

# TITLE I

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## GENERAL PROVISIONS

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## CHAPTER 1.00: OFFICIAL CODE

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### **1.00.010: OFFICIAL CODE OF DEER LODGE**

- A. All ordinances of a general nature in force in the City of Deer Lodge, as revised, codified and compiled and hereinafter set forth, be and they are hereby adopted, passed, published and declared to be the compiled ordinances of the City of Deer Lodge and that said compiled ordinances shall be referred to and cited as the "**Official Code of the City of Deer Lodge, Montana, ~~2020~~2021**," and a copy or copies of such code in printed form shall be received without further proof as the ordinances of permanent and general effect in the City of Deer Lodge, in all courts and administrative tribunals of this State.
- B. All **Ordinances** shall contain an Ordinance Number preceded by the year that the ordinance is set forth, followed by the sequential number of the ordinance for that year. Each calendar year, the sequential numbering will return to 1 (Example: Ordinance ~~2020~~2021-1, Ordinance ~~2020~~2021-2, Ordinance ~~2021~~2022-1)
- C. All **Resolutions** shall contain a Resolution Number preceded by the year that the resolution is set forth, "-R-", followed by the sequential number of the ordinance for that year. Each calendar year, the sequential numbering will return to 1 (Example: Resolution ~~2020~~2021-R-1, Resolution ~~2020~~2021-R-2, Resolution ~~2021~~2022-R-1)

*(Ordinance 1 – 1/17/1980: Effective 1/17/1980, Ordinance 2020-xx – X/XX/2020: Effective X/XX/2020)*

### **1.00.015: ORDINANCE AND RESOLUTION ~~INDEXES~~ AND FORM**

- A. The Form of an Ordinance or Resolution shall be as follows:
  1. Ordinance Number
  2. Catchline: "AN <ORDINANCE OR RESOLUTION> FOR....
    - a. If the Ordinance or Resolution relates to City Code, include: "<"AMENDING" OR "ESTABLISHING"> TITLE #, CHAPTER(S) # and SECTION(S) #'S affected.
  3. IT IS <"ORDAINED" OR "THE RESOLUTION OF"> THE CITY COUNCIL OF THE CITY OF DEER LODGE, MONTANA:
  4. Body of Ordinance or Resolution
  5. First Reading (Ordinances Only):
    - a. Passed by the City Council of the City of Deer Lodge, Montana on first reading at a <meeting type of "Regular" or "Special"> Council meeting on the <Day> of <Month>, Year. AYES <# or Names>, NOES: <# or Names>
    - b. Mayor Signature Line
    - c. City Clerk Attest Signature Line

6. Final Reading (Ordinances and Resolutions):
  - a. Passed, Approved, and Adopted (if adoption date is same as passed/approved date) by the City Council of the City of Deer Lodge, Montana on final reading at a <meeting type of "Regular" or "Special"> Council meeting on the <Day> of <Month>, Year. AYES <# or Names>, NOES: <# or Names>
  - b. If Effective Date is other than Passed/Approved Date: Effective Date: <Effective Date>
  - c. Mayor Signature Line
  - d. City Clerk Attest Signature Line

B. Ordinances and Resolutions shall have Indexes:

1. An **Ordinance** Index shall be created and maintained by the City Clerk. At a minimum, this index shall contain the following: Ordinance Number, Title Affected, Chapter Affected, Section Affected, First Reading Date, Second Reading Date, Status (Passed, Failed, Tabled), Effective Date, Catchline, Council Vote. As each ordinance is set forth, it shall be logged in the Ordinance Index and tracked and documented through final decision.
2. A **Resolution** Index shall be created and maintained by the City Clerk. At a minimum, this index shall contain the following: Resolution Number, Title Affected, Sponsor, Final Reading Date, Status (Passed, Failed, Tabled), Effective Date, Catchline, Council Vote. As each resolution is set forth, it shall be logged in the Resolution Index and tracked and documented through final decision.

*(Ordinance 2019-1: Effective 1/XX/2019)*

**1.00.020: METHOD OF PERPETUAL CODIFICATION**

- A. There is hereby adopted as a method of perpetual codification, the loose leaf type of binding, **together** with a continuous supplemental service, whereby each newly adopted ordinance of a general nature amending, altering, adding to or deleting provisions of the Municipal Code, is identified by the proper catch line and is inserted in the proper place in each of the official copies. Each insertion shall be made within thirty (30) days following the date of adoption by the Council.

*(Ordinance 1 – 1/17/1980: Effective 1/17/1980)*

**1.00.030: COPY TO BE KEPT ON FILE**

- A. At **least** one (1) official copy of said Official Municipal Code of the City of Deer Lodge shall be at all times on file and available for inspection in the office of the City Clerk.

*(Ordinance 1 – 1/17/1980: Effective 1/17/1980)*

**1.00.040: REPEALING ORDINANCE: EFFECT OF:**

- A. The repeal of ordinances as provided shall not affect any right which has accrued, any duty imposed, any penalty incurred, nor any action or proceeding as commenced under or by virtue of the ordinance repealed, nor the tenure of office of any person holding office at the time when they take effect; nor shall the repeal of any ordinance thereby have the effect of reviving any ordinance theretofore repealed or superseded.

*(Ordinance 1 – 1/17/1980: Effective 1/17/1980)*

**1.00.050: RULES FOR CONSTRUCTION**

A. In the construction of the official code and all ordinances amendatory thereof or supplementary thereto the following rules shall be observed unless such construction would be inconsistent with the manifest intent of the legislative body or repugnant to the context:

1. **Intent to Defraud:** Whenever, by any of the provisions of the official code, an intent to defraud is required in order to constitute an offense, it is sufficient if an intent appears to defraud any person, association or body politic or any combination of persons.
2. **Liability of Employers and Agents:** When the provisions herein contained prohibit the commission or omission of an act, not only the person actually doing the prohibited thing or omitting the directed act, but also the employer and all other persons concerned or aiding or abetting the person shall be guilty of the offense described and liable to the penalty set forth.
3. **Title of Sections and Subsections:** The title of any section or subsection of this official code shall be deemed to in no wise restrict, qualify or limit the effect of the provisions set forth and contained in such section or subsection.
4. **Effect of Constitutionality:** Should any portion of this official code be declared by any court of competent jurisdiction to be unconstitutional or void, such adjudication shall in no way affect the remaining portion of this official code.

B. **Definitions:**

1. The singular number includes the plural.
2. Words used in the present include the future.
3. Words used in the masculine gender include, as well, the feminine and neuter.
4. The word "**person**" includes bodies politic and corporate, partnerships, associations and corporations.
5. The word "**signature**" includes any name, mark or sign written with the intent to authenticate any instrument of writing.
6. The word "**oath**" includes "affirmation", and the word "**swear**" includes the word "**affirm**". Every mode of oral statement - under oath or affirmation is embraced in the term "**depose**".
7. The word "**official time**" whenever used shall mean standard time in the City of Deer Lodge.
8. The word "**day**" shall mean any twenty four (24) hour period from midnight to midnight; and the word "**month**" shall mean a calendar month unless otherwise expressed; and the word "**quarter**" shall mean any three (3) month period, ending with the last day of March, June, September and December; and the word "**year**" shall mean any one calendar year unless otherwise expressed.
9. The word "**shall**" is mandatory, "**may**" is discretionary.
10. The word "**property**" includes both real and personal property.

11. The term "**land**", "**real estate**" and "**real property**" includes land, tenements, hereditaments, water rights, possessory rights and claims.
12. The term "**personal property**" includes every description of money, goods, chattels, effects, evidence of rights of action, and all written instruments by which any pecuniary obligation, right or title to property is created, acknowledged, transferred, increased, defeated, discharged or diminished, and every right or interest therein.
13. The word "**public thoroughfare**" includes streets, alleys, lanes, courts, boulevards, public ways, public squares, public places and sidewalks.
14. The word "**owner**" applied to a building or land shall include any part owner, joint owner, tenant in common, joint tenant or lessee of the whole or of a part of such building or land.
15. The word "**tenant**" or "**occupant**" applied to a building or land shall include any person who occupies the whole or any part of such building or land whether alone or with others.
16. Words prohibiting anything being done, except in accordance with a license or permit or authority from a board of officers, shall be construed as giving such board of officers power to license or permit or authorize such thing to be done.
17. Whenever the word "**council**" is used it shall be construed to mean the City Council of this City.
18. The word "**officer**" shall include officers, boards and committees in charge of departments and the members of such boards and committees and such reference as the use of the word "**City**" shall mean this municipality. "**Clerk**" or "**Treasurer**" and others shall mean the City Clerk or City Treasurer as the case may be applicable.
19. The term "**willfully**" when applied to the intent with which an act is done or omitted, implies simply a purpose or willingness to commit the act or an intent to violate law or to injure another or to acquire an advantage.
20. The terms "**neglect**", "**negligence**", "**negligent**" and "**negligently**" impart a want of such attention to the nature or probable consequences of the act or omission as a prudent man ordinarily bestows in acting in his own concern.
21. The term "**knowingly**" imparts a knowledge that the fact exists which brings the act or omission within the provisions of these ordinances. It does not require any knowledge of the unlawfulness of such act or omission.

*(Ordinance 1 – 1/17/1980: Effective 1/17/1980)*

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## CHAPTER 1.02: WARDS

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### SECTIONS:

#### 1.02.010 .. DESCRIPTION OF WARDS

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#### **1.02.010: DESCRIPTION OF WARDS**

The City of Deer Lodge is hereby divided into four (4) wards, described as follows:

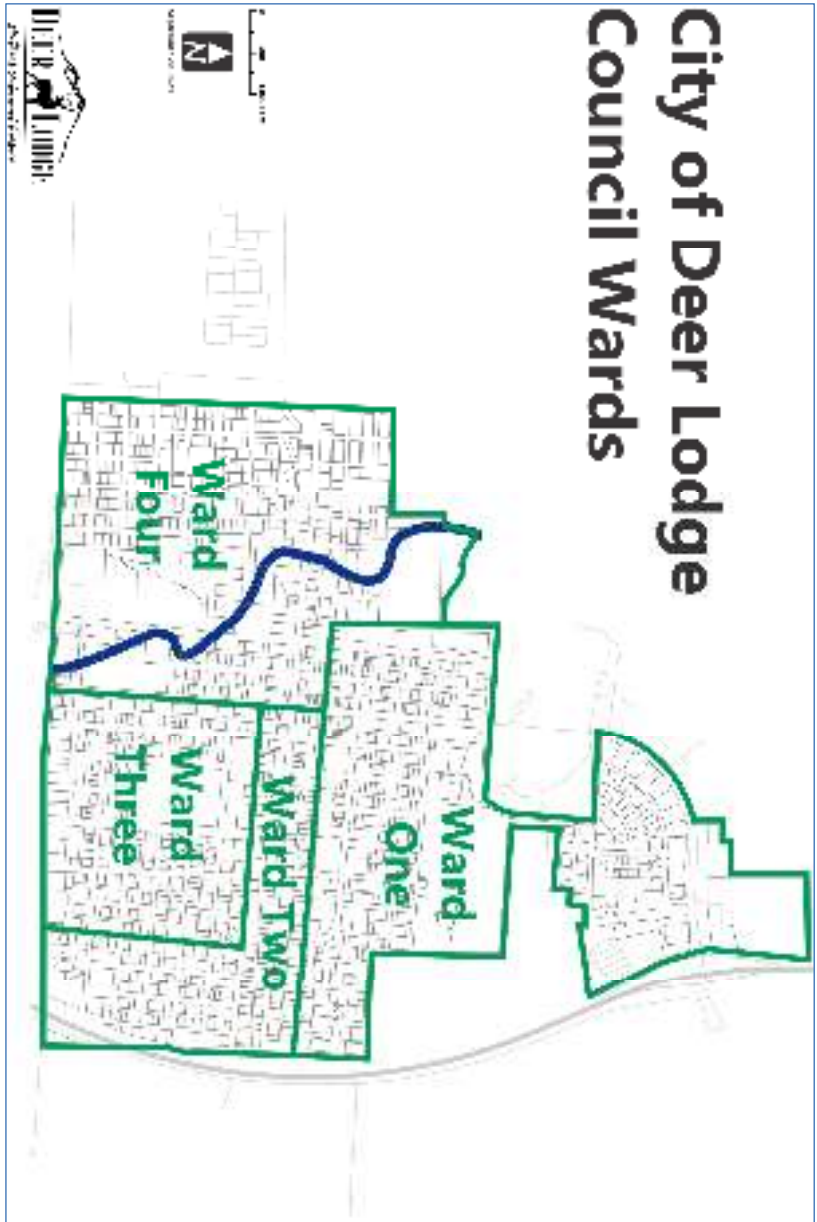
- A. Ward Number One shall be bound:
  - 1. On the North and East by the City Limits;
  - 2. On the South by a line which bisects Missouri Avenue from the City Limits to the main line track of the Milwaukee Railroad.
  - 3. On the West by the mainline tracks of the Milwaukee Railroad from Missouri Avenue to the City Limits.
- B. Ward Number Two shall be bound:
  - 1. On the North by a line which bisects Missouri Avenue from Main Street to the City Limits;
  - 2. On the East by the City Limits;
  - 3. On the South by the City Limits;
  - 4. On the West by a line which bisects Kohrs Street from the City Limits to the intersection of Kohrs Street and Montana Avenue, thence West along a line which bisects Montana Avenue to Main Street, thence North along a line which bisects Main Street to Missouri Avenue, the northern boundary line of Ward Number Two.
- C. Ward Number Three shall be bound:
  - 1. On the North by a line which bisects Montana Avenue from Main Street to Kohrs Street;
  - 2. On the East by a line which bisects Kohrs street from Montana Avenue to the City Limits;
  - 3. On the South by the City Limits;
  - 4. On the West by a line that bisects Main Street from the City Limits to Montana Avenue, the Northern boundary line of Ward Number Three.
- D. Ward Number Four shall be bound:
  - 1. On the South, West and North by the City Limits;
  - 2. On the East by a line running along the Milwaukee Railroad tracks from the northern City Limits to Missouri Avenue, thence East along a line which bisects Missouri Avenue from the Milwaukee Railroad tracks to Main Street, thence South along a line which bisects Main Street from Missouri Avenue to the City Limits, the Southern boundary line of Ward Number Four.

(Ord 527 – Pre 1980; *Ordinance 1 – 1/17/1980: Effective 1/17/1980*)



Below is a representation of the City of Deer Lodge City Council Wards. The official record of the Wards, ~~however~~however, is the text descriptions found in 1.02.010 Description of Wards.

In this Diagram, North is towards the right side of this page.



## CHAPTER 1.04: ELECTIONS

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### SECTIONS:

#### [1.04.010 .. ELECTIONS IN ACCORDANCE WITH STATE STATUTES](#)

#### [1.04.020 .. QUALIFICATION OF ELECTORS](#)

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#### **1.04.010: ELECTIONS IN ACCORDANCE WITH STATE STATUTES.**

- A. All primary and general elections shall be held in accordance with the statues of the State of Montana.

*(Ordinance 1 – 1/17/1980: Effective 1/17/1980)*

#### **1.04.020: QUALIFICATION OF ELECTORS**

- A. Any person shall be qualified to vote in any and all city elections provided they are a resident of the city or an area which has been annexed and certified as such by Clerk and Recorder of Powell County.

*(Ordinance 1 – 1/17/1980: Effective 1/17/1980)*

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**CHAPTER 1.06: (VACANT)**

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*(Ordinance 1 – 1/17/1980: Effective 1/17/1980)*

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## CHAPTER 1.08: GENERAL PENALTY

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### SECTIONS:

#### 1.08.010 .. GENERAL PENALTY

#### 1.08.020 .. EXECUTION OF A FINE

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#### **1.08.010: GENERAL PENALTY**

A. Whenever in any provision of this Code or other ordinance of the City any act is prohibited or is made or declared to be unlawful, a misdemeanor or an offense, or whenever in any such provision or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is otherwise provided therefor, any person upon conviction for the violation of any such provision of this Code or ordinances shall be punished by a fine not exceeding five hundred dollars (\$500.00) for the first or second like violation or in the event of a third or subsequent like violation ~~or~~ by imprisonment not to exceed six (6) months or by both such fine and imprisonment, for each such offense.

1. Each day any violation of any provision of any ordinance shall continue, shall constitute a separate offense.

~~A.~~ Provisions for first, second, third, or subsequent violations as described in A. above do not apply in the event of a continuation of offense as described in A.1. above.

B. In the construction and interpretation of this section, the revocation of a license or permit shall not be considered as a recovery or penalty so as to bar any other penalty being enforced.

*(Ordinance 1 – 1/17/1980: Effective 1/17/1980)*

#### **1.08.020: EXECUTION OF A FINE.**

A. If the judgment is for a fine alone, execution may issue thereon as on a judgment in a civil case.

B. A judgment that the defendant pay a fine may also direct that he be imprisoned until the fine be satisfied, in the proportion of one day's imprisonment for every ten dollars (\$10.00) of the fine.

*(Ordinance 1 – 1/17/1980: Effective 1/17/1980)*

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