

**CITY CODE**  
of  
**BELGRADE**  
**MONTANA**

**2009**



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## **PREFACE**

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This city code of the city of Belgrade contains ordinances up to and including ordinance 2008-3, passed November 3, 2008, and resolution 2007-2, passed February 5, 2007. Ordinances and resolutions of the city adopted after said ordinance and resolution supersede the provisions of this city code to the extent that they are in conflict or inconsistent therewith. Consult the city office in order to ascertain whether any particular provision of the code has been amended, superseded or repealed.

Sterling Codifiers, Inc.  
Coeur d'Alene, Idaho

**CITY OF BELGRADE,  
MONTANA**

**ADMINISTRATIVE CODE**

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ADMINISTRATIVE CODE OF THE  
CITY OF BELGRADE

ARTICLE I

GENERAL PROVISIONS

The city adopted a manager/mayor/council form of government with self-government powers effective July 1, 1987. This charter mandated that an administrative code be adopted. The following administrative code shall serve as a complete plan of the organization and structure of the government with all required rules and procedures for the city's operation.

1.01. Effective Date

This administrative code shall take effect thirty (30) days after final passage.

1.02. Severability

If any portion of this administrative code is held invalid, the remaining provisions of this administrative code shall not be affected thereby. If the application of this administrative code, or any part of its provisions, to any persons or circumstances is held invalid, the application of the administrative code and its provisions to other persons or circumstances shall not be affected thereby.

ARTICLE II

ADMINISTRATIVE STRUCTURE

The charter of the city requires a distinct separation between the legislative and administrative functions of government. The legislative and policy making function is provided by an elected mayor and six (6) elected members of the city council. The administrative function consists of a manager as the chief executive officer of the city and seven separate departments. In addition, legal services are provided on a contract basis. Noncompensated boards serve in advisory, administrative, and regulatory capacities.

## 2.01. Legislative

### A. Mayor:

1. Qualifications And Term Of Office: The mayor must reside within the corporate limits of the city and must be a qualified voter within the city. The mayor shall be elected every two (2) years at large and on a nonpartisan basis.

2. Duties: The mayor shall preside at all meetings of the council and vote only in case of a tie. He/she shall appoint all members of boards and commissions with the consent of the council. The mayor shall be recognized as head of city government for all ceremonial purposes and public statements, or may delegate this duty.

3. Compensation: The mayor shall receive fifty dollars (\$50.00) for each regularly scheduled meeting attended. Said salary shall be paid quarterly for attendance at regularly scheduled meetings in the preceding quarter. The mayor shall be reimbursed for actual and necessary expenses incurred in the performance of his/her duties. The mayor may receive per diem and mileage allowances as established for state officials in lieu of such expenses.

4. Vacancy: In the event a vacancy shall exist in the office of the mayor, the council, by majority vote, shall fill the vacancy within sixty (60) days with a qualified voter, until the next regular city election.

5. Absences: A mayor shall forfeit his/her office if he/she loses eligibility of election, violates any expressed provision of the charter, is convicted of a felony, or fails to attend three (3) consecutive regularly scheduled city council meetings without council approval. Approval may be obtained by contacting the city office, the manager, or a council person prior to the meeting.

### B. City Council:

1. Number, Qualifications, And Term Of Office: There shall be a city council of six (6) members. Two (2) members shall be elected from each of three (3) wards within the city. To qualify for a position on the city council, the individual must reside within the ward they represent and be a qualified voter of the city of Belgrade. Members of the council shall be elected to four (4) year terms on a nonpartisan basis.

2. Duties: The council shall be the legislative and policy determining body of the city of Belgrade. The council shall provide for the exercise of all powers of the city and for the performance of all duties and obligations imposed on the city by law. In addition, the council shall appoint and remove the city manager by majority vote. The council shall provide for an independent annual audit of the city's accounts, or additional audits as may be deemed necessary. The council shall adopt an administrative code. The council may make investigations into the affairs of the city and the conduct of any city department, office, or agency, and for this purpose may subpoena witnesses, administer oaths, take testimony, and require the production of evidence.

3. Compensation: The council shall receive fifty dollars (\$50.00) for each regularly scheduled meeting attended. Said salary shall be paid quarterly for attendance at regularly scheduled meetings in the preceding quarter. The council members may receive their actual and necessary expenses incurred in the performance of their duties of office, or may receive per diem and mileage in lieu of such expenses.

4. Deputy Mayor: The city council shall, at their first meeting in January each year, elect a deputy mayor from its members to preside at city council meetings in the absence of the mayor. The deputy mayor may vote on all issues brought before the council.

5. Vacancy: In the event of a vacancy, the council shall, within sixty (60) days, by majority vote of the remaining members, appoint a person eligible to hold a council seat, to serve until the next regularly scheduled election, at which time the remainder of the term shall be filled as required by law.

6. Absences: A council member shall forfeit his/her office if he/she loses eligibility of election, violates any expressed provision of the charter, is convicted of a felony, or fails to attend three consecutive regularly scheduled city council meetings without council approval.

7. Nepotism: Public law regarding nepotism shall apply to council members.

C. Council Meetings:

1. Regular Meetings: The regular scheduled meetings of the city council will be held on the first and third Mondays of every month at seven o'clock (7:00) P.M. Meetings shall be held in the city council

chambers, 91 East Central, unless previously scheduled and advertised to be held in an alternate location. If the Monday is a legal holiday, the meeting shall be held the following Tuesday.

2. Special Meetings: The mayor, any two (2) members of the council, or the city manager may call a special meeting of the city council by providing at least twelve (12) hours' notice, in writing, and personally serving notice to every member of the council, or leaving notice at his/her usual place of residence.

3. Public Hearings: Public hearings shall be conducted at regular or special meetings of the council. The purpose of the hearing is to give the public the opportunity to participate prior to final decisions. The hearing should provide for written and oral presentation of testimony. All testimony, including letters and petitions, shall be entered into the minutes of the meeting. The hearing may be adjourned to the next day or a future date. The public shall be informed of such hearings by advertisement in a newspaper of general circulation and by posting of such notices.

D. Agenda:

1. Content: The city manager is responsible for determining the content of the council agenda. The mayor or members of the council may submit items for the agenda to the manager or director of finance on or before twelve o'clock (12:00) noon on Wednesday prior to the meeting. Members of the public wishing to have items on the agenda must submit the request to the manager on or before twelve o'clock (12:00) noon on Wednesday prior to the meeting.

2. Format: The council agenda will maintain the format as indicated on attached exhibit A.

3. Meeting Notice And Agenda Distribution: The agenda will be mailed or delivered to the mayor, city council, and department heads on or before five o'clock (5:00) P.M., Friday before regular meetings. The public may obtain agendas at the office of the director of finance.

E. Conduct Of Meeting: At the designated time, the mayor shall call the meeting to order. If a quorum is present, the meeting shall proceed following the format outlined in the agenda. If a quorum is not present, the mayor shall order a recess for fifteen (15) minutes to attempt to secure a quorum. If no quorum exists after the recess, the mayor shall adjourn the meeting.

- F. Participation At Meetings: City employees and the public at large are entitled to express themselves at any council meeting except as provided by law. Participation, however, shall be limited to the times provided for discussion of individual items on the discussion agenda, and only prior to any vote taken on the item of discussion. The public has an opportunity to address the council concerning areas not included on the discussion agenda during the public forum sections of the agenda.
- G. Executive Session: The council may hold executive sessions that are not open to the public only in accordance with state law. Action on any matter shall be taken in open session and recorded in the minutes.
- H. Minutes: Appropriate minutes of all meetings, required to be open to the public, shall be kept and be made available for public inspection. The minutes shall include the date, time and place of the meeting, a list of the council members as well as citizens in attendance. Also included shall be the substance of all items proposed, discussed, or decided and a record of any votes taken. Discussion and voting on resolutions and ordinances shall be included in the minutes, however, the resolution and/or ordinance shall be maintained separately.

## 2.02. Administrative

### A. Manager:

1. Appointment And Removal: The city council shall appoint the manager for an indefinite term, based on merit, only by majority vote. The council, by majority vote of its members, may remove the manager at any regularly scheduled council meeting.

2. Compensation: The council shall set the salary and benefits of the manager.

3. Duties: The city manager is the chief administrative officer of the city of Belgrade. He/she is responsible to the council for the administration of all city affairs. The city manager shall:

a. Direct and administer all city departments, agencies, and offices except as provided by charter, law, ordinance, or resolution.

b. Carry out policies established by the council.

- c. Prepare council agendas.
- d. Report and recommend measures on the affairs and financial condition of the city as required by the council.
- e. Execute bonds, notes, contracts, and written obligations of the council, subject to the approval of the council.
- f. Attend council meetings and participate in the discussion, but may not vote.
- g. Prepare and present the budget to the council and execute the budget adopted by the council.
- h. Appoint, suspend, temporarily transfer if necessary, supervise and remove all employees of the city except as provided by law, ordinance or resolution. Employees appointed by the manager and his/her subordinates shall be administratively responsible to the manager.
- i. Submit recommended changes to the administrative code and the personnel system to the council.
- j. The city manager may not delegate any of the duties or responsibilities without consent of the council.

### 2.03. Departments

The following departments shall be under the supervision of the manager: finance department, police department, department of public works and fire department. Each department shall have a supervisor, appointed by the manager on the basis of training and qualifications. Department supervisors shall serve at the pleasure of the manager:

#### A. Finance Department:

- 1. Responsibilities: The finance department shall be responsible for the administration of the following:
  - a. Assist the manager in the preparation of the budget.
  - b. All activities of the government pertaining to the receipt, expenditure, accounting, investment, custody, and control of all

funds and assets of the city except those activities expressly charged by law or ordinance to another department.

c. Maintain all records of the city including minutes of all council meetings.

d. Coordinate all utility billing and collection procedures.

e. Coordinate with county election office for all city elections.

f. Administer any grants received by the city.

2. Supervisor: The director of finance shall be responsible for supervision of the finance department.

B. Department Of Public Works:

1. Responsibilities: The department of public works shall be responsible for the following:

a. Planning, construction and maintenance of streets, curbs, gutters and storm drainage.

b. Installation and maintenance of traffic control devices.

c. Development and maintenance of water supply system.

d. Sewage collection and disposition.

e. Maintenance of public rights of way.

f. Maintenance of city buildings and property.

g. Construction and maintenance of public parks and recreation facilities.

h. Enforcement of building codes adopted by the city.

2. Supervisor: The public works director will be responsible for supervision of the public works department.

C. Police Department:

1. Responsibilities: The police department shall be responsible for the following:

a. Law enforcement services including, but not limited to the arrest and subsequent bringing before the appropriate court all persons charged with the violation of the law or ordinance.

b. Provide protective patrol of the city.

c. Initiate criminal investigations.

d. Perform traffic control.

e. Transport prisoners to jail facilities.

f. Serve legal processes of court including warrants and subpoenas.

2. Supervisor: The chief of police shall be responsible for supervision of the police department.

D. Fire Department:

1. Responsibilities: The Central Valley Fire District volunteer fire department shall be responsible for the following:

a. Fire prevention, fire control and firefighting within the city.

b. The maintenance of city firefighting equipment and facilities.

c. The enforcement of applicable fire codes within the city.

2. Supervisor: The fire chief is responsible for the supervision of the fire department.

E. Other Departments In The City: The city shall have the following departments responsible to the manager and council through law, contract, or supervisory board.

F. Library:

1. Responsibilities: The library shall be responsible for the following:

a. Administration of all library services including, but not limited to the purchase of books and periodicals.

b. Cataloging all library materials, maintaining a system to provide services to the Belgrade community.

c. Maintenance of facilities, equipment, books, and periodicals.

2. Supervisor: The librarian shall be responsible for the supervision of the library.

G. City-County Planning:

1. Responsibilities: The city-county planning department shall be responsible for the following:

a. Enforcement of the zoning ordinance within the zoning jurisdiction.

b. Subdivision review within the city and the city-county planning area.

c. Recommending changes in the zoning code and/or growth policy to the city council.

d. Preparation of grant applications for the city.

2. Supervisor: The city planner will be responsible for supervision of the city-county planning department.

H. City Court:

1. Responsibilities: The city court is responsible for the following:

a. To hear and determine all cases that may be instituted in the city court under the ordinances of the city in compliance with Montana Code Annotated.

b. To collect and account for all fines and pay such fines monthly to the director of finance.

c. To hear and determine any civil cases initiated in the court.

d. Maintain a list of prospective jurors. Draw from and notify those individuals on the list for trials requiring a jury.

2. Judge's Appointment, Term: The city judge shall be appointed by the manager, approved by the council for a term of four (4) years. The judge shall be responsible for the supervision of the city court.

I. City Attorney:

1. Duties: The city attorney is responsible for the following:

a. Attend before the city court and other courts and prosecute on behalf of the city.

b. Draw ordinances, contracts, and resolutions for the city's use.

c. Provide opinions on questions concerning duties, rights, liabilities, and powers of the city.

d. Perform other duties as assigned and/or requested by the manager or council.

2. Attorney's Appointment, Term: The city attorney shall be appointed by the manager with consent of the council for a two (2) year term.

2.04. Boards, Commissions And Committees

A. Administrative Boards: Administrative boards have been established to perform functions given to them through law, ordinance, charter or this code.

1. Belgrade City-County Planning Board: A nine (9) member board with four (4) members appointed by the mayor with council approval, and four (4) members appointed by the county commissioners. The ninth member is a member at large from either the city or the county area, and agreed upon by the council and the commissioners.

a. Duties: The planning board shall oversee the city-county planning activities, make recommendations on budgets, hold all necessary public hearings, make recommendations to the council and the commissioners regarding zoning amendments, subdivisions, conditional uses, and the city-county master plan.

b. Compensation: The board shall serve without compensation.

c. Term Of Office: Board members shall be appointed for two (2) year terms.

2. Library Board: A five (5) member board appointed by the mayor and approved by the city council. Four (4) members must reside

within the city. The fifth member shall live in the area out of the corporate limits of the city and within School District 44 limits.

a. Duties: The library board is responsible for overseeing the library operations, establishing budget recommendations to the manager and setting policy for the library.

b. Compensation: The library board serves without compensation.

c. Term Of Office: Board members serve for a term of five (5) years.

3. Police Commission: A three (3) member board appointed by the mayor and approved by the council. Members shall be qualified electors and cannot be employees of the city of Belgrade.

a. Duties: It is the duty of the commission to examine all candidates recommended by the chief of police for a position as a police officer and make a recommendation for hiring to the city manager.

It is also the duty of the commission to hear, try, and decide all charges brought by any person or persons against any member or officer of the police department as defined in Montana Code Annotated section 7-32-4155.

b. Compensation: Commission members will serve without compensation.

c. Term Of Office: Police commission members shall serve three (3) year terms.

4. Board Of Adjustment: The board of adjustment is a seven (7) member board appointed by the mayor and approved by the council.

a. Duties: The board of adjustment will hear and decide requests for variances from the city zoning ordinance in accordance with powers granted to them by the ordinance and Montana Code Annotated section 76-2-321.

b. Compensation: The board of adjustment members shall serve without compensation.

c. Term Of Office: Members of the board of adjustment shall serve three (3) year terms.

B. Nonadministrative Boards And Committees:

1. Park And Recreation Board: The six (6) members of the park and recreation board are appointed by the mayor with the consent of the council.

a. Duties: The park and recreation board shall make recommendations to the manager and council in the areas of new park development, park improvements and upkeep, recreation programs and park and recreation budgets.

b. Compensation: The board members shall serve without compensation.

c. Term Of Office: The five (5) citizen members of the board shall serve two (2) year terms. The city council representative to the board shall serve a one year term.

2. Revolving Loan Fund Review Committee: The eight (8) member committee includes members from the following:

a. Membership:

Two (2) city elected officials.

Two (2) members of the Belgrade chamber of commerce.

One member of the financial profession.

One member of the Belgrade development corporation.

Two (2) members from the Belgrade community.

City manager (ex officio).

All members shall be appointed by the mayor with council approval.

b. Duties: The committee shall review applications for loans from the city's revolving loan fund, and make the following recommendations to the city council:

(1) If the loan should be approved.

(2) Conditions of the loan including, term of loan, interest rate, collateral position.

c. Compensation: Committee members shall serve without compensation.

d. Term Of Office: Members have no set term. (Ord. 92-2, 5-18-1992)

### 3. Impact Fee Advisory Committee<sup>1</sup>:

a. Established: City resolution 2006-2 establishes the impact fee advisory committee in the city.

b. Appointment: The city council shall appoint seven (7) members to serve on the impact fee advisory committee.

c. Membership: The committee shall include the city manager, city finance director, a certified public accountant, a member of the building or land development industry and three (3) citizens not employed in the building or development industry.

d. Terms: The terms of the impact fee advisory committee members shall be two (2) years after the initial staggered terms.

e. Duties: The duties of the impact fee advisory committee shall be to study and to advise the city council regarding the process of calculating, assessing and spending the impact fees. (Ord. 2008-2, 11-3-2008)

### 4. Tree Board<sup>2</sup>:

a. Established: The city tree board has been established by ordinance 2007-9.

b. Recommendations: The park and recreation board shall recommend members of the tree board to the city council.

c. Appointment: The city council shall appoint three (3) members to serve on the tree board.

d. Terms: The terms of the three (3) board members shall be two (2) years after the initial staggered terms.

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1. See also section 1-8B-5 of this code.

2. See also section 3-4-2 of this code.

e. Duties: The duties of the tree board shall be to study, investigate, counsel, develop and administer a plan for the care and preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and other public areas and present the plan to the city council for acceptance and approval. (Ord. 2008-3, 11-3-2008)

### ARTICLE III

#### CAPITALIZATION POLICY FOR FIXED ASSETS

##### 3.01. Fixed Assets

This policy establishes the criteria for capitalizing a fixed asset, as well as the distinction between the treatment of maintenance costs versus additions, betterment, and extraordinary repairs.

- A. Fixed Asset: A fixed asset is property that meets all of the following requirements:
  - 1. Must be tangible in nature.
  - 2. Must have a useful life of longer than the current fiscal year.
  - 3. Must be of significant value.
- B. Method Of Acquisition: Fixed assets may be acquired through donation, purchases, or may be self-constructed.
  - 1. Donations: The asset value for donations would be the fair market value at the time of the donation.
  - 2. Purchases: The asset value when purchased, is the initial cost plus the original cost of the old asset given up, plus all costs of placing the asset into operation. When the original cost of the old asset is unknown, use the secondhand market price of the old asset.
  - 3. Self-Constructed: The cost of the self-constructed assets should include both the materials used and the cost of labor involved in the construction of the asset.
- C. Values Of Assets: The core of the capitalization policy is the establishment of significant values for the different classes of assets.

1. Determination Of Significant Values: The following values shall be used for determining significant values when capitalizing fixed assets:

<u>Class Of Fixed Asset</u>	<u>Significant Value</u>
Equipment and machinery	\$1,000.00
Buildings	1,000.00
Improvements other than buildings	1,000.00
Land	All

2. Cost Below Significant Value: All machinery, equipment, buildings, and improvements other than buildings, that have a cost below these significant values should be expensed at the time of purchase.

### 3.02. Maintenance Costs

Maintenance costs are those expenditures which are necessary to keep an asset in its intended operating condition but which do not materially increase the value or physical properties of the asset. Maintenance costs shall not be capitalized and shall be charged against the appropriate expenditure account in the current period.

### 3.03. Additions To Assets

Additions refer to a physical extension of an existing asset or the acquisition of an entirely new asset which does not replace an existing asset. Additions should be capitalized at cost when acquired or when construction is completed; provided, that they are tangible in nature have a useful life of greater than one year, and are of significant value.

### 3.04. Betterment Of Assets

Betterment exists when a part of an existing asset is replaced by another, and the replacement provides a significant increase in the life or value of the asset. The amount to be capitalized when a betterment is determined should be the difference between the cost of the new asset and the cost of the asset it replaces.

### 3.05. Extraordinary Repairs

Extraordinary repairs are those necessary costs related to the repair of a substantial part of an asset. If adequate records are maintained or where depreciation is not a factor, the cost of the replaced parts should be removed from the asset account, along with any depreciation and the new part(s) added to the asset account inclusive of the entire cost related to repairs. If depreciation has been used and there are inadequate records, then charging of the entire cost of repair to the accumulated depreciation account is acceptable. (Ord. 92-2, 5-18-1992; amd. Ord. 2004-4, 4-5-2004; 2009 Code)

## ARTICLE IV

### SOCIAL SECURITY

#### 4.01. Agreement To Participate

In 1954, the city filed a plan and agreement with the public employees retirement division (formerly the state board of equalization) to extend coverage to employees and officers of the city under the old age and survivors insurance system and made the necessary appropriation of funds for such coverage. (1983 Code § 1.12.010)

#### 4.02. Payroll Deductions And Contributions

The director of finance is hereby authorized to establish a system of payroll deductions to be matched by payments by the city to be made into the contribution fund of the social security act through the public employees retirement division, and to make charges of this contribution to the fund or funds from which wages or salary payments are issued to employees of the city. Such payments shall be in accordance with the provisions of the federal insurance contribution act on all services which constitute employment within the meaning of that act. Such payments shall be due and payable at such times as established by the public employees retirement division. (1983 Code § 1.12.020)

**EXHIBIT A**

**AGENDA  
BELGRADE CITY COUNCIL MEETING  
COUNCIL CHAMBERS  
Date of Meeting  
7:00 P.M.**

1. CALL TO ORDER
    - ..... Pledge
    - ..... Roll Call
    - ..... Approve Minutes
  2. PUBLIC FORUM
  3. PUBLIC HEARING
  4. REPORTS
    - ..... Mayor
    - ..... City Attorney
    - ..... City Manager
  5. DISCUSSION AGENDA
    - .....
    - .....
    - .....
  6. CONSENT AGENDA
    - .....
    - .....
  7. FOR YOUR INFORMATION
    - .....
    - .....
  8. ADJOURN
- Next resolution number \_\_\_\_\_  
Next ordinance number \_\_\_\_\_

This meeting is being tape recorded.

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