

## CHAPTER III.

### SPECIAL DEPARTMENTS

#### ARTICLE I. MUNICIPAL COURT

3-101. EXCLUSIVE JURISDICTION OVER ORDINANCE VIOLATIONS. The Municipal Judge within the City of Gwinner shall have exclusive jurisdiction of, and shall hear, try and determine all offenses against the ordinances of the City of Gwinner. During the temporary absence, interest, or disability of the Municipal Judge, the alternate Municipal Judge shall act as Municipal Judge in the trial of causes triable before the Municipal Judge.

3-102. OFFICE HOURS. The Municipal Judge shall be in attendance at Municipal Court for the transaction of business that may come before him and shall devote the time necessary to handle and dispose of the business coming before him.

3-103. MUNICIPAL JUDGE TO OBSERVE REGULAR HOURS. The Municipal Judge of the City of Gwinner shall observe regular office hours as and shall be available to perform the duties and functions of his office during such hours. Complaints may be made to, and writ and process issued by him at all times in Court or otherwise.

3-104. CONDUCT OF COURT GOVERNED BY. The conduct of the Municipal Court shall be governed by the laws of the State of North Dakota and by the ordinances of the City of Gwinner.

3-105. CONDUCT OF MUNICIPAL JUDGE IN COURT. During all causes, proceedings and trials held in the Gwinner Municipal Court, it shall be the duty of the Municipal Judge to preserve order and dignity and to cause such matters to be heard with courtesy to all parties concerned.

3-106. ORDINANCES, ENFORCED, HOW. That all actions brought to recover any fine or enforce any penalty under any ordinance of said City shall be brought in the name of the City of Gwinner as Plaintiff. In all actions for the violation of any ordinance the first process shall be a summons. Provided, however, that a warrant for the arrest of the offender may issue in the first instance upon the affidavit of any person that any such ordinance has been violated and that the person making the complaint has reasonable grounds to believe the party charged is guilty thereof; and any person arrested upon any such warrant shall without unnecessary delay be taken before the proper officer to be tried for the alleged offense. Such affidavit may be substantially in the following form:

STATE OF NORTH DAKOTA  
COUNTY OF SARGENT

IN DISTRICT COURT  
MUNICIPAL VIOLATION

\*\*\*\*\*OOOOO\*\*\*\*\*

City of Gwinner,  
Plaintiff,

VS.

COMPLAINT

Defendant.

\*\*\*\*\*OOOOO\*\*\*\*\*

, being first duly sworn and examined on oath, makes complaint and says that did on or about the \_\_\_\_ day of \_\_\_\_\_ in the City of Gwinner, North Dakota, commit the crime of:

All this is contrary to the form of the ordinances, in such case made and provided; and against the peace and dignity of the City of Gwinner and the Complainant prays that the said may be arrested and dealt with according to law.

Penalty Section: Sworn to and subscribed before me this day of 19  
Revised Ordinances of the City of Gwinner of 1996. Let a Warrant issue hereon.

City Attorney

Judge of the District Court

City of Gwinner, Sargent County, North Dakota

Which form may be so varied as to apply to the nature of the offense charged as occasion, right, and justice may require so as to give notice to the defendant of the nature of the offense charged substantially and which he is called upon to answer; and said affidavit shall be made before the Municipal Judge.

3-107. WARRANT OF ARREST. The Municipal Judge before whom such affidavit is made shall thereupon issue a warrant or summons which may be substantially in the following form:

STATE OF NORTH DAKOTA  
COUNTY OF SARGENT

IN DISTRICT COURT  
MUNICIPAL VIOLATION

\*\*\*\*\*OOOOO\*\*\*\*\*

City of Gwinner,  
Plaintiff,

WARRANT OF ARREST

VS.

Defendant.

\*\*\*\*\*OOOOO\*\*\*\*\*

THE STATE OF NORTH DAKOTA, to the Chief of Police or any Policeman of the said City of Gwinner, or the sheriff, or any constable of said County of Sargent:

Complaint upon oath having been this day laid before that Section No. of the Revised Ordinances of the City of Gwinner of 1996 has been violated and accusing thereof.

You are therefore commanded forthwith to arrest the above named and bring him before me at my office in the City of Gwinner, or in the case of my absence or inability to act before the nearest and most accessible magistrate.

Dated this day of 19

Judge of the District Court

STATE OF NORTH DAKOTA  
COUNTY OF SARGENT

IN DISTRICT COURT  
MUNICIPAL VIOLATION

\*\*\*\*\*OOOOO\*\*\*\*\*

City of Gwinner,  
Plaintiff,

SUMMONS

VS.

Defendant.

\*\*\*\*\*OOOOO\*\*\*\*\*

THE STATE OF NORTH DAKOTA TO THE ABOVE-NAMED DEFENDANT:

You are hereby summoned and required to appear and defend against the Complaint in this action, which is herewith served upon you, by serving upon the undersigned an Answer or other proper response within twenty (20) days after the service of this Summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the Complaint.

Dated this        day of                    19

Judge

Which form may be varied in every respect necessary and as the occasion, right, and justice may require and no objection to the form of words shall be allowed.

Amendments to the complaint and warrant may be allowed on such terms as shall by the Court be deemed just and reasonable.

3-108. TRIAL OF ACCUSED. Upon the appearance of the person arrested under warrant, or in cases where the process is a summons, then at the time appointed for the trial the Court shall proceed with the trial of the person arrested or duly summoned for the offense charged. Provided, however, the Court may continue to cause as provided by law for the continuance of causes before justices of the peace, or upon the court's own motion whenever any person under arrest is so intoxicated as to be in an unfit condition for trial; and upon conviction if it be without a jury, the Court shall impose such fine or penalty as it shall deem just and in accordance with the ordinances of the City, and shall give judgment against the offender for the same and costs of suit; and if any person so arrested or summoned is tried by a jury and the jury find him guilty, they shall assess and state the amount of the fine or penalty, and the Court shall give judgment for the fine or penalty so assessed and stated together with costs of suit, and upon entering judgment for a fine or penalty the Municipal Judge may enter an order that the person upon whom the fine or penalty is imposed be committed to the county jail or city jail until such fine or penalty and the costs shall be fully paid. Provided, that such imprisonment shall not exceed thirty (30) days for any one offense.

3-109. RELEASE OF ACCUSED, BOND. Any person who may be arrested by or in the custody of an officer for the violation of any ordinance of said city may release himself from custody or imprisonment by entering into bail or recognizance to said city before the officer issuing the warrant for his arrest, or before the alternate municipal Judge in case of the absence of the Municipal Judge before whom the cause is pending in such amount and with such surety or sureties as may be required of him, and conditioned that he will appear before the Municipal Judge named therein at the time named therein and remain and answer to the offense of which he is charged, and await the trial thereof, and not depart the county without leave.

3-110. SENTENCE ENFORCED, HOW. If any person upon whom any fine or penalty is imposed shall refuse or fail to pay the amount of such fine and costs in the cause, the Municipal Judge may thereupon commit the offender to the county jail, city jail, or other place provided by the City for the incarceration of offenders at hard labor until such time as said fine and costs are fully paid. Provided, such imprisonment shall not exceed

thirty (30) days. Immediately upon such order being made said Municipal Judge shall give to the offender in charge an execution for the fine and costs, and a mittimus to commit said offender to prison, which may be in the following form as near as practicable:

STATE OF NORTH DAKOTA  
County of Sargent       SS.  
City of Gwinner

The State of North Dakota to the Chief of Police, policemen of said City, or to the Sheriff or any constable of Sargent County, greeting:

We command you, that of the goods and chattels of in your county, you make the sum of \_\_\_\_\_ Dollars and Cents, fine and penalty, and \_\_\_\_\_ Dollars and Cents, costs, which the City of Gwinner recovered on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, as fine and penalty for the violation of an ordinance of said City against the said and for want of sufficient property wherewith to levy the said fine and costs, you are commanded to take the body of the said into your custody and convey him to the city prison or county jail, and there him safely keep not exceeding until he pays the fine or penalty and costs, and hereof make due return to me with ninety (90) days from this date.

Given under my hand and seal this day of 19

Judge

3-111. ARREST WITHOUT WARRANT, PROCEDURE. Whenever any person shall be arrested and taken before any Court in said City without a warrant or other legal process the proceeding in every respect and the powers and authority of the Court and all officers shall be the same as though said person had been arrested under a warrant. Provided that the officer making such arrest shall file with the Court a statement in writing before the trial is commenced which shall be substantially as follows:

TO \_\_\_\_\_, Municipal Judge, in the City of Gwinner:

The undersigned states that on the \_\_\_\_\_ day of  
19\_\_\_\_ violated Section \_\_\_\_\_ of the Revised Ordinances of the

City of Gwinner of 1993 by

3-112. LABOR OR PRISONERS. Every person when committed to the city prison in default of the payment of any fine or costs of any proceedings shall be required to work for the said City under the direction of the Chief of Police at such work as his strength will permit, not exceeding eight (8) hours each working day, and for such work the

person so employed shall be allowed, exclusive of his board, Ten Dollars (\$10.00) for each day's work on account of such fine and costs.

3-113. SAME: REFUSAL TO WORK IN CONTEMPT OF COURT. Any person refusing to perform manual labor in accordance with the sentence of the Court shall be deemed in contempt of Court and shall be punished accordingly. No credit shall be allowed such person on account of such fine and cost for the day or days that such person refused to perform manual labor in accordance with the sentence of the Court.

3-114. FINES NOT TO BE REMITTED. Under no circumstances shall such Municipal Judge remit fines or penalties or payment of costs.

3-115. DEFERRING OR SUSPENDING SENTENCE: COMMITMENT. The Municipal Judge may, in his discretion, upon the conviction of any person for any offense against any of the ordinances of the City of Gwinner, provided no other penalty is provided by ordinances, impose a sentence of not to exceed thirty (30) days in the city jail and a fine of not to exceed Five Hundred Dollars (\$500.00) and costs, or both such fine and imprisonment, and may suspend such sentence so imposed.

During such period of suspended sentence the Municipal Judge may allow the Defendant to go upon his own recognizance, or upon such bail as may be regulated by law or the ordinances of said city, and may, in his discretion, revoke the suspension at any time and cause the sentence of the Court to be carried out.

In all cases where the sentence of imprisonment is not deferred or suspended the Municipal Judge shall then and there forthwith commit such Defendant to the city jail, if such is the sentence imposed, and collect any fine and cost levied against said Defendant, if fine and costs have been levied against such Defendant, or both to the end that justice will be met.

3-116. PROCEDURE. In all actions and proceedings brought and heard in the Court of the Municipal Judge for violation of a city ordinance of the City of Gwinner, or the enforcement and recovery of any penalty provided for violation thereof, when it shall appear from the evidence that another ordinance of said City other than that charged to have been violated has been violated, the Court shall have power and authority to find and adjudge the Defendant guilty of the violation of such other ordinance; provided, that upon demand of the Defendant so to do, a new complaint shall be made and filed charging said Defendant with such violation, and the proceeding thereunder shall be had in manner and form as by law provided in cases otherwise instituted in said Court.

3-117. SAME: All proceedings where the action is commenced by summons, relating to summons, service, returns, change of venue, judgment, collection of judgment of execution and otherwise, shall be the same as near as may be the laws of the State of North Dakota prescribed in civil cases before justices of the peace except when otherwise provided by ordinances of said City.

### 3-118. EVIDENCE.

1. In any and all proceedings, actions or prosecutions had and taken in the Court of the Municipal Judge or Municipal court of the City of Gwinner, for violation of any ordinance of the City prohibiting or commanding the use or operation of any motor vehicle, truck or bus, the property or passengers therein contained, the driving, parking stopping, or standing thereof, proof of the registered or actual ownership of said vehicle shall be, in the absence of evidence and proof of the person or persons other than such owner who at the time and place of the alleged violation was driving or operating and was then and therein possession and had physical control of said vehicle, shall be prima facie evidence and sufficient evidence that such owner was driving, operating, and in physical control of said vehicle, in possession thereof and of the contents thereof at the time and place of the alleged violation.

2. Upon proof of the ownership of said vehicle in manner and form as aforesaid the burden of proceeding and submitting evidence in contradiction and controverting the presumption set forth in section 1 hereof shall be shifted to and placed upon the Defendant or person charged with the violation of the ordinance for which said proceedings, action or prosecution is instituted, pending or carried on, including any penalty provided by the ordinances of the city for such violation.

3-119. JURY TRIAL, WHEN. The right of trial by jury shall be allowed as provided in Chapter 40-18 North Dakota Century Code.

3-120. JURORS AND WITNESS FEES. All jurors and witness fees shall be the same as are prescribed by the laws of the State of North Dakota unless otherwise directed by ordinance.

3-121. FINES, ETC. PAID TO WHOM. All fines, forfeitures, or penalties shall, when collected be paid over to the City Auditor who shall receipt therefore and shall be credited to the General Fund.

3-122. MUNICIPAL JUDGE, CONTRACTING WITH COUNTY. The City Council upon written agreement with the County of Sargent may contract with the County and State for Municipal Judge services to be performed by the Judge of the District Court under such terms and conditions as agreed by the city Council as allowed under the laws of the state. While any such agreement is in force, any reference to the Municipal Judge in these ordinances shall pertain and apply to the Judge of the District Court. Further, the election and salary of the Municipal Judge shall be suspended while the Judge of the District Court acts as Municipal Judge.

## ARTICLE II. POLICE DEPARTMENT

3-201. ESTABLISHING POLICE DEPARTMENT. That there is hereby created and established an executive department of the municipal government of the City of Gwinner, State of North Dakota, which shall be known as the Police Department. The

Chief of Police and all policemen or watchmen who may be appointed by the Mayor shall be and are hereby constituted a Police Department.

3-202. MAYOR APPOINTS. The mayor shall with the approval of the City Council appoint one Chief of Police and as many policemen and watchmen as may be deemed necessary. The Mayor may appoint as many special policemen or watchmen as may be necessary to preserve the peace and good order of the City.

3-203. CITY POLICE POLICY DEFINED. It shall be the policy of the City of Gwinner insofar as the enforcement of its ordinances are concerned, together with the enforcement of any statutes under which the individual members of the Police Department shall perform official functions in preserving the public peace, preventing the commission of crimes, protecting the rights of persons and property and protecting the public welfare, to cause such ordinances and laws to be enforced impartially.

The City of Gwinner expects of its police officers neatness and courtesy while on duty, and at any time when in uniform.

3-204. OATH AND BOND OF OFFICERS. The Chief of Police and other police officers shall take and subscribe the oath and affirmation provided by law for all officers of the City, and shall give bond in such amount as may be required by these ordinances.

3-205. SPECIAL OFFICERS: APPOINTMENT AND POWERS OF. At the request of any corporation, firm or person, the Mayor may appoint and commission one or more special policemen to do duty for such corporation, firm, or person which special policemen shall have all the authority now, or which may be hereafter conferred by law upon policemen, provided, however, that such special policemen shall receive no compensation from the City, and must be paid by such corporation, firm or person.

3-206. DUTY OF CHIEF OF POLICE. Whenever any violation of law or of any ordinance shall come to the knowledge of the Chief of Police or any policeman of said City, or be reported to him, he shall without delay cause the proper complaint to be made before the Municipal Judge and the proper and necessary witnesses to be summoned or evidence procured for the successful prosecution of the offender.

3-207. ARRESTS. The Chief of Police, police officer, Mayor, or other person authorized by law may arrest on view any person who may be found in the act of violating any of the ordinances of the said City with or without process, and commit him for examination or, if necessary, detain him in custody overnight or Sunday in the city jail until he can be brought before some competent court for trial.

The Chief of Police, Mayor or any police officer may summon any bystander or other person to assist in suppressing any riot, rout, affray, or other disturbance of the peace, or to assist in arresting any person who has violated any city ordinance or criminal law of the State of North Dakota, or to aid in preventing the commission of any unlawful act.



Any person failing or refusing to so assist shall be subject to a fine of not more than One Hundred Dollars (\$100.00).

Provided, that such assistance was necessary.

3-208. **AUTHORITY OF CHIEF OF POLICE.** The Chief of Police and all other police officers shall have power and authority in the City to serve and execute warrants and other process for the apprehension and commitment of persons charged with or held for examination or trial, or taken in execution for the commission of any crime or misdemeanor, or violation of any ordinance of the City, and all powers in cases as peace officers have under the code of the State of North Dakota and at common law; and while executing or serving or assisting in executing or serving any such process or warrants shall be vested with and have all powers and authority conferred on peace officers at common law or under the laws of the State of North Dakota.

3-209. **DUTY OF MEMBERS OF POLICE DEPARTMENT.** It shall be the duty of all members of the police department to assist each other at all times in making arrests, suppressing all affrays, riots, and preserving the peace when it may be necessary; and any child of police, policeman, watchman, or any other such officer who shall neglect or refuse to perform any duty required of him by ordinance or laws, or shall be guilty of fraud, extortion, oppression, favoritism, or wilful wrong or injustice, shall pay a fine not exceeding Five Hundred Dollars (\$500.00) or by imprisonment not more than thirty (30) days or by both such fine and imprisonment.

3-210. **DEVOTE WHOLE TIME AND ATTENTION.** The several members of the police force when on duty shall devote their whole time and attention to the discharge of their duties according to law and ordinances of the City of Gwinner and all rules and regulations of the City Council and of the Mayor; and it shall at all times be their duty to preserve order, peace and quiet, and to enforce the ordinances of the City throughout.

3-211. **ABATEMENT OF NUISANCES.** It shall be the duty of the Police Department, and of each and every policeman, to abate or remove or cause to be abated, or removed, all nuisances within the limits of the City, and to prosecute all persons guilty of maintaining the same.

3-212. **MONEYS OR PROPERTY OF PERSONS ARRESTED.** It shall be the duty of the Police Department, and of each and every policeman, to safely keep all moneys or property which may be found on the person, in possession of, or claimed by any person arrested for violation of any ordinances of the City and pay or deliver over the same by order of the Municipal Judge, and forthwith after taking the same, to report in writing the kind and amount thereof to the Municipal Judge. It shall further be the duty of the Police Department, and of each and every policeman forthwith to report to the Municipal Judge any and all property seized or taken into their possession, custody and control for purpose of evidence or otherwise in connection with the arrest of any person or persons for violation of any City Ordinance of the City of Gwinner and upon order of the Municipal Judge to surrender and deliver over to the owner thereof, destroy or make such disposition thereof as may be by and pursuant to such order directed, including

such and any of such property as shall not have been claimed by any person or persons within sixty (60) days after the judgment of the Municipal Judge as to the guilt or innocence of the person or persons arrested shall have become final and conclusive.

3-213. REMOVAL OF OFFICER FAILING TO COMPLY. Any police officer failing to comply with the provisions of this article shall be subject to summary removal.

3-214. RESISTING OFFICER, PENALTY. Whoever shall wilfully delay, resist, or obstruct any police officer or person authorized to make arrests while in the discharge of his duty; or shall aid, abet or encourage any such hindering, obstructing, delaying or resisting; or shall refuse or neglect to obey any lawful order or directions of any such officer or person; or shall rescue, or attempt to rescue, aid, abet, or encourage the rescue or escape of any person in legal custody of any officer or person shall be fined not more than Five Hundred Dollars (\$500.00) or by imprisonment of not more than thirty (30) days or by both such fine and imprisonment.

3-215. IMPERSONATING OFFICERS, PENALTY. Any person who shall falsely represent or impersonate any member of the Police Department of the City, or who shall with intent to deceive, use or imitate any of the signals or signs of policemen, or shall wear in public any uniform adopted as police uniform, or any police star or badge, or to do any other act or thing to deceive any person in any such way shall be fined not more than Five Hundred Dollars (\$500.00) or by imprisonment not more than thirty (30) days or by both such fine and imprisonment.

### ARTICLE III. FIRE DEPARTMENT

3-301. NUMBER, OFFICERS, ELECTION, APPOINTMENT OF FIRE WARDEN. The Fire Department of the City of Gwinner shall consist of one (1) company having a membership of not less than twenty-five (25) nor more than fifty (50) members. The officers of said department shall consist of a Chief Engineer, one First Assistant Chief Engineer, one Second Assistant Engineer, a Secretary and a Treasurer, all of whom shall be elected annually on the first Monday of January, at a meeting held for that purpose at seven (7) o'clock P.M. on said day by members of the Department. The result of said election shall be certified to the City Council at the first regular meeting of the same after said election shall have been held, and if the result of said election be approved by the City Council, it shall be the duty of the City Auditor to at once issue a commission to the aforesaid elected officers under the seal of the City of Gwinner. The said officers shall hold their respective offices for one (1) year or until their successors have been elected and qualified. The Mayor with the consent of the City Council may appoint one (1) Fire Warden whose compensation shall be Fifty Dollars (\$50.00) per annum, payable quarterly.

3-302. MEMBERS, WHO QUALIFIED. The company aforesaid shall be composed of such persons and may associate themselves together as a fire department and shall make application to the City Council to be accepted, and shall have been accepted by the City Council as such fire department. Said company shall have the right to select its

own members, provided however, that all of said members shall be residents of the City of Gwinner; and to regulate the membership of the company in such manner as they by their "By-Laws" may provide, not inconsistent with the ordinances of the City and subject to the approval of the City Council.

3-303. CHIEF ENGINEER. The Chief Engineer shall establish such rules and regulations for the government of the Fire Company and the care and management of the fire trucks and fire apparatus at fires as he may deem best.

3-304. CHIEF ENGINEER, DUTIES. The Chief Engineer shall have full control and command over all persons whomsoever at any fire, and in his absence the First Assistant Chief Engineer shall perform his duties, and in case of the absence of both the aforesaid then the Second Assistant Chief Engineer shall perform the duties; and in the absence of all of the above the Mayor of the City shall have the power to appoint some other person to temporarily perform the duties of the Chief Engineer.

3-305. CHIEF ENGINEER, AUTHORITY. When a fire breaks out the Chief Engineer shall immediately repair thereto, and the Chief Engineer, or in his absence the Assistant Chief Engineer or the person duly appointed to act in the absence of the Engineers, shall direct stations and operations of the firemen with their engines, hooks and ladders, and all other fire apparatus, and all bystanders for the purpose to obey directions shall pay a fine of not less than Five Dollars (\$5.00) nor more than One Hundred Dollars (\$100.00) upon conviction thereof, he or they being deemed guilty of a misdemeanor.

3-306. SAME: CHIEF ENGINEER. The Engineer in command at any fire shall have power to direct the pulling down or demolishing of any house or building as he may judge necessary to be pulled down or demolished in order to prevent the further spreading of the fire and he may at any fire during the continuance of the fire require the assistance of all present for the extinguishing of the same and removing of goods, furniture, or merchandise from a building on fire, or in danger thereof, and may appoint guards to secure the same. He may also require assistance for pulling down or demolishing any house or building when he judges it necessary; and any person who shall disobey the lawful and reasonable command of any Engineer or Engineers at any fire to aid in extinguishing such fire or in securing property from destruction thereby shall be deemed guilty of a misdemeanor and on conviction thereof shall be fined not more than One Hundred Dollars (\$100.00).

3-307. FIRE APPARATUS TAKING, FIRE ALARM WITHOUT CAUSE. Whoever without reasonable cause by outcry or the ringing of any fire bell or blowing of any fire whistle, or otherwise makes or circulates or causes to be made or circulated any false alarm of fire, or who shall remove, take, steal, displace, or carry away for any purpose whatever any hook, ladder, bucket, hose, pipe, or engine or other fire apparatus from any building, shed, place, or enclosure where the same may be stationed or kept; or shall break, mar, or disfigure, or otherwise injure or destroy the same, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not more than Five Hundred Dollars (\$500.00) or imprisoned not more than thirty (30) days or both such

fine and imprisonment; provided, that this section shall not apply to removals when in actual service or practice by the proper authorities of the City.

3-308. FIRE WARDEN, DUTIES. It shall be the duty of the Fire Warden at least once every three (3) months to make an examination of places where shavings and other combustible materials are collected or deposited, and to require the owner or occupant of any premises where such materials may be found to remove the same or to adopt suitable safeguards against fire whenever in the opinion of the Fire Warden such materials endanger the security of the City from fires. The Fire Warden shall make a quarterly report of his acts hereunder to the City Council.

3-309. FIRE WARDEN, DUTIES. It shall also be the duty of the Fire Warden to examine into the construction and condition of chimneys, fire places, hearths, stoves, stovepipes, ovens, boilers, and any apparatus belonging thereto used in and about any building whenever directed by the City Council to make such examination; and if in their opinion they are dangerous to the security of the City from fire, to cause the same to be removed or placed in a safe and secure condition.

3-310. NOTICE, UNSAFE CONDITIONS, PENALTY. Whoever after being notified by the Fire Warden to remove from the premises occupied or owned by him or to place in a safe condition from fire thereon any combustible material there deposited and dangerous to the security of the City from fire neglects or refuses to remove the same or to provide suitable safeguards against fire therefrom; or whoever neglects or refuses to remove or to put in safe condition from fire any chimney, fireplace, hearth, stove, stovepipe, oven, boiler, and apparatus used or owned by him, within a reasonable time after notice from the Fire Warden to remove or place the same in safe or secure condition from fire, shall pay the expense of the removal of the same or putting the same in safe and secure condition from fire as the case may be, and in addition thereto shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment not more than thirty (30) days, or by both such fine and imprisonment.