

Chapter 20

FIRE PREVENTION AND PROTECTION*

Article I. In General

- Sec. 20-1. Lawful orders of officer or firefighter.
- Sec. 20-2. Fires and fire hazards.
- Secs. 20-3—20-22. Reserved.

Article II. Volunteer Fire Department

- Sec. 20-23. Creating a volunteer fire department.
- Sec. 20-24. Number of members.
- Sec. 20-25. Fire chief.
- Sec. 20-26. Rules and regulations.
- Sec. 20-27. Discipline of members.
- Sec. 20-28. Orders of mayor.
- Sec. 20-29. Monies pertaining to support of department.
- Sec. 20-30. Qualifications of firefighters.
- Sec. 20-31. Physical examination.
- Sec. 20-32. Term of appointment of firefighters; probation period.
- Sec. 20-33. Authority to suspend firefighters.
- Sec. 20-34. Suspension procedure.
- Sec. 20-35. Mutual aid agreements.

*State law reference—Fire protection, MCA 7-33-2001 et seq.

ARTICLE I. IN GENERAL**Sec. 20-1. Lawful orders of officer or firefighter.**

Every person who, at the burning of any building, structure or other fire, disobeys the lawful orders of any public officer or firefighter, or offers any resistance to, or interferes with, the lawful efforts of any firefighter or any company of firefighters to extinguish the same, or engages in any disorderly conduct calculated to prevent the same from being extinguished, or who forbids or prevents, or dissuades others from assisting to extinguish the same, shall be deemed guilty of a violation of this chapter.

(Prior Code, § 2.32.010)

Sec. 20-2. Fires and fire hazards.

It shall be unlawful for any person to build or cause to be built, within the corporate limits of this town and within a distance of 100 feet of any building, haystack or any body of combustible material, any bonfire.

(Prior Code, § 9-02-030; Ord. of 7-9-2008)

State law reference—Regulation of explosives, bonfires and other fire hazards, MCA 7-33-4205, 7-33-4206.

Secs. 20-3—20-22. Reserved.**ARTICLE II. VOLUNTEER FIRE DEPARTMENT*****Sec. 20-23. Creating a volunteer fire department.**

There is hereby created and established for the town a volunteer fire department which shall consist of a fire chief and such assistants and members as may be authorized by the town council.

(Prior Code, § 2.20.010; Ord. of 2-10-1997)

State law reference—Authority to create fire department, MCA 7-33-4102.

Sec. 20-24. Number of members.

Said fire department shall consist of not more than 28 members who shall reside within the town or the Jefferson Valley Rural Fire District.

(Prior Code, § 2.20.020; Ord. of 2-10-1997)

**State law reference*—Municipal fire departments, MCA 7-33-4101 et seq., 7-33-4201 et seq.

Sec. 20-25. Fire chief.

The fire chief and an assistant fire chief (if an assistant shall be determined by the town council to be needed) shall be nominated by the mayor and approved by the members of the town council. All other officers of the fire department shall be elected by the members of the fire department at an annual election to be held at their first meeting in January of each year.

(Prior Code, § 2.20.030; Ord. of 2-10-1997)

Sec. 20-26. Rules and regulations.

Said fire department shall make such rules and regulations governing its body and organization as it shall deem fit; provided, however, that the same shall in no way conflict with any of the rules or regulations adopted by the town council governing said fire department.

(Prior Code, § 2.20.040; Ord. of 2-10-1997)

Sec. 20-27. Discipline of members.

The fire chief shall be responsible for the discipline, good order and proper conduct of the officers and members constituting the fire department and for the condition of all apparatus connected with said department; and it shall be the fire chief's duty to report to the mayor any known conditions prevailing within the fire limits of the town (which shall be the same as the corporate limits) as shall be hazardous from the standpoint of fire danger.

(Prior Code, § 2.20.050; Ord. of 2-10-1997)

Sec. 20-28. Orders of mayor.

The fire chief shall be subject at all times to the proper orders of the mayor; and shall have sole and absolute control and command during conflagrations within the fire limits, and in exercising this authority shall have control not only of all members of the fire department, but of all other persons and property so far as the conducting and control of the same pertains to the regulation of the fire; subject, however, in such matters to the proper orders of the mayor.

(Prior Code, § 2.20.060; Ord. of 2-10-1997)

Sec. 20-29. Monies pertaining to support of department.

All budgeted monies pertaining to the support of the fire department shall be handled by the town clerk-treasurer and paid out by the town clerk-treasurer only upon proper warrants issued as all other warrants properly drawn.

(Prior Code, § 2.20.070; Ord. of 2-10-1997)

Sec. 20-30. Qualifications of firefighters.

The town determines that age is a valid, bona fide occupational qualification for the position of firefighter because of the rigorous physical demands and the expectation of many years of emergency service. The qualification of firefighters shall be that they have passed a pre-employment physical examination by a practicing physician duly authorized to practice in this state.

(Prior Code, § 2.20.080; Ord. of 2-10-1997)

Sec. 20-31. Physical examination.

The physical examination required by section 20-30 shall be in writing and filed with the town clerk-treasurer. Such examination shall disclose the ability of the applicant to perform the physical work usually required of firefighters in the performance of their duty.

(Prior Code, § 2.20.090; Ord. of 2-10-1997)

Sec. 20-32. Term of appointment of firefighters; probation period.

Each appointment shall be first made for a probationary term of six months, and thereafter the mayor shall nominate and, with the consent of the town council, appoint a fire chief (and assistant fire chief if deemed necessary by the town council), and firefighters who shall thereafter hold their respective appointments during good behavior and while they have the physical ability to perform their duties.

(Prior Code, § 2.20.100; Ord. of 2-10-1997)

Sec. 20-33. Authority to suspend firefighters.

(a) The mayor may suspend the fire chief, assistant fire chief, or any firefighter of the fire department for neglect of duty or a violation of any of the rules of the fire department.

(b) The fire chief of the fire department may suspend the assistant fire chief of the fire department or any firefighter for like cause.

(c) The assistant fire chief of the fire department may suspend any firefighter for a like cause.

(Prior Code, § 2.20.110; Ord. of 2-10-1997)

Sec. 20-34. Suspension procedure.

(a) In all cases of suspension, the person suspended must be furnished with a copy of the charge against said person in writing, setting forth reasons for the suspension. Such charges must be presented at the next meeting of the town council and a hearing had thereon where the suspended member of the fire department may appear in person or by counsel and make defense to said charges.

(b) Should the charges not be presented at the next meeting of the council after the suspension or should the charges be found not proved by the town council, the suspended person shall be reinstated.

(c) If such charges are found proven by the town council by a vote of the majority of the whole council, the town council may impose such penalty as it shall determine the offense warrants, either in the continuation of the suspension for a limited time, or in the removal of the suspended person from the fire department.

(Prior Code, § 2.20.120; Ord. of 2-10-1997)

Sec. 20-35. Mutual aid agreements.

The town council may enter into mutual aid agreements with the proper authority of other incorporated municipalities, fire districts, unincorporated municipalities, state agencies which have fire protection services, private fire-prevention agencies, federal agencies and fire service areas.

(Prior Code, § 2.20.130; Ord. of 2-10-1997)

Chapter 21

RESERVED

CD21:1