Services Bureau Chief. To notify the State Office of Public Instruction, Contractors shall email OPIAuditReport@mt.gov to the attention of the OPI Auditor.
- J. The Contractor shall notify the Entity of all proposed audit adjustments and, if the Entity concurs, shall obtain written acceptance of these proposed adjustments. The State reserves the right to request documentation of these proposed and accepted audit adjustments.

5. **Entity's Responsibilities:** The Entity shall be responsible for:

- A. its basic financial statements, including note disclosures;
- B. all supplementary information required by its applicable financial reporting framework prescribed at Section 2-7-504, MCA and by provisions of this contract;

- C. establishing and maintaining effective internal control over financial reporting, including internal controls related to the prevention and detection of fraud;
 - D. ensuring that it complies with the laws, regulations, contracts and grant agreements applicable to its activities;
 - E. making all financial records and related information available to the Contractor;
 - F. the schedule of expenditures of federal awards required for audits conducted under Uniform Guidance;
 - G. approving all proposed audit adjustments before posting, if the Entity concurs with the proposed adjustments;
 - H. adjusting the financial statements and accounting records to correct material misstatements and to agree with the audited financial statements; and
 - I. providing the Contractor, at the conclusion of the audit engagement, with a letter that confirms certain representations made during the audit, including an affirmation that the effects of any uncorrected misstatements aggregated by the auditor during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements taken as a whole.
6. **Dates for Annual Financial Report or Trial Balance of Accounts:** The Entity shall prepare its annual financial report or a trial balance of accounts no later than the dates specified in Appendices A, B and C. If the Entity is unable to prepare its annual financial report or trial balance by the date specified in the Appendices, the Entity shall notify the Contractor and the State in writing prior to the specified dates.
 7. **Beginning the Audit:** The Contractor shall begin the audit field work based on the schedule established in Appendices A, B and C. Under Section 2-7-503(3)(a), MCA, all audits must commence within nine months from the close of the last fiscal year of the audit period.
 8. **Completion of Audit:** The Contractor shall deliver the audit report to the Entity and the State, based on the schedule established in Appendices A, B and C. If the Contractor cannot deliver the audit report to the Entity and the State on the date specified in the Appendices, the Contractor shall notify the Entity and the State in writing of that fact, and the reason(s) for the delay. Under Section 2-7-503(3)(a), MCA, all audits must be completed and the reports issued within one year from the close of the last fiscal year covered by the audit. If the audit is conducted in accordance with the provisions of Uniform Guidance, the Contractor shall complete the audit and issue the audit report within the time period required by that federal regulation, unless a longer period has been agreed to in advance by the federal cognizant or oversight agency for audit. If the Entity has requested and received an extension of the due date of the Uniform Guidance from a federal agency, the Entity shall submit a copy of the approved extension to the State.
 9. **Due Date Extension:** The State may grant an extension to the Entity for filing the audit report beyond the one- year due date provided for in paragraph 8, above. To do so, the Entity shall make a request to the State in writing and shall show good cause for the delinquency or demonstrate that the failure to meet the deadline provided for in paragraph 8, above, was the result of circumstances beyond the Entity's control. The State will determine good cause or circumstances beyond the Entity's control based on the facts of each case.
 10. **Presentation of Audited Financial Statements:** The final audit report must contain basic financial statements and supplementary information consistent with the applicable financial reporting framework prescribed at Section 2-7-504, MCA.

In addition, other supplementary information required by provisions within this contract and by Uniform Guidance must also be included, if applicable.

- A. The final audit report must also contain any supplementary or other information as agreed upon by the Entity and Contractor.
- B. If the Entity's accounting records or other circumstances do not permit financial statements to comply with the applicable financial reporting framework prescribed at Section 2-7-504, MCA, the Contractor shall notify the State of those conditions and describe the financial statements that will be presented. The applicable auditor's reports must be modified in accordance with professional standards to reflect a departure from the applicable financial reporting framework.
- C. If the audit is of a school district with separate elementary and high school district general funds, the general funds must be combined as a single major fund. All other funds must be separately considered for major fund criteria.
- D. If the audit is a biennial audit covering two years, the Contractor shall present complete financial statements as specified above for each year covered by the audit. However, note disclosures for both fiscal years may be in one set of notes, with separate fiscal year disclosures as necessary. The two years must be presented under one audit report cover and opined upon in one Independent Auditor's Report.

11. **Auditor's Reports:** All audit reports must contain the following auditor's reports, which must comply with applicable professional standards in effect for the fiscal year or years being audited:

- A. a report on the financial statements of the Entity;
- B. a report on internal control over financial reporting and on compliance and other matters based on an audit of financial statements performed in accordance with Government Auditing Standards.
- C. a reference to a report disclosing any deficiencies in internal control or instances of noncompliance with provisions of contracts or grant agreements or abuse that have a less than material effect on the financial statements but warrant the attention of management or those charged with governance. This report must be referred to in the report required in 11.B. above.
- D. a report on any supplementary or other information presented in the audit report. This report must be given in an "other matters" paragraph(s) of the auditor's report on the financial statements (11.A. above), and shall identify, if applicable:
 - (1) Any Required Supplementary Information (RSI), as required by the Governmental Accounting Standards Board.
 - (2) Any Supplementary Information (SI) included in the report to comply with provisions of laws, regulations, contracts, or grant agreements. For the following schedules, the Contractor shall report on whether the information is fairly stated, in all material respects, "in relation to" the financial statements as a whole, unless the condition of the financial records do not allow the auditor to render such an opinion:
 - a) schedule of school district "Student Count for ANB" required in paragraph 13.A.;
 - b) schedule of school district extracurricular fund financial activities required in paragraph 13.B.;

- c) schedule of expenditures of federal awards required by Uniform Guidance and in paragraph 12.A.; and
 - d) Any supplementary information for financial reporting frameworks required by A.R.M. 2.4.401.
- (3) Any Other Information (OI) for financial reporting frameworks required by A.R.M. 2.4.401.
- (4) Any Other Information (OI) that is included in the audit report, if deemed appropriate in accordance with professional standards.
- E. a report disclosing the action taken by the Entity to correct any deficiencies or implement any recommendations contained in the prior audit report. This report must be in a format that specifically identifies, by title or summary, each deficiency or recommendation contained in the prior audit report and the action taken by the Entity on each such deficiency or recommendation.
- F. If the Contractor includes audit findings in the reports referenced in 11.B. and 11.C. above, the views of Entity officials and their planned corrective actions must also be included, as required by Government Auditing Standards, if they are available at the time the Contractor submits the audit report to the State. If the views and planned corrective actions are not available at that time, the Contractor shall so indicate in the reports.
12. **Single Audits:** All audit reports for single audits done in accordance with Uniform Guidance must contain the following:
- A. a schedule of expenditures of federal awards, prepared by the Entity, which must contain all elements required by Uniform Guidance.
 - B. a report on the schedule of expenditures of federal awards. This report may be combined with other reports as provided by Uniform Guidance and professional standards. This report must comply with applicable professional standards in effect for the fiscal year or years being audited.
 - C. a report on compliance for each major program and a report on internal control over compliance in accordance with Uniform Guidance. These reports must refer to the separate schedule of findings and questioned costs described in paragraph 12.D. of the contract and must comply with applicable professional standards in effect for the fiscal year or years being audited.
 - D. a schedule of findings and questioned costs which must include the information required by Uniform Guidance.
 - E. an Entity-prepared document, separate from the Contractor's findings, that describes the Entity's corrective action plan in accordance with Uniform Guidance for each current-year audit finding, if that plan is available at the time the Contractor submits the audit report to the State. This document should be submitted on Entity letterhead and should include a corrective action plan for each finding, regardless whether the finding is identified in accordance with Uniform Guidance or Government Auditing Standards.
13. **School Districts:** School district audit reports must include the following as supplementary information/schedules:

- A. a schedule of the district's enrollment as reported to the Office of Public Instruction for the fiscal year or years being audited. The schedule must contain the enrollment both as reported in the Fall and Spring "Student Count for ANB" reports and as documented by the school district's enrollment records; and
 - B. a detailed schedule of extracurricular fund financial activities.
14. **Local Governments Reporting on Non-GAAP Financial Reporting Framework:** Audit reports of local governments that report on a non-GAAP financial reporting framework as provided in A.R.M. 2.4.401 must include any Supplementary Information and Other Information required in that administrative rule.
15. **Written Report to Entity:** The Contractor shall render a single, written report for the Entity audited, including the reports and schedules referenced in paragraphs 11 through 14 above.
16. **Exit Conference:** Before submitting the final audit report, the Contractor shall hold an exit review conference in which the audit results are discussed with those charged with governance and other appropriate Entity officials and employees. The Contractor shall ensure that all members of the governing body and key members of management are notified of this exit conference. The Contractor further agrees that before the exit conference, it will not discuss the audit findings with anyone other than the Entity or the State. Once the Contractor delivers the final audit report to the Entity, the report is deemed to be a public record.
17. **Report Distribution:** The Contractor and Entity shall file copies of the audit report as specified below:
- A. The Contractor shall provide the Entity with the number of copies of the audit report specified in Appendices A, B and C. The cost of those copies is included in the total price for the engagement as set out in paragraph 2.A., above, and in the Appendices.
 - B. The Contractor shall submit one of the copies referred to in 17.A., above, to the attorney for the Entity.
 - C. Upon request by the Entity, the Contractor shall provide additional copies of the audit report at a price per copy agreed upon by the Entity and Contractor.
 - D. The Contractor shall provide the State with a text-searchable, unlocked, and unencrypted electronic copy of the audit report at no charge. The report must be submitted to the State at the same time when the Contractor delivers the final audit report to the Entity. Any report delivered separately to management or those charged with governance identifying findings and recommendations as described in 11.C. above must be submitted electronically at the same time the audit report is submitted. The Contractor shall advise the State, at the time of submitting the electronic report, of the date the final report was delivered to the Entity, the date of the audit report, the actual number of hours the Contractor spent conducting the audit, the total audit fee billed the Entity, and whether the audit was conducted in accordance with the provisions of Uniform Guidance.
 - E. If the Entity is a school district or associated cooperative, the Contractor shall provide at no additional charge copies of the audit report to the Office of Public Instruction, the county superintendent of schools, and the county attorney.
 - F. If the Entity is a city or town fire department relief association disability and pension fund, the Contractor shall provide at no additional charge one copy of the audit report to the city or town clerk.
 - G. If the audit is a single audit conducted in accordance with the provisions of Uniform Guidance, the Entity shall provide copies of the reporting package defined in Uniform Guidance and the data collection form to the federal clearinghouse designated by OMB.

18. **Entity Response:** If not included in the audit report as provided in paragraphs 11.F. and 12.E., within 30 days after receiving the audit report, the Entity shall notify the State in writing as to what action it plans to take to correct any deficiencies or implement any recommendations identified or contained in the audit report as required by Section 2-7-515, MCA, and ARM 2.4.409. This notification must also address any findings and recommendations identified in any report to management or those charged with governance described in 11.C. above. If the audit is a single audit conducted in accordance with Uniform Guidance, this corrective action plan must also meet the requirements of Uniform Guidance. If the Entity is a school district or special education cooperative, the Entity shall also send a copy of this notification to the Office of Public Instruction.
19. **Entity's Attorney:** If requested by the State, the attorney for the Entity shall report to the State on the actions taken or the proceedings instituted or to be instituted relating to violations of law and nonperformance of duty as required by Section 2-7-515(4), MCA. The attorney shall report to the State within 30 days after receiving the request.
20. **Certification of Auditor Independence:** The Contractor certifies that, as required by generally accepted government auditing standards, it and its principals and employees are independent in all matters regarding this engagement. This contract must not include non-audit services. The Contractor shall neither arrange for nor accept other work with the Entity that could in any way impair the Contractor's compliance with professional independence standards. If required by the State, the Contractor shall provide documentation that independence has been maintained in both mind and appearance as required by professional auditing standards.
21. **Contractor and Subcontractors:** The Contractor shall not assign any rights, or subcontract or delegate any duties of the contract without the Entity's and State's prior written consent.

The Contractor is the prime contractor and is responsible, in total, for all work of any subcontractors. Any subcontractors performing audit work shall be on the Roster of Independent Auditors authorized to conduct audits of Montana local governments that is maintained by the State. The Contractor is responsible to the Entity and the State for the acts and omissions of all subcontractors or agents and of persons directly or indirectly employed by such subcontractors or agents. There is no contractual relationship between any subcontractor and the State.

22. **State Participation in Conferences:** The State may participate in all entrance and exit conferences between the Entity and Contractor, as well as all major conferences held in conjunction with the audit of the Entity.
23. **Access to Records:** The Contractor shall give the State and, when required by law, the Montana Legislative Audit Division, access to the Contractor's work programs, supporting working papers, time records, and all other documents relating to the audit. Access to these documents must be provided at the State's offices in Helena, Montana. Access to working papers includes the right of the State to obtain copies of working papers, as is reasonable and necessary. The Contractor shall make the work programs and supporting working papers available to the State for use by the State or other public accounting firms as directed by the State in future audits of the Entity. The Contractor shall make the audit programs and supporting working papers available to the cognizant or oversight agency for audit or its designee, federal agencies providing direct or indirect funding, or the U.S. General Accounting Office, if requested. Access to working papers includes the right of federal agencies to obtain copies of working papers, as is reasonable and necessary. The Contractor shall retain the audit report, work programs, and supporting working papers for a minimum of five years from the date of the audit report, unless the State notifies the Contractor to extend the retention period. If professional standards or other applicable laws, rules, or regulations require a longer retention period, the Contractor shall retain the above materials for that specified period.

24. **State Review of Report:** As provided by Section 2-7-522, MCA, the State shall review the Contractor's audit report. If the State determines that reporting requirements have not been met, it will notify the Entity and the Contractor of the significant issues of noncompliance. The Contractor shall correct the identified deficiencies within 60 days of notification.
25. **Independent Contractor:** The Contractor is an independent contractor and neither its principals nor its employees are employees of the State or Entity for any purposes.
26. **Workers' Compensation:** The Contractor certifies that it carries Workers' Compensation for its employees and that it has either elected Workers' Compensation or has an approved Independent Contractor's Exemption covering the Contractor while performing work under this contract. (Montana Code Annotated, Title 39, Chapter 71).
27. **Indemnity:** The Contractor shall defend and indemnify the State and Entity, their elected and appointed officials, agents, and employees from and against all claims, causes of action, damages, liabilities, court costs and attorney fees in favor of the Contractor's employees or third parties for bodily or personal injuries, death, or damage to property arising from the acts or omissions or alleged acts or omissions of the Contractor and/or its agents, employees, representatives, assigns, subcontractors under this contract. This defense and indemnify obligation does not apply to acts or omissions arising from the sole negligence of the State or Entity under this contract. This defense and indemnity obligation survives termination or expiration of this contract.

If the Contractor is or may be obligated to pay any cost, settlement, judgment, fine, penalty, or similar award or sanction as a result of a claim, investigation, or other proceeding instituted by any third party, then to the extent that such obligation is or may be a direct or indirect result of the Entity's intentional or knowing misrepresentation or provision to the Contractor of inaccurate or incomplete information in connection with this engagement, and not any failure on the Contractor's part to comply with professional standards, the Entity shall defend and indemnify the Contractor against such obligations.

28. **Insurance – Commercial General Liability:** The Contractor shall maintain for the duration of the contract, at its cost and expense, occurrence coverage insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work by the Contractor, and/or its agents, employees, representatives, assigns, or subcontractors. The Contractor's insurance coverage shall be primary insurance for the Contractor's negligence with respect to the State and Entity and their elected officers, officials, employees, and volunteers. Any insurance or self-insurance maintained by the State and Entity and their officers, officials, employees or volunteers shall be excess of the Contractor's insurance and shall not contribute with it.

Insurance - Professional Liability: The Contractor shall purchase and maintain occurrence coverage to cover such claims as may be caused by any act, omission, negligence of the Contractor or its officers, agents, representatives, assigns or subcontractors.

If occurrence coverage is unavailable or cost-prohibitive, the state will accept 'claims made' coverage provided the following conditions are met: 1) the commencement date of the contract must not fall outside the effective date of insurance coverage and it will be the retroactive date for insurance coverage in future years, and 2) the claims made policy must have a three-year tail for claims that are made (filed) after the cancellation or expiration date of the policy.

The State and Entity may require complete copies of certificates of insurance during the term of this contract.

29. **Compliance with Laws:**

- A. The Contractor shall, in performance of work under this contract, fully comply with all applicable federal, state, or local laws, rules, regulations, and executive orders including but not limited to, the Montana Human Rights Act, the Equal Pay Act of 1963, the Civil Rights Act of 1964, the Age Discrimination Act of 1975, the Americans with Disabilities Act of 1990, and Section 504 of the Rehabilitation Act of 1973. The Contractor is the employer for the purpose of providing healthcare benefits and paying any applicable penalties, fees and taxes under the Patient Protection and Affordable Care Act [P.L. 111-148, 124 Stat. 119]. Any subcontracting by the Contractor subjects subcontractors to the same provisions.
- B. In accordance with 49-3-207, MCA, and Executive Order No. 04-2016 the Contractor agrees that the hiring of persons to perform this contract will be made on the basis of merit and qualifications and there will be no discrimination based on race, color, sex, pregnancy, childbirth or medical conditions related to pregnancy or childbirth, political or religious affiliation or ideas, culture, creed, social origin or condition, genetic information, sexual orientation, gender identity or expression, national origin, ancestry, age, disability, military service or veteran status, or marital status by the persons performing this contract.

30. **Work Accommodations:** The Entity shall provide the Contractor with reasonable space in which to conduct the audit and shall respond promptly to requests for information as well as for all necessary books and records. Support for clerical, equipment, reproduction services shall be agreed upon by the Entity and the Contractor as specified in Appendices A, B and C.

31. **Termination before Audit Commences:** Before the commencement of the audit, either the Contractor or the Entity, with the State's consent, or the State alone, may terminate this contract for cause if another party has breached a material term or condition of this contract or violated an applicable law or regulation. The non-breaching party shall provide the other party written notice of the breach and allow 20 days to remedy the breach.

The Contractor and the Entity may agree to terminate this contract without cause before the commencement of the audit. If such a termination occurs, the State shall consent to the termination upon written notification by the Contractor and the Entity of their agreement to terminate this contract.

The State, however, will not consent to the cancellation of an audit contract for the sole purpose of allowing the Contractor and Entity to then enter into a new contract that extends the number of fiscal years to be audited by the Contractor. Unless there are extenuating circumstances, the existing audit contract must be completed first. This provision does not prohibit the cancellation of a contract for the purpose of replacing an annual audit with a biennial audit.

32. **Termination after Audit Commences:** After the audit has commenced, but before the audit report has been issued, either the Contractor or the Entity, with the State's consent, or the State alone, may terminate this contract for cause if another party has breached a material term or condition of this contract or violated an applicable law or regulation. The non-breaching party shall provide the other party written notice of the breach and allow 20 days to remedy the breach. If the Contractor is the breaching party and fails to remedy the breach, the Contractor is not entitled to the fee set out in this contract. This is the Entity's and the State's sole remedy. If the Entity is the breaching party, the Entity shall pay the Contractor a pro rata portion of the fee set out in this contract, based on the percentage of work completed at the time of termination. This is the Contractor's sole remedy.

The Contractor and the Entity may agree to terminate this contract without cause after the audit has commenced but before the audit report has been issued. If such a termination occurs, the State shall consent to the termination upon written notification by the Contractor and the Entity of their agreement to terminate this contract.

33. **Contractor Compliance with CPE and Quality Control Review:** The Contractor certifies compliance with the continuing professional education requirements and the external quality control review requirements as set out in Government Auditing Standards, as established by the Comptroller General of the United States. The State may require the Contractor to provide evidence that it has met the above requirements.
34. **Single Audit Act Certification:** If the audit is required to meet the requirements of the Single Audit Act of 1984, as amended, and Uniform Guidance, the Contractor certifies that neither it nor any of its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from performing audits by any Federal department or agency.
35. **Time is of the Essence:** Time is of the essence regarding all provisions of this contract.
36. **Governing Law and Venue:** This contract is governed by the laws of Montana. The parties agree that any litigation concerning this contract in which the State is named as a party must be brought in the First Judicial District in and for the County of Lewis and Clark, State of Montana. Each party shall pay its own costs and attorney fees, except as otherwise allowed in this contract. The parties also agree that any litigation concerning this contract in which the State is not named as a party must be brought in the State of Montana Judicial District in the County in which the Entity is located. Each party shall pay its own costs and attorney fees, except as otherwise allowed in this contract.
37. **Notice:** All notices under this contract must be in writing and will be deemed given if delivered personally, by mail, certified, return receipt requested, or by e-mail. All notices will (a) if delivered personally, be deemed given upon delivery, (b) if delivered by mail, be deemed given upon receipt, or (c) if delivered by e-mail be deemed given upon receipt.
38. **Invalid Provision:** If any provision of this contract is held to be illegal or unenforceable and the parties' rights or obligations will not be materially and adversely affected, such provision will be (a) severed from the contract, (b) the contract will be interpreted as if such provision was never a part of the contract and (c) the remaining provisions will stay in effect.
39. **Authority:** Each party represents that the person signing this contract has the authority to bind that party.
40. **Entire Agreement and Amendment:** This contract and the attached Appendices contain the entire understanding and agreement of the parties. No modification or amendment of this contract is valid unless it is reduced to writing, signed by the parties, and made a part of this contract.

Contractor, Entity, and State have executed this Standard Audit Contract on the date first above written:

Certified Public Accountant

Amatics CPA Group

Firm Name

By: Morgan Scan
Authorized Representative

Date: 7/30/2024

Governmental Entity

Town of West Yellowstone, Montana

Entity Name

By: _____
Authorized Representative

Date: _____

**Montana Department of Administration,
Local Government Services**

By: _____
Approved By

Date: _____

APPENDIX A

Initial or Sole Audit under this Contract

GOVERNMENTAL ENTITY (ENTITY): Town of West Yellowstone, Montana

406-646-7795 Telephone: Address: PO Box 1570
(Street Address or P.O. Box)
West Yellowstone, MT 59758
(City/Town) (Zip Code)

Katie Thompson, Finance Director, kthompson@townofwestyellowstone.com
Contact Person(s) and E-Mail Address(es)

PUBLIC ACCOUNTANT/ACCOUNTING FIRM (CONTRACTOR) : Amatics CPA Group

406-404-1925 Telephone: Address: 45 Discovery Drive
(Street Address or P.O. Box)
Bozeman, MT 59718
(City/Town) (Zip Code)

Morgan Scarr, Shareholder, mscarr@amaticscpa.com
Contact Person(s) and E-Mail Address(es)

1. Audit Period and Dates of Engagement:

- A. This audit will cover the fiscal year(s) ending
June 30, 2024 (and _____),
(Month & Day) (Year) (Year)
B. Date to commence audit work: December 1, 2024
C. Date to submit final audit report
to Entity and State: June 30, 2025

2. Time and Price for Engagement:

- A. Estimated total hours - 150
B. Price for audit personnel \$ 27,500
Price for Travel _____
Price for typing, clerical
and report preparation _____
Total price for this
engagement \$ 27,500

3. The reporting entity contains the following discretely presented component units: None

4. Date Annual Financial Report or a trial balance will be available: December 1, 2024
5. Number of copies of audit report Contractor will provide to Entity: Electronic
6. The Entity will provide clerical, equipment, and photocopying or reproduction services to the Contractor as follows:

7. The audit scope with regard to federal financial assistance received by the Entity for the above fiscal year(s) will be as indicated below:

The audit will be a single audit conducted in accordance with the provisions of Uniform Guidance because the Entity expended a total amount of federal awards **equal to or in excess of \$750,000** during the fiscal year(s), or such other dollar amount (\$ _____) that is effective for the fiscal year(s) being audited.

OR

The audit will not be a single audit conducted in accordance with the provisions of Uniform Guidance and will not include audit coverage of any federal financial assistance in accordance with requirements of that federal regulation, because the Entity expended a total amount of federal awards of **less than \$750,000** during the fiscal year(s), or such other dollar amount (\$ _____) that is effective for the fiscal year(s) being audited.

Certified Public Accountant

Amatics CPA Group

Firm Name

By: Morgan Jean
 Authorized Representative

Date: 7/30/2024

Governmental Entity

Town of West Yellowstone, Montana

Entity Name

By: _____
 Authorized Representative

Date: _____

**Montana Department of Administration,
 Local Government Services**

By: _____
 Approved By

Date: _____

APPENDIX B

Subsequent Audit under this Contract

GOVERNMENTAL ENTITY (ENTITY): Town of West Yellowstone, Montana

406-646-7795
Telephone:

Address: PO Box 1570
(Street Address or P.O. Box)

West Yellowstone, MT 59758
(City/Town) (Zip Code)

Katie Thompson, Finance Director, kthompson@townofwestyellowstone.com
Contact Person(s) and E-Mail Address(es)

PUBLIC ACCOUNTANT/ACCOUNTING
FIRM (CONTRACTOR) :

Amatics CPA Group

406-404-1925
Telephone:

Address: 45 Discovery Drive
(Street Address or P.O. Box)

Bozeman, MT 59718
(City/Town) (Zip Code)

Morgan Scarr, Shareholder, mscarr@amaticscpa.com
Contact Person(s) and E-Mail Address(es)

1. Audit Period and Dates of Engagement:

A. This audit will cover the fiscal year(s) ending
June 30, 2025 (and _____).
(Month & Day) (Year) (Year)

B. Date to commence audit work: December 1, 2025

C. Date to submit final audit report
to Entity and State: June 30, 2026

2. Time and Price for Engagement:

A. Estimated total hours - 190

B. Price for audit personnel \$ 35,000

Price for Travel _____

Price for typing, clerical
and report preparation _____

Total price for this
engagement \$ 35,000

3. The reporting entity contains the following discretely presented component units: None

4. Date Annual Financial Report or a trial balance will be available: December 1, 2025
5. Number of copies of audit report Contractor will provide to Entity: Electronic
6. The Entity will provide clerical, equipment, and photocopying or reproduction services to the Contractor as follows:

7. The audit scope with regard to federal financial assistance received by the Entity for the above fiscal year(s) will be as indicated below:

The audit will be a single audit conducted in accordance with the provisions of Uniform Guidance because the Entity expended a total amount of federal awards **equal to or in excess of \$750,000** during the fiscal year(s), or such other dollar amount (\$ _____) that is effective for the fiscal year(s) being audited.

OR

The audit will not be a single audit conducted in accordance with the provisions of Uniform Guidance and will not include audit coverage of any federal financial assistance in accordance with requirements of that federal regulation, because the Entity expended a total amount of federal awards of **less than \$750,000** during the fiscal year(s), or such other dollar amount (\$ _____) that is effective for the fiscal year(s) being audited.

Certified Public Accountant

Amatics CPA Group
 Firm Name
 By: Morgan Sean
 Authorized Representative

Date: 7/30/2024

Governmental Entity

Town of West Yellowstone, Montana
 Entity Name
 By: _____
 Authorized Representative

Date: _____

**Montana Department of Administration,
 Local Government Services**

By: _____
 Approved By

Date: _____

APPENDIX C

Subsequent Audit under this Contract

GOVERNMENTAL ENTITY (ENTITY): Town of West Yellowstone, Montana

406-646-7795 Telephone: Address: PO Box 1570
(Street Address or P.O. Box)
West Yellowstone, MT 59758
(City/Town) (Zip Code)

Katie Thompson, Finance Director, kthompson@townofwestyellowstone.com
Contact Person(s) and E-Mail Address(es)

PUBLIC ACCOUNTANT/ACCOUNTING FIRM (CONTRACTOR) : Amatics CPA Group

406-404-1925 Telephone: Address: 45 Discovery Drive
(Street Address or P.O. Box)
Bozeman, MT 59718
(City/Town) (Zip Code)

Morgan Scarr, Shareholder, mscarr@amaticscpa.com
Contact Person(s) and E-Mail Address(es)

1. Audit Period and Dates of Engagement:
 - A. This audit will cover the fiscal year(s) ending June 30, 2026 (and _____).
(Month & Day) (Year) (Year)
 - B. Date to commence audit work: December 1, 2026
 - C. Date to submit final audit report to Entity and State: June 30, 2027

2. Time and Price for Engagement:
 - A. Estimated total hours - 190
 - B. Price for audit personnel \$ 40,000
Price for Travel _____
Price for typing, clerical and report preparation _____
Total price for this engagement \$ 40,000

3. The reporting entity contains the following discretely presented component units: None

4. Date Annual Financial Report or a trial balance will be available: December 1, 2026

5. Number of copies of audit report Contractor will provide to Entity: Electronic

6. The Entity will provide clerical, equipment, and photocopying or reproduction services to the Contractor as follows:

7. The audit scope with regard to federal financial assistance received by the Entity for the above fiscal year(s) will be as indicated below:


The audit will be a single audit conducted in accordance with the provisions of Uniform Guidance because the Entity expended a total amount of federal awards **equal to or in excess of \$750,000** during the fiscal year(s), or such other dollar amount (\$_____) that is effective for the fiscal year(s) being audited.

OR

The audit will not be a single audit conducted in accordance with the provisions of Uniform Guidance and will not include audit coverage of any federal financial assistance in accordance with requirements of that federal regulation, because the Entity expended a total amount of federal awards of **less than \$750,000** during the fiscal year(s), or such other dollar amount (\$_____) that is effective for the fiscal year(s) being audited.

Certified Public Accountant

Amatics CPA Group

By: 
Firm Name
Authorized Representative

Date: 7/30/2024

Governmental Entity

Town of West Yellowstone, Montana
Entity Name

By: _____
Authorized Representative

Date: _____

**Montana Department of Administration,
Local Government Services**

By: _____
Approved By

Date: _____



Town Council Agenda Item Summary Report

Meeting Date: Tuesday, August 6, 2024	
Item Title: Pioneer Park Bathroom Cleaning Contract	
Submitted By (Name/Title): Katie Thompson, Finance Director	
Discussion Only <input type="checkbox"/>	Discussion/Action <input checked="" type="checkbox"/>
Funding Source: 1000.411253.357	Budgeted <input checked="" type="checkbox"/>
Estimated Date of Completion: June 2025	

Item Summary

We received 2 bids for the Pioneer Park bathrooms after talking to 4 cleaners.

After those bids were received, we requested and called on 3 of their references before further review. Both cleaners received great reviews.

Triple S Cleaning was the lowest bid at \$900/month.

The staff has met with Karla Salinas, owner of Triple S Cleaning, she has reviewed the proposed contract and is willing to execute this contract.

Staff Recommendation

Approve the Pioneer Park bathroom cleaning contract with Triple S Cleaning for the remainder of FY2025.

Suggested Motion

I move to approve the Pioneer Park bathroom cleaning contract with Triple S Cleaning for FY2025.

**TOWN OF WEST YELLOWSTONE
AGREEMENT FOR SERVICES**

THIS AGREEMENT, is made by and between: the **TOWN OF WEST YELLOWSTONE**, 440 Yellowstone Avenue, Montana 59758 (the "TOWN"); and, Triple S. Cleaning & Remodeling, LLC of PO Box 1904 West Yellowstone, MT 59758 ("CONTRACTOR").

In consideration of the terms, conditions, covenants and performance contained herein, or attached and incorporated herein, the Parties hereto agree as follows:

1. Scope of Work. CONTRACTOR shall perform all labor to complete the following Scope of Work: Public Bathroom Cleaning, which includes but is not limited to: cleaning all toilets, urinals, sinks, soap dispensers, trash cans, sweeping and mopping all floors; cleaning bathroom walls and partitions as needed; and restocking of all supplies in bathrooms, such as toilet paper and soap every day.

2. Term: The Term of this Agreement is from August 1, 2024 to June 30, 2025.

3. Compensation. TOWN shall pay CONTRACTOR NINE HUNDRED AND NO/100 DOLLARS (\$900.00) each month.

4. Contract Representatives. CONTRACTOR shall name Karla Salinas as its contact person who shall receive and examine the documents supplied by the TOWN, act as the liaison between the TOWN and the CONTRACTOR and respond to requests from the TOWN in writing promptly. CONTRACTOR will not release information to any third party without prior written approval from the TOWN'S contact person. TOWN shall name Jon Simms as the Town's representative to act as the liaison between the TOWN and the CONTRACTOR and respond to requests from the CONTRACTOR in writing promptly to prevent unreasonable delay in the performance of the Scope of Work

5. Additional Provisions. The Parties agree to be bound by all of the provisions set out on page 2 of this Agreement.

IN WITNESS WHEREOF the parties have signed this Agreement for Services consisting of 2 total pages plus any referenced attachments.

TOWN

CONTRACTOR (lic. #_____)

Date: _____

Date: _____

PLEASE SEE BACK FOR ADDITIONAL PROVISIONS

4. Default and Remedies. The parties agree each term contained herein is material and of the essence. This Agreement may be terminated by either party immediately should the other party fail to perform in accordance with any term or condition of this Agreement after it fails to cure within ten days written notice.

5. Insurance. CONTRACTOR shall carry comprehensive general liability insurance that includes bodily injury, property damage, in the amount no less than \$1,500,000 for each claim and \$1,500,000 for each occurrence and Automobile liability in the amount of \$1,500,000 combined single limit. Certificates of Insurance evidencing the above, naming Town of Manhattan as an additional insured, must be supplied within five days of executing this Agreement. Such certificate shall require no less than 15 days notice of cancellation to TOWN. Any insurance carried by CONTRACTOR shall include no exclusions related to toxic substances or hazardous waste. CONTRACTOR shall put TOWN on immediate notice of any changes or cancellation in coverage. As an independent contractor, CONTRACTOR must provide Workers Compensation for all employees in the amount required by Montana law. A Certificate of Insurance showing compliance with Montana Workers Compensation law (or exemption therefrom) must be supplied to TOWN within ten (10) days of executing this Agreement. CONTRACTOR shall require all subcontractors to meet the same insurance coverage, make the same certifications as above and require the certificates to be forwarded to TOWN within ten days of entering into the subcontract.

6. Laws and Regulations. CONTRACTOR shall comply with all applicable state, federal and local laws and regulations (including safety, equal opportunity and labor preference) now in effect. If during the term of this Agreement new laws or regulations become applicable, CONTRACTOR shall also comply with them without notice from TOWN.

7. Liens. CONTRACTOR shall pay all valid bills and charges for material and labor incurred by it and arising out of the Scope of Work and will hold TOWN free and harmless against all liens and claims of liens or services, labor and materials filed against the property upon which the Scope of Work is commenced.

8. Waiver and Indemnification. CONTRACTOR waives any and all claims and recourse against TOWN or its officers, agents or employees, including the right of contribution for loss or damage to person or property arising from, growing out of or in any way connected with or incident to the performance of this Agreement except claims arising from the intentional acts or concurrent or sole negligence of TOWN or its officers, agents or employees.

CONTRACTOR will indemnify, hold harmless, and defend the TOWN and its agents, principals, and employees from and against any and all claims, demands, damages, costs, expenses, losses, liability (including liability where activity is inherently or intrinsically dangerous), judgments, defense expenses, and attorney's fees rising out of or resulting from CONTRACTOR'S wrongful acts, errors, omissions, or negligence, or from Contractor's failure to comply with the requirements of this Agreement or with all federal, state and local law applicable to the performance of this Agreement. In the event of an action filed against TOWN resulting from CONTRACTOR'S performance under this Agreement, TOWN may elect to represent itself and incur all costs and expenses of suit.

These obligations shall survive termination of this Agreement.

9. Independent Contractor. CONTRACTOR and its consultants and subcontractors shall at all times be considered independent contractors. Notwithstanding its obligation to fulfill the Scope of Work herein, CONTRACTOR and its consultants and subcontractors have been and will continue to be free from control or discretion over their performance under this Agreement and in fact.

TOWN will not be responsible for withholding any state or federal taxes or social security, nor will the Town extend any of the benefits to the CONTRACTOR that it extends to employees. The CONTRACTOR is required to maintain necessary records and withholding.

10. Attorney's Fees. It is necessary for either party to bring an action to enforce the terms, covenants, or conditions of this Agreement, the prevailing party shall be entitled to reasonable attorney fees to be set by the appropriate court, including fees of the Town Attorney.

11. Venue. An action to enforce this Agreement shall be brought in the District Court of the Eighteenth Judicial District, Gallatin County, Montana.

12. Notice. All notices and certifications made pursuant to this agreement shall be delivered to the addresses above by first class mail, certified mail or personal delivery in care of the person set forth in Section 3 of this Agreement. A party shall give the other notice of any change in address.

13. Interpretation.

a. This Agreement shall be governed and interpreted according to the laws of the State of Montana.

b. Section headings are for convenience only and are not intended to define or limit any provisions of this Agreement.

c. The provisions of this Agreement are independent and severable, and the invalidity, partial invalidity, or unenforceability of any one provision or portion thereof shall not affect the validity or enforceability of any other provision.

14. Time Is of the Essence. The time of complying with this Agreement is of the essence and a violation is a material breach.

15. Non-Waiver. The waiver or failure to enforce any provision of this Agreement shall not operate as a waiver of any future breach of any such provision or any other provision.

16. Entire Agreement. This document represents the entire and integrated Agreement between the TOWN and CONTRACTOR and supersedes all prior negotiations, agreements or representations, either written or oral. This Agreement may be amended only by written instrument signed by both TOWN and CONTRACTOR.

17. Non-Assignment. TOWN and CONTRACTOR, respectively, bind themselves, their successors, assigns and legal representatives to the other party with respect to all covenants, terms, or conditions of this Agreement. Neither TOWN nor CONTRACTOR shall assign this Agreement without the written consent of the other.

18. Execution of Agreement. The Clerk/Treasurer of the TOWN will keep the original Agreement. An exact unaltered copy of the original Agreement has the same force and effect as the original.



Town Council Agenda Item Summary Report

Meeting Date: Tuesday, August 6, 2024	
Item Title: Change Order, Museum Roof Project, \$5,625.00	
Submitted By (Name/Title): Katie Thompson, Finance Director	
Discussion Only <input type="checkbox"/>	Discussion/Action <input checked="" type="checkbox"/>
Funding Source: 4000.460460.920	Budgeted <input type="checkbox"/>
Estimated Date of Completion: August 2024	

Item Summary

Great White Construction is the contractor for the museum roof replacement project. They have requested a \$5,625 change order. They had to do some redecking the flat portion of the roof.

The work has already been completed by the time of this proposal.

Staff Recommendation

Approve the change order to Great White Construction for the museum roof project.

Suggested Motion

I move to approve the change order to Great White Construction for the museum roof project in the amount of \$5,625.

Change Order

Date of Issuance: 07-09-2024

Effective Date:

No. _____

Project: West Yellowstone Historic District Roof Replacement	Owner: West Yellowstone, MT	Owner's Contract No.:
Contract: Yellowstone Museum Roof Replacement <i>White</i>		Date of Contract: 07/03/2024
Contractor: Great West Construction		Engineer's Project No.: 01-24-0046

The Contract Documents are modified as follows upon execution of this Change Order:

Description:

Re-decking the Flat portion of under the ERM

Attachments (list documents supporting change):

CHANGE IN CONTRACT PRICE:	CHANGE IN CONTRACT TIMES:
Original Contract Price: \$ <u>625,623.95</u>	Original Contract Times: <input checked="" type="checkbox"/> Working Days <input type="checkbox"/> Calendar days Substantial completion (days or date): <u>21</u> Ready for final payment (days or date): <u>21</u>
<input checked="" type="radio"/> (Increase) [Decrease] from previously approved Change Orders No. _____ to No. _____: \$ _____	[Increase] [Decrease] from previously approved Change Orders No. _____ to No. _____: Substantial completion (days): <u>21</u> Ready for final payment (days): <u>21</u>
Contract Price prior to this Change Order: \$ <u>625,623.95</u>	Contract Times prior to this Change Order: Substantial completion (days or date): _____ Ready for final payment (days or date): _____
<input checked="" type="radio"/> (Increase) [Decrease] of this Change Order: \$ <u>5,625</u>	[Increase] [Decrease] of this Change Order: Substantial completion (days or date): _____ Ready for final payment (days or date): _____
Contract Price incorporating this Change Order: \$ <u>631,257.95</u>	Contract Times with all approved Change Orders: Substantial completion (days or date): _____ Ready for final payment (days or date): _____

RECOMMENDED:
By: *[Signature]*
Engineer (Authorized Signature)
Date: 7/17/24
Approved by Funding Agency (if applicable):

ACCEPTED:
By: _____
Owner (Authorized Signature)
Date: _____

ACCEPTED:
By: *[Signature]*
Contractor (Authorized)
Date: 7/17/24

Date:



Town Council Agenda Item Summary Report

Meeting Date: Tuesday, August 6, 2024	
Item Title: Change Order, Police Station Roof Project, \$6,500.00	
Submitted By (Name/Title): Katie Thompson, Finance Director	
Discussion Only <input type="checkbox"/>	Discussion/Action <input checked="" type="checkbox"/>
Funding Source: 1000.411258.920	Budgeted <input type="checkbox"/>
Estimated Date of Completion: August 2024	

Item Summary

Great White Construction is the contractor for the police station roof replacement project. They have requested a \$6,500 change order. They had to frame cold roof style over existing roof decking to compensate for elevated fascia.

The work has already been completed by the time of this proposal.

Staff Recommendation

Approve the change order to Great White Construction for the police station roof project.

Suggested Motion

I move to approve the change order to Great White Construction for the police station roof project in the amount of \$6,500.

1
2
3

Change Order

Date of Issuance: 07-09-2024 Effective Date: 7/9/24 No. _____

Project: West Yellowstone Historic District Roof Replacement Owner: West Yellowstone, MT Owner's Contract No.: _____

Contract: West Yellowstone Police Station Roof Replacement Date of Contract: 07/03/2024

Contractor: Great West Construction White Engineer's Project No.: 01-24-0046

The Contract Documents are modified as follows upon execution of this Change Order:

Description: Frame Cold Roof Style over existing roof Decking to compensate for elevated Fascia

Attachments (list documents supporting change):

CHANGE IN CONTRACT PRICE:

CHANGE IN CONTRACT TIMES:

Original Contract Price: \$ 95,380

(Increase) [Decrease] from previously approved Change Orders No. _____ to No. _____

Original Contract Times: Working Days Calendar days

Substantial completion (days or date): 7/11/24

Ready for final payment (days or date): 7/12/24

(Increase) [Decrease] from previously approved Change Orders No. 3 to No. 4

\$ 101,880 / 6,500 increase

Contract Price prior to this Change Order: \$ _____

Substantial completion (days): 3

Ready for final payment (days): 4

Contract Times prior to this Change Order: 11

Substantial completion (days or date): 7/12/24

Ready for final payment (days or date): 7/15/24

[Increase] [Decrease] of this Change Order: \$ _____

Contract Price incorporating this Change Order: \$ _____

[Increase] [Decrease] of this Change Order:

Substantial completion (days or date): 7/12/24

Ready for final payment (days or date): 7/15/24

Contract Times with all approved Change Orders:

Substantial completion (days or date): 7/12/24

Ready for final payment (days or date): 7/15/24

RECOMMENDED:

By: [Signature]
Engineer (Authorized Signature)

Date: 7/19/24

Approved by Funding Agency (if applicable):

ACCEPTED:

By: _____
Owner (Authorized Signature)

Date: _____

ACCEPTED:

By: [Signature]
Contractor (Authorized)

Date: 7/12/24

Date:



From: [Rocky Hermanson](#)
To: [Dan Walker](#)
Cc: [Elizabeth Roos](#); [Travis Watt](#); [Jerry Johnson](#); [Brad Schmier](#); [Jon Simms](#)
Subject: Cemetery Board
Date: Thursday, July 18, 2024 1:28:28 PM

Good afternoon Dan,

As per the Cemetery Board meeting on July 17, 2024 we have a couple of recommendations.

Number 1 is to recommend to the City Council to formally request a permanent easement on the west side of the cemetery from the United States Forest Service.

The easement would join the cemetery access road to Ray Stinnett's property to the south. It would run adjacent to the current cemetery border. We are currently in negotiations to acquire this property for an expansion of the cemetery. As this request may take some time, we feel it prudent that the city begins this as soon as possible.

Number 2 is to recommend that the city increase plot and burial fees at the Fir Ridge Cemetery. We feel that the costs associated are among the lowest in the area.

The inventory of available plots is being rapidly depleted and until an expansion can be done this is of concern.

We propose raising the current plot sales from \$100 per plot to \$400. The perpetual fee would raise from \$50 to \$100. Cremation plots would raise from \$35 to \$150.

Perpetual care on Cremation plots would raise from \$15 to \$50. The cost of implementing the burial by the city crew would increase from \$450 to \$500 and \$150

to \$200 respectively. We currently have 46 full plots, and 10 cremation plots unsold.

Thank you for your time on this and please do not hesitate to call with any further questions.

Rocky
West Yellowstone Cemetery Board

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RESOLUTION NO. 805

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WEST YELLOWSTONE, MONTANA, TO SET FEES FOR THE USE OF FIR RIDGE CEMETERY

BE IT RESOLVED by the Town Council of the Town of West Yellowstone, Montana, that:

WHEREAS: The Town Council has the authority under Section 7-5-4101, MCA, to set fees for certain services provided to the citizens of the Town; and

WHEREAS: The Fir Ridge Cemetery Board has requested that the Town increase the fees currently set for the use of the cemetery; and

WHEREAS: The Town Council believes that it is in the best interests of the citizens of the Town and the Fir Ridge Cemetery to set the fees for the use of the cemetery as proposed by the Cemetery Board.

NOW, THEREFORE, BE IT RESOLVED: The Town Council of the Town of West Yellowstone, Montana hereby resolves and sets the fees to be charged by the Town staff as follows:

LOT FEES

- Full lot: \$ 400.00
- Cremains lot: \$ 150.00
- Perpetual Care (Required): \$ 100.00
- Cremains Perpetual Care (Required): \$ 50.00

FULL BURIAL FEES

Cost of Burial Services (Town responsible for digging/backfilling):

- Town employees present during service and burial
- All equipment required
- Re-inspection after six months \$ 500.00

Cost of Burial Permit (Outside contractor responsible for digging/backfilling):

- Locate and mark prior to digging by outside contractor
- Oversight of grave opening
- Oversight and inspection of backfilling of grave
- Re-inspection after six months \$ 150.00

Cost of permit for installation of monument by outside individual:

- Includes locate and mark of gravesite \$ 20.00

CREMAINS BURIAL FEES

Cost of Cremains Burial Services (Town responsible for digging/installation):

- Location and opening of installation site
- Town employees present during service
- Closing of site
- Reinspection after six months \$ 200.00

Permit for burial by outside individual:

- Requires locating and marking plot/grave prior to installation \$ 20.00

This Resolution is effective upon signing in accordance with Section 7-5-4203(2), MCA.

DATED this _____ day of _____, 2024.

Mayor Travis Watt

Council Member Jeff Mathews

Council Member Jeff McBirnie

Council Member Lisa Griffith


Council Member Brian Benike

ATTEST:

Town Clerk Elizabeth Roos



MEMORANDUM

TO: West Yellowstone Town Council
RE: BUILDING PERMITS WITHOUT CONNECTION
TO PUBLIC FACILITIES
Date: August 1, 2024
FROM: Jane Mersen 

On July 2, 2024, Councilperson Griffith moved to direct staff to research and report on the question of whether the Town could issue a building permit without allowing for connection to the sewer system.

The Town was admonished by DEQ in 2022 to not allow anymore hookups to the existing sewer system. Based on that directive and the wastewater moratorium adopted by the Town, staff is of the opinion that no new construction should be allowed if the project requires a new connection to the sewer system. While there may be no state statute or administrative rule that would prohibit the Town from issuing a building permit without requiring connection to the sewer system, staff believes it is not good policy and the process would be fraught with enforcement and administrative problems.

Councilperson Griffith stated at the meeting that she would like the Town to allow residential building permits even though the project cannot connect to the Sewer. This suggestion raises numerous questions about enforcement, liability exposure and also constitutional protection issues for commercial projects that would not receive the same option under the Griffith suggestion. If the Town adopts a policy that allows building permits without requiring connection to the sewer system, it must apply to all lots equally, residential or commercial.

Even if a home owner signed an iron clad release of the Town related to the lack of sewer capacity, there are numerous other enforcement, administrative and liability issues that will arise.

1. It is not clear how, or if, a builder could build and certify that the water and sewer systems in the project were properly built when connection is not allowed?
2. Connection are required to be made in accordance with the building codes/standards in effect at the time of connection. If the standards/codes are

- changed before connection is allowed, the homeowner would potentially have to change the infrastructure that is below their home in order to comply with the new standards. How would the Town inspect the connection once it is covered up or should the project owner be required to leave the trench for the line open for two to three years?
3. If physical connections to the sewer system were made through the building process but not allowed to be “used,” how would the Town enforce the prohibition of use of the connection?
 4. When would the Town collect the connection fees? Problems will arise if, following normal protocol, the connection fee was paid at the time the permit was approved, and years later when capacity becomes available the fee has increased, or the property has changed hands, etc.
 5. The building codes and Town codes do not allow occupancy without sewer and water. It will be the Town’s obligation to ensure that no one resides in the structure. How many unoccupied structures will be left in town for three or more years?
 6. If, for some unknown reason, the Town’s Sewer system is not in operation until 2027 or later, what are the implications for the building owner and the Town?
 7. The Town should not adopt a policy which applies only to residential building and not to commercial buildings. If the process is changed for one residential lot owner- it should apply equally to all lots in Town.
 8. The ongoing litigation with West Development and Moonrise would be adversely affected as their suits were filed, in part, because the Town refused to allow them to build without sufficient sewer capacity. If the Town were to now grant building permits to anyone who agreed to wait for capacity, such action by the Town would help the plaintiffs prove that the Town was acting capriciously, which could result in a large damage award against the Town.
 9. A condition of approval for the Moonrise permit was that it not start construction until capacity in the sewer system was available for its project. It would very arbitrary for the Town to allow others to do what it has precluded Moonrise from doing.
 10. Potential options for the lot owner at this point: 1) wait until the moratorium expires (potentially) in July 2025 and apply for a building permit at that time; or 2) if there are any existing SFEs that have been allocated but have not yet been put to use, such an SFE could be relinquished to the Town and

the lot owner could then follow the normal process to apply for a building permit with a connection.

For the foregoing reasons, Staff believes that changing Town policy to allow for one residential lot to forego the normal building permit process would open the floodgate for a host of other problems and undoubtedly more litigation for the Town.