

## **ORDINANCE NO. 942**

**AN ORDINANCE OF THE CITY OF RED LODGE, MONTANA, TO AMEND THE MUNICIPAL CODE TITLE 5-POLICE DEPARTMENT, AS IT RELATES TO THE SUPERVISION OF THE DEPARTMENT, CHIEF OF POLICE, DUTIES OF POLICE, SPECIAL POLICE OFFICERS, AND THE UNCLAIMED PERSONAL PROPERTY.**

**WHEREAS**, The Red Lodge City Charter provides for the exercise of self-government powers; and

**WHEREAS**, §7-32-4101 authorizes and requires a Municipality to have a Police Force; and

**WHEREAS**, The Red Lodge City Council values review and revision of Ordinances to reflect the preferences of the community; and

**WHEREAS**, The management, direction and oversight of our law enforcement is integral to the public health and safety of the City of Red Lodge and its citizens; and

**WHEREAS**, The City seeks to abide by all state regulations and changes overseeing such a department.

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL:**

1. The Municipal Code of the City of Red Lodge, Montana is hereby amended in those parts set forth below:

A. Title 5-Chapter 1 Police Department shall read as follows:

**5-1-1 Supervision of Department**

**5-1-2 Chief of Police**

**5-1-3 Assistant Chief of Police**

**5-1-4 Duties of Police**

**5-1-5 Special Police Officers**

**5-1-6 Authority Along Utility Lines**

**5-1-7 Unclaimed Personal Property**

**5-1-8 Municipal Police Officers Retirement System**

### **5-1-1 SUPERVISION OF DEPARTMENT**

The Mayor shall have charge of and supervision over the Police Department. He/she shall enforce the observance of all ordinances and guide law enforcement in City priorities that regulate the management and discipline of the police force.

### **5-1-2 CHIEF OF POLICE**

A. Qualifications: The Chief of Police shall have:

1. Meet all such requirements as are required for law enforcement officers in Montana Statute.
2. Attend meetings of the City Council whenever other job priorities permit.
3. Develop and present to the Mayor and Council a proposed departmental budget each fiscal year.
4. Have charge and control of all police officers, subject to such rules as may be prescribed by ordinance.

### **5-1-3 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.

### **5-1-4 DUTIES OF POLICE**

The police officers of the City 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 and legal to enhance the public health and safety of the Citizens of Red Lodge as well as prevent and detect crime in the City.

### **5-1-5 SPECIAL SERVICES OFFICERS**

The City of Red Lodge may authorize special services officers only on the orders and at the direction of the chief law enforcement administrator of the city. Authorized special services officers shall be certified officers under Title 7, Chapter 32, Part 3--PUBLIC SAFETY OFFICER STANDARDS AND TRAINING (POST), as amended.

### **5-1-6 AUTHORITY ALONG UTILITY LINES**

The police personnel are given jurisdiction to make such arrests and investigate such activities occurring along any utility lines within or outside and adjacent to the corporate limits of the City.

5-1-7 UNCLAIMED PERSONAL PROPERTY is amended as follows:

- A. Unclaimed property valued at \$20 or more must be held by the Red Lodge Police Department for a period of at least three (3) months;
- B. The officer in charge of evidence shall attempt to notify the legal owner of unclaimed property held in its possession by US Mail at the owner's last known address. After adequate time for return mail or other notification, the unclaimed property will be destroyed as allowed or required by local, state, or federal law, returned to the finder, donated, or otherwise sold at public auction to the highest bidder.
- C. If the unclaimed personal property held by the Red Lodge Police Department is lost property found by someone other than the legal owner, it shall be disposed of as follows:
  - 1) If the unclaimed personal property has a value of \$100.00 or more, the Red Lodge Police Department shall publish a legal notice in a newspaper of general circulation describing the unclaimed personal property, the estimated value of the property, where it was found and a deadline for the legal owner to claim the property.
  - 2) If the unclaimed personal property is lost property found by someone other than the owner and is valued at less than \$100.00, the Red Lodge Police Department shall hold the unclaimed personal property for a period of three (3) months to allow the legal owner sufficient time to claim the property.
  - 3) If the unclaimed property described in Section (C) (1) & (2), remains unclaimed by the legal owner, the finder of the unclaimed property may claim the property as his own after the requirements of (C) 1 or C(2) have been fulfilled.
- D. Any remaining unclaimed property will be destroyed as allowed or required by local, state, or federal law, returned to the finder, donated, or otherwise sold at public auction to the highest bidder.
  - 1) At least 10 days prior to the time fixed for the destruction, donation, or sale at public auction of unclaimed property, notice of the planned disposal must be given by publication one time in a newspaper of general circulation; and
  - 2) That prior to the time fixed for the destruction, return to the finder of lost property, donation or sale at public auction, the legal owner provides proof of legal ownership, the Red Lodge Police Department shall restore the property to the legal owner.
- E. The proceeds from the auction of unclaimed personal property or unclaimed property found by someone other than the legal owner shall be deposited in the Police Restricted Fund.

F. After property has been destroyed, returned, donated, or sold at public auction, the property or the value of the property is not redeemable by the owner or another person entitled to possession.

5-1-8 MUNICIPAL POLICE OFFICERS' RETIREMENT SYSTEM

The City hereby elects to join the municipal police officers' retirement system and to be bound by the provisions of Montana Code Annotated, Chapter 9, Title 19.

2. Effective Date.

This Ordinance shall be effective 30-days after approval of second reading by the City Council of the City of Red Lodge, Montana.

Be it ordained by the Council members of the City of Red Lodge.

First reading by the Council on the 24<sup>th</sup> day of September 2018.

Second reading by the Council on the 9<sup>th</sup> day of October 2018.

PASSED AND APPROVED BY NO LESS THAN FOUR MEMBERS OF THE RED LODGE CITY COUNCIL THIS 9<sup>th</sup> DAY OF OCTOBER 2018.

By: William B. Larson Bill Larson, Mayor

Attest: Loni J. Hanson Loni Hanson, City Clerk