



BROWNING, MONTANA

MUNICIPAL

CODE

ORDINANCE NO. 1

An ordinance providing for the adoption of the Browning Municipal Code of the Town of Browning, County of Glacier, State of Montana

The Browning Municipal Code shall consist of fifteen General provisions, titled as follows:

Title I	General Provisions
Title II	Administrative & Personnel
Title III	Revenue & Finance
Title IV	Water & Sewer
Title V	Business, License & Regulations
Title VI	Police and Fire
Title VII	Health & Welfare
Title VIII	Animal Control
Title IX	Public Peace, Morals & Safety
Title X	Vehicles & Traffic
Title XI	Reserved
Title XII	Streets & Sidewalks
Title XIII	Zoning

All ordinances and parts of ordinances in conflict are hereby repealed.

This ordinance was published _____ in the Glacier Reporter.

Copies of this ordinance are on file in the office of the Town Clerk for public view.

Signed _____

William S. Morris Jr., Mayor

ATTEST:

Jeri Lee M. LaTray , Town Clerk

TITLE
1
GENERAL PROVISIONS

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TITLE I

GENERAL PROVISIONS

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- 1.04 Adoption and application of code
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CHAPTER 1.04

ADOPTION AND PUBLICATION OF CODE

SECTIONS:

1.04. 010	Title and citation of code
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1.04. 030	Definitions and construction.
1.04. 040	Repeal.
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1.04. 070	Continuation of provisions.

1.04. 010 Title and citation of code. This code shall be known as the Browning Municipal Code, and it shall be sufficient to refer to this code as the Browning Municipal Code in any prosecution for the violation of any provision thereof or any proceeding at law or equity.

1.04. 020 Headings. Title, chapter and section headings contained herein shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of any title, chapter or section thereof.

1.04. 030. Definitions and construction. Unless the context otherwise requires, the following words and phrases, when used in this code, shall have the meaning and construction given in this section:

- (a) "Municipality", or "municipal" mean and refer to the Town of Browning.
- (b) "R.C.M." is the abbreviation for the Revised Code of Montana, 1947.
- (c) "Council" means the council of the Town of Browning.
- (d) "Person" means any natural person, firm, association, joint venture, joint stock company, partnership, organization, club, fraternal organization, company, corporation, business, trust, or their manager, lessee, agent, servant, officer, or employee or any of them.
- (e) "State" means the State of Montana.
- (f) "Oath" includes affirmation.
- (g) "Gender". The masculine gender includes the feminine and neuter.
- (h) "Number". The singular number includes the plural, and the plural the singular.
- (i) "Tenses". The present tense includes the past and the future tenses, and the future tense includes the present tense.
- (j) "Shall, Must and May". "Shall and Must" are mandatory; "May" is permissive.

- (k) “Title of Office”. The use of the title of any officer, employee, department, board or commission means that officer, employee, department, board or commission of the Town of Browning.
- (l) “Chief of police”. The term is synonymous with “marshal”.
- (m) “M.O.A.” is the abbreviation for the Montana Code Annotated, 2001.

1.04. 040 Repeal. All ordinances or parts of ordinances in conflict with ordinances codified herein are hereby repealed.

1.04. 050 Effect of code on past actions and obligations. Neither the adoption of this code nor the consequent repeal or amendment of any ordinance or part or portion of any ordinance of the municipality shall in any manner affect the prosecution for violations of ordinances, which violations were committed prior to the effective date hereof, nor be construed as a waiver of any license, fee or penalty due and unpaid under such ordinance, or affect the validity of any bond or cash deposit required to be posted, filed, or deposited pursuant to any such ordinance.

The repeal provided for in Section 1. 04. 040 shall not affect any ordinance or resolution promising or guaranteeing the payment of money to or by the municipality or authorizing the issuance of any bonds of the municipality or any evidence of the municipality’s indebtedness, or any contract or obligation assumed by the municipality. Such repeal shall not affect the annual tax levy; nor shall it affect any right or franchise conferred by ordinance or resolution on any person or corporation; nor shall it affect any ordinance relating to the salaries of the municipal officers and employees.

1.04. 060 Severability. If any section, subsection, sentence, clause, phrase, portion, or part of this code is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this code. The council hereby declares that it would have adopted this code and each section, subsection, sentence, clause, phrase, part, or portion thereof, whether or not any one or more sections, subsections, clauses, phrases, parts, or portions be declared invalid or unconstitutional.

1.04. 070 Continuation of provisions.

(a) Ordinances and resolutions heretofore adopted by the municipality which are not contradicted or duplicated as to subject matter by ordinances codified herein shall remain in full force and effect as laws of the municipality.

(b) The following ordinances are specifically retained as laws of the municipality, notwithstanding the adoption of this code:

Number

Subject

CHAPTER 1.08

ELECTIONS

Sections:

- 1.08.010 Elections---Terms of Office.
- 1.08.020 Registration of electors.
- 1.08.030 Residence requirements for electors.

FOR TOWNS

1.08.010 Elections---Terms of Office. Primary shall be held on the first Tuesday after the second Monday in September; General Election shall be held on the first Tuesday after the second Monday in November of every second year a municipal election shall be held, at which the qualified electors of the municipality shall elect the officers of the municipality whose terms of office will expire, with alderman to be voted for by the entire population of the municipality; the mayor to hold office for a term of four years, and until the qualification of his successor; and each alderman so elected to hold office for a term of four years, and until the qualification of his successor. M.C.A. 13-1-104, 13-1-107

1.08.020 Registration of electors. The council shall provide by ordinance for the registration of electors in the municipality, and may prohibit any person from voting at any election unless he has been registered; but such ordinance must not be in conflict with the general law providing for the registration of electors, and must not change the qualifications of electors except as allowed by Title 11 of the Revised Codes of Montana. However, when an area is annexed by the municipality after the date for registration has expired, opportunity must be provided for residents of such area to register, if otherwise qualified, for all future elections. (Derivation of section: R.C.M. §11-715, State law on registration of electors, see R.C.M. §§23-3001, et seq.)

RCM 11-715 = MCA 7-5-4403 Repealed

1.08.030 Residence requirements for electors. All qualified electors of the state who have resided in the municipality or an area which has been annexed thereto for six months and in an area which has been annexed for thirty days next preceding the election are entitled to vote at any municipal election. (Derivation of section: R.C.M. §11-716, Right to vote, see CONST. art. IX, §1, et seq.)

RCM 11-716 = MCA REPEALED

CHAPTER 1.12

ORDINANCES

Sections:

- 1.12.010 Style of Ordinance; publication.
- 1.12.020 Passage and approval of ordinances—Ordinance book.
- 1.12.030 Technical codes
- 1.12.040 Ordinance to have one subject, expressed in title.
- 1.12.050 Effective date of ordinance.

1.12.10 Style of Ordinance; publication. The style of ordinances shall be as follows: “Be it ordained by the council of the Town of Browning.” All ordinances may be published or posted, as prescribed by the council. (Derivation of section: M.C.A. 7-5-4201)

1.12.20 Passage and approval of ordinances—Ordinance book. All ordinances, by laws and resolutions must be passed by the council and approved by the mayor, or the person acting in his stead, and must be recorded in a book kept by the clerk called “the ordinance book,” and numbered in the order in which they are passed. (Derivation of section: R.C.A. 7-5-4201)

1.12.30 Technical codes. (a) The governing body of the municipality may adopt technical building, zoning, health, electrical, fire and plumbing codes in whole or in part by reference. At least fifteen days prior to final action by the council, notice of intent to adopt a technical code in whole or in part by reference shall be published in a newspaper of general circulation in the municipality and three copies of the code, or part to be adopted, shall be filed with the clerk of the municipality for inspection by the public. (b) If a technical code, or part of a code, is adopted by reference, a record in the ordinance book may be made by recording the ordinance without setting forth the provisions of the code, or part of a code, adopted.

(Derivation of section: M.C.A. 7-5-4202)

1.12.040 Ordinance to have one subject, expressed in title. Ordinances take effect from and after their passage, except as otherwise ordered, and no ordinance shall be passed containing more than one subject, which shall be clearly expressed in its title, except ordinances for codification and revision of ordinances.

(Derivation of section: M.C.A. 7-5-4203 (2))

1.12.050 Effective date of ordinance. No ordinance or resolution passed by the council of the municipality shall become effective until thirty days after its passage, except general appropriation ordinances providing for the ordinary and current expenses

of the municipality and, excepting also 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 a franchise or license to a corporation or individual, nor any provisions for the sale of real estate, nor any lease or letting of any property for a period exceeding one year, nor the purchase or sale of personal property exceeding five thousand dollars in value.

(Derivation of section: M.C.A. 7-5-4203)

CHAPTER 1.16

JURISDICTION—GENERAL PENALTY

Sections:

1.16. 010	Jurisdiction.
1.16. 020	General penalty.
1.16. 030	Judgment to pay fine constitutes a lien.
1.16. 040	Execution on fine—Imprisonment.
1.16. 050	Prisoner labor.

1.16. 010 Jurisdiction.

(a) The municipality has jurisdiction to impose penalties and fines within its corporate limits.

(b) Measures of a regulatory or penal nature may be imposed by the municipality over the territory occupied by the municipal public works, and over and along the line of reservoirs, streams, trenches, pipes, drains, and other appurtenances used in the construction and operation of such works.

(c) Ordinances to prevent and punish disturbances of the peace may be enforced within five miles of the limits of the municipality.

(d) Health and quarantine ordinances and regulations may be enforced in and over all places within five miles of the boundaries of the municipality.

(e) The police of the municipality may make arrests of persons charged with crime within the limits of the municipality and within five miles thereof, and along the line of the water supply of the municipality.

(see M.C.A. 7-4-4306, 7-32-4302, 7-5-4207, 7-32-4301, 7-13-4406 as to the permissible extent of the municipality's jurisdiction.)

1.16. 020 General penalty. Unless a different penalty is specifically provided elsewhere in this code, any person who shall violate any of the provisions of this code shall, upon conviction thereof, be punished by a fine not exceeding five hundred dollars (\$500.00) and/or imprisonment for a period not exceeding six months. Every day that a violation continues after the first day of violation shall constitute a separate offense. M.C.A. 7-5-4207.

1.16. 030 Judgment to pay fines constitutes a lien. A judgment that the defendant pay a fine or costs constitutes a lien upon the real estate of the defendant, which lien dates from the date of the defendant's arrest. M.C.A. 46-18-601.)

1.16. 040 Execution on fine—Imprisonment.

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

(b) If the judgment is for a fine and imprisonment until the fine

be paid, the defendant must be committed to the custody of the proper officer, and by him detained until the judgment is complied with. The imprisonment must not exceed one day for every ten dollars of the fine. M.C.A. 46-19-102

1.16.050 Prisoner labor. Whenever a defendant is imprisoned for the violation of any ordinance of the municipality, he may be required to labor upon the streets or do other work for the municipality under the supervision and direction of the chief of police. M.C.A. 7-32-4202, 7-32-4201.

CHAPTER 1.20

TOWN BOUNDARIES & INCORPORATION

Sections:

1.20. 010	Incorporation.
1.20. 020	Boundaries.
1.20. 030	Wards.
1.20. 040	Corporate Seal.
1.20.050	Official Town Map
1.20.060	Official Flag

1.20. 010 Incorporation. The Town of Browning is hereby declared to have been duly and legally incorporated under the laws of the State of Montana on the 1st day of December, A.D. 1919.

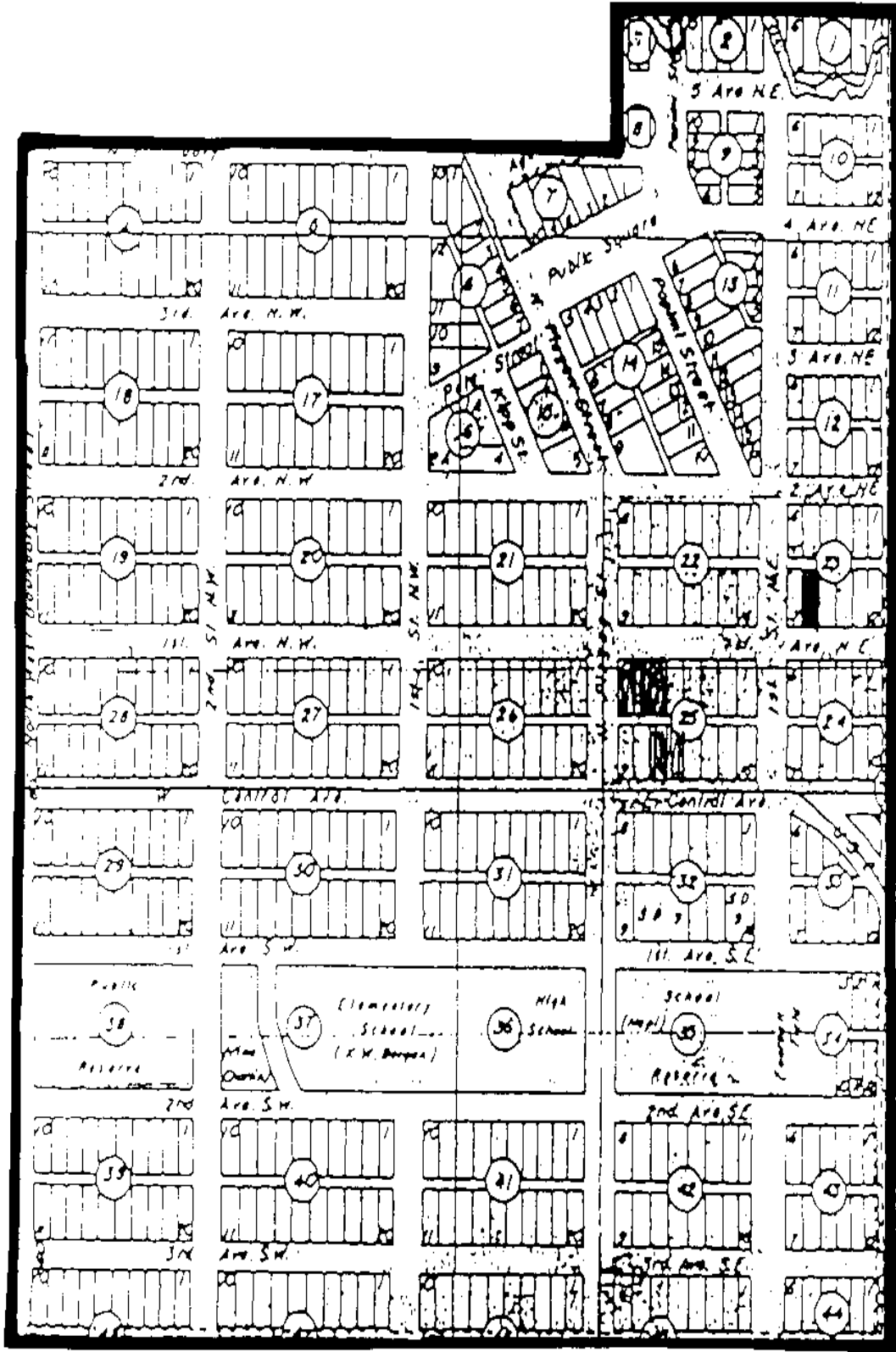
1.20. 020 Boundaries. That the boundaries of the said Town be and the same are hereby declared and described to be as follows, to wit:

Beginning at the Southeast corner of Section Three (3) thence running north 0° and 05` East 1890 feet to Monument Number Two (2), thence South 89° 59' West 858.9 feet to Number Three (3), thence South 0° 05' West 369.6 feet to Monument Number Four (4) , thence South 89° 59' West 1782 feet to Monument Number Five (5), thence South 0° 05' West 1520 feet to the Quarter Section Corner between the Southeast Quarter (SE ¼) of Section Three (3) and the Northeast Quarter (NE ¼) of Section Ten (10); thence South 0° 07' West 1320.6 feet to Monument Number Six (6) thence North 89° 56' West 2639.8 feet to Monument Number One (1), thence North 0° 06' East 1322.75 feet to place of beginning, all in Township Thirty-two (32) North of Range (11) West Montana Meridian containing in all 179.62 acres all of which more fully appears from the plat of the town site of Browning approved by the Secretary of the Interior on the 6th day of December, A.D. 1919.

1.20. 030 Wards. The Town of Browning shall not be divided into wards.

1.20. 040 Corporate Seal. The Town of Browning shall have a corporate seal of circular form capable of making an indenture of the following design: on the upper side of the outer circle shall have the words "Town of Browning" and on the lower side of the outer circle shall be the word "Montana" and across the center of the circle the words "Corporate Seal"; and the same is hereby adopted and declared to be the seal of the Town of Browning, to be used in all cases required by the law and ordinance.

1.20.50 Official Map



1.20.60

Official Flag

CHAPTER 1.24

FIRE LIMITS

Sections:

- 1.24. 010 Fire Limits.
- 1.24.015 Fire Limits Extended
- 1.24. 020 Permits and Violations.
- 1.24. 030 Buildings Requirements.

1.24. 010 Fire Limits. All portions of the Town of Browning as indicated on the "Official Map" of Browning, Montana or as described as property within the incorporated limits of the Town of Browning.

1.24.015 Fire Limits Extended. The fire limits of the Town shall be extended to include all properties within the official boundaries defining the Blackfeet Indian Reservation.

1.24. 020 Permits and Violations. That henceforth no person shall construct any building within said fire limits without having previous to the commencement of said construction obtained from the Town Council of said Town a permit authorizing such person to do so. Nor shall any person within said fire limits without having previously obtained a similar permit from said Town Council so to do, erect, rebuild or repair (beyond what is necessary to make good any natural deterioration), enlarge or add any wooden or combustible building or remove any wooden or combustible building from one lot to another within said fire limits. Any person, whether owner, lessee, contractor or laborer, who shall hereafter, in violation of the provisions of this ordinance, erect, repair, enlarge or remove any wooden or combustible building or cause the same to be done by others, shall be deemed to be guilty of a misdemeanor, and, upon conviction thereof shall be fined in any sum not less than twenty five dollars (\$25) nor more than five hundred dollars (\$500), and such building or buildings erected, enlarged or repaired or removed or altered in violation of the provisions of this ordinance, are hereby declared to be a nuisance, and it is hereby made the duty of the Town Marshall to at once give the party responsible therefore written notice requiring him to remove the same forthwith, and unless such party or parties shall begin the removal of the same and complete the same within a reasonable time, it shall be the duty of the said Marshall to proceed to remove the same and report the costs thereof to the Police Magistrate, who shall tax the same as costs in the Judgment of conviction and collect the same as the other costs are collected.

1.24. 030 Building Requirements. After the passage of this ordinance it shall be unlawful for any person to build, construct or erect any structure or building or

addition to any building within the said fire limits (with exception to the extended fire limits), which does not meet the State of Montana fire codes for building construction..