



City Commission Agenda
Civic Center 2 Park Drive South, Great Falls, MT
Commission Chambers Room 206
October 17, 2017

CALL TO ORDER 7:00 P.M.

PLEDGE OF ALLEGIANCE

ROLL CALL/STAFF INTRODUCTIONS

AGENDA APPROVAL

PROCLAMATIONS

Extra Mile Day, Family Promise Week, Medical Assistants Recognition Week, Red Ribbon Week, and Support for the National Park System

PETITIONS AND COMMUNICATIONS

(Public comment on any matter that is not on the agenda of the meeting and that is within the jurisdiction of the City Commission. Please keep your remarks to a maximum of 3 minutes. When at the podium, state your name and address for the record.)

1. Miscellaneous reports and announcements.

NEIGHBORHOOD COUNCILS

2. Miscellaneous reports and announcements from Neighborhood Councils.

BOARDS AND COMMISSIONS

3. Miscellaneous reports and announcements from Boards and Commissions.
4. Appointment, Tourism Business Improvement District.

CITY MANAGER

5. Miscellaneous reports and announcements from the City Manager.

CONSENT AGENDA

The Consent Agenda is made up of routine day-to-day items that require Commission action. Items may be pulled from the Consent Agenda for separate discussion/vote by any Commissioner.

6. Minutes, October 3, 2017, City Commission Meeting.
7. Total Expenditures of \$3,899,897 for the period of September 15, 2017 through October 4, 2017, to include claims over \$5,000, in the amount of \$3,609,043.
8. Contracts List.
9. Approve Great Falls Police Department/Cascade County Sheriff's Office Interlocal Agreement for division of the 2017 Byrne Justice Assistant Grant (JAG) Program Award.
10. Approve the Community Based Policing Agreement with the Great Falls Housing Authority for the time period of January 1, 2018 to June 30, 2018, with an automatic six

month renewal based on the GFPPA negotiated contract wage with the City of Great Falls and authorize the City Manager to execute the Agreement.

11. Set a public hearing for November 7, 2017, on Resolution 10208 to establish sanitation service collection rates effective December 1, 2017.
12. Approve final payment for the Central Avenue Drainage Improvements – 5th to 6th Street, in the amount of \$92,400.40 to United Materials of Great Falls and \$933.34 to the State Miscellaneous Tax Fund and authorize the City Manager to make the payments.
13. Approve final payment for the South Great Falls Storm Drain Improvements, Missouri River to 6th Street South Pond in the amount of \$114,646.17 to Williams Civil Division, Inc. and \$1,158.04 to the State of Montana Miscellaneous Tax Division and authorize the City Manager to execute the necessary documents and make the payments.

Action: Approve Consent Agenda as presented or remove items for separate discussion and/or vote

PUBLIC HEARINGS

14. Ord. 3168, Repealing and Replacing Title 5, Of The Official Code Of The City Of Great Falls (OCCGF), Pertaining To Business Licenses, Permits, and Safety Inspection Certificates. Action: Conduct public hearing and adopt or deny Ord. 3168. ***(Presented by Joseph Cik)***
15. Ord. 3169, An Ordinance Repealing and Replacing Title 2, Of The Official Code Of The City Of Great Falls (OCCGF), Pertaining To Administration and Personnel Provisions. Action: Conduct public hearing and adopt or deny Ord. 3169. ***(Presented by Joseph Cik)***
16. Ord. 3171, Establishing Title 4, of the Official Code of the City of Great Falls (OCCGF), Pertaining To Telecommunication Facilities. Action: Conduct public hearing and adopt or deny Ord. 3171. ***(Presented by Joseph Cik)***
17. Ord. 3172, Amending Chapters 30, 35, and 40, Of Title 15 Of The Official Code Of the City of Great Falls (OCCGF), Pertaining to Certain Business and Contracting Licenses. Action: Conduct public hearing and adopt or deny Ord. 3172. ***(Presented by Joseph Cik)***
18. Res. 10207 - Fixing the Rates of Safety Inspection Certificate Fees in Title 5 of the Official Code of the City of Great Falls (OCCGF). Action: Conduct a public hearing and adopt or deny Res. 10207. ***(Presented by Stephen Hester)***

OLD BUSINESS

NEW BUSINESS

ORDINANCES/RESOLUTIONS

19. Ord. 3173, Amending Title 9, Chapter 4, Section 010, of the Official Code of the City of Great Falls (OCCGF), Pertaining to Alcoholic Beverage Definitions. Action: accept or not accept Ord. 3173 on first reading and set the public hearing for November 7, 2017. ***(Presented by Joseph Cik)***
20. Ord. 3174, Amending Title 6, Chapter 1, Sections 010, 120, 130, And 250, Of The Official Code Of The City of Great Falls (OCCGF), Pertaining to Rabies Control and Unattended Animals In Vehicles. Action: Accept or not accept Ord. 3174 on first

reading and set the public hearing for November 7, 2017. *(Presented by Joseph Cik)*

CITY COMMISSION

21. Miscellaneous reports and announcements from the City Commission.
22. Commission Initiatives.

ADJOURNMENT

(Please exit the chambers as quickly as possible. Chamber doors will be closed 5 minutes after adjournment of the meeting.) Commission meetings are televised on cable channel 190 and streamed live at <https://greatfallsmt.net>. City Commission meetings are re-aired on cable channel 190 the following Wednesday morning at 10 am, and the following Tuesday evening at 7 pm.



Item: Appointment, Tourism Business Improvement District

From: City Manager's Office

Initiated By: City Commission

Presented By: City Commission

Action Requested: Appoint one member to the Tourism Business Improvement District Board of Trustees

Suggested Motion:

1. Commissioner moves:

"I move that the City Commission appoint _____ to the Tourism Business Improvement District Board of Trustees to a four-year term through June 30, 2021."

2. Mayor requests a second to the motion, Commission discussion, public comment, and calls for the vote.

Staff Recommendation:

It is recommended that the City Commission appoint David Buckingham to the Tourism Business Improvement District Board of Trustees to a four-year term through June 30, 2021.

Summary:

The term for Sandra Johnson-Thares expired on June 30, 2017. Ms. Johnson-Thares was appointed to the Board on December 16, 2008 and has served two-four year terms. She is not eligible for reappointment in accordance with Resolution 10059.

Executive Director for Great Falls Tourism, Rebecca Engum sent out letters announcing the opening to the members within the Tourism Business Improvement District and received one application.

Background:

The Tourism Business Improvement District (TBID) was established by Resolution 9792 on December 2, 2008. Its overall purpose is to utilize tax dollars through the TBID assessment and direct those monies to be used for the purpose of promoting tourism, conventions, trade shows, and travel to the City of Great Falls. Trustees must be an owner of property within the TBID or their assignee.

Alternatives:

Continue to seek applications for the opening.

Concurrences:

Tourism Business Improvement District Board unanimously recommended appointing Mr. Buckingham for a four year term.

ATTACHMENTS:



- Application and recommendation letter



**BOARDS AND COMMISSIONS
CITIZEN INTEREST FORM**
(PLEASE PRINT OR TYPE)

Thank you for your interest. Citizen volunteers are regularly appointed to the various boards and commissions. This application subject to Montana Right to Know laws.

Board/Commission Applying For: TBID		Date of Application: 9/14/17
Name: David Buckingham		
Home Address: 3305 Antelope Ln Great Falls, MT 59404		Email address: davidb@crystalinns.com
Home Phone: 406-453-5784	Work Phone: 406-727-7788	Cell Phone: 406-781-9331
Occupation: General Manager		Employer: Crystal Inn Hotel & Suites
Would your work schedule conflict with meeting dates? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> (If yes, please explain)		
Related experiences or background:		
Educational Background:		
IF NECESSARY, ATTACH A SEPARATE SHEET FOR YOUR ANSWERS TO THE FOLLOWING:		
Previous and current service activities:		
Previous and current public experience (elective or appointive): Chamber of Commerce CVB 2004		
Membership in other community organizations: Uptown Optimist 2002-2007		

Have you ever worked for or are you currently working for the City of Great Falls? Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, where and when?	
Do you have any relatives working or serving in any official capacity for the City of Great Falls? Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, who, which department, and relationship?	
Have you ever served on a City or County board? Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, what board and when did you serve?	
Are you currently serving on a Board? Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, which board?	
Please describe your interest in serving on this board/commission?	
Please describe your experience and/or background which you believe qualifies you for service on this board/commission?	
Additional comments:	
Signature  	Date: 9-18-2017

If you are not selected for the current opening, your application may be kept active for up to one year by contacting the City Manager's office. Should a board/commission vacancy occur within 30 days from the last City Commission appointment, a replacement member may be selected from citizen interest forms submitted from the last advertisement. For more information, contact the City Manager's office at 455-8450.

Return this form to:

City Manager's Office
P.O. Box 5021
Great Falls, MT 59403

Fax:
(406) 727-0005

Email:
kartis@greatfallsmt.net



MacCall Management, LLC
185 S State Street
Suite 1300
Salt Lake City, UT 84111
801-320-7200

To Whom It May Concern:

Please accept this letter as authorization for David Buckingham to serve on the TBID board as a proxy for the owners of the Crystal Inn Hotel & Suites in Great Falls, MT.

If you have any questions, please do not hesitate to reach out to us.

Respectfully,



Crystal Maggelet
Great Falls Crystal Inn, LLC



29 September 2017

Great Falls Mayor and Great Falls City Commissioners
City of Great Falls Montana
P O Box 5021
Great Falls MT 59403

Mayor and Commissioners:

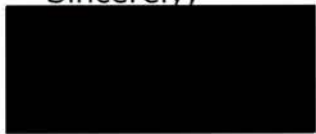
The Great Falls Montana Tourism Business Improvement District (TBID) Board of Trustees through unanimous consensus would like to recommend that David Buckingham be appointed as trustee to the Great Falls Montana Tourism Business Improvement District to fill the expired position of Sandra Johnson-Thares. The term would expire 6/30/2021.

David Buckingham is with the Crystal Inn Hotel & Suites and is:

1. Owner of land within the geographic area of the TBID or their designee
2. Committed to the well-being of the TBID
3. Respected citizen or leader
4. Able to work effectively as part of a group
5. Competent in some are of value to achieve objectives of the TBID
6. Able to maintain a commitment for the term of appointment
7. Balances board in terms of representation of large, medium and small hotel properties

Thank you for your consideration.

Sincerely,



Rebecca Engum
Executive Director

Great Falls Montana Tourism
Basecamp | 100 1st Ave N, Lower Level Suite, Great Falls MT 59401
+1 406-761-4436 | www.VisitGreatFallsMontana.org



Item: Minutes, October 3, 2017, City Commission Meeting.

From: Lisa Kunz, City Clerk

Initiated By: Lisa Kunz, City Clerk

Presented By: Lisa Kunz, City Clerk

ATTACHMENTS:

- ▣ October 3, 2017 - - City Commission Meeting Minutes

Regular City Commission Meeting

Mayor Kelly presiding

CALL TO ORDER: 7:00 PM

Commission Chambers Room 206

PLEDGE OF ALLEGIANCE

ROLL CALL/STAFF INTRODUCTIONS: City Commission members present: Bob Kelly, Tracy Houck, Bob Jones, Bill Bronson and Fred Burow. Also present were City Manager Greg Doyon and Deputy City Manager Chuck Anderson; Deputy City Clerk Darcy Dea; Public Works Director Jim Rearden; Planning and Community Development Director Craig Raymond; Fire Chief Steve Hester; Park and Recreation Interim Director Patty Rearden; Fiscal Services Director Melissa Kinzler; City Attorney Sara Sexe; and, Police Chief Dave Bowen.

AGENDA APPROVAL: No changes were proposed by the City Manager or City Commission. The agenda was approved as submitted.

PROCLAMATIONS: Mayor Kelly read a proclamation for Down Syndrome Awareness Month.

PETITIONS AND COMMUNICATIONS

1. Miscellaneous reports and announcements.

Brett Doney, Great Falls Development Authority, 300 Central Avenue, provided and discussed a Great Falls Development Authority draft Quarterly Overview report that included: Business Development Missions; New Public Relations Effort; Local Events/Workshops; as well as other Efforts. Mr. Doney further reported that in the last three years the annual Gross Domestic Product (GDP) for the City has increased by \$391,000,000.

Nancy Knapp, 3018 3rd Avenue South, commented that she is raising awareness for Medical Assistants and requested that the week of October 16th be proclaimed as Medical Assistants Recognition Week.

John Hubbard, 615 7th Avenue South, expressed concern with regard to an oil leak in the river from Calumet.

Public Works Director Jim Rearden responded that there were two different releases that have been contained and further reported that Calumet is currently working on projects within the facility to address those two releases.

City Manager Greg Doyon further reported that Calumet notified the Department of Environmental Quality (DEQ).

NEIGHBORHOOD COUNCILS

2. **Miscellaneous reports and announcements from Neighborhood Councils.**

There were no miscellaneous reports and announcements from Neighborhood Council representatives.

BOARDS AND COMMISSIONS

3. **Miscellaneous reports and announcements from Boards and Commissions.**

There were no miscellaneous reports and announcements from members of boards and commissions.

4. **Appointment and reappointments, Parking Advisory Commission.**

Commissioner Bronson moved, seconded by Commissioner Houck, that the City Commission appoint Kellie Pierce to the Parking Advisory Commission for the remainder of a three-year term beginning October 3, 2017 through April 30, 2019.

Mayor Kelly asked if there was any discussion amongst the Commissioners or comments from the public. Hearing none, Mayor Kelly called for the vote.

Motion carried 5-0.

Commissioner Bronson moved, seconded by Commissioner Houck, that the City Commission postpone consideration of the recommended appointments of Dave Snuggs and William Mintsiveris until November 7, 2017.

Mayor Kelly asked if there was any discussion amongst the Commissioners.

Commissioner Bronson explained that the reason for postponing the consideration of Mr. Snuggs is that there are issues with regard to his attendance at board meetings. Commissioner Bronson further explained that Mr. Mintsiveris has been in violation with regard to open meeting laws.

Commissioner Houck expressed concern with regard to the Parking Advisory Commission violating public meeting laws.

Mayor Kelly expressed appreciation for the service of board members; however, he explained that they have an obligation with regard to their attendance, as well as open meeting laws.

Mayor Kelly asked if there were any comments from the public.

Brett Doney, Great Falls Development Authority, 300 Central Avenue, expressed concern with regard to Mr. Mintsiveris serving on any boards.

City Attorney Sara Sexe explained that she would be involved with training board members with regard to processes and procedures.

There being no one further to address the Commission. Mayor Kelly called for the vote.

Motion carried 5-0.

5. **Reappointments, Board of Adjustment/Appeals.**

Commissioner Burow moved, seconded by Commissioner Jones, that the City Commission reappoint Jule Stuver and Kyle Palagi to the Board of Adjustment/Appeals for three-year terms through September 30, 2020.

Mayor Kelly asked if there were any comments from the public or discussion amongst the Commissioners.

Commissioner Houck announced that she would be abstaining from the vote since Mr. Palagi has recently been appointed to the Board of Directors at Paris Gibson Square.

There being no further discussion, Mayor Kelly called for the vote.

Motion carried 4-0-1. Commissioner Houck abstaining.

CITY MANAGER

6. **Miscellaneous reports and announcements from the City Manager.**

City Manager Greg Doyon reported that the Disaster & Emergency Services is teaming with the Great Falls Area Chamber of Commerce to provide a workshop for emergency preparedness on October 6th. Manager Doyon extended an invitation to businesses to attend, and noted that the information is available on the Chamber and City websites.

Manager Doyon commented that he will continue to monitor state wide budget impacts, and further commented that there would be an indirect impact to the City.

The City hosted the Montana League of Cities and Towns (MLCT) Annual Conference. It was a successful conference with over 450 attendees. Manager Doyon expressed appreciation to Executive Assistant Krista Artis, as well as City staff for their assistance with regard to the conference. Manager Doyon further reported that he hosted a session that included Eduardo Garcia, co-founder of Montana Mex, and noted that his movie would be out on October 10th.

Mayor Kelly reported that there were 77 communities that attended the MLCT.

CONSENT AGENDA

7. Minutes, September 19, 2017, City Commission Meeting.
8. Total Expenditures of \$2,711,284 for the period of September 1, 2017 through September 20, 2017, to include claims over \$5,000, in the amount of \$2,491,112.

9. Contracts List.
10. Lien Releases List.
11. Award a contract in the amount of \$54,373.80 to Geranios Enterprises LLC., for the Miscellaneous Drainage Improvements NW Side Alleys Phase 1, and authorize the City Manager to execute the construction contract documents. **OF 1666.3**
12. Award a contract in the amount of \$114,998.90 to CIP Construction Technologies, Inc. for the West Bank Sanitary Sewer Manhole Lining, and authorize the City Manager to execute the construction contract documents. **OF 1695.6**
13. Approve Improvement Deferral Agreement with SSG WP, LLC. for Westwood Addition, Block 1, Lot 2.
14. Approve or deny a Professional Services Agreement with CTA Group for architectural and engineering design services for the Civic Center Façade in a total amount not to exceed \$494,060. **OF 1525.2**

Commissioner Burow moved, seconded by Commissioner Houck, that the City Commission approve the Consent Agenda as presented.

Mayor Kelly asked if there was any discussion amongst the Commissioners.

With regard to Item 14, Commissioner Bronson inquired if the \$494,060 is for the initial design cost.

Manager Doyon explained that this contract is the initial step in order to get the appropriate construction documents and oversee the full renovation of the exterior.

Planning and Community Development Director Craig Raymond reported that there are two phases of the Contract. Phase I would include a complete design, construction drawings, as well as specifications. Phase II would include construction administration and inspection.

There being no further discussion, Mayor Kelly asked if there were any comments from the public.

John Hubbard, 615 7th Avenue South, expressed concern with regard to the cost associated with the renovation of the Civic Center Façade.

There being no one further to address the Commission, Mayor Kelly called for the vote.

Motion carried 5-0.

Mayor Kelly requested that Planning and Community Development look into grants with regard to the Civic Center Building.

PUBLIC HEARINGS

15. **Res. 10201, Lease agreement with the Great Falls International Airport Authority (GFIAA) for property located at 3015 Airport Drive, currently housing the Emergency Operations Center and to grant the GFIAA a Quit Claim Deed on property.**

City Attorney Sexe reported that grant funding was secured by the Federal Aviation Administration (FAA) to purchase the real property. Provisions in the signed grant agreement for the property included that the airport sponsor, which at that time was the City and the County, would not sell, lease, encumber or transfer or dispose of any part of its title or other interests in the property without the FAA approval. She further reported that the sponsor is required to obtain FAA consent to delete any land from the Airport's master plan.

There was an attempt to obtain the property with a quit claim deed; however grant obligations were never released. The Great Falls International Airport Association (GFIAA) required the City to execute a quit claim deed to the property to clear the title of the previously recorded 1997 quit claim deed.

Manager Doyon explained the 911 Center was relocated to a more appropriate facility that better serves the City and County.

Mayor Kelly declared the public hearing open.

No one spoke in support of or in opposition to Resolution 10201.

Mayor Kelly closed the public hearing and asked the will of the Commission.

Commissioner Houck moved, seconded by Commissioner Burow, that the City Commission adopt Resolution 10201, A Resolution conveying certain property located at Lots 1 and 2 of the Airport Minor Subdivision, a Tract of Land being Tract 1 of Certificate of Survey #2271, located in the NW 1/4 and NE 1/4 of Section 21, T20N, R3E, P.M.M., City of Great Falls, Cascade County, Montana, and establishing a Lease Agreement for City occupation of the same.

Mayor Kelly asked if there was any discussion amongst the Commissioners.

Commissioner Houck concurred with Manager Doyon with regard to the 911 facility being more appropriately located and further noted that the addition of the new road is an investment to the property.

There being no further discussion, Mayor Kelly called for the vote.

Motion carried 5-0.

16. **Res. 10202, Donation of used fire equipment to the Town of Neihart for use by Neihart Volunteer Fire Department.**

Fire Chief Steve Hester reported that the 1989 Ford L9000 fire engine was in service for the City for over 27 years, and no longer meets the needs of the Fire Department. Chief Hester explained that the Neihart Fire Department has a critical need for a fire engine. Chief Hester further reported that the City loaned Neihart the apparatus based on the Fire Service Mutual Aid Agreement between the two departments. He concluded that the best use for the retired fire apparatus would be to donate the vehicle to a community with a desperate need for a fire truck.

Mayor Kelly declared the public hearing open.

No one spoke in opposition to Resolution 10202.

Speaking in support of Resolution 10202 were:

Scott Herzog, Fire Chief of Neihart, 519 29th Avenue NE, commented that Neihart is in need of a fire engine, and he thanked the Commission for its donation.

Steve Taylor, 118 O'Brien Street, expressed appreciation to the Commission for its consideration of donating the fire truck.

Mayor Kelly closed the public hearing and asked the will of the Commission.

Commissioner Bronson moved, seconded by Commissioner Jones, that the City Commission adopt Resolution 10202.

Mayor Kelly asked if there was any discussion amongst the Commissioners.

Commissioner Bronson expressed support with regard to being a part of the decision to donate the fire truck to Neihart.

There being no further discussion, Mayor Kelly called for the vote.

Motion carried 5-0.

17. **Res. 10206, Resolution approving the Application for the New and Expanding Industry Tax Benefit for Montana Egg LLC. for the expansion of Egg Processing Facility.**

Planning and Community Development Director Craig Raymond reported that the agenda item is to conduct a public hearing to consider Resolution 10206 to approve an application for a New or Expanding Industry Tax Benefit.

Montana Egg, LLC., has submitted an application for the benefit of a tax reduction of approximately \$305,000. The taxes being considered are for City taxes only. An additional application will need to be submitted to the proper authorities in order to receive additional benefits through Cascade County or other jurisdictions. Director Raymond reported that pursuant to Montana Code Annotated (MCA) 15-24-1401, New or Expanding Industry Tax Benefit provides for property tax abatement on a portion of the City property taxes generated by new

developments. If approved, the discount on new property taxes will be 50% in Years 1-5, and incrementally increases each year until it reaches the full tax rate. In Year 10 and in subsequent years 100% of the additional property taxes resulting from the new development will be due. Director Raymond further reported that after year 10, Montana Egg will have depreciated much of the value of the improvements and the total tax bill of the developed property will not be as high unless new improvements are implemented during the 10 year period.

The City Commission established review criteria when considering tax abatement applications for qualifying new and expanding industries in Resolution 10119 adopted in December, 2015. Staff reviewed the application against the criteria that the City Commission adopted in last year. One of those factors is whether an approval would have an adverse impact on municipal services.

Director Raymond explained that the discussion about whether this application should be supported started a few years ago. Throughout budget discussions, there have been several critical needs that have been deferred because of budget and revenue shortfalls. Some improvements have been made, needs persist and have even grown larger over time.

Mayor Kelly declared the public hearing open.

Speaking in support of Resolution 10206 were:

Dan Vuckovich, 1121 23rd Street SW, commented that Montana Egg has invested in the City since it originally formed in 1997. Mr. Vuckovich further commented that the new plant would provide economic improvement, as well as being a benefit to the community.

Brett Doney, Great Falls Development Authority, 300 Central Avenue, commented that Montana Egg has continued to reinvest in itself, and further noted that it would be a capital investment.

Mayor Kelly requested that Mr. Doney explain the role of the \$90,000 Community Development Block Grant (CDBG) gap loan that was administered by GFDA.

Mr. Doney responded that the gap loan was a loan with interest. Mr. Doney further thanked First Interstate Bank for its efforts with regard to financing.

Ed Rooney, 2215 Central Avenue, expressed support with regard to Resolution 10206.

John Hubbard, 615 7th Avenue South, received clarification with regard to Montana Egg's hiring policies.

No one spoke in opposition to Resolution 10206.

Mayor Kelly closed the public hearing and asked the will of the Commission.

Commissioner Jones moved, seconded by Commissioner Bronson, that the City Commission adopt Resolution 10206.

Mayor Kelly asked if there was any discussion amongst the Commissioners.

Commissioner Bronson thanked City staff for preparing a balanced report on the application. Commissioner Bronson further explained that applications are considered in accordance with

Resolution 10119. He commented that the success of the first operation was an indicator of the possibility of future success with regard to Montana Egg. Commissioner Bronson concluded that supporting Montana Egg shows that the City is an investor in economic development.

Commissioner Jones commented that Montana Egg has shown good business sense and has a good track record.

There being no further discussion, Mayor Kelly called for the vote.

Motion carried 5-0.

18. **Res. 10209, A Resolution Approving a Conditional Use Permit to Allow Establishment of a “Contractor Type II” Land Use Upon a Parcel of Land Addressed as 600 2nd Street South.**

Planning and Community Development Director Craig Raymond reported that this item is a request to conduct a public hearing on Resolution 10209 which provides for a Conditional Use Permit for the establishment of a Contractor Yard Type II.

The applicant, Falls Mechanical Services LLC, has submitted an application requesting a Conditional Use Permit to allow for the establishment of a “Contractor Type II” land use upon the property located at 600 2nd St. South. The subject property is presently zoned M-2 Mixed-use transitional, wherein a Contractor Yard Type II land use can be permitted upon receiving approval of a Conditional Use Permit and fulfillment of any required conditions.

Director Raymond explained that a “Contractor Yard” is defined in the Official Code of the City of Great Falls (OCCGF), Title 17 as “a place and/or building, or portion thereof, that is used or is intended to be used by a contractor/builder with one (1) or more of the following: construction material storage, machinery storage or repair, including trucks and heavy equipment, shops, and office space.”

A Contractor Yard Type II is considered compatible in size and scope with industrial and commercial activities, as opposed to smaller-scale businesses that would have no substantial impacts to a residential neighborhood.

The subject property is nearly 38,000 square-feet and is a former paper wholesaling/warehousing business. Approximately half of the lot, 17,000 square feet, contains a one-story, unreinforced-brick masonry warehouse. The rear of the site facing Park Drive is essentially unimproved. The site is located south of the downtown commercial core in a mixed, retail, office and industrial neighborhood adjacent to an active rail corridor. There are multiple commercial and institutional land uses surrounding the subject property, including professional services, a salon/school, a metal and equipment fabrication business and a history museum.

Director Raymond reported that the applicant wishes to relocate an existing business, Falls Mechanical Services, to the subject property. The business contains plumbing, heating, and air-conditioning installation and repair services. The business operations require vehicles and trailers for service calls, a storage area for vehicles, and a business office. The owner doesn't anticipate a great deal of foot traffic to the business, as they primarily provide services off-site. The relocation

of the business to the new site will entail site improvements to include landscaping, regrading/resurfacing of the currently unimproved back area for parking/storage needs, a storm water detention pond and drainage improvements, installation of a privacy fence around the vehicle storage area, and new ADA parking and ramp access into the rear of the building. No exterior modifications to the existing building are planned at this time.

Director Raymond further explained that the CUP process is typically done to allow staff and the City's decision making bodies to establish appropriate conditions onto the project to protect the health, safety and general welfare of neighboring property owners and the public. Additionally, it gives the public the opportunity to voice any concerns or support they may have on the proposed development.

Staff finds and recommends that the proposed CUP conforms to the 7 criteria established as the basis of decision in the OCCGF 17.16.36.040 in that:

1. The zoning and conditional use is consistent with the City's Growth Policy and applicable neighborhood plans, if any.
2. The establishment, maintenance or operation of the zoning and conditional use will not be detrimental to, or endanger the health, safety, morals, comfort or general welfare.
3. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
4. The conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
5. Adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided.
6. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
7. The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the City Commission.

Director Raymond reported that at the conclusion of a public hearing held on September 12, 2017, the Zoning Commission recommended the City Commission approve the Conditional Use Permit to allow a Contractor Yard Type II located at 600 2nd Street South. The requested action is that City Commission conducts the public hearing, consider the testimony received and the information in the agenda package and adopt Resolution 10209.

Mayor Kelly declared the public hearing open.

Speaking in support of Resolution 10209 were:

Brett Doney, Great Falls Development Authority, 300 Central Avenue, commented that this is a great use for the property, and further expressed support with regard to the expansion of a local company.

No one spoke in opposition to Resolution 10209.

Mayor Kelly closed the public hearing and asked the will of the Commission.

Commissioner Bronson moved, seconded by Commissioner Houck, that the City Commission adopt Resolution 10209.

Mayor Kelly asked if there was any discussion amongst the Commissioners.

Commissioner Bronson commended the applicant for putting the property to a productive use.

Mayor Kelly commented that it is the responsibility of the applicant to make the property be a welcoming area for visitors from out of town.

There being no further discussion, Mayor Kelly called for the vote.

Motion carried 5-0.

19. **Ord. 3169, An Ordinance Repealing and Replacing Title 2, Of The Official Code Of The City Of Great Falls (OCCGF), Pertaining To Administration and Personnel Provisions.**

City Attorney Sara Sexe reported that Ordinance 3169 would repeal and replace the Official Code of the City of Great Falls (OCCGF) Title 2, pertaining to Administration and Personnel. Attorney Sexe further reported that changes would include: repealing the Youth Council; requiring all members of City boards, commissions, committees and councils to be City residents; renaming the Fiscal Services Department; as well the Code of Ethics.

Attorney Sexe explained that the updated exhibits in the agenda report are a different version than what was presented on first reading and posted for the October 3rd public hearing.

Mayor Kelly suggested tabling Ordinance 3169 to October 17th since there have been changes since the first reading.

Commissioner Jones moved, seconded by Commissioner Bronson, that the City Commission table Ordinance 3169 until October 17, 2017 with the understanding that all of the substantive changes will have been posted on the City Website with the agenda in order for the public to review the changes that were made.

Mayor Kelly asked if there was any discussion amongst the Commissioners or comments from the public.

Rebecca Engum, 100 1st Avenue North, Great Falls Tourism Business Improvement District (TBID), expressed concern with regard to the proposed change that appointees of boards and commissions be City residents in that it could hinder the TBID's ability to find members.

Commissioner Houck received clarification that the deadline for recommendations to the changes of the exhibits are due before Thursday, two weeks prior to the Commission meeting .

There being no further discussion, Mayor Kelly called for the vote.

Motion carried 5-0.

OLD BUSINESS

NEW BUSINESS

20. Tax Increment Financing (TIF) Application for Wayfinding Signage Project in the Downtown Urban Renewal District.

Planning and Community Development Director Craig Raymond reported that the item is an application for reimbursement for certain costs associated with developing a comprehensive way finding strategy and plan for the City of Great Falls. The total Tax Increment Financing (TIF) request amounts to \$25,000 from the Downtown Urban Renewal District. Director Raymond explained that TIF is a mechanism that allows communities to use new tax dollars resulting from increasing taxable value for reinvestment within a defined geographic area in which they are derived for a period of 15 years, or up to 40 years if the incremental taxes were pledged to the repayment of a bond.

The Downtown Urban Renewal Area is just one of five TIF districts within the City of Great Falls. Director Raymond reported that the Downtown Urban Renewal Tax Increment Financing District was established by the City Commission in 2012 and encompasses property roughly between 5th Avenue South to 3rd Avenue North and Park Drive to 10th Street.

Director Raymond further explained that successful Wayfinding programs extend a welcoming gesture to visitors and residents and contribute to an enhanced motorized and pedestrian experience. The image of Downtown Great Falls is critical to its success and revitalization, and a Wayfinding system will orient visitors to the community and assist them in navigating their way to local destinations and attractions.

Director Raymond commented that people form an opinion about places in as little as 15 seconds, and negative first impressions can be difficult to repair. Since 2004, every major planning initiative undertaken by the City has identified Wayfinding as a priority. In the summer of 2017, Great Falls Montana Tourism launched a new branding and tourism initiative to engage visitors interested in arts and adventure. The proposed Wayfinding project presents an opportunity to engage the community, businesses, local governments and residents to develop a plan that highlights those elements that offer a unique Great Falls' experience to tourists, visitors, and established residents.

Director Raymond pointed out that the goals of this project are:

- 1) To increase visitation in the Downtown Urban Renewal District and adjacent neighborhoods;
- 2) support re-investment in downtown properties and businesses;
- 3) increase revenue generated by parking structures and on-street metered parking;
- 4) create opportunities to highlight significant historic buildings and districts;
- 5) showcase the Missouri River corridor and river trail system connections, as well as other distinctive cultural assets that exist in Great Falls.

Last year, the Downtown Development Partnership (DDP) began to have discussion regarding how to get a way finding project going. As time went on and discussions became more focused, it was determined that the preferred course of action was to have the City manage the effort in partnership with the DDP and other important groups. In this regard, Planning and Community Development is acting as the applicant both for the TIF funds and the Big Sky Trust Fund grant and will lead the project overall. In order to approve TIF reimbursement requests, it must be demonstrated that they meet the criteria recommended in the Urban Renewal Plan as well as the Montana Code Annotated.

Director Raymond explained that the City of Great Falls' Tax Increment Application process established 12 specific criteria to assess the merits of the project in relation to the Plan.

After review and evaluation of the planning project City staff has determined that no persons will be displaced from their housing by the Project or the infrastructure improvements. The Project and the infrastructure improvements substantially satisfy the review criteria of the funding application process and meet the purpose and goals of State Law, the District and Plan. The infrastructure improvements conforms to the comprehensive plan (or parts thereof) for the City as a whole. The infrastructure improvements constitute public improvements in accordance with State Law.

Director Raymond further commented that a sound and adequate financial program exists for the financing of the infrastructure improvements. He mentioned that the City Commission has vested the authority of reviewing all TIF applications within the Downtown Urban Renewal area to the DDP for review and recommendation to the City Commission.

Director Raymond concluded that during the August 23, 2017 Downtown Development Partnership Meeting, the DDP did vote to recommend the approval of the TIF request for funds to the City Commission.

The requested action is that City Commission approve of the TIF Application for funding of the way finding planning project.

Commissioner Houck moved, seconded by Commissioner Bronson, that the City Commission approve the expenditure of Tax Increment Financing funds in the amount of \$25,000 for the development of a Wayfinding Signage Plan.

Mayor Kelly asked if there was any discussion amongst the Commissioners.

Commissioners Bronson and Houck expressed support with regard to the Wayfinding Signage for downtown.

There being no further discussion, Mayor Kelly asked if there were any comments from the public.

Ruthann Knudson, Historic Preservation Advisory Commission, 3021 4th Avenue South, commented that Wayfinding Signage helps citizens move around the Community, and expressed support with regard to the Wayfinding Signage Project.

Brett Doney, Great Falls Development Authority, 300 Central Avenue, commented that there is a need to integrate downtown Wayfinding with City-wide Wayfinding, as well as urban areas. Mr. Doney further noted that the Wayfinding Signage would be a great boost for tourism. He thanked Planning and Community Development Director Craig Raymond, as well as his staff for their efforts.

Rebecca Engum, Great Falls Tourism Business Improvement District (TBID), 100 1st Avenue North, expressed support with regard to Wayfinding Signage.

Shane Etzweiler, President/CEO of the Great Falls Area Chamber of Commerce, 100 1st Avenue North, commented that Wayfinding can create a great impression for first time visitors, and expresses support with regard to the project.

There being no one further to address the Commission, Mayor Kelly called for the vote.

Motion carried 5-0.

ORDINANCES/RESOLUTIONS

21. **Res. 10210 –A Resolution in Support of a Grant Application to the Big Sky Trust Fund for a Wayfinding Signage Project in the Downtown Urban Renewal District.**

Planning and Community Development Director Craig Raymond reported that this item provides the support for the application for Big Sky Trust Fund grant funds. The intended purpose of this grant is to help fund the Wayfinding Signage Project.

Director Raymond explained that the Big Sky Economic Development Trust Fund (BSTF) program is a state-funded program created by the 2005 Legislature. The program's legislative purpose, Montana Code Annotate (MCA) 90-1-202, is to assist in economic development for Montana that will create good-paying jobs for Montana residents, promote long-term, stable economic growth in Montana, encourage local economic development organizations, create partnerships between the state, local governments, tribal governments, and local economic development organizations, retain or expand existing businesses, provide a better life for future generations through greater economic growth and prosperity in Montana, as well as encourage workforce development.

Commissioner Jones moved, seconded by Commissioner Houck, that the City Commission adopt Resolution 10210.

Mayor Kelly asked if there was any discussion amongst the Commissioners. Hearing none, Mayor Kelly asked if there were any comments from the public.

Brett Doney, Great Falls Development Authority, 300 Central Avenue, expressed support with regard to Resolution 10210.

Ruthann Knudson, Historic Preservation Advisory Commission, 3021 4th Avenue South, expressed support with regard to the pairing of two economic opportunities.

Rebecca Engum, Great Falls Tourism Business Improvement District (TBID), 100 1st Avenue North, commented that Big Sky Trust Fund Grant Applications are a great way to leverage

funds locally.

On behalf of Joan Redeen, Director of the Business Improvement District (BID), Commissioner Houck expressed support with regard to Agenda Items 20 and 21.

Mayor Kelly commented that supporting the Wayfinding Signage Project is important.

There being no one further to address the Commission, Mayor Kelly called for the vote.

Motion carried 5-0.

22. **Ord. 3168, Repealing and Replacing Title 5, of the Official Code of the City of Great Falls (OCCGF), Pertaining To Business Licenses, Permits, and Safety Inspection Certificates.**

City Attorney Sara Sexe reported that this item would repeal and replace the Official Code of the City of Great Falls (OCCGF) Title 5, pertaining to the Business License and Safety Inspection Certificate regulations. Some of the proposed changes include: repealing telecommunication facilities regulations; clarifying language regarding businesses that are required to obtain and maintain a Safety Inspection Certificate (SIC), incorporating all regulations regarding special business licenses and permits; as well as establish clear penalty provisions for businesses operating within the incorporated City limits without proper SIC's, permits or licenses.

Commissioner Houck stepped out at 9:07 pm and returned at 9:10 pm.

Commissioner Jones moved, seconded by Commissioner Bronson, that the City Commission accept Ordinance 3168 on first reading and set the public hearing for October 17, 2017.

Mayor Kelly asked if there was any discussion amongst the Commissioners or comments from the public. Hearing none, Mayor Kelly called for the vote.

Motion carried 5-0.

23. **Ord. 3171, An Ordinance Establishing Title 4, of the Official Code of the City of Great Falls (OCCGF), Pertaining to Telecommunication Facilities.**

City Attorney Sara Sexe reported that this item that would establish Title 4 of the Official Code of the City of Great Falls (OCCGF), pertaining to Telecommunication Facilities that currently exist in Title 5 of the OCCGF.

Commissioner Bronson moved, seconded by Commissioner Jones, that the City Commission accept Ordinance 3171 on first reading and set the public hearing for October 17, 2017.

Mayor Kelly asked if there was any discussion amongst the Commissioners or comments from the public. Hearing none, Mayor Kelly called for the vote.

Motion carried 5-0.

24. **Ord. 3172, An Ordinance Amending Title 15, Chapters 30, 35, and 40, of the Official Code of the City of Great Falls (OCCGF), Pertaining to Certain Business and Contracting Licenses.**

City Attorney Sara that this item would amend Chapters 30, 35, and 40 of Title 15 of the Official Code of the City of Great Falls (OCCGF), pertaining to certain Business and Contracting Licenses and inserts them into Title 5 of the OCCGF.

Commissioner Jones moved, seconded by Commissioner Bronson, that the City Commission accept Ordinance 3172 on first reading and set the public hearing for October 17, 2017.

Mayor Kelly asked if there was any discussion amongst the Commissioners or comments from the public. Hearing none, Mayor Kelly called for the vote.

Motion carried 5-0.

CITY COMMISSION

25. **Miscellaneous reports and announcements from the City Commission.**

There were no miscellaneous reports and announcements.

26. **Commission Initiatives.**

Commissioner Bronson announced that he and City Attorney Sara Sexe recently attended a Historic Preservation Advisory Commission meeting with regard to ownership of ancient artifacts that are discovered on City owned property. Commissioner Bronson requested that staff take the appropriate protocol with regard to dealing with the issue.

Manager Doyon received clarification that local Ordinances could be used with regard to dealing with the issue. Manager Doyon suggested a grace period for this issue be given due to the current workloads of the City Attorney and Planning and Community Development offices.

ADJOURNMENT

There being no further business to come before the Commission, **Commissioner Jones moved, seconded by Commissioner Bronson, to adjourn the regular meeting of October 3, 2017 at 9:20 p.m.**

Motion carried 5-0.

Mayor Bob Kelly

Deputy City Clerk Darcy Dea

Minutes Approved: October 17, 2017

DRAFT



Item: Total Expenditures of \$3,899,897 for the period of September 15, 2017 through October 4, 2017, to include claims over \$5,000, in the amount of \$3,609,043.

From: Fiscal Services

Initiated By: City Commission

Presented By: Melissa Kinzler, Fiscal Services Director

ATTACHMENTS:

- ▣ 5000 Report



ITEM: \$5,000 Report
 Invoices and Claims in Excess of \$5,000

PRESENTED BY: Fiscal Services Director

ACTION REQUESTED: Approval with Consent Agenda

LISTING OF ALL ACCOUNTS PAYABLE CHECKS ISSUED AVAILABLE ONLINE AT
www.greatfallsmt.net/fiscalservices/check-register-fund

TOTAL CHECKS ISSUED AND WIRE TRANSFERS MADE ARE NOTED BELOW WITH AN
ITEMIZED LISTING OF ALL TRANSACTIONS GREATER THAN \$5000:

ACCOUNTS PAYABLE CHECK RUNS FROM SEPTEMBER 21, 2017 - OCTOBER 4, 2017	3,845,411.64
MUNICIPAL COURT ACCOUNT CHECK RUN FOR SEPTEMBER 15, 2017 - SEPTEMBER 29, 2017	54,485.50
TOTAL: \$	<u>3,899,897.14</u>

GENERAL FUND

CITY COMMISSION

CASCADE COUNTY	2017 MUNICIPAL PRIMARY BILLING	44,190.51
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FIRE

NOLAN TAYLOR	PARAMEDIC TUITION REIMBURSEMENT	7,553.12
JOSEPH TINSLEY	PARAMEDIC TUITION REIMBURSEMENT	7,692.25

SPECIAL REVENUE FUND

911 SPECIAL REVENUE

CENTURYLINK	DISPATCH MONTHLY LINE CHARGE	5,839.72
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STREET DISTRICT

UNITED MATERIALS OF GREAT FALLS	OF 1622.2 36TH AVE NE IMPROVEMENTS PHASE 2 (SPLIT AMONG FUNDS)	43,094.56
GREAT FALLS SAND & GRAVEL	ASPHALIC CONCRETE TYPE A & B	98,911.64
UNITED MATERIALS OF GREAT FALLS	OF 1641.1 13TH ST S RECONSTRUCTION (SPLIT AMONG FUNDS)	53,631.68

FEDERAL BLOCK GRANTS

CENTER FOR MENTAL HEALTH	EXTERNAL REPAIRS FOR LEWIS GROUP HOME CDBG	24,590.00
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ENTERPRISE FUNDS

WATER

UNITED MATERIALS OF GREAT FALLS	OF 1622.2 36TH AVE NE IMPROVEMENTS PHASE 2 (SPLIT AMONG FUNDS)	311.85
SLETTEN CONSTRUCTION COMPANY STATE OF MONTANA	OF 1519.6 WTP PH 1 CONSTRUCTION 1 % WITHHOLDING FOR SLETTEN CONSTRUCTION	2,075,504.88 20,964.70
HACH COMPANY	TURBIDIMETERS & CONTROLLERS	17,775.79
NALCO COMPANY	FERRIC ACID	6,048.00
ADVANCED ENGINEERING & ENVIRONMENTAL SERVICES INC	OF 1625 WATER STORAGE TANK	17,390.73

SEWER

UNITED MATERIALS OF GREAT FALLS	OF 1622.2 36TH AVE NE IMPROVEMENTS PHASE 2 (SPLIT AMONG FUNDS)	1,207.98
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STORM DRAIN

UNITED MATERIALS OF GREAT FALLS	OF 1622.2 36TH AVE NE IMPROVEMENTS PHASE 2 (SPLIT AMONG FUNDS)	613.80
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CIVIC CENTER EVENTS

GREAT FALLS SYMPHONY ASSOC	LIVE & LET DIE PAYOUT 18-28	19,358.78
INNOVATION ARTS & ENTERTAINMENT	18-44 WILD KRATTS LIVE!	49,184.89

INTERNAL SERVICES FUND

FISCAL SERVICES

ANDERSON ZURMUEHLEN AND CO	PROGRESS BILLING	8,200.00
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CENTRAL GARAGE

MOUNTAIN VIEW CO-OP	FUEL-DIESEL	17,297.40
NORMONT EQUIPMENT CO	ASPHALT RECYCLING MACHINE	78,840.00

TRUST AND AGENCY

COURT TRUST MUNICIPAL COURT

CITY OF GREAT FALLS	FINES & FORFEITURES COLLECTIONS	41,363.00
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PAYROLL CLEARING

STATE TREASURER	MONTANA TAXES	44,078.00
ICMA RETIREMENT TRUST	EMPLOYEE CONTRIBUTIONS	7,841.71
FIREFIGHTER RETIREMENT	FIREFIGHTER RETIREMENT EMPLOYEE & EMPLOYER CONTRIBUTIONS	52,485.73
STATEWIDE POLICE RESERVE FUND	POLICE RETIREMENT EMPLOYEE & EMPLOYER CONTRIBUTIONS	66,586.17
PUBLIC EMPLOYEE RETIREMENT	PUBLIC EMPLOYEE RETIREMENT EMPLOYEE & EMPLOYER CONTRIBUTIONS	125,164.47
US BANK	FEDERAL TAXES, FICA & MEDICARE	209,032.96
AFLAC	EMPLOYEE CONTRIBUTIONS	11,432.29
LABORERS INTERNATIONAL UNION	EMPLOYEE CONTRIBUTIONS	26,873.01
WESTERN CONF OF TEAMSTERS	EMPLOYEE CONTRIBUTIONS	15,792.00
MONTANA OE - CI TRUST FUND	EMPLOYEE CONTRIBUTIONS	24,637.57
NATIONWIDE RETIREMENT SOLUTIONS STATE OF MONTANA	EMPLOYEE CONTRIBUTIONS 3RD QUARTER UNEMPLOYMENT	13,281.02 36,904.20
MONTANA MUNICIPAL INTERLOCAL AUTHORITY	3RD QTR WORKMAN'S COMPENSATION	250,075.28

TRUST AND AGENCY (Cont.)

CASTLE PINES TRUST

UNITED MATERIALS OF GREAT FALLS	OF 1641.1 13TH ST S RECONSTRUCTION (SPLIT AMONG FUNDS)	77,177.29
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UTILITY BILLS

NORTHWESTERN ENERGY	TRANSMISSION CHARGES FOR JULY 2017	8,115.81
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CLAIMS OVER \$5000 TOTAL: \$ 3,609,042.79



Item: Contracts List

From: Lisa Kunz, City Clerk

Initiated By: Various Departments

Presented By: City Commission

ATTACHMENTS:

- ▢ Contracts List

CITY OF GREAT FALLS, MONTANA

AGENDA: 8

COMMUNICATION TO THE CITY COMMISSION

DATE: October 17, 2017

ITEM: CONTRACTS LIST
Itemizing contracts not otherwise approved or ratified by City Commission Action
(Listed contracts are available for inspection in the City Clerk’s Office.)

PRESENTED BY: Lisa Kunz, City Clerk

ACTION REQUESTED: Ratification of Contracts through the Consent Agenda

MAYOR’ S SIGNATURE: _____

CONTRACTS LIST

	DEPARTMENT	OTHER PARTY (PERSON OR ENTITY)	PERIOD	AMOUNT	PURPOSE
A	Great Falls Police Department	Nelson Comfort Solutions	10/17/2017 – 10/15/2018	\$2,550	Agreement for Yearly Maintenance of 911 Center Air Handlers and Boilers
B	Great Falls Police Department	Central Technologies	10/17/2017 – 12/31/2017	\$4,845	Agreement for Installation of Fire Alarm System at Great Falls Police Department

C	Information Technology (IT)	MaxxVault LLC	1 year	\$33,000	Software Subscription and Support Agreement, Master Software License Agreement and Business Associate Agreement for Document Management Software for 50 concurrent users, including installation services, training, and one year of maintenance
D	City Clerk/ Municipal Court	Municipal Code Corporation MCCi	1 year	\$6,525 (Split between City Clerk and Municipal Court)	Agreement for Just FOIA annual software subscription for public records requests including payment portal (authorize.net), site set up, form/process configuration, user set up and training
E	Public Works/ Engineering	CTA Architects Engineers	10/17/2017 – 12/30/2017	\$3,600	Professional Services Agreement for engineering assessment and investigation services for the Morony Natatorium façade OF 1393.7
F	Public Works	Cartgraph Systems, Inc.	10/17/2017 – 8/21/2019	\$10,060	Purchase Agreement #PA607 for Cartegraph OMS software extension, Advanced Asset Management System software implementation, training and support



Item: Great Falls Police Department/Cascade County Sheriff's Office, 2017 Byrne Justice Assistance Grant (JAG) Program Award - Air Cards for Mobile Data Terminals and WatchGuard Mobile Video System

From: Great Falls Police Department

Initiated By: Captain Jeff Newton

Presented By: Chief Dave Bowen

Action Requested: Approve Interlocal Agreement and recommended use of the 2017 Byrne Justice Assistance Grant (JAG) Program Award funds for Air Cards for Mobile Data Terminals and WatchGuard Mobile Video System

Suggested Motion:

1. Commissioner moves:

"I move that the City Commission (approve/deny) the Interlocal Agreement between the City of Great Falls and Cascade County, for use of the 2017 Byrne Justice Assistance Grant Program funds."

2. Mayor calls for a second, discussion, public comment, and calls for the vote.

Staff Recommendation:

Staff recommends that the City Commission approve the Interlocal Agreement between the City of Great Falls and Cascade County, and recommended use of the 2017 Byrne Justice Assistance Grant (JAG) Program funds for purchase of air cards for mobile data terminals and WatchGuard Mobile Video System.

Background:

The total amount of the 2017 Byrne Justice Assistance Grant Program award is \$26,839. The Great Falls Police Department and Cascade County Sheriff's Office have again agreed to an allocation of funds for use in purchasing Mobile Data Terminal Air Cards for the Great Falls Police Department and WatchGuard Mobile Video System for the Cascade County Sheriff's Office.

The proposed funding allocates \$10,735 of the Justice Assistance Grant funds to the Cascade County Sheriff's Office, with the remaining funds of \$16,104 for the Great Falls Police Department. The

funding amount of \$16,104 will be used specifically to purchase Air Cards for existing Mobile Data Terminals, to include all relevant licensing and connection fees for the Great Falls Police Department. The funding amount of \$10,735 will be used specifically to purchase WatchGuard Mobile Video System for the Cascade County Sheriff's Office.

The purchase of Air Cards will be crucial in ensuring both Law Enforcement Agencies can effectively communicate by radio and that the existing Mobile Data Terminals remain operational. Maintaining the Mobile Data Air Cards will provide the ability for effective, direct inter-agency communication and allow officers to obtain real time criminal justice information from their patrol cars, reducing the necessity to leave the field.

The purchase of Air Cards will further be instrumental in ensuring that officers from both agencies have the ability to collaborate and communicate with State agencies, dispatch services, and each other. The communication capabilities facilitate more effective law enforcement activities, combined with an increase in officer safety. The ability to communicate effectively, and receive pertinent criminal justice related information, contributes to increased effectiveness which directly benefits the citizens of our community.

The purchase of the WatchGuard Mobile Video System will be crucial in recording essential video from the Cascade County Sheriff's Office Patrol Division. The video will be essential in assisting the prosecution of relevant criminal and traffic cases, reduction of organizational liability, and accountability of their Deputies.

Fiscal Impact:

This grant has no fiscal match requirements and the entire project is funded 100% by JAG grant funds.

Concurrences:

The 2017 Byrne Justice Assistance Grant (JAG) Program Award has been approved by the Cascade County Sheriff's Office and Board of Cascade County Commissioners. The City Commission ratified the Edward Byrne Memorial Justice Assistance Grant Application #2017-H3086-MT-DJ in the amount of \$26,839 for the Great Falls Police Department's and Cascade County Sheriff's Office in car air cards for mobile data terminals (GFPD) and Watchguard mobile digital video equipment (CCSO) at its September 5, 2017 City Commission meeting.

ATTACHMENTS:

- Interlocal Agreement for Division of 2017 JAG Program Award

**BEFORE THE
BOARD OF COUNTY COMMISSIONERS OF CASCADE COUNTY, MONTANA
AND
THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA
A JOINT RESOLUTION ADOPTING THE INTERLOCAL AGREEMENT
FOR DIVISION OF
THE 2017 BYRNE JUSTICE ASSISTANCE GRANT (JAG) PROGRAM AWARD**

**City of Great Falls Resolution No. _____
Cascade County Resolution No. 17-91
Application # 2017-H3086-MT-DJ**

WHEREAS, the Montana Interlocal Cooperation Act, codified at Mont. Code Ann. §7-11-101, et seq, permits local Governmental units to make the most efficient use of their powers by enabling them to cooperate with other local government units on the basis of mutual advantage, and thereby to provide services and facilities in a manner and pursuant to forms of governmental organization that will accord best with geographic, economic, population, and other factors influencing the needs and development of local communities; and,

WHEREAS, the Interlocal Cooperative Act provides that public agencies may authorize and approve interlocal agreements with other public agencies to perform any administrative service, activity, or undertaking which such public agencies are otherwise authorized by law to perform; and

WHEREAS, Cascade County is a corporate political subdivision of the State of Montana pursuant to Mont. Code Ann §§ 7-1-2101 and 7-1-412 (15) and Mont. Const. Art. XI § 2, and as such is a “public agency”, as defined by Mont. Code Ann. §7-11-103; and

WHEREAS, the City of Great Falls, a municipality wholly located within Cascade County, is an independent corporate political subdivision of the State of Montana pursuant to Mont. Code Ann. §§ 7-1-4101 and 7-1-4121 (9) 7-1-4121(15), and 7-1-4111 (1) and Article XI sec. § 5, of the Constitution of Montana, and as such is a “public agency,” as defined by Mont. Code Ann § 7-11-103;

WHEREAS, the total amount of the 2017 Byrne Justice Assistance Grant (JAG) Program Award (hereafter “the JAG Award”) is \$26,839; and

WHEREAS, the City and County desire to split the grant fund \$16,104 to City / \$10,735 to Cascade County and to use such funds for the purchase of Air Cards for the respective Mobile Data Terminals (GFPD); and Watchguard Mobile Digital Video equipment (CCSO)

WHEREAS, each governing body finds that the performance of this Agreement is in the best interest of both parties, that the undertaking will benefit the public, and that the division of costs fairly compensates the performing party for the services or functions under this agreement, and

WHEREAS, Cascade County and the City of Great Falls believe it to be in their best interest to reallocate the grant funds and desire and intend to be bound under the terms and conditions set forth herein;

NOW, THEREFORE, PURSUANT TO THE Montana Interlocal Cooperation Act, and in consideration of the mutual covenants set forth herein, the receipt and sufficiency of which are hereby acknowledged the County of Cascade and the City of Great Falls hereby agree as follows:

1. Purpose of Agreement

In accordance with MCA § 7-11-105(1), the purpose of this agreement is to provide both parties with an equal share of the 2017 JAG Award for the purchase of Air Cards for their Mobile Data Terminal. The parties do not intend to create any obligations express or implied other than those set out herein.

2. Duration

In accordance with MCA § 7-11-105(1) the agreement shall be immediately effective upon its execution by the respective governing bodies of Cascade County and the City of Great Falls. This agreement shall terminate in conjunction with the JAG Award on September 30, 2019.

3. No Separate Legal Entity Created

With regard to MCA § 7-11-105(2), the parties do not intend to create any separate legal entity by entering into this agreement. Moreover, the provisions of MCA § 7-11-105(4), (6), (7), (8) and (9) are not applicable to this agreement.

4. Distribution of Assets

Upon termination of this agreement, Cascade County and the City of Great Falls shall retain and have exclusive title, responsibility, and control over all existing and after-acquired assets obtained by Cascade County and the City of Great Falls, respectively, under this agreement.

5. Unilateral Termination

Due to the grant funding of this agreement, neither party shall have a right to unilateral termination of this Agreement. Ref. MCA § 7-11-105(5).

6. Amendment

Except as otherwise expressly provided herein, this interlocal agreement may not be amended except by a written agreement of the undersigned parties, in conformance with the requirements of the Montana Interlocal Cooperation Act, codified at Title 7 Chapter 11, Par 1, Mont. Code Ann, and as such statutes may hereafter be amended.

7. Time of Essence

Time is of the essence in the performance of all provisions of this agreement.

8. Severability

If any term of this agreement should hereafter be declared or become void or unenforceable by judicial decree or operation of law, all other terms of this agreement shall continue to be effective unless the void or unenforceable terms materially defeats the manifest intent and purpose of this agreement.

9. Merger

This interlocal agreement constitutes the entire agreement of the undersigned parties with respect to the matters addressed herein and supersedes any and all previous agreements or representations, if any, between the parties.

10. Construction

In the event of any ambiguity or imprecision in regard to the construction of the provisions of this agreement, such ambiguity or imprecision shall not, as a matter of course, be construed against any of the undersigned entities. All provisions of this agreement shall be construed to affect the manifest intent and purpose of this agreement.

11. Liability Claims

Each party to this agreement shall be responsible for its own actions in providing services under the agreement and shall not be liable for any civil liability that may arise from the furnishing of the services by the other party.

12. Third Party Beneficiaries

By entering into this agreement the parties do not intend for any third party to obtain a right by virtue of this Agreement and shall not create any rights in any party not a signatory hereto.

13. Assent

Pursuant to Mont. Code Ann § 7-11-104, the undersigned Cascade County and the City of Great Falls hereby authorize, approve, and execute the terms of this interlocal agreement.

PASSED AND ADOPTED by the City commission of the City of Great Falls, Montana on this _____ day of _____, 2017.

Gregory T. Doyon, City Manager

ATTEST:

Lisa Kunz, City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT

Sara R. Sexe, Esq. *
Great Falls City Attorney

PASSED AND ADOPTED by the 2017 Board of County Commission, Cascade County, Montana on this 26th day of Sept., 2017.

James L. Larson, Chair

Jane Weber, Commissioner

Joe Briggs, Commissioner

APPROVED FOR LEGAL CONTENT*

Carey Haight*
Deputy Cascade County Attorney

On this 26th day of, 2017, I hereby attest the above-written signature of the Board of Cascade County Commissioner
Attest September

Rina Ft. Moore, County Clerk and Recorder

*By law, the City and County Attorney's Offices may only advise or approve contracts or legal documents on behalf of its client. It may not advise or approve a contract or legal document on behalf of other parties. Our review of this document was conducted solely from the legal perspective of our client. Our approval of this document was offered solely for the benefit of our client. Other parties should not rely on this approval and should seek review and approval by their own respective attorney(s).



Item: Community Based Policing Agreement

From: Great Falls Police Department

Initiated By: Jeff Newton, Police Captain

Presented By: Dave Bowen, Police Chief

Action Requested:

Approve the Great Falls Police Department and Great Falls Housing Authority Community Based Policing Agreement.

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (approve/not approve) the Community Based Policing Agreement with the Great Falls Housing Authority and authorize the City Manager to execute the Agreement.”

2. Mayor calls for a second, discussion, public comment, and calls the vote.

Staff Recommendation:

Staff recommends that the City Commission approve the Community Based Policing Agreement with the Great Falls Housing Authority and authorize the City Manager to execute the Agreement.

Background:

The Great Falls Police Department and the Great Falls Housing Authority have had a partnership, a Community Based Policing Agreement, in place since the late 1980's. The Great Falls Housing Authority funds one dedicated officer for the purpose of enforcement and investigations in the Great Falls Housing Authority projects. This officer also facilitates the Parkdale Youth Activity Center (PYAC) at the main housing complex.

The officer handles calls during his designated shift. Before or after shift, calls continue to be answered by the Patrol Officers. Having the Housing Authority officer on site alleviates a substantial number of calls that patrol would have to respond to and resolve. Historically, call loads were high until the Housing Authority officer was established.

The Great Falls Housing Authority provides office space at the main complex for the officer.

Fiscal Impact:

The City would receive \$96,807.00 annually to cover the officer's salary and benefits from the Great Falls Housing Authority. The contract shall commence January 1, 2018 and end June 30, 2018, with an automatic six month renewal based on the GFPPA negotiated contract wage with the City of Great Falls.

Concurrences:

The Community Based Policing Agreement has been approved by the Housing Authority Board.

ATTACHMENTS:

- Community Based Policing Agreement

**GREAT FALLS POLICE DEPARTMENT
AND
GREAT FALLS HOUSING AUTHORITY
COMMUNITY BASED POLICING AGREEMENT**

This contract is entered into this 1st day of January, 2018, by and between the City of Great Falls, hereinafter referred to as "City," and the Great Falls Housing Authority.

In receipt of the mutual covenants and agreements herein contained, the parties agree as follows:

1. The City shall provide personnel and other resources in a Community Policing role at the Great Falls Housing Authority projects. One dedicated officer, excluding contractual time/training time off, shall be provided for the purpose of enforcement and investigations in the Great Falls Housing Authority projects. If the assigned officer or a temporary replacement is not available to the GFHA for longer than 40 hours in each six month agreement period, the GFHA payment will be waived for the period of time that an officer was not available. Payment will resume when an officer becomes available to the GFHA.
2. The Great Falls Housing Authority shall pay the City \$48,403.50 which would include the Officers salary and benefits. Payment shall be made on a monthly basis in the amount of \$8067.25.
3. The City shall keep detailed records regarding the date and time of contacts exclusive of investigating records. The Great Falls Housing Authority may inspect these records at all reasonable times and these records shall be available for photocopying at no additional fee.
4. Indemnification – The City assumes full responsibility for the officer's performance. Subject to the limitations of Mont. Code Ann. §2-9-108, the City shall indemnify the Great Falls Housing Authority against, and hold the Housing Authority harmless from, any liability costs, damages, claims or causes of action which may arise as a result of performance by the City of its responsibilities under the terms of this agreement; provided, however, that the City, its Officers and employees shall not assume any liability for acts of the Great Falls Housing Authority, or any of its Officers or agents.
5. **This Agreement shall commence January 1, 2018 and end June 30, 2018 with an automatic six month renewal based on the GFPPA negotiated contract wage with the City of Great Falls. The GFHA agrees to pay the salary and benefits increase, if any, retroactive to July 1, 2018 based on the GFPPA negotiated contract wage.**

In Witness Whereof, the parties hereto have caused this agreement to be executed the day and year first herein above written.

CITY OF GREAT FALLS


GREAT FALLS HOUSING AUTHORITY

Gregory T. Doyon, City Manager



Kevin Hager, Executive Director

ATTEST:



David Bowen, Chief of Police

Lisa Kunz, City Clerk

(Seal of the City)

APPROVED FOR LEGAL CONTENT:

Sara Sexe, City Attorney



Item: Resolution 10208, "A Resolution Establishing Residential and Commercial Sanitation Service Collection Rates Effective December 1, 2017."

From: Laura Lynch, Utilities Operations Supervisor

Initiated By: Public Works and Fiscal Services

Presented By: Melissa Kinzler, Director of Fiscal Services & Jim Rearden, Director of Public Works

Action Requested: Set Public Hearing on Resolution 10208 for November 7, 2017.

Suggested Motion:

1. Commissioner moves:

“I move the City Commission (set/not set) a public hearing for November 7, 2017, on Resolution 10208 to establish sanitation service collection rates effective December 1, 2017.”

2. Mayor requests a second to the motion, Commission discussion, public comment, and calls for the vote.

Summary:

In an effort to provide necessary collection and disposal services, as well as fund capital improvements, the Public Works Department, Sanitation Division, is seeking a rate increase effective December 1, 2017.

Background:

Each year, staff reviews and analyzes the financing needs of the sanitation fund to ensure the City has adequate funding necessary for day to day operations, capital improvements and emergencies. OCCGF 8.32.350 requires the Commission to adopt a resolution establishing rates to defray the costs of sanitation services for the fiscal year.

Staff proposes adjusting the sanitation rates to adequately provide service while covering the expenses largely due to the increase in landfill fees, personnel, and equipment replacement costs. It is recommended to increase residential collection rates by 5% and to increase collection rates on commercial construction dumpsters by 5%.

A regular residential 96 gallon container would increase \$.58 or 5%, from \$11.51 to \$12.09 per

month. A 20 yard construction dumpster would increase \$13 or 5%, from \$272.00 to \$285.00. Special pick-ups on large appliances would increase from \$9 to \$10 per pick-up while large appliances with Freon would increase from \$40 to \$45 per pick-up. The last residential and commercial rate increase was in October 2015.

Fiscal Impact:

Increases are necessary to continue to provide required pickup and disposal services, increases in landfill fees and to fund capital improvements, specifically the replacement of the fleet. Comparisons of current versus proposed charges are attached.

Alternatives:

The City Commission could choose to not set the public hearing and thereby deny Resolution 10208. Doing so will result in reduced funds available to replace the equipment necessary to operate the sanitation service efficiently.

ATTACHMENTS:

- Resolution 10208
- Current vs Proposed Rates
- Public Notice

RESOLUTION 10208

**A RESOLUTION ESTABLISHING RESIDENTIAL AND COMMERCIAL
SANITATION SERVICE COLLECTION RATES EFFECTIVE DECEMBER 1, 2017**

WHEREAS, an annual review is performed of the cost of service for the collection and disposal of solid waste from customers of the City of Great Falls, in accordance with Title 8, Chapter 32, of the Official Code of the City of Great Falls; and

WHEREAS, pursuant to Title 8, Chapter 32, of the Official Code of the City of Great Falls, the City of Great Falls is authorized to regulate the City's sanitation services and to establish all rates, fees and charges; and

WHEREAS, the rate and fee schedules are prepared to generate sufficient revenue to pay all costs of the operation and maintenance of existing and proposed services and equipment to provide sanitation services to inhabitants of the City of Great Falls; and

WHEREAS, it is essential to the public health, welfare and safety of the inhabitants of the City of Great Falls to provide an adequate sanitation program and to provide sufficient funding to meet the cost of operation and maintenance; and

WHEREAS, notice having been provided as required by law, the City Commission of the City of Great Falls, conducted a public hearing on Tuesday, November 7, 2017, at the Civic Center, 2 Park Drive South, Commission Chambers Room 206, Great Falls, Montana, at 7:00 p.m., and did consider the cost of operation, maintenance, equipment, facilities and capital improvements for the solid waste collection and disposal system.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, that:

Section 1. Basic monthly Sanitation Service Collection Rates are hereby established as follows:

<u>RESIDENTIAL</u>	<u>PROPOSED</u>
Regular 65 Gallon	\$10.11
Regular 96 Gallon	\$12.09
Additional 96 Gallon	\$6.86
Senior Citizen	\$8.41
Extra Pickup	
96 Gallon	\$6.86
300 Gallon extra pick-up	\$9.82
plus extra's - per minute	\$5.00

Section 2. Charges for other commercial pick-up frequencies per week shall be the rate times the number of pickups per week. Large accumulation of material placed for collection may be charged to the customer @ \$5.00 per minute if it takes longer than 2 minutes to load the material.

Special Pickup

Large appliances	\$10
Large appliances with Freon	\$45 (\$35 to remove Freon)

COMMERCIAL

96 Gallon	\$21.25
300 Gallon (Shared)	\$29.17
300 Gallon (Sole Use) or	\$34.19
1.5 yard	\$34.19
2 yard	\$40.89
3 yard	\$58.67
4 yard	\$78.08
6 yard loose	\$116.22
8 yard loose	\$154.35
Card Board Recycling	\$15.00

DROP BOX (per pick-up)

3 yard construction dumpster	(plus rental fees)	\$48.00
20 yard construction dumpster	(plus rental fees)	\$285.00
30 yard construction dumpster	(plus rental fees)	\$321.00
40 yard construction dumpster	(plus rental fees)	\$352.00

Per Day Rental Fees \$2.00

Section 3. Rates do not include the disposal fee as set forth in the Solid Waste Disposal Agreement between the City of Great Falls and Montana Waste Systems. Disposal costs will be assessed by actual weight and volumes in accordance with the agreement.

Section 4. This Resolution will be effective upon adoption.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, this 7th day of November, 2017.

Bob Kelly, Mayor

ATTEST:

Darcy Dea, Deputy City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

Sara R. Sexe, City Attorney

**RESOLUTION 10208
RESIDENTIAL AND COMMERCIAL SANITATION COLLECTION RATES
CURRENT VS PROPOSED RATES**

<u>RESIDENTIAL</u>	<u>CURRENT</u>	<u>PROPOSED</u>	
per month			
Regular 65 Gallon	9.63	10.11	(5% INC)
Regular 96 Gallon	11.51	12.09	(5% INC)
Additional 96 Gallon	6.53	6.86	(5% INC)
Senior Citizen	8.01	8.41	(5% INC)
Extra Pickup			
96 Gallon	6.53	6.86	(5% INC)
300 Gallon	9.35	9.82	(5% INC)
plus extra's - per minute	4.00	5.00	
<i>Charges for other commercial pick-up frequencies per week shall be the rate times the number of pick-ups per week. Large accumulation of material placed for collection may be charged to the customer @ \$5.00 per minute if it takes longer than 2 minutes to load the material.</i>			
Special Pickup			
Large appliances	9.00	10.00	
Large appliances-with Freon	40.00	45.00	\$35 to remove Freon
<u>COMMERCIAL</u>			
per month			
96 Gallon	21.25	21.25	
300 Gallon (shared)	29.17	29.17	
300 Gallon (sole use)	34.19	34.19	
1.5 yard	34.19	34.19	
2 yard	40.89	40.89	
3 yard	58.67	58.67	
4 yard	78.08	78.08	
6 yard loose	116.22	116.22	
8 yard loose	154.35	154.35	
Card Board Recycling	15.00	15.00	
<u>DROP BOX</u>			
per pick-up			
3 yard construction dumpster (plus rental fees)	46.00	48.00	(5% INC)
20 yard construction dumpster (plus rental fees)	272.00	285.00	(5% INC)
30 yard construction dumpster (plus rental fees)	306.00	321.00	(5% INC)
40 yard construction dumpster (plus rental fees)	335.00	352.00	(5% INC)
30 yard compacted (plus disposal charge)	203.00		
40 yard compacted (plus disposal charge)	203.00		
Flat Rate Surcharge (over weight containers)	105.00		
Per Day Rental Fees	4.00	2.00	

Rates do not include the disposal fee as set forth in the Solid Waste Disposal Agreement between the City of Great Falls and Montana Waste Systems. Disposal costs will be assessed by actual weight and volumes in accordance with the agreement.

Attention Legal Ads

NOTICE OF PUBLIC HEARING

Notice is hereby given that Resolution 10208 – A Resolution to Establish Rates in Accordance with Title 8, Chapter 32 of the Official Code of the City of Great Falls (OCCGF), for the Collection and Disposal of Solid Waste Collected from Customers of the City of Great Falls effective December 1, 2017 - will be brought before the Great Falls City Commission for Public Hearing in the Commission Chambers Room 206, Civic Center, 2 Park Drive South, Great Falls, Montana, on Tuesday, November 7, 2017, at 7:00 o'clock p.m. Any interested person may appear and speak for or against said Resolution 10208 or submit in writing any comments to the City Clerk prior to or during the Commission Meeting.

/s/ Lisa Kunz
City Clerk

DO NOT PUBLISH BELOW THIS LINE:
Publication dates: 10/28/17 and 11/5/17



Item: Final Payment: Central Avenue Drainage Improvements - 5th to 6th Street, Office File 1631.9

From: Engineering Division

Initiated By: Public Works Department

Presented By: Jim Rearden, Public Works Director

Action Requested: Approve Final Pay Request for Office File 1631.9

Suggested Motion:

1. Commissioner moves:

“I move the City Commission (approve/not approve) Final Payment for the Central Avenue Drainage Improvements – 5th to 6th Street, in the amount of \$92,400.40 to United Materials of Great Falls and \$933.34 to the State Miscellaneous Tax Fund and authorize the City Manager to make the payments.”

2. Mayor requests a second to the motion, Commission discussion, public comment, and calls for the vote.

Staff Recommendation:

Approve Final Payment Request.

Summary:

This project addressed drainage issues along Central Avenue between 5th and 6th Street. The major components of the project included the installation of six (6) new inlets and the replacement of curb and gutter at multiple locations. The project also installed a new inlet on 5th Street North and a new inlet on 6th Street North.

Background:

Citizen Participation

The construction activity required the closure of Central Avenue between 5th and 6th Street. The Contractor maintained a minimum of a four (4) foot wide pedestrian path in front of the businesses at all times and either the west half or the east half of Central Avenue was open to vehicular traffic during most of the project. Public Works presented the project at the May 24th Downtown Development Partnership meeting. The Downtown Great Falls Association 2017 Calendar of Events was used when determining

the construction schedule. Public Works facilitated a public preconstruction meeting to discuss the project and four public meetings were held during the course of the five week long project to discuss the status of the job.

Workload Impacts

City Engineering Staff completed the project design and performed construction inspection and contract administration duties.

Purpose

The purpose of this project was to reduce the volume of standing water at multiple locations along Central Avenue between 5th and 6th Street. This project also addressed some of the standing water problems on 5th Street and 6th Street North. This was the second phase of planned drainage improvements along Central Avenue. The first phase was completed last summer and addressed standing water along Central Avenue between 4th and 5th Street. The third phase is scheduled for the summer of 2018 and will address standing water along Central Avenue between 3rd and 4th Street.

Project Work Scope

The project included the installation of six (6) new inlets, replaced 309 feet of curb and gutter, and installed 284 feet of new PVC drainage pipe.

Evaluation and Selection Process

Two (2) bids were received on July 6, 2017 and the results were \$107,837.00 and \$169,912.00. United Materials of Great Falls, Inc. submitted the low bid and executed all the necessary bid documents. The City Commission awarded the contract on July 18, 2017.

Final Payment

The final project cost is \$93,333.74 which is \$14,503.26 less than the amount that was originally awarded and approved. The difference was due to the uncertainty associated with the suitability of the subsurface soils. Over excavation of unsuitable soils was not required to the extent estimated at the time of bidding.

Conclusion

City staff recommends making the Final Payment. City staff verified that United Materials has completed all work and punch list items in accordance with the plans and the contract. The two year warranty period started at the time of substantial completion which was September 8, 2017.

Fiscal Impact:

Funding for this project will be from the Storm Drain Capital Fund.

Alternatives:

The City Commission could vote to deny Final Payment.

ATTACHMENTS:

- OF 1631.9 Final Pay Documents



City of Great Falls
 2 Park Dr S
 Great Falls, MT 59401
 Phone (406) 455-8425

**Purchase Order
 No. 2018-00000042**

DATE 08/03/2017

Ship To

CITY OF GREAT FALLS
 PUBLIC WORKS DEPARTMENT
 1005 25TH AVE NE
 GREAT FALLS, MT 59404

Bill To

CITY OF GREAT FALLS
 ACCOUNTS PAYABLE
 PO BOX 5021
 GREAT FALLS, MT 59403

Vendor

Vendor No. 1072
 UNITED MATERIALS OF GREAT FALLS INC
 PO BOX 1690
 GREAT FALLS, MT 59403-1690

DELIVER BY
SHIP VIA
FREIGHT TERMS
 PAGE 1 of 1
ORIGINATOR: Kari Wambach

NOTE:

QUANTITY	UNIT	DESCRIPTION	UNIT COST	TOTAL COST
1.0000	EACH	CONTRACT SERVICES - OF 1631.9 CENTRAL AVE DRAINAGE IMPRV 5TH-6TH STREET 5315.31.575.49310 - IMPROVEMENTS OTHER THAN BUILDINGS 106,758.63 PW371710	106,758.6300	\$106,758.63
PURCHASE ORDER TOTAL				\$106,758.63

*Final Pay
 Close PD*

Special Instructions: PURCHASE ORDER NO. MUST APPEAR ON ALL INVOICES, PACKING SLIPS, AND CORRESPONDENCE.

By accepting this purchase order contract, both the seller and the City of Great Falls agree that they will perform their obligations in accordance with all applicable laws and ordinances. All documents relative to this purchase order contract shall be interpreted and construed according to the laws of the State of Montana.

APPLICATION FOR PAYMENT NO. 1 – Final Pay Request

To: City of Great Falls (OWNER)
 From: United Materials of Great Falls, Inc (CONTRACTOR)
 Contract: Central Avenue Drainage Improvements – 5th to 6th Street
 Project: Central Avenue Drainage Improvements – 5th to 6th Street
 OWNER's Contract No. OF 1631.9 ENGINEER's Project No. PW371710
 For Work accomplished through the date of: September 9, 2017

1.	Original Contract Price:	\$ 107,837.00
2.	Net change by Change Orders and Written Amendments (+ or -):	\$ 0.00
3.	Current Contract Price (1 plus 2):	\$ 107,837.00
4.	Total completed and stored to date:	\$ 0.00 - 93,333.74 <i>net</i>
5.	Retainage (per Agreement):	
	<u>0</u> % of Completed Work: \$ _____	
	<u>0</u> % of stored material: \$ _____	
	Total Retainage:	\$ 0.00
6.	Total completed and stored to date less retainage (4 minus 5):	\$ 93,333.74
7.	Less previous Applications for Payments:	\$ 0.00
8.	Gross Amount Due this application: (6 minus 7):	\$ 93,333.74
9.	Less 1% State Gross Receipts Tax:	\$ 933.34
10.	DUE THIS APPLICATION (8 MINUS 9):	\$ 92,400.40

Accompanying Documentation:
Pay Application No 1 quantities

CONTRACTOR'S Certification:

The undersigned CONTRACTOR certifies that (1) all previous progress payments received from OWNER on account of Work done under the Contract referred to above have been applied on account to discharge CONTRACTOR'S legitimate obligations incurred in connection with Work covered by prior Applications for Payment numbered 1 through 1 inclusive; (2) title of all Work, materials and equipment incorporated in said Work or otherwise listed in or covered by this Application for Payment will pass to OWNER at time of payment free and clear of all Liens, security interests and encumbrances (except such as are covered by a Bond acceptable to OWNER indemnifying OWNER against any such Lien, security interest or encumbrance); and (3) all Work covered by this Application for Payment is in accordance with the Contract Documents and not defective.

Dated 9-29-17

United Materials of Great Falls, Inc
 CONTRACTOR

By: 

Payment of the above AMOUNT DUE THIS APPLICATION is recommended.

Dated 9-29-17

City of Great Falls Public Works
 ENGINEER

By: 

EJCDC No. 1910-8-E (1996 Edition)
 Prepared by the Engineers Joint Contract Documents Committee and endorsed by The Associated General Contractors of America and the Construction Specifications Institute. Modified by the City of Great Falls to add items 9 and 10.

Office File Name: 1631.9

Central Avenue Drainage Improvements (5th to 6th Street)

Prepared by the City Engineers Office

9/29/2017

FINAL PAYMENT

Item #	Description of Pay Items	Est Qty	Unit	United Materials, Inc		Pay Application No 1	
				Unit Price	Total	Quantity Installed	Total
Drop Inlets & Manholes							
101	Traffic Control	1	LS	\$5,325.00	\$5,325.00	1.00	\$5,325.00
102	Non-Typical Concrete Curb & Gutter, Includes Asphalt (R & R)	303	LF	\$63.00	\$19,089.00	309.00	\$19,467.00
103	Asphalt Pavement, 6" Depth (R & R)	2,587	SF	\$7.00	\$18,109.00	2,471.82	\$17,302.74
104	1 1/2" Minus Base Course, Pipe Backfill, (Depth Varies)	360	LF	\$13.00	\$4,680.00	340.00	\$4,420.00
105	Drop Inlet, Type IV, with Concrete Apron	4	EA	\$2,800.00	\$11,200.00	4.00	\$11,200.00
106	Pipe Grate Inlet, with Concrete Apron	2	EA	\$1,100.00	\$2,200.00	2.00	\$2,200.00
107	Storm Drain Pipe 8" PVC - Sch 40	284	LF	\$80.00	\$22,720.00	284.00	\$22,720.00
108	Storm Drain Pipe 8" Ductile Iron	76	LF	\$95.00	\$7,220.00	71.00	\$6,745.00
109	Ductile Iron Fittings	448	LBS	\$4.25	\$1,904.00	448.00	\$1,904.00
110	Connect to Existing Inlet, includes Concrete Apron	3	EA	\$600.00	\$1,800.00	3.00	\$1,800.00
111	Rigid Foam Insulation	140	SF	\$6.00	\$840.00	0.00	\$0.00
112	Pull Box, Concrete, Type 1	2	EA	\$1,000.00	\$2,000.00	0.00	\$0.00
113	Rail Removal	1	EA	\$500.00	\$500.00	0.50	\$250.00
114	Type II Bedding	50	CY	\$35.00	\$1,750.00	0.00	\$0.00
115	Concrete "Washout" Fill	50	CY	\$40.00	\$2,000.00	0.00	\$0.00
116	Flowable Fill	50	CY	\$90.00	\$4,500.00	0.00	\$0.00
117	Miscellaneous Work	2,000	Unit	\$1.00	\$2,000.00	0.00	\$0.00
Total Base Bid Amount, Items 101-117					\$107,837.00		\$93,333.74



City of Great Falls
 2 Park Dr S
 Great Falls, MT 59401
 Phone (406) 455-8425

**Purchase Order
 No. 2018-00000043**

DATE 08/03/2017

Ship To
 CITY OF GREAT FALLS
 PUBLIC WORKS DEPARTMENT
 1005 25TH AVE NE
 GREAT FALLS, MT 59404

Bill To
 CITY OF GREAT FALLS
 ACCOUNTS PAYABLE
 PO BOX 5021
 GREAT FALLS, MT 59403

Vendor
Vendor No. 1129
 STATE OF MONTANA
 DEPT OF REVENUE
 MISC TAX DIVISION - MITCHELL BLDG
 PO BOX 5835
 HELENA, MT 59604-5835

DELIVER BY
SHIP VIA
FREIGHT TERMS
 PAGE 1 of 1
ORIGINATOR: Kari Wambach

NOTE:

QUANTITY	UNIT	DESCRIPTION	UNIT COST	TOTAL COST
1.0000	EACH	CONTRACT SERVICES - 1% WITHHOLDING FOR UNITED MATERIALS ON OF 1631.9 5315.31.575.49310 - IMPROVEMENTS OTHER THAN BUILDINGS 1,078.37 PW371710	1,078.3700	\$1,078.37
PURCHASE ORDER TOTAL				\$1,078.37

*Final Pay
Close PO*

Special Instructions: PURCHASE ORDER NO. MUST APPEAR ON ALL INVOICES, PACKING SLIPS, AND CORRESPONDENCE.

By accepting this purchase order contract, both the seller and the City of Great Falls agree that they will perform their obligations in accordance with all applicable laws and ordinances. All documents relative to this purchase order contract shall be interpreted and construed according to the laws of the State of Montana.



Contractors Gross Receipts Gross Receipts Withholding Return

1. Contract Awarded by: [X] Agency [] Prime Contractor

Federal Identification Number (FEIN): 81 - 6001269
Name: City of Great Falls
Address: PO Box 5021
City: Great Falls State: MT Zip Code 59403

2. Contract Awarded to: [X] Prime Contractor [] Sub Contractor

Federal Identification Number (FEIN): 81 - 0406935
Name: United Materials
Address: PO Box 1690
City: Great Falls State: MT Zip Code 59403

Table with 2 columns: Description and Amount. Rows include Government Issued Contract Number (OF 1631.9), Contract Award Date (18-Jul-17), Month and year increment payment earned (Sep-17), Gross amount due prime contractor (\$93,333.74), Amount Withheld (\$933.34), Net amount paid (\$92,400.40), and Remittance attached for credit (\$933.34).

10. Description of work to be performed: Address drainage issues by installing 6 new inlets and replacing the curb and gutter.

11. Location of work to be performed (be specific): Central Avenue between 5th and 6th Street in Great Falls, MT.

The agency or contractor must, in accordance with Section 15-5-206, Montana Code Annotated, withhold one percent (1%) of incremental payments due the contractor or sub-contractor.

Return Submitted by: [X] Agency [] Prime Contractor [] Sub-Contractor

Award Authorization Preparer's Signature: [Redacted]

Preparer's Title: Engineering Administrative Secretary Date: 2 October 17
Phone: 406.771.1258 Fax: 406.771.0700

Mail this return to: Department of Revenue, P.O. Box 5835, Helena, MT 59604-5835



Item: Final Payment: South Great Falls Storm Drain Improvements, Missouri River to 6th Street South Pond - O.F. 1554.2

From: Engineering Division

Initiated By: Public Works Department

Presented By: Jim Rearden, Public Works Director

Action Requested: Approve Final Pay Request

Suggested Motion:

1. Commissioner moves:

"I move that the City Commission (approve/not approve) Final Payment for the South Great Falls Storm Drain Improvements, Missouri River to 6th Street South Pond in the amount of \$114,646.17 to Williams Civil Division, Inc. and \$1,158.04 to the State of Montana Miscellaneous Tax Division and authorize the City Manager to execute the necessary documents and make the payments."

2. Mayor requests a second to the motion, Commission discussion, public comment, and calls for the vote.

Staff Recommendation:

Approve Final Pay Request.

Summary:

City staff has verified that Williams Civil has completed all work in accordance with the plans and contract documents. The project was not completed within the 180-calendar day contract. With winter shutdown and other weather days the contract time was exceeded by 15 days.

Background:

Significant Impacts:

The project is the second of several phases planned to construct public storm drainage facilities including storm drain outfalls, pipe, inlets, and detention ponds to serve an area along the southern edge of the City generally bounded by Lower River Road, 17th Avenue South, 20th Street South and 40th Avenue South.

Until recent years, there have been few public storm drains and flood control storage facilities serving this area. As a result, there has been localized flooding, especially in the housing areas adjacent to Upper River Road. The first phase of this project installed storm drains, inlets and a detention pond in an area bounded by 9th Street South, 21st Avenue South, 14th Street South and 23rd Avenue South. This project constructed storm drain at the lower end of the drainage basin beginning at Missouri River and extending eastward across Lower River Road, the BNSF Railroad, and Upper River Road to 6th Street South. Improvements constructed in Phases 1 and 2 will significantly reduce the flooding issues in the Upper River Road area.

Future phases of the project will complete the middle segment between Phases 1 and 2, and extend trunk storm drains to two other smaller drainage basins which are located in the vicinity of 24th Avenue South and the Pearson Addition. This project constructed pipe under the BNSF Railroad in anticipation of these future projects to provide better drainage in these other basins.

Project Work Scope:

The project work scope consisted of constructing two new outfall structures at the Missouri River (twin 54-inch pipes and a 36-inch pipe), approximately one mile of reinforced concrete storm drain pipe ranging in size from 18 to 54 inch diameter, one 60-inch diameter railroad bore with a 54-inch steel carrier pipe, two 42-inch diameter railroad bores with 36-inch diameter steel carrier pipes, various manhole and inlet structures, a 2.5 acre-foot capacity detention pond, miscellaneous utility relocations and installations, and restoration of disturbed roadways, driveways and disturbed property.

Evaluation and Selection Process:

Six bids were received on June 22, 2016, with the bids ranging between \$2,249,024.00 and \$3,799,672.00 with Williams Civil submitting the low bid. On July 5, 2016, Williams Civil was awarded a contract in the amount of \$2,249,024.00.

Conclusion:

The final cost is \$2,217,469.41 which is \$31,554.59 less than the contract amount. The two-year project warranty started at the time of substantial completion, which was June 2, 2017. The delay in processing of final payment is a result of finishing up punch list items.

Fiscal Impact:

City Storm Drain funds were allocated to the project and are available to cover the Final Payment. Liquidated damages and inspection overtime costs in the amounts of \$13,500.00 and \$3,159.50, respectively, have been deducted from the final payment.

Alternatives:

The City Commission could vote to deny the Final Payment.

ATTACHMENTS:

- Final Pay O.F. 1554.2



City of Great Falls
 2 Park Dr S
 Great Falls, MT 59401
 Phone (406) 455-8425

**Purchase Order
 No. 2017-00000155**

DATE 11/16/2016

Ship To
 CITY OF GREAT FALLS
 PUBLIC WORKS DEPARTMENT
 1005 25TH AVE NE
 GREAT FALLS, MT 59404

Bill To
 CITY OF GREAT FALLS
 ACCOUNTS PAYABLE
 PO BOX 5021
 GREAT FALLS, MT 59403

Vendor
Vendor No. 2519
 WILLIAMS CIVIL CONSTRUCTION
 2131 INDUSTRIAL DR
 BOZEMAN, MT 59715

**DELIVER BY
 SHIP VIA
 FREIGHT TERMS
 PAGE 1 of 1
 ORIGINATOR: Kari Wambach**

NOTE:

QUANTITY	UNIT	DESCRIPTION	UNIT COST	TOTAL COST
1.0000	EACH	CONTRACT SERVICES - OF 1554.2 S GF SD IMP MISS RIVER TO 6TH ST S 5315.31.575.49310 - IMPROVEMENTS OTHER THAN BUILDINGS 2,226,533.76 PW331606	2,226,533.7600	\$2,226,533.76
PURCHASE ORDER TOTAL				\$2,226,533.76

*Final Pay
 Close PO*

Special Instructions: PURCHASE ORDER NO. MUST APPEAR ON ALL INVOICES, PACKING SLIPS, AND CORRESPONDENCE.

Application and Certificate For Payment

To Owner: CITY OF GREAT FALLS P.O. BOX 5021 GREAT FALLS, MT 59403	Project: S GF STORM DRAIN IMP	Application No: 11 Date: 09/25/2017 Period To: 09/25/17 Architect's Project No: Contract Date:
From (Contractor): Williams Civil Construction 2131 Industrial Dr Bozeman, MT 59715	Contractor Job Number: 83216 Via (Architect): Contract For:	
Phone: 406-587-0969		

Contractor's Application For Payment

Change Order Summary	Additions	Deductions
Change orders approved in previous months by owner		
Change orders approved this month		-31,554.59
Totals		-31,554.59
Net change by change orders		-31,554.59

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information, and belief the work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown herein is now due.

By: [REDACTED] Date: 09/25/17
 State of: Montana County of: Gallatin
 Subscribed and sworn to before me this 20 day of October, 2017.
 Notary Public: Carlin L. Alley
 My commission expires 10/25/2019
 CHANGES ✓

CARLIN L. ALLEY
 Notary Public
 State of Montana
 Recording at:
 Whitehall, Montana
 Commission Expires:
 10/25/2019

Original contract sum	2,249,024.00
Net change by change orders	-31,554.59
Contract sum to date	2,217,469.41
Total completed and stored to date	2,217,469.41
Retainage	
0.0% of completed work	0.00
0.0% of stored material	0.00
Total retainage	0.00
Total earned less retainage	2,217,469.41
Less previous certificates of payment	2,101,665.20
Current payment due	115,804.21
Less Montana 1% Tax	1,158.04
Net due	114,646.17
Balance to finish, including retainage	0.00

Architect's Certificate for Payment

In accordance with the Contract Documents, based on on-site observations and the data comprising the above application the Architect certifies to the Owner that to the best of the Architect's knowledge, information and belief the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the Amount Certified.

Amount Certified: \$ 115,804.21

By: [REDACTED] Date: 10/5/2017
 CHANGES: ✓
 Architect: [REDACTED]

This Certification is not negotiable. The Amount Certified is payable only to the Contractor named herein. Issuance, payment, and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.

Application and Certificate For Payment -- page 2

To Owner: CITY OF GREAT FALLS
 From (Contractor): Williams Civil Construction
 Project: S GF STORM DRAIN IMP

Application No: 11 Date: 09/25/17 Period To: 09/25/17
 Contractor's Job Number: 83216
 Architect's Project No:

Item Number	Description	Unit Price	Contract Quantity	UM	Scheduled Value	Work Completed Previous Application		Work Completed This Period		Completed and Stored To Date		Retention	Memo
						Quantity	Amount	Quantity	Amount	Quantity	Amount		
101	Clearing, Grubbing, & Misc	0.0000	.000	LS	12,750.00	100.00 %	12,750.00	0.00 %	0.00	100.00 %	12,750.00	100.0	0.00
102	36" Outfall Structure	0.0000	.000	LS	34,900.00	100.00 %	34,900.00	0.00 %	0.00	100.00 %	34,900.00	100.0	0.00
103	54" Outfall Structure	0.0000	.000	LS	78,600.00	100.00 %	78,600.00	0.00 %	0.00	100.00 %	78,600.00	100.0	0.00
104	54" Steel Pipe Boring & Transitions	0.0000	.000	LS	156,700.00	100.00 %	156,700.00	0.00 %	0.00	100.00 %	156,700.00	100.0	0.00
105	36" Steel Pipe Boring & Transitions - 24th Ave S	0.0000	.000	LS	94,300.00	100.00 %	94,300.00	0.00 %	0.00	100.00 %	94,300.00	100.0	0.00
106	36" Steel Pipe Boring & Transitions - Marie Dr	0.0000	.000	LS	94,300.00	100.00 %	94,300.00	0.00 %	0.00	100.00 %	94,300.00	100.0	0.00
107	54" Storm Drain	250.0000	1,956.000	LF	489,000.00	1,956.000	489,000.00	.000	0.00	1,956.000	489,000.00	100.0	0.00
108	65"x40" Arch Storm Drain	280.0000	397.000	LF	111,160.00	397.000	111,160.00	.000	0.00	397.000	111,160.00	100.0	0.00
109	48" Storm Drain	220.0000	2,196.000	LF	483,120.00	2,196.000	483,120.00	.000	0.00	2,196.000	483,120.00	100.0	0.00
110	36" Storm Drain	270.0000	79.600	LF	21,492.00	79.600	21,492.00	.000	0.00	79.600	21,492.00	100.0	0.00
111	24" Storm Drain	150.0000	32.500	LF	4,875.00	32.500	4,875.00	.000	0.00	32.500	4,875.00	100.0	0.00
112	18" Storm Drain	120.0000	56.000	LF	6,720.00	56.000	6,720.00	.000	0.00	56.000	6,720.00	100.0	0.00
113	54" 45 Degree Bend	3,600.0000	1.000	EA	3,600.00	1.000	3,600.00	.000	0.00	1.000	3,600.00	100.0	0.00
114	54" 87 Degree Bend	4,000.0000	1.000	EA	4,000.00	1.000	4,000.00	.000	0.00	1.000	4,000.00	100.0	0.00
115	54" 90 Degree Bend	4,000.0000	1.000	EA	4,000.00	1.000	4,000.00	.000	0.00	1.000	4,000.00	100.0	0.00
116	65"x40" Arch 90 Degree Bend	4,100.0000	1.000	EA	4,100.00	1.000	4,100.00	.000	0.00	1.000	4,100.00	100.0	0.00
117	48" 90 Degree Bend	2,900.0000	1.000	EA	2,900.00	1.000	2,900.00	.000	0.00	1.000	2,900.00	100.0	0.00
118	48"x48"x36" Tee	3,800.0000	1.000	EA	3,800.00	1.000	3,800.00	.000	0.00	1.000	3,800.00	100.0	0.00
119	54"x54"x48" Tee Manhole	7,800.0000	5.000	EA	39,000.00	5.000	39,000.00	.000	0.00	5.000	39,000.00	100.0	0.00
120	60"x40"x48" Tee Manhole	8,800.0000	1.000	EA	8,800.00	1.000	8,800.00	.000	0.00	1.000	8,800.00	100.0	0.00
121	72" Manhole	8,900.0000	4.000	EA	35,600.00	4.000	35,600.00	.000	0.00	4.000	35,600.00	100.0	0.00
122	48"x48"x48" Tee Manhole	4,800.0000	3.000	EA	14,400.00	3.000	14,400.00	.000	0.00	3.000	14,400.00	100.0	0.00
123	54"x65"x40" Arch Transition	4,000.0000	1.000	EA	4,000.00	1.000	4,000.00	.000	0.00	1.000	4,000.00	100.0	0.00
124	65"x40" Arch to 48" Transition	3,800.0000	1.000	EA	3,800.00	1.000	3,800.00	.000	0.00	1.000	3,800.00	100.0	0.00
125	36" Pre-Cast Plug	520.0000	3.000	EA	1,560.00	3.000	1,560.00	.000	0.00	3.000	1,560.00	100.0	0.00
126	48" Pre-Cast Plug	870.0000	1.000	EA	870.00	1.000	870.00	.000	0.00	1.000	870.00	100.0	0.00
127	48" SD Inlet	3,600.0000	6.000	EA	21,600.00	6.000	21,600.00	.000	0.00	6.000	21,600.00	100.0	0.00
128	6" Sewer Service	45.0000	312.000	LF	14,040.00	312.000	14,040.00	.000	0.00	312.000	14,040.00	100.0	0.00
129	3/4" Water Service	47.0000	325.000	LF	15,275.00	325.000	15,275.00	.000	0.00	325.000	15,275.00	100.0	0.00
130	Sewer Service Adjustment	4,800.0000	3.000	EA	14,400.00	3.000	14,400.00	.000	0.00	3.000	14,400.00	100.0	0.00
131	Adjust 4" Sewer Service with 48" Manhole	8,600.0000	1.000	EA	8,600.00	1.000	8,600.00	.000	0.00	1.000	8,600.00	100.0	0.00
132	Gas Service Adjustment	1,500.0000	9.000	EA	13,500.00	9.000	13,500.00	.000	0.00	9.000	13,500.00	100.0	0.00

Application and Certificate For Payment -- page 3

To Owner: CITY OF GREAT FALLS
 From (Contractor): Williams Civil Construction
 Project: S GF STORM DRAIN IMP

Application No: 11 Date: 09/25/17 Period To: 09/25/17
 Contractor's Job Number: 83216
 Architect's Project No:

Item Number	Description	Unit Price	Contract Quantity	UM	Scheduled Value	Work Completed Previous Application		Work Completed This Period		Completed and Stored To Date		Retention	Memo
						Quantity	Amount	Quantity	Amount	Quantity	Amount		
133	Water Service Adjustment	1,700.0000	4,000 EA		6,800.00	4,000	6,800.00	.000	0.00	4,000	6,800.00	100.0	0.00
134	12" Water Main Adjustment	10,300.0000	1,000 EA		10,300.00	1,000	10,300.00	.000	0.00	1,000	10,300.00	100.0	0.00
135	8" Water Main Adjustment	8,300.0000	1,000 EA		8,300.00	1,000	8,300.00	.000	0.00	1,000	8,300.00	100.0	0.00
136	Gas Main Adjustment	1,500.0000	4,000 EA		6,000.00	4,000	6,000.00	.000	0.00	4,000	6,000.00	100.0	0.00
137	Comm. Line Adjustment	800.0000	4,000 EA		3,200.00	4,000	3,200.00	.000	0.00	4,000	3,200.00	100.0	0.00
138	Gross Surface Restoration	2,250.0000	5,026.0000 SY		11,308.50	.000	0.00	5,026.0000	11,308.50	5,026.0000	11,308.50	100.0	0.00
139	Asphalt Surface Replacement Lower River Road	53.0000	140.0000 SY		7,420.00	140.0000	7,420.00	.000	0.00	140.0000	7,420.00	100.0	0.00
140	Replace Asphalt Surface 2620 Upper River Rd	43.0000	670.0000 SY		28,810.00	670.0000	28,810.00	.000	0.00	670.0000	28,810.00	100.0	0.00
141	Replace Asphalt Surface Upper River Road	47.0000	2,650.0000 SY		124,550.00	2,650.0000	124,550.00	.000	0.00	2,650.0000	124,550.00	100.0	0.00
142	7" Gravel Surface	11.5000	925.0000 SY		10,637.50	925.0000	10,637.50	.000	0.00	925.0000	10,637.50	100.0	0.00
143	Gravel Surface Top Lift	5.0000	2,134.0000 SY		10,670.00	2,134.0000	10,670.00	.000	0.00	2,134.0000	10,670.00	100.0	0.00
144	Gravel Surface 31st Alley South	26.5000	1,318.0000 LF		34,927.00	1,318.0000	34,927.00	.000	0.00	1,318.0000	34,927.00	100.0	0.00
145	12" Gravel Surface	14.0000	555.0000 SY		7,770.00	555.0000	7,770.00	.000	0.00	555.0000	7,770.00	100.0	0.00
146	Flowable Fill	120.0000	200.0000 CY		24,000.00	200.0000	24,000.00	.000	0.00	200.0000	24,000.00	100.0	0.00
147	Abandon Monitoring Well	190.0000	1.0000 EA		190.00	1.0000	190.00	.000	0.00	1.0000	190.00	100.0	0.00
148	Install Tree	740.0000	9.0000 EA		6,660.00	.000	0.00	9.0000	6,660.00	9.0000	6,660.00	100.0	0.00
149	Chain Link Fence	0.0000	.0000 LS		5,100.00	100.00%	5,100.00	0.00%	0.00	100.00%	5,100.00	100.0	0.00
150	Smooth-Wire Fence	0.0000	.0000 LS		6,100.00	100.00%	6,100.00	0.00%	0.00	100.00%	6,100.00	100.0	0.00
151	Remove & Replace Topsoil	7.0000	2,111.0000 SY		14,777.00	2,111.0000	14,777.00	.000	0.00	2,111.0000	14,777.00	100.0	0.00
152	Conral Panel & Reconstruction	0.0000	.0000 LS		8,400.00	100.00%	8,400.00	0.00%	0.00	100.00%	8,400.00	100.0	0.00
153	Type II Bedding	66.0000	.0000 CY		0.00	.000	0.00	.000	0.00	.000	0.00	0.0	0.00
154	Misc. Work Units	1.0000	24,387.410 UN		24,387.41	37,165.660	37,165.66	-12,778.250	-12,778.25	24,387.410	24,387.41	100.0	0.00
155	Inlet Structure	7,900.0000	1.0000 EA		7,900.00	1.0000	7,900.00	.000	0.00	1.0000	7,900.00	100.0	0.00
156	Detention Pond	0.0000	.0000 LS		40,600.00	100.00%	40,600.00	0.00%	0.00	100.00%	40,600.00	100.0	0.00
157	Remove & Reset Guardrail	0.0000	.0000 LS		2,900.00	100.00%	2,900.00	0.00%	0.00	100.00%	2,900.00	100.0	0.00
900	Stored Materials - Precast September Month End	0.0000	.0000 LS		0.00	0.00%	0.00	0.00%	0.00	0.00%	0.00	0.0	0.00
901	Stored Materials - Precast October Month End	0.0000	.0000 LS		0.00	0.00%	0.00	0.00%	0.00	0.00%	0.00	0.0	0.00
902	Stored Materials - 42" Casing	0.0000	.0000 LS		0.00	0.00%	0.00	0.00%	0.00	0.00%	0.00	0.0	0.00
903	Stored Materials - 48" Precast	0.0000	.0000 LS		0.00	0.00%	0.00	0.00%	0.00	0.00%	0.00	0.0	0.00
904	Stored Materials - 54" March Month End	0.0000	.0000 LS		0.00	0.00%	0.00	0.00%	0.00	0.00%	0.00	0.0	0.00
905	Stored Materials - Arch Pipe March Month End	0.0000	.0000 LS		0.00	0.00%	0.00	0.00%	0.00	0.00%	0.00	0.0	0.00
906	Stored Materials - 48" April Month End	0.0000	.0000 LS		0.00	0.00%	0.00	0.00%	0.00	0.00%	0.00	0.0	0.00

Application and Certificate For Payment -- page 4

To Owner: CITY OF GREAT FALLS
 From (Contractor): Williams Civil Construction
 Project: S GF STORM DRAIN IMP

Application No: 11 Date: 09/25/17 Period To: 09/25/17
 Contractor's Job Number: 83216
 Architect's Project No:

Item Number	Description	Unit Price	Contract Quantity	UM	Scheduled Value	Work Completed Previous Application		Work Completed This Period		Completed and Stored To Date		Retention	Memo
						Quantity	Amount	Quantity	Amount	Quantity	Amount		
Total					2,217,469.41		2,212,279.16		5,190.25		2,217,469.41	0.00	
Application Total													
					2,217,469.41		2,212,279.16		5,190.25		2,217,469.41	0.00	

*Bid Item 154 Misc. Work Items = The credit for \$12,778.25 is generated from an original credit of \$16,659.50 for LDs and Inspector overtime. \$3,881.25 was taken from the credit amount for Change Order 11 Additional Gravel.



City of Great Falls
 2 Park Dr S
 Great Falls, MT 59401
 Phone (406) 455-8425

Purchase Order
No. 2017-00000156

DATE 11/16/2016

Ship To

CITY OF GREAT FALLS
 PUBLIC WORKS DEPARTMENT
 1005 25TH AVE NE
 GREAT FALLS, MT 59404

Bill To

CITY OF GREAT FALLS
 ACCOUNTS PAYABLE
 PO BOX 5021
 GREAT FALLS, MT 59403

Vendor

Vendor No. 1129
 STATE OF MONTANA
 DEPT OF REVENUE
 MISC TAX DIVISION - MITCHELL BLDG
 PO BOX 5835
 HELENA, MT 59604-5835

DELIVER BY
SHIP VIA
FREIGHT TERMS
 PAGE 1 of 1
ORIGINATOR: Kari Wambach

NOTE:

QUANTITY	UNIT	DESCRIPTION	UNIT COST	TOTAL COST
1.0000	EACH	CONTRACT SERVICES - 1% WITHHOLDING FOR WILLIAMS CIVIL ON OF 1554.2 5315.31.575.49310 - IMPROVEMENTS OTHER THAN BUILDINGS 22,490.24 PW331606	22,490.2400	\$22,490.24
<i>Final Pay Close PO</i>				
PURCHASE ORDER TOTAL				\$22,490.24

Special Instructions: PURCHASE ORDER NO. MUST APPEAR ON ALL INVOICES, PACKING SLIPS, AND CORRESPONDENCE.

PROJECT FUNDING/EXPENDITURE SUMMARY

South Great Falls Storm Drainage Improvements Missouri River to 6th Street South Pond - O.F. - 1554.2

Prepared By City Engineers Office 5/23/2016 (Revised 10/5/2017)

Payee	Fund	Payment Number/Amount/Date										Allocated Funding	To Date Expenditures	Funding Balance	
		No. 1	No. 2	No. 3	No. 4	No. 5	No. 6	No. 7	No. 8	No. 9	No. 10				
Contractor (Williams Civil Division)	Storm Drain Imprv's Other Than Bldg. (SRF)	\$200,116.61	\$326,354.16	\$209,366.39	\$52,584.35	\$106,349.43	\$183,157.95	\$389,793.05	\$329,397.84	\$251,018.51	\$32,510.26		Continued below		
		\$200,116.61	\$326,354.16	\$209,366.39	\$52,584.35	\$106,349.43	\$183,157.95	\$389,793.05	\$329,397.84	\$251,018.51	\$32,510.26				
		11/07/16	12/01/16	12/09/16	01/11/17	02/07/17	02/12/17	05/11/17	06/02/17	07/07/17	08/15/17				
	No. 11 (Final)	No. 12	No. 13	No. 14	No. 15	No. 16	No. 17	No. 18	No. 19	No. 20					
Contractor (Williams Civil Division)	Storm Drain Imprv's Other Than Bldg. (SRF)	\$114,846.17	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00		\$2,195,204.72	\$31,239.04	
		\$114,846.17	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00				
		10/05/17													
MT. Misc. Contractor's Tax (1%) (Williams Civil Division)	Storm Drain Imprv's Other Than Bldg. (SRF)	\$2,021.38	\$3,296.51	\$2,114.81	\$531.16	\$1,074.24	\$1,850.08	\$3,937.30	\$3,327.25	\$2,535.54	\$328.39		Continued below		
		\$2,021.38	\$3,296.51	\$2,114.81	\$531.16	\$1,074.24	\$1,850.08	\$3,937.30	\$3,327.25	\$2,535.54	\$328.39				
		11/07/16	12/01/16	12/09/16	01/11/17	02/07/17	02/12/17	05/11/17	06/02/17	07/07/17	08/15/17				
	No. 11 (Final)	No. 12	No. 13	No. 14	No. 15	No. 16	No. 17	No. 18	No. 19	No. 20					
MT. Misc. Contractor's Tax (1%) (Williams Civil Division)	Storm Drain Imprv's Other Than Bldg. (SRF)	\$1,158.04	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00		\$22,490.24	\$22,174.70	
		\$1,158.04	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00				
		10/05/17													
Miscellaneous	Storm Drain Imprv's Other Than Bldg. Storm Drain Imprv's Other Than Bldg. (SRF)	\$912.92	\$309.36	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00		\$10,000.00 \$232,990.00	\$1,222.28 \$0.00 \$241,787.72	
		\$912.92	\$309.36	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00				
		05/23/16	06/20/16												
	G.F. Tribune	G.F. Tribune													
		Totals										Totals	\$2,492,014.00	\$2,216,091.70	\$273,322.30

Fund Account No. Project No.



PW331606
PW331606

5315-31-590-40310
5315-31-575-40310

Project Funding Summary

Project Fund	Funding	Expenditure	Balance
Storm Drain Collection - Imprv's Other Than Bldg. SRF	\$2,492,014.00	\$2,217,469.42	\$264,544.58
Storm Drain Collection - Imprv's Other Than Bldg.	\$10,000.00	\$1,222.28	\$8,777.72
Totals	\$2,492,014.00	\$2,218,691.70	\$273,322.30



Contractors Gross Receipts Gross Receipts Withholding Return

1. Contract Awarded by: Agency Prime Contractor

Federal Identification Number (FEIN): 81 - 6001269			
Name: City of Great Falls			
Address: PO Box 5021			
City: Great Falls	State: MT	Zip Code	59403

2. Contract Awarded to: Prime Contractor Sub Contractor

Federal Identification Number (FEIN): 26 - 3808326			
Name: Williams Civil Construction			
Address: 2131 Industrial Drive			
City: Bozeman	State: MT	Zip Code	59715

3. Government Issued Contract Number	3.	OF 1554.2
4. Contract Award Date	4.	5-Jul-16
5. Month and year increment payment earned	5.	Sep-17
6. Gross amount due prime contractor or sub-contractor at the time of this report	6.	\$115,804.21
7. Amount Withheld (1% of line 6) (If payment made to prime contractor from awarding agency, remittance must accompany this report)	7.	\$1,158.04
8. Net amount paid prime contractor or sub-contractor at the time of this report	8.	\$114,646.17
9. Check proper box for type of return being filed:		
<input checked="" type="checkbox"/> Remittance attached for credit to prime contractor's account (amount paid)	9a.	\$1,158.04
<input type="checkbox"/> Sub-Contractor allocation. Authorization to transfer credit to sub-contractor Failure of prime contractor to file a distribution report within thirty (30) days of payment will result in a 10% penalty. Date payment made to sub-contractor	9b.	01-Nov-17

10. Description of work to be performed: Construction of public storm drainage facilities including storm drain outfalls, pipe, inlets and a detention pond.

11. Location of work to be performed (be specific): 9th and 13th Streets at 21st and 22nd Avenues South. Eastward from the Missouri River and across Lower River Road to 6th Street South.

The agency or contractor must, in accordance with Section 15-5-206, Montana Code Annotated, withhold one percent (1%) of incremental payments due the contractor or sub-contractor. Amounts withheld from a prime contractor must be forwarded with this report to the Department of Revenue. Amounts withheld from sub-contractors must be reported on this form so that proper allocation of credit can be made from prime contractor's account to the sub-contractor.

Return Submitted by: Agency Prime Contractor Sub-Contractor

Award Authorization

Preparer's Signature: [Redacted Signature]

Preparer's Title: Engineering Administrative Secretary Date: 5 October 17

Phone: 406.771.1258 Fax: 406.771.0700

Mail this return to:

Department of Revenue, P.O. Box 5835, Helena, MT 59604-5835



Item: Ordinance 3168, “An Ordinance Repealing and Replacing Title 5, Of The Official Code Of The City Of Great Falls (OCCGF), Pertaining To Business Licenses, Permits, and Safety Inspection Certificates.”

From: City Attorney's Office

Initiated By: City Attorney's Office

Presented By: Joseph P. Cik, Assistant City Attorney

Action Requested: Conduct a public hearing and adopt Ordinance 3168

Public Hearing:

1. Mayor opens and conducts public hearing, calling three times each for proponents and opponents.
2. Mayor closes public hearing and asks the will of the Commission.

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (adopt/deny) Ordinance 3168.”

2. Mayor calls for a second to the motion, Commission discussion, and calls for the vote.
-
-

Staff Recommendation:

Staff recommends that the City Commission conduct a public hearing and adopt Ordinance 3168.

Background:

Members of the City Commission and Staff have examined numerous sections of the OCCGF and have noticed various types of deficiencies throughout numerous sections of the code. The deficiencies vary from typographical errors, needed updates, and conflicts with state and federal law. Additionally, the OCCGF conflicts in various places with itself. In an effort to cure these issues, City staff has assembled input from the different departments to continue with a comprehensive revision of the Code.

The Ordinance under consideration would repeal and replace OCCGF Title 5, pertaining to the Business License and Safety Inspection Certificate regulations. The vast majority of the proposed amendments are non-substantive. Non-substantive changes include chapter re-designation to put

chapters in correct numeric order, to correct typographical errors, and to reformat subsections. The first proposed substantive change is repealing telecommunication facilities regulations for reassignment into a newly created OCCGF Title 4. Staff is reviewing these regulations for future substantive changes. This process may be thorough and detailed, and staff wishes to substantively address other provisions of OCCGF Title 5 in the interim.

The next substantive proposed change is to clarify language regarding businesses that are required to obtain and maintain a Safety Inspection Certificate (SIC). Throughout 2017, staff has recognized issues with SIC enforcement. The City of Great Falls does not require general business licenses. However, to ensure that businesses operating within the City limits are in compliance with uniform safety codes, an SIC is required for all businesses operating within the City limits. The proposed changes will reduce the level of confusion as to what businesses will be required to obtain and maintain SIC's.

Another proposed substantive change is incorporating all regulations regarding special business licenses and permits into OCCGF Title 5. As the Code is currently written, many special business license regulations are incorporated into Title 15. Ordinance 3168 would add those provisions to Title 5. This would make it simpler for business owners and operators to find the licensing and permitting regulations for operating their businesses.

Finally, Ordinance 3168 would establish clear penalty provisions for businesses operating within the incorporated City limits without proper SIC's, permits, or licenses. This will assist City staff in enforcing the provisions of Title 5 and promote public safety.

Commissioner Bronson provided additional revisions to the proposed Title 5 that have been updated since the first reading. Those additional revisions include:

1. Incorporating the original Title 5 definition of "non-profit organizations";
2. Adding language in Title 5, Chapter 2, to clarify that a Safety Inspection Certificate is not required for the issuance of a Home Occupation Certificate;
3. Amending the title of Chapter 2, to include Home Occupation Certificate;
4. Amending Title 5, Chapter 2, Article 2, to require Commercial Garbage License applicants to possess a Montana Public Service Commission permit; and
5. Corrections to alcoholic beverage regulation indexing.

Ord. 3168 Exhibits "A" and "B" have been updated accordingly, and there was no additional Commission discussion or public comment regarding the proposed Ordinance before it was accepted on first reading.

Ord. 3168 Exhibit "A" (Updated From First Reading), is a document illustrating proposed changes as compared to the existing provisions. Exhibit "B" (Updated From First Reading) attached to this agenda report, illustrates the proposed Code provisions which would replace the current provisions in a clean format.

Fiscal Impact:

None.

Concurrences:

Great Falls Fire Rescue
Planning and Community Development
Great Falls Police Department

Public Works
City Manager's Office

ATTACHMENTS:

- ▣ Ordinance 3168
- ▣ Ord. 3168 Exhibit "A" (Updated From First Reading)
- ▣ Ord. 3168 Exhibit "B" (Updated From First Reading)

ORDINANCE 3168

AN ORDINANCE REPEALING AND REPLACING TITLE 5 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF), PERTAINING TO BUSINESS LICENSES, PERMITS, AND SAFETY INSPECTION CERTIFICATES PROVISIONS.

* * * * *

WHEREAS, the City Commission established Title 5 of the OCCGF outlining Provisions pertaining to Business License and Safety Inspection Certificate in the OCCGF; and

WHEREAS, the City Commission has recognized deficiencies throughout OCCGF Title 5, including but not limited to, typographical, grammatical, formatting, and referencing deficiencies; and

WHEREAS, the City Commission wishes to cure the deficiencies contained in OCCGF Title 5; and

WHEREAS, the City Commission wishes to repeal current OCCGF provisions establishing telecommunication facilities regulations, to be reassigned to a separate Title within the OCCGF; and

WHEREAS, the City Commission wishes to clarify language regarding businesses requiring Safety Inspection Certificates (SIC); and

WHEREAS, the City Commission wishes to incorporate all contracting and special business licensing into OCCGF Title 5; and

WHEREAS, the City Commission wishes to establish clear penalty provisions for businesses operating within the incorporated City limits without proper SIC's, permits, or licenses; and

WHEREAS, the City Commission wishes to establish consistency within the OCCGF, and where applicable the Montana Code Annotated.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF GREAT FALLS, MONTANA:

Section 1. The revisions of OCCGF Title 5 are depicted in Exhibit “A” attached hereto, with deleted language identified by ~~strikeout~~ and inserted language **bolded**; and

Section 2. This ordinance shall be in full force and effect thirty (30) days after second reading and final adoption by the City Commission.

ACCEPTED by the City Commission of the City of Great Falls, Montana on first reading October 3, 2017.

ADOPTED by the City Commission of the City of Great Falls, Montana on second reading October 17, 2017.

Bob Kelly, Mayor

ATTEST:

(CITY SEAL)

Lisa Kunz, City Clerk

APPROVED FOR LEGAL CONTENT:

Joseph P. Cik, Assistant City Attorney

State of Montana)
County of Cascade : ss
City of Great Falls)

I, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do certify that I did post as required by law and as prescribed and directed by the Commission, Ordinance 3168 on the Great Falls Civic Center posting board and the Great Falls City website.

Lisa Kunz, City Clerk

(CITY SEAL)

Chapter 1 GENERAL BUSINESS LICENSE AND SAFETY INSPECTION CERTIFICATE PROCEDURE

Sections:

~~5.1.010 Definitions.~~

~~5.1.020 Application of regulations.~~

~~5.1.030 Authority.~~

~~5.1.040 Procedure for issuance of safety inspection certificate or special licenses.~~

~~5.1.050 Safety inspection certificate and special business license fees.~~

~~5.1.060 Safety inspection certificate and special business license duration — renewal.~~

~~5.1.070 Late charge.~~

~~5.1.080 Duties of licensee or certificate holder.~~

~~5.1.090 Certificate or special license — revocation or suspension.~~

~~5.1.100 Appeal.~~

~~5.1.110 Severability.~~

5.1.010 Definitions.

5.1.020 Application of regulations.

5.1.030 Authority and Appeals.

5.1.040 Procedure for issuance of certificates, permits or special licenses.

5.1.050 Certificate, Permit and special business license fees.

5.1.060 Certificate, permits and special business license duration — renewal.

5.1.070 Late charge.

5.1.080 Duties of license, permit or certificate holder.

5.1.090 Certificate, permit or special license — revocation or suspension.

5.1.100 Appeal.

5.1.110 Severability.

5.1.010 Definitions.

The following words and phrases when used in this ~~title~~ Title shall have the following meanings:-

(~~Ord. 2672, 1995~~)

- A.** "Buildings or Offices" shall mean all buildings, structures, rooms, offices, or portions thereof which are situated on a permanent structural foundation and permanently connected to City water and sewer service wherein a business or organization is located and which may be accessible to the public, employees, or members or located in such close proximity to other buildings, structures, rooms, offices, or portions thereof so as to constitute a public threat in the event of a Uniform Safety Code violation.

Exhibit "A" (Updated From First Reading)

Title 5 - BUSINESS LICENSES, PERMITS, AND SAFETY INSPECTION CERTIFICATES

~~(Ord. 2764, 2000)~~

- B. "Business" shall mean any occupation, trade, profession, commercial activity, social activity, fraternal activity, or religious activity located or meeting regularly in buildings or offices, **including multi-family dwelling units of four (4) or more units**, together with all devices, machines, vehicles and appurtenances used therein. This includes sole proprietorships, partnerships, corporations, nonprofit corporations, religious organizations, social organizations and fraternal organizations.
- C. **Unless specifically identified, in this Title, the term, "Certificate" shall include safety inspection certificates, home occupation certificates, or any other certificates or permits issued by the City of Great Falls' Planning and Community Development or Fire Rescue Departments.**
- D. "Home Occupation" means a lawful business carried on by a resident of a dwelling as an accessory use within the same dwelling or an accessory building, which will not infringe upon the ~~rights~~**rights** of neighboring residents to enjoy the peaceful occupancy of their ~~home-homes~~.
- E. **"Home Occupation Certificate" is a certificate, license, or permit issued by the Planning and Community Development Department under the terms and conditions of 5.2.020-5.2.040.**
- F. "Non-Resident Vendor" is any person engaged or employed in the business of selling to consumers by going from consumer to consumer, either on the streets or to their places of residence or employment, and soliciting, selling, or taking orders for future delivery of any goods, wares, or merchandise.
 - 1. This definition applies to persons vending food or other merchandise from pushcarts, vehicles, trailers, or other readily mobile sources to customers within the City limits. ~~No vendor shall park a vehicle or any other moveable or temporary entity on any public street, alley or private lot for more than four (4) hours in any eight (8) hour period at one (1) location. The parking of a vehicle or other movable entity within three hundred (300) feet of the original location is considered one (1) location.~~
 - 2. This all-inclusive definition applies to vendors coming into Great Falls to provide any type of service (e.g. painters, contractors, tree trimmers, computer technicians, etc.), to residents within the City limits.

~~(Ord. 2764, 2000; Ord. 2745, 1998).~~

- G. "Nonprofit organization" is any group which does not distribute pecuniary gains, profits or dividends, and ~~a-pecuniary gain~~**gain** is not the objective of the organization. Nonprofit organizations or groups must be recognized as such by the United States Internal Revenue Service and the Montana Department of Revenue.
- H. "Permanent Premises" means any buildings or structures, or any part of any ~~building~~**buildings** or ~~structure~~**structures**, situated on a permanent structural foundation that ~~meets~~**meet** the engineering requirements in the Uniform Building Code and ~~is~~**are** permanently connected to City water and sewer service. This definition excludes all accessory structures not intended to be occupied by employees and/or the public.

Exhibit "A" (Updated From First Reading)

Title 5 - BUSINESS LICENSES, PERMITS, AND SAFETY INSPECTION CERTIFICATES

~~(Ord. 2764, 2000)~~

- I. "Person" is meant to include individual natural persons, partnerships, joint ventures, societies, associations, clubs, trustees, trusts, or corporations; or any officers, agents, employees, ~~factors, or any kind of personal~~ representatives of any thereof, in any capacity, acting either for him or herself, or for any other person, under ~~either personal~~ **designation**, appointment, or **otherwise** pursuant to law.
- J. "Premises" means ~~any~~ office, **property**, retail space ~~or~~, structure **or portion thereof** occupied for business use, the facilities and appurtenances in the structure, and the grounds, areas and facilities held out for the use of business.

~~(Ord. 2745, 1998)~~

- K. "Safety Inspection Certificate" is a certificate for a ~~premises~~ **business**, or occupation, at a specific ~~premise~~ **premises** acknowledging inspection for Uniform Safety Codes, or other ordinances and regulations, enacted for the purpose of protecting health, safety, and welfare of the public. The certificate is not intended, and shall not be used, to regulate or infringe upon the conduct of a business or profession and is not intended, and shall not be used, to regulate, infringe or prohibit the practice of religion or religious beliefs.

~~(Ord. 2745, 1998)~~

- L. "Property Manager" means a "person" who rents or leases rental units, **including but not limited to, multi-family dwellings**, excluding hotels or motels.
- M. "Square footage" is the total number of square feet contained within the exterior walls of a building, suite ~~or~~, office, **or premises** used in, **or available for**, the business operation ~~and open to the public~~.

~~(Ord. 2745, 1998)~~

- N. "Temporary premises" means any buildings, structure, vehicles, or other mobile ~~entities~~ **structures temporarily occupied for business which are** without a foundation and ~~not permanently connected~~ **permanent connection** to City water and sewer service ~~temporarily occupied for business~~. A temporary premises can exist for no more than ninety (90) calendar days in any twelve-month period. Temporary premises ~~does~~ **do** not include sales booths, concession stands etc., which are operated in conjunction with a community sponsored event **which is** authorized by the City ~~Commission~~.

~~(Ord. 2764, 2000)~~

- O. "Non-Resident Merchant" means any person who brings into temporary premises, a stock of goods, wares or articles of merchandise or notions or other articles of trade, and who solicits, sells ~~or~~, offers to sell, or exhibits for sale, such stock of goods, wares ~~or~~, articles of merchandise ~~or~~, notions, or other articles of trade. ~~A non-resident merchant can operation out of temporary premises for a period of ninety (90) calendar days in any twelve-month period.~~

~~(Ord. 2764, 2000; Ord. 2745, 1998)~~

Exhibit "A" (Updated From First Reading)

Title 5 - BUSINESS LICENSES, PERMITS, AND SAFETY INSPECTION CERTIFICATES

- P. "Year" for specific Special Business Licenses and Safety Inspection Certificate purposes, means a period of time of twelve (12) months commencing each year on January 1st and ending December 31st of the same year.

~~(Ord. 2764, 2000)~~

- Q. "Non-Resident Service Contractor" is any person, not residing within the City limits of Great Falls, engaged or employed in the business of providing services for hire. This includes persons engaged in contract construction, painting and drywall, landscape installation and maintenance, janitorial, and service contractors of all kinds including computer technicians and copier maintenance.

~~(Ord. 2764, 2000)~~

- R. "Uniform Safety Codes" as used herein, shall mean the most recent version of the ~~Codes~~ **International Building Code, International Fire Code, International Property Maintenance Code, in whole or in part, which have been** adopted by the City of Great Falls and referenced in ~~Title~~ **OCCGF Titles 15, 16** and Title 17.

~~(Ord. 2874, 2004)~~

5.1.020 Application of regulations.

- A. A certificate and special business license shall be obtained in the manner prescribed herein for each branch establishment, including off-site warehouses ~~and~~, distributing plants, **multi-family dwellings of four (4) or more units, or any** location of the business engaged in, as if each such branch establishment or location were a separate business. However, on-site warehouses and distributing plants used in connection with and incidental to an authorized business shall not be deemed to be separate places of business or branch establishment.

~~(Ord. 2865, 2003; Ord. 2764, 2000)~~

- B. No certificate or special license shall be required of any person for any mere delivery in the City of any property purchased or acquired in good faith from such person at the regular place of business outside the City where no intent by such person is shown to exist to evade the provisions of this chapter.

- C. All family/group day care facilities and all ~~day~~ day care centers shall obtain a Safety Inspection Certificate **and shall supply copies of applicable Montana State Licenses to the Great Falls Fire Rescue Department.**

~~(Ord. 2745, 1998; Ord. 2672, 1995).~~

- D. **All independently owned and operated businesses located within a single building, shall each obtain a Safety Inspection Certificate.**

Exhibit "A" (Updated From First Reading)

Title 5 - BUSINESS LICENSES, PERMITS, AND SAFETY INSPECTION CERTIFICATES

5.1.030 Authority and Appeals.

~~The City Manager, or designee, shall have the authority to establish the necessary procedures to carry out and enforce the intent of this title.~~

- ~~(Ord. 2672, 1995).~~ **A. Unless otherwise specified in this Title, if an application for a license, certificate, or permit is denied or revised in a way which is unacceptable to the applicant, the applicant may appeal the decision to the City Manager in writing within fifteen (15) calendar days. The City Manager or designee shall review the application and uphold, reverse, or revise the decision on the application. If applicant makes no such appeal, the initial determination shall stand.**
- B. If the City Manager upholds or revises the determination of the application for a license, certificate, or permit, the applicant may appeal the decision to the City Commission in writing within fifteen (15) calendar days. The Commission shall review the application in a public meeting and uphold, reverse or revise the decision on the application. If applicant makes no such appeal, the City Manager's determination will stand.**
- C. Unless otherwise specified in this Title, appeals to the City Commission of the denial, revocation or suspension of Safety Inspection Certificates, Special Business licenses, Home Occupation Certificates, or other licenses or permits under this title shall comply with the provisions of 1.2.040.**

5.1.040 Procedure for issuance of ~~safety inspection certificate~~certificates, permits or special licenses.

- AA. Safety inspection certificates shall be issued by the Great Falls Fire Rescue Department pursuant to the provisions of this Title.**
- B. Home Occupancy certificates, special licenses and other certificates, permits and licenses shall be issued by the Planning and Community Development Department pursuant to the provisions of this Title.**
- C. Prior to issuing a certificate, permit, or special business license, the applicant shall:**
- 1. Be in compliance with all Zoning, Building and Fire Uniform Safety Codes and have permanent water and sewer service provided by the City (non-resident licenses exempted-);**
- ~~(Ord. 2764, 2000)~~
- 2. Submit a completed application accompanied by the full amount of the applicable fee-;**
 - B3. Be current in the payment of all City fees and assessments; and**
 - 4. Have no other outstanding obligations to the City.**
- D. The applicant may change location provided:**

Exhibit "A" (Updated From First Reading)

Title 5 - BUSINESS LICENSES, PERMITS, AND SAFETY INSPECTION CERTIFICATES

1. The applicant complies with all Zoning, Building and Fire **Uniform Safety** Codes; **and**
2. The applicant obtains a new certificate, **permit**, or special business license for the change of location.

~~(Ord. 2764, 2000)~~

~~C. The applicant may transfer the certificate or special business license to another person in accordance with established procedures.~~

~~(Ord. 2764, 2000; Ord. 2672, 1995)~~

~~5.1.050 Safety inspection certificate and~~ **E. If a newly established business is determined by GFFR staff to require a safety inspection certificate, said business shall apply for a safety inspection certificate and complete all the procedures pursuant to this section within 60 days of that determination. Failure to do so shall constitute a violation of Section 5.2.010 of this Title.**

5.1.050 Certificate, Permit and special business license fees.

- A. All certificate, **permit** or special business license fees shall be defined by resolution adopted by the City Commission. Such fees shall reasonably relate to the cost of issuing the certificate or special license and the additional cost of inspections.
- B. New businesses, excluding Non-Resident Merchants, established within the last ninety (90) days of the calendar year shall not pay the initial annual renewal fee.

~~(Ord. 2764, 2000; Ord. 2745, 1998)~~

C. No rebate or refund of any certificate, **permit**, or special business license fee, or part thereof, shall be made.

~~(Ord. 2764, 2000; Ord. 2672, 1995)~~ **D. Offices or buildings that are owned and operated by the United States Government, The State of Montana, or Cascade County may be subject to**

~~5.1.060 Safety inspection~~ **but are exempt from applicable fees under this Title. However, this exemption does not apply to privately owned businesses operating on exempt property.**

5.1.060 certificateCertificate, permits and special business license duration — renewal.

- A. All certificates, **permits** or special business licenses **issued pursuant to this Title** shall expire on December ~~31st~~**31** of the year in which such certificate, **permit** or special business license is issued, unless otherwise specified.

~~(Ord. 2764, 2000; Ord. 2672, 1995)~~

Title 5 - BUSINESS LICENSES, PERMITS, AND SAFETY INSPECTION CERTIFICATES

~~5.1.070~~ ~~Late charge.~~

- AB. Failure to renew ~~the~~ certificate, **permit** or special business license **and to remit all applicable fees within sixty (60) days after expiration** shall result in a ~~delinquent charge as determined by resolution.~~ **immediate revocation of said certificate, permit, or license.**
- BC. Each day that any violation of this chapter occurs or continues may constitute a separate offense and may be punishable as a separate violation.

5.1.070 Late charge.

~~(Ord. 2764, 2000; Ord. 2672, 1995)~~

Failure to renew the safety inspection certificate or special business license by December 31 of the year in which such certificate, permit, or special business license is issued, shall result in a delinquent charge as determined by Commission resolution.

5.1.080 Duties of ~~licensee~~license, permit or certificate holder.

- A. Every ~~licensee~~**license, permit**, or certificate holder under this ~~title~~**Title** shall permit all reasonable inspections of the business premises by public authorities to carry out the intent of this ~~title~~**Title**.
- B. Every licensee, **permit**, or certificate holder under this ~~title~~**Title** shall post the certificate or special license on the premises or carried on the person where an individual license is required.

~~(Ord. 2672, 1995)~~

- C. **The certificate, permit, or license holder may transfer the certificate, permit or special business license to another business, operating at the same location, in accordance with established City procedures.**

5.1.090 Certificate, permit or special license — revocation or suspension.

- A. The certificate, **permit**, or special license may be revoked or suspended when the ~~licensee~~**license, permit** or certificate holder violates this ~~title~~**Title**.
- B. The following procedure will be followed in revoking or suspending a certificate or license:
 - 1. A written notice shall be ~~provided~~**mailed or personally delivered** to the ~~licensee~~**license, permit**, or certificate holder, **by the City staff**, at least fifteen (15) **calendar** days prior to revocation or suspension. ~~The notice shall state the reason(s) for the action.;~~
 - 2. The ~~licensee~~**notice shall state the reason(s) for the action;**

Exhibit "A" (Updated From First Reading)

Title 5 - BUSINESS LICENSES, PERMITS, AND SAFETY INSPECTION CERTIFICATE CERTIFICATES

3. **Within fifteen (15) calendar days of the date of the written notice, the license, permit, or certificate holder may request a review of the proposed action within fifteen (15) days of the receipt of notice.;**
 34. **When a review is requested, a meeting shall be set between City staff, the City Manager or designee, and the requesting party-license, permit, or certificate holder; and**
 5. **Following the review, the City Manager or designee will determine, in writing if a suspension or revocation is warranted.**
- C. If conditions are determined to cause an immediate threat to health or safety, the City **Manager or designee** shall immediately suspend the certificate or special business license until such condition is remedied.

~~(Ord. 2764, 2000; Ord. 2762, 1995)~~

5.1.100 Appeal.

~~Any licensee or certificate holder shall have the right to file a written appeal to the City Commission.~~

Except as stated in this Title, all appeals of a suspension or revocation of a license, permit or certificate granted, shall be filed in writing by any license, permit, or certificate holder to the City Commission within fifteen (15) calendar days of the date of the written determination to suspend or revoke the certificate, permit or license.

5.1.110 Severability.

If any part of this ~~title~~**Title** is for any reason held to be invalid, or unconstitutional, such decision shall not affect the validity, **or constitutionality** of the remaining portions thereof.

Chapter 2 SAFETY INSPECTION CERTIFICATE AND HOME OCCUPATION CERTIFICATE

Sections:

- 5.2.010 Safety inspection certificate.**
- 5.2.020 Home occupation certificate.**
- 5.2.030 Issuance — revocation of certificate.**
- 5.2.040 Home occupation requirements.**

Title 5 - BUSINESS LICENSES, PERMITS, AND SAFETY INSPECTION CERTIFICATES

5.2.010 Safety inspection certificate.

- A. Every business, in a building or office, in the jurisdictional limits of the City of Great Falls shall be required to obtain a Safety Inspection Certificate to ensure that the building, store, or office complies with Uniform Safety Codes and other ordinances and regulations enacted for the purpose of protecting the health, safety, and welfare of the public.
- B. A Safety Inspection Certificate fee is authorized.
- C. In any multiple business, suite/office structure:
 - 1. Each independently owned and operated business with a separate business address, within said building or structure, shall be required to obtain a certificate; and
 - 2. The building owner/agent shall obtain a certificate for indoor commonly accessed areas.
- D. For multi-family dwelling units of four (4) or more units, only the indoor commonly accessed areas shall require a certificate.
- E. It is unlawful for any person to operate a business within the incorporated City limits without a valid Safety Inspection Certificate. A violation of this section is punishable by a term not to exceed 6 months in jail, a fine of not more than \$500, or both. Additionally, the Court within its discretion, may order the business to cease all operation until it complies with this Title.
- F. A business operating within the incorporated City limits without a valid Safety Inspection Certificate, is hereby declared a Nuisance pursuant to OCCGF Title 8, Chapter 49.

5.2.020 Home occupation certificate.

The establishment of a Home Occupation shall require a certificate issued by the City of Great Falls through the Planning and Community Development Department. A Safety Inspection Certificate is not required for the issuance of a Home Occupation Certificate.

5.2.030 Issuance — revocation of certificate.

- A. Applications for Home Occupation Certificates shall include:
 - 1. A site plan indicating what portion of the dwelling will be used for the business; and
 - 2. A complete description of the type of business to be conducted.
- B. The Home Occupation Certificate holder may appeal the denial or revocation of a Home Occupation Certificate to the Great Falls Board of Adjustment pursuant to Title 17 of this Code.

Title 5 - BUSINESS LICENSES, PERMITS, AND SAFETY INSPECTION CERTIFICATES

- C. **Review and/or revocation of the Home Occupation certificate shall occur:**
 - 1. Upon receipt of a written request for revocation from any two (2) adjacent property owners, a hearing shall be held by the Board of Adjustment. The finding of the Board of Adjustment shall be presented to the City Commission and, unless a majority of the City Commissioners disagree, shall become binding sixty (60) days after presentation to the City Commission; or
 - 2. Upon verification of any violation of this chapter, the City shall review the certificate in question. Upon the finding that the Home Occupation is no longer compatible with the neighborhood, violates the terms of the Home Occupation Certificate, the said Home Occupation Certificate shall be revoked.
- D. It is unlawful for any person to operate a business, in a dwelling, within the incorporated City limits of Great Falls without a valid Home Occupation Certificate. A violation of this section is punishable by a term not to exceed 6 months in jail, a fine of not more than \$500, or both.
- F. A business operating, within a dwelling, within the incorporated City limits and without a valid Home Occupation Certificate, is hereby declared a Nuisance pursuant to OCCGF Title 8, Chapter 49.

5.2.040 Home occupation requirements.

Home Occupations may be permitted wherein the use meets the following requirements and the applicant provides proof of said compliance:

- A. **Appearance.** The activity must be conducted in a manner so as not to give an outward appearance, nor manifest any characteristics of, a business in the ordinary meaning of the terms, nor shall it create undue amounts of traffic which would infringe upon the right of neighboring residents to enjoy the peaceful occupancy of their home.
- B. **Employees.** That portion of the Home Occupation conducted at the dwelling unit must be carried on by at least one (1) resident of the dwelling unit. In addition, non-resident employees are permitted where the aggregate hours worked by those non-resident employees do not exceed forty (40) hours per week and when no more than two (2) employees are present at one (1) time.
- C. **Location.** For Home Occupations in which services are rendered at the customer's location, the use of the dwelling unit shall be limited to the office portion of the business.
- D. **Secondary use.** The Home Occupation must be incidental and secondary to the use of the dwelling unit as a residence.
- E. **Area.** A maximum of thirty (30) percent of the dwelling may be dedicated to the Home Occupation.
- F. **Exterior Use.** No exterior storage of material, equipment, or any variation from the residential character of the principal building shall be permitted.
- G. **Noise, etc.** No offensive noise, vibration, smoke, dust, odor, heat or glare shall be produced by the Home Occupation activities permitted by the Certificate.

Title 5 - BUSINESS LICENSES, PERMITS, AND SAFETY INSPECTION CERTIFICATES

- H. **Delivery.** No material or commodities shall be delivered to or from the residence which are of such bulk or quantity as to create undesirable traffic or congestion.
- I. **Weight.** No materials or commodities shall be placed within the building which exceed the allowable floor loading of forty (40) pounds per square foot.
- J. **Parking.** No parking of customers' vehicles shall be permitted in a manner of frequency so as to cause a disturbance or inconvenience to neighboring residents or so as to necessitate off-street parking. Business vehicles shall not exceed one (1) ton rated capacity, shall not utilize on-street parking, and shall be parked on the premises identified in the Home Occupation Certificate.
- K. **Sign.** No exterior sign or display shall be permitted, except for one (1) non-illuminated name plate, or Home Occupation sign. Signs for Home Occupations allowed in residential homes are allowed one (1) non-illuminated sign, no larger than six (6) square feet in area per face and six (6) feet in height. Signs must be placed a minimum of twelve (12) feet from the back of the curb, and in compliance with 17.32.160.
- L. **Garage.** The Home Occupation cannot be conducted upon the area provided to fulfill the off-street parking requirements for the dwelling unit on the lot, including but not limited to garage space.

Chapter 3 SPECIAL BUSINESS AND CONSTRUCTION LICENSES, CERTIFICATES, AND PERMITS

Articles:

Article 1 - COIN-OPERATED DEVICES DEPICTING SEXUAL ACTIVITIES

Article 2 - COMMERCIAL GARBAGE LICENSE

Article 3 - PAWNSHOPS, SECONDHAND STORES AND VALUABLE ARTICLE DEALERS

Article 4 - ALCOHOLIC BEVERAGES

Article 5 - NON-RESIDENT VENDOR LICENSE

Article 6 - FALSE ALARMS

Article 7 - EMERGENCY MEDICAL SERVICES LICENSES

Article 8 – PLUMBING CONTRACTOR’S LICENSE

Article 9 – PLUMBER CERTIFICATE

Article 10 – MEDICAL GAS SYSTEMS

Title 5 - BUSINESS LICENSES, PERMITS, AND SAFETY INSPECTION CERTIFICATES

Article 11 – FUEL GAS PIPING SYSTEMS

Article 12 – ELECTRICAL CONTRACTING

Article 1 MECHANICALLY-OPERATED DEVICES DEPICTING SEXUAL ACTIVITIES

Sections:

5.3.1.010 Purpose.

5.3.1.020 Mechanically-operated devices depicting sexual activities.

5.3.1.030 License required.

5.3.1.010 Purpose.

The purpose of this article is to recognize the fact that the operation of mechanical amusement devices which depict or display specified sexual activities or specified anatomical areas result in increased enforcement programs for the City, and additional expense to the City, justifying a higher license fee. No license will be issued pursuant to this chapter to any person, organization, or entity that has an outstanding obligation or debt to the City.

5.3.1.020 Mechanically-operated devices depicting sexual activities.

Definitions. The following words and phrases when used in this article shall have the following meanings:

- A. "Device" shall include any machine which, upon the insertion of payment of consideration, in any form, directly or indirectly depicts, displays, or projects pictures, photographs or other visual images of anatomical areas or specified sexual activities.
- B. "Specified Anatomical Areas" include:
 - 1. Less than completely and opaquely covered: human genitals, pubic region, buttock, or female breast below a point immediately above the top of areola; or
 - 2. Human male genitals, even if completely and opaquely covered.
- C. "Specified Sexual Activities" include:
 - 1. Human genitals in a state of sexual stimulation or arousal;
 - 2. Acts of human masturbation, sexual intercourse, sodomy; or,
 - 3. Fondling of human genitals, pubic region, buttock, or female breast.

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- D. The license application shall include, but not be limited to, a complete list of the devices owned by the person or business subject to this licensing with an indication thereon of the location of each machine.

5.3.1.030 License required.

- A. It shall be unlawful for any business to have, or operate, devices depicting sexual activities for which a license or permit is required without such license being first procured and kept in effect at all such times as required by this chapter.
- B. Any violation of this section is a misdemeanor punishable by a term of not more than six (6) months in jail, a fine not to exceed \$500, or both.
- C. The Court, in its discretion may order the destruction of any device depicting sexual activities in violation of this section.
- D. Any business that has or operates devices depicting sexual activities in violation of this section, is hereby by declared a Nuisance pursuant to OCCGF Title 8, Chapter 49.

Article 2 COMMERCIAL GARBAGE LICENSE

Sections:

5.3.2.010 Commercial garbage license.

5.3.2.010 Commercial garbage license.

- A. No person, or business, shall engage in the business of collecting or removing garbage from any business or residence in the City without first obtaining a commercial garbage license.
- B. All equipment used by the collector under a City commercial garbage license for collection and hauling of refuse, shall be constructed and maintained to prevent leakage, spillage, or overflow. All portions of the collection vehicle shall be kept clean and sanitary, and shall be clearly identified by assigned equipment number and with the firm and local telephone number affixed thereto.
- C. A commercial garbage collector shall have applied for, and received, the proper Montana Public Service Commission (PSC) permit.
- D. A current list of all services provided shall be submitted to the City Public Works Department, containing the following information:
 - 1. The names and addresses of each residence served;
 - 2. The names and addresses of each commercial establishment, including multifamily dwellings containing three (3) or more separate dwelling units;

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3. The number and size of the containers at each commercial site;
 4. The number of times each container is picked up per week; and
 5. An estimate of the weekly volume of refuse removed from the site which is outside of regular containers.
- D. The City reserves the right to deny, or revoke, a commercial garbage license for just cause, upon written complaint, with regard to the conduct of the service provider, quality of services rendered, or business and/or marketing practices.

Article 3 PAWNSHOPS, SECONDHAND STORES AND VALUABLE ARTICLE DEALERS
Sections:

5.3.3.010 Definitions.

5.3.3.020 Register required.

5.3.3.030 Duration articles must be held.

5.3.3.040 Violation; penalty.

5.3.3.050 Extensions; exclusions.

5.3.3.010 Definitions.

The following words and phrases when used in this article shall have the following meanings:

- A. "Customer" means any person or entity who deposits, pledges, sells, trades, barter, consigns, or exchanges personal property, secondhand goods, wares, merchandise, or other valuable things to an operator as set forth in this section.
- B. The term "Operator" includes the following:
 1. "Pawnbroker" which means any person or entity who loans money on deposit, pledge of personal property or any valuable thing, or who deals in the purchasing of personal property, or valuable things, on condition of selling the same back at a stipulated price, whether he does the same for himself or as an agent of some person or firm or corporation, who by any means, method, or device loans money for personal property when the same is deposited for security or is deposited for any other purpose; and
 2. "Secondhand Dealer" or "Valuable Article Dealer" which means any person or entity who, within the City, as a business; engages in the purchase, sale, trade, barter, consignment, recycling, or exchange of secondhand goods, wares or merchandise; or any person who keeps any store, shop, room, or place where secondhand goods, wares, or merchandise of any kind or description are bought, sold, traded, bartered, consigned, recycled, or exchanged is defined as a secondhand dealer or valuable article dealer within the meaning of this chapter; provided, however, that this chapter shall not apply to bona fide trade or turn-ins of secondhand goods, wares

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or merchandise or other goods where no cash is transferred or paid by the merchant.

5.3.3.020 Register required.

Any operator who engages in the activities set forth in 5.3.3.010 shall keep a legible written register, or record, of all property purchased or taken under that section, along with:

- A. A description of each article, including, but not limited to, identification number, serial number, model number, brand name, or other identification marks on such article; and a description by weight and design of precious and semi-precious metals or stones;
- B. The customer's name and date of birth;
- C. The customer's current address; and
- D. The customer's identification from one of the following:
 - 1. A valid state identification card;
 - 2. A valid state driver's license;
 - 3. A military identification card;
 - 4. A valid passport;
 - 5. An alien registration card; or
 - 6. An official identification document lawfully issued by a state or federal government.
- E. Records shall be retained for a period of two (2) years from the initial transaction. Such register shall be subject to examination by the Great Falls Police Department (GFPD), or other state or federal law enforcement agency, at any and all times.
- F. On a periodic basis, no later than 5:00 p.m. on Friday of each week's transactions, every operator shall file, upload, or record all registers or records of transactions, to an electronic database as designated by the Chief of Police or agent of the GFPD. If the transactions have not been entered into electronic database according to this section, the GFPD shall stop any further transactions by the operator, until the operator is in compliance.

5.3.3.030 Duration articles must be held.

For seven (7) days following the electronic filing of the register or record of a transaction into the GFPD database under this section, operators shall not dispose of the property purchased or taken, alter the property from the form in which it was received, or transfer the property to another location.

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5.3.3.040 Violation; penalty.

- A. Subject to subsection (B.) of this section, each operator who violates this chapter shall be fined one hundred dollars (\$100.00) for each item received by operator, that the customer illegally obtained, or did not have authority to deposit, pledge, sell, trade, barter, consign, or exchange, or otherwise provide to operator.
- B. This fine will be waived if the operator has properly and timely reported the item or items into the police database.
- C. All fines collected under this section will be directed to the Police Department for maintenance of the designated database.

5.3.3.050 Extensions; exclusions.

The Chief of Police, or designee, may for good cause shown, grant an operator a written extension to the deadlines herein, or an exclusion from these requirements based upon the type or value of property.

Article 4 ALCOHOLIC BEVERAGES

Sections:

5.3.4.010 Definitions.

5.3.4.020 Alcoholic beverage license required.

5.3.4.030 Special event alcoholic beverage license required.

5.3.4.040 Catering license required.

5.3.4.050 Additional catering endorsement required.

5.3.4.060 Teen night license.

5.3.4.010 Definitions.

The following words and phrases when used in this article shall have the following meanings:

- A. "Alcohol" means ethyl alcohol, also called ethanol, or the hydrated oxide of ethyl.
- B. "Alcoholic Beverage" means a compound produced and sold for human consumption as a drink that contains more than one-half of one (0.5) percent of alcohol by volume;

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- C. "Malt Beverage" means an alcoholic beverage made by the fermentation of an infusion or decoction, or a combination of both, in potable brewing water, of malted barley with or without hops or their parts or their products and with or without other malted cereals and with or without the addition of un-malted or prepared cereals, other carbohydrates, or products prepared from carbohydrates and with or without other wholesome products suitable for human food consumption.
- D. "Beer" means:
 - 1. an alcoholic malt beverage containing not more than 8.75% of alcohol by volume; or
 - 2. an alcoholic beverage containing not more than 14% alcohol by volume:
 - i. that is made by the alcoholic fermentation of an infusion or decoction, or a combination of both, in potable brewing water, of malted cereal grain; and
 - ii. in which the sugars used for fermentation of the alcoholic beverage are at least 75% derived from malted cereal grain measured as a percentage of the total dry weight of the fermentable ingredients.
- E. "License" means a license issued by this City to a qualified person, under which it is lawful either for the licensee to brew, sell or dispense beer or to sell and dispense liquor, respectively, as provided in this chapter.
- F. "Premises" means the building or specific portion of any building in which the liquor and/or beer business is conducted and those areas in which the retailer operates a sidewalk café, open-air restaurant or tavern outside of and adjacent to the licensed building and to which patrons are permitted free access from said building. Where a retailer conducts as a single business enterprise two (2) or more bars located on the same premises and which have such intercommunication as will enable patrons to move freely from one (1) bar to another without leaving the premises, the various bars shall be regarded as but one (1) premises for which but one (1) license is required. In all other cases, licenses must be obtained for each bar even though operated in the same building with another bar.
- G. "Liquor" means an alcoholic beverage except beer and wine. The term includes a caffeinated or stimulant-enhanced malt beverage.
- H. "Retailer" means any person engaged in the sale and distribution of beer, either on draft or in bottles, to the public.
- I. "Wine" means any alcoholic beverage made from or containing the normal alcoholic fermentation of the juice of sound, ripe fruit or other agricultural products without addition or abstraction, except as may occur in the usual cellar treatment of clarifying and aging and that contains more than one-half of one (0.5) percent but not more than twenty-four (24) percent of alcohol by volume. Wine may be ameliorated to correct natural deficiencies, sweetened, and fortified in accordance with applicable federal regulations and the customs and practices of the industry. Other alcoholic beverages not defined in this section but made in the manner of wine and labeled and sold as wine in accordance with federal regulations are also wine.

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5.3.4.020 Alcoholic beverage license required.

- A. Any person or business brewing, selling, or dispensing beer, wine, liquor, or other alcoholic beverage must obtain a City alcoholic beverage license in addition to other permits or licenses which may be required.**
- B. Such license shall authorize the conduct of business under one of the following specific categories:**
 - 1. beer;**
 - 2. beer and wine; or**
 - 3. all-alcoholic beverages.**
- C. This section does not pertain to individuals' home brewing for personal consumption.**

5.3.4.030 Special event alcoholic beverage license required.

A Special Event Alcoholic Beverage License or Permit is required in addition to the State's special permit or license for beer or beer and wine. The Special Alcoholic Beverage License shall be in effect for the period established by the State and will expire at the end of that period.

5.3.4.040 Catering license required.

Any person or business providing off-premises food or non-alcoholic beverages to third parties must obtain a City Catering license in addition to other permits or licenses required under this Title. This does not pertain to individuals' home food or non-alcoholic beverage preparation for personal consumption.

5.3.4.050 Additional Catering endorsement required.

- A. An Alcohol Beverage license, or a Special Event Alcoholic Beverage License, and a Catering License or Endorsement are required for the conduct of off-premise alcoholic beverage catering, in addition to other required permits or licenses;**
- B. Any alcoholic beverages licensee may obtain an Special Event Alcoholic Beverage License or Permit with a Catering Endorsement, as applicable, for all the catering and/or sale of alcoholic beverages, to persons attending a special event, upon premises within the City not otherwise licensed for the sale of alcoholic beverages;**
- C. Any Alcoholic Beverages licensee and/or Special Event Alcoholic Beverage licensee, with an Alcoholic Catering Endorsement, shall at least seventy-two hours**

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prior to each special event, submit a license application describing the location of the event, the nature of the event, and the period during which the event is to be held; and

- D. Special Event Alcoholic and/or Catering Licensees will indemnify, defend and hold harmless the City from any and all claims, damages, losses and expenses arising from the event. The Licensee shall be required to carry insurance for comprehensive general liability, automobile liability and designated premises in the amount of one million dollars (\$1,000,000.00) per occurrence and two million dollars (\$2,000,000.00) aggregate, and list the City as an additional named insured under the policy. Documentation of such insurance must be provided to the City at least 72 hours prior to the event.

5.3.4.060 Teen night license.

A license will be issued by the Planning and Community Development Department, or other authorized designee, to any person for any premises within the City, where beer or liquor is sold, for the purpose of establishing and conducting a teen night where:

- A. Any and all Alcoholic Beverages on the premises have been stored away out of sight and shall remain locked and secured for so long as the premises are open as a teen night;
- B. All signs advertising or referencing alcohol shall be removed or covered when the premises is open as a teen night;
- C. The only patrons permitted on the premises other than the proprietor, his employees, and parents of patrons shall be individuals verifying identification through current high school identification and/or driver's license cards between 6:00 p.m. and thirty (30) minutes prior to curfew and anyone verifying their age over eighteen (18) after curfew on designated days of the week;
- D. Registration of the name, age, and address of the licensee's employees (a minimum of four (4)) who shall be responsible for security of the premises including parking lots to be patrolled a minimum of three (3) times per hour while the premises is open as a teen night, and who shall ensure that any and all dangerous drugs as defined by the Montana Criminal Code, Alcoholic Beverages, weapons, or any other dangerous substances are excluded from the premises except Alcoholic Beverages that may have otherwise been locked away and secured thereon.
- E. Anyone under the influence of drugs or alcohol shall be excluded from the premises. Where any violations of this Code or laws of the State of Montana are observed, security personnel shall immediately notify the GFPD.
- F. For so long as the premises is open as a teen night, smoking of tobacco or vapor products as defined under the Montana Code Annotated, including Mont. Code Ann. §16-11-302, shall be prohibited on the premises, and notice thereof shall be conspicuously posted.
- G. If an establishment is unable to abide by these provisions, the City teen night license may be revoked in accordance with licensing procedures.

Article 5 NON-RESIDENT VENDOR LICENSE

Sections:

5.3.5.010 Non-resident vendor license required.

5.3.5.020 Non-resident merchant special business license required.

5.3.5.030 Non-resident service contractor special business license required.

5.3.5.010 Non-resident vendor license required.

- A. Each individual engaging in Non-Resident Vendor business or commercial enterprise within the City, must first obtain a Non-Resident Vendor license. The Non-Resident Vendor license must be obtained prior to soliciting any customer or offering any goods or products for sale.
- B. No vendor shall park a vehicle, or any other movable temporary device, on any public street, alley, or private lot for more than four (4) hours in any eight-hour period at one (1) location. The parking of a vehicle, or other moveable device within three hundred (300) feet of the original location is considered one (1) location.
- C. The Non-resident Vendor License can be obtained from the Planning and Community Development Department during regular working hours.
- D. A short-term Non-Resident Vendor License may be granted on a short-term basis and shall be good for one (1) week from the date of issuance. A long-term license is good from the issue date through December 31, of the same year, and may be renewed upon its expiration.
- E. The City reserves the right to deny or revoke a license, upon receiving written citizen complaints regarding the vendor, merchandise, or practices.

5.3.5.020 Non-resident merchant special business license required.

- A. Any individual or entity engaged in any business within the City that is defined or administratively determined to be classified Non-Resident Merchant must first obtain a Non-Resident Merchant special business license from the City of Great Falls. This special business license must be obtained prior to soliciting any customer, offering any merchandise or products for sale, or bringing any stock of goods, wares, or other articles of trade to a temporary premise.
- B. A Non-Resident Merchant may apply for a Non-Resident Merchant special business license from the Planning and Community Development Department during normal business hours.
- C. The license is valid for a period of six (6) months and may be renewed once thereafter during in any twelve-month period.

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- D. The City reserves the right to deny or revoke, upon written complaint, a Non-Resident Merchant special business license for just cause with regard to the conduct of the merchant, suitability of any merchandise, or business and/or marketing practices.

5.3.5.030 Non-resident service contractor special business license required.

- A. Any individual or entity engaged in any business within the City that is defined or administratively determined to be classified Non-Resident Service Contractor, must first obtain a Non-Resident Service Contractor special license from the City. This special business license must be obtained prior to soliciting any customer, offering or advertising any service, or performing any such service.
- B. A Non-Resident Service Contractor may apply for a Non-Resident Service Contractor special business license from the Planning and Community Development Department during normal business hours.
- C. This Non-Resident Service Contractor special business license is valid from the date of issuance to December 31 and may be renewed upon its expiration.
- D. The City reserves the right to deny, or revoke, a Non-Resident Service Contractor license for just cause, upon written complaint, with regard to the conduct of the service contractor, quality of services rendered, or business and/or marketing practices.

Article 6 FALSE ALARMS

Sections:

5.3.6.010 Definitions.

5.3.6.020 Audible alarm requirements.

5.3.6.030 Agent permit required.

5.3.6.040 Exemptions.

5.3.6.050 Penalty.

5.3.6.010 Definitions.

Unless otherwise specified, the following words and phrases when used in this article shall have the following meanings:

- A. "Alarm agent" means any person who is directly or indirectly employed by an alarm business, whose duties include any of the following: selling, maintaining, leasing, servicing, repairing, altering, replacing, moving or installing on or in any building, structure or facility, any alarm system.

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- B. "Alarm business" means any individual, partnership, corporation, or other entity engaged in selling, leasing, maintaining, servicing, repairing, altering, replacing, moving, or installing any alarm system or causing to be sold, leased, maintained, serviced, repaired, altered, replaced, moved, or installed any alarm system in, or on, any building, structure, or facility.
- C. "Alarm system" means any mechanical or electrical device which is designed, or used for, the detection of an unauthorized entry into a building, structure, or facility; or for alerting others of the commission of an unlawful act within a building, structure, or facility, or both; and which emits a sound or transmits a signal or message when actuated. Devices that are not designed or used to register alarms that are audible, visible or perceptible outside of the protected building, structure, or facility are not included within this definition, nor are auxiliary devices installed by a telephone or telecommunication company to protect company systems which might be damaged or disrupted by the use of an alarm system. Alarm systems include, but are not limited to:
 - 1. direct dial telephone devices; and
 - 2. audible alarms and proprietor alarms.
- D. "Audible alarm" means a device designed for the detection of unauthorized entry on premises which generates an audible sound on the premises when it is actuated.
- E. "False alarm" means an alarm signal actuated by inadvertence, negligence, or unintentional act necessitating response by the Great Falls Police Department, including alarms caused by the malfunction of the alarm system, except the following:
 - 1. alarms caused by repair of telephone or communication equipment or lines;
 - 2. alarms caused by earthquakes, flood, windstorm, thunder, and lightning;
 - 3. alarms caused by an attempted illegal entry or analogous causes of which there is visible evidence; and
 - 4. alarms caused by power outages.
- F. "Proprietor alarm" means an alarm which is not serviced by an alarm business.
- G. "Subscriber" means any person who purchases, leases, contracts for, or otherwise obtains an alarm system or for the servicing maintenance of an alarm system from an alarm business.

5.3.6.020 Audible alarm requirements.

- A. Every person maintaining an audible alarm shall notify the Police Department with names and telephone numbers of the persons to be notified to render repairs of service, and secure the premises, during any hour of the day or night that the alarm is actuated.

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- B. Whenever any change occurs relating to the required written information, the applicant shall give written notice thereof to the Great Falls Police Department of such change.

5.3.6.030 Alarm Agent permit required.

- A. All persons engaged in alarm business to repair, service, alter, replace, remove, design, sell, lease, maintain, or install alarm systems, shall obtain an Alarm Agent Permit in accordance with the provisions of this title.
- B. The Alarm Agent permittee shall have in their possession an Alarm Agent permit while engaged in alarm related business or activities.

5.3.6.040 Exemptions.

- A. The provisions of this chapter are not applicable to audible alarms affixed to automobiles.
- B. The provisions of this chapter do not include a person who engages in the manufacture for sale of an alarm system from a fixed location, and who neither visits the location where the alarm system is to be installed nor designs the scheme for physical location and installation of the alarm system in a specific location.

5.3.6.050 Penalty.

Where an alarm system actuates the following number of false alarms in any calendar year, the business or system owner will be charged as follows:

- A. False Alarms one (1) through three (3); written notice to permittee;
- B. A fourth or subsequent false alarm in a calendar year shall result in an assessed administrative fee of fifty dollars (\$50.00).

Article 7 EMERGENCY MEDICAL SERVICES LICENSES

Sections:

5.3.7.010 Definitions.

5.3.7.020 License required.

5.3.7.030 Criteria for license.

5.3.7.040 Cancellation of license.

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5.3.7.050 Notice and hearing required.

5.3.7.060 Existing services.

5.3.7.070 Exemptions.

5.3.7.010 Definitions.

Unless otherwise specified, the following words and phrases when used in this article shall have the following meanings:

- A. "Ambulance" means a privately or publicly owned motor vehicle, or aircraft that is maintained and used for the transportation of medical patients.
- B. "Emergency Medical Services" means a pre-hospital emergency medical transportation or treatment service provided by an ambulance or similar vehicle.
- C. "License Certificate" means the City Emergency Medical Services License issued, or renewed, to any person engaging in the ambulance service business. A new Emergency Medical Services license shall be issued only after a favorable determination of public convenience and necessity by the City Commission.
- D. "License Year" means a fiscal year from July 1 through June 30 of each calendar year.
- E. "Patient" means an individual who is sick, injured, wounded, or otherwise incapacitated. The term does not include a person who is non-ambulatory, and who needs transportation assistance solely because that person is confined to a wheel chair as the person's usual means of mobility.
- F. "Person" means an individual, firm, partnership, association, corporation, company, group of individuals acting together for a common purpose, or any other organization of any kind.
- G. "Public Convenience and Necessity" means qualified, fit, able, and willing to perform and provide emergency medical service fitting and suited to serve the public need within the City without substantially or significantly adversely impacting the public interest in the overall general provision of the emergency medical service within the City.

5.3.7.020 License required.

- A. No person shall conduct or operate an emergency medical service within the City without first obtaining an Emergency Medical Services license as provided in this chapter.
- B. All Emergency Medical Services licenses shall be valid for a City license year, or for the remainder thereof. An Emergency Medical Services license shall expire at the conclusion of each licensure year, and shall be renewable subject to the ability to meet the standards set by the City and the State Department of Health and Human Services, as to fitness and ability to provide emergency medical services.

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- C. No Emergency Medical Services license shall be issued under this chapter, to any new applicant, unless the City Commission shall, after conducting a public hearing and review, finds that another ambulance service is in the public interest, for the public convenience and necessity, and that the applicant is fit, willing, and able to perform such public transportation, and to operate in compliance with Montana state law and the provisions of this chapter.
- D. If the City Commission finds that another ambulance service would be in the public interest, the City Commission shall authorize the issuance of an Emergency Medical Services License certificate of public convenience and necessity stating the name and address of the applicant, the location of the emergency medical service and the date of the issuance. If the City Commission does not find that public convenience and necessity would benefit from another emergency medical service provider, the application shall be denied. Existing emergency medical services providers may continue to operate within the City, provided they comply with the provisions of this chapter and are in compliance with Montana state law.
- E. There must be paid to the City, with each application for, or renewal of, an Emergency Medical Services license, a license fee that shall be set by City Commission resolution.
- F. An Emergency Medical Services license is not transferable.
- G. An Emergency Medical Services license is non-exclusive.

5.3.7.030 Criteria for license.

Any person desiring to obtain an Emergency Medical Services license required by this chapter shall demonstrate the ability to meet the requirements of Title 8, Chapter 9 of this Code.

5.3.7.040 Revocation of license.

The City may revoke an Emergency Medical Services license, if it finds that the licensee has:

- A. Violated any provision of this chapter or of the rules promulgated by the Montana Department of Health and Human Services or the Board of Medical Examiners, as contained in the Administrative Rules of Montana, or violation of policy, rules and procedure as outlined in the City of Great Falls Emergency Communications Center Policy Manual; and
- B. Failed or refused to remedy or correct the violation within the time and in the manner directed by the City.

5.3.7.050 Notice and hearing required.

- A. The City may deny or revoke an Emergency Medical Services license subject to:

Exhibit "A" (Updated From First Reading)

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1. delivery to the applicant or licensee of a written statement of the grounds for denial or revocation of the subject license; and
 2. the opportunity for the applicant or licensee to answer at a hearing before the City Commission to show cause, if any, why the license should not be denied or revoked.
- B. Within ten (10) days of the written statement of grounds for denial or revocation, any applicant or licensee desiring a hearing before the City Commission shall make written application to the City Clerk's office requesting a hearing and stating the reasons for the applicant or licensee's request.

5.3.7.060 Exemptions.

The provisions and requirements of this chapter shall not apply to:

- A. The Great Falls Fire Rescue Department, except as provided in Montana state licensing requirements from the State's Board of Medical Examiners and the Department of Health and Environmental Services;
- B. Any person providing emergency medical services outside the City, who in the course of providing such services, transports a patient from outside the City into, or through, the City; and
- C. Any person providing emergency medical services within the City, who is providing such services at the request of the City, pursuant to a written mutual aid agreement, between the City and the person.

Article 8 PLUMBING CONTRACTOR'S LICENSE

Sections:

- 5.3.8.010 Plumbing Contractor licensing.
- 5.3.8.020 Licensing application.
- 5.3.8.030 Insurance and bond.
- 5.3.8.040 License term.
- 5.3.8.050 License fee.

5.3.8.010 Plumbing contractor licensing.

Any person, firm, corporation, or other entity who engages in the business of installation, alteration, maintenance, or repair of plumbing and drainage systems is required to have a plumbing contractor's license.

5.3.8.020 Licensing application.

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An applicant for a plumbing contractor's license shall show evidence that the applicant, or at least one (1) member of the firm or corporation, is the holder of a current master plumber's license issued by the State of Montana.

5.3.8.030 Insurance and bond.

All applicants for licensing shall file with the Planning and Community Development Department a commercial general liability insurance policy issued by an insurance carrier authorized to do business in the State, with limits established by City Commission resolution. Additionally, a license bond in the amount established by City Commission resolution shall be supplied to guarantee compliance with all laws and regulations applicable relative to the license and permits issued.

5.3.8.040 License term.

- A. Except as provided in subsection (B.) of this part, all licenses issued under the provisions of this article shall be for the calendar year beginning January 1, and expiring on December 31. Renewals or new applicants applying after the expiration date shall pay fees as specified for the full year.
- B. Applications after December 1, will receive licenses valid for the remainder of the year plus the next calendar year.

5.3.8.050 License fee.

The fee for issuance of a plumbing contractor's license shall be as set by City Commission resolution.

Article 9 PLUMBER LICENSING

Sections:

5.3.9.010 Plumber certificate required.

5.3.9.020 Certificate fee.

5.3.9.010 Plumber certificate required.

Any person engaged in the trade or calling of journeyman plumber in the City is required to have a plumber's certificate issued by the Planning and Community Development Department. Certificates issued under the provisions of this article shall be for the calendar year beginning January 1, and expiring on December 31.

5.3.9.020 Certificate fee.

A fee as set by City Commission resolution shall be paid for each initial certificate upon evidence of a current journeyman plumber's license issued by the State. The fee for each renewal shall be as set by City Commission resolution.

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Article 10 MEDICAL GAS SYSTEMS

Sections:

- 5.3.10.010 Contractor licensing.**
- 5.3.10.020 Application.**
- 5.3.10.030 Insurance and bond.**
- 5.3.10.040 Medical gas contractor license fee.**
- 5.3.10.050 Medical gas systems certificate required.**
- 5.3.10.060 Medical gas contractor certificate fee.**

5.3.10.010 Contractor licensing.

Any person, firm, corporation, or other entity who engages in the business of installation, alteration, maintenance or repair of medical gas systems is required to have a medical gas systems contractor's license issued by the Planning and Community Development Department. Medical gas is defined by Title 15 of this Code. Licenses issued under the provisions of this article shall be for the calendar year beginning January 1, and expiring on December 31.

5.3.10.020 Application.

An applicant for a medical gas systems contractor's license shall show evidence that the applicant, or at least one (1) member of the firm or corporation, is the holder of a current medical gas certificate.

5.3.10.030 Insurance and bond.

An applicant for a medical gas systems contractor's license shall meet the requirements of 5.3.8.030.

5.3.10.040 Medical gas contractor license fee.

The fee for issuance of a medical gas systems contractor's license shall be as set by City Commission resolution.

5.3.10.050 Medical gas systems certificate required.

Any person engaged in the installation, alteration, maintenance or repair of medical gas systems in the City is required to have a medical gas certificate.

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5.3.10.060 Medical gas contractor certificate fee.

A fee as set by City Commission resolution shall be paid for each initial certificate upon evidence of a current medical gas endorsement issued by the State. The fee for each renewal shall be as set by City Commission resolution. Certificates issued under the provisions of this article shall be for the calendar year beginning January 1, and expiring on December 31.

Article 11 FUEL GAS PIPING SYSTEMS

Sections:

- 5.3.11.010 Gas fitting contractor licensing.**
- 5.3.11.020 License application.**
- 5.3.11.030 Insurance and bond.**
- 5.3.11.040 Gas fitting contractor's license fee.**
- 5.3.11.050 Gas fitter's certificate.**
- 5.3.11.060 Certificate application.**
- 5.3.11.070 Gas fitting certificate fee.**

5.3.11.010 Gas fitting contractor licensing.

Any person, firm, corporation, or any other entity who engages in the business of installation, alteration, maintenance, or repair of gas piping systems is required to have a gas fitting contractor's license issued by the Planning and Community Development Department. Licenses issued under the provisions of this article shall be for the calendar year beginning January 1, and expiring on December 31.

5.3.11.020 License application.

An applicant for a gas fitting contractor's license shall show evidence that the applicant, or at least one (1) member of the firm, corporation, or entity is the holder of a current gas fitters certificate.

5.3.11.030 Insurance and bond.

An applicant for a gas fitting contractor's license shall meet the requirements of 5.3.8.030.

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5.3.11.040 Gas fitting contractor's license fee.

The fee for issuance of a gas fitting contractor's license shall be as set by City Commission resolution.

5.3.11.050 Gas fitter's certificate.

Any person engaged in the trade or calling of gas fitter in the City is required to have a gas fitter's certificate. Certificates issued under the provisions of this article shall be for the calendar year beginning January 1, and expiring on December 31.

5.3.11.060 Certificate application.

- A. A person or entity desiring a gas fitting license shall make application to the Building Official to schedule a time and place for an appropriate examination to determine the qualifications of the applicant.
- B. A fee of twenty dollars (\$20.00) shall be paid for each examination.
- C. The examination shall be administered by the person responsible for gas installation inspections, who will certify the results to the Building Official.
- D. Examination is required for each initial application and is not required for renewal of the license, unless the license has been expired for more than thirty (30) calendar days. Adequate proof of experience in the field of gas fitting or related trades shall be submitted prior to the date of examination.
- E. Proof of experience shall include affidavits from previous employers themselves in the business of plumbing, pipe fitting or gas fitting totaling a minimum of two (2) years.

5.3.11.070 Gas fitting certificate fee.

Upon successful completion of the examination, an initial certificate shall be issued. The fee shall be as set by City Commission resolution for each renewal.

Article 12 ELECTRICAL CONTRACTING

Sections:

5.3.12.010 Electrical contractor's license.

Title 5 - BUSINESS LICENSES, PERMITS, AND SAFETY INSPECTION CERTIFICATES

- 5.3.12.020 Electrical contractor's license application.
- 5.3.12.030 Insurance and bond.
- 5.3.12.040 Electrical contractor's license fee.
- 5.3.12.050 Individual wiring certificate.
- 5.3.12.060 Individual wiring certificate application.
- 5.3.12.070 Individual wiring certificate fee.

5.3.12.010 Electrical contractor's license.

Any person, firm, corporation, or other entity engaging in the business or installation, alteration, maintenance or repair of electrical equipment in the City is required to have a City Electrical Contractor's License issued by the Planning and Community Development Department. This does not apply to the installation, alteration, or repair of electrical signal or communications equipment owned or operated by a public utility or the City. Licenses and Certificates issued under the provisions of this article shall be for the calendar year beginning January 1, and expiring on December 31.

5.3.12.020 Electrical contractor's license application.

- A. An applicant for an electrical contractor's license shall apply to the Building Official, and shall show evidence that:
 - 1. all work is under the direction, control, and supervision of a licensed master electrician; or
 - 2. under the direction, control and supervision of a journeyman electrician for residential construction consisting of less than five (5) living units in a single structure. Journeyman, master, and residential electricians are as defined and licensed under authority of the Mont Code Annotated and hold a current contractor's license issued by the State.
- B. The applicant shall also file an insurance policy or certificate as required by Section 5.3.12.030.

5.3.12.030 Insurance and bond.

- A. All applicants for licensing shall file with the Planning and Community Development Department a commercial general liability insurance policy or certificate of same, issued by an insurance carrier authorized to do business in the State, with limits established by City Commission resolution. Such limits shall be minimums and shall be in force through the term of the license.
- B. All new electrical contractors will be required to post a license bond in an amount established by City Commission resolution to guarantee compliance with all laws and regulations relative to the license and permits issued for the first two (2) years of business. If performance under the bond is satisfactory, the City may release the contractor from further posting of the bond.

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- C. Additionally, if an electrical contractor is not performing satisfactory work and has no license bond, the Board of Adjustment shall conduct a hearing to determine if a license bond shall be required to be posted and determine the period of the posting.

5.3.12.040 Electrical contractor's license fee.

The fee for issuance of an electrical contractor's license shall be set by City Commission resolution.

5.3.12.050 Individual wiring certificate.

Any person who is, or in the future may become, engaged in the trade or calling of a journeyman or residential electrician in the City is required to have an individual wiring certificate issued by the Planning and Community Development Department.

5.3.12.060 Individual wiring certificate application.

An applicant for an individual wiring certificate shall submit evidence to the Building Official that such person is the holder of a current license issued by the State to engage in the trade or calling of residential electrician, journeyman electrician, or master electrician, as defined by Mont. Code Ann. Title 37.

5.3.12.070 Individual wiring certificate fee.

The fee shall be established by resolution of the City Commission.

Chapter 16 CATV REGULATIONS

Sections:

Repealed.

Exhibit "A" (Updated From First Reading)

Title 5 - BUSINESS LICENSES, PERMITS, AND SAFETY INSPECTION CERTIFICATES

Chapter 20 RESERVED

Editor's note— Ord. No. 3115, § 2, adopted Dec. 17, 2013, repealed Tit. 5, Chapter 20, which pertained to establishing and operating an electric utility and derived from Ord. 2861, 2003; and Ord. 2925, 2005.

(Ord. 3168, 2017; Ord. 3139, 2016; Ord. 3125, 2014; Ord. 3117, 2014; Ord. 3057, 2010; Ord. 2993, 2008; Ord. 2865, 2003; Ord. 2764, 2000; Ord. 2745, 1998; Ord. 2743, 1998; Ord. 2675, 1995; Ord. 2674, 1995; Ord. 2672, 1995; Ord. 2509, 1988; Ord. 2487, 1987; Ord. 2483, 1987; Ord. 2344, 1983; Ord. 2008, 1977; Ord. 1874, 1975; Prior Codes 5.11.1; 5.11.3; 5.16.1).

Title 5 - BUSINESS LICENSES, PERMITS, AND SAFETY INSPECTION CERTIFICATES

**Chapter 1 GENERAL BUSINESS LICENSE AND SAFETY INSPECTION
CERTIFICATE PROCEDURE**

Sections:

- 5.1.010 Definitions.
- 5.1.020 Application of regulations.
- 5.1.030 Authority and Appeals.
- 5.1.040 Procedure for issuance of certificates, permits or special licenses.
- 5.1.050 Certificate, Permit and special business license fees.
- 5.1.060 Certificate, permits and special business license duration — renewal.
- 5.1.070 Late charge.
- 5.1.080 Duties of license, permit or certificate holder.
- 5.1.090 Certificate, permit or special license — revocation or suspension.
- 5.1.100 Appeal.
- 5.1.110 Severability.

5.1.010 Definitions.

The following words and phrases when used in this Title shall have the following meanings:

- A. "Buildings or Offices" shall mean all buildings, structures, rooms, offices, or portions thereof which are situated on a permanent structural foundation and permanently connected to City water and sewer service wherein a business or organization is located and which may be accessible to the public, employees, or members or located in such close proximity to other buildings, structures, rooms, offices, or portions thereof so as to constitute a public threat in the event of a Uniform Safety Code violation.
- B. "Business" shall mean any occupation, trade, profession, commercial activity, social activity, fraternal activity, or religious activity located or meeting regularly in buildings or offices, including multi-family dwelling units of four (4) or more units, together with all devices, machines, vehicles and appurtenances used therein. This includes sole proprietorships, partnerships, corporations, nonprofit corporations, religious organizations, social organizations and fraternal organizations.
- C. Unless specifically identified, in this Title, the term, "Certificate" shall include safety inspection certificates, home occupation certificates, or any other certificates or permits issued by the City of Great Falls' Planning and Community Development or Fire Rescue Departments.
- D. "Home Occupation" means a lawful business carried on by a resident of a dwelling as an accessory use within the same dwelling or an accessory building, which will not infringe upon the rights of neighboring residents to enjoy the peaceful occupancy of their homes.

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- E. "Home Occupation Certificate" is a certificate, license, or permit issued by the Planning and Community Development Department under the terms and conditions of 5.2.020-5.2.040.
- F. "Non-Resident Vendor" is any person engaged or employed in the business of selling to consumers by going from consumer to consumer, either on the streets or to their places of residence or employment, and soliciting, selling, or taking orders for future delivery of any goods, wares, or merchandise.
 - 1. This definition applies to persons vending food or other merchandise from pushcarts, vehicles, trailers, or other readily mobile sources to customers within the City limits.
 - 2. This all-inclusive definition applies to vendors coming into Great Falls to provide any type of service (e.g. painters, contractors, tree trimmers, computer technicians, etc.), to residents within the City limits.
- G. "Nonprofit organization" is any group which does not distribute pecuniary gains, profits or dividends, and pecuniary gain is not the objective of the organization. Nonprofit organizations or groups must be recognized as such by the United States Internal Revenue Service and the Montana Department of Revenue.
- H. "Permanent Premises" means any buildings or structures, or any part of any buildings or structures, situated on a permanent structural foundation that meet the engineering requirements in the Uniform Building Code and are permanently connected to City water and sewer service. This definition excludes all accessory structures not intended to be occupied by employees and/or the public.
- I. "Person" is meant to include individual natural persons, partnerships, joint ventures, societies, associations, clubs, trustees, trusts, or corporations; or any officers, agents, employees, or representatives thereof, in any capacity, acting either for him or herself, or for any other person, under designation, appointment, or otherwise pursuant to law.
- J. "Premises" means any office, property, retail space, structure or portion thereof occupied for business use, the facilities and appurtenances in the structure, and the grounds, areas and facilities held out for the use of business.
- K. "Safety Inspection Certificate" is a certificate for a business, or occupation, at a specific premises acknowledging inspection for Uniform Safety Codes, or other ordinances and regulations, enacted for the purpose of protecting health, safety, and welfare of the public. The certificate is not intended, and shall not be used, to regulate or infringe upon the conduct of a business or profession and is not intended, and shall not be used, to regulate, infringe or prohibit the practice of religion or religious beliefs.
- L. "Property Manager" means a "person" who rents or leases rental units, including but not limited to, multi-family dwellings, excluding hotels or motels.
- M. "Square footage" is the total number of square feet contained within the exterior walls of a building, suite, office, or premises used in, or available for, the business operation.
- N. "Temporary premises" means any buildings, structure, vehicles, or other mobile structures temporarily occupied for business which are without a foundation and permanent connection to City water and sewer service. A temporary premises can exist for no more than ninety (90) calendar days in any twelve-month period. Temporary

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premises do not include sales booths, concession stands etc., which are operated in conjunction with a community sponsored event which is authorized by the City.

- O. "Non-Resident Merchant" means any person who brings into temporary premises, a stock of goods, wares or articles of merchandise or notions or other articles of trade, and who solicits, sells, offers to sell, or exhibits for sale, such stock of goods, wares, articles of merchandise, notions, or other articles of trade.
- P. "Year" for specific Special Business Licenses and Safety Inspection Certificate purposes, means a period of time of twelve (12) months commencing each year on January 1 and ending December 31 of the same year.
- Q. "Non-Resident Service Contractor" is any person, not residing within the City limits of Great Falls, engaged or employed in the business of providing services for hire. This includes persons engaged in contract construction, painting and drywall, landscape installation and maintenance, janitorial, and service contractors of all kinds including computer technicians and copier maintenance.
- R. "Uniform Safety Codes" as used herein, shall mean the most recent version of the International Building Code, International Fire Code, International Property Maintenance Code, in whole or in part, which have been adopted by the City of Great Falls and referenced in OCCGF Titles 15, 16 and Title 17.

5.1.020 Application of regulations.

- A. A certificate and special business license shall be obtained in the manner prescribed herein for each branch establishment, including off-site warehouses, distributing plants, multi-family dwellings of four (4) or more units, or any location of the business engaged in, as if each such branch establishment or location were a separate business. However, on-site warehouses and distributing plants used in connection with and incidental to an authorized business shall not be deemed to be separate places of business or branch establishment.
- B. No certificate or special license shall be required of any person for any mere delivery in the City of any property purchased or acquired in good faith from such person at the regular place of business outside the City where no intent by such person is shown to exist to evade the provisions of this chapter.
- C. All family/group day care facilities and all-day care centers shall obtain a Safety Inspection Certificate and shall supply copies of applicable Montana State Licenses to the Great Falls Fire Rescue Department.
- D. All independently owned and operated businesses located within a single building, shall each obtain a Safety Inspection Certificate.

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5.1.030 Authority and Appeals.

- A. Unless otherwise specified in this Title, if an application for a license, certificate, or permit is denied or revised in a way which is unacceptable to the applicant, the applicant may appeal the decision to the City Manager in writing within fifteen (15) calendar days. The City Manager or designee shall review the application and uphold, reverse, or revise the decision on the application. If applicant makes no such appeal, the initial determination shall stand.
- B. If the City Manager upholds or revises the determination of the application for a license, certificate, or permit, the applicant may appeal the decision to the City Commission in writing within fifteen (15) calendar days. The Commission shall review the application in a public meeting and uphold, reverse or revise the decision on the application. If applicant makes no such appeal, the City Manager's determination will stand.
- C. Unless otherwise specified in this Title, appeals to the City Commission of the denial, revocation or suspension of Safety Inspection Certificates, Special Business licenses, Home Occupation Certificates, or other licenses or permits under this title shall comply with the provisions of 1.2.040.

5.1.040 Procedure for issuance of certificates, permits or special licenses.

- A. Safety inspection certificates shall be issued by the Great Falls Fire Rescue Department pursuant to the provisions of this Title.
- B. Home Occupancy certificates, special licenses and other certificates, permits and licenses shall be issued by the Planning and Community Development Department pursuant to the provisions of this Title.
- C. Prior to issuing a certificate, permit, or special business license, the applicant shall:
 - 1. Be in compliance with all Zoning and Uniform Safety Codes and have permanent water and sewer service provided by the City (non-resident licenses exempted);
 - 2. Submit a completed application accompanied by the full amount of the applicable fee;
 - 3. Be current in the payment of all City fees and assessments; and
 - 4. Have no other outstanding obligations to the City.
- D. The applicant may change location provided:
 - 1. The applicant complies with all Zoning and Uniform Safety Codes; and
 - 2. The applicant obtains a new certificate, permit, or special business license for the change of location.
- E. If a newly established business is determined by GFFR staff to require a safety inspection certificate, said business shall apply for a safety inspection certificate and complete all the procedures pursuant to this section within 60 days of that determination. Failure to do so shall constitute a violation of Section 5.2.010 of this Title.

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5.1.050 Certificate, Permit and special business license fees.

- A. All certificate, permit or special business license fees shall be defined by resolution adopted by the City Commission. Such fees shall reasonably relate to the cost of issuing the certificate or special license and the additional cost of inspections.
- B. New businesses, excluding Non-Resident Merchants, established within the last ninety (90) days of the calendar year shall not pay the initial annual renewal fee.
- C. No rebate or refund of any certificate, permit, or special business license fee, or part thereof, shall be made.
- D. Offices or buildings that are owned and operated by the United States Government, The State of Montana, or Cascade County may be subject to inspection but are exempt from applicable fees under this Title. However, this exemption does not apply to privately owned businesses operating on exempt property.

5.1.060 Certificate, permits and special business license duration — renewal.

- A. All certificates, permits or special business licenses issued pursuant to this Title shall expire on December 31 of the year in which such certificate, permit or special business license is issued, unless otherwise specified.
- B. Failure to renew a certificate, permit or special business license and to remit all applicable fees within sixty (60) days after expiration shall result in immediate revocation of said certificate, permit, or license.
- C. Each day that any violation of this chapter occurs or continues may constitute a separate offense and may be punishable as a separate violation.

5.1.070 Late charge.

Failure to renew the safety inspection certificate or special business license by December 31 of the year in which such certificate, permit, or special business license is issued, shall result in a delinquent charge as determined by Commission resolution.

5.1.080 Duties of license, permit or certificate holder.

- A. Every license, permit, or certificate holder under this Title shall permit all reasonable inspections of the business premises by public authorities to carry out the intent of this Title.
- B. Every licensee, permit, or certificate holder under this Title shall post the certificate or special license on the premises or carried on the person where an individual license is required.
- C. The certificate, permit, or license holder may transfer the certificate, permit or special business license to another business, operating at the same location, in accordance with established City procedures.

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5.1.090 Certificate, permit or special license — revocation or suspension.

- A. The certificate, permit, or special license may be revoked or suspended when the license, permit or certificate holder violates this Title.
- B. The following procedure will be followed in revoking or suspending a certificate or license:
 - 1. A written notice shall be mailed or personally delivered to the license, permit, or certificate holder, by the City staff, at least fifteen (15) calendar days prior to revocation or suspension;
 - 2. The notice shall state the reason(s) for the action;
 - 3. Within fifteen (15) calendar days of the date of the written notice, the license, permit, or certificate holder may request a review of the proposed action;
 - 4. When a review is requested, a meeting shall be set between City staff, the City Manager or designee, and the requesting license, permit, or certificate holder; and
 - 5. Following the review, the City Manager or designee will determine, in writing if a suspension or revocation is warranted.
- C. If conditions are determined to cause an immediate threat to health or safety, the City Manager or designee shall immediately suspend the certificate or special business license until such condition is remedied.

5.1.100 Appeal.

Except as stated in this Title, all appeals of a suspension or revocation of a license, permit or certificate granted, shall be filed in writing by any license, permit, or certificate holder to the City Commission within fifteen (15) calendar days of the date of the written determination to suspend or revoke the certificate, permit or license.

5.1.110 Severability.

If any part of this Title is for any reason held to be invalid, or unconstitutional, such decision shall not affect the validity, or constitutionality of the remaining portions thereof.

Chapter 2 SAFETY INSPECTION CERTIFICATE AND HOME OCCUPATION CERTIFICATE

Sections:

- 5.2.010 Safety inspection certificate.
- 5.2.020 Home occupation certificate.
- 5.2.030 Issuance — revocation of certificate.
- 5.2.040 Home occupation requirements.

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Title 5 - BUSINESS LICENSES, PERMITS, AND SAFETY INSPECTION CERTIFICATES

5.2.010 Safety inspection certificate.

- A. Every business, in a building or office, in the jurisdictional limits of the City of Great Falls shall be required to obtain a Safety Inspection Certificate to ensure that the building, store, or office complies with Uniform Safety Codes and other ordinances and regulations enacted for the purpose of protecting the health, safety, and welfare of the public.
- B. A Safety Inspection Certificate fee is authorized.
- C. In any multiple business, suite/office structure:
 - 1. Each independently owned and operated business with a separate business address, within said building or structure, shall be required to obtain a certificate; and
 - 2. The building owner/agent shall obtain a certificate for indoor commonly accessed areas.
- D. For multi-family dwelling units of four (4) or more units, only the indoor commonly accessed areas shall require a certificate.
- E. It is unlawful for any person to operate a business within the incorporated City limits without a valid Safety Inspection Certificate. A violation of this section is punishable by a term not to exceed 6 months in jail, a fine of not more than \$500, or both. Additionally, the Court within its discretion, may order the business to cease all operation until it complies with this Title.
- F. A business operating within the incorporated City limits without a valid Safety Inspection Certificate, is hereby declared a Nuisance pursuant to OCCGF Title 8, Chapter 49.

5.2.020 Home occupation certificate.

The establishment of a Home Occupation shall require a certificate issued by the City of Great Falls through the Planning and Community Development Department. A Safety Inspection Certificate is not required for the issuance of a Home Occupation Certificate.

5.2.030 Issuance — revocation of certificate.

- A. Applications for Home Occupation Certificates shall include:
 - 1. A site plan indicating what portion of the dwelling will be used for the business; and
 - 2. A complete description of the type of business to be conducted.

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Title 5 - BUSINESS LICENSES, PERMITS, AND SAFETY INSPECTION CERTIFICATES

- B. The Home Occupation Certificate holder may appeal the denial or revocation of a Home Occupation Certificate to the Great Falls Board of Adjustment pursuant to Title 17 of this Code.
- C. Review and/or revocation of the Home Occupation certificate shall occur:
 - 1. Upon receipt of a written request for revocation from any two (2) adjacent property owners, a hearing shall be held by the Board of Adjustment. The finding of the Board of Adjustment shall be presented to the City Commission and, unless a majority of the City Commissioners disagree, shall become binding sixty (60) days after presentation to the City Commission; or
 - 2. Upon verification of any violation of this chapter, the City shall review the certificate in question. Upon the finding that the Home Occupation is no longer compatible with the neighborhood, violates the terms of the Home Occupation Certificate, the said Home Occupation Certificate shall be revoked.
- D. It is unlawful for any person to operate a business, in a dwelling, within the incorporated City limits of Great Falls without a valid Home Occupation Certificate. A violation of this section is punishable by a term not to exceed 6 months in jail, a fine of not more than \$500, or both.
- F. A business operating, within a dwelling, within the incorporated City limits and without a valid Home Occupation Certificate, is hereby declared a Nuisance pursuant to OCCGF Title 8, Chapter 49.

5.2.040 Home occupation requirements.

Home Occupations may be permitted wherein the use meets the following requirements and the applicant provides proof of said compliance:

- A. **Appearance.** The activity must be conducted in a manner so as not to give an outward appearance, nor manifest any characteristics of, a business in the ordinary meaning of the terms, nor shall it create undue amounts of traffic which would infringe upon the right of neighboring residents to enjoy the peaceful occupancy of their home.
- B. **Employees.** That portion of the Home Occupation conducted at the dwelling unit must be carried on by at least one (1) resident of the dwelling unit. In addition, non-resident employees are permitted where the aggregate hours worked by those non-resident employees do not exceed forty (40) hours per week and when no more than two (2) employees are present at one (1) time.
- C. **Location.** For Home Occupations in which services are rendered at the customer's location, the use of the dwelling unit shall be limited to the office portion of the business.
- D. **Secondary use.** The Home Occupation must be incidental and secondary to the use of the dwelling unit as a residence.
- E. **Area.** A maximum of thirty (30) percent of the dwelling may be dedicated to the Home Occupation.
- F. **Exterior Use.** No exterior storage of material, equipment, or any variation from the residential character of the principal building shall be permitted.
- G. **Noise, etc.** No offensive noise, vibration, smoke, dust, odor, heat or glare shall be produced by the Home Occupation activities permitted by the Certificate.

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- H. **Delivery.** No material or commodities shall be delivered to or from the residence which are of such bulk or quantity as to create undesirable traffic or congestion.
- I. **Weight.** No materials or commodities shall be placed within the building which exceed the allowable floor loading of forty (40) pounds per square foot.
- J. **Parking.** No parking of customers' vehicles shall be permitted in a manner of frequency so as to cause a disturbance or inconvenience to neighboring residents or so as to necessitate off-street parking. Business vehicles shall not exceed one (1) ton rated capacity, shall not utilize on-street parking, and shall be parked on the premises identified in the Home Occupation Certificate.
- K. **Sign.** No exterior sign or display shall be permitted, except for one (1) non-illuminated name plate, or Home Occupation sign. Signs for Home Occupations allowed in residential homes are allowed one (1) non-illuminated sign, no larger than six (6) square feet in area per face and six (6) feet in height. Signs must be placed a minimum of twelve (12) feet from the back of the curb, and in compliance with 17.32.160.
- L. **Garage.** The Home Occupation cannot be conducted upon the area provided to fulfill the off-street parking requirements for the dwelling unit on the lot, including but not limited to garage space.

Chapter 3 SPECIAL BUSINESS AND CONSTRUCTION LICENSES, CERTIFICATES, AND PERMITS

Articles:

Article 1 - COIN-OPERATED DEVICES DEPICTING SEXUAL ACTIVITIES

Article 2 - COMMERCIAL GARBAGE LICENSE

Article 3 - PAWNSHOPS, SECONDHAND STORES AND VALUABLE ARTICLE DEALERS

Article 4 - ALCOHOLIC BEVERAGES

Article 5 - NON-RESIDENT VENDOR LICENSE

Article 6 - FALSE ALARMS

Article 7 - EMERGENCY MEDICAL SERVICES LICENSES

Article 8 – PLUMBING CONTRACTOR’S LICENSE

Article 9 – PLUMBER CERTIFICATE

Article 10 – MEDICAL GAS SYSTEMS

Exhibit "B"

Title 5 - BUSINESS LICENSES, PERMITS, AND SAFETY INSPECTION CERTIFICATES

Article 11 – FUEL GAS PIPING SYSTEMS

Article 12 – ELECTRICAL CONTRACTING

Article 1 MECHANICALLY-OPERATED DEVICES DEPICTING SEXUAL ACTIVITIES

Sections:

5.3.1.010 Purpose.

5.3.1.020 Mechanically-operated devices depicting sexual activities.

5.3.1.030 License required.

5.3.1.010 Purpose.

The purpose of this article is to recognize the fact that the operation of mechanical amusement devices which depict or display specified sexual activities or specified anatomical areas result in increased enforcement programs for the City, and additional expense to the City, justifying a higher license fee. No license will be issued pursuant to this chapter to any person, organization, or entity that has an outstanding obligation or debt to the City.

5.3.1.020 Mechanically-operated devices depicting sexual activities.

Definitions. The following words and phrases when used in this article shall have the following meanings:

- A. "Device" shall include any machine which, upon the insertion of payment of consideration, in any form, directly or indirectly depicts, displays, or projects pictures, photographs or other visual images of anatomical areas or specified sexual activities.
- B. "Specified Anatomical Areas" include:
 - 1. Less than completely and opaquely covered: human genitals, pubic region, buttock, or female breast below a point immediately above the top of areola; or
 - 2. Human male genitals, even if completely and opaquely covered.
- C. "Specified Sexual Activities" include:
 - 1. Human genitals in a state of sexual stimulation or arousal;
 - 2. Acts of human masturbation, sexual intercourse, sodomy; or,
 - 3. Fondling of human genitals, pubic region, buttock, or female breast.
- D. The license application shall include, but not be limited to, a complete list of the devices owned by the person or business subject to this licensing with an indication thereon of the location of each machine.

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5.3.1.030 License required.

- A. It shall be unlawful for any business to have, or operate, devices depicting sexual activities for which a license or permit is required without such license being first procured and kept in effect at all such times as required by this chapter.
- B. Any violation of this section is a misdemeanor punishable by a term of not more than six (6) months in jail, a fine not to exceed \$500, or both.
- C. The Court, in its discretion may order the destruction of any device depicting sexual activities in violation of this section.
- D. Any business that has or operates devices depicting sexual activities in violation of this section, is hereby by declared a Nuisance pursuant to OCCGF Title 8, Chapter 49.

Article 2 COMMERCIAL GARBAGE LICENSE

Sections:

5.3.2.010 Commercial garbage license.

5.3.2.010 Commercial garbage license.

- A. No person, or business, shall engage in the business of collecting or removing garbage from any business or residence in the City without first obtaining a commercial garbage license.
- B. All equipment used by the collector under a City commercial garbage license for collection and hauling of refuse, shall be constructed and maintained to prevent leakage, spillage, or overflow. All portions of the collection vehicle shall be kept clean and sanitary, and shall be clearly identified by assigned equipment number and with the firm and local telephone number affixed thereto.
- C. A commercial garbage collector shall have applied for, and received, the proper Montana Public Service Commission (PSC) permit.
- D. A current list of all services provided shall be submitted to the City Public Works Department, containing the following information:
 - 1. The names and addresses of each residence served;
 - 2. The names and addresses of each commercial establishment, including multifamily dwellings containing three (3) or more separate dwelling units;
 - 3. The number and size of the containers at each commercial site;
 - 4. The number of times each container is picked up per week; and
 - 5. An estimate of the weekly volume of refuse removed from the site which is outside of regular containers.

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- D. The City reserves the right to deny, or revoke, a commercial garbage license for just cause, upon written complaint, with regard to the conduct of the service provider, quality of services rendered, or business and/or marketing practices.

Article 3 PAWNSHOPS, SECONDHAND STORES AND VALUABLE ARTICLE DEALERS
Sections:

5.3.3.010 Definitions.

5.3.3.020 Register required.

5.3.3.030 Duration articles must be held.

5.3.3.040 Violation; penalty.

5.3.3.050 Extensions; exclusions.

5.3.3.010 Definitions.

The following words and phrases when used in this article shall have the following meanings:

- A. "Customer" means any person or entity who deposits, pledges, sells, trades, barter, consigns, or exchanges personal property, secondhand goods, wares, merchandise, or other valuable things to an operator as set forth in this section.
- B. The term "Operator" includes the following:
1. "Pawnbroker" which means any person or entity who loans money on deposit, pledge of personal property or any valuable thing, or who deals in the purchasing of personal property, or valuable things, on condition of selling the same back at a stipulated price, whether he does the same for himself or as an agent of some person or firm or corporation, who by any means, method, or device loans money for personal property when the same is deposited for security or is deposited for any other purpose; and
 2. "Secondhand Dealer" or "Valuable Article Dealer" which means any person or entity who, within the City, as a business; engages in the purchase, sale, trade, barter, consignment, recycling, or exchange of secondhand goods, wares or merchandise; or any person who keeps any store, shop, room, or place where secondhand goods, wares, or merchandise of any kind or description are bought, sold, traded, bartered, consigned, recycled, or exchanged is defined as a secondhand dealer or valuable article dealer within the meaning of this chapter; provided, however, that this chapter shall not apply to bona fide trade or turn-ins of secondhand goods, wares or merchandise or other goods where no cash is transferred or paid by the merchant.

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5.3.3.020 Register required.

Any operator who engages in the activities set forth in 5.3.3.010 shall keep a legible written register, or record, of all property purchased or taken under that section, along with:

- A. A description of each article, including, but not limited to, identification number, serial number, model number, brand name, or other identification marks on such article; and a description by weight and design of precious and semi-precious metals or stones;
- B. The customer's name and date of birth;
- C. The customer's current address; and
- D. The customer's identification from one of the following:
 - 1. A valid state identification card;
 - 2. A valid state driver's license;
 - 3. A military identification card;
 - 4. A valid passport;
 - 5. An alien registration card; or
 - 6. An official identification document lawfully issued by a state or federal government.
- E. Records shall be retained for a period of two (2) years from the initial transaction. Such register shall be subject to examination by the Great Falls Police Department (GFPD), or other state or federal law enforcement agency, at any and all times.
- F. On a periodic basis, no later than 5:00 p.m. on Friday of each week's transactions, every operator shall file, upload, or record all registers or records of transactions, to an electronic database as designated by the Chief of Police or agent of the GFPD. If the transactions have not been entered into electronic database according to this section, the GFPD shall stop any further transactions by the operator, until the operator is in compliance.

5.3.3.030 Duration articles must be held.

For seven (7) days following the electronic filing of the register or record of a transaction into the GFPD database under this section, operators shall not dispose of the property purchased or taken, alter the property from the form in which it was received, or transfer the property to another location.

5.3.3.040 Violation; penalty.

- A. Subject to subsection (B.) of this section, each operator who violates this chapter shall be fined one hundred dollars (\$100.00) for each item received by operator, that the customer illegally obtained, or did not have authority to deposit, pledge, sell, trade, barter, consign, or exchange, or otherwise provide to operator.

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- B. This fine will be waived if the operator has properly and timely reported the item or items into the police database.
- C. All fines collected under this section will be directed to the Police Department for maintenance of the designated database.

5.3.3.050 Extensions; exclusions.

The Chief of Police, or designee, may for good cause shown, grant an operator a written extension to the deadlines herein, or an exclusion from these requirements based upon the type or value of property.

Article 4 ALCOHOLIC BEVERAGES

Sections:

5.3.4.010 Definitions.

5.3.4.020 Alcoholic beverage license required.

5.3.4.030 Special event alcoholic beverage license required.

5.3.4.040 Catering license required.

5.3.4.050 Additional catering endorsement required.

5.3.4.060 Teen night license.

5.3.4.010 Definitions.

The following words and phrases when used in this article shall have the following meanings:

- A. "Alcohol" means ethyl alcohol, also called ethanol, or the hydrated oxide of ethyl.
- B. "Alcoholic Beverage" means a compound produced and sold for human consumption as a drink that contains more than one-half of one (0.5) percent of alcohol by volume;
- C. "Malt Beverage" means an alcoholic beverage made by the fermentation of an infusion or decoction, or a combination of both, in potable brewing water, of malted barley with or without hops or their parts or their products and with or without other malted cereals and with or without the addition of un-malted or prepared cereals, other carbohydrates, or products prepared from carbohydrates and with or without other wholesome products suitable for human food consumption.
- D. "Beer" means:

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1. an alcoholic malt beverage containing not more than 8.75% of alcohol by volume;
or
 2. an alcoholic beverage containing not more than 14% alcohol by volume:
 - i. that is made by the alcoholic fermentation of an infusion or decoction, or a combination of both, in potable brewing water, of malted cereal grain; and
 - ii. in which the sugars used for fermentation of the alcoholic beverage are at least 75% derived from malted cereal grain measured as a percentage of the total dry weight of the fermentable ingredients.
- E. "License" means a license issued by this City to a qualified person, under which it is lawful either for the licensee to brew, sell or dispense beer or to sell and dispense liquor, respectively, as provided in this chapter.
- F. "Premises" means the building or specific portion of any building in which the liquor and/or beer business is conducted and those areas in which the retailer operates a sidewalk café, open-air restaurant or tavern outside of and adjacent to the licensed building and to which patrons are permitted free access from said building. Where a retailer conducts as a single business enterprise two (2) or more bars located on the same premises and which have such intercommunication as will enable patrons to move freely from one (1) bar to another without leaving the premises, the various bars shall be regarded as but one (1) premises for which but one (1) license is required. In all other cases, licenses must be obtained for each bar even though operated in the same building with another bar.
- G. "Liquor" means an alcoholic beverage except beer and wine. The term includes a caffeinated or stimulant-enhanced malt beverage.
- H. "Retailer" means any person engaged in the sale and distribution of beer, either on draft or in bottles, to the public.
- I. "Wine" means any alcoholic beverage made from or containing the normal alcoholic fermentation of the juice of sound, ripe fruit or other agricultural products without addition or abstraction, except as may occur in the usual cellar treatment of clarifying and aging and that contains more than one-half of one (0.5) percent but not more than twenty-four (24) percent of alcohol by volume. Wine may be ameliorated to correct natural deficiencies, sweetened, and fortified in accordance with applicable federal regulations and the customs and practices of the industry. Other alcoholic beverages not defined in this section but made in the manner of wine and labeled and sold as wine in accordance with federal regulations are also wine.

5.3.4.020 Alcoholic beverage license required.

- A. Any person or business brewing, selling, or dispensing beer, wine, liquor, or other alcoholic beverage must obtain a City alcoholic beverage license in addition to other permits or licenses which may be required.

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- B. Such license shall authorize the conduct of business under one of the following specific categories:
 - 1. beer;
 - 2. beer and wine; or
 - 3. all-alcoholic beverages.
- C. This section does not pertain to individuals' home brewing for personal consumption.

5.3.4.030 Special event alcoholic beverage license required.

A Special Event Alcoholic Beverage License or Permit is required in addition to the State's special permit or license for beer or beer and wine. The Special Alcoholic Beverage License shall be in effect for the period established by the State and will expire at the end of that period.

5.3.4.040 Catering license required.

Any person or business providing off-premises food or non-alcoholic beverages to third parties must obtain a City Catering license in addition to other permits or licenses required under this Title. This does not pertain to individuals' home food or non-alcoholic beverage preparation for personal consumption.

5.3.4.050 Additional Catering endorsement required.

- A. An Alcohol Beverage license, or a Special Event Alcoholic Beverage License, and a Catering License or Endorsement are required for the conduct of off-premise alcoholic beverage catering, in addition to other required permits or licenses;
- B. Any alcoholic beverages licensee may obtain an Special Event Alcoholic Beverage License or Permit with a Catering Endorsement, as applicable, for all the catering and/or sale of alcoholic beverages, to persons attending a special event, upon premises within the City not otherwise licensed for the sale of alcoholic beverages;
- C. Any Alcoholic Beverages licensee and/or Special Event Alcoholic Beverage licensee, with an Alcoholic Catering Endorsement, shall at least seventy-two hours prior to each special event, submit a license application describing the location of the event, the nature of the event, and the period during which the event is to be held; and
- D. Special Event Alcoholic and/or Catering Licensees will indemnify, defend and hold harmless the City from any and all claims, damages, losses and expenses arising from the event. The Licensee shall be required to carry insurance for comprehensive general liability, automobile liability and designated premises in the amount of one million dollars (\$1,000,000.00) per occurrence and two million dollars (\$2,000,000.00) aggregate, and list the City as an additional named insured under the policy. Documentation of such insurance must be provided to the City at least 72 hours prior to the event.

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5.3.4.060 Teen night license.

A license will be issued by the Planning and Community Development Department, or other authorized designee, to any person for any premises within the City, where beer or liquor is sold, for the purpose of establishing and conducting a teen night where:

- A. Any and all Alcoholic Beverages on the premises have been stored away out of sight and shall remain locked and secured for so long as the premises are open as a teen night;
- B. All signs advertising or referencing alcohol shall be removed or covered when the premises is open as a teen night;
- C. The only patrons permitted on the premises other than the proprietor, his employees, and parents of patrons shall be individuals verifying identification through current high school identification and/or driver's license cards between 6:00 p.m. and thirty (30) minutes prior to curfew and anyone verifying their age over eighteen (18) after curfew on designated days of the week;
- D. Registration of the name, age, and address of the licensee's employees (a minimum of four (4)) who shall be responsible for security of the premises including parking lots to be patrolled a minimum of three (3) times per hour while the premises is open as a teen night, and who shall ensure that any and all dangerous drugs as defined by the Montana Criminal Code, Alcoholic Beverages, weapons, or any other dangerous substances are excluded from the premises except Alcoholic Beverages that may have otherwise been locked away and secured thereon.
- E. Anyone under the influence of drugs or alcohol shall be excluded from the premises. Where any violations of this Code or laws of the State of Montana are observed, security personnel shall immediately notify the GFPD.
- F. For so long as the premises is open as a teen night, smoking of tobacco or vapor products as defined under the Montana Code Annotated, including Mont. Code Ann. §16-11-302, shall be prohibited on the premises, and notice thereof shall be conspicuously posted.
- G. If an establishment is unable to abide by these provisions, the City teen night license may be revoked in accordance with licensing procedures.

Article 5 NON-RESIDENT VENDOR LICENSE

Sections:

5.3.5.010 Non-resident vendor license required.

5.3.5.020 Non-resident merchant special business license required.

5.3.5.030 Non-resident service contractor special business license required.

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5.3.5.010 Non-resident vendor license required.

- A. Each individual engaging in Non-Resident Vendor business or commercial enterprise within the City, must first obtain a Non-Resident Vendor license. The Non-Resident Vendor license must be obtained prior to soliciting any customer or offering any goods or products for sale.
- B. No vendor shall park a vehicle, or any other movable temporary device, on any public street, alley, or private lot for more than four (4) hours in any eight-hour period at one (1) location. The parking of a vehicle, or other moveable device within three hundred (300) feet of the original location is considered one (1) location.
- C. The Non-resident Vendor License can be obtained from the Planning and Community Development Department during regular working hours.
- D. A short-term Non-Resident Vendor License may be granted on a short-term basis and shall be good for one (1) week from the date of issuance. A long-term license is good from the issue date through December 31, of the same year, and may be renewed upon its expiration.
- E. The City reserves the right to deny or revoke a license, upon receiving written citizen complaints regarding the vendor, merchandise, or practices.

5.3.5.020 Non-resident merchant special business license required.

- A. Any individual or entity engaged in any business within the City that is defined or administratively determined to be classified Non-Resident Merchant must first obtain a Non-Resident Merchant special business license from the City of Great Falls. This special business license must be obtained prior to soliciting any customer, offering any merchandise or products for sale, or bringing any stock of goods, wares, or other articles of trade to a temporary premise.
- B. A Non-Resident Merchant may apply for a Non-Resident Merchant special business license from the Planning and Community Development Department during normal business hours.
- C. The license is valid for a period of six (6) months and may be renewed once thereafter during in any twelve-month period.
- D. The City reserves the right to deny or revoke, upon written complaint, a Non-Resident Merchant special business license for just cause with regard to the conduct of the merchant, suitability of any merchandise, or business and/or marketing practices.

5.3.5.030 Non-resident service contractor special business license required.

- A. Any individual or entity engaged in any business within the City that is defined or administratively determined to be classified Non-Resident Service Contractor, must first obtain a Non-Resident Service Contractor special license from the City. This special business license must be obtained prior to soliciting any customer, offering or advertising any service, or performing any such service.

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- B. A Non-Resident Service Contractor may apply for a Non-Resident Service Contractor special business license from the Planning and Community Development Department during normal business hours.
- C. This Non-Resident Service Contractor special business license is valid from the date of issuance to December 31 and may be renewed upon its expiration.
- D. The City reserves the right to deny, or revoke, a Non-Resident Service Contractor license for just cause, upon written complaint, with regard to the conduct of the service contractor, quality of services rendered, or business and/or marketing practices.

Article 6 FALSE ALARMS

Sections:

5.3.6.010 Definitions.

5.3.6.020 Audible alarm requirements.

5.3.6.030 Agent permit required.

5.3.6.040 Exemptions.

5.3.6.050 Penalty.

5.3.6.010 Definitions.

Unless otherwise specified, the following words and phrases when used in this article shall have the following meanings:

- A. "Alarm agent" means any person who is directly or indirectly employed by an alarm business, whose duties include any of the following: selling, maintaining, leasing, servicing, repairing, altering, replacing, moving or installing on or in any building, structure or facility, any alarm system.
- B. "Alarm business" means any individual, partnership, corporation, or other entity engaged in selling, leasing, maintaining, servicing, repairing, altering, replacing, moving, or installing any alarm system or causing to be sold, leased, maintained, serviced, repaired, altered, replaced, moved, or installed any alarm system in, or on, any building, structure, or facility.
- C. "Alarm system" means any mechanical or electrical device which is designed, or used for, the detection of an unauthorized entry into a building, structure, or facility; or for alerting others of the commission of an unlawful act within a building, structure, or facility, or both; and which emits a sound or transmits a signal or message when actuated. Devices that are not designed or used to register alarms that are audible, visible or perceptible outside of the protected building, structure, or facility are not included within this definition, nor are auxiliary devices installed by a telephone or telecommunication company to protect company systems which might be damaged or disrupted by the use of an alarm system. Alarm systems include, but are not limited to:
 - 1. direct dial telephone devices; and

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2. audible alarms and proprietor alarms.
- D. "Audible alarm" means a device designed for the detection of unauthorized entry on premises which generates an audible sound on the premises when it is actuated.
- E. "False alarm" means an alarm signal actuated by inadvertence, negligence, or unintentional act necessitating response by the Great Falls Police Department, including alarms caused by the malfunction of the alarm system, except the following:
1. alarms caused by repair of telephone or communication equipment or lines;
 2. alarms caused by earthquakes, flood, windstorm, thunder, and lightning;
 3. alarms caused by an attempted illegal entry or analogous causes of which there is visible evidence; and
 4. alarms caused by power outages.
- F. "Proprietor alarm" means an alarm which is not serviced by an alarm business.
- G. "Subscriber" means any person who purchases, leases, contracts for, or otherwise obtains an alarm system or for the servicing maintenance of an alarm system from an alarm business.

5.3.6.020 Audible alarm requirements.

- A. Every person maintaining an audible alarm shall notify the Police Department with names and telephone numbers of the persons to be notified to render repairs of service, and secure the premises, during any hour of the day or night that the alarm is actuated.
- B. Whenever any change occurs relating to the required written information, the applicant shall give written notice thereof to the Great Falls Police Department of such change.

5.3.6.030 Alarm Agent permit required.

- A. All persons engaged in alarm business to repair, service, alter, replace, remove, design, sell, lease, maintain, or install alarm systems, shall obtain an Alarm Agent Permit in accordance with the provisions of this title.
- B. The Alarm Agent permittee shall have in their possession an Alarm Agent permit while engaged in alarm related business or activities.

5.3.6.040 Exemptions.

- A. The provisions of this chapter are not applicable to audible alarms affixed to automobiles.
- B. The provisions of this chapter do not include a person who engages in the manufacture for sale of an alarm system from a fixed location, and who neither visits the location

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where the alarm system is to be installed nor designs the scheme for physical location and installation of the alarm system in a specific location.

5.3.6.050 Penalty.

Where an alarm system actuates the following number of false alarms in any calendar year, the business or system owner will be charged as follows:

- A. False Alarms one (1) through three (3); written notice to permittee;
- B. A fourth or subsequent false alarm in a calendar year shall result in an assessed administrative fee of fifty dollars (\$50.00).

Article 7 EMERGENCY MEDICAL SERVICES LICENSES

Sections:

5.3.7.010 Definitions.

5.3.7.020 License required.

5.3.7.030 Criteria for license.

5.3.7.040 Cancellation of license.

5.3.7.050 Notice and hearing required.

5.3.7.060 Existing services.

5.3.7.070 Exemptions.

5.3.7.010 Definitions.

Unless otherwise specified, the following words and phrases when used in this article shall have the following meanings:

- A. "Ambulance" means a privately or publicly owned motor vehicle, or aircraft that is maintained and used for the transportation of medical patients.
- B. "Emergency Medical Services" means a pre-hospital emergency medical transportation or treatment service provided by an ambulance or similar vehicle.
- C. "License Certificate" means the City Emergency Medical Services License issued, or renewed, to any person engaging in the ambulance service business. A new Emergency Medical Services license shall be issued only after a favorable determination of public convenience and necessity by the City Commission.
- D. "License Year" means a fiscal year from July 1 through June 30 of each calendar year.
- E. "Patient" means an individual who is sick, injured, wounded, or otherwise incapacitated. The term does not include a person who is non-ambulatory, and who needs

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transportation assistance solely because that person is confined to a wheel chair as the person's usual means of mobility.

- F. "Person" means an individual, firm, partnership, association, corporation, company, group of individuals acting together for a common purpose, or any other organization of any kind.
- G. "Public Convenience and Necessity" means qualified, fit, able, and willing to perform and provide emergency medical service fitting and suited to serve the public need within the City without substantially or significantly adversely impacting the public interest in the overall general provision of the emergency medical service within the City.

5.3.7.020 License required.

- A. No person shall conduct or operate an emergency medical service within the City without first obtaining an Emergency Medical Services license as provided in this chapter.
- B. All Emergency Medical Services licenses shall be valid for a City license year, or for the remainder thereof. An Emergency Medical Services license shall expire at the conclusion of each licensure year, and shall be renewable subject to the ability to meet the standards set by the City and the State Department of Health and Human Services, as to fitness and ability to provide emergency medical services.
- C. No Emergency Medical Services license shall be issued under this chapter, to any new applicant, unless the City Commission shall, after conducting a public hearing and review, finds that another ambulance service is in the public interest, for the public convenience and necessity, and that the applicant is fit, willing, and able to perform such public transportation, and to operate in compliance with Montana state law and the provisions of this chapter.
- D. If the City Commission finds that another ambulance service would be in the public interest, the City Commission shall authorize the issuance of an Emergency Medical Services License certificate of public convenience and necessity stating the name and address of the applicant, the location of the emergency medical service and the date of the issuance. If the City Commission does not find that public convenience and necessity would benefit from another emergency medical service provider, the application shall be denied. Existing emergency medical services providers may continue to operate within the City, provided they comply with the provisions of this chapter and are in compliance with Montana state law.
- E. There must be paid to the City, with each application for, or renewal of, an Emergency Medical Services license, a license fee that shall be set by City Commission resolution.
- F. An Emergency Medical Services license is not transferable.
- G. An Emergency Medical Services license is non-exclusive.

5.3.7.030 Criteria for license.

Any person desiring to obtain an Emergency Medical Services license required by this chapter shall demonstrate the ability to meet the requirements of Title 8, Chapter 9 of this Code.

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5.3.7.040 Revocation of license.

The City may revoke an Emergency Medical Services license, if it finds that the licensee has:

- A. Violated any provision of this chapter or of the rules promulgated by the Montana Department of Health and Human Services or the Board of Medical Examiners, as contained in the Administrative Rules of Montana, or violation of policy, rules and procedure as outlined in the City of Great Falls Emergency Communications Center Policy Manual; and
- B. Failed or refused to remedy or correct the violation within the time and in the manner directed by the City.

5.3.7.050 Notice and hearing required.

- A. The City may deny or revoke an Emergency Medical Services license subject to:
 - 1. delivery to the applicant or licensee of a written statement of the grounds for denial or revocation of the subject license; and
 - 2. the opportunity for the applicant or licensee to answer at a hearing before the City Commission to show cause, if any, why the license should not be denied or revoked.
- B. Within ten (10) days of the written statement of grounds for denial or revocation, any applicant or licensee desiring a hearing before the City Commission shall make written application to the City Clerk's office requesting a hearing and stating the reasons for the applicant or licensee's request.

5.3.7.060 Exemptions.

The provisions and requirements of this chapter shall not apply to:

- A. The Great Falls Fire Rescue Department, except as provided in Montana state licensing requirements from the State's Board of Medical Examiners and the Department of Health and Environmental Services;
- B. Any person providing emergency medical services outside the City, who in the course of providing such services, transports a patient from outside the City into, or through, the City; and
- C. Any person providing emergency medical services within the City, who is providing such services at the request of the City, pursuant to a written mutual aid agreement, between the City and the person.

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Article 8 PLUMBING CONTRACTOR'S LICENSE

Sections:

- 5.3.8.010 Plumbing Contractor licensing.
- 5.3.8.020 Licensing application.
- 5.3.8.030 Insurance and bond.
- 5.3.8.040 License term.
- 5.3.8.050 License fee.

5.3.8.010 Plumbing contractor licensing.

Any person, firm, corporation, or other entity who engages in the business of installation, alteration, maintenance, or repair of plumbing and drainage systems is required to have a plumbing contractor's license.

5.3.8.020 Licensing application.

An applicant for a plumbing contractor's license shall show evidence that the applicant, or at least one (1) member of the firm or corporation, is the holder of a current master plumber's license issued by the State of Montana.

5.3.8.030 Insurance and bond.

All applicants for licensing shall file with the Planning and Community Development Department a commercial general liability insurance policy issued by an insurance carrier authorized to do business in the State, with limits established by City Commission resolution. Additionally, a license bond in the amount established by City Commission resolution shall be supplied to guarantee compliance with all laws and regulations applicable relative to the license and permits issued.

5.3.8.040 License term.

- A. Except as provided in subsection (B.) of this part, all licenses issued under the provisions of this article shall be for the calendar year beginning January 1, and expiring on December 31. Renewals or new applicants applying after the expiration date shall pay fees as specified for the full year.
- B. Applications after December 1, will receive licenses valid for the remainder of the year plus the next calendar year.

5.3.8.050 License fee.

The fee for issuance of a plumbing contractor's license shall be as set by City Commission resolution.

Article 9 PLUMBER LICENSING

Sections:

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5.3.9.010 Plumber certificate required.

5.3.9.020 Certificate fee.

5.3.9.010 Plumber certificate required.

Any person engaged in the trade or calling of journeyman plumber in the City is required to have a plumber's certificate issued by the Planning and Community Development Department. Certificates issued under the provisions of this article shall be for the calendar year beginning January 1, and expiring on December 31.

5.3.9.020 Certificate fee.

A fee as set by City Commission resolution shall be paid for each initial certificate upon evidence of a current journeyman plumber's license issued by the State. The fee for each renewal shall be as set by City Commission resolution.

Article 10 MEDICAL GAS SYSTEMS

Sections:

5.3.10.010 Contractor licensing.

5.3.10.020 Application.

5.3.10.030 Insurance and bond.

5.3.10.040 Medical gas contractor license fee.

5.3.10.050 Medical gas systems certificate required.

5.3.10.060 Medical gas contractor certificate fee.

5.3.10.010 Contractor licensing.

Any person, firm, corporation, or other entity who engages in the business of installation, alteration, maintenance or repair of medical gas systems is required to have a medical gas systems contractor's license issued by the Planning and Community Development Department. Medical gas is defined by Title 15 of this Code. Licenses issued under the provisions of this article shall be for the calendar year beginning January 1, and expiring on December 31.

5.3.10.020 Application.

An applicant for a medical gas systems contractor's license shall show evidence that the applicant, or at least one (1) member of the firm or corporation, is the holder of a current medical gas certificate.

5.3.10.030 Insurance and bond.

An applicant for a medical gas systems contractor's license shall meet the requirements of 5.3.8.030.

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5.3.10.040 Medical gas contractor license fee.

The fee for issuance of a medical gas systems contractor's license shall be as set by City Commission resolution.

5.3.10.050 Medical gas systems certificate required.

Any person engaged in the installation, alteration, maintenance or repair of medical gas systems in the City is required to have a medical gas certificate.

5.3.10.060 Medical gas contractor certificate fee.

A fee as set by City Commission resolution shall be paid for each initial certificate upon evidence of a current medical gas endorsement issued by the State. The fee for each renewal shall be as set by City Commission resolution. Certificates issued under the provisions of this article shall be for the calendar year beginning January 1, and expiring on December 31.

Article 11 FUEL GAS PIPING SYSTEMS

Sections:

- 5.3.11.010 Gas fitting contractor licensing.
- 5.3.11.020 License application.
- 5.3.11.030 Insurance and bond.
- 5.3.11.040 Gas fitting contractor's license fee.
- 5.3.11.050 Gas fitter's certificate.
- 5.3.11.060 Certificate application.
- 5.3.11.070 Gas fitting certificate fee.

5.3.11.010 Gas fitting contractor licensing.

Any person, firm, corporation, or any other entity who engages in the business of installation, alteration, maintenance, or repair of gas piping systems is required to have a gas fitting contractor's license issued by the Planning and Community Development Department. Licenses issued under the provisions of this article shall be for the calendar year beginning January 1, and expiring on December 31.

5.3.11.020 License application.

Exhibit "B"

Title 5 - BUSINESS LICENSES, PERMITS, AND SAFETY INSPECTION CERTIFICATES

An applicant for a gas fitting contractor's license shall show evidence that the applicant, or at least one (1) member of the firm, corporation, or entity is the holder of a current gas fitters certificate.

5.3.11.030 Insurance and bond.

An applicant for a gas fitting contractor's license shall meet the requirements of 5.3.8.030.

5.3.11.040 Gas fitting contractor's license fee.

The fee for issuance of a gas fitting contractor's license shall be as set by City Commission resolution.

5.3.11.050 Gas fitter's certificate.

Any person engaged in the trade or calling of gas fitter in the City is required to have a gas fitter's certificate. Certificates issued under the provisions of this article shall be for the calendar year beginning January 1, and expiring on December 31.

5.3.11.060 Certificate application.

- A. A person or entity desiring a gas fitting license shall make application to the Building Official to schedule a time and place for an appropriate examination to determine the qualifications of the applicant.
- B. A fee of twenty dollars (\$20.00) shall be paid for each examination.
- C. The examination shall be administered by the person responsible for gas installation inspections, who will certify the results to the Building Official.
- D. Examination is required for each initial application and is not required for renewal of the license, unless the license has been expired for more than thirty (30) calendar days. Adequate proof of experience in the field of gas fitting or related trades shall be submitted prior to the date of examination.
- E. Proof of experience shall include affidavits from previous employers themselves in the business of plumbing, pipe fitting or gas fitting totaling a minimum of two (2) years.

5.3.11.070 Gas fitting certificate fee.

Exhibit "B"

Title 5 - BUSINESS LICENSES, PERMITS, AND SAFETY INSPECTION CERTIFICATES

Upon successful completion of the examination, an initial certificate shall be issued. The fee shall be as set by City Commission resolution for each renewal.

Article 12 ELECTRICAL CONTRACTING

Sections:

- 5.3.12.010 Electrical contractor's license.
- 5.3.12.020 Electrical contractor's license application.
- 5.3.12.030 Insurance and bond.
- 5.3.12.040 Electrical contractor's license fee.
- 5.3.12.050 Individual wiring certificate.
- 5.3.12.060 Individual wiring certificate application.
- 5.3.12.070 Individual wiring certificate fee.

5.3.12.010 Electrical contractor's license.

Any person, firm, corporation, or other entity engaging in the business or installation, alteration, maintenance or repair of electrical equipment in the City is required to have a City Electrical Contractor's License issued by the Planning and Community Development Department. This does not apply to the installation, alteration, or repair of electrical signal or communications equipment owned or operated by a public utility or the City. Licenses and Certificates issued under the provisions of this article shall be for the calendar year beginning January 1, and expiring on December 31.

5.3.12.020 Electrical contractor's license application.

- A. An applicant for an electrical contractor's license shall apply to the Building Official, and shall show evidence that:
 - 1. all work is under the direction, control, and supervision of a licensed master electrician; or
 - 2. under the direction, control and supervision of a journeyman electrician for residential construction consisting of less than five (5) living units in a single structure. Journeyman, master, and residential electricians are as defined and licensed under authority of the Mont Code Annotated and hold a current contractor's license issued by the State.
- B. The applicant shall also file an insurance policy or certificate as required by Section 5.3.12.030.

5.3.12.030 Insurance and bond.

Exhibit "B"

Title 5 - BUSINESS LICENSES, PERMITS, AND SAFETY INSPECTION CERTIFICATES

- A. All applicants for licensing shall file with the Planning and Community Development Department a commercial general liability insurance policy or certificate of same, issued by an insurance carrier authorized to do business in the State, with limits established by City Commission resolution. Such limits shall be minimums and shall be in force through the term of the license.
- B. All new electrical contractors will be required to post a license bond in an amount established by City Commission resolution to guarantee compliance with all laws and regulations relative to the license and permits issued for the first two (2) years of business. If performance under the bond is satisfactory, the City may release the contractor from further posting of the bond.
- C. Additionally, if an electrical contractor is not performing satisfactory work and has no license bond, the Board of Adjustment shall conduct a hearing to determine if a license bond shall be required to be posted and determine the period of the posting.

5.3.12.040 Electrical contractor's license fee.

The fee for issuance of an electrical contractor's license shall be set by City Commission resolution.

5.3.12.050 Individual wiring certificate.

Any person who is, or in the future may become, engaged in the trade or calling of a journeyman or residential electrician in the City is required to have an individual wiring certificate issued by the Planning and Community Development Department.

5.3.12.060 Individual wiring certificate application.

An applicant for an individual wiring certificate shall submit evidence to the Building Official that such person is the holder of a current license issued by the State to engage in the trade or calling of residential electrician, journeyman electrician, or master electrician, as defined by Mont. Code Ann. Title 37.

5.3.12.070 Individual wiring certificate fee.

The fee shall be established by resolution of the City Commission.

Chapter 16 CATV REGULATIONS

Sections:

Exhibit "B"

Title 5 - BUSINESS LICENSES, PERMITS, AND SAFETY INSPECTION CERTIFICATES

Repealed.

Chapter 20 RESERVED

Editor's note— Ord. No. 3115, § 2, adopted Dec. 17, 2013, repealed Tit. 5, Chapter 20, which pertained to establishing and operating an electric utility and derived from Ord. 2861, 2003; and Ord. 2925, 2005.

(Ord. 3168, 2017; Ord. 3139, 2016; Ord. 3125, 2014; Ord. 3117, 2014; Ord. 3057, 2010; Ord. 2993, 2008; Ord. 2865, 2003; Ord. 2764, 2000; Ord. 2745, 1998; Ord. 2743, 1998; Ord. 2675, 1995; Ord. 2674, 1995; Ord. 2672, 1995; Ord. 2509, 1988; Ord. 2487, 1987; Ord. 2483, 1987; Ord. 2344, 1983; Ord. 2008, 1977; Ord. 1874, 1975; Prior Codes 5.11.1; 5.11.3; 5.16.1).



Item: Ordinance 3169, “An Ordinance Repealing and Replacing Title 2, Of The Official Code Of The City Of Great Falls (OCCGF), Pertaining To Administration and Personnel Provisions.”

From: City Attorney's Office

Initiated By: City Attorney's Office

Presented By: Joseph P. Cik, Assistant City Attorney

Action Requested: Conduct a public hearing and adopt Ordinance 3169

Public Hearing:

1. Mayor opens and conducts public hearing, calling three times each for proponents and opponents.
2. Mayor closes public hearing and asks the will of the Commission.

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (adopt/deny) Ordinance 3169.”

2. Mayor calls for a second to the motion, Commission discussion, and calls for the vote.
-
-

Staff Recommendation:

Staff recommends that the City Commission conduct a public hearing and adopt Ordinance 3169.

Background:

Members of the City Commission and Staff have examined numerous sections of the OCCGF and have noticed various types of deficiencies throughout numerous sections of the code. The deficiencies vary from typographical errors, needed updates, to conflicts with State and/or Federal law. Additionally, the OCCGF conflicts in various places with itself. In an effort to cure these issues, City staff has assembled input from the different departments to continue with a comprehensive revision of the Code.

The Ordinance under consideration is to repeal and replace OCCGF Title 2, pertaining to the General Administration and Personnel. The vast majority of the amendments are non-substantive. Non-substantive changes include chapter re-designation to put chapters in correct numerical order, to correct typographical errors, and to reformat subsections.

The first proposed substantive change is repealing the Youth Council. The Youth Council was established by Ord. 3045, in 2009, and has not been an active functioning Council. Given the lack of participation and interest in this Council, staff recommends that the City Commission repeal the Youth Council by adopting Ordinance 3169.

The next substantive proposed change is to require, to the fullest extent possible, all members of City appointed members of boards, commissions, and councils to be City residents, with the exception of the Golf Advisory Board. Additionally, individuals interested in participating in City boards, commissions, or councils would be required to be qualified electors. Because the City Boards and Commissions make pertinent recommendations to the City Commission regarding City policy and allocation of City resources, it is reasonable to expect that those members be residents and qualified to vote in accordance with state and federal law.

Another proposed substantive change is renaming the “Fiscal Services Department” to “Finance Department”. This proposed change was requested by the department director and does not impact that department’s responsibilities in any way.

Ordinance 3169 proposes several changes to the Code of Ethics. Several issues have arisen recently regarding the appearance of conflicts of interest. In response to these issues, Ordinance 3169 would establish provisions in the City Code requiring all City public officers, including City board and commission members and elected officials, to file with the City Clerk a disclosure of any potential conflicts of interest. Additionally, Ordinance 3169 would establish an Ethics Committee which would consist of three independent resident members, appointed by the City Commission, for not more than three (3) consecutive three (3) year terms (with initial staggered terms to allow for continuity). This Committee would work in conjunction with the City Attorney’s Office to resolve any actual or potential conflicts of interest involving City officials.

The Exhibits to Ordinance 3169 have had some substantive revisions since first reading, along with some non-substantive updates which include additional typographical and grammatical corrections. As shown in the Exhibits, the substantive update includes the recognition of the Human Resources Department in OCCGF Title 2, Chapter 4. Currently, the City of Great Falls is operating a human resources department responsible, under the direction of the City Manager, for managing all personnel issues, benefits administration, organizational training, and risk management. Risk management will be recognized as assigned to the Human Resources Department instead of the Finance Department. Additionally, Information Technology will be under Deputy City Manager supervision.

Ordinance 3169 was accepted unanimously on first reading. A speaker at the podium inquired as to whether the requirement that all members of advisory boards, commissions, councils and committees be residents of the City would apply to the county appointed members of the Great Falls International Airport Advisory Board (GFIAAB). The Commission and the speaker were advised that said requirement would not apply to county appointed members. Another speaker inquired as to whether the ordinance would have any impact on “Judges”. The speaker and Commission were advised that other OCCGF provisions apply to the Municipal Court Judge.

Commissioner Bronson inquired as to the impact on City appointments to the Great Falls International Airport Board. The Commission was advised that future City appointees would be required to be City residents, but that sitting appointees would not be affected by the proposed ordinance change. Commissioner Bronson also requested that findings made by the Great Falls Ethics Committee be in

writing, and language has been added in the updated Exhibits to reflect that request.

This matter was initially set for public hearing on October 3, 2017. Before the meeting, but after the Agenda Item was posted for public input, additional changes were suggested by Commissioner Bronson. During the staff presentation of the item, some of the additional proposed changes were discussed, including language changes to the provisions relating to the City Commission, Planning and Community Development, Great Falls Citizen's Council and ACIR board. Additionally, changes were made to reinsert the requirements stated in the Montana Code Annotated regarding the Municipal Court Judge's qualifications. Finally, additional changes were made to 2.21.050 and 2.21.080 in the proposed Ethics provisions.

Before the staff presentation on October 3 was complete, and before the public hearing was opened, the City Commission postponed the consideration of the item until the October 17, 2017 City Commission Agenda, so that the final versions could be posted for public review in advance of the public hearing. The updated exhibits to this Agenda Report incorporate all of these revisions. Ord. 3169 Exhibit "A" (Updated from First Reading) depicts the proposed Code provisions which are compared to the current provisions. Ord. 3169 Exhibit "B" (Updated from First Reading), attached to this agenda report, is a document illustrating proposed changes in a clean copy.

During public comment on the motion to postpone, Tourism Business Improvement District (TBID) Director Rebecca Engum requested that the residency requirements of the TBID be reconsidered, as some members of the TBID are not City residents and that there are existing limits to TBID appointment already, limiting the ability to find members. The TBID was created by Resolution No. 9806, and any consideration as to the residence requirements for TBID members can be addressed separately by a resolution which would amend Resolution 9806. Additionally, Library Director Kathy Mora requested that some of the Library Board of Trustees be exempted from the residency requirement, in recognition of Cascade County's support of the Library.

Notice of the postponed public hearing was placed in the Great Falls Tribune on October 8 and October 15, 2017.

Fiscal Impact:

None.

Concurrences:

City Manager
Fiscal Services Director
Park and Recreation Interim Director

ATTACHMENTS:

- ▢ Ordinance 3169
- ▢ Ord. 3169 Exhibit "A" (Updated From First Reading and Public Hearing)
- ▢ Ord. 3169 Exhibit "B" (Updated From First Reading)

ORDINANCE 3169

AN ORDINANCE REPEALING AND REPLACING TITLE 2 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF), PERTAINING TO ADMINISTRATION AND PERSONNEL PROVISIONS.

* * * * *

WHEREAS, the City Commission established Title 2 of the OCCGF outlining Provisions pertaining to Administration and Personnel in the OCCGF; and

WHEREAS, the City Commission has recognized deficiencies throughout OCCGF Title 2, including but not limited to, typographical, grammatical, formatting, and referencing deficiencies; and

WHEREAS, the City Commission wishes to cure the deficiencies contained in OCCGF Title 2; and

WHEREAS, the City Commission wishes to repeal current OCCGF provisions establishing a Youth Council, as there is lack of interest and participation in this Council; and

WHEREAS, the City Commission wishes to require that City appointed members of City boards, commissions, committees, and councils, with the exception of the Golf Advisory Board and the Library Board, be City residents and qualified electors; and

WHEREAS, the City Commission wishes to change the name of the “Fiscal Services Department” to “Finance Department”; and

WHEREAS, the City Commission wishes to recognize the Human Resources Department as a City Department; and

WHEREAS, the City Commission wishes to require all City officials to disclose any potential conflicts of interest and establish a Great Falls Ethics Committee to resolve any potential or actual conflicts of interest.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF GREAT FALLS, MONTANA:

Section 1. The revisions of OCCGF Title 2 are depicted in Exhibit "A" attached hereto, with deleted language identified by ~~strikeout~~ and inserted language **bolded**; and

Section 2. This ordinance shall be in full force and effect thirty (30) days after second reading and final adoption by the City Commission.

ACCEPTED by the City Commission of the City of Great Falls, Montana on first reading September 19, 2017.

ADOPTED by the City Commission of the City of Great Falls, Montana on second reading October 17, 2017.

Bob Kelly, Mayor

ATTEST:

(CITY SEAL)

Lisa Kunz, City Clerk

APPROVED FOR LEGAL CONTENT:

Sara R. Sexe, City Attorney

State of Montana)
County of Cascade : ss
City of Great Falls)

I, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do certify that I did post as required by law and as prescribed and directed by the City Commission, Ordinance 3169 in three conspicuous places within the limits of said City to-wit:

On the Bulletin Board, first floor, Civic Center Building;
On the Bulletin Board, first floor, Cascade County Court House;
On the Bulletin Board, Great Falls Public Library

(CITY SEAL)

Lisa Kunz, City Clerk

Title 2 ADMINISTRATION AND PERSONNEL

Title 2 ADMINISTRATION AND PERSONNEL

Chapter

Chapter ~~41~~ - CITY COMMISSION

Chapter ~~82~~ - CITY MANAGER

Chapter ~~143~~ - MUNICIPAL COURT

Chapter ~~164~~ - ADMINISTRATIVE DEPARTMENTS

Chapter ~~185~~ - EMPLOYEE HOLIDAYS

Chapter ~~206~~ - OFFICER'S BONDS

Chapter ~~227~~ - ADVISORY COMMISSION ON INTERNATIONAL RELATIONSHIPS

Chapter ~~268~~ - MANSFIELD CENTER FOR THE PERFORMING ARTS ADVISORY BOARD

Chapter ~~289~~ - BOARD OF ADJUSTMENT

Chapter ~~3010~~ - DESIGN REVIEW BOARD

Chapter ~~3211~~ - PARK AND RECREATION BOARD

Chapter ~~3612~~ - GOLF ADVISORY BOARD

Chapter ~~4013~~ - HISTORIC PRESERVATION ADVISORY COMMISSION

Chapter ~~4414~~ - LOAN ADVISORY BOARD

Chapter ~~4615~~ - PLANNING ADVISORY BOARD

Chapter ~~4716~~ - ZONING COMMISSION

Chapter ~~4817~~ - PARKING ADVISORY COMMISSION

Chapter ~~4918~~ - GREAT FALLS PUBLIC LIBRARY

Chapter ~~5019~~ - NEIGHBORHOOD COUNCILS

Chapter ~~5120~~ - YOUTH COUNCIL

Chapter ~~5221~~ - CODE OF ETHICS

Chapter ~~5422~~ - INDEMNIFICATION

Title 2 ADMINISTRATION AND PERSONNEL

Chapter ~~5623~~ - BOARDS/COMMISSIONS/COUNCILS ATTENDANCE

Chapter 41 CITY COMMISSION

Sections:

~~2.4.010 Established.~~

~~2.4.015 Salary.~~

2.1.010 Established.

2.1.020 Salary.

2.41.010 Established.

The Charter of the City of Great Falls (Charter) establishes and promulgates the powers and duties of the City Commission.

~~(Ord. 2652, 1993).~~

2.4.0151.020 Salary.

The salary of each Commissioner shall be three hundred twelve dollars (\$312.00) per month. The salary of the Mayor shall be four hundred sixty-eight dollars (\$468.00) per month.

~~(Ord. 2814, 2001; Ord. 2652, 1993; Ord. 2818, 1988)~~

Chapter 2 CITY MANAGER

Sections:

~~2.8.010 Appointment - generally.~~

2.2.8010 Appointment - generally.

Title 2 ADMINISTRATION AND PERSONNEL

2.2.010 Appointment - generally.

The provisions for the appointment of a City Manager and his/ or her powers and duties are established by **the** Charter.

~~(Ord. 2652, 1993).~~

Chapter 143 MUNICIPAL COURT

Sections:

~~2.14.010 Established.~~

~~2.14.020 Appeal to District Court.~~

~~2.14.030 Municipal Court Judge.~~

~~2.14.040 Municipal Court Clerk.~~

2.3.010 Established.

2.3.020 Appeal to District Court.

2.3.030 Municipal Court Judge.

2.3.040 Municipal Court Clerk.

2.143.010 Established.

The Municipal Court of the City of Great Falls, Montana, is hereby established pursuant to Title 3, Chapter 6, Montana Code Annotated (MCA). The Municipal Court shall be a court of record by electronic recording or stenographic transcription and shall assume continuing jurisdiction over all pending Municipal Court cases from and after February 1, 1998.

~~(Ord.~~

~~2725, 1997; Ord. 2652, 1993).~~

2.143.020 Appeal to District Court.

Appeals of Municipal Court judgments or orders must be made to District Court and are confined to review of the record and questions of law. A party may appeal a Municipal Court judgment if:

- A.— ~~The~~ **In criminal causes of action, the amount of controversy exceeds ~~two~~three hundred dollars (\$200300.00); or,**
- B.— The judgment includes incarceration; or,
- C.— **In civil causes of action, the amount of controversy exceeds one thousand dollars (\$1,000).**

Title 2 ADMINISTRATION AND PERSONNEL

- D. Upon petition of an aggrieved party, the District Court may, in the interests of justice, accept appellate jurisdiction notwithstanding the amount in controversy.

2.143.030 Municipal Court Judge.

- A.— There shall be one (1) Municipal Court Judge elected to a four- **(4)** year term pursuant to Title 3, Chapter, 6, MCA. The qualifications of a Municipal Court Judge shall be as required by Montana law to include:

- 1.— The same qualifications as a judge of District Court as set forth in Article VII, Section 9, of the Montana Constitution, except **that** a Municipal Court Judge need only be admitted to the practice of law in Montana for at least three (3) years prior to the date of the election; and,
- 2.— A Municipal Court Judge shall be a resident and voter in the City of Great Falls at the time of his or her election; and,
- 3.— A Municipal Court Judge shall be certified as provided in MCA ~~§§3-1-1502 to 3-1-1503~~, prior to assuming office.

- B.— The salary of the Municipal Court Judge shall be set by **Commission** resolution.

~~(Ord. 2725, 1997; Ord. 2652, 1993~~

~~; Ord. 2604, 1991; Ord. 2034, 1978; Ord. 1904 §6, 1976).~~

2.143.040 Municipal Court Clerk.

The position of a Municipal Court Clerk is hereby established pursuant to Title 3, Chapter 6, MCA, to administer and retain court records by paper or electronic filing or storage. The salary of the Municipal Court Clerk shall be set by **Commission** resolution.

Chapter 164 ADMINISTRATIVE DEPARTMENTS

Sections:

~~2.16.010 Established.~~

~~2.16.015 Deputy City Manager.~~

~~2.16.020 City Clerk.~~

~~2.16.030 Legal Department.~~

Title 2 ADMINISTRATION AND PERSONNEL

~~2.16.045 Fiscal Services Department.~~

~~2.16.050 Public Works Department.~~

~~2.16.060 Fire Department.~~

~~2.16.070 Police Department.~~

~~2.16.080 Planning and Community Development Department.~~

~~2.16.090 Park and Recreation Department.~~

~~2.16.100 Reserved.~~

2.4.010 Established.

2.4.020 Deputy City Manager.

2.4.030 City Clerk.

2.4.040 Legal Department.

2.4.050 Finance Department.

2.4.060 Public Works Department.

2.4.070 Fire Rescue Department.

2.4.080 Police Department.

2.4.090 Planning and Community Development Department.

2.4.100 Park and Recreation Department.

2.4.110 Human Resources Department.

2.164.010 Established.

The administrative departments of the City are hereby established. Each department is subject to the control and supervision of the City Manager who may transfer, eliminate, or add to department functions.

~~(Ord. 2652, 1993; Ord. 2479 2(part), 1987).~~

2.16.015

2.4.020 Deputy City Manager.

The City Manager shall appoint a Deputy City Manager who shall serve as acting City Manager in the absence of the City Manager assuming all responsibilities as outlined in the Charter. The Deputy City Manager shall ~~oversee management of the Great Falls Housing Authority and the Human Resource and Budgeting functions,~~ **supervise information technology services within control** of the City. ~~The, and the Deputy City Manager shall perform such~~ **oversee other management** duties by direction of the City Manager or as required by law.

~~(Ord. 2825, 2002).~~

Title 2 ADMINISTRATION AND PERSONNEL

~~(Ord. No. 3057, § 1, 8-17-2010)~~

2.16.0204.030 City Clerk.

The City Manager shall appoint a City Clerk who shall keep a history of the City of Great Falls, maintain public records, and perform such other duties by direction of the City Manager or as required by law.

~~(Ord. 2652, 1993).~~

2.16.0304.040 Legal Department.

A ~~Legal Department of Law~~ **Legal** Department is hereby created. The City Manager shall appoint a City Attorney, qualified under Montana law, to administer the ~~Legal Department of Law~~ **Legal** Department. The Department shall render legal services in all civil and administrative matters for the City ~~and~~, prosecute all charges in Municipal Court, and perform such other duties by direction of the City Manager or as required by law.

~~(Ord. 2652, 1993; Ord. 2479~~

~~2(part), 1987).~~

~~2.16.045 Fiscal Services.~~ **4.050 Finance Department.**

A ~~Fiscal Services~~ **Finance** Department is hereby created. **Within this Code, this department may also be referred to as the Fiscal Services Department.** The City Manager shall appoint a director to administer said **Finance** Department. The Department shall render accounting, revenue collection, including utility billing, court receipts and accounts receivable, accounts payable, debt issuance, investment services, ~~and payroll, risk management and information processing~~ services to the City and perform such other duties by direction of the City Manager or as required by law.

~~(Ord. 2825, 2002; Ord. 2703, 1996.)~~

2.16.0504.060 Public Works Department.

A Public Works Department is hereby created. The City Manager shall appoint a Director to administer the Public Works Department. The Department shall administer capital improvements, maintenance, operations, and utilities and perform such other duties by direction of the City Manager or as required by law.

~~(Ord. 2652, 1993; Ord. 2479~~

~~2(part), 1987).~~

Title 2 ADMINISTRATION AND PERSONNEL

2.16.060.4.070 Fire Rescue Department.

A Fire **Rescue** Department is hereby created. The City Manager shall appoint a Fire Chief to administer the Fire **Rescue** Department. The Department shall provide fire—fighting, rescue operation, fire investigation, and fire prevention services for the City and perform such other duties by direction of the City Manager or as required by law.

~~(Ord. 2652, 1993; Ord. 2479 2(part), 1987).~~

2.16.070

2.4.080 Police Department.

A Police Department is hereby created. The City Manager shall appoint a Police Chief to administer the Police Department. The Department shall enforce the laws of the City and State to protect life and property;, to control traffic;, and perform such other duties by direction of the City Manager or as required by law.

~~(Ord. 2652, 1993; Ord. 2479 2(part), 1987).~~

2.16.080

2.4.090 Planning and Community Development Department.

A Planning and Community Development Department is hereby created. The City Manager shall appoint a Director to administer the Planning and Community Development Department. ~~The Department shall render land use and transportation planning services and facilitate, promote and ensure orderly land development in the City; facilitate, promote and ensure quality development in the City; administer related federal programs; provide a neighborhood council liaison; and perform such other duties by direction of the City Manager or as required by law.~~ **The Department shall:**

~~(Ord. 2727, 1997; Ord. 2652, 1993; Ord. 2479 2(part), 1987).~~

~~(Ord. No. 3057, § 1, 8-17-2010)~~

- ~~2.16.090A.~~ **provide land use and transportation planning services and facilitate, promote, and ensure orderly land development in the City;**
- B. facilitate, promote, and ensure quality development in the City;**
- C. administer related federal programs; and**
- D. perform such other duties by direction of the City Manager or as required by law.**

Title 2 ADMINISTRATION AND PERSONNEL

2.4.100 Park and Recreation Department.

A Park and Recreation Department is hereby created. The City Manager shall appoint a Director to administer the Park and Recreation Department. The Department shall manage all parks and recreational facilities and, programs, and, perform such other duties by direction of the City Manager or as required by law.

~~(Ord. 2652, 1993; Ord. 2479 2(part), 1987).~~

~~**2.16.100 Reserved.**~~

~~**Editor's note** — Ord. No. 3057, § 1, adopted August 17, 2010, repealed § 2.16.100, which pertained to the planning department. See also the Code Comparative Table.~~

2.4.110 Human Resources Department.

A Human Resources Department is hereby created. The City Manager shall appoint a Director to administer the Human Resources Department. The Department shall manage, under the City Manager's direction, City personnel policy issues and development, benefits administration, organizational training, risk management, and perform such other duties by direction of the City Manager or as required by law.

Chapter 185 EMPLOYEE HOLIDAYS

Sections:

~~2.18.010 Holidays listed.~~

2.5.010 Holidays listed.

~~**2.185.010 Holidays listed.**~~

A.— The employee holidays for all City employees are as follows:

- 1.— New Year's Day, January 1;
- 2.— Martin Luther King Jr. Day, ~~3rd~~ **the third** Monday in January;
- 3.— President's Day, ~~3rd~~ **the third** Monday in February;
- 4.— Memorial Day, **the** last Monday in May;

Title 2 ADMINISTRATION AND PERSONNEL

- 5.— Independence Day, July 4;
- 6.— Labor Day, **the** first Monday in September;
- 7.— Veterans Day, November 11;
- 8.— Thanksgiving Holiday, fourth Thursday and Friday in November;
- 9.— Christmas Day, December 25; **and**
- 10.— Every day in which a general election is held throughout the State (General Election Day).

B.— ~~Designated~~ **If designated** holidays ~~falling~~**fall** on an employee's regular days-off. ~~Employees,~~ **that employee** shall either be entitled to receive a day off with pay ~~on~~ the day preceding the holiday off, **or** on another day following the holiday in the same pay period.

~~(Ord. 2781, 2000).~~

Chapter 206 OFFICER'S BONDS

Sections:

~~2.20.010 Required—amount.~~

~~2.20.020 Form.~~

~~2.20.030 Conditions.~~

2.6.010 Required—amount.

2.6.020 Form.

2.6.030 Conditions.

2.206.010 Required—amount.

Except when otherwise provided by law, all City employees, before discharging their official duties, for the duration of their term or employment, shall be bonded by the City for one hundred thousand dollars (\$100,000.00).

~~(Ord. 2652, 1993; Prior code §1-11-8).~~

2.206.020 Form.

- A.— Official bonds must be filed in the Human Resources Department.
- B.— Unless otherwise provided, all official bonds must be joint and several and made payable to the City ~~in such penalty~~ and with such conditions as required in Section 2.206.030.

Title 2 ADMINISTRATION AND PERSONNEL

C.— The principal and sureties upon any official bond are also, in all cases, liable for the neglect, default, or misconduct in office of any City employee.

~~(Ord. 2652, 1993; Prior code §1-11-1).~~

2.206.030 Conditions.

The condition of every official bond must be that the principal shall well, truly, and faithfully perform all official duties ~~then~~ required by law and also such additional duties as may be imposed by any law of the State subsequently enacted, ~~and~~ by any law of the City subsequently enacted, and that the principal will account for ~~and~~, pay over, and deliver to the person or officer, entitled to receive the same, all moneys or other properties that may come into the hands as such officer.

~~(Ord. 2652, 1993; Prior code §1-11-4).~~

Chapter 227 ADVISORY COMMISSION ON INTERNATIONAL RELATIONSHIPS

Sections:

~~2.22.010 Creation.~~

~~2.22.020 Purpose.~~

~~2.22.030 Members.~~

~~2.22.040 Duties.~~

2.7.010 Creation.

2.7.020 Purpose.

2.7.030 Members.

2.7.040 Duties.

2.227.010 Creation.

An Advisory Commission on International Relationships is hereby created to serve in an advisory capacity to the City Commission.

~~(Ord. 2788, 2000).~~

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2.227.020 Purpose.

The purpose of the Advisory Commission shall **be to** provide support, coordination, and exchange of information for international programs in the community. The group shall develop its own mission statement.

~~(Ord. 2788, 2000).~~

2.227.030 Members.

The Advisory Commission shall consist of nine (9) to eleven (11) members appointed by the City Commission. **Except as provided by state law or City Commission resolution, Commission members must be qualified electors and residents of the City.** Each of the members shall be appointed to hold office for a period of three (3) years and until a successor is appointed and qualified. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. All of the members of the Board shall serve without compensation, and are subject to removal by the City Commission for cause upon written charges and after public hearing.

~~(Ord. 2863, 2004; Ord. 2788, 2000).~~

2.227.040 Duties.

It shall be the duty of the Advisory Commission to:

- A.— Provide support for the Sister Cities program in consultation and cooperation with its Board of Directors-;
- B.— Serve as a sounding board and a resource of advice and support for ~~the Resource Cities partnership~~ **international exchange programs, including, but not limited to, city-to-city programs. The Advisory Commission is charged** with Naryn. ~~Help develop a program~~ **identifying funding sources** for ~~continuation after the funded program ends.~~ **these programs;**
- C.— Develop resources for and help facilitate educational exchanges particularly at the higher education level-;
- D.— Facilitate the community wide exchange of information among international programs-;
- E.— Develop community resources to support international programs-; **and**
- F.— Review and **submit proposals and** make recommendations-; ~~may prepare and submit proposals-~~ to the City Commission regarding international programs and relationships.

~~(Ord. 2788, 2000).~~

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**Chapter 268 MANSFIELD CENTER FOR THE PERFORMING ARTS
ADVISORY BOARD**

Sections:

~~2.26.010 Creation.~~

~~2.26.020 Purpose.~~

~~2.26.030 Membership—appointment—compensation.~~

~~2.26.040 Terms.~~

~~2.26.050 Duties.~~

~~2.26.060 Reporting.~~

2.8.010 Creation.

2.8.020 Purpose.

2.8.030 Membership—appointment—compensation.

2.8.040 Terms.

2.8.050 Duties.

2.8.060 Reporting.

2.268.010 Creation.

There is created a Mansfield Center for the Performing Arts Advisory Board, which shall hereafter be referred to as "Board-" **in this Chapter.**

~~(Ord.~~

~~2028, 2006; Ord. 2729, 1997).~~

2.268.020 Purpose.

The Board shall advise the City Commission, and City Manager, on matters related to the successful operation of Mansfield Center for the Performing Arts including the use of the Theater, Convention Center, and meeting rooms as well as common areas and facility aesthetics.

~~(Ord. 2928, 2006; Ord. 2729, 1997).~~

2.268.030 Membership—appointment—compensation.

The Board shall consist of five (5) to seven (7) members appointed by the City Commission. **Except as provided by state law or Commission resolution, members must be qualified electors and City residents.** The members shall serve without compensation. The City Commission shall attempt a

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balance in membership with representation from ~~these areas: performing arts, conventions and meetings, and civic leaders.~~ **the following areas:**

~~(Ord. 2928, 2006; Ord. 2813, 2001; Ord. 2729, 1997).~~

- A. Performing arts;**
- B. Conventions and meetings; and**
- C. Civic leaders.**

2.268.040 Terms.

The staggered terms of office shall be three (3) years.

~~(Ord. 2928, 2006; Ord. 2729, 1997).~~

2.268.050 Duties.

The Duties of the Board include but are not limited to:

- A.— The Board shall serve in an advisory capacity regarding the Mansfield Center for the Performing Arts and public meeting rooms; **and**
- B.— The Board shall assist in identifying funding strategies for a capital improvement plan ~~and~~, special events, which may include fund-raising, and foundation development; ;

~~C.~~

2.8.060 Reporting.

The ~~duties of the Board shall not necessarily be limited~~ **make available copies of regular meeting minutes as well as an annual report** to ~~these items identified above~~ **the City Commission and City Manager.**

~~(Ord. 2928, 2006; Ord. 2729, 1997).~~

Chapter 289 BOARD OF ADJUSTMENT

Sections:

Repealed.

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~~(Ordinance 2958, 2007).~~ See Title 17.12.5 Board of Adjustment

Chapter 3010 DESIGN REVIEW BOARD

Sections:

Repealed.

~~(Ord. 2958, 2007)~~ See Title 17.12.3 Design Review Board

Chapter 3211 PARK AND RECREATION BOARD

Sections:

~~2.32.010 Creation.~~

~~2.32.020 Purpose.~~

~~2.32.030 Membership—appointment—compensation.~~

~~2.32.040 Term of office.~~

~~2.32.050 Duties.~~

2.11.010 Creation.

2.11.020 Purpose.

2.11.030 Membership—appointment—compensation.

2.11.040 Term of office.

2.11.050 Duties.

2.3211.010 Creation.

A Park and Recreation Board is hereby created. **The Park and Recreation Board may be referred to in this chapter as "Board".**

~~(Ord. 2652, 1993; Prior code §~~

~~2-4-1).~~

2.32.11.020 Purpose.

The **Park and Recreation** Board shall advise the City Commission and the City Manager on all matters related to the ~~Park~~**Parks** and Recreation program of the City, and ~~exercises~~**exercise** certain functions in regard to the disposition and acquisition of park land and/or facilities as set forth in Section 2.32**11.050**.

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~~(Ord. 2652, 1993; Prior code §~~

~~2-4-2).~~

2.32.11.030 Membership—appointment—compensation.

The Board shall consist of seven (7) members, ~~residents of the City,~~ appointed by the City Commission. **Except as provided by state law or Commission resolution, members shall be residents of the City and qualified electors.** The members shall serve without compensation.

~~(Ord. 2652, 1993; Prior code 2-4-3).~~

~~2.32~~

2.11.040 Term of office.

The staggered terms of office shall be three (3) years from and after January ~~1st~~¹, of the year of appointment.

~~(Ord. 2652, 1993; Prior code~~

~~2-4-4).~~

2.32.11.050 Duties.

The Board shall review and **prepare proposals and** make recommendations ~~and may prepare and submit proposals~~ to the City Commission.

~~(Ord. 2652, 1993).~~

Chapter 3612 GOLF ADVISORY BOARD

Sections:

~~2.36.010 Creation.~~

~~2.36.020 Purpose.~~

~~2.36.030 Memberships.~~

~~2.36.040 Terms.~~

~~2.36.050 Duties.~~

2.12.010 Creation.

2.12.020 Purpose.

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2.12.030 Memberships.

2.12.040 Terms.

2.12.050 Duties.

2.3612.010 Creation.

A Golf Advisory Board is hereby created which shall hereafter be referred to **in this Chapter** as "Board."

~~(Ord. 2652, 1993; Ord. 2648, 1993).~~

2.3612.020 Purpose.

The purpose of the Board shall be to consult with and advise the City Commission, City Manager, and **ParkParks** and Recreation Department staff on all matters related to the operation of the municipal golf courses.

~~(Ord. 2652, 1993).~~

2.3612.030 Memberships.

The Board shall consist of five (5) members ~~of the City~~ who shall be appointed by the City Commission. Membership will consist of one (1) member representing the City's Men's Golf Associations, one (1) member representing the City's Women's Golf Association, one (1) member representing ~~the Malmstrom Golf Association~~ **Air Force Base**, and two (2) members representing non-league golfers. The Chairman of the Park and Recreation Board or a designated representative from the Board will be an ex officio member of the Board. **All members must be qualified electors.**

~~(Ord. 2652, 1993).~~

2.3612.040 Terms.

The term of office of each member of the Board shall be three (3) years from and after March 1, of the year in which the member is appointed, except two (2) members of the first Board who shall hold office for a period of two (2) years from and after the first day of March 1, 1993.

~~(Ord. 2652, 1993).~~

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2.3612.050 Duties.

The Board shall serve in an advisory capacity regarding the operation of the municipal golf courses, specifically ~~as regards to~~ **regarding**:

- A.— Fees and charges, tournament requests policies, procedures, and rules;
- B.— Capital improvements or projects;
- C.— Promotion of usage at the golf courses; **and**
- D.— All other matters relating to the golf courses which may be assigned or requested by the City Commission or the City Manager.

~~(Ord. 2652, 1993).~~

Chapter 4013 HISTORIC PRESERVATION ADVISORY COMMISSION

Sections:

Repealed.

~~(Ord. 2958, 2007) See Title 17.12.4 Historic Preservation Advisory Board~~

Chapter 4414 LOAN ADVISORY BOARD

Sections:

~~2.44.010 Creation.~~

~~2.44.020 Purpose.~~

~~2.44.030 Members.~~

~~2.44.040 Duties.~~

2.14.010 Creation.

2.14.020 Purpose.

2.14.030 Members.

2.14.040 Duties.

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2.4414.010 Creation.

A Loan Advisory Board is hereby created to serve in an advisory capacity to the City Commission.

~~(Ord. 2652, 1993).~~

2.4414.020 Purpose.

The purpose of the Board shall be to consult with and advise the City Commission, City Manager, and Planning and Community Development Department staff on matters related to changes to existing loans, **and** primarily Tax Increment Loans. ~~In addition, to~~ **Additionally, the Loan Advisory may** advise on matters relating to lending funds for economic development.

~~(Ord. 2652, 1993).~~

~~(Ord. No. 3057, § 1, 8-17-2010)~~

2.4414.030 Members.

The Board shall be ad-hoc and appointed by the City Commission when needed. **Except as provided by state law or Commission resolution, all members shall be qualified electors and residents of the City.**

~~(Ord.~~

~~2683, 1995; Ord. 2652, 1993).~~

2.4414.040 Duties.

It shall be the duty of the Board to review economic development proposals involving the use of available funds and make recommendations to the City Commission and City Manager.

~~(Ord. 2652, 1993).~~

Chapter 4615 PLANNING ADVISORY BOARD

Sections:

Repealed.

Title 2 ADMINISTRATION AND PERSONNEL

~~(Ord. 2958, 2007)~~ See Title 17.12.1 Planning Advisory Board

Chapter 4716 ZONING COMMISSION

Sections:

Repealed.

~~(Ord. 2958, 2007)~~ See Title 17.12.2 Zoning Commission

Chapter 4817 PARKING ADVISORY COMMISSION

Sections:

~~2.48.010 Creation.~~

~~2.48.020 Purpose.~~

~~2.48.030 Members.~~

~~2.48.040 Duties.~~

2.17.010 Creation.

2.17.020 Purpose.

2.17.030 Members.

2.17.040 Duties.

2.4817.010 Creation.

A Parking Advisory Commission is hereby created to serve in an advisory capacity to the City Commission and City Manager.

~~(Ord. 2652, 1993).~~

2.4817.020 Purpose.

The purpose of the ~~Board~~**Parking Advisory Commission** shall be to consult with and advise the City Commission, City Manager, and Planning and Community Development Department staff on matters related to parking issues within the Parking Districts.

~~(Ord. 2652, 1993).~~

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~~(Ord. No. 3057, § 1, 8-~~

~~2.17-2010)~~

2.48.030 Members.

The Parking Advisory Commission shall consist of five (5) members, ~~residents of the City,~~ appointed by the City Commission. **Except as provided by state law or Commission resolution, members shall be residents of the City, and qualified electors,** whose staggered terms shall be for three (3) years. A sixth, ex-officio member, shall be appointed by the Business Improvement District.

~~(Ord. 2683, 1995; Ord. 2652, 1993).~~

2.4817.040 Duties.

It shall be the duty of the Parking Advisory Commission to review the Great Falls Parking Program and make recommendations to the City Commission and City Manager.

~~(Ord. 2652, 1993).~~

Chapter 4918 GREAT FALLS PUBLIC LIBRARY

Sections:

~~2.49.010 Legislative findings.~~

~~2.49.020 Establishment.~~

~~2.49.030 Purpose.~~

~~2.49.040 Tax levy—Special library fund.~~

~~2.49.050 Library Board of Trustees.~~

~~2.49.060 Trustees—Powers and duties.~~

~~2.49.070 City authority to contract with Board of Trustees for library services.~~

2.18.010 Legislative findings.

2.18.020 Establishment.

2.18.030 Purpose.

2.18.040 Tax levy—Special library fund.

2.18.050 Library Board of Trustees.

2.18.060 Trustees—Powers and duties.

2.18.070 City authority to contract with Board of Trustees for library services.

Title 2 ADMINISTRATION AND PERSONNEL

2.4918.010 Legislative findings.

The Commission makes the following legislative findings regarding the Great Falls Public Library:

- A.— Since 1890, when Paris and Valeria Gibson, and Robert Vaughn, contributed toward the establishment of the first library in this city, the people of Great Falls have enjoyed the benefits of a free public library-;
- B.— The City of Great Falls assumed operation of the library in 1892, and in accordance with Ordinance 341 adopted in 1910, as well as state law, a free public library remains operational to this day-;
- C.— The 1910 ordinance is antiquated in several particulars, and is in need of revision, although independent management and control of the library, through an appointed Board of Trustees, as provided by law, should be maintained-;
- D.— The need for independent management of the library must be balanced with the City Commission's authority under both state law and the City Charter to approve the budget and mill levy for the library-;
- E. To accomplish this balance, there is a need to establish a structured relationship between the Board of Trustees and the City Commission-; **and**
- E.—F. The City Commission welcomes the continued cooperation of other public bodies, including the State of Montana and Cascade County, in the operation of the public library, as well as contributions from individuals and foundations.

~~(Ord. No. 3140, § 1(Exh. A), 5-3-2016)~~

2.4918.020 Establishment.

The first library was established in Great Falls in 1890. The City assumed operation of the library in 1892 and, in accordance with Ordinance 341 adopted in 1910, as well as state law, a free public library remains operational to this day. Pursuant to Mont. Code Ann. § 22-1-303(1) and Article VII, Section 3 of the Charter of the City of Great Falls, the Great Falls Public Library is hereby established in the Official Code of the City of Great Falls.

~~(Ord. No. 3140, § 1(Exh. A), 5-3-2016)~~

2.4918.030 Purpose.

A free public library allows residents the fullest opportunity to enrich and inform themselves through reading, as well as social, cultural, recreational, and educational activities.

~~(Ord. No. 3140, § 1(Exh. A), 5-3-2016)~~

Title 2 ADMINISTRATION AND PERSONNEL

2.4918.040 Tax levy—Special library fund.

- A.— Subject to provisions of state law and the Charter of the City of Great Falls, the City Commission may levy in the same manner, and at the same time, as other taxes are levied a tax for the support of public library services.
- B.— The City Commission may, by resolution, submit the question of imposing a tax levy to a vote of the qualified electors at an election as provided in state law.
- C.— Upon a petition being filed with the City Commission and signed by not less than five (5) percent of the resident taxpayers of the City of Great Falls requesting an election for the purpose of imposing a mill levy, the City Commission shall submit to a vote of the qualified electors at an election, conducted as provided by state law, the question of imposing the mill levy.
- D.— The proceeds of the tax constitute a separate fund called the public library fund and may not be used for any purpose except those of the public library.
- E.— Money may not be paid out of the public library fund, by the **Finance** Department of ~~Fiscal Services~~ of the City of Great Falls, except by order or warrant of the Library Board of Trustees, or its authorized designee with approval by the Library Board.

~~(Ord. No. 3140, § 1(Exh. A), 5-3-2016)~~

2.4918.050 Library Board of Trustees.

- A.— The City Commission shall appoint an advisory board to govern and manage the Great Falls Public Library to be known as the "Great Falls Library Board of Trustees," hereafter **in this chapter may be** referred to as the "Board."
- B.— The Board shall consist of five (5) members. In addition, one (1) member of the City Commission shall be appointed by the City Commission to sit on the Board as an ex officio, non-voting member. **Library board members shall be residents of Cascade County with at least three board members being qualified electors and residents of the City.**
- C.— Members of the Board shall serve without compensation, but their actual and necessary expenses incurred in the performance of their official duties may be paid from library funds.
- D.— Trustees shall hold office for five (5) years from the date of appointment by the City Commission—~~and, or~~ until their successors are appointed. Appointments shall be governed by state law. All trustees serving on the Library Board of Trustees, in existence at the time Ordinance 3140 becomes effective, shall retain their offices for the duration of their appointments. If a Board member vacates that member's seat, a successor member shall be appointed to fill the remainder of that member's appointment, which term shall not be considered a full term under Mont. Code Ann. § 22-1-308.
- E.— In July of each year, or the next regularly scheduled Board meeting afterward, the trustees shall meet and elect a presiding officer and other officers that they consider necessary, for one (1) year terms. Vacancies on the Board of Trustees must be filled for the unexpired term in the same manner as original appointments.

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~~(Ord. No. 3140, § 1(Exh. A), 5-3-2016)~~

2.4918.060 Trustees—Powers and duties.

- A.— The Board has those powers and duties as provided by Mont. Code Ann. §§ 22-1-309 and ~~22-1-311~~, including, but not limited to, the management and control of the Great Falls Public Library.
- B.— In accordance with Article VII, Section 3, of the City Charter, the Board is also considered advisory with respect to the City Commission in the exercise of its duties. The Board may advise the City Commission on such matters as it deems necessary and appropriate, and the City Commission may seek Board advice and comment on such matters as it deems necessary and appropriate.
- C.— ~~Pursuant to state law, the Board may exclude from the use of the Great Falls Public Library any and all persons who shall willfully violate the rules of the Great Falls Public Library.~~ **Subject to the provisions of OCCGF 1.4.070, the Board may extend the privileges and use of the Great Falls Public Library to persons residing outside of the city or county upon such terms and conditions as it may prescribe by its regulations.**
- D.— The Board shall keep a record of its transactions, and shall make a report to the City Commission at least once each calendar year, addressing the business transacted during that year.
- E.— The Board may exact and enforce reasonable fines and penalties to be assessed for violations of Great Falls Public Library rules, policies, and regulations.

~~(Ord. No. 3140, § 1(Exh. A), 5-3-2016)~~

2.4918.070 City authority to contract with Board of Trustees for library services.

- A.— The City, through its Manager, with the approval of the City Commission, may contract with the Board to provide various services, including, but not limited to, personnel services.
- B.— Any and all contracts between the City and the Board in effect as of the date of adoption of Ordinance 3140 shall remain in full force and effect.

~~(Ord. No. 3140, § 1(Exh. A), 5-3-2016)~~

Chapter 5019 NEIGHBORHOOD COUNCILS

Sections:

~~2.50.010 Establishment.~~

Title 2 ADMINISTRATION AND PERSONNEL

~~2.50.020 Purpose.~~

~~2.50.030 District boundaries.~~

~~2.50.040 Council elections.~~

~~2.50.050 Duties and powers.~~

~~2.50.060 Organization.~~

~~2.50.070 By-Laws.~~

~~2.50.080 Open meetings and public records.~~

~~2.50.090 Great Falls Citizen's Council.~~

~~2.50.100 City resources.~~

2.19.010 Establishment.

2.19.020 Purpose.

2.19.030 District boundaries.

2.19.040 Council elections.

2.19.050 Duties and powers.

2.19.060 Organization.

2.19.070 By-Laws.

2.19.080 Open meetings and public records.

2.19.090 Great Falls Citizen's Council.

2.19.100 City resources.

~~2.50~~**19.010 Establishment.**

Pursuant to the Charter for the City of Great Falls, a program of neighborhood councils is hereby established.

~~(Ord. 2727, 1997)~~

~~2.50~~**19.020 Purpose.**

The purpose of the neighborhood council program is to provide a means for the citizens of Great Falls to actively participate in their local government through a formal organization working at the neighborhood level.

Title 2 ADMINISTRATION AND PERSONNEL

2.5019.030 District boundaries.

- A.— The City Commission shall divide the City of Great Falls into no less than nine (9) and no more than thirteen (13) neighborhood council districts. The residents of a district shall comprise the electorate for that district pursuant to the Great Falls City Charter.
- B.— The district boundaries shall be established by a resolution of the City Commission.
- C.— Neighborhood councils may petition the City Commission to amend district boundaries for good cause consistent with the purpose and intent of this chapter.

2.5019.040 Council elections.

- A.— Each neighborhood **council** district shall have a council comprised of five (5) resident members; who must live within their designated neighborhood council district for which they were elected, ~~as defined in M.C.A. 1-1-215,~~ for their term of office; such members shall be elected to two (2) year terms at the election held in conjunction with the City general election.
- B.— Nominees for election to a neighborhood council must be qualified electors and residents of their designated neighborhood district.
- C.— The filing period for neighborhood councils shall open and close on the same ~~dates~~**date** as the filing period for mayoral and commission candidates. Neighborhood council candidates are not subject to primary elections.

~~(Ord. 3153, 2017; Ord. 2735, 1998; Ord. 2727, 1997)~~

2.5019.050 Duties and powers.

- A.— The councils shall act in an advisory capacity to the City Commission, the City Manager and to other City advisory bodies. They may contribute information, opinions, advice, suggestions and recommendations to the City Commission, City Manager and other City advisory bodies on all governmental affairs and services having an effect on the area the neighborhood council represents. Topics and issues for council involvement may include, but are not limited to the following:
 - 1.— Public finance;
 - 2.— Public works;
 - 3.— Public safety;
 - 4.— Social services;
 - 5.— Transportation;
 - 6.— Economic development;
 - 7.— Planning and zoning;
 - 8.— Public health and sanitation;
 - 9.— Parks and recreation; **and**
 - 10.— Environmental issues.

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- B.— Neighborhood Councils may also work cooperatively, in an advisory capacity with, other governmental and quasi-governmental entities such as school districts, county government and the transit district.
- C.— As advisory bodies, neighborhood councils shall not:
 - 1.— Appropriate or commit City resources;
 - 2.— Enact or enforce City Codes or ordinances;
 - 3.— Engage in law enforcement;
 - 4.— Assume a supervisory role or directorship over any City employee; ~~nor~~
 - 5.— Interfere in any way with a City employee in the performance of his/her duties.

2.5019.060 Organization.

- A.— Each council shall select from its members, a chairman, secretary, an official delegate to attend City Commission meetings, and ~~may~~ appoint a Vice Chair or other officers as it deems necessary.
- B.— In the event of a vacancy on the council, the remaining members shall appoint a person eligible to hold the position to fill the vacancy until the next general election. In the event that ~~the~~ council cannot agree upon the appointment of a replacement member, the City Commission shall do so.
- C.— On or before January 30 after each election, or within thirty (30) days after new council member(s) elected in a special election receive the oath(s) of, and are sworn into, office, each neighborhood council shall meet to organize as provided in this section.
- D.— Neighborhood councils are encouraged to involve business persons, young people, and other individuals who may not necessarily qualify as an elected council member.
- E.— Neighborhood ~~Councils~~ **councils**, and the Great Falls Citizen's Council, are further encouraged to involve minorities, ethnic groups, community service organizations, environmental interest groups, and other like organizations to ensure broad participation in the neighborhood council program.

~~(Ord. 3153, 2017; Ord. 2727, 1997.)~~

2.5019.070 By-Laws.

- A.— Each council shall adopt by-laws prescribing additional duties of the council, meeting criteria and times, and such other provisions as the council may deem appropriate.
- B.— The City Clerk shall provide model by-laws for use by the councils in drafting their own by-laws.
- C.— By-laws shall be reviewed by the office of the City Attorney and certified for consistency with the provisions of the Great Falls City Charter, the City Codes and the laws of Montana.
- D.— A copy of the by-laws shall be on file in the office of the City Clerk.

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2.5019.080 Open meetings and public records.

- A.— All meetings of the neighborhood councils shall be open to the public.
- B.— All records maintained by the council shall be available for public inspection.

2.5019.090 Great Falls Citizen's Council.

- A.— The purpose of the Great Falls Citizen's Council (GFCC) is to act as a forum to address issues of community wide concern and to resolve disputes among the individual neighborhood councils.

~~B.— Organization.~~

4.— The GFCC shall **organize as follows:**

- 1. **the GFCC shall** consist of one (1) member **selected** from each neighborhood council, and two (2) members of the Great Falls City Commission who shall be appointed by the Mayor, **with the consent of the City Commission;**
- 2.—~~The~~ **the GFCC shall determine its rules of organization and operation, except that no rules adopted shall be inconsistent with the provisions of this the Charter of the City of Great Falls, this Code, or the laws of the State of Montana; and**
- 3.—~~In~~ **in** addition to the membership set forth in subsection B, any council representing any unincorporated neighborhood or community may petition the GFCC for membership.

2.5019.100 City resources.

- A.— The City Commission, at its discretion, may provide funding and other resources to neighborhood councils and to the Great Falls Citizen's Council.
- B.— A neighborhood liaison function is hereby established within the ~~Planning and Community Development Department.~~ **City Manager's Office.**
- C.— The City of Great Falls shall not be liable for any obligations incurred by the councils or the GFCC unless expressly approved by the City Commission.

~~(Ord. No. 3057, § 1, 8-17-2010)~~

Chapter 5120 YOUTH COUNCIL

Sections:

~~2.51.010 Establishment.~~

~~2.51.020 Purpose.~~

~~2.51.030 Membership/Appointment/Terms.~~

Title 2 ADMINISTRATION AND PERSONNEL

~~2.51.040 Duties and Powers.~~

~~2.51.050 Organization.~~

~~2.51.060 By-Laws.~~

~~2.51.070 Open meetings and public records.~~

2.51.010 — Establishment.

~~Pursuant to Article VII, Section 3 of the Charter for the City of Great Falls, a Youth Council is hereby established.~~

~~(Ord. No. 3045, § 1, 9-1-2009)~~

2.51.020 — Purpose.

~~The Great Falls Youth Council is dedicated to making the voice of the Great Falls Youth heard. Goals include bettering the community as a whole, making Great Falls safer and more enjoyable, and providing chances for youth to express themselves, become familiar with City government, and showcase their contributions. By inspiring youth and adults through their maturity, patience, open-mindedness and respect, the members of the Great Falls Youth Council will be leaders to unite the youth of the community.~~

~~(Ord. No. 3045, § 1, 9-1-2009)~~

2.51.030 — Membership/Appointment/Terms.

- ~~A. The age range for membership in the Youth Council is 14 to 19 years of age. If a member turns twenty (20) during an appointment to the Youth Council, the member will be allowed to complete the year with the Council.~~
- ~~B. The limit on voting members is thirty (30).~~
- ~~C. Annual elections will be held in December with no limits on term appointments.~~
- ~~D. Officers must attend seventy-five (75) percent of scheduled meetings to retain voting privileges, with the exception of personal emergencies.~~
- ~~E. Volunteer positions for those interested in the Youth Council after the 30 voting positions have been filled are open to all fourteen (14) to nineteen (19) year old interested parties, with the purpose of assistance in special projects.~~
- ~~F. Applications to the Youth Council will be reviewed by the Officers. Applications will first go through the Neighborhood Council Coordinator for removal of personal identification information for an impartial assessment.~~

~~(Ord. No. 3045, § 1, 9-1-2009)~~

Title 2 ADMINISTRATION AND PERSONNEL

2.51.040 — Duties and Powers.

The Youth Council will be composed of thirty (30) voting members, with six (6) Officers managing six (6) key areas of the Youth Council. These six (6) positions are as follows:

Minister of Finance (Treasurer):

- Tracks cash deposits and withdrawals.
- Announces balance at each meeting.
- Budgets projects in cooperation with the Neighborhood Council Coordinator.

Knight or Lady of Internal Activities (Youth Council Social Coordinator):

- Organizes internal Youth Council Social Events.
- Reserves and makes payment to facilities.

Earl or Countess of Records (Secretary):

- Archival of official documents related to Youth Council.
- Takes minutes of scheduled Youth Council business meetings.
- Maintains log of activities other than scheduled business meetings.
- Cooperates with other members to produce business meeting agenda.
- Documents attendance.

Duke or Duchess of External Projects (Youth Council Community Projects Coordinator):

- Plans community and fundraising events in cooperation with other members.
- Corresponds with appropriate facilities, directors, members of the community for projects.

Grand Chairperson (Chair):

- Spokesperson for Youth Council to the media and other entities.
- Calls meetings to order and presides over agenda.

Duke or Duchess of Advertisement (Public Relations):

- Produces promotional material for public events.
- Oversees maintenance and initial formation of website.
- Produces announcements and recruitment material for new applicants.

(Ord. No. 3045, § 1, 9-1-2009)

Title 2 ADMINISTRATION AND PERSONNEL

2.51.050 — Organization.

The Youth Council will be comprised of no more than thirty (30) voting members, and six (6) presiding officers. Interested youth other than the thirty (30) voting members are invited to participate in special projects on a voluntary basis. The six (6) board members will have no more power or voting privileges than the other twenty-four (24) voting members but will serve as lead organizers on projects in which the entire Youth Council has input. The Youth Council, started by the Weed and Seed Initiative through the Community Development Office, will move to management under the Neighborhood Council Coordinator in the Community Development Office after the end of the Weed and Seed grant in 2010.

(Ord. No. 3045, § 1, 9-1-2009)

2.51.060 — By-Laws.

- A. The Youth Council shall adopt by-laws prescribing additional duties of the council, meeting criteria and times, and such other provisions as the council may deem appropriate.
- B. A copy of the by-laws shall be on file in the office of the City Clerk.

(Ord. No. 3045, § 1, 9-1-2009)

2.51.070 — Open meetings and public records.

- A. All meetings of the Youth Council shall be open to the public.
- B. All records maintained by the Youth Council shall be available for public inspection.

(Ord. No. 3045, § 1, 9-1-2009)

Repealed.

Chapter 5221 CODE OF ETHICS

Sections:

2.52.010 Title.

2.52.020 Findings.

2.52.030 Purpose and authority.

2.52.040 Definitions.

2.52.050 Ethical standards.

2.52.060 Nepotism.

Title 2 ADMINISTRATION AND PERSONNEL

~~2.52.070 Distribution.~~

~~2.522.21.010 Title.~~

2.21.020 Findings.

2.21.030 Purpose and authority.

2.21.040 Definitions.

2.21.050 Ethical standards.

2.21.060 Great Falls Ethics Committee established.

2.21.070 Committee purpose.

2.21.080 Committee membership.

2.21.090 Committee meeting schedule.

2.21.100 Committee duties.

2.21.110 Nepotism.

2.21.120 Distribution.

2.21.010 Title.

This chapter shall be known and may be cited as the "City of Great Falls Code of Ethics."

~~2.5221.020~~ **2.21.020 Findings.**

The City Commission of the City of Great Falls finds and declares that:

- A.— Public office and employment are a public trust;
- B.— The vitality and stability of representative democracy depends upon the public's confidence in the integrity of its elected and appointed representatives; **and**
- C.— Governments have the duty both to provide their citizens with standards by which they may determine whether public duties are being faithfully performed, and to ~~appraise~~ **appraise** their officers and employees of the behavior which is expected of them while conducting such duties.

~~2.5221.030~~ **2.21.030 Purpose and authority.**

It is the purpose of this chapter to provide a method of assuring that standards of ethical conduct for officers and employees of the City of Great Falls shall be clear, consistent, uniform in their application, enforceable, and to provide those officers or employees with advice and information concerning possible

Title 2 ADMINISTRATION AND PERSONNEL

conflicts of interest which might arise in the conduct of their public duties. Such ethical standards shall inspire and stimulate each officer and employee to:

- A.— Be dedicated to the concepts of effective and democratic local government by responsible elected officials and believe that professional general management is essential to the achievement of this objective;
- B.— Affirm the dignity and worth of the services rendered by government and maintain a constructive, creative and practical attitude toward urban affairs and a deep sense of social responsibility as a trusted public servant-;
- C.— Be dedicated to the highest ideals of honor and integrity in all public and personal relationships so that each public servant may merit the respect and confidence of elected officials, of other officials and employees, and of the public; **and**
- D.— Recognize that the chief function of local government at all times is to serve the best interests of all of the people.

2.5221.040 Definitions.

As used in this section:

- A. "Agency" means any agency, board, governing body, including the chief executive officer, office, commission, or other instrumentality within the City of Great Falls, and any independent local authority created by or appointed under the authority of the City of Great Falls.
- B. "Business organization" means any corporation, partnership, firm, enterprise, franchise, association, trust, sole proprietorship, union, or other legal entity-;
- C. "Employee" means any person, whether compensated or not, whether part-time or full-time, employed by or serving on an agency, who is not a local government officer-;
- D. "Interest" means the ownership or control of more than ten (10) percent of the profits, assets or stock of a business organization, but shall not include the control of assets in a non-profit entity or labor union-;
- E. "Member of immediate family" means the spouse or dependent child of an officer or employee residing in the same household.
- F. "Officer" means any person whether compensated or not, whether part-time or full-time, who is one (1) of the following:
 - 1.— Member of the City Commission-;
 - 2.— City Manager-;
 - 3.— Deputy City Manager-;
 - 4.— Director, Department of ~~Fiscal Services~~**Finance**;
 - 5.— Director, Department of Planning and Community Development-;
 - 6.— Director, Department of Public Works-;
 - 7.— Director, Department of Parks and Recreation-;
 - 8.— Chief of Police-;

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- 9.— City Clerk-;
- 10.— City Attorney-;
- 11.— Municipal Judge-;
- 12.— Fire Chief-;
- 13.— ~~Library~~ Director, ~~Library~~-;
- 14. **Human Resources Director; or**
- 15. **A member of any City board, council, committee, or commission.**

G. "Officer or employee" means an officer or employee of the City of Great Falls or of an agency under the authority of or appointed by the City Commission.

~~(Ord. 2703, 1996)~~

~~(Ord. No. 3057, § 1, 8-17-2010)~~

2.5221.050 Ethical standards.

~~Officers~~**In addition to complying with the provisions of Mont. Code Ann. Title 2, Chapter 2, officers and employees of the City of Great Falls shall comply with the following provisions:**

- A.— No officer or employee of the City of Great Falls ~~or member of his or her immediate family~~ shall have an interest in a business organization or engage in any business, transaction, or professional activity which is in substantial conflict with the proper discharge of his or her governmental duties;
- B.— No officer or employee shall use, or attempt to use, his or her official position to secure unwarranted privileges or advantages for himself, herself or others;
- C.— No officer or employee shall act in his or her official capacity in any matter where he or she, a member of his or her immediate family, or any business organization in which he or she has an interest, has a direct or indirect financial or personal involvement that might reasonably be expected to ~~impair his or her objectivity or independence or judgment;~~
 - 1. **impair his or her objectivity or independence or judgment, or**
 - 2. **substantially conflict with the proper discharge of officer or employee's governmental duties;**
- D.— No officer or employee shall undertake any private employment or service which might prejudice his or her independent judgment in the exercise of his or her official duties;
- E.— No officer or employee, any member of his or her immediate family, or any business organization in which he or she has an interest shall solicit or accept any gift, favor, political contribution, service, promise of future employment, or other thing of value for the purpose of influencing him **or her**, directly or indirectly, in the discharge of his or her official duties. ~~In this regard,~~ the appearance of impropriety must be avoided by the acceptance of such a gift;

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- F.— No officer or employee shall use, or allow to be used, his or her public office or employment or any information, not generally available to the members of the public, which he or she receives or acquires in the course of employment, for the purpose of securing financial gain for himself or herself, any member of his or her immediate family, or any business organization with which he or she is associated;
- G.— No officer or employee, or any business organization in which he or she has an interest, shall represent any other person or party except the City in connection with any cause, proceeding, application, or other matter pending before any agency of the City of Great Falls. ~~The only other exceptions shall be;~~ **except** in the process of collective bargaining for public employees or where any officer or employee or members of his or her immediate family shall represent himself, herself or themselves, in negotiations or proceedings concerning his, her, or their own interests;
- H.— No officer shall be in conflict with these provisions if, by reason of his or her participation in the enactment of any ordinance, resolution or other matter required to be voted upon, no particular material or monetary gain accrues to him or her, **or his or her immediate family;**
- I.— No elected officer shall be prohibited from making an inquiry for information on behalf of a constituent if in return, no fee, reward, or other thing of value is directly or indirectly promised to or accepted by the officer or a member of his or her immediate family;
- J.— No officer or employee, elected or appointed in the City, shall without receiving formal written authorization from the appropriate person or body, disclose any confidential information concerning any other officer or employee or any other person or any property or governmental affairs of the City;
- K.— No officer or employee shall approve ~~or~~, disapprove, or in any way recommend the payment of any bill, voucher, or indebtedness in which he or she has direct or indirect interests except reimbursement for proper expenses otherwise approved by the City Manager;
- L.— No officer or employee shall request, use, or permit the use of any public property, vehicle, equipment, labor, or service for personal convenience or advantage for himself or any other person. ~~The only exception shall be;~~ **except** where it is the general practice to make the same available to the public at large, or where the same is provided pursuant to stated public policy for the use of officials and employees in the conduct of official business;
- M.— All officers or employees shall exercise prudence and integrity in management of public funds in their custody and in all financial transactions;
- N.— All officers or employees shall uphold the letter and spirit of the constitution, statutes, and regulations governing their duties and report violations of the law to appropriate authorities;
- O.— All officers or employees shall be sensitive and responsive to the concerns and questions of the public; **and**
- ~~2.52.060~~**P. All officers, whether elected or appointed, shall file a signed written disclosure with the City Clerk, and City Attorney, disclosing any appearance of a violation of this chapter, and said disclosure may, within the City Manager's discretion, be forwarded to the Great Falls Ethics Committee for determination if a violation of this chapter exists and appropriate course of action.**

Title 2 ADMINISTRATION AND PERSONNEL

2.21.060 Great Falls Ethics Committee established.

The City Commission hereby establishes The Great Falls Ethics Committee hereinafter referred to in this chapter as the "Committee."

2.21.070 Committee purpose.

The purpose of the Committee is to ensure that all City officers and employees are performing their duties in compliance with the provisions of Mont. Code Ann. Title 2, Chapter 2, and the provisions of this chapter.

2.21.080 Committee membership.

- A. Subject to the provisions provided in Subsection (B.) of this part, the Committee shall consist of three (3) members appointed by the City Commission for not more than three (3) consecutive, three-year terms. Members shall be qualified electors and residents of the City. Members shall not be City employees. As is reasonably possible, the members shall have experience and or training in the following:**
 - 1. Public administration;**
 - 2. Governmental operation;**
 - 3. Political practices; or**
 - 4. Legal practice.**

- B. The first appointee to the Great Falls Ethics Committee shall serve an initial term of three (3) years, the second appointee shall serve an initial term of two (2) years, and the third appointee shall serve an initial term of one (1) year. Following the expiration of these initial terms, the provisions of Subsection (A.) of this part shall apply.**

2.21.090 Committee meeting schedule.

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The Committee shall meet on an as needed basis, in the City Commission Chambers, on the first Wednesday of the month after a matter has been referred to the Committee pursuant to this Chapter, or by direction of the City Manager. Committee meetings shall be open to the public, pursuant to Mont. Code Ann. Titles 2, and 7, and Committee meeting minutes shall be maintained by the City Clerk.

2.21.100 Committee duties.

The Committee shall meet and be presented testimony regarding matters referred to it. Based on the information and testimony presented, the Committee shall:

- A. Make a written finding, filed with the City Clerk, as to whether there is an appearance of a violation of any provision on Mont. Code Ann. Title 2, Chapter 2, or a violation of this chapter;
- B. Make a written finding, filed with the City Clerk, as to whether the appearance of a violation rises to a level of an actual violation; and
- C. Make a written recommendation, filed with the City Clerk, in consultation with the City Attorney's Office, as to the correct course of action to eliminate any violation and/or reduce the appearance of any violation.

2.21.110 Nepotism.

All personnel matters shall be administered on the basis of merit and through regular management procedure ~~except~~.

- A.— No one participating actively in the appointment of a position, i.e., City Commissioners, City Manager, representatives of the Human Resources Department, the appointing department head, or division head, shall appoint any person related or connected by consanguinity within the fourth degree or by affinity within the second degree;
 - 1.—" "Consanguinity" means blood relation and degrees are determined as follows:
 - i. Parent and child are of the first degree; ~~grandparents~~
 - ii. **Grandparents**, grandchildren, brothers and sisters are of the second degree; ~~uncles~~
 - iii. **Uncles**, aunts, nephews, nieces and great grandparents are of the third degree; ~~firstand~~
 - iv. **First** cousins, great uncles and great aunts and great-great grandparents are of the fourth degree.

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2.—" "Affinity" means a relationship by marriage and the degrees are determined as follows: ~~husband~~

i. **Husband** and wife are of the first degree; ~~brothers and~~

ii. **Brothers**-in-law, sisters-in-law, fathers-in-law and mothers-in-law are of the second degree.

B.— No one may be appointed to a position, within a City department, if related or connected by consanguinity within the fourth degree or by affinity within the second degree to any person sitting on a board or commission representing or advising that department. ~~The above shall include but not be limited to the following: City Commission, Board of Adjustment, Board of Health, Housing Authority, Library Board, Park and Recreation Board, Parking Commission, Planning Board, Police Commission.~~

C. The above shall include but not be limited to the following:

1. **City Commission;**

~~2.52.070~~ **Board of Adjustment;**

3. **Board of Health;**

4. **Housing Authority;**

5. **Library Board;**

6. **Park and Recreation Board;**

7. **Parking Commission;**

8. **Planning Board and Zoning Commission;**

9. **Police Commission;**

10. **Business Improvement District;**

11. **Tourism Business Improvement District; and**

12. **Great Falls Ethics Committee.**

2.21.120 Distribution.

The City Clerk shall cause a copy of this Code of ~~ethics ordinance~~ **Ethics** to be distributed to every public officer and employee of the City within thirty (30) days after enactment ~~of this ordinance~~. Each public officer and employee elected, appointed, or engaged thereafter shall be furnished a copy before entering upon the duties of ~~this~~ **his or her** office or employment.

Chapter 5422 INDEMNIFICATION

Sections:

~~2.54.010 Indemnification.~~

2.22.010 Indemnification.

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2.5422.010 Indemnification.

~~In any civic action brought against any public official or employee of the City of Great Falls alleging a violation of Initiative 75, the City of Great Falls shall defend the action on behalf of the official or employee and indemnify the official or employee for any liability resulting from the alleged violation of Initiative 75.~~

~~(Ord. 2747, 1998).~~

Repealed.

Chapter 5623 BOARDS/COMMISSIONS/COUNCILS ATTENDANCE

Sections:

~~2.56.010 Scope.~~

~~2.56.020 Removal of members of boards, commissions and councils.~~

2.23.010 Scope.

2.23.020 Removal of members of boards, commissions and councils.

2.5623.010 Scope.

The provisions of this chapter shall apply to all boards, commissions, **committees**, and councils **elected or** appointed by the City Commission except as follows: ~~Where~~**where** a conflicting provision appears in state statutes or in City ordinances relating to a particular board, commission, **committee**, or council, the specific statute or ordinance shall apply.

~~(Ord. 2793, 2001)~~

2.5623.020 Removal of members of boards, commissions, committees, and councils.

A member of any board, commission, **committee**, or council, including Neighborhood Council, may be removed from office, by majority vote of the City Commission, if:

- A. A.**—The member misses more than one-third (1/3) of the regular meetings in a calendar year without a health or medical excuse;
- B. B.**—The member is unable to fulfill the duties of the office as a result of physical illness or mental disorder. A determination of whether the incumbent has a mental disorder shall be made pursuant to MCA Title 53, Chapter 21;

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- C. ~~C.~~—The member neglects or refuses to discharge the ~~member's~~**member's** duties;
- D. ~~D.~~—The member ceases to be a resident of the City, or in the case of a neighborhood council member, the member ceases to be a resident of the council ~~member's~~**member's** district;
- E. ~~E.~~—The member is convicted of a felony, or of any offense involving moral turpitude, or a violation of official duties or the City Code of Ethics, Title 2, Chapter ~~5221~~, while serving on a board, council, **committee** or commission; or
- F. ~~F.~~—Any other reason which City Commission deems to be in the best interests of the City, and in such case, only by a four-fifths (~~4/5~~) vote.

If a member is to be removed from any board, commission, **committee** or council and be replaced by the City Commission, the member will be provided written notice of removal, stating the reasons for removal, by certified mail, postage prepaid, return receipt requested, or by hand delivery. Notice will be provided no less than ten (10) days prior to the City Commission hearing where said removal will be subject to the vote of the Commission.

(Ord. 3169, 2017; Ord. 3153, 2017; Ord. 3149, 2017; Ord. 3140, 2016; Ord. 3045, 2009; Ord. 2968, 2007; Ord. 2928, 2006; Ord. 2918, 2005; Ord. 2747, 1998; Ord. 2735, 1998; Ord. 2729, 1997; Ord. 2725, 1997; Ord. 2722, 1997; Ord. 2703, 1996; Ord. 2683, 1995; Ord. 2652, 1993; Ord. 2604, 1991; Ord. 2563, 1990; Ord. 2479, 1987; Ord. 2444, 1986; Ord. 2267, 1981; Ord. 2228, 1980; Ord. 2210, 1980; Ord. 2200, 1980; Ord. 2199, 1980; Ord. 2190, 1980; Ord. 2172, 1979; Ord. 2037, 1978; Ord. 2035, 1978; Ord. 1977, 1876; Ord. 1910, 1976; Ord. 1909, 1976; Ord. 1908, 1976; Ord. 1907, 1976; Ord. 1906, 1976; Ord. 1905, 1976; Ord. 1859, 1975; Ord. 1858, 1975; Ord. 1843, 1974).
3149, 2017; Ord. 2793, 2001).

Title 2 ADMINISTRATION AND PERSONNEL

Chapter

Chapter 1 - CITY COMMISSION

Chapter 2 - CITY MANAGER

Chapter 3 - MUNICIPAL COURT

Chapter 4 - ADMINISTRATIVE DEPARTMENTS

Chapter 5 - EMPLOYEE HOLIDAYS

Chapter 6 - OFFICER'S BONDS

Chapter 7 - ADVISORY COMMISSION ON INTERNATIONAL RELATIONSHIPS

Chapter 8 - MANSFIELD CENTER FOR THE PERFORMING ARTS ADVISORY BOARD

Chapter 9 - BOARD OF ADJUSTMENT

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Chapter 11 - PARK AND RECREATION BOARD

Chapter 12 - GOLF ADVISORY BOARD

Chapter 13 - HISTORIC PRESERVATION ADVISORY COMMISSION

Chapter 14 - LOAN ADVISORY BOARD

Chapter 15 - PLANNING ADVISORY BOARD

Chapter 16 - ZONING COMMISSION

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Chapter 18 - GREAT FALLS PUBLIC LIBRARY

Chapter 19 - NEIGHBORHOOD COUNCILS

Chapter 20 - YOUTH COUNCIL

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Chapter 22 - INDEMNIFICATION

Title 2 ADMINISTRATION AND PERSONNEL

Chapter 23 - BOARDS/COMMISSIONS/COUNCILS ATTENDANCE

Chapter 1 CITY COMMISSION

Sections:

2.1.010 Established.

2.1.020 Salary.

2.1.010 Established.

The Charter of the City of Great Falls (Charter) establishes the powers and duties of the City Commission.

2.1.020 Salary.

The salary of each Commissioner shall be three hundred twelve dollars (\$312.00) per month. The salary of the Mayor shall be four hundred sixty-eight dollars (\$468.00) per month.

Chapter 2 CITY MANAGER

Sections:

2.2.010 Appointment - generally.

2.2.010 Appointment - generally.

The provisions for the appointment of a City Manager and his or her powers and duties are established by the Charter.

Chapter 3 MUNICIPAL COURT

Sections:

Title 2 ADMINISTRATION AND PERSONNEL

2.3.010 Established.

2.3.020 Appeal to District Court.

2.3.030 Municipal Court Judge.

2.3.040 Municipal Court Clerk.

2.3.010 Established.

The Municipal Court of the City of Great Falls, Montana, is hereby established pursuant to Title 3, Chapter 6, Montana Code Annotated (MCA). The Municipal Court shall be a court of record by electronic recording or stenographic transcription and shall assume continuing jurisdiction over all pending Municipal Court cases from and after February 1, 1998.

2.3.020 Appeal to District Court.

Appeals of Municipal Court judgments or orders must be made to District Court and are confined to review of the record and questions of law. A party may appeal a Municipal Court judgment if:

- A. In criminal causes of action, the amount of controversy exceeds three hundred dollars (\$300.00); or
- B. The judgment includes incarceration; or
- C. In civil causes of action, the amount of controversy exceeds one thousand dollars (\$1,000).
- D. Upon petition of an aggrieved party, the District Court may, in the interests of justice, accept appellate jurisdiction notwithstanding the amount in controversy.

2.3.030 Municipal Court Judge.

- A. There shall be one (1) Municipal Court Judge elected to a four (4) year term pursuant to Title 3, Chapter, 6, MCA. The qualifications of a Municipal Court Judge shall be as required by Montana law to include:
 - 1. The same qualifications as a judge of District Court as set forth in Article VII, Section 9, of the Montana Constitution, except that a Municipal Court Judge need only be admitted to the practice of law in Montana for at least three (3) years prior to the date of the election; and
 - 2. A Municipal Court Judge shall be a resident and voter in the City of Great Falls at the time of his or her election; and
 - 3. A Municipal Court Judge shall be certified as provided in MCA §§3-1-1502-1503, prior to assuming office.
- B. The salary of the Municipal Court Judge shall be set by Commission resolution.

Title 2 ADMINISTRATION AND PERSONNEL

2.3.040 Municipal Court Clerk.

The position of a Municipal Court Clerk is hereby established pursuant to Title 3, Chapter 6, MCA, to administer and retain court records by paper or electronic filing or storage. The salary of the Municipal Court Clerk shall be set by Commission resolution.

Chapter 4 ADMINISTRATIVE DEPARTMENTS

Sections:

2.4.010 Established.

2.4.020 Deputy City Manager.

2.4.030 City Clerk.

2.4.040 Legal Department.

2.4.050 Finance Department.

2.4.060 Public Works Department.

2.4.070 Fire Rescue Department.

2.4.080 Police Department.

2.4.090 Planning and Community Development Department.

2.4.100 Park and Recreation Department.

2.4.110 Human Resources Department.

2.4.010 Established.

The administrative departments of the City are hereby established. Each department is subject to the control and supervision of the City Manager who may transfer, eliminate, or add to department functions.

2.4.020 Deputy City Manager.

The City Manager shall appoint a Deputy City Manager who shall serve as acting City Manager in the absence of the City Manager assuming all responsibilities as outlined in the Charter. The Deputy City Manager shall, supervise information technology services within control of the City, and the Deputy City Manager shall oversee other management duties by direction of the City Manager or as required by law.

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2.4.030 City Clerk.

The City Manager shall appoint a City Clerk who shall keep a history of the City of Great Falls, maintain public records, and perform such other duties by direction of the City Manager or as required by law.

2.4.040 Legal Department.

A Legal Department is hereby created. The City Manager shall appoint a City Attorney, qualified under Montana law, to administer the Legal Department. The Department shall render legal services in all civil and administrative matters for the City, prosecute all charges in Municipal Court, and perform such other duties by direction of the City Manager or as required by law.

2.4.050 Finance Department.

A Finance Department is hereby created. Within this Code, this department may also be referred to as the Fiscal Services Department. The City Manager shall appoint a director to administer said Finance Department. The Department shall render accounting, revenue collection, including utility billing, court receipts and accounts receivable, accounts payable, debt issuance, investment services, and payroll services to the City and perform such other duties by direction of the City Manager or as required by law.

2.4.060 Public Works Department.

A Public Works Department is hereby created. The City Manager shall appoint a Director to administer the Public Works Department. The Department shall administer capital improvements, maintenance, operations, and utilities and perform such other duties by direction of the City Manager or as required by law.

2.4.070 Fire Rescue Department.

A Fire Rescue Department is hereby created. The City Manager shall appoint a Fire Chief to administer the Fire Rescue Department. The Department shall provide fire-fighting, rescue operation, fire investigation, and fire prevention services for the City and perform such other duties by direction of the City Manager or as required by law.

2.4.080 Police Department.

A Police Department is hereby created. The City Manager shall appoint a Police Chief to administer the Police Department. The Department shall enforce the laws of the City and State to protect life and

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property, to control traffic, and perform such other duties by direction of the City Manager or as required by law.

2.4.090 Planning and Community Development Department.

A Planning and Community Development Department is hereby created. The City Manager shall appoint a Director to administer the Planning and Community Development Department. The Department shall:

- A. provide land use and transportation planning services and facilitate, promote, and ensure orderly land development in the City;
- B. facilitate, promote, and ensure quality development in the City;
- C. administer related federal programs; and
- D. perform such other duties by direction of the City Manager or as required by law.

2.4.100 Park and Recreation Department.

A Park and Recreation Department is hereby created. The City Manager shall appoint a Director to administer the Park and Recreation Department. The Department shall manage all parks and recreational facilities, programs, and perform such other duties by direction of the City Manager or as required by law.

2.4.110 Human Resources Department.

A Human Resources Department is hereby created. The City Manager shall appoint a Director to administer the Human Resources Department. The Department shall manage, under the City Manager's direction, City personnel policy issues and development, benefits administration, organizational training, risk management, and perform such other duties by direction of the City Manager or as required by law.

Chapter 5 EMPLOYEE HOLIDAYS

Sections:

2.5.010 Holidays listed.

2.5.010 Holidays listed.

- A. The employee holidays for all City employees are as follows:

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1. New Year's Day, January 1;
 2. Martin Luther King Jr. Day, the third Monday in January;
 3. President's Day, the third Monday in February;
 4. Memorial Day, the last Monday in May;
 5. Independence Day, July 4;
 6. Labor Day, the first Monday in September;
 7. Veterans Day, November 11;
 8. Thanksgiving Holiday, fourth Thursday and Friday in November;
 9. Christmas Day, December 25; and
 10. Every day in which a general election is held throughout the State (General Election Day).
- B. If designated holidays fall on an employee's regular days-off, that employee shall either be entitled to receive a day off with pay on the day preceding the holiday off, or on another day following the holiday in the same pay period.

Chapter 6 OFFICER'S BONDS

Sections:

2.6.010 Required—amount.

2.6.020 Form.

2.6.030 Conditions.

2.6.010 Required—amount.

Except when otherwise provided by law, all City employees, before discharging their official duties, for the duration of their term or employment, shall be bonded by the City for one hundred thousand dollars (\$100,000.00).

2.6.020 Form.

- A. Official bonds must be filed in the Human Resources Department.
- B. Unless otherwise provided, all official bonds must be joint and several and made payable to the City and with such conditions as required in Section 2.6.030.
- C. The principal and sureties upon any official bond are also, in all cases, liable for the neglect, default, or misconduct in office of any City employee.

2.6.030 Conditions.

The condition of every official bond must be that the principal shall well, truly, and faithfully perform all official duties required by law and also such additional duties as may be imposed by any law of the State subsequently enacted, by any law of the City subsequently enacted, and that the principal will account for, pay over, and deliver to the person or officer, entitled to receive the same, all moneys or other properties that may come into the hands as such officer.

Chapter 7 ADVISORY COMMISSION ON INTERNATIONAL RELATIONSHIPS

Sections:

2.7.010 Creation.

2.7.020 Purpose.

2.7.030 Members.

2.7.040 Duties.

2.7.010 Creation.

An Advisory Commission on International Relationships is hereby created to serve in an advisory capacity to the City Commission.

2.7.020 Purpose.

The purpose of the Advisory Commission shall be to provide support, coordination, and exchange of information for international programs in the community. The group shall develop its own mission statement.

2.7.030 Members.

The Advisory Commission shall consist of nine (9) to eleven (11) members appointed by the City Commission. Except as provided by state law or City Commission resolution, Commission members must be qualified electors and residents of the City. Each of the members shall be appointed to hold office for a period of three (3) years and until a successor is appointed and qualified. Vacancies shall be filled for

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the unexpired term of any member whose term becomes vacant. All of the members of the Board shall serve without compensation, and are subject to removal by the City Commission for cause upon written charges and after public hearing.

2.7.040 Duties.

It shall be the duty of the Advisory Commission to:

- A. Provide support for the Sister Cities program in consultation and cooperation with its Board of Directors;
- B. Serve as a sounding board and a resource of advice and support for international exchange programs, including, but not limited to, city-to-city programs. The Advisory Commission is charged with identifying funding sources for these programs;
- C. Develop resources for and help facilitate educational exchanges particularly at the higher education level;
- D. Facilitate the community wide exchange of information among international programs;
- E. Develop community resources to support international programs; and
- F. Review and submit proposals and make recommendations to the City Commission regarding international programs and relationships.

**Chapter 8 MANSFIELD CENTER FOR THE PERFORMING ARTS
ADVISORY BOARD**

Sections:

2.8.010 Creation.

2.8.020 Purpose.

2.8.030 Membership—appointment—compensation.

2.8.040 Terms.

2.8.050 Duties.

2.8.060 Reporting.

2.8.010 Creation.

There is created a Mansfield Center for the Performing Arts Advisory Board, which shall hereafter be referred to as "Board" in this Chapter.

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2.8.020 Purpose.

The Board shall advise the City Commission, and City Manager, on matters related to the successful operation of Mansfield Center for the Performing Arts including the use of the Theater, Convention Center, and meeting rooms as well as common areas and facility aesthetics.

2.8.030 Membership—appointment—compensation.

The Board shall consist of five (5) to seven (7) members appointed by the City Commission. Except as provided by state law or Commission resolution, members must be qualified electors and City residents. The members shall serve without compensation. The City Commission shall attempt a balance in membership with representation from the following areas:

- A. Performing arts;
- B. Conventions and meetings; and
- C. Civic leaders.

2.8.040 Terms.

The staggered terms of office shall be three (3) years.

2.8.050 Duties.

The Duties of the Board include but are not limited to:

- A. The Board shall serve in an advisory capacity regarding the Mansfield Center for the Performing Arts and public meeting rooms; and
- B. The Board shall assist in identifying funding strategies for a capital improvement plan, special events, which may include fund-raising, and foundation development;

2.8.060 Reporting.

The Board shall make available copies of regular meeting minutes as well as an annual report to the City Commission and City Manager.

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Chapter 9 BOARD OF ADJUSTMENT

Sections:

Repealed.

See Title 17. Board of Adjustment

Chapter 10 DESIGN REVIEW BOARD

Sections:

Repealed.

See Title 17. Design Review Board

Chapter 11 PARK AND RECREATION BOARD

Sections:

2.11.010 Creation.

2.11.020 Purpose.

2.11.030 Membership—appointment—compensation.

2.11.040 Term of office.

2.11.050 Duties.

2.11.010 Creation.

A Park and Recreation Board is hereby created. The Park and Recreation Board may be referred to in this chapter as "Board".

2.11.020 Purpose.

The Park and Recreation Board shall advise the City Commission and the City Manager on all matters related to the Parks and Recreation program of the City, and exercise certain functions in regard to the disposition and acquisition of park land and/or facilities as set forth in Section 2.11.050.

Title 2 ADMINISTRATION AND PERSONNEL

2.11.030 Membership—appointment—compensation.

The Board shall consist of seven (7) members appointed by the City Commission. Except as provided by state law or Commission resolution, members shall be residents of the City and qualified electors. The members shall serve without compensation.

2.11.040 Term of office.

The staggered terms of office shall be three (3) years from and after January 1, of the year of appointment.

2.11.050 Duties.

The Board shall review and prepare proposals and make recommendations to the City Commission.

Chapter 12 GOLF ADVISORY BOARD

Sections:

2.12.010 Creation.

2.12.020 Purpose.

2.12.030 Memberships.

2.12.040 Terms.

2.12.050 Duties.

2.12.010 Creation.

A Golf Advisory Board is hereby created which shall hereafter be referred to in this Chapter as "Board."

2.12.020 Purpose.

The purpose of the Board shall be to consult with and advise the City Commission, City Manager, and Parks and Recreation Department staff on all matters related to the operation of the municipal golf courses.

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2.12.030 Memberships.

The Board shall consist of five (5) members who shall be appointed by the City Commission. Membership will consist of one (1) member representing the City's Men's Golf Associations, one (1) member representing the City's Women's Golf Association, one (1) member representing Malmstrom Air Force Base, and two (2) members representing non-league golfers. The Chairman of the Park and Recreation Board or a designated representative from the Board will be an ex officio member of the Board. All members must be qualified electors.

2.12.040 Terms.

The term of office of each member of the Board shall be three (3) years from and after March 1, of the year in which the member is appointed, except two (2) members of the first Board who shall hold office for a period of two (2) years from and after the first day of March 1, 1993.

2.12.050 Duties.

The Board shall serve in an advisory capacity regarding the operation of the municipal golf courses, specifically regarding:

- A. Fees and charges, tournament requests policies, procedures, and rules;
- B. Capital improvements or projects;
- C. Promotion of usage at the golf courses; and
- D. All other matters relating to the golf courses which may be assigned or requested by the City Commission or the City Manager.

Chapter 13 HISTORIC PRESERVATION ADVISORY COMMISSION

Sections:

Repealed.

Chapter 14 LOAN ADVISORY BOARD

Sections:

Title 2 ADMINISTRATION AND PERSONNEL

2.14.010 Creation.

2.14.020 Purpose.

2.14.030 Members.

2.14.040 Duties.

2.14.010 Creation.

A Loan Advisory Board is hereby created to serve in an advisory capacity to the City Commission.

2.14.020 Purpose.

The purpose of the Board shall be to consult with and advise the City Commission, City Manager, and Planning and Community Development Department staff on matters related to changes to existing loans and primarily Tax Increment Loans. Additionally, the Loan Advisory may advise on matters relating to lending funds for economic development.

2.14.030 Members.

The Board shall be ad-hoc and appointed by the City Commission when needed. Except as provided by state law or Commission resolution, all members shall be qualified electors and residents of the City.

2.14.040 Duties.

It shall be the duty of the Board to review economic development proposals involving the use of available funds and make recommendations to the City Commission and City Manager.

Chapter 15 PLANNING ADVISORY BOARD

Sections:

Repealed.

See Title 17. Planning Advisory Board

Chapter 16 ZONING COMMISSION

Sections:

Repealed.

See Title 17. Zoning Commission

Chapter 17 PARKING ADVISORY COMMISSION

Sections:

2.17.010 Creation.

2.17.020 Purpose.

2.17.030 Members.

2.17.040 Duties.

2.17.010 Creation.

A Parking Advisory Commission is hereby created to serve in an advisory capacity to the City Commission and City Manager.

2.17.020 Purpose.

The purpose of the Parking Advisory Commission shall be to consult with and advise the City Commission, City Manager, and Planning and Community Development Department staff on matters related to parking issues within the Parking Districts.

2.17.030 Members.

The Parking Advisory Commission shall consist of five (5) members appointed by the City Commission. Except as provided by state law or Commission resolution, members shall be residents of the City, and qualified electors, whose staggered terms shall be for three (3) years. A sixth, ex-officio member, shall be appointed by the Business Improvement District.

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2.17.040 Duties.

It shall be the duty of the Parking Advisory Commission to review the Great Falls Parking Program and make recommendations to the City Commission and City Manager.

Chapter 18 GREAT FALLS PUBLIC LIBRARY

Sections:

2.18.010 Legislative findings.

2.18.020 Establishment.

2.18.030 Purpose.

2.18.040 Tax levy—Special library fund.

2.18.050 Library Board of Trustees.

2.18.060 Trustees—Powers and duties.

2.18.070 City authority to contract with Board of Trustees for library services.

2.18.010 Legislative findings.

The Commission makes the following legislative findings regarding the Great Falls Public Library:

- A. Since 1890, when Paris and Valeria Gibson, and Robert Vaughn, contributed toward the establishment of the first library in this city, the people of Great Falls have enjoyed the benefits of a free public library;
- B. The City of Great Falls assumed operation of the library in 1892, and in accordance with Ordinance 341 adopted in 1910, as well as state law, a free public library remains operational to this day;
- C. The 1910 ordinance is antiquated in several particulars, and is in need of revision, although independent management and control of the library, through an appointed Board of Trustees, as provided by law, should be maintained;
- D. The need for independent management of the library must be balanced with the City Commission's authority under both state law and the City Charter to approve the budget and mill levy for the library;
- E. To accomplish this balance, there is a need to establish a structured relationship between the Board of Trustees and the City Commission; and
- F. The City Commission welcomes the continued cooperation of other public bodies, including the State of Montana and Cascade County, in the operation of the public library, as well as contributions from individuals and foundations.

Title 2 ADMINISTRATION AND PERSONNEL

2.18.020 Establishment.

The first library was established in Great Falls in 1890. The City assumed operation of the library in 1892 and, in accordance with Ordinance 341 adopted in 1910, as well as state law, a free public library remains operational to this day. Pursuant to Mont. Code Ann. § 22-1-303(1) and Article VII, Section 3 of the Charter of the City of Great Falls, the Great Falls Public Library is hereby established in the Official Code of the City of Great Falls.

2.18.030 Purpose.

A free public library allows residents the fullest opportunity to enrich and inform themselves through reading, as well as social, cultural, recreational, and educational activities.

2.18.040 Tax levy—Special library fund.

- A. Subject to provisions of state law and the Charter of the City of Great Falls, the City Commission may levy in the same manner, and at the same time, as other taxes are levied a tax for the support of public library services.
- B. The City Commission may, by resolution, submit the question of imposing a tax levy to a vote of the qualified electors at an election as provided in state law.
- C. Upon a petition being filed with the City Commission and signed by not less than five (5) percent of the resident taxpayers of the City of Great Falls requesting an election for the purpose of imposing a mill levy, the City Commission shall submit to a vote of the qualified electors at an election, conducted as provided by state law, the question of imposing the mill levy.
- D. The proceeds of the tax constitute a separate fund called the public library fund and may not be used for any purpose except those of the public library.
- E. Money may not be paid out of the public library fund, by the Finance Department of the City of Great Falls, except by order or warrant of the Library Board of Trustees, or its authorized designee with approval by the Library Board.

2.18.050 Library Board of Trustees.

- A. The City Commission shall appoint an advisory board to govern and manage the Great Falls Public Library to be known as the "Great Falls Library Board of Trustees," hereafter in this chapter may be referred to as the "Board."
- B. The Board shall consist of five (5) members. In addition, one (1) member of the City Commission shall be appointed by the City Commission to sit on the Board as an ex officio, non-voting member. Library board members shall be residents of Cascade County with at least three board members being qualified electors and residents of the City.

Title 2 ADMINISTRATION AND PERSONNEL

- C. Members of the Board shall serve without compensation, but their actual and necessary expenses incurred in the performance of their official duties may be paid from library funds.
- D. Trustees shall hold office for five (5) years from the date of appointment by the City Commission, or until their successors are appointed. Appointments shall be governed by state law. All trustees serving on the Library Board of Trustees, in existence at the time Ordinance 3140 becomes effective, shall retain their offices for the duration of their appointments. If a Board member vacates that member's seat, a successor member shall be appointed to fill the remainder of that member's appointment, which term shall not be considered a full term under Mont. Code Ann. § 22-1-308.
- E. In July of each year, or the next regularly scheduled Board meeting afterward, the trustees shall meet and elect a presiding officer and other officers that they consider necessary, for one (1) year terms. Vacancies on the Board of Trustees must be filled for the unexpired term in the same manner as original appointments.

2.18.060 Trustees—Powers and duties.

- A. The Board has those powers and duties as provided by Mont. Code Ann. §§ 22-1-309 and 311, including, but not limited to, the management and control of the Great Falls Public Library.
- B. In accordance with Article VII, Section 3, of the City Charter, the Board is also considered advisory with respect to the City Commission in the exercise of its duties. The Board may advise the City Commission on such matters as it deems necessary and appropriate, and the City Commission may seek Board advice and comment on such matters as it deems necessary and appropriate.
- C. Subject to the provisions of OCCGF 1.4.070, the Board may extend the privileges and use of the Great Falls Public Library to persons residing outside of the city or county upon such terms and conditions as it may prescribe by its regulations.
- D. The Board shall keep a record of its transactions, and shall make a report to the City Commission at least once each calendar year, addressing the business transacted during that year.
- E. The Board may exact and enforce reasonable fines and penalties to be assessed for violations of Great Falls Public Library rules, policies, and regulations.

2.18.070 City authority to contract with Board of Trustees for library services.

- A. The City, through its Manager, with the approval of the City Commission, may contract with the Board to provide various services including, but not limited to, personnel services.
- B. Any and all contracts between the City and the Board in effect as of the date of adoption of Ordinance 3140 shall remain in full force and effect.

Chapter 19 NEIGHBORHOOD COUNCILS

Sections:

- 2.19.010 Establishment.
- 2.19.020 Purpose.
- 2.19.030 District boundaries.
- 2.19.040 Council elections.
- 2.19.050 Duties and powers.
- 2.19.060 Organization.
- 2.19.070 By-Laws.
- 2.19.080 Open meetings and public records.
- 2.19.090 Great Falls Citizen's Council.
- 2.19.100 City resources.

2.19.010 Establishment.

Pursuant to the Charter for the City of Great Falls, a program of neighborhood councils is hereby established.

2.19.020 Purpose.

The purpose of the neighborhood council program is to provide a means for the citizens of Great Falls to actively participate in their local government through a formal organization working at the neighborhood level.

2.19.030 District boundaries.

- A. The City Commission shall divide the City of Great Falls into no less than nine (9) and no more than thirteen (13) neighborhood council districts. The residents of a district shall comprise the electorate for that district pursuant to the Great Falls City Charter.
- B. The district boundaries shall be established by a resolution of the City Commission.
- C. Neighborhood councils may petition the City Commission to amend district boundaries for good cause consistent with the purpose and intent of this chapter.

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2.19.040 Council elections.

- A. Each neighborhood council district shall have a council comprised of five (5) resident members who must live within their designated neighborhood council district for which they were elected for their term of office; such members shall be elected to two (2) year terms at the election held in conjunction with the City general election.
- B. Nominees for election to a neighborhood council must be qualified electors and residents of their designated neighborhood district.
- C. The filing period for neighborhood councils shall open and close on the same date as the filing period for mayoral and commission candidates. Neighborhood council candidates are not subject to primary elections.

2.19.050 Duties and powers.

- A. The councils shall act in an advisory capacity to the City Commission, the City Manager and to other City advisory bodies. They may contribute information, opinions, advice, suggestions and recommendations to the City Commission, City Manager and other City advisory bodies on all governmental affairs and services having an effect on the area the neighborhood council represents. Topics and issues for council involvement may include, but are not limited to the following:
 - 1. Public finance;
 - 2. Public works;
 - 3. Public safety;
 - 4. Social services;
 - 5. Transportation;
 - 6. Economic development;
 - 7. Planning and zoning;
 - 8. Public health and sanitation;
 - 9. Parks and recreation; and
 - 10. Environmental issues.
- B. Neighborhood Councils may also work cooperatively, in an advisory capacity with, other governmental and quasi-governmental entities such as school districts, county government and the transit district.
- C. As advisory bodies, neighborhood councils shall not:
 - 1. Appropriate or commit City resources;
 - 2. Enact or enforce City Codes or ordinances;
 - 3. Engage in law enforcement;
 - 4. Assume a supervisory role or directorship over any City employee; or
 - 5. Interfere in any way with a City employee in the performance of his/her duties.

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2.19.060 Organization.

- A. Each council shall select from its members, a chairman, secretary, an official delegate to attend City Commission meetings, and appoint a Vice Chair or other officers as it deems necessary.
- B. In the event of a vacancy on the council, the remaining members shall appoint a person eligible to hold the position to fill the vacancy until the next general election. In the event that a council cannot agree upon the appointment of a replacement member, the City Commission shall do so.
- C. On or before January 30 after each election, or within thirty (30) days after new council member(s) elected in a special election receive the oath(s) of, and are sworn into, office, each neighborhood council shall meet to organize as provided in this section.
- D. Neighborhood councils are encouraged to involve business persons, young people, and other individuals who may not necessarily qualify as an elected council member.
- E. Neighborhood councils, and the Great Falls Citizen's Council, are further encouraged to involve minorities, ethnic groups, community service organizations, environmental interest groups, and other like organizations to ensure broad participation in the neighborhood council program.

2.19.070 By-Laws.

- A. Each council shall adopt by-laws prescribing additional duties of the council, meeting criteria and times, and such other provisions as the council may deem appropriate.
- B. The City Clerk shall provide model by-laws for use by the councils in drafting their own by-laws.
- C. By-laws shall be reviewed by the office of the City Attorney and certified for consistency with the provisions of the Great Falls City Charter, the City Codes and the laws of Montana.
- D. A copy of the by-laws shall be on file in the office of the City Clerk.

2.19.080 Open meetings and public records.

- A. All meetings of the neighborhood councils shall be open to the public.
- B. All records maintained by the council shall be available for public inspection.

2.19.090 Great Falls Citizen's Council.

- A. The purpose of the Great Falls Citizen's Council (GFCC) is to act as a forum to address issues of community wide concern and to resolve disputes among the individual neighborhood councils.
- B. The GFCC shall organize as follows:

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1. the GFCC shall consist of one (1) member selected from each neighborhood council, and two (2) members of the Great Falls City Commission who shall be appointed by the Mayor, with the consent of the City Commission;
2. the GFCC shall determine its rules of organization and operation, except that no rules adopted shall be inconsistent with the provisions of the Charter of the City of Great Falls, this Code, or the laws of the State of Montana; and
3. in addition to the membership set forth in subsection B, any council representing any unincorporated neighborhood or community may petition the GFCC for membership.

2.19.100 City resources.

- A. The City Commission, at its discretion, may provide funding and other resources to neighborhood councils and to the Great Falls Citizen's Council.
- B. A neighborhood liaison function is hereby established within the City Manager's Office.
- C. The City of Great Falls shall not be liable for any obligations incurred by the councils or the GFCC unless expressly approved by the City Commission.

Chapter 20 YOUTH COUNCIL

Sections:

Repealed.

Chapter 21 CODE OF ETHICS

Sections:

2.21.010 Title.

2.21.020 Findings.

2.21.030 Purpose and authority.

2.21.040 Definitions.

2.21.050 Ethical standards.

2.21.060 Great Falls Ethics Committee established.

2.21.070 Committee purpose.

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2.21.080 Committee membership.

2.21.090 Committee meeting schedule.

2.21.100 Committee duties.

2.21.110 Nepotism.

2.21.120 Distribution.

2.21.010 Title.

This chapter shall be known and may be cited as the "City of Great Falls Code of Ethics."

2.21.020 Findings.

The City Commission of the City of Great Falls finds and declares that:

- A. Public office and employment are a public trust;
- B. The vitality and stability of representative democracy depends upon the public's confidence in the integrity of its elected and appointed representatives; and
- C. Governments have the duty both to provide their citizens with standards by which they may determine whether public duties are being faithfully performed, and to apprise their officers and employees of the behavior which is expected of them while conducting such duties.

2.21.030 Purpose and authority.

It is the purpose of this chapter to provide a method of assuring that standards of ethical conduct for officers and employees of the City of Great Falls shall be clear, consistent, uniform in their application, enforceable, and to provide those officers or employees with advice and information concerning possible conflicts of interest which might arise in the conduct of their public duties. Such ethical standards shall inspire and stimulate each officer and employee to:

- A. Be dedicated to the concepts of effective and democratic local government by responsible elected officials and believe that professional general management is essential to the achievement of this objective;
- B. Affirm the dignity and worth of the services rendered by government and maintain a constructive, creative and practical attitude toward urban affairs and a deep sense of social responsibility as a trusted public servant;
- C. Be dedicated to the highest ideals of honor and integrity in all public and personal relationships so that each public servant may merit the respect and confidence of elected officials, of other officials and employees, and of the public; and
- D. Recognize that the chief function of local government at all times is to serve the best interests of all of the people.

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2.21.040 Definitions.

As used in this section:

- A. "Agency" means any agency, board, governing body, including the chief executive officer, office, commission, or other instrumentality within the City of Great Falls, and any independent local authority created by or appointed under the authority of the City of Great Falls.
- B. "Business organization" means any corporation, partnership, firm, enterprise, franchise, association, trust, sole proprietorship, union, or other legal entity.
- C. "Employee" means any person, whether compensated or not, whether part-time or full-time, employed by or serving on an agency, who is not a local government officer.
- D. "Interest" means the ownership or control of more than ten (10) percent of the profits, assets or stock of a business organization, but shall not include the control of assets in a non-profit entity or labor union.
- E. "Member of immediate family" means the spouse or dependent child of an officer or employee residing in the same household.
- F. "Officer" means any person whether compensated or not, whether part-time or full-time, who is one (1) of the following:
 - 1. Member of the City Commission;
 - 2. City Manager;
 - 3. Deputy City Manager;
 - 4. Director, Department of Finance;
 - 5. Director, Department of Planning and Community Development;
 - 6. Director, Department of Public Works;
 - 7. Director, Department of Parks and Recreation;
 - 8. Chief of Police;
 - 9. City Clerk;
 - 10. City Attorney;
 - 11. Municipal Judge;
 - 12. Fire Chief;
 - 13. Library Director;
 - 14. Human Resources Director; or
 - 15. A member of any City board, council, committee, or commission.
- G. "Officer or employee" means an officer or employee of the City of Great Falls or of an agency under the authority of or appointed by the City Commission.

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2.21.050 Ethical standards.

In addition to complying with the provisions of Mont. Code Ann. Title 2, Chapter 2, officers and employees of the City of Great Falls shall comply with the following provisions:

- A. No officer or employee of the City of Great Falls shall have an interest in a business organization or engage in any business, transaction, or professional activity which is in substantial conflict with the proper discharge of his or her governmental duties;
- B. No officer or employee shall use, or attempt to use, his or her official position to secure unwarranted privileges or advantages for himself, herself or others;
- C. No officer or employee shall act in his or her official capacity in any matter where he or she, a member of his or her immediate family, or any business organization in which he or she has an interest, has a direct or indirect financial or personal involvement that might reasonably be expected to:
 - 1. impair his or her objectivity or independence or judgment, or
 - 2. substantially conflict with the proper discharge of officer or employee's governmental duties;
- D. No officer or employee shall undertake any private employment or service which might prejudice his or her independent judgment in the exercise of his or her official duties;
- E. No officer or employee, any member of his or her immediate family, or any business organization in which he or she has an interest shall solicit or accept any gift, favor, political contribution, service, promise of future employment, or other thing of value for the purpose of influencing him or her, directly or indirectly, in the discharge of his or her official duties, the appearance of impropriety must be avoided by the acceptance of such a gift;
- F. No officer or employee shall use, or allow to be used, his or her public office or employment or any information, not generally available to the members of the public, which he or she receives or acquires in the course of employment, for the purpose of securing financial gain for himself or herself, any member of his or her immediate family, or any business organization with which he or she is associated;
- G. No officer or employee, or any business organization in which he or she has an interest, shall represent any other person or party except the City in connection with any cause, proceeding, application, or other matter pending before any agency of the City of Great Falls; except in the process of collective bargaining for public employees or where any officer or employee or members of his or her immediate family shall represent himself, herself or themselves, in negotiations or proceedings concerning his, her, or their own interests;
- H. No officer shall be in conflict with these provisions if, by reason of his or her participation in the enactment of any ordinance, resolution or other matter required to be voted upon, no particular material or monetary gain accrues to him or her, or his or her immediate family;
- I. No elected officer shall be prohibited from making an inquiry for information on behalf of a constituent if in return, no fee, reward, or other thing of value is directly or indirectly promised to or accepted by the officer or a member of his or her immediate family;
- J. No officer or employee, elected or appointed in the City, shall without receiving formal written authorization from the appropriate person or body, disclose any confidential information concerning any other officer or employee or any other person or any property or governmental affairs of the City;

Exhibit "B" (Updated from First Reading.2)

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- K. No officer or employee shall approve, disapprove, or in any way recommend the payment of any bill, voucher, or indebtedness in which he or she has direct or indirect interests except reimbursement for proper expenses otherwise approved by the City Manager;
- L. No officer or employee shall request, use, or permit the use of any public property, vehicle, equipment, labor, or service for personal convenience or advantage for himself or any other person; except where it is the general practice to make the same available to the public at large, or where the same is provided pursuant to stated public policy for the use of officials and employees in the conduct of official business;
- M. All officers or employees shall exercise prudence and integrity in management of public funds in their custody and in all financial transactions;
- N. All officers or employees shall uphold the letter and spirit of the constitution, statutes, and regulations governing their duties and report violations of the law to appropriate authorities;
- O. All officers or employees shall be sensitive and responsive to the concerns and questions of the public; and
- P. All officers, whether elected or appointed, shall file a signed written disclosure with the City Clerk, and City Attorney, disclosing any appearance of a violation of this chapter, and said disclosure may, within the City Manager's discretion, be forwarded to the Great Falls Ethics Committee for determination if a violation of this chapter exists and appropriate course of action.

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2.21.060 Great Falls Ethics Committee established.

The City Commission hereby establishes The Great Falls Ethics Committee hereinafter referred to in this chapter as the "Committee."

2.21.070 Committee purpose.

The purpose of the Committee is to ensure that all City officers and employees are performing their duties in compliance with the provisions of Mont. Code Ann. Title 2, Chapter 2, and the provisions of this chapter.

2.21.080 Committee membership.

- A. Subject to the provisions provided in Subsection (B.) of this part, the Committee shall consist of three (3) members appointed by the City Commission for not more than three (3) consecutive, three-year terms. Members shall be qualified electors and residents of the City. Members shall not be City employees. As is reasonably possible, the members shall have experience and or training in the following:
 - 1. Public administration;
 - 2. Governmental operation;
 - 3. Political practices; or
 - 4. Legal practice.
- B. The first appointee to the Great Falls Ethics Committee shall serve an initial term of three (3) years, the second appointee shall serve an initial term of two (2) years, and the third appointee shall serve an initial term of one (1) year. Following the expiration of these initial terms, the provisions of Subsection (A.) of this part shall apply.

2.21.090 Committee meeting schedule.

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The Committee shall meet on an as needed basis, in the City Commission Chambers, on the first Wednesday of the month after a matter has been referred to the Committee pursuant to this Chapter, or by direction of the City Manager. Committee meetings shall be open to the public, pursuant to Mont. Code Ann. Titles 2, and 7, and Committee meeting minutes shall be maintained by the City Clerk.

2.21.100 Committee duties.

The Committee shall meet and be presented testimony regarding matters referred to it. Based on the information and testimony presented, the Committee shall:

- A. Make a written finding, filed with the City Clerk, as to whether there is an appearance of a violation of any provision on Mont. Code Ann. Title 2, Chapter 2, or a violation of this chapter;
- B. Make a written finding, filed with the City Clerk, as to whether the appearance of a violation rises to a level of an actual violation; and
- C. Make a written recommendation, filed with the City Clerk, in consultation with the City Attorney's Office, as to the correct course of action to eliminate any violation and/or reduce the appearance of any violation.

2.21.110 Nepotism.

All personnel matters shall be administered on the basis of merit and through regular management procedure.

- A. No one participating actively in the appointment of a position, i.e., City Commissioners, City Manager, representatives of the Human Resources Department, the appointing department head, or division head, shall appoint any person related or connected by consanguinity within the fourth degree or by affinity within the second degree;
 - 1. "Consanguinity" means blood relation and degrees are determined as follows:
 - i. Parent and child are of the first degree;
 - ii. Grandparents, grandchildren, brothers and sisters are of the second degree;
 - iii. Uncles, aunts, nephews, nieces and great grandparents are of the third degree; and
 - iv. First cousins, great uncles and great aunts and great-great grandparents are of the fourth degree.
 - 2. "Affinity" means a relationship by marriage and the degrees are determined as follows:

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- i. Husband and wife are of the first degree; and
 - ii. Brothers-in-law, sisters-in-law, fathers-in-law and mothers-in-law are of the second degree.
- B. No one may be appointed to a position, within a City department, if related or connected by consanguinity within the fourth degree or by affinity within the second degree to any person sitting on a board or commission representing or advising that department.
- C. The above shall include but not be limited to the following:
 - 1. City Commission;
 - 2. Board of Adjustment;
 - 3. Board of Health;
 - 4. Housing Authority;
 - 5. Library Board;
 - 6. Park and Recreation Board;
 - 7. Parking Commission;
 - 8. Planning Board and Zoning Commission;
 - 9. Police Commission;
 - 10. Business Improvement District;
 - 11. Tourism Business Improvement District; and
 - 12. Great Falls Ethics Committee.

2.21.120 Distribution.

The City Clerk shall cause a copy of this Code of Ethics to be distributed to every public officer and employee of the City within thirty (30) days after enactment. Each public officer and employee elected, appointed, or engaged thereafter shall be furnished a copy before entering upon the duties of his or her office or employment.

Chapter 22 INDEMNIFICATION

Sections:

2.22.010 Indemnification.

2.22.010 Indemnification.

Repealed.

Chapter 23 BOARDS/COMMISSIONS/COUNCILS ATTENDANCE

Sections:

2.23.010 Scope.

2.23.020 Removal of members of boards, commissions and councils.

2.23.010 Scope.

The provisions of this chapter shall apply to all boards, commissions, committees, and councils elected or appointed by the City Commission except where a conflicting provision appears in state statutes or in City ordinances relating to a particular board, commission, committee, or council, the specific statute or ordinance shall apply.

2.23.020 Removal of members of boards, commissions, committees, and councils.

A member of any board, commission, committee, or council, including Neighborhood Council, may be removed from office, by majority vote of the City Commission, if:

- A. The member misses more than one-third (1/3) of the regular meetings in a calendar year without a health or medical excuse;
- B. The member is unable to fulfill the duties of the office as a result of physical illness or mental disorder. A determination of whether the incumbent has a mental disorder shall be made pursuant to MCA Title 53, Chapter 21;
- C. The member neglects or refuses to discharge the member's duties;
- D. The member ceases to be a resident of the City, or in the case of a neighborhood council member, the member ceases to be a resident of the council member's district;
- E. The member is convicted of a felony, or of any offense involving moral turpitude, or a violation of official duties or the City Code of Ethics, Title 2, Chapter 21, while serving on a board, council, committee or commission; or
- F. Any other reason which City Commission deems to be in the best interests of the City, and in such case, only by a four-fifths vote.

If a member is to be removed from any board, commission, committee or council and be replaced by the City Commission, the member will be provided written notice of removal, stating the reasons for removal, by certified mail, postage prepaid, return receipt requested, or by hand delivery. Notice will be provided no less than ten (10) days prior to the City Commission hearing where said removal will be subject to the vote of the Commission.

Exhibit "B" (Updated from First Reading.2)

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(Ord. 3169, 2017; Ord. 3153, 2017; Ord. 3149, 2017; Ord. 3140, 2016; Ord. 3045, 2009; Ord. 2968, 2007; Ord. 2928, 2006; Ord. 2918, 2005; Ord. 2747, 1998; Ord. 2735, 1998; Ord. 2729, 1997; Ord. 2725, 1997; Ord. 2722, 1997; Ord. 2703, 1996; Ord. 2683, 1995; Ord. 2652, 1993; Ord. 2604, 1991; Ord. 2563, 1990; Ord. 2479, 1987; Ord. 2444, 1986; Ord. 2267, 1981; Ord. 2228, 1980; Ord. 2210, 1980; Ord. 2200, 1980; Ord. 2199, 1980; Ord. 2190, 1980; Ord. 2172, 1979; Ord. 2037, 1978; Ord. 2035, 1978; Ord. 1977, 1876; Ord. 1910, 1976; Ord. 1909, 1976; Ord. 1908, 1976; Ord. 1907, 1976; Ord. 1906, 1976; Ord. 1905, 1976; Ord. 1859, 1975; Ord. 1858, 1975; Ord. 1843, 1974).



Item: Ordinance 3171, “An Ordinance Establishing Title 4, of the Official Code of the City of Great Falls (OCCGF), Pertaining To Telecommunication Facilities.”

From: City Attorney's Office

Initiated By: City Attorney's Office

Presented By: Joseph Cik, Assistant City Attorney

Action Requested: Conduct a public hearing and adopt Ordinance 3171

Public Hearing:

1. Mayor opens and conducts public hearing, calling three times each for proponents and opponents.
2. Mayor closes public hearing and asks the will of the Commission.

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (adopt/deny) Ordinance 3171.”

2. Mayor calls for a second to the motion, Commission discussion, and calls for the vote.
-
-

Staff Recommendation:

Staff recommends that the City Commission conduct a public hearing and adopt Ordinance 3171.

Background:

Members of the City Commission and Staff have examined numerous sections of the OCCGF and have noticed various types of deficiencies throughout numerous sections of the code. The deficiencies vary from typographical errors, needed updates, and conflicts with state and federal law. Additionally, the OCCGF conflicts in various places with itself. In an effort to cure these issues, City staff has assembled input from the different departments to continue with a comprehensive revision of the Code. The Ordinance under consideration would establish Title 4 of the OCCGF titled “Telecommunication Facilities”. Currently, the OCCGF has no Title 4.

The Commission is also, at this time, considering Ordinance 3168 that would repeal and replace OCCGF Title 5. When staff began consideration to the revisions to Title 5, discussion began regarding regulations contained therein pertaining to “Telecommunications Facilities.” It was determined that

having these regulations in Title 5 was not appropriate. OCCGF Title 5 pertains to business licenses, permits, and safety inspection certificates. The telecommunication facilities regulations are substantive infrastructure regulations that would be more appropriately located in a separate title.

Additionally, staff wishes to enact the substantive changes proposed in Ordinance 3168 before the end of the 2017 calendar year. Staff intends to conduct a detailed and thorough review of the OCCGF telecommunication facilities regulations, in the interim, to determine if significant changes are needed. By adopting Ordinance 3171, the Commission will allow for the current regulations to remain in place while giving staff sufficient time for an appropriate review.

At first reading, the only Commission discussion regarding Ordinance 3171 was provided by Commissioner Bronson. There was no public comment.

Ord. 3171 Exhibit "A" is a document illustrating proposed OCCGF Title 4 in its entirety.

Fiscal Impact:

None.

ATTACHMENTS:

- ▣ Ordinance 3171
- ▣ Ord. 3171 Exhibit "A"

ORDINANCE 3171

AN ORDINANCE ESTABLISHING TITLE 4 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF), PERTAINING TO TELECOMMUNICATION FACILITIES.

* * * * *

WHEREAS, the City Commission established Title 5 of the OCCGF outlining provisions pertaining to Business License and Safety Inspection Certificate; and

WHEREAS, OCCGF Title 5 also contains regulations regarding telecommunication facilities; and

WHEREAS, the City Commission believes regulations regarding telecommunication facilities would be more appropriately located in a separate title within the OCCGF; and

WHEREAS, a Title 4 of the OCCGF does not currently exist; and

WHEREAS, the City Commission wishes to continue to regulate the construction and maintenance of telecommunication facilities within the incorporated City limits.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF GREAT FALLS, MONTANA:

Section 1. The City Commission hereby establishes OCCGF Title 4 titled "Telecommunication Facilities".

Section 2. All regulations regarding telecommunication facilities shall be written as depicted in Exhibit "A" attached hereto; and

Section 3. This ordinance shall be in full force and effect thirty (30) days after second reading and final adoption by the City Commission.

ACCEPTED by the City Commission of the City of Great Falls, Montana on first reading October 3, 2017.

ADOPTED by the City Commission of the City of Great Falls, Montana on second reading October 17, 2017.

Bob Kelly, Mayor

ATTEST:

(CITY SEAL)

Lisa Kunz, City Clerk

APPROVED FOR LEGAL CONTENT:

Joseph P. Cik, Assistant City Attorney

State of Montana)
County of Cascade : ss
City of Great Falls)

I, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do certify that I did post as required by law and as prescribed and directed by the Commission, Ordinance 3171 on the Great Falls Civic Center posting board and the Great Falls City website.

Lisa Kunz, City Clerk

(CITY SEAL)

Title 4 TELECOMMUNICATION FACILITIES

Chapter

Chapter 1 – GENERAL PROVISIONS

Chapter 2 – TELECOMMUNICATION FACILITY REGULATIONS

Chapter 1 GENERAL PROVISIONS

Sections:

4.1.010 Purpose.

4.1.020 Definitions.

4.1.030 Exempt Facilities

4.1.040 General requirements.

4.1.050 Registration of telecommunications carriers and providers.

4.1.060 Use agreement.

4.1.070 Non-exclusive grant.

4.1.080 Rights granted.

4.1.090 Exempt facilities - basic requirements.

4.1.010 Purpose.

- A. The purpose and intent of this chapter is to provide a uniform and comprehensive set of standards for the development of telecommunication facilities and installation of antennas. The regulations contained herein are designed to protect and promote public health, safety, community welfare, and the aesthetic quality of Great Falls while at the same time not unduly restricting the development of needed telecommunications facilities and important amateur radio installations and encouraging managed development of telecommunications infrastructure.
- B. It is furthermore intended that, to all extent permitted by law, the City shall apply these regulations to specifically accomplish the following:
 - 1. Protect the visual character of the City from the potential adverse effects of telecommunication facility development and minor antenna installation;
 - 2. Ensure against the creation of visual blight within or along the City's scenic corridors and ridgelines;
 - 3. Retain local responsibility for, and control over, the use of public rights-of-way and easements to protect citizens and enhance the quality of their lives;
 - 4. Protect the inhabitants of Great Falls from the possible adverse health effects associated with exposure to high levels of NIER (non-ionizing electromagnetic radiation);
 - 5. Protect the environmental resources of Great Falls;

Exhibit "A"
Title 4 TELECOMMUNICATION FACILITIES

6. Ensure that a competitive and broad range of telecommunications services and high-quality telecommunications infrastructure are provided to serve the business community;
7. Create and preserve telecommunication facilities that will serve as an important, and effective, part of Great Falls' emergency response network;
8. Simplify and shorten the process for obtaining necessary permits for telecommunication facilities, while at the same time, protecting the legitimate interests of Great Falls citizens; and
9. Provide for the charging of reasonable, competitively neutral, and non-discriminatory fees for use of the public right-of-way by telecommunication providers.

4.1.020 Definitions.

Unless otherwise specified, the following words and phrases when used in this Article shall have the following meanings:

- A. "Antenna" means any system or specific device the surface of which is used to capture an incoming, and/or to transmit, an outgoing radio frequency signal. Antennas include the following types:
 1. "Building Mounted Antenna" means any antenna, other than an antenna with its supports resting on the ground, directly attached or affixed to a building, tank, tower, building mounted mast less than ten (10) feet tall and six (6) inches in diameter, or structure other than a telecommunication tower.
 2. "Directional Antenna" (also known as a "panel" antenna) transmits and/or receives radio frequency signals in a directional pattern of less than three hundred sixty (360) degrees.
 3. "Ground Mounted Antenna" means any antenna with its base, single or multiple posts, placed directly on the ground.
 4. "Omni-directional Antenna" transmits and/or receives radio frequency signals in a three hundred sixty (360) degree radial pattern. For the purpose of this Title, an omni-directional antenna is up to fifteen (15) feet in height and up to four (4) inches in diameter.
 5. "Parabolic Antenna" (also known as a "satellite dish" antenna) means any device incorporating a reflective surface that is solid, open mesh, or bar configured that is shallow dish, cone, horn, bowl, or cornucopia shaped and is used to transmit and/or receive electromagnetic, or radio frequency communication/signals, in a specific directional pattern. This definition is meant to include, but is not limited to, what are commonly referred to as satellite earth stations and satellite microwave antennas.
 6. "Portable Antenna" means any device used to transmit and/or receive electromagnetic, or radio frequency, communication/signals in a specific directional pattern, located on a portable or moveable base designed to be placed either for temporary or long-term use at a given site.
 7. "Vertical Antenna" means a vertical type antenna, without horizontal cross-sections greater than one-half (½) inch in diameter.
- B. "Co-location" - see telecommunication facility - co-located.

Exhibit "A"
Title 4 TELECOMMUNICATION FACILITIES

- C. "Commercial Use" means a use that involves the exchange of cash, goods or services, barter, forgiveness of indebtedness, or any other consideration in exchange for goods, services, lodging, meals, entertainment in any form, or the right to occupy space over any period of time.
- D. "Direct Broadcast Satellite Service" (DBS) is a system in which signals are transmitted directly from a satellite to a small (not exceeding eighteen (18) inches) home receiving dish. DBS competes with cable television.
- E. "Equipment Building, Shelter or Cabinet" means a cabinet, or building, used to house equipment used by telecommunication providers to house equipment at a facility.
- F. "Inhabited Area" means any residence, any other structure regularly occupied by people, or any outdoor area used by people on a regular basis.
- G. "Lattice Tower" means a self-supporting support structure, erected on the ground, which consists of metal crossed strips or bars to support antennas and related equipment.
- H. "Monopole" means a wireless communication facility which consists of a monopolar structure erected on the ground to support wireless communication antennas and connecting appurtenances.
- I. "NIER" means non-ionizing electromagnetic radiation (i.e., electromagnetic radiation primarily in the visible, infrared, and radio frequency portions of the electromagnetic spectrum).
- J. "Public Service Use or Facility" means a use operated or used by a public body or public utility in connection with any of the following services: water, waste or storm water management, public education, parks and recreation, fire and police protection, solid waste management, transportation, or utilities.
- K. "Public Way" means, and includes, all public streets and utility easements, now and hereafter owned by the City, but only to the extent of the City's right, title, interest, or authority to grant a license to occupy and use such streets or easements for telecommunications facilities.
- L. "Quasi-Public Use" means a use serving the public at large, and operated by a private entity under a non-exclusive franchise, or other similar governmental authorization, designed to promote the interests of the general public or operated by a recognized civic organization for the benefit of the general public.
- M. "Readily Visible" means an object that stands out as a prominent feature of the landscape when viewed with the naked eye.
- O. "Related Equipment" means all equipment ancillary to the transmission and reception of voice and data via radio frequencies. Such equipment may include, but is not limited to, cable, conduit, and connectors.
- P. "Satellite Earth Station" means a telecommunication facility consisting of more than a single satellite dish, smaller than ten (10) feet in diameter, that transmits to and/or receives signals from an orbiting satellite.
- Q. "Silhouette" means a representation of the outline of the towers and antenna associated with a telecommunication facility, as seen from an elevation perspective.
- R. "Structure Ridgeline" means the line along the top of a roof or top of a structure, if it has no roof.

Exhibit "A"
Title 4 TELECOMMUNICATION FACILITIES

- S. "Telecommunication Facility" means a facility that transmits and/or receives electromagnetic signals. It includes antennas, microwave dishes, horns, and other types of equipment for the transmission or receipt of such signals, telecommunication towers or similar structures supporting said equipment, equipment buildings, parking area, and other accessory development.
- T. "Co-located Telecommunication Facility" means a telecommunication facility comprised of a single telecommunication tower or building supporting one (1) or more antennas, dishes, or similar devices owned or used by more than one (1) public or private entity.
- U. "Commercial Telecommunication Facility" means a telecommunication facility that is operated primarily for a business purpose or purposes.
- V. "Multiple User Telecommunication Facility" means a telecommunication facility comprised of multiple telecommunication towers or buildings supporting one (1) or more antennas owned or used by more than one (1) public or private entity, excluding research and development industries with antennas to serve internal uses only.
- W. "Non-Commercial Telecommunications Facility" means a telecommunication facility that is operated solely for a non-commercial purpose.
- X. "Telecommunications Tower" means a mast, pole, monopole, guyed tower, lattice tower, free-standing tower, or other structure designed and primarily used to support antennas. A ground or building mounted mast greater than ten (10) feet tall and six (6) inches in diameter supporting one or more antenna, dishes arrays, etc. shall be considered a telecommunications tower.
- Y. "Pollutants" means any solid, liquid, gaseous or thermal irritant or contaminant, including smoke, vapor, soot, fumes, acids, alkalis, chemicals, electromagnetic waves, and waste. Waste includes materials to be recycled, reconditioned, or reclaimed.

4.1.030 Exempt telecommunication facilities.

- A. "Exempt Telecommunications Facilities" include, but are not limited to, the following unless located within a recognized Historic District:
 - 1. A single ground or building mounted receive-only radio or television antenna including any mast, for the sole use of the tenant occupying the residential parcel on which the radio or television antenna is located, with an antenna height not exceeding twenty-five (25) feet for the ground surface;
 - 2. A ground or building mounted citizens band radio antenna including any mast, if the height (post and antenna) does not exceed thirty-five (35) feet;
 - 3. A ground, building, or tower mounted antenna operated by a federally licensed amateur radio operator as part of the Amateur Radio Service, if the height (post and antenna) does not exceed eighty (80) feet;
 - 4. A ground or building mounted receive-only radio or television satellite dish antenna, which does not exceed thirty-six (36) inches in diameter, for the sole use of the resident occupying a residential parcel on which the satellite dish is located; provided the height of said dish does not exceed the height of the ridgeline of the primary structure on said parcel;
 - 5. All citizens band radio antenna or antenna operated by a federally licensed amateur radio operator as part of the Amateur Radio Service which existed at the time of the adoption of this section;

Exhibit "A"
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6. Mobile services providing public information coverage of news events of a temporary nature;
7. Hand held devices such as cell phones, business-band mobile radios, walkie-talkies, cordless telephones, garage door openers and similar devices as determined by the Planning and Community Development Director; and
8. City government owned or public service use/facility owned (as described in 4.1.020(J.)) and operated receive and/or transmit telemetry station antennas for supervisory control and data acquisition (SCADA) systems for water, waste water, flood alert, traffic control devices and signals, storm water, pump stations and/or irrigation systems, public education and transportation with heights not exceeding thirty-five (35) feet.

4.1.040 General requirements.

The following requirements shall be met for all non-exempt Telecommunications Facilities in any zoning district:

- A. Obtain any applicable permit requirements of any agencies which have jurisdiction over the project;
- B. All the requirements established by the other chapters of the OCCGF that are not in conflict with the requirements contained in this chapter;
- C. Compliance with the Uniform Building Code, National Electrical Code, Uniform Plumbing Code, Uniform Mechanical Code, and Uniform Fire Code, where applicable;
- D. Compliance with any applicable Airport land use compatibility criteria or policies and Federal Aviation Administration regulations;
- E. Compliance with any applicable easements, or similar restrictions, on the subject property including adopted PUD standards;
- F. Facilities and antennas cannot be located in any required yard setback area of the zoning district in which it is located;
- G. All setbacks shall be measured from the base of the tower or structure closest to the applicable property line or structure;
- H. All commercial telecommunication facilities and antennas shall comply, at all times, with all Federal Communications Commission (FCC) rules, regulations, and standards;
- I. Satellite dish and parabolic antennas shall be situated as close to the ground as possible to reduce visual impact without compromising their function; and
- J. All telecommunications carriers and providers engaged in the business of transmitting, supplying, or furnishing of telecommunications originating, or terminating, in the City shall register with the City pursuant to section 4.1.050 of this chapter.

4.1.050 Registration of telecommunications carriers and providers.

- A. All telecommunications carriers and providers that offer, or provide, any telecommunications services for a fee directly to the public, either within the City of Great Falls, or outside the corporate limits from telecommunications facilities within the City,

Exhibit "A"
Title 4 TELECOMMUNICATION FACILITIES

shall register with the City pursuant to this article on forms to be provided by the Planning and Community Development Director, which shall include the following:

1. the identity and legal status of the registrant, including any affiliates;
 2. the name, address, and telephone number of the officer, agent, or employee responsible for the accuracy of the registration statement;
 3. a narrative and map description of registrant's existing, or proposed, telecommunications facilities within the City of Great Falls;
 4. a description of the telecommunications services that the registrant intends to offer or provide, or is currently offering or providing, to persons, firms, businesses, or institutions within the City;
 5. information sufficient to determine that the applicant has applied for and received any construction permit, operating license, or other approvals required by the Federal Communications Commission (FCC) to provide telecommunications services or facilities within the City; and
 6. such other information as the Planning and Community Development Director may reasonably require.
- B. Each application for registration as a telecommunications carrier or provider shall be accompanied by a non-resident business certificate fee as set forth by City Commission resolution.
- C. The purpose of registration under this section is to:
1. provide the City with accurate and current information concerning the telecommunications carriers and providers who offer, or provide, telecommunications services within the City, or that own or operate telecommunication facilities with the City;
 2. assist the City in enforcement of this chapter;
 3. assist the City in the collection and enforcement of any license fees or charges that may be due the City, and
 4. assist the City in monitoring compliance with local, state, and federal laws.
- D. Each registrant shall inform the City, within sixty (60) days of any change of the information set forth in section 4.1.050.

4.1.060 Use agreement.

No permit approval granted hereunder shall be effective until the applicant and the City have executed a written agreement setting forth the particular terms and provisions under which the approval to occupy public property of the City will be granted.

4.1.070 Non-exclusive grant.

No approval granted under this section shall confer any exclusive right, privilege, license, or exclusive franchise to occupy or use the public rights of way or easements of the City for delivery of telecommunications services or any other purposes.

Exhibit "A"
Title 4 TELECOMMUNICATION FACILITIES

4.1.080 Rights granted.

No approval granted under this section shall convey any right, title, or interest in the public rights of way or easements, but shall be deemed approval only to use and occupy the public ways for the limited purposes and terms stated in the approval. Further, no approval shall be construed as any warranty of title.

4.1.090 Exempt facilities - basic requirements.

Exempt facilities defined in Section 4.1.030 of this chapter may be installed, erected, maintained, and/or operated in any residential zoning district except recognized Historic Districts, where such antennas are permitted under this Title, without benefit of a building permit or other entitlement process, provided all the following conditions are met:

- A. The antenna use involved is accessory to the primary use of the property which is not a telecommunications facility;
- B. In a residential zone, no more than one (1) satellite dish eight (8) feet or less in diameter, is allowed on the parcel and, no more than three (3) support structures for licensed amateur radio operators are allowed on a parcel; and
- C. Sufficient anti-climbing measures have been incorporated into the facility, as needed, to reduce potential for trespass and injury.

Chapter 2 TELECOMMUNICATION FACILITY REGULATION

Sections:

- 4.2.010 Telecommunications facilities - minimum application requirements.
- 4.2.020 Telecommunications facilities - standard agreements required.
- 4.2.030 Telecommunications facilities - life permits.
- 4.2.040 Telecommunication facilities - structural requirements
- 4.2.050 Telecommunications facilities - basic tower and building design.
- 4.2.060 Telecommunication facilities - location.
- 4.2.070 Telecommunication facilities - height determination.
- 4.2.080 Telecommunication facilities - co-located and multiple-user facilities.
- 4.2.090 Telecommunications facilities - lighting.
- 4.2.100 Telecommunications facilities - roads and parking.
- 4.2.110 Telecommunications facilities - vegetation protection and facility screening.
- 4.2.120 Telecommunication facilities - fire prevention.
- 4.2.130 Telecommunication facilities - environmental resource protection.
- 4.2.140 Telecommunications - noise and traffic.
- 4.2.150 Telecommunication facilities - visual compatibility.

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- 4.2.160 Telecommunications facilities - NIER exposure.
- 4.2.170 Telecommunication facilities - exemptions.
- 4.2.180 Telecommunication facilities - public notice.
- 4.2.190 Ambiguity.
- 4.2.200 Appeal.
- 4.2.210 Statutory severability.

4.2.010 Telecommunications facilities - minimum application requirements.

The following are the minimum application criteria applicable to all non-exempt telecommunication facilities. In the event that a project is subject to discretionary and/or environmental review, mitigation measures, or other conditions may also be necessary. All non-exempt Telecommunications Facilities shall comply with the following:

- A. The Planning and Community Development Director shall establish, and maintain, a list of information that must accompany every application for the installation of a telecommunications facility. Said information may include, but shall not be limited to:
 - 1. completed supplemental project information forms;
 - 2. a specific maximum requested gross cross-sectional area, or silhouette, of the facility;
 - 3. service area maps, network maps, alternative site analysis, visual impact demonstrations including mock-ups and/or photo-montages;
 - 4. visual impact analysis;
 - 5. NIER (non-ionizing electromagnetic radiation) exposure studies;
 - 6. title reports identifying legal access, security considerations, lists of other nearby telecommunication facilities known to the City;
 - 7. master plan for all related facilities within the City limits and within one-quarter (¼) mile there from; and
 - 8. facility design alternatives to the proposal and deposits for peer review, if deemed necessary by the Director.
- B. The Planning and Community Development Director may release an applicant from having to provide one (1) or more of the pieces of information on this list, upon a finding that in the specific case involved, said information is not necessary to process, or make a decision regarding, the application being submitted;
- C. The Planning and Community Development Director is explicitly authorized, at his/her discretion to employ on behalf of the City, an independent technical expert to review any technical materials submitted including, but not limited to, those required under this section and in those cases where a technical demonstration of unavoidable need, or unavailability of alternatives, is required. The applicant shall pay all the costs of said review, including any administrative costs incurred by the City.
- D. A permit shall be issued by the Planning and Community Development Department when the minimum application requirements have been met.

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4.2.020 Telecommunications facilities - standard agreements required.

- A. A maintenance/facility removal agreement signed by the applicant shall be submitted to the Planning and Community Development Director, prior to approval of the building permit or other entitlement, for use authorizing the establishment or modification of any telecommunications facility which includes:
 - 1. a telecommunication tower;
 - 2. one (1) or more new buildings/equipment enclosures larger in aggregate than three hundred (300) square feet;
 - 3. more than three (3) satellite dishes of any size; or
 - 4. a satellite dish larger than four (4) feet in diameter.
- B. Said agreement shall bind the applicant, and the applicant's successors-in-interest, to properly maintain the exterior appearance of, and ultimately the removal of, the facility in compliance with the provisions of this chapter and any conditions of approval.
- C. The agreement shall further bind them to pay all costs for monitoring compliance with, and enforcement of, the agreement and to reimburse the City for all costs incurred to perform any work required of the applicant by this agreement that the applicant fails to perform.
- D. The agreement shall also specifically authorize the City and/or its agents to enter onto the property and undertake any performance pursuant to the agreement under the following conditions:
 - 1. The Planning and Community Development Director has first provided the applicant the following written notices:
 - i. an initial compliance request identifying the work needed to comply with the agreement and providing the applicant at least forty-five (45) calendar days to complete it; and
 - ii. a follow-up notice of default specifying the applicant's failure to comply with the work within the time period specified and indicating the City's intent to commence the required work within ten (10) working days.
- E. The applicant may file an appeal pursuant to section 4.2.200 within fourteen (14) working days of the notice required under this Title. If an appeal is filed, the City shall be authorized to enter the property and perform the necessary work; if the appeal is dismissed or final action taken in favor of the City.
- F. All costs incurred by the City to undertake any work required to be performed by the applicant, pursuant to the agreement, referred to in Section 4.1.060 including, but not limited to, administrative and job supervision costs, shall be borne solely by the applicant. The agreement shall specifically require the applicant to immediately cease operation of the telecommunication facility involved, if the applicant fails to pay the moneys demanded within ten (10) working days. It shall further require that operation remain suspended until such costs are paid in full.
- G. The standard agreement required by Section 4.1.060 shall include, but not be limited to, the following stipulations agreed to by the applicant:
 - 1. Owners of telecommunication facilities shall be strictly liable for any and all sudden, accidental, and gradual pollution resulting from their use within the City of Great Falls. This liability shall include cleanup, intentional injury, or damage to persons or property. Additionally, telecommunication facilities lessors shall be responsible for any sanctions, fines, or other monetary costs imposed as a result of the release of pollutants from their operations.

Exhibit "A"

Title 4 TELECOMMUNICATION FACILITIES

2. The telecommunication facility provider shall defend, indemnify, and hold harmless the City or any of its boards, commissions, agents, officers, and employees from any claim, action or proceeding against the City, its boards, commission, agents, officers, or employees to attack, set aside, void, or annul, the approval of the project when such claim or action is brought within the time period provided for in applicable state law, federal regulations, and/or local ordinances. The City shall promptly notify the provider(s) of any such claim, action, or proceeding. The City shall have the option of coordinating in the defense. Nothing contained in this stipulation shall prohibit the City from participating in a defense of any claim, action, or proceeding if the City bears its own attorney's fees and costs, and the City defends the action in good faith.

4.2.030 Telecommunications facilities - life permits.

- A. A permit issued pursuant to this chapter, authorizing establishment of a non-exempt telecommunication facility, shall be reviewed every year.
- B. Costs associated with the review process shall be borne by the telecommunication facility owner/provider.
- C. Grounds for revocation of the permit shall be limited to a finding that:
 1. the use involved is no longer allowed in the applicable zoning district;
 2. the facility fails to comply with the relevant requirements of this Title as they exist at the time of renewal and the permittee has failed to supply assurances acceptable to the Planning and Community Development Director that the facility will be brought into compliance within one hundred twenty (120) calendar days;
 3. the permittee has failed to comply with the conditions-of-approval imposed;
 4. the facility has not been properly maintained; or
 5. the facility has not been upgraded to minimize its impact, including community aesthetics, to the greatest extent permitted by the technology that exists at the time of renewal and is consistent with the provisions of universal service at affordable rates.
- D. The grounds for appeal of issuance of a renewal shall be limited to a showing that one (1) or more of the situations listed above do in fact exist or that the notice required under this Title was not provided.
- E. If a permit for use is not renewed, it shall automatically become null and void without notice or hearing two (2) years after it is issued or upon cessation of use for more than a year and a day, whichever comes first.
- F. Unless a new permit or entitlement of use is issued, within one hundred twenty (120) calendar days, thereafter all improvements installed including their foundations down to three (3) feet below ground surface shall be removed from the property, and the site shall be restored to its natural pre-construction state within one hundred twenty (120) calendar days of non-renewal or abandonment.
- G. Any access road installed shall also be removed and the ground returned to its natural condition unless the property owner establishes to the satisfaction of the Planning and Community Development Director that these sections of road are necessary to serve some other allowed use of the property, that is permitted, or is currently present or to provide access to adjoining parcels.

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4.2.040 Telecommunication facilities - structural requirements

- A. No telecommunication facility shall be designed, and/or sited, such that it poses a potential hazard to nearby residences or surrounding properties or improvements.
- B. Any non-exempt telecommunication tower, located at a distance of less than one hundred ten (110) percent of its height from an inhabited area or other tower shall be designed, and maintained to withstand without failure, the maximum forces expected from wind and earthquakes when the tower is fully loaded with antennas, transmitters and other equipment, and camouflaging.
- C. Initial demonstration of compliance with this requirement shall be provided via submission of a report to the Building Official prepared by a structural engineer, licensed by the State of Montana, describing;
 - 1. The tower structure;
 - 2. Specifying the number and type of antennas it is designed to accommodate; and
 - 3. Providing the basis for the calculations done, and documenting the actual calculations performed.
- D. Proof of ongoing compliance shall be provided via submission to the Planning and Community Development Director at least every five (5) (self-supporting and guyed towers)/ten (10) (monopoles) years of an inspection report prepared by a Montana-licensed structural engineer indicating the number and types of antennas and related equipment actually present and indicating the structural integrity of the tower. Based on this report, the Building Official may require repair or, if a serious safety problem exists, removal of the tower.

4.2.050 Telecommunications facilities - basic tower and building design.

All non-exempt telecommunication facilities shall be designed to blend into the surrounding environment to the greatest extent feasible. All the following measures shall be implemented:

- A. Telecommunication towers shall be constructed out of metal, or other non-flammable material, unless specifically conditioned by the City to be otherwise;
- B. Telecommunication towers taller than thirty-five (35) feet shall be monopoles or guyed/lattice towers, except where satisfactory evidence is submitted to the Planning and Community Development Director that a self-supporting tower is required to provide the height, and/or capacity, necessary for the proposed telecommunication use to minimize the need for screening from adjacent properties, or to reduce the potential for bird strikes;
- C. Satellite dishes, other than microwave dishes, shall be of mesh construction, except where technical evidence is acceptable to the Planning and Community Development Director is submitted showing that this is infeasible;
- D. Telecommunication support facilities (i.e., vaults, equipment rooms, utilities, and equipment enclosures) shall be constructed out of non-reflective materials (visible exterior surfaces only) and shall be placed in underground vaults to all extent possible;

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- E. Telecommunication support facilities shall be no taller than one (1) story (fifteen (15) feet) in height and shall be treated to look like a building or facility typically found in the area;
- F. Telecommunication support facilities in areas of high visibility shall, where possible, be sited below the ridgeline or designed (i.e., placed underground, depressed, or located behind earth berms) to minimize their profile;
- G. All buildings, poles, towers, antenna supports, antennas, and other components of each telecommunication site, shall be initially painted and thereafter repainted as necessary with a "flat" paint. The color selected shall minimize their visibility to the greatest extent feasible;
- H. Improvements, which will be primarily viewed against soils, trees, or grasslands shall be painted colors matching these landscapes, while elements which rise above the horizon shall be painted a blue gray that matches the typical sky color at that location;
- I. The project description, and permit, shall include a specific maximum allowable gross cross-sectional area, or silhouette, of the facility;
- J. The silhouette shall be measured from the "worst case" elevation perspective;
- K. The City shall have the authority to require special design of the telecommunication facilities, where findings of particular sensitivity are made (e.g. proximity to historic or aesthetically significant structures, views and/or community features);
- L. Antennas, and supporting electrical/mechanical equipment, installed on the rooftop or above a structure shall be screened, constructed, and/or colored to match the structure to which they are attached; and
- M. Telecommunication facilities shall ensure that sufficient anti-climbing measures have been incorporated into the facility, as needed, to reduce potential for trespass and injury.

4.2.060 Telecommunication facilities - location.

- A. Telecommunication facilities (antennas and towers) are permitted in residential districts when they are designed as an architecturally compatible accessory element to an existing non-residential use such as schools, churches, etc. and antennas mounted on existing non-residential structures (subject to location and height restrictions). These permitted antennas/towers shall be limited to forty-five (45) feet in height above original grade and are subject to site plan approval by the Design Review Board.
- B. Antennas and towers are permitted in Commercial (LB, GC, B1, B2, B3, B4 & CLM), Public Lands Institutional (PLI) and Industrial Districts subject to the following height limitations:
 - 1. Towers/antennas are permitted to a maximum height of one hundred (100) feet in Industrial Districts;
 - 2. Fifty (50) additional feet may be added to accommodate co-location, if the applicant submits information certifying the capacity of the tower for two (2) additional providers and a letter of intent, from the applicant, indicating their intent to share space;
 - 3. A lightning rod, not to exceed ten (10) feet, shall not be included within the height limitations;
 - 4. A setback, equal to twenty-five (25) percent of the tower height, must be maintained and the facilities are subject to site plan approval by the Design Review Board;

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5. Ground mounted towers/antennas, permitted in Commercial and PLI Districts, are limited to a maximum height of forty-five (45) feet;
 6. A setback, equal to twenty-five (25) percent of the tower height, must be maintained and the facilities are subject to site plan approval by the Design Review Board; and
 7. Permitted telecommunications facilities, in Commercial and PLI Districts, that are building mounted can have a tower/antenna height equal to the distance to the nearest edge of the roof.
- C. All telecommunication facilities shall be located so as to minimize their visibility and the number of distinct facilities present. All of the following measures shall be implemented for all exempt telecommunications facilities, as defined in Section 4.1.030:
1. No telecommunication facility shall be installed within the influence zone of the Great Falls International Airport, or any helipad, unless the airport owner/operator indicates that it will not adversely affect the operation of the airport or helipad;
 2. No telecommunication facility shall be installed at a location where special painting, or lighting, will be required by the FAA regulations, unless technical evidence acceptable to the Planning and Community Development Director is submitted showing that this is the only technically feasible location for this facility;
 3. No telecommunication facility shall be installed on an exposed ridgeline, in or at a location readily visible from Highway I-15, a public trail, public park, or other outdoor recreation area, or in property designated as a Floodway unless it blends with the surrounding existing natural and man-made environment in such a manner as to be effectively unnoticeable and a finding is made that no other location is technically feasible;
 4. No telecommunication facility that is readily visible from off-site shall be installed closer than one-half ($\frac{1}{2}$) mile from another readily visible uncamouflaged or unscreened telecommunication facility, unless it is a co-located facility, situated on a multiple-user site, or blends with the surrounding existing natural and man-made environment in such a manner as to be effectively unnoticeable; or technical evidence acceptable to the Planning and Community Development Director is submitted showing a clear need for this facility and the unfeasibility of co-locating it on one (1) of these former sites;
 5. No telecommunication facility, that is readily visible from off-site, shall be installed on a site that is not already developed with telecommunication facilities, or other public or quasi-public uses, unless it blends with the surrounding existing natural and man-made environment in such a manner so as to be effectively unnoticeable or technical evidence acceptable to the Planning and Community Development Director is submitted, showing a clear need for this facility, and the unfeasibility of co-locating it on one (1) of these former sites;
 6. Telecommunication towers shall be set back at least twenty-five (25) percent of the tower height from all property lines;
 7. Any tower or antenna located less than one hundred ten (100) percent of its height from an inhabited area must meet the requirements set forth in Section 4.2.130; and
 8. Guy wire anchors shall be set back at least twenty (20) feet from any property line.

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4.2.070 Telecommunication facilities - height determination.

- A. The height of a telecommunication tower shall be measured from the natural undisturbed ground surface below the center of the base of said tower to the top of the tower itself or, if higher, to the tip of the highest antenna or piece of equipment attached thereto.
- B. In the case of building-mounted towers, the height of the tower includes the height of the portion of the building on which it is mounted.
- C. In the case of "crank-up" or other similar towers whose height can be adjusted, the height of the tower shall be the maximum height to which it is capable of being raised.

4.2.080 Telecommunication facilities - co-located and multiple-user facilities.

- A. An analysis shall be prepared by, or on behalf of, the applicant, which identifies all reasonable, technically feasible, and alternative locations or facilities which would provide the proposed telecommunication service. The intention of the alternatives analysis is to present alternative strategies which would minimize the number, size, and adverse environmental impacts of facilities necessary to provide the needed services to the City and surrounding rural and urban areas.
- B. The analysis shall address the potential for co-location at an existing or a new site and the potential to locate facilities as close as possible to the intended service area. It shall also explain the rationale for selection of the proposed site in view of the relative merits of any of the feasible alternatives. Approval of the project is subject to a finding that the proposed site results in fewer or less severe environmental impacts than any feasible alternative site. The City may require independent verification of this analysis at the applicant's expense. Facilities which are not proposed to be co-located with another telecommunication facility shall provide a written explanation why the subject facility is not a candidate for co-location.
- C. All co-located and multiple-user telecommunication facilities shall be designed to promote facility and site sharing. Telecommunication towers, and necessary appurtenances, including but not limited to, parking areas, access roads, utilities, and equipment buildings shall be shared by site users when, in the determination of the Planning and Community Development Director, it will minimize overall visual impact to the community.
- D. The facility shall make available unused space for co-location of other telecommunication facilities, including space for these entities providing similar, competing services. A good faith effort in achieving co-location shall be required of the host entity.
- E. Requests for utilization of facility space and responses to such requests shall be made in a timely manner, in writing, and copies shall be provided to the City's permit files. Unresolved disputes may be mediated by the Board of Adjustment/Appeal.
- F. Co-location is not required in cases where the addition of the new service or facilities would cause quality of service impairment to the existing facility, or if it became necessary for the host to go off-line for a significant period of time.
- G. Approval for the establishment of facilities improved with an existing microwave band, or other public service use or facility, which creates interference or interference is anticipated, as a result of said establishment of additional facilities, shall include provisions for the relocation of said existing public use facilities. All costs associated with said relocation shall be borne by the applicant for the additional facilities.

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4.2.090 Telecommunications facilities - lighting.

All telecommunication facilities shall be unlit, except for the following:

- A. A manually-operated, or motion-detector controlled, light above the equipment shed door which shall be kept off except when personnel are actually present at night;
- B. The minimum tower lighting required under FAA regulation; and
- C. Where tower lighting is required, it shall be shielded, or directed to the greatest extent possible, in such a manner as to minimize the amount of light that falls onto nearby properties.

4.2.100 Telecommunications facilities - roads and parking.

All non-exempt telecommunication facilities shall be served by the minimum roads and parking areas necessary. The following measures shall be implemented:

- A. Existing roads shall be used for access, built using Portland or asphaltic concrete, and be upgraded the minimum amount necessary to meet standards specified by the Director of Public Works, or designee, and applicable OCCGF provisions;
- B. Any new roads or parking areas built shall, whenever feasible, be shared with subsequent telecommunication facilities or other permitted uses;
- C. Newly constructed roads shall meet the width and structural requirements of the Director of Public Works or designee;
- D. Existing parking areas shall, whenever possible, be used; and
- C. Any new parking areas constructed shall be kept to a minimum and will be done in Portland or asphaltic concrete.

4.2.110 Telecommunications facilities - vegetation protection and facility screening.

All telecommunications facilities shall be installed in such a manner to maintain and enhance existing native vegetation and to install suitable landscaping to screen the facility, where necessary. The following measures shall be implemented for all non-exempt telecommunication facilities:

- A. A landscape plan shall be submitted with project application submittal indicating all existing vegetation, identifying landscaping that is to be retained on the site, and any additional vegetation that is needed to satisfactorily screen the facility from adjacent land uses and public view areas;
- B. The landscape plan shall be subject to approval during the site plan review process;
- C. All trees, larger than four (4) inches in diameter shall be identified in the landscape plan with indication of species type, diameter at four and one-half (4½) feet high, and whether it is to be retained or removed with project development;
- D. Existing trees, and other screening vegetation in the vicinity of the facility, along the access roads and power/telecommunication line routes involved shall be protected from damage, both during the construction period and thereafter;

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- E. All areas disturbed during project construction other than the access road and parking areas required under Section 4.2.100 shall be replanted with vegetation compatible with the vegetation in the surrounding area (e.g., ornamental shrubs or natural brush, depending upon the circumstances) to the satisfaction of the Planning and Community Development Director or designee;
- D. Any existing trees or significant vegetation on the site, or along the affected access area, that die shall be replaced with native trees and vegetation of a size and species acceptable to the Planning and Community Development Director or designee; and
- E. No actions shall be taken subsequent to project completion with respect to the vegetation present that would increase the visibility of the facility itself or the access road and power or telecommunication lines serving it.

4.2.120 Telecommunication facilities - fire prevention.

All telecommunication facilities shall be designed, and operated in such a manner, to minimize the risk of igniting a fire or intensifying one (1) that otherwise occurs. The following measures shall be implemented for all non-exempt telecommunication facilities:

- A. At least one-hour fire resistant interior surfaces shall be used in the construction of all buildings;
- B. Monitored automatic fire extinguishing systems shall be installed in all equipment buildings and enclosures;
- C. Rapid entry systems shall be installed; and
- D. All tree trimmings, and trash generated by construction of the facility, shall be removed from the property and properly disposed of prior to building permit finalization or commencement of operation, whichever comes first.

4.2.130 Telecommunication facilities - environmental resource protection.

All telecommunication facilities shall be sited to minimize the effect on environmental resources. The following measures shall be implemented for all non-exempt telecommunication facilities:

- A. No telecommunications facility, or related improvements, shall be sited such that their construction will damage an archaeological site or have an adverse effect on the historic character of a historic feature or site;
- B. No telecommunications facility shall be sited such that its presence threatens the health or safety of migratory birds;
- C. The facility shall comply with all applicable Floodplain Hazard Management Regulations and Storm Drainage Control regulations;
- D. Potential adverse visual impacts which might result from project related grading or road construction shall be minimized;
- E. Potential adverse impacts upon nearby public use areas such as parks or trails shall be minimized; and
- F. Drainage, erosion, and sediment controls shall be required as necessary to avoid soil erosion and sedimentation of waterways;

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- G. Structures and roads on slopes of ten (10) percent or greater shall be avoided;
- H. Erosion control measures shall be incorporated for any proposed facility which involves grading or construction near a waterway or on lands with slopes over ten (10) percent; and
- I. Natural vegetation and topography shall be retained to the extent feasible.

4.2.140 Telecommunications - noise and traffic.

All telecommunication facilities shall be constructed and operated in such a manner as to minimize the amount of disruption caused to the residents of nearby homes and the users of nearby recreational areas such as public parks and trails. The following measures shall be implemented for all non-exempt:

- A. Outdoor noise producing construction activities shall only take place on weekdays (Monday through Friday, non-holiday) between the hours of 7:30 a.m. and 5:30 p.m. unless allowed at other times by the Planning and Community Development Director or designee;
- B. Backup generators shall only be operated during power outages and for testing and maintenance purposes;
- C. If the facility is located within one hundred (100) feet of a residential dwelling unit, noise attenuation measures shall be included to reduce noise levels to an exterior noise level of at least a Ldn of fifty (50) dB at the property line and an interior noise level of a Ldn of forty-five (45) dB;
- D. Testing and maintenance shall only take place on weekdays between the hours of 8:30 a.m. and 4:30 p.m.; and
- C. Traffic shall be kept to an absolute minimum, but in no case more than two (2) round trips per day on an average annualized basis once construction is complete.

4.2.150 Telecommunication facilities - visual compatibility.

The following measures shall be implemented for all non-exempt telecommunication facilities:

- A. Facility structures and equipment shall be located, designed, and screened to blend with the existing natural or built surroundings so as to reduce visual impacts to the extent feasible, considering the technological requirements of the proposed telecommunication service and the need to be compatible with neighboring residences and the character of the community;
- B. The facility shall be designed to blend with the any existing supporting structure and does not substantially alter the character of the structure or local area;
- C. Following assembly and installation of the facility, all waste and debris shall be removed and disposed of in a lawful manner;
- D. A visual analysis, which may include photo montage, field mock up, or other techniques shall be prepared by, or on behalf of, the applicant which identifies the potential visual impacts, at design capacity, of the proposed facility to the satisfaction of the Planning and Community Development Director or designee;

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- E. Consideration shall be given to views from public areas as well as from private residences;
- F. The analysis shall assess the cumulative impacts of the proposed facility and other existing and foreseeable telecommunication facilities in the area, and shall identify and include all feasible mitigation measures consistent with the technological requirements of the proposed telecommunication service; and
- G. All costs for the visual analysis, and applicable administrative costs, shall be borne by the applicant.

4.2.160 Telecommunications facilities - NIER exposure.

The following measures shall be implemented for all non-exempt telecommunication facilities:

- A. No telecommunication facility shall be sited or operated in such a manner that it poses, either by itself or in combination with other such facilities, a potential threat to public health. No telecommunication facility or combination of facilities shall produce at any time power densities in any inhabited area as this term is defined in Section 4.1.030 that exceed the ANSI (American National Standards Institute) C95. 1-1992 standard for human exposure or any more restrictive standard subsequently adopted or promulgated by the City, County, the State of Montana, or the federal government.
- B. Initial compliance with this requirement shall be demonstrated for any facility within four hundred (400) feet of residential uses or sensitive receptors such as schools, churches, hospitals, etc., and all broadcast radio and television facilities, regardless of adjacent land uses, through submission, at the time of application for the necessary permit or entitlement, of NIER (Nonionizing Electromagnetic Radiation calculations) specifying NIER levels in the inhabited area where the levels produced are projected to be highest. If these calculated NIER levels exceed eighty (80) percent of the NIER standard established by this Section, the applicant shall hire a qualified electrical engineer licensed by the State of Montana to measure NIER levels at said location after the facility is in operation. A report of these measurements and his/her findings with respect to compliance with the established NIER standard shall be submitted to the Planning and Community Development Director or designee. Said facility shall not commence normal operations until it complies with, or has been modified, to comply with this standard. Proof of said compliance shall be a certification provided by the engineer who prepared the original report. In order to assure the objectivity of the analysis, the City may require at the applicant's expense, independent verification of the results of the analysis.
- C. Every telecommunication facility within four hundred (400) feet of an inhabited area, and all broadcast radio and television facilities, shall demonstrate continued compliance with the NIER standard established by this section. Every five (5) years, a report listing each transmitter and antenna present at the facility, and the effective radiated power radiated, shall be submitted to the Planning and Community Development Director or designee. If either the equipment or effective radiated power has changed, calculations specifying NIER levels in the inhabited areas where said levels are projected to be highest shall be prepared.
- D. NIER calculations shall also be prepared every time the adopted NIER standard changes. If calculated levels, in either of these cases, exceed eighty (80) percent of the standard established by this section, the operator of the facility shall hire a qualified electrical engineer licensed by the State of Montana to measure the actual NIER levels produced. A report of these calculations, required measurements, if any, and the author's/engineer's findings with respect to compliance with the current NIER standard shall be submitted to the Planning and Community Development Director within five (5)

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years of facility approval and every five (5) years thereafter. In the case of a change in the standard, the required report shall be submitted within ninety (90) days of the date said change becomes effective.

- D. Failure to supply the required reports or to remain in continued compliance with the NIER standard established by this section shall be grounds for revocation of the use permit or other entitlement.

4.2.170 Telecommunication facilities - exemptions.

- A. Exceptions to the requirements specified within this chapter may be granted by the City Commission. Such a permit may only be approved if the City Commission finds, after receipt of sufficient evidence, that failure to adhere to the standard under consideration in the specific instance will not increase the visibility of the facility or decrease public safety.
- B. Tower setback requirements may be waived under any of the following circumstances:
 - 1. The facility is proposed to be co-located onto an existing, legally-established telecommunication tower; and
 - 2. Overall, the reduced setback enables further mitigation of adverse visual and other environmental impacts than would otherwise be possible.
- C. Telecommunication facilities existing, or operating, in violation of this chapter, without and exception pursuant to this section are hereby declared to be a nuisance as defined by OCCGF Title 8, Chapter 49.

4.2.180 Telecommunication facilities - public notice.

In addition to the notices required within section 4.2.140, the following special noticing shall be provided:

- A. Notice of consideration on a permit authorizing the establishment or modification, of a telecommunication facility shall be provided to the operators of all telecommunication facilities, registered with the City of Great Falls pursuant to Section 4.1.060, within one (1) mile of the subject parcel via mailing of the standard legal notice prepared; and
- B. Notice of the permit approval authorizing the establishment or modification of, or the renewal of a permit for, a telecommunication facility or minor antenna needing site plan review, shall be mailed to all adjacent property owners within three hundred (300) feet. Mailing of said notice shall start a fourteen (14) calendar day appeal period.

4.2.190 Ambiguity.

In order to achieve consistent and efficient coordination and enforcement in the administration of this chapter, the Planning and Community Development Director, or designee, shall have the power and duty to interpret this chapter to members of the public, to City departments and other branches of City government, including preliminary negotiation with, and advice to, applicants for administrative approval, subject to the policy of the City Commission. Said duties shall be carried out in consultation with the Director of Public Works and the City Manager.

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4.2.200 Appeal.

Any person who disagrees with a ruling or interpretation of the Planning and Community Development Director or designee regarding this chapter, unless otherwise specified in this Title, may appeal the matter to the Board of Adjustment/Appeal subject to the following conditions:

- A. Said appeal shall be made in writing within fourteen (14) calendar days of the ruling or interpretation;
- B. The Planning and Community Development Director, or designee, will then cause the matter to be placed on the agenda of the Board of Adjustment/Appeal, if no appeal is made within that time, the ruling or interpretation shall be final;
- C. The appeal shall set forth in writing the grounds for the appeal and the relief sought by the appellant;
- D. The hearing shall be scheduled within sixty (60) calendar days;
- E. The Planning and Community Development Director, or designee, shall notify in writing all persons who have demonstrated their interest in this matter of the time and place of the meeting on the appeal at least ten (10) calendar days prior to the meeting;
- F. The Planning and Community Development Director or designee shall transmit the application, and all exhibits therewith, to the Board of Adjustment/Appeal for consideration;
- G. For the purposes of this section, a ruling is a discretionary action, e.g., on a permit or a site plan and architectural review; and an interpretation refers to the determination of the intent and application of provisions of this chapter;
- H. Application or enforcement of provisions of this chapter shall not be considered interpretations or rulings and are not subject to appeal;
- I. Notwithstanding this section, an individual may file for an exception from the provisions of this chapter pursuant to Section 4.2.190 of this chapter; and
- J. For the purposes of this Title, the applicant shall bear the burden of proof in any proceedings brought to the Board of Adjustment.

4.2.210 Statutory severability.

If any section, subsection, sentence, clause or phrase, or word of this chapter is, for any reason, held to be unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter.

(Ord. 3171, 2017).



Item: Ordinance 3172, “An Ordinance Amending Title 15, Chapters 30, 35, and 40, of the Official Code of the City of Great Falls (OCCGF), Pertaining to Certain Business and Contracting Licenses.”

From: City Attorney's Office

Initiated By: City Attorney's Office

Presented By: Joseph P. Cik, Assistant City Attorney

Action Requested: Conduct a public hearing and adopt Ordinance 3172

Public Hearing:

1. Mayor opens and conducts public hearing, calling three times each for proponents and opponents.
2. Mayor closes public hearing and asks the will of the Commission.

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (adopt/deny) Ordinance 3172.”

2. Mayor calls for a second to the motion, Commission discussion, and calls for the vote.
-
-

Staff Recommendation:

Staff recommends that the City Commission conduct a public hearing and adopt Ordinance 3172.

Background:

Members of the City Commission and Staff have examined numerous sections of the OCCGF and have noticed various types of deficiencies throughout numerous sections of the code. The deficiencies vary from typographical errors, needed updates, and conflicts with State and federal law. Additionally, the OCCGF conflicts in various places with itself. In an effort to cure these issues, City staff has assembled input from the different departments to continue with a comprehensive revision of the Code. The Ordinance under consideration, if approved, would amend OCCGF Title 15, Chapters 30, 35, and 40 relating to the OCCGF plumbing code, fuel gas code, and electrical code. With the adoption of the Ordinance under consideration, the licensing provisions in these particular chapters will be repealed. The purpose of repealing these provisions is for reassignment to OCCGF Title 5. The Commission, at this time, is also considering Ordinance 3168 which will repeal the current

OCCGF Title 5 and replace it with substantive changes. One of the substantive changes proposed by Ordinance 3168, is incorporating the licensing provisions that would be repealed by the Ordinance under consideration into Title 5. Staff requests this change because provisions related to business licensing and permitting are more appropriate for Title 5, “Business Licenses, Permits, and Safety Inspection Certificates”.

At first reading, there was no Commission discussion or public comment before acceptance.

Ord. 3172 Exhibit “A” provides the proposed amendments to OCCGF Title 15, Chapter 30. Ord. 3172 Exhibit “B” provides the proposed amendments to OCCGF Title 15, Chapter 35. Ord. 3172 Exhibit “C” provides the proposed amendments to OCCGF Title 15, Chapter 40.

Fiscal Impact:

None.

ATTACHMENTS:

- ▣ Ord. 3172
- ▣ Ord. 3172 Exhibit "A"
- ▣ Ord. 3172 Exhibit "B"
- ▣ Ord. 3172 Exhibit "C"

ORDINANCE 3172

AN ORDINANCE AMENDING TITLE 15, CHAPTERS 30, 35, AND 40, OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF), PERTAINING TO CERTAIN BUSINESS AND CONTRACTING LICENSES.

* * * * *

WHEREAS, the City Commission established Title 15 of the OCCGF outlining provisions pertaining to Buildings and Construction; and

WHEREAS, the City Commission established Title 5 of the OCCGF pertaining to Business Licenses, Permits, and Safety Inspection Certificates; and

WHEREAS, provisions provided in OCCGF Title 15 Chapters 30, 35, and 40 pertain to contracting and special business licenses; and

WHEREAS, the City Commission concludes that these provisions would be more appropriately located in OCCGF Title 5.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF GREAT FALLS, MONTANA:

Section 1. OCCGF Title 15, Chapter 30 shall be amended as depicted in Exhibit "A" attached hereto, with deleted language identified by ~~strikeout~~ and inserted language **bolded**; and

Section 2. OCCGF Title 15, Chapter 35, shall be amended as depicted in Exhibit "B" attached hereto, with deleted language identified by ~~strikeout~~ and inserted language **bolded**; and

Section 3. OCCGF Title 15, Chapter 40, shall be amended as depicted in Exhibit "C" attached hereto, with deleted language identified by ~~strikeout~~ and inserted language **bolded**; and

Section 4. This Ordinance shall be in full force and effect thirty (30) days after second reading and final adoption by the City Commission.

ACCEPTED by the City Commission of the City of Great Falls, Montana on first reading October 3, 2017.

ADOPTED by the City Commission of the City of Great Falls, Montana on second reading October 17, 2017.

Bob Kelly, Mayor

ATTEST:

(CITY SEAL)

Lisa Kunz, City Clerk

APPROVED FOR LEGAL CONTENT:

Joseph P. Cik, Assistant City Attorney

State of Montana)
County of Cascade : ss
City of Great Falls)

I, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do certify that I did post as required by law and as prescribed and directed by the Commission, Ordinance 3172 on the Great Falls Civic Center posting board and the Great Falls City website.

Lisa Kunz, City Clerk

(CITY SEAL)

Exhibit "A"

Title 15 - BUILDINGS AND CONSTRUCTION

Chapter 30 PLUMBING CODE

Chapter 30 PLUMBING CODE

Sections:

~~15.30.010 Adoption.~~

~~15.30.012 Definition.~~

~~15.30.016 Permit fees.~~

~~15.30.020 Plumbing requirements.~~

~~15.30.021 Contractor licensing.~~

~~15.30.022 Application.~~

~~15.30.023 Insurance and bond.~~

~~15.30.024 License term.~~

~~15.30.025 Fee.~~

~~15.30.026 Permit issuance.~~

~~15.30.030 Plumber's licensing.~~

~~15.30.031 Fee—plumber's license.~~

~~15.30.050 Homeowner's permit.~~

~~15.30.051 Medical gas requirements.~~

~~15.30.052 Contractor licensing.~~

~~15.30.053 Application.~~

~~15.30.054 Insurance and bond.~~

~~15.30.055 Fee.~~

~~15.30.056 Medical gas systems licensing.~~

~~15.30.057 Fee—medical gas systems licensing.~~

~~15.30.060 Violation—penalty.~~

15.30.010 Adoption.

15.30.012 Definition.

15.30.016 Permit fees.

15.30.020 Plumbing requirements.

15.30.021 Contractor licensing.

15.30.022 Application.

15.30.023 Insurance and bond.

15.30.024 License term.

15.30.025 Fee.

15.30.026 Permit issuance.

Exhibit "A"

Title 15 - BUILDINGS AND CONSTRUCTION

Chapter 30 PLUMBING CODE

15.30.030 Plumber's licensing.

15.30.031 Fee—plumber's license.

15.30.050 Homeowner's permit.

15.30.051 Medical gas requirements.

15.30.052 Contractor licensing.

15.30.053 Application.

15.30.054 Insurance and bond.

15.30.055 Fee.

15.30.056 Medical gas systems licensing.

15.30.057 Fee—medical gas systems licensing.

15.30.060 Violation—penalty.

15.30.010 Adoption.

The Plumbing Code shall be the same edition as adopted by the State. The Plumbing Code is adopted by administrative action per Section 24.301.202 of the Administrative Rules of Montana. The Plumbing Code currently being enforced by the City of Great Falls is on file in the Planning and Community Development Department. Copies of each are available for inspection. Copies may be obtained from the Department of Labor & Industry, Building Standards Division, Building Codes Bureau, P.O. Box 200517, Helena, MT 59620, at cost plus postage; or the International Association of Plumbing and Mechanical Officials (IAPMO), 20001 Walnut Drive South, Walnut, CA 91789-2825.

(Ord. 2874, 2004; Ord. 2818, 2002; Ord. 2810, 2001; Ord. 2781, 2000; Ord. 2748, 1998; Ord. 2711, 1996; Ord. 2651, 1993; Ord. 2624, 1992; Ord. 2540, 1989).

(Ord. No. 3057, § 1, 8-17-2010)

15.30.012 Definition.

Authority having jurisdiction referred to in this Code shall be the Building Official as defined in the International Building Code.

(Ord. 2874, 2004; Ord. 2540 §2(Exh. B(part)), 1989).

15.30.016 Permit fees.

Section 103.4 Fees: Shall be as specified by City Commission resolution.

(Ord. 2874, 2004; Ord. 2818, 2002).

Exhibit "A"

Title 15 - BUILDINGS AND CONSTRUCTION

Chapter 30 PLUMBING CODE

15.30.020 Plumbing requirements.

For purposes of definition plumbing shall involve all sections of the Uniform Plumbing Code, except Chapter 12, Fuel gas piping.

(Ord. 2874, 2004; Ord. 2540, §2(~~Exh. B(part)~~), 1989).

15.30.021 Contractor licensing.

~~Any person, firm or corporation who engages in the business of installation, alteration, maintenance or repair of plumbing and drainage systems is required to have a plumbing contractor's license. Repealed. See Title 5.~~

(Ord. 3172, 2017; Ord. 2874, 2004; Ord. 2540, 1989).

15.30.022 Application.

~~An applicant for a plumbing contractor's license shall show evidence that the applicant, or at least one (1) member of the firm or corporation, is the holder of a current master plumber's license issued by the State of Montana. Repealed. See Title 5.~~

(Ord. 3172, 2017; Ord. 2874, 2004; Ord. 2540 §2(~~Exh. B(part)~~), 1989).

15.30.023 Insurance and bond.

~~All applicants for licensing shall file with the Planning and Community Development Department a commercial general liability insurance policy issued by an insurance carrier authorized to do business in the State, with limits established by City Commission resolution. Additionally, a license bond in the amount established by City Commission resolution shall be supplied to guarantee compliance with all laws and regulations applicable relative to the license and permits issued. Repealed. See Title 5.~~

(Ord. 3172, 2017; Ord. 2874, 2004; Ord. 2801, 2001; Ord. 2711 (~~Exh. A~~), 1996; Ord. 2540 §2(~~Exh. B(part)~~), 1989).

(Ord. No. 3057, §1, 8-17-2010)

15.30.024 License term.

~~All licenses issued under the provisions of this chapter shall be for the calendar year beginning January 1st and expiring on December 31st. Renewals or new applicants applying after the expiration date shall pay fees as specified for the full year. Exception: Applications after December 1st will receive licenses valid for the remainder of the year plus the next calendar year. Repealed. See Title 5.~~

(Ord. 3172, 2017; Ord. 2874, 2004; Ord. 2540 §2(~~Exh. B(part)~~), 1989).

Exhibit "A"

Title 15 - BUILDINGS AND CONSTRUCTION

Chapter 30 PLUMBING CODE

15.30.025 Fee.

~~The fee for issuance of a plumbing contractor's license shall be as set by City Commission resolution for the term specified in Section 15.30.024.~~**Repealed. See Title 5.**

(Ord. **3172, 2017**; Ord. 2874, 2004; Ord. 2711 (~~Exh. A~~), 1996; Ord. 2540 §2(~~Exh. B(part)~~), 1989).

15.30.026 Permit issuance.

Permits shall be issued only to plumbing contractors or homeowners meeting the requirements of this chapter, or Title 37, Chapter 69 of MCA. (~~Ord. 2874, 2004; Ord. 2540 §2(Exh. B(part)), 1989.~~

15.30.030 Plumber's licensing.

~~Any person engaged in the trade or calling of journeyman plumber in the City is required to have a plumber's certificate.~~**Repealed. See Title 5.**

(Ord. **3172, 2017**; Ord. 2874, 2004; Ord. 2540 §2(~~Exh. B(part)~~), 1989).

15.30.031 Fee—plumber's license.

~~A fee as set by City Commission resolution shall be paid for each initial certificate upon evidence of a current journeyman plumber's license issued by the State. The fee for each renewal shall be as set by City Commission resolution. Such license shall be valid as per Section 15.30.024.~~**Repealed. See Title 5.**

(Ord. **3172**; Ord. 2874, 2004; Ord. 2711 (~~Exh. A~~), 1996; Ord. 2566 §2, 1990; Ord. 2540 §2(~~Exh. B(part)~~), 1989).

15.30.050 Homeowner's permit.

An owner of a single-family residence used exclusively for personal use, may install all sanitary plumbing or potable water supply piping. The standard fee schedule applies to all permits obtained under this article of the Code.

(Ord. 2874, 2004; Ord. 2711 (~~Exh. A~~), 1996; Ord. 2540 §2(~~Exh. B(part)~~), 1989).

15.30.051 Medical gas requirements.

For purposes of definition medical gas systems shall involve only NFPA 99C Gas and Vacuum Systems current edition.

(Ord. 2926, 2006; Ord. 2874, 2004; Ord. 2761, 1999)

Exhibit "A"

Title 15 - BUILDINGS AND CONSTRUCTION

Chapter 30 PLUMBING CODE

15.30.052 Contractor licensing.

~~Any person, firm or corporation who engages in the business of installation, alteration, maintenance or repair of medical gas systems is required to have a medical gas systems contractors license.~~**Repealed. See Title 5.**

(Ord. 3172, 2017; Ord. 2874, 2004; Ord. 2761, 1999)

15.30.053 Application.

~~An applicant for a medical gas systems contractors license shall show evidence that the applicant, or at least one (1) member of the firm or corporation, is the holder of a current medical gas certificate.~~**Repealed. See Title 5.**

(Ord. 3172, 2017; Ord. 2874, 2004; Ord. 2761, 1999)

15.30.054 Insurance and bond.

~~An applicant for a medical gas systems contractor's license shall meet the requirements of Section 15.30.023.~~**Repealed. See Title 5.**

(Ord. 3172, 2017; Ord. 2874, 2004; Ord. 2761, 1999)

15.30.055 Fee.

~~The fee for issuance of a medical gas systems contractor's license shall be as set by City Commission resolution.~~**Repealed. See Title 5.**

(Ord. 3172, 2017; Ord. 2874, 2004; Ord. 2761, 1999)

15.30.056 Medical gas systems licensing.

~~Any person engaged in the installation, alteration, maintenance or repair of medical gas systems in the City is required to have a medical gas certificate.~~**Repealed. See Title 5.**

(Ord. 3172, 2017; Ord. 2874, 2004; Ord. 2761, 1999)

15.30.057 Fee—medical gas systems licensing.

~~A fee as set by City Commission resolution shall be paid for each initial certificate upon evidence of a current medical gas endorsement issued by the State. The fee for each renewal shall be as set by City Commission resolution. Such certificate shall be valid as per section 15.30.024.~~**Repealed. See Title 5.**

(Ord. 3172, 2017; Ord. 2874, 2004; Ord. 2761, 1999)

Exhibit "A"

Title 15 - BUILDINGS AND CONSTRUCTION

Chapter 30 PLUMBING CODE

15.30.060 Violation—penalty.

Any person, firm or corporation found guilty of violating any of the applicable provisions of this chapter shall be liable to penalty as prescribed by Chapter 1.4.070 of this Code.

(Ord. 2874, 2004; Ord. 2540 §2(Exh. B(part)), 1989).

Exhibit "B"

Title 15 - BUILDINGS AND CONSTRUCTION

Chapter 35 INTERNATIONAL FUEL GAS CODE

Chapter 35 INTERNATIONAL FUEL GAS CODE

Sections:

~~15.35.010 Adoption.~~

~~15.35.012 Definition.~~

~~15.35.020 Permit fees.~~

~~15.35.021 Fuel Gas piping requirements.~~

~~15.35.022 Contractor licensing.~~

~~15.35.023 Application.~~

~~15.35.024 Insurance and bond.~~

~~15.35.030 Fee.~~

~~15.35.031 Gas fitters licensing.~~

~~15.35.040 Application.~~

~~15.35.041 Fee—gas fitters license.~~

~~15.35.042 License term.~~

~~15.35.050 Permit issuance.~~

~~15.35.060 Violation—penalty.~~

15.35.010 Adoption.

15.35.012 Definition.

15.35.020 Permit fees.

15.35.021 Fuel Gas piping requirements.

15.35.022 Contractor licensing.

15.35.023 Application.

15.35.024 Insurance and bond.

15.35.030 Fee.

15.35.031 Gas fitters licensing.

15.35.040 Application.

15.35.041 Fee—gas fitters license.

15.35.042 License term.

15.35.050 Permit issuance.

15.35.060 Violation—penalty.

Exhibit "B"

Title 15 - BUILDINGS AND CONSTRUCTION

Chapter 35 INTERNATIONAL FUEL GAS CODE

15.35.010 Adoption.

The Fuel Gas Code shall be the same edition as adopted by the State. The Fuel Gas Code is adopted by administrative action per Section 24.301.202 of the administrative Rules of Montana. The Fuel Gas Code currently being enforced by the City of Great Falls is on file in the Planning and Community Development Department. Copies of each are available for inspection. Copies may be obtained from the Department of Labor & Industry, Building Standards Division, Building codes Bureau, P.O. Box 200517, Helena, MT 59620, at cost plus postage; or the International Code Council (ICC), 4051 West Flossmoor Road, Country Club Hills, IL 60478, www.iccsafe.org.

(Ord. No. 3057, §1, 8-17-2010)

15.35.012 Definition.

The code official referred to in this Code shall be the Building Official as defined in the International Building Code.

(Ord. 2874, 2004)

15.35.020 Permit fees.

Section 106.5.2 Fee schedule. Shall be as specified by City Commission resolution.

(Ord. 2874, 2004)

15.35.021 Fuel Gas piping requirements.

For purposes of definition fuel gas piping shall involve only the International Fuel Gas Code.

(Ord. 2874, 2004)

15.35.022 Contractor licensing.

~~Any person, firm or corporation who engages in the business of installation, alteration, maintenance or repair of gas piping systems is required to have a gas fitting contractor's license.~~**Repealed. See Title 5.**

(Ord. **3172, 2017**; Ord. 2874-, 2004; Ord. 2569 §2(Exh. B(part)), 1990).

15.35.023 Application.

~~An applicant for a gas fitting contractor's license shall show evidence that the applicant, or at least one (1) member of the firm or corporation, is the holder of a current gas fitters certificate.~~**Repealed. See Title 5.**

(Ord. **3172, 2017**; Ord. 2874, 2004; Ord. 2569 §1(Exh. B(part)), 1990).

Exhibit "B"

Title 15 - BUILDINGS AND CONSTRUCTION

Chapter 35 INTERNATIONAL FUEL GAS CODE

15.35.024 Insurance and bond.

~~An applicant for a gas fitting contractor's license shall meet the requirements of Section 15.30.023.~~**Repealed. See Title 5.**

(Ord. **3172, 2017**; Ord. 2874, 2004; Ord. 2801, 2001; Ord. 2592 §2(part), 1991)

15.35.030 Fee.

~~The fee for issuance of a gas fitting contractor's license shall be as set by City Commission resolution.~~**Repealed. See Title 5.**

(Ord. **3172, 2017**; Ord. 2874, 2004; Ord. 2711-(Exh. A), 1996; Ord. 2569 §2(Exh. B(part)), 1990).

15.35.031 Gas fitters licensing.

~~Any person engaged in the trade or calling of gas fitter in the City is required to have a gas fitters certificate.~~**Repealed. See Title 5.**

(Ord. **3172, 2017**; Ord. 2874, 2004; Ord. 2569 §2(Exh. B(part)), 1990).

15.35.040 Application.

~~A person desiring a gas fitting license shall make application to the Building Official to schedule a time and place for an appropriate examination to determine the qualifications of the applicant. A fee of twenty dollars (\$20.00) shall be paid for each examination. The examination shall be administered by the person responsible for gas installation inspections, who will certify the results to the Building Official. Examination is required for each initial application and is not required for renewal of the license, unless the license has been expired for more than thirty (30) calendar days. Adequate proof of experience in the field of gas fitting or related trades shall be submitted prior to the date of examination. Proof of experience shall include affidavits from previous employers themselves in the business of plumbing, pipe fitting or gas fitting totaling a minimum of two (2) years.~~**Repealed. See Title 5.**

(Ord. **3172, 2017**; Ord. 2874, 2004; Ord. 2569 §1(Exh. B(part)), 1990).

15.35.041 Fee—gas fitters license.

~~Upon successful completion of the examination, an initial certificate shall be issued. The fee shall be as set by City Commission resolution for each renewal. Such license shall be valid as per Section 15.30.024.~~**Repealed. See Title 5.**

(Ord. **3172, 2017**; Ord. 2874, 2004; Ord. 2711 (Exh. A), 1996; Ord. 2569 §2(Exh. B(part)), 1990).

Exhibit "B"

Title 15 - BUILDINGS AND CONSTRUCTION

Chapter 35 INTERNATIONAL FUEL GAS CODE

15.35.042 License term.

~~All licenses issued under the provisions of this chapter shall be for the calendar year beginning January 1st and expiring on December 31st. Renewals or new applicants applying after the expiration date shall pay fees as specified for the full year.~~**Repealed. See Title 5.**

(Ord. **3172, 2017**; Ord. 2874, 2004; Ord. 2569 §2(~~Exh. B(part)~~), 1990).

15.35.050 Permit issuance.

Only a gas fitting contractor licensed ~~under~~**pursuant to Title 5 of this chapter** Code shall be eligible to obtain a permit for fuel gas piping systems.

(Ord. **3172, 2017**; Ord. 2874, 2004; Ord. 2569 §2(~~Exh. B(part)~~), 1990).

15.35.060 Violation—penalty.

Any person, firm or corporation found guilty of violating any of the provisions of this chapter shall be liable to penalty as prescribed by Chapter 1.4.070 of this Code.

(Ord. 2874, 2004; Ord. 2592 §2(part), 1991).

Exhibit "C"

Title 15 - BUILDINGS AND CONSTRUCTION

Chapter 40 ELECTRICAL CODE

Chapter 40 ELECTRICAL CODE

Sections:

~~15.40.010 Adoption.~~

~~15.40.020 Electrical contractor's license.~~

~~15.40.021 Application for City electrical contractor's license.~~

~~15.40.022 Insurance and bond.~~

~~15.40.023 License term.~~

~~15.40.024 Fee.~~

~~15.40.030 Homeowner electrical permit.~~

~~15.40.031 Application—homeowner's permit.~~

~~15.40.040 Individual wiring certificate.~~

~~15.40.041 Application—individual wiring certificate.~~

~~15.40.042 Fee—individual wiring certificate.~~

~~15.40.050 Electrical permit issuance.~~

~~15.40.051 Permit fees.~~

~~15.40.060 Violation—penalty.~~

15.40.010 Adoption.

15.40.020 Electrical contractor's license.

15.40.021 Application for City electrical contractor's license.

15.40.022 Insurance and bond.

15.40.023 License term.

15.40.024 Fee.

15.40.030 Homeowner electrical permit.

15.40.031 Application—homeowner's permit.

15.40.040 Individual wiring certificate.

15.40.041 Application—individual wiring certificate.

15.40.042 Fee—individual wiring certificate.

15.40.050 Electrical permit issuance.

15.40.051 Permit fees.

15.40.060 Violation—penalty.

Exhibit "C"

Title 15 - BUILDINGS AND CONSTRUCTION

Chapter 40 ELECTRICAL CODE

15.40.010 Adoption.

The Electrical Code shall be the same edition as adopted by the State. The Electrical Code is adopted by administrative action per Section 24.301.202 of the Administrative Rules of Montana. The Electrical Code currently being enforced by the City of Great Falls is on file in the Planning and Community Development Department. Copies are available for inspection. Copies may be obtained from the Department of Labor & Industry, Building Standards Division, Building codes Bureau, P.O. Box 200517, Helena, MT 59620, at cost plus postage; or the National Fire Protection Association, Inc., #1 Battery march Park, Quincy, Massachusetts, 02269, www.necdirect.org.

(Ord. 3057, 2010; Ord. 2874, 2004; Ord. 2818, 2002; Ord. 2810 (~~Exh. A~~), 2001; Ord. 2723, 1997; Ord. 2666, 1994; Ord. 2651, 1993; Ord. 2592, 1991).

(~~Ord. No. 3057, § 1, 8-17-2010~~)

15.40.020 Electrical contractor's license.

~~Any person, firm, or corporation engaging in the business or installation, alteration, maintenance or repair of electrical equipment in the City is required to have a City Electrical Contractor's License. This does not apply to the installation, alteration, or repair of electrical signal or communications equipment owned or operated by a public utility or the City.~~**Repealed. See Title 5.**

(Ord. **3172, 2017; Ord.** 2874, 2004; Ord. 2592 §2(~~part~~), 1991).

15.40.021 Application for City electrical contractor's license.

~~A. An applicant for an electrical contractor's license shall apply to the Building Official, and shall show evidence that: (1) all work is under the direction, control, and supervision of a licensed master electrician, or (2) under the direction, control and supervision of a journeyman electrician for residential construction consisting of less than five (5) living units in a single structure. Journeyman, master and residential electricians are as defined and licensed under authority of Montana Codes Annotated 37-68 and hold a current contractor's license issued by the State.~~

~~B. The applicant shall also file an insurance policy or certificate as required by Section 15.40.022.~~

Repealed. See Title 5.

(Ord. **3172, 2017; Ord.** 2874, 2004; Ord. 2592 §2(~~part~~), 1991).

15.40.022 Insurance and bond.

~~A. All applicants for licensing shall file with the Planning and Community Development Department a commercial general liability insurance policy or certificate of same, issued by an insurance carrier authorized to do business in the State, with limits established by City Commission resolution. Such limits shall be minimums and shall be in force through the term of the license.~~

~~B. All new electrical contractors will be required to post a license bond in an amount established by City Commission resolution to guarantee compliance with all laws and regulations relative to the license and permits issued for the first two (2) years of business. If performance under the bond is satisfactory,~~

Exhibit "C"

Title 15 - BUILDINGS AND CONSTRUCTION

Chapter 40 ELECTRICAL CODE

~~the Board of Appeals may release the contractor from further posting of the bond. Additionally, if an electrical contractor is not performing satisfactory work and has no license bond, the Board of Appeals shall conduct a hearing to determine if a license bond shall be required to be posted and determine the period of the posting.~~**Repealed. See Title 5.**

(Ord. **3172, 2017; Ord. 3057, 2010; Ord.** 2874, 2004; Ord. 2801, 2001; Ord. 2592 §2(part), 1991).

~~(Ord. No. 3057, § 1, 8-17-2010)~~

15.40.023 License term.

~~All licenses issued under the provisions of this chapter shall be for the calendar year beginning January 1st and expiring on December 31st. Renewals or new applicants applying after the expiration date shall pay fees as specified for the full year.~~

~~Exception: Applications after December 1st will receive licenses valid for the remainder of the year plus the next calendar year.~~**Repealed. See Title 5.**

(Ord. **3172, 2017; Ord.** 2874, 2004; Ord. 2592 §2(part), 1991).

15.40.024 Fee.

~~The fee for issuance of an electrical contractor's license shall be set by City Commission resolution.~~**Repealed. See Title 5.**

(Ord. **3172, 2017; Ord.** 2874, 2004; Ord. 2592 §2(part), 1991).

15.40.030 Homeowner electrical permit.

An individual may obtain an electrical permit for doing electrical work on his own property or residence; provided, that said property or residence is maintained for his own use. The electrical work shall be done by the owner or a member of the family residing at the same address. Any other individual(s) performing work under the electrical permit are in violation of this Code.

(Ord. 2874, 2004; Ord. 2592 §2(part), 1991).

15.40.031 Application—homeowner's permit.

Every person desiring a homeowner's permit under the provisions of Section 15.40.030 shall first file an application for registration, which application shall set forth the location of the building where the work is proposed to be done, state that the applicant is the owner of said building, and attest to understanding applicable provisions of this chapter and electrical codes. Permit fees shall be established by City Commission resolution.

(Ord. 2874, 2004; Ord. 2592 §2(part), 1991).

Exhibit "C"

Title 15 - BUILDINGS AND CONSTRUCTION

Chapter 40 ELECTRICAL CODE

15.40.040 Individual wiring certificate.

~~Any person who is or in the future may become engaged in the trade or calling of a journeyman or residential electrician in the installation or repair of electrical equipment in the City is required to have an individual wiring certificate.~~**Repealed. See Title 5.**

(Ord. **3172, 2017**; Ord. 2874, 2004; Ord. 2592 §2(part), 1991).

15.40.041 Application—individual wiring certificate.

~~An applicant for an individual wiring certificate shall submit evidence that such person is the holder of a current license issued by the State to engage in the trade or calling of residential electrician, journeyman electrician, or master electrician, as defined by Chapter 37, Montana Codes Annotated.~~**Repealed. See Title 5.**

(Ord. **3172, 2017**; Ord. 2874, 2004; Ord. 2592 §2(part), 1991).

15.40.042 Fee—individual wiring certificate.

~~The fee shall be established by resolution of the City Commission.~~**Repealed. See Title 5.**

(Ord. **3172, 2017**; Ord. 2874, 2004; Ord. 2592 §2(part), 1991).

15.40.050 Electrical permit issuance.

Electrical permits may be issued only to a person, firm or corporation qualified or licensed under Chapter 68, Montana Codes Annotated and this chapter or to individuals qualifying as homeowners in Section 15.40.030.

(Ord. 2874, 2004; Ord. 2592 §2(part), 1991).

15.40.051 Permit fees.

Electrical permit fees shall be collected as set by City Commission resolution.

(Ord. 2874, 2004)

15.40.060 Violation—penalty.

Any person, firm or corporation found guilty of violating any of the provisions of this chapter shall be liable to penalty as prescribed by Chapter 1.4.070 of this Code.

(Ord. 2874, 2004; Ord. 2592 §2(part), 1991).



Item: Resolution 10207 - Fixing the Rates of Safety Inspection Certificate Fees in Title 5 of the Official Code of the City of Great Falls (OCCGF)

From: Fire Marshal Dirk Johnson

Initiated By: Fire Marshal Dirk Johnson

Presented By: Fire Chief Stephen A. Hester

Action Requested: Conduct a Public Hearing and approve Resolution No. 10207

Public Hearing:

1. Mayor conducts public hearing, calling three times each for opponents and proponents.
2. Mayor closes public hearing and asks the will of the Commission.

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission approve Resolution 10207 fixing the rates of safety inspection certificate fees in Title 5 of the Official Code of the City of Great Falls.”

2. Mayor requests a second to the motion, Commission discussion, and calls for the vote.
-
-

Staff Recommendation:

Staff recommends that the City Commission conduct a public hearing and adopt Resolution No. 10207 pertaining to Safety Inspection Certificate fees.

Summary:

Safety Inspection Certificate (SIC) fees cover a portion of the cost for the approximately 3,600 fire code inspections conducted on an annual basis.

Staff is recommending to increase Safety Inspection Certificate fees for the year 2018. The fees haven't been increased since 2008. Fees for renewals are proposed to be increased by 15%, or 1.5 percent per year to match the CPI index for the past 10 years. This will equate to the majority of occupancies depending on their tier level paying an additional \$17 (Tier 1) to \$58.00 (Tier 5). Staff is also proposing to establish a Tier 6 which would incorporate around 5 businesses that have an occupancy

with square footage over 100,000.

Background:

Great Falls Fire Rescue has been providing occupancy inspections for fire and life safety code compliance for many years. Prior to 1996, the City used a business license fee structure which provided limited funding. Some occupancies also claimed a state exemption from such licensing. In 1996 the City instituted a Safety Inspection Certificate program, which removed those exemptions and based the fees for inspections on the square footage of the occupancies. The Montana Supreme Court supported the City's position on removal of the exemptions. The City designated 6 tier levels, with tier 1 being occupancies up to 2,000 square feet and 6 being those over 100,000 square feet.

Since 2004, all churches are included in the tier 1 category regardless of square footage.

Fiscal Impact:

Staff estimates that revenues for SIC shall increase \$21,000.00 annually.

Alternatives:

The City Commission could deny Resolution No. 10207.

Concurrences:

Fire Administration
Planning and Community Development
City Clerk
City Attorney
City Administration

ATTACHMENTS:

- Resolution No. 10207

RESOLUTION NO. 10207

**A RESOLUTION FIXING THE RATES OF SAFETY INSPECTION
CERTIFICATE FEES IN TITLE 5 OF THE OFFICIAL CODE OF THE
CITY OF GREAT FALLS (OCCGF)**

WHEREAS, Title 5 of the OCCGF provides for various license and certificate fees to be established by resolution; and

WHEREAS, Great Falls Fire Rescue conducts annual inspections of each business or multi-family residential premise within the City limits to ensure the property meets Uniform Safety Codes or other ordinances and regulations, and is a safe premise for the employees, customers and residents. To cover the cost of this safety service, each business premise needs a Safety Inspection Certificate; and

WHEREAS, the fees set by this Resolution supersede the fees only pertaining to Safety Inspection Certificate fees previously set by Resolution 9711 adopted in November 2007.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE
CITY OF GREAT FALLS, MONTANA, that:**

A. Safety Inspection Issuance fees:

1. Tier 1 – 0 to 2,000 sq ft – includes all churches	\$132.00
2. Tier 2 – 2,001 to 10,000 sq ft	\$173.00
3. Tier 3 – 10,001 to 25,000 sq ft	\$230.00
4. Tier 4 – 25,001 to 50,000 sq ft	\$299.00
5. Tier 5 – 50,001 to 100,000 sq ft	\$443.00
6. Tier 6 – Over 100,000 sq ft	\$600.00

B. Safety Inspection Renewal fees:

1. Tier 1 – 0 to 2,000 sq ft – includes all churches	\$ 63.00
2. Tier 2 – 2,001 to 10,000 sq ft	\$ 98.00
3. Tier 3 – 10,001 to 25,000 sq ft	\$144.00
4. Tier 4 – 25,001 to 50,000 sq ft	\$207.00
5. Tier 5 – 50,001 to 100,000 sq ft	\$345.00
6. Tier 6 – Over 100,000 sq ft	\$500.00

C. Federal, State and Local Government Occupancies are exempt but shall receive an SIC inspection annually.

D. Other Fees

1. Change of Location	New Issuance (as set forth in “A” above)
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- 2. Transfer of Safety Inspection Certificate \$ 30.00
- 3. Delinquent Fee \$ 30.00

E. Effective date: The fees set forth herein shall be in full force and effect thirty (30) days after adoption by the City Commission.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, this ____ day of _____, 2017.

Bob Kelly, Mayor

ATTEST:

Lisa Kunz, City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

Sara R. Sexe, City Attorney



Item: Ordinance 3173, “An Ordinance Amending Title 9, Chapter 4, Section 010, of the Official Code of the City of Great Falls (OCCGF), Pertaining to Alcoholic Beverage Definitions.”

From: Joseph P. Cik, Assistant City Attorney

Initiated By: Sara R. Sexe, City Attorney

Presented By: Joseph P. Cik, Assistant City Attorney

Action Requested: Accept Ordinance 3173 on first reading and set public hearing for November 7, 2017.

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (accept/not accept) Ordinance 3173 on first reading and set the public hearing for November 7, 2017.”

2. Mayor calls for a second to the motion, Commission discussion, public comment, and calls for the vote.

Staff Recommendation:

Staff recommends that the City Commission accept Ordinance 3173 on first reading and set the public hearing for November 7, 2017.

Background:

Members of the City Commission and Staff have examined numerous sections of the OCCGF and have noticed various types of deficiencies throughout numerous sections of the code. The deficiencies vary from typographical errors, needed updates, and conflicts with State and federal law. Additionally, the OCCGF conflicts in various places with itself. In an effort to cure these issues, City staff has assembled input from the different departments to continue with a comprehensive revision of the Code.

The Ordinance under consideration, if approved, would amend OCCGF Title 9, Chapter 4, Section 010, pertaining to definitions of alcoholic beverages. The proposed ordinance will change the definition of “Wine”.

Earlier in 2017, the City Commission adopted Ordinance 3158. Ordinance 3158 revised OCCGF Title

9 in its entirety. During that process, for the purposes of Title 9, Chapter 4, “Wine” became defined as, “wine that contains not more than 16% of alcohol by volume.” This definition is incomplete and is inconsistent with Mont. Code Ann. §16-1-106. The definition is also inconsistent with other provisions of the OCCGF.

Ordinance 3173, if adopted, will cure this deficiency. The new definition of wine will be the same as the above cited statute and consistent with other provisions of the OCCGF.

Ord. 3173 Exhibit “A” provides the proposed amendments OCCGF Section 9.4.010.

Fiscal Impact:

None.

ATTACHMENTS:

- ▣ Ordinance 3173
- ▣ Ordinance 3173, Exhibit A

ORDINANCE 3173

AN ORDINANCE AMENDING TITLE 9, CHAPTER 4, SECTION 010, OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF), PERTAINING TO ALCOHOLIC BEVERAGE DEFINITIONS.

* * * * *

WHEREAS, the City Commission established Title 9, Chapter 4 of the OCCGF outlining provisions pertaining to Offenses Against Public Peace; and

WHEREAS, the City Commission established definitions pertaining to alcoholic beverages in OCCGF Section 9.4.010; and

WHEREAS, the definition of “Wine” is inconsistent with Mont. Code Ann. Section 16-1-106 and other provisions of the OCCGF; and

WHEREAS, the City Commission wishes to amend said definition to be consistent with state law and other provisions of the OCCGF.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF GREAT FALLS, MONTANA:

Section 1. OCCGF Title 9, Chapter 4, Section 010 shall be amended as depicted in Exhibit “A” attached hereto, with deleted language identified by ~~strikeout~~ and inserted language **bolded**; and

Section 2. This Ordinance will become effective thirty (30) days after adoption by the City Commission.

ACCEPTED by the City Commission of the City of Great Falls, Montana on first reading October 17, 2017.

ADOPTED by the City Commission of the City of Great Falls, Montana on second reading November 7, 2017.

Bob Kelly, Mayor

ATTEST:

(CITY SEAL)

Darcy Dea, Deputy City Clerk

APPROVED FOR LEGAL CONTENT:

Sara R. Sexe, City Attorney

State of Montana)
County of Cascade : ss
City of Great Falls)

I, Darcy Dea, Deputy City Clerk of the City of Great Falls, Montana, do certify that I did post as required by law and as prescribed and directed by the Commission, Ordinance 3173 on the Great Falls Civic Center posting board and the Great Falls City website.

Darcy Dea, Deputy City Clerk

(CITY SEAL)

Exhibit "A"

Title 9 - PUBLIC PEACE, MORALS AND WELFARE

Chapter 4 OFFENSES AGAINST PUBLIC PEACE

9.4.010 Definitions.

For the purpose of this Title, the following words and phrases shall have the meanings respectively ascribed to them by this section:

- A. "Alcohol" means ethyl alcohol, also called ethanol, or the hydrated oxide of ethyl.
- B. "Alcoholic Beverage" means a compound produced and sold for human consumption as a drink that contains more than one-half of one (0.5) percent of alcohol by volume;
- C. "Malt Beverage" means an alcoholic beverage made by the fermentation of an infusion or decoction, or a combination of both, in potable brewing water, of malted barley with or without hops or their parts or their products and with or without other malted cereals and with or without the addition of un-malted or prepared cereals, other carbohydrates, or products prepared from carbohydrates and with or without other wholesome products suitable for human food consumption.
- D. "Beer" means:
 - 1. An alcoholic malt beverage containing not more than 8.75% of alcohol by volume; or
 - 2. An alcoholic beverage containing not more than 14% alcohol by volume:
 - i. that is made by the alcoholic fermentation of an infusion or decoction, or a combination of both, in potable brewing water, of malted cereal grain; and
 - ii. in which the sugars used for fermentation of the alcoholic beverage are at least seventy-five (75) percent derived from malted cereal grain measured as a percentage of the total dry weight of the fermentable ingredients.
- E. "Hard cider" means an alcoholic beverage that is made from the alcoholic fermentation of the juices of apples or pears and that contains not less than 0.5 percent of alcohol by volume and not more than 6.9 percent of alcohol by volume, including but not limited to flavored, sparkling, or carbonated cider.
- F. "Liquor" means an alcoholic beverage except beer and wine. The term includes a caffeinated or stimulant-enhanced malt beverage.
- G. "Public display or exhibition of beer, wine, or liquor" means the carrying and exhibiting of open cans or bottles of beer, or the carrying and exhibition of glasses or other types of containers for beer, wine, or liquor, even though empty, on or within any public place as defined herein or on or within any vehicle that is upon a public place as defined herein. This definition does not include carrying or transporting beer, wine, or liquor from retail or wholesale liquor or beer establishments in sacks, cases, boxes, cartons, or other similar containers if the seal for the alcoholic beverage container is unbroken; nor does this definition include those situations wherein the alcoholic beverage container is being transported or carried to a recycling center or garbage disposal site; nor does this definition include transportation of alcoholic containers in a compartment of the vehicle that is outside the passenger area of the vehicle and which area is not accessible to the driver and passenger of the vehicle from the passenger area while the vehicle is in operation.
- H. "Public drinking" means the drinking or consuming of beer, wine, or liquor within or upon any vehicle that is upon a public place as defined herein or upon any public place in the City.
- I. "Public places" means all streets, sidewalks, avenues, alleys, publicly owned parking lots and privately owned parking lots open to the public for parking in the City, City-owned facilities, including but not limited to, the following City parks: Odd fellows, Sight and Sound, Elks-Riverside, West Bank, Margaret, Whittier, Gibson, Lions, West Kiwanis, and Park Island. This definition does not include the premises licensed for the retail sale of liquor or beer by the Liquor Division of the Montana Department

Exhibit "A"

Title 9 - PUBLIC PEACE, MORALS AND WELFARE

Chapter 4 OFFENSES AGAINST PUBLIC PEACE

of Revenue. For purposes of this definition the term "premises" shall have the same meaning attributed to that term by the Department of Revenue pursuant to its administrative regulations.

(Ord. 3158, 2017; Ord. 2949, 2006; Ord. 2854, 2003)

- J. "Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a public highway.
- K. ~~"Wine" means wine that contains not more than 16% of alcohol by volume.~~ **"Wine" means any alcoholic beverage made from or containing the normal alcoholic fermentation of the juice of sound, ripe fruit or other agricultural products without addition or abstraction, except as may occur in the usual cellar treatment of clarifying and aging and that contains more than one-half of one (0.5) percent but not more than twenty-four (24) percent of alcohol by volume. Wine may be ameliorated to correct natural deficiencies, sweetened, and fortified in accordance with applicable federal regulations and the customs and practices of the industry. Other alcoholic beverages not defined in this section but made in the manner of wine and labeled and sold as wine in accordance with federal regulations are also wine.**

(Ord. 3173, 2017; Ord. 3158, 2017; Ord. 2342-§2(part), 1983).



Item: Ordinance 3174, “An Ordinance Amending Title 6, Chapter 1, Sections 010, 120, 130, and 250, of the Official Code of the City of Great Falls (OCCGF), Pertaining to Rabies Control and Unattended Animals In Vehicles.”

From: City Attorney's Office

Initiated By: City Attorney's Office

Presented By: Joseph P. Cik, Assistant City Attorney

Action Requested: Accept Ordinance 3174 on first reading and set public hearing for November 7, 2017.

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (accept/not accept) Ordinance 3174 on first reading and set the public hearing for November 7, 2017.”

2. Mayor calls for a second to the motion, Commission discussion, public comment, and calls for the vote.

Staff Recommendation:

Staff recommends that the City Commission accept Ordinance 3174 on first reading and set the public hearing for November 7, 2017.

Background:

The Ordinance under consideration, if approved, would amend OCCGF Title 6, Chapter 1, Sections 010, 120, 130, and 250, pertaining to rabies exposure control and unattended animals in vehicles. The proposed ordinance will provide minor amendments to make these regulations more consistent with the Montana Code Annotated and the Administrative Rules of Montana.

Earlier in 2017, the City Commission adopted Ordinance 3160. Ordinance 3160 repealed and replaced OCCGF Title 6 in its entirety after having been reviewed by various departments and the Cascade City County Health Department. After adoption of Ordinance 3160, additional amendments were requested by representatives of the City-County Health Department to make OCCGF Title 6 more consistent with state laws and regulations. The proposed revisions revise rabies exposure control provisions to reflect

current state law and regulations. The Ordinance under consideration would also amend the definition of “Stray or stray animal”, to remove feral and community cats from the definition of stray animal. It will remove the human exposure provisions from the rabies exposure regulations. It will also remove isolation provisions for animals that are diagnosed with rabies, as an animal must be dead to be diagnosed with rabies.

Further, after adoption of Ordinance 3160, the Great Falls Police Department requested an amendment to the language of OCCGF Section 6.1.250. That provision prohibits animals being left unattended in motor vehicles. The request was for more specific language as to who is authorized to rescue such animals and the language has been clarified.

Ord. 3174 Exhibit “A” provides the proposed amendments OCCGF Section 6.1.010. Ord. 3174 Exhibit “B” provides the proposed amendments OCCGF Section 6.1.120. Ord. 3174 Exhibit “C” provides the proposed amendments OCCGF Section 6.1.130. Ord. 3174 Exhibit “D” provides the proposed amendments OCCGF Section 6.1.250.

Fiscal Impact:

None.

Concurrences:

Great Falls Police Department
Great Falls Animal Shelter
Cascade City County Health Department

ATTACHMENTS:

- ▣ Ord. 3174
- ▣ Ord. 3174 Exhibit "A"
- ▣ Ord. 3174 Exhibit "B"
- ▣ Ord. 3174 Exhibit "C"
- ▣ Ord. 3174 Exhibit "D"

ORDINANCE 3174

AN ORDINANCE AMENDING OF TITLE 6, CHAPTER 1, SECTIONS 010, 120, 130, AND 250, OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF), PERTAINING TO RABIES CONTROL AND UNATTENDED ANIMALS IN VEHICLES.

* * * * *

WHEREAS, the City Commission established Title 6, Chapter 1 of the OCCGF outlining provisions pertaining to animal control regulations; and

WHEREAS, the City Commission established regulations pertaining to rabies exposure control; and

WHEREAS, the rabies exposure control regulations must be amended to be consistent with the Montana Code Annotated and The Administrative Rules of Montana; and

WHEREAS, the City Commission wishes to amend regulations pertaining to animals being left unattended in vehicles and who is authorized to rescue them.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF GREAT FALLS, MONTANA:

Section 1. OCCGF Title 6, Chapter 1, Section 010 shall be amended as depicted in Exhibit "A" attached hereto, with deleted language identified by ~~strikeout~~ and inserted language **bolded**; and

Section 2. OCCGF Title 6, Chapter 1, Section 120 shall be amended as depicted in Exhibit "B" attached hereto, with deleted language identified by ~~strikeout~~ and inserted language **bolded**; and

Section 3. OCCGF Title 6, Chapter 1, Section 130 shall be amended as depicted in Exhibit "C" attached hereto, with deleted language identified by ~~strikeout~~ and inserted language **bolded**; and

Section 4. OCCGF Title 6, Chapter 1, Section 250 shall be amended as depicted in Exhibit "D" attached hereto, with deleted language identified by ~~strikeout~~ and inserted language **bolded**; and

Section 5. This Ordinance shall become effective thirty (30) days after second reading and final adoption by the City Commission.

ACCEPTED by the City Commission of the City of Great Falls, Montana on first reading October 17, 2017.

ADOPTED by the City Commission of the City of Great Falls, Montana on second reading November 7, 2017.

Bob Kelly, Mayor

ATTEST:

(CITY SEAL)

Darcy Dea, Deputy City Clerk

APPROVED FOR LEGAL CONTENT:

Sara R. Sexe, City Attorney

State of Montana)
County of Cascade : ss
City of Great Falls)

I, Darcy Dea, Deputy City Clerk of the City of Great Falls, Montana, do certify that I did post as required by law and as prescribed and directed by the Commission, Ordinance 3174 on the Great Falls Civic Center posting board and the Great Falls City website.

Darcy Dea, Deputy City Clerk

(CITY SEAL)

Exhibit "A"

Title 6 - ANIMALS

6.1.010 Definitions.

As used in this chapter, unless the context otherwise indicates, the following terms shall have the meaning ascribed to each:

- A. "Abandon" means to forsake, desert, or absolutely give up an animal previously under the custody, or possession, of a person without having secured another owner or custodian by failing to provide one or more of the elements of adequate care for a period of twenty-four (24) or more consecutive hours.
- B. "Adequate care" means the reasonable practice of good animal husbandry, production, management, confinement, feeding, watering, protection, shelter, transportation, treatment, and, when necessary, euthanasia. This practice must be appropriate for the age, species, condition, size, and type of animal. Adequate care additionally includes the provision of veterinary care to prevent suffering, disease, or the impairment of health.
- C. "Adequate feed" means the provision of access to food that is:
 - 1. Of sufficient quantity and nutritive value to maintain each animal in good health;
 - 2. Accessible to each animal without duress or competition;
 - 3. Prepared so as to permit ease of consumption for the age, species, condition, size and type of each animal;
 - 4. Provided in a clean and sanitary manner;
 - 5. Placed so as to minimize contamination by excrement and pests; and
 - 6. Provided at suitable intervals for the species, age, and condition of the animal, but at least once daily, except as prescribed by a veterinarian or as dictated by naturally occurring states of hibernation or fasting for the normal species.
- D. "Adequate shelter" means the provision of, and access to, shelter that:
 - 1. Is suitable for the species, age, condition, size, and type of each animal;
 - 2. Provides adequate space for each animal;
 - 3. Is safe and protects each animal from injury, rain, sleet, snow, hail, direct sunlight, the adverse effects of heat or cold, physical suffering, and impairment of health;
 - 4. Is properly cleaned to include:
 - i. clean of carcasses, debris, food waste and excrement with sufficient frequency to minimize the animal's contact with those contaminants;
 - ii. sanitized with sufficient frequency to minimize odors and the hazard of disease; and
 - iii. cleaned to prevent the animals confined therein from being directly or indirectly sprayed with a stream of water or exposed to hazardous chemicals or disinfectants.
 - 5. Enables each animal to be clean and dry, except when detrimental to the species.
 - 6. For dogs and cats, provides a solid surface, resting platform, pad, floor mat, or similar device that is large enough for the animal to lie on in a normal manner and can be maintained in a sanitary manner.

Exhibit "A"

Title 6 - ANIMALS

7. A shelter with wire, grid, or slat floors which do not sag under the animal's weight, do not permit the animal's feet to pass through the openings, or which otherwise protect the animal's feet or toes from injury.
 8. With respect to outdoor facilities for animals, the provision of one or more shelter structures that are accessible to each animal in each outdoor facility and that are large enough to allow each animal in the shelter structure to sit, stand, and lie in a normal manner and to turn about freely. In addition to the shelter structures, one or more separate outside areas of shade must be provided, large enough to contain all the animals at one time and protect them from the direct rays of the sun. Shelters in outdoor facilities for animals must:
 - i. Contain a roof and be fully enclosed with an opening to allow animal access;
 - ii. Provide the animals with adequate protection and shelter from the cold and heat, provided that no animal may be maintained in any outdoor location where the ambient temperature is under thirty-five (35) degrees Fahrenheit or higher than one hundred (100) degrees Fahrenheit or any indoor location where the ambient temperature is under forty-five (45) degrees Fahrenheit or exceeds eighty-five (85) degrees Fahrenheit;
 - iii. Provide a wind break at the entrance;
 - iv. For building surfaces in contact with animals in outdoor housing facilities, be impervious to moisture;
 - v. Not be made of metal barrels, cans, refrigerators or freezers, and similar materials; and
 - vi. Have floors which are maintained on a regular basis and made of compacted earth, absorbent bedding, sand, gravel, or grass, which must be replaced if there are any prevalent odors, diseases, insects, pests, or venom. Surfaces of outdoor housing facilities that cannot be readily cleaned and sanitized must be replaced when worn or soiled.
- E. "Adequate space" means sufficient space to allow each animal:
1. To easily stand, sit, lie, turn about and make all other normal body movement in a comfortable, normal position for the animal;
 2. To interact safely with other animals in the enclosure. Outside dog runs must be a least ten (10) feet long and thirty-six (36) inches wide for dogs weighing up to forty-five (45) pounds, and at least ten (10) feet long and forty-eight (48) inches wide for dogs weighing forty-five (45) pounds or more;
 3. When an animal is tethered, to engage in the above actions and is:
 - i. Appropriate to the age and size of the animal;
 - ii. Attached to the animal by a properly fitted collar, halter, or harness configured so as to protect the animal from injury and to prevent the animal or tether from becoming entangled with other objects or animals or from extending over an object or edge that could result in the strangulation or injury of the animal; and
 - iii. Is at least three times the length of the animal, as measured from the tip of the nose to the base of the tail, except when the animal is being walked on a leash or is attached by a tether to a lead line. When freedom of movement would endanger the animal, temporarily and appropriately restricting movement of the animal according to accepted veterinary standards for the

Exhibit "A"

Title 6 - ANIMALS

species is considered provision of adequate space, provided, however, that no animal shall be tethered for more than a reasonable period.

- F. "Adequate veterinary care" means provision of medical care to alleviate suffering, prevent disease and disease transmission, and maintain health through accepted practice by the American Veterinary Medical Association for the age, species, condition, size, and type of each animal.
- G. "Adequate water" means the provision of and access to clean, fresh, potable water of a drinkable temperature which is provided in a suitable manner, in sufficient volume, and suitable intervals to maintain normal hydration for the age, species, condition, size, and type of each animal, except as prescribed by a veterinarian or as dictated by naturally occurring states of hibernation or fasting normal for the species. Such water shall be provided in clean, durable receptacles that are accessible to each animal and placed so as to minimize contamination of the water by excrement or pests. Alternatively, provision of an alternate source of hydration consistent with generally accepted husbandry practices may be provided.
- H. "Adoption" means the transfer of ownership of an animal from a releasing agency to an individual.
- I. "Animal" means any living vertebrate creature, other than human beings, whether wild or domestic, including but not limited to all livestock and any domestic pet.
- J. "Animal Control Officer" means any person charged with the duty of enforcement of the City's animal control ordinances. Animal Control Officers shall be peace officers for the limited purpose of animal control.
- K. "Animal hoarder" means any person who possesses a large number of animals, and who;
 - 1. Keeps animals in severely overcrowded conditions where they are unable to be in a state of good health;
 - 2. Displays the inability to recognize or understand the nature of, or has reckless disregard for, the conditions of the animals; or
 - 3. Lives in unsanitary, unhealthy or potentially dangerous conditions and fails to or is unable to provide the animals with adequate care as defined in this chapter.
- L. "Animal Shelter" means any premise provided for intaking and caring for domestic animals. References in this Title to "Animal Shelter" shall mean the Great Falls Animal Shelter unless specifically stated otherwise.
- M. "ARM" means the Administrative Rules of Montana.
- N. "At large" means off the premises of the owner and not under the immediate, continuous and effective control of its owner or some other competent person.
- O. "Collar" means a well fitted device that:
 - 1. Encircles an animal's neck or torso in such a way as to avert trauma or injury to the animal;
 - 2. Allows two fingers to be inserted between the neck and collar;
 - 3. Is appropriate to the age and size of the animal; and
 - 4. Is constructed of nylon, leather, metal, or similar material.
- P. "Commercial kennel/cattery" means any building, structure, or premise which is used for the business of charging fees for boarding, training, or breeding of domestic animals, exclusive of medical or surgical care, or for quarantine purposes.

Exhibit "A"

Title 6 - ANIMALS

- Q. "Companion Animal" means any domestic animal that works, provides assistance, or performs tasks for the benefit of a person with a disability, or provides emotional support that alleviates one or more identified symptoms or effects of a person's disability, the need for which is documented by a health care provider.
- R. "Dangerous Animal" means any animal that displays any of the following behaviors:
1. inflicting bodily injury upon or has caused the death of a person or domestic animal; or
 2. demonstrating tendencies that would cause a reasonable person to believe that the animal may inflict injury upon or cause the death of any person or domestic animal, including but not limited to the following behaviors:
 - i. attacking, without provocation, requiring defensive action by any person to prevent bodily injury and/or property damage in a place where such person is conducting himself peaceably and lawfully;
 - ii. attacking, without provocation, resulting in an injury to a person in a place where such person is conducting himself peaceably and lawfully;
 - iii. attacking, without provocation, resulting in injury or death to other animals unless the other animal is trespassing on the attacking animal owner's property, or injuring or attempting to injure the person, family or property of the owner; or
 3. engaging in or been trained for animal fighting.
- S. "Domestic animal" means any animal that may be legally possessed by a person and is commonly kept in or around a residence, outbuildings or business.
- T. "Euthanasia" means the humane destruction of an animal accomplished by a method that involves instantaneous unconsciousness and immediate death or by a method that involves anesthesia, produced by an agent that causes painless loss of consciousness, and death during such loss of consciousness.
- U. "Excrement" means waste from the bowels or bladders of animals.
- V. "Feral cat" means any cat that is a descendant of a domesticated cat that has returned to the wild.
- W. "Foster home" means a private residential dwelling and its surrounding grounds where care and/or rehabilitation are provided to domestic animals through an affiliation with the Great Falls Animal Shelter.
- X. "Fowl" means any of various birds of the order alloforms, including chickens, roosters, ducks, geese, turkeys, and pheasants, or any bird that is used for food or hunted as game.
- Y. "Hybrid animal" means an animal resulting from the crossbreeding between two (2) different species of animals. These may include, but are not limited to, crosses between wild animal species such as lions, tigers, and wolves. For the purpose of this chapter, a hybrid animal will be considered a wild animal.
- Z. "Intake" means the taking into custody of an animal either wild or domestic by Animal Control Officers or the Great Falls Animal Shelter.
- AA. "Leash" means a cord, rope, chain, or strap attached to the collar or harness of an animal, and used to lead it or hold it in check.

Exhibit "A"

Title 6 - ANIMALS

- BB. "Licensing authority" means any designated representative of the City or Animal Shelter charged with administering the issuance and/or revocation of permits and pet registrations under the provisions of this chapter.
- CC. "Livestock" means domestic animals traditionally raised in an agricultural setting to produce commodities such as food, fiber, or labor. These may include, but are not limited to, cattle, sheep, swine including domestic pot-bellied pigs, poultry, fowl, ostriches, emus, goats, horses, mules and llamas.
- DD. "Microchip Implant" means a passive electronic device that is injected into an animal by means of a pre-packaged sterilized implanting device for purposes of identification.
- EE. "Multiple Animal Permit" means a permit authorizing a household, individual or family unit to keep, harbor or maintain more than the limited number of dogs and cats permitted by this Chapter.
- FF. "Neglect" occurs when the owner or keeper of an animal does any of the following:
1. Fails to provide an animal with adequate care as defined in this chapter;
 2. Fails to sufficiently and properly care for an animal to the extent that the animal's health is jeopardized;
 3. Keeps any animal under conditions which increase the probability of the transmission of disease;
 4. Allows any animal, including one who is aged, diseased, maimed, hopelessly sick, disabled, or not ambulatory, to suffer unnecessary pain; or
 5. Meets the definition of an animal hoarder as defined in this chapter.
- GG. "Nuisance animal" means any animal or group of animals that behaves in a disruptive or destructive manner, including but not limited to, the following, habitually:
1. Steals, damages, soils, or defiles community or neighborhoods private property or public property;
 2. Turns over garbage containers, rummages through or scattering garbage or rubbish, or damages flower or vegetable gardens;
 3. Causes unsanitary or offensive conditions;
 4. Chases vehicles or bicycles on public streets, ways or parks, or impedes the safety of pedestrians, bicyclists, or motorists;
 5. Is inside a public area which is designated as one prohibiting animals, except for an animal that has been duly and properly trained and registered as a Service Animal as described in Section 6.1.010, or a Companion Animal as defined in this Title, may be allowed in such an area when acting in that capacity; or
 6. Barks, howls, whines, bays, or makes any noise common to its species, so continuously or incessantly as to unreasonably disturb the peace, comfort, tranquility of life or property of one or more persons occupying property in the community or neighborhood, within reasonable proximity to the premises where the animal or animals are kept. The noise must be continuously or intermittently audible for thirty (30) minutes within one (1) hour period, however, the provisions of this section shall not apply to any commercial kennel permitted by zoning laws.
 7. Is allowed by any person having ownership, possession, charge, custody or control of the animal to be at large during its estrous period or when in heat. During this period, the owner or person having possession of the animal must

Exhibit "A"

Title 6 - ANIMALS

restrain the animal in a proper enclosure in such a manner that will prevent the animal from coming in contact with a male of its species. Any such animal not so confined may be taken in by Animal Control Officers or the Animal Shelter. This section shall not be construed to prohibit the intentional breeding of animals on the premises of the owners of the animals involved.

- HH. "Owner" means any person, or group of persons, corporation, organization, or association (excluding the Great Falls Animal Shelter, any non-profit releasing agency, feral cat caretaker, or veterinarian) that:
1. Has a property right in an animal;
 2. Keeps or harbors an animal;
 3. Has an animal in his or her care or acts as a custodian of an animal for ten (10) or more consecutive days when the true owner of the animal is unknown to such person; or
 4. Has an animal in his or her care or acts as a caretaker or custodian of an animal by agreement with or without permission of the true owner of the animal.
- II. "Pet animal" means any animal sold or kept for the purpose of being kept or domesticated as a household pet. Pet animal includes but is not limited to dogs, cats, birds, rabbits, ferrets, hamsters, guinea pigs, gerbils, rats, mice, non-poisonous arachnids, non-poisonous insects, non-venomous snakes and fish.
- JJ. "Potentially Dangerous Animal Behavior" means any of the following behaviors:
1. Without provocation, chasing or approaching a person in either a menacing fashion or having an apparent attitude of attack while the animal is off the premises of its owner;
 2. Attempting to attack a person or domestic animal while off the premises of its owner;
 3. While off the property of its owner, engaging in any behavior when unprovoked that reasonably would have required a person to take defensive action to prevent bodily injury; or
 4. Engaging in other comparable conduct.
- KK. "Premises" means a building, group of buildings and/or contiguous parcels of land under the control of a single person and used for a single purpose. Continuous parcels of land separated by a public road are considered to be separate premises. Separate buildings and adjoining buildings in a group of buildings, which are directly accessible to the public and function independently from the others, are separate premises.
- LL. "Proof of ownership" means documentation in support of a property right in an animal that includes, but is not limited to, veterinary records, rabies inoculation certificates, licenses, photographs, bills of sale, breed registries, written transfers of ownership, and verbal or written third-party verifications.
- MM. "Proper enclosure" means a place in which an animal is securely confined indoors or in a securely enclosed and locked pen or structure suitable to prevent the entry of children under the age of twelve and designed to prevent the animal from escaping. Such enclosure shall have secure sides and a secure top to prevent the animal from escaping and shall also provide protection for the animal from the elements. The enclosure shall be of suitable size for the animal.
- NN. "Properly restrained" means an animal that is:

Exhibit "A"

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1. Kept within a proper enclosure;
 2. Controlled by a competent person by means of a leash not to exceed six (6) feet in length or other device; or
 3. Secured within or upon a vehicle being driven or parked. Properly restrained within or upon a vehicle does not include restraint or confinement that would allow an animal to fall from or otherwise escape the confines of a vehicle or that would allow an animal to have access to persons outside the vehicle.
- OO. "Provoke" means to goad, inflame, instigate, or stimulate an aggressive or defensive response by an animal, but does not include any reasonable actions by an individual that are intended to defend against the animal.
- PP. "Releasing agency" means an animal shelter, humane society, animal welfare organization, society for the prevention of cruelty to animals, or other similar entity that releases animals for adoption.
- QQ. "Relinquish or Surrender" means giving up all rights to an animal, thereby making it the property of the City of Great Falls.
- RR. "Sanitary conditions" means space free from health hazards, including excessive animal waste, overcrowding of animals, or other conditions that endanger the animal's health. This definition does not include any condition resulting from a customary and reasonable practice pursuant to farming or animal husbandry.
- SS. "Service Animal" Is defined by the United States Department of Justice 28 C.F.R. § 36.104, hereby incorporated by reference.
- TT. "Stray or stray animal" means any animal that:
1. Is at large;
 2. Appears to be lost, unwanted, or abandoned; and
 3. Whose owner is unknown or not readily available. ~~Feral cats and community cats shall not be considered Stray animals for the purposes of this chapter.~~

(Ord. 3174, 2017)

- UU. "State of good health" means freedom from disease and illness and in a condition of proper body weight and temperature for the age and species of the animal, unless the animal is undergoing appropriate veterinary treatment.
- VV. "Tether" means a leash or similar device, attached to a well-fitted collar or harness of an animal, and of sufficient strength to restrain and control that animal to which it is attached.
- WW. "Use of force" is justified by a person against an animal as allowed by Montana Code Annotated Title 49, Chapter 1.
- XX. "Vaccination" means the inoculation of a dog, cat, ferret, horse or other animal with anti-rabies vaccine administered under the direction of a licensed veterinarian or with any other vaccine approved by the ~~public health officer and the state veterinarian.~~ "Current vaccination" means the inoculation of a dog, cat, ferret, horse or other animal with anti-rabies vaccine. Animals vaccinated initially will receive a booster shot one (1) year after the initial vaccination and thereafter according to manufacturers' recommendations.

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- YY. "Wild Animal" means any living vertebrate animal normally found in the wild state and for which there is no USDA approved anti-rabies vaccination. These include, but are not limited to, bears, skunks, raccoons, deer, bobcats, mountain lions, and any type of "hybrid animal."

Exhibit "B"

Title 6 - ANIMALS

6.1.120 Rabies—exposure.

Animal contacts shall be subject to the following provisions:

- A. Any non-vaccinated or not currently vaccinated domestic animal that has been exposed to a confirmed rabid, or suspected rabid, animal shall be administered according to the provisions of the Administrative Rules of Montana (ARM) Title 32, Chapter 3.
- B. Any currently vaccinated domestic animal that has been exposed to a confirmed rabid, or suspected rabid, animal shall be administered according to the provisions of ARM, Title 32, Chapter 3.
- C. Any person having knowledge of an animal known to have or suspected of having rabies shall report an accurate description immediately to the state veterinarian or to a deputy state veterinarian.
- D. The Animal Control Officer shall notify the City/County Health Department and the Department of Livestock of the exposure including the bite and bitten animal. The Department of Livestock may further investigate the incident and take appropriate action including, but not limited to, destruction or further quarantines as required by this part.

~~Human exposure shall be subject to the following provisions:~~

- ~~E. Upon consideration of the discretion and advice of the Local Health Officer any domestic animal, regardless of vaccination status that bites or otherwise exposes a person to the possibility of rabies must be confined and observed in accordance with ARM Title 32.~~
- ~~F. If any sign of illness develops in the isolated animal, it is to be evaluated by a licensed veterinarian in accordance with ARM Title 32.~~
- ~~G. Any domestic animal confined and observed pursuant to this part may be vaccinated during the ten (10) day confinement period.~~

- E. Animal rabies exposure procedures include:
 - 1. If the owner of the animal is identified, the animal shall be quarantined at a veterinarian hospital at the owner's expense for a period of at least ten (10) days after the day of exposure. In the event an owner cannot be identified, the animal shall be taken and quarantined at the Animal Shelter. In the event an owner will not voluntarily release the animal for quarantine, the Animal Control authority or law enforcement officer shall obtain a court order to seize the animal and place it in quarantine at the veterinarian hospital of the authority's choice, at the owner's expense.
 - 2. If the animal is a stray and no owner is identified within twenty-four (24) hours, the animal may be euthanized and tested for rabies.
 - 3. The aforesaid procedure shall be suspended on order of the City/County Health Department where an animal exhibits symptoms of rabies.

(Ord. 3174, 2017)

Exhibit "B"

Title 6 - ANIMALS

IF. Human exposure to a confirmed rabid, or suspected rabid, animal shall be administered according to applicable Montana State law and regulations, including but not limited to, MCA Titles 37, and 50, and ARM Title 32 **and 37**.

(Ord. 3174, 2017)

JG. A person found guilty of a violation of this section is guilty of a misdemeanor punishable by a maximum fine of five hundred dollars (\$500.00) and may also be subject to the other penalties specified in 6.1.300.

(Ord. 3174, 2017)

Exhibit "C"

Title 6 - ANIMALS

6.1.130 Rabies—emergency control.

Upon the positive diagnosis of rabies infection of any animal in the City, the public health officer shall notify the City Manager, or designee, who may issue a citywide quarantine order providing for the summary destruction of all animals known to have been exposed to rabies, or all unconfined animals, or may make such other orders as it deems necessary or expedient for the protection of the public. All orders issued by the City Manager, or designee, under this section shall have the same force and effect as any City law. ~~All isolation of animals diagnosed of rabies infection shall comply with ARM Title 32.~~

(Ord. 3174, 2017)

Exhibit "D"

Title 6 - ANIMALS

6.1.250 Unattended animal in a motor vehicle.

- A. It is unlawful for any person to leave an animal unattended in a standing or parked motor vehicle in a manner that endangers the health or safety of the animal.
- B. A person may use reasonable force to remove from a motor vehicle an animal left in the vehicle in violation of subsection (A) if the person is:
 - 1. an Animal Control Officer;
 - 2. a law enforcement officer; or
 - 3. a ~~professional~~ **professionally licensed** fire and/or rescue service person.
- C. **Persons identified in subsection (B) must be within their jurisdiction or otherwise acting within the scope of their lawful authority.**

(Ord. 3174, 2017)