

13.08.200 Nonpayment. The water supply may be shut off from any premises for which the water bill remains unpaid for a period of ten (10) days after the bill is rendered and mailed. When shut off, water shall not be turned on except upon the payment of the usual fee for turning on water. A minimum fee of Two Dollars (\$2) shall be paid for turning on water. (Ord. 78, Sec. 21, 1958)

13.08.210 Lien-Property Liable. All water rates shall be charged against the property on which it is furnished and against the owner thereof, and if, for any cause, any sums owing therefrom shall become delinquent. the water shall be cut off, and in no case shall it be turned on to the same property until all such delinquencies shall have been paid in full. No change of ownership or occupant shall affect the application of this section.

All accounts for water shall be kept in the name of the owner of the property and not in the name of any tenants, and the owner only, for his legally authorized agent, shall be held responsible for water rates; provided that persons holding under a lease may be supplied on their own account, where it is impracticable to keep the account in the name of the owner. (Ord. 78, Sec. 22, 1958)

## Title 14

### ZONING

#### Chapters:

##### 14.04 Comprehensive Zoning

#### Chapter 14.04

### COMPREHENSIVE ZONING

#### Sections:

- 14.04.010 Title.
- 14.04.020 Authorization.
- 14.04.030 General Purpose.
- 14.04.040 Jurisdiction.
- 14.04.050 Establishment of Zoning District and Purposes Thereof.
- 14.04.060 Zoning Map.
- 14.04.070 Interpretation of Zoning District Boundaries.
- 14.04.080 Definitions of certain words and phrases.
- 14.04.090 Miscellaneous Uses.

- 14.04.100 Fence, Wall, Hedges and other planting Requirements.
- 14.04.110 Domestic Animals.
- 14.04.120 Zoning Regulations.
- 14.04.130 Enforcing Agency.
- 14.04.140 Employees.
- 14.04.150 Duties of the Zoning Officer.
- 14.04.160 Zoning Changes.
- 14.04.170 Applications for Conditional Use Changes and Variances.
- 14.04.180 Fees.
- 14.04.190 Formation of the Board of Adjustment and Powers of the Board.
- 14.04.200 Conditional Uses.
- 14.04.210 Condition Use Criteria.
- 14.04.220 Denials.
- 14.04.230 Variances - Conditions Governing Applications - Procedures.
- 14.04.240 Amendments to Zoning Ordinance or Map.
- 14.04.250 Penalty.

14.04.010 Title. This chapter shall be known and cited as the Town of Hingham Ordinance and Zoning Regulation hereinafter referred to as Ordinance No. 83, or Zoning Ordinance No. 83, or Zoning Regulation No. 83. (Ord. 83, Sec. 1, 1977)

14.04.020 Authorization. Authorization for this zoning ordinance is contained in the Revised Codes of Montana, Title 11, Chapter 27. (Ord. 83, Sec. 2, 1977)

14.04.030 General Purpose. The purpose of the proposed zoning regulation is to promote the health, safety, morals, general welfare and to insure orderly development in the community of Hingham by regulating and restricting, if necessary, the location and use of building and land for agricultural, residential, business, industry, or other purpose; in regulating the size of buildings, if necessary, the population, the set back of buildings along roads and street right-of-ways, and from boundary lines abutting other lots and properties, the sizes, shapes and areas needed to segregate land uses in accordance with law. (Ord. 83, Sec. 3A, 1977)

14.04.040 Jurisdiction. The jurisdiction area of the zoning ordinance shall include all of the land lying within the town limits. (Ord. 83, Sec. 3B, 1977)



14.04.050 Establishment of Zoning District and Purposes Thereof. The land lying within the town limits of the town shall be divided into three (3) zoning districts according to existing conditions, community input and the goals of the Town Council. The zoning districts and a brief statement of their purpose are as follows:

1. Residential. Primarily single family and multiple family dwellings with adequate lot areas and customary accessory uses are permitted in this zoning district.

2. Commercial. This zoning district is primarily for conducting retail trade, administrative and professional offices and services to the general public.

3. Farm-Industrial. Manufacturing, processing, fabrication and assembling of products or materials, warehousing, storage, and transportation facilities, farm product storage, farm implement shops are permitted in this zoning district. (Ord. 83, Sec. 3C., 1977)

14.04.060 Zoning Map. Zoning districts, as established in the zoning ordinance, are shown on an official zoning map entitled "The Town of Hingham Zoning Map". An updated and current copy of this map is on file with the town clerk and is available for public inspection. In addition, prior to adoption of this ordinance, the map shall be posted conspicuously in three (3) public places in the town for the public's review. This map and all properly authorized modifications, as certified by the mayor and the town clerk, are hereby made a part of this zoning ordinance. (Ord. 83, Sec. 3D, 1977)

14.04.070 Interpretation of Zoning District Boundaries. Where there is a question with regard to the boundaries of any of the zoning districts, the following rules shall apply:

1. Where zoning district boundaries are indicated as approximately following the centerlines (or right-of-way lines) of roads or streets, such centerlines or right-of-way lines shall be construed to be such boundaries.

2. Where zoning district boundaries are so indicated that they approximately follow the lot lines, such lines shall be construed to be such boundaries.

3. Where zoning district boundaries are so indicated that they are approximately parallel with the centerlines or right-of-way lines of roads or streets, such district boundaries shall be construed as being parallel therewith and at such distance therefrom as indicated on the zoning map. If no distance is given, such dimension shall be determined by the scale of the map.

4. Where district boundaries are so indicated that they approximately follow shorelines or banks of rivers and streams,

such shorelines or banks shall be construed to be said boundaries and in the event of change in the shoreline or bank, boundaries shall be construed as moving with the actual shoreline or bank. (Ord. 83, Sec. 3E, 1977)

14.04.080 Definitions of certain words and phrases. For the purpose of this zoning ordinance, certain words and phrases herein shall be interpreted or defined as follows. Except where specifically defined herein, all words and phrases used in these regulations shall carry the customary meanings. Words used in the present tense shall include the future and the plural includes the singular. The word "building" includes the word structure. The word "shall" is intended to be mandatory and not directory. The words "used" or "occupied" shall include, within their meaning, intended, arranged, or designed to be used or occupied. The word "person" shall include a corporation, partnership or other legal entity. (Ord. 83, Sec. 4, 1977)

14.04.090 Miscellaneous Uses.

A. Residential.

1. Intent. The intent of this zoning district is to preserve residential neighborhoods from intrusions by adverse land uses, promote orderly growth of residential neighborhoods by permitting only residentially compatible uses, and by conditionally allowing appropriate business and social and public services.

2. Permitted Uses.

- (a) A conventional single-family dwelling or multi-family dwellings.
- (b) A modular or mobile home used as single-family residence on a permanent or semi-permanent foundation.
- (c) Parks or playgrounds.
- (d) Accessory uses appurtenant to residential use.

3. Conditional Uses.

- (a) Churches, community centers, schools and other public buildings and recreational facilities.
- (b) Multi-family dwellings.
- (c) Utility sub-stations.
- (d) Mobile home parks.

4. Yard Requirements and Setbacks. Buildings shall have a minimum setback of twenty-five (25) feet from the avenue and ten (10) feet on the street right-of-way lines, and four (4) feet from each neighboring property line and eight (8) feet from the rear lot line.

B. Commercial.

1. Intent. The intent of this zoning district is to provide convenient community goods and service facilities by reserving adequate areas for commercial expansion and by permitting only commercial uses compatible with the surrounding land uses.



No use shall be construed or operated so as to cause excessive noise, vibrations, smoke, dust or other particulate matter, toxic or noxious matter, humidity, heat or glare at or beyond the boundary of this zoning district. Excessive nuisances shall be considered as the degree of nuisance that is injurious to the public health, safety, or welfare of others as determined by the enforcing agency or the Montana Department of Health and Environmental Sciences.

2. Permitted Uses.

(a) Retail and wholesale trade including building materials, hardware, farm equipment, general merchandise, food, automotive dealers, automobile accessories, mobile home sales and service, apparel and accessories, furniture, home furnishings, eating establishments, and miscellaneous retail stores (drug, sporting goods, etc.), and implement dealerships.

(b) Service activities including finances, insurance, real estate, transient lodging, personal services, automobile repair, professional services, and implement repair, etc.

(c) Single and multi-family residential uses pursuant to the paragraph pertaining to residential intent and conditional and permitted uses.

3. Conditional uses. Uses which, in the opinion of the Board of Adjustment, are similar to permitted commercial uses.

4. Yard Requirements and Setbacks. Residential buildings built on commercial lots and in areas zoned commercial shall conform to the yard setback and requirements for residential zoned areas. Commercial buildings may be built so they abut the front of the lot but shall have setback requirements of four (4) feet from the neighboring property lines and eight (8) feet from the rear lot lines.

C. Farm-Industrial.

1. Intent. The purpose for this zoning district is to preserve appropriate industrial land for development, upgrade exiting industrial areas, and protect adjacent land uses from possible industrial nuisances, for farm product, storage and related farm activities and manufacturing.

No use shall be constructed or operated so as to cause excessive noise, vibrations, smoke, dust or other particulate matter, toxic or noxious matter, humidity, heat or glare at or beyond the boundary of this zoning district. Excessive nuisances shall be considered as the degree of nuisance that is injurious to the public health, safety or welfare or others as determined by the enforcing agency or the Montana Department of Health and Environmental Sciences.

2. Permitted Uses.

(a) Any manufacturing, storage or transportation use is permitted that conforms to this ordinance and other applicable regulations.



(b) Accessory uses which are an integral part of the primary use of the property.

3. Yard Requirements and Setbacks. Buildings in a farm-industrial area shall be set back eight (8) feet from all neighboring property lines and the front and rear lot lines. (Ord. 83, Sec. 5, 1977)

14.04.100 Fence, Wall, Hedges and other planting Requirements.

A. Fences, walls, hedges, and other planting may be permitted in any required yard provided that no such fences, wall or planting shall be constructed or allowed to grow so as to impede vision between two and one-half (2 1/2) and seven (7) feet above the grade of any road or street intersection within the triangular area determined by the intersection of the road or street right-of-way lines and two points fifty (50) feet from said intersection as measured along said road or street right-of-way lines.

B. A view-obscuring fence or dense planting not less than six (6) feet high shall be erected and maintained to screen outdoor storage or waste products of any business or industry from view from residential areas or as the County Board of Adjustment determines to prevent a public nuisance. (Ord. 83, Sec. 6, 1977)

14.04.110 Domestic Animals. No animals other than domestic house pets shall be kept in any residential or commercial zoning district. (Ord. 83, Sec. 7, 1977)

14.04.120 Zoning regulations.

A. Application of Zoning Regulations. The zoning regulations as set forth in this zoning ordinance shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, and shall meet the following conditions:

1. No building structure or land shall hereafter be used or occupied, and no building, structure or part thereof shall be erected, constructed, reconstructed, moved or structurally altered hereafter unless it is in conformity with all of the regulations herein specified for the zoning district in which it is located.

2. No yard or lot existing at the time of passage of this zoning ordinance shall be reduced in dimension or area below the requirements set forth herein and all yards or lots created after the effective date of this Zoning Ordinance shall meet the minimum requirements of this zoning ordinance.

B. Vacations. Whenever any street, alley or other public way is vacated by official action of the town of Hingham or of the County Commissioners in Hill County, the zoning district adjoining each