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CHAPTER 1
MUNICIPAL OFFICERS IN GENERAL

2-1-01 ELECTIVE AND APPOINTIVE OFFICES. The officers of the town shall consist of one mayor and four aldermen, who shall be elected at large by the qualified electors of the town. There may be appointed by the mayor, with the advice and consent of the council, one clerk, who may be ex officio assessor and a member of the council, and one treasurer, who ex officio tax collector, and one marshall, who may be ex officio street commissioner, and any other officers necessary to carry out the provisions of the municipal ordinances and state law.

2-1-02 ELIGIBILITY TO OFFICE. No person is eligible to any municipal office, elective or appointive, who is not a citizen of the United States, and who has not resided in the municipality or any area which has been annexed thereto for at least two years immediately preceding his election or appointment, and is not qualified elector thereof.

2-1-03 COMMENCEMENT OF TERM. The terms of all officers elected at a municipal election are to commence on the first Monday in January after such election. Appointive officers shall commence their employment within ten days after receiving notice of their appointment.

2-1-04 VACANCY OF OFFICE. If any officer, either elected or appointed to office, fails for ten days to qualify as required by law, or enter upon his duties at the time fixed by law, then such office becomes vacant; or if any officer absents himself from the municipality continuously for ten days without the consent of the council, or openly neglects or refuses to discharge his duties, such office may be by the council declared vacant; or if any officer removes from the municipality, or any alderman from the municipality, such office must be by the council declared vacant.

2-1-05 FILLING VACANCY IN ELECTIVE OFFICE. When any vacancy occurs in any elective office, the council, by a majority vote of the members, may fill the same for the unexpired term, and until the qualification of the successor. If the council shall fail to fill such vacancy before the time for the next election, the qualified electors of such municipality may nominate and elect a successor to such office.

2-1-06 REMOVAL OF OFFICER BY COUNCIL. The council, upon written charges, to be entered upon their journal, after notice to the party and after trial by the council, by vote of two-thirds of all the members elected, may remove any officer.

2-1-07 COUNCIL MAY ABOLISH OFFICE. The municipal council has the power to abolish any office, the appointment to which is made by the mayor with the advice and consent of the council, and discharge any officer so appointed, by a majority vote of the council.

2-1-08 CONSOLIDATION OF APPOINTIVE OFFICES. The municipal council may, by ordinance, consolidate any office, the appointment to which is made by the mayor with the advice and consent of the council, and may require any of the elected officers to perform any of the duties of an appointed office has been abolished.

2-1-11 SALARIES. The council, by ordinance, fix the salaries and compensation of the municipal officers, policemen, and other employees. The salaries shall be as set forth in the table of fees.

2-1-12 SALARY NOT TO BE CHANGED DURING TERM. The salary and compensation of an officer may not be increased or diminished during his term of office.

2-1-13 MONTHLY PAYMENTS OF ALL SALARIES. The compensation of salaries paid the the Mayor and Councilpersons will be paid once quarterly. Salaries for clerk treasurer, marshall, and street commissioner shall be paid twice monthly and all others once at the end of each month. These shall be paid by warrants drawn upon the town treasury except as otherwise provided.

2-1-21 OATH AND BOND. Each officer of the municipality shall take the oath of office. Any officer that is required to give bond shall file the same, duly approved, within ten days after receiving notice of his election or appointment; or, if no notice has been received, then on or before the date fixed for the assumption by him of the duties of the office to which he may have been elected or appointed.

2-1-22 BONDING OF MUNICIPAL OFFICERS AND EMPLOYEES. Elected or appointed municipal officers and employees shall be bonded in such sums as ordinance may require. The amount for which municipal officers or employees shall be bonded shall be based on the amount of money or property handled and the opportunity for defalcation. The municipal council shall actively solicit offers on competitive basis from available qualified insurance and surety companies before purchasing the bonds.

2-1-23 PURCHASE OF BONDS. The council shall purchase all surety bonds for municipal officers and employees. A bond may cover and individual officer or employee or and blanket bond may cover all officers and employees, or any group or combination of officers and employees.

2-1-24 BOND CONDITIONS. The condition of every official bond must be that the principal shall well, truly, and faithfully perform all official duties then required of him by law, and also such additional duties as may be imposed on him by any law he will account for any pay

over and deliver to the person property that may come into his hands as such officer. The principal and sureties upon any official bond are also in all cases liable for the neglect, default, or misconduct in office of any deputy, clerk, or employee, appointed or employed by such principal.

All bonds must be signed and executed by the principal and two or more sureties, or by the principal and one or more surety companies organized as such, under the laws of this state, or licensed to do business herein.

CHAPTER 2
INSPECTIONS AND COMMISSIONERS

2-2-01 APPOINTMENT OF BUILDING INSPECTOR. The Building inspector may be appointed by the mayor, subject to confirmation by the town council.

2-2-02 DUTIES OF THE BUILDING INSPECTOR. The building inspector shall, under the direction of the town council, enforce the provisions of the building, fire, and electrical codes contained in this municipal code and he shall carry out the duties of the building official as set forth in the building code. The Building inspector shall also be responsible for enforcing the zoning regulations of this municipal code.

2-2-03 POWERS OF BUILDING INSPECTOR. The building inspector shall have the power to issue building permits in the name of the town, to inspect all buildings and construction for compliance with municipal code, and issue citations in the name of the town for violations of those regulations which he has a duty to enforce.

2-2-10 APPOINTMENT OF SEWER AND WATER COMMISSIONER. The sewer and water commissioner may be appointed by the mayor, subject to confirmation by the town council.

2-2-11 DUTIES OF SEWER AND WATER COMMISSIONER. The sewer and water commissioner shall, under the direction of the town council, take general control and supervision over the sewer and water systems of the town, and over all connections to them, and enforce the provisions of the plumbing code as contained in this municipal code.

2-2-12 POWERS OF THE SEWER AND WATER COMMISSIONER. The sewer and water commissioner shall have charge of the sewer and water departments of the town; subject to the approval of the town council, he shall make such rules and regulations as are necessary to the proper management of that department. He shall have the power to inspect all plumbing work and all other work subject to his supervision. The sewer and water commissioner shall have general supervision and control over all excavations made in the streets and alleys of the town for sewers, drains, gas or water pipes, or telephone conduits. In the case of violations of any of the regulations which he has a duty to enforce, he shall have the power to issue citations in the name of the town.

Chapter 3
POLICE DEPARTMENT

2-3-01 POLICE DEPARTMENT. The Town Marshall, together with any peace officers subordinate to him, and the administrative personnel of his office, shall be known as the police department.

2-3-02 DEPARTMENT SUPERVISED BY MAYOR. The mayor shall have charge of and supervision over the police department. He shall enforce the observance of all ordinances that regulate the management and discipline of the police department.

2-3-03 APPOINTMENT OF MEMBERS. The mayor shall nominate, and with the consent of the council, appoint one town marshall and such subordinate officers of the police force as may be required.

2-3-11 DUTIES OF TOWN MARSHALL. It is the duty of the town marshall to:

- (a) Execute and return all process issued by the police judge, or directed to him by any legal authority, and to attend upon the police court regularly.
- (b) arrest all persons guilty of a breach of the peace or bring them before the police judge for trial.
- (c) Have charge and control of all policeman, subject to such rules as may be prescribed by ordinance, and to report to the council all delinquencies or neglect of duty or official misconduct of policemen for action of the council.
- (d) enforce the traffic and public peace ordinances.
- (e) investigate accidents.
- (f) enforce the town regulations governing animals.
- (g) keep good and clear records of all the transactions of his office.
- (h) perform such other duties as the council may prescribe.

2-3-12 POWERS OF TOWN MARSHALL. The town marshall shall have power to:

- (a) execute process for the town.
- (b) make arrests for violations of the ordinances or code of the municipality.
- (c) have charge and control over all policemen.
- (d) enforce the ordinances of the town, unless another officer of the town is given the authority to enforce them. The

town marshall shall have the same powers as a constable in the discharge of his duties, but he shall not serve a process in any civil action or proceeding except when the municipality is a party.

2-3-13 ANIMAL RECORDS. The town marshall shall maintain the dog registry, and shall maintain records of the disposition of any animals which have been impounded. The records shall be kept for a period of five years and shall be open to the public upon request.

2-3-14 RECORDS OF TRAFFIC VIOLATIONS. The town marshall shall keep a record of all violations of the traffic ordinances of the town, together with a record of the final disposition of all such alleged offenses. Such record shall be maintained as to show all types of violations and the total of each. Each record shall accumulate during a five year period, and shall be preserved by the town marshall for an additional five year period. All forms for records of violations and notices of violations shall be serially numbered. For each month and year, a written record shall be available to the public showing the disposal of all such forms. All records and reports shall be public records.

2-3-15 EMERGENCY AND EXPERIMENTAL REGULATIONS. The town marshall with the approval of the mayor may make regulations necessary to provide for emergency or special conditions. No such temporary or experimental regulation shall remain in effect for more than ninety days.

2-3-21 DUTIES OF POLICE OFFICERS. The police officers of the municipality shall carry out the orders of their superior officers and observe the rules and regulations prescribed for the discipline of the police force. Within the limits prescribed by law, they shall do all things necessary for the prevention and detection of crime in the municipality.

2-3-22 DIRECTION OF TRAFFIC. Officers of the police department are authorized to direct all traffic by voice, hand, or signal in conformance with the town ordinances. Provided, however, that officers of the police department may direct traffic as conditions require in the event of fire or other emergency. Officers of the fire department, when at the scene of a fire, may direct or assist the police in directing traffic in the immediate vicinity of the fire.

2-3-23 SPECIAL POLICEMEN. Whenever the mayor considers it necessary to increase the police force, he may employ suitable persons as special policemen, subject to the consent of the council.

2-3-31 DISPOSAL OF UNCLAIMED PERSONAL PROPERTY. Any article of personal property acquired by the police department in the course of its law enforcement activities shall be held by the department for thirty days, unless claimed by the owner before then. If unclaimed after thirty days, the property may be sold by the town marshall at public auction for cash to the highest bidder, or may be disposed of

as provided for in section 2-3-35 of this chapter.

2-3-32 NOTICE OF SALE OF UNCLAIMED PROPERTY. The Town Marshall shall give notice of the time and place of the sale of unclaimed personal property by publishing a notice thereof in a newspaper of general circulation in the county. If any property to be sold is of the value of one hundred dollars or more, the notice shall contain a general discription of such property with the name of the owner thereof, if known.

2-3-33 LIST OF PROPERTY SOLD. The town marshall shall make a list, in duplicate, of the property sold, giving as far as possible, a general description of each piece of property sold and the name of the owner, if known, and the amount of money derived from the sale of the property.

2-3-34 DISPOSITION OF PROCEEDS. All moneys derived from sales of unclaimed personal property shall be deposited in the general fund of the municipality.

2-3-35 DISPOSAL OF UNCLAIMED PROPERTY TO CHARITY. When any unclaimed article of personal property is of a value less then fifty dollars, the town marshall may authorize it to be given to any organization which will use such property for public or charitable purposes. If any unclaimed article of personal property is clearly of no worth whatsoever, the town marshall may authorize it to be destroyed. For all such property given away, the town marshall shall obtain a receipt, and he shall file a list of all property given away or destroyed with the town clerk, showing the estimated value of each article.

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Chapter 4
POLICE COURT.

2-4-01 POLICE COURT ESTABLISHED. A police court is established in the municipality, which court must always be open, except upon nonjudicial days, and upon such days it may transact criminal business only.

2-4-02 EXCLUSIVE JURISDICTION OF POLICE COURT. The police court has exclusive jurisdiction:

(a) of all proceedings for the violation of any ordinance of the municipality, both civil and criminal, which must be prosecuted in the name of the municipality;

(b) of any action for the collection of taxes and assessments levied for municipal purposes; or for the erection or improvement of public buildings; for the laying out, or opening, or improving any public street or sidewalk, alley, or opening; or improving of any public grounds; or for any and all public improvements made or ordered by the municipality within its limits, when the amount of the tax or assessment sought to be collected against the person assessed does not exceed three hundred dollars (\$300); but no lien upon the property taxed or assessed for the nonpayment of the taxes or assessment can be foreclosed in any such action;

(c) of an action for the collection of money due to the municipality to any person, when the amount sought to be collected, exclusive of interest and cost, does not exceed three hundred dollars (\$300).

(d) for the breach of any official bond given by any municipal officer, and for the breach of any contract, and any action for damages in which the municipality is a party, or is in any way interested; and all forfeited recognizances given to or for the benefit or in behalf of the municipality; and upon all bonds given upon any appeal taken from the judgement of the court in any action above named, where the amount claimed, exclusive of costs, does not exceed three hundred dollars (\$300).

(e) for the recovery of personal property belonging to the municipality, when the value of the property (exclusive of the damages for the taking or detention) does not exceed three hundred dollars (300).: and ,

(f) of any action for the collection of any license required by an ordinance of the municipality.

2-4-03 PRELIMINARY EXAMINATIONS. Proceeding in preliminary examinations in criminal actions in the police court.

2-4-04 PROCEEDING IN CRIMINAL ACTIONS. Proceeding in police courts in criminal actions triable in such courts.

2-4-05 PROCEEDINGS IN CIVIL ACTIONS. The proceedings of the police court in civil actions are regulated.

2-4-06 POLICE JUDGE. The presiding officer of the police court shall be the police judge. If none is elected or appointed by the municipality, the justice of the peace of the township in which the municipality is situated shall be the police judge.

2-4-07 WHEN JUDGE CANNOT ACT. In all cases in which the judge is a party, or in which he is interested, or when he is related to either party by consanguinity or affinity within the sixth degree, and in case of sickness, absence, or inability to act, the police judge or mayor may call in a justice of the peace residing in the municipality to act in his place instead.

2-4-08 COLLECTION OF FINES, ETC. BY POLICE JUDGE. The police judge shall collect all fines, costs, and forfeitures that accrue to the municipality from cases tried or disposed of in the police court. He shall give a receipt therefor to the person paying the same, and pay the collected moneys to the treasurer of the municipality.

Chapter 5
COUNCIL

2-5-01 QUALIFICATIONS OF ALDERMEN. No person shall be eligible to the office of alderman unless he shall be a taxpaying freeholder within the limits of the municipality, so electing him, or a resident of an area which has been annexed by the municipality, for at least sixty days preceding such election.

2-5-02 POWERS OF COUNCIL. The municipal council has power to:

(a) determine the rules of its proceedings, punish its members for improper conduct, and expel any member for the same by a two thirds vote of the members elected.

(b) make and pass all bylaws, ordinance, orders, and resolutions, not repugnant to the constitution of the United States or of the State of Montana, or of the provisions of state law, necessary for the government or management of the affairs of the municipality, for the execution of the powers vested in the body corporate by the State of Montana.

(c) fix compensation for, and prescribe the duties of, all officers and other employees of the municipality, subject to the limitations set forth in the laws of Montana.

(d) require a report in detail from any officer of the municipality at any time regarding the transactions of his office, or any matter connected therewith.

(e) make any and all contract necessary to carry into effect the powers granted by the laws of Montana, and to provide for the manner of executing the same.

(f) make regulations authorizing the police of the municipality to make arrests of persons charged with crime, within the limits of the municipality and within five miles thereof, and along the line of the water supply of the municipality.

(g) impose fines and penalties for the violation of any municipal ordinance, but no fine or penalty shall exceed five hundred dollars, and no imprisonment shall exceed six months for any one offense.

2-5-03 JOURNAL. The council shall cause a journal to be kept of its proceedings, which shall be open to inspection.

2-5-04 QUORUM. A majority of the members of the council shall constitute a quorum for the transaction of business, but a lesser number may meet and adjourn to any time stated, and may compel the attendance of absent members under such rules and penalties as the council may prescribe.

2-5-11 REGULAR MEETING. The council shall hold regular meeting for the transaction of municipal business on the first Monday 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 a written request of three members of the council, filed with the town clerk, on their requisition, giving at least three days notice thereof, in writing, to all

members of the council and the mayor shall be present and waive notice of the time and place of holding any special meeting, and such waiver is noted in the journal of the council's proceedings, such meeting shall be valid without notice.

2-5-12 PRESIDENT OF COUNCIL. At its first meeting succeeding the annual election, the council shall elect one of its members as president of the council. In the absence of the mayor, the president shall be the presiding officer of the council, and may perform the duties of the mayor.

2-5-13 TIME OF MEETING. the council shall convene at 7:30 p.m. unless otherwise ordered. The mayor shall call the council to order, and the town clerk shall proceed to call the roll, and record in minutes the names of all members present, and note the members absent. The clerk shall then announce whether or not a quorum is present. All meeting shall be held in the town hall unless otherwise ordered.

2-5-14 ORDER OF BUSINESS. unless otherwise directed by special order of the council entered in the journal, the order of business for council meeting shall be:

1st reading, correcting if necessary, and approving the minutes of the last meeting.

2nd, report of officers.

3rd, report of standing committees.

4th, presentation of petitions and communications.

5th, unfinished business.

6th, New Business.

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

2-5-15 STANDING COMMITTEES. The mayor shall appoint two standing committees, the auditing and finance committee, and committee on streets, alleys, and parks.

2-5-21 RULES OF THE COUNCIL. the proceedings of the council shall in all cases be governed by the following rules, unless the same be suspended temporarily by a vote of a majority of the council.

(a) 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.

(b) prior to speaking, every person shall address the mayor, and shall not proceed until recognized by him.

(c) every person shall rise while addressing the council, it requested.

(d) when two or more persons address the presiding officer, the first arising shall have precedence.

(e) while a question is being put, no member shall speak, or walk across the council room, or leave the room.

(f) when any member is addressing the council, no other member shall engage in private conversation or do any act to divert or interrupt the speaker.

(g) no member shall speak more than twice on the same subject without leave of the council, nor more than once until every member desiring to speak on the pending question shall have had an opportunity to do so.

(h) no motion shall be debated or put unless the same shall be seconded. It shall than be stated by the presiding officer, and at the request of any member shall be reduced to writing.

(i) after a motion has been stated by the presiding officer, it shall be deemed in possession of the council, but may be withdrawn at any time before amendment or decision by the mover with the consent of his second.

(j) If a question under consideration contains more than one distinct proposition, any member may demand a division.

(K) when a question is under debate, no motion shall be entertained except the following motions:

1. to adjourn
2. to lay on the table
3. for the previous question
4. to postpone to a certain day
5. to commit to a standing committee
6. to amend
7. to postpone indefinitely

These motions shall take precedence in the order in which they are stated.

(1) 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.

(m) Every member of the council present shall vote upon every question submitted to the council, unless excused, or unless directly interested.

(N) No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.

(o) No motion for a reconsideration shall be in order unless made at the same meeting or the meeting following that on which the decision was made, nor shall such motion be made save by one who voted with the majority upon the adoption.

(p) In all cases the name of the member proposing a motion or resolution shall be entered with it in the journal of the proceedings.

(q) the yeas and nays shall be called and recorded on the final passage of any ordinance, bylaw, resolution, or the making of any contract.

(r) The voting on the election or appointment of any officer shall be done orally. A majority of the whole number of the members elected is required to appoint or elect an officer. Such vote shall be recorded in the journal of the proceedings.

(s) the mayor shall vote only in the case of a tie, and by his vote, all ties shall be decided.

(t) All petitions, communications, ordinances, and resolutions shall be reduced to writing before being submitted to the votes of the council.

(u) In all parliamentary practice not herein provided for the mayor, with the consent of the council, shall select a standard work on rules of order, and shall see that a copy of this work is present and available at all meetings of the council.

2-5-31 RECORDING OF THE ORDINANCES. All ordinances, bylaws, and resolutions passed by the council and approved by the mayor, or the person acting in his stead, shall be recorded in a book kept by the clerk called "the ordinance book" and numbered in the order in which they are passed. All ordinances passed prior to the passage of this code may be kept by subject matter.

2-5-41 CONTRACTS. All contracts for the purchase of any work, material, equipment, or supplies for which must be paid a sum exceeding four thousand dollars, shall be let to the lowest responsible bidder. No contract extending over a period of five years shall be let without first submitting the question to a vote of the taxpaying electors of the town. In either case, advertisement for bids shall be made in the official newspaper of the town if any; and if no official newspaper, in a newspaper of general circulation, the advertisement shall be posted in three of the most public places in the town.

2-5-42 PERIOD OF ADVERTISEMENT. If by publication, advertisement for bids shall be made once each week for two consecutive weeks, and the second publication shall be made not less than five days nor more than twelve days before the consideration of the bids. If such advertisement is made by posting, fifteen days, including the day of posting, shall elapse between the time of posting, and the day set for consideration.

2-5-43 OPENING OF BIDS. The council may postpone action on any contract to the next regular meeting after bids are received, and may reject any and all bids received. However, if any bid is awarded, it shall be awarded to the lowest responsible bidder.

2-5-44 EMERGENCY CONTRACTS. The provisions of this chapter regarding the advertisement of bids shall not apply upon the happening of any emergency caused by fire, flooding, explosion, earthquake, riot or insurrection, or similar happening. In such emergency, the council may proceed in any manner approved by three-fourths of the members of the council who are present. Such emergency shall be declared and recorded at length in the journal of the proceedings of the council.