

**ORDINANCES**  
**MILES CITY, MONTANA**

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**ORDINANCE NO. 1147**

**AN ORDINANCE PROVIDING FOR THE OFFENSE OF FAILURE TO RETURN BORROWED LIBRARY PERSONAL PROPERTY AND PROVIDING PENALTIES THEREFOR.**

**BE IT ORDAINED** by the City Council of the City of Miles City, Montana as follows:

**Section 1.** There is enacted Section 14-8 of the Code of Ordinances of the City of Miles City, Montana to read as follows:

**Sec. 14-8. Failure to return borrowed library personal property.**

- (1) A person commits the offense of failure to return borrowed library personal property if, without notice to and permission of the Miles City Public Library, the person purposely and knowingly fails to return the property within 72 hours after the time provided for return of the borrowed property at the time it was borrowed, provided that clear printed notice of the date and time when return of the property is required is stated in the receipt or statement issued to the person at the time the property is borrowed.
- (2) In order to borrow personal property from the Miles City Public Library, the borrower must have on file with the Miles City Public Library borrower's written, dated acknowledgment of a receipt of a copy of this Section.
- (3) Presentation to Miles City Public Library personnel by the borrower of identification that is false for the purpose of borrowing library personal property constitutes prima facie evidence of commission of the offense.
- (4) After the borrowing period specified in the receipt or statement issued to the person at the time the property is borrowed has expired, failure to return borrowed library personal property within 72 hours of written demand by Miles City Public Library personnel, citing the provisions of this section, sent by certified mail to the borrower at the address given at the time of borrowing the library personal property, constitutes prima facie evidence of commission of the offense.
- (5) Any authority of a person borrowing Miles City Public Library personal property to possess such personal property ceases upon the expiration of the borrowing period specified in the receipt or statement issued to the person at the time the property is borrowed.
- (6) (a) A person convicted of failure to return borrowed library personal property not exceeding \$1,000 in value shall be fined not to exceed \$1,000 or be imprisoned in the county jail for a term not to exceed 6 months, or both. In addition, the court may award restitution to the Miles City Public Library of the value of the personal property.  
  
(b) If the value of the borrowed library personal property exceeds \$1,000.00, prosecution of the offender will be referred to the County Attorney for felony theft charges.

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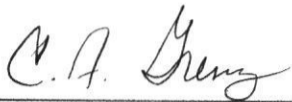
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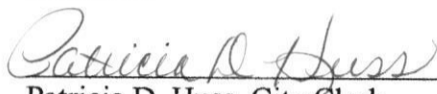
A person convicted of failure to return rented or leased personal property exceeding \$1,000 in value shall be imprisoned in the state prison for a term not to exceed 10 years.

**Section 2.** This Ordinance shall become effective thirty (30) days following its final passage.

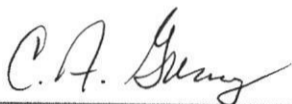
Said ordinance read and put on its passage this 26th day of October, 2004.

  
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C.A. Grenz, Mayor

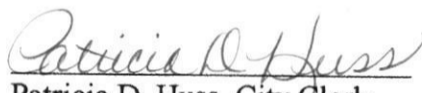
ATTEST:

  
\_\_\_\_\_  
Patricia D. Huss, City Clerk

FINALLY PASSED AND ADOPTED this 9th day of November, 2004.

  
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C.A. Grenz, Mayor

ATTEST:

  
\_\_\_\_\_  
Patricia D. Huss, City Clerk

Ord 1147  
sent 3/27/06

### Affidavit of Publication

STATE OF MONTANA }  
County of Custer } ss.

Jan Dawson, being duly sworn on her oath, says that she is and during the time hereinafter mentioned, has been the principal clerk of the printer of the MILES CITY STAR, a daily newspaper of general circulation, printed and published at Miles City, in said County and State.

That the Public Hearing Ordinance 1147 a printed and true copy of which, cut from the columns of said newspaper, is hereto attached, and made a part hereof, was printed and published in said newspaper, in the regular and entire issue of every number of the paper during the period and time of publication, on the following dates, to-wit: October 29, November 5, 2004.

Signed Jan Dawson

Subscribed and sworn to before me this 8th

day of November, 2004

Daniel S. Hance

Daniel S. Hance, Notary Public for the state of Montana, residing at Miles City. My Commission Expires November 12, 2005.

CITY OF MILES CITY  
Office of Finance & Administration  
P.O. Box 910, Miles City, MT 59301  
232-3462  
LEGAL NOTICE  
Public Hearing  
NOTICE IS HEREBY GIVEN that the City Council of the City of Miles City will conduct a Public Hearing at the regular scheduled meeting on Tuesday, November 9, 2004, at 7:00 p.m. in the City Hall Conference Room on the question of passage of Ordinance No. 1147, providing for the offense of failure to return borrowed library personal property. For information or questions please contact the City Clerk at 232-3462.  
BY ORDER OF THE CITY COUNCIL  
PATRICIA D. HUSS  
City Clerk  
(Pub. 10/29 & 11/5, 2004)

