



**ORDINANCE NO. 2010-4**

**AN ORDINANCE AMENDING TITLE 10, CHAPTER 2, SECTION 10-2-2 OF THE CITY CODE OF THE CITY OF BELGRADE TO EXPAND THE DEFINITION OF PROHIBITED USES TO STATE NO USE OF ANY PROPERTY OR STRUCTURE IN ANY DISTRICT SHALL BE PERMITTED OR CONDITIONALLY PERMITTED THAT IS IN VIOLATION OF FEDERAL, STATE, OR LOCAL LAW**

WHEREAS, the City of Belgrade pursuant to 76-2-301 Mont. Code Ann., as a duly formed municipality of the State of Montana, is authorized to regulate land uses within its zoning jurisdiction for the purpose of promoting health, safety, morals, or the general welfare of the community; and

WHEREAS, the Belgrade Zoning Ordinance, regulating land use within the City of Belgrade Zoning Jurisdiction was codified within Title 10 within the City Code of Belgrade; and

WHEREAS, the Belgrade City-County Planning Board, after notice was given, conducted a public hearing and recommended that the Belgrade City Council prohibit medical marijuana uses that are in violation of federal law; and

WHEREAS, it is the finding of the Belgrade City Council that it is in the best interests of the city, its zoning jurisdiction, and its citizens and for the purpose of promoting health, safety, morals and general welfare of its citizens that land uses that are in violation of federal, state, or local law should not be permitted or conditionally permitted with the city's zoning jurisdiction; and

WHEREAS, Ordinance 2010-2 shall be repealed on the effective date of this ordinance.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BELGRADE THAT SECTION 10-2-2 OF THE CITY CODE REGARDING PROHIBITED USES SHALL READ AS FOLLOWS (amendment is underlined):

PROHIBITED USES: In specific districts, prohibited uses are those uses not specifically enumerated as permitted uses. Prohibited uses are listed in this title for the purposes of clarity and emphasis only. Prohibited uses mentioned include, but are not limited to, the enumerated prohibited uses. No use of any property or structure in any district shall be permitted or conditionally permitted that is in violation of federal, state or local law.

Ordinance 2010-2 is repealed on the effective date of this ordinance.

Passed the first reading on this 7th day of June, 2010.

**PASSED, ADOPTED, AND FINALLY APPROVED** by the City of Belgrade, Montana on the second reading at a regular session held on this 6<sup>th</sup> day of July, 2010.



Russell C. Nelson, Mayor

Attest:

Marilyn Foltz, Director of Finance and Records