

TITLE VI

POLICE
AND
FIRE
DEPARTMENTS

POLICE AND FIRE DEPARTMENTS

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CHAPTER 6.02

POLICE DEPARTMENT

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6.02.10 **Department supervised by mayor** The mayor or the manager of the Town of Browning shall have charge of and supervision over the police department thereof. He shall appoint all the members and officers thereof. Subject to the provisions of this chapter, he shall have the power to suspend or remove any member or officer of the force. He shall make rules, not inconsistent with the provisions of this chapter, the other laws of the state, or the ordinances of the Town of Browning Council for the government, direction, management, and discipline of the police force. He or she shall nominate, and with the consent of the council, appoint one chief of police, one assistant chief of police, and such subordinate officers of the police force as may be required.

6.02.20 **Duties of the chief of police** 1. It is the duty of the chief of police:

- 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;
- To arrest all persons guilty of a breach of the peace or for the violation of the town ordinances and bring them before the city judge for trial;
- To have charge and control of all policemen, subject to such rules as may be prescribed by ordinance, and to report to the council all delinquencies or neglect of duty or official misconduct of policemen for action of the council;
- To perform such other duties as the council may prescribe.

2. To have the same power 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 town of Browning is a party.

(M.C.A. 7-32-4105)

6.02.30 **Assistant chief of police.** The assistant chief of police shall be under the direct supervision and control of the chief of police and shall, in the absence or disability of the chief of police, perform the duties of that officer.

6.02.40 Duties of police. The police officers of the Town of Browning shall carry out the orders of their superior officers and observe the rules and regulations prescribed for the discipline of the police force. Within the limits prescribed by law, they shall do all things necessary for the prevention and detection of crime in the Town of Browning.

6.02.50 Special policemen. Whenever the mayor considers it necessary to increase the police force, he or she may employ suitable persons as special policemen. (Residential requirements for special policemen see M.C.A. 7-32-301 thru 7-32-304, 7-32-2112.

6.02.60 Disposal of unclaimed personal property. Any article of personal property acquired by the police department in the course of its law enforcement activities shall be held by the department for thirty (30) days, unless claimed by the owner sooner. If unclaimed at the end of that time, the property may be sold by the chief of police at public auction, for cash to the highest bidder, or may be disposed of as provided in Section 6.02.100.

6.02.70 Notice of sale of unclaimed property. The chief of police shall give notice of the time and place of the sale of unclaimed personal property by publishing a notice thereof in a newspaper of general circulation published within the Town of Browning or, if none exist therein, in a newspaper of general circulation in the county. The announcement shall be placed in one regular issue of the paper. If any of the property to be sold is of the value of one hundred dollars or more, the notice shall contain a general description of such property with the name of the owner thereof, if known.

6.02.80 List of property sold. The chief of police shall make a list, in duplicate, of the property sold under authority of Section 6.02.60, giving, as far as possible, a general description of each piece of property sold and the name of the owner thereof, if known, and the amount of money derived from the sale thereof. One copy of the list shall be retained by the chief of police and the other delivered to the Town of Browning clerk.

6.02.90 Disposition of proceeds from sale. All moneys derived from sales of unclaimed personal property shall be paid to the Town of Browning Treasurer and by him or her placed in the general fund of the Town of Browning.

6.02.100 Disposal of unclaimed property to charity. When any unclaimed article of personal property is of a value less than fifty dollars, the chief of police, in his discretion, may authorize it to be destroyed or given to any organization which will use such property for public or charitable purposes. For all such property given away, the chief of police shall take a receipt therefore. He or she shall file with the Town of Browning clerk a list of all property destroyed or given away, showing the estimated value of each article.

CHAPTER 6.04

FIRE DEPARTMENT

Sections:

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- 6.04. 030 Powers and duties of fire chief.
- 6.04. 040 Assistant chief.
- 6.04. 050 Command at fires.
- 6.04. 060 Command to be assumed by first member of department on scene.
- 6.04. 070 Refusal to assist---Penalty.
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- 6.04. 100 Hazardous obstructions—Orders to remove or remedy.
- 6.04. 110 Compliance with orders required.
- 6.04. 120 Interfering with or obstructing fire personnel.
- 6.04. 130 Qualifications.
- 6.04. 140 Salaries.
- 6.04. 150 Command and Control by fire chief at fires.
- 6.04. 160 Penalty – Interference of firemen.
- 6.04. 170 Examination limits
- 6.04. 180 Notice after Examination
- 6.04. 190 Penalty

6.04. 010 Composition. The fire department of the municipality shall be a volunteer fire department. The volunteer fire department shall consist, of a chief of the fire department, assistant chief of the fire department and such firemen as may be authorized by the municipal council.

6.04 020 Nominations and appointments. The Mayor shall nominate and, with the consent of the council, appoint the chief of the fire department, the assistant chief of the fire department and all firemen.
Authority of municipality to establish fire department, see M.C.A. 7-33-4201.

6.04. 030 Powers and duties of fire chief. The chief of the fire department shall have sole command and control over all persons connected with the fire department of the municipality, and shall possess full power and the authority over its organization, government, and discipline, and to that end may from time to time establish such disciplinary rules and regulations as he may deem advisable, subject to the approval of the municipal council; he shall have charge of and be responsible for the engines and other apparatus, the property of the municipality furnished the fire department, and see that they are at all times ready for use in the extinguishing of fires.(Statutory reference: M.C.A. 7-33-4104)

6.04. 040 Assistant chief. In the absence of the chief of the fire department the assistant chief of the department shall exercise the functions and powers set

forth in Section 2.24.030.

6.04.050 Command at fires. The chief of the fire department shall have sole and absolute control and command over all other members of the fire department and all other persons present at fires, and the movement of all persons or property within the streets in any area threatened by fire.

6.04.060 Command to be assumed by first member of department on scene. The firemen or officer of the fire department who first arrives at a fire shall be the officer in command until the chief or assistant chief of the fire department arrives.

6.04.070 Refusal to assist—Penalty. The chief of the fire department and, in his absence, the assistant chief, when in the discharge of their duties in extinguishing or fighting fires, shall have authority to command any able-bodied citizen of the municipality to assist the department. Any person so ordered by the chief or the assistant chief who refuses to obey such order shall, upon complaint and conviction thereof, be fined not less than five dollars (\$5.00) nor more than ten dollars (\$10.00).

6.04.080 Ordering business near fire closed. The chief of the fire department shall have power, during any fire, and while the fire department is engaged in putting out the fire, to order any place of business in the vicinity of such fire closed for such length of time as he determines necessary for the safety and preservation of life and property. Any person who violates an order made pursuant to this section shall be punished as set forth in Section 1.16.020.

6.04.090 Preventative inspections. It shall be the duty of the chief of the fire department to inspect or cause to be inspected, as often as may be necessary, all buildings, premises and thoroughfares in the municipality, except the interior of private dwellings, for the purposes of ascertaining and causing to be corrected, and conditions liable to cause fires, or any violations of the provisions of this code or other ordinance of the municipality affecting fire hazards.

6.04.100 Hazardous obstructions—Orders to remove or remedy. Whenever the chief of the fire department, or any officer of the municipality or firemen shall find obstructions to or on fire escapes, stair, passageways, doors, windows, etc., liable to interfere with the operations of the fire department or egress of the occupants in case of fire, he shall order the same to be removed or remedied.
(Council may compel the building of fire escapes and safety exits, see M.C.A.7-15-4124.)

6.04.110 Compliance with orders required. Orders issued under authority of Section 2.24.100 shall be complied with promptly by the owner, his agent or occupant of the building or premises involved. Any person failing to comply shall be punished as set forth in Section 1.16.020.

6.04. 120 Interfering with or obstructing fire personnel. It shall be unlawful for any person to in any way interfere with or hinder any fireman while in the discharge or apparent discharge of his duty of preventing fires.

6.04. 130 Qualifications. The qualifications of firemen shall be that each shall be a citizen of the State of Montana, and be appointed by the Fire Chief and approved by the Council, and not over forty-five (45) years of age at the time of his appointment, and he shall be qualified to perform the physical work usually required of firemen in the performance of their duty.

6.04. 140 Salaries. The compensation of the Chief of the Fire Department and for other members shall be such as may, from time to time, be ordained by the Town Council; said salaries shall be paid out of the General Fund of the Town of Browning, by warrants drawn by the City Clerk, payable in the manner and under the same regulations as prevail in the payment of other town officers generally.

6.04. 150 Command and Control by Fire Chief at Fires. The chief of the fire department shall have the entire command and control and direction of all members of the fire department and over all other persons who may be present at fires. The chief of the 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, mayor, and aldermen, or those admitted by the chief of the fire department of his subordinates shall be permitted to come.

6.04. 160 Penalty – Interference of Firemen. Any person who shall willfully interfere with or hinder any town officer or firemen in the performance of his duty while going to or returning from any fire, or while attending to his duty as a member of the fire department, or who shall willfully and negligently drive any dray, wagon, automobile, or other vehicle across, along or upon any hose, or shall willfully deface, destroy or injure any property belonging to or connected with the fire department, shall be deemed guilty of a violation of this section, and upon conviction thereof, shall be subject to a fine of not more than five hundred dollars (\$500) or imprisonment in the town jail for a period of not more than six (6) months, or by both such fine and imprisonment.

6.04. 170 Examination Limits. The chief of the fire department shall have the power to enter and examine any building within the limits of the Town of Browning, for the purpose of inspecting the same; provided that such inspection be made within reasonable hours; and with the concurrence of the Town Council, may condemn such building and order it rebuilt or repaired so to be entirely consistent with public safety.

6.04. 180 Notice after examination. When any chimney, stove, stovepipe, oven, furnace, boiler, or appurtenance thereto, are defective, out of repair, or so placed in or upon any building so as to endanger it or any other building by communicating fire thereto, the chief of the fire department, on complaint of any citizen, either orally or in

writing, or upon his own examination, or other satisfactory proof, must give written notice to the owner, agent or occupant of the building or premises directing the owner, occupant or agent to repair the same so as to make it secure against accident by fire and he may in the notice require the occupant, owner or agent to replace any defective flue or stovepipe with a new and safe one; and if the occupant, owner or agent neglects to the space of three days to comply with the terms of said notice, on conviction thereof, shall be punished by a fine as hereinafter provided in this ordinance.

6.04. 190 Penalty. Any person violating a provision of this chapter for which another penalty has not been provided shall, upon conviction thereof, be punished as set forth in Section 1.16. 020.