

**ORDINANCE NO O20-02**

**AN ORDINANCE AMENDING TITLE 2 CHAPTER 2.60 OF THE LAUREL MUNICIPAL CODE RELATING TO THE CITY'S POLICE AND POLICE COMMISSION.**

WHEREAS, the City Council desires to keep the Laurel Municipal Code current by modifying and updating chapters, sections and subsections to address situations and problems within the City and to remain in accordance with Montana law; and

WHEREAS, the City's Chief of Police and Captain prepared the amendments below to the Laurel Municipal Code to remain consistent and in accordance with the State of Montana's Laws adopted by the legislature and contained in the Montana Code Annotated (2019).

WHEREAS, the City's Chief of Police and Captain prepared, reviewed, and is recommending the following amendments for adoption into the existing Title 2 as noted herein.

**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.~~

~~2.60.070-040 Reserve and auxiliary police forces~~Officers Authorized.

2.60.045 Termination of Reserve Officers.

~~2.60.080-050 Reserve and auxiliary~~Auxiliary Officers Authorized ~~police forces – Police chief authority.~~

~~2.60.090-060 Reserve and auxiliary~~Auxiliary Officers  ~~police forces – Powers and duties.~~

~~2.60.100-070 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.~~

~~2.60.200-080~~ Police commission– Officers.

~~2.60.210-090~~ Police officers' retirement system.

### **2.60.010 Mayoral authority.**

The mayor ~~shall have~~has charge of and supervision over the police department. The mayor shall appoint all the members and officers of the department. Subject to the provisions of this part, the mayor may suspend or remove any member or officer of the force. The mayor shall make rules, not inconsistent with the provisions of this part, the other laws of the state, or the ordinances of the city council, for the government, direction, 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; and
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 Duties Chief of police ~~Duties.~~**

~~It is the duty of t~~ (1) The chief of police:

A. ~~To Shall~~ execute and return all process issued by the city judge, or directed to him/her by any legal authority, and ~~to attend upon~~ must be present and assist the city court regularly;

B. ~~To Shall~~ arrest all persons guilty of a breach of the peace or for the violation of any ~~municipal city~~ ordinance, and bring them before the city judge for trial;

C. ~~To have~~ Must have charge and control of all ~~policemen~~ police officers, subject to ~~such~~ rules as ~~that~~ may be prescribed by resolution or ordinance, and ~~to report to the council all delinquencies or neglect of duty or official misconduct of policemen~~ police officers for action of the council; and

D. Shall perform other duties that the council may prescribe.

~~D.(2)~~ The chief of police has the same powers as a constable in the discharge of his/her duties, but he/she must not serve a process in any civil action or proceeding except when the city is a party;.

~~E.(3)~~ Quotas for investigative stops, citations, or arrests may not be established and may not be used in evaluating police officers. ~~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)~~

#### ~~2.60.070 040 Reserve and auxiliary police forces Officers Authorized.~~

~~A local government may authorize reserve officers. A person who meets minimum standards for appointment as a peace officer may be appointed as a reserve officer. 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)~~

#### ~~2.60.045 – Termination Of Reserve Officers.~~

~~Reserve officers serve at the pleasure of the chief of police and may be terminated at any time by the chief of police by written notification without any cause.~~

~~(Prior code § )~~

#### ~~2.60.080 050 Reserve and auxiliary Auxiliary police forces Officers Authorized – Police chief authority.~~

~~A local government may authorize auxiliary officers only on the orders and at the direction of the chief law enforcement administrator of the local government. 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)~~

#### ~~2.60.090 060 Reserve and auxiliary Auxiliary Officers police forces – Powers and duties.~~

The ~~reserve police force and auxiliary police force~~ Auxiliary Officers, 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~~ Auxiliary Officers, 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)

**~~2.60.100-070~~ Police commission— Appointment— Terms and conditions of office.**

~~These code sections are supplementary to the provisions of Title 7, Chapter 32, Part 41, MCA, and §7-32-4151 through §7-32-4164 as they relate to the authority, procedures, and rules of the Police Commission. 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)~~

**2.60.200-080 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 commission and shall approve all action of the commission as to form.

~~(Prior code § 2.20.250)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)

**2.60.210-090 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 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 pursuant to state law and this section provided.~~

(Ord. 98-3 § 1, 1998)



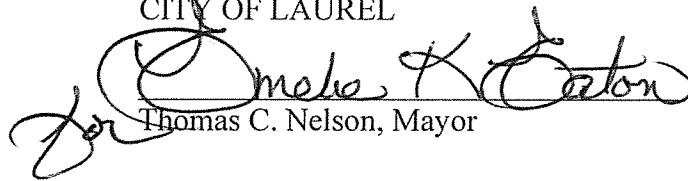
This Ordinance shall become effective thirty (30) days after final passage by the City Council and approved by the Mayor.

Introduced and passed on first reading at a regular meeting of the City Council on May 12, 2020, by Council Member Stokes.

PASSED and ADOPTED by the Laurel City Council on second reading this 26<sup>th</sup> day of May 2020, upon motion of Council Member Wilke.

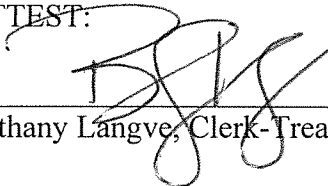
APPROVED BY THE MAYOR this 26<sup>th</sup> day of May 2020.

CITY OF LAUREL



Thomas C. Nelson, Mayor

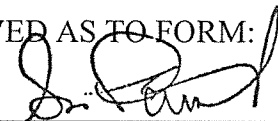
ATTEST:



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Bethany Langve, Clerk-Treasurer

APPROVED AS TO FORM:



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Sam Painter, Civil City Attorney