

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

**ORDINANCE NO. 1201**

**AN ORDINANCE AMENDING SECTIONS 2-26 AND 2-27 OF THE CODE OF ORDINANCES OF THE CITY OF MILES CITY, MONTANA RELATING TO THE PROCEDURES FOR ADOPTION OF ORDINANCES AND EMERGENCY ORDINANCES.**

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

**Section 1.** Section 2-26 of the Code of Ordinances of the City of Miles City, Montana is amended to read as follows:

**“Sec. 2-26. Introduction; reading; adoption upon first reading; referral to committee; public hearing, and final adoption.**

All ordinances must be submitted in writing and upon motion of a member of the city council at any regular council meeting, or at any special council meeting duly called for such purpose. Upon second of the motion to adopt, the mayor shall then and there cause the proposed ordinance to be read and it shall be submitted to the city council for adoption upon first reading. If upon the first reading, the ordinance is adopted by a majority vote of the council members present at the meeting, the proposed ordinance shall be referred by the mayor to a suitable committee, which shall take the proposed ordinance under advisement and consideration until the next regular meeting of the city council, no earlier than 12 days after the date of the initial adoption upon first reading, at which time such committee shall report the proposed ordinance back to the council together with its report thereon. After the first reading and adoption, the ordinance must be posted and copies must be made available to the public. A public hearing, after published notice, shall be held upon the adoption of the ordinance prior to the second reading of the ordinance. The public hearing and second reading may occur at the same council meeting. Following public hearing, the proposed ordinance shall then be read for the second time and shall thereupon be ready for final passage and adoption by a majority vote of the council members present at the meeting. An ordinance passed may not contain more than one comprehensive subject, which must be clearly expressed in its title, except ordinances for codification and revision of ordinances. Upon final passage and approval by the mayor, all ordinances must be signed by the mayor and filed with the City Clerk. ”

**Section 2.** Section 2-27 of the Code of Ordinances of the City of Miles City, Montana is amended to read as follows:

**“Sec. 2-27. Reading by title; emergency ordinances; effective date; .**

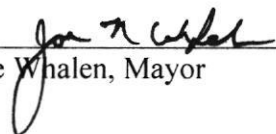
Any ordinance, with unanimous consent of all members of the council present, may be read by title only. In the event of an emergency, the city council may waive the second reading of the ordinance. Any ordinance, other than an emergency ordinance or general appropriation ordinance providing for the ordinary and current expenses of the city, passed by the council shall not become effective until 30 days after its final passage and

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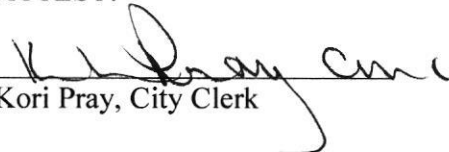
adoption, or such later effective date as may be set forth in the ordinance. In the case of emergency ordinance, the emergency must be expressed in the preamble or in the body of the ordinance, and the ordinance must receive a two-thirds vote of all members of the council elected. In emergency ordinances the resolution shall include only such measures as are immediately necessary for the preservation of peace, health and safety, and shall not include a franchise or license to a corporation or individual, nor any provisions for the sale of real estate, nor any lease or letting for a period exceeding one year, nor the purchase or sale of personal property exceeding \$5,000.00 in value. An emergency ordinance shall be effective on passage and approval and shall remain effective for no more than 90 days."

**Section 3.** These amendments shall become effective thirty (30) days after their final passage.

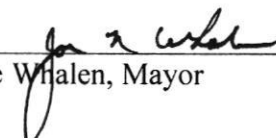
Said ordinance read and put on its passage this 9th day of March, 2010.

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

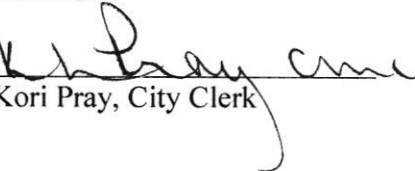
ATTEST:

  
\_\_\_\_\_  
Kori Pray, City Clerk

**FINALLY PASSED AND ADOPTED** this 23rd day of March, 2010.

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

ATTEST:

  
\_\_\_\_\_  
Kori Pray, City Clerk

# ORDINANCES

## MILES CITY, MONTANA

**7-5-103. Ordinance requirements.** (1) All ordinances must be submitted in writing in the form prescribed by resolution of the governing body.

(2) An ordinance passed may not contain more than one comprehensive subject, which must be clearly expressed in its title, except ordinances for codification and revision of ordinances.

(3) An ordinance must be read and adopted by a majority vote of members present at two meetings of the governing body not less than 12 days apart. After the first adoption and reading, it must be posted and copies must be made available to the public.

(4) After passage and approval, all ordinances must be signed by the presiding officer of the governing body and filed with the official or employee designated by ordinance to keep the register of ordinances.

**7-5-104. Emergency ordinance.** In the event of an emergency, the governing body may waive the second reading. An ordinance passed in response to an emergency shall recite the facts giving rise to the emergency and requires a two-thirds vote of the whole governing body for passage. An emergency ordinance shall be effective on passage and approval and shall remain effective for no more than 90 days.

**7-5-4201. Municipal ordinances.** (1) The style of ordinances may be as follows: "Be it ordained by the council of the city of .... (or town of ....)", and all ordinances may be published or posted as prescribed by the council.

(2) All ordinances, bylaws, and resolutions must be passed by the council and approved by the mayor or the person acting in the mayor's stead and must be recorded in a book kept by the clerk, called "The Ordinance Book", and numbered by numerical decimal system in the order in which they are passed or codified.

(3) An ordinance may not be passed containing more than one subject, which must be clearly expressed in its title, except ordinances for the codification and revision of ordinances.

**7-5-4203. Effective date of ordinances and resolutions.** (1) An ordinance passed by the council of any city or town may not become effective until 30 days after its passage except:

(a) general appropriation ordinances providing for the ordinary and current expenses of the city or town; and

(b) emergency measures.

(2) A resolution is immediately effective unless a delayed effective date is specified in the resolution.

**7-5-4204. Details relating to emergency measures.** In the case of emergency measures, the emergency must be expressed in the preamble or in the body of the measure and the measure must receive a two-thirds vote of all the members elected. In emergency ordinances, the resolutions shall include only such measures as are immediately necessary for the preservation of peace, health, and safety and shall not include:

(1) a franchise or license to a corporation or individual;

(2) any provisions for the sale of real estate;

(3) any lease or letting of any property for a period exceeding 1 year; or

(4) the purchase or sale of personal property exceeding \$5,000 in value.

**7-5-4205. Powers of mayor related to ordinances and resolutions.** The mayor has power to:

(1) cause the ordinances of the city or town to be executed;

(2) approve all ordinances and resolutions of the council adopted by it;

(3) veto any objectionable part of a resolution or ordinance and approve the other parts.