

ORDINANCES OF THE CITY OF HELENA, MONTANA

ORDINANCE NO. 3231

**AN EMERGENCY ORDINANCE SUSPENDING THE REQUIREMENTS OF
CHAPTER 15 OF TITLE 3 OF THE HELENA CITY CODE
FOR THE PURPOSE OF REMOVING THE DAUGHTERS OF THE CONFEDERACY FOUNTAIN
FROM HILL PARK DUE TO PUBLIC SAFETY CONCERNS**

WHEREAS, pursuant to §§ 7-5-104 and 7-5-108(2), MCA, the City of Helena may adopt emergency ordinances by a two-thirds vote of the governing body, without notice; and

WHEREAS, the Helena City Commission finally passed Ordinances No. 2639 and No. 3097 which created and amended Chapter 15 of Title 3 of the Helena City Code, creating a Review Process for Demolition of Historic Buildings; and

WHEREAS, the Daughters of the Confederacy Fountain located in Hill Park, within the Helena city limits, is designated as a contributing property within the Helena Historic District and would therefore be subject to the review process pursuant to Chapter 15 of Title 3 of the Helena City Code prior to its removal; and

WHEREAS, on August 16, 2017, at a regularly scheduled City Commission Administrative Meeting, the Helena City Commission heard numerous public comments expressing public safety concerns if the Daughters of the Confederacy Fountain was not removed as expeditiously as possible; and

WHEREAS, the current events of national significance make it

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likely that the continued presence of the Daughters of the Confederacy Fountain will incite public unrest and compromise public safety; and

WHEREAS, the review process pursuant to Chapter 15 of Title 3 of the Helena City Code may take up to sixty (60) days; and

WHEREAS, immediate removal of the Daughters of the Confederacy Fountain appears to be in the best interest of maintaining public peace and safety and in the best interest of the City of Helena and its inhabitants.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA:

Section 1. The requirements of Chapter 15 of Title 3 of the Helena City Code are suspended for the sole purpose of facilitating the removal, without delay, of the Daughters of the Confederacy Fountain located in Hill Park, within the Helena city limits.

Section 2. The requirements of Chapter 15 of Title 3 of the Helena City Code remain in full force and effect with respect to all other qualifying structures within the Helena city limits.

Section 3. Pursuant to § 7-5-104, MCA, this emergency ordinance is effective immediately upon its adoption by the Helena City

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Commission and shall remain in full force and effect for ninety (90) days thereafter or until such time as the Daughters of the Confederacy Fountain is removed, whichever is shorter.

**FIRST PASSED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA,
THIS 21st DAY OF AUGUST, 2017.**

**/S/ JAMES E. SMITH
MAYOR**

ATTEST:

**/S/ DEBBIE HAVENS
CLERK OF THE COMMISSION**

**FINALLY PASSED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA,
THIS 21st DAY OF AUGUST, 2017.**

**/S/ JAMES E. SMITH
MAYOR**

ATTEST:

**/S/ DEBBIE HAVENS
CLERK OF THE COMMISSION**