

Title 1

GENERAL PROVISIONS

Chapters:

1-1 Seal

1-2 Publication of Ordinances

1-3 Contracts

1-4 Wards

1-5 Elections

1-6 Meetings of the Town Council

1-7 General Penalty

Chapter 1-1

SEAL

Sections:

1-1-1 Description of Seal

1-1-1 Description of Seal. The Town of Alberton shall have a corporate seal of circular form, capable of making an indenture of the following description: On the upper side of the outer circle thereof shall be the words, "TOWN OF ALBERTON", and on the lower side of the outer circle thereof shall be the words, "STATE OF MONTANA", and across the center of the inner circle thereof shall be the words, "CORPORATE SEAL": and the same is hereby adopted and declared to be the seal of the Town of Alberton, to be used in all cases required by law or ordinance.

Chapter 1-2

PUBLICATION OF ORDINANCES

Sections:

- 1-2-1 Introduction
- 1-2-2 Passage and Posting

1-2-1 Introduction. Whenever an ordinance or resolution in the nature of an ordinance is introduced it shall not be put upon its passage until the next regular meeting, except by unanimous consent of the members of the Council. Provided, this rule shall not apply to annual appropriation ordinances or ordinances levying taxes for which the time of passage is fixed by law, or ordinances and resolutions levying special assessments for improvements at the time of passage of which due notice has been given as required by law.

1-2-2 Publication of Ordinances and Notices. Whenever notice of Town Council Meetings of hearings is required, such notice shall be posted in the following public places for two successive weeks.

- A. Alberton Town Hall (Front Door)
- B. Post Office (Bulletin Board)
- C. Valley Grocery (Bulletin Board)
- D. Sidetrack Café (Bulletin Board)

Note: C. and D. may need to be amended for changes in name or replaced by more appropriate places, as they become available.

AMENDMENTS: Deleted 1-2-2 Read: 1-2-2 Passage and Posting. *Every ordinance shall as soon as practicable after its passage be published by posting at Post Office in said Town for (2) successive weeks.* Now reads: as above. **Resolution #158 8/26/97.**

Chapter 1-3

CONTRACTS

Sections:

- 1-3-1 Responsible Bidder
- 1-3-2 Desires and Orders of Contracts
- 1-3-3 Publish Notice
- 1-3-4 Duplication of Contract
- 1-3-5 Rejection of Bids
- 1-3-6 Certified Check of Each Bid
- 1-3-7 Fund of Bidder

1-3-1 Responsible Bidder. All contracts for work or supplies or materials must be let to the lowest responsible bidder in the manner provided by the Codes of Montana, unless otherwise specially provided.

1-3-2 Desires and Orders of Contracts. When the Town Council desires to let such contract, they must by order incorporated in the minutes, specify that at a certain time and place, they will receive sealed bids for the work, supplies or materials concerning which the contract is to be let, which said order shall also specify the amount and quality of said work, supplies or materials, when and how to be performed or supplied, and the manner in which payment therefore shall be made.

1-3-3 Publish Notice. Upon making such order the Town Clerk shall publish notice thereof by posting two (2) weeks prior to the last day of receiving the bids.

1-3-4 Duplication of Contract. If any bid is accepted it shall be that of the lowest responsible bidder, and within five (5) days after the acceptance of said bid, said bidder and the Town of Alberton shall make, execute and deliver to each other in duplicate, a contract in accordance with the order, bid and this Article. Said contract on the part of the Town of Alberton, shall be executed in the name of the Town by its Mayor and attested by the Clerk.

1-3-5 Rejection of Bids. The Town Council shall have the right to reject any and all bids.

1-3-6 Certified Check of Each Bid. Each bid shall be accompanied by a

certified check in the sum of ten percent (10%) of the amount of the bid, on some responsible bank, payable to the Town of Alberton. If such bid be not accepted and the bidder complies with the terms and conditions of this Article then such check shall be returned to such bidder, when his contract is substantially performed. Such check and the proceeds thereof shall become the property of the Town of Alberton, and passed to the General Fund.

1-3-7 Fund of Bidder. The expense incurred by virtue of said contract shall be paid out of the fund designated by the Town Council and in warrants drawn on said fund, and such bidder shall receive said warrants in payment of the sum or sums due him by virtue of said contract at their full face value and shall reply exclusively on the fund on which said warrants are drawn for their payment.

Chapter 1-4

WARDS

Sections:

1-4-1 Wards

1-4-1 Wards. The territory embraced in the Town of Alberton shall be, one ward consisting of four (4) Council Members elected at large and one elected Mayor.

Chapter 1-5

ELECTIONS

Sections:

1-5-1 Elections in Accordance with State Statutes

1-5-2 Qualification of Electors

1-5-3 Term of Office

1-5-1 Elections in Accordance with State Statutes. All primary and general elections shall be held in accordance with the statutes of the state of Montana.

1-5-2 Qualification of Electors. 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 the Clerk and Recorder of Mineral County.

1-5-3 Term of Office. Mayor shall be elected for a term of four (4) years. Council Members shall be elected for a term of four (4) years.

Repealed 1-1-6

Annual Municipal Election repealed, Changed section Meetings to Chapter 1-6 and General Penalties to section 1-7 date 8-16-9.

Chapter 1-6

MEETINGS OF THE TOWN COUNCIL

Sections:

- 1-6-1 Meetings
- 1-6-2 Election of the President of Council
- 1-6-3 Proceeding of Meeting
- 1-6-4 Order of Business
- 1-6-5 Rules

1-6-1 Meetings: The Town Council shall hold regular meetings for the transaction of municipal business on the first (1st) Tuesday of each month, and such other meetings to which the Council, by order, may adjourn, or which may be called. Special meetings may be called by the Mayor, or at the written request of three (3) members of the Council, filed with the Town Clerk, on their requisition, giving at least three (3) days notice.

1-6-2 Election of President of Council. At its first (1st) meeting succeeding the annual election the Council shall elect one (1) of its members as President of the Council, who, in the absence of the Mayor, is the presiding officer and may perform the duties of the Mayor.

1-6-3 Proceedings of Meeting. The Town Council shall convene and be called to order by the Mayor, or in his/her absence by the President of the Council, on the days designated for the meeting at 7 o'clock p.m., unless otherwise ordered, and the Town Clerk shall proceed to call the roll, and record in the minutes the names of all members present, and note the absentees, and announce whether or not a quorum is present. All meetings shall be held in the Town Hall unless otherwise ordered.

1-6-4 Order of Business. At the meetings of the Town Council the order of business, unless otherwise directed by special order of the Council entered in the Minute Book, shall be:

1. Reading, correcting if necessary and approving the minutes of the last meeting
2. Report of officers
3. Report of standing committees
4. Presentation of petition and communications
5. Unfinished business
6. New business

All questions relating to the priority of business shall be decided without debate.

1-6-5 Rules. The proceedings of the Town Council of the Town of Alberton shall in all cases be governed by the following rules, unless the same be suspended, pro-tempore, by a vote of a majority of the Council.

1. The Mayor, or in his absence, the President of the Council, shall preserve order and decorum and shall decide all questions of order, subject to appeal to the Council.
2. A motion to adjourn shall always be in order, save when a member is addressing the chair or a vote is being taken. Motions to adjourn and lay on the table shall not be debatable.
3. Every member of the Council present shall vote upon every question submitted to the Council, unless excused, or directly interested, in which case he shall not vote.
4. Upon the final passage of any ordinance, resolution, bylaw or order, the yeas and nays shall be entered in the Minute Book, unless the same is unanimously adopted, in which case such entry may be dispensed with, except in the cases of ordinances and resolutions. And any member may demand that the yeas and the nays be recorded in any case, provided the demand is made before the vote is taken.
5. A majority of the members of the Council constitute a quorum for the transaction of business, but a less number may meet and adjourn at any time stated.

*DELETED: From 1-6-1: thereof, in writing to all members of the Council present in the Town, but whenever all members of the Council and the Mayor shall waive notice of the time and place of holding any special meeting, and such waiver shall, upon motion duly made and carried, be noted in the Minute Book kept by the Town Clerk, such special meeting shall be valid without notice. **Resolution #160 10/3/97.***

Chapter 1-7

GENERAL PENALTY

Sections:

1-7-1 General Penalty

1-7-1 General 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 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 therefore, 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 by both such fine and imprisonment, for each such offense. Each day any violation of any provision of any ordinance shall constitute a separate offense.

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.

1-7-2 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. If the judgment is for a fine and imprisonment until the fine is 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 twenty-five dollars (\$25.00) of the fine.

