



# CITY COUNCIL OPERATIONS AGENDA

January 9, 2023 – 5:00 PM | Council Chamber, City Hall

1. **Call Meeting to order**
2. **Approval of Minutes**
  - a. Regular Meeting: December 12, 2022
3. **Public Comment** – (Limit to three minutes per person)
4. **Old Business** (Public Comment period prior to each topic)
  - a. Fee Schedule Review - Jordan
5. **New Business** (Public Comment period prior to each topic)
  - a. Committee Goals – Jordan
  - b. Review of Title 2 - Jordan
6. **Staff or Committee Member Concerns or Comments:**
7. **Announcement of the Next Meeting**
  - a. Monday, February 13, 2023, at 5:00PM
8. **Adjournment**

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**City Council Operations Committee**  
City Code | Council Bylaws and Policy

**Members**

Rob Kersch (Chair) | Dick Bauman | Curt Fjelstad

# City Council Operations

# MINUTES

**December 12, 2022, - 5:00PM | Council Chambers, City Hall**

<b>Members Present:</b>	Rob Kersch, Dick Bauman, Curt Fjelstad
<b>Members Absent:</b>	None
<b>Mayor:</b>	Absent
<b>CAO:</b>	Jordan Green
<b>Staff:</b>	None
<b>Public:</b>	None

**1. Call Meeting to Order:**

- a. Chairman Kersch called the meeting to order at 5:03PM

**2. Approval of Minutes:**

- a. Regular Meeting: November 14, 2022  
Member Bauman motioned to approve as presented. Member Fjelstad seconded the motion. 3 Ayes, 0 Nos. Motion passed.

**3. Public Comment -** Limit to three minutes per person.

- a. None.

**4. Old Business**

- a. None

**5. New Business**

- a. Review Fee Schedule – Jordan  
Reviewed Building Permit Fee Schedule.  
Member Bauman motioned to keep Building Permit Fee Schedule at the reduced building rates. Member Fjelstad seconded the motion. 3 Ayes, 0 Nos. Motion passed.

Chairperson Kersch motioned to have Public Health & Safety and Finance look at Garbage Rates and Marijuana Rates and present this back to Council Ops with their recommendations. Member Bauman seconded the motion. 3 Ayes, 0 Nos. Motion passed.

**6. Staff or Committee Comments/Concerns:**

**7. Announcement of Next Meeting:**

- a. Monday, January 9, 2023, at 5:00PM

**8. Adjournment:**

- a. The meeting was adjourned at 6:12PM by consensus.

Prepared by: Cyndi Thompson, City Clerk

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Rob Kersch, Chairperson

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Date

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**City Council Operations Committee  
Members**

Rob Kersch (Chair) | Dick Bauman | Curt Fjelstad

City of Deer Lodge Fee Schedule

LEGEND

- \*: Fees marked with an asterisk are set by resolution.
- #: Fees marked with a pound sign are set by ordinance and cannot change without a City Code Title Change.
- !: Fees marked with an exclamation point are not clearly defined.
- ^: Fees marked with a caret are being set by resolution, but there is also an ordinance description.
- ~: Fees marked with a tilde are not defined in City Code but are implied to exist.
- @: Fees marked with an at sign are bond-satisfaction rates and should not be changed

TITLE 1: GENERAL PROVISIONS

- ❖ Fees, Licenses, or Permits: None
- ❖ Fines/Penalty: Title 1 GENERAL PROVISIONS: Chapter 1.08: GENERAL PENALTY contains the basis for all Fines that are not specifically identify in the City Code of Deer Lodge.

1.08.010: GENERAL PENALTY

- A. Whenever in any provision of this Code or other ordinance of the City any act is prohibited or is made or declared to be unlawful, a misdemeanor or an offense, or whenever in any such provision or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is otherwise provided therefor, any person upon conviction for the violation of any such provision of this Code or ordinances shall be punished by a fine not exceeding five hundred dollars (\$500.00) for the first or second like violation or in the event of a third or subsequent like violation by imprisonment not to exceed six (6) months or by both such fine and imprisonment, for each such offense.
- 1. Each day any violation of any ordinance shall continue, shall constitute a separate offense.
  - a. Provisions for first, second, third, or subsequent violations described in A. above do not apply in the event of a continuation of offense as described in A.1. above.
- B. In the construction and interpretation of this section, the revocation of a license or permit shall not be considered as a recovery or penalty so as to bar any other penalty being enforced.

(Ordinance 1 – 1/17/1980: Effective 1/17/1980)

1.08.020: EXECUTION OF A FINE.

- A. If the judgment is for a fine alone, execution may issue thereon as on a judgment in a civil case.
- B. A judgment that the defendant pay a fine may also direct that he be imprisoned until the fine be satisfied, in the proportion of one day's imprisonment for every ten dollars (\$10.00) of the fine.

TITLE 2: ADMINISTRATION AND PERSONNEL

- A. No Fees, Licenses, Permits, or Fines
- (Ordinance 2019-6 – 08/19/2019: Effective 08/19/2019)

TITLE 3: REVENUE AND FINANCE

- A. No Fees, Licenses, Permits, or Fines

TITLE 4: SEWER AND WATER

- A. Fees, Licenses, Permits, Cost of Service
  - 1. Public Works Call Out Fees [4.13.040]
    - a. During Normal Work Hours (8:00 AM – 5:00 PM, Monday – Friday) ..... \$0.00\*

b.	After Hour Work Week Rate (Monday - Friday)	\$200.00*
c.	Weekends	\$300.00*
d.	Holidays	\$400.00*
NOTE: FEES DO NOT INCLUDE ANY OTHER ADDITIONAL EXPENSES INCURRED.		
2.	Water Line Attachment Fee [4.20.020.A]	
a.	¾"	\$773.00#
b.	1"	\$1,187.00#
c.	1.5"	\$2,045.00#
d.	2"	\$3,140.00#
e.	3"	\$5,196.00#
f.	4"	\$8,546.00#
g.	6"	\$16,831.00#
NOTE: Owner also responsible for all other permit and tapping fees and/or incidental expenses of materials and manpower.		
3.	Sewer Line Attachment (Development) Fee (Based on size of freshwater line). <u>These fees are in addition to development expenses.</u> [4.19.020, 4.19.030]:	
a.	¼ Inch	\$478.00*
b.	1 Inch	\$732.00*
c.	1 ½ Inch	\$1,264.00*
d.	2 Inch	\$1,937.00*
e.	3 Inch	\$3,214.00*
f.	4 Inch	\$5,251.00*
g.	6 Inch	\$10,402.00*
2.	Residential and Commercial Permit Fee [4.04.020.A.1.]	\$75.00*
3.	Industrial Waste Establishment Permit Fee [4.04.020.A.3.]	\$500.00*
4.	Sprinkling	
a.	Automatic Sprinkler Registration [4.18.065.B.]:	\$0.00*
1.)	No Charge, but Automatic Sprinkling System Registration Form Must be Completed.	
b.	Sprinkling Variance for New Lawn	\$0.00*
1.)	No Charge, but Must Notify City in Writing. Valid for 2 weeks.	
5.	Private Disposal Permit Fee [4.03.010]:	Set by Powell County Environmental Health Department#
6.	Water/Sewer/Garbage Service Deposit [4.12.130]:	\$100.00*
7.	Monthly Water Charge [4.10.070, 4.16.010]	
a.	Within the Corporate Limits of Deer Lodge:	
1.)	Residential	
a.)	Flat Rates	
i.)	Pipe Size	
(a.)	½, ¾, 1 Inch	\$25.43@
(b.)	1 Inch	\$39.08@
(c.)	1 ½ Inch	\$54.94@
(d.)	1 ½ to 1 ¾ Inch	\$57.32@
(e.)	2 Inch	\$103.34@
(f.)	2 ½	\$161.036@
(g.)	3 Inch	\$171.00@
(h.)	4 Inch	\$281.26@
(i.)	5 Inch	\$407.08@
(j.)	6 Inch	\$554.13@
b.)	Meter Rates	
i.)	Pipe Size	
(a.)	½, ¾, 1 Inch	\$19.59@
(b.)	1 Inch	\$30.08@
(c.)	1 ½ Inch	\$42.26@
(d.)	1 ½ to 1 ¾ Inch	\$51.77@
(e.)	2 Inch	\$79.50@
(f.)	2 ½	\$103.12@
(g.)	3 Inch	\$131.56@

- (h.) 4 Inch..... \$216.346@
- (i.) 5 Inch..... \$313.456@
- (j.) 6 Inch..... \$426.27@
- ii.) Residential Monthly Meter Rates for each 100 Cubic Feet (748.0519 gallons) monthly.

Consumption	Unit Rate
From 0 to 8 ccf	Included in Minimum
From 8 to 50 ccf	\$2.52 per 100 ccf@
Over 50 ccf	\$2.184 per 100 ccf@

1.) Commercial

a.) Flat Rates

i.) Pipe Size

- (a.) ½, ¾, 1 Inch..... \$29.38@
- (b.) 1 Inch..... \$45.11@
- (c.) 1 ¼ Inch ..... \$63.39@
- (d.) 1 ½ to 1 ¾ Inch ..... \$77.69@
- (e.) 2 Inch..... \$119.25@
- (f.) 2 ½ ..... \$154.674@
- (g.) 3 Inch..... \$197.31@
- (h.) 4 Inch..... \$324.53@
- (i.) 5 Inch..... \$470.171@
- (j.) 6 Inch..... \$639.39@

b.) Meter Rates

i.) Pipe Size

- (a.) ½, ¾, 1 Inch..... \$23.52@
- (b.) 1 Inch..... \$36.10@
- (c.) 1 ¼ Inch ..... \$50.70@
- (d.) 1 ½ to 1 ¾ Inch ..... \$77.69@
- (e.) 2 Inch..... \$119.25@
- (f.) 2 ½ ..... \$123.75@
- (g.) 3 Inch..... \$197.31@
- (h.) 4 Inch..... \$324.53@
- (i.) 5 Inch..... \$376.18@
- (j.) 6 Inch..... \$639.39@

ii.) Residential Monthly Meter Rates for each 100 Cubic Feet (748.0519 gallons) monthly.

Consumption	Unit Rate
From 0 to 8 ccf	Included in Minimum
From 8 to 50 ccf	\$2.327 per 100 ccf@
Over 50 ccf	\$2.00 per 100 ccf@

b. Outside the Corporate Limits of Deer Lodge:

1.) Residential

a.) Flat Rates

i.) Pipe Size

- (a.) ½, ¾, 1 Inch..... \$27.61@
- (b.) 1 Inch..... \$42.43@
- (c.) 1 ¼ Inch ..... \$59.66@
- (d.) 1 ½ to 1 ¾ Inch ..... \$73.09@
- (e.) 2 Inch..... \$112.19@
- (f.) 2 ½ ..... \$145.54@
- (g.) 3 Inch..... \$185.67@
- (h.) 4 Inch..... \$305.36@
- (i.) 5 Inch..... \$442.40@
- (j.) 6 Inch..... \$601.63@

b.) Meter Rates

- i.) Pipe Size
  - (a.) ½, ¾, 1 Inch ..... \$21.27@
  - (b.) 1 Inch ..... \$32.66@
  - (c.) 1 ¼ Inch ..... \$45.89@
  - (d.) 1 ½ to 1 ¾ Inch ..... \$56.21@
  - (e.) 2 Inch ..... \$86.31@
  - (f.) 2 ½ ..... \$111.96@
  - (g.) 3 Inch ..... \$142.83@
  - (h.) 4 Inch ..... \$234.88@
  - (i.) 5 Inch ..... \$340.31@
  - (j.) 6 Inch ..... \$462.80@
- ii.) Residential Monthly Meter Rates for each 100 Cubic Feet (748.0519 gallons) monthly.

Consumption	Unit Rate
From 0 to 8 ccf	Included in Minimum
From 8 to 50 ccf	\$2.11 per 100 ccf@
Over 50 ccf	\$1.82 per 100 ccf@

2.) Commercial

a.) Flat Rates

- i.) Pipe Size
  - (a.) ½, ¾, 1 Inch ..... \$31.90@
  - (b.) 1 Inch ..... \$48.98@
  - (c.) 1 ¼ Inch ..... \$68.81@
  - (d.) 1 ½ to 1 ¾ Inch ..... \$84.34@
  - (e.) 2 Inch ..... \$129.47@
  - (f.) 2 ½ ..... \$167.93@
  - (g.) 3 Inch ..... \$214.23@
  - (h.) 4 Inch ..... \$352.35@
  - (i.) 5 Inch ..... \$510.47@
  - (j.) 6 Inch ..... \$694.20@

b.) Meter Rates

- i.) Pipe Size
  - (a.) ½, ¾, 1 Inch ..... \$25.53@
  - (b.) 1 Inch ..... \$39.20@
  - (c.) 1 ¼ Inch ..... \$55.06@
  - (d.) 1 ½ to 1 ¾ Inch ..... \$67.47@
  - (e.) 2 Inch ..... \$99.70@
  - (f.) 2 ½ ..... \$134.36@
  - (g.) 3 Inch ..... \$171.42@
  - (h.) 4 Inch ..... \$281.90@
  - (i.) 5 Inch ..... \$408.42@
  - (j.) 6 Inch ..... \$555.41@
- ii.) Residential Monthly Meter Rates for each 100 Cubic Feet (748.0519 gallons) monthly.

Consumption	Unit Rate
From 0 to 8 ccf	Included in Minimum
From 8 to 50 ccf	\$2.52 per 100 ccf@
Over 50 ccf	\$2.18 per 100 ccf@

- c. Short Term Water Responsibility Discontinuance Monthly Charge ..... To Be Determined (Water Bond)@
  - 1.) Covers base infrastructure cost.
- d. Discontinuance/Disconnection [4.12.040]: ..... Owner's Expense
- e. Reconnection Fee [4.12.050.A.): ..... \$100.00\*
- 2. Monthly Sewer Charge [4.10.070] Evaluated at a minimum of biannually [4.10.050]:
  - a. **Within the Corporate Limits of Deer Lodge:**
    - 1.) Residential ..... \$42.31\*
    - 2.) Commercial ..... \$42.31\*
  - b. **Outside the Corporate Limits of Deer Lodge:**

- 1.) Within City Limits ..... \$42.31\*
- 2.) Outside City Limits ..... \$42.31\*
- c. Short Term Sewer Responsibility Discontinuance Monthly Charge [4.10.071.B.] ..... \$12.87@
  - 1.) Covers base infrastructure cost
- 3. Discontinuance/Disconnection [4.10.071]: ..... Owner's Expense
- 4. Extension of Water Main [4.12.030]: ..... Cost Borne by Owner

**B. Fines/Penalties**

- 1. Watering Hours/Method Violations (Includes Automatic Sprinkling System Violations) [4.18.080/4.12.060.Q] – Currently in Water Shortage Double Penalty Stage due to loss of one well [4.18.070]
  - a. First Offense ..... \$25.00 x 2 = \$50.00^
  - b. Second Offense ..... \$40.00 x 2 = \$80.00^
  - c. Third Offense ..... \$60.00 x 2 = \$120.00^
  - d. Fourth Offense ..... \$80.00 x 2 = \$160.00^
  - e. Open Hose [4.18.060] ..... \$125.00 x 2 = \$250.00\*
- 2. Clear Water Connection Penalty [4.04.080/4.09.020]: ..... <= \$500.00\*
- 3. Discharge of Unpolluted Waters Penalty [4.05.010/4.09.020]: ..... <= \$500.00\*
- 4. Discharge of Specified Waters or Waste Penalty [4.05.030/4.09.020]: ..... <= \$500.00\*
- 5. Exceeding Specified Substances, Materials, Waters, Waste Limits [4.05.040/4.09.020]: ..... <= \$500.00\*
- 6. Sewer Destruction Penalty [4.06.010/4.09.010/4.09.020]: ..... <= \$500.00\*
  - a. Immediate Arrest on Charge of Disorderly Conduct
- 7. Discharge of Specified Waters or Waste Penalty [4.05.030/4.09.020]: ..... <= \$500.00\*
- 8. Liability to City for Expense, Loss, Damage Due to Violation [4.09.030]: ..... **Actual Cost**
- 9. Monthly Water and Sewer Charge Late Fee [Not Defined] ..... \$15% of Total
- 10. Two Month Late Disconnect Fee [Not Defined] ..... \$25.00
- 11. Discontinued Water Service Reconnection/Usage without Authorization [4.12.050.D]:
  - a. Reconnection Fee: ..... \$25.00 during business hours, otherwise per Public Works Callout Fee Schedule#
  - b. Owner additionally liable for all monthly charges since disconnect date
- 12. Discontinued Sewerage Service Reconnection/Usage w/o Authorization [4.10.070.D]:
  - a. Reconnection Fee ..... Included with Water Connection Fee.#
  - b. Owner additionally liable for all monthly charges since disconnect date#
  - c. Willful and Blatant reconnection could result in denial of future discontinuation of service applications.#
    - 1.) Denial must state specific reasons.
    - 2.) This action can only be resolved by appeal to the City Council within 30 days of denial.
- 13. Non-Compliance with Phosphorus Compound Discharge to Wastewater [4.11.070]:
  - a. First Offense ..... Notification by City Clerk, with 10 Days to comply#
  - b. Non-Compliance after 10 Days: ..... Misdemeanor#
- 14. Each Violation of This Chapter [4.11.070]: ..... \$50.00 to \$500.00#
  - a. Each day violation continues counts as a separate violation

**TITLE 5: BUSINESS LICENSES AND REGULATIONS**

- 1. Fees, Licenses, or Permits [5.02.050: LICENSE SCHEDULE OF FEES]
  - a. Annual Business License Fees [5.02.020: A]
    - 1.) Term: July 1, Current Year through June 30, Following Year
    - 2.) License:
      - a.) General Business License (Per Business/Branch) [5.02.040]: ..... \$125.00\*
      - b.) Non-Resident General Business License (Per Business/Branch): ..... \$150.00!
      - c.) Contractor's Business License: ..... \$50.00\*
        - i.) Term: Maximum of 6 months\*
      - d.) Major Home Occupation Business License (Per Business/Branch): ..... \$50.00\*
        - i.) Home Business Assessment Required to Verify Home Business Type
        - ii.) Requires Conditional Use Permit: ..... \$100.00\*
          - (a.) This permit cost includes the first year's Major Home Occupation Business License Fee.
      - e.) Minor Home Occupation Business License (Per Business/Branch): ..... \$25.00\*
        - i.) Home Business Assessment Required to Verify Home Business Type



- f.) Non-Profit Business License [5.02.080: E]: ..... \$35.00\*
  - i.) Must provide IRS documentation#
- g.) Pawn Broker License [5.04.020: A]: ..... \$125.00\*
  - i.) Proof of Liability Insurance Required [5.04.110]#
- b. Special Business License Fees
  - 1.) Transient Retail Merchant License [5.02.084: E]: ..... \$20.00\*
    - a.) Term: Up to 1 year#
  - 2.) Itinerant Vender License [5.02.086.B.]: ..... \$50.00\*
    - a.) Term: 90 (Ninety) Days#
    - b.) Proof of Liability Insurance Required [5.02.086.E.]#
- c. Amusement Event License [5.02.090: A]: ..... \$50.00\*
  - 1.) Term: Designated Period of Time
  - 2.) License required for assessment of services.
- d. Amusement Event Permit [5.02.090: A]: ..... \$0.00#
  - 1.) Term: Designated Period of Time
  - 2.) Applies only to Events held within the property boundary of the establishment, otherwise, an Amusement Event License is required.
  - 3.) Permit required for assessment of services.
- e. Duplicate Business License [5.02.060: H]: ..... \$25.00\*
- 2. Fines/Penalties
  - a. Failure to Display Business License [5.02.050: G] ..... \$25.00\*
  - b. Business License Late Fee [5.02.050: C] ..... 50% of Business License Fee#
  - c. Failure to Obtain Business License [5.02.050: F/.070.D] ..... 150% of Business Fee + Late Fees#
    - 1.) This is a misdemeanor.
    - 2.) Every day that business is conducted without a license is a separate offense.
  - d. Failure to Obtain Transient Retail Merchant License [5.02.084: C] ..... Double the License Fee#
  - e. Pawn Broker Fines [5.04.170 Per 1.08.010: GENERAL PENALTY, including the following] .....
    - 1.) Fine: ..... Not to Exceed 500.00#
    - 2.) Violation of Article may result in revocation of license.
    - 3.) Every day of failure to comply is a separate offense.
- 3. Refund of Overpayment [5.02.050: E]
  - a. Whole or In Part.
    - 1.) Providing written notice of overpayment is filed with the City within 30 days from the last day of the month of the overpayment.
    - 2.) City determines validity and amount of refund, if any.
- B. Alcohol Licenses [5.06: REGULATION OF ALCOHOLIC BEVERAGES]
  - 1. Fees, Licenses, or Permits
    - a. Term: ..... July 1, Current Year through June 30, Following Year
    - b. Prorates/Refunds: ..... License fee may be prorated, but not refunded.
    - c. Licenses [5.06.050.A.7.]:
      - 1.) Liquor License (All Beverages): ..... \$275.00\*
      - 2.) Beer and Wine License: ..... \$225.00\*
      - 3.) Beer License: ..... \$175.00\*
      - 4.) Brewery License: ..... \$225.00\*
  - 2. Fines/Penalties
    - a. Failure to Display License [5.06.090/5.06.180]: ..... Per 1.08.010#
    - b. Revocation of State License results in revocation of City License. [5.06.130]
    - c. City Judge is bound by State Law to report convictions within 10 days. [5.06.170]
    - d. Violations punishable by 1.08.010 [5.06.180]
    - e. Minors (under age 21) ..... Penalty as per the MCA for minor in possession of alcohol
- C. Gambling Licenses [5.08: GAMBLING REGULATIONS]
  - 1. Fees, Licenses, or Permits [5.08.010]: ..... License is issued by the State of Montana
- D. Handbill Regulations [5.14: HANDBILL REGULATIONS]
  - 1. Fines/Penalties [5.14.030] ..... Violations Punishable by 1.08.010.#
- E. Sign Regulations [5.16: PROHIBITING PLACING OF SIGNS ON UTILITY & TRAFFIC CONTROL DEVICES]

- 1. Fines/Penalties [5.16.030]..... Violations punishable by 1.08.010#
- F. Television Cable Fees [5.18: TELEVISION CABLE SYSTEMS]
  - 1. Fees, Licenses, or Permits [5.18]
    - a. As Negotiated with Television Cable Provider. See Title 13: FRANCHISES
- G. Parade Licenses [5.20: LICENSING PARADES]
  - 1. Fees, Licenses, or Permits [5.20.030]
    - a. Parade Permit [5.20.020]:..... No Fee#
    - b. Conditions:
      - 1.) Permit must be obtained a minimum of 7 days prior to event.
  - 2. Fines/Penalties
    - a. Violation of Provisions [5.20.050]:.....Not Less than \$1.00 or more than \$100.00#

**TITLE 7: HEALTH AND WELFARE**

- A. Fees, Licenses, Permits, and Cost for Service
  - 1. Monthly Garbage Collection Charge (within City Limits) [7.02.110]
    - a. Residential
      - 1.) Regular Container:..... \$14.00\*
      - 2.) Extra Container:..... \$6.00\*
      - 3.) Additional Pickup Per Occurrence:..... \$5.00\*
    - b. Commercial
      - 1.) Large Container: ..... \$26.00\*
      - 2.) Extra Container:..... \$11.00\*
      - 3.) Additional Pickup Per Occurrence:..... \$5.00\*
  - 2. Monthly Garbage Collection Charge (outside City Limits) [7.02.110]
    - a. Residential
      - 1.) Regular Container:..... \$16.00\*
      - 2.) Extra Container:..... \$7.00\*
      - 3.) Additional Pickup Per Occurrence:..... \$8.00\*
    - b. Commercial
      - 1.) Large Container: ..... \$30.00\*
      - 2.) Extra Container:..... \$13.00\*
      - 3.) Additional Pickup Per Occurrence:..... \$8.00\*
  - 3. Fireworks Sales and Public Display Permit [7.04.30] ..... \$50.00\*
    - a. Term: ..... 5 Days
    - b. Bond [7.04.050]: ..... Not to exceed \$500.00#
  - 4. Livestock Permit [7.01.020] ..... \$50.00~
    - a. Restrictions [7.01.020.A.1, 11.01.140.080: Animal Enclosure Setbacks]
      - 1.) Minimum of 1 acre per animal, maximum of 2)
      - 2.) Property must be inspected and approved by the City Code Enforcement Officer.
      - 3.) No livestock within 100 feet of any neighboring house or dwelling.
  - 5. Poultry Permit [7.01.020] ..... \$25.00~
    - a. Restrictions [7.01.020.A.2]:
      - 1.) Property must be inspected and approved by the City Code Enforcement Officer.
      - 2.) Up to 6 poultry.
      - 3.) Absolutely no roosters.
      - 4.) Permit is permanent, providing no violations resulting in revocation.
- B. Fines/Penalties [7.01.080, 7.02.120, 7.03.050; 7.04.070]
  - 1. Decay / Nuisances 1<sup>st</sup> Offense [7.01.080] ..... \$200.00\*
  - 2. Decay / Nuisances All Subsequent Offenses [7.01.080] ..... \$500.00\*
  - 3. Garbage Collection Violation 1<sup>st</sup> Offense [7.02.120] ..... \$50.00\*
  - 4. Garbage Collection Subsequent Offenses [7.02.120] ..... \$125.00\*
  - 5. Monthly Water / Sewer Charge Late Fee [NEED REFERENCE]: ..... 1.5% of Total Charges Late

6.	Unlawful Dumping 1 <sup>st</sup> Offense [7.02.120] .....	\$250.00*
7.	Unlawful Dumping Subsequent Offenses [7.02.120] .....	\$500.00*
8.	Burning of Refuse Violation 1 <sup>st</sup> Offense [7.03.050] .....	\$75.00*
9.	Burning of Refuse Subsequent Offenses [7.03.050] .....	\$150.00*
10.	Fireworks Sale and Public Display Fine for Failure to Buy Permit [7.04.070].....	\$100.00*
11.	Fireworks Penalty 1 <sup>st</sup> Offense [7.04.070] .....	\$50.00*
12.	Fireworks Penalty 2 <sup>nd</sup> Offense [7.04.070] .....	\$125.00*
13.	Failure to Obtain Livestock or Poultry Permit [7.01.080].....	1.5 times the Permit Fee + Cost of Permit*

**TITLE 8: ANIMALS**

**A. Dog Licenses [8.02.030: LICENSING]**

1. Fees, Licenses, or Permits [8.02.030]
  - a. Dog Licenses [8.02.030]
    - 1.) Term: January 1, Current Year through Last Day of February, Following Year
    - 2.) Restrictions:
      - a.) Must have current Rabies Vaccine [8.02.030.6]
      - b.) Applies to Dogs > 6 Months Old [8.02.030.3]
    - 3.) Licenses:
      - a.) Altered Dog License [8.02.030: A.4]..... \$10.00\*
      - i.) Excess Dog License (Each Dog Over 2) ..... \$20.00#
      - b.) Unaltered Dog License [8.02.030: A.4]: ..... \$15.00\*
      - i.) Excess Dog License (Each Dog Over 2) ..... \$30.00#
  - b. Excess Animal Permit [8.02.025: C] ..... \$25.00#
    - 1.) Required for More than 2 Dogs > 6 Months Old
    - 2.) Maximum Number of Dogs is 5
    - 3.) Each Dog over 2 Dogs Costs Double the Normal Licensing Fee (Altered or Unaltered)
  - c. Lost Dog License Tag [8.02.030.A] ..... \$2.00#
  - d. Pet Adoption Fee [8.04.044] ..... \$35.00~
  - e. Impoundment Fee [8.04.080] ..... \$35.00~
  - f. Daily Impound Boarding Fee [8.04.080] ..... \$25.00~
2. Fines/Penalties
  - a. Late Licensing Fee per Dog [8.02.030: A.7]..... Double Normal License Fee\*
  - b. Dog Off Leash [8.02.050: A] ..... \$25.00\*
  - c. Failure to Have Control [8.02.050: B] ..... Impoundment
  - d. Dog Running At Large [8.04.010; 8.04.110]
    - 1.) 1<sup>st</sup> Offense ..... Impoundment Fees Plus \$50.00\*
    - 2.) 2<sup>nd</sup> Offense ..... Impoundment Fees Plus \$100.00\*
    - 3.) 3<sup>rd</sup> Offense ..... Impoundment Fees Plus \$200.00\*
  - e. Animal Waste Removal. [8.02.182]
    - 1.) 1<sup>st</sup> Offense ..... \$20.00~
    - 2.) 2<sup>nd</sup> and Subsequent Offense ..... \$50.00~
  - f. Violations of Provisions of This Chapter Not Set By Fee ..... Not to Exceed \$500.00#
    - 1.) Kennels Prohibited. [8.02.200]
    - 2.) Chasing Vehicles. [8.02.181]
    - 3.) Barking Dogs. [8.01.180]
    - 4.) Teasing or Unauthorized Releasing of Animal. [8.02.210]
  - g. Misdemeanor Violations:
    - 1.) Any person found violating 8.02.025, 8.02.030.A. will be charged a misdemeanor. [8.02.220]
    - 2.) Unlawful Releasing of Animals. [8.04.090]
    - 3.) Keeping Wild Animals [8.04.095]
    - 4.) Animals Disturbing the Peace [8.04.100]
    - 5.) Obstructing an Animal Control Designee or Shelter Attendant to Care for Animals. [8.04.070]

**TITLE 9: PUBLIC PEACE, SAFETY AND MORALS**

- A. Fees, Licenses, or Permits
  - 1. Deer Lodge Police Department – Case or Accident Report Request Form
    - a. Involved Party ..... UNDER REVIEW (CURRENTLY FREE) ~
    - b. Third Party and Public At Large ..... UNDER REVIEW (CURRENTLY FREE)~
- B. Fines/Penalties
  - 1. Violations of Chapter 9.08: PROHIBITING POSSESSION OF FIREARMS [9.08.040]
    - a. Violation of any other term/provision of Chapter 9.08: ..... Section 1.08.010 of this Code#
  - 2. Violations of Chapter 9.12: UNLAWFUL CONDUCT [9.12.020]
    - b. Violation of any other term/provision of Chapter 9.12: ..... Section 1.08.010 of this Code#
  - 3. Violations of Chapter 9.18: CURFEW [9.18.020]
    - a. Violation of any other term/provision of Chapter 9.18: . \$25 - \$75 OR Up to 10 Hours Community Service, OR Both#
  - 4. Violations of Chapter 9.24: ELECTRIC FENCES IN CITY UNLAWFUL [9.24.020]
    - c. Violation of any other term/provision of Chapter 9.24: .....\$25 + \$25/Each Additional Day#
  - 5. Violations of Chapter 9.26: PUBLIC DRINKING, DISPLAY OR EXHIBITION OF BEER OR LIQUOR PROHIBITED [9.26.030]
    - d. Violation of any other term/provision of Chapter 9.26: .... Section 1.08.010 of this Code AND Section 1.08.020#
  - 6. Violations of Chapter 9.28: DEPARTMENT OF REVENUE PRE APPROVED RESPONSIBLE ALCOHOL SALES & SERVICE [9.28.070]
    - a. Violation of any other term/provision of Chapter 9.28:
      - 1.) 1<sup>st</sup> Offense: ..... Written Warning to the Licensee & Department of Revenue Notified#
      - 2.) 2<sup>nd</sup> Offense ..... \$100.00 fine to offending server#
      - 3.) 3<sup>rd</sup> Offense ..... \$250.00 fine to offending server#
      - 4.) 4<sup>th</sup> Offense ..... Section 1.08.010 of this Code #

**TITLE 10: VEHICLES AND TRAFFIC**

- A. Fees, Licenses, or Permits
  - 1. None
- B. Fines/Penalties
  - 1. Violations of Chapter 10.02: TRAFFIC REGULATIONS [10.02]
    - a. Careless Driving [10.02.120]: ..... Misdemeanor, \$85.00 #
    - b. Violation of any other term/provision of Chapter 10.02 [10.02.130.A.1.a]: ..... \$1.00 to \$100.00#
      - 1.) ALTERNATIVE: [10.02.130.A.1.b] Any person in violation of this Chapter may pay a \$25.00 fine at City Hall within 5 business days or appear before the City Judge after 5 business days and before 15 calendar days with the potential of a fine within the full amount as described in 10.02.130.A.1.a. #
  - 2. Violations of Chapter 10.04: PARKING REGULATIONS [10.04.140]
    - a. Violations of Chapter 10.04 ..... \$1.00 to \$50.00#
    - b. ALTERNATIVE: [10.04.140.A.1.b] Any person in violation of this Chapter may pay a \$5.00 fine at City Hall within 5 business days or appear before the City Judge after 5 business days and before 15 calendar days with the potential of a fine within the amount as described in 10.04.140.A.1.a. ^
  - 1. Violations of Chapter 10.06: MOTORCYCLES OR QUADRICYCLES
    - a. Violation of any other term/provision of Chapter 10.06 [10.06.050]:
      - 1.) First Offense ..... \$10.00 to \$50.00#
      - 2.) Second Offense ..... \$25.00 - \$100.00#
      - 3.) Third or Subsequent Offense ..... \$100.00 - \$500 plus Impoundment of not less than 6 months#
  - 2. Violations of Chapter 10.08: ABANDONED AND JUNK VEHICLES
    - a. Violation of Chapter 10.08 [10.08.090]: ..... Section 1.08.010 of this Code#
      - 1.) Each day a violation exists or continues constitutes a separate offense.
      - 2.) Each day that a violation continues or each time that a violation continues past a parking limitation period is a separate violation.
      - 3.) Removal of the nuisance by the Powell County Sheriff or City Police Chief is authorized.
      - 4.) City may charge the expense of removing the nuisance
      - 5.) Owner is responsible for Impound Fees as set by the impoundment business owner

- 6.) The City Council may seek injunctive relief from a court of record to enjoin further violations
- 3. Violations of Chapter 10.12: SNOWMOBILES
  - 1.) Violation of any other term/provision of Chapter 10.12 [10.12.030.A.1.a]: ..... \$10.00 to \$30.00#
  - 2.) ALTERNATIVE: [10.12.030.A.1.b] Any person in violation of this Chapter may pay a fine of \$10.00 at City Hall within 5 business days or appear before the City Judge after 5 business days and before 15 calendar days with the potential of a fine within the full amount as described in 10.12.030.A.1.a.#
- 4. Violations of Chapter 10.14: TRUCKS AND LOAD RESTRICTIONS
  - a. Violation of any other term/provision of Chapter 10.14 [10.14.040]:
    - 1.) First Offense ..... \$10.00 to \$50.00#
    - 2.) Second Offense (within 1 year) ..... \$50.00 - \$200.00#
    - 3.) Third or Subsequent Offense (within 1 year) ..... \$200.00 - \$500.00#
- 5. Violations of Chapter 10.16: HEIGHT, LENGTH, WIDTH AND LOAD RESTRICTIONS
  - 1.) Fine [10.16.130] ..... \$1.00 - \$150.00#
  - 2.) ALTERNATIVE: [10.16.130.A.1.a] Any person in violation of this Chapter may pay a fine of \$50.00 at City Hall within 5 business days or appear before the City Judge after 5 business days and before 15 calendar days with the potential of a fine within the full amount as described in 10.16.130.A.1.a.#
- 6. Violations of Chapter 10.17: VEHICLE LOAD LIMITS [10.17.070]
  - 1.) Violation of any other term/provision of Chapter 10.17: ..... \$100.00 to \$500.00#
- 7. Violations of Chapter 10.18: RAILROAD ENGINE AND TRAIN SPEED LIMIT [10.18.020]
  - a. Violation of any other term/provision of Chapter 10.18: ..... Section 1.08.010 of this Code#

**TITLE 11: ZONING**

- A. Fees, Licenses, or Permits [6.01.160]
  - 1. Subdivisions Major (5 Plus Parcels) ..... \$1000.00\*
  - 2. Subdivisions Minor (1 -4 Parcels) ..... \$600.00\*
  - 3. Conditional Use Permit (C.U.P.) ..... \$50.00\*
  - 4. All Plan Amendments ..... \$50.00\*
  - 5. Appeal of Administrative Decision ..... \$50.00\*
  - 6. Rezoning ..... \$50.00\*
  - 7. Variances ..... \$50.00\*
  - 8. Certificate of Survey (COS) ..... \$50.00\*
  - 9. Utility Right-of-Way Permit ..... \$50.00\*
  - 10. Floodplain Development Permit ..... \$25.00\*
  - 11. Zoning Permit ..... No Fee, Included in Business License Cost\*
  - 12. Advertising Fee for Public Hearing ..... Cost of Silver State Posting\*

\* APPLICANTS SUBJECT TO ALL ASSOCIATED COSTS (Newspaper Ads, Mailings, Administrative Costs, Engineering, etc.)

**TITLE 12: STREETS AND SIDEWALKS**

- A. Fees, Licenses, or Permits
  - 1. Street and Alley Excavation Fee [12.04.050, as set by Resolution 1281]:
    - a. Minimum Charge (Paved or Unpaved): ..... \$50.00\*
    - b. Surfaced Area (i.e. Asphalt, Concrete) Additional Charge: ..... \$10.00 per Square Foot\*
      - 1.) This charge must be provided by check prior to project commencement and is refundable upon successful completion within time restraints (generally October 1<sup>st</sup> at the latest) and finish inspection by the Public Works Supervisor.
      - 2.) Refer to **Resolution 1281 (provided to each permit holder)** for full details of time restraints and specifications for proper repair of excavated area.
    - c. Requirement:.... All City Water and Sewer Mains must be uncovered by final Hand Digging upon reaching reasonable proximity.
- B. Fines/Penalties
  - 1. Breaking a Sewer or Water Main with Power Equipment [12.04.070]: ..... \$100.00 + Repair Fees#
    - a. Public Works Supervisor, Health Inspector, Mayor, or Councilman will stop work until fees are paid. [12.04.070]

- 2. Violation of any other term/provision of Chapter 12.04: ..... Section 1.08.010 of this Code #
- 3. Detrimental Sidewalks (Refusal to Repair) [12.06.020]: ..... Repair Cost as Lien on Property #
- 4. Overhanging Trees (Refusal to Remove) [12.06.040]: ..... Removal Cost as Lien on Property #
- 5. Skateboarding, Roller Skating, & Other Prohibited Devices on Main Street [12.08] ..... ADDRESS 1.08 GENERAL PENALTY~

**TITLE 13: FRANCHISE**

- A. Fees, Licenses, or Permits
  - 1. Charter Communications Franchise Fee [13.04.130]: ..... 5% of Gross Revenues for Calendar Year#
    - a. Conditions (Insurance/Indemnity) [13.04.070]:
      - 1.) Workers Compensation: ..... Statutory Limits#
      - 2.) Commercial General Liability: ..... \$1M/Occurrence, Combined Single Liability, \$2M General Aggregate#
      - 3.) Auto Liability ..... \$1M/Occurrence, Combined Single Liability#
      - 4.) Umbrella Liability ..... \$1M/Occurrence, Combined Single Liability#
- B. Fines/Penalties
  - 1. None

**TITLE 14: PUBLIC WAYS AND PROPERTY**

- A. Fees, Licenses, or Permits
  - 1. Purchase Price of Cemetery Plot [14.04.040]: ..... \$350\*
  - 2. Internment Cost [14.04.044]:
    - a. Full Interment: ..... \$450!
    - b. Saturday Interment: ..... \$500!
    - c. Sunday Interment: ..... \$600!
    - d. Holiday Interment: ..... \$700!
  - 3. Cremation Cost [14.04.044]: ..... \$275\*
  - 4. Disinterment Cost [14.04.060]: ..... \$300 for 1<sup>st</sup> 2 hours +\$150 each additional hour\*
  - 5. Monument Setting [14.04.120]
    - a. Flat: ..... \$125\*
    - b. Raised: ..... \$175\*
    - c. Military: ..... Free\*
  - 6. Other Cemetery Services [14.04.120]: ..... \$25/hr (during normal cemetery hours)\*
- B. Fines/Penalties
  - 1. Violation of Chapter 14.06: CEMETERY REGULATIONS [14.06.030] ..... Not Greater than \$100#

**TITLE 15: BUILDINGS AND CONSTRUCTION**

- A. Fees, Licenses, or Permits [15.02.020, 15.02.080]
  - 1. Fence (After Zoning Compliance) ..... \$20.00\*
  - 2. Windows and Doors with Header Changes ..... \$20.00\*
    - a. Includes all Windows and Doors Done at One Time, If done using separate permits, price is per permit
  - 3. Siding, Partial House (up to 50% of Entire House) ..... \$20.00\*
  - 4. Siding, Entire House ..... \$40.00\*
  - 5. Stairs, Ramps and Landings ..... \$20.00\*
  - 6. Roof, Partial House (up to 50% of Entire Roof) ..... \$20.00\*
  - 7. Roof, Entire House ..... \$40.00\*
  - 8. Demolition ..... \$40.00\*
  - 9. Egress Window (With Excavation and Egress Area Well – Otherwise as per 2.a) ..... \$60.00\*
    - a. Includes all above Egress Windows Done at One Time, If done using separate permits, price is per permit
  - 10. Deck or Decks ..... \$40.00\*
  - 11. Plan Review (if necessary for unique projects) ..... \$35.00 to \$150.00\*
  - 12. Building Permit Term: ..... 6 Months
- B. Fines/Penalties

City Council Approval February 7, 2022

1. Starting Without Permit [15.02.110.A.] ..... Double the Fee
2. Violating Permit [15.02.110.A.] ..... **Not More than \$300.00#**
3. Violation of Chapter 15.02: BUILDING REGULATIONS Not Set By Fine in Title 15
  - a. Fine [15.02.110]: ..... **Not More than \$300.00#**
  - b. Penalty [15.02.110]: ..... **Misdemeanor#**
    - a.) Conditions: ..... Each Day Counts as Separate Offense

**Appendix A: Version History**

**CURRENT VERSION 1/18/2022**

- ❖ Resolution 2022-XX
  - Title 1: GENERAL PROVISIONS
    - Included an updated definition of the general penalty in 1.08.010 to remove jail time as a potential penalty for first and second offenses, and the addition of 1.08.010.A.1.a.
  - Title 2: ADMINISTRATION AND PERSONNEL
    - No Fees/Fines/Changes
  - Title 3: REVENUE AND FINANCE:
    - No Fees/Fines/Changes
  - Title 4: SEWER AND WATER
    - Changed Residential and Commercial Permit Fee [4.04.020.A.1.] and Industrial Waste Establishment Permit Fee [4.04.020.A.3] to be set by resolution in fee schedule and not by ordinance.
    - Removed Excess BOD and SS Surcharge from Title 4 and fee schedule.
    - Removed Public Sewer Disturbance Permit and Fee from Title 4 and fee schedule.
  - Title 5: BUSINESS LICENSES AND REGULATIONS
    - Title 5 and fee schedule changed to reflect the following business license fees to be set by resolution (were previously undefined): Contractor’s Business License, Major Home Occupation Business License, Minor Home Occupation Business License, Transient Retail Merchant License, and Itinerant Vender License.
    - Reduced Major Home Occupation Business Permit from \$300.00 to \$100.00 to reflect reduction in Conditional Use Permit Application fee in Title 11.
  - Title 6: CITY PLANNING
    - Fees found in Title 6 have been moved to Title 11.
  - Title 7: HEALTH AND WELFARE
    - Monthly Garbage Collection Charges:
      - Increased Regular Residential Container rates from \$12.00 to \$14.00 within city limits, and from \$14.00 to \$16.00 outside city limits.
      - Increased Large Commercial Container rates from \$22.00 to \$26.00 within city limits and from \$26.00 to \$30.00 outside city limits.
    - Added language “NEED REFERENCE” to Monthly Water/ Sewer Charge Late Fee to reflect necessary changes to Title 7.
  - Title 8: ANIMALS
    - No Changes
  - Title 9: PUBLIC PEACE, SAFETY AND MORALS
    - Changed Cost of Case or Accident Report Request Form to reflect that they are under review and currently free.
      - Involved Party..... UNDER REVIEW (CURRENTLY FREE) was previously \$7.00
      - Third Party and Public At Large ..... UNDER REVIEW (CURRENTLY FREE) was previously \$25.00
  - Title 10: VEHICLES AND TRAFFIC
    - 10.02: Traffic Regulations
      - Changed careless driving penalty to be \$85.00 and a misdemeanor. Removed maximum of \$250.00.
      - Changed any other violations to be \$1.00 to \$100.00 instead of general penalty [1.08.010].
      - Added reduced penalty of \$25.00 if paid at City Hall within 5 business days.
    - 10.04: Parking Regulations
      - Added violation of chapter to be \$1.00 to \$50.00.
      - Added reduced penalty of \$5.00 if paid at City Hall within 5 business days.
      - Removed parking meter violation language and fees to match revised Title 10.
    - 10.06: Motorcycles or Quadricycles
      - Increased first offense minimum from \$5.00 to \$10.00.
    - 10.12: Snowmobiles
      - Added reduced penalty of \$10.00 if paid at City Hall within 5 business days.
    - 10.16: Height, Length, Width and Load Restrictions
      - Decreased minimum penalty from \$50.00 to \$1.00.
      - Lowered alternative payment from \$75.00 to \$50.00 if paid at City Hall within 5 business days.



- Title 11: Zoning
  - Added and reduced Fees from Title 6 to new Title 11: Schedule of Fees, Charges, and Expenses [11.01.270.070]:
    - a. Subdivisions Major (5 Plus Parcels) ..... \$1000.00\*
    - b. Subdivisions Minor (1 -4 Parcels)..... \$600.00\*
    - c. Conditional Use Permit (C.U.P.)..... \$50.00\* (was previously \$300.00)
    - d. All Plan Amendments..... \$50.00\* (was previously \$300.00)
    - e. Appeal of Administrative Decision..... \$50.00\* (was previously \$300.00)
    - f. Rezoning ..... \$50.00\* (was previously \$300.00)
    - g. Variances ..... \$50.00\* (was previously \$300.00)
    - h. Certificate of Survey (COS)..... \$50.00\* (was previously \$150.00)
    - i. Utility Right-of-Way Permit ..... \$50.00\* (was previously \$150.00)
    - j. Floodplain Development Permit..... \$25.00\*(was previously \$100.00)
    - k. Zoning Permit ..... No Fee, Included in Business License Cost\*
    - l. Advertising Fee for Public Hearing..... Cost of Silver State Posting\*
- Title 12: STREETS AND SIDEWALKS
  - Removed fee associated with Excavation Permit language to reflect Title 12 [12.04.020].
  - Changed Skateboarding, Roller Skating, & Other Prohibited Devices on Main Street [12.08] to be addressed by general penalty [1.08]
- Title 13: FRANCHISE
  - No Changes
- Title 14: PUBLIC WAYS AND PROPERTY
  - No Changes
- Title 15: BUILDINGS AND CONSTRUCTION
  - Fees, Licenses, or Permits [15.02.020, 15.02.080]
    - Fence (After Zoning Compliance) ..... \$20.00\* (reduced from \$45.00)
    - Windows and Doors with Header Changes ..... \$20.00\* (reduced from \$45.00)
      - ♦ Includes all Windows and Doors Done at One Time, If done using separate permits, price is per permit
    - Siding, Partial House (up to 50% of Entire House) ..... \$20.00\* (reduced from \$60.00)
    - Siding, Entire House ..... \$40.00\* (reduced from \$125.00)
    - Stairs, Ramps and Landings ..... \$20.00\* (reduced from \$65.00)
    - Roof, Partial House (up to 50% of Entire Roof) ..... \$20.00\* (reduced from \$70.00)
    - Roof, Entire House..... \$40.00\* (reduced from \$130.00)
    - Demolition..... \$40.00\* (reduced from \$80.00)
    - Egress Window (With Excavation and Egress Area Well – Otherwise as per 2.a) ..... \$60.00\* (reduced from \$90.00)
      - ♦ Includes all above Egress Windows Done at One Time, If done using separate permits, price is per permit
    - Deck or Decks ..... \$40.00\* (reduced from \$125.00)

**PREVIOUS VERSION 2/3/2020**

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- ❖ Resolution 2020-XX
  - Title 1: GENERAL PROVISIONS
    - No Fees/Fines/Changes
  - Title 2: ADMINISTRATION AND PERSONNEL
    - No Fees/Fines/Changes
  - Title 3: REVENUE AND FINANCE:
    - No Fees/Fines/Changes
  - Title 4: SEWER AND WATER
    - Water Service Deposit [4.12.130]: (\$100.00) New in 2020
      - Determined by recommendation from Sarah Robbins.
    - Watering Hours Violations: 2<sup>nd</sup> Violation \$40 x 2=\$80.00 (down from \$85) and 3<sup>rd</sup> Violation \$60.00 x 2=\$120 (up from \$110). Also indicated that all watering hours/method violation fees are double the normal due to loss of one well.
    - Short Term Water Discontinuance Responsibility Monthly Charge: (\$xx.00) – New in 2020
      - Covers base infrastructure cost.

- Short Term Sewer Discontinuance Responsibility Monthly Charge: (\$xx.00) – New in 2020
  - Covers base infrastructure cost.
- Y Title 5: BUSINESS LICENSES AND REGULATIONS
  - Contractor’s Business License: ..... \$50.00!
    - Term: Maximum of 6 months!
  - Minor Home Occupation Business License: (\$25.00) – New in 2020.
  - Major Home Occupation Business License: (\$50.00) – New in 2020
    - Requires Conditional Use Permit: ..... \$300.00!
      - ◆ This permit cost includes the first year’s Major Home Occupation Business License Fee.
  - Amusement Event License: (\$50.00) – New in 2020
  - Amusement Event Permit: (Free) – New in 2020
  - Transient Merchant Fee: (\$20.00) – Lowered from \$50.00
- Y Title 6: CITY PLANNING
  - Appeal of Administrative Decision ..... \$300.00~
  - Zoning Permit ..... No Fee, Included in Business License Cost~
- Y Title 7: HEALTH AND WELFARE
  - Fireworks Sales and Public Display Permit: (\$50.00) - \* Lowered from \$75.00
  - Fireworks Sales and Public Display Fine for Failure to Buy Permit: (\$100.00) – Lowered from \$150.00
  - Fireworks Penalty 1<sup>st</sup> Offense (\$50.00) – Lowered from \$75.00
  - Fireworks Penalty 2<sup>nd</sup> Offense (\$125.00) – Lowered from \$150.00
- Y Title 8: ANIMALS
  - Unaltered Dog License: (\$10.00) – Lowered from \$15.00
  - Established Excess Dog Fee of \$25 for dogs in excess of 2 but less than 6: (\$25.00) - New in 2019
    - Double the license fee for dogs 3, 4, and 5: (Determined by altered/unaltered fee) – New in 2019
  - Daily Impound Boarding Fee [8.04.080] ..... \$25.00~
  - Poultry Permit Fee: (\$25.00) – Lowered from \$40.00
  - Animal Waste Removal: 1<sup>st</sup> Offense is \$20.00, 2<sup>nd</sup> and Subsequent Offense is \$50.00.
  - Failure to obtain Livestock or Poultry Permit: 1.5 times the Permit Fee + Cost of Permit
- Y Title 9: PUBLIC PEACE, SAFETY AND MORALS
  - No Changes
- Y Title 10: VEHICLES AND TRAFFIC
  - No Changes
- Y Title 11: Zoning
  - Contained in Title 6 currently.
- Y Title 12: STREETS AND SIDEWALKS
  - 2. Street and Alley Excavation Fee [12.04.050, as set by Resolution 1281]:
    - a. Minimum Charge (Paved or Unpaved): ..... \$50.00!
    - b. Surfaced Area (i.e. Asphalt, Concrete) Additional Charge: ..... \$10.00 per Square Foot!
      - 1.) This charge must be provided by check prior to project commencement and is refundable upon successful completion within time restraints (generally October 1<sup>st</sup> at the latest) and finish inspection by the Public Works Supervisor.
      - 2.) Refer to **Resolution 1281 (provided to each permit holder)** for full details of time restraints and specifications for proper repair of excavated area.
- Y Title 13: FRANCHISE
  - No Changes
- Y Title 14: PUBLIC WAYS AND PROPERTY
  - Monument Setting for Military: (Free) – Lowered from \$125
  - Other Cemetery Service: (\$25.00/hr) – This fee was implied to exist, but not defined.
- Y Title 15: BUILDINGS AND CONSTRUCTION
  - Building Permits:
    - Windows and Doors with Header Changes Done at One Time: (\$45). If done using separate permits, price is per permit. -- Was previously \$45.00 per Window/Door.
    - Egress Window (With Excavation and Egress Area Well – Otherwise as per 2.a) ..... \$90.00\*
      - ◆ Includes all above Egress Windows Done at One Time, If done using separate permits, price is per permit
    - Egress Window Done at One Time: (\$45). If done using separate permits, price is per permit. -- Was previously \$45.00 per Window.

# TITLE 2

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## ADMINISTRATION AND PERSONNEL

### CHAPTERS:

2.02....HOURS OF LABOR, HOLIDAYS, LEAVE AND OVERTIME COMPENSATION OF EMPLOYEES

2.04....SALARIES AND BONDS

2.06....ELECTED OFFICERS

2.08....APPOINTIVE OFFICERS

2.10....MAYOR

2.12....CITY TREASURER

2.13....CITY CLERK

2.14....CHIEF ADMINISTRATIVE OFFICER

2.15....UTILITY BILLING CLERK

2.16....CITY JUDGE

2.18....POLICE DEPARTMENT

2.20....FIRE DEPARTMENT

2.22....WATER DEPARTMENT

2.24....PARKS & RECREATION

2.26....BOARD OF HEALTH

2.28....INDEMNIFICATION OF PUBLIC OFFICERS AND EMPLOYEES

2.30....POLICE COMMISSION

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## CHAPTER 2.02: HOURS OF LABOR HOLIDAYS LEAVE AND OVERTIME COMPENSATION OF EMPLOYEES

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### SECTIONS:

[2.02.010 .. HOURS](#)

[2.02.020 .. HOLIDAYS](#)

[2.02.030 .. LEAVE](#)

[2.02.040 .. SICK LEAVE](#)

[2.02.050 .. OVERTIME COMPENSATION](#)

[2.02.060 .. AMENDMENTS](#)

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### 2.02.010: HOURS

- A. Every officer unless otherwise provided by law, must keep his office open for the transaction of business continuously from eight (8:00) a.m. to twelve (12:00) noon and from one (1:00) p.m. to five (5:00) p.m. each day, except Saturdays and holidays. (Note: The City Treasurer may close his office during the noon hour.) All full-time salaried city employees shall work a minimum of forty (40) hours per week. A forty (40) hour work week may consist of four (4) consecutive ten (10) hour days, or five (5) consecutive eight (8) hour days, except that no employee shall be required to work in excess of eight (8) hours in any one work day if they prefer not to.
- B. Except in emergencies, eight (8) hours constitute a day's work in all works carried on or aided by municipal governments and on all contracts let by them.
- C. An eight (8) hour day constitutes a day's work for janitors, engineers, caretakers, custodians and laborers employed in or about buildings, works and grounds used by municipal governments, except in cases of emergency.

*(Ordinance 1 – 1/17/1980: Effective 1/17/1980)*

### 2.02.020: HOLIDAYS

- A. The following are legal holidays in Montana:
  - 1. Each Sunday
  - 2. New Year's Day, January 1
  - 3. Martin Luther King Day, the third Monday of January
  - 4. President's Day, the third Monday in February
  - 5. Memorial Day, the last Monday in May
  - 6. Independence Day, July 4
  - 7. Labor Day, the first Monday in September
  - 8. Columbus Day, the second Monday in October
  - 9. Veterans' Day, November 11
  - 10. Thanksgiving Day, the fourth Thursday in November
  - 11. Christmas Day, December 25

12. State General Election Day – Even numbered Years

- B. If any holiday enumerated above (except Sunday) falls upon a Saturday or Sunday, the Monday following is a holiday. All other days are business days.
- C. Any 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 either on the day preceding or the day following the holiday, whichever allows a day off in addition to the employee's regularly scheduled days off as provided by state law.
- D. Whenever an act of a secular nature, other than a work of necessity or mercy, is by law or contract to be performed on a particular day which falls upon a holiday, the act may be performed on the next business day with the same effect as if it had been performed on the appointed day.

*(Ordinance 1 – 1/17/1980: Effective 1/17/1980)*

**2.02.030: LEAVE**

- A. Should any elected or appointed officer of the city fail for ten (10) days to qualify as required by law, or enter upon his duties at the time fixed by law, then such office becomes vacant; or if any officer absents himself from the city continuously for ten (10) days without the consent of the council, or openly neglects or refuses to discharge his duties, such office may be by the council declared vacant; or if any officer removes from the city, or any councilperson from his ward, such office must be by the council declared vacant.
- B. **Leave of Absence:** A city employee who is a member of the organization militia of this state or who is a member of the organized or unorganized reserved corps or military forces of the United States, and who has been an employee for a period of six (6) months, shall be given leave of absence with pay for a period of time not to exceed fifteen (15) 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.
- C. **Annual Vacation Leave:** Each full-time employee of the city is entitled to and shall earn annual vacation leave credits as provided for by state statute.
- D. **Dates of Vacation Leave:** The dates of employees' annual vacation leaves shall be granted and be determined by agreement between each employee and the head of his department and the mayor, with regard to the best interest of the city as well as the best interests of each employee.
- E. **Vacation Leave Not Covered:** Where no vacations are provided by statute, an officer or deputy may be permitted to take a vacation, but he does not have one as a matter of right and may not demand or accept additional compensation for the time worked which might have been spent on vacation with pay.

*(Ordinance 1 – 1/17/1980: Effective 1/17/1980)*

**2.02.040: SICK LEAVE**

- A. Each employee of the city is entitled to and may take sick leave in the event of his sickness or injury with full pay as provided for by state statutes.

- B. When an employee finds it necessary to take sick leave he shall report, or cause a report to be made, to his immediate superior within four (4) hours from the time he normally begins work.
- C. If sick leave requested is for less than three (3) consecutive days, the division or department head shall, if he is satisfied that the request is valid, recommend the approval of such leave and note the same on his monthly payroll requisition.
- D. On any claim for sick leave, it shall be the full responsibility of the claimant to furnish a doctor's certificate or other satisfactory evidence that absence from duty was caused by actual illness or injury.
- E. Knowing abuse of sick leave privileges shall constitute sufficient reason for suspension or dismissal.

*(Ordinance 1 – 1/17/1980: Effective 1/17/1980)*

**2.02.050: OVERTIME COMPENSATION**

- A. Any time worked in excess of forty (40) hours per week, whether the week consists of five (5) days of eight (8) hours each, or four (4) days of ten (10) hours each, is considered to be overtime. Overtime shall be compensated for as provided in state statutes.

*(Ordinance 1 – 1/17/1980: Effective 1/17/1980)*

**2.02.060: AMENDMENTS**

- A. The statutes of Montana shall govern in all matters pertaining to the sections contained herein. This chapter is hereby amended; by reference, whenever the statutes of Montana are amended for those sections so affected herein and shall require no further action on the part of the City Council and the Mayor. However, to ensure that the administration of this chapter is effectively carried out, such changes in the statutes of Montana shall be attached hereto with proper reference. [M.C.A. 2017: 1-1-216 Legal Holidays and Business Days; 2-18-611 Annual Vacation Leave; 2-18-618 Sick Leave; 39-3-45 Overtime Compensation]

*(Ordinance 1 – 1/17/1980: Effective 1/17/1980)*

## **LEGAL HOLIDAYS AND BUSINESS DAYS [MCA 2017]**

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### **1-1-216. Legal holidays and business days.**

- (1) The following are legal holidays in the state of Montana:
  - (a) Each Sunday;
  - (b) New Year's Day, January 1;
  - (c) Martin Luther King Jr. Day, the third Monday in January;
  - (d) Lincoln's and Washington's Birthdays, the third Monday in February;
  - (e) Memorial Day, the last Monday in May;
  - (f) Independence Day, July 4;
  - (g) Labor Day, the first Monday in September;
  - (h) Columbus Day, the second Monday in October;
  - (i) Veterans' Day, November 11;
  - (j) Thanksgiving Day, the fourth Thursday in November;
  - (k) Christmas Day, December 25;
  - (l) State general election day.
- (2)
  - (a) If any of the holidays in subsection (1)(b) through (1)(l) fall on a Sunday, the Monday following is a holiday.
  - (b) If any of the holidays in subsection (1)(b) through (1)(l) fall on a Saturday, the Friday preceding is a holiday.
  - (c) All other days are business days.

## **ANNUAL VACATION LEAVE [MCA 2017]**

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### **2-18-611. Annual vacation leave.**

- (1) Each permanent full-time employee shall earn annual vacation leave credits from the first day of employment. Vacation leave credits earned must be 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 6 calendar months.
- (2) Seasonal employees earn vacation credits. However, seasonal employees must be employed for 6 qualifying months before they may use the vacation credits. In order to qualify, seasonal employees shall immediately report back for work when operations resume in order to avoid a break in service.
- (3) Permanent part-time employees are entitled to prorated annual vacation benefits if they have worked the qualifying period.
- (4) An employee may not accrue annual vacation leave credits while in a leave-without-pay status.
- (5) Temporary employees earn vacation leave credits but may not use the credits until after working for 6 qualifying months.
- (6) A short-term worker or a student intern, as both terms are defined in **2-18-601**, may not earn vacation leave credits, and time worked as a short-term worker or as a student intern does not apply toward the person's rate of earning vacation leave credits.

## **SICK LEAVE [MCA 2017]**

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### **2-18-618. Sick leave.**

- (1) A permanent full-time employee earns sick leave credits from the first day of employment. For calculating sick leave credits, 2,080 hours (52 weeks x 40 hours) equals 1 year. Sick leave credits must be credited at the end of each pay period. Sick leave credits are earned at the rate of 12 working days for each year of service without restriction as to the number of working days that may be accumulated. Employees are not entitled to be paid sick leave until they have been continuously employed 90 days.
- (2) An employee may not accrue sick leave credits while in a leave-without-pay status.
- (3) Permanent part-time employees are entitled to prorated leave benefits if they have worked the qualifying period.



- (4) Full-time temporary and seasonal employees are entitled to sick leave benefits provided they work the qualifying period.
- (5) A short-term worker may not earn sick leave credits.
- (6) Except as otherwise provided in **2-18-1311**, an employee who terminates employment with the agency 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 must be computed on the basis of the employee's salary or wage at the time the employee terminates employment with the state, county, or city. Accrual of sick leave credits for calculating the lump-sum payment provided for in this subsection begins July 1, 1971. The payment is the responsibility of the agency in which the sick leave accrues. However, an employee does not forfeit any sick leave rights or benefits accrued prior to July 1, 1971. However, when an employee transfers between agencies within the same jurisdiction, the employee is not entitled to a lump-sum payment. In a transfer between agencies, the receiving agency shall assume the liability for the accrued sick leave credits earned after July 1, 1971, and transferred with the employee.
- (7) An employee who receives a lump-sum payment pursuant to this section or who, pursuant to **2-18-1311**, converts unused sick leave to employer contributions to a health care expense trust account and who is again employed by any agency may not be credited with sick leave for which the employee has previously been compensated or for which the employee has received an employer contribution to the health care expense trust account.
- (8) Abuse of sick leave is cause for dismissal and forfeiture of the lump-sum payments provided for in this section.
- (9) An employee of a state agency may contribute any portion of the employee's accumulated sick leave or accumulated vacation leave to a nonrefundable sick leave fund for state employees and becomes eligible to draw upon the fund if an extensive illness or accident exhausts the employee's accumulated sick leave, irrespective of the employee's membership or non-membership in the employee welfare benefit plan established pursuant to **2-18-1304**. The department of administration shall, in consultation with the state employee group benefits advisory council, provided for in **2-15-1016**, administer the sick leave fund and adopt rules to implement this subsection.
- (10) A local government may establish and administer through local rule a sick leave fund into which its employees may contribute a portion of their accumulated sick leave or vacation leave.

## **OVERTIME COMPENSATION [MCA 2017]**

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### **39-3-405. Overtime compensation.**

- (1) An employer may not employ any employee for a workweek longer than 40 hours unless the employee receives compensation for employment in excess of 40 hours in a workweek at a rate of not less than 1 1/2 times the hourly wage rate at which the employee is employed.
- (2) An overtime provision does not apply for farm workers.
- (3) Employers of students at an amusement or recreational area that operates on a seasonal basis who furnish the students with board, lodging, or other facilities may not employ the students for a workweek longer than 48 hours, unless the students receive compensation for their employment in excess of 48 hours in a workweek at a rate of not less than 1 1/2 times the hourly wage rate at which they are employed.
- (4) The application of the overtime provisions of subsection (1) to the employment of firefighters and law enforcement officers by the state must be consistent with the Fair Labor Standards Act of 1938, as amended, and consistent with regulations promulgated under the act.

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## CHAPTER 2.04: SALARIES AND BONDS

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### SECTIONS:

#### 2.04.010 .. SALARIES

#### 2.04.020 .. BONDING OF OFFICERS

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#### **2.04.010: SALARIES**

- A. The salaries of the officers and employees of the City shall be set annually by passing the annual city budget by resolution of the City Council.

*(Ordinance 1 – 1/17/1980: Effective 1/17/1980; Ordinance 2019-6 – 08/19/2019: Effective 08/19/2019)*

#### **2.04.020: BONDING OF OFFICERS**

- A. The City Clerk, City Treasurer, Health Officer, Chief of Police and any or all other city officers shall be included in a Blanket Bond for all officers of the City, for the faithful performance of their duties; said Bond to be executed by a duly authorized surety company, the premiums thereon to be paid by the City.

*(Ordinance 1 – 1/17/1980: Effective 1/17/1980)*

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## **CHAPTER 2.06: ELECTED OFFICERS**

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### **SECTIONS:**

#### **2.06.010 .. OFFICERS AND TERMS OF OFFICE**

#### **2.06.020 .. QUALIFICATIONS OF ALDERMEN (CITY COUNCIL MEMBERS)**

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#### **2.06.010: OFFICERS AND TERMS OF OFFICE**

- A. The elected officers of the City shall be:
1. One (1) mayor who shall serve a period of four (4) years;
  2. Two (2) aldermen (City Council members) from each ward who shall serve a term of four (4) years, provided, however, that every two (2) years four (4) aldermen (City Council members) shall be elected from their respective wards; that is, four (4) aldermen (City Council members) shall be elected every two (2) years.
- B. All elective officers of the City shall have the qualifications as provided by the laws of the state of Montana.

*(Ordinance 1 – 1/17/1980: Effective 1/17/1980; Ordinance 2019-6 – 08/19/2019: Effective 08/19/2019)*

#### **2.06.020: QUALIFICATIONS OF ALDERMEN (CITY COUNCIL MEMBERS)**

- A. No person shall be elected to the office of alderman (City Council member) who is not a resident of the ward from which he is elected.

*(Ordinance 1 – 1/17/1980: Effective 1/17/1980; Ordinance 4 – 1/19/1981: Effective 1/19/1981; Ordinance 2019-6 – 08/19/2019: Effective 08/19/2019)*

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## CHAPTER 2.08: APPOINTIVE OFFICERS

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### SECTIONS:

[2.08.010 .. Officers and Terms of Office](#)

[2.08.020 .. Appointment of City Engineer](#)

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#### **2.08.010: OFFICERS AND TERMS OF OFFICE**

- A. In accordance with MCA 7-4-4102, the officers of the City of Deer Lodge will consist of:
1. one Mayor; elected to serve for a period of four (4) years;
  2. two City Council members from each ward; elected for four (4) years;
  3. In accordance with MCA 3-10-101, the City Council may combine the offices of City Judge and the Justice of the Peace. Furthermore, in accordance with MCA 3-11-205, the City Council of the City of Deer Lodge may enter into an agreement with Powell County to designate the Justice of the Peace to serve as the City Judge. The Justice of the Peace or City Judge must reside in Powell County. The City Council may by ordinance fix the funding for the City Judge and enter into an agreement with Powell County, or the Justice of the Peace for payment of salaries and training expenses. The Justice of the Peace shall, after agreeing to the designation and after approval by the Powell County Board of County Commissioners or the City Council, act in that capacity and is the City Judge in all cases arising out of violations of statutes or ordinances. If the Justice of the Peace or City Judge of another city or town is required to travel from the justice's or judge's place of residence to hold court, the justice or judge must be paid the actual and necessary travel expenses, as provided in 2-18-501 through 2-18-503, by the town or city in which the court is held;
  4. There may also be appointed by the Mayor, with the advice and consent of the City Council:
    - a. one Chief Administrative Officer;
    - b. one City Attorney;
    - c. one City Clerk, who is ex officio City Assessor;
    - d. one City Treasurer or one City Clerk-Treasurer (as referenced by the MCA, however in the City of Deer Lodge, the City Clerk and City Treasurer are two separate entities);
    - e. one Chief of Police;
    - f. one Fire Chief;
    - g. one Public Works Superintendent;
    - h. one Animal Control Warden;
    - i. one Code Enforcement Officer; and
    - j. any other officers necessary to carry out the provisions of this title.
  5. The City Council may prescribe the duties of all city officers and fix their compensation.

*(Ordinance 1 – 1/17/1980: Effective 1/17/1980; Ordinance 4 – 1/19/1981: Effective 1/19/1981; Ordinance 2019-6 – 08/19/2019: Effective 08/19/2019)*

**2.08.020: APPOINTMENT OF CITY ENGINEER**

- A. The City Engineer may be appointed in the same manner as other appointive officers of the City or he may be employed on a project basis with compensation as determined by the City Council or the City Council may enter into a contract for engineering services by a qualified firm.

*(Ordinance 1 – 1/17/1980: Effective 1/17/1980; Ordinance 4 – 1/19/1981: Effective 1/19/1981; Ordinance 2019-6 – 08/19/2019: Effective 08/19/2019)*



## CHAPTER 2.10: MAYOR

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### SECTIONS:

#### 2.10.010 .. QUALIFICATIONS

#### 2.10.020 .. MAYOR TO BE CHIEF EXECUTIVE OFFICER

#### 2.10.030 .. POWERS

#### 2.10.040 .. MAYOR TO ACT AS PRESIDENT OF COUNCIL

#### 2.10.050 .. IN THE ABSENCE OF THE MAYOR

#### 2.10.060 .. MAYOR TO APPOINT OFFICERS

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#### 2.10.010: QUALIFICATIONS

- A. No person shall be eligible for the office of Mayor unless such person be a citizen of the United States and a resident of the city or area which has been annexed by the city for a period of two (2) years next preceding his election. He shall reside in the city during his term of office.

*(Ordinance 1 – 1/17/1980: Effective 1/17/1980)*

#### 2.10.020: MAYOR TO BE CHIEF EXECUTIVE OFFICER

- A. The Mayor shall be the Chief Executive Officer of the city and shall see that all ordinances of the city are duly respected, observed and enforced within the city limits.

*(Ordinance 1 – 1/17/1980: Effective 1/17/1980)*

#### 2.10.030: POWERS

- A. He shall have power:
1. To nominate, and, with the consent of the council, to appoint all non-elective officers of the city, provided for by the council, except as provided in this title;
  2. To suspend, and, with the consent of the council, to remove any non-elective officer, stating in the suspension or removal the cause thereof;
  3. To cause the ordinances of the city to be executed and to supervise the discharge of official duty by all subordinate officers;
  4. To communicate to the council, at the beginning of every session, and oftener if deemed necessary, a statement of the affairs of the city, with such recommendations as he may deem proper;
  5. To recommend to the council such measures connected with the public health, cleanliness and ornament of the city and the improvement of the government and finances as he deems expedient;
  6. To approve all ordinances and resolutions of the council adopted by it, and, in case the same do not meet his approbation, to return the same to the next regular meeting of the council, with his objections in writing, and no ordinance or resolution so vetoed by the mayor must go into effect unless the same be afterwards passed by a two-thirds (2/3) vote of the whole number of members of the council;
  7. To veto any objectionable part of a resolution or ordinance and approve the other parts. If the mayor fails to return any resolution or ordinance as aforesaid, the same takes effect without further action;

8. 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;
9. To cause to be presented annually, a full and complete statement of the financial condition of the city;
10. To bid in for the city any property sold at a tax or judicial sale, where the city is a party or interested;
11. To procure and have in his custody the seal of the city;
12. To take and administer oaths;
13. To require of any of the officers of the city an exhibit of his books and papers;
14. To grant pardons and remit fines and forfeitures for offenses against city 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;
15. To perform such other duties as may be prescribed by law or by resolution or ordinance of the council.

*(Ordinance 1 – 1/17/1980: Effective 1/17/1980)*

**2.10.040: MAYOR TO ACT AS CHAIRPERSON OF COUNCIL**

- A. He shall be present at the meetings of the council and shall act as the chairperson thereof, and when there is a tie upon any question before the council he shall give the casting vote; he shall have power to veto any resolution or ordinance or any part thereof; he shall sign all warrants on the city treasury and all permits or permissions granted by the council, and all contracts made by on behalf of the city with any other party.

*(Ordinance 1 – 1/17/1980: Effective 1/17/1980; Ordinance 2019-6 – 08/19/2019: Effective 08/19/2019)*

**2.10.050: IN THE ABSENCE OF THE MAYOR**

- A. In the absence of the Mayor from the city or from his inability from any cause to discharge the duties of his office, the President of the Council shall exercise all the powers and discharge all the duties of the Mayor. In case of absence or inability of the Mayor and President of the Council, the council may appoint one (1) of its number to act in his place. The president or member of the council while performing the duties of the Mayor shall be styled the Acting Mayor. Any Acting Mayor performing the duties of the Mayor shall be entitled to the salary of the Mayor, prorated for the number of days each month that he is Acting Mayor.

*(Ordinance 1 – 1/17/1980: Effective 1/17/1980; Ordinance 2019-6 – 08/19/2019: Effective 08/19/2019)*

**2.10.060: MAYOR TO APPOINT OFFICERS**

- A. He shall at the first (1st) meeting of the council after the election each year, and from time to time thereafter, appoint, subject to confirmation of the council, all necessary officers of the city and he shall in like manner appoint any other officers whose office is created by ordinance.

*(Ordinance 1 – 1/17/1980: Effective 1/17/1980)*

**2.10.070: MAYOR TO ACT AS CHIEF LAW ENFORCEMENT ADMINISTRATOR**

- A. In the commission-executive form of government, the Mayor is designated the Chief Executive Officer of the City of Deer Lodge. [MCA 7-3-201].

1. In that role, the Mayor is responsible for the day-to-day administration of the affairs of the City. MCA 7-3-203. Therefore, the Mayor also has the general administrative and supervisory authority over the City Police Department. [MCA 7-32-4103].
- B. The Mayor is given the power to appoint all members and officers of the department, as well as the power to suspend or remove any member or officer on the City Police force. [MCA 7-32-4103 and MCA 7-32-4108].
  1. All members of the City of Deer Lodge Police Department are appointed for probationary terms, subject to revocation by the Mayor. [MCA 7-2-4113(1)].
- C. The Mayor is responsible for making rules for the government, direction, management, and discipline of the City Police force. [MCA 7-32-4103].
  1. Whenever the Mayor deems temporary employment expedient for the Police Department, he has the authority to employ temporary assistance. [MCA 7-32-4109].

*(Ordinance 2019-6 – 08/19/2019: Effective 08/19/2019)*

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## CHAPTER 2.12: CITY TREASURER

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### SECTIONS:

#### 2.12.010 .. OFFICE

#### 2.12.020 .. DEFINITIONS

#### 2.12.030 .. ADMINISTRATIVE DUTIES

#### 2.12.040 .. FISCAL DUTIES

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#### 2.12.010: OFFICE

- A. A City Treasurer will be appointed by the Mayor with the advice and consent of the City Council, must meet the general qualifications for municipal office as outlined in law, and will enter upon his/her duties within 10 days after receiving notice of the appointment. [7-4-4102 MCA, 7-4-4104 MCA, 7-4-4107 MCA]

*(Ordinance 1 – 1/17/1980: Effective 1/17/1980; Ordinance 2019-6 – 08/19/2019: Effective 08/19/2019)*

#### 2.12.020: DEFINITIONS

- A. **City** - means the City of Deer Lodge, Montana, a municipality.
- B. **Chief Administrative Officer** – means the person who is the administrative executive of the City.
- C. **City Clerk** - means the person who is the clerk of a City Council.
- D. **City Council** - means the board that is the legislative department of the government of the City of Deer Lodge, Montana.
- E. **City Treasurer** - means the custodian of the funds of a city.
- F. **Mayor** - means the chief executive officer of the City of Deer Lodge, Montana.
- G. **MCA** - means the Montana Code Annotated, 2007.
- H. **Ordinance** - means a law set forth by a governmental authority.

*(Ordinance 1 – 1/17/1980: Effective 1/17/1980)*

#### 2.12.030: ADMINISTRATIVE DUTIES

The City Treasurer's administrative duties include, but are not limited to the following:

- A. Make and certify copies of all records, books, and papers in the Treasurer's possession on the payment of fees that are allowed county clerks, which must be paid into the City treasury; [7-4-4502, MCA]
- B. Make and keep a finance book, and all other books and papers on file in the City Treasurer's office; [7-4-4502, MCA]
- C. Perform such other and further duties as the City Council may prescribe; [7-4-5401, MCA]
- D. All duties and responsibilities delegated to City Treasurer in the administration of Municipal General Obligation Bonds, Municipal Taxes and Special Improvement Districts in accordance with Montana law. Present, as requested by the City Council or the Mayor, a full and detailed statement of money received and money disbursed;

- E. Exercises full responsibility for the City finances by developing and implementing goals, objectives, policies and priorities; establishing, within City policy; and communicating and coordinating financial activities with other departments and outside agencies and organizations;
- F. Works with the Mayor, City Council, Chief Administrative Officer, and Department Heads to ensure City's finances are balanced, and there is a continuity of standards and policies across all City Departments;
- G. Provides staff assistance to the Mayor, Chief Administrative Officer, City Clerk, and City Council and advises them on pending issues through the preparation and presentation of reports and other necessary correspondence;
- H. Ensures the functionality of Front Counter operations by monitoring financial and utility billing transactions;
- I. Oversee a variety of organizational and operational studies and investigations as assigned by the Mayor, Chief Administrative Officer and/or the City Clerk in order to recommend City ordinances, programs, policies, and procedures as appropriate, and present these findings at City Council Meetings, Work Sessions, and/or Public Hearings;
- J. Represents the City's interests on or with various committees, boards, and groups as appointed, assigned and/or approved by the Mayor, Chief Administrative Officer and/or the City Clerk;
- K. Establishes and maintains the chart of accounts and fund structure for the City;
- L. Assist with the development and implementation of a strategic plan of goals, objectives, and priorities and its supporting budget to meet the operational needs of the City.
- M. Perform such other duties as prescribed.
- N. Attend all City Council meetings, Finance Committee meetings, or any other Committee meetings that require City Treasurer involvement.

*(Ordinance 1 – 1/17/1980: Effective 1/17/1980; Ordinance 2019-6 – 08/19/2019: Effective 08/19/2019)*

**2.12.040: FISCAL DUTIES**

- A. Receive and pay out City monies; keep City books, registers and accounts; report to the City Council in accordance with City fiscal policies/objectives and with local, state and federal law/regulations. Duties include, but are not limited to the following:
  - 1. Deposit all public money in the Treasurer's possession and under the Treasurer's control, except as may be required for current business, in any solvent bank or banks located in the City and subject to national supervision or state examination, as the City Council shall designate; [7-6-4601, MCA]
  - 2. Pay accounts and demands against the city as ordered by the City Council and drawn by the Mayor; [7-6-4302, MCA]
  - 3. Ensures the functionality of Front Counter operations by monitoring and auditing the collection of sewer, water, and solid waste charges, and give notice on or before July 7 of each year to owners of all lots or parcels of real estate to which sewer and/or water service has been furnished, as required by 7-13-4309, MCA;
  - 4. Ensures the functionality of Front Counter operations by monitoring and auditing the collection of the license fees for industries, professions and occupations in the manner and at the time prescribed by ordinance; [7-21-4101, 4102, MCA]

5. Perform such duties in and about the assessment, levy and collection of taxes and assessments as may be prescribed by law or ordinance; [7-6-4402, MCA, 7-6-4403, MCA]
6. Hold the "city road fund" fees received from the county treasurer in a separate city road fund to be used only for the construction, repair, and maintenance of permanent highways and streets within the corporate limits; [7-14-4113 MCA, 7-14-2512 MCA]
7. All duties and responsibilities delegated to city treasurers in the administration of Municipal General Obligation Bonds, Municipal Taxes and Special Improvement Districts in accordance with Montana law;
8. Maintains the accounting systems for the City in compliance with statutory provisions and Generally Accepted Accounting Principles (GAAP);
9. Plans, recommends, and monitors fiscal and compliance internal controls for the City-as-a-Whole;
10. Provides for timely periodic and special financial reports and statements;
11. Provides oversight of grants;
12. In partnership with other City Departments, provides financial analysis and reports for Project Management;
13. Produces the Comprehensive Annual Financial Report with content and form necessary to receive the Certificate of Achievement for Excellence in Financial Reporting;
14. Arranges for the independent annual audit and provides supplemental reports and summaries as requested by the auditors in order to effectively support audit efforts;
15. Provides debt financing analyses as needed to support City operations;
16. Oversees the sale, issuance, recording and payments of debt, including lease purchases, loans, and bonds;
17. Provides for the appropriate debt service reserves, budgets and payments; and monitors the City's debt capacity and debt defeasance potential;
18. Monitors arbitrage requirements and provide for appropriate arbitrage reporting.
19. Present, as requested by the City Council or the Mayor, a full and detailed statement of money received, and money disbursed; and
20. Works with Department Heads, Chief Administrative Officer, Mayor, and Finance Committee to establish the fiscal year budget.

*(Ordinance 1 – 1/17/1980: Effective 1/17/1980; Ordinance 120 – 3/3/2008: Effective 3/3/2008)*

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## CHAPTER 2.13: CITY CLERK

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### SECTIONS:

#### 2.13.010 .. OFFICE

#### 2.13.020 .. DEFINITIONS

#### 2.13.030 .. ADMINISTRATIVE DUTIES

#### 2.13.040 .. SUPERVISORY DUTIES

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#### 2.13.010: OFFICE

- A. City Clerk will be appointed by the Mayor with the advice and consent of the City Council, must meet general qualification for municipal office as outlined in law, and will enter upon his/her duties within 10 days after receiving notice of the appointment. [7-4-4102 MCA, 7-4-4104 MCA, 7-4-4107 MCA]
- B. Under administrative direction of the Chief Administrative Officer, the City Clerk plans, coordinates, manages and oversees the activities and operations of the City Clerk's Office.
- C. The position supervises the City Treasurer, Utility Billing Clerk and any other billing office staff.
- D. The City Clerk creates and implements Front Counter procedures and responds to requests for public information.
- E. The City Clerk assists with City elections and records, coordinates assigned activities with other City departments and outside agencies and provides administrative support to the City Council as assigned.

*(Ordinance 2019-6 – 08/19/2019: Effective 08/19/2019)*

#### 2.13.020: DEFINITIONS

- A. **City** - means the City of Deer Lodge, Montana, a municipality.
- B. **Chief Administrative Officer** – means the person who is the administrative executive of the City.
- C. **City Clerk** - means the person who is the clerk of a City Council.
- D. **City Council** - means the board that is the legislative department of the government of the City of Deer Lodge, Montana.
- E. **City Treasurer** - means the custodian of the funds of a city.
- F. **Mayor** - means the chief executive officer of the City of Deer Lodge, Montana.
- G. **MCA** - means the Montana Code Annotated, 2007.
- H. **Ordinance** - means a law set forth by a governmental authority.

*(Ordinance 2019-6 – 08/19/2019: Effective 08/19/2019)*

#### 2.13.030: ADMINISTRATIVE DUTIES

- A. The City Clerk's administrative duties include, but are not limited to the following:

1. Attend all meetings of the City Council, record and sign the City Council proceedings along with all ordinances, bylaws, resolutions, and contracts passed, adopted, or entered into by the City Council; [7-4-4501, MCA]
2. Enter into a book called "The Ordinance Book" all ordinances, resolutions, and bylaws passed and adopted by the City Council; [7-4-4501, MCA; 7-4-4503, MCA]
3. Cause to be published or posted, as provided by law, all ordinances, bylaws or resolutions passed and adopted by the City Council; [7-4-4501, MCA]
4. Sign, number, and keep a record of all licenses, commissions, or permits granted or authorized by the City Council; [7-4-4501, MCA]
5. Take and administer oaths; [7-4-4501, MCA]
6. File and keep all records, books, papers, or property belonging to the City and deliver the document or property to the City Clerk's successor; [7-4-4502, MCA]
7. Make and certify copies of all records, books, and papers in the City Clerk's possession on the payment of fees that are allowed county clerks, which must be paid into the City treasury; [7-4-4502, MCA]
8. Make and keep a complete index of the journal, ordinance book, finance book, and all other books and papers on file in the City Clerk's office; [7-4-4502, MCA]
9. Drafts agendas and bylaws for City Council and prepares reports on civic needs;
10. Maintains inventories and orders office supplies and materials;
11. Prepares meeting agendas or packets of related information; records and edits the minutes of meetings and distribute to appropriate officials or staff members;
12. Plans and directs the maintenance, filing, safekeeping, and computerization of all municipal documents;
13. Issues public notification of all official activities or meetings and posting of meeting notices;
14. Maintains and updates documents, such as municipal codes or City charters;
15. Issues various permits and licenses and ensures the collection of appropriate fees;
16. Coordinates the distribution of ordinances, resolutions, or proclamations so that they can be executed, recorded, or archived;
17. Responds to requests for information from the public, other municipalities, state officials, or state and federal legislative offices;
18. Performs general office duties, such as taking or transcribing dictation, typing or proofreading correspondence, distributing or filing official forms, or scheduling appointments;
19. Maintains the City's website and systematically archives certificates, reports, plans, and other official documents;
20. Coordinates or maintain office tracking systems for correspondence or follow-up actions;

21. Researches information in the municipal archives upon request of public officials or private citizens;
22. Processes claims against the municipality, maintains files and log of claims, and coordinates claim response and handling with municipal claims administrators;
23. Performs contract administration duties, assisting with bid openings or the awarding of contracts;
24. Serves as a notary of the public;
25. Develops or conducts orientation programs for candidates for political office;
26. Perform such other and further duties as the City Council may prescribe. [7-4-5401, MCA]

*(Ordinance 2019-6 – 08/19/2019: Effective 08/19/2019)*

**2.13.040: SUPERVISORY DUTIES**

- A. The City Clerk's supervisory duties include, but are not limited to the following:
  1. Supervises the City Treasurer, Utility Billing Clerk and any other billing office staff on a day-to-day basis on specific tasks through both written and verbal instructions;
  2. Conducts performance reviews and implements practices of public personnel and labor management relations;
  3. Assists with City employee payroll;
  4. Performs other related supervisory duties as required.

*(Ordinance 2019-6 – 08/19/2019: Effective 08/19/2019)*

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## CHAPTER 2.14: CHIEF ADMINISTRATIVE OFFICER

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### SECTIONS:

#### 2.14.010 .. OFFICE

#### 2.14.020 .. DEFINITIONS

#### 2.14.030 .. ADMINISTRATIVE DUTIES

#### 2.14.040 .. SUPERVISORY DUTIES

#### 2.14.050 .. PLANNING, ZONING AND CODE ENFORCEMENT DUTIES

#### 2.14.060 .. FISCAL DUTIES

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#### 2.14.010 OFFICE

- A. A Chief Administrative Officer will be appointed by the Mayor with the advice and consent of the City Council and must meet general qualification for municipal office as outlined in law and will enter upon his/her duties within 10 days after receiving notice of the appointment.
- B. Under the direct executive authority and supervision of the Mayor, the Chief Administrator coordinates the day to day operations of the various city offices, departments, commissions and boards (not including the Police Department or the Fire Department), in carrying out requirements of city ordinances and the policies of the City Council, and administers the carrying out of decisions, regulations, policies of the various city departments, commissions and boards.

*(Ordinance 2019-6 – 08/19/2019: Effective 08/19/2019)*

#### 2.14.020 DEFINITIONS

- A. **City** – means the City of Deer Lodge, Montana a municipality.
- B. **Chief Administrative Officer** – means the person who is the administrative executive of the City.
- C. **City Clerk** – means the person who is the clerk of a City Council.
- D. **City Council** – means the board that is the legislative department of the government of the City of Deer Lodge, Montana.
- E. **City Treasurer** – means the custodian of the funds of the City.
- F. **Mayor** – means the chief executive officer of the City of Deer Lodge, Montana.
- G. **MCA** – means the Montana Code Annotated, 2007
- H. **Ordinance** – means a law set forth by a governmental authority.

*(Ordinance 2019-6 – 08/19/2019: Effective 08/19/2019)*

#### 2.14.030 ADMINISTRATIVE DUTIES

- A. The Chief Administrative Officer's administrative duties include, but are not limited to the following:
  - 1. Attends all meetings of the City Council. Assists the Mayor in the preparation of the Council agenda furnishing pertinent documents, reports and briefings as needed.

Reports regularly to the Mayor and the City Council concerning the status of all their assignments, duties, projects and functions as well as those of various city offices, departments, commissions and boards (not including the Police Department or the Fire Department);

2. Acts as the personnel officer for the city under the direction of the Mayor and with such authority as the Mayor may designate, including the representation of the City in labor relations functions and recommends bargaining guidelines and settlements to the City Council;
3. Prepares the Annual Reports for ALL departments;
4. Develops and facilitates the economic development program and the growth policy of the City; oversee the revitalization of the City's downtown core; coordinates local and regional economic development efforts to ensure compliance with state and federal guidelines. Helps to coordinate and oversee the development of tourism promotion and web site design;
5. Facilitates, in cooperation with the Mayor, the City's intergovernmental relations with federal, state, county and regional agencies;
6. Facilitates outreach to the community to provide citizen awareness of City goals and operations by maintaining close contact with citizens, responding to questions and making public presentations. Meet with a wide variety of civic and business leaders, community groups, and governmental agencies regarding their concerns, program priorities, and City services;
7. Administers the City's risk management and training program. Represents the City as a member of the insurance pool. Coordinates the claims/incident reporting for the liability, property insurance programs, special event functions, and all required Federal reporting. Facilitates the inter-local and outside consultant agreements and contracts;
8. Maintains Policy Manuals, Employee Personnel Handbook, and Employee Safety Manual;
9. Coordinates the maintenance and improvement of the City's information technology systems;
10. Assists the Mayor generally in conducting the City's business in all matters and performs such other duties and responsibilities as the Mayor may direct, and as required by ordinances and resolutions of the City Council;
11. Perform such other and further administrative duties as the City Council or the Mayor may prescribe.

*(Ordinance 2019-6 – 08/19/2019: Effective 08/19/2019)*

#### **2.14.040 SUPERVISORY DUTIES**

- A. The Chief Administrative Officer's supervisory duties include, but are not limited to the following:
  1. Provide direct supervision for the Public Works Superintendent, the City Clerk, the Code Enforcement Officer and the Building Inspector;

2. Conduct performance reviews for the Public Works Superintendent, the City Clerk, the Code Enforcement Officer and the Building Inspector and implements practices of public personnel and labor management relations;
3. Maintain and update personnel records and conduct interviews on probationary and annual timelines. Before hiring, complete background checks on all new personnel shall be conducted. Drug testing shall also be conducted and recorded;
4. Performs such other related supervisory duties as required.

*(Ordinance 2019-6 – 08/19/2019: Effective 08/19/2019)*

**2.14.050 PLANNING, ZONING AND CODE ENFORCEMENT DUTIES**

- A. The Chief Administrative Officer's enforcement duties include, but are not limited to the following:
1. Provide direction and supervision for the City Code Enforcement Officer in the enforcement of city codes;
  2. Provide direction and supervision for the City Building Inspector in the enforcement of building codes;
  3. Act as the City Planner in the issuance of all planning, zoning, conditional use permits, and variance requests on behalf of the City;
  4. Provides direction and professional assistance for the Planning Board and the Board of Adjustment;
  5. Acts as the City's planner, recommending comprehensive plan updates for text and map amendments. Participates, oversees, accelerates and streamlines adoption and execution of plans set forth by the City Planning Board (or its successor) including improvement of providing healthy and safe living conditions, efficient transportation and communication, adequate public facilities, and aesthetic surroundings;
  6. Functions as the City's SEPA responsible official. Directs and responds to various planning applications filed in accordance with Title 11 of the Deer Lodge Municipal Code. Prepares recommendations and staff reports to the Planning Board, Board of Adjustment and City Council. Is considered an ex-officio member of the Planning Board and the Board of Adjustment;
  7. Performs the role of Floodplain Administrator for the City, coordinates permitting activity with the Montana Department of Natural Resources (and other regulatory agencies), and maintains all documentation;
  8. Performs such other related planning, zoning and code enforcement duties as required.

*(Ordinance 2019-6 – 08/19/2019: Effective 08/19/2019)*

**2.14.060 FISCAL DUTIES**

- A. The Chief Administrative Officer's fiscal duties include, but are not limited to the following:
1. Prepares the annual budget for ALL departments and administers it after adoption;

2. Supervises all expenditures by ALL city offices, commissions, and all departments and boards for the purpose of keeping them within the limitations of the annual budget of the City;
3. Monitors the City's financial condition by regularly evaluating revenue/expenditure trends recommending changes as necessary to maintain a sound financial condition. Maintains intergovernmental coordination related to available funding, researches and pursues new funding/revenue sources;
4. Acts as the City's purchasing agent; and works with the City Treasurer in monthly auditing for the City;
5. Prepares periodic financial statements for the Mayor and City Council on various programs;
6. Insures legal compliance with GAAP and BARS Accounting policies and procedures;
7. Identifies outside sources of funding, and actively pursues grant writing for funds for all departments, programs, infrastructure, growth, and housing. Coordinates and oversees the grant application and management process;
8. Perform such other fiscal duties as required.

*(Ordinance 2019-6 – 08/19/2019: Effective 08/19/2019)*



## CHAPTER 2.15: UTILITY BILLING CLERK

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### SECTIONS:

2.12.010 .. OFFICE

2.12.020 .. DEFINITIONS

2.12.030 .. ADMINISTRATIVE DUTIES

2.12.040 .. FISCAL DUTIES

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### 2.15.010 OFFICE

- A. A City Utility Billing Clerk will be appointed by the Mayor with the advice and consent of the City Council, must meet the general qualification for municipal office as outlined in law, and will enter upon his/her duties within 10 days after receiving notice of the appointment.

*(Ordinance 2019-6 – 08/19/2019: Effective 08/19/2019)*

### 2.15.020 DEFINITIONS

- I. **City** – means the City of Deer Lodge, Montana a municipality.
- J. **Chief Administrative Officer** – means the person who is the administrative executive of the City.
- K. **City Clerk** – means the person who is the clerk of a City Council.
- L. **City Council** – means the board that is the legislative department of the government of the City of Deer Lodge, Montana.
- M. **City Treasurer** – means the custodian of the funds of the City.
- N. **Mayor** – means the chief executive officer of the City of Deer Lodge, Montana.
- O. **MCA** – means the Montana Code Annotated, 2007
- P. **Ordinance** – means a law set forth by a governmental authority.

*(Ordinance 2019-6 – 08/19/2019: Effective 08/19/2019)*

### 2.15.030 ADMINISTRATIVE DUTIES

- A. The City Utility Billing Clerk's administrative duties include, but are not limited to the following:
1. Process various types of correspondence, reports, forms and legal documents;
  2. Composes, types and edits a variety of correspondence, reports, memoranda and other material;
  3. Inputs data to standard office and department forms; makes simple postings to accounts; compiles data for various reports;
  4. Processes work orders for utility disconnections, reconnections, new orders, and other public works service requests;
  5. Reads computer files or gathers records such as meter books, purchase orders, invoices, ticket books etc. to compile needed data;

6. Greets the public, answers calls and logs messages, assists customers, and collects fees;
7. Daily contact with the public while handling payments or complaints; daily interaction with Mayor, Chief Administrative Officer, City Clerk, City Treasurer, Public Works Superintendent, and other city employees;
8. Receives telephone calls and citizen visits concerning utility billings or services; handles questions and matters of a more technical nature; responds to citizen complaints;
9. Receives, stamps and distributes incoming mail and processes outgoing mail;
10. Schedules appointments and performs other administrative and clerical duties;
11. Responsible for care of cemetery records and handles cemetery work orders;
12. Maintain accurate and timely records;
13. Pursues collection of delinquent utility accounts, including preparation and mailing of final notices, shut-offs and turn-on orders, establishing and monitoring payment schedules, customer follow-up account research, preparing liens and write-offs, appearing in court to testify on behalf of city; and
14. Perform such other and further duties as the City Council or Mayor may prescribe.

*(Ordinance 2019-6 – 08/19/2019: Effective 08/19/2019)*

#### **2.15.040 FISCAL DUTIES**

- A. The City Utility Billing Clerk's fiscal duties include, but are not limited to the following:
  1. Accurately processes, receipts and reconciles monthly sewer, water and solid waste bills;
  2. Makes daily deposits;
  3. Enters information into computer or computes amounts due;
  4. Processes meter reading data; prepares and mails utility bills; maintain current customer account files; assists in reconciling utility billing activity with the general ledger;
  5. Pursues collection of delinquent utility accounts, including preparation and mailing of final notices, shut-offs and turn-on orders, establishing and monitoring payment schedules, customer follow-up account research, preparing liens and write-offs, appearing in court to testify on behalf of city;
  6. Receives monies and issues receipts for dog licensing fees;
  7. Receives monies and issues receipts for building, zoning permits, and any other land use applications or variances;
  8. Receives monies and issues receipts for business licenses;
  9. Receives monies and issues receipts for any other city fee collection;
  10. Receives monies for sale of cemetery lots; and
  11. Perform such other and further duties as the City Council or Mayor may prescribe.

*(Ordinance 2019-6 – 08/19/2019: Effective 08/19/2019)*

## CHAPTER 2.16: CITY JUDGE

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### SECTIONS:

- [2.16.005 .. JUSTICE COURT TO BE CITY COURT](#)
  - [2.16.010 .. CITY COURT; WHEN OPEN](#)
  - [2.16.020 .. CITY JUDGE TO KEEP DOCKET](#)
  - [2.16.030 .. PROCEDURE IN INSTITUTING AN ACTION](#)
  - [2.16.040 .. ISSUANCE OF WARRANT](#)
  - [2.16.050 .. DUTY OF OFFICER ARRESTING](#)
  - [2.16.060 .. BAIL](#)
  - [2.16.070 .. MONEY DEPOSITED IN LIEU OF BOND](#)
  - [2.16.080 .. RECEIPTS MUST BE MADE IN TRIPLICATE](#)
  - [2.16.090 .. REPORT FILED WITH CLERK](#)
  - [2.16.100 .. MANNER OF CONDUCTING TRIALS](#)
- 

#### 2.16.005: JUSTICE COURT TO BE CITY COURT

- A. The Justice Court of Cottonwood Township, Powell County, Montana, shall be and is hereby designated to act as City Court and the Justice of the Peace thereof shall act as City Judge. (Ord. 49)

*(Ordinance 1 – 1/17/1980: Effective 1/17/1980)*

#### 2.16.010: CITY COURT; WHEN OPEN

- A. The City Court shall be open daily, Saturdays, Sundays and legal holidays excepted, at the Justice Courtroom in Powell County Law Enforcement Center, commencing at such hours as the City Judge may designate, whenever there are cases for disposition.

*(Ordinance 1 – 1/17/1980: Effective 1/17/1980)*

#### 2.16.020: CITY JUDGE TO KEEP DOCKET

- A. The City Judge shall keep a docket of proceedings in said Court, in which shall be entered daily, as they occur, a synopsis of the proceedings in each case, from the arrest to final judgment, and an entry of the appeal, if any appeal be taken.

*(Ordinance 1 – 1/17/1980: Effective 1/17/1980)*

#### 2.16.030: PROCEDURE IN INSTITUTING AN ACTION

- A. Actions for the violation of any law of the municipality must be commenced in one of the following methods:
1. **First:** When the offense is committed in the presence of the Chief of Police or any police officer, he may arrest the offender without a warrant and bring him forthwith before the City Judge;
  2. **Second:** In all other cases a complaint must be filed and verified by the party making the same, which shall contain the name of the party to be arrested, if known, and if not known, the complaint may designate him by any other name.

- B. The complaint shall also contain a brief statement of the acts constituting the offense for which the person is arrested, with the date of the offense, if known and reference to the title of the chapter or ordinance, number and section thereof, he is charged with violating.

*(Ordinance 1 – 1/17/1980: Effective 1/17/1980)*

**2.16.040: ISSUANCE OF WARRANT**

- A. Upon filing the complaint, the City Judge shall, if the complaint charges the violation of any municipal ordinance, issue a warrant to any police officer and the officer must serve the warrant by taking the defendant into custody and bringing him before the City Judge.

*(Ordinance 1 – 1/17/1980: Effective 1/17/1980)*

**2.16.050: DUTY OF OFFICER ARRESTING**

- A. The officer making the arrest shall make due return on his warrant; and if any officer arrests a person without a warrant, said officer shall forthwith file in the City Court a complaint against the person arrested as provided in this Chapter.

*(Ordinance 1 – 1/17/1980: Effective 1/17/1980)*

**2.16.060: BAIL**

- A. Any person arrested for a violation of a municipal law may be admitted to bail by giving bonds with security, to be approved by the City Judge, and if he cannot act, then the Chief of Police, in such sum as he or either of them may specify. The bond shall be conditioned that the defendant will appear at the time named therein before the City Court and answer to the charge for which he has been arrested. The bond shall be filed in the City Court, and if the defendant fails to appear at the time mentioned in the bond, the City Judge may declare the bond forfeited.

*(Ordinance 1 – 1/17/1980: Effective 1/17/1980)*

**2.16.070: MONEY DEPOSITED IN LIEU OF BOND**

- A. Any person arrested for the violation of a municipal law, in lieu of the bond mentioned in the preceding Section, may deposit with the City Judge or Chief of Police, such sum as may be specified by either of said officers, who shall give to the person arrested a receipt for the money so deposited in lieu of bail; if the person depositing the money appears before the City Court at the time of the first setting thereof after the money was so deposited, the said money shall be returned to the person depositing it, but if he fails to appear, the City Judge shall declare the deposit forfeited to the municipality and cause the same to be paid into the treasury.

*(Ordinance 1 – 1/17/1980: Effective 1/17/1980)*

**2.16.080: RECEIPTS MUST BE MADE IN TRIPLICATE**

- A. When a fine imposed by the City Judge for the violation of a municipal law be paid in money, he shall issue a receipt therefore in duplicate on blanks to be furnished him by the Clerk and the other to remain in the City Court as part of its report.

*(Ordinance 1 – 1/17/1980: Effective 1/17/1980)*

**2.16.090: REPORT FILED WITH CLERK**

- A. The City Judge shall make out and file in the office of the Clerk, monthly, a report on the number of cases tried, the person convicted, the fine and cost imposed and whether the same has been paid, the number of days any person convicted has been sentenced to

confinement in the City Jail, by the City Judge, and before filing the same, he shall pay over to the Treasurer all moneys received in payment of fines and make a receipt therefore, which receipt shall be attached to the report filed with the Clerk.

*(Ordinance 1 – 1/17/1980: Effective 1/17/1980)*

**2.16.100: MANNER OF CONDUCTING TRIALS**

- A. All proceedings in the City Court shall be conducted in the same manner as are trials in criminal cases before Justices of the Peace under the laws of Montana and all persons tried before the City Court shall have the same remedies and rights of appeal as now are or may hereafter be prescribed by law in criminal cases before Justices of the Peace. The City Judge shall have the same right and authority to punish for contempt and maintain order in his court that Justices of the Peace have. All proceedings for the violation of any municipal law, both civil and criminal, must be prosecuted in the name of the municipality.

*(Ordinance 1 – 1/17/1980: Effective 1/17/1980)*

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## CHAPTER 2.18: POLICE DEPARTMENT

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### SECTIONS:

#### 2.18.010 .. COMPOSITION

#### 2.18.020 .. LAW ENFORCEMENT DUTIES OF THE POLICE CHIEF

#### 2.18.030 .. ADMINISTRATIVE DUTIES OF THE POLICE CHIEF

#### 2.18.040 .. SUPERVISORY DUTIES OF THE POLICE CHIEF

#### 2.18.050 .. JURISDICTION

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### **2.18.010: COMPOSITION**

- A. The Mayor has the general administrative and supervisory authority over the City Police Department. MCA 7-32-4103. The Mayor is given the power to appoint all members and officers of the department, as well as the power to suspend or remove any member or officer on the City Police force. MCA 7-32-4103 and MCA 7-32-4108. All members of the City of Deer Lodge Police Department are appointed for probationary terms, subject to revocation by the Mayor. MCA 7-2-4113(1). The Mayor is responsible for making rules for the government, direction, management, and discipline of the City Police force. MCA 7-32-4103. Whenever the Mayor deems temporary employment expedient for the Police Department, he has the authority to employ temporary assistance. MCA 7-32-4109.
- B. The Police Department of the City of Deer Lodge shall consist of a Chief of Police and such number of police officers as shall from time to time be appointed by the Mayor and confirmed by the City Council and upon them shall devolve the duty of enforcing the ordinances of the City and preserving the peace, good order and quiet thereof.

*(Ordinance 1 – 1/17/1980: Effective 1/17/1980; Ordinance 2019-6 – 08/19/2019: Effective 08/19/2019)*

### **2.18.020: LAW ENFORCEMENT DUTIES OF THE CHIEF OF POLICE**

- A. It is the duty of the Chief of Police:
1. 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;
  2. To arrest all persons guilty of a breach of the peace or for the violation of any city ordinance, and bring them before the city judge for trial;
  3. 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; and
  4. To perform such other duties as the Council may prescribe.

*(Ordinance 1 – 1/17/1980: Effective 1/17/1980; Ordinance 2019-6 – 08/19/2019: Effective 08/19/2019)*

### **2.18.030 ADMINISTRATIVE DUTIES OF THE POLICE CHIEF**

- A. The Police Chief's administrative duties include, but are not limited to the following:
1. Attends all meetings of the City Council and Public Health and Safety Committee. Assists the Mayor in the preparation of the Council agenda regarding law

- enforcement issues by furnishing pertinent documents, reports and briefings as needed;
2. Reports regularly to the Mayor and the City Council concerning the status of all assignments, duties, projects and functions of the Police Department;
  3. Reports regularly to the City Council Public Health and Safety Committee regarding law enforcement issues by furnishing pertinent documents, reports and briefings as needed;
  4. Assists the City Council Public Health and Safety Committee in determining, establishing or revising City ordinances enforced by the City Police Department;
  5. Provides all assistance and support required by the City Police Commission in the fulfillment of their prescribed duties, as referred to in Chapter 2.30: Police Commission;
  6. Prepares the annual budget proposal for the City Police Department and administers it after adoption by the City Council;
  7. Supervises all expenditures by the Police Department for the purpose of keeping the budget within the limitations of the budget approved by the City Council;
  8. Coordinates and provides administrative support for the City Attorney in prosecution of his duties;
  9. Facilitates, in cooperation with the Mayor, the City's intergovernmental relations with federal, state, county and regional law enforcement agencies;
  10. Performs such other and further administrative duties as the City Council or the Mayor may prescribe; and
  11. Coordinates and provides administrative support for the City Attorney.

*(Ordinance 2019-6 – 08/19/2019: Effective 08/19/2019)*

**2.18.040 SUPERVISORY DUTIES OF THE POLICE CHIEF**

- A. The Police Chief's supervisory duties include, but are not limited to the following:
1. To have charge and control of all police officers, subject to such rules as may be prescribed by ordinance, and to report to the Mayor and the Council all delinquencies or neglect of duty or official misconduct of police officers for action of the Mayor or of the City Council;
  2. Prepare, maintain, review and revise the Deer Lodge Police Department Policy and Procedure Manual and present for approval by the City Council;
  3. Maintain and update personnel records and conduct interviews on probationary police officers;
  4. Before hiring, shall conduct complete background checks on all new personnel. Ensures psychological and medical testing be conducted and recorded. Assists the Police Commission in examining of appointments for Police Officer positions as set forth in Montana State statute;



5. Develops and provides for the initial training of new officers through a field training program, or other such ongoing training that shall provide for the education and enhancement of the performance of City police officers;
6. Provides regular written evaluations of police officers as prescribed by the City Policy and Procedures manual or as directed by the Mayor;
7. Provides remedial training for police officers in areas identified as deficient in their regular written evaluations;
8. Maintains written record of any disciplinary actions taken with police officers and will keep records of those disciplinary actions in their Personnel File in the City vault;
9. Provides any other necessary supervision for the department as may be required for the performance of its duties; and
10. Performs such other and further supervisory duties as the City Council or the Mayor may prescribe.

*(Ordinance 2019-6 – 08/19/2019: Effective 08/19/2019)*

**2.18.050 JURISDICTION**

- A. The Police Department's jurisdiction is limited to within the city limits.
- B. Exception: The Police Department is permitted by ordinance to operate within 5 miles of the city limits and along waterways.

*(Ordinance 2019-6 – 08/19/2019: Effective 08/19/2019)*

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## CHAPTER 2.20: FIRE DEPARTMENT

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### SECTIONS:

2.20.010 .. COMPOSITON OF DEPARTMENT

2.20.020: . FIRE DUTIES OF THE FIRE CHIEF

2.20.030 .. ADMINISTRATIVE DUTIES OF THE FIRE CHIEF

2.20.040 .. SUPERVISORY DUTIES OF THE FIRE CHIEF

2.20.050 .. POLICE POWERS OF THE FIRE DEPARTMENT

2.20.060 .. PRIVATE USE OF FIRE APPARATUS PROHIBITED

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### **2.20.010: COMPOSITION OF DEPARTMENT**

- A. The organization known as the Deer Lodge Fire Department, be, and the same is hereby designated as the Fire Department of the City. The methods of its government, the election or appointment of its officers and everything concerning its management shall be as provided by its bylaws; provided, the same is not in conflict with this chapter and the laws of the state, and provided further, that said Fire Department shall remain subject to the supervision and control of the City Council Mayor with the advice and consent of the City Council.
- B. The Mayor has the general administrative and supervisory authority over the Deer Lodge Fire Department. [MCA 7-32-4103]. The Mayor is given the power to appoint all members and officers of the department with the consent of the City Council, as well as the power to suspend or remove any member or officer on the Deer Lodge Fire Department. [MCA 7-32-4103 and MCA 7-32-4108]. The Mayor is responsible for making rules for the government, direction, management, and discipline of the Deer Lodge Fire Department. [MCA 7-32-4103]. Whenever the Mayor deems temporary employment expedient for the Fire Department, he has the authority to employ temporary assistance. [MCA 7-32-4109].
- C. The Fire Department of the City of Deer Lodge shall consist of a Fire Chief and such number of officers and members as shall from time to time be determined by the Fire Chief in consultation with the Mayor and confirmed by the City Council.
- D. The City Council shall appropriate funds to provide for the operation of the department, and for the purchase of firefighting apparatus and equipment to be used by the department, as it may deem expedient and necessary to maintain efficiency and properly protect life and property from fire.

- E. The officers and members of the department shall receive such compensation from the City Council as the council may fix from time to time.

*(Ordinance 2019-6 – 08/19/2019: Effective 08/19/2019)*

**2.20.020: FIRE DUTIES OF THE FIRE CHIEF**

- A. The Chief of said Fire Department shall have command and control and direction of all members of the Fire Department and of all other persons who may be present at fires; and shall, while executing his duties as Fire Chief, have full power as a member of the police force.
- B. The Fire Chief shall plan the control of the fire, to direct the action of the companies when they arrive at the fire, to observe that every company does its duty, to grant leaves of absence at a fire when he may deem it proper, and to see that the fire apparatus is kept in proper condition at all times.
- C. The Fire Chief's fire duties include, but are not limited to the following:
  - 1. Enforce all fire prevention ordinances of this municipality and the state laws and regulations pertaining to fire prevention, and shall keep citizens informed on fire prevention methods, and on the activities of the department;
  - 2. Maintain a fire record in the National Fire Incident Reporting System (NFIRS) of every fire to which any company was called and shall enter into the NFIRS the location of the fire, time alarm was received, cause of fire, where fire started, cause of delay (if any) in responding, time fire was extinguished, names of men responding and general remarks;
  - 3. Maintain an inventory of all apparatus and equipment, and an inventory of all hoses showing dates and results of tests on each length, which shall be individually numbered;
  - 4. Assist the proper authorities in suppressing the crime of arson by investigating the cause, origin and circumstances of all fires;
  - 5. Perform such other duties as are usually incumbent on the commanding officer of the fire department; and
  - 6. Performs such other and further fire duties as the City Council or the Mayor may prescribe.

*(Ordinance 1 – 1/17/1980: Effective 1/17/1980; Ordinance 2019-6 – 08/19/2019: Effective 08/19/2019)*

**2.20.030: ADMINISTRATIVE DUTIES OF THE FIRE CHIEF**

- A. The Fire Chief's administrative duties include, but are not limited to the following:
  - 1. It shall be the duty of the Fire Chief to preside over all meetings of the department, to call special meetings, to preserve order, to decide all points of order that may arise, and to enforce a rigid observance of this ordinance and the department's by-laws;
  - 2. Prepare, maintain, review, and revise Fire Department Bylaws and present for approval by the City Council.

3. Attends all meetings of the City Council and Public Health and Safety Committee. Assists the Mayor in the preparation of the Council agenda regarding fire department issues by furnishing pertinent documents, reports and briefings as needed;
4. Reports regularly to the Mayor and the City Council concerning the status of all assignments, duties, projects and functions of the Fire Department;
5. Reports regularly to the City Council Public Health and Safety Committee regarding fire department issues by furnishing pertinent documents, reports and briefings as needed;
6. Assists the City Council Public Health and Safety Committee in determining, establishing or revising City ordinances pertaining to the Fire Department;
7. Prepares the annual budget proposal for the Fire Department and administers it after adoption by the City Council;
8. Supervises all expenditures by the Fire Department for the purpose of keeping the budget within the limitations of the budget approved by the City Council;
9. Facilitates, in cooperation with the Mayor, the City's intergovernmental relations with federal, state, county and regional agencies regarding fire department issues; and
10. Performs such other and further administrative duties as the City Council or the Mayor may prescribe.

*(Ordinance 1 – 1/17/1980: Effective 1/17/1980; Ordinance 2019-6 – 08/19/2019: Effective 08/19/2019)*

**2.20.040: SUPERVISORY DUTIES OF THE FIRE CHIEF**

- A. The chief shall have the general supervision of the department, which shall be subject to and not conflict with this ordinance and/or the by-laws of the department. The chief shall be responsible for the safety of the members of the department. The Fire Chief's supervisory duties include, but are not limited to the following:
  1. To have charge and control of all firefighters and fire department officers, subject to such rules as may be prescribed by ordinance, and to report to the Mayor and the Council all delinquencies or neglect of duty or official misconduct of fire department employees for action of the Mayor or of the City Council;
  2. The Fire Chief shall have the power to demote or expel any officer or member of the department for neglect or refusal to perform his departmental duties, subject to an appeal from such demotion or expulsion to the Mayor and to the City Council. The by-laws may also provide for expulsion for failure to participate in departmental activities or for non-residence;
  3. The Fire Chief may, in consultation with the Mayor and conformation of the City Council, appoint such officers as he requires for the fulfillment of the department's duties;
  4. Maintain and update personnel records and conduct interviews on potential fire department appointees;
  5. Before hiring, reference checks on all new personnel shall be conducted;

6. Develops and provides for the initial training of new firefighters, and such ongoing training that shall provide for the education and enhancement of the performance of City Fire Department;
7. Provides regular written evaluations of firefighters and fire department officers as prescribed by the City Policy and Procedures manual or as directed by the Mayor;
8. Provides remedial training for firefighters and fire department officers in areas identified as deficient in their regular written evaluations;
9. Maintains written record of any disciplinary actions taken with firefighters or fire department officers and will keep records of those disciplinary actions in their Personnel File in the City vault; and
10. Performs such other and further supervisory duties as the City Council or the Mayor may prescribe.

*(Ordinance 2019-6 – 08/19/2019: Effective 08/19/2019)*

**2.20.050: POLICE POWERS OF THE FIRE DEPARTMENT**

- A. The City of Deer Lodge Fire Department may exercise police powers in the following circumstances:
  1. Any officer of the department may cause the arrest of any person failing to give the right of way to the fire department in responding to a fire;
  2. The Fire Chief may prescribe certain limits in the vicinity of any fire within which no persons, except firefighters and police officers and those admitted by order of any officer of the department, shall be permitted to come;
  3. The Fire Chief shall have the power to order the removal of any property whenever it shall become necessary for the preservation of such property from fire, or to prevent the spreading of fire, or to protect the adjoining property, and during the progress of any fire, the Fire Chief shall have the power to order the removal or destruction of any property necessary to prevent the further spread of the fire. The Fire Chief shall also have the power to cause the removal of all wires or other facilities and the turning off of all electricity or other services where the same impedes the work of the department during the progress of a fire;
  4. Firefighters may enter adjacent property. It shall be lawful for any firefighter while acting under the direction of the Fire Chief or other officer in command to enter premises adjacent to or in the vicinity of any building or other property then on fire for the purpose of extinguishing such fire; and if any person shall hinder, resist, or obstruct any firefighter in the discharge of his duties as is hereinabove provided, the person so offending shall be deemed guilty of resisting firefighters in the discharge of their duty; and
  5. Duties of by-standers to assist. Every person who shall be present at a fire shall be subject to the order of the Fire Chief or officer in command and may be required to render assistance in fighting the fire or removing or guarding property. Such officer shall have the power to cause the arrest of any person or persons refusing to obey said orders.

*(Ordinance 2019-6 – 08/19/2019: Effective 08/19/2019)*

**2.20.060: PRIVATE USE OF FIRE APPARATUS PROHIBITED**

- A. The engines and other fire apparatus, the property of the city, shall be kept in such places as the City Council shall provide and designate. Any person having charge of any engines or other fire apparatus who shall suffer the same to be applied to private uses without the consent of the Chief of the Deer Lodge Fire Department or of the person rightfully exercising its authority shall be deemed guilty of a misdemeanor.

*(Ordinance 1 – 1/17/1980: Effective 1/17/1980)*

**2.20.070: FIRE APPARATUS CONFINED TO CITY LIMITS**

- A. Any officer in command of any company of the Fire Department who shall suffer the engines or other fire apparatus that is the property of the City to be taken beyond the limits of the City without the permission of the Mayor or member of the Fire Department in charge, shall be deemed guilty of a misdemeanor.
- B. The following are incidents in which the City of Deer Lodge Fire Department may operate beyond the limits of the City:

1. **Mutual Aid.** In an emergency the City of Deer Lodge Fire Department may operate beyond the limits of the City to lend assistance across jurisdictional boundaries. This may occur due to an emergency response that exceeds local resources, such as a disaster or a multiple-alarm fire. Mutual aid may be provided ad hoc, requested only when such an emergency occurs. It may also be a formal standing agreement for cooperative emergency management on a continuing basis, such as ensuring that resources are dispatched from the nearest fire department, regardless of which side of the jurisdictional boundary the incident is on through "automatic aid agreements". When either party becomes affected by, or is under imminent threat of, an emergency or disaster and has officially declared an emergency, it may request emergency-related mutual aid assistance through an authorized representative by submitting a written request, or an oral request followed as soon as practicable by written confirmation, to the other party. Recipient shall not request assistance unless resources available within the stricken area are deemed inadequate. Requests for assistance must be transmitted by an authorized representative of fire department requesting assistance.
2. **Memorandums of Understanding.** The City of Deer Lodge Fire Department may operate beyond the limits of the City to lend assistance across jurisdictional boundaries if a prior Memorandum of Understanding (M.O.U.) has been negotiated by the Mayor and approved by the City Council to provide fire protection for specific areas outside the limits of the City. Examples may include the Grant-Kohrs Ranch National Park, Montana State Prison or Rock Creek Cattle Company.
3. **Contracted Agreement for Fire Service.** The City of Deer Lodge Fire Department may operate beyond the limits of the City if a Contract Agreement for Fire Service has been negotiated by the Mayor and approved by the City Council to provide complete fire protection for a specific fire district outside the limits of the City for a negotiated financial payment to the City. Examples may include the Rural Fire District Contract.
4. **Inter-Departmental Aid.** The City of Deer Lodge Fire Department may operate beyond the limits of the City in support of other local emergency response agencies

in the ongoing fulfillment of the duties of those departments or agencies with the permission of the Mayor and the confirmation of the City Council.

*(Ordinance 1 – 1/17/1980: Effective 1/17/1980; Ordinance 2019-6 – 08/19/2019: Effective 08/19/2019)*

**2.20.080: LIMITS AT FIRE**

- A. The Chief of said Fire Department may prescribe limits in the vicinity of a fire within which no person except those residing therein, members of the Fire Department, members of the police force or those admitted by the Chief or his subordinates shall be permitted to come, and such Chief or other officer having charge in his place at any fire when in his judgment the same is necessary, may call upon any person or persons to assist the firemen in their duties.

*(Ordinance 1 – 1/17/1980: Effective 1/17/1980)*

**2.20.090: DESTRUCTION AND REMOVAL OF STRUCTURES DURING A FIRE**

- A. The Chief of the Fire Department or in his absence any person acting in his capacity, during the progress of any fire, whenever in his judgment it becomes necessary to check or control the same, may order any fence, building or structure to be removed with the consent of the Mayor or with the consent of any two (2) members of the City Council, unless in an emergency, to have the power to cause any building or structure to be removed for the purpose of checking or extinguishing the fire. He shall have power with the consent of the City Council to order the removal of any portion of any building which may be standing after a fire whenever by resolution of the council such portion of any building so remaining standing may be adjudged to be dangerous to person or property.

*(Ordinance 1 – 1/17/1980: Effective 1/17/1980; Ordinance 2019-6 – 08/19/2019: Effective 08/19/2019)*

**2.20.100: INTERFERENCE WITH FIREFIGHTERS DURING A FIRE**

- A. Any person who shall willfully interfere with or hinder any city officer or fire fighter in the performance of his duty going to or returning from any fire while attending to his duties as a member of the Fire Department or shall willfully or negligently drive any motorized or non-motorized vehicle or conveyance across, along or upon any hose or who shall willfully cut, deface, destroy, or injure any property belonging to or connected with the Fire Department or the fire alarm, such person so offending shall be deemed guilty of a misdemeanor.

*(Ordinance 1 – 1/17/1980: Effective 1/17/1980; Ordinance 2019-6 – 08/19/2019: Effective 08/19/2019)*

**2.20.110: ABATEMENT OF FIRE HAZARDS**

- A. It shall be the duty of the Chief of Police, Chief Administrative Officer or their designate upon the reporting to him by the Chief of the Fire Department that there are any shavings, straw waste, or any other combustible material liable to or likely to be the cause of any fire within the city limits to order the removal of same, if any could be found, by the person or persons responsible, or by the person or persons upon whose premises the same may be located and upon the refusal of anyone notified to abate the nuisance created by such combustible material so being in such place it shall be the duty of said officers or of said Fire Department to notify the Mayor of such refusal and the person or persons so refusing shall be deemed guilty of a misdemeanor.



*(Ordinance 1 – 1/17/1980: Effective 1/17/1980; Ordinance 2019-6 – 08/19/2019: Effective 08/19/2019)*

**2.20.120: FIRE CHIEF TO EXAMINE FIRE APPARATUS**

- A. It shall be the duty of the Fire Chief to examine the condition of all fire apparatus at least once a month and see that the same is kept in good repair and condition and when any repairs shall be needed or new apparatus is necessary he shall consult the Public Health and Safety Committee of the City Council before any action, except in such cases where such repairs of apparatus are urgently needed and in such instances he may proceed without the consent of such committee.

*(Ordinance 1 – 1/17/1980: Effective 1/17/1980; Ordinance 2019-6 – 08/19/2019: Effective 08/19/2019)*

**2.20.130: FIRE CHIEF TO INSPECT FIRE HYDRANTS**

- A. It shall be the duty of the Chief of the Fire Department, in cooperation with the City of Deer Lodge Public Works Superintendent, to regularly inspect all fire hydrants within the city limits and if any be found defective or the supply of water be so small as to be unavailable for fire purposes, the Fire Chief shall at once notify the Public Works Superintendent to affect repairs. The Public Works Superintendent shall at once notify the Mayor or Chief Administrative Officer of such defect or lack of water, and report to the City Council when and what notice he served.

*(Ordinance 1 – 1/17/1980: Effective 1/17/1980; Ordinance 2019-6 – 08/19/2019: Effective 08/19/2019)*

**2.20.140: FIRE HYDRANT SPECIFICATIONS**

- A. All fire hydrants installed in the City of Deer Lodge following July 30, 2019, shall follow the City of Deer Lodge Engineering Standards.
  - 1. Fire hydrants shall be spaced not more than three hundred fifty feet (350') distant from the next nearest hydrant.
    - a. New subdivisions shall refer to the City of Deer Lodge Engineering Standards when installing fire hydrants to ensure compliance.
- B. During normal operations or testing, if a deficiency is noted, it shall be immediately reported to the Public Works Superintendent.

*(Ordinance 1 – 1/17/1980: Effective 1/17/1980; Ordinance 2019-6 – 08/19/2019: Effective 08/19/2019)*

**2.20.150: VIOLATIONS; PENALTY**

- A. Any person who shall violate any of the provisions of this chapter shall, upon conviction, be punishable as set forth in section 1.08.010 of this Code.

*(Ordinance 1 – 1/17/1980: Effective 1/17/1980)*

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## **CHAPTER 2.22: WATER DEPARTMENT**

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### **SECTIONS:**

#### **2.22.010 .. DEPARTMENT TO OPERATE UNDER PUBLIC SERVICE COMMISSION RULES AND REGULATIONS**

#### **2.22.020 .. SUPERVISION BY WATER SUPERINTENDENT**

#### **2.22.030 .. WATER COMMITTEE**

#### **2.22.040 .. BUDGET FOR WATER COMMITTEE**

#### **2.22.050 .. APPLICATIONS AND WRITTEN REQUESTS TO WATER COMMITTEE**

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#### **2.22.010: DEPARTMENT TO OPERATE UNDER PUBLIC SERVICE COMMISSION RULES AND REGULATIONS**

- A. The Water Department of the City shall operate under, and shall follow insofar as the same shall be readily applicable to conditions existing in the city, the General Rules and Regulations of the Public Service Commission of Montana and every individual, firm and corporation receiving water from the water system of the Water Department of the city shall be deemed to receive such water under, and in accordance with, such General Rules and Regulations of the Public Service Commission of Montana insofar as the same are applicable to the Water Department of the city; every individual, firm and corporation receiving water from the water system of the water department of the city in making application for water shall agree to the terms and provisions of such General Rules and Regulations insofar as they are applicable to the city and shall be bound thereby.

*(Ordinance 1 – 1/17/1980: Effective 1/17/1980)*

#### **2.22.020: SUPERVISION BY WATER SUPERINTENDENT**

- A. The City Water Department shall be under the direct supervision of the Water Superintendent.

*(Ordinance 1 – 1/17/1980: Effective 1/17/1980)*

#### **2.22.030: WATER COMMITTEE**

- A. The Water Committee of the City Council shall consist of three (3) members of the council appointed by the Mayor. A majority of the members of the Water Committee shall constitute a quorum for the transaction of business.

*(Ordinance 1 – 1/17/1980: Effective 1/17/1980)*

#### **2.22.040: BUDGET FOR WATER COMMITTEE**

- A. The Water Superintendent on or before the tenth day of July of each year, shall prepare a budget of expenses for the operation of the water system of the city, to include extensions and improvements thereof. Such budget shall be reviewed by the Water Committee and filed with the City Clerk and shall be subject to inspection as other public records.

*(Ordinance 1 – 1/17/1980: Effective 1/17/1980)*

**2.22.050: APPLICATIONS AND WRITTEN REQUESTS TO WATER COMMITTEE**

- A. All claims upon or against the Water Department of the city of whatsoever nature must be presented in writing and the same must be approved by the Water Committee, which approval shall be represented by the signature of at least two (2) members of such committee and when so approved and signed, the same may be presented to the City Council for allowance and payment, or rejection. All applications for water service which contemplate an expense of more than two hundred dollars (\$200.00), or where an extension of the distribution mains shall be required, must be presented to and approved by the Water Committee. The Water Committee is authorized and directed to require the officials of the Water Department to make monthly reports of receipts and disbursements of the Water Department, or upon any other subject or matter which the Water Committee may deem helpful to the efficient administration of the Water Department, or which the Water Committee may require.

*(Ordinance 1 – 1/17/1980: Effective 1/17/1980)*

## **CHAPTER 2.24: PARKS & RECREATION**

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### **2.24.010 .. CITY PARKS MAINTENANCE**

### **2.24.020 .. CITY PARKS EMPLOYEES**

### **2.24.030 .. CITY PARKS MAINTENANCE ACCOUNT**

### **2.24.040 .. CITY RECREATION PROGRAM**

### **2.24.050 .. CITY RECREATION DIRECTOR**

### **2.24.060 .. CITY RECREATION ACCOUNT**

### **2.24.070 .. CITY RECREATION PROGRAM EMPLOYEES**

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#### **2.24.010 CITY PARKS MAINTENANCE**

- A. The City of Deer Lodge Public Works Superintendent shall maintain the city parks under the general direction of the Mayor.

*(Ordinance 2019-6 – 08/19/2019: Effective 08/19/2019)*

#### **2.24.020 CITY PARKS EMPLOYEES**

- A. Seasonal Park Maintenance personnel shall be selected by the Mayor following the City's employment policy, with the final hiring approval of such personnel the responsibility of the City Council. Benefits and wages for such personnel will be recommended by the Mayor to the City Finance Committee for their review and if approved by the City Finance Committee the recommended wages and benefits will be sent to the City Council for final approval.

*(Ordinance 2019-6 – 08/19/2019: Effective 08/19/2019)*

#### **2.24.030 CITY PARKS MAINTENANCE ACCOUNT**

- A. There is a Parks Maintenance account under the City's General Fund for park maintenance expenses. In addition, there is a Capital Projects account for special park maintenance projects. All Parks Maintenance expenditures and claims against the City must be in writing, filed with the City Treasurer, allowed by the City Council and paid by warrant drawn upon the City treasury.

#### **2.24.040 CITY RECREATION PROGRAM**

- A. The City of Deer Lodge City Recreation Director shall implement and direct the City Recreation Program under the general direction of the Mayor.

*(Ordinance 2019-6 – 08/19/2019: Effective 08/19/2019)*

#### **2.24.050 CITY RECREATION DIRECTOR**

- A. The City Recreation Director shall be selected by the Mayor following the City's employment policy, with the final hiring approval the responsibility of the City Council. Benefits and wages for the City Recreation Director will be recommended by the Mayor to the City Finance Committee for their review and if approved by the City Finance Committee the recommended wages and benefits will to be sent to the City Council for final approval.

*(Ordinance 2019-6 – 08/19/2019: Effective 08/19/2019)*

**2.24.060 CITY RECREATION ACCOUNT**

- A. There is a City Recreation account under the City's General Fund for the City Recreation Program expenses and income and expenses of the Recreation Programs and there is a Capital Projects Fund account for donations, and Recreation Program fees and Park Usage fees, etc., which are the duty of the City Treasurer to maintain. All monies raised by tax for recreation purposes and appropriated by the City Council or received by the Recreation Programs fees, fundraisers or donations or any other source shall be placed at the credit of such accounts and shall be disbursed and expended by the City Recreation Director in a regular manner. All City Recreation Program expenditures and claims against the City must be in writing, filed with the City Treasurer, allowed by the City Council and paid by warrant drawn upon the City treasury.

*(Ordinance 2019-6 – 08/19/2019: Effective 08/19/2019)*

**2.24.070 CITY RECREATION PROGRAM EMPLOYEES**

- A. City Recreation Program personnel shall be selected by the Mayor following the City's employment policy, with the final hiring approval of such personnel the responsibility of the City Council. Benefits and wages for such personnel will be recommended by the Mayor to the City Finance Committee for their review and if approved by the City Finance Committee the recommended wages and benefits will to be sent to the City Council for final approval.

*(Ordinance 2019-6 – 08/19/2019: Effective 08/19/2019)*

## CHAPTER 2.26: BOARD OF HEALTH

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### SECTIONS:

#### 2.26.010 .. DUTIES OF HEALTH OFFICER

#### 2.26.020 .. APPOINTMENT OF POLICE OFFICER

#### 2.26.030 .. HEALTH OFFICER TO CAUSE SANITARY INSPECTIONS

#### 2.26.040 .. REPORTING AND HANDLING OF CONTAGIOUS AND INFECTIOUS DISEASES

#### 2.26.050 .. HEALTH OFFICER TO TAKE MEASURES FOR CONTROL OF CONTAGIOUS AND INFECTIOUS DISEASES

#### 2.26.070 .. INTERACTIONS WITH THE COUNTY HEALTH OFFICER AND BOARD OF HEALTH

#### 2.26.060 .. VIOLATIONS; PENALTY

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#### **2.26.010: DUTIES OF HEALTH OFFICER**

- A. The Health Officer shall be a legally qualified physician and possessed of requisite knowledge of sanitary science and of preventive medicine; and it shall be his duty to advise the Board in all matters relating to public health, and to superintend the enforcement and observance of the provisions of this chapter. Before entering upon the duties of his office, he shall take the usual oath of office and he shall receive such compensation as the council may determine.

*(Ordinance 1 – 1/17/1980: Effective 1/17/1980)*

#### **2.26.020: APPOINTMENT OF POLICE OFFICER**

- A. The Chief of Police shall, when necessary, assign a police officer to accompany the Health Officer who shall assist the Health Officer and perform the duties and services which may be prescribed by the said Board of Health from time to time.

*(Ordinance 1 – 1/17/1980: Effective 1/17/1980)*

#### **2.26.030: HEALTH OFFICER TO CAUSE SANITARY INSPECTIONS.**

- A. The Health Officer shall cause, when necessary, a thorough sanitary inspection of houses and premises within the city limits under his superintendence. Such inspection shall include all matters affecting the public health and that for the purpose of making such inspection, the Health Officer shall be permitted at all times, to enter into any house, store, stable or other building, and cause floors to be raised or other work done that may be necessary to make a thorough examination. Whenever said Health Officer shall ascertain that the conditions of any building or premises or vault or cesspool are injurious to the health or dangerous to the lives of the occupants of such property or of the public, it shall be the duty of the Health Officer to notify the owner of such property of such condition, and also to direct and instruct in such notice as to the remedy therefor; and if such removal or cleansing be not effected within three (3) days, or reasonable time after such notification, the offending person or persons shall be punished by fine not exceeding the sum of one hundred dollars (\$100.00), and the necessary expenses incurred in the necessary removal or cleansing of said property.

*(Ordinance 1 – 1/17/1980: Effective 1/17/1980)*

**2.26.040: REPORTING AND HANDLING OF CONTAGIOUS AND INFECTIOUS DISEASES**

- A. Every householder within close dwelling or place of residence there shall occur a case of cholera, yellow fever, typhoid fever, scarlet fever, diphtheria, smallpox, varioloid, chickenpox, membranous croup, Spanish influenza, or other infectious or pestilential disease, shall immediately notify a member of the Board of Health of the same; and until instructions are received from the Health Officer permitting the same, no clothing or other property that may have been exposed to the contagion or infection, shall be permitted to be removed from the house, nor shall any occupant of such infected dwelling change his residence elsewhere, without the consent of the Health Officer, during the prevalence of any danger from such disease.
- B. Every physician or other attendant upon any person sick with any of the diseases above-named, or other disease dangerous to the public health, must forthwith report such sickness in writing to the Health Officer, giving the name of such sick person, the disease from which such person is suffering, together with the location of such sickness.

*(Ordinance 1 – 1/17/1980: Effective 1/17/1980)*

**2.26.050: HEALTH OFFICER TO TAKE MEASURES FOR CONTROL OF CONTAGIOUS AND INFECTIOUS DISEASES**

- A. The health officer may take such measures as he may from time to time deem necessary to prevent the spread of the smallpox and may issue an order requiring all persons in the city or any part thereof, requiring vaccination, to be vaccinated within such time as he shall prescribe.

*(Ordinance 1 – 1/17/1980: Effective 1/17/1980)*

**2.26.060: VIOLATIONS PENALTY**

- A. Any person who shall violate any of the provisions of this chapter, or interfere with the Health Officer or his agents in the discharge of their duty, or who shall be guilty of any act calculated to interfere with or defeat the carrying into effect of any regulation or order of the Health Officer, shall upon conviction thereof, be subject to a fine not to exceed the sum of one hundred dollars (\$100.00) for each offense.

*(Ordinance 1 – 1/17/1980: Effective 1/17/1980)*

**2.26.070: INTERACTION WITH THE COUNTY HEALTH OFFICER AND BOARD OF HEALTH**

- A. The City reserves the right to utilize the services of the County Health Officer.
- B. The Public Health Superintendent will act as the liaison to the Board of Health.

*(Ordinance 2019-6 – 08/19/2019: Effective 08/19/2019)*



## **CHAPTER 2.28: INDEMNIFICATION OF PUBLIC OFFICERS AND EMPLOYEES**

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### **SECTIONS:**

#### **2.28.010 .. PURPOSE**

#### **2.28.020 .. IMMUNIZATION, INDEMNIFICATION AND DEFENSE**

#### **2.28.030 .. EXCEPTIONS**

#### **2.28.040 .. NOTICE**

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#### **2.28.010: PURPOSE**

- A. It is the purpose of this chapter to provide for Immunization, defense and indemnification of public officers and public employees of the City, civilly sued for alleged violations of Constitutional Initiative 75 for actions taken within the course and scope of their employment. (Ord. 88, 2-99)

*(Ordinance 1 – 1/17/1980: Effective 1/17/1980; Ordinance 88 – 1/4/1999: Effective 1/4/1999)*

#### **2.28.020: IMMUNIZATION, INDEMNIFICATION AND DEFENSE**

- A. In any civil action brought against any public official or public employee of the city alleging a violation of Constitutional Initiative 75, the City 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 2.28.030.

*(Ordinance 1 – 1/17/1980: Effective 1/17/1980; Ordinance 88 – 1/4/1999: Effective 1/4/1999)*

#### **2.28.030: EXCEPTIONS**

- A. In a civil action alleging a violation of Constitutional Initiative 75, in which a public official or public employee of the City is a party defendant, the public official or public employee may not be defended or indemnified by the City 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:
1. 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's or public employee's employment;
  2. The public official or public employee compromised or settled the claim without the consent of the City; or
  3. The public official or public employee failed or refused to cooperate reasonably in the defense of the case.
- B. If no judicial determination has been made applying the exclusions provided above, the City may determine whether those exclusions apply. However, if there is a dispute as to whether the exclusions apply, and the City 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 has no 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 under this section.

*(Ordinance 1 – 1/17/1980: Effective 1/17/1980; Ordinance 88 – 1/4/1999: Effective 1/4/1999)*

**2.28.040: NOTICE**

- A. Upon receipt of service of Summons and Complaint alleging a violation of Constitutional Initiative 75, the public official or public employee shall give written notice to the City Mayor or to the City Attorney requesting that a defense to this action be provided by the City.

*(Ordinance 1 – 1/17/1980: Effective 1/17/1980; Ordinance 88 – 1/4/1999: Effective 1/4/1999)*

## CHAPTER 2.30: POLICE COMMISSION

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### SECTIONS:

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#### 2.30.010: PURPOSE

- A. The purpose of the Police Commission shall be to provide a civilian board to review complaints concerning police officers, to comply with the requirements of Montana state law, and to fully assert our self-governing powers to provide appropriate checks and balances on the City of Deer Lodge Police Department

*(Ordinance 153 – 3/4/2013: Effective 4/4/2013)*

#### 2.30.020: POWERS AND DUTIES

- A. The Police Commission shall have the powers and duties set forth herein, including:
1. To adopt bylaws for its internal operation. Said bylaws shall be kept on file with the City Clerk;
  2. To accept, review, hear and make findings on any citizen complaints against officers of the City of Deer Lodge Police Department;
  3. To examine applicants for police officer positions, as set forth in Montana state law;
  4. To hear appeals of police officers as set forth in Montana state law.

*(Ordinance 153 – 3/4/2013: Effective 4/4/2013)*

#### 2.30.030: MEMBERSHIP

- A. There shall be three (3) members of the Police Commission with the option of having one alternate, who shall be qualified electors of the City of Deer Lodge. All members shall serve without compensation.
- B. A quorum shall consist of two (2) members.
- C. The members shall be appointed by the City Council. NO members of the Police Commission shall be a former or current employee of the City of Deer Lodge Police Department or have members of their immediate family who are employees of the City of Deer Lodge Police Department.
- D. Membership shall be staggered such that a single member's term will be up for reappointment or replacement each year.
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- E. Police Commission membership shall be requested by letter of interest, an interview process, and appointed by the Mayor with the approval of the City Council.

*(Ordinance 153 – 3/4/2013: Effective 4/4/2013; Ordinance 2019-6 – 08/19/2019: Effective 08/19/2019)*

**2.30.040: TERM OF OFFICE**

- A. Each member of the Police Commission shall serve a three (3) year term. Terms shall be staggered at 1-year intervals.

*(Ordinance 153 – 3/4/2013: Effective 4/4/2013; Ordinance 2019-6 – 08/19/2019: Effective 08/19/2019)*

**2.30.050: MEETINGS**

- A. The Police Commission shall meet at the call of the Chairperson and at such times as the Police Commission may determine.

*(Ordinance 153 – 3/4/2013: Effective 4/4/2013)*

**2.30.060: CITIZEN COMPLAINTS**

- A. The Police Commission shall have the jurisdiction and it shall be its duty to hear, try, and decide all citizen complaints brought by a person against any officer of the Police Department, including any complaint that such member or officer:

1. Is incompetent or has become incapacitated, by age, disease, or otherwise, to discharge the duties of his/her office;
2. Has been guilty of neglect of duty, of misconduct in his/her office, or of conduct unbecoming of a police officer;
3. Has been found guilty of any crime; or
4. Whose conduct has been such as to bring reproach on the Police Department.

*(Ordinance 153 – 3/4/2013: Effective 4/4/2013)*

**2.30.070: COMPLAINT PROCEDURE**

- A. All such complaints shall be handled as set forth in **Section 2.30.100: RULES OF PROCEDURE (CITIZEN COMPLAINTS)** for hearings held by the Police Commission. Copies of this chapter shall be available at the Police Department, the City Clerk's Office, and the City Attorney's Office, and shall be given to any person who makes a complaint or allegation against any officer of the City of Deer Lodge Police Department.

*(Ordinance 153 – 3/4/2013: Effective 4/4/2013)*

**2.30.080: RETALIATION**

- A. No police officer or employee of the City of Deer Lodge Police Department may retaliate against any person for filing any complaint pursuant to this chapter. Any such retaliation, if proven shall be grounds for termination of employment.

*(Ordinance 153 – 3/4/2013: Effective 4/4/2013)*

**2.30.090: CONTINUING AUTHORITY OF POLICE CHIEF**

- A. Nothing herein shall deprive the Chief of Police of the authority to carry out his or her duty to properly "exercise direct and indirect supervision over all management, supervisory, professional, technical, and clerical staff of the City Police Department: as set forth in the job description and pursuant to Ordinance. The Chief of Police continues to

have authority and duty to supervise and discipline officers as he or she deems necessary, subject to review on appeal of the officer to the Police Commission, as set forth by Montana State law. In the event that a complaint is filed after discipline has already been imposed by the Chief of Police, any discipline already imposed must be withdrawn or offset against any additional disciplinary action taken.

*(Ordinance 153 – 3/4/2013: Effective 4/4/2013)*

**2.30.100: RULES OF PROCEDURE (CITIZEN COMPLAINTS)**

- A. **Format for Filing Complaints:** Any complaint brought against any officer of the City of Deer Lodge Police Department must be in writing as required by the Police Commission. The complaint need not be in any particular form, but must include:
1. The name of the officer against whom the complaint is brought;
  2. The name and contact information of the person making the complaint;
  3. A clear and particular description of the complaint against the accused officer, including the approximate date, time, place, and nature of the acts or omissions.
- B. **Place for Filing:** The Office of the Deer Lodge City Mayor shall be the place for filing complaints brought against any officer of the City of Deer Lodge Police Department, one original of the complaint shall be deposited with the Mayor.
1. A copy of the complaint shall be mailed or delivered by the Mayor to the City Attorney, the Chief of Police, and each member of the Police Commission.
  2. A copy shall be served upon the accused officer at least thirty (30) days before the time fixed for hearing on said complaint.
  3. The Mayor will maintain a file of the complaints and keep a record of the dates of filing of each instrument or writing related thereto.
- C. **Time Limitations:** Any complaint must be filed within ninety (90) days of the date of the alleged behavior, unless good cause is shown for the delay.
1. If the complaint alleges that an officer has been convicted of any criminal offense, the complaint may be filed within ninety (90) days of the date of conviction.
- D. **Initial Review:**
1. The Police Commission shall conduct an initial review of any complaints filed to determine if the complaint is timely and appropriate for further action at the time by the Police Commission, if the complaint alleges criminal conduct against a police officer that has not yet been processed in the criminal justice system, the Police Commission may refer the complaint to the City Attorney with a request that an independent investigation and request for prosecution occur prior to any Police Commission proceedings.
  2. The Police Commission may also summarily dismiss any complaint that fails to state a proper claim, is not timely, that appears frivolous, or that fails to meet other Police Commission criteria.
  3. If the complaint is not referred for investigation or dismissed, the Police Commission shall set a date for hearing on the complaint.
- E. **Place and Notice of Hearing:**
1. Hearings on complaints brought against an officer shall be held in the City Hall or at such other places as the Chairperson of the Police Commission may designate.

2. Notice of the time, date, and place of hearing shall be mailed or delivered by the Police Commission to the accused officer, the person filing the complaint, the City Attorney, the Chief of Police, the Mayor, and shall be included on the public meeting calendar of the City.
  - a. Such notice shall be provided at least thirty (30) days before the time fixed for hearing of such charge.
- F. **Rights of the Accused Officer:** The accused officer shall have the right to be present at the hearing in person and by counsel, to review and examine witnesses or evidence against him or her, and to be heard and to give and furnish evidence in his or her defense.
- G. **Open Meetings:** All hearings and records of the Police Commission shall be open to the public.
- H. **SUBPOENAS:**
  1. The Chairperson or Acting Chairperson of the Police Commission shall have 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.
  2. The Police Commission shall have the same authority to enforce obedience to the subpoena and to punish the disobedience is subject to review by the District Court.
- I. **PROCEDURE AT HEARING ON COMPLAINT AGAINST POLICE OFFICER:**
  1. At the hearing on the complaint brought against an office of the Police Department, the person making the complaint, or his/her attorney, will present evidence and witnesses on his/her behalf and in support of the complaint.
  2. At the conclusion of the complainant's case, the accused officer may produce evidence and witnesses on his or her behalf, and he or she may testify. Both the complainant, the accused officer, or their attorneys, may ask questions of the witnesses brought by the other.
  3. The City Attorney shall act as counsel to the Police Commission.
  4. In all hearings, each member of the Police Commission and the City Attorney may ask additional questions as they consider necessary or advisable.
  5. The Rules of Evidence and Rules of Civil Procedure applicable to courts of record in Montana shall apply to the hearing.
  6. The Police Commission or such member of the Police Commission designated shall make all rulings with respect to the admissibility of evidence, with the advice and counsel of the City Attorney.
- J. **DECISION BY POLICE COMMISSION:**
  1. The Police Commission must, after the conclusion of the hearing, decide whether a complaint was proven or not proven by a decision of a majority of the Commission.
  2. The Police Commission's findings and decision shall be reduced to writing, and shall be forwarded to the accused officer, the Chief of Police, and the Mayor.
- K. **DISCIPLINARY ACTION:**
  1. When a complaint against a member of the City of Deer Lodge Police Department is found proven, the Chief of Police shall decide the appropriate disciplinary action for the officer affected.

2. The Chief of Police shall inform the Police Commission and the officer affected of the proposed disciplinary action in writing within five (5) days of the final decision, before any such discipline is imposed.
3. Either the officer or the Police Commission may appeal the proposed disciplinary action to the Deer Lodge City Mayor.
  - a. Upon appeal, the Mayor will review written arguments, and then issue a final disciplinary action, which will be implemented by the Chief of Police.

*(Ordinance 153 – 3/4/2013: Effective 4/4/2013)*

**2.30.110: EFFECTIVE DATE**

- A. This Ordinance shall take effect on April 4, 2013.

*(Ordinance 153 – 3/4/2013: Effective 4/4/2013)*