

**Draft Dated: 3/30/2022**

**Ordinance**

**An ordinance amending Chapter 2.80 Missoula Municipal Code entitled "Residency Requirements for Emergency Public Safety Employees to change the distance from the city that peace officers and firefighters may live from 30 minute to 45-minute average and reasonable response time, include minor amendments to reflect current law and repeal an exception that no longer applies to current employees.**

**Be it ordained that Chapter 2.80 Missoula Municipal Code is hereby amended to read as follows:**

**Chapter 2.80**

**RESIDENCY REQUIREMENTS FOR EMERGENCY  
PUBLIC SAFETY EMPLOYEES**

Sections:

2.80.010 Purpose.

2.80.020 Applicability of chapter.

2.80.030 Continuous residency requirement.

2.80.040 ~~Repealed.Exception.~~

2.80.050 Failure to comply with chapter.

2.80.060 Measurement of ~~thirty minute~~forty-five minute average and reasonable response time.

**2.80.010 Purpose.** The purpose of this chapter is to better protect the health, safety, and welfare of the citizens of the city by establishing a continuous residency requirement for emergency public safety employees of the city who are employed in the police and fire departments. The city council declares that such a regulation is necessary and desirable in order to better ensure a relatively quick response time by public safety emergency personnel whenever emergency public safety employees must be called to work from their residence and desirable regulation in order to promote a feeling of greater personal responsibility for the welfare of the municipality of the city.

**2.80.020 Applicability of chapter.** The provisions of this chapter shall be applicable to all peace officers and firefighters employed by the city. The definition of a "peace officer" shall have the same meaning as it does in Montana State law Sections 45-2-101~~(48)~~ and 46-1-~~202~~ 210(8), MCA. ~~A "peace officer" is defined as meaning any person who by virtue of his office or public employment is vested by law with a duty to maintain public order or make arrests for offenses while acting within the scope of this authority.~~ The definition of a "firefighter" shall have the same meaning as it does in Montana State law Section 19-13-104.~~(7). A "firefighter" is defined as meaning a person employed as a full paid firefighter by the city.~~

**2.80.030 Continuous residency requirement.** Except as otherwise provided in Chapter 2.82, every individual employed by the city as either a peace officer or a firefighter shall be required to be a resident of the city or a resident of an area located within a ~~thirty~~forty-five minute average and a reasonable response time from the city limits as determined by the chief of the employee's respective department. This residency requirement applies from the date of initial employment to the end of employment as a city peace officer or city firefighter.

**2.80.040 ~~RepealedException.~~** ~~Any individual currently employed by the city as a full time peace officer or full time firefighter who does not currently reside within the geographical limits described in this chapter, shall be allowed to maintain his present residence. In the event that he change his present residence, he must immediately move within the geographical limits described in this chapter. Job related calls made to grandfathered residences outside the local directory will be paid for by the resident employee.~~

**2.80.050 Failure to comply with chapter.** Failure of a city peace officer or city firefighter to comply with the provisions of this chapter shall result in the automatic termination of the individual as a peace officer or firefighter employed by the city.

**2.80.060 Measurement of ~~thirty minute~~forty-five minute average and reasonable response time.** The measurement of the ~~thirty minute~~forty-five minute average and reasonable response time will be measured from the city limits as verified by the employee's respective department chief. Final say on the measurement will rest with the employee's respective chief.

**Severability.** If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, phrase and words thereof, irrespective of the fact that any one or more sections, subsections, sentences, for any reason this ordinance should be declared invalid or unconstitutional, then the remaining ordinance provisions will be in full force and effect.

First reading and preliminary adoption on the \_\_\_\_\_ day of \_\_\_\_\_, 2019, by a vote of \_\_\_\_ ayes, \_\_\_\_\_; \_\_\_\_ Nays, \_\_\_\_; \_\_\_\_\_ Abstain, \_\_\_\_\_; and \_\_\_\_ Absent, \_\_\_\_\_

Second and final reading and on the \_\_\_\_\_ day of \_\_\_\_\_, 2019, by a vote of \_\_\_\_ ayes, \_\_\_\_\_; \_\_\_\_ Nays, \_\_\_\_; \_\_\_\_\_ Abstain, \_\_\_\_ \_\_\_\_\_; and \_\_\_\_ Absent, \_\_\_\_\_

ATTEST:

APPROVED:

\_\_\_\_\_  
Martha L. Rehbein, CMC  
City Clerk

\_\_\_\_\_  
John Engen  
Mayor