Chapter 2.10 Administrative Rules

Sections:

2.10.010 Statement of Purpose

2.10.020 Authority

2.10.030 Administrative Rule Defined

2.10.040 Application

2.10.050 Public Notice

2.10.060 Construction and Effect

2.10.070 Right of Repeal – Amendment

2.10.080 Savings Provision

2.10.010 Statement of Purpose

The purpose of this chapter is to provide the Mayor with the authority to adopt administrative rules pursuant to MCA § 7-1-4126 which states in part, “the governing body may by ordinance authorize the chief executive to adopt administrative rules.” It is imperative that the Mayor have the power to adopt administrative rules for the following reasons:

1. In order for the Mayor to perform his/her responsibility of administering City ordinances and resolutions, it is desirable and necessary that such City ordinances and resolutions be implemented through City policy and practice in a Personnel Policy Manual and/or an Administrative Rule book;
2. It is desirable and necessary for the Mayor to exercise authority over the activities and personnel in City administration;
3. It is desirable and necessary for the Mayor to refer to written administrative rules in administering City services and supervising City activities and personnel in a fair and equitable manner in order to insure consistency of policy and procedure; and
4. It is desirable and necessary that City practices and procedures be written so that affected parties may readily ascertain what is expected of them.

Enc Ord 456 February 7, 2018

2.10.020 Authority

The Mayor is authorized to adopt administrative rules pursuant to MCA § 7-1-4126 and as provided in this chapter.

Enc Ord 456 February 7, 2018

2.10.030 Administrative Rule Defined

For the purposes of this chapter, an administrative rule, is a City regulation, standard, or statement of general applicability that implements, interprets, or prescribes City law or policy or describes City practice or procedure.

Enc Ord 456 February 7, 2018

2.10.040 Application

This chapter must include but not be limited to:

1. Personnel Policy rules and procedure;
2. City motor vehicle use;
3. Implementation of all City ordinances and resolutions;
4. Descriptions of City policies and practices.

Enc Ord 456 February 7, 2018

2.10.050 Public Notice

Administrative rules under consideration must be posted in both the City Clerk’s office and published in the local newspaper for two weeks prior to adoption. Administrative rules so adopted must be entered into an administrative code that is available in the City Clerk’s office.

Enc Ord 456 February 7, 2018

2.10.060 Construction and Effect

Administrative rules adopted pursuant to this chapter must not conflict with or supersede duly passed ordinances or resolutions of the City Council.

Enc Ord 456 February 7, 2018

2.10.070 Right of Repeal – Amendment

The City Council reserves the right and authority to enact ordinances or resolutions repealing or amending regulations promulgated pursuant to this chapter.

Enc Ord 456 February 7, 2018

2.10.080 Savings Provision

This chapter must not affect rights and duties that matured or proceedings that were begun before the effective date of the ordinance codified in this chapter.

Enc Ord 456 February 7, 2018