



City Commission Agenda
Civic Center 2 Park Drive South, Great Falls, MT
Commission Chambers Room 206
November 7, 2017

CALL TO ORDER 7:00 P.M.

PLEDGE OF ALLEGIANCE

ROLL CALL/STAFF INTRODUCTIONS

AGENDA APPROVAL

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. Reappointments, Great Falls Planning Advisory Board.
5. Appointment, Mansfield Center for the Performing Arts Advisory Board.
6. Reappointment and appointment, Parking Advisory Commission.

CITY MANAGER

7. 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.

8. Minutes, October 17, 2017, City Commission Meeting.
9. Total Expenditures of \$3,453,980 for the period of September 30, 2017 through October 25, 2017, to include claims over \$5,000, in the amount of \$2,792,858.
10. Contracts List.
11. Approve Final Payment for the 4th Avenue North Water Main Replacement, in the amount of \$47,949.47 to Williams Civil Division, Inc., and \$484.34 to the State Miscellaneous Tax Fund and authorize the City Manager to make the payments.

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

PUBLIC HEARINGS

12. Ordinance 3173, Amend Title 9, Chapter 4, Section 010, Of The Official Code Of The City of Great Falls (OCCGF), Pertaining to Alcoholic Beverage Definitions.

Action: Conduct public hearing and adopt or deny Ord. 3173. (Presented by Sara Sexe)

13. Ordinance 3174, Amend 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: Conduct public hearing and adopt or deny Ord. 3174. (Presented by Sara Sexe)

14. West Ridge Addition Phase VIII, previously known as Peretti Addition Tract 2, Preliminary Plat and Findings of Fact.

Action: Conduct public hearing and approve or deny the Preliminary Plat, of West Ridge Addition Phase VIII and accompanying Findings of Fact subject to fulfillment of conditions stipulated by the Planning Advisory Board. (Presented by Craig Raymond)

15. Resolution 10208, Establish Sanitation Service Collection Rates effective December 1, 2017.

Action: Conduct public hearing and adopt or deny Res. 10208. (Presented by Jim Rearden)

OLD BUSINESS

NEW BUSINESS

ORDINANCES/RESOLUTIONS

16. Resolution 10211, Approve placement of "Coins for a Cause" donation containers on downtown light poles.

Action: Adopt or deny Res. 10211. (Presented by Greg Doyon)

17. Resolution 10217, Adopt the 2017 Update to Cascade County Multi-Hazard Mitigation Plan.

Action: Adopt or deny Res. 10217. (Presented by Stephen Hester)

18. Ordinance 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: rescind the October 17, 2017 vote adopting Ord. 3168, conduct a re-vote, and adopt or deny Ord. 3168. (Presented by Sara Sexe)

19. Ordinance 3175, Rezone the property legally described as Lot 1, Block 1 of Great Falls Clinic Addition and Lots 1-B and 1-A1, Block 1 of the First Addition to Great Falls Clinic Addition from PLI Public Lands and Institutional to M-1 Mixed-Use District.

Action: Accept or not accept Ord. 3175 on first reading and set a public hearing for December 5, 2017. (presented by Craig Raymond)

20. Ordinance 3176, rezoning the property legally described as The Great Falls Water Power and Townsite Company's First Addition, Block 405, Lots 8-14 from R-3 Single-family High Density to PUD Planned Unit Development.

Action: Accept or not accept Ord. 3176 on first reading and set a public hearing for December 5, 2017. (presented by Craig Raymond)

21. Ordinance 3177, Assign a zoning classification of Planned Unit Development (PUD) to the property legally described as Medical Tech park Minor Subdivision, Lot 4A.
Action: Accept or not accept Ord. 3177 on first reading and set a public hearing for December 5, 2017. (Presented by Craig Raymond)
22. Ordinance 3182, An Ordinance by the City Commission of the City of Great Falls to amend Ordinance 3152 for the property legally described as Block 1, Lot 1, Amended Plat 2897, Section 14, Township 20 North, Range 3 East, Tietjen Triangle Addition to remove a Condition of Building Permit Approval for a Planned Unit Development (PUD).
Action: Accept or not accept Ord. 3182 on first reading and set a public hearing for December 5, 2017. (Presented by Craig Raymond)

CITY COMMISSION

23. Miscellaneous reports and announcements from the City Commission.
24. 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: Reappointments, Great Falls Planning Advisory Board

From: City Manager's Office

Initiated By: City Commission

Presented By: City Commission

Action Requested: Reappoint two members to the Great Falls Planning Advisory Board

Suggested Motion:

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission reappoint Patrick Sullivan and Peter Fontana to the Great Falls Planning Advisory Board for three-year terms beginning January 1, 2018 and ending on December 31, 2020.”

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

Staff Recommendation:

It is recommended that the City Commission reappoint Patrick Sullivan and Peter Fontana to full three-year terms ending on December 31, 2020, to the Great Falls Planning Advisory Board.

Summary:

Mr. Sullivan was appointed in September of 2017 to the Planning Advisory Board for a partial term and is interested in serving a full three year term. Mr. Fontana was appointed on April 7, 2015 to fill the remainder of a three year term. He is interested and eligible to serve his first full three year term. Terms for both Mr. Sullivan and Mr. Fontana will expire on December 31, 2017 unless they are reappointed.

Advertisement to fill various vacancies on the Board been ongoing through the local media and the City's website. At this time, no citizens have expressed interest in serving on the Board. There still remains an opening to replace Mr. Weisenburger who's term will also expire on December 31, 2017. Advertisements will continue.

Purpose: The Great Falls Planning Advisory Board was created in lieu of the Great Falls City-County Planning Board. Further, the advisory board has jurisdiction within the City limits; consists of nine

citizen members appointed by the City Commission; and, performs and provides the duties, services and functions specified in Ordinance No. 2913, generally involving growth policies, subdivision applications and plats, annexation applications, zoning and rezoning petitions, conditional use permits, long range planning, transportation planning, Community Transportation Enhancement Program administration, historic preservation services, etc. Members must reside within the city limits. City employees and elected officials are not eligible for appointment.

Alternatives:

Continue to advertise to seek other citizen interest.

Concurrences:

At its October 17, 2017 meeting, the Great Falls Planning Advisory Board recommended to reappoint Patrick Sullivan and Peter Fontana.

Continuing members of this board are:

	Terms
Scot Davis	11/1/11 – 12/31/18
Anthony Houtz	1/21/14 – 12/31/19
Michael Wedekind	10/7/15 – 12/31/19
Charles Pankratz	6/20/17 – 12/31/19
Sophia Sparklin	12/18/12 – 12/31/18
Dave Bertelsen	8/15/17 – 12/31/18
Nathan (Nate) Weisenburger	11/1/11 – 12/31/17

Members interested in reappointment on this board are:

Patrick Sullivan	9/19/17 – 12/31/17
Peter Fontana	4/7/15 – 12/31/17



Item: Appointment, Mansfield Center for the Performing Arts Advisory Board

From: City Manager's Office

Initiated By: City Commission

Presented By: City Commission

Action Requested: Appoint one member to serve on the Mansfield Center for the Performing Arts Advisory Board

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission appoint _____ for the remainder of a three year term through December 31, 2018, to the Mansfield Center for the Performing Arts Advisory Board.”

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

Staff Recommendation:

It is recommended that the City Commission appoint Nancy Clark to the Mansfield Center for the Performing Arts Advisory Board for the remainder of a three year term.

Summary:

Keern Haslem was appointed to the Mansfield Center for the Performing Arts Advisory Board in January 2013 and reappointed in January 2016 for a second term. Mr. Haslem tendered his resignation from the Board on January 10, 2017. Advertising began shortly after his resignation and has been ongoing. The City received a application from Nancy Clark on September 21, 2017.

The Mansfield Center for the Performing Arts Advisory Board reviewed the application during their meeting on October 20, 2017 and recommended appointing Ms. Clark to the Board.

Background: The Civic Center Advisory Board was created in 1997 and was amended by Ord. 2928 in February of 2006 to change the name to the Mansfield Center for the Performing Arts Advisory Board. The Board acts in an advisory capacity to the City Commission and the City Manager on matters related to the successful operation of the Civic Center as the Mansfield Center for the Performing Arts and public meeting rooms. The Board consists of five to seven members with an attempt to have

representation from the areas of performing arts, conventions and meetings, and civic leaders.

Continuing members of this board are:

Carl Donovan	1/15/13 – 12/31/18
Pamela Bennett	11/ 3/15 – 12/31/19
Kelly Manzer	1/01/14 – 12/31/19
Edward (Larry) Gomoll	12/20/11 – 12/31/17
Allen Lanning	1/06/15 – 12/31/19
Patty Holmes Myers	1/ 1/16 – 12/31/18

Alternatives:

Advertise to seek other citizen interest.

Concurrences:

During the October 20, 2017 Mansfield Center for the Performing Arts Board meeting the Board recommended appointing Ms. Clark.

ATTACHMENTS:

- ▣ Application -- Nancy Clark



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


RECEIVED

SEP 21 2017

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.

CITY MANAGER

Board/Commission Applying For: Mansfield Advisory Board		Date of Application: 9/20/17	
Name: Nancy M. Clark			
Home Address: 4419 7 th Ave. S		Email address: moostie497@gmail.com	
Home Phone:	Work Phone:	Cell Phone: 406-788-4433	
Occupation: retired		Employer:	
Would your work schedule conflict with meeting dates? I am available most Fridays		Yes <input checked="" type="checkbox"/> No <input checked="" type="checkbox"/> (If yes, please explain)	
Related experiences or background: Ushering Teaching			
Educational Background: BS in Elementary Education MEd. in Guidance + Counseling			
IF NECESSARY, ATTACH A SEPARATE SHEET FOR YOUR ANSWERS TO THE FOLLOWING:			
Previous and current service activities: CASA Alliance for Youth Board Library Board			
Previous and current public experience (elective or appointive):			
Membership in other community organizations: Retired Teachers NMREA Alliance for Youth			

Have you ever worked for or are you currently working for the City of Great Falls? Yes <input type="checkbox"/> No <input checked="" 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 checked="" type="checkbox"/> If yes, who, which department, and relationship? 	
Have you ever served on a City or County board? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If yes, what board and when did you serve? <i>Library Board 1980's</i>	
Are you currently serving on a Board? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If yes, which board? <i>Alliance for Youth Secretary for the board</i>	
Please describe your interest in serving on this board/commission? <i>I was asked to serve. I enjoy ushering for many of the events at Mansfield. The various audiences are fun to interact with. I hope to help guide the board toward an audience that is under served. ie younger, air force, schools</i>	
Please describe your experience and/or background which you believe qualifies you for service on this board/commission? <i>I've been on other boards. I understand how to work with people. I am a good listener and will share my views with others.</i>	
Additional comments: 	
Signature 	Date: <i>9-20-17</i>

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



Item: Reappointments/appointments, Parking Advisory Commission

From: City Manager's Office

Initiated By: City Commission

Presented By: City Commission

Action Requested:

Remove reappointments to the Parking Advisory Commission from the table and reappoint William Mintsiveris and appoint Jeff Patterson to the Parking Advisory Commission for terms through April 30, 2020.

Suggested Motion:

1. Commissioner moves:

"I move that the City Commission remove reappointments to the Parking Advisory Commission from table"

and

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

2. Commissioner moves:

"I move that the City Commission reappoint William Mintsiveris to the Parking Advisory Commission for a three-year term through April 30, 2020 and appoint Jeff Patterson for the remainder of a three year term through April 30, 2020"

and

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

Staff Recommendation:

Staff recommends that the City Commission reappoint William Mintsiveris and appoint Jeff Patterson to the Parking Advisory Commission through April 30, 2020.

Summary:

During the Commission meeting on October 3, 2017 Commissioner Bronson motioned to postpone the reappointments of Dave Snuggs and William Mintsiveris until the November 7, 2017 meeting. Commissioner Bronson wanted to review attendance issues with Mr. Snuggs and possible open meeting violations with Mr. Mintsiveris. The terms for Dave Snuggs and William Mintsiveris expired on April 30, 2017.

Since the meeting on October 3, 2017 meeting Mr. Snuggs has decided not to seek reappointment due to health reasons. Mr. Mintsiveris is still interested in serving another term. An application from Jeff Patterson was received by the City on October 17, 2017. City staff has reviewed Mr. Patterson's application and is recommending him for appointment. If appointed, Mr. Patterson would serve a partial term through April 30, 2020.

The Parking Advisory Commission is comprised of five members appointed by the City Commission. The Commission advises the City Commission, City Manager, and Planning and Community Development Staff on matters related to parking issues within the Parking Districts. Advertisement for several vacancies for this Commission have been posted on the City's Website and through local media.

Parking Advisory Commission members	Term
Dave Snuggs	2/2/16 -- 4/30/17
William Mintsiveris	2/2/16 -- 4/30/17
Lee Wiegand	8/15/17 -- 4/30/19
Kellie Pierce	10/3/17 -- 4/30/19
Katie Hanning	8/15/17 -- 4/30/19

Alternatives:

1. Not remove the issue from the table;
2. Not reappoint Mr. Mintsiveris for an additional term;
3. Not appoint Mr. Patterson for a partial term; and/or
4. Continue to seek other interested applicants.

Concurrences:

During the Parking Advisory Commission Meeting on September 21, 2017 the Board expressed support reappointing Mr. Snuggs and Mr. Mintsiveris. Mr. Snuggs has since decided not to seek a second term.

ATTACHMENTS:

- ▣ Patterson Application



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


RECEIVED

OCT 17 2017

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.

CITY MANAGER

Board/Commission Applying For: PAC		Date of Application: 10/17/17	
Name: JEFF PATTERSON			
Home Address: 2213 GRAPE CT		Email address: jeffp@schoolhouseit.com	
Home Phone: 406 788 7538	Work Phone: 406 235 7020	Cell Phone: SEE HOME	
Occupation: CEO, SCHOOLHOUSE IT INC.		Employer: SCHOOLHOUSE IT, INC.	
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: HAVE SERVED ON PUBLIC BOARDS AND AS PUBLIC EMPLOYEE AS WELL - RESUME: jeffpatterson.info (WEBSITE)			
Educational Background: MSU BOZEMAN: COMPUTER SCIENCE			
IF NECESSARY, ATTACH A SEPARATE SHEET FOR YOUR ANSWERS TO THE FOLLOWING:			
Previous and current service activities: - SYMPHONY BOARD - - SCHOOL ADMINISTRATORS OF MONTANA, MONTANA TECHNOLOGY ASSOCIATION FOUNDER + PAST PRESIDENT			
Previous and current public experience (elective or appointive): DIRECTOR OF TECHNOLOGY, GREAT FALLS PUBLIC SCHOOLS (7 YRS)			
Membership in other community organizations: NONE AT THIS TIME			

Have you ever worked for or are you currently working for the City of Great Falls? Yes <input type="checkbox"/> No <input checked="" 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 checked="" 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 checked="" type="checkbox"/> If yes, what board and when did you serve?	
Are you currently serving on a Board? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, which board?	
Please describe your interest in serving on this board/commission? I OFFICE DOWNTOWN AND AM ALL-IN GREAT FALLS. IF I CAN HELP, I'D LIKE TO.	
Please describe your experience and/or background which you believe qualifies you for service on this board/commission? I'M A SOLUTIONS-ORIENTED PRAGMATIST. I HAVE BEEN A SR. MGR IN FORTUNE 500 COMPANIES AND NOW RUN MY OWN LOCAL FIRM. I BELIEVE I HAVE SOMETHING TO OFFER.	
Additional comments: PLEASE CALL ME TO DISCUSS IF APPROPRIATE. I WAS INTNED TO APPLY BY JOAN REDEEN AND SPOKE BRIEFLY WITH CRAIG RAYMOND REGARDING THIS AS WELL.	
Signature 	Date: 10/17/17

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Email:
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Agenda # 8.
Commission Meeting Date: November 7, 2017
City of Great Falls
Commission Agenda Report

Item: October 17, 2017 - - City Commission Meeting Minutes

From: City Clerk's Office

Presented By: City Commission

ATTACHMENTS:

- ▢ October 17, 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, Bill Bronson, Tracy Houck and Fred Burow. Commissioner Bob Jones was excused. Also present were City Manager Greg Doyon and Deputy City Manager Chuck Anderson; City Clerk Lisa Kunz; Public Works Director Jim Rearden; Planning and Community Development Director Craig Raymond; Park and Recreation Interim Director Patty Rearden; Fiscal Services Director Melissa Kinzler; Fire Chief Steve Hester; Assistant City Attorney Joe Cik; 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: Extra Mile Day, Family Promise Week, Medical Assistants Recognition Week, Red Ribbon Week, and Support for the National Park System.

**** Action Minutes of the Great Falls City Commission. Please refer to the audio/video recording of the meeting for additional detail****

PETITIONS AND COMMUNICATIONS**1. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

Ron Staley, 801 3rd Avenue SW, read a prepared statement regarding current City Code 9.8.020(A) prohibiting the carrying of concealed or unconcealed weapons in parks under City jurisdiction, as well as portions of the River's Edge Trail within the City limits. Mr. Staley urged the Commission to revisit the provisions of 9.8.020, and make it legal for people who have been vetted through the process of obtaining concealed carry permits to legally carry in City parks and the River's Edge Trail.

Tammy Evans, 4421 6th Avenue South, read a prepared statement regarding current City Code 9.8.020 prohibiting weapons in City parks including licensed concealed carry holders. She expressed concern that the 1997 provision removed her second amendment right to protect herself and her children while at a City park. She feels the 1997 ordinance is a disservice to law abiding citizens. She urged the Commission to consider amending this section of City Code to allow citizens that are license to carry concealed weapons to also enjoy City parks.

Cindy Moyer, 1400 6th Street NW, commented that after enduring the trauma of a home invasion and assault, she has educated herself regarding the right to arm herself with deadly force for self defense, as this is part of the foundation of our second amendment right and responsibility. Ms. Moyer commented that current City Code that prevents people from being armed while enjoying City parks exposes women and children to potential predators. She reviewed portions of a handout of a discussion with researcher John Lott and the danger of gun free zones. In conclusion, Ms. Moyer challenged the Commission to support a woman's second amendment right and

responsibility to defend herself in public with a concealed firearm.

Jennifer Grena, 812 Grizzly Drive, spoke in support of the right to carry a concealed weapon in parks and on the River's Edge Trail. She suggested the ordinance be changed to help citizens to be safe. She discussed her car being broken into and her purse stolen. After that incident, she didn't feel safe, felt that she was being watched and targeted, and started carrying a concealed weapon.

John Hubbard, 615 7th Avenue South, spoke in opposition to NorthWestern Energy's request to the Public Service Commission for a rate hike. Mr. Hubbard was reminded to speak to matters under the jurisdiction of the Commission.

Sheridan Buck, 82 Bend View Lane, supports the previous speakers' comments. She commented that she is involved in the community and often is a voice that some people don't want to hear in some of the groups that she is involved in because it is a different opinion. There are things she would like to do in the city but doesn't, because of the weapon rule. Ms. Buck concluded that, as a citizen of Great Falls she is very vulnerable and she would like to see friends and neighbors be able to protect themselves.

John Hackwith, 3025 5th Avenue South, commented that the greater good of the community is never served by disarming good people. There are far more good people in the community whose carry of a firearm would be an asset than there are bad people whose carry of a firearm would be a detriment. He referred to the last three decades of horrific shooting events and commented that the majority have been on soft targets. He suggested the Commission owes it to the citizens of the community to ensure that our parks are not one of those soft targets. Mr. Hackwith also expressed appreciation to the members and families of the Great Falls Police Department.

Mayor Kelly commented that Chief Bowen and Park and Recreation Interim Director Patty Rearden were asked to weigh in on this matter over time. There is interest amongst citizens for the Commission to revisit this law. The Commission will review this law and either reaffirm or change it.

Commissioner Burow commented he wasn't suggesting that open firearm carry be legal in the parks. But, people go through extensive background checks for concealed carry permits. He suggested the Commission revisit this matter.

NEIGHBORHOOD COUNCILS

2. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

There were no miscellaneous reports and announcements from representatives of Neighborhood Councils.

BOARDS & 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, TOURISM BUSINESS IMPROVEMENT DISTRICT.

Commissioner Burow moved, seconded by Commissioner Bronson, 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.

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

Commissioner Houck thanked Sandra Johnson-Thares for her service on this board and her continued service.

Mayor Kelly asked if there were any comments from the public. Hearing none, Mayor Kelly called for the vote.

Motion carried 4-0.

CITY MANAGER

5. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

City Manager Greg Doyon announced that Stephen Herrig of Leavenworth, Kansas was appointed as the Park and Recreation Director. Steve's employment with the City will begin on November 27th. Manager Doyon thanked the members that participated in the interviewing panels.

Manager Doyon reported that a third negotiating session is scheduled with MPEA on November 17th.

Manager Doyon and Deputy City Manager Anderson will be out of the office beginning the end of this week to attend an ICMA conference. City Attorney Sara Sexe will fill in during the work week. Manager Doyon will let the Commission know who is covering in his absence over the weekend.

Last week he had dinner with Maj. Gen. Cotton, commander at Malmstrom Air Force Base, who is moving on in his career.

Manager Doyon reported that he continues to work on the energy and gas supply contracts. He hopes to have contracts for the Commission to ratify at the next meeting. He clarified that there wouldn't be duplication of services with the audit services of McKinstry.

A "kudos page" has been added to the City's website for citizens to report good interactions with City employees.

Manager Doyon asked Development Review Coordinator Charlie Sheets to report on the good news he received from FEMA today.

Development Review Coordinator Sheets reported that, on behalf of the combined efforts of several City departments and other groups, as the City's Floodplain Administrator he received a congratulatory letter from FEMA and the City of Great Falls will be recognized as a Community Rating System (CRS) 7 community as of October 1, 2017. Under the CRS, flood insurance premium rates are discounted to reward community actions that meet the three goals of the CRS, which are: (1) reduce flood damage to insurable property; (2) strengthen and support the insurance aspects of the NFIP; and (3) encouraging a comprehensive approach to floodplain management. The discounted rates equate to nearly \$10,000 savings in flood insurance premiums for the residents and businesses of Great Falls.

Manager Doyon read a prepared statement that briefed the Commission and public regarding 2018 CDBG allocations, and conflict of interest concerns with authorized funding of several projects including Paris Gibson Square and NeighborWorks Great Falls. Manager Doyon concluded that even before HUD's recent contact with City staff, staff had already begun efforts to address conflict issues and establish better processes to identify and address potential or actual conflicts of interest.

Mayor Kelly recognized Commissioner Burow in that he had expressed concerns and was not on board with funding of the CDBG projects now being reviewed. HUD has indicated the City has an opportunity to review this matter. He further noted that there has never been an effort by this Commission to be less than transparent.

CONSENT AGENDA.

6. Minutes, October 3, 2017, 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 Assistance 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. **OF 1631.9**

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 Miscellaneous Tax Division and authorize the City Manager to execute the necessary documents and make the payments. **OF 1554.2**

Commissioner Burow moved, seconded by Commissioner Bronson, that the City Commission accept the Consent Agenda as presented.

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 4-0.

PUBLIC HEARINGS

14. **ORDINANCE 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.**

Assistant City Attorney Joe Cik reported that, generally, this ordinance reformats and renumbers Title 5, as well as clarifies language regarding businesses requiring safety inspection certificates (SIC), moves contractor license provisions to Title 5, establishes clear penalty provisions for businesses operating without proper SIC's, permits or licenses. Additionally the CATV and telecommunication facility provisions were moved to a separate Title 4.

Assistant City Attorney Cik further reported that changes were made to Title 5 after first reading that included the definition of non-profit organizations; clarified that a SIC is not required for issuance of a home occupation certificate; amended the title to include home occupation certificate; required that commercial garbage license applicants possess a Montana Public Service Commission permit; and, corrections made to the alcohol beverage regulation indexing.

Mayor Kelly declared the public hearing open.

No one spoke in support of or in opposition to Ordinance 3168.

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 Ordinance 3168, with an amendment to Section 5.1.010(G) to read:

“Nonprofit organization” is any group which does not distribute pecuniary gains, profits, or dividends to its members, and/or for which pecuniary gain is not the objective of the organization. For the purposes of this Title, a nonprofit organization need not be recognized as tax-exempt by the United States Internal Revenue Service and the Montana Department of Revenue.”

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 4-0.

15. ORDINANCE 3169, REPEALING AND REPLACING TITLE 2 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF), PERTAINING TO ADMINISTRATION AND PERSONNEL PROVISIONS.

Assistant City Attorney Joe Cik reported that this ordinance under consideration generally cleans up typographical and grammatical errors and reformats the chapters for improved readability. Substantive changes include repealing the youth council, establishing an ethics committee, requiring members of boards and commissions to be qualified electors, matching provisions regarding neighborhood councils to proposed charter changes and requiring all City officers to disclose any potential conflicts of interest.

Assistant City Attorney Cik also noted that this item was updated after first reading. He explained that the changes were a result of the discussions at first reading regarding members of boards and commission being residents of the City.

Mayor Kelly declared the public hearing open.

No one spoke in support of or in opposition to Ordinance 3169.

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

Commissioner Houck moved, seconded by Commissioner Bronson, that the City Commission adopt Ordinance 3169.

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

In response to Commissioner Burow, Assistant City Attorney Cik clarified that the Airport Authority Board and TBID were established by resolution and do not fall under the category of Title 2.

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

Motion carried 4-0.

16. ORDINANCE 3171, ESTABLISHING TITLE 4 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF), PERTAINING TO TELECOMMUNICATION FACILITIES.

Assistant City Attorney Joe Cik reported that this item is in conjunction with Ordinance 3168 that was already adopted. This ordinance moves telecommunication facilities from Title 5 to Title 4.

Mayor Kelly declared the public hearing open.

No one spoke in support of or in opposition to Ordinance 3171.

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

Commissioner Bronson moved, seconded by Commissioner Burow, that the City Commission adopt Ordinance 3171.

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

Motion carried 4-0.

17. ORDINANCE 3172, 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.

Assistant City Attorney Joe Cik reported that this is the last step of the Title 5 process. Adoption of this ordinance moves the licensing provisions of the Plumbing Code, International Fuel Gas Code and the Electrical Code to Title 5. Business owners will now have a “one stop shop” to find out what permits, licenses or certificates are required to run a business in Great Falls.

Mayor Kelly declared the public hearing open.

No one spoke in support of or in opposition to Ordinance 3172.

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

Commissioner Burow moved, seconded by Commissioner Bronson, that the City Commission adopt Ordinance 3172.

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

Motion carried 4-0.

18. RESOLUTION 10207 – FIXING THE RATES OF SAFETY INSPECTION CERTIFICATE FEES IN TITLE 5 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF).

Fire Chief Steve Hester reported that Resolution 10207 proposes an increase in the fees for new issuances and annual renewals of safety inspection certificates. Increases are based on the average consumer price index that have occurred over the past 10 years, or about 1.5% per year, adding up to 15%. Additionally, adoption of this resolution establishes Tier 6 fees pertaining to large box stores and industrial facilities. Great Falls Fire Rescue performs about 3,300 inspections per year, and of those catch about 1,700 infractions.

Mayor Kelly declared the public hearing open.

No one spoke in support of or in opposition to Resolution 10207.

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

Commissioner Bronson moved, seconded by Commissioners Burow and Houck, that the City Commission adopt Resolution 10207, fixing the rates of safety inspection certificate fees in Title 5 of the Official Code of the City of Great Falls.

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

Commissioner Houck inquired about the change in 2004 that all churches were included in the Tier 1 category regardless of square footage, and the use of the word “churches” rather than “house of worship.”

Fire Marshal Dirk Johnson responded that he would look into her questions and report back to the Commission.

Mayor Kelly inquired how adoption of this resolution would help the fire marshal’s job.

Fire Marshal Johnson responded that it would help offset some costs, and it will provide for time for personnel to get out to the high risk types of places. He explained that each inspection costs about \$300 without any complications. In summary, it will help service delivery and safety of citizens.

Mayor Kelly reiterated that these additional fees do not come close to covering the total cost of inspections.

Commissioner Bronson commented that his business office is inspected annually. It is nice to have fire personnel perform the periodic inspection of businesses to see if there is something that could cause a problem.

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

Motion carried 4-0.

OLD BUSINESS

NEW BUSINESS

ORDINANCES/RESOLUTIONS

19. ORDINANCE 3173, AMENDING TITLE 9, CHAPTER 4, SECTION 010 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF) PERTAINING TO ALCOHOLIC BEVERAGE DEFINITIONS.

Assistant City Attorney Joe Cik reported that this proposed ordinance will change the definition of “wine” to match state statute, Mont. Code Ann. § 16-1-106, as well as make it consistent with other provision of the OCCGF.

Commissioner Houck moved, seconded by Commissioner Burow, that the City Commission accept Ordinance 3173 on first reading and set the public hearing for November 7, 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 4-0.

20. **ORDINANCE 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.**

Assistant City Attorney Joe Cik reported that this ordinance would change the definition of “stray” or “stray animal” based upon the Health Department’s ability to deal with those animals when it comes to rabies exposure. It will also remove the human exposure provisions from the rabies exposure regulations, and will remove isolation provisions for animals that are diagnosed with rabies, as an animal must be dead to be diagnosed with rabies.

Finally, the Great Falls Police Department proposed an amendment to OCCGF 6.1.250, adding language that clarifies who is authorized to rescue animals left unattended in motor vehicles.

Commissioner Bronson moved, seconded by Commissioner Houck, that the City Commission accept Ordinance 3174 on first reading and set the public hearing for November 7, 2017.

Mayor Kelly asked if there was any discussion amongst the Commissioners or comments from the public. Mayor Kelly thanked staff and commented that the code changes are tedious and mundane, but are necessary in making it a more uniform code.

Mayor Kelly called for the vote.

Motion carried 4-0.

CITY COMMISSION

21. **MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

There were no miscellaneous reports and announcements.

22. **COMMISSION INITIATIVES.**

Commissioner Burow inquired if the Commission should provide staff direction with regard to revisiting firearms in parks.

Mayor Kelly responded he would like to hold off for now, and suggested that staff present at a future work session.

ADJOURNMENT

There being no further business to come before the Commission, **Commissioner Burow moved, seconded by Commissioner Bronson, to adjourn the regular meeting of October 17, 2017, at 8:35 p.m.**

Motion carried 4-0.

Mayor Bob Kelly

City Clerk Lisa Kunz

Minutes Approved: November 7, 2017



Agenda # 9.
Commission Meeting Date: November 7, 2017
City of Great Falls
Commission Agenda Report

Item: Total Expenditures of \$3,453,980 for the period of September 30, 2017 through October 25, 2017, to include claims over \$5,000, in the amount of \$2,792,858.

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 OCTOBER 5, 2017 - OCTOBER 25, 2017	3,418,338.04
MUNICIPAL COURT ACCOUNT CHECK RUN FOR SEPTEMBER 30, 2017 - OCTOBER 13, 2017	35,641.86

TOTAL: \$ 3,453,979.90

SPECIAL REVENUE FUND

SUPPORT & INNOVATION

GREAT FALLS BUSINESS IMPROVEMENT DISTRICT	TAX DISTRIBUTION FOR SEPTEMBER 2017	5,734.17
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STREET DISTRICT

GREAT FALLS SAND & GRAVEL	ASPHALTIC CONCRETE	115,284.67
TERRACON CONSULTANTS INC	OF 1679.7 ENCINO DR/GRANDE VISTA 2	12,000.00
	STREET REPAIRS	
UNITED MATERIALS OF GREAT FALLS	OF 1730.1 ADA HANDICAP RAMPS	44,830.48
	2ND ST NW	
KUGLIN CONSTRUCTION	OF 1730.0 MISC CURB RECONSTRUCTION	32,309.15
	PHASE 1	
UNITED MATERIALS OF GREAT FALLS	3/8" CRUSHED CHIPS	8,780.40

FEDERAL BLOCK GRANTS

LIGGETT CONSTRUCTION	4" WATER LINE INSTALLATION AT 316 CENTRAL AVE	28,050.00
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ENTERPRISE FUNDS

WATER

HACH COMPANY	9 TURBIDMETERS	18,579.15
WILLIAMS CIVIL CONSTRUCTION	OF 1718 BEECH/CHERRY DRIVE WMR	296,253.45
ADVANCED ENGINEERING & ENVIRONMENTAL SERVICES INC	OF 1625.6 GORE HILL PUMP STATION REPLACEMENT	5,718.50
BLACK & VEACH CORPORATION	OF 1519.6 WTP IMP PH 1 CONSTRUCTION	37,115.54
UNITED MATERIALS OF GREAT FALLS	OF 1716 8TH AVE N WMR	48,032.69
NALCO COMPANY	ALUMINUM CHLOROHYDRATE	35,776.00

SEWER

VEOLIA WATER NORTH AMERICA	MONTHLY WWTP OPERATION CONTRACT	233,851.99
VEOLIA WATER NORTH AMERICA	MONTHLY CONTRACTED CAPITAL IMPROVEMENTS	12,500.00
VEOLIA WATER NORTH AMERICA	GALLERY LIGHTING & TRANSFER SWITCHES	7,906.42
PHILLIPS CONSTRUCTION	OF 1633.6 WWTP STORM WATER DEMONSTRATIONS PROJECT	7,914.03
LINKO TECHNOLOGY INC	ANNUAL LICENSE, PROFESSIONAL SERVICE FEE, SOFTWARE LICENSE FEE	5,495.00

STORM DRAIN

E J CARPENTRY LLC	OF 1455.6 PW BUILDINGS FACILITY PLAN AND REPAIRS (SPLIT AMONG FUNDS)	11,483.47
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PARKING

STANDARD PARKING CORPORATION	SEPTEMBER 2017 COMPENSATION	36,205.10
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CIVIC CENTER EVENTS

GREAT FALLS COMMUNITY CONCERT ASSOCIATION	18-10 RICHARD DOWLING PAY-OUT	6,882.45
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INTERNAL SERVICES FUND

HEALTH & BENEFITS

MONTANA MUNICIPAL INTERLOCAL AUTHORITY	HEALTH INSURANCE PREMIUM FOR OCTOBER 2017	743,264.15
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INSURANCE & SAFETY

MONTANA MUNICIPAL INTERLOCAL AUTHORITY	SEPTEMBER DEDUCTIBLE RECOVERY BILLING	5,449.51
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FISCAL SERVICES

ANDERSON ZURMUEHLEN AND CO PC	ANNUAL AUDIT SERVICES	12,000.00
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INTERNAL SERVICES FUND (CONTINUED)

CENTRAL GARAGE

WELLER TRACTOR SALVAGE INC	12' MOLDBOARD	5,175.00
MOUNTAIN VIEW CO-OP	FUEL-DIESEL	34,815.76
TERRACON CONSULTANTS INC	OF 1455.9 PW FUEL TANK PURCHASE	10,500.00
ROCKY MOUNTAIN TRUCK SERVICE	REMANUFACTURED ENGINE	6,544.81
CITY MOTOR CO	2017 CARGO VAN	21,967.00

PUBLIC WORKS ADMINISTRATION

E J CARPENTRY LLC	OF 1455.6 PW BUILDINGS FACILITY PLAN AND REPAIRS (SPLIT AMONG FUNDS)	70,942.58
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CC FACILITY SERVICES

NORTHWEST PIPE FITTINGS INC	MATERIALS FOR RESTROOM REPAIRS	5,756.96
NORTHWEST PIPE FITTINGS INC	MATERIALS FOR BOILER TRAPS CIVIC CENTER	9,039.98

TRUST AND AGENCY

COURT TRUST MUNICIPAL COURT

CITY OF GREAT FALLS	FINES & FORFEITURES COLLECTIONS	31,449.67
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PAYROLL CLEARING

STATE TREASURER	MONTANA TAXES	43,890.00
ICMA RETIREMENT TRUST	EMPLOYEE CONTRIBUTIONS	7,489.87
FIREFIGHTER RETIREMENT	FIREFIGHTER RETIREMENT EMPLOYEE & EMPLOYER CONTRIBUTIONS	52,443.32
STATEWIDE POLICE RESERVE FUND	POLICE RETIREMENT EMPLOYEE & EMPLOYER CONTRIBUTIONS	65,942.24
PUBLIC EMPLOYEE RETIREMENT	PUBLIC EMPLOYEE RETIREMENT EMPLOYEE & EMPLOYER CONTRIBUTIONS	123,247.20
POLICE SAVINGS & LOAN	EMPLOYEE CONTRIBUTIONS	14,048.00
US BANK	FEDERAL TAXES, FICA & MEDICARE	205,910.32
AFLAC	EMPLOYEE CONTRIBUTIONS	11,395.13
LABORERS INTERNATIONAL UNION	EMPLOYEE CONTRIBUTIONS	6,491.81
NATIONWIDE RETIREMENT SOLUTIONS	EMPLOYEE CONTRIBUTIONS	14,032.38

UTILITY BILLS

ENERGY WEST RESOURCES	SEPTEMBER 2017 MONTHLY CHARGES	11,425.49
TALAN TREASURE STATE	ELECTRICITY CHARGES SEPT 2017	98,880.00
NORTHWESTERN ENERGY	SEPTEMBER 2017 SLD CHARGES	74,434.74
NORTHWESTERN ENERGY	AUGUST 2017 WATER PLANT CHARGES	23,585.32
MONTANA WASTE SYSTEMS INC	SEPTEMBER 2017 MONTHLY CHARGES	72,034.31

CLAIMS OVER \$5000 TOTAL: \$ 2,792,858.21



Agenda # 10.
Commission Meeting Date: November 7, 2017
City of Great Falls
Commission Agenda Report

Item: Contracts List

From: Darcy Dea, Deputy City Clerk

Initiated By: Various City Staff

Presented By: Darcy Dea, Deputy City Clerk

ATTACHMENTS:

- ▣ November 7, 2017 -- Contracts List

CITY OF GREAT FALLS, MONTANA

AGENDA: 10

COMMUNICATION TO THE CITY COMMISSION

DATE: November 7, 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: Darcy Dea, Deputy 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	Planning and Community Development	Central Floor Covering, Inc.	11/07/2017-12/31/2018	\$10,892.24	Agreement to replace Civic Center Carpet in the lobby, handicap ramp, and north and south basement hallways
B	City Manager	Pascoe Energy Consulting, LLC	11/07/2017 – 12/31/2017	\$200 per hour, not to exceed \$10,000 and traveling expenses up to \$800	Agreement to assist the City with preparing a Request for Proposals, and to make a electric supply purchase recommendation to the City Commission
C	Planning and Community Development	TD&H Engineering	11/07/2017-12/20/2017	\$2,300	Professional Services Agreement for review of traffic impact study document for proposed new hotel in Country Club Blvd

					and Fox Farm Road, and provide written commentary and be available to respond to questions at meetings and hearings
D	City Manager	Earth Energy Advisors Inc. (EEA)	11/01/2017-10/31/2022	\$8500	Professional Energy Services Agreement to provide services for generating energy cost reductions for City facilities, and to negotiate a new contract extension for natural gas supply
E	Park and Recreation	Williamson Fencing & Sprinklers	11/07/2017-02/28/2018	\$24,150	Agreement to replace dugouts and backstop on Field Four at the Multi Sports Complex
F	Public Works Environmental	Great Falls Public Schools (GFPS)	Permanent	N/A	Maintenance Agreement to maintain stormwater Best Management Practices (BMP's) for a private stormwater treatment system at the new Roosevelt Elementary at T20N R4E Sec 5 OF 1724.0
G	Public Works Environmental	Double Bogey, LLC	Permanent	NA	Maintenance Agreement to maintain stormwater Best Management Practices (BMP's) for a private stormwater treatment system associated with Eagle Beverage New Warehouse T20N R3E Sec 14 OF 1578.2
H	Public Works Environmental	Billing Holdings, LLC	Permanent	NA	Maintenance Agreement to maintain stormwater Best Management Practices (BMP's) for a private stormwater treatment system associated with Mainstay Suites & Sleep Inn & Suites Hotel in Fox Farm T20N R3E Sec 14 OF 1719.0



Item: Construction Final Pay: 4th Avenue North Water Main Replacement, O.F. 1571.1

From: Engineering Division

Initiated By: Public Works Department

Presented By: Jim Rearden, Public Works Director

Action Requested: Consider and Approve Final Pay Request

Suggested Motion:

1. Commissioner moves:

"I move the City Commission (approve/not approve) Final Payment for the 4th Avenue North Water Main Replacement, in the amount of \$47,949.47 to Williams Civil Division, Inc., and \$484.34 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:

The City contracted with Williams Civil to replace deteriorating water main along 4th Avenue North. Williams Civil has completed the project and is requesting final payment.

Background:

Four bids were received and opened for this project on April 6, 2016. Williams Civil submitted the low bid \$1,454,910.00.

The City Commission awarded the contract to Williams Civil on April 19, 2016.

This project replaced water mains that have been failing with increasing frequency, causing damage to property, roadways and disrupting water service to local residents and businesses.

The final project cost is \$1,305,864.02 which is \$149,045.98 less than the total contract amount. The lack of import backfill, type II bedding, and very little miscellaneous work contributed to the low final contract amount.

This project replaced 7,740 lineal feet of 6-inch, 8-inch and 12-inch cast iron water main with 8-inch, and 12-inch PVC water main; 360 lineal feet of 16-inch cast iron water main with 16-inch PVC water main; 13 fire hydrants; 180 water service connections; 8,200 square yards of gravel; and 8,980 square yards of asphalt pavement. The project locations included:

1. 4th Avenue North from 15th Street to 27th Street.
2. 18th Street from 2nd Avenue North to 4th Avenue North.
3. 21st Street from 3rd Avenue North to 4th Avenue North.
4. 23rd Street from 3rd Avenue North to 4th Avenue North.
5. 27th Street from 3rd Avenue North to 5th Avenue North.
6. 1st Avenue North from 14th Street to 15th Street.

Williams Civil has completed all work and items on the punch list. The City can accept the project and execute Final Payment. The project was completed five days over the contract time and liquidated damages were assessed. The two year warranty period started at the time of substantial completion which was August 11, 2017.

Fiscal Impact:

This project is being funded through the Water Capital Improvement fund.

Alternatives:

The City Commission could vote to deny Final Pay.

ATTACHMENTS:

- ▣ Final Pay



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

**Changed
Purchase Order
No. 2016-00000316**

DATE 10/03/2016

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	STATUS	UNIT COST	TOTAL COST
1.0000	EACH	CONTRACT SERVICES - CHNG TO PO OF 1571.1 ADD \$945,360.90 5210.31.556.49310 - IMPROVEMENTS OTHER THAN BUILDINGS 1,440,360.90 PW351601	Item Changed	1,440,360.9000	\$1,440,360.90
PURCHASE ORDER TOTAL					\$1,440,360.90

*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.

PROJECT FUNDING/EXPENDITURE SUMMARY

4th Avenue North Water Main Replacement -15th Street to 27th Street

PREPARED BY THE CITY ENGINEERS OFFICE O. F. 1571.1

10/24/2017

PAYEE	FUND	CLAIM - NUMBER / AMOUNT / DATE									CONTRACT AMOUNT	EXPENDITURES TO DATE	BALANCE
		NO. 1	NO. 2	NO. 3	NO. 4	NO. 5	NO. 6	NO. 7	NO. 8	NO. 9			
CONTRACTOR: Williams Civil Construction	Water	\$105,823.37	\$206,503.87	\$113,146.97	\$222,093.58	\$294,904.59	\$82,753.30	\$159,634.33			\$1,440,360.90	\$1,292,805.38	\$147,555.52
	TOTAL	\$105,823.37	\$206,503.87	\$113,146.97	\$222,093.58	\$294,904.59	\$82,753.30	\$159,634.33			\$1,440,360.90	\$1,292,805.38	\$147,555.52
	INVOICE DATE	6/23/2016	7/25/2016	8/22/2016	9/23/2016	11/2/2016	11/30/2016	8/8/2017					
	Water	\$1,068.92	\$2,085.90	\$1,142.90	\$2,243.37	\$2,978.83	\$835.89	\$1,612.47			\$14,549.10	\$13,058.64	\$1,490.46
MT. DEPT. OF REV. Williams Civil Construction	TOTAL	\$1,068.92	\$2,085.90	\$1,142.90	\$2,243.37	\$2,978.83	\$835.89	\$1,612.47			\$14,549.10	\$13,058.64	\$1,490.46
	INVOICE DATE	6/23/2016	7/25/2016	8/22/2016	9/23/2016	11/2/2016	11/30/2016	8/8/2017					
	Water												
	TOTAL												
CONTRACTOR: Williams Civil Construction	Water	\$59,995.90		\$47,949.47									
	TOTAL	\$59,995.90	\$0.00	\$47,949.47	\$0.00	\$0.00	\$0.00	\$0.00					
	INVOICE DATE	9/7/2017											
	Water	\$606.02		\$484.34									
MT. DEPT. OF REV. Williams Civil Construction	TOTAL	\$606.02	\$0.00	\$484.34	\$0.00	\$0.00	\$0.00	\$0.00					
	INVOICE DATE	9/7/2017		10/24/2017									
	Water	\$2,732.50	\$620.40	\$51.76	\$6.47	\$19.41	\$12.94				\$5,090.00	\$3,443.48	\$1,646.52
	INVOICE DATE	3/14/2016	3/15/2016	9/9/2016	9/26/2016	10/16/2016	10/28/2016						
MISCELLANEOUS	VENDOR	DEQ	Tribune	US Post Office	US Post Office	US Post Office	US Post Office						
	Water												
	INVOICE DATE												
	VENDOR												
MISCELLANEOUS	TOTAL										\$1,460,000.00	\$1,309,307.50	\$150,692.50
	INVOICE DATE												
	Water												
	TOTAL												

PROJECT #	ACCOUNT NUMBER	FUND DESIGNATION	FUNDING	EXPENDITURES	BALANCE
PW351601					
	5210-31-556-49310	Construction - Water	\$1,454,910.00	\$1,305,864.02	\$149,045.98
	5210-31-556-43590	Misc - Water	\$5,090.00	\$3,443.48	\$1,646.52
		TOTALS	\$1,460,000.00	\$1,309,307.50	\$150,692.50

APPLICATION FOR PAYMENT NO. FINAL

To: City of Great Falls (OWNER)
From: Williams Civil Construction (CONTRACTOR)
Contract: 4th Avenue North Water Main Replacement – 15th Street to 27th Street, O. F. 1571.1
Project: Water Main Replacement
OWNER's Contract No. _____ ENGINEER's Project No. PW351601
For Work accomplished through the date of: October 20, 2017

1.	Original Contract Price:	\$ <u>1,454,910.00</u>
2.	Net change by Change Orders and Written Amendments (+ or -):	\$ <u>0.00</u>
3.	Current Contract Price (1 plus 2):	\$ <u>1,454,910.00</u>
4.	Total completed <u>\$-17,746.73</u> and stored <u>\$0.00</u> to date:	\$ <u>1,305,864.02</u>
5.	Retainage (per Agreement):	
	<u>0</u> % of Completed Work: \$ <u>0.00</u>	
	<u>0</u> % of stored material: \$ <u>0.00</u>	
	Total Retainage:	\$ <u>0.00</u>
6.	Total completed and stored to date less retainage (4 minus 5):	\$ <u>1,305,864.02</u>
7.	Less previous Applications for Payments:	\$ <u>1,257,430.21</u>
8.	Gross Amount Due this application: (6 minus 7):	\$ <u>48,433.81</u>
9.	Less 1% State Gross Receipts Tax:	\$ <u>484.34</u>
10.	DUE THIS APPLICATION (8 MINUS 9):	\$ <u>47,949.47</u>

Accompanying Documentation:

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 FINAL 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 10/24/2017

Williams Civil Division, Inc.

CONTRACTOR

By: 

Payment of the above AMOUNT DUE THIS APPLICATION is recommended.

Dated OCTOBER 24, 2017

City of Great Falls

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.**



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

**Changed
Purchase Order
No. 2016-00000317**

DATE 10/03/2016

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	STATUS	UNIT COST	TOTAL COST
1.0000	EACH	CONTRACT SERVICES - CHNG TO PO 16-317 1% WITHHOLDING FOR OF 1571.1 5210.31.556.49310 - IMPROVEMENTS OTHER THAN BUILDINGS 14,549.10 PW351601	Item Changed	14,549.1000	\$14,549.10
PURCHASE ORDER TOTAL					\$14,549.10

*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.

PROJECT FUNDING/EXPENDITURE SUMMARY
4th Avenue North Water Main Replacement -15th Street to 27th Street
 PREPARED BY THE CITY ENGINEERS OFFICE O. F. 1571.1

10/24/2017

PAYEE	FUND	CLAIM - NUMBER / AMOUNT / DATE							CONTRACT AMOUNT	EXPENDITURES TO DATE	BALANCE
		No. 1	No. 2	No. 3	No. 4	No. 5	No. 6	No. 7			
CONTRACTOR: Williams Civil Construction	Water	\$105,823.37	\$206,503.87	\$113,146.97	\$222,093.58	\$294,904.59	\$82,753.30	\$159,634.33	\$1,440,360.90	\$1,292,805.38	\$147,555.52
	TOTAL	\$105,823.37	\$206,503.87	\$113,146.97	\$222,093.58	\$294,904.59	\$82,753.30	\$159,634.33	\$1,440,360.90	\$1,292,805.38	\$147,555.52
	INVOICE DATE	6/23/2016	7/25/2016	8/22/2016	9/23/2016	11/2/2016	11/30/2016	8/8/2017			
MT. DEPT. OF REV. Williams Civil Construction	Water	\$1,068.92	\$2,085.90	\$1,142.90	\$2,243.37	\$2,978.83	\$835.89	\$1,612.47	\$14,549.10	\$13,058.64	\$1,490.46
	TOTAL	\$1,068.92	\$2,085.90	\$1,142.90	\$2,243.37	\$2,978.83	\$835.89	\$1,612.47	\$14,549.10	\$13,058.64	\$1,490.46
	INVOICE DATE	6/23/2016	7/25/2016	8/22/2016	9/23/2016	11/2/2016	11/30/2016	8/8/2017			
CLAIM - NUMBER / AMOUNT / DATE											
CONTRACTOR: Williams Civil Construction	Water	\$59,995.90		\$47,949.47							
	TOTAL	\$59,995.90	\$0.00	\$47,949.47	\$0.00	\$0.00	\$0.00	\$0.00			
	INVOICE DATE	9/7/2017									
MT. DEPT. OF REV. Williams Civil Construction	Water	\$606.02		\$484.34							
	TOTAL	\$606.02	\$0.00	\$484.34	\$0.00	\$0.00	\$0.00	\$0.00			
	INVOICE DATE	9/7/2017		10/24/2017							
MISCELLANEOUS	Water	\$2,732.50	\$620.40	\$51.76	\$6.47	\$19.41	\$12.94		\$5,090.00	\$3,443.48	\$1,646.52
	INVOICE DATE	3/14/2016	3/15/2016	9/9/2016	9/26/2016	10/16/2016	10/28/2016				
	VENDOR	DEQ	Tribune	US Post Office	US Post Office	US Post Office	US Post Office				
MISCELLANEOUS	Water										
	INVOICE DATE										
	VENDOR										
									\$1,460,000.00	\$1,309,307.50	\$150,692.50

PROJECT #	ACCOUNT NUMBER	FUND DESIGNATION	FUNDING	EXPENDITURES	BALANCE
PW351601					
	5210-31-556-49310	Construction - Water	\$1,454,910.00	\$1,305,864.02	\$149,045.98
	5210-31-556-43590	Misc - Water	\$5,090.00	\$3,443.48	\$1,646.52
		TOTALS	\$1,460,000.00	\$1,309,307.50	\$150,692.50



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 1571.1 |
| 4. Contract Award Date | 4. 1-Jun-16 |
| 5. Month and year increment payment earned | 5. Oct-17 |
| 6. Gross amount due prime contractor or sub-contractor at the time of this report | 6. \$48,433.81 |
| 7. Amount Withheld (1% of line 6) (If payment made to prime contractor from awarding agency, remittance must accompany this report) | 7. \$484.34 |
| 8. Net amount paid prime contractor or sub-contractor at the time of this report | 8. \$47,949.47 |
| 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. \$484.34 |
| <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. 15-Nov-17 |
| 10. Description of work to be performed: | |
| Replacement of water main. | |
| 11. Location of work to be performed (be specific): | |
| 4th Ave North from 15th Street to 27th street, 18th St from 2nd Ave North to 4th Avenue N, 21st St from 3rd Ave N to 4th Ave N, 27th Street from 3rd Ave N to 5th Ave N from 14th to 15th Street. | |

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:

Preparer's Title: Engineering Administrative Secretary

Phone: 406.771.1258

Date:

Fax:

24 October 17
406.771.0700

Mail this return to:

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



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: City Attorney’s Office

Initiated By: City Attorney’s Office

Presented By: Sara R. Saxe, City Attorney

Action Requested: Conduct a public hearing and adopt Ordinance 3173.

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 3173.”

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 3173.

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.

Ordinance 3173 was accepted on first reading. There was no Commission discussion. There was no public comment.

Ord. 3173 Exhibit “A” provides the proposed amendments OCCGF Section 9.4.010.

Fiscal Impact:

None.

ATTACHMENTS:

- ▣ Ordinance 3173
- ▣ Ord. 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)

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 unmalted 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

Title 9 - PUBLIC PEACE, MORALS AND WELFARE

Chapter 4 OFFENSES AGAINST PUBLIC PEACE

Department 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: Sara R. Sexe, City Attorney

Action Requested: Conduct a public hearing and adopt Ordinance 3174.

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 3174.”

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 3174.

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.

The Commission accepted Ordinance 3174 on first reading. There was no Commission discussion. There was no public comment.

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:

- ▣ Ordinance 3174
- ▣ Ord. 3174 Exhibit "A"
- ▣ Ord. 3174 Exhibit "B"
- ▣ Ord. 3174 Exhibit "C"
- ▣ Ord. 3174 Exhibit "D"

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.

* * * * *

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 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"

Title 6 - ANIMALS

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.

Exhibit "A"

Title 6 - ANIMALS

(Ord. 3174, 2017)

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."

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)



Item: Public Hearing – Preliminary Plat for West Ridge Addition Phase VIII, previously known as Peretti Addition Tract 2, located in the SE ¼ Section 26, Township 21 North, Range 3 East, PM, City of Great Falls, Cascade County, MT.

From: Erin Borland, Planner II, Planning and Community Development

Initiated By: West Ridge Development, Owner

Presented By: Craig Raymond, Director, Planning and Community Development

Action Requested: City Commission approve the Preliminary Plat of West Ridge Phase VIII and accompanying Findings of Fact.

Public Hearing:

1. Mayor 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 (approve/deny) the Preliminary Plat, of West Ridge Addition Phase VIII and accompanying Findings of Fact subject to fulfillment of conditions stipulated by the Planning Advisory Board."

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

Staff Recommendation:

At the conclusion of a public hearing held on October 17, 2017, the Planning Advisory Board recommended the City Commission approve the Preliminary Plat of West Ridge Addition Phase VIII, legally described above, subject to the fulfillment of the following Conditions of Approval:

1. General Code Compliance. The proposed project shall be developed consistent with the conditions in this report, and all codes and ordinances of the City of Great Falls, the State of Montana, and all other applicable regulatory agencies.

2. Amended Plat. Provide an Amended Plat of the subject property which shall incorporate corrections

of any errors or omissions noted by Staff.

3. Utilities. The final engineering drawings and specifications for public improvements for the subject property shall be submitted to the City Public Works Department for review and approval.

4. Land Use & Zoning. Except as provided herein, development of the property shall be consistent with allowed uses and specific development standards for this PUD Planned Unit Development district designation.

5. Subsequent modifications and additions. If, after establishment of townhomes, the owner proposes to expand or modify the use, buildings, and/or structures, the Director of the Planning Department shall determine in writing if such proposed change would alter the finding for one or more review criteria. If such proposed changes would alter a finding, the proposal shall be submitted for review as a new development application. If such proposed change would not alter a finding, the owner shall obtain all other permits as may be required.

Summary:

The subject property is located along the northern edge of the City of Great Falls, north of 41st Ave NE and west of 2nd St NE. The subject property consists of ± 4.91 acres. The owner is proposing a preliminary plat of said property which will create 18 residential lots. These lots are located immediately west of 2nd St NE on the north and south side of Choteau Ave NE.

Public Notice for the City Commission Public Hearing was published in the *Great Falls Tribune* on October 22, 2017. To date, Staff has received one in-person request for general information regarding this project.

Background:

Preliminary Plat Request:

The applicant is proposing to proceed with Phase VIII of West Ridge Addition which will include 2-unit townhomes as well as single family homes. This phase would create 18 lots for townhomes as well as dedicate part of Choteau Ave Northeast and 2nd Street Northeast. The lots on the proposed preliminary plat for the western portion of Phase VIII would range in size from $\pm 8,385$ square feet to $\pm 8,439$ square feet. Phase VIII will also propose two single family lots that are approximately $\pm 11,000$ square feet to the east of 2nd Street Northeast.

The basis for decision to approve, conditionally approve, or deny a proposed subdivision is whether the subdivision application, preliminary plat, applicable environmental assessment, public hearing, planning board recommendations, or additional information demonstrate that development of the proposed subdivision meets the requirements of 76-3-608 MCA. The governing body shall issue written findings of fact that weigh the criteria in of 76-3-608 (3) MCA, which are attached as Findings of Fact – Subdivision.

Improvements:

Roadways - The Owner has connected Phase VIII of the subject property to existing City roadways by extending 2nd Street Northeast to the limits of Phase VIII and dedicating Choteau Avenue Northeast as part of the phase. It is recommended that the west end of Choteau Avenue have a temporary, gravel-surfaced cul-de-sac turnaround installed. A modified easement may be required from the owner of Thaniel Addition for the turnaround. Boulevard style sidewalks will be constructed along each lot

frontage at the time of home construction, and will connect to a fully built-out sidewalk network. No changes to the road or sidewalk network are being proposed with this application.

As reviewed in the previous rezone of the property, the increase in lots for the subdivision will not have a significant impact on traffic in this area, or the existing transportation network. The proposed roadway layout will have sufficient capacity to accommodate traffic generated by the proposed increase in density.

Utilities: The on-site improvements required for the development of the subject property shall be installed as shown on the final construction plans that are submitted to, and approved by the Public Works Department. The on-site improvements shall include everything required to provide water, sanitary sewer, stormwater management, and access including streets and sidewalks serving each proposed lot. These improvements shall be installed at the Owner's expense in accordance with the requirements of the OCCGF and the governing Improvement Agreement.

Stormwater Management: The Improvement Agreement for West Ridge Addition, Phases VII – XI, recorded with the Cascade County Clerk & Recorder's Office on September 3, 2015, record # R0311745 GFA, outlines the Owner's permanent and temporary stormwater management requirements in sections 12.4 and 20. The Owner has worked with the City Public Works and Planning and Community Development Departments and the owner of Thaniel Addition for the general location of a future regional stormwater management facility immediately north on an adjacent property. This facility will be designed and installed at a later date. In the meantime, the Owner will be required to provide temporary stormwater management facilities, as well as begin the installation of a piped storm drainage system with this phase.

Neighborhood Council Input: The subject property is located in Neighborhood Council #3. The Owner presented information to Council #3 on September 7, 2017, and the Council voted in favor of the project.

Fiscal Impact:

The subject property has already been annexed, so services are already being provided by the City, and the cost of infrastructure improvements are being covered by the developer per the agreed upon terms of the Improvement Agreement. The preliminary plat provides an increase in lots, which increases the City's tax base and increases revenue.

Alternatives:

The City Commission could deny the preliminary amended plat pursuant to MCA 76-3-604.

Concurrences:

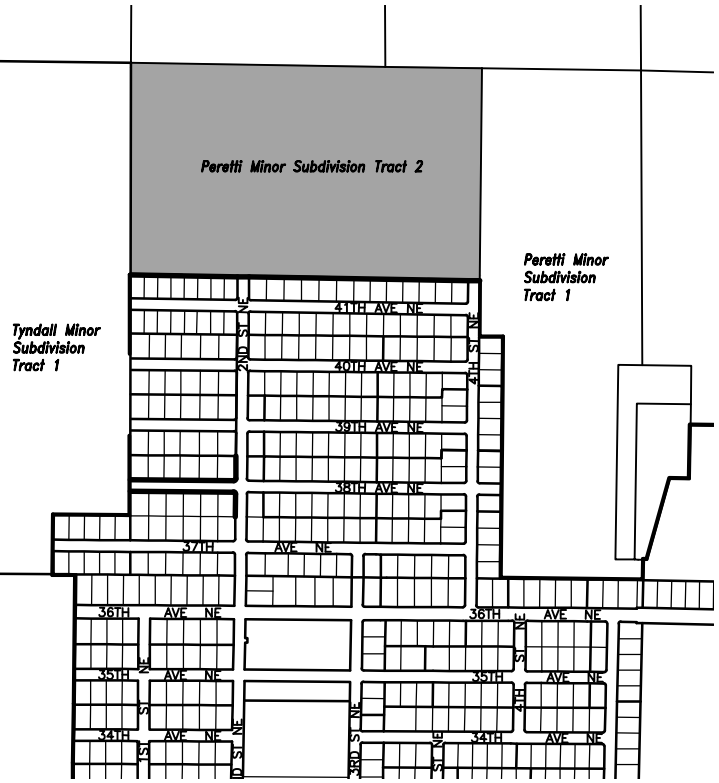
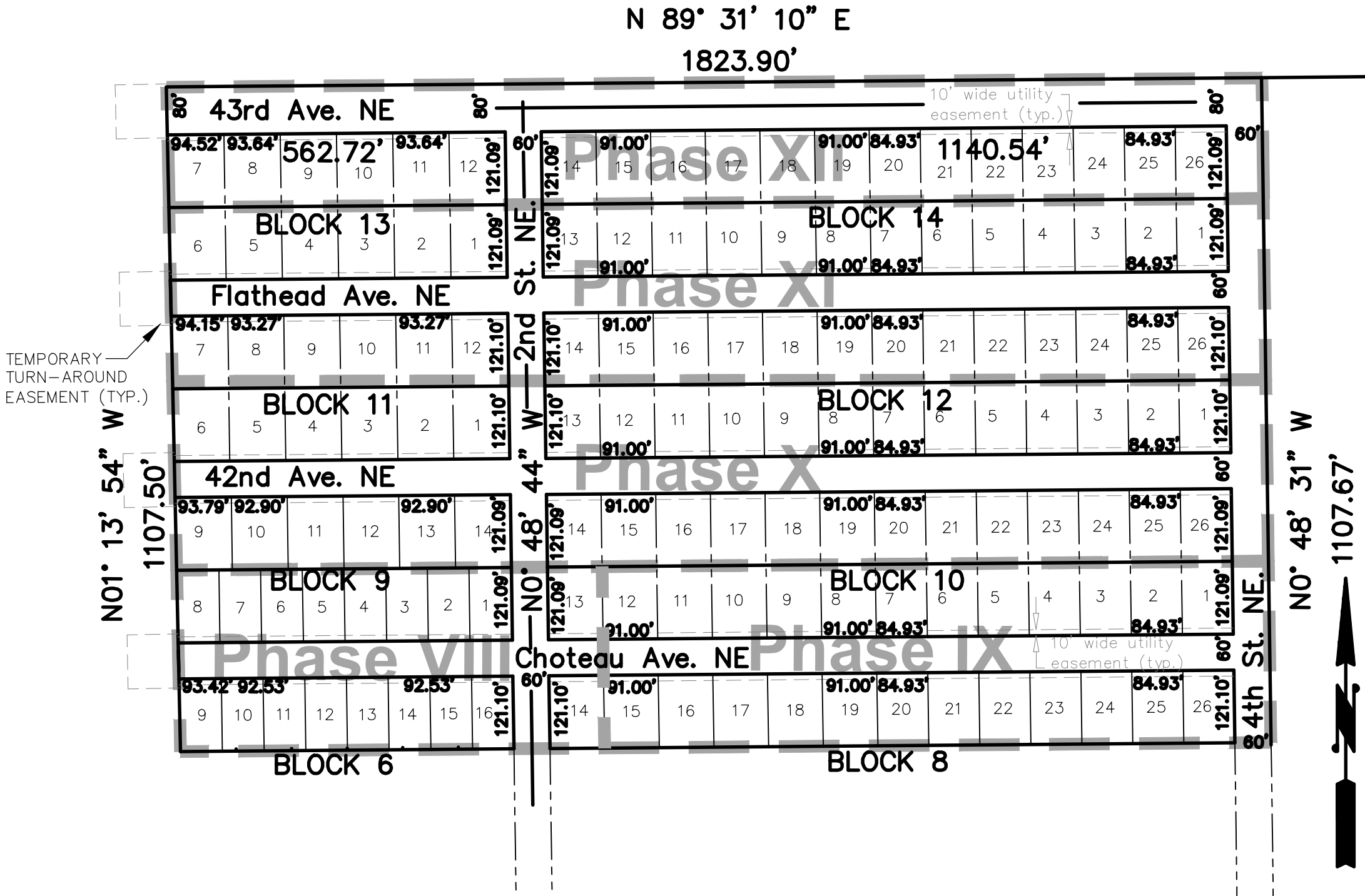
Representatives from the City's Public Works, Police, Park and Recreation and Fire Departments have been involved throughout the review and approval process for this project.

ATTACHMENTS:

- ▣ Preliminary Plat - WestRidge Phs 8
- ▣ Aerial Map
- ▣ Zoning Map
- ▣ Findings of Fact - Subdivision
- ▣ Ordinance 3151
- ▣ Approved Improvement Agreement

Preliminary Plat of West Ridge Addition Phases VIII thru XII
of Peretti Addition Tract 2, a Minor County Subdivision

SE1/4, Section 26, Township 21 North, Range 3 East, P.M.M., Cascade County, Montana



Vicinity Map

Legal: Tract 2 of Minor County Subdivision Plat Peretti Addition

Storm water will be surface and piped drainage with a phased detention pond in the northwest property corner

No existing buildings within Project

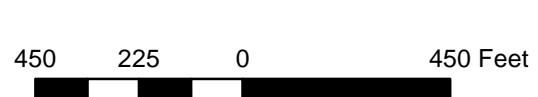
Developer (Landowner) Name - West Ridge Development, Inc.
46.28 Acres

Phase VIII = 18 lots
Phase IX = 26 lots
Phase X = 38 lots
Phase XI = 38 lots
Phase XII = 19 lots
Total = 139 lots

AERIAL MAP



- City Limits
- ▨ Subject Property
- ▭ Tracts of Land



ZONING MAP



- City Limits
- West Ridge Phase VIII
- Extension of 13th Ave S
- East Ridge Addn Phase 5
- Tracts of Land
- R-2 Single-family Medium Density
- R-3 Single-family High Density
- PUD Planned Unit Development



FINDINGS OF FACT – MONTANA SUBDIVISION AND PLATTING ACT

Preliminary Plat of West Ridge Addition, Phase VIII, of Peretti Addition Tract 2, located in the SE ¼ Section 26, Township 21 North, Range 3 East, PM, City of Great Falls, Cascade County, MT

(PREPARED IN RESPONSE TO 76-3-608(3) MCA)

PRIMARY REVIEW CRITERIA:

Effect on Agriculture and Agricultural Water User Facilities: The subject property was used for land crop production prior to annexation. The Improvement Agreement for West Ridge Addition, Phases VII – XI, recorded with the Cascade County Clerk & Recorder's office on September 3, 2015, record # R0311745 GFA, allowed current agricultural uses to continue on the portions of the subject property that are not being actively developed in Section 21. Agricultural use in the immediate vicinity has decreased due to residential development. There is not an agricultural water user facility in the area that the proposed development will impact. The subject property is in the City limits in a developing neighborhood, and the subdivision does not interfere with agricultural operations in the area.

Effect on Local Services: Lots in the subdivision will extend and connect to City water and sewer mains. The Owner will pay per lot fees for sanitary sewer, water service and stormwater maintenance. The occupants of the residences within the subdivision will pay regular water and sewer charges, and monthly storm drain charges. There will also be an annual park fee which will go towards improvements and maintenance of the neighborhood park dedicated by the Thaniel Addition Major Subdivision. Additionally, Section 17.68.040.B of the Official Code of the City of Great Falls requires the Owner provide a security that will allow the City to contract for and complete the required improvements if the Owner fails to do so.

The nearest fire station is ±2 miles away from Phase VIII. This subdivision is receiving law enforcement and fire protection service from the City of Great Falls. Providing these services to the subdivision is expected to be a manageable cost to the City and increased tax revenues from improved properties will assist with increased costs.

The Owner will have the responsibility to install curb, gutter, boulevard style sidewalks and paved roadways within the subdivision. The Owner paid its proportional share, 30%, of the cost of an area wide traffic study that will examine the impacts of recently approved development in West Ridge, Thaniel and other projects. The Improvement Agreement outlines more specific information on how the Owner will be required to address the effects on local services.

Effect on the Natural Environment: The subdivision is not expected to adversely affect soils or the water quality or quantity of surface or ground waters. Surface drainage from the subdivision primarily flows to the northwest of the subject property, with a smaller portion flowing due north. The dedication of a natural drainage area on the Thaniel Addition property for parkland and a detention pond will preserve a portion of the natural drainage in the area

from adjacent properties. However, stormwater drainage will ultimately be managed in a regional stormwater detention facility immediately north of the Thaniel Addition. It is expected that any excess surface runoff will flow into the temporary storm drainage area. Stormwater plans still require approval by Public Works prior to construction.

Effect on Wildlife and Wildlife Habitat: The subdivision creates the northernmost edge of the City limits. There is existing development to the east and south, and this is not in an area of significant wildlife habitat beyond occasional grazing deer or migrating fowl. This subdivision will not result in closure of public access to hunting or fishing areas, nor to public lands.

Effect on Public Health and Safety: Based on available information, the subdivision is not subject to abnormal potential natural hazards such wildfire, avalanches or rockslides; however, the drainage basin in which the subject property is located has experienced flooding in the past. Installation of effective storm drainage facilities as reviewed and approved by the City Public Works Department and MDEQ at the time of development will prevent a reoccurrence of said flooding events.

REQUIREMENTS OF MONTANA SUBDIVISION AND PLATTING ACT, UNIFORM STANDARDS FOR MONUMENTATION, AND LOCAL SUBDIVISION REGULATIONS

The subdivision meets the requirements of the Montana Subdivision and Platting Act and the surveying requirements specified in the Uniform Standards for Monumentation, and conforms to the design standards specified in the local subdivision regulations. The local government has complied with the subdivision review and approval procedures set forth in the local subdivision regulations.

EASEMENT FOR UTILITIES

The developer shall provide necessary utility easements to accommodate water mains, sanitary sewer mains and private utilities to serve all lots of the subdivision.

LEGAL AND PHYSICAL ACCESS

The grid pattern established by the adjacent neighborhoods to the south is continued on the subject property. The Owner agrees to the dedication and installation of Choteau Avenue NE and a portion of 2nd Street NE. These will be public right-of-ways maintained by the City of Great Falls after construction is completed and after final acceptance of the improvements by the City.

ORDINANCE 3151

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS TO REZONE THE PROPERTY LEGALLY DESCRIBED AS WEST RIDGE ADDITION PHASES VII – XI, PREVIOUSLY KNOWN AS PERETTI ADDITION TRACT 2, LOCATED IN THE SE ¼ SECTION 26, TOWNSHIP 21 NORTH, RANGE 3 EAST, PM, CITY OF GREAT FALLS, CASCADE COUNTY, MONTANA, FROM R-3 SINGLE-FAMILY HIGH DENSITY DISTRICT TO PUD PLANNED UNIT DEVELOPMENT DISTRICT.

* * * * *

WHEREAS, West Ridge Addition Phases VII – XI, previously known as Peretti Addition Tract 2, located in the SE ¼ Section 26, Township 21 North, Range 3 East, PM, City of Great Falls, Cascade County, Montana, are presently zoned R-3 Single-family high density residential district; and,

WHEREAS, the property owner, S & L Development, LLC, has petitioned the City of Great Falls rezone said property to PUD Planned unit development district; and,

WHEREAS, notice of assigning said zoning classification to the subject property was published in the *Great Falls Tribune* advising that a public hearing on this zoning designation would be held on the 21st day of February, 2017, before final passage of said Ordinance herein; and,

WHEREAS, following said public hearing, it was found and decided that the said rezoning designation be made; and,

WHEREAS, the zoning map amendment on said property meets the Basis of Decision requirements in the Official Code of the City of Great Falls, Section 17.16.40.030; and,

WHEREAS, the Great Falls Zoning Commission conducted a public hearing on December 13, 2016, to consider said rezoning from R-3 Single-family high density residential district to PUD Planned unit development district and at the conclusion of said hearing passed a motion recommending the City Commission rezone the property legally described as West Ridge Addition Phases VII – XI, previously known as Peretti Addition Tract 2, located in the SE ¼ Section 26, Township 21 North, Range 3 East, PM, City of Great Falls, Cascade County, Montana.

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

Section 1. It is determined that the herein requested rezoning will meet the criteria and guidelines cited in Section 76-2-304 Montana Code Annotated, and Section 17.16.40.030 of the Land Development Code of the City of Great Falls.

Section 2. That West Ridge Addition Phases VII – XI, previously known as Peretti Addition Tract 2, located in the SE ¼ Section 26, Township 21 North, Range 3 East, PM, City of Great Falls, Cascade County, Montana, be rezoned to PUD Planned unit development district, subject to the setbacks, and other development standards attached hereto as Attachment A, and by this reference made a part hereof, as well as all other applicable regulatory codes and ordinances.

Where the Official Code of the City of Great Falls regulations apply to a specific zoning district, the R-3 Single-family high density district regulations shall apply to the subject property where not in conflict with Attachment A.

Section 3. This ordinance shall be in full force and effect thirty (30) days after its passage and adoption by the City Commission.


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

ADOPTED by the City Commission of the City of Great Falls, Montana on econd reading February 21, 2017.



Bob Kelly, Mayor

ATTEST:



Lisa Kunz, City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

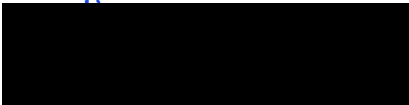

Sara Sexe, City Attorney

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

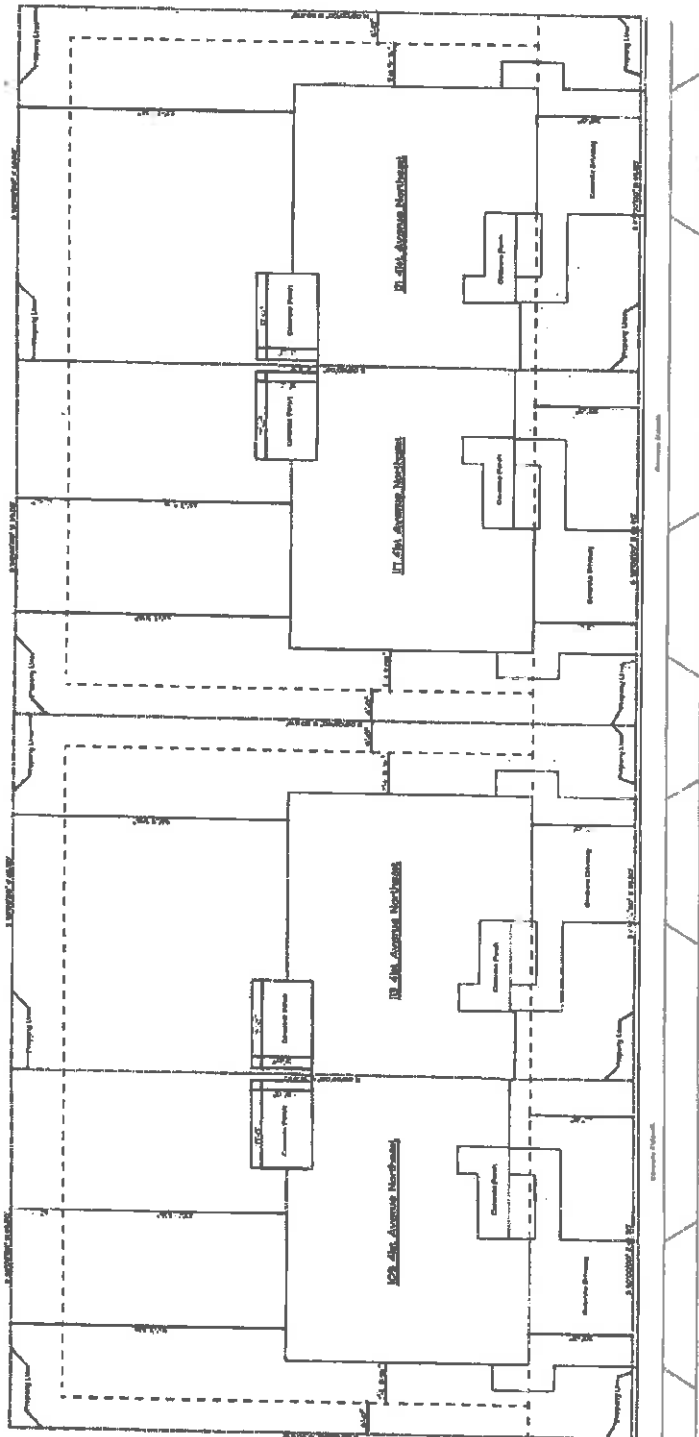
I, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do certify that I did post as required by law and as prescribed and directed by the City Commission, Ordinance 3151 in three conspicuous places within the limits of said City to-wit:

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

Ordinance 3151 Attachment A PUD Development Standards for 2-unit Townhomes



41st Avenue Northeast



- Lot size range from 7500 to 11300 square feet
- Minimum lot width: 61 feet
- Max building height of principal building: 35 feet
- Max building height of accessory detached buildings: 24 feet, but may not be higher than principal building
- Front yard setback: 20 feet
- Side yard setback: Principal building: 6 feet on detached side, 0 feet on attached side
- Side yard setback: Accessory buildings: 2 feet 4 meet building code
- Rear yard setback: 10 feet
- Maximum lot coverage of principal and accessory buildings: Corner lots: 55% Other lots: 50%
- Lot proportion of newly created lots (Max depth to width): 2.5:1

Improvement Agreement for the West Ridge Addition, Phases VII through XI

The following is a binding Agreement (Agreement) dated this 18th day of August, 2015, between the City of Great Falls (the City) and S & L Development, LLC, the owner (the Owner) of the West Ridge Addition, Phases VII through XI (the Development), the preliminary plat of which was approved by the Great Falls City Commission on July 7, 2015. The City and the Owner are together known as the 'parties' to this agreement.

1. Purpose. The purpose of this Agreement is to ensure that certain improvements are made and certain conditions fulfilled by the Owner, as required by the City's approval of the preliminary plat and accompanying materials, including the phasing plan. Specifically, this Agreement:

- declares that the Owner is aware of and has properly accounted for any natural conditions that may adversely affect the Development;
- insulates the Development from the impact of changes in the City's subdivision and zoning regulations, provided that no substantial changes in the Development are proposed;
- establishes a process for the phased installation of required on-site improvements in the Development, with the approval of final construction plans for those improvements, a final plat, and an amendment to this Agreement being required before the installation of on-site improvements for each phase begins;
- requires the Owner to guarantee that the promised on-site improvements are made in a timely manner by providing the financial securities required by the Official Code of the City of Great Falls (OCCGF), phase-by-phase;
- provides for the inspection and warranty of the required on-site improvements before they are accepted for maintenance by the City;
- requires the Owner to reimburse the City for the installation of sanitary sewer improvements; participate in the preparation of a storm water management plan and the installation of the facilities required by that plan; and contribute to the costs of a traffic impact study;
- waives protest and appeal by the Owner and its successors against the creation of special improvement districts that would provide and maintain necessary infrastructure, including major streets;
- establishes how necessary changes in final construction plans required by this Agreement may be made with the approval of the City;
- provides for reimbursements to the Owner when neighboring properties that benefit from improvements made by the Owner are developed;



- provides for the Development's compliance with the park land dedication requirements of 76-3-621, MCA, and for continuing payment of a fee for neighborhood park maintenance by the owner/s of each lot created;
- embodies certain conditions that were imposed upon approval of the development in order to facilitate their enforcement; and
- indemnifies the City from challenges to its approval of the Development and holds it harmless from errors and omissions in the approval and oversight of the project.

2. Authority. Execution of this Agreement is authorized by 17.68.040, et seq. of the Official Code of the City of Great Falls (OCCGF); by 7-3-510, MCA, which allows local governments to require the extension of public improvements to subdivisions; and by 7-3-507, MCA, which authorizes local governments to require securities guaranteeing the installation of public improvements in subdivisions. This agreement is also intended to fulfill the requirement of 7-2-4610, MCA for a plan for the extension of services to any area that is being annexed.

3. Administrator/Representative. The City's representative and Administrator of this agreement shall be the Director of Planning and Community Development at PO Box 5021, Great Falls, MT 59403. The Owner's representative in the administration of this agreement shall be Shawna K. Rothwell of S & L Development, LLC, at 221 30th Avenue Northeast, Great Falls, MT 59404.

4. Duration. The term of this Agreement begins when it is signed by the City Manager and, with the exceptions stated below, ends at the time the warranty required by Section 14 of this Agreement on the last required improvement installed by the Owner expires and the funds securing that warranty are released.

4.1 Fee Continues. The neighborhood park maintenance fee established by Section 19 of this Agreement will continue indefinitely, except as provided by Subsection 19.3. Annual payment of that fee will be an ongoing obligation of all lot owners within the Development upon Certificate of Occupancy.

4.2 If Work Does Not Begin. This Agreement is void if final construction plans and a final plat for the first phase of the Development are not submitted for approval within three years of the date of the City Manager's signature on this Agreement. The time allowed for work to begin may be extended by renewing the preliminary plat, as provided in Section 9 of this Agreement.

4.3 Failure to Build. The Owner's failure to complete on-site improvements in accord with the final construction plans for any phase may result in the City retaining the securities required by Section 13 of this Agreement. It may also void this Agreement and the vested rights established by Section 8.

4.4 Failure to Pay. The Owner's failure to make timely payment of its share of any of the off-site improvements listed in Section 12 voids this Agreement and the vested rights established by Section 8. It may also result in the City attempting to collect the amount due by any lawful means.

5. Location. The Development occupies the area formerly described as Tract 2 of the Peretti Addition in the SE ¼ of Section 26, Township 21 North, Range 3 East, PMM in Cascade County, MT and now described as the West Ridge Addition, Phases VII through XI, in the SE ¼ of Section 26, Township 21 North, Range 3 East, PMM in

Cascade County, MT, as it is shown on the preliminary plat approved by the Great Falls City Commission on July 7, 2015.

6. Site Conditions. The Owner warrants that it has conducted site investigations sufficient to be aware of all natural conditions, including, but not limited to, flooding, slopes, and soils characteristics, that may affect the installation of improvements on the site and its development for the approved use. The Owner further warrants that all plans submitted pursuant to this Agreement and all applications for building permits within the Development will properly account for all such conditions. The Owner holds the City harmless for natural conditions and for any faults in its own assessment of those conditions.

7. Permits. This Agreement must be approved by the City Commission and signed by the City Manager before permits for any work, including, but not limited to, grading for the streets or trenching for the installation of utilities, will be approved.

8. Vested Rights. This Agreement and preliminary plat approval by the City create a vested right that protects the Owner from changes in the zoning and subdivision requirements of Title 17 of the OCCGF until this Agreement expires, as provided in Section 4. This vested right does not exempt the Owner from compliance with other provisions of the OCCGF, including but not limited to those specifically intended to prevent and remediate public nuisances, nor does it protect the Owner from changes in the City's building codes and fees, development fees, and inspection fees. This vested right may be voided, in whole or in part, if the Owner proposes substantial changes in the preliminary plat, the approved final construction plans, or a final plat for the Development and will be voided if the Owner fails to seek approval of the first phase or renew approval of the preliminary plat within three years, as provided by Subsection 4.2 of this Agreement. "Substantial change" is defined in Section 16 of this Agreement.

9. Preliminary Plat. This agreement is based on the preliminary plat and accompanying materials approved by the City Commission on July 7, 2015. Changes in that plat and the accompanying materials are governed by Section 16 of this Agreement. The preliminary plat must also be periodically renewed. 76-3-610, MCA, requires that preliminary plat approval be for no more than three years. The Owner understands and agrees that it must submit a letter to the Administrator requesting renewal of the preliminary plat at least 90 days before the third anniversary of this Agreement, and then again, before every third anniversary until this Agreement expires.

10. Phasing Process. A phasing plan for the installation of public improvements serving the Development was approved by the City Commission as part of the preliminary plat.

10.1 Final Plats/Plans. Final construction plans, including estimated costs and a proposed method of providing the securities required by Section 13 of this Agreement, and a final plat must be submitted for each phase identified in the phasing plan. As provided by Subsection 4.2 of this Agreement, the final construction plans and final plat for the first phase or a request for a renewal of the preliminary plat must be submitted within three years of the date of this Agreement or this Agreement will be void.

10.2 Time Allowed to Act. The Administrator will review the final plans/plat submission for each phase within 60 days of its submission.

10.3 Approval/Amendment. If that submission is consistent with the approved preliminary plat, all conditions of approval of the preliminary plat, this Agreement, and the final plans/plat requirements of the OCCGF and state law, the Administrator will draft an amendment to this Agreement and promptly submit that draft for approval by the City Commission along with the final plat.

10.4 Denial/Explanation. If that submission is not consistent with the approved preliminary plat, any condition of the approval of the preliminary plat, this Agreement, or the final plans/plat requirements of the OCCGF and state law, the Administrator shall return it with written comments explaining how it may be brought into compliance.

11. On-Site Improvements. The on-site improvements required for the Development shall be installed as shown on the final construction plans that are submitted to and approved by the Director of Public Works before the final plat of each phase is approved by the City or shall provide a financial security as prescribed in Section 13. The on-site improvements shall include everything required to provide water, sanitary sewer, storm water management, and access, including streets, serving each lot proposed in the Development. Sidewalk installation will be the responsibility of the owner of each individual lot and will be installed before issuance of Certificate of Occupancy. All on-site improvements will be installed at the Owner's expense, in accord with the requirements of the OCCGF and this Agreement. The Owner will be reimbursed the cost of upsizing the water main if it is required by the Director of Public Works.

12. Off-Site Improvements. This section includes improvements that will be paid for, at least in part, by the Owner, but that will also serve other properties.

12.1 Sanitary Sewer. The City has planned for and will install the lift station and mains required to provide sanitary sewer service to the Development and a larger surrounding area. To support these improvements, the Owner will pay the City its proportional share of their actual cost, beginning with an initial payment of \$49,855 for the required gravity main. This initial payment is due and payable within 30 days after the City has accepted a bid on the sanitary sewer improvements. The initial payment will be followed by payments by the Owner that cover Owner's proportional costs of the lift station and force mains. Those payments will be calculated per lot, as explained in Subsection 12.2, of this Agreement, and due phase-by-phase, for the number of lots in each phase, before work begins on that phase.

12.2 Sanitary Sewer: Calculating the Proportional Share. The Developer's per lot proportional share of the sanitary sewer improvements described in Subsection 12.1 of this Agreement will be calculated as follows, once the actual costs of installing the force mains and lift station are known. The total number of lots that can be served by the proposed lift station and force mains has been determined by the Director of Public Works, as shown in Exhibit I. The estimated number of lots in the Development will be divided by that number, yielding the Development's share of the total lots to be served. That share will be multiplied by the total actual cost of the lift station and force mains combined with the estimated cost of future upgrades according to Appendix B, yielding the Development's overall share of the cost of those facilities. That share will then be divided by the estimated number of lots in the Development, resulting in the per lot fee. A trial per lot fee may be used for the first phase of the Development, as provided by Subsection 12.3 of this Agreement.

12.3 Sanitary Sewer: First Phase. The Owner may receive City approval of, record a final plat for, and begin work on the first phase of the Development before work on the off-site sanitary sewer improvements being installed by the City is complete. If the Owner chooses to do this, the Owner will pay a per lot sanitary sewer fee of \$1,009.00, which is based on cost estimates prepared by the Department of

13.2 Release of Security. The security required by Subsection 13.1 of this Agreement shall be returned or released upon acceptance of the required on-site improvements, except as provided in Section 14. Following the final required inspection, the Director of Public Works shall promptly inform the Administrator, in writing, that all on-site improvements have been inspected and are acceptable for maintenance by the City. The Administrator shall then, instruct the Director of Fiscal Services to release the security, minus the portion to be held in warranty as required by Section 14 of this Agreement, to the Owner, provided that the Development is in compliance with the final plat, all conditions of approval, this Agreement, and the OCCGF.

14. Warranty of On-Site Improvements. The Owner is responsible for the repair or replacement of any faults or failures in the materials or workmanship of the required on-site improvements for a period of two years from the date those improvements are accepted for maintenance by the City. This warranty will be enforced by the City's retaining 10% of the security required by Section 13 of this Agreement during the two-year warranty period. That sum will be released at the end of two years unless the parties are involved in a dispute about the condition, repair, or replacement of any of the required improvements, in which case the funds will be held by the City until that dispute is resolved. The release of warranty funds shall follow the procedure established in Section 13.2 of this Agreement for the release of securities.

15. Fees. The Owner understands that it is required to pay the following fees as they come due during the development process.

15.1 Recording fees. The Owner is responsible for all recording fees at the rate charged by Cascade County at the time a document or plat is submitted for recording.

15.2 Engineering Inspections. The Owner is responsible to pay all applicable engineering fees established by Resolution 10075 of the City of Great Falls or its successors.

15.3 Permit Fees. The Owner is responsible to pay all applicable planning and building permit fees established by Resolutions 10063 and 10064 or their successors.

16. Changes. The Owner understands that failure to install required improvements in accord with the final construction plans approved for each phase of the Development is a breach of this Agreement and may void it. The Owner also understands that failure to build in accord with the approved plans is a violation of the OCCGF, subject to the penalties provided for such violations. The City recognizes, however, that minor changes are often necessary as construction proceeds. The Administrator is hereby authorized to permit minor changes to the approved final construction plans, as provided below.

16.1 Revised Plans. Before making minor changes, the Owner must submit revised plans to the Administrator for review. Failure to do this before the proposed minor change is made is a breach of this Agreement and a violation of the OCCGF. The Administrator shall respond to all proposed minor changes within 10 business days.

16.2 Plat Changes. The aggregation of lots and boundary line adjustments may be permitted as minor changes, but will require amendment of the final plat as provided by Title 17 of the OCCGF and state law.

16.3 Dimensional Changes. Based on a review of the revised plans, the Administrator may permit minor dimensional changes provided that they do not result in a violation of the conditions of approval for the Development or the OCCGF.

16.4 Materials Changes. Based on a review of the revised plans, the Administrator may permit substitutions for proposed building materials provided that the proposed substitute has the same performance and, for exterior materials, appearance as the originally approved material.

16.5 Public Improvements. Minor changes in the location and specifications of the required public improvements may be permitted. Revised plans showing such changes must be referred to and accepted by the Director of Public Works before being permitted by the Administrator.

16.6 Substantial Change. Substantial changes are not permitted by this Agreement. A new public review and permitting process will be required for such changes. 'Substantial Change' is defined here, in order to further clarify what may be permitted as a 'minor change.' A substantial change adds one or more lots; changes the approved use; changes the location or extent of the area proposed to be cleared, graded, or otherwise disturbed by more than 4,000 square feet (a smaller change in the area that will be cleared, graded, or otherwise disturbed may be treated as a minor dimensional change); changes the location, extent, or design of any required public improvement, except where a minor change is approved by the Director of Public Works and the Administrator; or changes the approved number of buildings, structures or units; or the size of any building or structure by more than 10%. A smaller change in the size of a lot, building, or structure may be treated as a minor dimensional change.

17. Reimbursements. The parties recognize that some improvements required by Section 12 of this Agreement will result in substantial benefit to other landowners, specifically to the owners of land that will be made more accessible by the construction of 43rd Avenue NE and to landowners who benefit from the required storm water management plan and facilities.

17.1 Beneficiary Parcels: Streets. Reimbursements for the costs of the required traffic impact study, and street design and construction may be required from the beneficiary parcels which are mapped in Exhibit II.

17.2 Beneficiary Parcels: Storm Water. Reimbursements for the costs of the required storm water management plan and facilities may be required from the beneficiary parcels which are mapped in the *Great Falls North Sanitary Sewer and Storm Drain Master Plan* prepared by Morrison-Maierle, Inc.

17.3 Reimbursement Required. The City will require, as a condition of annexation and/or the approval of any permit, including an approach permit that allows access to a City street from a property that has not been annexed, that the owners of the beneficiary properties identified in Exhibit II and *Great Falls North Sanitary Sewer and Storm Drain Master Plan* reimburse the Owner for their proportional share of the costs of the planning and construction that is required by Section 12 of this Agreement.

17.4 Regardless of Sale or Division. Reimbursements will be due from the parcels identified in Exhibit II and *Great Falls North Sanitary Sewer and Storm Drain Master Plan* regardless of changes in ownership and/or their division. Future owners of the beneficiary parcels and all owners, present or future, of all parcels resulting from a division of the parcels identified above will be required to reimburse the Owner as provided here before obtaining any permit from the City.

17.5 Reimbursement Calculation. The proportional share of the costs of the planning and construction required by Section 12 of this Agreement that must be paid by the beneficiary parcels will be calculated as follows:

17.5.1 First, the total acreage of the beneficiary parcel will be multiplied by 0.80 to account for the land that is typically devoted to public rights-of-way.

17.5.2 Second, the product of that calculation (80% of the original size of the beneficiary parcel) will be divided by the minimum lot size in the R-3 zoning district.

17.5.3 The resulting number of potential lots will be divided by the total number of lots that exist and are anticipated within the entire benefit area, which is defined as the Development plus the parcels shown in the *Great Falls North Sanitary Sewer and Storm Drain Master Plan*. The result of this calculation will be applied to the actual costs of the improvements for which reimbursement is required, resulting in the fee that must be paid by the beneficiary parcel.

17.5.4 The acreage of a beneficiary parcel will be reduced if, as part of its development, that parcel provides dedicated public open space, including parks and/or trails, or sites for public facilities that serve the benefit area defined here.

17.6 Potential City Reimbursements to Owner. The Owner may receive reimbursements from the City for the following items:

17.6.1 The Owner will be reimbursed the cost of upsizing the water main if it is required by the Director of Public Works.

18. Park Land Dedication. The Owner will fulfill the park land provision obligation imposed by 76-3-621, MCA by making a cash payment to the City equal to 11% of the undivided, undeveloped value of the acreage included in each phase of the Development.

18.1 Calculation of Payment. The amount of the payment in lieu-of parkland dedication shall be based on the 11% statutory requirement cited above as applied to a current appraisal of the undivided, undeveloped value of the acreage included in the Development that is prepared by a licensed real estate appraiser and submitted by the Owner along with the final plat for the first phase of the Development.

18.2 Timing of Payment. This payment will be due and payable within 30 days after the final plat for the first phase of the Development is approved by the City Commission, and before any permits for work on each phase, including the construction of streets and trenching for utilities, are issued.

19. Neighborhood Park Maintenance Fee. The Owner and all its successors, including all owners of individual lots that are being created by the Development shall pay an annual neighborhood park fee to the City of Great Falls, effective after Certificate of Occupancy.

19.1 Use of the Fee. The proceeds of this fee shall be managed as a separate "Northwest Neighborhood Park Assessment" account within the Parks and Recreation Department budget and used solely for the improvement and maintenance of one or more neighborhood parks that serve the Development. For the purposes of this Agreement, "serving" shall mean that the nearest edge of the neighborhood park on which proceeds of the assessment are spent is within ½ mile (2,640 ft) of the Development.

19.2 Amount of the Fee. The annual neighborhood park fee will begin at \$92.44 per lot, a figure that is based on the actual costs of neighborhood park maintenance and the number of lots it is anticipated the park will serve, and will be automatically increased by the rate of inflation each year. The annual rate of inflation shall be calculated using the Consumer Price Index published by the US Bureau of Labor Statistics for the Western Region.

19.3 Citywide Parks District. The neighborhood park fee established here will be terminated by the City upon the creation of citywide parks district that will fund neighborhood park maintenance.

20. Temporary Improvements. The conditions of approval for this Development may require two types of temporary improvements: street turnarounds and temporary storm water detention/retention facilities.

20.1 Design. The location and design of the temporary street turnarounds and storm water facilities serving each phase of the development shall be approved by the Director of Public Works when the final construction plans of that phase are submitted for approval.

20.2 Easements. Where temporary improvements will be on another property, the easement/s permitting the use of that property for temporary street turnarounds and/or storm water facilities shall be submitted for approval along with the design.

20.3 Installation. The required temporary street turnarounds shall be installed at the same time the street they serve is constructed. Temporary storm water facilities shall be installed before any other grading occurs in the phase of the Development they are designed to serve.

20.4 Maintenance. Owner's continuing maintenance of the temporary improvements is required. Failure to properly maintain a required temporary improvement is a breach of this Agreement and a violation of the OCCFG, subject to the penalties it provides. The maintenance to be provided by the Owner includes the following.

20.4.1 For Temporary Street Turnarounds: maintenance of the stabilized surface approved by the City, including snow removal and ensuring that drainage from the turnaround is channeled to a storm water facility or otherwise properly managed.

20.4.2 For Temporary Storm Water Facilities: maintenance of the vegetation required to stabilize the site, including reseeding or replanting if seeding or plantings fail, mowing as needed to suppress wildfire hazards, weed control, the regular removal of litter, and the prompt removal of sediment upon the request of the Director of Public Works.

20.5 Removal. The Owner is responsible for the prompt removal and reclamation of temporary street turnarounds and temporary storm water facilities when they are no longer needed.

21. Interim Land Use. The current agricultural use may continue on those portions of the Development that are not being actively developed.

22. Dust Control. The Owner is responsible for dust control on all graded areas, in accord with a dust control plan approved by the Administrator. The dust control plan need not be completed before the Development is

approved, but must be submitted and approved by the Administrator before any grading, trenching, or other construction activities other than soil and/or groundwater testing and analysis begin.

23. Stabilization. The Owner is responsible for vegetative stabilization of all graded and fallow areas that are not actively used for farming, and for the continuing maintenance of the vegetation planted, including reseeding if seeding fails, weed control, and mowing if that is required to mitigate wildfire hazards. The Owner's responsibility for dust control and site stabilization will end incrementally as lots are sold and developed.

24. Litter Control. The Owner is responsible for the prompt removal of litter from those portions of the Development that are under its control. This specifically includes, but is not limited to, construction waste.

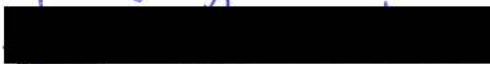
25. Indemnification/Hold Harmless. The Owner will indemnify and defend the City against all claims brought as a result of the approval of the Development. The Owner further agrees, excluding cases of gross negligence, to hold the City harmless for errors or omissions in this Agreement or its subsequent amendments, errors or omissions in related documents, and errors or omissions in plan and plat review conducted by the City.

26. Renegotiation. Either party may request renegotiation of this agreement by submitting a written request to the other party's representative. All negotiated changes must be approved by the City Commission.

27. Binding Effect. The provisions, covenants and terms of this Agreement shall run with the land and bind the present Owners, their devisees, heirs, successors, and assigns; and any and all parties claiming by, through, or under them, shall be taken to agree and covenant with each of the parties to this Agreement, their devisees, heirs, successors and assigns, to conform to the provisions, covenants and terms of this Agreement.

IN WITNESS WHEREOF, the parties hereto have set their hands and seal the day, month and year first hereinabove written.

THE CITY OF GREAT FALLS, MONTANA
A Municipal Corporation of the State of Montana



Gregory T. Doyon, City Manager

ATTEST:



Lisa Kunz, City Clerk

Lucy Hallett, Deputy

(Seal of City)

APPROVED FOR LEGAL CONTENT:



Sara R. Seke, City Attorney



OWNER

By

Its:

MGR SAH Development, LLC

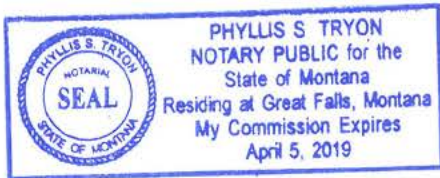
State of Montana)

:SS.

County of Cascade)

On this 17th day of August, in the year Two Thousand and Fifteen, before me, the undersigned, a Notary Public for the State of Montana, personally appeared Shauna K Rothwell, known to me to the persons whose names are subscribed to the instrument within and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year first above written.



(NOTARIAL SEAL)

Notary Public for the State of Montana

Phyllis S Tryon

Notary Public for the State of _____ (Printed)

Residing at _____

My commission Expires _____, 20____

Appendix A

Construction Cost Estimate for On-Site Improvements

West Ridge Addition Phase VII

Provided by Gary Knudson, PE, Representing S & L Development

Reviewed by City of Great Falls Public Works Department

Item	Description	Estimated Quantity	Unit	Unit Price	Estimated Total Price
101	Roadway Subgrade Excavation	2,400	CY	5.00	12,000.00
102	3" Asphalt Surface	7,970	SY	16.00	127,520.00
103	Base Course Gravel	2,366	CY	25.00	59,150.00
104	Separation Fabric	9,375	SY	1.50	14,062.00
105	Integral Curb and Gutter	4,492	LF	17.00	78,610.00
106	Concrete Valley Gutter and Fillets	3	LS	15,000.00	45,000.00
107	Stop Sign and Post	3	EA	400.00	1,200.00
108	Storm Ponds	1	LS	12,000.00	12,000.00

Total Estimated Surfacing Costs **\$ 349,542.00**

Item	Description	Estimated Quantity	Unit	Unit Price	Estimated Total Price
201	16" PVC C905 DR 18 Water Main	302	LF	60.00	18,120.00
202	16" Gate Valve with Box	1	EA	2,000.00	2,000.00
203	8" PVC C900 DR 14 Water Main	2,115	LF	42.00	88,830.00
204	8" Gate Valve with Box	5	EA	1,200.00	6,000.00
205	Fire Hydrant Assembly	8	EA	3,000.00	24,000.00
206	Connection to Existing Main	2	LS	600.00	1,200.00
207	¾" Copper Service Piping, appurt. and Permit	36	EA	1,400.00	50,400.00
208	8"PVC SDR 35 Sewer	1,161	LF	38.00	44,118.00
209	4" PVC SDR 35 Sewer Service, appurt. and Permit	24	EA	1,100.00	26,400.00
210	Sanitary Sewer Manhole	3	EA	2,800.00	8,400.00
211	8" PVC C900 DR14 Sewer	60	LF	42.00	2,520.00

Total Estimated Utility Costs **\$ 271,988.00**

Total Estimated On-site Improvement Costs					\$ 621,530.00
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Appendix B

Northwest Great Falls Wastewater Improvements Cost Estimate/Reimbursements (City Office File 1476.5)

Cost Estimate: Wastewater Lift Station Improvements				
Item	Unit	Quantity	Unit Cost	Total Cost
Wastewater Lift Station, Submersible, 300 gpm	L.S.	1	\$469,000	\$469,000
Force Main, Dual 6 or 8"	L.F.	2,820	\$45	\$126,900
Upgrade Capacity of Wastewater Lift Station 300 to 600 gpm	L.S.	1	\$100,000	\$100,000
* Replace Existing Under Capacity Main - 36th Ave NE 4th St. NE to 6th St NE	L.F.	1,400	\$110	\$154,000
Construction Cost				\$849,900
Lift Station Property Cost				\$40,000
Engineering (15%)				\$127,485
Construction Management/Inspection/Staking Inspection (5%)				\$42,495
Construction Contingency (10%)				\$84,990
Total Improvement Cost				\$1,144,870

* Existing 10" dia. to 12" dia.

Cost Assessment Per Lot (At Annexation): Wastewater Lift Station Improvements			
Improvement Description	Potential Develop Area (acres)	Max Lots Served	* Cost Per Lot
Service Area, At Lift Station Capacity (300 gpm)	352	1,135	
Totals	352	1,135	\$1,009.00

* Rounded to nearest dollar

Cost Estimate: Gravity Sewer Main (Between Lift Station & 41st Ave NE and 2nd St NE)				
Item	Unit	Quantity	Unit Cost	Total Cost
Gravity Main, 10" or 12"	L.F.	2,360	\$65	\$153,400
Construction Cost				\$153,400
Engineering (15%)				\$23,010
Construction Management/Inspection/Staking (5%)				\$7,670
Construction Contingency (10%)				\$15,340
Total Improvement Cost				\$199,420

Cost Assessment Per Development (At Annexation): Gravity Sewer Main			
	Quantity of Main (LF)	* Cost Split Factor	Total Cost
Tyndall Addition (Cox)	1,770	0.750	\$149,565
West Ridge Addition (S & L)	590	0.250	\$49,855
Totals	2,360		\$199,420

* Prorated by ratio of quantity of main within subdivision verses total quantity of main

Exhibit I

NW Great Falls

Wastewater Lift Station Service Area

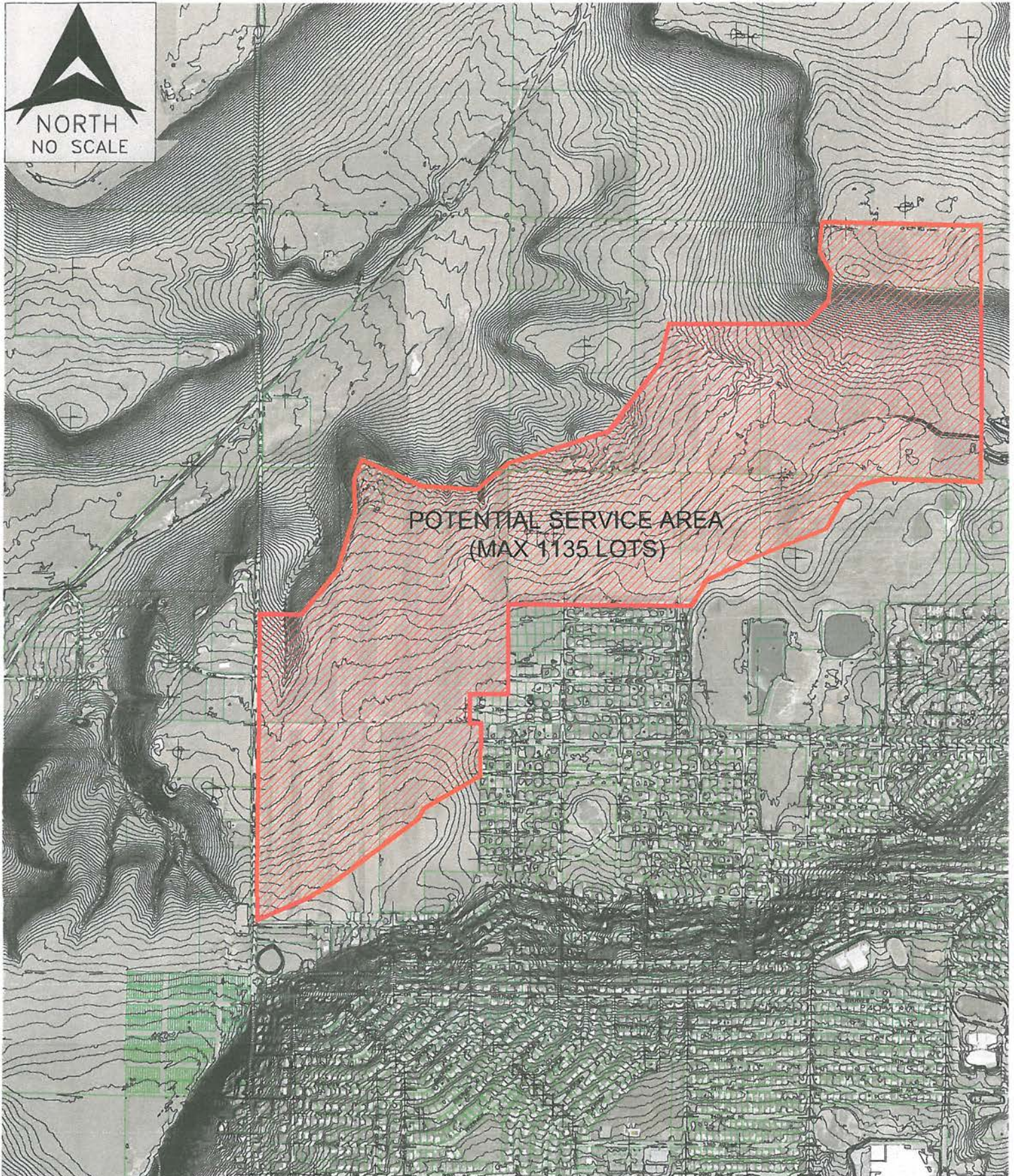
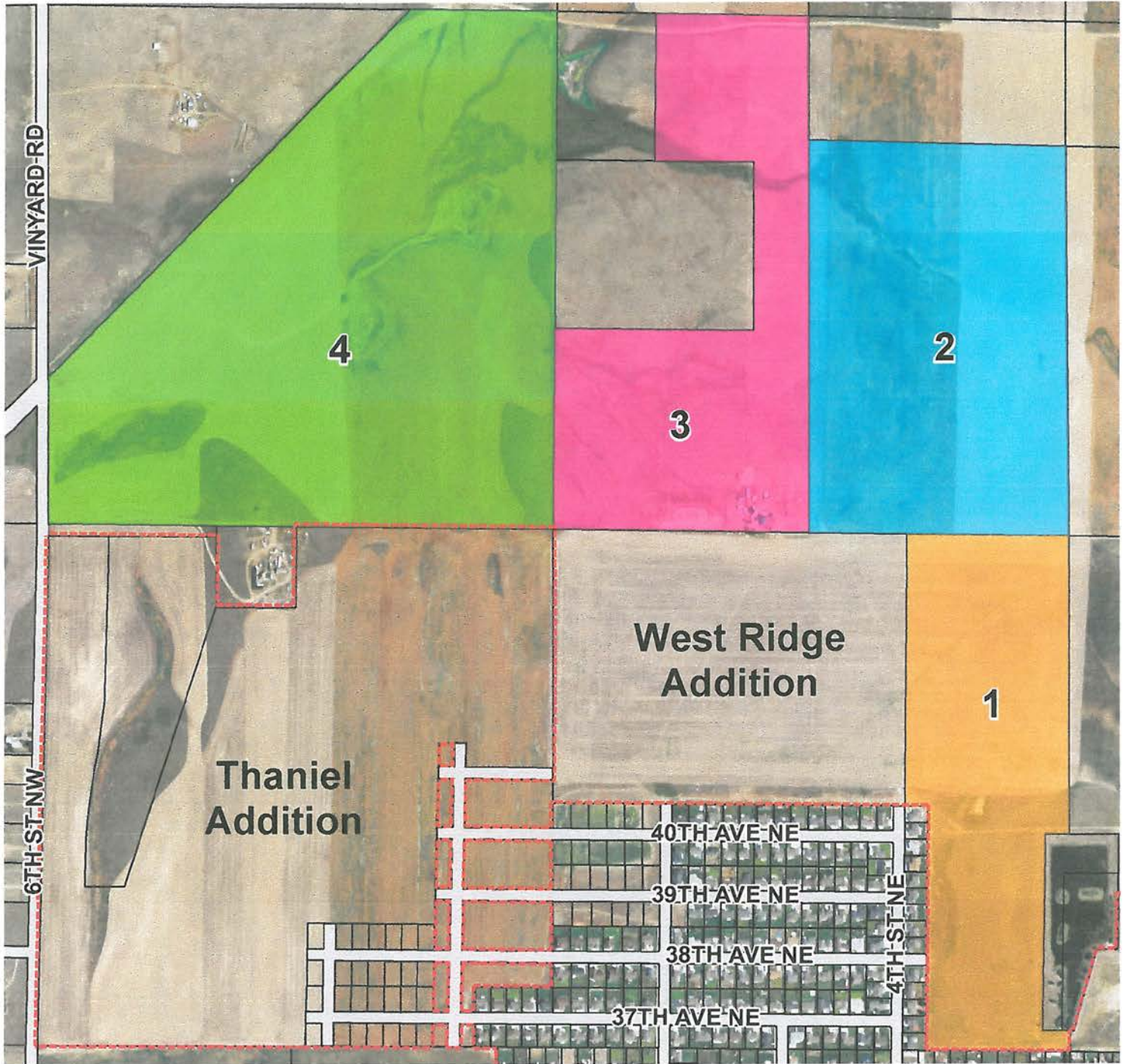
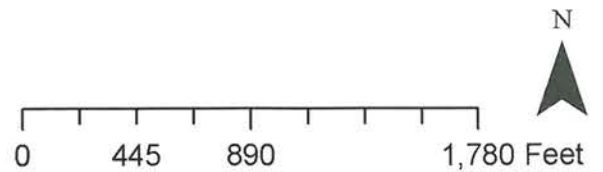


Exhibit II

Potential Street Reimbursements to West Ridge Addition



- 1 - Peretti, John Howard Trust
- 2 - MBA Consultants, Inc.
- 3 - Nelson, Kaylene M ETAL
- 4 - Schultz, Harry L and Donna G
- Parcels
- City Limits





Item: Resolution 10208 to Establish 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 and Jim Rearden, Director of Public Works

Action Requested: Conduct Public Hearing on November 7, 2017 to increase residential collection rates by 5% and to increase collection rates on commercial construction dumpsters by 5%.

Public Hearing:

1. Mayor 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 the City Commission (adopt/deny) Resolution 10208 Establishing Sanitation Service Collection Rates effective December 1, 2017.”

2. Mayor calls for a second to the motion, Commission discussion, 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%. The last residential and commercial rate increase was in October 2015.

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 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 prepared to generate sufficient revenue to pay all costs of the operation and maintenance of existing and proposed services and equipment for providing 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:

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

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

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.

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.

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: Resolution 10211, a Resolution approving placement of Coins for a Cause donation containers on downtown light poles.

From: Greg Doyon, City Manager

Initiated By: Business Improvement District

Presented By: Greg Doyon, City Manager

Action Requested: Adopt Resolution 10211

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission adopt or deny Resolution 10211”

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

Summary:

The City was approached by Alison Fried with the Business Improvement District (BID) to assist with expanding the Coins for a Cause program downtown. Currently several local downtown businesses are participating in the program by having donation boxes and information available next to cash registers inside their stores.

The Downtown Safety Alliance desires to expand the program by conducting a pilot program from December 2017 through May 2018. The BID is proposing to place up to eight collection boxes on City Light poles in the 400-500 blocks of Central Avenue. The BID shall be responsible for any damage related to the installation or removal of the collection boxes. The collection boxes shall be removed by the BID no later than May 31, 2018, unless otherwise agreed to in writing and extended by the City Commission.

Background:

The Downtown Safety Coalition, including Neighborworks Great Falls, the Great Falls Police Department, Business Improvement District (BID), and Downtown Great Falls Association (DGFA) began the Coins for a Cause program as an alternative to panhandling. Various downtown businesses set up containers within their buildings to allow patrons to donate their spare change to be given to local

organizations that provide direct services and resources to people in need.

Fiscal Impact:

No fiscal impact to the City. The BID is responsible for purchasing and installing the collection boxes. Local organizations receive the donated funds to assist people in need.

Alternatives:

City Commission could choose to deny Resolution 10211.

Concurrences:

- Business Improvement District
- Great Falls Police Department
- Neighborworks Great Falls
- Downtown Great Falls Association

ATTACHMENTS:

- ▣ Resolution 10211

RESOLUTION NO. 10211

**A RESOLUTION APPROVING PLACEMENT OF COINS FOR CAUSE
DONATION CONTAINERS ON DOWNTOWN LIGHT POLES**

WHEREAS, the Official Code of the City of Great Falls (OCCGF) 9.5.2.010 restricts, in part, posting of any type of literature or advertising matter to any public utility poles or to any City property within the City limits; and

WHEREAS, the Downtown Safety Alliance, a sub-committee of the Downtown Development Partnership, and the Great Falls Business Improvement District (BID) (fiscal agent) seeks to enhance its Coins for a Cause program by placing collection eight (8) boxes on City light poles in the 400-500 blocks of Central Avenue in downtown Great Falls; and

WHEREAS, Coins for a Cause is a local program that accepts donations to support nonprofit groups who provide direct services to the community;

WHEREAS, the Business Improvement District desires to conduct this pilot program for six months (6) commencing in December 2017 through May 2018;

WHEREAS, the City Commission desires to suspend enforcement, as to the Coins for a Cause pilot program, of any applicable restriction in OCCGF 9.5.2.010, during the above stated pilot program; and

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

1. The BID is authorized to place its Coins for a Cause donation boxes on City street light poles in the 400-500 blocks of Central Avenue in downtown Great Falls during the pilot program period of December 2017 through May 31, 2018;
2. The BID shall install no more than eight (8) collection boxes, maintain and remove said collection boxes at its expense;
3. The BID shall be responsible for any damage to City light poles related to the installation or removal of said collection boxes; and
4. The Bid shall cause said collection boxes to be removed from City light poles no later than May 31, 2018, unless otherwise agreed to in writing and extended by the City Commission.

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



Item: Resolution 10217, Adopting the 2017 Update to Cascade County Multi-Hazard Mitigation Plan

From: Stephen A. Hester

Initiated By: David R. Nordel

Presented By: Stephen A. Hester

Action Requested: Adopt or Deny Resolution 10217

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (adopt/deny) Resolution 10217, the 2017 Update to Multi-Hazard Mitigation Plan (previously known as the Pre-Disaster Mitigation Plan).”

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

Staff Recommendation:

Staff recommends the Commission adopt the 2017 Cascade County updated Multi-Hazard Mitigation Plan.

Summary:

As a result of the Federal Disaster Mitigation Act 2000, Cascade County in cooperation with other Towns and Cities in the County have drafted a plan designed to help planners and public safety staff to better prepare for disasters. The Multi-Hazard Mitigation Plan (MHMP) is a result of that effort. This most recent edition reflects a current threat analysis and actions that could be taken to mitigate those threats.

The plan is designed to be a broad and comprehensive view of the entire County and addresses both natural and man-made threats. The revised plan identifies weather, wild-land fires and floods as being the greatest natural threat to the County and the City. However, cyber-terrorism has also been identified as a greater threat to our communities because our infrastructure and utilities rely heavily on computers.

National and State grants were used to hire Tetra-Tech Inc. a contractor to do most of the administrative and planning that went into drafting the MHMP. During the process most all those who have public safety officials and those who advise public safety officials including private industry had a part in

editing the plan. Also, Montana Air National Guard and the United State Air Force from Malmstrom AFB participated in developing the MHMP.

Background:

This plan was approved by the Commission on September 5, 2017 but was not approved through a Resolution as required by the State of Montana. The plan has not changed since the original approval. The full document is available in the City Clerk's office for review. The MHMP document and original staff report can also be found online at:

<https://greatfallsmt.novusagenda.com/agendapublic/CoverSheet.aspx?ItemID=649&MeetingID=54>

Fiscal Impact:

The project was 80% funded by the 2016 State Emergency Management Planning Grant. The other 20% was a soft-match paid by participation in the process. The total cost of the project was \$40,000.00. Since the County had primary responsibility for the project no costs were incurred by the City.

Alternatives:

Deny the Plan and draft a separate Multi-Hazard Mitigation Plan specific for the City of Great Falls.

Concurrences:

The City Commission already approved the plan on September 5, 2017. The Cascade County Board of Commissioners along with incorporated communities of Belt, Neihart, and Cascade have adopted this plan. As with the City of Great Falls these governing bodies have the authority to promote sound public policy regarding natural and man-made hazards in their jurisdictions.

ATTACHMENTS:

- ▯ Resolution 10217

RESOLUTION NO. 10217

**A RESOLUTION ADOPTING THE 2017 UPDATE TO CASCADE
COUNTY MULTI-HAZARD MITIGATION PLAN
(PREVIOUSLY KNOWN AS THE PRE-DISASTER MITIGATION PLAN)**

WHEREAS, in October of 2000 the President of the United States signed into law the “Disaster Mitigation Act of 2000” (PL 106-390) to amend the “Robert T. Stafford Disaster Relief and Emergency Act of 1988” which, among other provisions, requires local governments to adopt a Multi-Hazard Mitigation Plan in order to be eligible for hazard mitigation funding; and

WHEREAS, the City of Great Falls, Montana, has worked closely with Cascade County Disaster and Emergency Services to update a county-wide, Multi-Hazard Mitigation Plan that will serve the needs of Cascade County; and

WHEREAS, the City of Great Falls supports the 2017 Update to the Cascade County Multi-Hazard Mitigation Plan as a logical means toward protecting people and property from the potential devastating effects of natural and man-made hazards; and

WHEREAS, the 2017 Update to Multi-Hazard Mitigation Plan was presented to the City Commission in detail at its September 5, 2017 meeting.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, that the 2017 Update to Cascade County Multi-Hazard Mitigation Plan, as approved by the Montana Disaster and Emergency Services and the Federal Emergency Management Agency, is hereby adopted.

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



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: Sara R. Sexe

Action Requested: Rescind the October 17, 2017 vote adopting Ordinance 3168, conduct a re-vote, and adopt Ordinance 3168.

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission rescind the October 17, 2017 vote adopting Ordinance 3168 due to a clerical error regarding Exhibit “A” to Ordinance 3168;”

2. Mayor calls for a second to the motion, public comment, Commission discussion, and the vote (four-fifths’ vote required to pass.)

And:

1. Commissioner moves:

“I move that the City Commission (adopt/deny) Ordinance 3168 as presented;”

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

Staff Recommendation:

Staff recommends that the City Commission rescind the October 17, 2017 vote adopting Ordinance 3168, conduct a re-vote, and adopt Ordinance 3168.

Background:

Ordinance 3168 was accepted by the Commission on first reading on October 3, 2017, and adopted after second reading and public hearing on October 17, 2017. Subsequently, it was discovered that a clerical error occurred requiring correction so that the Commission and public are correctly and fully advised as to the changes which had been proposed.

The substantive proposed language changes were discussed at length on first and second reading. The text illustrated in Ordinance 3168 Exhibit “B” presented at first and second public hearing was accurately presented. Therefore, the staff recommended re-vote does not impact the substantive policy changes previously adopted by the Commission. However, Exhibit “A” to Ordinance 3168 which was submitted with the documents for first reading and public hearing accurately set forth the proposed new language, but did not illustrate all of the portions of text being removed from the original OCCGF Title 5. Staff apologizes for this clerical error and is modifying procedures to ensure this type of error does not occur in future proposed Code amendments.

The recommended vote to rescind is allowed under *Robert’s Rules of Order*, 11th Addition, §37. It requires a four-fifths affirmative vote of the Commission. Ordinance 3168 has been substantively read twice in accordance with Mont. Code Ann. Title 7, Chapter 3.

As previously advised, Ordinance 3168 repeals and replaces Title 5 of the OCCGF. The vast majority of amendments are non-substantive. The substantive changes include:

- Repealing telecommunication facilities regulations for reassignment into a newly created OCCGF Title 4.
- 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 into OCCGF Title 5 making it simpler for business owners and operators to find the licensing and permitting regulations for operating their businesses.
- Establishing clear penalty provisions for businesses operating within the incorporated City limits without proper SIC’s, permits, or licenses to assist City staff in enforcing the provisions of Title 5 and promoting public safety.
- Incorporating and clarifying the definition of “non-profit organizations.”
- 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.
- Amending the title of Chapter 2 to include Home Occupation Certificate.
- Requiring commercial garbage license applicants to possess a Montana Public Service Commission permit.
- Corrections to alcoholic beverage regulation indexing.

Ordinance 3168 Exhibit “A” correctly illustrates proposed changes as compared to the prior provisions in **bold** and ~~strikeout~~. Exhibit “B” is attached to this agenda report, and illustrates how the proposed Code provisions would read without the changes highlighted.

Fiscal Impact:

None.

ATTACHMENTS:

- ▣ Ordinance 3168
- ▣ Ord. 3168 Exhibit "A"
- ▣ Ord. 3168 Exhibit "B"

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 November 7, 2017.

Bob Kelly, Mayor

ATTEST:

(CITY SEAL)

Lisa Kunz, City Clerk

APPROVED FOR LEGAL CONTENT:

Sara R. Saxe, 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)

Exhibit "A"

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.~~

~~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:-

A. ~~(Ord. 2672, 1995)~~

"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"

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, **to its members, and/or for which** and a ~~pecuniary gain~~ **gain** is not the objective of the organization. **For the purposes of this Title, a Nonprofit organizations or groups need not** ~~must~~ be recognized as **tax exempt** ~~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**

Exhibit "A"

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

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.

~~(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~~ **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.~~

Exhibit "A"

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

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

- 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 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"

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.**

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- D. The applicant may change location provided:
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 31~~st~~th of the year in which such certificate, **permit** or special business license is issued, unless otherwise specified.

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

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

- AB. Failure to renew ~~the~~ a 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;~~

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2. The licensee **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—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:

~~5.2.100 Safety inspection certificate.~~

~~5.2.200 Home occupation certificate.~~

~~5.2.210 Issuance — revocation of certificate.~~

~~5.2.220 Home occupation requirements.~~

5.2.010 Safety inspection certificate.

5.2.020 Home occupation certificate.

5.2.030 Issuance — revocation of certificate.

Exhibit "A"

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

5.2.040 Home occupation requirements.

5.2.40010 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.

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

- B.— A Safety Inspection Certificate fee is authorized.
- C.— In any multiple business, suite/office structure:
- 1.— ~~Each portion or subdivision under~~ **independently owned and operated business with a separate control and requiring its own inspections business address, within said building or structure,** shall ~~have its own Safety Inspection Certificate.~~ **be required to obtain a certificate; and**
 - 2.— The building owner/agent shall obtain a certificate for indoor ~~common~~ **commonly accessed** areas ~~if the aggregate total of the common area is greater than one thousand (1,000) square feet.~~
- D.— For multi-family dwelling units of four (4) or more units, only the indoor ~~common~~ **commonly accessed** areas shall require a certificate.

~~(Ord. 2764, 2000; Ord. 2745, 1998, Ord. 2672, 1995)~~

- 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.**

5.2.20020 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.**

~~(Ord.~~

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~~2674, 1995; Ord. 2483 §1, 1987; Ord. 2344 (part), 1983).~~

5.2.210030 Issuance — revocation of certificate.

A. ~~* New Issuances.~~ Applications for Home Occupation ~~certificates~~ **Certificates** shall include: ~~and~~

1. — A site plan indicating what portion of the dwelling will be used for the business;
and

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

2. — A complete description of the type of business to be conducted.

3. ~~Documented approval of all adjacent property owners inclusive of those separated by rights-of-way. If any two (2) adjacent property owners, whose approval is required, do not approve the certificate, the certificate shall not be granted.~~

~~a.~~

- B. The Home Occupation ~~certificate~~ **Certificate** holder may appeal the denial or revocation of a Home Occupation ~~certificate as described in 5.02.210(B)(1).~~ **Certificate to the Great Falls Board of Adjustment pursuant to Title 17 of this Code.**

B. ~~Renewals.~~ 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 ~~whose approval is required in 5.02.210(A)(3),~~ 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, ~~and verifying that a violation exists,~~ **violates the terms of the Home Occupation Certificate,** the said Home Occupation ~~certificate~~ **Certificate** shall be revoked.

~~(Ord. 2745, 1998, Ord. 2674, 1995)~~

- 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.

5.2.220040 Home occupation requirements.

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

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- 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 ~~are permitted~~.
- C.— **Location.** For Home Occupations ~~whosein which~~ **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 ~~or~~, equipment, or any variation from the residential character of the ~~principle~~**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.~~
- 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 ~~exceeds~~**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 ~~that~~**for** one (1) non-illuminated name plate, or Home Occupation sign ~~shall be permitted~~. 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 out of the clear vision triangle at intersections, driveway and alley per,~~ **and in compliance with 17.32.160.**
- L.— **Garage.** The Home Occupation cannot be conducted upon the area, ~~including garage space,~~ provided to fulfill the off-street parking requirements for the dwelling unit on the lot.

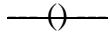
(Ord. 2674, 1995)

(Ord., including but ~~3139, 2016, Ord. 2674, 1995~~)

FOOTNOTE(S):

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~~Existing home occupations, licensed by either the State of Montana, United States Government or the City of Great Falls, shall not be required to fulfill the requirements for the neighborhood pre-approval as outlined in 5.2.210(A)(3). (Back)~~ **garage space.**

Chapter 3 SPECIAL BUSINESS LICENSE 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

Article 11 – FUEL GAS PIPING SYSTEMS

Article 12 – ELECTRICAL CONTRACTING

Article 1 COINMECHANICALLY-OPERATED DEVICES DEPICTING SEXUAL ACTIVITIES

Sections:

5.3.1.100 Purpose.

Exhibit "A"

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

~~5.3.1.110 Coin-operated devices depicting sexual activities.~~

~~5.3.1.120 License required.~~

5.3.1.010 Purpose.

5.3.1.020 Mechanically-operated devices depicting sexual activities.

5.3.1.030 License required.

5.3.1.40010 Purpose.

The purpose of this ~~ordinance~~**article** is to recognize ~~and to provide for~~ 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 that justifies a higher license fee. This necessitates greater police vigilance to assure that the lawful business of displaying non-obscene portrayals or depictions of sexual conduct is not used inadvertently or by design as the means of unlawful displaying or depicting obscenity. In order to recoup some of the costs thus imposed on the City, it is appropriate that there be imposed on the persons who profit from such devices some of the costs of ensuring that the devices are used only lawfully., 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.~~

~~(Ord. 2675, 1995)~~

5.3.1.440 Coin 020 Mechanically-operated devices depicting sexual activities.

A. ~~Definitions. The following words and phrases when used in this section~~**article** shall, ~~for the purpose of this section, have the following meanings respectively ascribed to them:~~

- A. "Device" shall include any machine which, upon the insertion of ~~a coin or the~~ payment of consideration, **in any form, directly or indirectly** depicts, displays, or projects ~~directly or indirectly~~ 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 ~~in a discernibly turgid state~~, 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, ~~or~~ sodomy; or,
 - 3.— Fondling of human genitals, pubic region, buttock, or female breast.

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

- ~~B.~~ **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.

~~(Ord. 2675, 1995)~~

5.3.1.420030 License required.

- A.** It shall be unlawful for any business to have ~~and to~~, 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.

~~(Ord. 2675, 1995).~~

- 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:

~~5.3.2.200 Commercial garbage license.~~

5.3.2.010 Commercial garbage license.

5.3.2.200010 Commercial garbage license.

- ~~A.~~ No person, or business, shall engage in the business of collecting or removing garbage from any business or residence in ~~this~~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 ~~Rail~~Public Service Commission (MPCSC) permit.

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

- D.— A current list of all services provided shall be submitted to the City **Public Works Department**, containing the following information:
- 1.— ~~Residences – the~~ **1. The** names and addresses of each residence served-;
 - 2.— ~~Commercial – the~~ **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.

(Ord. 2675, 1995)

- 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

~~121~~

Sections:

~~5.3.3.300 Definitions.~~

~~5.3.3.310 Register required.~~

~~5.3.3.320 Duration articles must be held.~~

~~5.3.3.330 Violation; penalty.~~

~~5.3.3.340 Extensions; exclusions.~~

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.

5.3.3.00010 Definitions.

~~When~~**The following words and phrases when** used in this ~~section,~~**article shall have** the following ~~terms~~
~~apply~~**meanings:**

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- 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 or, 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**

~~(Ord. No. 3117, § 1, 3-4-2014; Ord. 2675, 1995; Prior code 5-11-1)~~

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.

~~(Ord. No. 3117, § 1,~~

~~5.3.4-2014; Ord. 2675, 1995; Prior code 5-11-1)~~

5.3.3.340020 Register required.

Any operator who engages in the activities set forth in 5.3.3.300010 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

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

- 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 ~~Police Department~~ **GFPD**. If the transactions have not been entered into electronic database according to this section, the ~~Police Department~~ **GFPD** shall stop any further transactions by the operator, until the operator is in compliance.

~~(Ord. No. 3117, § 1, 3-4-2014; Ord. 2675, 1995; Prior code 5-11-3)~~

5.3.3.320

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 ~~Police Department's designated~~ **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.

~~(Ord. No. 3125, § 1, 9-2-2014; Ord. No. 3117, § 1, 3-4-2014)~~

5.3.3.33040 Violation; penalty.

- ~~Each~~ **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.

~~(Ord. No. 3125, § 1, 9-2-2014; Ord. No. 3117, § 1, 3-4-2014)~~

5.3.3.340050 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.

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(Ord. No. 3117, § 1, 3-4-2014)

FOOTNOTE(S):

~~—(2)—~~

~~Editor's note~~—Ord. No. 3117, § 1, adopted March 4, 2014, amended the title of art. 3. (Back)

Article 4 ALCOHOLIC BEVERAGES

Sections:

~~5.3.4.400 Definitions.~~

~~5.3.4.410 Alcoholic beverage license required.~~

~~5.3.4.420 Special alcoholic beverage license required.~~

~~5.3.4.430 Catering license required.~~

~~5.3.4.440 Teen night license.~~

~~5.3.4.450 Sales within six hundred feet of a church or school.~~

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.

~~5.3.4.400~~**010 Definitions.**

The following words and phrases **when** used in this chapter ~~article~~ shall ~~be given~~**have** the following interpretation **meanings**:

A. "Alcohol" means ethyl alcohol, also called ethanol, or the hydrated oxide of ethyl.

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- 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-a:**
- 1. an alcoholic malt beverage containing not more than ~~seven (7) percent~~ 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 ~~table~~-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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~~(Ord. 2675, 1995; Ord. 2008 §1 and 2, 1977; Ord. 1874 §2(part), 1975; prior code §5-16-1).~~

5.3.4.41020 Alcoholic beverage license required.

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

~~(Ord. 2675, 1995)~~

- 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.

5.3.4.42030 Special event alcoholic beverage license required.

~~Where all requirements stipulated by the State are met by the applicant, a~~ **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.

~~(Ord. 2675, 1995)~~

5.3.4.430—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.

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5.3.4.050 Additional Catering endorsement required.

- A. ~~Both an~~ **An Alcohol Catering and Beverage license, or a Special Event catering license**~~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 ~~license~~~~licenses~~;
- B. Any alcoholic beverages licensee may obtain an ~~Alcohol~~**Special Event Alcoholic Beverage License or Permit with a Catering License 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 License**Endorsement**, shall at least ~~three (3) days~~**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**

(Ord. 2675, 1995)

- 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.**

5.3.4.440060 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 ~~beer or liquor~~**Alcoholic Beverages** on the premises ~~has~~**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; ~~and~~
- B. All signs advertising or referencing alcohol shall be removed or covered when the premises is open as a teen night; ~~and~~
- 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; ~~and~~
- 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

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night, and who shall ensure that any and all dangerous drugs as defined by the Montana Criminal Code, ~~beer and liquor~~ **Alcoholic Beverages**, weapons, or any other dangerous substances are excluded from the premises except ~~beer and liquor~~ **Alcoholic Beverages** that may have otherwise been locked away and secured thereon; ~~and~~.

- E.— Anyone under the influence of ~~such~~ 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 ~~Police Department~~ **GFPD**.
- F.— For so long as the premises is open as a teen night, smoking ~~inclusive of a lighted cigar, cigarette, pipe of tobacco or any smokable product,~~ **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 ~~can~~ **may** be revoked in accordance with licensing procedures.

~~(Ord. 2675, 1995; Ord. 2509, 1988).~~

~~(Ord. No. 3057, § 1, 8-17-2010)~~

~~5.3.4.450~~ Sales within six hundred feet of a church or school.

- A.— ~~A fraternal or religious organization may apply for and receive a permit from the Planning and Community Development Department to allow within their own facilities sales of alcoholic beverages within six hundred (600) feet of a church or school.~~
- B.— ~~The aforesaid special permit shall be an exception to 16-3-306(1) M.C.A. as permitted by 16-3-309 M.C.A. and to Title 9, Chapter 20, OCGG.~~
- C.— ~~The permit shall expire upon the termination of each special event and shall be nonrenewable.~~

~~(Ord. 2675, 1995; Ord. 2487, 1987).~~

~~(Ord. No. 3057, § 1, 8-17-2010)~~

Article 5 NON-RESIDENT VENDOR LICENSE

Sections:

~~5.3.5.500 Non-resident vendor license required.~~

~~5.3.5.510 Non-resident merchant special business license required.~~

~~5.3.5.520 Non-resident service contractor special business license required.~~

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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5.3.5.500010 Non-resident vendor license required.

- A.— Each individual engaging in Non-Resident Vendor ~~type~~ **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 ~~entity~~ **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 ~~entity~~ **device** within three hundred (300) feet of the original location is considered one (1) location.

~~(Ord. 2764, 2000)~~

- ~~B.—The license~~ **C. The Non-resident Vendor License** can be obtained from the Planning and Community Development Department during regular working hours ~~or from the Fire Department.~~
- ~~C.—The~~ **D. A short-term license** **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. ~~The~~ **A long-term license is good from the issue date through December 31, of the same year, and may be renewed upon its expiration.**

~~(Ord. 2764, 2000).~~

- ~~D.—~~ **E. The City reserves the right to deny or revoke a license, upon receiving written** citizen complaints regarding the vendor, merchandise, or practices.

~~(Ord. 2745, 1998, Ord. 2675, 1995)~~

~~(Ord. No. 3057, § 1, 8-17-2010)~~

5.3.5.540020 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.

~~(Ord. 2764, 2000)~~

- ~~B.—This~~ **A Non-Resident Merchant may apply for a Non-Resident Merchant** special business license ~~can be obtained from the Planning and Community Development Department during normal business hours, or from the Fire Department at any other time.~~

~~(Ord. 2764, 2000).~~

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- C.— The license is ~~only valid for a period of ninety (90) calendar days~~ **six (6) months and may be renewed once thereafter during** in any twelve-month period.

~~(Ord. 2764, 2000)~~

- D.— The City reserves the right to deny or revoke ~~a~~, **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.

~~(Ord. 2764, 2000)~~

~~(Ord. No. 3057, § 1, 8-17-2010)~~

5.3.5.520030 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.

~~(Ord. 2764, 2000)~~

- B.— ~~This~~ **A Non-Resident Service Contractor may apply for a Non-Resident Service Contractor** special business license ~~can be obtained from the Planning and Community Development Department during normal business hours or from the Fire Department at other times.~~

~~(Ord. 2764, 2000).~~

- C.— ~~This~~ **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.

~~(Ord. 2764, 2000)~~

- 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.

~~(Ord. 2764, 2000)~~

~~(Ord. No. 3057, § 1, 8-17-2010)~~

Article 6 FALSE ALARMS

Sections:

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

5.3.6.600 Definitions.

5.3.6.610 Audible alarm requirements.

5.3.6.620 Agent permit required.

5.3.6.630 Exemptions.

5.3.6.640 Penalty.

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.

5.3.6.00010 Definitions.

~~For the purpose of this chapter certain~~ **Unless otherwise specified, the following** words and phrases shall be construed herein as set forth ~~when used in this section, unless it is apparent from the context that a different meaning is intended~~ **following meanings:**

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

~~Exemption. The provisions of this section 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.~~

- B. "Alarm business" means ~~the business by~~ any individual, partnership, corporation, or other entity ~~of~~ **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. ~~Alarm systems include, but are not limited to, direct dial telephone devices, audible alarms and proprietor alarms. 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 the a telephone or telecommunication company to protect telephone-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:
- A.—1. alarms caused by repair of telephone **or communication** equipment or lines;
 - B.—2. alarms caused by earthquakes, flood, windstorm, thunder, and ~~lighting~~ **lightning**;
 - C.—3. alarms caused by an attempted illegal entry or analogous causes of which there is visible evidence; **and**
 - D.—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.

(Ord. 2675, 1995)

5.3.6.610020 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 ~~burglar~~ alarm is actuated.
- B.— Whenever any change occurs relating to the **required** written information ~~required~~, the applicant shall give written notice thereof to the **Great Falls** Police Department ~~after~~ of such change.

(Ord. 2675, 1995)

5.3.6.620—030 Alarm Agent permit required.

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

(Ord. 2675, 1995)

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5.3.6.630040 Exemptions.

A. The provisions of this chapter are not applicable to audible alarms affixed to automobiles.

~~(Ord. 2675, 1995)~~

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.

5.3.6.640050 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 six ~~(6)~~ — ~~Written notice and~~ **three (3); written** notice to permittee;

~~False Alarms seven (7) and eight (8) — Written notice and twenty-five dollars (\$25.00).~~

~~False Alarms nine (9) and ten (10) — Written notice and~~ **B. A fourth or subsequent false alarm in a calendar year shall result in an assessed administrative fee of fifty dollars (\$50.00).**

~~False Alarms eleven (11) and more — Written notice and seventy-five dollars (\$75.00).~~

~~(Ord. 2675, 1995)~~

Article 7 EMERGENCY MEDICAL SERVICES LICENSES

Sections:

~~5.3.7.700 Definitions.~~

~~5.3.7.710 License required.~~

~~5.3.7.720 Criteria for license.~~

~~5.3.7.730 Cancellation of license.~~

~~5.3.7.740 Notice and hearing required.~~

~~5.3.7.750 Existing services.~~

~~5.3.7.760 Exemptions.~~

5.3.7.010 Definitions.

5.3.7.020 License required.

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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.

5.3.7.00010 Definitions.

~~For the purpose of this chapter~~ **Unless otherwise specified**, the following terms and words and phrases **when used in this article** shall have the **following** meanings ~~set forth in this section, unless the context requires otherwise.~~

- 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 ~~service~~ **or similar vehicle**.
- C. "License Certificate" means the City ~~emergency services license~~ **Emergency Medical Services License** issued, or renewed, to any person to ~~engage~~ **engaging** in the ambulance service business. A new ~~ambulance service business~~ **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 ~~or helpless~~. 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 ~~an ambulance~~ **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 ~~ambulance~~ **emergency medical** service within the City.

~~(Ord. 2743, 1998)~~

5.3.7.40020 License required.

- A.— No person shall conduct or operate an emergency medical service within the City without first obtaining ~~aan~~ **Emergency Medical Services** license as provided in this chapter.

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- B.— All ~~such license certificate(s)~~ **Emergency Medical Services licenses** shall be **valid** for a City license year, or for the remainder thereof. ~~A~~ **An Emergency Medical Services** license ~~certificate~~ 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 ~~operate an~~ **provide** emergency ~~ambulance service~~ **medical services**.
- C.— ~~No~~ **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, ~~find~~ **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~~ **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 ~~a~~ **an Emergency Medical Services** License ~~Certificate~~ **certificate** of public convenience and necessity stating the name and address of the applicant, the location of the ~~ambulance~~ **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 ~~ambulance~~ **emergency medical** service **provider**, the application shall be denied. Existing ~~ambulance~~ **emergency medical** services **providers** may continue to operate within the City ~~as long as~~, **provided** they comply with the provisions of this chapter and are in compliance with Montana ~~State Law~~ **state law**.
- E.— There must be paid to the City, with each application for ~~a license~~, or for renewal of ~~a~~, **an Emergency Medical Services** license, a license fee that shall be set by **City Commission** resolution.
- F.— ~~The~~ **An Emergency Medical Services** license is not transferable.
- G.— ~~The~~ **An Emergency Medical Services** license is non-exclusive.

~~(Ord. 2743, 1998)~~

5.3.7.720030 Criteria for license.

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

~~(Ord. 2743, 1998)~~

~~(Ord. No. 2993, 1-8-2008)~~

5.3.7.730 ~~Cancellation~~040 Revocation of license.

The City may ~~cancel~~ **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

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contained in the Administrative Rules of Montana, or violation of policy, rules and procedure as outlined in the City of Great Falls ~~944~~**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.

(Ord. 2743, 1998)

5.3.7.740050 Notice and hearing required.

- A.— The City ~~shall not~~**may** deny or ~~cancel~~**revoke an Emergency Medical Services** license ~~without~~**subject to:**
- 1.— ~~Delivery~~ **delivery** to the applicant or licensee of a written statement of the grounds for denial or ~~cancellation~~**revocation of the charge involved;** **subject license; and**
 - 2.— ~~An~~ **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 ~~canceled~~**revoked.**
- B.— ~~After receipt~~ **Within ten (10) days of the written notice** statement of grounds for denial or ~~cancellation or charges~~**revocation**, any applicant or licensee desiring a hearing before the City Commission ~~must~~**shall** make written application ~~within ten (10) days of such notice.~~

(Ord. 2743, 1998)

5.3.7.750 Existing services.

~~Any person providing emergency medical services with to the City as of the effective date of this chapter shall have~~**Clerk's office requesting** a period of one hundred twenty (120) days to ~~meet the requirements and obtain the license required by this article, exclusive of the public hearing and City Commission determination of public convenience and necessity as stated in 5.3.7.710(C).~~**stating the reasons for the applicant or licensee's request.**

(Ord. 2743, 1998)

5.3.7.760060 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 ~~States~~**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**

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- 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.

~~(Ord. 2743, 1998)~~

~~(Ord. No. 2993, 1-8-2008)~~

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.**

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- 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.

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.

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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.

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.**

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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.

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.**

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- 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.**
- 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.

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- 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.**
- 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.

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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:

5.16.010 Purpose.

5.16.020 Definitions.

5.16.030 General requirements.

5.16.040 Registration of telecommunications carriers and providers.

5.16.050 Use agreement.

5.16.060 Non-exclusive grant.

5.16.070 Rights granted.

5.16.075 Exempt facilities - basic requirements.

5.16.080 Telecommunications facilities - minimum application requirements.

5.16.090 Telecommunications facilities - standard agreements required.

5.16.100 Telecommunications facilities - life permits.

5.16.110 Telecommunication facilities - structural requirements

5.16.120 Telecommunications facilities - basic tower and building design.

5.16.130 Telecommunication facilities - location.

5.16.140 Telecommunication facilities - height determination.

5.16.150 Telecommunication facilities - co-located and multiple-user facilities.

5.16.160 Telecommunications facilities - lighting.

5.16.170 Telecommunications facilities - roads and parking.

5.16.180 Telecommunications facilities - vegetation protection and facility screening.

5.16.190 Telecommunication facilities - fire prevention.

5.16.200 Telecommunication facilities - environmental resource protection.

5.16.210 Telecommunications - noise and traffic.

5.16.220 Telecommunication facilities - visual compatibility.

5.16.230 Telecommunications facilities - NIER exposure.

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~~5.16.240 Telecommunication facilities - exemptions.~~

~~5.16.250 Telecommunication facilities - public notice.~~

~~5.16.260 Ambiguity.~~

~~5.16.270 Appeal.~~

~~5.16.280 Statutory severability.~~

5.16.010 — Purpose.

~~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.~~

~~It is furthermore intended that, to all extent permitted by law, the City shall apply these regulations to specifically accomplish the following:~~

- ~~A. Protect the visual character of the City from the potential adverse effects of telecommunication facility development and minor antenna installation;~~
- ~~B. Insure against the creation of visual blight within or along the City's scenic corridors and ridgelines;~~
- ~~C. Retain local responsibility for and control over the use of public rights-of-way to protect citizens and enhance the quality of their lives.~~
- ~~D. Protect the inhabitants of Great Falls from the possible adverse health effects associated with exposure to high levels of NIER (non-ionizing electromagnetic radiation);~~
- ~~E. Protect the environmental resources of Great Falls;~~
- ~~F. Insure that a competitive and broad range of telecommunications services and high quality telecommunications infrastructure are provided to serve the business community;~~
- ~~G. Create and preserve telecommunication facilities that will serve as an important and effective part of Great Falls' emergency response network;~~
- ~~H. 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,~~
- ~~I. Provide for the charging of reasonable, competitively neutral, non-discriminatory fees for use of the public right-of-way by telecommunication providers.~~

~~(Ord. 2724, 1997)~~

5.16.020 — Definitions.

~~For the purpose of this chapter, the following words and phrases shall have the meaning respectively ascribed to them in this section:~~

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"Antenna" means any system/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. "Antenna - Building Mounted" 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. "Antenna - Directional" (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. "Antenna - Ground Mounted" means any antenna with its base, single or multiple posts, placed directly on the ground.
4. "Antenna - Omni-directional" transmits and/or receives radio frequency signals in a three hundred sixty (360) degree radial pattern. For the purpose of this Chapter, an omni-directional antenna is up to fifteen (15) feet in height and up to four (4) inches in diameter.
5. "Antenna - Parabolic" (also known as 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. "Antenna - Portable" 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. "Antenna - vertical" means a vertical type antenna without horizontal cross-sections greater than one-half (1/2) inch in diameter.

"Co-location" - see telecommunication facility - co-located.

"Commercial Use" means a use that involves the exchange of cash, goods or services, barter, forgiveness of indebtedness, or any other remuneration in exchange for goods, services, lodging, meals, entertainment in any form or the right to occupy space over any period of time.

"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.

"Equipment Building, Shelter or Cabinet" means a cabinet or building used to house equipment used by telecommunication providers to house equipment at a facility.

"Inhabited Area" means any residence, any other structure regularly occupied by people, or any outdoor area used by people on a regular basis.

"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.

"Monopole" is a wireless communication facility which consists of a monopolar structure, erected on the ground to support wireless communication antennas and connecting appurtenances.

"NIER" means non-ionizing electromagnetic radiation (i.e., electromagnetic radiation primarily in the visible, infrared, and radio frequency portions of the electromagnetic spectrum).

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~~"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 water management, public education, parks and recreation, fire and police protection, solid waste management, transportation or utilities.~~

~~"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 and easements for telecommunications facilities.~~

~~"Quasi-Public Use" means a use serving the public at large, and operated by a private entity under a 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.~~

~~"Readily Visible" means an object that stands out as a prominent feature of the landscape when viewed with the naked eye.~~

~~"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.~~

~~"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.~~

~~"Silhouette" means a representation of the outline of the towers and antenna associated with a telecommunication facility, as seen from an elevation perspective.~~

~~"Structure Ridgeline" means the line along the top of a roof or top of a structure, if it has no roof.~~

~~"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.~~

1. ~~"Telecommunications Facility Exempt" include, but are not limited to, the following unless located within a recognized Historic District:~~

- ~~a. 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;~~
- ~~b. 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;~~
- ~~c. 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.~~

~~(Ord. 2754, 1999).~~

- ~~d. 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.~~
- ~~e. 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.~~
- ~~f. Mobile services providing public information coverage of news events of a temporary nature.~~

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- ~~g. 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.~~
- ~~h. City government owned or public service use/facility owned (as described in 5.16.020(J) and operated receive and/or transmit telemetry station antennas for supervisory control and data acquisition (SCADA) systems for 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.~~
- ~~2. "Telecommunication Facility - Co-Located" 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.~~
- ~~3. "Telecommunication Facility - Commercial" means a telecommunication facility that is operated primarily for a business purpose or purposes.~~
- ~~4. "Telecommunication Facility - Multiple User" 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.~~
- ~~5. "Telecommunications Facility - Non Commercial" means a telecommunication facility that is operated solely for a non-business purpose.~~
- ~~6. "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.~~

~~(Ord. 2724, 1997)~~

~~(Ord. No. 3057, § 1, 8-17-2010)~~

5.16.030 — General requirements.

The following requirements shall be met for all 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 Zoning Ordinance that are not in conflict with the requirements contained in this chapter;~~
- ~~C. The Uniform Building Code, National Electrical Code, Uniform Plumbing Code, Uniform Mechanical Code, and Uniform Fire Code, where applicable;~~
- ~~D. Any applicable Airport land use compatibility criteria/policies and Federal Aviation Administration regulations;~~
- ~~E. 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;~~

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- ~~H. All commercial telecommunication facilities and antennas shall comply at all times with all 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.~~
- ~~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 5.16.040 of this chapter.~~

(Ord. 2724, 1997)

5.16.040 — Registration of telecommunications carriers and providers.

- ~~A. **Registration Required.** 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, 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.~~
 - ~~6. Such other information as the Planning and Community Development Director may reasonably require.~~
- ~~B. **Registration fee.** Each application for registration as a telecommunications carrier or provider shall be accompanied by a non-resident business certificate fee as set forth by Resolution of the City Commission.~~
- ~~C. **Purpose of Registration.** 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. **Amendment.** Each registrant shall inform the City, within sixty (60) days of any change of the information set forth in Section 5.16.040.~~

(Ord. 2724, 1997)

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(Ord. No. 3057, § 1, 8-17-2010)

5.16.050 — 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.

5.16.060 — Non-exclusive grant.

No approval granted under this section shall confer any exclusive right, privilege, license or franchise to occupy or use the public ways of the City for delivery of telecommunications services or any other purposes.

(Ord. 2724, 1997)

5.16.070 — Rights granted.

No approval granted under this section shall convey any right, title or interest in the public ways, 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.

(Ord. 2724, 1997)

5.16.075 — Exempt facilities — basic requirements.

Exempt facilities defined in Section 5.16.020 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, so long as 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.

(Ord. 2754, 1999).

- C. Sufficient anti-climbing measures have been incorporated into the facility, as needed, to reduce potential for trespass and injury.

(Ord. 2724, 1997)

5.16.080 — Telecommunications facilities — minimum application requirements.

The following are the minimum criteria applicable to all telecommunication facilities, except exempt facilities as defined in Section 5.16.020(S)(1). In the event that a project is subject to discretionary and/or

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~~environmental review, mitigation measures or other conditions may also be necessary. All 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, completed supplemental project information forms, a specific maximum requested gross cross-sectional area, or silhouette, of the facility; service area maps, network maps, alternative site analysis, visual impact demonstrations including mock-ups and/or photo-montages, visual impact analysis, NIER (non-ionizing electromagnetic radiation) exposure studies, title reports identifying legal access, security considerations, lists of other nearby telecommunication facilities known to the City, master plan for all related facilities within the City limits and within one-quarter (1/4) mile there from; and facility design alternatives to the proposal and deposits for peer review, if deemed necessary by the Director. 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 on the application being submitted; and~~
- ~~B. 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. Any proprietary information disclosed to the City or the expert hired shall remain confidential and shall not be disclosed to any third party.~~
- ~~C. A permit will be issued by the Planning and Community Development Department when the minimum application requirements have been met.~~

~~(Ord. 2724, 1997)~~

~~(Ord. No. 3057, § 1, 8-17-2010)~~

5.16.090 Telecommunications facilities – standard agreements required.

- ~~A. A maintenance/facility removal agreement (see Attachment 2) 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 a telecommunication tower, one (1) or more new buildings/equipment enclosures larger in aggregate than three hundred (300) square feet, more than three (3) satellite dishes of any size, or a satellite dish larger than four (4) feet in diameter. Said agreement shall bind the applicant and the applicant's successors-in-interest to properly maintain the exterior appearance of and ultimately removal of the facility in compliance with the provisions of this chapter and any conditions of approval. It 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. It shall also specifically authorize the City and/or its agents to enter onto the property and undertake said work so long as:~~
 - ~~1. The Planning and Community Development Director has first provided the applicant the following written notices:~~
 - ~~a. 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~~

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- ~~b. 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;~~
 - ~~2. The applicant has not filed an appeal pursuant to Section 5.16.280 within fourteen (14) working days of the notice required under Section 5.16.090(1) above. 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 on it taken in favor of the City;~~
 - ~~3. 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 5.16.090 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.~~
- ~~B. The standard agreement required by Section 5.16.090(A) 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 and accidental pollution 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. Pollutants means any solid, liquid, gaseous or thermal irritant or contaminant, include smoke, vapor, soot, fumes, acids, alkalis, chemicals, electromagnetic waves and waste. Waste includes materials to be recycled, reconditioned or reclaimed.~~
 - ~~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 and/or local statutes. 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.~~

(Ord. 2724, 1997)

(Ord. No. 3057, § 1, 8-17-2010)

5.16.100 Telecommunications facilities – life permits.

- ~~A. A permit issued pursuant to this chapter authorizing establishment of a telecommunication facility, except exempt facilities as defined in Section 5.16.020(S)(1), shall be reviewed every year. Costs associated with the review process shall be borne by the telecommunication facility owner/provider. 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 chapter 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) 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~~

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~~universal service at affordable rates. 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 Section 5.16.090 was not provided.~~

- ~~B. 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. Unless a new permit or entitlement of use is issued, within one hundred twenty (120) days thereafter all improvements installed including their foundations down to three (3) feet (three (3) feet below ground surface) shall be removed from the property and the site restored to its natural pre-construction state within one hundred twenty (120) days of non-renewal or abandonment. 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.~~

~~(Ord. 2724, 1997)~~

~~(Ord. No. 3057, § 1, 8-17-2010)~~

5.16.110 — Telecommunication facilities — structural requirements

~~No telecommunication facility shall be designed and/or sited such that it poses a potential hazard to nearby residences or surrounding properties or improvements. To this end, any telecommunication tower, except exempt facilities as defined in Section 5.16.020(S)(1), 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. 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 the tower structure, specifying the number and type of antennas it is designed to accommodate, providing the basis for the calculations done, and documenting the actual calculations performed. 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, 5.16.110 — 5.16.120 the Building Official may require repair or, if a serious safety problem exists, removal of the tower.~~

~~(Ord. 2724, 1997)~~

~~(Ord. No. 3057, § 1, 8-17-2010)~~

5.16.120 — Telecommunications facilities — basic tower and building design.

~~All telecommunication facilities, except exempt facilities as defined in Section 5.16.020(S)(1), shall be designed to blend into the surrounding environment to the greatest extent feasible. To this end 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~~

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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.~~
- 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 telecommunications site shall be initially painted and thereafter repainted as necessary with a "flat" paint. The color selected shall be one (1) that will minimize their visibility to the greatest extent feasible. To this end, 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.~~
- H. ~~The project description and permit shall include a specific maximum allowable gross cross-sectional area, or silhouette, of the facility. The silhouette shall be measured from the "worst case" elevation perspective.~~
- I. ~~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). 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.~~
- J. ~~Telecommunication facilities shall insure that sufficient anti-climbing measures have been incorporated into the facility, as needed, to reduce potential for trespass and injury.~~

(Ord. No. 3057, § 1, 8-17-2010)

5.16.130 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. 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. A lightning rod, not to exceed ten (10) feet, shall not be included within the height limitations. A setback, equal to twenty-five~~

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~~(25) percent of the tower height, must be maintained and the facilities are subject to site plan approval by the Design Review Board.~~

- ~~2. Ground mounted towers/antennas permitted in Commercial and PLI Districts are limited to a maximum height of forty-five (45) feet. 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.~~
- ~~3. 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. To this end all of the following measures shall be implemented for all telecommunications facilities, except exempt facilities as defined in Section 5.16.020(S)(1):~~
 - ~~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 (½) 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; and~~
 - ~~6. Telecommunication towers shall be set back at least twenty-five (25) percent of the tower height from all property lines. Any tower/antenna located less than one hundred ten (100) percent of its height from an inhabited area must meet the requirements set forth in Section 5.16.110. Guy wire anchors shall be set back at least twenty (20) feet from any property line.~~

~~(Ord. 2724, 1997)~~

~~(Ord. No. 3057, § 1, 8-17-2010)~~

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5.16.140 — Telecommunication facilities — height determination.

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. 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. 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.

(Ord. 2724, 1997)

5.16.150 — 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, alternative locations and/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. 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.~~
- B. ~~All co-located and multiple-user telecommunication facilities shall be designed to promote facility and site sharing. To this end 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 this will minimize overall visual impact to the community.~~
- C. ~~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. Requests for utilization of facility space and responses to such requests shall be made in a timely manner and in writing and copies shall be provided to the City's permit files. Unresolved disputes may be mediated by the Board of Adjustment/Appeal. 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.~~
- D. ~~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.~~

(Ord. 2724, 1997)

(Ord. No. 3057, § 1, 8-17-2010)

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5.16.160 — 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; and~~
- 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, particularly residences.~~

(Ord. 2724, 1997)

5.16.170 — Telecommunications facilities — roads and parking.

All telecommunication facilities, ~~except exempt facilities as defined in Section 5.16.020(S)(1),~~ shall be served by the minimum roads and parking areas necessary. To this end all the following measures shall be implemented:

- A. ~~Existing roads shall be used for access, built using concrete/asphalt, and be upgraded the minimum amount necessary to meet standards specified by the Director of Public Works. Any new roads or parking areas built shall, whenever feasible, be shared with subsequent telecommunication facilities and/or other permitted uses. In addition, they shall meet the width and structural requirements of the Director of Public Works;~~
- B. ~~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 concrete or asphalt.~~

(Ord. 2724, 1997)

5.16.180 — Telecommunications facilities — vegetation protection and facility screening.

All telecommunications facilities shall be installed in such a manner so as to maintain and enhance existing native vegetation and to install suitable landscaping to screen the facility, where necessary. To this end all of the following measures shall be implemented for all telecommunication facilities, ~~except exempt facilities as defined in Section 5.16.020(S)(1):~~

- 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. The landscape plan shall be subject to approval during the site plan review process. 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;~~
- B. ~~Existing trees and other screening vegetation in the vicinity of the facility and along the access roads and power/telecommunication line routes involved shall be protected from damage, both during the construction period and thereafter.~~
- C. ~~All areas disturbed during project construction other than the access road and parking areas required under Section 5.16.180 shall be replanted with vegetation compatible with the vegetation~~

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~~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;~~

- ~~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; 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/telecommunication lines serving it.~~

(Ord. 2724, 1997)

(Ord. No. 3057, § 1, 8-17-2010)

5.16.190 — Telecommunication facilities – fire prevention.

~~All telecommunication facilities shall be designed and operated in such a manner so as to minimize the risk of igniting a fire or intensifying one (1) that otherwise occurs. To this end all of the following measures shall be implemented for all telecommunication facilities, when determined necessary by the Building Official, except exempt facilities as defined in Section 5.16.020(S)(1):~~

- ~~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;~~
- ~~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.~~

(Ord. 2724, 1997)

5.16.200 — Telecommunication facilities – environmental resource protection.

~~All telecommunication facilities shall be sited so as to minimize the effect on environmental resources. To that end the following measures shall be implemented for all telecommunication facilities, except exempt facilities as defined in Section 5.16.020:~~

- ~~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~~

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- ~~F. Drainage, erosion, and sediment controls shall be required as necessary to abide soil erosion and sedimentation of waterways. Structures and roads on slopes of ten (10) percent or greater shall be avoided. 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. Natural vegetation and topography shall be retained to the extent feasible.~~

~~(Ord. 2724, 1997)~~

~~(Ord. No. 3102, § 3(Attach. A), 3-5-2013)~~

5.16.210 — 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. To that end all the following measures shall be implemented for all telecommunication facilities, except exempt facilities as defined in Section 5.16.020(S)(1):~~

- ~~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;~~
- ~~B. Backup generators shall only be operated during power outages and for testing and maintenance purposes. 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. 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, at all times, 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.~~

~~(Ord. 2724, 1997)~~

~~(Ord. No. 3057, § 1, 8-17-2010)~~

5.16.220 — Telecommunication facilities — visual compatibility.

- ~~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 is 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; and~~
- ~~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. Consideration shall be given to views from public areas as well as from private residences. The analysis shall assess the cumulative impacts of the proposed facility and other existing and~~

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~~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. All costs for the visual analysis, and applicable administrative costs, shall be borne by the applicant.~~

(Ord. 2724, 1997)

(Ord. No. 3057, § 1, 8-17-2010)

5.16.230 — Telecommunications facilities — NIER exposure.

- 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. To that end 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 5.16.020 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. 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. 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. 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) 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.~~

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~~(Ord. 2724, 1997)~~

~~(Ord. No. 3057, § 1, 8-17-2010)~~

5.16.240 — 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.~~

~~(Ord. 2724, 1997)~~

5.16.250 — Telecommunication facilities — public notice.

~~In addition to the notices required within Section 5.16.090 of this chapter, 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 5.16.040, 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.~~

~~(Ord. 2724, 1997)~~

5.16.260 — Ambiguity.

- A. ~~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.~~
- B. ~~Report regularly to the City Manager and City Commission on the conduct of his/her office including number of applications processed and their resolution.~~

~~(Ord. 2724, 1997)~~

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(Ord. No. 3057, § 1, 8-17-2010)

5.16.270 — Appeal.

Any person who disagrees with a ruling or interpretation of the Planning and Community Development Director or designee regarding this chapter may appeal the matter to the Board of Adjustment/Appeal. Such appeal shall be made in writing within fourteen (14) calendar days of the ruling or interpretation. 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. The appeal shall set forth in writing the grounds for the appeal and the relief sought by the appellant. The hearing shall be scheduled within two (2) regularly scheduled meetings. 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. The Planning and Community Development Director shall transmit the application and all exhibits therewith to the Board of Adjustment/Appeal for consideration. 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. Application or enforcement of provisions of this chapter shall not be considered interpretations or rulings and are not subject to appeal. Notwithstanding this section, an individual may file for an exception from the provisions of this chapter pursuant to Section 5.16.240 of this chapter.

(Ord. 2724, 1997)

(Ord. No. 3057, § 1, 8-17-2010)

5.16.280 — Statutory severability.

If any section, subsection, sentence, clause or phrase or word of this ordinance 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 ordinance. The City Commission of the City of Great Falls hereby declares that it would have passed and adopted this ordinance and each and all provisions thereof irrespective of the fact that anyone or more of said provisions be declared unconstitutional.

(Ord. 2724, 1997)

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).

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.
- 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.

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- 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 to its members, and/or for which pecuniary gain is not the objective of the organization. For the purpose of this Title, a nonprofit organization need not be recognized as tax exempt 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 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.

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- 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.

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

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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.

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.

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- 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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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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- 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

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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 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.
- B. Such license shall authorize the conduct of business under one of the following specific categories:

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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.

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

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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.
- 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.

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- 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
 - 2. audible alarms and proprietor alarms.

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- 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 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.

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

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- 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.

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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.

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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.

- 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

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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:

Repealed.

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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 3175 - An Ordinance by the City Commission of the City of Great Falls to rezone the property legally described as Lot 1, Block 1 of Great Falls Clinic Addition and Lots 1-B and 1-A1, Block 1 of the First Addition to Great Falls Clinic Addition located in the NW ¼ of Section 17, Township 20 North, Range 4 East, P.M. MT, Cascade County, Montana from PLI Public Lands and Institutional to M-1 Mixed-Use District.

From: Erin Borland, Planner II, Planning and Community Development

Initiated By: Great Falls Clinic Realty, LLP and DOC Great Falls Holdings, LLC, Owners

Presented By: Craig Raymond, Director, Planning and Community Development

Action Requested: City Commission accept Ordinance 3175 on first reading and set a public hearing for December 5, 2017.

Suggested Motion:

1. Commissioner moves:

"I move that the City Commission (accept/not accept) Ordinance 3175 on first reading and set a public hearing for December 5, 2017."

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

Staff Recommendation:

At the conclusion of a public hearing held on October 17, 2017, the Zoning Commission recommended the City Commission approve the rezoning request from PLI Public Lands and Institutional to M-1 Mixed-Use District for the subject property subject to the fulfillment of the following Conditions of Approval:

1. General Code Compliance. The proposed project shall be developed consistent with the conditions in this report, and all codes and ordinances of the City of Great Falls, the State of Montana, and all other applicable regulatory agencies.

2. Amended Plat. Provide an Amended Plat of the subject property which shall incorporate corrections of any errors or omissions noted by Staff.

3. Utilities. The final engineering drawings and specifications for public improvements for the subject

property shall be submitted to the City Public Works Department for review and approval.

4. Land Use & Zoning. Except as provided herein, development of the property shall be consistent with allowed uses and specific development standards for the M-1 Mixed-use district designation.

5. Subsequent modifications and additions. If after establishment the owner proposes to expand or modify the use, buildings, and/or structures, the Director of the Planning and Community Development Department shall determine in writing if such proposed change would alter the finding for one or more review criteria. If such proposed changes would alter a finding, the proposal shall be submitted for review as a new development application. If such proposed change would not alter a finding, the owner shall obtain all other permits as may be required.

The notice of public hearing was published in the Great Falls Tribune on October 1, 2017, prior to the Planning Advisory Board/Zoning Commission public hearing. To date, Staff has received no inquiries on the project.

Summary:

The Great Falls Clinic Foundation is proposing to develop a 12 guest room hotel for patients and their families to utilize while visiting for medical treatment. In order for this use to be allowed on the property, the applicants are requesting a rezone. Concurrent with this rezone is also a request for a Conditional Use Permit to allow health care facilities in the new zoning district. This is needed because the existing clinic facilities would not be considered Permitted Land Use in the proposed district that would permit the proposed hotel. Finally a request for a minor subdivision is also proposed to create the parcel for the requested hotel.

Background:

Zoning Map Amendment Request:

Note: the terms “rezone” and “zoning map amendment” are used interchangeably.

The subject properties are currently zoned PLI Public Lands and Institutional. The applicants are requesting the subject properties be rezoned to M-1 Mixed-Use district in order to have the ability to allow for a 12 room hotel. The Official Code of the City of Great Falls (OCCGF) Title 17 - Land Development Code §17.20.2.040 Establishment and purpose of districts, describes these two districts as:

PLI Public lands and institutional. This district is intended to include areas of significant public lands including public schools and significant public and quasi-public institutional uses or facilities.

M-1 Mixed-use. The mixed-use district is intended to allow a balanced and harmonious mixture of commercial, residential, institutional uses, and public spaces. Employment opportunities are near a variety of living options. A mix of uses could occur within the same building or in separate buildings in close proximity to one another. The transportation system and buildings are designed with pedestrians in mind.

The OCCGF, Title 17, Chapter 20 – Land Use, provides a land use table showing the allowable principal, accessory, and temporary uses in each zoning district as Exhibit 20-1. Staff has tailored this Exhibit to create a Comparative Table showing the differences in allowed uses between the PLI and M-1 zoning districts (attached). Further, Chapter 20 outlines development standards for each zoning district

in Exhibit 20-4, which is attached to compare the standards for each zoning district.

The basis for decision on zoning map amendments, i.e. rezoning or zone changes, is listed in OCCGF §17.16.40.030. The recommendation of the Zoning Commission and the decision of City Commission shall at a minimum consider the criteria which are attached as Findings of Fact – Zoning Map Amendment.

Conditional Use Request: The basis for decision for the requested conditional use permit is listed in OCCGF §17.16.36.040. The Zoning Commission's recommendation and the City Commission's decision to approve, conditionally approve, or deny an application shall be based on whether the application, staff report, public hearing, Zoning Commission recommendation, or additional information demonstrates that the decision of City Commission shall at a minimum consider the criteria which are attached as Findings of Fact - Conditional Use.

The City Commission will approve/deny the Conditional Use request at the public hearing if Ordinance 3175 is accepted on first reading.

Minor Subdivision Request: The applicants are requesting a minor subdivision of the subject property to create two lots - one for the proposed hotel, the second for the existing building/parking area. The proposed hotel lot will consist of ±48,793 square feet, or ±1.12 acres.

The proposed newly created lot conforms to the M-1 Mixed-Use zoning district development standards outlined in the Land Development Code and Development Standards.

The proposed development will not have a significant impact on the existing transportation network. The presence of two public streets adjoining the proposed hotel means there is sufficient capacity to accommodate traffic generated by the project. The proposed development will extend and connect to City water and sewer mains. The Owner will pay the cost of extending these utility mains. The Owners within the subdivision will pay regular water and sewer charges, and monthly storm drain charges. Surface drainage from the subdivision will be required to conform to City stormwater quality and quantity requirements at the time the hotel project plans are finalized and submitted for future Design Review Board and permit review.

The basis for a decision to approve, conditionally approve, or deny a proposed subdivision is whether it is demonstrated that development of the proposed subdivision meets the requirements of the Montana Code Annotated (MCA). Staff has developed Findings of Fact for the proposed subdivision, and Staff concludes the subdivision meets the basic requirements provided by 76-3-608(3) MCA.

The City Commission will approve/deny the minor subdivision in conjunction with the public hearing if Ordinance 3175 is accepted on first reading.

Neighborhood Council Input: The subject property is located in Neighborhood Council #5. The owner and representatives presented information to Council #5 on September 18, 2017. All council members voted in favor of the project along with unanimous support from the residents that attended the meeting.

Fiscal Impact:

The subject properties are located in the City limits and have established buildings located on them. The amended plat will create a new lot for the proposed hotel which will benefit the City financially due to increased property tax assessments collected.

Alternatives:

The City Commission could deny acceptance of Ordinance 3175 on first reading and not set the public hearing.

Concurrences:

Representatives from the City's Public Works, Police, and Fire Departments have been involved throughout the review and approval process for this project, and will continue throughout the permit approval process.

ATTACHMENTS:

- ▣ Ordinance 3175
- ▣ Aerial Map
- ▣ Zoning Map
- ▣ Finding of Fact - Zoning Map Amendment
- ▣ Land Use Comparison Chart
- ▣ Exhibit 20-4 Development Standards
- ▣ Narrative and Renderings

ORDINANCE 3175

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS TO REZONE THE PROPERTY LEGALLY DESCRIBED AS: LOT 1, BLOCK 1 OF GREAT FALLS CLINIC ADDITION AND LOTS 1-B AND 1-A1, BLOCK 1 OF THE FIRST ADDITION TO THE GREAT FALLS CLINIC ADDITION LOCATED IN THE NW1/4 OF SECTION 17, TOWNSHIP 20 NORTH, RANGE 4 EAST, P.M.M. CASCADE COUNTY, MONTANA, FROM PLI PUBLIC LANDS AND INSTITUTIONAL TO M-1 MIXED-USE DISTRICT

* * * * *

WHEREAS, the subject properties located on the northwest corner and the southeast corner of 15th Avenue South and 29th Street South are presently zoned PLI Public land and institutional; and

WHEREAS, the property owners, Great Falls Clinic Realty, LLP and DOC Great Falls Holdings, LLC, has petitioned the City of Great Falls to rezone said properties to M-1 Mixed-use district; and

WHEREAS, the Great Falls Zoning Commission conducted a public hearing on October 17, 2017, to consider said rezoning from PLI Public land and institutional to M-1 Mixed-use district and, at the conclusion of said hearing, passed a motion recommending the City Commission rezone the property legally described as Lot 1, Block 1 of Great Falls Clinic Addition and Lots 1-B and 1-A1, Block 1 of the First Addition to Great Falls Clinic Addition, located in the Northwest 1/4 Section 17, Township 20 North, Range 4 East, P.M., City of Great Falls, Cascade County, Montana; and,

WHEREAS, notice of assigning said zoning classification to the subject property was published in the *Great Falls Tribune* advising that a public hearing on this zoning designation would be held on the 5th day of December, 2017, before final passage of said Ordinance herein; and

WHEREAS, following said public hearing, it was found and decided that the zoning map amendment on said property meets the Basis of Decision requirements in the Official Code of the City of Great Falls (OCCGF), Section 17.16.40.030, and that the said rezoning designation be made.

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

Section 1. It is determined that the herein requested rezoning meets the criteria and guidelines cited in Mont. Code Ann §76-2-304, and Section 17.16.40.030 of the OCCGF.

Section 2. That the property legally described as: Lot 1, Block 1 of Great Falls Clinic Addition and Lots 1-B and 1-A1, Block 1 of the First Addition to Great Falls Clinic Addition, located in the Northwest 1/4 Section 17, Township 20 North, Range 4 East, P.M., City of Great Falls, Cascade County, Montana, be rezoned to M-1 Mixed-use district.

Section 3. This ordinance shall be in full force and effect thirty (30) days after its passage and adoption by the City Commission.

ACCEPTED by the City Commission of the City of Great Falls, Montana on first reading November 7, 2017.

ADOPTED by the City Commission of the City of Great Falls, Montana on second reading December 5, 2017.

Bob Kelly, Mayor

ATTEST:

Darcy Dea, Deputy City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

Sara Sexe, City Attorney

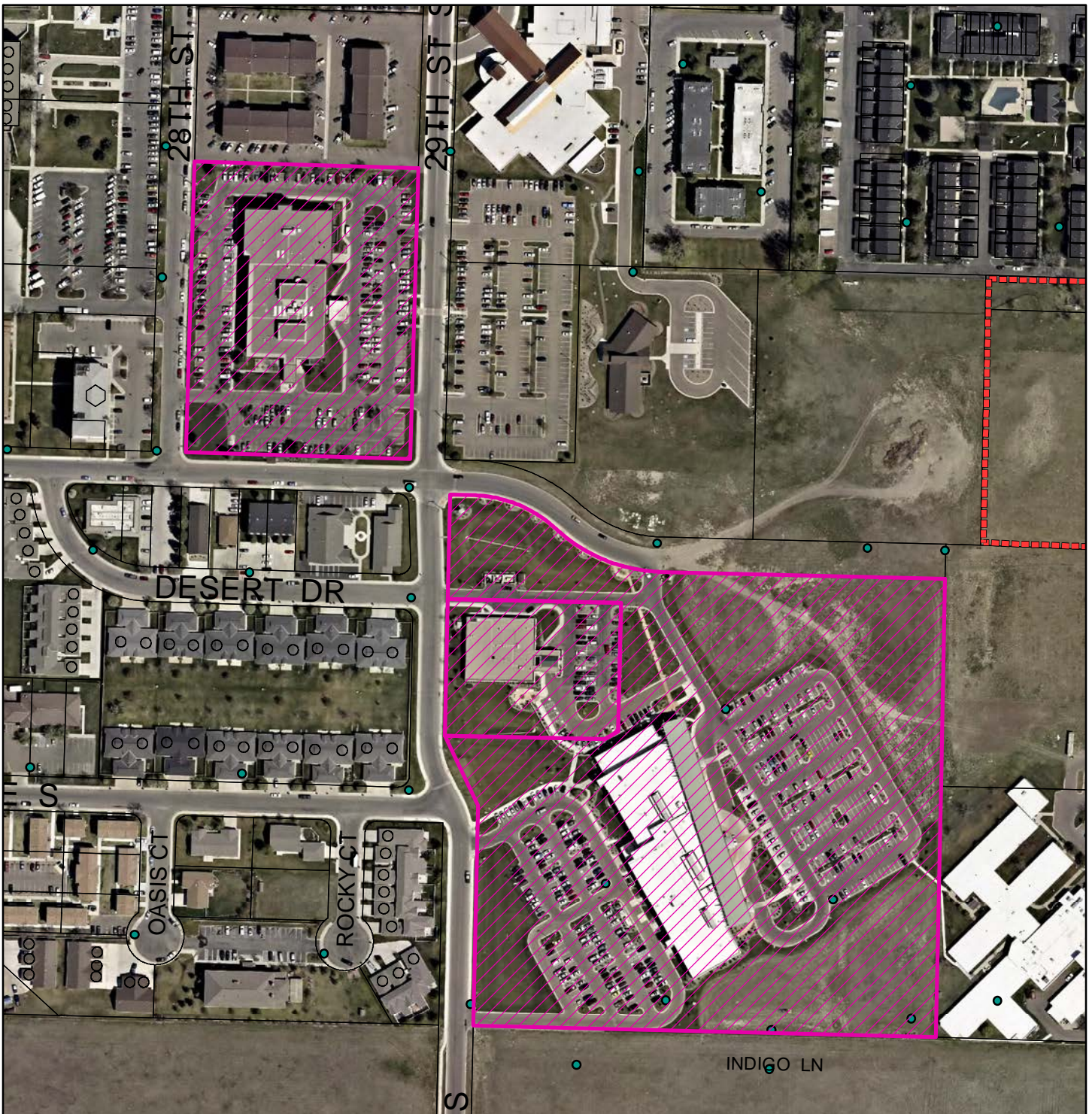
State of Montana)
County of Cascade : ss
City of Great Falls)

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 3175 on the Great Falls Civic Center posting board and the Great Falls City website.

(CITY SEAL)

Darcy Dea, Deputy City Clerk

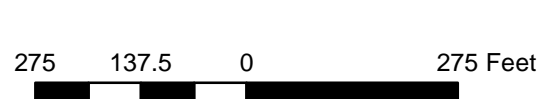
AERIAL MAP



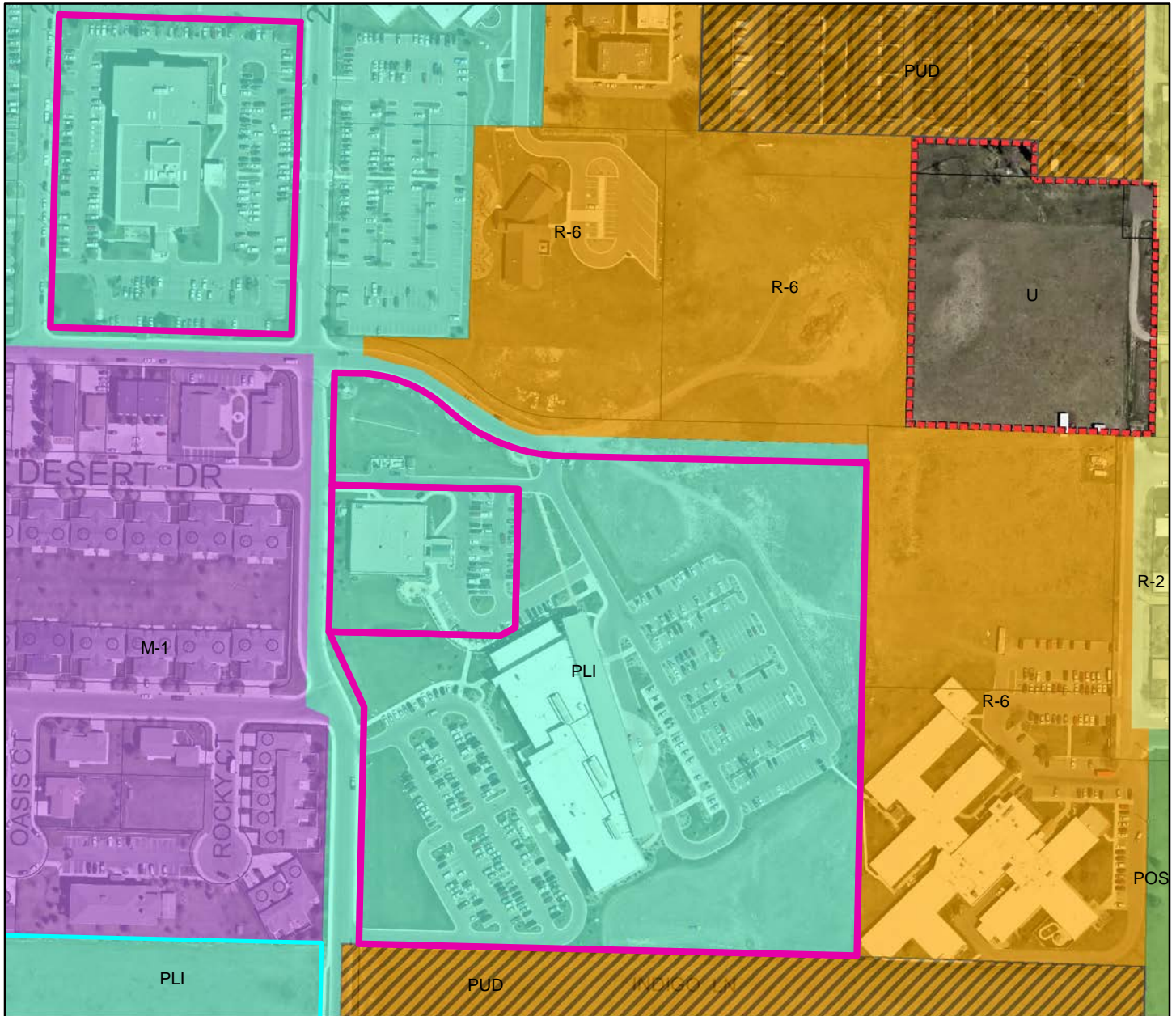
 Subject Properties










 City Limits

 Tracts of Land



ZONING MAP



- | | | | |
|--|--------------------|---|------------------------------------|
|  | Subject Properties |  | R-2 Single-family Medium Density |
|  | City Limits |  | R-6 Multi-family High Density |
|  | Tracts of Land |  | PUD Planned Unit Development |
| | |  | M-1 Mixed-use District |
| | |  | PLI Public Lands and Institutional |
| | |  | POS Parks and Open Space |
| | | | U Unincorporated Enclave |



240 120 0 240 Feet



BASIS OF DECISION AND FINDINGS OF FACT – ZONING MAP AMENDMENT

Lot 1, Block 1 of Great Falls Clinic Addition and Lots 1-B and 1-A1, Block 1 of the First Addition to Great Falls Clinic Addition located in the NW ¼ of Section 17, Township 20 North, Range 4 East, P.M. MT, Cascade County Montana.

PRIMARY REVIEW CRITERIA:

The basis for decision on zoning map amendments is listed in Official Code of the City of Great Falls § 17.16.40.030 of the Land Development Code. The recommendation of the Zoning Commission and the decision of City Commission shall at a minimum consider the following criteria:

1. The amendment is consistent with and furthers the intent of the City's growth policy.

The proposed rezoning is consistent with the overall intent and purpose of the 2013 City Growth Policy Update. This project strongly supports the Social and Physical portions of the Growth Policy, specifically the goals and principles to 1) support the health priorities of improving access of healthcare; and 2) encourage a balanced mix of land uses throughout the City.

Additional supportive Policies that this project is consistent with include:

Social - Healthcare

- Soc1.5.3 Consider the Great Falls Medical District Master Plan, and its boundaries, in City decision making and land use case review.
- Soc1.5.5 Identify, highlight, and promote access to supporting medical infrastructure in the City through coordination, information sharing, asset mapping and other modeling techniques.

Physical - Land Use

- Phy4.1.1 Promote and incentivize infill development that is compatible with the scale and character of established neighborhoods.
- Phy4.1.2 Expand neighborhood commercial uses, mixed-use development and local food choices where appropriate.
- Phy4.1.3 Create a balanced land use pattern that provides for a diversity of uses that will accommodate existing and future development in the City.
- Phy4.1.5 Encourage and incentivize the redevelopment or adaptive reuse of vacant or underutilized properties so as to maximize the City's existing infrastructure.

The Growth Policy identifies that Great Falls embodies balanced, compatible growth, while at the same time encourages infill development and redevelopment.

2. The amendment is consistent with and furthers adopted neighborhood plans, if any.

Great Falls is separated into nine Neighborhood Councils. There are no adopted Neighborhood Plans for any of the Councils within the City. The subject property is located in Neighborhood Council #5. The Owner presented information to Council #5 on September 18, 2017, and the Council voted in favor of supporting the project.

3. The amendment is consistent with other planning documents adopted by the City Commission, including the river corridor plan, transportation plan and sub-area plans.

The Great Falls Medical District Master Plan was adopted in order to achieve the vision of collaborating between major medical providers and adjacent property owners, neighborhood councils and the City. By reinvesting in the medical district and creating a vibrant mixed-use district, the district can attract new residents and businesses. The proposed zoning is consistent with several of the implementation initiatives of the master plan including:

- Encourage mixed use development through the Medical District
- Pursue and encourage redevelopment of vacant or properties into complementary businesses or services.

The proposal also meets the economic development-based initiative of establishing a mix of businesses in the Medical District including housing, retail, business and commercial services. This will be achieved by the proposal of the hotel which will provide convenient access to the health care services adjacent to the property.

4. The code with the amendment is internally consistent.

The proposed rezoning is within the City limits. The properties to be rezoned are adjacent to M-1 districts, which have mix of office, commercial and residential uses. If approved, this project development would be cohesive to the surrounding M-1 zoning district.

5. The amendment is the least restrictive approach to address issues of public health, safety, and welfare.

If approved, these properties would have more flexibility for redevelopment in the future as well as allow the zoning needed for the proposed project. Any development within the City limits requires City review, including review of how the development will impact the public health, safety and welfare.

6. The City has or will have the financial and staffing capability to administer and enforce the amendment.

Completion of the full project proposal, contingent on rezoning, will have beneficial financial impact for the City due to the creation of the additional lot and development of that lot can be assessed for property taxes. There is adequate staffing to administer and enforce the amendment.

Principal Uses by District

Use	M-1	PLI	Special Standards
Residence, single-family detached	P	-	
Residence, zero lot line	P	-	17.20.6.020
Residence, two-family	P	-	
Residence, multi-family	P	-	17.20.6.040
Residence, townhouse	P	-	17.20.6.050
Residence, manufactured/factory-built	P	-	17.20.6.060
Retirement home	P	-	
Community residential facility, type I	P	-	
Community residential facility, type II	C	-	
Day care center	P	P	
Emergency shelter	C	C	
Family day care home	P	-	
Group day care home	P	-	
Nursing home	P	P	
Hotel/motel	P	-	
Micro-brewery	C	-	
Restaurant	P	-	
Tavern	C	-	17.20.6.080
General sales	P	-	
Off-site liquor sales	C	-	
Administrative services	P	C	
Financial services	P	-	
Funeral home	P	-	
General services	P	-	
Professional services	P	-	
Veterinary clinic, small animal	P	-	17.20.6.110
Vehicle services	C	-	
Climate controlled indoor storage	P	P	
Mini-storage facility	-	-	17.20.6.130
Indoor entertainment	C	C	
Indoor sports and recreation	C	C	
Outdoor entertainment	-	C	
Park	P	P	
Recreational trail	P	P	

Administrative governmental center	P	P	
Animal shelter	C	C	17.20.6.160
Cemetery	-	P	17.20.6.170
Civic use facility	P	P	
Community center	P	P	
Community cultural facility	P	P	
Community garden	P	P	17.20.6.175
Public safety facility	P	P	
Worship facility	P	-	17.20.6.180
Health care clinic	P	P	
Health care facility	C	P	
Health care sales and services	P	P	
Commercial education facility	P	-	
Educational facility (K—12)	C	P	17.20.6.200
Educational facility (higher education)	C	P	
Instructional facility	P	-	
Concealed facility	P	P	
Unconcealed facility	C	C	
Co-located facility	C	C	
Utility installation	C	C	
Bus transit terminal	C	C	
Heli-pad	C	C	17.20.6.260
Parking lot, principal use	P	P	
Parking structure	P	P	
Taxi cab dispatch terminal	P	-	
Contractor yard, type I	P	-	17.20.6.270
Contractor yard, type II	C	-	17.20.6.280
Artisan shop	P	-	
Light manufacturing and assembly	P	-	17.20.6.300

Accessory uses by district

Use	M-1	PLI	Special Standards
Accessory living space	P	P	17.20.7.010
ATM, exterior	P	P	17.20.7.020
Bed and breakfast	P	-	17.20.7.030
Fences	P	P	17.20.7.040

Garage, private	P	P	17.20.7.060
Home occupation	P	P	17.20.7.070
Residence, accessory	P	-	17.20.7.085
Wind-powered electricity systems	P	P	17.20.7.110

Temporary uses by district (see 17.20.8.010 for Special Standards)

Use	M-1	PLI	Special Standards
Garage sales	P	P	17.20.8.015
On-site construction office	P	P	17.20.8.030
On-site real estate sales office	P	-	17.20.8.040
Outdoor entertainment, temporary	-	P	
Sidewalk café	P	C	17.20.8.050
Sidewalk food vendor	P	P	17.20.8.060

C The use is allowed in the district through the conditional use process

P The use is permitted in the district by right, consistent with the development standards contained in Article 8 of this chapter, as appropriate

Exhibit 20-4. Development standards for other zoning districts

	M-1	M-2	C-1	C-2	C-3	C-4	C-5	PLI	GFIA	I-1	I-2
Residential density	500 sq. feet of lot area per dwelling unit	500 sq. feet of lot area per dwelling unit	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Minimum lot size for newly created lots	7,500 sq. feet	7,500 sq. feet	7,500 sq. feet	7,500 sq. feet	7,500 sq. feet	7,500 sq. feet	7,500 sq. feet	7,500 sq. feet	7,500 sq. feet	7,500 sq. feet	7,500 sq. feet
Minimum lot width for newly created lots	50 feet	50 feet	50 feet	50 feet	50 feet	50 feet	50 feet	50 feet	50 feet	50 feet	50 feet
Lot proportion for newly created lots (maximum depth to width)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	3:1	3:1
Maximum building height of principal building	65 feet except as follows: 35 feet within 200 feet of an R-1, R-2, R-3 district; 45 feet when within 200 feet to 350 feet of an R-1, R-2, R-3 district; and 65 feet when more than 350 feet from an R-1, R-2, R-3 district	65 feet except as follows: 35 feet within 200 feet of an R-1, R-2, R-3 district; 45 feet when within 200 feet to 350 feet of an R-1, R-2, R-3 district; and 65 feet when more than 350 feet from an R-1, R-2, R-3 district	35 feet	65 feet	50 feet	100 feet by right; 101 feet to 160 feet as conditional use	55 feet	100 feet by right; 101 feet to 160 feet as conditional use, except as follows; in the proposed medical district master plan area, 160 feet by right	65 feet	45 feet	none
Maximum building height of accessory building	24 feet, but may not be higher than the uppermost elevation of the principal building	24 feet, but may not be higher than the uppermost elevation of the principal building	24 feet, but may not be higher than the uppermost elevation of the principal building	24 feet, but may not be higher than the uppermost elevation of the principal building	24 feet, but may not be higher than the uppermost elevation of the principal building	n/a	24 feet, but may not be higher than the uppermost elevation of the principal building	24 feet, but may not be higher than the uppermost elevation of the principal building	24 feet, but may not be higher than the uppermost elevation of the principal building	35 feet	none

				building	building		building				
Minimum front yard setback of principal and accessory buildings	none	Existing Industrial: 20 feet	15 feet	none	25 feet	none	15 feet	25 feet	25 feet	20 feet	10 feet
Minimum side yard setback of principal and accessory buildings	Commercial: none Residential: 5 feet each side	Commercial: none Residential: 5 feet each side Existing Industrial: 15 feet each side	10 feet each side	10 feet each side	15 feet each side	none	10 feet each side	10 feet each side	none	10 feet each side	10 feet each side, 15 feet when side yard abuts a non-industrial zoning district
Minimum rear yard setback of principal and accessory buildings	10 feet	10 feet	15 feet	1/10 of lot depth but not less than 1/10 of building height	1/10 of lot depth but not less than 1/10 of building height	none	1/10 of lot depth but not less than 1/10 of building height	1/10 of lot depth but not less than 1/10 of building height	none	5 feet	5 feet
Maximum lot coverage of principal and accessory buildings	Corner lot: 70% Other lots: 65%	Corner lot: 70% Other lots: 65%	Corner lot: 50% Other lots: 40%	Corner lot: 70% Other lots: 60%	Corner lot: 70% Other lots: 60%	100%	Corner lot: 70% Other lots: 60%	Corner lot: 70% Other lots: 60%	none	Corner lot: 85% Other lots: 70%	Corner lot: 85% Other lots: 70%

(Ord. No. 3087, § 1(Exh. A), 6-19-2012, eff. 7-19-2012)

**Great Falls Clinic Legacy Foundation
Patient Housing – PRELIMINARY PROJECT PROGRAM**

August 1, 2017

Summary: The Great Falls Clinic Foundation intends to develop a patient housing unit, to offer lodging to patients and their families who are visiting Great Falls to receive medical treatment. The design is in the conceptual stage only at this time, and subject to further development, budgeting, and finalization of funding. A conceptual rendering has been developed by the architect, as well as a preliminary space program to bracket the maximum facility size. Floor plans and site plans have not been developed at this time. The architect has reviewed the general size, shape and square footage of the area identified for development to check whether it is sufficient to accommodate a building of the square footage currently anticipated, as well as the required parking, and has determined that the identified area is sufficient in size.

At this time, the project has been conceptualized to include the following;

12 Patient Guest Rooms, Approximately 450 SF each

- Double Queen Rooms, and Single King Suites
- 6 Main level rooms
- 6 Second level rooms (2nd level provided with elevator access)
- Double Queen Rooms and Single King Suites all include;
 - Kitchenette with refrigerator, sink, coffee maker, and microwave
 - Work desk area with full connectivity (desk level plugs, high speed internet.)
 - Other standard hotel amenities (Bedding, Restrooms, Flat screen TV, storage closet with safe, hair dryer, iron, ironing board, telephone, A/C)

Common Amenities

- Entry Atrium featuring donor recognition area
- Self-serve “continental breakfast” area
- Business Center (1 room with computers and printers)
- Meeting Rooms (1 or 2)
- Lounge (Common “living room”)
- Exterior landscape terrace with fire pit
- Self-serve Laundry
- Check-in area *(yet to be fully defined. Discussed that guests might pick up a key card and instructions at one of the other GFC buildings. TBD whether facility will be staffed by day and/or night, in terms of any check-in, housekeeping, security folks.)*

Support Areas

- Housekeeping/Supply area
- Mechanical/ electrical room
- Two enclosed stairways (and possibly one additional open stairway at center entry atrium.)
- One elevator

Preliminary Building Square Footage Projections

Main Floor:	7500 SF
Second Floor:	4500 SF
Total	12,000 SF

Parking: 14 new parking stalls will be required for the patient housing project per requirements of Great Falls LUC (1 per each patient housing unit plus 2 staff on shift. Of the 14 new stalls, 1 will be accessible.)



Existing Parking				
Location	Std Stalls	Accessible	Total	
West Lot	153	8	161	Currently primarily used for staff
North Lot	62	4	66	Between Specialty and ASC
Primary East Lot	169	38	207	Incl. modifications constructed with hospital
NE Lot Expansion	101	0	101	Added after original hospital construction
East Hospital MD Pkg	7	0	7	
ER Walk-in Parking	2	2	4	
Subtotal	494	52	546	
Current Parking Required				
Location	Std Stalls	Accessible	Total	
Specialty Center	342	8	350	Per 2004 Annex agreement, 3.5 per 1000 SF
Surgery Center	57	3	60	By current LUC: 1 per 250 SF / 15,000 SF
Existing Hospital	66	3	69	19 beds, 50 staff per shift max
Subtotal	465	14	479	
Current Net Overage				
	Std Stalls	Accessible	Total	
	29	38	67	
Future anticipated development				
Location	Std Stalls	Accessible	Total	
Future Patient Housing	13	1		12 Patient units plus 2 staff per shift
Hospital Expansion	57	3		Add 20 beds, Add 40 staff
Subtotal	70	4	74	
Net new stalls required (Current Net Overage - Future anticipated needs)				
Location	Std Stalls	Accessible	Total	
Hospital Expansion	28	-35		Applies current overages to hospital. Existing accessible count exceeds requirements
Future Patient Housing	13	1		Patient housing to build 14 dedicated stalls
Subtotal new required	41	1	42	

When Patient housing is constructed, 14 standard stalls and 1 accessible stall will be constructed on it's parcel
 When hospital is expanded, 28 additional standard stalls will be constructed west of the Specialty Center



LPW
ARCHITECTURE + INTERIOR





Item: Ordinance 3176 - An Ordinance by the City Commission of the City of Great Falls to rezone the property legally described as The Great Falls Water Power and Townsite Company's First Addition, Block 405, Lots 8-14, located in the NE 1/4 Section 12, Township 20 North, Range 3 East, PM, City of Great Falls, Cascade County, MT; from R-3 Single-family High Density to PUD Planned Unit Development.

From: Erin Borland, Planner II, Planning and Community Development

Initiated By: NWGF Beargrass Village, LLC, Owner

Presented By: Craig Raymond, Director, Planning and Community Development

Action Requested: City Commission accept Ordinance 3176 on first reading and set a public hearing for December 5, 2017.

Suggested Motion:

1. Commissioner moves:

"I move that the City Commission (accept/not accept) Ordinance 3176 on first reading and set a public hearing for December 5, 2017."

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

Staff Recommendation:

At the conclusion of a public hearing held on October 10, 2017, the Zoning Commission recommended the City Commission approve the rezoning request from R-3 Single-family high density to PUD Planned Unit Development for the subject property subject to the fulfillment of the following Conditions of Approval:

1. **General Code Compliance.** The proposed project shall be developed consistent with the conditions in this report, and all codes and ordinances of the City of Great Falls, the State of Montana, and all other applicable regulatory agencies.
2. **Amended Plat.** Provide an Amended Plat of the subject property which shall incorporate corrections of any errors or omissions noted by Staff.
3. **Utilities.** The final engineering drawings and specifications for public improvements for the subject

property shall be submitted to the City Public Works Department for review and approval.

4. **Land Use & Zoning.** Except as provided herein, development of the property shall be consistent with allowed uses and specific development standards for this PUD Planned Unit Development district designation.

5. **Subsequent modifications and additions.** If after establishment of the PUD, the owner proposes to expand or modify the use, buildings, and/or structures, the Director of the Planning and Community Development Department shall determine in writing if such proposed change would alter the finding for one or more review criteria. If such proposed changes would alter a finding, the proposal shall be submitted for review as a new development application. If such proposed change would not alter a finding, the owner shall obtain all other permits as may be required.

6. **Building Elevations on 3rd Avenue South.** The elevations for the single-family homes proposed for construction on the north side of 3rd Avenue South shall be consistent with the submitted rendering and contain architectural features such as picture windows, gabled roofs, entry doors and porch/patio features.

The notice of public hearing was published in the Great Falls Tribune on September 24, 2017, prior to the Planning Advisory Board/Zoning Commission public hearing. To date, Staff has received two phone calls from neighbors living on the south side of 3rd Avenue South expressing concerns with the potential loss of existing on-street parking and vehicles speeding on 13th Street South. Staff has relayed these concerns to the applicant.

Summary:

Overall Project Description:

The applicant is proposing to develop the first pocket neighborhood in Great Falls on a ±1.21 acre parcel located at the northwest corner of 3rd Avenue South and 14th Street South. The subject property was previously occupied by Kranz Floral, but now sits vacant due to the demolition of the previous buildings. The property is currently zoned R-3 Single-family high density and is proposed to be rezoned to Planned Unit Development (PUD). The usage of the PUD zoning approach is being requested due to the unique nature of this pocket neighborhood with small lot sizes and shared parking and common space. The PUD will result in a cluster of single-family units all connected by pedestrian walkways and a central courtyard that will provide daily gathering space for residents. The proposal includes ten single family homes and two 2-unit townhomes for a total of 14 residential units.

Background:

Planned Unit Development Request:

The subject property is currently zoned R-3 Single-family high density. The Owner is requesting that the subject property be subdivided and rezoned from the R-3 district to PUD. The use of the PUD zoning district allows for this mixed residential development to be established, per OCCGF §17.20.2.040 Establishment and purpose of districts, which states:

“A Planned Unit Development district is a special type of zoning district that is proposed by the developer to account for a desired mix of uses. Each district is unique and therefore has its own set of development standards which are documented in the approval.”

The Beargrass Village PUD proposes development standards that will be applied to the development as

a whole and also each lot. These proposed standards drive the design concepts for the development. The standards proposed for the overall design requirements include specifications for the landscaping of the site, standards required for the common open space courtyard, and standards for low impact development stormwater features on the property. The per lot standards include specifications that vary from the existing R-3 zoning including a mix of housing types allowed without a Conditional Use Permit, smaller minimum lot size, lot width, depth to width ratio, reduced setbacks, and more intense lot coverage. Full development standards can be found in the attached submittal.

The basis for decision on Planned Unit Development request is listed in OCCGF §17.16.29.050. The recommendation of the Planning Advisory Board/Zoning Commission and the decision of City Commission shall at a minimum consider the criteria which are attached as Basis– Zoning Map Amendment.

Improvements:

Sidewalks and Boulevards: Boulevard style sidewalks will be installed along 13th Street South and 3rd Avenue South. The existing curbside sidewalk will remain along 14th Street South. The applicant is also proposing a private sidewalk network to promote a walkable neighborhood. Additionally, the boulevard along 3rd Avenue South will be restored to grass.

Traffic Analysis: According to the ITE Trip Generation Manual (9th Edition), a single family residence can generate, on average, 9.52 trips per unit on a weekday. Currently, the subject property is platted to allow seven single family home lots. If all seven were developed, this would generate an average of 67 weekday trips. The proposed PUD would construct 14 dwelling units. For a PUD development, fewer trips are typically generated – 7.5 trips per unit on a weekday, which equates to about 105 trips. The difference between the trips generated by the current zoning designation and the proposed PUD development would be 38 trips. Distributed over a 24 hour period, this amount of traffic would be almost unnoticeable. Therefore, the proposed PUD development would have little measurable effect upon the existing street network. Staff also believes that the nature of the proposal's target market and location near downtown will promote more walking and bicycle trips as opposed to vehicle trips.

Parking: The applicant is proposing 10 garages, one for each single-family unit, that will be located on the common lot and the two proposed 2-unit townhomes with attached garages. This will provide 1 parking space per dwelling unit. This proposal varies from the OCCGF requirement of 2 per dwelling unit. Staff believes that the nature of the development and the available on-street parking will not cause negative impacts.

Utilities: The Owner is responsible for the installation of all public utilities in order to serve the proposed subdivision. The on-site improvements required for the development of the subject property shall be installed as shown on the final construction plans that are submitted to and approved by the Public Works Department. The on-site improvements shall include everything required to provide water, sanitary sewer, stormwater management, and private utilities.

Stormwater Management: The applicant is proposing to incorporate innovative stormwater management into the design of the site. Several low impact development facilities such as biofiltration swales, bioretention, deep sump inlets, and extended detention ponds will be proposed for the site. A Stormwater Management Plan shall be developed to City standards and shall be submitted to the City Public Works Department for review and approval prior to issuance of building permits.

Neighborhood Council Input: The subject property is located in Neighborhood Council #9. The Owner

presented information to Council #9 on September 14, 2017, and the Council voted in favor of the project.

Design Review Board Input: Because the proposed project concept of a pocket neighborhood is new to the community, staff felt that it would be beneficial to have the Design Review Board review the project prior to coming forward to the Planning Advisory Board/Zoning Commission. Staff tasked the Design Review Board to give input on the overall design concept and standards in order to provide feedback to the Planning Advisory Board/Zoning Commission. After discussion of the project, the Design Review Board provided several recommendations for the development. The minutes from the September 11, 2017, meeting have been included. Staff is continuing to work with the applicant on these recommendations.

Fiscal Impact:

Services will be provided by the City, and the cost of infrastructure improvements will be borne by the Owner. The rezone request and amended plat provide for a seven unit increase in density, which increases the City's tax base and increases revenue.

Alternatives:

The City Commission could deny acceptance of Ordinance 3176 on first reading and not set the public hearing.

Concurrences:

Representatives from the City's Public Works, Police, and Fire Departments have been involved throughout the review and approval process for this project, and will continue throughout the permit approval process.

ATTACHMENTS:

- ❑ Ordinance 3176
- ❑ Ordinance 3176 Attachment A
- ❑ Aerial Map
- ❑ Zoning Map
- ❑ Basis of Decision - Planned Unit Development
- ❑ Conceptual Site Plan
- ❑ Conceptual 3rd Ave S Elevation
- ❑ Minutes from Design Review Board, September 11, 2017

ORDINANCE 3176

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS TO REZONE THE PROPERTY LEGALLY DESCRIBED AS: THE GREAT FALLS WATER POWER AND TOWNSITE COMPANY'S FIRST ADDITION, BLOCK 405, LOTS 8-14 LOCATED IN THE NE1/4 OF SECTION 12, TOWNSHIP 20 NORTH, RANGE 3 EAST, P.M.M. CASCADE COUNTY, MONTANA, FROM R-3 SINGLE-FAMILY HIGH DENSITY TO PUD PLANNED UNIT DEVELOPMENT DISTRICT

* * * * *

WHEREAS, the subject property located on the northwest corner of 3rd Avenue South and 14th Street South is presently zoned R-3 Single-family high density; and

WHEREAS, the property owner, NWGF Beargrass Village, LLC, has petitioned the City of Great Falls to rezone said properties to PUD Planned Unit Development district; and

WHEREAS, the Great Falls Zoning Commission conducted a public hearing on October 10, 2017, to consider said rezoning from R-3 Single-family high density residential district to PUD Planned Unit Development district and, at the conclusion of said hearing, passed a motion recommending the City Commission rezone the property legally described The Great Falls Water Power and Townsite Company's First Addition, Block 405, Lots 8-14, located in the NE 1/4 Section 12, Township 20 North, Range 3 East, P.M., City of Great Falls, Cascade County, Montana; and,

WHEREAS, notice of assigning said zoning classification to the subject property was published in the *Great Falls Tribune* advising that a public hearing on this zoning designation would be held on the 5th day of December, 2017, before final passage of said Ordinance herein; and

WHEREAS, following said public hearing, it was found and decided that the zoning map amendment on said property meets the Basis of Decision requirements in the Official Code of the City of Great Falls (OCCGF), Section 17.16.29.050, and that the said rezoning designation be made.

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

Section 1. It is determined that the herein requested rezoning meets the criteria and guidelines cited in Mont. Code Ann §76-2-304, and Section 17.16.29.050 of the OCCGF.

Section 2. That the property legally described as: The Great Falls Water Power and Townsite Company's First Addition, Block 405, Lots 8-14, located in the NE 1/4 Section 12, Township 20 North, Range 3 East, P.M., City of Great Falls, Cascade County, Montana, be rezoned to PUD Planned Unit Development district, subject to the setbacks, and other development standards attached hereto as Attachment A, and by this reference made a part hereof, as well as all other applicable regulatory codes and ordinances.

Section 3. This ordinance shall be in full force and effect thirty (30) days after its passage and adoption by the City Commission.

ACCEPTED by the City Commission of the City of Great Falls, Montana on first reading November 7, 2017.

ADOPTED by the City Commission of the City of Great Falls, Montana on second reading December 5, 2017.

Bob Kelly, Mayor

ATTEST:

Darcy Dea, Deputy City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

Sara 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 3176 on the Great Falls Civic Center posting board and the Great Falls City website.

(CITY SEAL)

Darcy Dea, Deputy City Clerk

Attachment A

Per Lot Development Standards	
Standard	Proposed PUD
List of Uses	
Principle Uses (Allowable uses within the district)	Residence single-family, residence townhome(limited to 2 units per bldg.), family day care home, and community garden
Conditional Uses	None
Accessory Uses	Fences, Carports, Garage (private), Home Occupation, solar panels
Temporary Uses	Garage Sales, on-site construction office, onsite real estate sales office
Development Standards	
Minimum lot size for newly created lots	1,800 sq. feet
Minimum lot width for newly created lots	30 feet
Lot proportion for newly created lots (maximum depth to width)	1:1 (Ratio does not affect common lot)
Maximum building height of principal building	35 feet
Maximum building height of detached private garage	24 feet, but may not be higher than the uppermost elevation of the principal building
Maximum building height of other accessory buildings	12 feet
Minimum front yard setback	2 feet (Patio, deck and/or porch can be on the property line)
Minimum side yard setback	3 feet
Minimum rear yard setback	3 feet
Maximum lot coverage of principal and accessory buildings	70%
Foundation Planting Requirements	At least 50% of the frontage (primary entry side) of a building shall be occupied by a foundation planting bed(s) & at least 25% of the frontage the building that faces a public right-of-way shall be occupied by a

	<p>foundation planting bed(s). The planting beds shall be at least 4 feet wide, mulched, & contain a mix of vegetation types (annual flowers, perennial flowers, ground cover and shrubs). The planting beds shall include seventy-five (75) percent plant coverage at plant's full maturity. If the geotechnical report recommends a no planting zone for a certain distance from the foundation, foundation planting requirements shall not apply.</p>
--	--

For items not specifically listed within the Beargrass Village PUD development standards, the Great Falls Land Development Code shall apply.

Common Area Lot Standards For Landscaping

- A. A minimum of seventy percent (70%) of the Net Lot Area must be green/landscaped.
- B. The one (1) canopy tree per lot requirement will be met by planting fourteen (14) trees within the Common Area Lot.

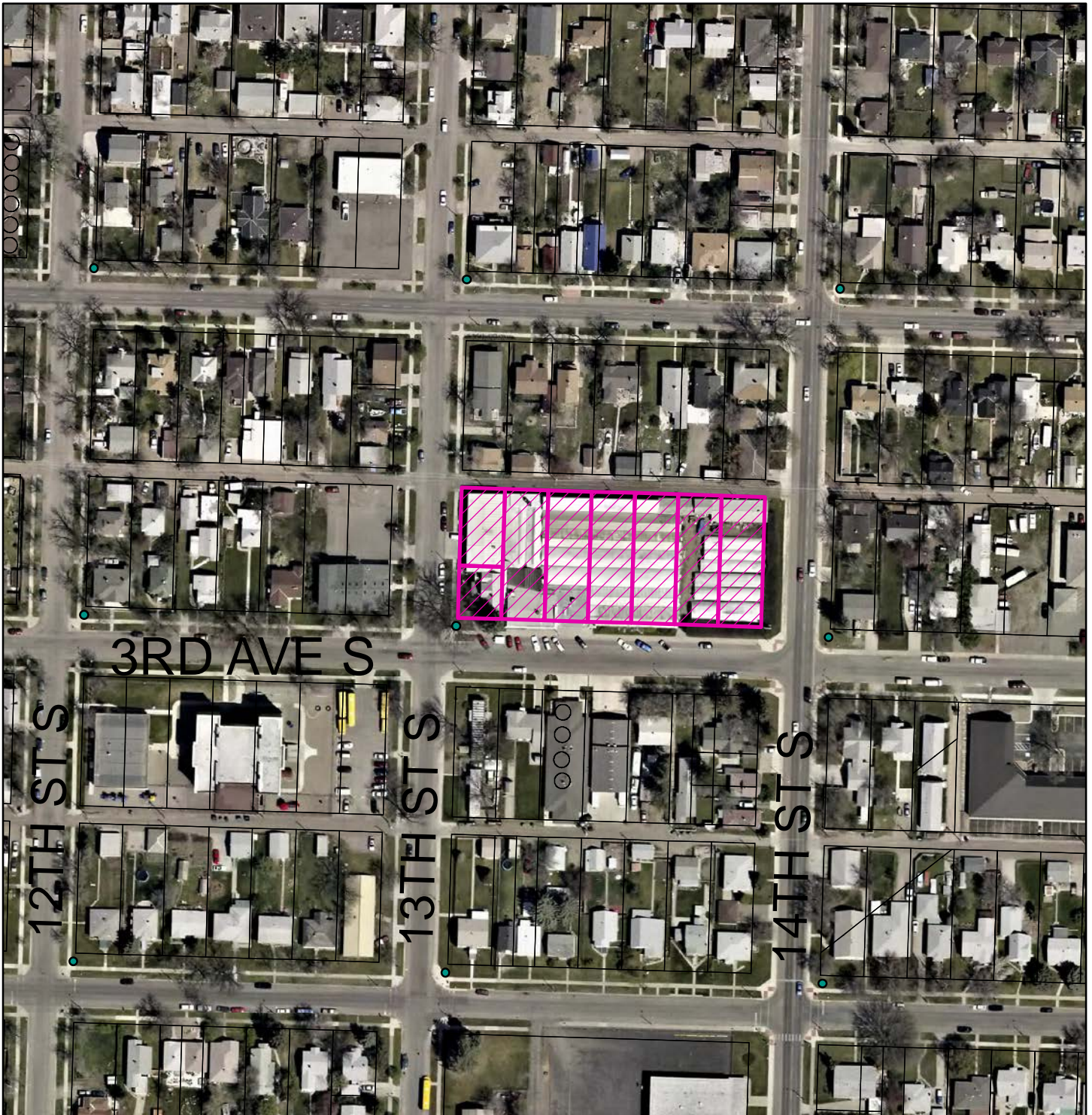
Neighborhood Center

The Beargrass Village neighborhood includes a central community area, which will function as a central gathering space for residents.

Parking

There are 10 private garages for the single-family homes and 4 attached garages for the townhomes.

AERIAL MAP



Subject Properties



City Limits

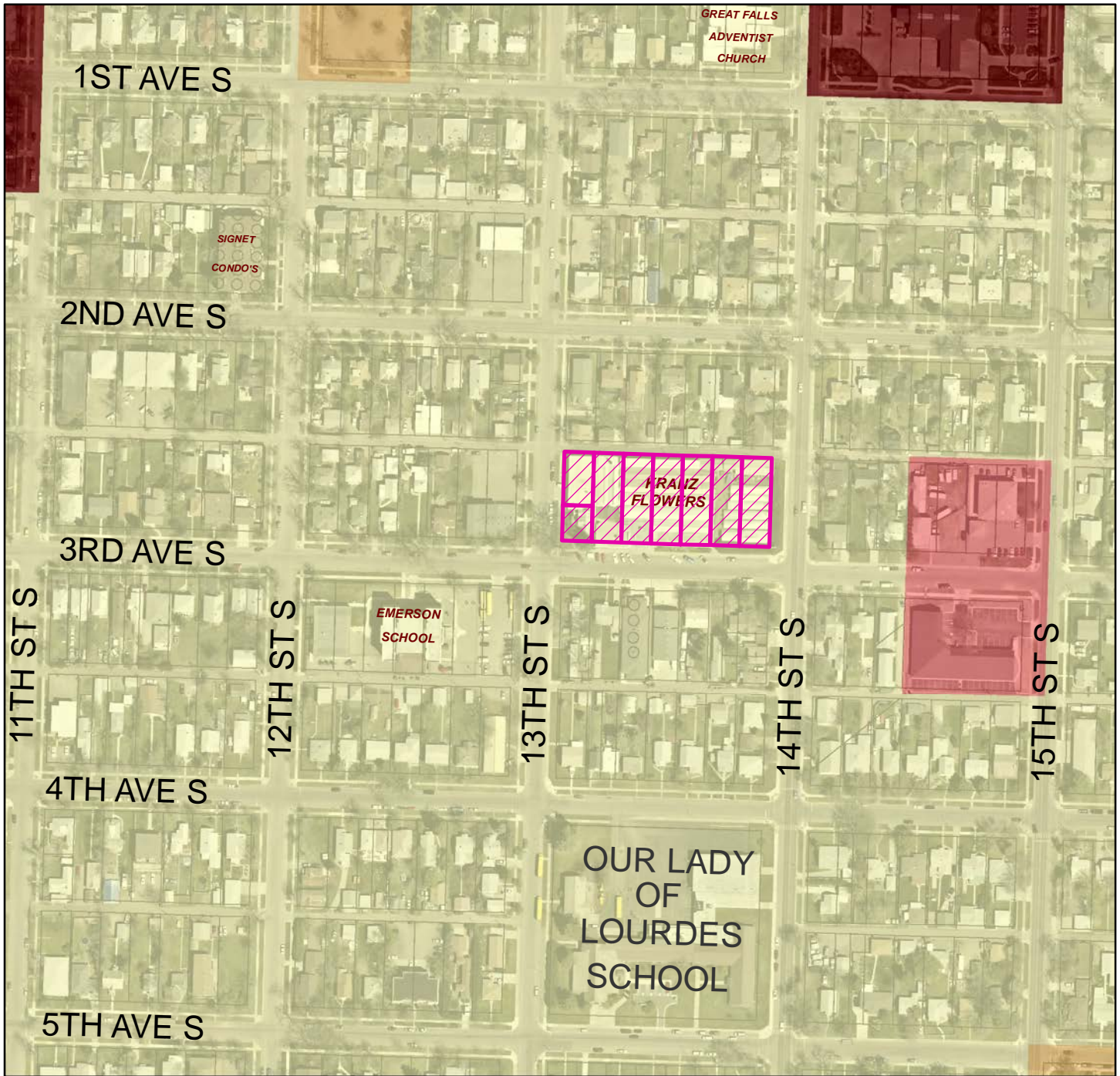











Tracts of Land

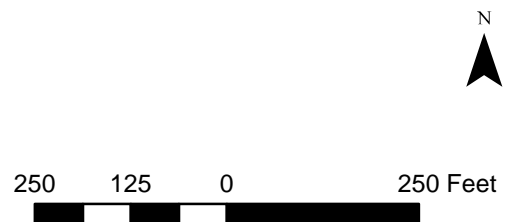
180 90 0 180 Feet



ZONING MAP



- | | | | |
|--|-------------------------|---|---------------------------------|
|  | Subject Property |  | R-3 Single-family High Density |
|  | City Limits |  | R-5 Multi-family Medium Density |
|  | Extension of 13th Ave S |  | C-1 Neighborhood Commercial |
|  | East Ridge Addn Phase 5 |  | C-5 Central Business Periphery |
|  | Tracts of Land | | |



BASIS OF DECISION – PLANNED UNIT DEVELOPMENT

Amended Plat of The Great Falls Water Power and Townsite Company's First Addition, Block 405, Lots 8-14, located in the NE 1/4 of Section 12, Township 20 North, Range 3 East, PM, City of Great Falls, Cascade County, MT

PRIMARY REVIEW CRITERIA:

The basis for decision on planned unit developments is listed in Official Code of the City of Great Falls § 17.16.29.050 of the Land Development Code. The recommendation of the Zoning Commission and the decision of City Commission shall at a minimum consider the following criteria:

1. The development project is consistent with the City's growth policy;

The proposed rezoning is consistent with the overall intent and purpose of the 2013 City Growth Policy Update. This project is strongly supported by the Social and Physical portions of the Growth Policy, specifically the goals and principles to 1) encourage a diverse, safe and affordable supply of housing in the City; 2) enhance the urban built environment by promoting infill and redevelopment in the City; and 3) encourage a balanced mix of land uses throughout the City.

Additional Policies that this project is consistent with include:

Social - Housing

- Soc1.4.1 Work with the private sector and non-profits to increase housing opportunities in the city.
- Soc1.4.2 Expand the supply of residential opportunities including single family homes, apartments, manufactured homes and assisted living facilities.
- Soc1.4.3 Encourage, promote and support adequate and affordable home ownership in the City.
- Soc1.4.6 Encourage a variety of housing types and densities so that residents can choose by price or rent, location and place of work.
- Soc1.4.13 Protect the character, livability and affordability of existing neighborhoods by ensuring that infill development is compatible with existing neighborhoods.

Environmental - Urban Form

- ENV2.3.1 In order to maximize existing infrastructure, identify underutilized parcels and areas with infill potential as candidates for redevelopment in the City.

Physical - Land Use

- Phy4.1.1 Promote and incentivize infill development that is compatible with the scale and character of established neighborhoods.
- Phy4.1.3 Create a balanced land use pattern that provides for a diversity of uses that will accommodate existing and future development in the City.
- Phy4.1.4 Foster the development of safe, walkable, neighborhoods with a mix of uses and diversity of housing types.
- Phy4.1.5 Encourage and incentivize the redevelopment or adaptive reuse of vacant or underutilized properties so as to maximize the City's existing infrastructure.

The Growth Policy identifies that the City needs balanced, compatible growth, while at the same time sets the task to review the zoning districts in which townhomes are permitted in

order to expand this use, either by allowing it in more zoning districts or improving the review standards so as to make it more suitable for other zoning districts. In this case, incorporating four townhomes units with stringent PUD requirements is actually a better approach.

2. The development project is consistent with applicable neighborhood plans, if any;

Great Falls is separated into nine Neighborhood Councils. There are no adopted Neighborhood Plans for any of the Councils within the City. The subject property is located in Neighborhood Council #9. The Owner presented information to Council #9 on September 14, 2017, and the Council voted in favor of the project.

3. The establishment, maintenance, or operation of the development project will not be detrimental to, or endanger the public health, safety, morals, comfort or general welfare;

Any development within the City limits requires a review of how the development will impact the public health, safety and welfare. It is not anticipated that the proposed PUD will have any negative impact. The proposed project will be heavily landscaped beyond typical subdivisions. Public health issues have been addressed through the provision of City utilities. Public safety will be improved by the redevelopment of this vacant lot into a contributing portion of the surrounding neighborhood.

4. The development project 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;

The proposed PUD provides housing options between single-family houses and 2-unit townhomes. Even though the project does increase the density of lots, the development will fit in with the context of the neighborhood based on the mix of single-family and multi-family structures adjacent to the property. The proposal will not be injurious to the use and enjoyment of other property in the immediate vicinity, nor substantially diminish and impair property values in the neighborhood. New sidewalks will be constructed landscaped boulevards will be added, and compatibly scaled homes will improve the vacant property.

5. The development project will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;

The proposed PUD is located in an existing residential subdivision that is developed to the north, south, east and west with single-family and multi-family residential units. Therefore the proposed PUD is not anticipated to impede on the normal and orderly development and improvement of the surrounding property for uses permitted.

6. The proposed design of the building and other structures are compatible with the desired character of the neighborhood;

The units are a contemporary design that are appropriate in scale for the area. The surrounding architectural context was considered in the design of the units for this development. The homeowner will be able to choose a color theme from a provided color palette created by the architect which will fit in with the character of the development as well as the character of the surrounding neighborhoods. Emphasis has been placed on the look of the units as they are

viewed from the neighborhood as well as the way they fit into the development itself.

7. Adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided;

The proposed PUD will redevelop a block of vacant lots in an existing neighborhood, this will enable the proposed neighborhood. The lots in the development will extend and connect to City water and sewer mains and utilize existing streets. The street appeal of the area will be greatly enhanced by new sidewalks and boulevard trees. The Owner will pay the costs of extending these utilities. The development will be designed to meet all criteria required for stormwater runoff by utilizing low impact development facilities.

8. Adequate measures have been or will be taken to provide ingress and egress so as to minimize traffic congestion in the public streets;

The development has been designed to utilize the existing alley that runs along the northern border of the property between 13th Street South and 14th Street South for access to 10 proposed garages for each single-family unit and the two proposed 2-unit townhomes with attached garages. The existing streets will have adequate capacity to accommodate traffic generated by the development. In addition, the development will incorporate bicycle parking and a sidewalk network to promote recreation and convenient visits to the downtown.

Beargrass Village



September, 2017

Conceptual Site Plan



**MINUTES OF THE MEETING
OF THE
DESIGN REVIEW BOARD
September 11, 2017**

CALL TO ORDER

The regular meeting of the Great Falls Design Review Board was called to order by Chair Dani Grebe at 3:01 p.m. in the Rainbow Room in the Civic Center.

ROLL CALL & ATTENDANCE

Design Review Board Members present:

Dani Grebe, Chair
Tyson Kraft, Vice Chair
David Grosse
Kevin Vining

Design Review Board Members absent:

None

City Staff Members present:

Tom Micuda, Deputy Director P&CD
Erin Borland, Planner II
Leslie Schwab, Planner II
Dave Dobbs, City Engineer

Others present:

Jana Cooper, TD&H
Neil Fortier, NeighborWorks
David Saenz, NeighborWorks
Sophia Sparklin, Spark Architecture

MINUTES

Mr. Kraft moved to approve the minutes of the August 28, 2017, meeting of the Design Review Board. Mr. Grosse seconded, and all being in favor, the minutes were approved.

**NEW BUSINESS
Great Falls North Apartments- Resubmittal
1800 Division Road**

Erin Borland, Planner II, entered the staff report into the record for the proposed construction of a new apartment complex that includes six three story garden style apartment buildings. Ms. Borland explained this project was approved by the Design Review Board (DRB) earlier in the year, but due to a major layout change, DRB review is required again.

The original site plan included nine buildings; however, the new proposed site plan has only six. Building materials and color schemes have stayed the same, and a full material and color palette are included in the staff report. Ms. Borland explained one of the concerns of the original submittal was the lack of windows on the buildings facing the public right of way. The current submittal addresses those concerns by breaking up the large three story walls with various heights of landscaping. Parking, stormwater, lighting, landscaping, and particular building locations were reviewed. Ms. Borland said staff recommends approval of the resubmittal.

PETITIONER'S PRESENTATION

Jana Cooper, TD&H, offered to answer any questions.

PUBLIC COMMENT

There was no public comment.

BOARD DISCUSSION AND ACTION

Mr. Kraft asked if there would be covered parking in the center aisles, and Ms. Cooper said yes.

MOTION: That the Design Review Board approve the Design Review Application for the proposed Great Falls North Apartments, located at the corner of Smelter Avenue Northwest and Division Road, as shown in the conceptual development plans contained within this report and provided by the Applicant, subject to the following conditions of approval:

- A. The proposed project shall be developed consistent with the conditions in this staff report, all codes and ordinances of the City of Great Falls, the State of Montana, and all other applicable regulatory agencies.
- B. If after the approval of the conceptual development plans as amended by this Board, the owner proposes to expand or modify the conceptual development plans, the Director of the Planning and Community Development Department shall determine in writing if such proposed change would alter the concept for one or more review criteria. If such proposed change would alter the plan, the proposal shall be resubmitted for review as a new application.

Made by: Mr. Grosse
Second: Mr. Kraft

VOTE: All being in favor, the motion carried.

Beargrass Village PUD 3rd Avenue South and 14th Street South

Erin Borland, Planner II, explained this particular project is unique, as Planned Unit Developments (PUDs) are not normally brought before the DRB. Staff felt that due to the unique characteristics of this project, DRB review was needed before Planning Board review and final

City Commission approval in order to get feedback on the site plan and proposed design standards. Ms. Borland explained the process of a PUD to the Board.

The proposed project sits on the site formerly occupied by Kranz Floral, now vacant due to building demolition. The purpose of the rezone to a PUD is to provide a cluster of single-family units all connected by pedestrian walkways and a central courtyard that will provide daily gathering space for residents. The proposed ten single-family homes plus two 2-unit townhomes will face inward, creating a sense of community for the neighbors to enjoy.

Ms. Borland reviewed the proposed PUD development standards, and how those differ from the current R-3 Single-family high density zoning standards. She explained staff is looking for DRB recommendations specifically regarding the orientation of primary building entries, and the proportion of doors and windows on a first floor façade facing the public streets adjacent to this project. Staff recognizes the innovative design of the pocket neighborhood, and wants to ensure the design does not create the effect that the pocket neighborhood is turning its back on the larger surrounding neighborhood.

Ms. Borland said staff is excited about this project, and recommends approval with any recommendations the DRB may bring forth.

PETITIONER'S PRESENTATION

Neil Fortier, NeighborWorks, said landscaping is a forethought, not an afterthought with this project. He provided representative photographs showing the typical look of a "Pocket Neighborhood" concept.

Sophia Sparklin, Spark Architecture, said she understands one of the concerns with these pocket neighborhoods is a wall going up around the development, and wanted to ensure the Board that this plan was developed so that will not happen. She encouraged discussion and expressed agreement with staff that the DRB needed to have involvement with this project prior to Planning Board and City Commission.

PUBLIC COMMENT

There was no public comment.

BOARD DISCUSSION AND ACTION

Mr. Vining asked whether there were covenants within the development that require the future property owners to upkeep the property, yard, etc. Mr. Fortier said a homeowner's association will be in place to take care of maintenance, landscaping, and snow removal.

Mr. Grosse expressed concern about setting a precedent with requiring Board review of a type of development not typically considered by the DRB, and Ms. Borland encouraged the Board to consider this particular project only. There was discussion on the DRB being able to write specific design standards for this particular PUD.

Ms. Grebe said the community entry moment being showed on the site plan needs to be significant and possibly have less landscaping at those entry points. There was discussion on the possibility for different orientation of the some of the units facing the streets.

There was discussion on the window and door coverage on the facades facing the public right of way, and what type of flexibility could be incorporated into the design standards of the PUD. Mr. Kraft said it's important that the windows be relatable from one home to another, and that public and private entry points be identifiable. Identifying the amounts of window glazing and the amount of landscaping for the homes, particularly on corner lots, will be important.

Ms. Grebe said she would like to see fenestration for homes towards the street, variability in orientation and materials, between 30 and 50% of the homes along the street should have a feature acknowledging the street, a community entry moment with a through walkway and a low fence. She also expressed the desire to see climate appropriate vegetation and landscaping incorporated as well.

MOTION: That the Design Review Board recommend approval to the Planning Advisory Board/Zoning Commission as shown in the attached submittal provided by the Applicant and contained within this report, subject to the conditions of approval:

- A. The proposed project shall be developed consistent with the conditions in this staff report, all codes and ordinances of the City of Great Falls, the State of Montana, and all other applicable regulatory agencies.
- B. If after the approval of the conceptual development plans as amended by this Board, the owner proposes to expand or modify the conceptual development plans, the Director of the Planning and Community Development Department shall determine in writing if such proposed change would alter the concept for one or more review criteria. If such proposed change would alter the plan, the proposal shall be resubmitted for review as a new application.
- C. All outdoor lighting fixtures and placement shall be reviewed and approved through the Planning and Community Development Department.
- D. All mechanical units and transformer pads shall be screened with landscaping from the public way.
- E. The applicant will develop design standards for the PUD proposal to meet the recommendations set forth in Exhibit 28-1.
- F. The applicant incorporate the recommendations made by the Design Review Board.

BOARD COMMUNICATIONS

Ms. Schwab updated the Board on the status of Batteries + Bulbs and the Town Pump carwash.

PUBLIC COMMENT

There was no public comment.

ADJOURNMENT

There being no further business, Mr. Kraft moved to adjourn the meeting, seconded by Mr. Grosse. All being in favor, the meeting was adjourned at 4:30 p.m.



Item: Ordinance 3177 - An Ordinance by the City Commission of the City of Great Falls to assign a zoning classification of Planned Unit Development (PUD) to the property legally described as Medical Tech park Minor Subdivision, Lot 4A located in the SW1/4 of the SE1/4 of Section 18, Township 20 North, Range 4 East, P.M.M. Cascade County, Montana.

From: Tom Micuda, Deputy Director, Planning and Community Development

Initiated By: NeighborWorks Great Falls and GMD Development, Developers

Presented By: Craig Raymond, Director, Planning and Community Development

Action Requested:

City Commission accept Ordinance 3177 on first reading and set a public hearing for December 5, 2017.

Suggested Motion:

1. Commissioner moves:

"I move that the City Commission (accept/not accept) Ordinance 3177 on first reading and set a public hearing for December 5, 2017."

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

Staff Recommendation:

At the conclusion of a public hearing held on October 24, 2017, the Zoning Commission recommended the City Commission approve the request to zone the subject property to PUD Planned Unit Development subject to the fulfillment of the following Conditions of Approval:

1. General Code Compliance. The proposed project shall be developed consistent with the conditions in this report, and all codes and ordinances of the City of Great Falls, the State of Montana, and all other applicable regulatory agencies.

2. Subdivision Plat. Provide an Amended Plat of the subject property which shall incorporate corrections of any errors or omissions noted by Staff.

3. Utilities. The final engineering drawings and specifications for public improvements for the subject property shall be submitted to the City Public Works Department for review and approval.

4. Land Use & Zoning. Except as provided herein, development of the property shall be consistent with allowed uses and specific development standards for this PUD Planned Unit Development district designation. Final landscaping standards for the project will be determined at the time of a complete plan submittal in association with Design Review Board review.

5. Subsequent modifications and additions. If after establishment of the PUD, the owner proposes to expand or modify the use, buildings, and/or structures, the Director of the Planning and Community Development Department shall determine in writing if such proposed change would alter the finding for one or more review criteria. If such proposed changes would alter a finding, the proposal shall be submitted for review as a new development application. If such proposed change would not alter a finding, the owner shall obtain all other permits as may be required.

The notice of public hearing was published in the Great Falls Tribune on October 8, 2017, prior to the Planning Advisory Board/Zoning Commission public hearing. To date, Staff has received no inquiries regarding this project.

Summary:

Overall Project Request:

The applicant has received approval from the State of Montana to utilize federal housing tax credits to construct a 124-unit multifamily housing project targeted at families and individuals earning below 60 percent of area median income. The property selected for development is located in the County's Planning Jurisdiction, but adjoins the City limits in an area known as the Med Tech Park Minor Subdivision. Recently, other lots within this subdivision have been annexed into the City and developed. The most recent example is the Talus Apartments project located at the intersection of 23rd Street South and 21st Avenue South.

The proposed development parcel, 7.972 acres, is part of a much larger 29.4 acre property within the County. As a result, the first step for the applicant was to gain County approval to subdivide the 29.4 tract. The County Commissioners approved this subdivision on October 10, and a copy of the approved County plat is included in the packet material.

The second step in the process before any construction can take place is for the applicant to gain approval for annexation of the 7.972 acres, assignment of City zoning, and another subdivision approval to divide the 7.972 acres. The reason for the additional City subdivision is that the State's approval was to allow two separately owned tax credit projects on the property.

The parcel proposed for development is located at the dead-end of 23rd Street South and along the north side of 24th Avenue South. The property is vacant, used as pasture, and slopes gradually from south to north. On the north side of 24th Avenue South, an asphalt shared use path has previously been constructed and is proposed to be incorporated into the project. The northern portion of the development proposal contains three apartment buildings with smaller footprints as well as a Community Building and outdoor play area (tot lot) for the entire tenant base. The southern portion of the project, a separately funded tax credit arrangement, contains four apartment buildings with larger footprints. Proposed site plans and building renderings are contained in the packet material. The final site plans and building elevations still require consideration by the City's Design Review Board, most likely after the entire

annexation, zoning, and subdivision process has been completed. The density of the proposed project is 15.6 units per acre with approximately 53% of developable area set aside for greenspace (landscaping, stormwater control).

Because this project needs to be considered in the larger context of future development of the entire 29.4 acres, City staff has consulted extensively with the applicant about the proposed street network. The public street network for this proposal is patterned after the street network within an area of the County located west of 20th Street South. Although this area of the County has been developed in a rural fashion, the area was originally subdivided for a grid street network. This pattern is continued on the proposed development site. For north-south transportation connectivity, 23rd Street South would be extended from its terminus adjoining Talus Apartments to connect with 24th Avenue South. Additionally, a new street, 22nd Street South would provide a second access for the west side of the project as well as a future access for vacant property to the west. The two tax credit portions of the project will be divided by the construction of 23rd Avenue South. This street provides project access and could be extended to both the east and west if those parcels develop.

Background:

Planned Unit Development Request:

Originally, the applicant was seeking a multifamily zoning designation for the property such as R-5 or R-6. Staff advised that a PUD zoning designation be proposed for two reasons: 1) The density of the proposal (15.6 units per acre) was substantially less than would be allowed under a standard multifamily zoning district, and 2) The R-5 and R-6 zoning districts allow some land uses such as manufactured housing, retirement homes, churches, day care centers, etc. that are not consistent with the proposal and could concern adjacent land owners.

The applicants have provided a table to the City outlining the proposed standards of the PUD. This includes restriction on land uses, a lower allowed density, lower building heights, and some variations in setbacks to account for the fact that project parking areas are actually located on separate parcels than building sites. All of the proposed development standards in the PUD are acceptable to Planning staff with the exception of the landscaping proposal. Because the design of the project is very conceptual and doesn't yet factor in site grading, stormwater, and utility placement, staff recommends that the applicant's submittal for landscaping be deferred until the Design Review Board stage. This is noted as a potential Condition of Approval. The applicant has requested that the landscaping requirements be customized to require less interior landscaping and fewer shrubs.

The basis for decision on Planned Unit Development request is listed in OCCGF §17.16.29.050. The recommendation of the Planning Advisory Board/Zoning Commission and the decision of City Commission shall at a minimum consider the criteria which are attached as Basis – Zoning Map Amendment. Findings are included in the packet material.

Preliminary Plat:

Because of the unique ownership requirements associated with the approved tax credit petition, each tax credit section is required to be held in different ownership groups. Additionally, the tax credit structure for the housing portion south of the 23rd Avenue South requires four lots – two for just the residential structures and two for just the parking areas. While this is quite unusual, the issue has been covered by allowing parking lots to be considered a permitted use under the PUD proposal. Typically, parking lots would only be permitted as sole uses of property in non-residential zoning districts. The proposed preliminary plat will need to be converted into a final plat showing all required utility and stormwater drainage easements. Additionally, a financial guarantee for all public improvements is required at the

final plat stage.

The preliminary plat will be approved/denied at the public hearing held on December 5, 2017, if the City Commission accepts Ordinance 3177.

Improvements:

Sidewalks and Boulevards: Boulevard style sidewalks and trees will be installed along all public streets bordering the development site. The exception would be that only boulevard trees will be installed on the north side of 24th Avenue South because of the current shared use path that was previously installed. Staff notes that additional sidewalk/ADA connections need to be added to the submitted plan at several intersection locations.

Parking: The applicant is proposing surface parking lots to comply with the multifamily parking requirements outlined in the Land Development Code. Although parking will be located on separate lots for the southern portion of the development, the number of parking spaces complies with the requirement of 1.5 spaces per dwelling unit. Parallel on-street parking to accommodate potential visitors will be incorporated into the internal street system.

Utilities: The developer is responsible for the installation of all public utilities in order to serve the proposed subdivision as well as plan for the potential development needs of the larger adjoining area. The on-site improvements required for development of the subject property shall be installed as shown on the final construction plans that will be submitted and approved by the Public Works Department. Anticipated utility services include the following:

- Looped and over-sized water main installation to accommodate domestic water service, fire flows, and adjoining property development needs. Water pressures for existing users north of the project site are lower than desired; and

- Installation of sewer main service on 23rd Street South and 23rd Avenue South that will connect to an existing sewer main to the north and stub potential service for further development to the west.

Discussions regarding the specific details of utility service are continuing between the applicant's consultant and the City prior to the submittal of 100% engineered plans.

Stormwater Management: The applicant has been informed that there are existing limitations present in the City's downstream stormwater infrastructure that will likely affect the applicant's final plan for both the conveyance and storage of stormwater. As a result, Engineering staff has already indicated that the stormwater detention standard for the project will need to be a little higher than typical. Additionally, the current plan detains and conveys stormwater runoff from the property to an existing 15-inch diameter pipe at 23rd Street South. Because of concern about downstream storage, some stormwater may need to be diverted to the west rather conveyed to the northeast. The current proposal shows multiple potential areas for detaining and cleansing stormwater to meet City standards.

Other Infrastructure Issues:

Bus Shelter: The applicant has provided a potential transit shelter facility for the project. During conversations with Great Falls Transit, it was indicated that this project would not be immediately served due to its distance from the current route in the area. This issue will still need to be finalized as

plans are refined.

Proposed Narrowing of 23rd Avenue South: On either side of parking lot access drives on the proposed 23rd Avenue South extension, the applicants have narrowed the street width by removing on-street parking. The logic is very straightforward – both the tot lot and community building are on the north side of the street. The applicants understand that this would be a logical location for a possible mid-block pedestrian crossing. This proposal still requires additional discussion to address issues like signage, ADA accessibility, pavement markings, etc.

Neighborhood Council Input:

The subject property is located in Neighborhood Council #5. The developer has presented information about this project on multiple occasions, and the Council voted in favor of the project.

Fiscal Impact:

The cost of constructing infrastructure improvements will be borne by the Owner. City Public Works staff would reimburse the owner for any over-sizing of utility mains. This will be required for water main service. All fiscal responsibilities between owners, the City, and even adjoining property owners will be explicitly spelled out in the Annexation Improvement Agreement.

Alternatives:

The City Commission could deny acceptance of Ordinance 3177 on first reading and not set the public hearing.

Concurrences:

Representatives from the City's Public Works, Police, and Fire Departments have been involved throughout the review and approval process for this project, and will continue throughout the permit approval process. As noted earlier, there is a significant amount of engineering design work that must be completed and approved by Public Works staff prior to the finalization of the Annexation Improvement Agreement and approval the developer's financial guarantee for all public improvements.

ATTACHMENTS:

- ▣ Ordinance 3177
- ▣ Ordinance 3177 Attachment A
- ▣ Findings of Fact zoning map amendment
- ▣ Vicinity Map
- ▣ Aerial Map
- ▣ Narrative
- ▣ Site Plan
- ▣ Building Elevations
- ▣ Renderings
- ▣ Utility Plan
- ▣ Amended Plat Approved by County

ORDINANCE 3177

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS ASSIGNING A ZONING CLASSIFICATION OF PUD PLANNED UNIT DEVELOPMENT TO THE PROPERTY LEGALLY DESCRIBED AS: MEDICAL TECH PARK MINOR SUBDIVISION LOT 4A LOCATED IN THE SW1/4 OF THE SE1/4 OF SECTION 18, TOWNSHIP 20 NORTH, RANGE 4 EAST, P.M.M. CASCADE COUNTY, MONTANA

* * * * *

WHEREAS, the property owners, NeighborWorks Great Falls and GMD Development has petitioned the City of Great Falls to annex the subject property, consisting of ±7.972 acres, as legally described above; and,

WHEREAS, NeighborWorks Great Falls and GMD Development have petitioned said property to be assigned a City zoning classification of PUD Planned Unit Development district, upon annexation to the City; and,

WHEREAS, the Great Falls Zoning Commission conducted a public hearing on October 24, 2017, to consider said zoning request and at the conclusion of said hearing, passed a motion recommending the City Commission zone the property legally described as Medical Tech Park Minor Subdivision, Lot 4A located in the SW ¼ of the SE ¼ of Section 18, Township 20 North, Range 4 East, P.M.M, City of Great Falls, Cascade County, Montana to Planned Unit Development (PUD); and,

WHEREAS, notice of assigning said zoning classification to the subject property was published in the *Great Falls Tribune* advising that a public hearing on this zoning designation would be held on the 5th day of December, 2017, before final passage of said Ordinance herein; and

WHEREAS, following said public hearing, it was found and decided that the zoning map amendment on said property meets the Basis of Decision requirements in the Official Code of the City of Great Falls (OCCGF), Section 17.16.29.050, and that the said rezoning designation be made.

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

Section 1. It is determined that the herein requested zoning meets the criteria and guidelines cited in Mont. Code Ann §76-2-304, and Section 17.16.29.050 of the OCCGF.

Section 2. That the property legally described as: Medical Tech Park Minor Subdivision, Lot 4A located in the SW ¼ of the SE ¼ of Section 18, Township 20 North, Range 4 East, P.M.M, Cascade County, Montana, be designated as PUD Planned Unit Development district, subject to the setbacks, and other development standards attached hereto as Attachment A, and by this reference made a part hereof, as well as all other applicable regulatory codes and ordinances.

Section 3. Except for the development standards in Attachment A, where the OCCGF regulations apply to a specific zoning district, the R-6 Multi-family high density district regulations shall apply to the properties within the PUD.

Section 4. This ordinance shall be in full force and effect thirty (30) days after its passage and adoption by the City Commission.

ACCEPTED by the City Commission of the City of Great Falls, Montana on first reading November 7, 2017.

ADOPTED by the City Commission of the City of Great Falls, Montana on second reading December 5, 2017.

Bob Kelly, Mayor

ATTEST:

Darcy Dea, Deputy City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

Sara 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 3177 on the Great Falls Civic Center posting board and the Great Falls City website.

(CITY SEAL)

Darcy Dea, Deputy City Clerk

Attachment A

PUD Zoning Standards	
Standard	Proposed PUD
List of Uses	
Principle Uses - Allowable uses within the district	Residence- multi-family, recreational trail, park, parking lot, family day care home, community center, and community garden
Conditional Uses	None
Accessory Uses	Fences, Carports, Garage (private), Home Occupation, Windpowered electricity systems, solar panels
Temporary Uses	Garage Sales, on-site construction office, onsite real estate sales/leasing office
Development Standards	
Residential density	1500 sq. feet of lot area per dwelling unit
Minimum lot size for newly created lots	7,500 sq. feet
Minimum lot width for newly created lots	50 feet
Lot proportion for newly created lots (maximum depth to width)	2.5:1
Maximum building height of principal building	45 feet
Maximum building height of other accessory buildings	12 feet
Minimum front yard setback	15 feet
Minimum side yard setback	5 feet- Side and rear yards for parking may be allowed to be zero feet when coordinated parking arrangements between adjacent properties is provided.
Minimum rear yard setback	15 feet- Side and rear yards for parking may be allowed to be zero feet when coordinated parking arrangements between adjacent properties is provided.
Maximum lot coverage of principal and accessory buildings	Corner lot: 70% Other types: 60%

For items not specifically listed within the Rockcress Commons PUD development standards, the Great Falls Land Development Code shall apply.

BASIS OF DECISION – PLANNED UNIT DEVELOPMENT

PRIMARY REVIEW CRITERIA:

The basis for decision on planned unit developments is listed in Official Code of the City of Great Falls § 17.16.29.050 of the Land Development Code. The recommendation of the Zoning Commission and the decision of City Commission shall at a minimum consider the following criteria:

1. The development project is consistent with the City's Growth Policy;

The PUD is consistent with the policies and objectives of the Great Falls Growth Plan, including Growth Policy *Soc1.4 Housing - Encourage a diverse, safe and affordable supply of housing in Great Falls*. This project further supports the Social and Physical portions of the Growth Policy, specifically the goals and principles to 1) encourage a safe, adequate and diverse supply of housing and fair housing opportunities in the City; and 2) develop new and diverse housing supply throughout the City, including single-family residential, multi-family, and housing for those with special needs.

Additional supportive Policies that this project is consistent with include: Social - Housing Soc1.4.2 - Expand the supply of residential opportunities including single family homes, apartments, manufactured homes and assisted living facilities.

Soc1.4.3 - Encourage, promote and support adequate and affordable home ownership in the City.

Soc1.4.6 - Encourage a variety of housing types and densities so that residents can choose by price or rent, location and place of work.

Physical - Land Use Phy 4.1.3 - Create a balanced land use pattern that provides for a diversity of uses that will accommodate existing and future development in the City.

The project also falls within the Great Falls Medical District. The PUD is consistent with the district's master plan initiatives, including "...to develop housing project, with particular attention to affordable housing...to meet the needs of workers and residents that choose to live proximate to the Medical District". This PUD project provides for enhanced opportunities for affordable residences within close proximity to employment centers.

2. The development project is consistent with applicable neighborhood plans, if any;

Great Falls is separated into nine Neighborhood Councils. There are no adopted Neighborhood Plans for any of the Councils within the City. The subject property is located in Neighborhood Council #5. The Owner presented information to Council #5 on September 14, 2017, and the Council voted in favor of the project.

3. The establishment, maintenance, or operation of the development project will not be detrimental to, or endanger the public health, safety, morals, comfort or general welfare;

Any development within the City limits requires a review of how the development will impact the public health, safety and welfare. It is not anticipated that the proposed PUD will have any

negative impact. Public health issues will be addressed through the provision of City utilities. Public safety will be addressed through excellent street connectivity and a network of pedestrian facilities including the existing shared use path on 24th Avenue South. As noted in other findings, public safety for fire protection is not ideal due to the project's location outside the 4-minute service area for Fire Station #3. In response, the buildings will be sprinkled and emergency service access will be added for complete building access.

4. The development project 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;

The proposed PUD will not injure usage of adjoining property. The PUD only adjoins developed property on the north side. The density of project is less than the nearby Talus Apartments project.

5. The development project will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;

The proposed PUD is consistent in terms of land use with Talus apartments. Street and utility infrastructure have been proposed with consideration of the potential development possibilities of surrounding properties.

6. The proposed design of the building and other structures are compatible with the desired character of the neighborhood;

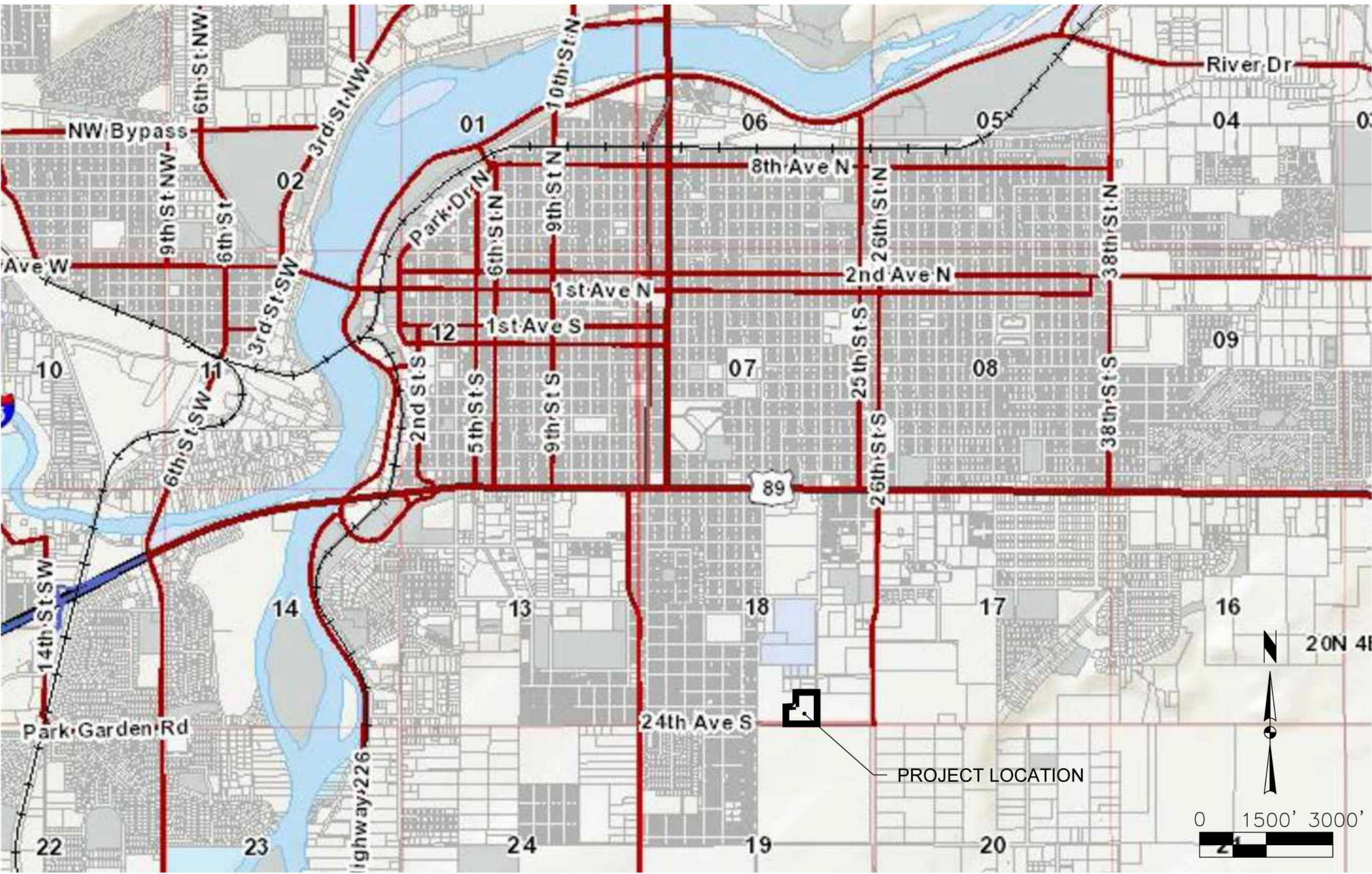
Because of the lack of developed property nearby, there is not any established neighborhood context to govern the design of buildings and structures.

7. Adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided;

As noted in the agenda report and other findings, looped and over-sized water service will likely be provided to take other property development needs into account. The street system has also been designed to provide maximum connectivity to adjoining parcels. Drainage designs will need to be carefully developed to ensure that downstream drainage system capacity will be protected.

8. Adequate measures have been or will be taken to provide ingress and egress so as to minimize traffic congestion in the public streets;

The development is incorporating multiple public streets and points of access to minimize congestion on existing public streets. 24th Avenue South has the capacity to absorb the new vehicle trips that would be generated by this project.



NOT FOR CONSTRUCTION

ROCKCRESS COMMONS (MEDICAL TECH PARK LOT 4A)
GREAT FALLS, MT

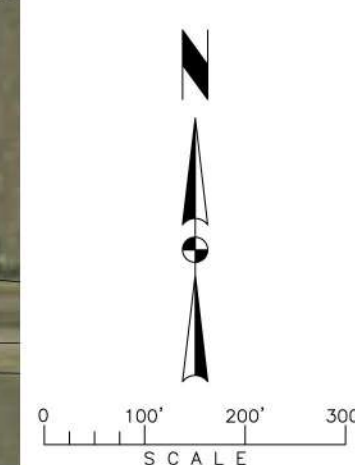
TD&H
Engineering

406.761.3010 • tdhengineering.com

1800 RIVER DR. NO. • GREAT FALLS, MONTANA 59401

DRAWN BY:	KBP
DESIGNED BY:	JCC
QUALITY CHECK:	
DATE:	7.26.17
JOB NO.	16-187
CAD NO.	VICINITY MAP-CITY

EX-C



2.0 Purpose and Intent

The Rockcress Commons PUD application proposes to develop a quality affordable housing project by creating a cluster of multi-family apartments all connected by open space, sidewalks, streets, and a central community building. The multi-family (124 unit) housing project by NeighborWorks Great Falls and GMD Development will serve the housing needs of Great Fall community members. The subject property is located at the northwest corner of 24th Avenue South and 23rd Street South property on the south side of Great Falls and is approximately 7.97 acres. The current land use is vacant/undeveloped and the proposed land use is multi-family. The property is zoned County Urban Residential. The proposed zoning is PUD (see attached Rockcress Commons PUD development standards).

Rockcress Commons affordable housing project intent is to assist in accomplishing the policies and objectives of the Great Falls Growth Plan, including Great Falls Growth Policy Soc1.4 *Housing - Encourage a diverse, safe and affordable supply of housing in Great Falls*. This project further supports the Social and Physical portions of the Growth Policy, specifically the goals and principles to 1) encourage a safe, adequate and diverse supply of housing and fair housing opportunities in the City; and 2) develop new and diverse housing supply throughout the City, including single-family residential, multi-family, and housing for those with special needs. Additional supportive Policies that this project is consistent with include: Social - Housing Soc1.4.2 Expand the supply of residential opportunities including single family homes, apartments, manufactured homes and assisted living facilities. Soc1.4.3 Encourage, promote and support adequate and affordable home ownership in the City. Soc1.4.6 Encourage a variety of housing types and densities so that residents can choose by price or rent, location and place of work. Physical - Land Use Phy 4.1.3 Create a balanced land use pattern that provides for a diversity of uses that will accommodate existing and future development in the City.

The project also falls within the Great Falls Medical District. Rockcress Commons project is consistent with the district's master plan initiatives, including "...to develop housing project, with particular attention to affordable housing...to meet the needs of workers and residents that choose to live proximate to the Medical District". This PUD project provides for enhanced opportunities for affordable residences within close proximity to employment centers.

The Rockcress Commons project calls for 124-unit housing apartment complex targeted at families and individuals earning below 60 percent of the area median income. Project development cost will be funded in part by federal housing tax credits. Rockcress Common's apartments meet area housing needs and priorities, and addresses area market concerns, illustrated by elements such as waiting lists, vacancy rate and type of housing required. This is demonstrated by historically low vacancy rates in Great Falls, and also supported by the community input received and the market study.

The demand for affordable housing continues to grow. Economic development in the City of Great Falls has been hindered due to the lack of safe, decent and affordable housing. Malmstrom Airforce base continues to struggle to find housing for new personnel.

Below is a summary of the results of the Market Study completed, by Property Dynamics, Mill Creek, Washington, in September of 2016.

- The Great Falls rental market is strong, with very low vacancy and quick turnover of available units. Rent levels have traditionally been modest without rapid escalation, but in the past year, rents levels have climbed roughly 5% at some properties.

- Only 11% of renters live in units built since 1990, while 78% live in units older than 1980. A full 20% of rental units were built prior to 1940. There is pent-up demand for modern units in the market, and well-designed new properties should be able to out-compete many older properties, even while charging a premium.
- The amount of pent up and new demand together is sufficient to absorb new units in the development pipeline, as well as the subject property. The Talus Apartments, while large at 216 units, should be completed and absorbed before the subject property is introduced. The Talus Apartments have proven market strength and rents as high as \$1.79 per square foot.
- There will be a projected addition of nearly 400 new renter households to the Primary Market Area (City of Great Falls) over the next 5 years.

Per the Market Study the Great Falls rental market, the vacancy rate at Great Falls' 1.2% for both conventional and tax credit communities, with waiting lists at multiple properties. The number of new units needed is 331. Proposed rents at Rockcress Commons are 13-33% below market rents.

The City of Great Falls 2015-2019 Consolidate Plan (folder "Community Revitalization Plan") has ranked the creation of affordable housing as a top goal and indicates that 38.7% of renters are cost burdened and paying over 30% on housing.

Great Falls Development Authority - June 2016 meeting – Consensus amongst the major employers is "having difficulty recruiting all types of workers...Great Falls needs more good quality rental housing at affordable rates so newly recruited workers have homes".

Mayor Bob Kelly – August 2016 - "Great Falls needs to continue developing affordable quality housing options to match our current growth and longer term potential. If we can't house them, we can't hire them."

Rockcress received numerous letters of support from the major employers in and around Great Falls. Recruiting quality staff is difficult because they cannot find affordable housing. A recruit will come to Great Falls and research the housing market only to not be able to find something that is decent, safe and affordable. Most times the recruit will turn down the job because of the lack of housing. The data certainly supports the need. Unfortunately, we will not be able to build them fast enough to meet today's need.

5.0 Zoning and Land Use Compatibility

The current land use is vacant/undeveloped and the proposed land use is multi-family. The adjacent city zoning includes M-1 Mixed Use District to the north and R-6 Multi-family High Density District to the northeast. The adjacent county zoning is Urban Residential. The current zoning of the project is county Urban Residential and the proposed is city PUD zoning. Rockcress Commons PUD proposes residential uses and accessory uses including a community building, parking and playgrounds for residents of the project. The proposed PUD multi-family standards are similar to, but less intensive than, the adjacent R-6 zoning. Parking lots as principle use have been added to the zoning district, while many of the zoning standards have been narrowed or reduced including building height, residential density and uses.

The intent of the conceptual site plan in conjunction with the PUD zoning is to provide an ample supply of affordable housing while providing a high-quality neighborhood for residents. The plan includes sufficient parking, abundant outdoor green space (53% of the net area), and a community building. The overall concept site plan increases the transportation connectivity of the area by extending 23rd Street South, and creating 23rd Avenue South, and 22nd Street South. The site plan includes seven multi-family buildings. A total of 124 residential units will be provided with a density of 15.6 units per acre.

Rockcress Commons aspires to create a sense of place. This is established by the arrangement of buildings and architectural design features such as high quality building design, pedestrian connections between buildings and streets, and open space improvements such as play areas. The Rockcress Commons neighborhood includes a community building, which will function as a central gathering space for residents.

Due to the nature of the affordable housing funding, certain infrastructure pieces of the site layout need to be on individual lots; therefore, two of the proposed lots will only have parking and open space. These parking areas are only for use by residents of the Rockcress Commons project.

This PUD applies to all lots within Rockcress Commons. The intent of the Rockcress Commons PUD residential district is to provide for multi-family residential development and related uses within the city at urban densities in a master planned layout. In exchange for PUD adjustments to zoning standards, many of the PUD standards are more stringent than the requirements of the typical multi-family zoning district.

7.0 Landscape Requirements

7.1 Minimum Requirements for Interior Landscaping

Minimum square footage of interior landscaping, inclusive of landscaping in vehicular use areas and foundation planting areas, shall be thirty (30) percent of the net property area to be developed.

7.2 Rate of Plantings

A canopy tree or evergreen tree shall be planted and maintained for each one five thousand (5,000) square feet of net lot area. Up to two (2) shade trees located in the boulevard area may be applied to this requirement, provided that at least one (1) canopy tree or evergreen tree shall be planted within the interior. There shall be a minimum of four (4) shrubs or perennials per required tree.

7.3 Foundation Planting Requirements

At least fifty (50) percent of the frontage (primary entry side) of a building shall be occupied by a foundation planting bed(s) and at least twenty-five (25) percent of the frontage the building that faces a public right-of-way shall be occupied by a foundation planting bed(s). The planting beds shall be at least four (4) feet wide, mulched, and contain a mix of vegetation types (annual flowers, perennial flowers, ground cover and shrubs). The planting beds shall include seventy-five (75) percent plant coverage at plant's full maturity. If the geotechnical report recommends a no planting zone for a certain distance from the foundation, foundation planting requirements shall not apply.

7.4 Vehicular Use Areas Requirements

A portion of the required landscaping, equal to at least ten (10) percent of the vehicular use areas, must be located within the vehicular use areas. The following specific standards shall apply:

- Each row of parking spaces in interior parking areas shall be terminated by a landscaped island.
- There shall be no more than twenty (20) parking spaces in a row without a landscaped island.
- Landscaped islands shall have a minimum island dimension (inside curb face to inside curb face) of six (6) feet and shall extend the length of the parking space. Landscape islands that include a sidewalk shall provide a minimum 4-foot wide landscape area.
- Landscaped areas within a vehicle use area shall be bounded by a continuous concrete curb or other similar barrier approved by the City Engineer.
- Landscaped islands shall contain canopy shade trees, shrubs and/or turf grass.

7.5 Boulevard Area Standards

Boulevard areas shall conform to the following standards:

- A. Boulevards shall contain grass and trees (with organic mulched reservoirs) and may include shrubs, flowers and/or ornamental plants (with organic mulched reservoirs).

- B. At least one (1) canopy type tree shall be planted and maintained in a boulevard section for each thirty-five (35) lineal feet of street and avenue frontage or portion thereof, not covered by driveway, sidewalks, or other approved hard surface.
- C. Trees shall be spaced more or less evenly along the length of the boulevard area, taking into account the location of light poles, fire hydrants, and the like and the mature canopy width of existing trees and those being planted.
- D. No shrub shall be planted within five (5) feet of a fire hydrant or within a clear visibility triangle (as defined in Chapter 32, Section 17.32.160 of this Title) if its mature height will exceed two and one-half (2½) feet. The height shall be measured from the adjoining street centerline surface elevation.
- E. Landscaping shall be maintained, and those plantings which fail to survive shall be replaced with approved plantings within three (3) months.
- F. Materials and vegetation prohibited in a residential boulevard include, but are not limited to, the following:
 - Artificial vegetation including, but not limited to, trees, shrubs, vines, bushes, flowers, and grass.
 - All non-living material except as specifically allowed by this chapter.
 - Fences/walls (unless approved via a Boulevard Encroachment Permit by the City Engineer).
 - Gravel/decomposed granite/cobble.
 - Sand.

7.6 Boulevard Landscaping Credit

Twenty-five (25) percent of the boulevard landscaping, excluding sidewalks and driveways, may be credited to the interior landscaping requirement specified in item 7.1 above.

7.7 Detention and Retention Areas

By design, detention and retention areas shall be physically, functionally, and visually integrated into adjacent landscape areas. Standing water is discouraged and shall be properly drained unless incorporated into re-circulating water features or irrigation systems.

8.0 Design Guidelines

The proposed development seeks to create attractive, accessible, and livable dwelling spaces. The proposed design and layout of the Rockcress Commons project is compatible with the desired character of the neighborhood and exceeds the minimum development design standards. The following highlights the Rockcress Commons' design and layout intent that meets and exceeds minimum standards:

8.1 Affordable Housing

Supply of 124 affordable housing units while providing a high-quality neighborhood for residents.

8.2 Neighborhood Center

The Rockcress Commons neighborhood includes a community building, which will function as a central gathering space for residents.

8.3 Transportation Connectivity

The overall concept site plan increases the transportation connectivity of the area by extending 23rd Street South, and creating 23rd Avenue South, and 22nd Street South. A new bus stop is proposed for future public transportation connections, linking the neighborhood with surrounding areas.

8.4 Sense of Place

Rockcress Commons aspires to create a sense of place. This is established by the arrangement of buildings fronting neighborhood streets, adding pedestrian connections via sidewalks between buildings and streets/parking areas, and open space improvements such as play areas. The community building provides for a gathering area of the residents. The parking lots areas are broken up with open space to reduce the feel of large expansive asphalt areas while still meeting the parking needs and requirements of the development.

8.5 High Quality Building Design

The buildings are high quality contemporary design that is appropriate in scale for the area. The look and feel of all buildings responds to building use, as well as the surrounding architectural context. The buildings share a common aesthetic in order to create a consistent architectural language throughout the site.

8.6 Landscaping and Open Space

The project includes enhanced outdoor spaces. The required landscape requires an abundant number of trees, shrubs and open space that are logically situated on the site. Additional amenities including a tot-lot playground will be incorporated into the project to further enhance the development.

For reference, the Rockcress Commons' architectural design is shown with the conceptual building elevations which can be found in the exhibits. The Rockcress Commons' PUD site layout information can be found in the PUD Site Plan exhibit.

10.0 Infrastructure

10.1 Circulation System and Traffic Statement

The proposed circulation system for Rockcress Commons project will comprise of a hierarchy of vehicular, bicycle and pedestrian circulation; these will include dedicated public roadways, private drives, sidewalks and an existing trail.

The project will consist of dedicating and developing three public roadways which includes:

- 23rd Street South from its existing northern terminus southerly approximately 600 feet to 24th Avenue South. The street will include a 60-foot right of way and standard City of Great Falls street cross section, including boulevard sidewalks along the western portion of the street.
- 23rd Avenue South from the proposed 23rd Street South approximately 660 feet to the western boundary of the subject property. The street will include a 60-foot right of way and standard City of Great Falls street cross section, including boulevard sidewalks along the western portion of the street. The driveway connections between the north and south lots across 23rd Avenue South will include bump outs to slow traffic and provide a safer connection between the northern and southern lots within the development. There is also a bus stop shown along the north side of 23rd Avenue South, this is a proposed location and subject to change dependent on comments from the City of Great Falls and the transit authority.
- 22nd Street South is proposed along the western boundary of the proposed development and includes approximately 340 linear feet of improvements. The street will include a 60-foot right of way and standard City of Great Falls street cross section, including boulevard sidewalks along the western portion of the street.
- 24th Avenue South is an existing improved public right of way that runs adjacent to the southern property line of the subject project. No new improvements are proposed to 24th Avenue South for the project, but coordination with the City and Montana Department of Transportation for access from 22nd and 23rd Streets South will be done as a part of the project.

The intent of the proposed public roadways is to follow the standard right-of-way and design criteria set by the City of Great Falls, therefore thematic street cross sections have not been provided.

The internal vehicular circulation includes one private drive on to 22nd Street South, which transverses east/west through the southerly lots the extends northerly to access 23rd Avenue South. This driveway aligns with the access drive to the northerly lot from 23rd Avenue South, which extends north/south to the northern boundary of the site where it connects easterly to 23rd Street South. Parking is provided along the drive aisles and is designed to meet standard City of Great Falls parking requirements. There are 196 parking stalls provided, 10 are accessible spaces and 8 are compact spaces. The project will incorporate bike parking to fit seamlessly into the design, but the final location of the bicycle parking has not been determined at this time.

Internal development sidewalks will be provided along the parking lots and to the buildings for complete pedestrian access throughout the site. As mentioned 23rd Ave South will be narrowed with bump-outs to provide a safer connection between the northerly and southerly lots in the

development. There is an existing 10-foot asphalt trail that runs along north side of 24th Avenue South, which provides an additional bicycle and pedestrian connection to the greater community. Traffic impacts to the surrounding roadways has not been determined, there would likely be an increase to traffic to the adjacent roadways. The connection of 23rd Street South is critical in providing additional route options for the new development. Further analysis of the traffic impacts will be reviewed if required by the City of Great Falls.

10.2 Grading and Drainage

The site is currently undeveloped and generally slopes to the north; stormwater runoff sheet flows across the property. The proposed project will be designed and graded to direct stormwater runoff to the northwest corner of the development where a stormwater detention pond will capture the runoff. The detention pond will slowly release the stormwater runoff to the existing City of Great Falls storm drain located in 23rd Street South. The pond and site design will limit the runoff leaving the site to the 5-year, 2-hour post-development rate in accordance with City of Great Falls design criteria. The development will include construction of 23rd Avenue South which will split the property. A culvert is proposed to convey stormwater from the south part of the site to the detention pond in the north. The proposed project will also meet the City's water quality requirements by implementing low impact development (LID) features throughout the project which will infiltrate, evapotranspire, or capture for reuse the first 0.5 inches of rainfall from a 24-hour storm. Typical LID features include biofiltration swales, bioretention, deep sump inlets, and extended detention ponds.

10.3 Water and Wastewater Services

The proposed development is currently located outside of City limits. Existing City water and sewer mains are located at the northeast corner of the subject property in 23rd Street South. The project is in the early stages of development and the route and location of the public/private water and sewer have not been determined. It is the intend of the development to work the City of Great Falls through the development process to determine the best routing of both public and private water/sewer systems.



1 :: CONCEPTUAL FRONT ELEVATION OF 24-UNIT BUILDING
A1.3 :: 1/16" = 1'-0"



2 :: CONCEPTUAL SIDE ELEVATION OF 24-UNIT BUILDING
A1.3 :: 1/16" = 1'-0"



1 :: CONCEPTUAL REAR ELEVATION OF 24-UNIT BUILDING
A1.4: 1/16" = 1'-0"



2 :: CONCEPTUAL SIDE ELEVATION OF 24-UNIT BUILDING
A1.4: 1/16" = 1'-0"



ROCKCRESS COMMONS AERIAL VIEW - IMAGE NOT TO SCALE



ROCKCRESS COMMONS GREEN PLAN - IMAGE NOT TO SCALE



12 UNIT BUILDINGS RENDERING - IMAGE NOT TO SCALE



8 UNIT BUILDING RENDERING - IMAGE NOT TO SCALE

Y:\Projects\hmg\DRAWINGS\REV\TINWG-24 UNIT BLDG.rvt



20- UNIT BUILDINGS RENDERING - IMAGE NOT TO SCALE



24- UNIT BUILDINGS RENDERING - IMAGE NOT TO SCALE



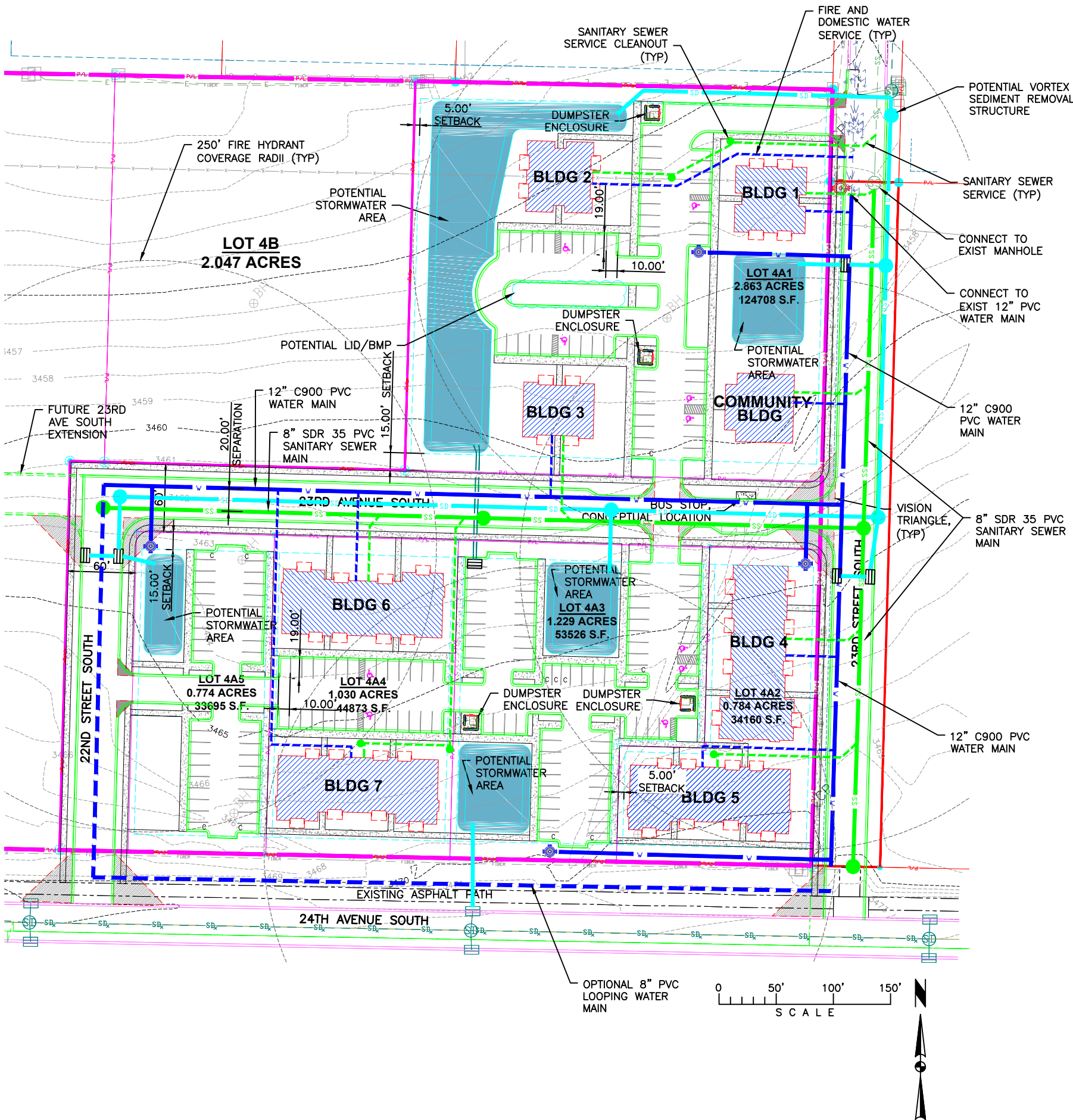
COMMUNITY BUILDING RENDERING - IMAGE NOT TO SCALE

intrin:nsik

ARCHITECTURE
INCORPORATED

111 N. Tracy Ave. Bozeman, MT 59715 Ph: 406.592.1111 Fax: 406.592.1112 © 2017

J:\2016\16-187 Neighborworks 23rd St S Rockress\CADD\CIVIL\16-187 UTILITIES.dwg, 9/28/2017 5:35:20 PM, cjs



NEW

EXISTING

DESCRIPTION

CULVERT

EASEMENT LINE

FIRE HYDRANT

FIRE HYDRANT COVERAGE AREA

MANHOLE SANITARY

MANHOLE STORM

SANITARY SEWER

SANITARY SEWER SERVICE

SANITARY SEWER SERVICE CLEANOUT

STORM DRAIN

STORM INLET

WATER LINE

WATER SERVICE

WATER VALVE

- GENERAL NOTES:**
1. ALL EXISTING UTILITIES REFERENCED FROM CITY OF GREAT FALLS GIS DATA.
 2. PIPE SIZING FOR WATER, SEWER AND STORM DRAIN UTILITIES SHALL BE DETERMINED AT FINAL DESIGN AND BASED ON NEEDS OF DEVELOPMENT AND APPROVED BY THE CITY OF GREAT FALLS.
 3. LAYOUT OF PUBLIC UTILITIES IS PRELIMINARY IN NATURE AND SUBJECT TO CHANGE BASED ON NEEDS OF DEVELOPMENT AND REQUIREMENTS OF LOCAL AND STATE REGULATIONS.
 4. ALL STORM PONDS SHALL INCORPORATE LID AND BMP FEATURES. PONDS SHALL BE SIZED TO MEET ALL CITY STORMWATER REQUIREMENTS.
 5. FIREWATER, DOMESTIC WATER, AND SANITARY SEWER SERVICE SIZES SHALL BE AS RECOMMENDED BY MECHANICAL ENGINEER.
- WATER MAIN NOTES:**
1. ALL WATER MAINS SHALL BE 12" C900 PVC. ALL HYDRANT LATERAL WATER LINES SHALL BE 6" C900 PVC PIPING.
 2. WATER MAIN SIZING BASED ON MOST CONSERVATIVE WATER MODEL. ADDITIONAL FIELD DATA IS REQUIRED PRIOR TO FINAL DESIGN.
 3. WATER MODEL ESTIMATES AVAILABLE FIRE FLOW AT 1631 GPM AT EACH PROPOSED HYDRANT. MINIMUM RESIDUAL PRESSURE WAS CALCULATED AT 21 PSI. FLOW AND PRESSURE ESTIMATES BASED ON BASE CASE 12" MAIN, DOES NOT TAKE IN TO ACCOUNT 8" LOOPING MAIN.
- SANITARY SEWER NOTES:**
1. ESTIMATED CAPACITY OF SEWER MAIN IS 396 GPM. ESTIMATE BASED ON THE MINIMUM SLOPE AT 0.40% AND 80% PIPE DEPTH.
 2. BASED ON INDUSTRY STANDARDS, PEAK HOUR FLOW FROM THE DEVELOPMENT IS ESTIMATED AT 70 GPM.
 3. AT MINIMUM SLOPE, THE PROPOSED SANITARY SEWER WILL BE AT APPROXIMATELY 20% CAPACITY.

REVISION

DATE

REV

TD&H

Engineering

406.761.3010 • tdenengineering.com

1800 RIVER DR., NO. • GREAT FALLS, MONTANA 59401

DRAWN BY: RLT

DESIGNED BY: JCC

QUALITY CHECK: JPP

DATE: 08.15.17

JOB NO. 16-187

FIELDBOOK

ROCKCRESS COMMONS (MEDICAL TECH PARK LOT 4A)

GREAT FALLS, MONTANA

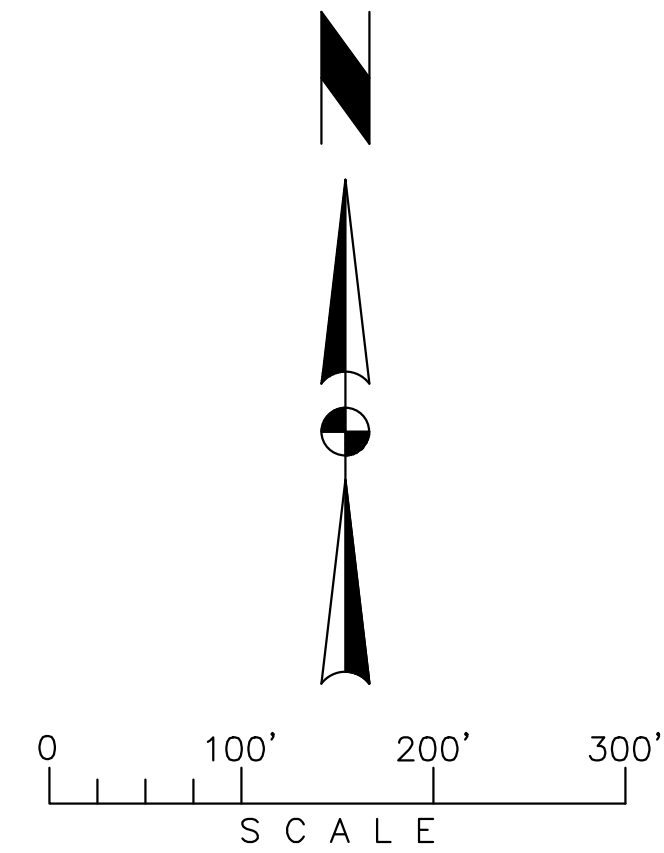
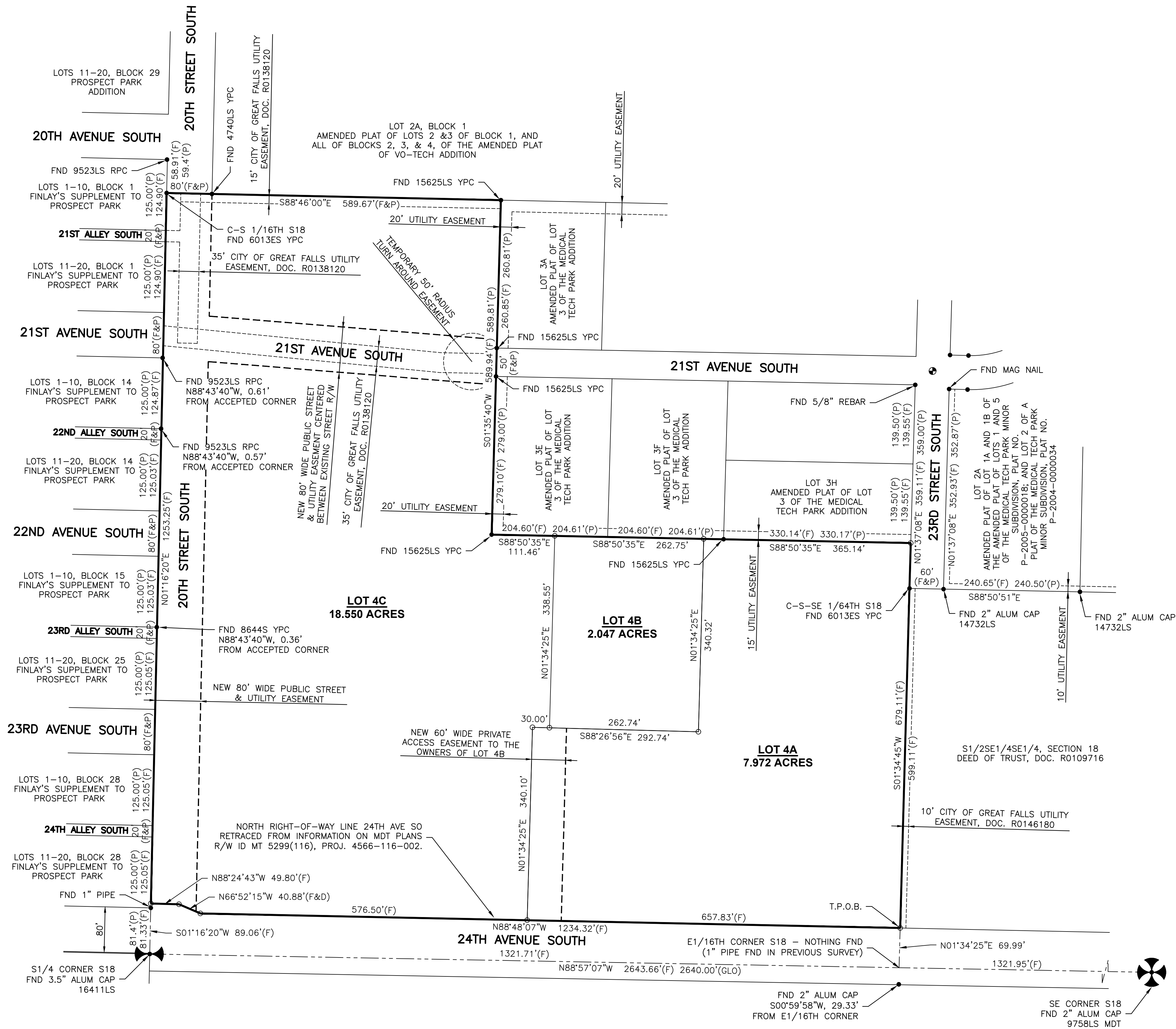
PRELIMINARY UTILITY LAYOUT

16-187 UTILITIES.DWG

SHEET 1

AN AMENDED PLAT OF LOT 4 OF THE MEDICAL TECH PARK MINOR SUBDIVISION
A TRACT OF LAND LOCATED IN THE SW1/4SE1/4 OF SECTION 18, T20N, R4E, P.M.M., CASCADE COUNTY, MONTANA

LANDOWNERS: JOHN H. SHEFFELS
STEPHEN J. SPENCER, BRUCE SPENCER, & RODERICK R. SPENCER, TRUSTEES OF THE SPENCER TRUST
ROBERT W. DEAN, TRUSTEE OF THE ROBERT W. DEAN REVOCABLE LIVING TRUST



LEGEND

- SECTION CORNER - FOUND
- QUARTER CORNER - FOUND
- FND PROPERTY PIN - AS NOTED
- SET PROPERTY PIN - 18"x5/8" REBAR/YPC 15625LS
- SUBDIVISION BOUNDARY
- SECTION LINE
- EXISTING EASEMENT BY PLAT OR DOC.
- NEW EASEMENT THIS PLAT
- LOT LINE
- (F) FOUND/FIELD MEASUREMENT
- (P) PLAT RECORD DISTANCE
- (D) DEED RECORD DISTANCE
- (GLO) GLO RECORD DISTANCE

AREA OF LOTS = 28.569 ACRES
AREA OF PARK = 0 ACRES
AREA OF DEDICATED ROADS = 0 ACRES
TOTAL SUBDIVISION AREA = 28.569 ACRES

BASIS OF BEARING: MONTANA STATE PLANE COORDINATE SYSTEM, ESTABLISHED WITH SURVEY QUALITY GPS
PURPOSE OF SURVEY: TO CREATE 3 LOTS FROM LOT 4 OF THE MEDICAL TECH PARK MINOR SUBDIVISION

TD&H Engineering	DRAWN BY: DRK	DATE: 10-6-17	QUALITY CHECK: X
	SURVEYED BY: KJV	JOB NO. 16-187	FIELDBOOK X
GREAT FALLS-BOZEMAN-KALISPELL-SHELBY			MONTANA
SPOKANE			WASHINGTON
LEWISTON			IDAHO
WATFORD CITY			NORTH DAKOTA

AN AMENDED PLAT OF LOT 4 OF THE MEDICAL TECH PARK MINOR SUBDIVISION
A TRACT OF LAND LOCATED IN THE SW1/4SE1/4 OF SECTION 18, T20N, R4E, P.M.M., CASCADE COUNTY, MONTANA

LANDOWNERS: JOHN H. SHEFFELS
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ROBERT W. DEAN, TRUSTEE OF THE ROBERT W. DEAN REVOCABLE LIVING TRUST

CERTIFICATE OF OWNERSHIP

I(we), the undersigned property owner(s), do hereby certify that I(we) have caused to surveyed, subdivided, and platted into lots and easements, the following described tract of land in Cascade County, Montana, to-wit:
A tract of land being Lot 4 of the Medical Tech Park Minor Subdivision, located in the SW1/4SE1/4 of Section 18, Township 20 North, Range 4 East, P.M.M., Cascade County, Montana, and being more particularly described as follows:

Beginning at the Southeast corner of said Section 18; thence North 88°57'07" West along the Southerly line of said Section 18, a distance of 1321.95 feet to the East Sixteenth corner of said Section 18; thence North 01°34'25" East along the East Sixteenth line of said Section 18, a distance of 69.99 feet to the True Point of Beginning, being the Southeast corner of said Lot 4 and a point on the Northerly right-of-way line of 24th Avenue South; thence North 88°48'07" West along said Northerly right-of-way line, a distance of 1234.32 feet; thence North 66°52'15" West along said Northerly right-of-way line, a distance of 40.88 feet; thence North 88°24'43" West along said Northerly right-of-way line, a distance of 49.80 feet to a point on the Easterly boundary line of Finley's Supplement to Prospect Park; thence North 01°16'20" East along said Easterly boundary line, a distance of 1253.25 feet to the Northwest corner of said Lot 4; thence South 88°46'00" East along the Northerly line of said Lot 4, a distance of 589.67 feet; thence South 01°35'40" West along said Northerly line, a distance of 589.94 feet; thence South 88°50'35" East along said Northerly line, a distance of 739.35 feet to the Northeast corner of said Lot 4 and being a point on the Westerly right-of-way line of 23rd Street South; thence South 01°34'45" West along said Westerly right-of-way line and the Easterly line of said Lot 4, a distance of 679.11 feet to the True Point of Beginning and containing 28.569 acres, along with and subject to any existing easements.

The above described tract of land is to be known and designated as the Amended Plat of Lot 4 of the Medical Tech Park Minor Subdivision, Cascade County, Montana.

CERTIFICATE OF EXCLUSION

Lots 4A, 4B, and 4C shown hereon are exempt from subdivision review by the Montana Department of Environmental Quality, pursuant to 17.36.605(2)(a) ARM, stating "(2) The reviewing authority may exclude the following parcels created by divisions of land from review under Title 76, chapter 4, part 1, MCA, unless the exclusion is used to evade the provisions of that part: (a) a parcel that has no facilities for water supply, wastewater disposal, storm drainage, or solid waste disposal, if no new facilities will be constructed on the parcel".

UTILITY EASEMENTS PER THIS PLAT

The undersigned hereby grants unto each and every person, firm, or corporation, whether public or private, providing or offering to provide telephone, telegraph, electric power, gas, cable television, water or sewer service to the public, the right to the joint use of an easement for construction, maintenance, repair and removal of their lines and other facilities, in, over, under and across each area designated on this plat as "utility easement" to have and hold forever.

Dated this _____ day of _____, A.D., _____

JOHN H. SHEFFELS

State of Montana)
: ss
County of Cascade)

On this _____ day of _____, _____, before me, the undersigned, a Notary Public for the State of Montana, personally appeared, John H. Sheffels, known to me to be the person who executed the Certificate of Ownership. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Notary Public for the State of Montana (Notarial Seal)
Residing at _____
My commission expires _____

Dated this _____ day of _____, A.D., _____

ROBERT W. DEAN REVOCABLE LIVING TRUST

By: Robert W. Dean, Trustee

State of Montana)
: ss
County of Cascade)

On this _____ day of _____, _____, before me, the undersigned, a Notary Public for the State of Montana, personally appeared, Robert W. Dean, known to me to be the person who executed the Certificate of Ownership. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Notary Public for the State of Montana (Notarial Seal)
Residing at _____
My commission expires _____

Dated this _____ day of _____, A.D., _____

THE SPENCER TRUST

By: Stephen J. Spencer, Trustee

State of Montana)
: ss
County of Cascade)

On this _____ day of _____, _____, before me, the undersigned, a Notary Public for the State of Montana, personally appeared, Stephen J. Spencer, known to me to be the person who executed the Certificate of Ownership. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Notary Public for the State of Montana (Notarial Seal)
Residing at _____
My commission expires _____

Dated this _____ day of _____, A.D., _____

THE SPENCER TRUST

By: Bruce Spencer, Trustee

State of Montana)
: ss
County of Cascade)

On this _____ day of _____, _____, before me, the undersigned, a Notary Public for the State of Montana, personally appeared, Bruce Spencer, known to me to be the person who executed the Certificate of Ownership. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Notary Public for the State of Montana (Notarial Seal)
Residing at _____
My commission expires _____

Dated this _____ day of _____, A.D., _____

THE SPENCER TRUST

By: Roderick R. Spencer, Trustee

State of Montana)
: ss
County of Cascade)

On this _____ day of _____, _____, before me, the undersigned, a Notary Public for the State of Montana, personally appeared, Roderick R. Spencer, known to me to be the person who executed the Certificate of Ownership. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Notary Public for the State of Montana (Notarial Seal)
Residing at _____
My commission expires _____

CERTIFICATE DISPENSING WITH PARK OR PLAYGROUND

I, the undersigned, Chairperson of the Board of County Commissioners of Cascade County, do hereby certify that the following order was made by the Cascade County Commissioners of Cascade County at a meeting thereof held on the _____ day of _____, 20_____, and entered into the proceedings of said Body to wit: "Inasmuch as the dedication of park land within the platted area of An Amended Plat of Lot 4 of the Medical Tech Park Minor Subdivision is undesirable for the reasons set forth in the minutes of this meeting, it is hereby ordered by the Cascade County Commissioners that land dedicated for park purposes be waived and that cash in lieu of park with the provisions of Title 76, Chapter 3, MCA"

Attest: _____
Chairperson, Board of County Commissioners Clerk and Recorder

CERTIFICATE OF PLANNING BOARD

We, the undersigned, Chairperson and Planning Director of the Cascade County Planning Board, Cascade County, Montana, do hereby certify that this accompanying Amended Plat of Lot 4 of the Medical Tech Park Minor Subdivision to Cascade County, Montana, has been submitted to the said Planning Board for examination by them, and was found by them to conform to the law, and was approved at a meeting held on the _____day of _____, _____.

Chairperson, Cascade County Planning Board Planning Director, Cascade County Planning Board

CERTIFICATE OF PUBLIC WORKS DIRECTOR

I Jim Rearden, Public Works Director of the City of Great Falls, Cascade County, Montana do hereby certify that I have examined the accompanying Plat and the survey it represents and I found that the same conforms to the regulations governing the platting of lands and to presently platted adjacent land, as near as circumstances will permit and I hereby approve the same. Dated this _____ day of _____, 2017.

Public Works Director, City of Great Falls, Montana

CERTIFICATE OF COUNTY TREASURER

I, Jamie Bailey, County Treasurer of Cascade County, Montana, do hereby certify that I have examined the records covering the areas included in the accompanying Certificate of Survey and find that taxes are not delinquent.

Dated this _____ day of _____, A.D., 2017

County Treasurer, Cascade County, Montana

CERTIFICATE OF COUNTY COMMISSIONERS

I, the undersigned, Chairperson of the Board of County Commissioners of Cascade County do hereby certify that the accompanying An Amended Plat of Lot 4 of the Medical Tech Park Minor Subdivision to Cascade County, Montana, has been submitted to the Board of County Commissioners of Cascade County, Montana, for examination and has been found by them to conform to the law, and was approved by them at their regular meeting held on the _____day of _____, _____.

Attest: _____
Chairperson, Board of County Commissioners Clerk and Recorder

STATEMENT OF RSID PROTEST WAIVER

Take notice all prospective purchasers of land in this subdivision, that for the owner of each and every lot in this subdivision, an agreement carries to forever waive, release, and remise the right to protest, as defined by Mont. Code Ann. §§ 7–12–2109 through 7–12–2112 (2015), and further hereby assents, to any creation or extension of a rural improvement district, as defined by Title 7, Chapter 12, Part 21, Mont. Code Ann. (2015), which may touch and concern any or all of the lots in this subdivision and which may hereafter be proposed for the paving or other improvement of the certain county roads, and/or any other road that may provide access to the lots in this subdivision, as deemed by the Board of Cascade County Commissioners, as presently located in Section 18, Township 20 North, Range 4 East, P.M.M., Cascade County, Montana. This assent and waiver shall touch, concern, benefit, and burden each and every lot in this subdivision and shall run with the land and be binding upon any and all grantees, transferees, successors, and assigns of each and every such lot. This waiver will expire 20 years after the date the final plat is filed with Cascade County.

Chairperson, Board of County Commissioners John H. Sheffels
Robert W. Dean, Trustee Stephen J. Spencer, Trustee
Bruce Spencer, Trustee Roderick R. Spencer, Trustee

NOTICE OF AGRICULTURAL ACTIVITIES

Take notice all prospective purchasers of land in this subdivision, that this subdivision is in the vicinity of existing agricultural activities which may affect a purchaser's use and/or enjoyment of his/her property.

STATEMENT OF LIMITED PUBLIC SERVICES

Certain public services such as, but not limited to, school busing, snow plowing, and road maintenance, may not be provided by Cascade County.

STATEMENT OF UTILITY WITHIN DEDICATED RIGHT OF WAY

Pursuant to Section 10–9(7) of the Cascade County Subdivision Regulations: When a utility is to be located in an existing, dedicated right-of-way, a notice of utility occupancy must be obtained from the Cascade County Commissioners, or local, or state highway department.

STATEMENT OF ARCHAEOLOGICAL, HISTORIC OR PALEONTOLOGY SITES

If any archaeological, historic or paleontology sites are discovered during road, utility or building construction, all work shall cease and the State Historic Preservation Office shall be contacted to determine if the find constitutes a cultural resource and if any mitigation or duration is appropriate.

STATEMENT ON RESTRICTING DEVELOPMENT

It is acknowledged public authorities may not issue any permits for building related activity/development on lots 4A, 4B, and 4C as described herein or consider any amended plat further subdividing said lots until parcels are; 1) provided with adequate fire cistern requirements approved by the Fire Protection Authority having jurisdiction for the parcels remaining in the county, 2) provided with legal and physical access thru internal roads, or 3) annexation of the lot to the City of Great Falls occurs.

CERTIFICATE OF SURVEYOR

I, the undersigned, Daniel R. Kenczka, Professional Land Surveyor, Montana registration No. 15625LS, do hereby certify that I supervised this survey and platted same as shown on the accompanying plat, and as described in accordance with the provisions of the Montana Subdivision and Platting Act, Sections 76–3–101 through 76–3–614, M.C.A., and Cascade County.

Dated this _____ day of _____, A.D., _____

Daniel R. Kenczka, Montana Reg. No. 15625LS





Item: Ordinance 3182 - An Ordinance by the City Commission of the City of Great Falls to amend Ordinance 3152 for the property legally described as Block 1, Lot 1, Amended Plat 2897, Section 14, Township 20 North, Range 3 East, Tietjen Triangle Addition to remove a Condition of Building Permit Approval for a Planned Unit Development (PUD)

From: Tom Micuda, Deputy Director, Planning and Community Development

Initiated By: Billings Holdings, LLC

Presented By: Craig Raymond, Director, Planning and Community Development

Action Requested: City Commission accept Ordinance 3182 on first reading and set a public hearing for December 5, 2017.

Suggested Motion:

1. Commissioner moves:

"I move that the City Commission (accept/not accept) Ordinance 3182 on first reading and set a public hearing for December 5, 2017."

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

Staff Recommendation:

At the conclusion of a public hearing on October 24, 2017, the Planning Board/Zoning Commission recommended the City Commission approve the request from the applicant to remove a Condition of Approval from a Planned Unit Development (PUD) approved on May 2, 2017, by the City Commission. This condition required the applicant to obtain an access easement from an adjoining property in order to receive a building permit for a vacant 2.6 acre tract within the PUD. This recommendation differs from the recommendation of City staff, which is that the City Commission deny the applicant's request to remove the easement requirements.

Summary:

The applicant is requesting the removal of a Condition of Approval required by the City Commission as part of a Planned Unit Development zoning decision that occurred on May 2, 2017. The Condition of Approval required the applicant to obtain an access easement from an adjacent property located to the south of the proposed development site - a 2.6 vacant tract located within the 5.949 acres of property which received the PUD zoning designation. The condition was tied to the applicant being able to

obtain a building permit for the 2.6 acre tract.

The purpose of the easement condition was for the applicant to secure access from Alder Drive through a property that contains a Chinese restaurant, associated parking area, and an access drive from Alder currently used by multiple adjoining properties. The condition was thought to be applicable and necessary for the project (a 4-story, 90-room hotel) to have another left-turn access option. The condition was understood and not contested by the applicant, nor did the applicant qualify its acceptance of the condition with language that purchase price of the easement be reasonable. Without the easement, the hotel would otherwise be limited to right-in, right-out access from Country Club Boulevard and left-turn access for southbound travel through the Lucky Lil's Casino site.

In discussions with the applicant, City staff noted the importance of securing the easement because of universally understood safety concerns with the current left-turn access into the casino property. The text below pertaining to the easement condition is taken verbatim from the Planned Unit Development document authored by City staff and approved by City Commission.

1. Additional Access from Alder Drive – In addition to the proposed hotel access drive authorized by the Montana Department of Transportation from Country Club Boulevard, City staff indicated that the applicant had to legally secure access from the proposed hotel development site onto Alder Drive. Staff discussed blocking the proposed hotel site from the Lucky Lil's access drive due to safety concerns, but this proved to be infeasible. This condition was ultimately incorporated as follows:

“The applicant is required to obtain an access easement through the property legally described as Country Club Addition, Section 14, Township 20 North, Range 3 East, Block 003, Mark 6. This will allow motorists accessing properties in the PUD to legally utilize an already established vehicle circulation point from Alder Drive. Proof of easement, future design of this access, and associated directional signage on Alder Drive and Fox Farm Road must all be approved by the City prior to the issuance of any building permit for the 2.6 acre tract in the PUD.”

There are multiple reasons why City staff directed the applicant to obtain the easement and incorporate it into the PUD conditions. The approved access for the project, a shared approach with Dahlquist Realtors, is restricted to only right-turns into and out of the proposed hotel site due to the presence of a median on Country Club Boulevard. This access is not usable for motorists trying to access the proposed hotel from the east. Second is the potentially dangerous condition of the left-turn approach for southbound vehicles on Fox Farm Road into the Lucky Lil's Casino access. The specific conditions of concern about this access include:

- 1) heavy traffic congestion at peak times for northbound traffic cause a motorist trying to turn left to remain in the left turn lane for some time;
- 2) the left-turn approach lane to reach the continuous turn lane is so narrow, and shallow that it not only limits the number of vehicles but causes potentially dangerous weaving of traffic – vehicles suddenly entering the lane can surprise following motorists and cause them to swerve back into traffic to avoid the suddenly turning vehicle, and
- 3) the turn lane into Lucky Lil's is directly opposite the turn lane into Beef 'O' Brady's, causing a potential conflict point between opposing turning vehicles. If an easement is not secured from the Chinatown Restaurant property, the restaurant owner has the option to close the access entirely, relocate

the access, or make changes in the pavement that would limit usage by potential hotel guests. While this may never take place, the fundamental purpose of requiring the easement was to greatly reduce the reliance on direct access from Fox Farm Road.

Traffic Study: A Traffic Impact Study was prepared by Morrison Maierle and submitted to MDT last year. The study, which was accepted by MDT, was also submitted to the City as part of the PUD revision request. A significant portion of the study document, minus the appendices, is an attachment to this report. Based on the results of the study, the applicant notes that the proposed hotel will only have a slight impact on traffic in the area. Also, the applicant's consultant has noted that the number of vehicles using the southbound left-turn area on Fox Farm Road into the Lucky Lil's access point is about one vehicle every six minutes.

In response, staff notes the following points. First, the study also shows that the intersection of Fox Farm and Country Club Boulevard has travel lanes with Level of Service ratings ranging from C to E. Level of Service measures delay at intersections, with lower letter ratings meaning greater vehicle delays. Level of Service D still falls within an acceptable level for street intersections. If ratings drop to E or F in the future (and they are already at Level E on two-northbound approach lanes), the intersection may need attention for relieving congestion. This verifies the observational public testimony regarding congestion levels of the intersection and the corridor more generally. With further growth in the City and more particularly in the southwest sector of the County, the intersection level of service will become a greater problem. This will affect the left-turn safety entering Lucky Lil's less than 300 feet from the intersection. Even with the proposed safety improvements to the left-turn access into Lucky Lil's, there is no way to tell whether the improvements will fully resolve the safety and congestion problems that are clearly occurring today. That is why directing vehicles to the proposed hotel site via signage on Fox Farm Road and an access point from Alder Drive is considered a necessary condition from the staff's perspective. From a public safety standpoint, which must be the City's primary concern, there cannot be any question that this existing access point from Alder could be eliminated through the actions of the current owner.

In order to provide the Zoning Commission and City Commission with additional evaluation of the applicant's traffic study, the City did engage TD&H Engineering to perform a third party review of the study. A memo outlining their findings and observations is included as an attachment to the agenda report.

Based on the information outlined above, Planning and Community Development staff recommended that the applicant's request to remove the Condition of Approval on the building permit for the 2.6 acre tract within the PUD be denied. After hearing testimony from staff, the applicant, and the public, the Planning Advisory Board/Zoning Commission disagreed. By a vote of 8-1, the Board supported the applicant's request based on the following findings of fact:

1. When the Board approved the project back in January, this [the easement requirement] was not a Condition of Approval. The Board had all the findings of fact in place to make a motion to approve the project.
2. The Board found that there was no study that says requiring the easement would not be injurious to the traffic issue on Alder Drive and Fox Farm Road.
3. The Board found no evidence to suggest that having three approaches into this hotel is insufficient.
4. The Board had no evidence, other than the two traffic studies, that says that the number of trips

generated by this hotel does not impact the Morrison Maierle traffic study.

5. The findings of fact were in place at the time the Board approved it and those findings were not been refuted by the testimony of the City staff.

6. The City has not proved that there is a need for a fourth entrance to this project.

As a result, the proposed ordinance comes forward to the City Commission with a negative recommendation from City staff and a positive recommendation from the Board.

Background:

Originally, the applicant requested the rezoning of 5.949 acres of property from C-1 Neighborhood Commercial to C-2 General Commercial on both sides of the intersection of Fox Farm Road and Country Club Boulevard. The properties impacted by this rezoning request included the Beef 'O' Brady's restaurant, the Holiday convenience store, Dahlquist Realtors Office, Lucky Lil's Casino, Dairy Queen, and a vacant 2.6 acre property owned by the applicant. The purpose of the request was to utilize the C-2 zoning district's greater maximum building height standard of 65 feet to eventually construct a 4-story, roughly 61-foot tall dual branded Mainstay Suites and Sleep Inn hotel building containing 90 rooms.

At the January 10, 2017, meeting of the Planning Advisory Board, the Board made a recommendation to the City Commission to approve the applicant's rezoning request. During the hearing, residents of the Fox Farm Neighborhood and other interested public expressed concerns about traffic safety and congestion on Fox Farm Road, as well as concern that C-2 zoning would allow possible construction of casinos and other possible incompatible uses. The rezoning request was then considered by the City Commission at a public hearing on March 7, 2017. After even more lengthy testimony from the neighborhood and public largely addressing similar concerns raised at the Planning Advisory Board, the City Commission tabled the rezoning request.

At the conclusion of the hearing, the City Commission directed Planning and Community Development staff to work with the applicant to revise the request to create a Planned Unit Development (PUD) as an alternative to C-2 zoning. The rationale behind the Commission's action was that a PUD was a superior zoning option because it could be tailored to address concerns about incompatible land uses that would otherwise be permitted in the C-2 zoning district. Additionally, a PUD zoning approach allowed existing traffic safety and congestion concerns to be mitigated, as best as possible, by appropriate on-site and off-site traffic circulation improvements to be implemented by the applicant as Conditions of Approval. In consultation with the applicant, staff developed a PUD zoning framework for the 5.949 acre property aggregation.

On May 2, after receiving significant public testimony about the project, the City Commission approved the designation of PUD zoning on the entire 5.949 acres. The entire PUD document is included for reference, but there were three key measures that became Conditions of Approval for the applicant:

1. Land Use Restrictions – The following Land Uses otherwise allowed in the C- 2 zoning district were prohibited for the entire 5.949 acres in the PUD:

Campground
Casino, type I
Commercial Kennel

Construction Materials Sales
Contractor Yard, type I
Large equipment rental
Light manufacturing and assembly
Vehicle repair
Vehicle sales and rental
Veterinary Clinic, large animal

2. Safety Improvements on Fox Farm Road – In order to address concerns of inadequate vehicle stacking and abrupt lane shifting for southbound vehicles turning left into the Lucky Lil's Casino entrance, the following Condition of Approval was added:

“The applicant shall submit a proposal to the Montana Department of Transportation (MDT) and the City of Great Falls to increase left-turn vehicle stacking at the Fox Farm Road access into the Lucky Lil's Casino property. If this proposal is approved by MDT, it shall be implemented prior to the issuance of a future occupancy permit associated with development of the vacant 2.6 acre parcel.”

3. Additional Access from Alder Drive – In addition to the proposed hotel access drive authorized by the Montana Department of Transportation from Country Club Boulevard, City staff indicated that the applicant had to legally secure access from the proposed hotel development site onto Alder Drive. Staff discussed blocking the proposed hotel site from the Lucky Lil's access drive due to safety concerns, but this proved to be infeasible. This condition was ultimately incorporated as follows:

“The applicant is required to obtain an access easement through the property legally described as Country Club Addition, Section 14, Township 20 North, Range 3 East, Block 003, Mark 6. This will allow motorists accessing properties in the PUD to legally utilize an already established vehicle circulation point from Alder Drive. Proof of easement, future design of this access, and associated directional signage on Alder Drive and Fox Farm Road must all be approved by the City prior to the issuance of any building permit for the 2.6 acre tract in the PUD.”

An aerial map showing Measures 2 and 3 listed above, plus another requirement for several on-site medians to restrict the ease of commercial “cut-through” circulation from Fox Farm Road into the proposed hotel development site is depicted in an attachment to this report.

Reason for Applicant's Major Change Request:

Since the May 2 City Commission hearing, the applicant has received Design Review Board approval for the proposed hotel site plan. Additionally, the applicant has filed for a building permit to construct the 4-story, 90-room hotel structure plus associated property improvements. Additionally, the applicant has worked extensively with City staff and MDT regarding their proposal to improve the southbound left-turn lane situation on Fox Farm Road. MDT has agreed conceptually with the request to reduce the width of the current concrete median through the installation of what are called “quick-curbs” containing raised delineators. MDT did not endorse moving the Lucky Lil's driveway slightly to the south to also increase vehicle stacking. This is noted in a letter issued August 17. Based upon representations from MDT, the City believes it has the authority to allow the driveway to shift southward.

The reason the applicant is requesting the Major Change to the PUD is because of the failure to comply with the required Condition of Approval pertaining to the access easement. As noted in the applicant's statement, Billings Holdings LLC was required by the City's Commission's PUD approval to obtain the easement through property owned by the Chinatown Restaurant, located at 1709 Alder Drive. Currently,

the restaurant and its parking lot are accessed directly off Alder Drive, just east of the Dairy Queen drive-through. Although other motorists use this area to circulate behind businesses such as Lucky Lil's and the Holiday convenience store, they are accessing the private restaurant property. In the applicant's statement, more detail is provided about the thoroughness of Town Pump's effort as well as the specific concessions Town Pump was willing to offer the property owner.

Fiscal Impact:

Although the applicant is proposing to fund all development-related infrastructure improvements including utilities, stormwater, and even the Fox Farm Road left turn improvement proposal (median reduction, and relocation of access), a potential loss of the access easement requirement would create uncertainty as to whether additional fiscal impacts to the City could occur as growth and traffic congestion affect the safety of Fox Farm Road.

Alternatives:

The City Commission could deny acceptance of Ordinance 3182 on first reading and not set the public hearing.

Concurrences:

Representatives from the City's Public Works Department have been involved throughout the review of both the original rezoning request and the Major Change request. They are in concurrence with the Planning and Community Development Department's recommendation regarding the need to acquire the easement to ensure additional project access.

ATTACHMENTS:

- ▣ Ordinance 3182 revised
- ▣ PUD Proposal
- ▣ Required PUD Traffic Safety Improvements
- ▣ Letter from MDT
- ▣ City Commission Findings
- ▣ 3rd Party Review of Traffic Study
- ▣ Traffic Study
- ▣ Applicant's Statement
- ▣ Aerial Map
- ▣ Zoning Exhibit
- ▣ Site Plan
- ▣ public comment
- ▣ Fox Farm Improvement Detail

ORDINANCE 3182

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS TO AMEND ORDINANCE 3152 FOR THE PROPERTY LEGALLY DESCRIBED AS: BLOCK 1, LOT 1, AMENDED PLAT 2897 OF SECTION 14, TOWNSHIP 20 NORTH, RANGE 3 EAST, TIETJEN TRIANGLE ADDITION, P.M.M. CASCADE COUNTY, MONTANA, TO REMOVE A CONDITION OF BUILDING PERMIT APPROVAL FOR A PLANNED UNIT DEVELOPMENT (PUD)

* * * * *

WHEREAS, a 5.949 acre aggregation of properties located at the northwest corner and the southeast corner of the intersection of Country Club Boulevard and Fox Farm Road were rezoned to Planned Unit Development (PUD) through adoption of Ordinance 3152 by the City Commission on May 2, 2017; and

WHEREAS, one of the property owners within the PUD, Billings Holdings, LLC, has petitioned the City of Great Falls to amend Ordinance 3152 to remove a Condition of Building Permit Approval affecting a 2.6 acre tract of land within the larger PUD. This Condition requires Billings Holdings, LLC to provide the City with proof of an access easement through an adjacent property located south of the 2.6 acre development tract prior to the issuance of a City building permit; and

WHEREAS, Billings Holdings, LLC has indicated to the City that it has made a good faith but ultimately unsuccessful effort to secure the easement and wishes to move forward and obtain a building permit without the PUD easement condition contained in Ordinance 3152; and

WHEREAS, the Great Falls Zoning Commission conducted a public hearing on October 24, 2017, to consider said amendment and, at the conclusion of said hearing, passed a motion recommending the City Commission approve the applicant's request; and,

WHEREAS, notice of proposed modification to the PUD was published in the *Great Falls Tribune* advising that a public hearing would be held on the 5th day of December, 2017, before final passage of said Ordinance herein; and

WHEREAS, following said public hearing, it was found and decided that the modification to the PUD on said property meets the Basis of Decision requirements in the Official Code of the City of Great Falls (OCCGF), Section 17.16.29.050, and that the modification be made.

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

Section 1. It is determined that herein requested PUD modification will meet the criteria and guidelines cited in Mont. Code Ann. §76-1-605, §76-2-304, and Section 17.16.29.050 of the Land Development Code of the City of Great Falls.

Section 2. That the owner of the property legally described as Block 1, Lot 1, Amended Plat 2897 of Section 14, Township 20 North, Range 3 East, Tietjen Triangle Addition, P.M.M. Cascade County, Montana, be authorized, through Ordinance 3182, to not be required to provide the access easement specified in Ordinance 3152.

Section 3. This ordinance shall be in full force and effect thirty (30) days after its passage and adoption by the City Commission.

ACCEPTED by the City Commission of the City of Great Falls, Montana on first reading November 7, 2017.

ADOPTED by the City Commission of the City of Great Falls, Montana on second reading December 5, 2017.

Bob Kelly, Mayor

ATTEST:

Darcy Dea, Deputy City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

Sara 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 3182 on the Great Falls Civic Center posting board and the Great Falls City website.

(CITY SEAL)

Darcy Dea, Deputy City Clerk

Planning & Community Development Department

MEMO

To: Members of the City Commission; Brett & Sandra Haverlandt, Meadowlark FF&S LLC, Billings Holdings, LLC, Galloway Investments Inc.

From: Tom Micuda, Deputy Director; Craig Raymond, Director

Date: April 19 , 2017

Re: Fox Farm Planned Unit Development Proposal

BACKGROUND: At the March 7, 2017 City Commission meeting, Ordinance 3152, which proposes a rezoning of approximately 5.949 acres on the south side of the Country Club Boulevard and Fox Farm Road intersection from Neighborhood commercial (C-1) to General commercial (C-2), was tabled by the City Commission. The tabling motion also instructed Planning and Community Development staff to develop a Planned Unit Development (PUD) proposal as an alternative to the applicant's request for General commercial zoning. This memo outlines the PUD proposal and is comprised of the following:

- Purpose of the PUD district
- Effect of the PUD on allowable uses
- Effect of PUD on access and circulation requirements

PURPOSE OF THE PUD DISTRICT: As outlined by the City Commission at its March 7, 2017 meeting, the approximately 5.949 acres located on the south side of the Country Club Boulevard and Fox Farm Road intersection does not have an existing land use pattern that is typical of a Neighborhood commercial zoning district which is, according to the City's Land Development Code, "intended to accommodate low intensity commercial activities that serve the nearby residential area." Instead, the 5.949 acres currently contains two very popular restaurants, a casino, and a convenience store/Subway restaurant characterized by high traffic volume. These land uses combined with the high traffic counts on both approaching roadways create a commercial node that serves a larger area than the surrounding adjacent neighborhood.

Additionally, the 5.949 acres contains a vacant approximately 2.6 acre tract of land that should logically be developed to complete the build-out of this commercial area. This PUD recognizes that the regulatory height limit of the C-1 zoning district creates a barrier to the applicant's desired land use – a four-story hotel. The regulations in the PUD would remove that barrier to allow hotel construction on the 2.6 acre parcel. However, PUD zoning is the preferred zoning approach in contrast to granting C-2 zoning for the following reasons:

- Granting C-2 zoning provides less control over future land uses and impacts that could otherwise be legally established over the 5.949 acres and may not be desirable with the residential areas located south of this commercial node. This PUD attempts to address that issue.
- Granting C-2 zoning makes it more difficult for the City to address legitimate safety issues associated with the congested condition of the Fox Farm Road and Country Club Boulevard intersection. This PUD attempts to address that issue.

EFFECT OF THE PUD ON ALLOWABLE USES: The PUD would allow the owners of property more flexibility in establishing land uses permitted in the C-2 zoning district. All uses listed in Section 17.20.3.010, Exhibits 20-1, 20-2, and 20-3 of the Official Code for the City of Great Falls (OCCGF) as Permitted or Conditional in the C-2 zoning district would apply to this PUD with the exception of the following uses which are prohibited because they may not be compatible with nearby residential areas:

- Campground
- Casino, type I
- Commercial Kennel
- Construction Materials Sales
- Contractor Yard, type I
- Large equipment rental
- Light manufacturing and assembly
- Vehicle repair
- Vehicle sales and rental
- Veterinary Clinic, large animal

EFFECT OF THE PUD ON ACCESS AND CIRCULATION REQUIREMENTS: The Country Club Boulevard and Fox Farm intersection is characterized by traffic congestion during peak traffic times as well as safety concerns associated with vehicles making turning movements into and out of the commercial businesses within the proposed PUD area. While left turn restrictions are present along Country Club Boulevard and a portion of Fox Farm Road, this issue is still a concern particularly where southbound traffic on Fox Farm Road turns left into the access drive for the Lucky Lil's Casino property. At the March 7 hearing, concerns were raised that additional development within the PUD, for instance hotel development on the vacant 2.6 acre parcel, could increase traffic congestion and negatively impact safety. Specifically, City staff's biggest concern is that future development traffic accessing the 2.6 acre parcel will use the Lucky Lil's driveway approach from Fox Farm Road. There is inadequate vehicle stacking at this left turn approach on Fox Farm Road.

If the 5.949 acres was rezoned to C-2, City staff would require the applicant to address the secondary access issue from Fox Farm Road through conditioning the permit review process. However, in order to provide the public and the City Commission greater certainty that traffic congestion and traffic safety issues are better addressed during the zoning process, the PUD imposes the following restrictions on the applicant prior to permit issuance:

- The applicant is required to obtain an access easement through the property legally described as Country Club Addition, Section 14, Township 20 North, Range 3 East, Block 003, Mark 6. This will allow motorists accessing properties in the PUD to legally utilize an already established vehicle circulation point from Alder Drive. Proof of easement, future design of this access, and associated directional signage on Alder Drive and Fox Farm Road must all be approved by the City prior to the issuance of any building permit for the 2.6 acre tract in the PUD.
- The applicant is required to mitigate “cut-through” access through the Lucky Lil’s Casino property (legally described as Lot 1B, Block 1, Tietjen Triangle Addition) and the Holiday Gas Station property (legally described as Lot 1, Block 1, Tietjen Triangle Addition). This is designed to direct future development traffic for the vacant 2.6 acre parcel to safer access from Alder Drive. Design of these cut-through mitigation measures shall be approved by the City prior to the issuance of any building permit for the 2.6 acre tract in the PUD.
- The applicant shall submit a proposal to the Montana Department of Transportation (MDT) and the City of Great Falls to increase left-turn vehicle stacking at the Fox Farm Road access into the Lucky Lil’s Casino property. If this proposal is approved by MDT, it shall be implemented prior to the issuance of a future occupancy permit associated with development of the vacant 2.6 acre parcel.

Thank you.

Approved by:



Craig Raymond, Director

Enclosures:

Cc: Property file

EXHIBIT B



DRAWING INFORMATION: OFFICE PROJECT NUMBER: OWNER FILE NUMBER: CADD FILE NAME: ASSOCIATED PROJECTS:	SHEET TITLE: SITE IMPROVEMENTS	PROJECT NAME: MAINSTAY SUITES & SLEEP INN & SUITES	OWNER: BILLINGS HOLDINGS, LLC	PROFESSIONAL SEAL BY: KJM DATE: 3/2/18	(406)727-2385 OFFICE (406)727-3656 FAX bsc&e BIG SKY CIVIL & ENVIRONMENTAL, INC ENGINEERS-PLANNERS-DESIGNERS-LAND SHAPING-ENVIRONMENTAL SPECIALISTS 1324 13th Ave. SW - P.O. BOX 9625 GREAT FALLS, MT 59403
FIGURE:					

EXHIBIT C



Montana Department of Transportation

2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001

Michael T. Tooley, Director
Steve Bullock, Governor

August 17, 2017

Mr. Joseph N. Murphy, P.E.
Big Sky Civil and Environmental, Inc.
PO Box 3625
Great Falls, MT 59403

Subject: 10th Avenue Hotel (Town Pump) Approach Request – US 89, MP 95.68 (65.71.883.01)

Dear Joe:


The Montana Department of Transportation (MDT) has reviewed your response to our original comments concerning the proposed median and approach modifications to Fox Farm Road and 10th Avenue South intersection. We have the following comments:

- MDT will not endorse moving the approach Lucky Lil's Casino approach on Fox Farm Road from the existing location.
- MDT agrees conceptually to the modification of the median replacing it with "quick-curb" with re-striping of epoxy lane lines and installation of flexible delineators.

MDT requests that you fully vet our preferred median concept with the City of Great Falls. Once accepted please submit a detailed plan for MDT review. MDT will seek Montana Transportation Commission approvals as needed for this proposed work on the system.

If you would like to discuss MDT comments noted above, please contact me at (406) 444-9416.

Sincerely,


Mike Tierney, Planner
Policy, Program and Performance Analysis Bureau
Rail, Transit & Planning Division

Copy: Doug Wilmot, P.E., Great Falls District Administrator
Stephen Prinzing, P.E., District Pre-Construction Engineer
Harry Barnett, Great Falls Area Maintenance Chief
Stan Brelin, P.E., Traffic Operations and Analysis Unit Lead
Carlton Urban, P.E., PTOE, Great Falls District Traffic Engineer
Andrew Finch, Senior Planner, Planning & Community Development Department
City of Great Falls, P.O. Box 5021, Great Falls, MT 59403

An Equal Opportunity Employer

BASIS OF DECISION – PLANNED UNIT DEVELOPMENT (Findings for City Commission)

Tietgen Triangle Addition, Block 1, Lot 1, Amended Plat 2897, Section 14, Township 20 North,
Range 3 East, PM, City of Great Falls, Cascade County, MT

PRIMARY REVIEW CRITERIA:

The basis for decision on planned unit developments is listed in Official Code of the City of Great Falls § 17.16.29.050 of the Land Development Code. The recommendation of the Zoning Commission and the decision of City Commission shall at a minimum consider the following criteria:

1. The development project is consistent with the City's Growth Policy;

There are limited policies in the City's growth policy that address the narrow scope of the proposed Major Change – removing an access easement as a condition of the applicant receiving a building permit for construction on the 2.6 acre parcel zoned Planned Unit Development. However, since the request will impact the legal status of the project from Alder Drive and further burden access from Fox Farm Road, staff asserts that the request is inconsistent with the Growth Policy. Specifically, staff notes the following:

Transportation and Mobility

Phy4.4.1 Improve the ability of residents to travel from home to work, schools, shopping, employment centers and Activity Centers.

Phy4.4.12 Encourage development of network improvements that reduce emissions and idling times, reduce development costs, and increase efficiency of the road network. Examples include roundabouts, improved signal timing controls, construction of turn lanes and bike lanes, LED signal and street lighting, etc.

Staff Commentary on Phy4.4.1:

The business area surrounding the Fox Farm Road corridor between Country Club Boulevard and Alder Drive is a designated Activity Center. The intersection at Fox Farm Road and Country Club is rated at a Level of Service D, with some observed points of congestions. Additionally, the access into the proposed development site via Lucky Lil's Casino has clearly identified safety issues. Although the applicant's proposed improvements to this access point may lessen the present safety concerns, the combination of continued growth affecting corridor traffic, lack of access control on Fox Farm Road, and the potential elimination of an easement opportunity for access from Alder Drive will reduce the ability of both residents and visitors to access businesses in this activity center.

Staff Commentary on Phy4.4.12:

The requested removal of the access easement requirement actually puts the City's roadway network under greater stress because it could result in a lack of access from a less congested intersecting street – Alder Drive. Access control from Fox Farm Road for existing business usage is already less than ideal, with multiple businesses having left turn accommodations on a street with periodic congestion. Allowing another business to gain what could be exclusive left turn access from Fox Farm Road makes it less likely in the

future that the existing median will be extended further south.

2. The development project is consistent with applicable neighborhood plans, if any;

Great Falls is separated into nine Neighborhood Councils. There are no adopted Neighborhood Plans for any of the Councils within the City. The subject property is located within Neighborhood Council #1, and this Council met with City staff and the applicant to discuss the project on October 10. Because the Council did not take a position on this project and there is no Neighborhood Plan for this area, staff cannot find consistency or inconsistency for this criterion. Staff does note that the original rezoning request faced significant neighborhood opposition earlier in the year, and staff has received several emails which are included in the packet that oppose the proposed Major Change.

3. The establishment, maintenance, or operation of the development project will not be detrimental to, or endanger the public health, safety, morals, comfort or general welfare;

In this particular case, the most applicable criterion is how the removal of the easement might impact public safety. If the restaurant owner continues to allow access over private property to provide access to the hotel site, and the safety improvements are implemented at the Lucky Lil's access point, current levels of traffic safety may remain the same. However, staff cannot assume that the encroaching access via Alder Drive will remain in place. Loss of access would force vehicles to make left turns into the hotel through other commercial properties at a location that currently has some congestion and may have more in the future. City staff and its boards/commissions must always consider the long-term impacts of development decisions on public safety.

4. The development project 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;

Some adjoining properties are owned by the applicant, so the applicant and related businesses presumably believe that the inability to obtain easement access from Alder Drive will not negatively impact their use of property as a result of greater cut-through traffic. In this respect, the Holiday convenience store and Lucky Lil's would see additional cross-traffic activity if Alder Drive access is impeded by the adjoining owner. All adjoining businesses on the east of Fox Farm and several on the west side will benefit from hotel commerce. Staff cannot make a definitive injury finding for this criterion.

5. The development project will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;

The Major Change being requested should not impede the normal and orderly development of surrounding property. All surrounding properties contain fully developed business or residential land uses.

6. The proposed design of the building and other structures are compatible with the desired character of the neighborhood;

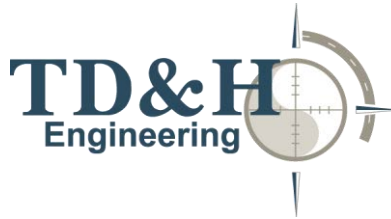
This criterion is not applicable to the Major Change being requested.

7. Adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided;

The Major Change request clearly affects the adequacy of access roads, more specifically access points, for the project. If the Major Change is supported by the City Commission, the project will be left with right-in/right-out access from Country Club Boulevard and access through the Lucky Lil's Casino. The Casino access point works for the applicant because they control both the development site and the casino property. However, even this access functions as a parking lot aisle for an existing business. This is just one reason why it's important that the proposed hotel have complete control of one access point that will allow for safer left turns directly from a public street. As a result, an adequate access road network is not being provided.

8. Adequate measures have been or will be taken to provide ingress and egress so as to minimize traffic congestion in the public streets;

The proposal to delete the easement condition means that adequate measures to provide ingress and egress and, as a result, minimize traffic congestion have not been provided. Potential loss of access from Alder Drive reduces options for motorists and funnels left turns to a location with identified safety problems. The location on Fox Farm Road has some congestion and requires motorists to drive through a separate business. Although the City supports the safety improvements being proposed to the left-turn access point, the proposed access plan certainly does not minimize congestion.



October 19, 2017

City of Great Falls
Attn: Tom Micuda, AICP
Deputy Director, Planning & Community Development
PO Box 5021
Great Falls, MT 59403

RE: TRAFFIC IMPACT STUDY REVIEW
PROPOSED NEW HOTEL – COUNTRY CLUB BLVD & FOX FARM RD
TD&H ENGINEERING JOB NO. 17-236

Dear Tom,

Thank you for contacting me about reviewing the referenced TIS. I have reviewed the study and find that it generally follows standard guidelines. The method for calculating vehicular trips generated by the development, and assigning them to the street network, is supportable. The number of vehicular trips generated by the development is very low in comparison to the volumes handled by the adjacent streets. The conclusions of the report would not be affected by minor changes in the scale of the development, such as changes to the number of proposed hotel rooms within a range of plus or minus 15 rooms. These small variations are within the size of the expected day-to-day variation of the background traffic. The method made a couple of conservative assumptions that build in some safety factor.

The decision not to analyze conditions in a future design year is supportable on the basis of the small number of trips generated and the relatively low growth rates in the area. However, if the project were postponed significantly, the capacity analysis may become outdated. I don't believe that would impact any of the general conclusions of the report though.

The study does not mention planned improvements to the signalized intersection discussed in the MDT Gore Hill to Emerson Junction I-15 corridor study published in 2015. These include an auxiliary westbound through lane and an eastbound dual left turn. These modifications might have some effect on the capacity analysis presented. In the end, it seems unlikely the improvements would result in any changes to the recommendations, however.

In Tables 3 and 4, LOS D is highlighted as "substandard" level of service on individual movements in the peak hour. In the absence of local standards about minimum LOS, LOS D is not a concern on individual movements and in fact may indicate that the intersection is appropriately scaled, i.e. not overbuilt for conditions that prevail most of the day. Standard traffic engineering practice identifies overall intersection LOS D and movement or approach LOS E as the minimum thresholds for acceptable operations. Many of the movements

were shown to be on the low range of LOS D or in a few cases just into LOS E, which means there is some buffer before reaching levels that would require action.

The study indicates excellent level of service on the site access onto Country Club Boulevard, which may lead to the possibility of combining some of the accesses if that could be coordinated with adjacent landowners. MDT guidelines suggest a recommended spacing of 400 feet for approaches. While this might be excessive in some contexts, on a high-speed arterial, it is not unreasonable. One method to determine spacing between driveways is to provide a distance equivalent to the stopping sight distance for the roadway speed, so in this case 360 feet for 45 mph. This would indicate that two approaches between the three properties east of the signalized intersection would be appropriate. The main reasons for consolidating approaches are to preserve capacity on the arterial and to improve safety by reducing conflict points.

The recommendation to install stop control on the north site access is questionable. Stop control is implied on private approaches onto public right of way. None of the other approaches in the vicinity have stop signing. Adding a stop sign at an individual approach, if that is the intent of the recommendation, could lead to confusion about expected driver behavior at the other driveways.

The site will occupy what is an existing "rat run" shortcut from the Alder intersection to the north site access. I observed vehicles northbound on Fox Farm that decided to use this route and avoid the queue at the NB right at the signal during the busy AM period. I also saw a vehicle that was WB on Alder use this route rather than Fox Farm to the signal. Despite some speed bumps, vehicles make this short cut at roadway speeds. The report graphics appear to show no change to this north south corridor through the site, although it involves driving across private property adjacent to Alder. If there is no restriction planned, then the owner should expect off site traffic to continue to use this route, leading to dangerous conflicts with parking lot traffic and pedestrians. At a minimum, a recommendation could be made to use effective traffic calming measures (out of direction travel) and landscaping or building placement to block the appearance of a clear travel path across the site. The shortcut from access 4 to access 2, while less obvious, should also be deterred by site layout. On the other hand, there may be a public interest, as well as advantages to the developer and adjacent businesses, to formalize access to the site from Alder, while still removing the clear travel path through the hotel site. In that case, the Alder intersection and the informal access onto Alder should both be study intersections. Because the volumes are so low, it is unlikely that there would be any capacity issues, but that would need to be confirmed with data. Intersection sight distance at Alder and Fox Farm appears to be impaired by overgrown landscaping on the island south of the intersection.

The study does not document whether crash data was obtained or reviewed. With the complex arrangement of approaches in the functional area of the signalized intersection, there is a distinct possibility of crash experience. It would be prudent to analyze crash history particularly with respect to the access on Fox Farm. A review of Google earth aerial photos indicates that the existing small raised median on Fox Farm was placed sometime around 2010. It would be good to know what impact the island and striping change on Fox Farm has had on safety, as part of determining whether adding traffic to the approach is advisable.

The existing median island north of access 4 on Fox Farm Road is problematic. It no longer serves to prevent left turns from any approaches, and its configuration seems to suggest a left turn bay shadow for access 4. However, the length of the taper is completely inadequate to provide storage for left turning vehicles or safely decelerate them out of traffic just downstream from the dual left turn. In practice, this island prevents full utilization of the left hand through-left lane at the intersection and so appears to have a pronounced negative impact on capacity. The study documents that the northbound queue blocks this left turn into site access 4, which compounds the need for some storage for the movement. Because the dedicated right turn lane is likely to be moving while the through lane is not, well-intentioned motorists might be inclined to leave a gap for left turners, exposing them to a crash with a vehicle northbound in the right turn lane. The study makes no recommendations about this awkward and potentially hazardous left turn. While it would clearly be beneficial to reconfigure the island to provide more storage for the left turn, preservation of capacity at the intersection is a higher public good and should not be compromised.



The study documents a drop in level of service from LOS D to E for the northbound left-through lanes in the AM peak, and an increase in the queue of about a car length. While the existing conditions were marginal and the change in control delay is only about 3 seconds per vehicle, this does highlight the sensitivity of this movement. The figure depicts the length of the calculated northbound AM peak queues. This shows that site access 4 is within the functional area of the signalized intersection. At a minimum, the upstream functional area includes the queue length. In both the AM and PM peak the northbound queues overlap site access 4. There is a clear public interest in protecting the capacity of this intersection by limiting conflicting movements in that area. It appears that in the past decisions have been made to favor local access over capacity by restriping from dedicated left turn bays to a TWLTL and adding the small island. This improvement is

questionable, and it would be good to understand the basis for the conversion, and whether the assumptions are still holding true. It would be reasonable to stripe the block from Alder to 10th as back to back left turn bays, and possibly add delineator curb to prevent left turns. On the other hand, it would be reasonable to transition the TWLTL striping directly to the NB dedicated lane striping without an island. This would allow left turns during non-peak hours but enhance use of the dedicated lane during the peak hour. Whether de-facto or de-jure, the restrictions on left turn access at site access 4 make access via Alder a worthwhile consideration.

The method used to calculate the queue lengths at the signalized intersection assumes the lanes are longer than the calculated queues. In fact, the median on Fox Farm restricts the available storage to about one quarter the calculated queue length. This means the actual queue will be longer than the calculated one in some situations as traffic spills back from the restriction at the through-left lane. I observed a northbound queue extending into the Alder intersection at around 7:45 am on Wednesday, October 18, which lends some confirmation that this effect is happening. It seems likely that delays are greater than what was calculated in the study due to restriction by the island.


The capacity calculation method used for site access 4 assumes free flowing conditions on the major road. However, the study documents that during the peak hour, the access will be blocked by the queues from the downstream signalized intersection. The measures of effectiveness presented for the site access are not valid under peak hour conditions and should not be used. While the peak hour of the hotel is probably offset from the peak hour of adjacent street traffic, I interpreted the study to be presenting conditions prevailing during the peak hour of the roadways.

SUMMARY

- Consolidation of approaches on Country Club Boulevard should be pursued. Recommendations for installation of stop control on private approaches should be clarified.
- Further clarification is warranted of how the existing south site access off Alder will be handled, and further data and analysis may be appropriate.
- It is not clear to me that the west site access does or will operate safely and efficiently. I believe further analysis of this access is justified.

Thanks again for the opportunity to review and feel free to contact me with any questions.

Sincerely,


Christopher K. Ward PE
Senior Transportation Engineer
TD&H ENGINEERING

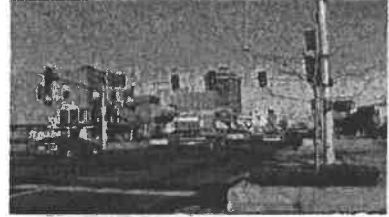
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Traffic Impact Study

PROPOSED NEW HOTEL

Country Club Boulevard & Fox Farm Road

Great Falls - Cascade County, Montana

March 2016

MMI No. 2947.015

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Purpose of Report and Study Objectives

This traffic impact study summarizes the potential impacts from a proposed new hotel in Great Falls, Montana. The information presented in this report is intended to evaluate the safety and operational aspects of the transportation system in the area of the proposed development under existing conditions as well as with estimated impacts. Study recommendations and conclusions are intended to provide guidance with respect to the short- and long-term function of the proposed site accesses and the area transportation system.

Proposed Development

Development Description

The proposed development is located in Great Falls, Cascade County, Montana on Lot 1, Block 1 of the Tietjen Triangle Addition situated in the southwest quarter of the northwest quarter of Section 14 and the southeast quarter of the northeast quarter of Section 15, Township 20 North, Range 3 East, Principal Meridian of Montana. Generally, the property is bordered by Country Club Boulevard (US Highway 89) to the north, an existing convenience store and gas station to the west, an existing casino to the west, a Dairy Queen restaurant to the southwest, an existing Chinese restaurant to the south, condominium and apartment residential properties to the east, and professional offices to the northeast. The site location is depicted in Figure 1 on the following page.

The proposed hotel development is still in its planning stages; however, for the purposes of this study the hotel has been evaluated as consisting of up to 95 rooms with a total gross floor area of up to approximately 48,000 square feet (ft²). One new site approach to Country Club Boulevard is included with the development, having a proposed width of forty feet (40 ft). The proposed new hotel is estimated to generate a total of 776 average weekday trips as well as 50 weekday AM and 57 weekday PM peak hour trips. The preliminarily proposed site layout is shown in Figure 2 on page 3.

Development Horizon

Because this is a small development (having less than 500 estimated peak hour trips), it is not anticipated that this development would have significant impacts beyond its opening year assuming full build-out and occupancy. Therefore, this study will assess any impacts this development may have on the area transportation system in the anticipated 2017 opening year.

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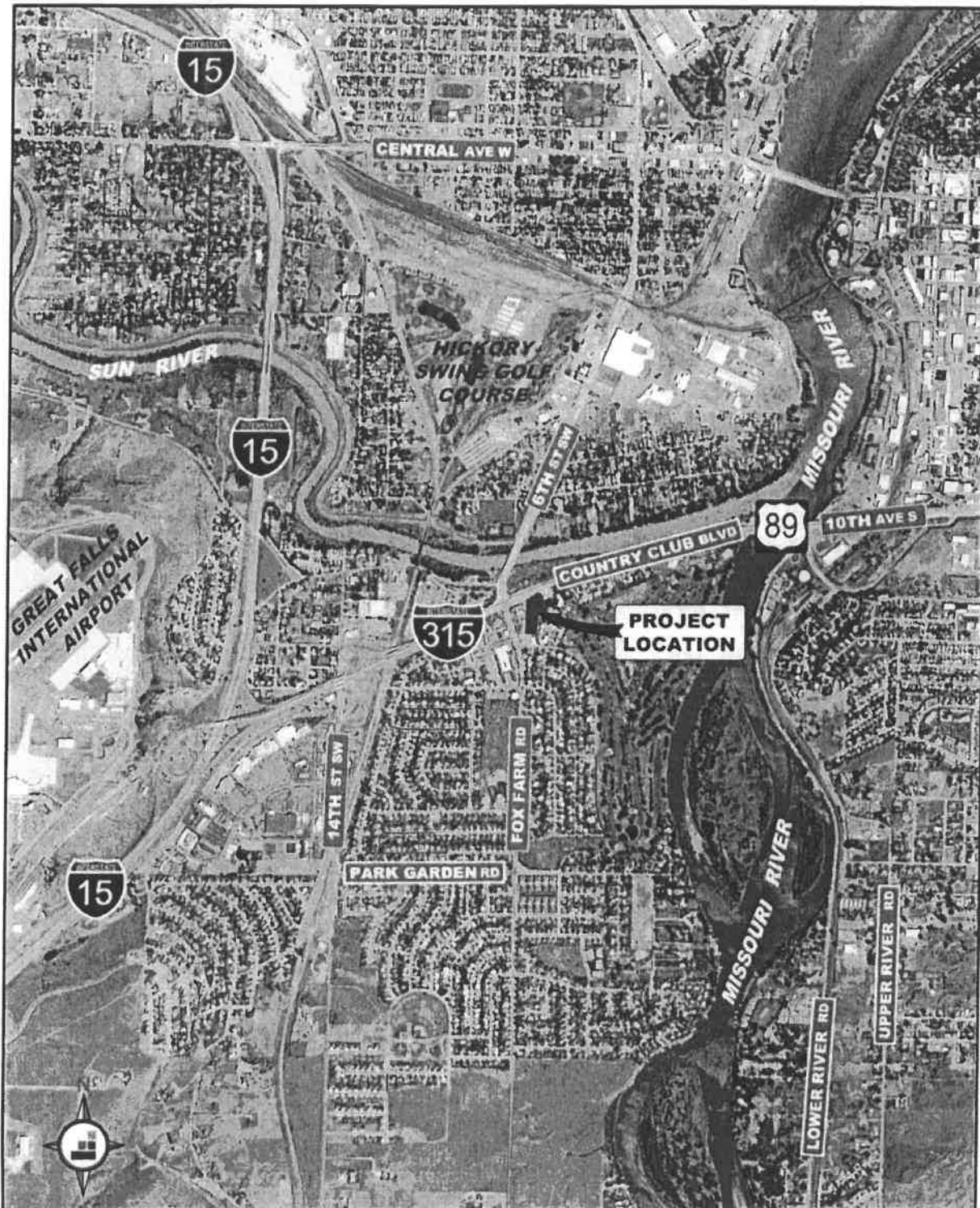


Figure 1: Site Location

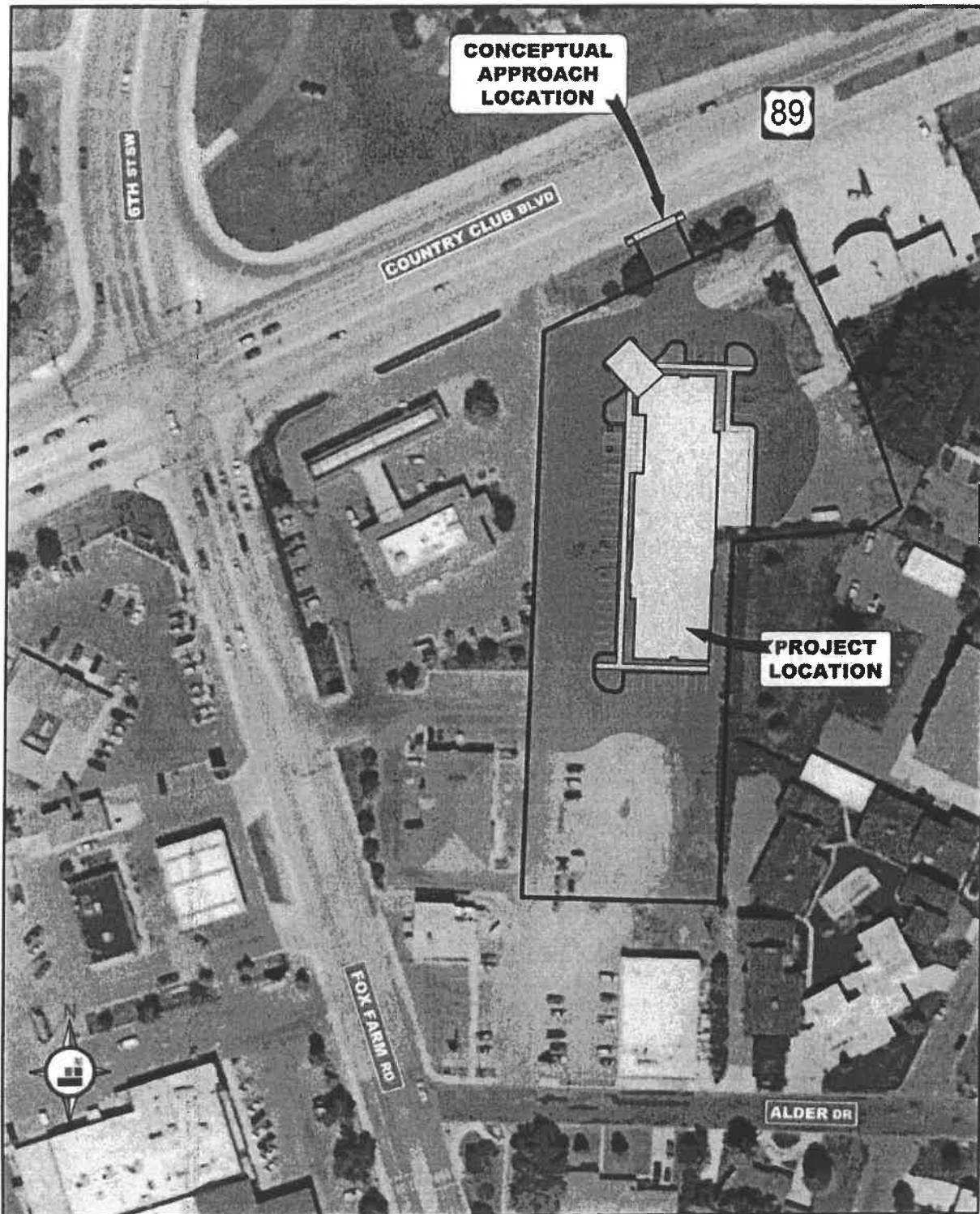


Figure 2: Preliminary Site Layout

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Study Area

The transportation impacts from a development are largely dependent on its location and size as well as the characteristics of the surrounding transportation system. The significant impacts to the adjacent transportation system will generally be within a limited area from the site. The study area for the proposed hotel development will focus on key intersections within proximity to the proposed site as well as the existing accesses to Country Club Boulevard and Fox Farm Road. The intersections included within this study are noted below.

- ☐ Country Club Boulevard & 6th Street SW / Fox Farm Road
- ☐ Country Club Boulevard & the Holiday Station Site Access
- ☐ Country Club Boulevard & the North Site Access
- ☐ Fox Farm Road & the West Site Access

Development Trip Generation

Trip generation is a measure or forecast of the number of trips that begin or end at the development site. The traffic generated is a function of the extent and type of proposed development. There are a number of options available for estimating trip generation. This study utilized trip generation rates found in *Trip Generation, 9th Edition* published by the Institute of Transportation Engineers (ITE). The total estimated trip generation for the site is provided in Table 1 below. Analyses are summarized in Appendix C.

Table 1: Estimated Site Trip Generation Summary

Land Use	Units	Average Weekday Trips			Average Weekday, AM Peak Hour Trips			Average Weekday, PM Peak Hour Trips		
		Enter	Exit	Total	Enter	Exit	Total	Enter	Exit	Total
Hotel	95	388	388	776	30	20	50	29	28	57
Independent Variable Units = Rooms										

As shown in Table 1, the proposed development generates an estimated 776 average weekday as well as average weekday AM and PM peak hour trips of 50 and 57 vehicles, respectively. In order to add a level of conservatism to the study, pass-by trips were not included in the trip generation analyses; therefore, the trips per room are comprised of only primary purpose trips. Primary purpose trips are those where the site is the primary origin or destination, which result in new trips on the roadway system. Pass-by trips are those that result from traffic passing on an adjacent roadway that enters the site and then exits, resuming travel in the same direction.

Development Trip Distribution

Trip distribution and assignment is the process of identifying the probable destinations, directions, and traffic routes that development related traffic will likely affect. The estimated traffic generated by the development must be distributed and assigned in order to analyze the impacts on the roadway system and intersections within the study area. Various methods are available for estimating trip distribution, including the analogy, trip distribution model, area of influence, origin-destination (O-D), and surrogate data methods. For a hotel development, the proximity of major highways, airports, sports facilities, conference centers, businesses, and competing entities for the site are some of the key factors in determining the distribution of site generated trips. This study utilizes a combination of the analogy method, which bases the trip distribution on existing travel patterns in the area, and the area of influence method that assumes trips will originate or terminate within a given area. The trip distribution for the proposed hotel development is shown in Figure 3 on the following page.

Modal Split

Modal split refers to how the total number of person trips are divided amongst the various means of travel such as automobile (both single occupant and carpool), walking, biking, or transit. In most instances, the automobile is the primary means of travel. However, the other means of travel may account for a portion of the trips generated by a site.

Transit, bicycling, and pedestrian trips are not assumed to comprise a significant portion of site related trips. Vehicular trips can be further identified as primary purpose, pass-by, diverted, and internal trips. Primary purpose trips are those where the site is the primary origin or destination, which result in new trips on the roadway system. As noted previously, pass-by trips are those that result from traffic passing on an adjacent roadway that enters the site and then exits, resuming travel in the same direction. As defined in *Transportation and Land Development, 2nd Edition* (Stover and Koepke, 2002), diverted trips are those that enter and exit a site that are diverted from a route other than the one to which the site has access. These can be both trips diverted from an adjacent route as well as those diverted from another route not adjacent to the site. Internal trips are those that begin and end within the site but do not affect the adjacent roadways. Pass-by, diverted, and internal trips are not estimated to be a significant portion of site generated trips and have been excluded from the analyses.

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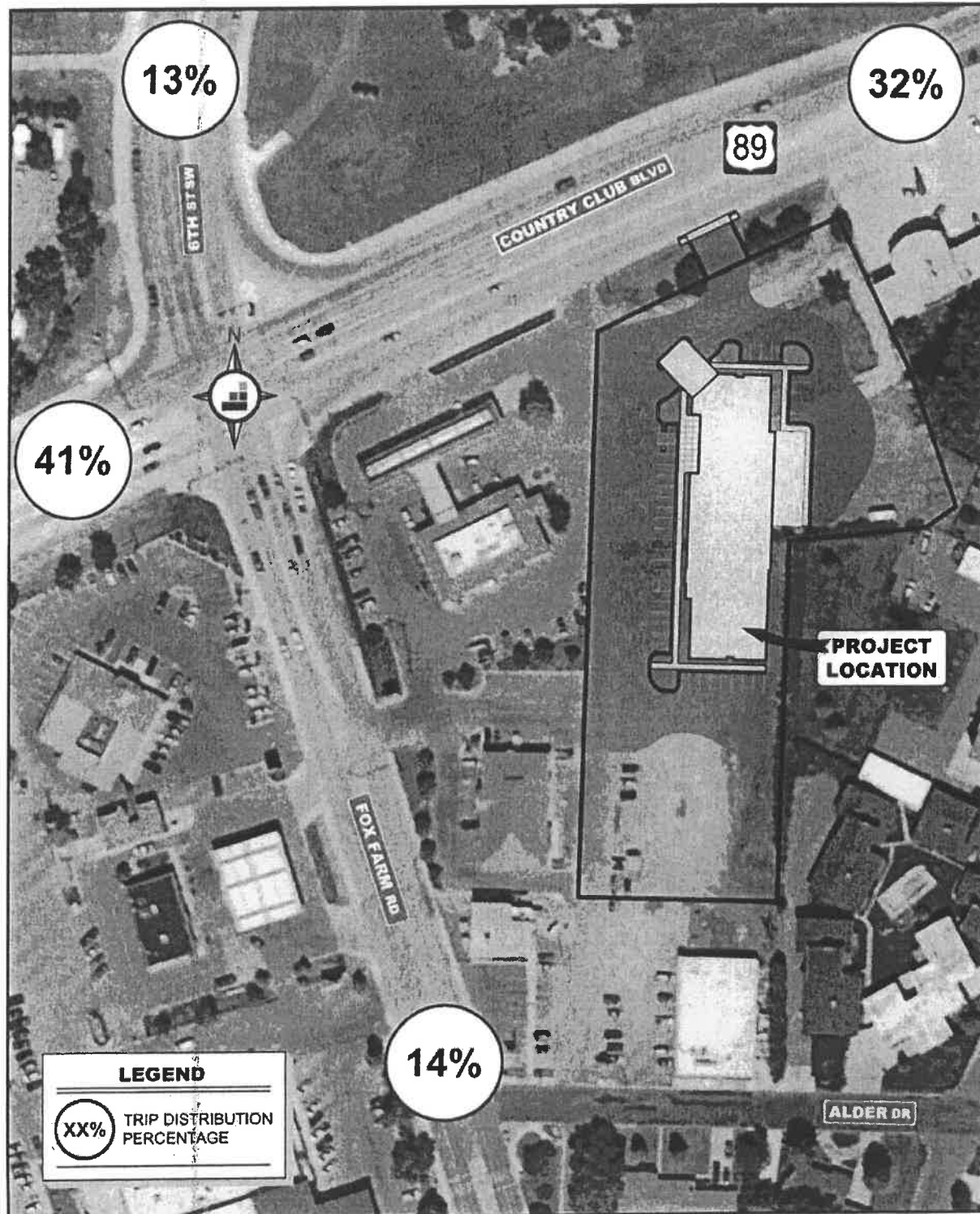


Figure 3: Primary Trip Distribution

Trip Assignment

The assignment of development related traffic provides the information necessary to determine the level of site related impacts to the area roadway system and intersections. It involves determining the volume of traffic and its movements along the roadway system and at area intersections. At a minimum, trip assignment must also consider route choice, how the existing transportation system functions, and travel times to and from the site. The resulting traffic assignment for the proposed hotel development is shown in Figure 4 on the following page.

Parking

Off-street parking requirements are defined in the City of Great Falls' land development code. These requirements define the minimum number of parking spaces required for a development in addition to requirements for off-street loading areas. The off-street parking requirements for the proposed hotel site are shown in Table 2 below.

Table 2: Off-Street Parking Requirements

Land Use Type	Criteria	Units	Total Parking Spaces Required
Hotel	1 Space Per Guest Unit	95	95
	1 Space Per Employee Per Shift	18	18
	Loading Area	48K SF Gross Floor Area	1
	25K to 50K SF Gross Floor Area		
Total Minimum Number of Parking / Loading Spaces Required			114

For a hotel having a gross floor area between 25,000 and 50,000 ft², a minimum of one (1) off-street loading berth is required. Off-street loading berths "shall be at least 12' x 45' in size with a vertical clearance of fourteen feet (14'). (*Official Code of the City of Great Falls*, November 17, 2015)

Accessible parking must also be provided in accordance with the Americans with Disabilities Act design standards. For a facility with 101 to 150 parking spaces, a minimum of five of those spaces must be accessible. Additionally, one of the five accessible spaces must be van accessible.

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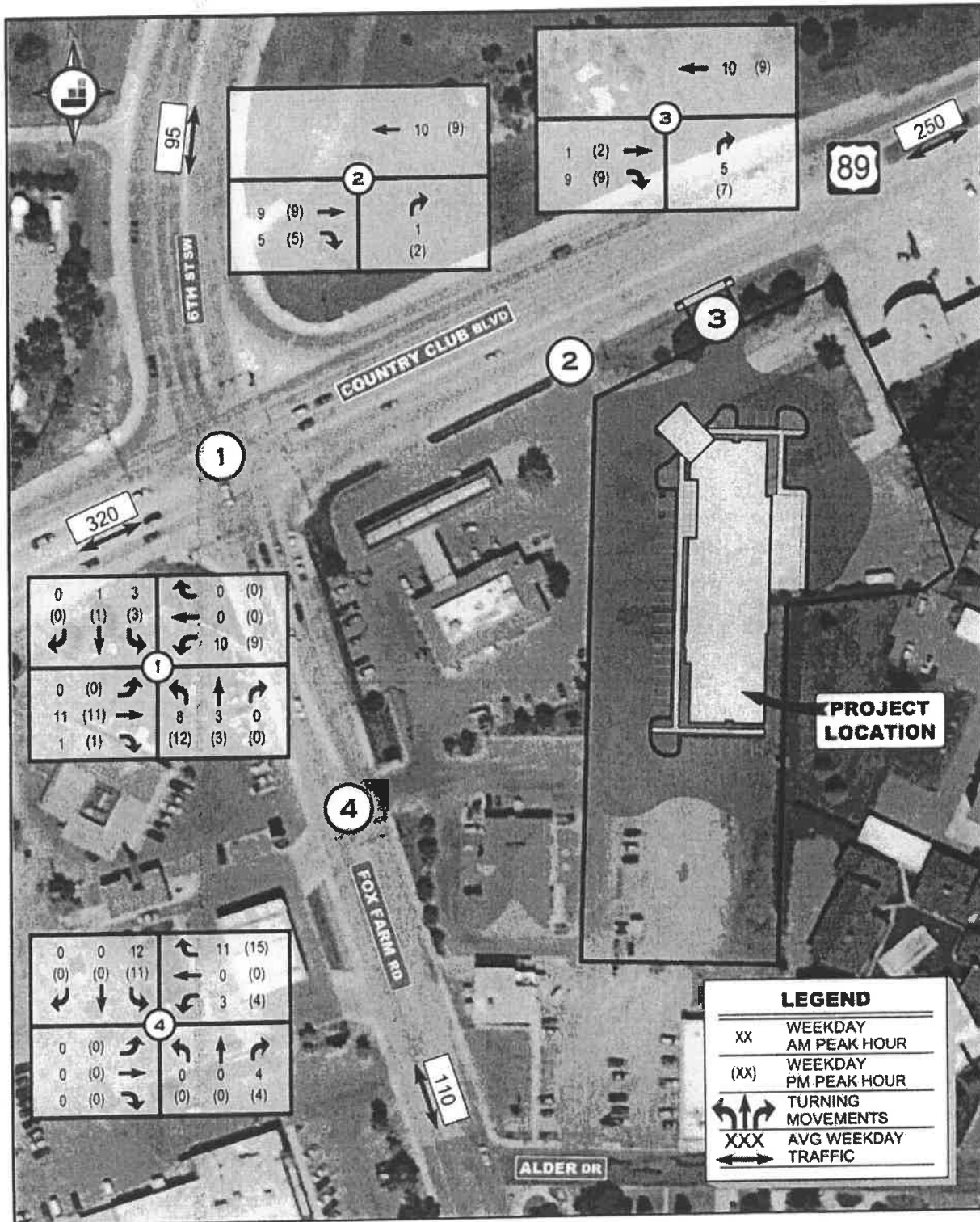


Figure 4: Site Traffic Assignment

Existing Area Conditions

Study Area Land Use

Currently, the site of the proposed hotel development is vacant. As stated previously, the property is bordered by Country Club Boulevard (US Highway 89) to the north, an existing convenience store and gas station to the west, an existing casino to the west, a Dairy Queen restaurant to the southwest, an existing Chinese restaurant to the south, condominium and apartment residential properties to the east, and professional offices to the northeast. There is also an existing Beef 'O' Brady's restaurant located across Fox Farm Road to the west as well as an existing Cenex Zip-Trip fuel station, convenience store, and Foxy's Casino. The existing development in the area can be seen in Figure 1 on page 2.

Transportation Network

Area Roadway System

Access to the site is proposed to be provided to and from Country Club Boulevard. It is classified as a principal arterial roadway by MDT. It is a national highway system (NHS) non-interstate route (N-60N) and is also United States Highway 89 (US 89) and is under the jurisdiction of MDT. This route generally travels east-west, linking Interstate 15 just west of the study area easterly to where US 89 enters the east end of Great Falls. After crossing the Missouri River to the east of the site, Country Club Boulevard changes to 10th Avenue South (still US 89) as it proceeds easterly to its intersection with 57th Street South, which is also the United States Highway 87 by-pass. Beyond that intersection, US 89 continues east serving as a primary link between Great Falls and outlying communities. Adjacent to the proposed development, Country Club Boulevard is a divided roadway with a raised median, limiting access to the proposed development to right-in, right-out movements only.

Intersections

Country Club Boulevard & 6th Street SW / Fox Farm Road

The intersection of Country Club Boulevard and 6th Street SW / Fox Farm Road is currently a signalized intersection. Presently, the eastbound, Country Club Boulevard and southbound 6th Street SW approaches at the intersection include a left turn lane, two through lanes, and a right turn lane. The westbound, Country Club Boulevard approach at the intersection includes two left turn and two through lanes as well as a right turn lane. The northbound, Fox Farm Road approach includes a shared left turn and through lane in addition to separate through and right turn lanes. The traffic signal phasing and sequencing at this intersection do not presently allow for permissive left turn movements.

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Country Club Boulevard & Holiday Station Site Access

The existing access for the Holiday gas station and convenience store to Country Club Boulevard includes access control that limits vehicular movements to right-in, right-out access only. Country Club Boulevard has two eastbound through lanes adjacent to the access.

Country Club Boulevard & the North Site Access

The proposed north site access to Country Club Boulevard would have the same access control restrictions as the access for the adjacent Holiday gas station and convenience store to the west. The proposed approach as shown in Figure 2 on page 3 is approximately 100 feet east of the access for the Holiday gas station and convenience store to the west.

Fox Farm Road & Site Access

The access to Fox Farm Road is presently a full access approach that also serves the Holiday gas station and convenience store as well as Lucky Lil's Casino. It includes a single lane to accommodate left, through, and right turn vehicular movements. Fox Farm Road includes a two-way left turn lane adjacent to the approach as well as a through and shared through-right turn lane in both the northbound and southbound directions. On the west side of Fox Farm Road at the intersection are two site accesses separated by approximately 20 feet, which serve the Beef 'O' Brady's site as well as the Cenex Zip-Trip gas station and convenience store as well as Foxy's Casino site.

Traffic Volumes

Intersection turning movement counts were conducted by Morrison-Maierle, Inc. during the weekday AM and PM peak periods on Tuesday, March 1, 2016 at Country Club Boulevard and its intersections with 6th Street SW / Fox Farm Road and the site access as well as Fox Farm Road and its intersection with the site access. Intersection turning movement count data were adjusted for seasonal variations based on count factors available from MDT. Current daily traffic volumes are summarized in Figure 5 on the following page and are provided in Appendix C.

Methodologies

This section documents the methodologies and assumptions used to conduct the traffic impact analyses for the proposed development. Study methodology and analyses are based on ITE's *Recommended Practices for Transportation Impact Analyses for Site Development*. These analyses are used to determine the project's conformance with City of Great Falls and Montana Department of Transportation (MDT) policies and evaluate whether the proposed development's impacts are perceptible to the average driver.

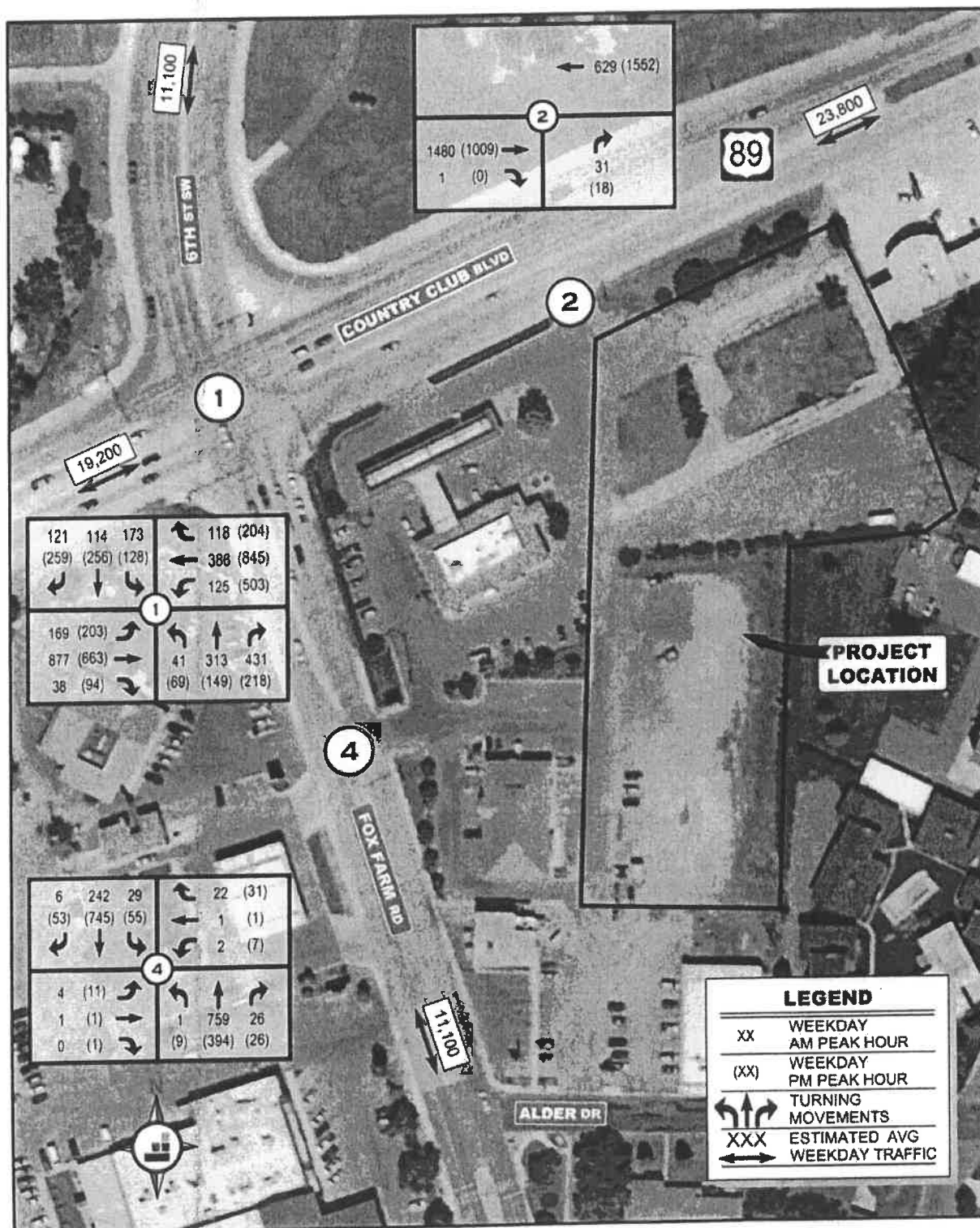


Figure 5: Current Daily Traffic

Traffic Impact Study

Proposed New Hotel – Country Club Blvd & Fox Farm Rd | Great Falls, Montana



Study Scenarios

This study presents analyses of the following scenarios:

- ☐ Existing Conditions
- ☐ Estimated 2017 Total Traffic

Analysis Methodologies

Transportation system operating conditions are typically described in terms of "level of service". Level of service (LOS) is the performance measure used to evaluate the cumulative effects of such things as travel speed, traffic volumes, roadway and intersection capacity, travel delay, and traffic interruptions. Operating conditions are designated as LOS A through LOS F, which represents the most favorable to the least favorable operating conditions.

Level of service for intersections is determined by control delay. Control delay is defined as the total elapsed time from when a vehicle stops at the end of a queue to the time the vehicle departs from the stop line. The total elapsed time includes the time required for the vehicle to travel from the last-in-queue position to the first-in-queue position, including deceleration of vehicles from the free flow speed to the speed of vehicles in the queue. Appendix A lists the delay/LOS criteria listed in the *Highway Capacity Manual 2010* (HCM) published by the Transportation Research Board (TRB) for signalized and unsignalized intersections.

Signalized Intersection Analyses

Signalized intersection capacity and level of service analyses were performed using *TEAPAC Complete 2010, Ver 8.62 12MAY14 Build 01* (TEAPAC) developed and maintained by Strong Concepts. These analyses are based on HCM analysis methodology for evaluating signalized intersections, which is based on the "operational analysis" procedure. This technique utilizes 1,900 passenger cars per hour of green per lane (pcphgpl) as the maximum saturation flow of a single lane at an intersection. This saturation flow rate is adjusted to account for lane width, on-street parking, conflicting pedestrians, traffic composition, and shared lane movements. Average delay is calculated by taking a volume-weighted average of all the delays for all vehicles entering the intersection.

Two-Way Stop-Controlled (TWSC) Intersections

Two-way stop-controlled (TWSC) intersection capacity and level of service analyses were performed using *Highway Capacity Software Plus, Version 5.6* (HCS+) developed and maintained by the McTrans Center at the University of Florida. Unsignalized intersection analyses are based on Chapter 19 of the HCM. The HCM methodology for evaluating TWSC intersections is based on gap acceptance and

conflicting traffic for vehicles stopped on the minor street approaches. The critical gap (or minimum acceptable gap) is defined as the minimum time interval in the major street traffic stream that allows entry for one minor street vehicle. Average control delay and LOS for the "worst approach" are reported. Level of service is not defined for the intersection as a whole.

Traffic Operations

Existing Conditions Analyses

Capacity and level of service analyses were performed for Country Club Boulevard and its intersections with 6th Street SW / Fox Farm Road and the site access as well as the intersection of Fox Farm Road and the site access for existing conditions. Traffic signal timing and phase sequencing data for the intersection of Country Club Boulevard and 6th Street SW / Fox Farm Road was provided by MDT and was incorporated in the signalized intersection capacity and level-of-service analyses for the intersection. The intersection analyses are summarized in Table 3 below and continued on the following page. Appendix D-1 includes the results of the existing intersection operations analyses.

Table 3: Current Daily Traffic Estimated Intersection Peak Period Operations Summary

Intersection	Approach/ Movement	Weekday, AM Peak Hour				Weekday, PM Peak Hour			
		LOS	Delay (s/veh)	Volume to Capacity Ratio, v/c	HCM 95% Queue (ft)	LOS	Delay (s/veh)	Volume to Capacity Ratio, v/c	HCM 95% Queue (ft)
Country Club Blvd & 6th Street SW / Fox Farm Rd	Intersection	D	43.8	0.70	-	D	36.7	0.69	-
	EB L	D	44.6	0.73	195	D	42.6	0.77	205
	EB T	D	44.7	0.91	455	D	40.8	0.81	311
	EB R	C	24.1	0.08	31	C	29.0	0.22	77
	WB L	D	38.5	0.29	72	D	36.8	0.73	226
	WB T	C	27.5	0.40	176	D	37.3	0.83	372
	WB R	C	25.8	0.22	99	C	26.9	0.37	150
	NB LT	D	52.9	0.77	441	D	36.1	0.42	221
	NB R	E	57.4	0.92	441	C	21.4	0.35	139
	SB L	E	58.0	0.85	225	D	43.2	0.74	138
	SB T	D	39.3	0.30	69	D	42.1	0.74	136
	SB R	C	28.2	0.28	106	C	30.8	0.59	193

EB = Eastbound; WB = Westbound; NB = Northbound; SB = Southbound
L = Left; T = Through; R = Right; LT = Left-Through
= Substandard Level-of-Service | XXX = Queue Exceeds Available Storage

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Table 3 (continued): Current Daily Traffic Estimated Intersection Peak Period Operations Summary

Country Club Blvd & Holiday Access	EB T	A	-	-	-	A	-	-	-
	EB TR	A	-	-	-	A	-	-	-
	WB T	A	-	-	-	A	-	-	-
	NB R	B	10.3	0.05	1	A	9.3	0.02	1
Fox Farm Rd & Site Access	EB LTR	C	24.5	0.03	2	D	25.8	0.07	6
	WB LTR	C	18.3	0.09	8	B	14.7	0.10	9
	NB L	A	7.8	0.00	0	A	10.0	0.01	1
	NB TR	A	-	-	-	A	-	-	-
	SB L	B	10.2	0.05	0.15	A	8.5	0.06	5
	SB TR	A	-	-	-	A	-	-	-

EB = Eastbound; WB = Westbound; NB = Northbound; SB = Southbound
L = Left; T = Through; R = Right; LTR = Left-Through-Right; TR = Through-Right

= Substandard Level-of-Service

Cumulative Conditions Analyses

Estimated Total Traffic Volumes

Site-generated traffic from the proposed hotel development was combined with 2016 current daily traffic to establish the total traffic volumes that were used in the impact analyses. Estimated total traffic is shown in Figure 6 on the following page.

Estimated Total Traffic Operations

Capacity and level of service analyses were also performed for the study area intersections for estimated total traffic conditions. Traffic signal timing and phase sequencing data for the intersection of Country Club Boulevard and 6th Street SW / Fox Farm Road remained unchanged from the existing conditions analyses. The intersection analyses for estimated total traffic conditions are summarized in Table 4 on page 16 and included in Appendix D-2.

Findings

Improvement Needs for Existing Conditions

For the deficiencies currently being experienced at the intersection of Country Club Boulevard and 6th Street SW / Fox Farm Road, it may be possible to slightly improve operations with modifications to the signal operations to allow for eastbound permissive left turn movements; however, limited cost effective options are available that would achieve substantial operational improvements. In order to markedly improve the function of the intersection, additional geometric improvements would be necessary.

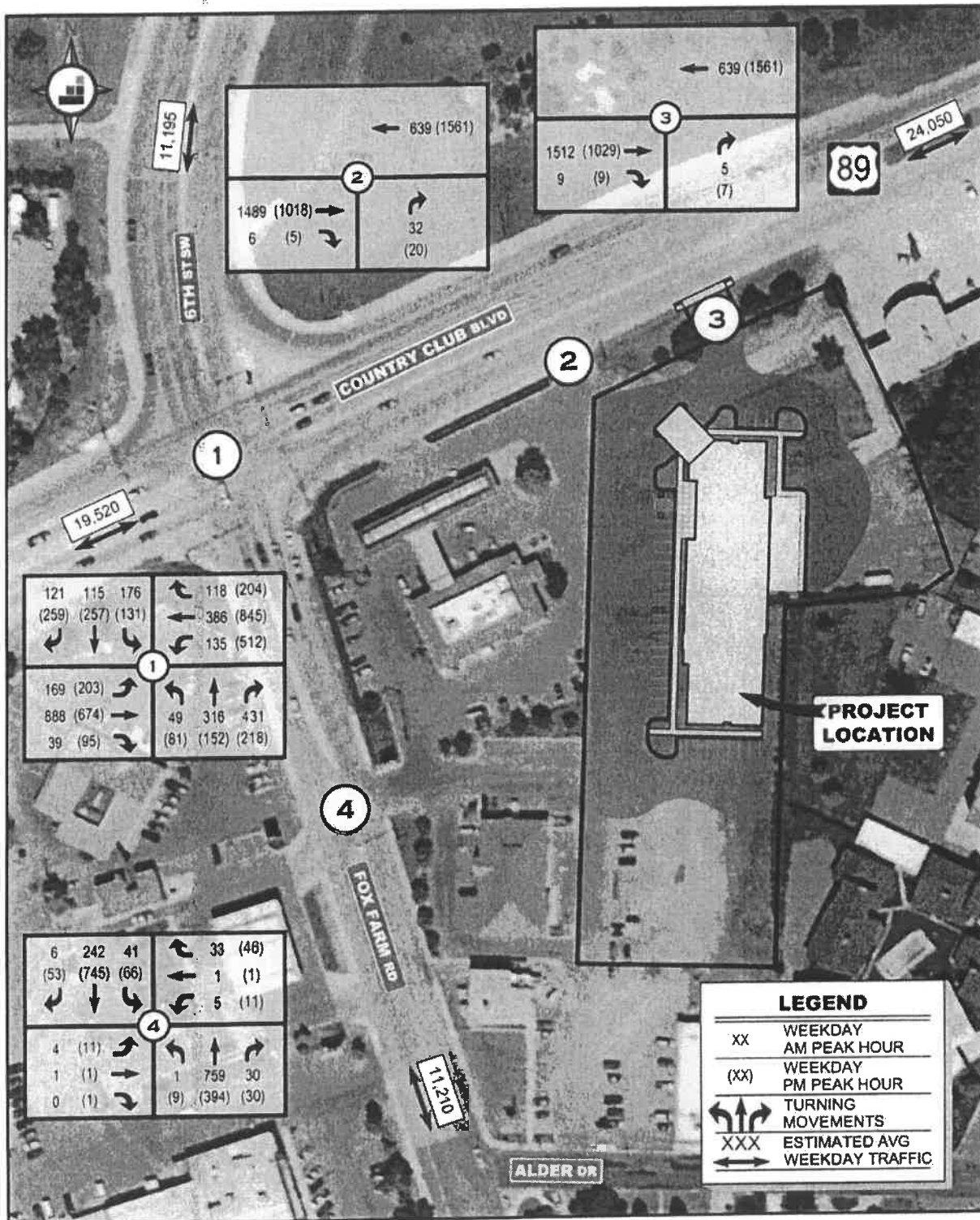


Figure 6: Estimated Total Traffic

Traffic Impact Study

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Table 4: Estimated Total Traffic Estimated Intersection Peak Period Operations Summary

Intersection	Approach/ Movement	Weekday, AM Peak Hour				Weekday, PM Peak Hour			
		LOS	Delay (s/veh)	Volume to Capacity Ratio, v/c	HCM 95% Queue (ft)	LOS	Delay (s/veh)	Volume to Capacity Ratio, v/c	HCM 95% Queue (ft)
Country Club Blvd & 6th Street SW / Fox Farm Rd	Intersection	D	44.9	0.70	-	D	36.9	0.70	-
	EB L	D	45.1	0.73	197	D	42.8	0.77	205
	EB T	D	45.6	0.91	466	D	40.7	0.81	315
	EB R	C	24.2	0.08	32	C	28.8	0.22	78
	WB L	D	39.0	0.31	79	D	37.9	0.76	234
	WB T	C	27.5	0.40	176	D	37.5	0.83	373
	WB R	C	25.7	0.22	99	C	27.0	0.37	151
	NB LT	E	56.5	0.79	468	D	36.4	0.44	235
	NB R	E	58.5	0.93	446	C	21.8	0.36	141
	SB L	E	59.3	0.85	232	D	43.2	0.75	141
	SB T	D	39.5	0.30	70	D	42.0	0.74	137
	SB R	C	28.4	0.28	106	C	30.8	0.59	193
Country Club Blvd & Holiday Access	EB T	A	-	-	-	A	-	-	-
	EB TR	A	-	-	-	A	-	-	-
	WB T	A	-	-	-	A	-	-	-
	NB R	B	10.4	0.05	4	A	9.4	0.03	3
Country Club Blvd & Site Access	EB T	A	-	-	-	A	-	-	-
	EB TR	A	-	-	-	A	-	-	-
	WB T	A	-	-	-	A	-	-	-
	NB R	B	10.4	0.01	1	A	9.6	0.01	1
Fox Farm Rd & Site Access	EB LTR	D	26.6	0.03	2	D	27.2	0.08	7
	WB LTR	C	19.1	0.15	13	C	15.6	0.16	14
	NB L	A	7.8	0.00	0	A	10.0	0.01	1
	NB TR	A	-	-	-	A	-	-	-
	SB L	B	10.3	0.07	5	A	8.6	0.07	6
	SB TR	A	-	-	-	A	-	-	-

EB = Eastbound; WB = Westbound; NB = Northbound; SB = Southbound
 L = Left; T = Through; R = Right; LT = Left-Through; TR = Through-Right; LTR = Left-Through-Right
 = Substandard Level-of-Service | XXX = Queue Exceeds Available Storage

Improvement Needs for Cumulative Conditions

Based on the analyses included within this study, the addition of site generated traffic from the proposed hotel development would have minor impact to the area transportation system. The analyses did not reveal any deficiencies with regard to traffic operations that would require mitigation as a result of site generated traffic contributions from the proposed development.

Conclusions & Recommendations

Analysis of trip generation estimates, site circulation, and traffic operations reveal that the proposed hotel development will have minimal impact on the area transportation system. Based on the analyses included herein, the following are recommended as appropriate:

Country Club Boulevard Site Access

- ☐ Stop control should be installed on the northbound, right-in, right-out site access approach to Country Club Boulevard in accordance with MDT standards.

Interior Development Roadways/Drive Aisles & Intersections

- ☐ Proposed development roadways/drive aisles shall be constructed to City of Great Falls standards, at a minimum.
- ☐ Adequate sight distance must be preserved at interior development intersections.
- ☐ Appropriate design vehicles should be evaluated in the layout of interior development roadways / drive aisles and intersections.

If the above improvements are implemented as recommended, any impacts resulting from the proposed development should operate safely and efficiently. All traffic control improvements should be installed in accordance with MDT, City of Great Falls, and the *Manual on Uniform Traffic Control Devices* standards.



September 12, 2017

Mr. Tom Micuda, AICP
Deputy Director
City of Great Falls Planning & Community Development
P.O. Box 5021
Great Falls, MT 59403

RE: Fox Farm Planned Unit Development (PUD)

Dear Mr. Micuda,

Please let this correspondence serve as our formal narrative to support the Development Application for the 2.6 acre parcel located near the intersection of Fox Farm Road and Country Club Boulevard.

Written Description of Development Application

The "Fox Farm PUD" consists of the 2.6-acre parcel of ground owned by Billings Holdings LLC. The property is located near the intersection of Fox Farm Road and Country Club Boulevard, also known as 10th Ave So. The property owner, their address, acreage, and other appurtenant information are contained within the application and other accompanying exhibits. In short, the property and proposed development consist of the following:

- Billings Holdings LLC: Proposed Sleep Inn / Mainstay Hotel

Written Statement Outlining the Reasons for Development Application

Area property owners had previous meetings with City of Great Falls planning staff in an effort to initiate a change from C1 to C2 zoning. The primary reasons expressed by the property owners and/or City staff were as follows: 1) provide property owners added flexibility with respect to the City Sign Code, 2) change zoning such that it is *generally* consistent with other properties along 10th Avenue South, 3) provide more flexibility in property uses, and 4) change zoning such that it is consistent with what the City of Great Falls desired and initially intended for these properties. The latter reason had been expressed by City of Great Falls staffing during meetings leading up to the initial request to change zoning from C1.

Billings Holdings LLC has completed design for a proposed hotel development on vacant property that exists between Dahlquist Realtors and the Holiday Convenience Store. The former C1 zoning restricted the structure to a total height of 35 feet, and the proposed hotel height will be four stories and will exceed 50 feet. So, in addition to the reasons provided in the previous paragraph, Billings Holdings LLC had sought a zoning designation with conditions that would accommodate their proposed building height.

The development, as proposed, will have only a slight effect on traffic in the area; the Sleep Inn / Mainstay traffic has been thoroughly studied and evaluated in a Traffic Impact Study (TIS), a copy of which was earlier furnished to the City. As per your request, the TIS is again attached herein for review. The TIS was reviewed and accepted by the Montana Department of Transportation

(MDT). As a condition of approval, MDT requested that the hotel and Dahlquist Realtors use a combined approach for ingress/egress, thereby eliminating the need for a new approach from Country Club Boulevard. Additionally, MDT has approved the concept for modifying the median in Fox Farm Road which will allow for improved left-turn movements – for southbound traffic – into the shared approach between the Holiday C-store and Lucky Lil's. The hotel developer will continue to work with the City of Great Falls in an effort to relocate this shared approach slightly to the south.

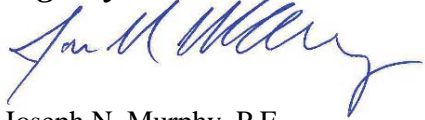
The use and value of residential properties in the vicinity of the development remain unchanged; and the proposed hotel use will be consistent with historic uses of the property (a motel/hotel previously existed on this property but was razed more than a decade ago).

As you are aware, the City Commission approved the PUD zone change and the proposed hotel development with conditions. One condition called for Billings Holdings LLC to obtain an easement through the Chinatown parking lot. Billings Holdings LLC negotiated in good faith for many months in an effort to obtain the easement. They offered to upgrade Chinatown's parking lot, to install a storm drain that would resolve storm drainage issues on the Chinatown property, to place Chinatown menus in all rooms within the hotel, and they also offered a large sum of cash to Chinatown. When Chinatown finally responded to Town Pump, which only occurred after several months of delays, their easement demands were entirely unreasonable and not in good faith. Therefore, we wish to begin the development application process anew with this submittal.

On behalf of our client, Billings Holdings LLC, we appreciate the City's cooperation and assistance on this matter. Please let me know if you have any questions or concerns.

Sincerely,

Big Sky Civil & Environmental, Inc.



Joseph N. Murphy, P.E.

encl. Signed Application
 Zoning Map Amendment Checklist
 Traffic Impact Study
 Updated Site Plan
 List of Property Owners
 Miscellaneous Exhibits

cc: Dan Sampson

AERIAL MAP



Subject Property



City Limits



Tracts of Land

230 115 0 230 Feet





TITLE:

CURRENT ZONING: PUD
PROPOSED ZONING: PUD

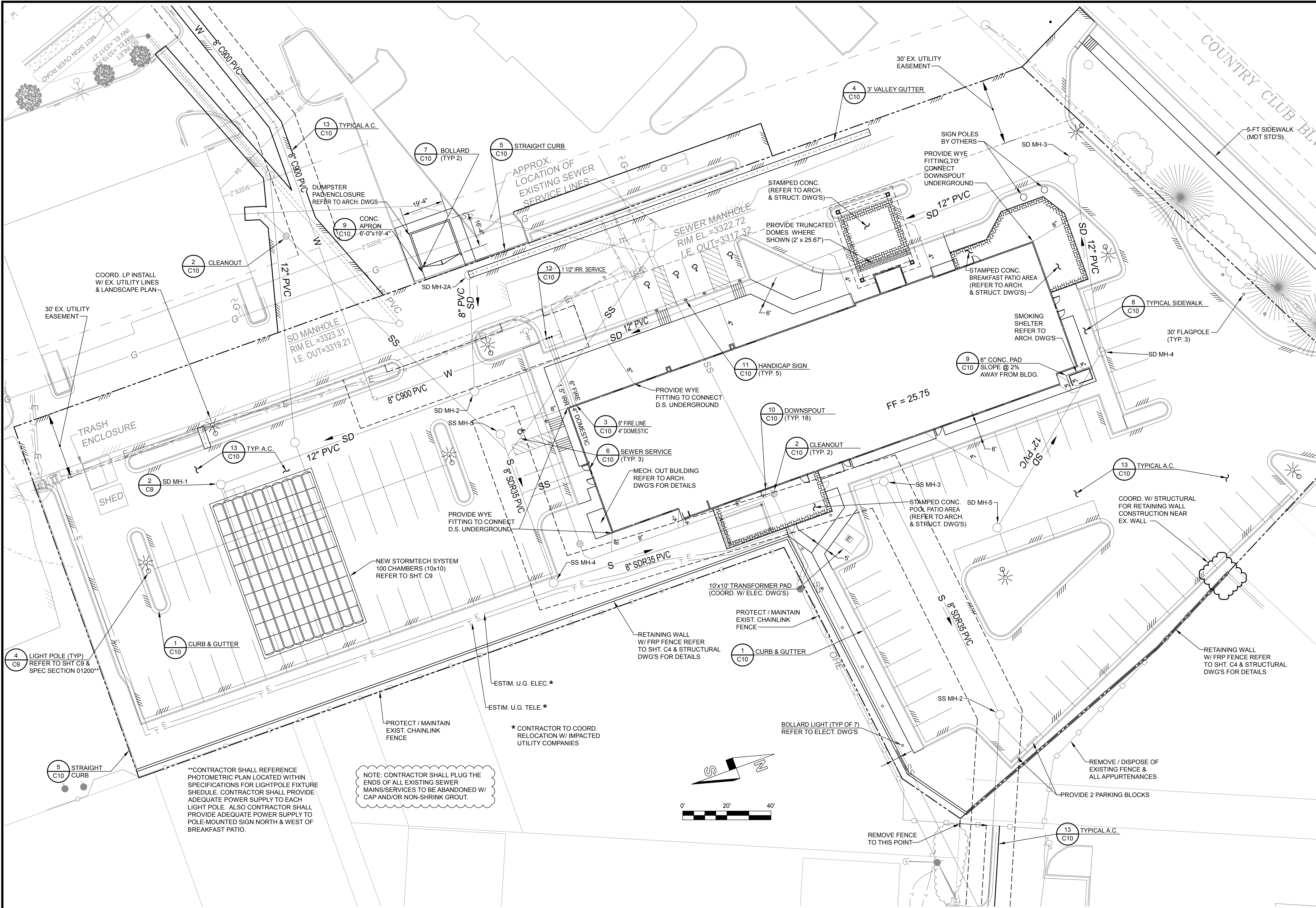
PROJECT:


SITE PLAN
FOX FARM REZONE
SEPTEMBER 2017



ENGINEERS - PLANNERS - DESIGNERS -
LAND SURVEYORS - ENVIRONMENTAL SPECIALISTS

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PROFESSIONAL SEAL



BY: CJM
DATE: 5/8/17 REV. 8/31/17

OWNER:

BILLINGS HOLDINGS, LLC

PROJECT NAME:

MAINSTAY SUITES & SLEEP INN & SUITES (CITY O.F. 1719)

SHEET TITLE:

SITE IMPROVEMENTS

DRAWING INFORMATION:

BSCE PROJECT NUMBER: 15EV
OWNER FILE NUMBER: XXXX
CADD FILE NAME: 15EV-C3
ASSOCIATED PROJECTS: XXXX

SHEET:

C3 OF 10

Thomas Micuda

From: william collins [wcollins912@gmail.com]
Sent: Wednesday, October 18, 2017 9:37 PM
To: Thomas Micuda
Subject: Town House Hotel

Dear Sir:

I live at the Towers and will be out of town when your meeting occurs.

I would like to concur with the Planning Dept. on the easement issue.

Bill Collins

1536 Meadowlark Dr.....7A

Great Falls, Mt. 59404

Thomas Micuda

From: rowhog@gmail.com
Sent: Tuesday, October 17, 2017 2:55 PM
To: Thomas Micuda
Subject: public hearing on PUD change for 10th ave s and Fox farm area

Mr Micuda

Last spring I stated my opposition to the proposed zoning change in the fox farm area which subsequently resulted in the approval of a Planned Unit Development that gave the petitioners everything they wanted and adversely affected the residential neighborhoods. This proposed change to the PUD merely five months into the onset of the PUD is quite concerning. I guess Billings Holding LLC think they are working with a city desperate to bend over backwards to any of their whims. I think the planning department and City Commission are astute business people and will not concede to the demands of a company that wishes to cut corners which could result in safety issues and adverse traffic issues for the residents. This is not in the best interest of residents of Great Falls, especially those living in the Fox Farm area. Currently traffic flow is already impeded by vehicles trying to turn into either Lucky Lil's or the Holiday station on Fox Farm via an entrance not meant to take on the current load. Additional loads would substantially add to the potential for accidents and traffic delays creating a time bomb waiting to explode.

The neighborhood residents should not be subjected to further reductions in the quality of our neighborhood environment because Billings Holding LLC hasn't been able to negotiate their preferred agreement for an easement. Any changes along this line would only weaken a PUD which the majority of residents were opposed to from the onset. Please stand up for the residents of these neighborhoods and reject this request.

I am stating my opposition to the proposed change in the PUD.

Respectfully submitted

Tom Lyons
1526C Meadowlark Drive
Great Falls MT 59404
836-2068
rowhog@gmail.com

Sent from Mail for Windows 10

Thomas Micuda

From: cherietom@gmail.com
Sent: Tuesday, October 17, 2017 2:42 PM
To: Thomas Micuda
Subject: proposed change to PUD at Fox Farm Rd and Country Club Blvd

Tom

As always, thank you for graciously meeting with me to clarify the information regarding the notice of public hearing on the proposed Planned Unit Development change and to hear my concerns. As you know my major concerns throughout the whole process last spring which resulted in the approval of the PUD were traffic and safety issues. This proposed change to the PUD, five months into the onset of the PUD is definitely not in the best interest of residents of Great Falls, especially those living in the Fox Farm area. Currently traffic flow is already impeded by vehicles trying to turn into Lucky Lil and Holiday station on Fox Farm via a non street entrance. Additional loads would substantially add to the potential for accidents and traffic delays.

The neighborhood residents should not be subjected to further reductions in the quality of our neighborhood environment because Billings Holding LLC hasn't been able to negotiate their preferred agreement for an easement. Any changes along this line would only weaken a PUD which the majority of residents were opposed to from the onset.

I am vehemently opposed to the proposed change in the PUD

Cherie Bowman-Lyons
1526C Meadowlark Drive
Great Falls MT 59404
406-788-3717
cherietom@gmail.com

Sent from Mail for Windows 10

Thomas Micuda

From: mdkeaveny@charter.net
Sent: Thursday, October 19, 2017 9:06 AM
To: Thomas Micuda
Subject: The New Town House Hotel

Please do not drop the existing requirements that Town Pump has applied to drop. Our neighborhood cannot withstand this effort on the town pump as we would be adversely affected. We feel bad that we will be unable to attend the meeting. Traffic concerns already exist and they would be increased tremendously. Thank you for your concern in this matter. Sincerely Val (Sr) and Marge Keaveny



**BIG SKY CIVIL &
ENVIRONMENTAL, INC**

ENGINEERS - PLANNERS - DESIGNERS -
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PROFESSIONAL SEAL

BY: _____
DATE: _____

OWNER:

PROJECT NAME:

SHEET TITLE:

DRAWING INFORMATION:
BSCE PROJECT NUMBER:
OWNER FILE NUMBER:
CADD FILE NAME:
ASSOCIATED PROJECTS:

SHEET:
OF