

TITLE 2 ADMINISTRATION AND PERSONNEL

CHAPTER 1

MUNICIPAL OFFICERS IN GENERAL

2-1-01 ELECTED AND APPOINTED OFFICERS. The officers of the Town shall consist of one mayor and four (4) **council members**, who shall be elected by the qualified electors of the Town. The mayor, with the advice and consent of the council, **may appoint one (1) Town judge, one (1) clerk/treasurer and one (1) police chief**, and any other officers necessary to carry out the provisions of the municipal ordinances and state law. (Ord. 164, 1977; MCA 7-4-4103)

2-1-02 ELIGIBILITY TO OFFICE. No person is eligible for any municipal office, elective or appointive, who is not a citizen of the United States, and who has not resided in the municipality or any area which has been annexed thereto for at least 60 days immediately preceding his or her election or appointment, and is not a qualified elector thereof. **Appointed officers may seek consent of council to live outside the town limits.** (Ord. 261, 2015)

2-1-03 COMMENCEMENT OF TERM. The terms of all officers elected at a municipal election are to commence on the first Monday in January after such election. Appointed officers shall commence their duties within 10 days after receiving notice of their appointment. (Ord 238, 1992; MCA 7-4-4107)

2-1-04 VACANCY OF OFFICE. **An elected or appointed office becomes vacant on happening of any of the following events before the expiration of the term of the incumbent: death of the incumbent; the incumbent's resignation; the incumbent's removal from office; the incumbent's open neglect or refusal to discharge duties; the incumbent's ceasing to be a resident of the Town, except for appointed officers who reside outside the Town limits with consent of the Town council; the incumbent's ceasing to discharge the duties of office for a period of three (3) consecutive months, except when prevented by illness or when absent from the Town by permission of the council; the incumbent's conviction of a felony or of any offense involving moral turpitude or a violation of official duties.** (Ord. 165, 1977; MCA 7-4-4111)

2-1-05 FILLING VACANCY IN ELECTIVE OFFICE. **When any vacancy occurs in any elective office, this position is considered open and subject to nomination and election at the next general municipal election in the same manner as the election of any other person holding the same office, except the term of office is limited to the unexpired term of the person who originally created the vacancy. Pending an election and qualification, the council shall, by majority vote of its members, appoint a person within 30 days to hold the office until a successor is elected and qualified.** (Ord. 166, 1977; MCA 7-4-4112)

2-1-06 REMOVAL OF APPOINTED OFFICER. The council, upon written charges to be entered upon their journal, after notice to the party, and after trial by the council,

may remove any nonelected officer by vote of two-thirds of all the members-elect. (MCA 7-4-4113)

2-1-07 COUNCIL MAY ABOLISH OFFICE. The council may abolish, by a majority vote of the council, any office, except that of city judge, the appointment to which is made by the mayor with the advice and consent of the council and may discharge any officer so appointed. (MCA 7-4-4105)

2-1-08 CONSOLIDATION OF APPOINTIVE OFFICES. The Town may, by ordinance, consolidate any of the offices, **except that of city judge**, the appointment to which is made by the mayor with the advice and consent of the council and may require any of the elected officers to perform any of the duties of an appointed officer whose office has been abolished. (MCA 7-4-4106)

2-1-11 **DUTIES AND SALARIES.** The council **may prescribe the duties of all town officers** and, **by resolution**, fix their compensation. (MCA 7-4-4103(5) and -4201)

2-1-12 SALARY NOT TO BE CHANGED DURING TERM. The salary and compensation of an officer may not be increased or diminished during his term of office.

2-1-13 MONTHLY PAYMENTS OF ALL SALARIES. (SUGGEST REPEAL-see 2-1-11) The compensation of salaries paid by the Mayor and Councilpersons will be paid once quarterly. Salaries for clerk treasurer, marshall, and street commissioner shall be paid twice monthly and all others once at the end of each month. These shall be paid by warrants drawn upon town treasury except as otherwise provided. (Ord. 239, 1992)

2-1-13 OATH OF OFFICE. Every elected and appointed municipal officer shall take the oath of office prescribed in the Montana Constitution. Before the officer performs any official duties, the oath of office, certified by the official before who the oath is taken, must be filed. (Prior Code 2-1-21; MCA 7-4-4137)

2-1-21 BONDING OF MUNICIPAL OFFICERS AND EMPLOYEES. Each officer of the town who is required to give bond shall file the bond, duly approved, within 10 days after receiving notice of election or appointment or, if notice is not received, then on or before the date fixed for the assumption of the duties of the office to which the officer is elected or appointed. (Prior Code 2-1-21, MCA 7-4-4109)

2-1-23 PURCHASE OF BONDS. (SUGGEST REPEAL-not an equivalent statutory requirement) The council shall purchase all surety bonds for municipal officers and employees. A bond may cover an individual officer or employee or a blanket bond may cover all officers and employees, or any group or combination of officers or employees.

2-1-24 BOND CONDITIONS. (SUGGEST REPEAL--not an equivalent statutory requirement) The condition of every official bond must be that the principal shall

well, truly and faithfully perform all official duties then required of him by law, and also such additional duties as may be imposed on him by any law of the state or the municipality subsequently enacted, and that he will account for and pay over and deliver to the person or officer, entitled to receive the same, all moneys or other property that may come into his hands as such officer. The principal and sureties upon any official bond are also in all cases liable for the neglect, default, or misconduct in office of any deputy, clerk, or employee, appointed or employed by such principal.

All bonds must be signed and executed by the principal and two or more sureties, or by the principal and one or more surety companies organized as such under the laws of this state, or licensed to do business herein.

CHAPTER 2

MAYOR

2-2-01 QUALIFICATIONS OF MAYOR. A person is not eligible for the office of mayor unless, at the time of election to office, the person is at least 21 years old, has been a resident of the state for at least 3 years, and has been a resident for at least 2 years in the Town of Fromberg or an area that has been annexed by the town. The office of mayor is considered vacant if the individual elected as mayor ceases to be a resident of the town of Fromberg. (MCA 7-4-4301)

2-2-02 TERM OF OFFICE. The mayor shall hold office for a term of 4 years and until the qualification of a successor. (MCA 7-4-4302)

2-2-03 POWERS OF MAYOR. The mayor is the chief executive officer of the Town of Fromberg, and has power to:

(1) nominate and, with the consent of the council, appoint all non-elective officers of the town provided for by the council, except as provided by MCA Title 7;

(2) suspend and, with the consent of the council, remove any non-elective officer, stating in the suspension or removal the cause for the removal, and following the procedure set forth in 2-1-06;

(3) supervise the discharge of official duty by all subordinate officers;

(4) require of any of the officers of the town an exhibit of the officer's books and papers;

(5) request that the governor call out the militia to aid the mayor in suppressing riots or other disorderly conduct, preventing and extinguishing fires, securing the peace and safety of the town, or carrying into effect any law or ordinance. (MCA 7-4-4303)

2-2-04 MAYOR AS PRESIDING OFFICER OF COUNCIL. The mayor, as the presiding officer of the council, must sign the journal/minutes thereof and all warrants of the municipal treasurer, and decide by his or her vote all ties. The mayor has no other vote.

CHAPTER 3

COUNCIL

2-3-01 QUALIFICATIONS OF ALDERMAN (SUGGEST REPEAL, ALREADY COVERED BY ORDINANCE 2-1-02 ELIGIBILITY FOR OFFICE)

2-3-01 POWERS OF COUNCIL. The council has power to:

- (a) determine the rules of its proceedings, punish its members for improper conduct, and expel any member by a two thirds vote of the members elected;
- (b) make and pass all bylaws, ordinances, orders, and resolutions not repugnant to the constitution of the United States or the state of Montana or to the provisions of this title, necessary for the government or management of the affairs of the town, for the execution of the powers vested in the body corporate, and for carrying into effect the provisions of this title.
- (c) fix compensation for, and prescribe the duties of, all officers and other employees of the municipality, subject to the limitations set forth in the laws of Montana;
- (d) require a report in detail from any officer of the municipality at any time regarding the transactions of his officer, or any matter connected therewith;
- (e) make any and all contracts necessary to carry into effect the powers granted by the laws of Montana, and to provide for the manner of executing the same;
- (f) make regulations authorizing the police of the municipality to make arrests of persons charged with crime, within the limits of the municipality and within five miles thereof, and along the line of the water supply of the municipality;
- (g) impose fines and penalties for the violation of any municipal ordinance, but no fine or penalty shall exceed five hundred dollars, and no imprisonment shall exceed six months for any one offense. (Prior Code 2-5-02; MCA 7-5-4101)

2-3-02 JOURNAL. The council must cause a journal of the proceedings to be kept, which must be open to inspection. (MCA 7-5-4123)

2-3-03 **CONDUCT OF COUNCIL BUSINESS.** (1) A majority of the elected members of the council **present at the meeting** shall constitute a quorum for the transaction of business, but a lesser number may meet and adjourn to any time stated, and may compel the attendance of absent members under such rules and penalties as the council may prescribe. **Council members must be present to vote on any motion;** (2) **The ayes and nays must be called and recorded on the final passage of any ordinance, bylaw, or resolution or the making of any contract. The voting on the election or appointment of any officer must be *viva voce*. A majority of the whole number of the members elected is required to appoint or elect an officer, and such vote must be recorded.** (Prior Code 2-5-04; MCA 7-5-4121)

2-3-05 MEETINGS OF COUNCIL. The town council shall hold a regular meeting for the transaction of municipal business on the first Monday of each month **at 7:00 pm**. The mayor may call a special meeting for the purpose of discussing only one subject. The mayor may also call an emergency meeting to deal with an emergency situation affecting the public health, welfare, or safety of the community.

- (1) Agenda. The agenda for the meeting must include an item allowing public comment on any public matter that is not on the agenda of the meeting and

that is within the jurisdiction of the town of Fromberg. The council may not take action on any matter discussed unless specific notice of that matter is included on the agenda and public comment has been allowed on that matter. (MCA 2-3-103(1)(a)).

- (2) Notice. The agenda for the regular meeting and special meeting shall be posted in at least **three** public places in the town at least 48 hours prior to the meetings. (Ord. 263, 2015, MCA 7-2-4127)
- (3) Emergency meeting. In case of an emergency situation affecting the public health, welfare, or safety of the community, the mayor may call an emergency meeting and waive notice of the meeting. Such meeting shall be valid without notice. (Ord. 278, 2018; MCA 2-3-112(1))

2-3-07 PRESIDENT OF COUNCIL. At the first meeting succeeding the by-annual election, the council shall elect one of its members as president of the council. In the absence of the mayor, the president shall be the presiding officer of the council, and may perform the duties of the mayor. (Formerly Code 2-5-12)

2-5-13 TIME OF MEETING. SUGGEST REPEAL ALREADY COVERED IN 2-3-05.

2-3-08 ORDER OF BUSINESS. **The agenda for each meeting shall be set by the mayor, but must include the following:**

- (1) **reviewing and approving** the minutes of the last meeting;
- (2) approval of claims/bills;
- (3) public comment;
- (4) correspondence;
- (5) report of officers;
- (6) report of standing committees;
- (7) presentation of petitions and communications;
- (8) unfinished business;
- (9) new business.

(B) All questions relating to the priority of business shall be decided without debate. (Prior Code 2-5-14)

2-3-09 **CITIZEN ADVISORY COMMITTEES.** **The mayor shall appoint two standing committees, the auditing and finance committee, and committee on streets, alleys, and roadways. Both the mayor and the council have wide discretion to create any advisory committee viewed as necessary or convenient to promote the public health, safety and welfare and to appoint citizens to serve on these committees. Such citizen advisory committees should be created by resolution of the council. (Formerly Code 2-5-15)**

2-3-10 RULES OF THE COUNCIL. The proceedings of the council shall in all cases be governed by the following rules, unless the same be suspended temporarily by a vote of a majority of the council.

1. The mayor, or in his absence the president of the council, shall preserve order and decorum, and shall decide all questions of order, subject to appeal to the council.
2. Prior to speaking, every person shall address the mayor, and shall not proceed

until recognized by the mayor.

3. Every person shall rise while addressing the council, if requested.
4. When two or more persons address the presiding officer, the first arising shall have precedence.
5. While a question is being put, no member shall speak, or walk across the council room, or leave the room.
6. When any member is addressing the council, no other member shall engage in private conversation or do any act to divert or interrupt the speaker.
7. No member shall speak more than twice on the same subject without leave of the council, nor more than once until every member desiring to speak on the pending question shall have the opportunity to do so.
8. No motion shall be debated or put unless the same shall be seconded. It shall then be stated by the presiding officer, and at the request of any member shall be reduced to writing.
9. After a motion has been stated by the presiding officer, it shall be deemed in possession of the council, but may be withdrawn at any time before amendment or decision by the mover with the consent of his second.
10. If a question under consideration contains more than one distinct proposition, any member may demand a division.
11. When a question is under debate, no motion shall be entertained except the following motions:
 - a. to adjourn,
 - b. to lay on the table,
 - c. for the previous question,
 - d. to postpone to a certain day,
 - e. to commit to a standing committee,
 - f. to amend,
 - g. to amend indefinitely.These motions shall take precedence in the order in which they are stated.
12. A motion to adjourn shall always be in order, save when a member is addressing the chair, or a vote is being taken. Motions of adjourn and lay on the table shall not be debatable.
13. Every member of the council present shall vote upon every question submitted to the council, unless excused, or unless directly interested.
14. No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.
15. No motion for reconsideration shall be in order unless made at the same meeting or the meeting following that on which the decision was made, nor shall such motion be made save by one who voted with the majority upon the adoption.
16. In all cases the name of the member proposing a motion or resolution shall be entered with it in the **minutes** of the proceedings.
17. The yeas and nays shall be called and recorded on final passage of any ordinance, bylaw, resolution, or the making of any contract.
18. The voting on the election or appointment of any officer shall be done orally. A majority of the whole number of the members elected is required to appoint or elect an officer. Such vote shall be recorded in the **minutes** of the proceedings. (MCA 4-5-4121(2))

19. The mayor shall vote only in the case of a tie, and by his or her vote, all ties shall be decided.
20. All petitions, communications, ordinances, and resolutions shall be reduced to writing before being submitted to the votes of the council.
21. In all parliamentary practice not herein provided for, the mayor, with the consent of the council, shall select a standard work on rules of order, and shall see that a copy of this work is present and available at all meetings of the council.

2-3-31 RECORDING OF ORDINANCES. Moved to Title 1.

2-3-11 CONTRACTS. The council's conduct in approving and executing contracts and advertising for bids is governed by the procedures set forth in MCA 7-5-4301 et seq. (Prior Code 2-5-41; MCA 7-5-4301 et seq)

2-5-42 PERIOD OF ADVERTISEMENT. (SUGGEST REPEAL AS 2-3-41 COVERS THIS)

2-3-43 OPENING OF BIDS. (SUGGEST REPEAL AS 2-3-41 COVERS THIS)

2-5-44 EMERGENCY CONTRACTS. (SUGGEST REPEAL AS 2-3-41 COVERS THIS)

CHAPTER 4

CLERK/TREASURER

2-4-01 DUTIES OF CLERK: It is the duty of the clerk:

- (a) to attend all meetings of the council, to record and sign the proceedings thereof and all ordinances, by-laws, resolutions, and contracts passed, adopted, or entered into, and to sign, number, and keep a record of all licenses, commissions, or permits granted or authorized by the council;
- (b) to record all ordinances, resolutions and bylaws passed and adopted by the council;
- (c) to record the date, amount and person in whose favor and for what purpose warrants are drawn upon the municipal treasury;
- (d) to countersign and cause to be published or posted, as provided by law, all ordinances, bylaws or resolutions passed and adopted by the council;
- (e) to file and keep all records, books, papers, or property belonging to the municipality, and to deliver the same to his or her successor when qualified;
- (f) to make and certify copies of all records, books, and papers in his or her possession, on the payment of like fees as are allowed county clerks, which fees must be paid into the municipal treasury;
- (g) to give notice of all elections as required by law, and to notify all persons of their election or appointment to office;
- (h) to perform such duties in and about the assessment, levy and collection of taxes and assessment as may be prescribed by law or ordinance;
- (i) to take and administer oaths, but must not charge or receive any fees

therefor;

- (j) to perform such other and further duties as the council may prescribe.
(MCA 7-4-4501)

CHAPTER 5

REPLACE INSPECTIONS AND COMMISSIONERS WITH PUBLIC WORKS DEPARTMENT

2-2-01 APPOINTMENT OF BUILDING INSPECTOR (SUGGEST REPEAL-Town does not have the money to hire and employ a certified building inspector. The state has building inspectors that the town could pay on an individual basis to inspect a nonconforming building)

2-2-02 DUTIES OF THE BUILDING INSPECTOR. (SUGGEST REPEAL-Town does not have the money to hire and employ a certified building inspector. The state has building inspectors that the town could pay on an individual basis to inspect a nonconforming building)

2-2-03 POWERS OF BUILDING INSPECTOR. (SUGGEST REPEAL-Town does not have the money to hire and employ a certified building inspector. The state has building inspectors that the town could pay on an individual basis to inspect a nonconforming building).

2-5-01 APPOINTMENT OF PUBLIC WORKS DIRECTOR. The Public Works Director may be appointed by the mayor, subject to confirmation by the town council.

2-5-11 DUTIES OF SEWER AND WATER COMMISSIONER. (SUGGEST REPEAL-see last paragraph below)

2-2-12 POWERS OF THE SEWER AND WATER COMMISSIONER. (SUGGEST REPEAL-language in next paragraph) Suggested changes to language of 2-2-11 and 2-2-12.

2-5-02 PUBLIC WORKS DIRECTOR. The town's sewer and water systems are managed by the public works department. The public works department shall be headed by the public works director who shall be under the supervision and control of the mayor, subject to the direction of the town council. The duties of the public works director shall be to:

- (1) take charge of the public works department of the town;
- (2) recommend such rules and regulations as may be necessary to the proper management of the town's public works;
- (3) inspect all plumbing work and all other work subject to his or her supervision;
- (4) supervise and control all excavations made in the streets or alleys of the town for sewers, drains, gas or water pipes;
- (5) notify the council of any violations of state laws and town ordinances pertaining to public works.

CHAPTER 6

POLICE DEPARTMENT

2-6-01 POLICE DEPARTMENT. The Chief of Police, together with any peace officers subordinate to him and the administrative personnel of his office, shall be known as the police department.

2-6-02 DEPARTMENT SUPERVISED BY MAYOR. The mayor shall have charge of and supervision over the police department. He shall enforce the observance of all ordinances that regulate the management and discipline of the police department.

2-6-03 APPOINTMENT OF MEMBERS. The mayor shall nominate, and with the consent of the council, appoint one Chief of Police and such subordinate officers of the police force as may be required.

2-6-11 POWERS AND DUTIES OF CHIEF OF POLICE. The powers and duties of the Chief of Police are to:

- (a) Execute and return all process issued by the City Judge, or directed to him by any legal authority, and attend and assist the City Court on scheduled court dates. The police chief may not serve process in a civil action or proceeding, except when the Town is a party. (MCA 7-32-4105)
- (b) Have charge and control of all police officers, 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 police officers.
- (c) Enforce all ordinances of the Town of Fromberg and all violations of state statute that occur in the Town of Fromberg.
- (d) Investigate all accidents.
- (e) Maintain records of all reportable offenses and incidents associated with his office. Quotas for investigative stops, citations, or arrests may not be established and may not be used in evaluating police officers' performance.
- (f) Perform such other lawful duties as the council may prescribe.

2-6-13 ANIMAL RECORDS. The Chief of Police shall have access to the dog registry maintained by the Town Clerk, and shall maintain records of the disposition of any animals which have been impounded. The records shall be kept for a period of five years and shall be open to the public upon request.

2-6-14 RECORDS OF TRAFFIC VIOLATIONS. The Chief of Police shall keep a record of all violations of State Statutes and Town Ordinances as they apply to traffic within the Town, together with a record of the final disposition of all such alleged offenses. Each record shall be maintained for a five year period. All forms for records of violations and notices of violations shall be serially numbered. All records and reports shall be public records subject to the limitations set forth in Title 44, Chapter 5 applicable to criminal justice information.

2-6-21 DUTIES OF POLICE OFFICERS. The police officers of the town 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.

2-6-22 RESERVE OFFICERS. A reserve officer is a sworn, part-time volunteer member of a law enforcement agency who is a peace officer as defined in MCA 46-1-202, and has the arrest authority as described in MCA 46-6-210. The mayor may appoint reserve officers with the consent of the council. To be appointed as a reserve officer, a person must have the qualifications set forth in MCA 7-32-213. No reserve officer may be authorized to function as a representative of a law enforcement agency performing general law enforcement duties after two years from the original appointment unless the reserve officer has satisfactorily completed the 88-hour basic training program for police officers set forth in MCA 7-32-214.

2-6-31 DISPOSAL OF UNCLAIMED 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 ninety (90) days, unless claimed by the owner before then. If the owner of said items is known, the Chief of Police shall make verbal or mailed notice to such persons. Said articles shall to be stored in a pre-determined safe area or facility evidence room. If personal property remains unclaimed after ninety (90) days, 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 2-3-35 of this Chapter.

2-6-32 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 in the county. If any 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.

2-6-33 LIST OF PROPERTY SOLD. The Chief of Police shall make a list, in duplicate, of the property sold, giving as far as possible, a general description of each piece of property sold and the name of the owner, if known, and the amount of money derived from the sale of the property. All said property are to be sold "As is, Where is."

2-6-34 DISPOSITION OF PROCEEDS. All moneys derived from sales of unclaimed personal property shall be deposited in the general fund of the town.

2-6-35 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 may authorized it to be given to any organization which will use such property for public or charitable purposes. If any unclaimed article of personal property is clearly of no worth whatsoever, the Chief of Police may authorize it to be destroyed. For all such property given away, the Chief of Police shall obtain a receipt, and he shall file a list of all property given away or destroyed with the town clerk, showing the estimated value of each article.

CHAPTER 7

CITY COURT

2-7-01 CITY COURT ESTABLISHED. A **City** court is established in the municipality and shall be open for all business civil and criminal. On non-judicial days, the court may transact criminal business only (Prior Code 2-4-01; MCA 3-11-101).

2-7-02 JURISDICTION OF CITY COURT.

1. **Concurrent Jurisdiction.** The **City** court has concurrent jurisdiction with the Justice's court of all misdemeanors and proceedings mentioned and provided for under MCA 3-10-301.

2. **Exclusive Jurisdiction.** The City court has exclusive jurisdiction of:

(a) all proceedings for the violation of any ordinance of the municipality, both civil and criminal, which must be prosecuted in the name of the municipality;

(b) **when the amount of the tax or assessments sought does not exceed \$9,500, actions for the collection of taxes or assessments levied for municipal purposes; for the erection or improvement of public buildings; for the laying out, opening, or improving of a public street, sidewalk, alley, or bridge; for the acquisition or improvement of any public grounds, and for any and all public improvements made or ordered by the municipality within its limits. No lien on the property taxed or assessed for the nonpayment of the taxes or assessments may be foreclosed in any such action;**

(c) **actions for the collection of money due to the Town or from the Town to any person when the amount sought, exclusive of interest and costs, does not exceed \$9,500;**

(d) **when the amount claimed, exclusive of costs, does not exceed \$9,500, actions for the breach of an official bond given by a Town officer; the breach of any contract when the Town is a party or is in any way interested; damages when the Town is a party or is any way interested; the enforcement of forfeited recognizances given to, for the benefit of, or on behalf of the Town; and collection on bonds given upon an appeal taken from the judgment of the court in any of the preceding actions;**

(e) **actions for the recovery of personal property belonging to the Town, when the value of the property, exclusive of the damages for the taking or detention, does not exceed \$9,500; and**

(6) **actions for the collection of any license required by any ordinance of the Town (Prior Code 2-4-02; MCA 3-11-103).**

2-4-03 PRELIMINARY EXAMINATIONS. (SUGGEST REPEAL)

2-4-04 PROCEEDING IN CRIMINAL ACTIONS. (SUGGEST REPEAL)

2-4-05 PROCEEDINGS IN CIVIL ACTIONS. (SUGGEST REPEAL)

2-7-05 CITY JUDGE—SALARY AND QUALIFICATIONS. The city judge, at the time of election or appointment must:

1. **meet the qualifications of a justice of the peace under MCA 3-10-202;**
2. **be a resident of the county in which the city or town is located; and**
3. **satisfy any additional qualifications prescribed by ordinance. (Prior Code 2-4-06; MCA 3-22-202)**

2-7-07 WHEN JUDGE CANNOT ACT. In all cases in which the judge is a party, or in which he is interested, or when he is related to either party by consanguinity or affinity within the sixth degree, and in case of sickness, absence, or inability to act, the city judge may call in a **city judge, justice of the peace, or some qualified person to act in the city judge's place when a disqualifying affidavit is filed against the judge pursuant to the supreme court's rules on disqualification and substitution of judges. residing in the municipality to act in his place.** (Prior Code 2-4-07; MCA 3-11-203)

2-7-08 COLLECTION OF FINES, ETC. BY POLICE JUDGE. (SUGGEST REPEAL)

2-7-08 JUSTICE OF THE PEACE OR JUDGE OF ANOTHER CITY AS CITY JUDGE. The council may designate a justice of the peace or the city judge of another city or town to act as city judge. The justice of the peace or city judge must reside in the county in which the town or city is situated. The town may by resolution fix the funding for the judge and enter into an agreement with the county, the other city or town, or the justice of the peace or the judge for payment of salaries and training expenses. The justice of the peace or other city judge shall, after agreeing to the designation and after approval of the board of county commissioners or governing body of the town, 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 MCA 2-18-503, by the town or city in which the court is held. (MCA 3-11-205)