

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

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**ORDINANCE NO. 1165**

**AN ORDINANCE AMENDING SEC. 3-37 OF THE CODE OF ORDINANCES OF THE CITY OF MILES CITY, MONTANA RELATING TO LOCATIONS FOR RETAIL SALE OF ALCOHOLIC BEVERAGES TO INCLUDE PROPERTY WITHIN THE CITY LIMITS UPON WHICH RETAIL LICENSED BEVERAGE OPERATIONS ARE CURRENTLY BEING CONDUCTED AND PROVIDING AN EFFECTIVE DATE THEREOF.**

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

**Section 1.** Section 3-37 of the Code of Ordinances of the City of Miles City, Montana is amended by amending Subsection (a) to read as follows:

- “(a) Beer, wine and liquor may be sold at retail in buildings on the following described properties:
- (1) Blocks 31, 32, 43, 44, 49 and 50 of the original townsite of the city, according to the official plat and survey thereof on file and of record in the office of the county clerk, said blocks being located on each side of Main Street between Fifth and Eighth Streets in the city;
  - (2) Lots 16, 17, 18, 19 and 20, inclusive, of Block 45 of the original townsite of the city, according to the official plat and survey thereof on file and of record in the office of the county clerk;
  - (3) The east 14 feet of Lot 4 and all of Lots 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16 in Block 45 of the original townsite of the city, according to the official plat and survey thereof on file and of record in the office of the county clerk;
  - (4) Beginning at the intersection of Haynes Avenue and Wilson Street; thence north 502.5 feet along the centerline of Haynes Avenue to a point on the east right of way line of Highway 312, said point also being the point of true beginning; thence north 85 feet along the highway right-of-way line to a point; thence east 300 feet to a point, thence south 85 feet to a point; thence west 300 feet to the true point of beginning;
  - (5) Tract "C", being a tract of land located within The Burlington Northern and Santa Fe Railway Company's (formerly Northern Pacific Railway Company) 400.0 foot wide Charter Right of Way, according to Certificate of Survey, filed for record as Document No. 118477, in Envelope No. 372 B of the Plat Cabinet in the office of the County Clerk and Recorder in and for Custer County, Montana; and Tract "D", being a tract of land located within The Burlington Northern and Santa Fe Railway Company's (formerly Northern Pacific Railway Company) 400.0 foot wide Charter Right of Way, according to Certificate of Survey, filed as Document No. 119503, in Envelope No. 378 A of the Plat Cabinet in the office of the County Clerk and Recorder in and for Custer County, Montana.

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## MILES CITY, MONTANA

- (6) North 50 feet of West 20 feet of lot 16 and North 50 feet of Lots 17 through 20 in Block 60 of the original townsite of the city, according to the official plat and survey thereof on file and of record in the office of the county clerk;
- (7) Lots 7 through 10 in Block 42 of the original townsite of the city, according to the official plat and survey thereof on file and of record in the office of the county clerk;
- (8) Lots 8 through 10 in Block 64 of the original townsite of the city, according to the official plat and survey thereof on file and of record in the office of the county clerk;
- (9) Lots 11 through 16 in Block 33 of the original townsite of the city, according to the official plat and survey thereof on file and of record in the office of the county clerk;
- (10) Tract 2 less D, E, and 160' by 180' of H, Dyba Addition to the city according to the official plat and survey thereof on file and of record in the office of the county clerk;

**Section 2.** Section 3-37 of the Code of Ordinances of the City of Miles City, Montana is amended by amending Subsection (b) to read as follows:

"(b) Beer and wine may be sold at retail at the following locations:

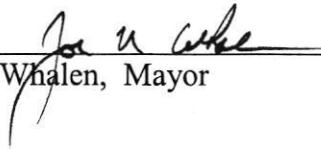
- (1) In a building on the south 30 feet of the west 14½ feet of Lot 18, the south 30 feet of Lot 19 and the south 30 feet of Lot 20 in Block 60 of the original townsite of the city, according to the plat and survey thereof.
- (2) In a building on Lot 5A, in Block 2 of the Meadows Subdivision Amended in Section 35, Township 8 North, Range 47 East according to the official plat thereof on file in the office of the Clerk and Recorder of Custer County, Montana as Document No. 104905.
- (3) Buttrey Tract addition to the City of Miles City according to the official plat and survey thereof on file in the office of the Clerk and Recorder of Custer County, Montana.
- (4) Lots 6 and 7 and East ½ of the North ½ and East 6 feet of the South ½ of Lot 8, in Block 73 of the original townsite of the city, according to the official plat and survey thereof on file in the office of the Clerk and Recorder of Custer County, Montana.
- (5) Lot 1 in Block 2, Meadows Addition to the City of Miles City, according to the official plat and survey thereof on file in the office of the Clerk and Recorder of Custer County, Montana.
- (6) That portion of the Texaco Tract in Government Lot 1 as described in the 1964 deed filed in Book 105 of Deeds at Page 50, less Certificate of Survey No. 69056, records of Custer County, Montana."

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**Section 3.** This amendment shall become effective thirty (30) days following its final passage.

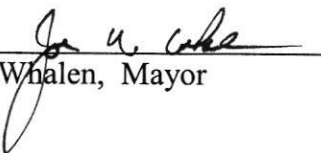
Said ordinance read and put on its passage this 24th day of October, 2006.

  
\_\_\_\_\_  
Joe Whalen, Mayor


ATTEST:

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

**FINALLY PASSED AND ADOPTED** this 9th day of January, 2007.

  
\_\_\_\_\_  
Joe Whalen, Mayor

ATTEST:

  
\_\_\_\_\_  
Linda Wildman, Acting City Clerk

## ORDINANCE NO. 1165

**AN ORDINANCE AMENDING SEC. 3-37 OF THE CODE OF ORDINANCES OF THE CITY OF MILES CITY, MONTANA RELATING TO LOCATIONS FOR RETAIL SALE OF ALCOHOLIC BEVERAGES TO INCLUDE PROPERTY WITHIN THE CITY LIMITS UPON WHICH RETAIL LICENSED BEVERAGE OPERATIONS ARE CURRENTLY BEING CONDUCTED AND PROVIDING AN EFFECTIVE DATE THEREOF.**

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

**Section 1.** Section 3-37 of the Code of Ordinances of the City of Miles City, Montana is amended by amending Subsection (a) to read as follows:

- “(a) Beer, wine and liquor may be sold at retail in buildings on the following described properties:
- (1) Blocks 31, 32, 43, 44, 49 and 50 of the original townsite of the city, according to the official plat and survey thereof on file and of record in the office of the county clerk, said blocks being located on each side of Main Street between Fifth and Eighth Streets in the city;
  - (2) Lots 16, 17, 18, 19 and 20, inclusive, of Block 45 of the original townsite of the city, according to the official plat and survey thereof on file and of record in the office of the county clerk; [Kegler's Club]
  - (3) The east 14 feet of Lot 4 and all of Lots 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16 in Block 45 of the original townsite of the city, according to the official plat and survey thereof on file and of record in the office of the county clerk; [?]
- [Eliminates Crystal Pistol]
- (4) Beginning at the intersection of Haynes Avenue and Wilson Street; thence north 502.5 feet along the centerline of Haynes Avenue to a point on the east right of way line of Highway 312, said point also being the point of true beginning; thence north 85 feet along the highway right-of-way line to a point; thence east 300 feet to a point, thence south 85 feet to a point; thence west 300 feet to the true point of beginning; [Golden Spur]
  - (5) Tract "C", being a tract of land located within The Burlington Northern and Santa Fe Railway Company's (formerly Northern Pacific Railway Company) 400.0 foot wide Charter Right of Way, according to Certificate of Survey, filed for record as Document No. 118477, in Envelope No. 372 B of the Plat Cabinet in the office of the County Clerk and Recorder in and for Custer County, Montana; and Tract "D", being a tract of land located within The Burlington Northern and Santa Fe Railway Company's (formerly Northern Pacific Railway Company) 400.0 foot wide Charter Right of Way, according to

Certificate of Survey, filed as Document No. 119503, in Envelope No. 378 A of the Plat Cabinet in the office of the County Clerk and Recorder in and for Custer County, Montana. [NEW CATTLE-AC DESCRIPTION]

- (6) North 50 feet of West 20 feet of lot 16 and North 50 feet of Lots 17 through 20 in Block 60 of the original townsite of the city, according to the official plat and survey thereof on file and of record in the office of the county clerk; [Eagles - NEW]
- (7) Lots 7 through 10 in Block 42 of the original townsite of the city, according to the official plat and survey thereof on file and of record in the office of the county clerk; [Elks - NEW]
- (8) Lots 8 through 10 in Block 64 of the original townsite of the city, according to the official plat and survey thereof on file and of record in the office of the county clerk; [Parker's - NEW]
- (9) Lots 11 through 16 in Block 33 of the original townsite of the city, according to the official plat and survey thereof on file and of record in the office of the county clerk; [VFW - NEW]
- (10) Tract 2 less D, E, and 160' by 180' of H, Dyba Addition to the city according to the official plat and survey thereof on file and of record in the office of the county clerk; [Bojangles - NEW]

**Section 2.** Section 3-37 of the Code of Ordinances of the City of Miles City, Montana is amended by amending Subsection (b) to read as follows:

"(b) Beer and wine may be sold at retail at the following locations:  
[Eliminates Big Al's]

- (1) In a building on Lot 5A, in Block 2 of the Meadows Subdivision Amended in Section 35, Township 8 North, Range 47 East according to the official plat thereof on file in the office of the Clerk and Recorder of Custer County, Montana as Document No. 104905;
- (2) Buttrey Tract addition to the City of Miles City according to the official plat and survey thereof on file in the office of the Clerk and Recorder of Custer County, Montana; [Albertson's - NEW]
- (3) Lots 6 and 7 and East ½ of the North ½ and East 6 feet of the South ½ of Lot 8, in Block 73 of the original townsite of the city, according to the official plat and survey thereof on file in the office of the Clerk and Recorder of Custer County, Montana; [M & H - NEW]
- (4) Lot 1 in Block 2, Meadows Addition to the City of Miles City, according to the official plat and survey thereof on file in the office of the Clerk and Recorder of Custer County, Montana; [Pizza Hut - NEW]

- (5) That portion of the Texaco Tract in Government Lot 1 as described in the 1964 deed filed in Book 105 of Deeds at Page 50, less Certificate of Survey No. 69056, records of Custer County, Montana." [Kum & Go - NEW]

**Section 3.** This amendment shall become effective thirty (30) days following its final passage.

Said ordinance read and put on its passage this 24th day of October, 2006.

\_\_\_\_\_  
Joe Whalen, Mayor

ATTEST:

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

**FINALLY PASSED AND ADOPTED** this 14th day of November, 2006.

\_\_\_\_\_  
Joe Whalen, Mayor

ATTEST:

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

## Affidavit of Publication

STATE OF MONTANA }  
County of Custer } ss.

Mary Halvorson, 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 Ordinance # 1165, 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: 12/29/06 & 01/05/07.

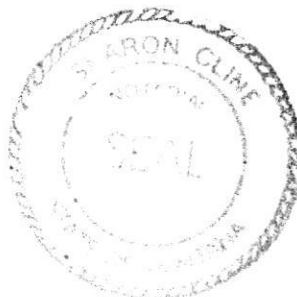
Signed Mary M. Halvorson

Subscribed and sworn to before me this 8th

day of January, 2007

Sharon Cline

Sharon Cline, Notary Public for the state of Montana, residing at Miles City. My Commission Expires October 31, 2009.



### LEGAL NOTICE

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, January 9, 2007, at 7:00 p.m. in the City Hall Conference Room on the Question of passage of Ordinance No. 1165. This ordinance amends Section 3-37 of the Code of Ordinances of the City of Miles City, Montana relating to locations for retail sale of alcoholic beverages to include property within the City limits upon which retail licensed beverage operations are currently being conducted.

For information or questions contact the Acting City Clerk at 234-3462.

BY ORDER OF THE CITY COUNCIL

LINDA WILDMAN

Acting City Clerk

(Pub December 29, 2006 & January 5, 2007)