

**ORDINANCE 23-\_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF BILLINGS,  
PROVIDING THAT THE BILLINGS, MONTANA CITY  
CODE (BMCC) BE AMENDED BY AMENDING ARTICLE  
22-900 – SALE, EXCHANGE OR DONATION OF CITY  
REAL PROPERTY**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BILLINGS THAT:**

**Section 1.** That Article 22-900 of the Billings, Montana City Code (BMCC) is amended so that such section shall read as follows:

***ARTICLE 22-900. - SALE, EXCHANGE, OR DONATION OF CITY REAL  
PROPERTY***

**Sec. 22-901. State law superseded.**

Pursuant to the city's self-government powers, MCA 7-8-4201, of the state law dealing with the disposal, donation, lease, or sale of city property is hereby superseded. All other applicable provisions of state law not in compliance with this article are hereby superseded.

**Sec. 22-902. Sale, exchange, or donation of city real property.**

- a. Subject to the provisions below, the city council has the authority to sell, exchange, or donate any real property belonging to the city, including property held in trust for a specific purpose.
- b. The city council may sell city owned property by public auction, direct negotiated sale, or by competitive sealed bid following adoption of a resolution of intent referenced below in subsection e. Regardless of which process is used, the city council shall have the authority and discretion to select the bid or offer that is in the best interest of the city, conditionally accept a bid or offer, or it may reject any and all bids or offers.
- c. Other local, state, or federal governmental entities expressing interest shall be exempt from competitive bidding, and the city council may sell, exchange, or donate specific real property to such governmental entities without a competitive bidding process. However, the council shall proceed as provided below in subsections e. and f. and approve a resolution of intent to sell, exchange, or donate the property when considering the sale, exchange, or donation to another governmental entity.

- d. In its discretion, the city council may consider and impose deed restrictions relating to the use or subsequent sale of the property as a condition of the sale, exchange, or donation of land.
- e. Prior to selling, exchanging, or donating real property, the city council must hold a public hearing and find the property is no longer necessary to conduct city business or that the public interest may be furthered by the sale, exchange, or donation and pass a resolution of intent to sell, exchange, or donate the city owned property. This determination must be made by no fewer than six (6) of the city council members present. Notice of the public hearing must be provided as required by MCA 7-1-4127. In addition, notice of the public hearing must be placed on the subject property for no less than seven (7) days prior to the public hearing to consider the resolution of intent to sell, exchange, or donate city owned property.
- f. If the council makes a finding as required above and adopts a resolution of intent to sell, exchange, or donate the city property, council must hold a subsequent public hearing on whether to approve the sale, exchange, or donation of the city owned property. This determination must be made by no fewer than six (6) of the city council members present. Prior to the public hearing, the city must provide notice of the proposed sale, donation, or other transfer and publish the resolution of intent as provided in MCA 7-1-4127.
- g. Leases of city-owned real property shall be excluded from this section and will be approved in the same manner as all other contracts submitted to the city for approval.
- h. The city administrator is hereby authorized to establish procedures to implement this section including establishment of sale criteria or conditions, a minimum sale price or exchange value and shall have discretion to develop individualized marketing plans to maximize land value and promote city land use policies. The city administrator is authorized to prepare all appropriate documents for signature by the mayor.

**Section 2. EFFECTIVE DATE.** This ordinance shall be effective thirty (30) days after second reading and final adoption as provided by law.

**Section 3. REPEALER.** All resolutions, ordinances, and sections of the City Code inconsistent herewith are hereby repealed.

**Section 4. SEVERABILITY.** If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions of this ordinance which may be given effect without the invalid provisions or application, and, to this end, the provisions of this ordinance are declared to be severable.

PASSED by the City Council on first reading the \_\_\_\_\_ day of \_\_\_\_\_,  
2023.

PASSED, ADOPTED and APPROVED on second reading this \_\_\_\_\_ day of  
\_\_\_\_\_, 2023.

CITY OF BILLINGS

BY: \_\_\_\_\_

William A. Cole, Mayor

Attest:

BY: \_\_\_\_\_

Denise R. Bohlman, City Clerk