

TITLE 2

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2.12.010 Composition. The Fire Department of the City of Harlowton shall consist of a Chief, Assistant-Chief and the members of the Hose Company No. One (1), Hose Company No. Two (2) and Hook and Ladder or Chemical Engine Company, who shall under the direction of the city council have the care and management of the apparatus and equipment and other property used for fire purposes

2.12.020 Powers and Duties of Fire Chief. It shall be the duty of the Fire Chief to examine the condition of all property in the department, also to report the condition of the same to the city council quarterly, he shall report all fires and the cause of the same together with the name or owner and occupants and description of property immediately after the fire occurs. It shall be his duty to execute all orders of the mayor or the city council, and it shall be the duty of all subordinate officers and firemen to respect and obey the Chief, or acting Chief.

2.12.030 Assistant Chief. It shall be the duty of the Assistant Chief to assist the Chief in all his duties at fires and in the absence of the Chief, he shall have command. In the absence of both the Chief and Assistant Chief, the Captain of the company to reach the fire first, shall have command.

2.12.040 Organized Companies. The Fire Department shall consist of organized companies, as designated by the council, any of which shall not consist of more than eighteen (18) members. Each Fire Company shall have charge of the property delivered to it, and shall keep the same in the best of order subject to the order of the chief.

2.12.050 Command at Fires. The duty of each Fireman shall be to obey all orders given by the officers and upon the alarm of fire to rush to the place of fire with the apparatus and work and manage the same under the direction of the officer in command. No Fire Company shall leave any fire without the permission of the commanding officer. When the order is given by him, they shall return the same in good order to the proper place. The Chief shall have the power to suspend any member of the department for incapacity, misconduct, or neglect of duty until such time as the company of which he is a member can hear the cause for the suspension, shall be enforced. A notice must be given to the accused to meet a council consisting of a majority of his company at which time the evidence for and against the accused shall be introduced.

2.12.060 Fire Apparatus for Private Purpose – Penalty. No person or persons shall make use of any of the fire apparatus for any private purpose, nor shall, without authority from the city council, remove the same from its proper place, and any person or persons violating this provision shall be subject to a fine of not less than five (\$5.00) dollars nor more than fifty (\$50.00) dollars. The Chief shall on the first Monday of June and December of each year give the city council a list of members added and dismissed, and also the names of all members.

2.12.070 Records Kept by City Clerk. The City Clerk shall keep a record of the officers and members of the department for the purpose of determining the names of those who are entitled to exemptions or immunities allowed by law.

2.12.080 Tearing Down Buildings to Protect Other Property. The officer in charge at any fire may direct the tearing down of any building if necessary to protect any other property.

2.12.090 Refusal to Assist – Penalty. The mayor or any councilperson, Chief of Police, Chief of Fire Department, Assistant Chief or the officer commanding any company may request any male citizen in the city and any male by-standers to aid in conveying any fire apparatus to any fire or aid in working the same or in any other manner to help in extinguishing the fire in removing, guarding or protecting property. Any person or persons refusing such request shall be subject to a fine of not less than ten (\$10.00) dollars nor more than fifty (\$50.00) dollars. All money collected under this ordinance shall be kept by the City Treasurer in a fund known as the Fire Fund.

2.12.100 Interfering with or Obstructing Fire Personnel. The mayor or any city councilperson or officer of the department, and other police officer shall during any fire, arrest any suspected person resisting or obstructing any officer or member of the department from the performance of any duty or conducting himself in a disorderly manner and if necessary, detain him in custody until he can be brought before a competent court for trial.

2.12.110 Entering Fire Limits. The commanding officer may during any fire prescribe fire-limits inside of which no person not residing therein or connected with the Fire Department or employed in helping to extinguish the fire shall be allowed to enter, and any person violating the provisions of this shall on conviction thereof, be fined not less than ten (\$10.00) dollars nor more than fifty (\$50.00) dollars.

2.12.120 Property Guards. The commanding officer may appoint as property guards such number of citizens as may be necessary to guard or protect any property at any fire, and the person or persons so appointed shall have the same power as the Police Officers during the time that they act, and for which they shall receive such compensation as the city council may allow.

2.12.130 Destruction of Fire Apparatus – Penalty. Anyone who shall willfully, maliciously or negligently break, destroy, or in any matter injure any fire apparatus belonging to the city or Fire Department shall be subject to a fine of not less than ten (\$10.00) dollars nor more than fifty (\$50.00) dollars.

2.12.140 Necessary Apparatus for Use of Department. The city council shall from time to time procure the necessary apparatus for the use of the department and shall provide a convenient place for keeping of the same.

2.12.150 Driving on Firehose – Penalty. Whenever any hose of the Fire Department is layed upon any street, avenue, alley or other highway, it shall be unlawful for any person or persons to drive or propel any vehicle over the same. The owner or driver of such vehicle, upon conviction thereof, shall be deemed guilty of a misdemeanor and shall be subject to a fine of not less than ten (\$10.00) dollars nor more than fifty (\$50.00) dollars or imprisonment in the city jail for twenty (20) days or both. No person shall insult, hinder, obstruct or without authority give any order to any Fireman while on duty.

2.12.160 Rules for Giving Signals and Sounding Alarm. The department shall adopt rules and directions for giving signals and sounding alarm for fire and shall have the power to order and change the same from time to time. All rules and changes shall be binding upon all members of the department.

2.12.170 Firemen Working with the Police in Riots or Emergency. In case of riot or any sudden emergency occurring in the city when the police force requires immediate assistance or whenever the mayor may deem it necessary, the firemen by companies may be called to the assistance of the regular police and when so employed then shall possess all the power and privileges of the police, and the city council may furnish the firemen with the necessary equipment, and instructions to act in conjunction with the regular police, and when so acting they are to receive such pay for the service as the city council may award.

CHAPTER 2.16

WATER CLERK

Sections:

- 2.16.010 Office of Water Clerk
- 2.16.020 Compensation and Term of Water Clerk
- 2.16.030 Duties of Water Clerk
- 2.16.040 Failure of Collection by Water Clerk
- 2.16.050 Qualification for Office

2.16.010 Office of Water Clerk. That it is necessary and desirable and deemed for the best interest of the City of Harlowton, that there be, and there is hereby created the office of Water Clerk.

2.16.020 Compensation and Term of Water Clerk. That the compensation of such Water Clerk of the City of Harlowton, shall be set by the council, and his term of office shall not exceed one (1) year, and by majority vote of the council he may be employed from month to month or may be removed at any time for cause.

2.16.030 Duties of Water Clerk. The duties of the Water Clerk shall be as follows:

To keep a list of all tools belonging to the City of Harlowton, and have the care and custody of such tools; to attend to the water works of the City of Harlowton, do the pumping, care for all city machinery, wells, hydrants, mains or other property used in connection therewith; oil machinery and report to the city council once each month or at other times as he shall be requested by the mayor or any member of the council.

2.16.040 Failure of Collection by Water Clerk. Any failure on the part of the Water Clerk to make the collection of water rentals shall be promptly reported by him to the City Clerk so that action may be taken against such users, or that the water may be shut off from such persons and any and all failures to collect from such users shall be promptly reported by him to the City Clerk that action may be taken against such users, or that the water may be shut off from such person or persons, corporation, association or firm.

2.16.050 Qualification for Office. The Water Clerk shall, be bonded in the sum of five hundred (\$500.00) dollars or such other and further sum as may be required by the city council of the City of Harlowton for the faithful performance of his duties.

CHAPTER 2.21

DUTIES OF BUILDING INSPECTOR

Sections:

- 2.21.010 Application for Permit
- 2.21.020 Building on Lots within Block 3, 4 and 5
- 2.21.030 Building within Fire Limits
- 2.21.040 Penalty

2.21.010 Application for Permit. When any person, persons, firm, corporation or association of persons shall be desirous of erecting, repairing, changing or altering any building, or moving any building or structure within Block 2, 3, 4 and 5 of Milwaukee Land Company Addition to the City of Harlowton, make application at the office of the City Clerk for a permit for that purpose and shall furnish said clerk with a written statement of the proposed location, dimensions and manner of construction of proposed buildings, or structure, and material to be used and a plan of the plumbing, draining and ventilation together with plans and specifications for the proposed building or structure, which shall be delivered to said City Clerk and remain in his custody a sufficient length of time to allow the necessary examination to be made of the same, and if required by the clerk, a copy of such plans and specifications shall be filed in the office of the City Clerk, after which if it shall appear to the said inspector that the laws and ordinances of the city are complied with, he shall give a permit asked for, upon payment of a fee of two (\$2.00) dollars.

Blank forms for the detailed statements are herein required may be obtained at the office of the City Clerk for applicants to fill out, describing the location of the structure, number and height of stories, dimensions of the supporting iron work for which purpose the buildings are designed and such other information applicable to the proposed improvement, which statements, plans and specifications and in compliance with the laws and ordinances of the City of Harlowton and it shall not be lawful to proceed to construct, alter or repair any building or buildings or structure within the district above described, without such permit. Structures hereafter erected without permit or not in conformity with this ordinance shall be removed by the Chief of the Fire Department or Chief of Police.

2.21.020 Building on Lots within Block 3, 4 and 5. It shall be unlawful for any person, or persons, firm or corporation or association of persons to build, erect or place any dwelling, building or structure to be used for residence purposes upon any lot or lots within Block 3, 4 and 5 of Milwaukee Land Company Addition to the City of Harlowton, Montana, unless said dwelling, building or structure shall be at least fifteen (15) feet back from the street line and shall be at least constructed at an actual cost to the owner for labor and materials supplied, exclusive of the price for the lot, the sum of two thousand five hundred (\$2,500) dollars, or if said dwelling, building or structure would seriously increase the fire hazard of surrounding buildings.

2.21.030 Building within Fire Limits. Henceforth, no person shall within the said fire limits construct any building or out-building, other than one substantially fire-proof, that is to say, the exterior walls thereof shall be of stone, brick, cement, steel or other material equally non-combustible. Nor shall smoke houses be permitted to be built within the prescribed fire limits, nor shall any person within said

fire limits enlarge or add to any wooden building now standing within said limits, or repair any wooden building now standing within said limits beyond what is necessary to make good or ordinary and natural deterioration, nor shall any person, firm or corporation repair or rebuild any building within said limits when the same shall have been damaged by fire or other elements, or decay to the extent of forty (40%) percent of the value of such building. The decision of the Building Inspector shall be conclusive as to the amount of damages to any building caused by the enlarged or removed in violation of this ordinance, is hereby declared to be a nuisance and it shall be the duty of the Chief of Police to require the author of such nuisance to remove the same forthwith, and if he or she neglects or refuses to abate the same within twenty-four (24) hours, after notice, it shall be the duty of the Chief of Police to do so and the costs thereof shall be charged to, and may be recovered from the party responsible therefore by an action in the name of the author of such nuisance; and any person, whether owner, lessee, contractor or laborer, who shall hereafter, in violation of this section, erect, repair, enlarge, or remove any such prohibited wooden structure or roof, or cause the same to be done by others, shall be deemed to have committed a misdemeanor, and on conviction thereof, shall be fined not less than ten (\$10) dollars nor more than one hundred (\$100.00) dollars.

2.21.040 Penalty. Any person or persons, firm or corporation or association of persons violating any of the provisions of this ordinance shall be punished by a fine of not less than five (\$5.00) dollars nor more than one hundred (\$100.00) dollars and every day of continued violation after due notice shall be deemed to be a separate offense.

CHAPTER 2.24

ALDERPERSON

Sections:

2.24.010 Office of Alderperson

2.24.020 Duties of Alderperson

2.24.030 Compensation

2.24.040 Fine

2.24.010 Office of Alderperson. The Alderperson of the said City of Harlowton, shall before entering upon the duties of their office, and within ten (10) days after receiving notice or their election, take the oath of office required by law and file the same in the office of the City Clerk.

2.24.020 Duties of Alderperson. The duties of the Alderperson shall be as follows:

FIRST: To attend all meetings, both regular and special of the city council of the City of Harlowton.

SECOND: To act on committees and sub-committees appointed by the mayor of said City of Harlowton.

THIRD: Said Alderperson shall elect one (1) member of their number to act as president of the council, who shall preside over all meetings and call special meetings in the absence of the mayor of said City of Harlowton.

FOURTH: Said Alderperson shall have such other and further duties and powers and prescribed by the Political Code of the State of Montana, and the acts supplementary and amendatory thereto, and of the city ordinances of the said City of Harlowton.

2.24.030 Compensation. The Alderperson of the said City of Harlowton shall receive as compensation for their attendance at the regular meetings of said city council the sum of twelve dollars and fifty cents (\$12.50) per meeting, providing however, that they shall not be paid for more than two meetings for each and every month and further provided, that they shall not receive compensation for their services at meetings when they were not in actual attendance at such meetings of said city council, neither shall they receive compensation for said services unless they are present at the time set for said council to convene, and remained throughout the entire session of said session.

2.24.040 Fine. The said Alderperson shall be fined for their non-attendance at the meetings of the said city council in the sum of twelve dollars and fifty cents (\$12.50) for each and every meeting they absent themselves from and same shall be deducted from the amount they are entitled to receive for their attendance at meetings of said council, provided however, that in case of actual sickness, no member of said council shall be fined for his non-attendance, and it shall be the duty of the City Clerk to levy such fines on the records and minutes of said meetings and make proper deductions therefore. It shall be allowed that an Alderperson may miss two (2) meetings per calendar quarter before a fine for non-attendance will be assessed.

Chapter 2.28

Mayor

Sections:

2.28.010 Office of Mayor

2.28.020 Duties of Mayor

2.28.030 Compensation

2.28.040 Fine

2.28.010 Office of the Mayor. The City Mayor shall, before entering upon the duties of his office, and within ten days after receiving notice of his election, take the oat of office required by law and file the same in the office of the city clerk.

2.28.020 Duties of Mayor. The duties of the City Mayor shall be as follows:

FIRST: He shall be presiding officer of the city council.

SECOND: He shall appoint committees consisting of the members of the council, or members of the council together with appointive officers as he deems necessary.

THIRD: He shall appoint all city officers as prescribed by the state laws and ordinances of the City of Harlowton, the officers of the city perform their respective duties, and discharge police officers for failure to perform their duties, and shall perform such other duties as by law and ordinances shall be required by him.

FOURTH: He shall have such other and further duties and powers as prescribed by the Political Code of the State of Montana, and the acts supplementary and amendatory thereto and of the city ordinances of the City of Harlowton.

2.28.030 Compensation. The city mayor shall receive such salary as set by the city council as compensation for his duties as city mayor.

2.28.040 Fine. The fine