

TITLE 1

ADMINISTRATION

Subject	Chapter
Thompson Falls City Code	1
Saving Clause	2
Definitions	3
General Penalty	4
City Officers And Employees	5
City Clerk-Treasurer	5A
General And Corporate Provisions	6

CHAPTER 1

THOMPSON FALLS CITY CODE

SECTION:

1-1-1:	Title
1-1-2:	Acceptance
1-1 -3:	Amendments

1-1-1: TITLE: This compilation , revision and codification of the general ordinances of the city of Thompson Falls is hereby declared to be and shall hereafter constitute the official code of general ordinances of the city of Thompson Falls, Montana. (1985 Code § 1.00 .01)

1-1-2: ACCEPTANCE: This code shall hereafter be known as and referred to as the official code of the city of Thompson Falls , Montana, 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 Thompson Falls in all courts and administrative tribunals of this state. (1985 Code § 1.00.02)

1-1-3: AMENDMENTS: Any ordinance amending this code shall set forth in full the section or sections of the code being amended , and this shall constitute a sufficient compliance with any statutory requirement that no ordinance or any section thereof shall be revised or amended unless the new ordinance sets forth the revised ordinance or amended section in full. (1985 Code § 1.00.03)

- B. Liability Of Employers And Agents: When the provisions herein contained prohibit the commission or omission of any act, not only the person actually doing the prohibited thing or omitting the directed act, but also the employer and all other persons concerned in aiding or abetting the person shall be guilty of the offense described and liable to the penalty set forth . (1985 Code § 1.00.05)

CHAPTER 2

SAVING CLAUSE

SECTION:

- 1-2-1 : Repealing Ordinance; Effect
- 1-2-2: Constitutionality
- 1-2-3: Rules For Construction

1-2-1: REPEALING ORDINANCE; EFFECT:

The repeal of ordinances as provided shall not affect any right which has accrued, any duty imposed, any penalty incurred, or any action or proceeding as commenced under or by virtue of the ordinance repealed, or the tenure of office of any person holding office at the time when they take effect; nor shall the repeal of any ordinance thereby have the effect of reviving any ordinance therefor repealed or superseded. (1985 Code § 1.00.04)

1-2-2: 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 code. (1985 Code § 1.00.05)

1-2-3: RULES FOR CONSTRUCTION: 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:

- A. 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 any intent appears to defraud any person, association or body politic or any combination of persons.

CHAPTER 3

DEFINITIONS

SECTION:

- 1-3-1: Construction Of Words
- 1-3-2: Definitions, General

1-3-1 : CONSTRUCTION OF WORDS:

- A. The singular number includes the plural.
- B. Words used in the present include the future.
- C. Words used in the masculine gender include, as well, the feminine and neuter.
- D. 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. (1985 Code § 1.00.05E)

1-3-2: DEFINITIONS, GENERAL: Whenever the following words or terms are used in this code, they shall have such meanings herein ascribed to them, unless the context makes such meaning repugnant thereto:

CHIEF OF POLICE: The city marshal or other designated officer.

CITY OR TOWN: The city of Thompson Falls, county of Sanders, state of Montana.

CLERK-TREASURER: The city clerk or city treasurer of the city of Thompson Falls as the case may be applicable .

COUNCIL: The city council of the city of Thompson Falls.

DAY:	Any twenty four (24) hour period from twelve o'clock (12:00) midnight to twelve o'clock (12:00) midnight.
DEPOSE :	Every mode or oral statement under oath or affirmation.
KNOWINGLY:	Imparts a knowledge that the fact exists which brings the act or omission within the provisions of this code. It does not require any knowledge of the unlawfulness of such act or omission.
LAND , REAL ESTATE AND REAL PROPERTY:	Includes lands, tenements, hereditaments , water rights, possessory rights and claims.
MAY:	Is discretionary.
NEGLECT, NEGLIGENCE, NEGLIGENTL Y:	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 .
OATH:	Includes affirmation.
OCCUPANT OR TENANT:	As 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 .
OFFICERS:	Includes officers and boards in . charge of departments and the members of such boards of the city of Thompson Falls . .
OFFICIAL TIME:	Standard time in city of Thompson Falls.
OWNER:	As 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 .
PERSON :	Includes bodies politic and corporate, partnerships , associations and corporations .

PERSONAL
PROPERTY:

Includes every description of money, goods, chattels , effects, evidence of rights in 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.

PROPERTY:

Includes both real and personal property.

PUBLIC
THOROUGHFARE:

Includes streets , alleys, lanes , courts , boulevards , public ways, public squares , public places and sidewalks .

QUARTER:

Any three (3) month period , ending with the last day of March, June , September and December.

SHALL:

Is mandatory.

SIGNATURE:

Includes any name, mark or sign written with the intent to authenticate any instrument of writing .

SWEAR:

Includes affirm.

WILFULLY:

When applied to the intent with which an act is done or omitted, implies simply a purpose or willingness to commit the act or make intent to violate law or to injure another or to acquire an advantage.

WORK MONTH:

A calendar month unless otherwise expressed.

YEAR:

Anyone calendar year unless otherwise expressed . (1985 Code § 1.00.05E)

CHAPTER 4

GENERAL PENALTY

SECTION:

1-4-1: General Penalty

1-4-1 : GENERAL PENALTY:

- A. Penalty: 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) or by imprisonment not to exceed six (6) months , or both such fine and imprisonment for each such offense. Each day any violation of any provision of any ordinance shall continue shall constitute a separate offense.

- B. Construction; Interpretation: 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. (1985 Code § 1.04.01)

CHAPTER 5

CITY OFFICERS AND EMPLOYEES

SECTION:

- 1-5-1: Elective And Appointive Officers
- 1-5-2: Salaries And Bonds
- 1-5-3: Indemnification

1-5-1: ELECTIVE AND APPOINTIVE OFFICERS:

- A. Elected Officers: The elected officers of the city shall be: one mayor of the city and two (2) aldermen from each ward as provided by law. (1985 Code § 2.02.01)
- B. Appointed Officers: The appointed officers of the city shall consist of one city clerk-treasurer, one city attorney, one city judge, a chief of police, and a superintendent of streets and water, and such other officers as the council may from time to time create or authorize, or as may be allowed by law and authorized by the council, who shall be appointed by the mayor, with the advice and consent of the city council. (1985 Code § 2.02 .02)
- C. Qualifications: All elective and appointive officers of the city shall possess such qualifications as from time to time provided by the Montana state statutes. (1985 Code § 2.02.03)
- D. Duties: The duties of the elective and appointive city officers shall be as provided by the Montana state statutes, and if no such provision is made in said statutes, then as appropriately directed by the mayor and city council. (1985 Code § 2.02 .04)

1-5-2: SALARIES AND BONDS:

- A. Salaries: The salaries of the officers and employees of the city shall be set by resolution of the city council. (1985 Code § 2.00.01)

1-5-2

1-5-3

- B. Bonding Of Officers: The city officers shall be bonded for the faithful performance of their duties; said bond to be executed by a duly authorized surety company, the premiums thereon to be paid by the city. (1985 Code § 2.00.02)

1-5-3: INDEMNIFICATION: In any civil action brought against any public official or employee of the city alleging a violation of initiative 75, the city shall defend the action on behalf of the official or employee and indemnify the official or employee for any liability resulting from the alleged violation of initiative 75. (Ord . 320, 1-1999)

1-5A-1

1-5A-1

CHAPTER 5

CITY OFFICERS AND EMPLOYEES

ARTICLE A. CITY CLERK-TREASURER

SECTION:

1-5A-1 : Offices Consolidated

1-5A-1: OFFICES CONSOLIDATED: The office of city treasurer and the office of city clerk be, and the same are hereby consolidated and shall be held by one person who shall perform all of the duties pertaining to that of city clerk and that of city treasurer. (1985 Code § 2.06.01)

CHAPTER 6

GENERAL AND CORPORATE PROVISIONS

SECTION:

- 1-6-1: Wards
- 1-6-2: Ordinances
- 1-6-3: Elections

1-6-1: **WARDS:** The territory embraced and included within the corporate limits of the city shall be and the same is hereby divided into three (3) wards which wards are bounded and described as follows:

- A. Ward One: Beginning at the intersection of the centerline of Spruce Street with the northerly city limits ; thence southerly along the centerline of Spruce Street to its intersection with the northerly line of Preston Avenue; thence southeasterly to the intersection of the southerly line of Main Street with the centerline of Mill Street; thence southerly along the centerline of Mill Street to its intersection with the southerly city limits.
- B. Ward Two: Beginning at the intersection of the centerline of Woodland Street with the northerly city limits; thence southerly along the centerline of Woodland Street to its intersection with the northerly line of Preston Avenue; thence southerly to the intersection of the southerly line of Main Street with the East line of Block 14 of the Original Townsite of Thompson Falls; thence southerly along the East line of said Block 14 to its intersection with the southerly city limits.
- C. Ward Three : All that territory within the corporate limits of the city lying easterly of the easterly line of Ward Two as above described. (1985 Code § 1.02.01)

1-6-2

1-6-3

1-6-2: ORDINANCES:

- A. Passage: Passage of ordinances shall be in accordance with the provisions of the Montana state statutes . (1985 Code § 1.06.01)

- B. Posting : It is the duty of the city clerk-treasurer, upon passage and approval of any ordinance , to forthwith post copies of the same in three (3) public places within the city as designated in the council procedures, and such posting shall be a sufficient posting or publication of such ordinances unless otherwise specially ordered by the council. (1985 Code § 1.06.02; amd. 2010 Code)

1-6-3: ELECTIONS:

- A. Elections In Accordance With State Statutes: All primary and general elections shall be held in accordance with the statutes of the state of Montana . (1985 Code § 1.08.01)

- B. Qualification Of Electors: Any person shall be qualified to vote in any and all city elections provided he is a resident of the city or any area which has been annexed and certified as such by the clerk and recorder of Sanders County. (1985 Code § 1.08.02)