

COMMISSIONERS APPROVAL

IMAN 

CHILCOTT 

FOSS 

STOLTZ 

KANENWISHER

Members Present.....Commissioner J.R. Iman, Commissioner Greg Chilcott, and Commissioner Ron Stoltz

Date.....September 14, 2011

► Minutes: Beth Perkins

► The Board met for the second reading to repeal Ordinances No. 1, 2, 5, 6, 7, 8, 14, & 17 at 9:05 a.m. Present were Lee Tickell and Dallas Erickson

Commissioner Iman called the meeting to order and began the second reading for each of the above ordinances. He began the discussion with Ordinances No. 1, 5, & 14.

Commissioner Iman opened public comment regarding Ordinance No.1. Hearing none, he then closed public comment and opened board deliberation.

Commissioner Chilcott made a motion to approve the second reading to repeal Ordinance No. 1 – Ravalli County Vicious Dog Ordinance whereas it is superseded by Ordinance No. 16 – Animal Protection Services. Commissioner Stoltz seconded the motion and all voted “aye”. (3-0)

Commissioner Iman opened public comment regarding Ordinance No.5. Hearing none, he then closed public comment and opened board deliberation.

Commissioner Chilcott made a motion to approve the second reading to repeal Ordinance No. 5 – Ravalli County Vicious Dog Ordinance whereas it is superseded by Ordinance No. 16 – Animal Protection Services. Commissioner Stoltz seconded the motion and all voted “aye”. (3-0)

Commissioner Iman opened public comment regarding Ordinance No.14. Hearing none, he then closed public comment and opened board deliberation.

Commissioner Chilcott made a motion to approve the second reading to repeal Ordinance No. 14 - Ravalli County Dog Ordinance whereas it is superseded by Ordinance No. 16 –

Animal Protection Services. Commissioner Stoltz seconded the motion and all voted “aye”. (3-0)

Commissioner Chilcott made a motion to rescind Resolution No. 1137 to allow Ordinance No. 14 to supercede Ordinance No. 5. Commissioner Stoltz seconded the motion and all voted “aye”. (3-0)

Commissioner Iman opened public comment regarding Ordinance No. 2. Hearing none, he then closed public comment and opened board deliberation.

Commissioner Stoltz made a motion to approve the second reading to repeal Ordinance No. 2 – Community Decay whereas judicial action has deemed it unconstitutional on June 18, 1987. Commissioner Chilcott seconded the motion and all voted “aye”. (3-0)

Commissioner Iman opened public comment regarding Ordinances No. 6, 7, & 8.

Dallas Erickson gave a brief review of these Ordinances due to a spike in sexual crimes and obscenity. In 1994, there was a petition created for these ordinances and was successful however, former commissioner Alan Horsfall did not agree to put it on the ballot. The Ordinances were then created. Judge Langton ruled the Ordinances as unenforceable but constitutional. He requested not repealing these ordinances without a law to replace them.

Commissioner Iman closed public comment and opened board deliberation.

Commissioner Chilcott stated when reading Judge Langton’s final order, the ordinances were declared invalid, unconstitutional and therefore unenforceable. He does not know why keeping these would have any benefit when they cannot be enforced. These have been sitting on the books for 12 years without any movement. If the desire is to make the ordinances law, it would have to be a community driven effort since the County is not in the position to take it on financially. He suggested adding a sunset clause to the ordinances.

Commissioner Iman stated the question is how the court order is perceived. These ordinances are invalid and unenforceable. That will not change the declaration of being invalid without a challenge and that has not been done in the past 12 years. Commissioner Chilcott suggested a sunset clause of 12 months. Discussion followed regarding additional court cases and the internet.

Commissioner Chilcott made a motion to approve the second reading to repeal Ordinance No. 7 – Public Indecency Ordinance, whereas cause No. DV-96102 August 4, 1994 has declared that Ordinance No. 7 is invalid and cannot be enforced legally. Commissioner Stoltz seconded the motion and all voted “aye”. (3-0)

Commissioner Chilcott made a motion to approve the second reading to repeal Ordinance No. 6 – Distribution of Obscenity Ordinance whereas cause No. DV-96102 has declared

Ordinances No. 6 is invalid and cannot be enforced legally. Motion failed due to lack of a second.

Commissioner Chilcott made a motion to approve the second reading to repeal Ordinance No. 8 – Harmful to Minors Ordinance whereas cause No. DV-96102 has declared Ordinance No. 8 is invalid and cannot be enforced legally. Motion failed due to lack of a second.

Commissioner Chilcott made a motion to initiate a public process for Ordinance No. 6 & 8 to add sunset provisions to expire October 2012. Commissioner Stoltz seconded the motion and all voted “aye”. (3-0)

John Meakin requested a continuation of the meeting due to being unable to be present to give comment regarding the repeal of Ordinance No. 17.

Commissioner Chilcott made a motion to continue this meeting until Monday September 19th at 9:30 a.m. Commissioner Stoltz seconded the motion and all voted “aye”. (3-0)

► Commissioner Stoltz attended a Park Board meeting at 10:00 a.m.