

In Montana, cities operate under one of two systems:

1. General Governing Powers:

A city can only do what state law specifically says it is allowed to do.

2. Self-governing Powers:

A city can do anything that is not specifically prohibited by state law or the Constitution.

Sidney currently operates under **general governing powers**.

Some cities and counties have chosen to adopt **self-governing powers** because it gives them more flexibility to solve local problems.

Note we cannot override state law.

What would this do: give community more control

What this does NOT do: give the city unlimited authority. It only allows Sidney to make decisions without needing special permission.

Some areas that might be able to change under self-governing:

- Regulation and Ordinances
 - Local business regulations (licensing, hours, nuisance rules)
 - Create local business licensing systems beyond state minimums
 - Noise, public safety and community behavior ordinances
 - Rental housing standards (unless preempted)
 - Local environmental or nuisance controls
 - Whitefish's watershed protection ordinances
 - Missoula's ban on certain types of wood burning stoves
 - Regulation of short-term rentals (Airbnb/VRBO) if not preempted
 - Local fees for services not otherwise regulated
 - Tourism or event fees
 - Development/Structural fees (vacancies)
 - Could develop unique zoning ordinances or stricter land and disposal regulations

- Service expansion i.e. expanding solid waste service areas to meet local needs
- Greater authority to dispose of public lands

- Revenue
 - Special assessments
 - Service fees
 - Certain local taxes (if not expressly prohibited)
 - Creative revenue mechanisms for local services
 - Power to Prohibit Door-to-Door Solicitation

- Structure and Admin Authority
 - Reorganize departments
 - Create or modify administrative offices
 - Create new positions to manage growing business
 - Delegate authority in ways not explicitly listed in statute
 - Adopt local ethics rules or administrative procedures
 - Missoula adopted stricter ethics rules for elected officials.
 - Bozeman created local disclosure requirements beyond state minimums.

- Public Services
 - Local transportation services
 - Senior and disability programs
 - Recreation and cultural programs
 - Local health or social service initiatives
 - An example of this was Helena enacting the smoke ban back in 2002- Sidney would be able to do similar actions.
 - Passing ordinances to prohibit smoking, consumption, or display of substances like medical marijuana in public places as well as public property bans.

- Creating stricter zoning regulations and prohibition zones for dispensaries near schools, jails, and pre-release centers.
- Mandatory Seatbelt Ordinance
- Local Development Code to Regulate Sale of Alcoholic Beverages
- Economic development programs
 - City of Butte and County of Silver Bow operate an electric and natural gas utility within and outside the boundaries of its jurisdiction.
- Require All Residents to Connect to City Water Supply
 - Finance Future Expansion of City Water and Sewer System through System Development Fees

Cannot:

- **Taxation:** Cannot authorize a tax on income or sale of goods/services (except for specific authorized taxes like a resort tax)
- Extraterritorial activity: Cannot regulate private activity beyond geographical limits
- **State-controlled areas:** Cannot enacts standards less stringent than state las in areas of “affirmatively subjected” to state control, such a professional licensing or public education
- **Specific regulated industries:** cannot regulate gambling, lotteries, or gift enterprises.

Self-governing powers give Sidney the ability to say:

“If state law doesn’t forbid it, and it helps our community, we can do it.”

Instead of:

“We can only do what state law specifically lists.”

It is simply a broader toolbox for local problem solving.

Important to note: With broader authority and fewer restrictions, local governments may face legal challenges or adopt inconsistent policies, which can create confusion or controversy. Additionally, the Legislature can still pass laws that override local decisions.

Article XI. Section 6. SELF-GOVERNMENT POWERS. A local government unit adopting a self-government charter may exercise any power not prohibited by this constitution, law, or charter. This grant of self-government powers may be extended to other local government units through optional forms of government provided for in section 3.

https://mca.legmt.gov/bills/mca/title_0000/article_0110/part_0010/section_0060/0000-0110-0010-0060.html

<https://share.google/pKSEEJLh1Kpu3D4zL>

<https://share.google/IYG51PjxawmNEzLz7>

<https://share.google/VunimEJAdyccu7wgB>

<https://bills.legmt.gov/>