

## **Title 2**

### **ADMINISTRATION AND PERSONNEL**

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**2.04.010**      **Qualifications required.**

A. No person is eligible for the office of mayor unless he:

1. Is at least twenty-one years old;
2. Has been a resident of the state for at least three years; and
3. Has been a resident for at least two years preceding the election to office of the city or an area which has been annexed by the city.

B. The mayor shall reside within the corporate limits of the city throughout his term of office. (Ord. 969, 1990: prior code § 2.08.010)

**2.04.020**      **Power and authority.**

The mayor is the chief executive officer of the city, and has the power:

- A. To nominate and, with the consent of the council, to appoint all nonelective officers of the city, provided for by the council, except as provided in Title 7 of the Montana Code Annotated. The mayor may appoint and remove all other employees of the city;
- B. To suspend and, with the consent of the council, to remove any nonelective officer, stating in the suspension or removal the cause thereof;
- C. To cause the ordinances of the city to be executed, and to supervise the dis-

charge of official duty by all subordinate officers;

D. To communicate to the council, at the beginning of every session, and more often if deemed necessary, a statement of the affairs of the city, with such recommendations as he may deem proper;

E. To recommend to the council that measures connected with the public health, cleanliness, and ornament of the city, and the improvement of the government and finances, as he deems expedient;

F. To approve all ordinances and resolutions of the council adopted by it, and, in the case the same do not meet his approbation, to return the same the next regular meeting of the council, with his objections in writing. No ordinance or resolution so vetoed by the mayor shall go into effect unless the same be afterwards passed by a two-thirds vote of the whole number of members of the council;

G. To veto any objectionable part of a resolution or ordinance, and approve other parts. If the mayor fails to return any resolution or ordinance as aforesaid, the same takes effect without further action;

H. To call special meetings of the council, and when so called he must state by message the object of the meeting, and the business of the meeting must be restricted to the object stated;

I. To cause to be presented, once in three months, a full and complete statement of the financial condition of the city;

J. To bid in for the city any property sold at a tax or judicial sale, where the city is a party or interested;

K. To procure and have in his custody the seal of the city;

L. To take and administer oaths;

M. To call on every citizen of the city, over the age of eighteen years, to aid in the enforcement of the laws and ordinances in case of riots, to call out the militia to aid him in suppressing the same or other disorderly conduct, preventing and extinguishing fires, for securing the peace and safety of the city, or for carrying into effect any law or ordinance, and any person who does obey such call forfeits to the city a fine not exceeding twenty-five dollars;

N. To require of any of the officers of the city an exhibit of his books and papers;

O. To grant pardons and remit fines and forfeitures for offenses against municipal ordinances, when in his judgment public justice would be thereby subserved; but he must report all pardons granted, with the reasons therefor, to the next council;

P. To perform such other duties as may be prescribed by law or by resolution or

ordinance of the council;

Q. He has such power as may be vested in him by ordinance of the city, in and over all places within five miles of the boundaries of the city, for the purpose of enforcing the health and quarantine ordinances and regulations thereof;

R. To exercise executive administrative powers and to perform duties of the city government, not specifically reserved by law or ordinance to other public officers. (Prior code § 2.08.020)

**2.04.030 Mayor as presiding officer.**

The mayor is the presiding officer of the council, must sign the journals thereof and decide by his vote all ties, and has no other vote. (Ord. 999, 1991: prior code § 2.08.030)

## Chapter 2.08

### CITY COUNCIL

#### Article I Council Powers and Duties

##### Sections:

- 2.08.010** Drafting and passage of laws.
- 2.08.020** Prescribing duties and compensation of officers.
- 2.08.030** Requiring reports from officers.
- 2.08.040** Contracts.
- 2.08.050** Regulations authorizing arrest.
- 2.08.060** Imposition of penalties.

#### Article II Council Composition and Meetings

##### Sections:

- 2.08.070** Alderman—Qualifications required.
- 2.08.090** Meeting—Presiding officer.
- 2.08.100** President—Election and term.
- 2.08.170** Rescinded action.
- 2.08.180** Resolutions and motions.
- 2.08.190** Meetings—Who may address.
- 2.08.200** Meetings—Debate.
- 2.08.210** Meetings—Suspension of rules.
- 2.08.220** Meetings—Robert's Rules of Order.
- 2.08.230** Meetings—Disturbing prohibited.
- 2.08.240** Standing committees.
- 2.08.250** Special committees.

#### Article I Council Powers and Duties

##### **2.08.010** Drafting and passage of laws.

The city council has the power to make and pass all bylaws, ordinances, orders and

resolutions, not repugnant to the Constitution of the United States or the state of Montana, or of the provisions of state law, necessary for the government or management of the affairs of the city, for the execution of the powers vested in the body corporate, and for carrying into effect the provisions of Title 7 of the Montana Code Annotated. (Prior code § 2.12.190)

##### **2.08.020** Prescribing duties and compensation of officers.

The city council has power to fix compensation and to prescribe the duties of all officers and other employees of the city, except for employees of the library whose compensation shall be fixed by the library board pursuant to Chapter 2.80. (Prior code § 2.12.200)  
(Ord. No. O09-05, 3-17-09)

##### **2.08.030** Requiring reports from officers.

The city council has the power to require from any officer at any time a report in detail of the transaction in his office, or any matter connected therewith. (Prior code § 2.12.210)

##### **2.08.040** Contracts.

The city council has the power to make any and all contracts necessary to carry into effect the powers granted by state law, and to provide for the manner of executing same. (Prior code § 2.12.220)

##### **2.08.050** Regulations authorizing arrest.

The city council has the power to make regulations authorizing the police of the city to make arrests of persons charged with crime, within the limits of the city and within five miles thereof, and along the line of water supply of the city. (Prior code § 2.12.230)

**2.08.060 Imposition of penalties.**

The city council has the power to impose fines and penalties for the violation of any city ordinance, but no fine or penalty must exceed five hundred dollars, and no imprisonment must exceed six months for any one offense. (Prior code § 2.12.240)

**Article II Council Composition and Meetings****2.08.070 Alderman—Qualifications required.**

No person is eligible for the office of alderman unless he is a resident for at least sixty days preceding the election to office of the ward electing him or of an area which has been annexed by the city and placed in the ward. (Ord. 972, 1990: prior code § 2.12.010)

**2.08.090 Meeting—Presiding officer.**

The presiding officer of the council shall be the mayor who shall decide all tie votes of the council but have no other vote. The chairman of the council (called the president) shall preside if the mayor is absent. The vice chairman of the council (called the vice president) shall preside if both the mayor and vice president are absent. (Ord. 1009, 1992: prior code § 2.12.030)

**2.08.100 President—Election and term.**

The council shall have a chairman called the president who shall be elected by the members of the council from their own number for a two-year term. The council shall also have a vice chairman called the vice president who shall be elected by the members of the council from their own number for a two-year term. (Ord. 1010, 1992; prior code § 2.12.040)

**2.08.170 Rescinded action.**

No vote or action of the city council shall be rescinded at any special meeting

unless there be present at such meeting as many members of the council as were present at the meeting when such vote or action was taken, as provided by statute. (Prior code § 2.12.100)

**2.08.180 Resolutions and motions.**

Any resolution or motion submitted to the city council shall be reduced to writing before being voted upon at the request of any two members of the council. (Prior code § 2.12.110)

**2.08.190 Meetings—Who may address.**

No person other than the mayor or a member of the city council or other city officer or employee shall address that body at any regular or special meeting of the council except upon consent of the mayor or of a majority of the members present without debate. (Prior code § 2.12.120)

**2.08.200 Meetings—Debate.**

No member shall speak in debate more than twice on the same question on the same day, or longer than three minutes, without permission of the council granted by two-thirds vote without debate. (Prior code § 2.12.130)

**2.08.210 Meetings—Suspension of rules.**

The rules of order, other than those prescribed by statute, may be suspended at any time by consent of a two-thirds vote of the members present at any meeting without debate. (Prior code § 2.12.140)

**2.08.220 Meetings—Robert's Rules of Order.**

Except when in conflict with the foregoing provisions, Robert's Rules of Order shall govern the deliberations of the council. (Prior code § 2.12.150)

**2.08.230 Meetings—Disturbing prohibited.**

It is unlawful for any person to disturb any meeting of the council or of any committee thereof; any person violating the provisions of this section shall be fined not less than one dollar nor more than ten dollars for each offense. (Prior code § 2.12.160)

**2.08.240 Standing committees.**

At the first regular meeting of the council, after the first Monday in January following a city election, the mayor shall appoint standing committees as follows:

- A. Public Works;
- B. Budget and Finance;
- C. Emergency Services;
- D. Human Relations.

Each committee shall consist of not more than four councilpersons and such other private individuals as the mayor shall appoint. All appointments shall be approved by a majority of the council. (Ord. 99-24, 1999; Ord. 1012, 1992; prior code § 2.12.170)

**2.08.250 Special committees.**

The mayor shall from time to time appoint such other standing or temporary committees of the council as shall be authorized, for any purpose by a majority vote of the council. (Prior code § 2.12.180)

## Chapter 2.10

### COUNCIL RULES OF PROCEDURE

#### Sections:

- 2.10.010**     **General provisions.**
- 2.10.020**     **Duties of the presiding officer.**
- 2.10.030**     **Meetings.**
- 2.10.040**     **Agenda.**
- 2.10.050**     **Order of business.**
- 2.10.060**     **Rules of council debate.**
- 2.10.070**     **Presentation to the council (not a public hearing).**
- 2.10.080**     **Public hearing.**
- 2.10.090**     **Addressing the council.**
- 2.10.100**     **Ordinances and resolutions.**
- 2.10.110**     **Weapons, firearms and explosives at city council proceedings prohibited.**

#### **2.10.010**     **General provisions.**

A. These rules are supplementary to the provisions of Title 7, Chapter 1, Part 41, MCA, and 7-5-4103, MCA as they relate to procedures for conducting meetings and public hearings before the city council of the city of Laurel, Montana.

B. To assure effective participation by all members of the council and to protect the right of participation by all individuals appearing before the council, all council meetings and hearings shall be conducted in general conformance with "Robert's Rules of Order Revised," except as otherwise provided by law.

C. Any member of the city council who has an interest in a matter before the council shall not vote thereon nor seek to influence the vote of other council members. (See also Section 2.10.060).

D. The council shall choose a clerk and such other officers and employees of its own body as are necessary. The city clerk-treasurer, shall be known as the clerk of the council and the clerk or such other city employee as the clerk may designate shall keep records and perform such other duties as may be required by the council or by law. (Ord. 98-1 § 2 (part), 1998)

#### **2.10.020**     **Duties of the presiding officer.**

A. The presiding officer of the council shall be the mayor who shall arrange the meeting agenda, coordinate the affairs of the council and preside at all meetings of the council.

B. In the absence or disability of the mayor, the president of the council shall serve as its presiding officer and may vote as other members of the council. The clerk of the council shall record and maintain the minutes of the council's proceedings, showing the vote of each member upon every question, or if failing to vote, indicating that fact; shall keep records of its examinations and other official actions; shall summarize briefly and accurately the substance of all matters proposed, discussed or decided; shall record the names and addresses of all persons appearing before the council; shall, subject to the direction of the council and presiding officer, conduct the correspondence of the council; shall file said minutes and records in the office of the council, which minutes and records shall be a public record; and shall be the custodian of the files and records of the council. (Ord. 98-1 § 2 (part), 1998)

#### **2.10.030**     **Meetings.**

A. Regular meetings of the city council shall be held on the first and third Tuesday of each month at a time set by the council, in the

council chambers of city hall, or at such other time and place as designated by the council. Should the regular meeting day be a recognized holiday the council shall, with proper notice, set an alternate day for the meeting.

B. Special meetings of the council may be called in accordance with Sections 7-5-4102(I)(c) and 7-5-4122, MCA.

C. To ensure public participation all meetings of the council shall be open to the public except as provided in Section 2-3-203, MCA.

D. A quorum shall consist of five council members. The affirmative vote of five council members shall be necessary to adopt or reject any motion, resolution, or ordinance or pass any measure unless a greater number is required by statute. (Ord. 02-43, 2002; Ord. 98-1 § 2 (part), 1998)

**2.10.040 Agenda.**

A. All reports, communications, ordinances, resolutions, contract documents or other matters to be submitted to the council, shall be submitted by nine a.m. on the Wednesday immediately preceding the next regularly scheduled council meeting with the exception that the mayor may approve late submittals deemed to be in the city's best interest by delivering the same to the clerk of the council, whereupon the mayor shall immediately arrange a list of such matters according to the order of business specified herein, and provide each member of the council with a copy of the same not later than one working day immediately preceding the council meeting.

B. Copies of the agenda shall be available to the public from the clerk of the council and one copy shall be posted at the designated posting board in the city hall for public viewing.

C. Pursuant to Section 7-1-4135 MCA, the city council designates as its official posting place the posting board in the lobby of city

hall located at 115 West First Street, Laurel, Montana (Ord. 02-33, 2002; Ord. 98-1 § 2 (part), 1998)

**2.10.050 Order of business.**

A. The mayor shall prepare the council agenda, which shall be in substantially, the following form:

1. Roll call of the council.
2. Pledge of Allegiance.
3. Approval of minutes of the previous meeting.
4. Consent items (no discussion).\*
  - a. General business/miscellaneous.
  - b. Renewal of licenses.
  - c. Applications for special licenses.
  - d. Claims (paying the bills).
  - e. Final readings of appropriations which received unanimous vote upon introduction at a previous meeting.
  - f. Any item believed by the clerk of the council to be routine and not controversial in nature.
5. Scheduled matters such as:
  - a. Opening of bids.
  - b. Confirmations of appointments.
  - c. Appeals.
  - d. Public hearing (required by law or ordinance).
  - e. Communications.
  - f. Reports.
  - g. Committee reports.
  - h. Other scheduled matters.
6. **Unscheduled Matters:** An item that is not listed on the agenda for the current meeting may be discussed during the session at the discretion of the council. However, the purpose of such discussion should be to decide whether or not to schedule the



item for discussion and vote on a subsequent agenda. As a general rule no matter of significant interest to the public should be decided upon by the council without prior notice to the public as a scheduled agenda item of the council.

#### 7. Adjournment.

B. The order of business may be adjusted by consent of the council. (Ord. 98-1 § 2 (part), 1998)

\*Consent items are those upon which the presiding officer considers no discussion should be necessary. However, at the beginning of each meeting any council member may request one or more items to be removed from the consent agenda for the purpose of discussion prior to a separate vote on the item(s). The presiding officer should schedule such discussion and vote following adoption of the consent agenda.

### **2.10.060 Rules of council debate.**

Council debate shall proceed in accordance with the following rules:

A. Every member desiring to speak shall address the presiding officer, and upon recognition, shall confine himself/herself to the question under debate, avoiding abusive and indecorous language.

B. A member, once recognized, shall not be interrupted when speaking unless it is to call him to order, or as herein otherwise provided. If a member, while speaking is called to order, she/he shall cease speaking until the question of order be determined, and, if in order, he/she shall be permitted to proceed.

C. Order of rotation in matters of debate or discussion shall be at the discretion of the presiding officer.

D. A motion to reconsider any action taken by the council, may be made only on the day such action was taken or at the next meeting of the council. Such a motion shall be made by a member of the prevailing side, but may be seconded by any member; it shall be debatable and requires a simple majority for adoption.

E. Any member of the council who has an interest as defined by the laws of the state of Montana (Title 2, Chapter 2, MCA) or as advised by the city attorney shall not participate in the debate nor vote in that matter nor seek to influence the vote of members of the council. Any council member attempting to so participate may be censured by a majority vote of the remaining members of the city council. ("Censored" is defined as a formal resolution of the legislative body reprimanding a member for specified conduct. It is an official reprimand or condemnation.)

F. If the presiding officer of the council has an interest as defined by the code of ethics previously adopted or as established by the laws of the state of Montana or as advised by the city attorney, he shall additionally yield the chair to a member of the council during the course of debate and decision concerning the issue in which he has an interest.

G. After a motion, duly made and seconded, by the council, no person shall address the council without first securing the permission of the presiding officer. (Ord. 98-1 § 2 (part), 1998)

### **2.10.070 Presentaion to the council (not a public hearing).**

The general manner in which the council handles items other than public hearings shall be as follows:

A. The presiding officer presents the item to the council along with a brief summary of the matter for discussion, with or without recommendation.

B. For purpose of clarification, council members, after recognition by the presiding officer, may direct questions to the presiding officer or staff member.

C. Upon recognition by the presiding officer, the council will hear comments from the applicant.

D. After recognition by the presiding officer, council members may direct questions to the applicant.

E. Members of the audience will be invited to present testimony beginning with those in favor of the proposal.

F. All testimony shall be directed to the presiding officer.

G. The council may, upon a proper motion and second, vote on the matter at hand or table the matter until a date certain. (Ord. 98-1 § 2 (part), 1998)

**2.10.080 Public hearing.**

A. The council may conduct public hearings or may appoint a hearing officer for that purpose as provided in Section 7-1-4131, MCA. When heard by the council the items will be presented to the council in the same format as described in Section 2.10.070. In addition, when public hearings and public interest matters are being heard and it is anticipated that a large number of citizens may wish to present testimony, the presiding officer, with the consent of the council, may, prior to the meeting, establish reasonable guidelines for the conduct of the meeting.

B. Witnesses may be required to testify under oath and all testimony shall be directed to the presiding officer.

C. The council shall not be bound by the strict rules of evidence, but may exclude irrelevant, immaterial, incompetent, or unduly repetitious testimony or evidence. The presiding officer shall, with advice from the city attorney, rule on all questions relating to the admissibility of testimony or evidence. The ruling of the presiding officer may be overruled by a majority vote of the council.

D. The proponents or opponents, their agent or attorney, may submit petitions and letters during or prior to the closing of the

hearing and the same shall be entered by reference into the minutes and considered as other testimony received at the hearing.

E. Following the presentation of all comments, testimony and evidence, the council: may continue the hearing to a date certain to allow additional information to be submitted to the council as a body on any unresolved issues; close the public hearing and proceed to council debate of the matter; or continue the council debate and vote to a date certain. A public hearing, which has been formally closed, may not be reopened. If additional information is required before a decision can be made, the council, upon motion duly made, seconded and passed, may call for an additional public hearing which hearing shall be duly noticed, specifying date, time, place and subject matter of the hearing. (Ord. 98-1 § 2 (part), 1998)

(Ord. No. O12-05, 9-18-12)

**2.10.090 Addressing the council.**

A. The public is invited to speak on any item under discussion by the council after recognition by the presiding officer. The speaker should step to the lectern or front of the room and, for the record, give his/her name and address and, if applicable, the person, firm, or organization he/she represents. Prepared statements are welcomed and should be given to the clerk of the council. Prepared statements that are also read, however, shall be deemed unduly repetitious. All prepared statements shall become a part of the hearing record.

B. While the council is in session, the members must preserve order and decorum. A member shall not delay or interrupt the proceedings or the peace of the council nor disturb any member while speaking or refuse to obey the orders of the council or its presiding officer. The presiding officer shall forthwith bar any person making personal, impertinent or slanderous remarks or who shall become boisterous or disruptive during the council meeting from further presentation to the council, unless permission to continue be granted by a majority vote of the council. (Ord. 98-1 § 2 (part), 1998)

**2.10.100 Ordinances and resolutions.**

A. All ordinances and resolutions shall be prepared or reviewed by the city attorney. No ordinance or resolution shall be prepared for presentation to the council unless ordered by a majority vote of the council or requested by the mayor.

B. The ordinances and resolutions shall, before presentation to the council, be approved as to form and legality by the city attorney and shall have been examined by

the mayor who may refer it for comment to the head of the department under whose jurisdiction the subject matter of the ordinance or resolution is to be administered.

C. Ordinances and resolutions must be introduced by a member of the city council or the mayor. A draft of the proposed ordinance or resolution shall be presented to the council for review and comment with the public being notified of the proposed action and invited to make comment. If the council approves the draft ordinance, it shall then be placed on the agenda for first reading and provisional adoption, with second reading and final adoption occurring at least twelve days after the first reading and provisional adoption. After being provisionally adopted, the ordinance shall be posted in a conspicuous place in city hall and copies thereof shall be available to the public from the clerk of the council. The reading of the ordinance's title and number shall be sufficient to constitute a reading and an actual oral pronouncement of each word contained therein of the proposed ordinance or resolution is not required and shall be waived unless required by a majority vote of the city council. All ordinances, except emergency ordinances, shall become effective thirty days after the second reading and final adoption. All resolutions and emergency ordinances shall become effective immediately or at the time indicated therein. (Ord. 98-1 § 2 (part), 1998)

**2.10.110 Weapons, firearms and explosives at city council proceedings prohibited.**

A. Statement of Authority and Purpose.

1. Section 45-8-351, MCA authorizes cities to prevent and suppress the carrying

of concealed or unconcealed weapons to public assemblies under its jurisdiction;

2. Section 45-8-328 (1) (a), MCA prohibits the carrying of concealed weapons with or without a permit in any building owned or leased by a local government;

3. Section 45-8-333, MCA prohibits the possession of explosives where such possession intimidates, terrifies or endangers another human being; and

4. The security of city council proceedings and the safety of its participants are of paramount concern.

#### B. Definitions.

1. "Council proceedings" means all regularly scheduled meetings of the Laurel city council, all specially-called meetings of the Laurel city council and all agenda meetings of the Laurel city council wherever such meetings may be held.

2. "Destructive device" means:

a. An explosive or incendiary material or any other similar chemical substance including, but not limited to, that which is commonly known as tracer or incendiary ammunition, except trace ammunition manufactured for use in shotguns;

b. A bomb, grenade, explosive missile or similar device or a launching device therefore;

c. A weapon of a caliber greater than .60 caliber which fires fixed ammunition or any ammunition therefore, other than a shotgun or shotgun ammunition;

d. A rocket, rocket-propelled projectile or similar device of a diameter greater than .60 inches or a launching device therefore and a rocket, rocket-propelled projectile or a similar device containing an explosive or incendiary material or any other similar chemical substance other than the propellant for the device, except devices designed

primarily for emergency or distress signaling purposes;

e. A breakable container which contains a flammable liquid with a flashpoint of 150 degrees Fahrenheit or less and which has a wick or similar device capable of being ignited, other than a device which is commercially manufactured primarily for the purpose of illumination.

3. "Firearm" means any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of any explosive; the frame or receiver of any such weapon; or any firearm muffler or firearm silencer or any destructive device.

4. "Law enforcement personnel" means:

a. Any sworn peace officer of the city of Laurel;

b. Any sworn peace officer of the state of Montana;

c. Any officer of the United States Government authorized to carry a concealed weapon;

d. Any member of the armed services or reserve forces of the United States or National Guard while in performance of their official duties;

e. A person summoned to the aid of any of the persons named in subsections a through d;

f. A probation and parole officer authorized to carry a firearm by the Montana Department of Corrections;

g. An agent of the Montana Department of Justice or a criminal investigator in a county attorney's office;

h. A person authorized by the Laurel chief of police to carry or possess an unconcealed weapon on city property.

5. "Weapon" means a dirk, dagger, pistol, revolver, rifle, shotgun, firearm,

slingshot, sword, cane, billy, knuckles made of any metal or hard substance, razor (not including a safety razor) or other deadly weapon or destructive device.

C. Prohibition of Weapons, Firearms and Destructive Devices at City Council Meetings. The carrying or possession of weapons, firearms or destructive devices at Laurel city council proceedings by any person except law enforcement personnel is prohibited.

D. Signing. Suitable signs giving notice that weapons, firearms and destructive devices are prohibited at Laurel city council proceedings will be posted in appropriate areas.

E. Penalties. A person convicted of carrying or possessing weapons, firearms or destructive devices at Laurel city council proceedings shall be fined not to exceed five hundred dollars or by imprisonment not to exceed six months or both. (Ord. 98-5 § 1, 1998)

## Chapter 2.12

### CITY OFFICERS IN GENERAL

**Sections:**

- 2.12.010 Elections to be nonpartisan.**
- 2.12.020 Elective and appointive offices.**
- 2.12.030 Eligibility to elective office.**
- 2.12.040 Eligibility to appointive office.**
- 2.12.050 Commencement of officer's terms.**
- 2.12.060 Vacancy of office—Cause.**
- 2.12.070 Vacancy in elective office—Filling.**
- 2.12.080 Elective and appointive office—Composition—Qualifications—Council authority.**
- 2.12.090 Consolidation of appointive offices when.**
- 2.12.100 City officers—Salary determination.**
- 2.12.110 City officers—Salary not to be diminished during term.**
- 2.12.120 City officers—Oath of office required.**
- 2.12.130 City officers—Bond required.**
- 2.12.140 Surety bonds—City to purchase.**
- 2.12.150 Blanket bond applicability.**
- 2.12.160 Bond conditions.**

#### **2.12.010 Elections to be nonpartisan.**

A. All elections for offices in the city of Laurel shall be conducted on a nonpartisan basis.

B. All elections shall be conducted as provided for nonpartisan elections under Title 13, Chapter 14, Montana Code Annotated. (Prior code § 2.04.015)

#### **2.12.020 Elective and appointive offices.**

The officers of the city consist of one mayor, two aldermen from each ward, one city judge, who must be elected by the qualified electors of the city as provided in M.C.A. § 7-4-4102. There may also be appointed by the mayor, with the advice and consent of the council, one city clerk-treasurer, who is ex officio city assessor, director of public works, assistant director of public works, engineer, maintenance director, public utilities director, and any other officer necessary to carry out the provisions of this title. The city council may prescribe the duties of all city officers and fix their compensation subject to the limitations contained in the city ordinances and state law. (Ord. 02-7, 2002; Ord. 97-2 § 1, 1997; Ord. 1000, 1991; prior code § 2.04.020)

#### **2.12.030 Eligibility to elective office.**

No person is eligible to any elective office who is not a citizen of the United States and who has not resided in the city or an area which has been annexed thereto for at least two years immediately preceding his election and who is not a qualified elector thereof. (Prior code § 2.04.030)

**2.12.040 Eligibility to appointive office.**

No person is eligible to any appointive city office who is not a citizen of the United States. (Prior code § 2.04.031)

**2.12.050 Commencement of officer's terms.**

The terms of all officers elected at a city 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. The city clerk-treasurer is to notify all persons of their election or appointment to office, see Section 2.16.010. (Ord. 97-2 § 4 (part), 1997; prior code § 2.04.040)

**2.12.060 Vacancy of office—Cause.**

An office becomes vacant on the happening of any of the following events before the expiration of the term of the incumbent:

- A. The death of the incumbent;
- B. A determination pursuant to Title 53, Chapter 21, Part 1, that he is mentally ill;
- C. His resignation;
- D. His removal from office;
- E. His absence from the city continuously for ten days without the consent of the council;
- F. His open neglect or refusal to discharge his duties;
- G. His ceasing to be a resident of the city, or in the case of an alderman, his ceasing to be a resident of his ward;
- H. His ceasing to discharge the duty of his office for a period of three consecutive months, except when prevented by illness or when absent from the city by permission of the governing body;

I. His conviction of a felony or of any offense involving moral turpitude or a violation of his official duties;

J. His refusal or neglect to file his official bond within the time prescribed;

K. The decision of a competent tribunal declaring void his election or appointment. (Prior code § 2.04.050)

**2.12.070 Vacancy in elective office—Filling.**

A. When any vacancy occurs in any elective office, this position shall be considered open and subject to nomination and election at the next general city election in the same manner as the election of any other person holding the same office, except the term of office shall be limited to the unexpired term of the person who originally created the vacancy. Pending such election and qualification the council shall, by a majority vote of the members, appoint a person within thirty days of the vacancy to hold the office until his successor is elected and qualified.

B. A vacancy in the office of alderman must be filled from the ward in which the vacancy exists.

C. Vacancies in nonelective offices may be filled by the mayor with the consent of the majority of council, see State ex. rel. Peterson v. Peck, 91 Mont. 5, 4 P.2d 1086. (Prior code § 2.04.060)

**2.12.080 Elective and appointive office—Composition—Qualifications—Council authority.**

A. The executive offices of the city shall be the mayor, who shall act as chief executive officer of the city, and one city clerk-treasurer, who may act as ex-officio tax collector. The mayor may further appoint, with the advice

and consent of the council, one city clerk-treasurer, who shall be ex-officio city assessor; one chief of police; one city attorney; one director of public works; one city engineer; one maintenance director; one public utilities director; and any other offices necessary to carry out the provisions of this title. The council, from time to time, by ordinance or resolution, or by other appropriate means, may prescribe the duties of all appointed officers and fix the compensation of each, subject to the limitations contained in state law and city ordinance. The city attorney shall be appointed for a two-year term, and all other appointed officers under this title shall be appointed to a four-year term coinciding with the term of the mayor.

B. The legislative officers of the city shall be the aldermen.

C. The judicial officer of the city shall be the city judge. By special nomination and appointment by the mayor and the council, a justice of the peace may fill the office of city judge.

D. The council shall have power and authority to abolish, by a majority vote of the council, the executive offices of city attorney, city clerk-treasurer, chief of police, director of public works, assistant director of public works, engineer, maintenance director, public utilities director, and any other office the appointment to which is made by the mayor upon advice and consent of the council; and, the council may discharge any officers so appointed, by a majority vote. (Ord. 02-1, 2002; Ord. 97-2 § 4 (part), 1997; Ord. 971, 1990: prior code § 2.04.070)

**2.12.090 Consolidation of appointive offices when.**

The city council may, by ordinance, consolidate any of the offices, 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 officer whose office has been abolished. (Prior code § 2.04.090)

**2.12.100 City officers—Salary determination.**

The council shall determine by ordinance or resolution the salaries and compensation of elected and appointed city officers and all city employees. (Prior code § 2.04.100)

**2.12.110 City officers—Salary not to be diminished during term.**

A. The salary and compensation of an officer may not be diminished during his term of office.

B. Salaries of judges shall not be diminished during terms of office, see Mont. Const., Art. VII, S7. (Prior code § 2.04.110)

**2.12.120 City officers—Oath of office required.**

Each officer of the city must 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 be 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. (Prior code § 2.04.120)

**2.12.130 City officers—Bond required.**

Elected or appointed municipal officers and employees shall be bonded in such sums as ordinance may require. The amount for which a city officer or employee shall be bonded shall be based on the amount of money or property handled and the opportunity for



defalcation. The city council shall actively solicit offers on a competitive basis from available qualified insurance or surety companies before purchasing the bonds. (Prior code § 2.04.130)

**2.12.140 Surety bonds—City to purchase.**

The council shall purchase all surety bonds for city officers and employees. A bond may cover an individual officer or employee or a blanket bond may cover all officers and employees, or any group or combination of officers and employees. (Prior code § 2.04.140)

**2.12.150 Blanket bond applicability.**

All city employees handling funds belonging to the city shall be covered by a blanket bond and this shall include the city clerk-treasurer and any deputy thereof, city clerk-treasurer and any deputy thereof, city judge and any deputy thereof, city librarian and any assistant thereof, park attendant at Riverside Park, police chief, and radio operator at the police station. (Ord. 97-2 § 4 (part), 1997; prior code § 2.04.150)

**2.12.160 Bond conditions.**

A. 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 of the state or the city subsequently enacted, and that he will account for and pay over and deliver to the person or officer, entitled to receive the same, all moneys or other 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.

B. All official 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. (Prior code § 2.04.160)

**Chapter 2.20****CITY CLERK OF COURT****Sections:****2.20.010 Office created—Duties and requirements.****2.20.010 Office created—Duties and requirements.**

A. There is created the office of city clerk of court. The clerk of court shall be appointed by the city judge.

B. It shall be the duty of the clerk of court to perform all duties as required by law and the rules of the city court.

C. Before entering upon the duties of office, the clerk of court shall take the oath prescribed by law for all city officers.

D. The clerk of court's term of office shall be the same as is provided by law and ordinance for the city judge, and until a successor is appointed.

E. The clerk of court may certify any records or documents of the city court and may act for the city court as permitted by law or rules of the city court.

F. The salary of the clerk of court shall be set by resolution of the city council.

G. The clerk of court is a part-time position with a thirty-hour work week. (Ord. 890, 1986: Ord. 825 §§ 1—7, 1985: prior code § 2.16.130)

**Chapter 2.40****HEALTH OFFICER****Sections:**

- 2.40.010**      **Appointment—Term.**  
**2.40.020**      **Duties.**

**2.40.010**      **Appointment—Term.**

The mayor, with the approval and consent of the council, shall appoint a qualified health officer for a term of two years. (Prior code § 2.08.100)

**2.40.020**      **Duties.**

It shall be the health officer's duty to inspect all public eating establishments, within the city, upon a regular schedule as the council may from time to time prescribe and make a report to the council. He shall submit to the council a report upon the milk supplies delivered and sold in the city. He shall have such duties in regard to public health of the inhabitants of the city as the council shall prescribe. (Prior code § 2.08.110)

**Chapter 2.56****PUBLIC UTILITIES DIRECTOR****Sections:**

**2.56.010 Appointment—Term—  
Conditions of office.**

**2.56.020 Duties.**

**2.56.010 Appointment—Term—  
Conditions of office.**

A public utilities director shall be appointed by the mayor, with the advice and consent of the council for a period of two years or for such shorter periods as may be designated in the appointment and until his successor is appointed. The position of public utilities director shall be a salaried position. The public utilities director's salary shall be established by resolution of the council. (Ord. 900, 1986: prior code § 2.08.140)

**2.56.020 Duties.**

The public utilities director shall:

- A. Supervise personnel in maintenance of equipment to ensure good operating conditions;
- B. Order all equipment and supplies;
- C. Work on yearly budget and yearly work schedule;
- D. Schedule personnel and coordinate vacations;
- E. Schedule all testing and file required reports;
- F. Comply with state and federal agencies;
- G. Work with city officials to best utilize funds and manpower;
- H. Serve on various appointed committees at the mayor's and/or council's discretion;
- I. Have four years' experience in a supervisory position within a water or sewer plant

with certifications for both water treatment and sewer treatment as required for the city of Laurel. (Ord. 901, 1986: prior code § 2.08.150)

## Chapter 2.60

## POLICE DEPARTMENT

## Sections:

- 2.60.010 Mayoral authority.  
 2.60.015 Police arrest authority.  
 2.60.020 Composition and nomination of same.  
 2.60.030 Chief of police—Duties.  
 2.60.040 Assistant chief of police.  
 2.60.050 Police duties.  
 2.60.060 Special policemen.  
 2.60.070 Reserve and auxiliary police forces.  
 2.60.080 Reserve and auxiliary police forces—Police chief authority.  
 2.60.090 Reserve and auxiliary police forces—Powers and duties.  
 2.60.100 Police commission—Appointment—Terms and conditions of office.  
 2.60.110 Police commission—Rules and regulations.  
 2.60.120 Mayor to refer appointments.  
 2.60.130 Applicants—Examination required.  
 2.60.140 Presentation of charges—Police commission jurisdiction.  
 2.60.150 Police commission—Trial procedure.  
 2.60.170 Police commission decision—Enforcement—Appeal.  
 2.60.180 Suspension—Discharge—Power and authority.  
 2.60.190 Temporary police duty—Mayoral authority.

## 2.60.200 Police commission—Officers.

## 2.60.210 Police officers' retirement system.

## 2.60.010 Mayoral authority.

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 force. (Prior code § 2.20.010)

## 2.60.015 Police arrest authority

All police officers of the city of Laurel shall have the power to make arrests of persons committing crimes or charged with crimes:

1. Within the limits of the city;
2. Within five miles thereof; and
3. Along the line of water supply of the city. (Ord. 00-3, 2000)

## 2.60.020 Composition and nomination of same.

The mayor shall nominate, and with the consent of council, appoint one chief of police, one assistant chief of police, and such subordinate officers of the police force as may be required. (Prior code § 2.20.020)

## 2.60.030 Chief of police—Duties.

It is the duty of the chief of police:

- A. To execute and return all process issued by the city judge, or directed to him by any legal authority, and to attend upon the city court regularly;
- B. To arrest all persons guilty of a breach of the peace or for the violation of any municipal ordinance, and bring them before the city judge for trial;
- C. To have charge and control of all policemen, subject to such rules as may be pre-

scribed 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. The chief of police has the same powers as a constable in the discharge of his duties, but he must not serve a process in any civil action or proceeding except when the city is a party;

E. To perform such other duties as the council may prescribe. (Prior code § 2.20.030)

**2.60.040 Assistant chief of police.**

The assistant chief of police shall be under the direct supervision and control of the chief of police and shall, in the absence or disability of the chief of police, perform the duties of that officer. (Prior code § 2.20.040)

**2.60.050 Police duties.**

The police officers of the city 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 city. (Prior code § 2.20.050)

**2.60.060 Special policemen.**

Whenever the mayor considers it necessary to increase the police force, he may employ suitable persons as special policemen. (Prior code § 2.20.060)

**2.60.070 Reserve and auxiliary police forces.**

The chief of police shall recommend and the council shall approve membership in the reserve police force and the auxiliary police force. The number of persons enrolled in the reserve police force and auxiliary police force

shall be set by the council. (Prior code § 2.20.120)

**2.60.080 Reserve and auxiliary police forces—Police chief authority.**

The chief of police shall be responsible for the training and conduct of the reserve police force and auxiliary police force, and shall prepare rules and regulations governing the conduct and use of such reserve police force and auxiliary police force, subject to the approval of the mayor. (Prior code § 2.20.130)

**2.60.090 Reserve and auxiliary police forces—Powers and duties.**

The reserve police force and auxiliary police force, under the direction of the chief of police and the mayor, shall aid the regular police department in any manner the police chief and mayor deem advisable in protection of the inhabitants and property of the city. The reserve police force and auxiliary policemen, when on duty, shall have all the powers and be subject to the discipline of a regular police officer of the city pursuant to state law. (Prior code § 2.20.140)

**2.60.100 Police commission—Appointment—Terms and conditions of office.**

The mayor shall nominate, with the consent of the council, three residents of the city, who shall have the qualifications required by law to hold a city board to be known by the name of "police commission," and who shall hold office for three years. One member of such board must be appointed annually at the first meeting of the council in May of each year. (Prior code § 2.20.150)

**2.60.110 Police commission—Rules and regulations.**

The police commission shall make rules and regulations necessary to implement and administer the commission, not inconsistent with this code, and shall have such other and further powers as is provided by ordinance or statute. (Prior code § 2.20.160)

**2.60.120 Mayor to refer appointments.**

The mayor shall not make any appointment to the police force until an application for such position on the police force has been filed with the mayor, and by him referred to the police commission, and such applicant has successfully passed the examination required to be held by the police commission and a certificate from the police commission filed with the mayor that the applicant has qualified for such appointment. (Prior code § 2.20.170)

**2.60.130 Applicants—Examination required.**

A. All applicants for positions on the police force, whose application shall have been referred to the police commission, shall be required successfully to undergo an examination before the police commission, and to receive a certificate from the commission that the applicant is qualified for the appointment for the probationary period on the police force.

B. The police commission shall examine all applicants as to their age, legal, mental, moral and physical qualifications, and their ability to fill office as a member of the police force. It shall also be the duty of the police commission subject to the approval of the mayor, to make such rules and regulations regarding such examinations not inconsistent

with this code or the laws of the state of Montana.

C. Any applicant who shall make any false statement to the police commission as to his age or other qualifications required, at his examination before the police commission, shall be subject to suspension or dismissal from the police force, after trial. (Prior code § 2.20.180)

**2.60.140 Presentation of charges—Police commission jurisdiction.**

A. The police commission shall have the jurisdiction, and it shall hear, try and decide all charges brought by any person or persons against any member or officer of the police department, including any charge that such member or officer is incompetent, or by age or disease, or otherwise, has become incapacitated to discharge the duties of his office, or has been guilty of neglect of duty, or of misconduct in his office, or of conduct unbecoming a police officer or has been found guilty of any crime, or whose conduct has been such as to bring reproach upon the police force.

B. Any charge brought against any member of the police force must be in writing in the form required by the police commission and a copy thereof must be served upon the accused officer or member at least fifteen days before the time fixed for hearing such charge. (Prior code § 2.20.190)

**2.60.150 Police commission—Trial procedure.**

A. The police commission shall hear, try and determine the charge according to the rules of evidence applicable to courts of record in the state of Montana. The accused shall have the right to be present at the trial in person and by counsel, and to be heard, and to

give and furnish evidence in his defense. All trials shall be open to the public.

B. The chairman, or acting chairman, of the police commission, shall have the power to issue subpoenas, attested in its name, to compel the attendance of witnesses at the hearing and any person duly served with a subpoena is bound to attend in obedience thereto, and the police commission shall have the same authority to enforce obedience to the subpoena, and to punish the disobedience thereof, as is possessed by a judge of the district court in like cases, provided however, that punishment for disobedience is subject to review by the district court of Yellowstone County.

C. The police commission shall, after the conclusion of the hearing or trial, decide whether the charge was proven or not proven, and shall have the power, by a decision of a majority of the commission, to discipline, suspend, remove or discharge any officer who shall have been found guilty of the charge filed against him. (Prior code § 2.20.200)

**2.60.170 Police commission  
decision—Enforcement—  
Appeal.**

A. When a charge against a member of the police force is found proven by the board, the mayor must make an order enforcing the decision of the board, and such decision or order shall be subject to review by the district court of Yellowstone County on all questions of fact and all questions of law.

B. The district court of Yellowstone County shall have jurisdiction to review all questions of fact and all questions of law in a suit brought by any officer or member of the police force within a period of sixty days after the decision of the police commission or order of the mayor has been filed with the city

clerk-treasurer. (Ord. 02-9, 2002; Ord. 97-2 § 4 (part), 1997; prior code § 2.20.220)

**2.60.180 Suspension—Discharge—  
Power and authority.**

A. The mayor or chief of police, subject to the approval of the mayor, shall have the power to suspend a policeman or any officer for a period of not exceeding ten days in any one month, such suspension to be with or without pay as the order of suspension may determine. Any officer



suspended, with or without pay, is entitled to appeal such suspension to the police commission and the commission shall hear, try and decide all charges brought by any person or persons against any member or officer of the department.

B. No officer or member of the police force shall be discharged without a hearing or trial before the police commission. (Prior code § 2.20.230)

**2.60.190 Temporary police duty—  
Mayoral authority.**

The mayor shall have the power and authority at any time when he deems it expedient to employ not to exceed two persons at one time for a period not to exceed thirty days to do police duty who are not members of the police department. (Prior code § 2.20.240)

**2.60.200 Police commission—  
Officers.**

A. At the first regular meeting of the police commission in the month of May of each year, following new appointments by the city council, the members of the police commission shall select a chairman to serve a term of one year.

B. The police commission may employ a secretary or may designate one of its own members to act as such. The secretary shall keep the minutes of the commission's proceedings, shall be custodian of all papers pertaining to the business of the police commission, shall keep a record of all examinations held, and shall perform such other duties as the commission shall prescribe.

C. The city attorney shall be the legal adviser to the police commission, and shall

approve all action of the commission as to form. (Prior code § 2.20.250)

**2.60.210 Police officers' retirement system.**

The police department of the city of Laurel, Montana, shall be under, subject to and within the provisions of the municipal police officers' retirement system (statewide plan) laws of the state of Montana, as set forth in Title 19, Chapters 2 and 9, M.C.A. and all amendments thereto. The said police department retirement system shall be managed, conducted, governed and controlled as in said state law and this section provided. (Ord. 98-3 § 1, 1998)

## Chapter 2.64

### FIRE DEPARTMENT

#### Sections:

- 2.64.010**     **Composition.**
  - 2.64.020**     **Nomination and appointments—Mayoral authority.**
  - 2.64.030**     **Fire chief—Powers and duties.**
  - 2.64.040**     **Assistant chief in charge when.**
  - 2.64.050**     **Chief to command at fires.**
  - 2.64.060**     **Command assumed by first on scene.**
  - 2.64.070**     **Refusal to assist at fire—Penalty.**
  - 2.64.080**     **Authority to close business near fire.**
  - 2.64.090**     **Preventive inspections.**
  - 2.64.100**     **Hazardous obstructions—Order to abate.**
  - 2.64.110**     **Compliance.**
  - 2.64.120**     **Volunteer fire department.**
  - 2.64.130**     **Volunteer fire department—Fire chief to control.**
  - 2.64.140**     **Volunteer fire department—Duties.**
  - 2.64.150**     **Assessment of fire fighting costs to nonresidents.**
- 2.64.010**     **Composition.**  
 The fire department of the city shall consist of a chief of the fire department, assistant chief of the fire department and

such firemen as may be authorized by the municipal council. (Prior code § 2.24.010)

**2.64.020**     **Nomination and appointments—Mayoral authority.**

The mayor shall nominate and, with the consent of the council, appoint the chief of the fire department, the assistant chief of the fire department and all firemen. (Prior code § 2.24.020)

**2.64.030**     **Fire chief—Powers and duties.**

The chief of the fire department shall have sole command and control over all persons connected with the fire department of the city, and shall possess full power and authority over its organization, government, and discipline, and to that end may from time to time establish such disciplinary rules and regulations as he may deem advisable, subject to the approval of the municipal council; he shall have charge of and be responsible for the engines and other apparatus, the property of the city furnished the fire department, and see that they are at all times ready for use in the extinguishing of fires. (Prior code § 2.24.030)

**2.64.040**     **Assistant chief in charge when.**

In the absence of the chief of the fire department the assistant chief of the department shall exercise the functions and powers set forth in Section 2.64.030. (Prior code § 2.24.040)

**2.64.050**     **Chief to command at fires.**

The chief of the fire department shall

have sole and absolute control and command over all other members of the fire department and all other persons present at fires, and the movement of all persons or property within the streets in any area threatened by fire. (Prior code § 2.24.050)

**2.64.060 Command assumed by first on scene.**

The fireman or officer of the fire department who first arrives at a fire shall be the officer in command until the chief or assistant chief of the fire department arrives. (Prior code § 2.24.060)

**2.64.070 Refusal to assist at fire—  
Penalty.**

The chief of the fire department and, in his absence, the assistant chief, when in the discharge of their duties in extinguishing or fighting fires, shall have the authority to command any able-bodied citizen of the city to assist the department. Any person so ordered by the chief or the assistant chief who refuses to obey such order shall, upon complaint and conviction thereof, be fined not less than five dollars nor more than ten dollars. (Prior code § 2.24.070)

**2.64.080 Authority to close business near fire.**

A. The chief of the fire department shall have power, during any fire, and while the fire department is engaged in putting out any fire or caring for property at any fire, to order any place of business in the vicinity of such fire closed for such length of time as he determines necessary for the safety and preservation of life and property.

B. Any person who violates an order

made pursuant to this section shall be punished as set forth in Section 1.36.010. (Prior code § 2.24.080)

**2.64.090 Preventive inspections.**

It shall be the duty of the fire department to inspect or cause to be inspected, as often as may be necessary, all buildings, premises and thoroughfares in the city, except the interior of private dwellings, for the purpose of ascertaining and causing to be corrected, any conditions liable to cause fires, or any violations of the provisions of this code or other ordinance of the city affecting fire hazards. (Prior code § 2.24.090)

**2.64.100 Hazardous obstructions—  
Order to abate.**

Whenever the chief of the fire department, or any officer of the city or fireman shall find obstructions to or on fire escapes, stairs, passageways, doors, windows, etc., liable to interfere with the operations of the fire department or egress of the occupants in case of fire, he shall order the same to be removed or remedied. (Prior code § 2.24.100)

**2.64.110 Compliance.**

Orders issued under authority of Section 2.64.100 shall be complied with promptly by the owner, his agent or occupant of the building or premises involved. Any person failing to so comply shall be punished as set forth in Section 1.36.010. (Prior code § 2.24.110)

**2.64.120 Volunteer fire department.**

There shall be a volunteer fire department to aid the regular fire department in

the protection of the city property from fire. The members of the volunteer fire department shall be appointed by the fire chief with the consent of the council. The total number of volunteer members shall be set by the council. (Prior code § 2.24.130)

**2.64.130 Volunteer fire department—Fire chief to control.**

The city fire chief shall be in direct control and have supervision of any volunteer organization aiding the city fire department, and the fire chief shall have the authority to reprimand or suspend any member for good cause subject to the approval of the council. (Prior code § 2.24.140)

**2.64.140 Volunteer fire department—Duties.**

The volunteer fire department shall have such duties as is assigned to it and to the members thereof by the fire chief, and the fire chief may prepare rules and regulations regarding members of said volunteer fire department subject to the approval of the council. (Prior code § 2.24.150)

**2.64.150 Assessment of fire fighting costs to nonresidents.**

A. Whenever the fire department responds to any call or report of any fire or

other hazard or any emergency situation within the city, or within the fire department's jurisdictional area established by any fire district or other agreement, the chief of the fire department shall charge, and he shall have authority to bill and to take all necessary steps to collect from any owners, occupants, or persons otherwise in charge or control of the affected property, real or personal, who are not residents of the city, or of the fire department's jurisdictional area, all costs incurred by the fire department in responding to or participating in the extinguishment or abatement of the fire or other hazard or the emergency situation.

B. For purposes of determining the fire department's costs of responding to or participating in the extinguishment or abatement of any fire or other hazard or any emergency situation, the city council shall from time to time by resolution establish base rates and additional rates for fire department callouts or responses, including rates to be charged for fire trucks, equipment, support vehicles, and firemen responding, the rates to be charged and billed by the chief of the fire department as the costs to the department as provided above. The city council may from time to time alter or amend any such resolution setting rates and costs, as the council may deem appropriate. (Ord. 878, 1986: prior code § 2.24.155)

**Chapter 2.68****CITY COURT****Sections:**

- 2.68.010**     **Established.**
- 2.68.020**     **Concurrent jurisdiction with youth court.**
- 2.68.030**     **Jurisdiction.**
- 2.68.040**     **Exclusive jurisdiction when.**
- 2.68.050**     **Criminal actions— Preliminary examinations.**
- 2.68.060**     **Criminal actions— Proceedings.**
- 2.68.070**     **Civil actions— Proceedings.**
- 2.68.080**     **Civil fees.**
- 2.68.090**     **City judge qualifications.**
- 2.68.100**     **City judge—Salary.**
- 2.68.110**     **Substitute judge when.**
- 2.68.120**     **City judge—Authority to collect fines.**
- 2.68.130**     **Disposition of fines.**

**2.68.010**     **Established.**

A city court is established in the city. The city judge shall establish regular sessions of the court. On judicial days, the court shall be open for all business, civil and criminal. On nonjudicial days, as defined in 3-1-302, MCA, the court may transact criminal business only. (Ord. 931 (part), 1988: prior code § 2.16.010)

**2.68.020**     **Concurrent jurisdiction with youth court.**

The city court shall have concurrent jurisdiction with the youth court over all alcoholic beverage violations alleged to have been committed by the youth. (Prior code § 2.16.020)

**2.68.030**     **Jurisdiction.**

A. The city court has concurrent jurisdiction with the justice's court of all proceedings mentioned and provided for under Chapter 10, Part 3, of Title 3, Montana Code Annotated.

B. A criminal action brought for violation of a city ordinance must be brought in the name of the city as the plaintiff and against the accused as the defendant.

C. A criminal action brought for violation of a state law within the city may be brought either in the name of the state as the plaintiff or in the name of the city as the plaintiff and must be brought against the accused as the defendant.

D. A criminal action brought for violation of a state law within the county and within the city court's concurrent jurisdiction with the justice's court must be brought in the name of the state as the plaintiff and against the accused as the defendant.

E. A civil action brought in the city court must be prosecuted or defended in the same manner as a civil action in justice's courts under the Montana Justice and City Courts Rule of Civil Procedure (Title 25, Chapter 23, MCA).

F. Application for search warrants and complaints charging the commission of a felony may be filed in the city court as provided under Section 3-11-102(2), MCA. (Ord. 02-11, 2002: Ord. 931 (part), 1988: prior code § 2.16.030)

**2.68.040**     **Exclusive jurisdiction when.**

The city court has exclusive jurisdiction of:

A. Proceedings for the violation of an ordinance of the city or town, both civil and criminal;

B. When the amount of the taxes or assessments sought does not exceed five thousand dollars, actions for the collection of taxes

or assessments levied for any of the following purposes, except that no lien on the property taxed or assessed for the nonpayment of the taxes or assessments may be foreclosed in any such action:

1. City or town purposes,
2. The erection or improvement of public buildings,
3. The laying out, opening, or improving of a public street, sidewalk, alley or bridge,
4. The acquisition or improvement of any public grounds, and
5. Public improvements made or ordered by the city or town within its limits;

C. Actions for the collection of money due to the city or town from the city or town to any person when the amount sought, exclusive of interest and costs, does not exceed five thousand dollars;

D. When the amount claimed, exclusive of costs, does not exceed five thousand dollars, actions for:

1. The breach of an official bond given by a city or town officer,
2. The breach of any contract when the city or town is a party or is in any way interested,
3. Damages when the city or town is a party or is in any way interested,
4. The enforcement of forfeited recognizances given to, for the benefit of, or on behalf of the city or town, and
5. Collection on bonds given upon appeal taken from the judgment of the court in any action mentioned in subdivisions 1—4 of this subsection;

E. Actions for the recovery of personal property belonging to the city or town when the value of the property, exclusive of the damages for the taking or detention, does not exceed five thousand dollars; and

F. Actions for the collection of a license fee required by an ordinance of the city or town. (Ord. 02-12, 2002: Ord. 931 (part), 1988: prior code § 2.16.040)

**2.68.050 Criminal actions—  
Preliminary examinations.**

Proceedings in preliminary examinations in criminal actions in the city court shall be conducted as in justice court. (Ord. 931 (part), 1988: prior code § 2.16.050)

**2.68.060 Criminal actions—  
Proceedings.**

Proceedings in city court in criminal actions shall be conducted as in justice's courts. (Ord. 931 (part), 1988: prior code § 2.16.060)

**2.68.070 Civil actions—Proceedings.**

A. Proceedings in city court in civil actions shall be conducted as in justice's courts and conform to the Montana Justice Court Rules of Civil Procedure.

B. Civil actions are commenced by filing a complaint. (Ord. 02-13, 2002: Ord. 931 (part), 1988: prior code § 2.16.070)

**2.68.080 Civil fees.**

The fees to be paid in every civil action of the city court shall be the same as those required in a justice court under Montana Code Annotated Section 25-31-112. All fees must be paid in advance, and no costs shall be included in any judgment until they have been paid. However, nothing in this code shall restrict or prevent the bringing of suits in forma pauperis, as allowed by MCA Section 25-10-404. (Ord. 956, 1989: prior code § 2.16.130)

**2.68.090 City judge qualifications.**

A. No person is eligible for the office of city judge unless prior to filing the oath of office with the county clerk is either:

1. An attorney at law authorized to practice law in the state;
2. A person who has held the office of city judge within the preceding five years; or
3. A person who has completed the orientation course of study held under direction of the supreme court or has been excused by the supreme court.

B. No person is eligible for the office of city judge who upon filing for office shall not meet the residency requirements as for the office of mayor under 7-4-4301, MCA.

C. No city judge may assume the functions of his office unless he has filed with the county clerk and recorder a certificate of completion of a course of education and training prescribed by the commission on courts of limited jurisdiction under 3-1-1502, MCA. (Ord. 931 (part), 1988: prior code § 2.16.080)

**2.68.100 City judge—Salary.**

The annual salary of the city judge shall be set by city council by resolution, paid on the regularly established paydays of the city, and include the fringe benefit of regular group health coverage supplied to other city employees. (Ord. 06-09, 2006: Ord. 04-7, 2004: Ord. 01-1, 2001: Ord. 99-26, 1999: Ord. 96-4, 1996: Ord. 94-19, 1994: Ord. 1081, 1993: Ord. 1039, 1992: Ord. 979, 1990: Ord. 889, 1986: prior code § 2.16.120) (Ord. No. 008-01, 2-19-08; Ord. No. 009-03, 3-17-09; Ord. No. 009-11, 12-15-09)

**2.68.110 Substitute judge when.**

A. The city judge or mayor may call in a city judge, a justice of the peace, or some qualified person to act in the judge's place whenever the judge is:

1. A party in a case;

2. Interested in a case;
3. The spouse of or related to either party in a case by consanguinity or affinity within the sixth degree; or
4. Sick, absent, or unable to act.

B. The city judge may call in a city judge, justice of the peace, or some qualified person to act in his stead when a disqualifying affidavit is filed against him pursuant to the supreme court's rules on disqualification and substitution of judges.

C. A city judge of any city or a justice of the peace of any county may sit as a city judge at the city judge's request.

D. No person may serve as a substitute city judge unless he has a certificate of completion of a course of education and training prescribed by the commission on courts of limited jurisdiction under 3-1-1502, MCA or has been given a waiver and temporary certificate by the commission on courts of limited jurisdiction. (Ord. 931 (part), 1988: prior code § 2.16.090)

**2.68.120 City judge—Authority to collect fines.**

The city judge shall collect all fines, costs and forfeitures that accrue to the city from cases tried or disposed of in city court. He shall give a receipt therefor to the person paying the same, and pay the collected moneys to the city clerk-treasurer. (Ord. 97-2 § 4 (part), 1997; prior code § 2.16.100)

**2.68.130 Disposition of fines.**

All fines, costs and forfeitures that accrue to the city from cases tried or disposed of in the city court shall be deposited in the general fund. (Ord. 1014, 1992: prior code § 2.16.110)

**Chapter 2.72****CITY-COUNTY PLANNING BOARD****Sections:**

<b>2.72.010</b>	<b>Created.</b>
<b>2.72.020</b>	<b>Composition.</b>
<b>2.72.030</b>	<b>Jurisdiction.</b>
<b>2.72.040</b>	<b>Filing requirements.</b>
<b>2.72.050</b>	<b>Ratification of acts by prior planning board.</b>
<b>2.72.060</b>	<b>Fee schedule.</b>

**2.72.010 Created.**

There is created a planning board to be known as the Laurel-Yellowstone city-county planning board, pursuant to Sections 76-1-201 and 76-1-203, MCA; that the city of Laurel shall join with Yellowstone County, Montana, in the creation of a joint planning board. The Laurel-Yellowstone city-county planning board shall have all powers and duties as prescribed by Sections 76-1-305, 76-1-306, 76-1-401, MCA as amended. (Prior code § 17.04.010)

**2.72.020 Composition.**

The Laurel-Yellowstone city-county planning board shall consist of eleven members to be appointed as follows:

A. Two official members who reside outside the city limits, to be appointed by the Yellowstone County board of commissioners who may in the discretion of the board of county commissioners be employed by or hold public office in the county;

B. Two official members to be appointed by the city council who may in the discretion of the Laurel city council, be employed by or hold public office in the city;

C. Three citizen members to be appointed by the mayor of the city;

D. Three citizen members to be appointed by the Yellowstone County board of county commissioners. Two members shall reside outside the city limits but within the jurisdictional area of the planning board;

E. The eleventh member shall be selected by the ten official and citizen members hereinabove provided for with the consent and approval of the board of county commissioners and the city council;

F. The terms of the members who are officers of any governmental unit represented on the board shall be coextensive with their respective terms of office to which they have been elected or appointed; the terms of the other members shall be two years, except that the terms of the first members appointed shall be fixed by agreement and rule of the governing bodies represented on the board for one or two years in order that a minimum number of terms shall expire in any year;

G. Vacancies occurring on the board shall be filled by the governing body, having appointed them for the unexpired term. (Prior code § 17.04.020)

**2.72.030 Jurisdiction.**

The jurisdictional area shall include the area within the corporate limits of the city and extend four and one-half miles beyond the limits of the city. (Prior code § 17.04.030)

**2.72.040 Filing requirements.**

All proposed subdivisions, plats, or certificates of survey shall be presented to and meet the approval of the Laurel-Yellowstone city-county planning board within the jurisdictional area above described before



the same shall be filed of record or accepted for record or brought within the city limits of the city. (Prior code § 17.04.040)

**2.72.050 Ratification of acts by prior planning board.**

All acts, contracts and actions of the city-county planning board organized under Ordinance 571-A are ratified by the city. All members appointed to the city-county planning board under Ordinance 571-A shall be members of the Laurel-Yellowstone city-county planning board until their term shall expire as provided under Ordinance 571-A. (Prior code § 17.04.050)

**2.72.060 Fee schedule.**

Each application required or submitted under this title shall be accompanied by payment of a fee as determined by the city council. The city council shall by resolution adopt a schedule fees for each type of application. (Ord. 98-2, 1998: prior code § 17.96.010)

## Chapter 2.76

### CITY AMBULANCE SERVICE

#### Sections:

- 2.76.010** City to operate.  
**2.76.020** Personnel requirements.  
**2.76.040** Operation costs subject to council approval.  
**2.76.050** Fund collection and dispersal.  
**2.76.060** Ambulance committee created.  
**2.76.070** Volunteer ambulance service created.  
**2.76.080** Volunteer ambulance service—Appointments.  
**2.76.090** Volunteer ambulance service—Personnel probation period.  
**2.76.100** Volunteer ambulance service—Bylaws adopted—Authority.  
**2.76.110** Volunteer ambulance service—Compensation forbidden.  
**2.76.120** Volunteer ambulance service—Uniforms.  
**2.76.130** Volunteer ambulance service—Officers.  
**2.76.140** Volunteer ambulance service—Financial accounts.  
**2.76.150** Volunteer ambulance service—Assessment of costs.  
  
**2.76.010** City to operate.  
 The city shall operate an emergency ambulance service for the inhabitants of the city and of the immediate surrounding area. (Prior code § 20.04.010)

#### **2.76.020** Personnel requirements.

The requirements for the driver and attendants on the ambulance service shall be set up by the ambulance committee of the council and subject to the council's approval. (Prior code § 20.04.020)

#### **2.76.040** Operation costs subject to council approval.

Costs for operating the ambulance service and all charges to be made by the ambulance service shall be set by the committee of the council responsible for the operation of the ambulance service and subject to the council's approval. (Prior code § 20.04.040)

#### **2.76.050** Fund collection and dispersal.

All funds shall be collected and dispersed in connection with the operation of the ambulance through the city clerk-treasurer's office. (Ord. 97-2 § 4 (part), 1997; prior code § 20.04.050)

#### **2.76.060** Ambulance committee created.

There is created an ambulance committee consisting of six members and the ambulance director, appointed by the mayor to serve at his pleasure. (Ord. 95-1, 1995; prior code § 20.04.060)

#### **2.76.070** Volunteer ambulance service created.

There is created a volunteer ambulance service. Each member shall be in good physical condition, of good character and not less than eighteen years of age, and each shall be fully qualified under state law and as per job description contained in the service bylaws. (Ord. 95-2, 1995; prior code § 20.06.010)

**2.76.080 Volunteer ambulance service—Appointments.**

Appointments to the volunteer ambulance service shall be made by the mayor upon recommendation of the ambulance committee and confirmed by the council. (Prior code § 20.06.020)

**2.76.090 Volunteer ambulance service—Personnel probation period.**

Each new member of the volunteer ambulance service shall serve on probation and for a period of twelve months following the date of appointment. During the period of probation a member may be discharged at any time without or with cause, and without a hearing. (Prior code § 20.06.030)

**2.76.100 Volunteer ambulance service—Bylaws adopted—Authority.**

The volunteer ambulance service may adopt its own bylaws and rules upon approval by the mayor and council, and any and all amendments thereof shall also be subject to approval by the mayor and city council and shall not conflict with any provision of this chapter and shall be subordinate at all times to the ordinances of the city and executive regulations and orders of the mayor. (Prior code § 20.06.040)

**2.76.110 Volunteer ambulance service—Compensation forbidden.**

No member of the volunteer ambulance service shall receive any compensation from the city for his services as a member of the volunteer ambulance service excepting as may be provided from time to time by

resolution of the mayor and city council. (Prior code § 20.06.050)

**2.76.120 Volunteer ambulance service—Uniforms.**

The members of the volunteer ambulance service shall furnish their own uniforms and other necessary equipment, without reimbursement from the city, excepting only to the extent, if any, specifically provided for in the annual appropriation ordinance of the city. (Prior code § 20.06.060)

**2.76.130 Volunteer ambulance service—Officers.**

The officers of the volunteer ambulance service shall consist of a director, assistant director, and such other officers as shall be provided for in its bylaws, who shall be appointed by the mayor and confirmed by the council upon recommendation of the ambulance committee. (Prior code § 20.06.070)

**2.76.140 Volunteer ambulance service—Financial accounts.**

The financial accounts of the volunteer ambulance service shall be subject to audit any time the mayor or council may designate. All donations to or for the ambulance service shall be deposited with the city clerk-treasurer. (Ord. 97-2 § 4 (part), 1997; prior code § 20.06.080)

**2.76.150 Volunteer ambulance service—Assessment of costs.**

A. Whenever the volunteer ambulance responds to any call or report to any injury,

accident or other hazard or emergency situation within the city, or within the ambulance services area established by any agreement, the city clerk-treasurer's office shall charge, and shall have authority to bill and to take all necessary steps to collect from the patient or his estate, or from the person making the call or report, all costs incurred by the ambulance service in responding to the call or report.

B. The city council shall from time to time by resolution establish rates and charges for ambulance calls or responses, including rates to be charged for attendants, supplies, equipment and services, the rates to be charged as provided above. The city council may from time to time alter or amend such rates and add or delete charges by further resolution, as the council may deem appropriate. (Ord. 97-2 § 4 (part), 1997; Ord. 1070, 1993; Ord. 880, 1986: prior code § 20.06.090)

**Chapter 2.80****CITY LIBRARY****Sections:**

- 2.80.010 Board of trustees—  
Appointment—Term of  
office.**
- 2.80.020 Trustees—Powers.**
- 2.80.030 Board of trustees to  
appoint chief librarian.**
- 2.80.040 Library funding.**
- 2.80.050 Tax levy to cover  
maintenance.**
- 2.80.060 Expenditures.**

**2.80.010 Board of trustees—  
Appointment—Term of  
office.**

A. The mayor with the consent of the council, shall appoint, before the first of July of each year, five trustees who shall constitute the board of trustees to manage and control the city library, and whose appointments shall initially be made for one, two, three, four and five year terms, and thereafter for five years overlapping.

B. Not more than one member of the council shall be, at any one time, a member of such board.

C. No trustee shall serve more than two full terms in succession. (Prior code § 19.04.010)

**2.80.020 Trustees—Powers.**

The board of trustees have the power to:

- A. Control expenditures of the public library fund;
- B. Operate and care for the library;
- C. Control construction or lease of library building;

D. Adopt bylaws, rules and regulations for its own transaction of business and governing of the library;

E. Locate the central library and its branches;

F. Contract with other libraries, school districts, educational institutions, the state library, cities, counties, and regions to give, receive or merge services;

G. Acquire, use, insure, sell or exchange real or personal property for library purposes in the name of the city;

H. Appoint the chief librarian with whose recommendation the board also employs and discharges the other necessary employees and prescribes their duties and fixes and pays their salaries. (Prior code § 19.04.020)

**2.80.030 Board of trustees to appoint  
chief librarian.**

The board of trustees shall appoint and set the compensation of the chief librarian, who shall also serve as the secretary of the board. (Prior code § 19.04.030)

**2.80.040 Library funding.**

A. The city council shall provide funding for the city public library, in such amounts as the city may determine from time to time in its sole discretion, through the general budgeting process, from out of the all-purpose mill levy. The city council, with the approval of the library board, shall establish reasonable fees and/or charges for library related and provided services by annual resolution after a public hearing.

B. The city is authorized to accept all donations or public subscriptions, gifts or bequests for library purposes and to deposit them in the appropriate cash account in the general fund. (Ord. 06-04 (part), 2006: Ord. 1015, 1992: prior code § 19.04.040)

**2.80.050 Tax levy to cover maintenance.**

The cost of maintaining the city library shall be provided for by a tax levy in accordance with the provisions of law applicable thereto. (Prior code § 19.04.050)

**2.80.060 Expenditures.**

All expenditures for the management and control of the city library, including the premiums on bonds furnished by any trustee or employee, shall be paid out of the general fund. (Ord. 1016, 1992: prior code § 19.04.060)

**Chapter 2.84****CITY CEMETERY****Sections:**

- 2.84.010 Cemetery commission—  
Appointment,  
composition and term.**
- 2.84.020 Cemetery commission—  
Powers and duties.**
- 2.84.030 Meetings.**
- 2.84.040 General fund.**
- 2.84.050 Capital improvement  
fund.**
- 2.84.060 Donations.**
- 2.84.070 Covenants to run with  
lots.**
- 2.84.080 Conveyance of lots—  
Requirements.**
- 2.84.110 Cemetery hours.**
- 2.84.120 Violation—Penalty.**
- 2.84.130 City not liable.**
- 2.84.010 Cemetery commission—  
Appointment, composition  
and term.**

There is created and provided an official body to be known as the Laurel cemetery commission, which shall consist of seven members. One member of the commission shall be the duly elected, qualified acting mayor of the city. Six remaining commission members shall be appointed by the mayor and approved by the council as follows: two members shall be duly elected, qualified and acting alderpersons of the city; two members shall reside within the city limits; and two members shall reside at large in Yellowstone County. The term of office of each member shall be two years or sooner, as specified in the mayor's appointment and until his/her successor is appointed and qualified. Any vacancy shall be filled by appointment for the

unexpired term. (Ord. 07-02 (part), 2007; Ord. 02-44 (part), 2002; prior code § 12.04.010)

**2.84.020 Cemetery commission—  
Powers and duties.**

The cemetery commission shall:

A. Meet within ten days after receiving notice of their appointment. The chairman and vice-chairman of the commission must be alderpersons who are appointed to such positions by the mayor with the consent of the council. The city clerk-treasurer or his or her designee shall be secretary;

B. Control and manage all things pertaining to the city cemetery;

C. The commission shall adopt rules and regulations for the control and management of the cemetery, which rules and regulations shall be established by resolution of the city council; and which may be changed or amended from time to time by resolution of the city council as recommended by the commission and as the council may deem appropriate. (Ord. 07-02 (part), 2007; Ord. 02-44 (part), 2002; Ord. 97-3 § 1, 1997; Ord. 97-2 § 4, 1997; prior code § 12.04.020)

**2.84.030 Meetings.**

Four members of the cemetery commission shall constitute a quorum, empowered to transact any business at any regular or special meeting. The cemetery commission shall meet at least once each calendar quarter, and at such other times at the call of its officers or the request of the mayor. (Ord. 02-44 (part), 2002; prior code § 12.04.030)

**2.84.040 General fund.**

A. Fifty percent of the proceeds received from all lot sales in the Laurel cemetery shall be deposited to the general fund, and shall be used for regular annual maintenance and care of the cemetery. (Ord. 02-44 (part), 2002)

**2.84.050 Capital improvement fund.**

A. There is created a fund to be known as the cemetery capital improvement fund. The fund shall remain intact except as provided below, and shall be invested for the purpose of acquiring income for the improvement of the Laurel cemetery, and the uniform care of the lots under such fund.

B. Fifty percent of the proceeds received from all lot sales in the Laurel cemetery shall be deposited to the cemetery capital improvement fund.

C. No part or portion of the cemetery capital improvement fund shall be used for any purpose other than for capital purchases or capital improvements to or for the benefit of the Laurel cemetery. (Ord. 02-44 (part), 2002: Ord. 924, 1987: prior code § 12.04.050)

**2.84.060 Donations.**

The city is authorized to accept from any source funds to be used for the perpetual care or improvement of the cemetery, and if the donor of such funds does not otherwise direct, such funds will be used in a manner to be decided by the commission. (Ord. 02-44 (part), 2002: prior code § 12.04.060)

**2.84.070 Covenants to run with lots.**

The covenants, rights, limitations and obligations set forth in the conveyance of lots in the Laurel cemetery, together with the provisions of this code, are declared to be covenants running with the land and shall be binding upon the owners of the lots conveyed and continue thereon to present and all subsequent owners thereof. (Ord. 02-44 (part), 2002: prior code § 12.04.070)

**2.84.080 Conveyance of lots—Requirements.**

A. The mayor and the city clerk-treasurer or his or her designee shall execute on behalf of the city, deeds of the city to lots or portions of lots located in the cemetery upon payment of the purchase price. No deed shall be issued by the city until the full purchase price of the lot is paid.

B. The mayor and city clerk-treasurer or his or her designee shall have the power to execute contracts for the sale of lots or portions of lots in the cemetery upon reasonable terms as directed by the commission. (Ord. 02-44 (part), 2002: Ord. 97-2 § 4 (part), 1997: prior code § 12.04.080)

**2.84.110 Cemetery hours.**

The Laurel municipal cemetery shall be closed to the public on each day from sunset to seven a.m. No person shall enter or remain on cemetery grounds during hours of closure without prior approval from the cemetery commission. (Ord. 02-44 (part), 2002: prior code § 12.08.010)

**2.84.120 Violation—Penalty.**

Any person violating a provision of this chapter, or any of the duly approved and adopted rules and regulations of the cemetery commission, for which another penalty has not been provided shall, upon conviction thereof, be punished as set forth in Section 1.36.010. (Ord. 02-44 (part), 2002: prior code § 12.08.020)

**2.84.130 City not liable.**

The city is not responsible or liable for any damage to monuments, markers, or plots caused by or resulting from vandalism or accidents involving third persons. (Ord. 02-44 (part), 2002: Ord. 805, 1985)



**Chapter 2.88**

**CIVIL DEFENSE PLAN**

**Sections:**

- 2.88.010 Adoption—Revisions authorized.**
- 2.88.020 Disaster and emergency services (civil defense).**
- 2.88.030 Responsibility for daily activities.**

**2.88.010 Adoption—Revisions authorized.**

A. The council adopts the county of Yellowstone and city of Laurel civil defense plan.

B. The mayor shall be authorized to approve such revisions of the civil defense plan as may be made from time to time, if he deems the revisions to be reasonably necessary to meet the civil defense needs of the city. (Prior code § 20.08.010)

**2.88.020 Disaster and emergency services (civil defense).**

The mayor of the city and the board of county commissioners of Yellowstone County shall, during periods of emergency caused by enemy attack or other disasters affecting the city, jointly direct and control the operations of the city-county organization for Disaster and Emergency Services (DES) established in the Emergency Operations Plan for Billings, Laurel, Broadview and Yellowstone County. The mayor is authorized and directed to take, during such periods of emergency, such actions as are reasonably necessary to prevent or minimize loss of life and property in cooperation with said board of county commissioners and the DES director of Yellowstone County.

The city accepts and appoints the Yellowstone County DES director to serve as Lau-

rel's DES director by virtue of his appointment by the board of county commissioners of Yellowstone County. The duties and responsibilities of the Yellowstone County DES director are essentially the same for Laurel as they are for Yellowstone County and are specified in Title 10, Chapter 3 of the Montana Codes Annotated. This appointment is without any remuneration or compensation since the overall budget authority rests with the board of county commissioners of Yellowstone County. The DES director will act as the chief advisor to the executives of Yellowstone County and the city. (Ord. 94-22, 1994: prior code § 20.08.020)

**2.88.030 Responsibility for daily activities.**

A. The county civil defense director, under policy guidance of the board of county commissioners in coordination with the mayor, is responsible to conduct the following:

1. Budget requests;
2. Training;
3. Assignment of personnel;
4. Licensing;
5. Marking and stocking of public shelters;
6. Preparation of program papers;
7. Administration of civil defense program;
8. Coordination of the program with all departments;
9. Development of the civil defense plan and supporting documents for the approval of the mayor of Laurel and commissioners of Yellowstone County.

B. The civil defense director shall act as chief of staff to the executives of the county and city. (Prior code § 20.08.030)

## Chapter 2.94

### IMMUNIZATION, DEFENSE AND INDEMNIFICATION OF PUBLIC OFFICERS AND CITY EMPLOYEES

#### Sections:

- 2.94.010 Purpose.**  
**2.94.020 Immunization,  
indemnification and  
defense.**  
**2.94.030 Exceptions.**  
**2.94.040 Notice.**

#### **2.94.010 Purpose.**

It is the purpose of this section to provide for immunization, defense and indemnification of public officers and public employees of the city of Laurel civilly sued for alleged violations of Constitutional Initiative 75 for actions taken within the course and scope of their employment. (Ord. 99-4 § 1 (part), 1999)

#### **2.94.020 Immunization, indemnification and defense.**

In any civil action brought against any public official or public employee of the city of Laurel alleging a violation of Constitutional Initiative 75, the city of Laurel shall then defend the action on behalf of the public official or public employee and indemnify the public official or employee for any liability resulting from the alleged violation of Constitutional Initiative 75, except as provided in Section 2.94.030. (Ord. 99-4 § 1 (part), 1999)

#### **2.94.030 Exceptions.**

In a civil action alleging a violation of Constitutional Initiative 75, in which a public official or public employee of the city of Laurel is a party defendant, the public official or public employee may not be defended or indemnified

by the city of Laurel for any money judgments or legal expenses, including attorney's fees, to which the public official or public employee may be subject as a result of a suit, if a judicial determination is made that:

A. The conduct upon which the claim is based constitutes oppression, fraud, or malice or for any other reason does not arise out of the course and scope of the public official or public employee's employment.

B. The public official or public employee compromised or settled the claim without the consent of the city of Laurel; or

C. The public official or public employee failed or refused to cooperate reasonable in the defense of the case.

If no judicial determination has been made applying the exclusions provided above, the city of Laurel may determine whether those exclusions apply. However, if there is a dispute as to whether the exclusions apply, and city of Laurel concludes it should clarify its obligation to the public official or public employee arising under this section by commencing a declaratory action or other legal action, the city is obligated to provide a defense or assume the costs of the defense of the public official or public employee until a final judgment is rendered in such action holding that the city of Laurel has not obligation to defend the public official or public employee. The city has no obligation to provide a defense to the public official or public employee in a declaratory judgment action or other legal action brought against the public official or public employee by the city of Laurel under this section. (Ord. 99-4 § 1 (part), 1999)

#### **2.94.040 Notice.**

Upon receipt of service of summons and complaint alleging a violation of Constitutional Initiative 75, the public official or pub-

2.94.040

lic employee shall give written notice to the mayor or the city attorney requesting that a defense to this action be provided by the city of Laurel. (Ord. 99-4 § 1 (part), 1999)

## Chapter 2.96

PERSONNEL RULES AND  
REGULATIONS

## Sections:

- 2.96.010 Definitions.
- 2.96.020 Exemptions.
- 2.96.030 Annual vacation leave—  
Method of accrual and  
computation.
- 2.96.040 Accumulation of leave—  
Limitation.
- 2.96.050 Vacation accrual—Action  
upon termination.
- 2.96.060 Vacation accrual—  
During leave of absence.
- 2.96.070 Vacation accrual—  
Absence chargeable  
against when.
- 2.96.080 Vacation leave—  
Arrangement with  
employer.
- 2.96.090 Computation of sick  
leave.
- 2.96.100 Sick leave not accrued  
during absence—  
Qualifying period.
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## 2.96.010 Definitions.

For the purposes of this chapter:

“Agency” means any legally constituted department, board or commission of Laurel.

“Break in service” means that period of time an employee takes to change employment from one agency to employment in another agency of the same jurisdiction.

“Continuous employment” means working within the same jurisdiction without a break in service of more than five working days or without a continuous absence without pay of more than fifteen working days.

“Employee” means any person employed by the city.

“Full-time employee” means an em-

ployee who normally works forty hours a week.

“Part-time employee” means an employee who normally works less than forty hours a week.

“Permanent employee” means an employee who regularly works for more than six months in any twelve-month period.

“Seasonal position” means a position which, although temporary in nature, regularly occurs from season to season or from year to year.

“Sick leave” means a leave of absence with pay for a sickness suffered by an employee or his immediate family.

“Temporary position” means a position created for a definite period of time but not to exceed six months and the position is not renewable.

“Transfer” means a change of employment from one agency to another agency in the same jurisdiction without a break in service of more than five working days.

“Vacation leave” means a leave of absence with pay for the purpose of rest, relaxation or personal business at the request of the employee and with the concurrence of the employer. (Prior code § 2.32.010)

#### **2.96.020 Exemptions.**

“Employee” as used in this chapter, does not refer to or include elected state, county or city officials or school teachers. (Prior code § 2.32.020)

#### **2.96.030 Annual vacation leave— Method of accrual and computation.**

A. Each full-time employee in the city is entitled to and shall earn annual vaca-

tion leave credits from the first full pay period of employment. For calculating vacation leave credits, two thousand eighty hours (fifty-two weeks times forty hours) shall equal one year. Proportionate vacation leave credits shall be earned and credited at the end of each pay period; however, employees are not entitled to any vacation leave with pay until they have been continuously employed for a period of six calendar months. Persons regularly employed nine or more months each year, but whose continuous employment is interrupted by the seasonal nature of the position, shall earn vacation credits; however, such persons must be employed six qualifying months before they can use the vacation credits. In order to qualify, such employees must immediately report back for work when operations resume in order to avoid a break in service.

B. A period of absence from employment with the state, county or city occurring either during a war involving the United States or in any other national emergency and for ninety days thereafter for one of the following reasons is considered as service for the purpose of determining the number of years of employment used in calculating vacation leave credits under this section:

1. Having been ordered on active duty with the armed forces of the United States;
2. Voluntary service on active duty in the armed forces or on ships operated by or for the United States government; or
3. Direct assignment to the United States Department of Defense for duties related to national defense efforts if a

leave of absence has been granted by the employer.

C. Vacation leave credits shall be earned in accordance with the following schedule:

1. From one full pay period through ten years of employment at the rate of fifteen working days for each year of service;

2. After ten years through fifteen years of employment at the rate of eighteen working days for each year of service;

3. After fifteen years through twenty years of employment at the rate of twenty-one working days for each year of service;

4. After twenty years of employment at the rate of twenty-four working days for each year of service.

D. Permanent part-time employees are entitled to prorated annual vacation benefits if they have regularly scheduled work assignments and normally work at least twenty hours each week of the pay period and have worked the qualifying period.

E. It is unlawful for an employer to terminate or separate an employee from his employment in an attempt to circumvent the provisions of this section. (Prior code § 2.32.030)

**2.96.040 Accumulation of leave—  
Limitation.**

Annual vacation leave may be accumulated to a total not to exceed two times the maximum number of days earned annually as of the last day of any calendar year. (Prior code § 2.32.040)

**2.96.050 Vacation accrual—Action upon termination.**

An employee who terminates his employment with the city, for reason not reflecting discredit on himself, shall be entitled upon the date of such termination to cash compensation for unused vacation leave, assuming that the employee has worked the qualifying period set forth in Section 2.96.030; however, if an employee transfers between agencies of the same state, county or city jurisdiction there shall be no cash compensation paid for unused vacation leave. In such a transfer the receiving agency assumes the liability for the accrued vacation credits transferred with the employee. (Prior code § 2.32.050)

**2.96.060 Vacation accrual—During leave of absence.**

Vacation leave shall not accrue during a leave of absence without pay, the duration of which exceeds fifteen days. (Prior code § 2.32.060)

**2.96.070 Vacation accrual—Absence chargeable against when.**

Absence from employment by reason of illness shall not be chargeable against unused vacation leave credits unless approved by the employee. (Prior code § 2.32.070)

**2.96.080 Vacation leave—  
Arrangement with employer.**

The dates when employees' annual vacation leaves shall be granted shall be determined by agreement between each employee and his employing agency, with regard to the best interest of the city as

well as the best interests of each employee.  
(Prior code § 2.32.080)

**2.96.090 Computation of sick leave.**

Each full-time employee of the city is entitled to and shall earn sick leave credits from the first full pay period of employment. For calculating sick leave credits, two thousand eighty hours (fifty-two weeks times forty hours) shall equal one year. Proportionate sick leave credits shall be earned and credited at the end of each pay period. Sick leave credits shall be earned at the rate of twelve working days for each year of service without restriction as to the number of working days he may accumulate. (Prior code § 2.32.090)

**2.96.100 Sick leave not accrued during absence—  
Qualifying period.**

An employee may not accrue sick leave credits during a continuous leave of absence without pay which exceeds fifteen calendar days. Employees are not entitled to be paid for sick leave under the provisions of this chapter until they have been continuously employed for ninety days. Upon completion of the qualifying period, the employee is entitled to the sick leave credits he has earned. (Prior code § 2.32.100)

**2.96.110 Sick leave—Part-time employee entitlement.**

Permanent part-time employees are entitled to prorated leave benefits if they have a regularly scheduled work assignment, and normally work at least twenty hours each week of the pay period, and have worked the qualifying period. (Prior code § 2.32.110)

**2.96.120 Sick leave—Full-time temporary and seasonal employee entitlement.**

Full-time temporary and seasonal employees are entitled to sick leave benefits provided they work the qualifying period. (Prior code § 2.32.120)

**2.96.130 Sick leave—Employment terminations and transfer.**

An employee who terminates his employment with the city is entitled to a lump sum payment equal to one-fourth of the pay attributed to the accumulated sick leave. The pay attributed to the accumulated sick leave shall be computed on the basis of the employee's salary or wage at the time the sick leave credits were earned. Accrual of sick leave credits for calculating the lump sum payment provided for in this section begins July 1, 1971, and the payment therefor shall be the responsibility of the state, or any county or city thereof, wherein the sick leave accrues; however, no employee forfeits any sick leave rights or benefits he had accrued prior to July 1, 1971; however, where an employee transfers between agencies within the same state, county or city jurisdiction, he shall not be entitled to a lump sum payment. In such a transfer the receiving agency shall assume the liability for the accrued sick leave credits earned after July 1, 1971, and transferred with the employee. (Prior code § 2.32.130)

**2.96.140 Nontransferability of compensated sick leave accrual.**

An employee of the city who receives a lump sum payment pursuant to this chapter and who is again employed by the city shall not be credited with any sick leave for

which he has previously been compensated. (Prior code § 2.32.140)

**2.96.150 Administration of sick leave.**

The administrative office of the city shall be responsible for the proper administration of sick leave and shall promulgate such rules and regulations as it deems necessary to achieve the uniform administration of sick leave and to prevent the abuse thereof. When promulgated, these rules and regulations are effective as to all employees of the city. (Prior code § 2.32.150)

**2.96.160 Abuse of sick leave.**

Abuse of sick leave is cause for dismissal and forfeiture of the lump sum payments provided for in this chapter. (Prior code § 2.32.160)

**2.96.170 Legal holiday compensation.**

Any full-time employee who is scheduled for a day off on a day which is observed as a legal holiday, except Sundays, shall be entitled to receive a day off with pay either on the day preceding the holiday or on another day following the holiday in the same pay period or as scheduled by the employee and his supervisor, whichever allows a day off in addition to the employee's regularly scheduled days off, provided the employee is in a pay status on his last regularly scheduled working day immediately before the holiday or on his first regularly scheduled working day immediately after the holiday. Part-time employees receive pay for the holiday on a prorated basis according to rules adopted by the department of administration or appropriate

administrative officer. (Prior code § 2.32.170)

**2.96.180 Holidays observed.**

A. Employees shall be granted the following holidays:

1. Each Sunday;
2. New Year's Day, January 1st;
3. Martin Luther King, Jr., birthday, the third Monday in January;
4. Lincoln's and Washington's birthdays, the third Monday in February;
5. Memorial Day, the last Monday in May;
6. Independence Day, July 4th;
7. Labor Day, the first Monday in September;
8. Columbus Day, the second Monday in October;
9. Veteran's Day, November 11th;
10. Thanksgiving Day, the fourth Thursday in November;
11. Christmas Day, December 25th;
12. State general election day.

B. If any of the above enumerated holidays (except Sundays) fall upon a Sunday, the Monday following is a holiday. All other days are business days. (Ord. 1018, 1992: prior code § 2.32.180)

**2.96.190 Juror allowance—  
Remittance to employer  
when.**

An employee of the state or any political subdivision thereof who is under proper summons as a juror shall collect all fees and allowances payable as a result of the service and forward the fees to the appropriate accounting office. Juror fees shall be applied against the amount due the employee from his employer; however, if an employee elects to charge his juror time off against



his annual leave, he shall not be required to remit his juror fees to his employer. In no instance is an employee required to remit to his employer any expense or mileage allowance paid him by the court. (Prior code § 2.32.190)

**2.96.200 Witness fees—Remittance to employer when.**

An employee subpoenaed to serve as a witness shall collect all fees and allowances payable as a result of the service and forward the fees to the appropriate accounting office. Witness fees shall be applied against the amount due the employee from his employer; however, if an employee elects to charge his witness time off against his annual leave, he shall not be required to remit his witness fees to his employer. In no instance is an employee required to remit to his employer any expense or mileage allowance paid him by the court. (Prior code § 2.32.200)

**2.96.210 Jury duty—Employer request to excuse employee when.**

Employers may request the court to excuse their employees from jury duty if they are needed for the proper operation of a unit of state or local government. (Prior code § 2.32.210)

**2.96.220 Leave of absence while performing a public service.**

A. Employers of employees elected or appointed to a public office in the city shall grant such employees leaves of absence, not to exceed one hundred eighty days per year, while they are performing public service.

B. Employees granted a leave shall make arrangements to return to work within ten days following the completion of the service for which leave was granted unless they are

unable to do so because of illness or disabling injury certified to by a licensed physician. (Prior code § 2.32.220)

**2.96.230 Military leave.**

A city employee who is a member of the organized militia of this state or who is a member of the organized or unorganized reserve corps or military forces of the United States, and who has been an employee for a period of six months, shall be given a leave of absence with pay for a period of time not to exceed fifteen working days in a calendar year for attending regular encampments, training cruises, and similar training programs of the organized militia or of the military forces of the United States. This leave may not be charged against the employee's annual vacation time. (Prior code § 2.32.230)

**2.96.240 Group insurance.**

A. The city shall, upon approval by two-thirds vote of the officers and employees of the city, enter into group hospitalization, medical, health including long-term disability, accident and/or group life insurance contracts or plans for the benefit of its officers, employees, and their dependents, and the city shall pay for such insurance in full for each officer and employee, as defined in subsection D of this section.

B. An insurance contract or plan issued after June 30, 1977, under this section must contain provisions that:

1. Permit the member of a group who retires from active service under the appropriate retirement provisions provided by law to remain a member of the group until he becomes eligible for Medicare under the Federal Health Insurance for the Aged Act, 42 U.S.C. 1395, as amended, unless he is a participant in another group plan with substantially the same

or greater benefits at an equivalent cost or unless he is employed and by virtue of that employment, is eligible to participate in another group plan with substantially the same or greater benefits at an equivalent cost;

2. Permit the surviving spouse of a member to remain a member of the group as long as the spouse is eligible for retirement benefits accrued by the deceased member as provided by law unless the spouse is eligible for Medicare under the Federal Health Insurance for the Aged Act or unless the spouse has or is eligible for equivalent insurance coverage as provided in subsection (B)(1) of this section;

3. Permit the surviving children of a member to remain members of the group as long as they are eligible for retirement benefits accrued by the deceased member as provided by law unless they have equivalent coverage as provided in subsection (B)(1) or are eligible for insurance coverage by virtue of the employment of a surviving parent or legal guardian.

C. A person electing to remain a member of the group under subsection B must pay the full premium for his coverage and for that of his covered dependents.

D. Employee shall mean:

1. A permanent full-time employee as defined in Section 2.96.010;

2. A part-time employee as defined in Section 2.96.010 who is scheduled to work at least twenty hours per week;

3. A person employed in a seasonal position as defined in Section 2.96.010 who is employed on a regular basis at least eight months of the fiscal year. (Ord. 1002, 1991; prior code § 2.32.240)

#### **2.96.250 Necessary regulations to implement.**

The administrative office of the city shall issue the necessary regulations to implement this chapter. (Prior code § 2.32.250)

#### **2.96.260 Retirement requirements.**

A. Personnel may retire from city duty at the age of sixty-five and the day of such retirement shall be at the end of the city fiscal year in which their sixty-fifth birthday is attained.

B. It is further provided, that seasonal or part-time employees over the age of sixty-five, upon determination by the city physician that said personnel are physically able to perform the normal duties during each city fiscal year, may be employed by the mayor without approval from the council to perform duties as directed by the department supervisors.

C. The provisions of this section shall not apply to elected officers of the city. (Ord. 02-14, 2002: prior code § 2.32.300)