



**City Commission Agenda  
Civic Center, 2 Park Drive South, Great Falls, MT  
Commission Chambers Room 206  
June 19, 2018**

**CALL TO ORDER 7:00 P.M.**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL/STAFF INTRODUCTIONS**

**AGENDA APPROVAL**

**CONFLICT DISCLOSURE/ EX PARTE COMMUNICATIONS**

**PROCLAMATIONS**

River's Edge Trail Month

**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. Appointment, Police Commission.
4. Reappointment, Tourism Business Improvement District.
5. Miscellaneous reports and announcements from Boards and Commissions.

**CITY MANAGER**

6. 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.*

7. Minutes, June 5, 2018, Commission Meeting.
8. Total Expenditures of \$2,744,334 for the period of May 16, 2018 through June 6, 2018, to include claims over \$5,000, in the amount of \$2,476,197.
9. Contracts List.
10. Set public hearing for Resolution 10242, Revising Fee Schedule for public safety

information requests to the Legal Department replacing Resolution 10065.

11. Approve the bid award for 250 tons of liquid asphalt to Calumet Montana Refining Company of Great Falls for \$91,250.

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

## **PUBLIC HEARINGS**

12. Ordinance 3181, Repealing and replacing Title 8, of the Official Code of the City of Great Falls (OCCGF), Pertaining to Health and Safety.

*Action: Conduct public hearing and adopt or deny Ordinance 3181. (Presented by Joseph Cik)*

## **OLD BUSINESS**

13. City Manager Contract Amendment.

*Action: Approve or not approve a contract amendment with the City Manager effective July 1, 2018. (Presented by Mayor Kelly)*

## **NEW BUSINESS**

14. Lot aggregation for Great Falls High School Building Addition Project.

*Action: Adopt or deny the amended plat for the 91 lot aggregation for the Great Falls High School Building Addition Project, subject to the Applicant fulfilling the listed Conditions of Approval. (Presented by Craig Raymond)*

## **ORDINANCES/RESOLUTIONS**

### **CITY COMMISSION**

15. Miscellaneous reports and announcements from the City Commission.
16. Commission Initiatives.

## **ADJOURNMENT**

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



**Item:** Appointment, Police Commission.

**From:** City Manager's Office

**Initiated By:** City Commission

**Presented By:** City Commission

**Action Requested:** Appoint one member to the Police Commission for a three year term.

---

---

**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission appoint \_\_\_\_\_ to the Police Commission for a three-year term through June 30, 2021.”

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

---

---

**Staff Recommendation:**

It is recommended that the City Commission appoint one member to the Police Commission for a three-year term through June 30, 2021.

**Summary:**

Ted Barnes was appointed to the Police Commission on December 15, 2009 and has served a partial term and two full terms. He is not eligible for reappointment. Advertisement on the City's Website began in April with two applications being received.

The Police Commission reviewed the applications and recommended appointing Robert Wigdorski for a three year term.

The Police Commission reviews all Police Department applicants for police officer positions and hears disciplinary appeals for the Police Department. The Commission is composed of three members appointed by the City Commission.

Continuing members of this board are:

Ken Thompson                      6/18/13 -- 6/30/19

Kevin Heffernan                    7/1/14 -- 6/30/20

Member being termed out:

Ted Barnes 12/15/09 -- 6/30/18

Citizens interested in serving on the Commission:

Robert Wigdorski

Tim Shanks

**Alternatives:**

Seek other applicants.

ATTACHMENTS:

- Recommendation from Police Commission
- Application - Wigdorski
- Application - Shanks

**CITY OF GREAT FALLS, MONTANA**  
***Police Commission***

**DATE:** June 06, 2018

**TO:** Great Falls City Commission c/o Mayor Bob Kelly

**FROM:** Great Falls Police Commission

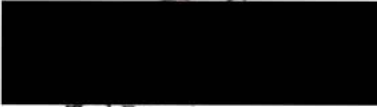
**SUBJECT:** Recommendation of Appointment to Police Commission

The Police Commission members have had an opportunity to review the applications submitted to fill the upcoming vacancy to the Great Falls Police Commission.

On behalf of Police Commission members Ken Thompson, Kevin Heffernan and Ted Barnes, we recommend the appointment of applicant Robert Wigdorski.

Please feel free to contact any current Police Commission member if there are questions or concerns about the review process or selection recommendation.

Respectfully Submitted,

  
Ted Barnes  
Great Falls Police Commission

cc: Chief of Police

RECEIVED

MAY 21 2018

CITY MANAGER



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

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

Board/Commission Applying For: <b>Police Commission</b>		Date of Application: <b>16 MAY 2018</b>
Name: <b>Robert Wigdorski</b>		
Home Address: <b>4009 13th Ave S. G.F. MT 59405</b>		Email address: <b>bwigdorski@hotmail.com</b>
Home Phone: <b>231-3640</b>	Work Phone: <b>727-2512</b>	Cell Phone: <b>231-3640</b>
Occupation: <b>Executive Director</b>		Employer: <b>Gateway Community Services</b>
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: <b>Graduated from GFHS in 1982. 22 YEARS IN THE USAF. 12 YEARS AS A SPECIAL AGENT W/ AFOSI. 10 YEARS WORKING Counter Intelligence for various organizations, including DIA.</b>		
Educational Background: <b>B.S. IN CRIMINAL JUSTICE, PARK UNIVERSITY M.A. IN INTERNATIONAL RELATIONS, U. of OKLAHOMA</b>		
IF NECESSARY, ATTACH A SEPARATE SHEET FOR YOUR ANSWERS TO THE FOLLOWING:		
Previous and current service activities: <b>I am a member of ROTARY, but have no other service affiliations. I volunteer some at my church, ST ANN'S.</b>		
Previous and current public experience (elective or appointive): <b>No public experience but over 30 years working for government institutions. Would like to become more involved in local issues.</b>		
Membership in other community organizations: <b>Rotary &amp; Chamber of Commerce</b>		



Have you ever worked for or are you currently working for the City of Great Falls? Yes  No  If yes, where and when?

Do you have any relatives working or serving in any official capacity for the City of Great Falls? Yes  No  If yes, who, which department, and relationship?


Have you ever served on a City or County board? Yes  No  If yes, what board and when did you serve?

Are you currently serving on a Board? Yes  No  If yes, which board?

Please describe your interest in serving on this board/commission?  
 I have a background in law enforcement, and I would like to donate some of my time to making Great Falls as good as possible.

Please describe your experience and/or background which you believe qualifies you for service on this board/commission?  
 I was a Special Agent in the AFOSI and worked for 10 years for the DIA. I am currently the E.D. of Gateway and have extensive knowledge of the issues facing G.F.

Additional comments:  
 I believe the GFPP is a professional organization and if I can help in some small way that would be terrific.

Signature 	Date: 21 May 2018
--	----------------------

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





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

RECEIVED


MAY 4 2018

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: <i>POLICE COMMISSION</i>		Date of Application: <i>MAY 4, 2018</i>	
Name: <i>TIM SHANKS</i>			
Home Address: <i>3317 12TH AVE SO</i>		Email address: <i>tshanks088@gmail.com</i>	
Home Phone: <i>[REDACTED]</i> <i>UNLISTED</i>	Work Phone: <i>N/A</i>	Cell Phone: <i>781-4985</i>	
Occupation: <i>RETIRED - POLICE OFFICER</i>		Employer: <i>N/A</i>	
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: <i>RETIRED CAPT GFPD - 35 YEARS, 4 YEARS WITH WEST YELLOWSTONE P.D AS WELL. WITH GFPD WORKED PATROL, INVESTIGATIONS, SUPPORT SERVICES, ATTENDED THE FBI NA IN 2002. INTEREXECUTIVE LEADERSHIP INSTITUTE - 2011. OVER 1800 HRS IN TRAINING AND CERTIFICATIONS.</i>			
Educational Background: <i>EFHS GRADUATE 1972, MSU - B.S. DEGREE IN SOCIOLOGY - 1976.</i> <i>TRAINING &amp; CERTIFICATIONS - SEE ATTACHED.</i>			
IF NECESSARY, ATTACH A SEPARATE SHEET FOR YOUR ANSWERS TO THE FOLLOWING:			
Previous and current service activities: <i>COACHED LITTLE LEAGUE, VOLUNTEER WITH THE HOMEOWNERS ASSN OF GREAT FALLS. VOLUNTEER WITH S &amp; H ALUMINUM TO DELIVER PRODUCT ON JOB SITES OUT OF TOWN AS REQUESTED.</i>			
Previous and current public experience (elective or appointive): <i>PAST PRESIDENT GPPA, MT ASSN OF CHIEFS OF POLICE, MONTANA POLICE PROTECTION ASSN, LEGISLATIVE CHAIRMAN FOR BOTH MACOP &amp; MIPA, TESTIFIED BEFORE LEGISLATURE NUMEROUS TIMES. I WAS INSTRUMENTAL IN GETTING SEVERAL PIECES OF LEGISLATION PASSED THAT ASSISTED OFFICERS STATEWIDE.</i>			
Membership in other community organizations: <i>BOARD MEMBER - GREAT FALLS POLICE COMMUNITY FOUNDATION SINCE 2007. FRATERNAL ORDER OF EAGLES DEGREE 14. PAST BOARD MEMBER OF CASCADE COUNTY DISTRICT TASK FORCE AS WELL AS OTHER BOARDS DURING WORKING YEARS IN P.D.</i>			



Have you ever worked for or are you currently working for the City of Great Falls? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If yes, where and when? <i>GREAT FALLS POLICE DEPT - 1980-2015 RETIRED</i>	
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 checked="" type="checkbox"/> No <input type="checkbox"/> If yes, which board? <i>GREAT FALLS POLICE COMMUNITY FOUNDATION.</i>	
Please describe your interest in serving on this board/commission? <i>HAVING REMAINED ON THE GFPCF SINCE 2007 I STILL MAINTAIN A STRONG LOYALTY TO THE P.D. I HAVE A GENUINE INTEREST IN SEEING THE EIGHT MEN AND WOMEN ARE APPOINTED AS POLICE OFFICERS. I BELIEVE I AM A GOOD JUDGE OF CHARACTER AND I CAN OFFER MY EXPERIENCES TO NEW OFFICERS. FROM MY INVOLVEMENT TO AN OFFICER INVOLVED SHOOTING TO ADMINISTRATION FUNCTIONS</i>	
Please describe your experience and/or background which you believe qualifies you for service on this board/commission? <i>PREVIOUS BACKGROUND IN LAW ENFORCEMENT AND OVER 1800 HRS OF TRAINING IN SUBJECT MATTER FROM ACCIDENT INVESTIGATION TO HOMICIDE &amp; LEADERSHIP. CERTIFICATES - MT LAW ENFORCEMENT ACADEMY - BASIC, INTERMEDIATE, ADVANCED, SUPERVISORY, COMMAND, AND ADMINISTRATIVE</i>	
Additional comments: <i>I FEEL I CAN CONTRIBUTE TO THE SELECTION OF CANDIDATES FOR POLICE OFFICER AND CONTINUE THE TRADITION OF PROFESSIONAL MEN &amp; WOMEN OF THE POLICE DEPT. I STILL MAINTAIN MY MEMBERSHIP WITH THE FBINA ASSOCIATES AS A RETIRED OFFICER AND ATTEND TRAINING AND ANNUAL CONFERENCES.</i>	
Signature 	Date: <i>MAY / 4 / 2018</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





MONTANA DEPARTMENT OF JUSTICE • LAW ENFORCEMENT

POST

**Montana POST Training, Certification and Education Unofficial Report**

Record for: Shanks, Timothy O  
 Report Date & Time: 6/22/2012 9:01:30 AM

**Training Record**

Course Code	Class Title	Hours	Start Date	End Date
SEX CRIMES		14	1/18/1977	1/19/1977
USE OF POLICE BATON		10	1/24/1977	1/26/1977
HOMICIDE INVESTIGATION	HOMICIDE INVESTIGATION	25	3/28/1977	3/30/1977
BASIC 24 (266.5)		0	4/17/1977	5/27/1977
RESERVE FORCE COORDINATOR	RESERVE FORCE COORDINATORS	15	1/31/1978	2/2/1978
INTERMEDIATE 8	INTERMEDIATE COURSE	84	5/7/1978	5/19/1978
RECENT COURT DECISIONS		3	5/2/1979	5/2/1979
ADVANCED 15	ADVANCED COURSE	80	11/25/1979	12/7/1979
CIVIL DISORDER & CROWD CONTROL		8	3/19/1980	3/19/1980
OFFICER SURVIVAL		16	11/29/1983	11/30/1983
DUI ENFORCEMENT/SINAWSKI		17	1/23/1985	1/24/1985
LEGAL 24		38	4/14/1985	4/19/1985
LEGAL UPDATE		16	3/3/1986	3/4/1986
ADVANCD HOMICIDE INVESTIGATION		40	11/29/1987	12/4/1987
ADVNCED SKILLS AUTO PISTOL (SW)		8	1/23/1988	1/23/1988
GAMBLING	GAMBLING INVESTIGATION	40	1/22/1989	1/27/1989
REID TECH/INTRVIEW-INTERROGATN		24	4/25/1989	4/27/1989
GAMBLING FOR THE STREET OFFICR	GAMBLING INVESTIGATION	16	9/19/1989	9/20/1989
PSYCHOLOGICAL PROFILING		32	3/11/1990	3/15/1990
HOMICIDE INVESTIGATION	HOMICIDE INVESTIGATION	40	10/25/1993	10/29/1993
LET08371RT94031806	CRIME SCENE INVESTIGATION	24	3/16/1994	3/18/1994
LET08350RT941006	HOMICIDE	32	10/3/1994	10/6/1994
LET02051PT960607	FIRST LINE SUPERVISOR	40	6/3/1996	6/7/1996
LET11500PT970319	DOMESTIC/FAMILY VIOLENCE / ADV. DOMESTIC VIOLENCE TRNG	16	3/18/1997	3/19/1997
LET04151LT979797	LEGAL UPDATE / LEGAL & LEGISLATIVE UPDATE	3	11/5/1997	11/5/1997
LET02059RT980611	POLICE MANAGEMENT ISSUES / RISK MANAGEMENT	6	6/11/1998	6/11/1998
LET08368PT981001	DEATH INVESTIGATION / DEATH INVESTIGATION	24	9/29/1998	10/1/1998
LET09403RT991007	ADVANCED ACCIDENT INVESTIGATION / OFFICER INV IN FATAL INV	32	10/4/1999	10/7/1999
LET02052PT991217	MID MANAGEMENT / MIDLEVEL MANAGEMENT	40	12/12/1999	12/17/1999
LET02054RT2001051801	ADMINISTRATIVE / Background Investigations for Law Enforcement	12	5/17/2001	5/18/2001
LET02059OS2002032701	POLICE MANAGEMENT ISSUES / Managing Police Discipline	17	3/25/2002	3/27/2002



LET02053RT2002060701	COMMAND / FBI Command College	40	6/3/2002	6/7/2002
LET10453RT2002071801	STRESS/CRITICAL INCIDENT / Critical Incident Stress Management	8	7/18/2002	7/18/2002
LET02060OS2002121301	FBI NATIONAL ACADEMY / FBI National Academy	400	9/29/2002	12/13/2002
LET02060RT2003043001	FBI NATIONAL ACADEMY / MT FBI National Academy Retrainer	16	4/29/2003	4/30/2003
LET02053RT2003071701	COMMAND / Challenging the Organizational Culture	8	7/17/2003	7/17/2003
LET02060RT2003092301	FBI NATIONAL ACADEMY / FBI National Academy Retrainer	16	9/22/2003	9/23/2003
LET08359RT2003100201	DRUGS / Meth Free Montana Conference	16	10/1/2003	10/2/2003
LET02054RT2004050601	ADMINISTRATIVE / Law Enforcement Executive Management	16	5/5/2004	5/6/2004
LET03105RT2004070801	ADVANCED COURSE / Emotional Survival for law Enforcement	8	7/8/2004	7/8/2004
LET03105PT2005042701	ADVANCED COURSE / Montana National Academy Conference	12	4/26/2005	4/27/2005
LET06250RT2005050601	CRIME PREVENTION / Enviromental Strategies for Alcohol and Tobacco	6	5/2/2005	5/6/2005
LET02056OS2005081101	LEADERSHIP / Leadership Skills for Challenging Times	20	8/9/2005	8/11/2005
LET11506OS2005082001	YOUTH DRUG PREVENTION / National Underage Drinking Conference	24	8/18/2005	8/20/2005
LET03105PT2005093001	ADVANCED COURSE / Racial Profiling	6	9/30/2005	9/30/2005
LET08380RT2006050301	CHILD ABUSE / FBI NA- Response to Child Abductions	8	5/2/2006	5/3/2006
LET02056RT2006071301	LEADERSHIP / MACOP- Commitment and Leadership	8	7/13/2006	7/13/2006
LET08376OS2006092501	INFORMANT HANDLING/INTELLG GATHERING / Domestic Terrorism, Intel Gathering	8	9/25/2006	9/25/2006
LET02056OS2006092601	LEADERSHIP / Predmeditated Leadership	8	9/26/2006	9/26/2006
LET06254RT2007021201	LEADERSHIP/MANAGEMENT / early Identification and Intervention Systems	8	2/12/2007	2/12/2007
LET03104RT2007071901	INTERMEDIATE COURSE / Excited Delirium,Sudden in Custody Deaths and Suicide by COP	8	7/19/2007	7/19/2007
LET11506OS2007080401	YOUTH DRUG PREVENTION / Enforcing Underage Drinking Laws	19	8/1/2007	8/4/2007
LET08370RT2007092501	CRIMINAL INVESTIGATION / FBI Retrainer	16	9/24/2007	9/25/2007
LET04151RT2007100501	LEGAL UPDATE / Legal Update	4	10/5/2007	10/5/2007
LET03108OS2007101701	CAREER DEVELOPMENT / IACP Conference	10	10/13/2007	10/17/2007
LET03105RT2008042401	ADVANCED COURSE / Recruitment, Hiring and Retention of Law Enforcement	24	4/22/2008	4/24/2008
LET10453RT2008072301	STRESS/CRITICAL INCIDENT / Preventing and Mitigating Delayed Stress Syndrome	8	7/23/2008	7/23/2008
LET02060OS2008092401	FBI NATIONAL ACADEMY / FBI National Academy Retrainer	16	9/23/2008	9/24/2008
LET02060RT2009040201	FBI NATIONAL ACADEMY / FBI NIBRS Training	16	4/1/2009	4/2/2009
LET02056RT2009071401	LEADERSHIP / Leading to Greatness - MACOP/MPPA	8	7/14/2009	7/14/2009
LET02054RT2009071501	ADMINISTRATIVE / Collective Bargaining	4	7/15/2009	7/15/2009
LET04151RT2009091501	LEGAL UPDATE / Legislative and Legal Update	2	9/15/2009	9/15/2009
LET08359RT2009092301	DRUGS / Montana-Idaho chapter FBI National Academy Associates	19	9/21/2009	9/23/2009
LET11500RT2009100101	DOMESTIC/FAMILY VIOLENCE / Sexual Deviance in the New Millenium	16	9/30/2009	10/1/2009
LET03108OS2009100701	CAREER DEVELOPMENT / 116th Annual IACP Conference	11	10/3/2009	10/7/2009
LET02054RT2010062301	ADMINISTRATIVE / Managers & Administrators Track	8	6/23/2010	6/23/2010
LET07305RT2010062401	SURVIVAL SKILLS / Use of Force-Officer Survival-Officer Involved in Shooting	8	6/24/2010	6/24/2010
LET03108OS2010092101	CAREER DEVELOPMENT / FBINAA Four States Training Conference-Current Issues in Law Enforcement	16	9/20/2010	9/21/2010
LET02056RT2010101801	LEADERSHIP / Leadership Seminar - Session 1	2	10/18/2010	10/18/2010
LET02056RT2010111701	LEADERSHIP / Leadership Seminar - Session 2	2	11/17/2010	11/17/2010
LET02056RT2011011901	LEADERSHIP / Leadership Seminar - Session 4	2	1/19/2011	1/19/2011
LET02056PT2011042901	LEADERSHIP / 2011 Montana Executive Leadership Institute	160	1/24/2011	4/29/2011
LET02056RT2011022301	LEADERSHIP / Leadership Seminar - Session 5	2	2/23/2011	2/23/2011



LET07305RT2011052401	SURVIVAL SKILLS / LEOKA-Law Enforcement Officers Killed and Assaulted (FBI)	8	5/24/2011	5/24/2011
LET08388RT2011061501	2011 MSPOA Conference-Media Relations	4	6/15/2011	6/15/2011
LET10453RT2011061501	STRESS/CRITICAL INCIDENT / 2011 MSPOA Conference-Critical Incident Stress Mngmt	4	6/15/2011	6/15/2011
LET04151RT2011061601	LEGAL UPDATE / 2011 MSPOA Conference-Legislative / Legal Update	3	6/16/2011	6/16/2011
LET11502OS2011081201	JUVENILES / 13th National Enforcing the Underage Drinking Laws Leadership Conference	8	8/10/2011	8/12/2011
LET12550RT2011092601	MOTORCYCLE GANGS / Outlaw Motorcycle Gangs	8	9/26/2011	9/26/2011
LET08376RT2011092701	INFORMANT HANDLING/INTELLG GATHERING / Internal Affairs Investigations and Use of Force	8	9/27/2011	9/27/2011
EXO03108RT2011111401	Training Raters for the Behavioral Personnel Assessment Device-BPAD	7	11/14/2011	11/14/2011
<b>Total Hours (Less BASIC Hours)</b>		1839		

**Certification Record**

Cert. Type	Cert. No.	Sequence	Instructor Type	Date Issued	Exp. Date
Basic	790			4/12/1978	
Intermediate	251			2/14/1980	
Advanced	297			10/10/1985	
Supervisory	726			8/20/1998	
Command	240			8/16/2001	
Administrative	134			2/20/2003	

**Education Record**

Institution	Major/Minor	Degree	Hours	Type	Start Date	End Date	
MONTANA STATE UNIVERSITY	Major:		B	0	Q	4/7/1993	6/11/1976
	Minor:						

Great Falls Police Department  
DATE 06/22/2012 FROM DATE: 01/01/2012  
TIME 8:25:05 TO DATE..: 06/22/2012  
COURSE ..: ALL

ORI# . . . : MT0070100 GFPD  
BADGE# . . : 088  
EMP STATUS: ALL

PAGE 1  
PL0420  
SVANEVERY

EMPLOYEE EDUCATION SUMMARY REPORT

BADGE #	NAME	TOTAL HOURS
088	SHANKS, TIMOTHY, OWEN,	15.00
	GRAND TOTAL:	15.00

Great Falls Police Department  
 DATE 06/22/2012 FROM DATE: 01/01/2012  
 TIME 8:26:03 TO DATE..: 06/22/2012  
 COURSE ..: ALL

ORI# . . : MT0070100 GFPD  
 BADGE# . : 088  
 EMP STATUS: ALL

PAGE 1  
 PL0420  
 SVANEVERY

EMPLOYEE EDUCATION DETAIL REPORT

GRAD DATE	COURSE/DESCRIPTION	SCHOOL NAME	DURATION	COMMENT	TOTAL COST	RECERT DATE
-----						
BADGE #:	088	NAME: SHANKS, TIMOTHY, OWEN.				
01/30/12	633	BRADY & GIGLIO LEGAL UPDA	1.00	HRS	.00	
02/07/12	102	C.P.R.	3.00	HRS	.00	02/07/14
02/29/12	166	GFPD IN-HOUSE TRAINING, M PATC WEBINAR 4 TYPE	1.00	HRS	.00	
03/28/12	166	GFPD IN-HOUSE TRAINING, M	1.00	HRS	.00	NEW SURVEILLANCE SYSTEM/CAMERA TRAINI
04/06/12	166	GFPD IN-HOUSE TRAINING, M	1.00	HRS	.00	LEADERSHIP TRAINING ~ DISCIPLINE
04/19/12	166	GFPD IN-HOUSE TRAINING, M	8.00	HRS	.00	EXCEL COMPUTER TRAINING
OFFICER TOTAL:			15.00	HRS	.00	
GRAND TOTAL:			15.00	HRS	.00	





**Item:** Reappointment, Tourism Business Improvement District.

**From:** City Manager's Office

**Initiated By:** City Commission

**Presented By:** City Commission

**Action Requested:** Reappoint one member to the Tourism Business Improvement District Board of Trustees.

---

---

**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission reappoint \_\_\_\_\_ to the Tourism Business Improvement District Board of Trustees to a four-year term through June 30, 2022.”

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

---

---

**Staff Recommendation:**

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

**Summary:**

Scott Shull was appointed to the Board on May 3, 2011 to fill a partial term and has just completed his first full four year term. He is interested and eligible for reappointment. Mr. Shull is currently the Chairman of the Board.

Executive Director for Great Falls Tourism, Rebecca Engum sent out letters announcing the opening to the members within the Tourism Business Improvement District and received one application. The Board reviewed the application received from Mr. Larry Gooldy II and discussed Mr. Shull's commitment and experience on the board prior to recommending Mr. Shull for reappointment.

There is another recent opening on the Board due to a resignation by Scott Arensmeyer. Ms. Engum will be advertising for this vacancy and will keep Mr. Gooldy's application for consideration.

**Background:**

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

Current members on the Board:

	Term
Becky Amaral-Miller	7/3/12 -- 6/30/20
Robert Dompier	7/19/16 -- 6/30/19
Scott Arensmeyer	4/3/14 -- 6/30/19
Malissa Hollan	12/1/09 -- 6/30/21
David Buckingham	10/17/17 -- 6/30/21
Laurie Price-Manning	11/18/14 -- 6/30/20

**Alternatives:**

Continue to seek applications for the opening.

**Concurrences:**

Tourism Business Improvement District Board recommended reappointing Mr. Shull for a four year term.

ATTACHMENTS:

- ▢ Recommendation from TBID Board
- ▢ Application - Shull
- ▢ Application - Gooldy



29 May 2018

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

Mayor and Commissioners:

The Great Falls Montana Tourism Business Improvement District (TBID) Board of Trustees through unanimous consensus would like to recommend that Scott Shull be reappointed to as trustee to the Great Falls Montana Tourism Business Improvement District for a 4-year term.

Scott Shull is with the Days Inn and is:

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

Mr. Shull has served a previous term on the TBID Board of Directors and is the current Chair of the Board. There was one additional candidate that was considered and the Board placed Mr. Shull's commitment and experience in leading the Board as the ultimate consideration in the recommendation. Thank you for your consideration.

Sincerely,



Rebecca Engum  
Executive Director

Great Falls Montana Tourism  
Basecamp | 100 1<sup>st</sup> Ave N, Lower Level Suite, Great Falls, MT 59401  
406-761-4436 | [www.VisitGreatFallsMontana.org](http://www.VisitGreatFallsMontana.org)





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

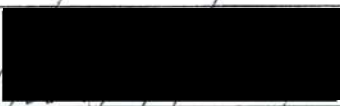
**RECEIVED**

MAY 23 2018

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: <i>Great Falls Tourism Business Improvement Dist.</i>		Date of Application: <i>5/22/18</i>
Name: <i>Scott Shull</i>		
Home Address: <i>3000 3rd Ave S Great Falls, MT 59405</i>		Email address: <i>scott@daysinngreatfalls.com</i>
Home Phone:	Work Phone: <i>406-788-4205</i>	Cell Phone: <i>406-788-4205</i>
Occupation: <i>Hotel Owner / GM</i>		Employer: <i>Westde/co Inc, dba Days Inn of Great Falls</i>
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: <i>I have owned and operated the Days Inn since 1992. Previously served on GFTBID Board. 1st appointed to fulfill remaining 2 years of unexpired term. Reappointed 7/2015. Have served as chair and vice chair</i>		
Educational Background: <i>Business Administration, B.A. Lewis + Clark College Portland, OR</i>		
<b>IF NECESSARY, ATTACH A SEPARATE SHEET FOR YOUR ANSWERS TO THE FOLLOWING:</b>		
Previous and current service activities: <i>Served on Great Falls CVB. Presently serving on Great Falls Chamber of Commerce <del>Board</del> Board. Boy Scout leader. Youth leader.</i>		
Previous and current public experience (elective or appointive): <i>Great Falls CVB - elected</i> <i>Great Falls TBID - appointed 2013 (remaining 2 year unexpired term)</i> <i>" " 2015 3 year term</i>		
Membership in other community organizations: <i>Great Falls CVB, Great Falls Symphony, Sunrise Presbyterian Church.</i>		

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? GF TBID 7/2013 - 6/2015 ; 7/2015 - 6/2018	
Are you currently serving on a Board? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If yes, which board? GF TBID	
Please describe your interest in serving on this board/commission? To continue with the progress of Great Falls Montana Tourism. To build our brand and further the tourism industry in Great Falls Montana.	
Please describe your experience and/or background which you believe qualifies you for service on this board/commission? I have been a contributing member of this board for the past 5 years.	
Additional comments:	
Signature	
Date:	5/22/18

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





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

**RECEIVED**

**MAY 17 2018**

*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: <b>Great Falls Montana Tourism Business Improvement District Board of Directors</b>		Date of Application: <b>5/17/2018</b>	
Name: <b>Larry Gooldy II.</b>			
Home Address: <b>2612 1st Ave N. Great Falls, MT. 59401</b>		Email address: <b>larry.gooldy@pillarhotels.com</b>	
Home Phone: <b>406-403-3430</b>	Work Phone: <b>406-454-3000</b>	Cell Phone: <b>406-403-3430</b>	
Occupation: <b>General Manager</b>		Employer: <b>Aimbridge Hospitality Fairfield Inn</b>	
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: <b>27 years in airline industry, 21 years in Great Falls as station manager. 1 year Manager experience at Sam's club. 1 year General Manager at Fairfield Inn Served on Board of Director's at Center Stage Theater and Voyager's Baseball stadium</b>			
Educational Background: <b>Working on Business Management degree currently</b>			
<b>IF NECESSARY, ATTACH A SEPARATE SHEET FOR YOUR ANSWERS TO THE FOLLOWING:</b>			
Previous and current service activities: <b>Currently active volunteer for Eagle Mount Serve in Ski, Equestrian and Rafting programs</b>			
Previous and current public experience (elective or appointive): <b>N/A</b>			
Membership in other community organizations: <b>Chamber of Commerce</b>			



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? Have a vested interest in Great Falls and the tourism of our community. I would like to lend my experience and talents with others to improve how we are, and where we can be in the future through the attraction of others coming to our community.	
Please describe your experience and/or background which you believe qualifies you for service on this board/commission? I bring a unique base of job related knowledge from three separate entities in Great Falls, Aviation, Retail, and currently Hospitality. I feel that I can add to the discussion on a wide range of subjects that effect continued growth and diversification.	
Additional comments: If selected I look forward to assisting and helping direct the growth of our Community. To attract others to visit, share, and return though efforts we can develop together.	
Signature	Date: 5/17/18

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

# LARRY R GOOLDY II

2612 1ST AVE N, GREAT FALLS, MONTANA 59401

Home: 406-403-3430

larjeng@yahoo.com

## SUMMARY

I am seeking employment that will continue to use my 28 years of management and customer service experience to grow and serve your company and the customers you wish to reach.

## EXPERIENCE

### Fairfield Inn

Great Falls, Montana

6/2017 to Present

#### General Manager

Serve as primary leader for the hotel. Duties included but not limited to, all service, regulatory, sales, and company standards are met or exceeded. Maintaining a 100% safety record for employee and guest safety. Continuous improvement through audit and training of employees. Budgetary preparation and control. Hiring and employee relations. Training to company standards. Acts as the community representative for all hotel related items dealing with news, support, and civic functions. Other duties and projects as assigned.

### SAM'S CLUB

Great Falls, Montana

12/2015 to 6/2017

#### Fresh Assistant Manager

Serve as the leader of all Fresh operations and as part of the overall management team. Duties included but not limited to, Plan the production, labor and execution for major and daily Fresh events. Maintain Fresh results and compliance in sales and regulatory compliance. Manage and enforce Sam's Club standards through training, standards, audit, and accountability. Drive Fresh sales and profit through presentation, inventory control, budgetary compliance, consistency. Development and supervision of Fresh associates. Community representative for store marketing. Active volunteer with Eagle Mount. Other duties and projects as assigned.

### HORIZON AIR, GREAT FALLS, MT

Great Falls, Montana

10/1996 to 07/2015

#### Manager

Served as the sole leader for daily operations for Horizon and Alaska Airlines in Great Falls. Duties included but not limited to, all service, regulatory, security, and company standards are met or exceeded. Maintaining a 100% safety record for employee and customer safety. Continuous improvement through audit and training of employees. Budgetary preparation and control. Hiring and employee relations. Training to regulatory or company standards. Community representative for all airline related items dealing with news, support, and civic functions. Other duties and projects as assigned.

### HORIZON AIR

Seattle, WA

02/1991 to 10/1996

#### Supervisor

Supervisor all aspects of hub operations including, ground operations, customer services, and cargo operations. Maintain, audit, and train employees to the company and regulatory standards. Maintain employee and passenger safety. Interviewing and hiring duties. Administrative functions, and other duties/services as assigned.

**HORIZON AIR**

Pasco, WA

**Lead Service Agent**

05/1988 to 02/1991

Leading and training of staff members, customer service, flight operations, airport operations, auditing, safety and compliance related duties.

**EDUCATION**

**AA: BUSINESS MANAGEMENT** (in progress)

2018

**Great Falls College MSU**, Great Falls, Montana

Current GPA 3.6

**DIPLOMA: GENERAL STUDIES**

1987

**Riverview High School City Area Vocational School**, Finley Kennewick, WA

General Studies

---

**SKILLS**

Great attention to detail, and safety standards. Strong flexibility and multitasking in a fast-paced work environment. Excellent people and customer service skills. Ability to build relationships with our customers, develop business relationships with the community and resolve conflicts that may arise. Excellent leadership and presentation skills. Good decision-making and problem solving ability. Proficient in all forms of office tools and programs. Over 22 years of leadership in ever increasing roles of responsibility.





**Item:** Minutes, June 5, 2018, Commission Meeting

**From:** City Clerk's Office

**Presented By:** City Commission

---

---

ATTACHMENTS:

- ▢ Draft Minutes, June 5, 2018, Commission Meeting

**JOURNAL OF COMMISSION PROCEEDINGS**

**June 5, 2018**

**Regular City Commission Meeting  
Commission Chambers Room 206**

**CALL TO ORDER 7:00 P.M.**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

City Commission members present: Bob Kelly, Mary Sheehy Moe, Bill Bronson, Owen Robinson, and Tracy Houck. Also present were City Manager Greg Doyon and Deputy City Manager Chuck Anderson; Deputy City Clerk Darcy Dea; Planning and Community Development Deputy Director Tom Micuda; Finance Director Melissa Kinzler; Park and Recreation Director Steve Herrig; City Attorney Sara Sexe; and Police Captain John Schaffer.

**AGENDA APPROVAL**

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

**CONFLICT DISCLOSURE/ EX PARTE COMMUNICATIONS**

Commissioner Robinson reported that he received a telephone call from an individual with a complaint, and explained the process would be to send written correspondence to the Commission via the Clerk's office.

**PROCLAMATIONS**

Men's Health Month.

**PETITIONS AND COMMUNICATIONS**

1. **Miscellaneous reports and announcements.**

**Sherrie Arey**, NeighborWorks Great Falls, 509 1st Avenue South, announced that National NeighborWorks Week is June 2-9, 2018. The 2018 most improved awards will be held on June 6 at the Springhill Suites, and the NeighborWorks neighborhood tour will be on June 7. She expressed appreciation to the Commission, as well as staff for making a stronger community by helping with the solutions for housing.

**NEIGHBORHOOD COUNCILS**

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

None.

## **BOARDS AND COMMISSIONS**

### **3. Appointment, Historic Preservation Advisory Commission.**

**Commissioner Moe moved, seconded by Commissioner Bronson, that the City Commission appoint Ken Robison to fill the remainder of a three-year term through April 30, 2020, to the Historic Preservation Advisory Commission.**

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

Commissioner Bronson reported that two appointees have passed away before their terms were completed, and that the other appointee had moved.

Commissioner Houck expressed appreciation for Mr. Robison filling the position.

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

Motion carried 5-0

### **4. Reappointments, Housing Authority Board of Commissioners.**

**Commissioner Moe moved, seconded by Commissioner Houck, that the City Commission reappoint Ashley Gates and Terri Sullivan as tenant members for two year terms through June 30, 2020 to the Great Falls Housing Authority Board of Commissioners.**

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

Mayor Kelly noted that Terri Sullivan and Ashley Gates are serving their first full two year terms, and expressed appreciation for their involvement with the Board.

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

Motion carried 5-0

### **5. Reappointment, Audit Committee.**

**Commissioner Bronson moved, seconded by Commissioner Robinson, that the City Commission reappoint Jeremy Trebas to the Audit Committee to fill a private citizen position through June 30, 2021.**

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

Mayor Kelly commented that Jeremy Trebas is a Certified Public Accountant (CPA), who brings



skill to the Committee.

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

Motion carried 5-0

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

Mayor Kelly reminded Mr. Hubbard that the appropriate time to discuss topics not related to Boards and Commissions was the Petitions and Communications portion of the meeting.

**CITY MANAGER**

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

City Manager Greg Doyon reported:

- A proposed budget presentation will be at a work session on June 27th, and a formal presentation will be on July 3rd.
- The Collective Bargaining process has begun, and the Crafts contract will be negotiated in late June.
- The River's Edge Trail has been nominated as the "National Recreation Trail" by Secretary of the Interior Ryan Zinke.
- Deputy Prosecutor Cassidy Blomgren and Senior Patrol Officer Kevin Supalla were honored at the DUI Task Force recognition ceremony.
- The Annual Police Department awards luncheon was held on May 18.
- Deputy City Manager Chuck Anderson graduated from Leadership Great Falls.
- Senator Jon Tester submitted a letter to the Secretary of the Air Force requesting that the space issues for storing C130's be advanced as higher priority in order to accommodate the FAA change of rule.

**CONSENT AGENDA**

8. Minutes, May 15, 2018, Commission Meeting.
9. Total Expenditures of \$3,063,421 for the period of May 1, 2018 through May 23, 2018, to include claims over \$5,000, in the amount of \$2,684,523.
10. Contracts List.

11. Approve Interlocal Agreement for the provision of 911 (PSAP) and emergency dispatch services to Cascade County, The City of Great Falls, The Town of Cascade, The City of Belt and The Town of Neihart.
12. Approve final payment for the Police Department Water Main Replacement/Re-route, in the amount of \$58,052.23 to United Materials of Great Falls, Inc., and \$586.39 to the State Miscellaneous Tax Fund and authorize the City Manager to make the payments. **OF**  
**1684**
13. Award a contract in the amount of \$866,028.00 to Thomas Dean & Hoskins Engineering (TD&H) for the Water Main Crossings Under the Upper Missouri River and Sun River, and authorize the City Manager to execute the contract documents. **OF**  
**1494.6**
14. Approve a Memorandum of Understanding and Project Funding and Maintenance Agreement including City Street funding participation of \$96,761.00 between the City of Great Falls and the Montana Department of Transportation for the Stuckey Road Improvements project, and authorize the City Manager to execute the agreement. **OF**  
**1739.1**

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

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

Referring to Item 12, Mayor Kelly reported that the final project cost was approximately \$28,000 less than the total contract amount.

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

Motion carried 5-0.

## **PUBLIC HEARINGS**

15. **Resolution 10237, Conditional Use Permit for a "two family residence" land use upon the property located at 3125 8th Avenue North.**

Planning and Community Development Deputy Director Tom Micuda reported that the applicant, Tom Skovron, submitted an application to request a Conditional Use Permit (CUP) to allow for the establishment of a "Residence, Two-family" land use legally describes as Lot 8, Block 104, Great Falls Twelfth Addition, Sec 5, T20N, R4E, PMM, Cascade County, Montana. The property is zoned R-3 Single-family high density. The applicant wishes to construct a residential duplex upon the subject property, in full compliance with R-3 zoning

district dimensional requirements and all other development standards.

Planning and Community Development Deputy Director Micuda further reported that the parcel is 9,000 square feet, which is larger than the typical 7,500 square foot lot, and that the larger corner lot better accommodates two family residences. He concluded that there was no opposition from Neighborhood Council 8.

Mayor Kelly declared the public hearing open.

No one spoke in support of or in opposition to Resolution 10237.

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

**Commissioner Bronson moved, seconded by Commissioner Robinson, that the City Commission adopt Resolution 10237 for a Conditional Use Permit for a "Residence, Two-Family" land use located at 3125 8th Avenue North, subject to the applicant fulfilling the listed conditions of approval.**

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

Motion carried 5-0

**OLD BUSINESS**

**NEW BUSINESS**

16. **2018/2019 HUD Annual Action Plan.**

Planning and Community Development Deputy Director Tom Micuda reported that the Community Development Block Grant (CDBG) and U.S. Department of Housing (HUD) are federal programs administered by the HUD to help fund local community development programs including affordable housing, public service agencies, economic development and public improvement projects. The primary goal of these programs is to assist low and moderate income (LMI) persons in their respective communities.

In order to receive HUD funding, a jurisdiction must submit a five year Consolidated Plan that is updated annually with an Action Plan containing the proposed use of CDBG and HOME Program funds. On June 2, 2015, the Commission approved the 2015-2019 HUD Consolidated Plan. The Annual Action Plan is developed through a Community Needs Assessment process. Funding priorities for the upcoming fiscal year were recently approved by the City Commission on May 15, 2018. Information regarding community needs was gathered from a HUD required annual Community Needs Hearing, which was on April 17, 2018.

The Proposed Annual Action Plan was made available to the citizens for review and comment for a 30-day period from May 3, 2018 through June 2, 2018. The public was also encouraged to comment on the City's overall CDBG & HOME program performance and policies.



**Commissioner Houck moved, seconded by Commissioner Robinson, that the City Commission adopt the proposed 2018/2019 Annual Action Plan for submission to the U.S. Department of Housing and Urban Development (HUD), and reaffirm the funding priorities approved by the Commission on May 15, 2018, for the 2018/2019 Community Development Block Grant (CDBG) Program.**

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

Written correspondence was received from **Colleen Hill, Terrie Rae LaRocque, and Gerald Gray**, Indian Family Health Clinic (IFHC), 1220 Central Avenue, supporting the use of CDBG funds for the continuation of services for the IFHC.

**Sheila Rice**, 913 3rd Avenue North, commented that the Annual Action Plan allows CDBG funds to be used for projects such as the Rocky Mountain Building rehabilitation, and expressed support of the Annual Action Plan as it stands today.

There being no one further to address the Commission, Mayor Kelly asked if there was any discussion amongst the Commissioners.

Commissioner Houck expressed appreciation to those involved with the Annual Action Plan process and commented that the entire community would be served.

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

Motion carried 5-0

## **ORDINANCES/RESOLUTIONS**

17. **Ordinance 3165, Amending OCCGF Section 9.4.030, Pertaining to Exceptions to the Prohibition of Drinking or Displaying of Alcoholic Beverages in Public Places.**

City Attorney Sara Sexe reported that pedlets are sidewalk extensions that extend out into public parking spaces to allow for continued pedestrian traffic, while allowing businesses to provide outdoor seating on public sidewalks. Several businesses inside the downtown area are utilizing the pedlet system, including businesses that sell alcoholic beverages for consumption. In order for a business to utilize a pedlet for the purpose of providing dining services, the business establishment is required to maintain a sidewalk café permit.

The Official Code of the City of Great Falls (OCCGF) § 9.4.020 prohibits drinking or displaying alcoholic beverages in public places without permits. Ordinance 3165 would allow business establishments that maintain a sidewalk café permit to serve, and allow customers to consume alcoholic beverages within the designated sidewalk café area.

**Commissioner Moe moved, seconded by Commissioner Houck, that the City Commission adopt Ordinance 3165.**

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

**Sheila Rice**, 913 3rd Avenue North, commented that the pedlets have made a huge difference to downtown.

There being no one further to address the Commission, Mayor Kelly asked if there was any discussion amongst the Commissioners.

Commissioner Houck clarified that pedlets are defined areas for customers to consume alcohol, and that Ordinance 3165 does not allow for open containers anywhere else downtown.

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

Motion carried 5-0

18. **Ordinance 3181, Repealing and Replacing Title 8, Of The Official Code Of The City Of Great Falls (OCCGF), Pertaining To Health And Safety.**

City Attorney Sara Sexe reported there are numerous deficiencies throughout the Official Code of the City of Great Falls (OCCGF) that conflict with State and Federal law. Substantive changes include the following:

- Redesignating food service and wholesale food establishments to be consistent with the Administrative Rules of Montana (ARM).
- Amending garbage and refuse provisions to be consistent with current Public Works Department practice.
- Incorporating ARM regulations pertaining to swimming pools into the OCCGF.
- Adding Chapters 13, 14, and 48 to Title 8 and redesignating Chapter 12.
- Clarifying language in OCCGF Nuisance and Penalty provisions throughout Title 8.

City Attorney Sexe pointed out that the proposed changes are available on the web site.

**Commissioner Moe moved, seconded by Commissioner Bronson, that the City Commission accept Ordinance 3181 on first reading and set the public hearing for June 19, 2018.**

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

Motion carried 5-0

19. **Ordinance 3187, Amending Ordinance 2903, for the property located in Jewell Addition, Lot 4, Block 1 to allow a "Residence, Multi-family" land use within the Emerald Green PUD.**

Planning and Community Development Deputy Director Tom Micuda reported that the applicant, T&M Properties and Development LLC requested to build a 36 unit apartment

complex adjacent to the Hickory Swing Golf course. The Emerald Green Planned Unit Development (PUD) was created by Ordinance 2903 in 2006. The original PUD only allowed for the retirement community option for Lot 4A, and the PUD needs to be amended in order to allow the applicants request to construct apartments on the property.

The applicant proposed development standards that will only be applied to Lot 4A of the Emerald Green PUD. The remaining lots in the PUD have already been developed and will retain the standards originally approved in the 2006 PUD.

The applicant proposed that the development standards for Lot 4A include specifications from the City's R-6 Multi-family High Density zoning district including residential density, minimum lot size for newly created lots, and lot size proportions for newly created lots. The proposed PUD standards would allow for a higher maximum building height for accessory structures and buildings, a shorter rear yard setback and allows for a detached garage.

The applicant proposed ingress and egress for the development to occur off American Avenue. The Fire Department requested an additional point of access in case of blockage to the American Avenue access point. The applicant provided a secondary emergency access from the golf course drive that will include a knockdown emergency gate.

The original PUD called for extending Emerald Drive to connect the condominiums with the originally approved retirement home on Lot 4A. The applicant prefers to not connect the proposed apartments to the existing condominiums due to cost and the desire to heavily landscape and berm the project.

**Commissioner Houck moved, seconded by Commissioner Robinson, that the City Commission accept Ordinance 3187 on first reading and set a public hearing for July 3, 2018.**

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

Mayor Kelly received clarification that the proposed three 12-unit apartment buildings would face American Avenue.

Commissioner Bronson expressed appreciation to the Planning and Community Development Department for notifying Jewell Addition residents that the Public Hearing would be on July 3.

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

Motion carried 5-0

20. **Resolution 10235, Establishing a Policy Concerning Appointments to Boards and Commissions and Repealing Resolution 10059.**

City Attorney Sara Sexe reported that the Great Falls Tourism Business Improvement District (TBID) expressed concern over the current appointment policy making it difficult to recruit and retain Trustees to serve on the Board. Many of the business owners within the District are not city residents, therefore the number of individuals that would qualify for trustee positions is



limited.

Resolution 10235 was tabled on May 15, 2018 for further development of language based on concern by members of the Commission that the proposed policy change could result in BID Board membership becoming stagnant.

**Commissioner Bronson moved, seconded by Commissioner Robinson, that the City Commission remove Resolution 10235 from the table for purposes of discussion and potential action on the item.**

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

Motion carried 5-0

**Commissioner Moe moved, seconded by Commissioner Bronson, After clarification, that the City Commission adopt Resolution 10235 as set forth in Attachment "B".**

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

**Rebecca Engum**, Tourism Business Improvement District (TBID) Executive Director, 100 1st Avenue North, expressed appreciation to the Commission and staff with regard to creating a workable document that meets everyone's needs. She commented that the language is clear in Attachment "B", and would appreciate the Commission's adoption of Resolution 10235 Attachment "B".

**Joan Redeen**, Great Falls Improvement District, 318 Central Avenue, reported that the Business Improvement District (BID) Board of Directors agrees with Resolution 10235 Attachment "B".

There being no one further to address the Commission, Mayor Kelly asked if there was any discussion amongst the Commissioners.

Commissioner Houck commented that she liked the option that the Commission still reserves the right to interview applicants, and that there are still "checks and balances".

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

Motion carried 5-0

21. **Resolution 10236, Declaring and certifying a nuisance located on certain property at 1425 3rd Avenue Southwest has been abated.**

Planning and Community Development Deputy Director Tom Micuda reported that there had been a series of complaints regarding a variety of nuisance items for the past 36 years. The Commission adopted Resolution 10173 on December 5, 2017, declaring the property at 1425 3rd Avenue Southwest a Nuisance. Staff has worked with Mr. Preston subsequent to the nuisance declaration and the nuisance property located at 1425 3rd Avenue Southwest had been abated.

**Commissioner Houck moved, seconded by Commissioner Robinson, that the City Commission adopt Resolution 10236, Declaring and certifying that a nuisance located on certain property located at 1425 3rd Avenue Southwest, Lot 3A Block 9, Community Hall 2, Cascade County, Montana, has been abated.**

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

Commissioner Houck commented that the property looks fabulous and was pleased that it was a collaborative effort.

Motion carried 5-0

22. **Resolution 10238, Create City of Great Falls Park District Number 1.**

Park and Recreation Director Steve Herrig reported that the Great Falls Park District Number 1 was created pursuant to Montana Code Annotated (MCA) § 7-11. The effective duration of the Great Falls Park District 1 would be a period of 20 years from the date of the adoption of Resolution 10238. On June 6, 2017 the Commission adopted Resolution 10191, Intention to Create a Special District. In accordance with MCA § 7-11-1008, a sixty-day protest was conducted, and because the protest of the cost of the assessment from property owners was more than 10% but less than 50%, the Commission ordered a referendum by adopting Resolution 10223 on February 6, 2018, pursuant to MCA § 7-11-1011.

On May 8, 2018, all qualified Montana electors that were residents of the City or owned property within the City limits had the opportunity to vote on whether the proposition to organize Great Falls Park District Number 1 be adopted. On May 15, 2018, the Cascade County Clerk and Recorder certified, pursuant to MCA § 7-11-1011, that proposition to organize Great Falls Park District Number 1 was adopted by a vote of 8,320 for and 6,776 against. On May 29, 2018, the Montana Secretary of State certified, pursuant to MCA § 7-11-1012, the establishment of Great Falls Park District Number 1.

The cost of the proposed improvements for the District is \$1,500,000 annually for the first three years. The assessment method will be based on each lot or parcel of land, including the improvements on the lot or parcel, for the part of the cost of the district that its taxable valuation bears to the total taxable valuation of the property of the District. The assessment can be adjusted annually.

In fiscal year 2019, the cost of the services to be performed in the District totals \$1,500,000. The annual assessment will be based on the taxable value of each parcel within the Special District pursuant to MCA § 7-11-1024.

**Commissioner Robinson moved, seconded by Commissioner Houck, that the City Commission adopt Resolution 10238 to Create Great Falls Park District Number 1.**

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

Commissioner Robinson expressed support with regard to allowing citizens to vote on whether the proposition to organize Park District Number 1 should be adopted.

Commissioner Moe thanked the community for the difficult, however important, decision to adopt Park District 1.

Commissioners Houck and Bronson echoed Commissioner Moe's comment.

Motion carried 5-0

## **CITY COMMISSION**

### **23. Miscellaneous reports and announcements from the City Commission.**

Commissioner Robinson reported that he attended an Aspiration Tour in Canada, which included two professors who discussed providing Food Processing Plants for the City.

Commissioner Moe expressed appreciation to Commissioner Houck for filling in for her at an Airport Board meeting.

### **24. Commission Initiatives.**

None.

## **ADJOURNMENT**

There being no further business to come before the Commission, **Mayor Kelly moved, seconded by Commissioner Moe, to adjourn the regular meeting of June 5, 2018, at 8:15 p.m.**

Motion Carried 5-0.

---

**Mayor Bob Kelly**

---

**City Clerk Lisa Kunz**

**Minutes Approved:  
June 19, 2018**





**Item:** Total Expenditures of \$2,744,334 for the period of May 16, 2018 through June 6, 2018, to include claims over \$5,000, in the amount of \$2,476,197.

**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](http://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 MAY 24, 2018 - JUNE 6, 2018	2,701,821.85
MUNICIPAL COURT ACCOUNT CHECK RUN FOR MAY 16, 2018 - MAY 30, 2018	42,512.50
<b>TOTAL: \$</b>	<b><u>2,744,334.35</u></b>

**SPECIAL REVENUE FUND**

---

**STREET DISTRICT**

KUGLIN CONSTRUCTION	OF 1730.2 ADA HANDICAP RAMPS	43,716.79
GREAT FALLS SAND & GRAVEL	ASPHALT CONCRETE	6,342.36

**PARK & RECREATION SPECIAL REVENUE**

ADVANCED LITHO PRINTING	2018 RIVERS EDGE TRAIL MAPS	5,150.00
WADSWORTH BUILDERS CO	OF 1585.7 WEST BANK PARK PAVILION	30,884.86
WILLIAMSON FENCING	MULTISPORTS FIELD #2 AND #4 NEW FENCING	48,300.00

**ECONOMIC REVOLVING**

FIRST CALL RESOLUTION LLC	BIG SKY TRUST FUND GRANT	24,900.00
---------------------------	--------------------------	-----------

**CAPITAL PROJECTS**

---

**GENERAL CAPITAL**

UNITED MATERIALS	OF 1684 POLICE DEPT WATER MAIN REPLACEMENT/ RE-ROUTE (SPLIT AMONG FUNDS)	25,500.00
------------------	--	-----------

**ENTERPRISE FUNDS**

---

**WATER**

ADVANCED ENGINEERING & ENVIRONMENTAL SERVICE INC	OF 1699 WATER/SEWER COST OF SERVICE (SPLIT AMONG FUNDS)	12,731.78
NALCO COMPANY	CHEMICALS	35,552.00
UNITED MATERIALS	OF 1684 POLICE DEPT WATER MAIN REPLACEMENT/ RE-ROUTE (SPLIT AMONG FUNDS)	18,536.47

**SEWER**

VEOLIA WATER NORTH AMERICA	MONTHLY WWTP OPERATION CONTRACT	241,274.04
VEOLIA WATER NORTH AMERICA	MONTHLY CONTRACTED CAPITAL IMPROVEMENTS	12,500.00
OUTRIGGER CONSULTANTS LLC	OF 1722.2 LIFT STATION #8 REMOVAL	5,547.50
ADVANCED ENGINEERING & ENVIRONMENTAL SERVICE INC	OF 1699 WATER/SEWER COST OF SERVICE (SPLIT AMONG FUNDS)	12,731.77
CIP CONSTRUCTION TECHNOLOGIES	OF 1695.6 WEST BANK SANITARY SEWER MANHOLE LINING	33,563.04

**STORM DRAIN**

DORSEY & WHITNEY LLP	LEGAL SERVICES FOR STORM DRAIN SERIES 2018	15,000.00
----------------------	---	-----------

**SANITATION**

KOIS BROTHERS EQUIPMENT CO	2018 TANDEM AXLE TRUCK REAR LOAD REFUSE PACKER	218,900.00
----------------------------	---	------------

**911 DISPATCH CENTER**

CENTURYLINK	DISPATCH MONTHLY LINE CHARGE	5,841.25
-------------	------------------------------	----------

**SWIMMING POOLS**

MOTION TECHNOLOGY INC	AUTO FRY FOR WATER PARK CONCESSIONS	6,150.00
-----------------------	--	----------

**ICE BREAKER RUN**

ENMOTIVE	2018 ICE BREAKER ROAD FINISH LINE SERVICES	10,690.80
----------	---	-----------

**CIVIC CENTER EVENTS**

GREAT FALLS SYMPHONY ASSOCIATION	18-110 CASH OUT PJ MASKS	33,206.55
-------------------------------------	--------------------------	-----------

**INTERNAL SERVICES FUND**

---

**CITY TELEPHONE**

HIGH POINT NETWORKS LLC	SHORETEL ANNUAL MAINTENANCE	7,732.00
-------------------------	-----------------------------	----------

**HEALTH & BENEFITS**

MONTANA MUNICIPAL INTERLOCAL AUTHORITY	EMPLOYEE INSURANCE PREMIUM JUNE 2018	735,834.30
--	--------------------------------------	------------

**INFORMATION TECHNOLOGY**

SHI INTERNATIONAL CORP	ANNUAL UNITRENDS MAINTENANCE	5,375.85
DELL MARKETING LP	POWEREDGE R640 FOR LOGO SQL 2016 UPGRADE	9,686.05

**CENTRAL GARAGE**

MOUNTAIN VIEW CO-OP	FUEL	60,523.72
TRACTOR & EQUIPMENT CO	REPAIR MILLING MACHINE	33,977.20

**TRUST AND AGENCY**

---

**COURT TRUST MUNICIPAL COURT**

CITY OF GREAT FALLS	FINES & FORFEITURES COLLECTIONS	28,541.50
---------------------	---------------------------------	-----------

**PAYROLL CLEARING**

STATE TREASURER	MONTANA TAXES	50,033.00
ICMA RETIREMENT TRUST	EMPLOYEE CONTRIBUTIONS	6,669.61
FIREFIGHTER RETIREMENT	FIREFIGHTER RETIREMENT EMPLOYEE & EMPLOYER CONTRIBUTIONS	51,353.23
STATEWIDE POLICE RESERVE FUND	POLICE RETIREMENT EMPLOYEE & EMPLOYER CONTRIBUTIONS	65,245.62
PUBLIC EMPLOYEE RETIREMENT	PUBLIC EMPLOYEE RETIREMENT EMPLOYEE & EMPLOYER CONTRIBUTIONS	138,555.58
US BANK	FEDERAL TAXES, FICA & MEDICARE	217,426.99
AFLAC	EMPLOYEE CONTRIBUTIONS	10,756.86
LABORERS INTERNATIONAL UNION	EMPLOYEE CONTRIBUTIONS	29,903.58
WESTERN CONF OF TEAMSTERS	EMPLOYEE CONTRIBUTIONS	17,513.61
MONTANA OE - CI TRUST FUND	EMPLOYEE CONTRIBUTIONS	26,643.54
NATIONWIDE RETIREMENT SOLUTIONS	EMPLOYEE CONTRIBUTIONS	13,704.77

**UTILITY BILLS**

---

NORTHWESTERN ENERGY	MAY 2018 SLD CHARGES	78,819.27
NORTHWESTERN ENERGY	TRANSMISSION CHARGES FOR MAR 2018	13,246.72
NORTHWESTERN ENERGY	APRIL 2018 WATER PLANT CHARGES	8,839.98
ENERGY WEST RESOURCES	MAY 2018 MONTHLY CHARGES	18,794.43

**CLAIMS OVER \$5000 TOTAL:** \$ 2,476,196.62





**Item:** Contracts List

**From:** City Clerk's Office

**Presented By:** City Commission

---

---

ATTACHMENTS:

- ▣ Contracts List

**COMMUNICATION TO THE CITY COMMISSION**

**DATE: June 19, 2018**

**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**

	<b>DEPARTMENT</b>	<b>OTHER PARTY (PERSON OR ENTITY)</b>	<b>PERIOD</b>	<b>AMOUNT</b>	<b>PURPOSE</b>
<b>A</b>	Admin – City Clerk’s Office	Cascade County Historical Society	N/A	N/A	Ratify Local Records Transfer Receipt for maps/plans (1904-2003)
<b>B</b>	Park and Recreation	Jason Stringer, Tree Amigos Tree Service	05/31/2018 – 06/30/2018	\$5,760	Ratify Agreement for tree pruning services on six Green Ash trees on the public rights-of-way located at: 201 36 <sup>th</sup> Street North; 3600 3 <sup>rd</sup> Avenue North; 3600 4 <sup>th</sup> Avenue North; and, 3603 4 <sup>th</sup> Avenue North
<b>C</b>	Public Works/Traffic Division	Montana Lines, Inc.	06/19/2018-09/30/2018	\$1,475	Agreement to reset downed luminaire pole, mast, arm and light fixture on 6 <sup>th</sup> Street NW

<b>D</b>	Public Works/Engineering	Sally Swenson	Permanent	\$1.00	Memorandum of Understanding and Permanent Storm Drainage Utility Easement in the E1/2, SW1/4, SW1/4 of Section 13, T20N, R3E, MPM, Grandview Tracts Subdivision <b>OF 1722.2</b>
<b>E</b>	Public Works/Environmental	MT Rockcress 4% LLLP MT Rockcress 9% LLLP	Permanent	N/A	Maintenance Agreement for Rockcress Commons Lots 4A of the Amended Plat of Lot 4 of the Medical Tech Park Minor Subdivision, located in the SE ¼ of Sec 18, T20N, R4E, PMM to maintain stormwater Best Management Practice (BMP's) for a private stormwater treatment system associated with improvements at the Rockcress Commons development.
<b>F</b>	Park and Recreation	Montana Entertainment & Fireworks, LLC d/b/a Big Sky Fireworks	07/04/2018	\$18,000	Contract Agreement for Pyrotechnic Display 4 <sup>th</sup> of July (paid for by People's Park & Recreation Foundation)
<b>G</b>	Public Works / Engineering	Geranios Enterprises, Inc.	06/19/2018-12/31/2018	\$73,035	Construction Agreement for installation of 72" diameter manhole, reinstallation of 8" sewer main, replacement of existing 8" sewer main, reconnection of 4" sewer service, abandoning existing 8" main and restoration work for the Meadowlark Drive Sewer Main Reroute <b>OF 1674.9</b>

<b>H</b>	Public Works/ Engineering	Advanced Engineering and Environmental Services, Inc. (AE2S)	06/19/2018- 08/31/2018	\$15,000	Professional Services Agreement Amendment No. 1 extends term of original agreement from June 30, 2018 to August 31, 2018, and increases payment amount <b>OF 1699</b> (CR 120517.10)
<b>I</b>	Great Falls Fire Rescue	David F. Simpson, D.O.	07/01/2018- 06/30/2019	\$2,800	Professional Services Agreement for GFFR Offline Medical Director services and EMS System Medical Director services
<b>J</b>	Planning & Community Development	Montana Department of Transportation (MDT)	Perpetual	\$0	Memorandum of Agreement for placement of sidewalk, landscaping, and irrigation equipment within the 10 <sup>th</sup> Avenue South (N-60) right-of-way of Country Club Blvd., Country Club Addition Block 3, Tract 1A
<b>K</b>	Planning & Community Development	Montana Department of Transportation (MDT)	Perpetual	\$0	Memorandum of Agreement for placement of sidewalk, landscaping, and irrigation equipment within the River Drive South – U-5205 right-of-way 501 River Drive South; Broadwater Bay Business Park, Block 4, Lot 8





---

**Item:** Resolution 10242, Revising Fee Schedule for Public Safety Information Requests to the Legal Department Replacing Resolution 10065.

**From:** Legal Department

**Initiated By:** Legal Department

**Presented By:** Joseph Cik, Assistant City Attorney

**Action Requested:** Set Public Hearing on Resolution No.10242 for July 3, 2018.

---

**Suggested Motion:**

1. Commissioner moves:

"I move that the City Commission (set/not set) a public hearing on Resolution 10242 for July 3, 2018.

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

---

**Staff Recommendation:**

Staff recommends that the City Commission set a public hearing on Resolution 10242 for July 3, 2018.

**Background:**

In 2014, the City Commission updated the City Attorney's Office fee schedule for record requests to include:

ADMINISTRATIVE FEE:	\$15.00 per request
PHOTOCOPYING FEE:	\$ 0.50 per page
DUPLICATION OF VIDEO/AUDIO/DIGITAL RECORDINGS:	\$15.00 per CD or other format
DUPLICATION OF PHOTOGRAPHS:	\$10.00 per sheet, CD or other format

In early 2018, the City implemented the Zuercher Public Safety Software for electronic storage of public safety records. Since that time, the Legal Department has evaluated the time and effort expended in responding to record requests.

The information in the public safety software provided by Zuercher includes copies of color photographic evidence integrated with case documentation. These photographs are currently being provided to record requestors as part of a paper package of information, versus being provided in CD format (which the Police Department records has prepared in the past.) Additionally, virtually all documents in the system include a blue Zuercher footer, substantively increasing costs per page of printed material.

As such, the Criminal Division's copying costs have increased under the applicable color printer lease agreement. The increased suggested fee for paper copies reflects the increased color printing costs. If the resolution is approved, requestors may obtain electronic records and print the information themselves, and avoid paying the higher cost. The Legal Department would like to encourage requestors to use other delivery options such as CD, DVD, jump drive, or email so that they may receive electronic versus paper copies. To provide these options, there are costs of purchasing the delivery media types, including a license for secure email, which are included in the proposed schedule.

The Legal Department recommends fee changes from Resolution 10065 to read:

ADMINISTRATIVE FEE:	\$15.00 per request (including first five paper copies of records); and
FILE DUPLICATION FEE:	\$ 0.75 per page for additional paper copies of documents, and/or \$15.00 for CD, DVD, jump, pin, flash, thumb drives, secure email, or other electronic formats.

Finally, to be consistent with current practice, the recommended Resolution allows for a waiver of fees to individuals who provide Court determinations of their inability to pay and to governmental entities on a reciprocal basis.

Mont. Code Ann. § 7-1-4131 requires that fees for services such as these associated with record requests be considered after public hearing where the public has the opportunity to submit oral and written testimony regarding the fees. Thus, the Legal Department requests that the City Commission set a public hearing on this matter.

**Fiscal Impact:**

The Legal Department does not anticipate a significant increase in charges for these services. If the Resolution is ultimately approved, the production charges will more accurately reflect the actual charges for the services and reduce printing and paper usage.

ATTACHMENTS:

- Resolution 10242

**RESOLUTION NO. 10242**

**A RESOLUTION REVISING FEE SCHEDULE FOR PUBLIC SAFETY INFORMATION REQUESTS TO THE LEGAL DEPARTMENT REPLACING RESOLUTION 10065**

**WHEREAS**, the Great Falls City Commission adopted Resolution 10065 on April 1, 2014, setting forth fees for services provided by the Legal Department when responding to requests from third parties for public safety documents or other information received by the Legal Department; and

**WHEREAS**, because of the City's purchase of new public safety software, resulting in technological changes in producing such documents, items or information, the fees identified in Resolution 10065 require updating; and

**WHEREAS**, the Legal Department has developed a procedure allowing duplication of information without charge for requests from other law enforcement or governmental entities on a reciprocal basis, or from individuals who have Court documented inability to pay.

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

- 1) Resolution 10065 is deemed superseded by this Resolution.
- 2) The Legal Department fees relating to public safety information requests and the production of documents or other items, is set forth as follows:

**ADMINISTRATIVE FEE: \$15.00 per request (including first five paper copies of records); and**  
**FILE DUPLICATION FEE: \$ 0.75 per page for additional paper copies of documents, and/or \$15.00 for CD, DVD, including jump, pin, flash, thumb drives, secure email, or other electronic formats.**

- 3) These fees may be waived for other governmental entities, on a reciprocal basis, and for individuals who provide Court determinations of their inability to pay.
- 4) These fees become effective upon adoption, subject to the limitations set forth herein. The Legal Department shall provide a copy of this Resolution to those persons or entities who regularly request such documents or items.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, July 3, 2018.

---

Bob Kelly, Mayor

ATTEST:

(CITY SEAL)

---

Lisa Kunz, City Clerk

APPROVED FOR LEGAL CONTENT:

---

Sara R. Sexe, City Attorney





**Item:** Liquid Asphalt CRS-2P.

**From:** Kenny Jorgensen, Street Supervisor

**Initiated By:** Public Works Department

**Presented By:** Jim Rearden, Public Works Director

**Action Requested:** Award Bid.

---

---

**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission (approve/reject) the bid award for 250 tons of liquid asphalt to Calumet Montana Refining Company of Great Falls for \$91,250.”

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

---

---

**Staff Recommendation:**

Staff recommends that the City Commission approve the bid award for 250 tons of liquid asphalt to Calumet Montana Refining Company of Great Falls for \$91,250.

**Background:**

Purpose

This asphalt emulsion requested will be used by the Street Division in the street chip sealing program.

Evaluation and Selection Process

The specifications were advertised two times in the Great Falls Tribune, mailed to three prospective bidders and advertised on the City of Great Falls website. The bids were opened on June 6, 2018, with one bidder responding.

Conclusion

The bid by Calumet Montana Refining Company of Great Falls meets specifications for the liquid asphalt.

**Fiscal Impact:**

The bid received in 2018 of \$365 per ton is the same as the bid received in 2017 of \$365 per ton. Funding for this year's purchase of liquid asphalt is in the proposed FY 2019 Street Maintenance Budget.

**Alternatives:**

The City Commission could vote to reject the bid award for liquid asphalt.

ATTACHMENTS:

- ▣ Bid Tab
- ▣ Bid List

CITY OF GREAT FALLS  
PO BOX 5021  
GREAT FALLS MT 59403

**LIQUID ASPHALT CRS-2P**

Project Number  
Bids Taken at Civic Center  
Date: June 6, 2018  
Tabulated By: Debbie Kimball  
Page 1 of 1

<b>NAME &amp; ADDRESS OF BIDDER</b>	<b>Bid Security</b>	<b>Affidavit of Non- Collusion</b>	<b>Cost Per Ton</b>	<b>Total 250 Tons</b>
<b>Calumet Montana Refining Company</b>	<b>Bid Bond 10%</b>	√	<b>\$365.00</b>	<b>\$91,250.00</b>

## LIQUID ASPHALT BID LIST

1. CALUMET MONTANA REFINING COMPANY  
1900 10<sup>TH</sup> ST NE  
GREAT FALLS, MT 59404
  
2. WESTERN EMULSION PLANT  
7315 MOSSMAIN LANE  
BILLINGS, MT 59106  
406-628-1401  
ATTN: SEAN OR PHYLLIS
  
3. CHS: ASPHALT DEPARTMENT  
PO BOX 909  
LAUREL, MT 59044  
406-628-5200  
ATTN: BILL STARR



**Item:** Ordinance 3181, "An Ordinance Repealing and Replacing Title 8, Of The Official Code Of The City Of Great Falls (OCCGF), Pertaining To Health and Safety."

**From:** Legal Department

**Initiated By:** Legal Department

**Presented By:** Joseph Cik, Assistant City Attorney

**Action Requested:** Conduct a public hearing and adopt Ordinance 3181.

---

---

**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 3181."

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 3181.

**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 a comprehensive revision of the Code.

The Ordinance under consideration would repeal and replace OCCGF Title 8, pertaining to health and safety. The vast majority of the amendments are non-substantive. Non-substantive changes include chapter re-designation to put chapters in correct numerical order, correcting typographical errors, and reformatting of subsections.



The first proposed substantive change is re-designating food service and wholesale food establishments to be consistent with the Administrative Rules of Montana (ARM). The City-County Health Department is requesting these changes in order to be consistent with current practice. These changes include amending inspection and closure procedures to be consistent with current practice and improve efficiency.

The next substantive proposed change is amending garbage and refuse provisions to be consistent with current Public Works Department practice. These changes include allowing yard waste in City provided containers with appropriate packaging, assessing charges for collection that takes longer than two minutes, allowing service exceptions for winter months' travelers, and prohibiting all salvaging. These changes will create better consistency with current practice and other provisions of the OCCGF.

Other proposed substantive changes include incorporating ARM regulations pertaining to swimming pools into the OCCGF. This change will make OCCGF regulations pertaining to pools consistent with State law and regulations.

Additionally, Ordinance 3181 proposes to add Chapters 13, 14, and 48 to OCCGF Title 8 and re-designate Chapter 12. Chapter 12 will incorporate ARM regulations into the OCCGF pertaining to tattooing and body-piercing establishments. Chapter 13 will incorporate ARM regulations into the OCCGF pertaining to tourist campgrounds and trailer parks. Chapter 14 establishes specific regulations for child care facility operations including drop-in facilities. All of these changes were requested by the City-County Health Department to be consistent with current best practice standards and State law.

Chapter 48 as proposed by Ordinance 3181, would establish provisions whereby the City Manager, in consultation with the Fire Chief, could prohibit all outdoor residential burning under certain conditions. The conditions include, but are not limited to, Cascade County implemented fire restrictions, pollution control, or a wild or structural fire within Cascade County posing risk to persons or property in the City. These changes were requested by the Great Falls Fire Rescue Department for public safety purposes.

The Ordinance under consideration would also clarify language in OCCGF Nuisance provisions and clarify penalty provisions throughout Title 8. These changes are necessary to improve the City's ongoing Code Enforcement processes.

The ultimate goal of the ordinance under consideration is to create consistency within the OCCGF, and where applicable, the Montana Code Annotated and the ARM. If Ord. 3181 is adopted, it will improve application of the health and safety provisions of the OCCGF.

Prior to first reading, Commissioner Moe met with City staff with additional amendments to the proposed Title 8. A number of Commissioner Moe's proposed amendments were incorporated into the draft which had been presented at first reading and include grammatical corrections. Other substantive questions identified by Commissioner Moe were explained for clarification purposes or were incorporated into the revised draft attached.

Ordinance 3181 was accepted unanimously on first reading June 5, 2018. There was no Commission discussion or public comment.

Ordinance 3181 Exhibit "A" is a document illustrating the provisions that will replace the current OCCGF Title 8. Exhibit "B" illustrates the proposed Code in compared format to highlight the proposed revisions.

**Concurrences:**

Public Works

City-County Health

Planning and Community Development

GFPD

GFFR

Finance Department

ATTACHMENTS:

- ▣ Ordinance 3181
- ▣ Ord. 3181 Exhibit "A" (Updated from First Reading)
- ▣ Ord. 3181 Exhibit "B" (Updated from First Reading)

**ORDINANCE 3181**

**AN ORDINANCE REPEALING AND REPLACING TITLE 8 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF), PERTAINING TO HEALTH AND SAFETY.**

\* \* \* \* \*

**WHEREAS**, the City Commission established Title 8 of the OCCGF outlining provisions pertaining to Health and Safety; and

**WHEREAS**, the City Commission has recognized deficiencies throughout OCCGF Title 8, 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 8; and

**WHEREAS**, the City Commission wishes to make substantive amendments to OCCGF Title 8; and

**WHEREAS**, the amendments include substantive changes to regulations including, but not limited to, food service establishments, garbage and refuse service, child care facilities, and residential outdoor burning; and

**WHEREAS**, the City Commission wishes to establish clear penalty provisions for health and safety violations; 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 CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA:**

Section 1. OCCGF Title 8 is hereby repealed and replaced as depicted by Exhibit “A” attached hereto and by reference incorporated herein; and

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

ACCEPTED by the City Commission of the City of Great Falls, Montana on first reading June 5, 2018.

ADOPTED by the City Commission of the City of Great Falls, Montana on second reading June 19, 2018.

\_\_\_\_\_  
Bob Kelly, Mayor

ATTEST:

(CITY SEAL)

\_\_\_\_\_  
Darcy Dea, Deputy City Clerk

APPROVED FOR LEGAL CONTENT:

\_\_\_\_\_  
Joseph P. Cik, Assistant 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 3181 on the Great Falls Civic Center posting board and the Great Falls City website.

\_\_\_\_\_  
Darcy Dea, Deputy City Clerk

(CITY SEAL)

Exhibit "A"

(Updated from First Reading)

Title 8 HEALTH AND SAFETY

**Title 8 HEALTH AND SAFETY**

**Chapter**

---

Chapter 1 - GENERAL HEALTH DEFINITIONS

Chapter 2 - GENERAL HEALTH REGULATIONS

Chapter 3 - RESERVED

Chapter 4 - HOTELS AND MOTELS

Chapter 5 - EMERGENCY MEDICAL SERVICES

Chapter 6 - FOOD SERVICE

Chapter 7 – WHOLESALE FOOD ESTABLISHMENTS

Chapter 8 - GARBAGE AND REFUSE

Chapter 9 - GARBAGE AND REFUSE DISPOSAL AREAS

Chapter 10 - SWIMMING POOLS

Chapter 11 – WEEDS

Chapter 12 – TATTOOING AND BODY-PIERCING ESTABLISHMENTS

Chapter 13 – TOURIST CAMPGROUNDS AND TRAILER COURTS

Chapter 14 – CHILD CARE FACILITIES

Chapters 15- 47 - RESERVED

Chapter 48 – RESIDENTIAL OUTDOOR FIRE RESTRICTIONS

Chapter 49 - NUISANCES

Chapter 50 – CRIMINAL PUBLIC NUISANCES

Chapter 51 - MAINTENANCE AND SANITATION OF PREMISES

Chapter 52 - ABATEMENT OF NUISANCE VEGETATION



Exhibit "A"

(Updated from First Reading)

Title 8 HEALTH AND SAFETY

Chapter 53 - NOISE

**Chapter 1 GENERAL HEALTH DEFINITIONS**

**Sections:**

8.1.010 Purpose.

8.1.020 Definitions.

**8.1.010 Purpose.**

The purpose of this Title of the OCCGF is to prevent and eliminate conditions and practices which endanger public health.

**8.1.020 Definitions.**

Unless otherwise specified, the following definitions shall apply to this Title.

- A. "Health Authority" means the legally designated City-County Health Department Health Officer or designee.
- B. "Health Department" means the legally designated Great Falls and Cascade County City-County Health Department.
- C. "Administrative hearing" means an informal hearing before the Health Officer, Supervising Sanitarian, and Inspecting Registered Sanitarian concerning closure of a food service establishment or wholesale food establishment.
- D. "Board" means the legally designated City-County Board of Health provided for in Mont. Code Ann. § 50-2-106, as may be amended.
- E. "Priority Item" means a provision in the Montana Food Code, Administrative Rules of Montana Title 37 Chapter 110 subchapter 2, as amended, whose application contributes directly to the elimination, prevention, or reduction to an acceptable level, hazards associated with foodborne illness or injury, and there is no other provision that more directly controls the hazard.

Exhibit "A"

(Updated from First Reading)

Title 8 HEALTH AND SAFETY

- F. "Health Officer" means a physician or person with a Master's Degree in Public Health, or equivalent, appointed by the Board as provided in Mont. Code Ann. § 50-2-116, as may be amended.
- G. "Wholesale food establishment" means any establishment involved in the sale or provision of food as defined in Mont. Code Ann. § 50-57-102(11), as may be amended. Wholesale food establishment includes "wholesale food manufacturing establishment", "wholesale food salvage establishment", "wholesale ice manufacturer", and "wholesale water bottler" as defined in Mont. Code Ann. § 50-57-102(12) – (16), as may be amended.
- H. "Food Service Establishment" means any establishment involved in the retail sale or provision of food as defined in Mont. Code Ann. § 50-50-102(21), as may be amended.
- I. "Temporary Food Permit" means a permit issued by the Health Authority that allows for persons or organizations to serve approved food items to the public in accordance with the regulations for temporary food establishments found in Mont. Code Ann. §§ 50-50-102(22) and 50-50-120 and the Administrative Rules of Montana (ARM), as may be amended.
- J. "Temporary Food Establishment" means a retail food establishment that operates temporarily in a licensing year as defined in Mont. Code Ann. § 50-50-102, as may be amended.
- K. "Cottage Food Operation" means an establishment that is operating under the conditions provided by Mont. Code Ann. § 50-50-116, as may be amended, to provide, manufacture, or package cottage food products in a kitchen in a registered area of a domestic residence and only for direct sale to a customer of this state.
- L. "Cottage Food Products" means foods that are not potentially hazardous and are processed or packaged in a Cottage Food Operation including jams, jellies, dried fruit, dry mixes, and baked goods. Other similar foods that are not potentially hazardous may be defined by the Department of Health and Human Services by rule.
- M. For the purposes of this Title, "person" shall include an individual, corporation, company, limited liability company, partnership or other non-human entity.

## **Chapter 2 GENERAL HEALTH REGULATIONS**

### **Sections:**

8.2.010 Health authority duties and inspections.

8.2.020 Penalties.

Exhibit "A"

(Updated from First Reading)

Title 8 HEALTH AND SAFETY

**8.2.010 Health authority duties and inspections.**

- A. The Health Authority shall have the power to enter and inspect any place where meat, game, poultry, fish, milk, groceries, or other food products are prepared, handled, or stored for public use and to inspect any vehicle transporting such products from one point to another or throughout the City.
- B. Any person is guilty of a violation of this Chapter, if he or she in any manner:
  - 1. Interferes or attempts to interfere with the Health Authority in the discharge of duties or any person being the owner, agent or manager of any place where food is prepared, handled, or stored,
  - 2. Refuses to permit the Health Authority to have full access to such premises, or
  - 3. Attempts to conceal or remove any animals supposed to be diseased, or any food products that the Health Authority desires to inspect.
- C. It is the duty of the Health Authority to inspect any place where food is prepared, handled, or stored for public use at least once in every calendar year unless otherwise provided for, or as often as is deemed necessary by the Health Authority to maintain proper sanitation standards. Written or electronic record of such inspections will be provided to the owner, agent, or manager of such establishments.

**8.2.020 Penalties.**

- A. A violation of this Chapter is a misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00), a term not to exceed 6 months in jail, or both.
- B. Any establishment operating within the incorporated City limits in violation of this Chapter is hereby declared a Nuisance as defined by Chapter 49, of this Title.

**Chapter 3 RESERVED**

**Chapter 4 HOTELS AND MOTELS**

**Sections:**

8.4.010 Defined.

8.4.020 State rule adopted.

## Exhibit "A"

(Updated from First Reading)

### Title 8 HEALTH AND SAFETY

#### **8.4.010 Defined.**

"Hotel" or "Motel" means and includes any building or structure kept, used, maintained as, advertised as, or held out to the public as a hotel, motel, inn, motor court, tourist court, home court, public lodging house, or place where sleeping accommodations are furnished for a fee to transient guests, with or without meals.

#### **8.4.020 State rule adopted.**

All hotels or motels operating within the incorporated City limits shall comply with all applicable provisions of the Montana Code Annotated and the Administrative Rules of Montana, including but not limited to those relating to Public Accommodations, and applicable provisions of the International Fire and Building Codes, as adopted by the OCCGF. All discharges to the City Publicly Owned Treatment Works from hotels or motels that include facilities that constitute a food service establishment are subject to review and written approval by the Public Work Director.

## **Chapter 5 EMERGENCY MEDICAL SERVICES**

### **Sections:**

8.5.010 Purpose.

8.5.020 Authority.

8.5.030 Definitions.

8.5.040 EMS system.

8.5.050 EMS system administrator.

8.5.060 EMS system components.

8.5.070 EMS System Medical Direction.

8.5.080 Establishment of an EMS Advisory Board.

8.5.090 City of Great Falls EMS responsibilities.

8.5.100 Replacement of GFFR items.

8.5.110 Emergency medical services license required.

8.5.120 Ambulance service performance contract required.

8.5.130 Issuance of ambulance service performance contract.

8.5.140 Transferability of ambulance service performance contract.

8.5.150 Extension of ambulance service performance contract.

8.5.160 Breach of contract and default.

8.5.170 Criteria for ambulance service performance contract.

8.5.180 Ambulance service performance requirements.

Exhibit "A"

(Updated from First Reading)

Title 8 HEALTH AND SAFETY

8.5.190 Conflict Resolution.

8.5.200 Penalties.

8.5.210 Performance security.

8.5.220 Submittal of reports for requests for service.

8.5.230 Release of information.

8.5.240 Confidentiality of records.

8.5.250 Ambulance service rates.

8.5.260 Right of property not granted.

8.5.270 City to be held harmless.

8.5.280 Ambulance service provider bound by City, State, and Federal regulations.

**8.5.010 Purpose.**

The purpose of this Chapter is:

- A. To allow for the orderly and lawful operation of the emergency medical services system in the City;
- B. To enact regulations, policies, and procedures, which are necessary for the public health and safety regarding first response and 911 emergency ambulance service in the City;
- C. To enact regulations, policies, and procedures for issuing contracts and regulating 911 emergency ambulance services to ensure safe, competent, efficient, and adequate care is provided within the City; and
- D. To allow for adequate 911 emergency ambulance services and to establish ambulance service rates for the City's contracted ambulance service as approved by the City Commission.

**8.5.020 Authority.**

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

**8.5.030 Definitions.**

Unless otherwise specified, for the purpose of this Chapter the following definitions shall apply.

- A. "Advanced Life Support (ALS)" means an advanced life support provider as defined in the Administrative Rules of Montana (ARM).
- B. "Advanced Life Support Service" means an ambulance service or non-transporting medical unit that has the capacity, and is licensed by the State of Montana, to provide care at the EMT-Paramedic equivalent level twenty-four (24) hours a day, seven (7) days a week.



Exhibit "A"

(Updated from First Reading)

Title 8 HEALTH AND SAFETY

- C. "Ambulance" means a privately or publicly owned motor vehicle that is maintained and used for the transportation of patients and that meets all Montana ambulance licensure requirements.
- D. "Ambulance Service" means an emergency medical service that utilizes an ambulance to respond to 911 emergency calls.
- E. "Ambulance Service Performance Contract" means an agreement between the City and an ambulance service provider used as an instrument to authorize and regulate ambulance service in the City.
- F. "Ambulance Service Provider" means the business of, or a person owning, operating, managing, or maintaining as principal or agent of one or more ambulances for the purpose of providing 911 emergency ambulance services within the City Emergency Medical Services System. The ambulance service provider may be a public or private entity.
- G. "Ambulance Service Rates" means any monetary charge, fare, fee, rate, or other consideration or compensation for ambulance service.
- H. "Approved" means acceptable to the authority having jurisdiction.
- I. "City" means the incorporated area of the City of Great Falls and the Fire Districts served by the Great Falls Fire Rescue Department.
- J. "Emergency Medical Services" or EMS means the services, personnel, resources, equipment, and supporting administration and infrastructure used in responding to medical emergencies, providing emergency medical care, first response services, and the transporting of patients, while rendering emergency medical treatments.
- K. "EMS Call" means first responder and ambulance service provided to evaluate and treat medical conditions of recent onset and severity that would lead a prudent layperson, possessing an average knowledge of medicine and health, to believe that urgent and/or unscheduled care is required.
- L. "EMS System" means the interrelated but separate public and private entities including, but not limited to, ambulance service providers and fire departments which optimally work together in the timely and appropriate provision of emergency medical services to the citizens and visitors of the City.
- M. "Fire Department" means the Great Falls Fire Rescue Department (GFFR).
- N. "First Response Service" means the provision of EMS provided by a responder prior to the arrival of the ambulance service.
- O. "Grandfathering" means the City Commission may contract with an existing ambulance service provider without conducting a competitive process for ambulance service providers.
- P. "Patient" means any person in need of, or in the process of receiving, emergency medical care.
- Q. "Person" means an individual, firm, partnership, association, corporation, company, group of individuals, or other entity acting together for a common purpose.
- R. "Public convenience and necessity" means qualified, fit, able, and willing to perform and provide an ambulance service fitting and suited to serve the public need within the City without significantly adversely impacting the public interest in the overall general provision of the ambulance service within the City.

Exhibit "A"

(Updated from First Reading)

Title 8 HEALTH AND SAFETY

**8.5.040 EMS system.**

The public welfare requires the providing of assistance and encouragement for the development of a comprehensive EMS program for the City of Great Falls. The City shall establish and administer an EMS 911 system. The City may contract with a private ambulance service provider to provide emergency medical treatment and transportation of patients within the City.

**8.5.050 EMS System Administrator.**

The City shall establish an EMS System Administrator appointed by the City Manager to represent the City. The duties and responsibilities of the EMS system administrator shall include, but not be limited to, the following:

- A. Development and implementation of a comprehensive EMS system planning process;
- B. Develop guidelines and performance standards for each component of the City EMS system;
- C. Establish and articulate the roles and responsibilities for EMS system participation;
- D. Coordinate with the EMS system medical director on issues related to medical procedures, EMS protocols, and quality improvement processes;
- E. Coordinate with all EMS system participants to develop and ensure a management structure and accountability process for the EMS system;
- F. Serve as the chair of the City's EMS Advisory Board;
- G. Provide mechanisms for the continuous evaluation of the EMS system including a comprehensive quality improvement program;
- H. Establish an EMS system quality improvement committee in consultation with the EMS system medical director and other EMS system participants;
- I. Administer and supervise the ambulance service performance contract;
- J. Establish procedures, and policies in consultation with the EMS Advisory Board to ensure a safe, stable, and effective EMS system throughout the City; and
- K. Any other duties as needed to ensure a safe, stable, and effective EMS system throughout the City.

**8.5.060 EMS system components.**

The EMS system of the City shall include the participation of the following components:

- A. Great Falls 911 Center;
- B. The GFFR;
- C. Ambulance service provider;
- D. Air ambulance service provider;

Exhibit "A"

(Updated from First Reading)

Title 8 HEALTH AND SAFETY

- E. Local and regional medical facilities;
- F. Any other entity or agency that may be required for the safe, stable, and effective delivery of EMS in the City as identified by the EMS system administrator; and
- G. The public at large.

**8.5.070 EMS System Medical Director.**

The City shall provide for an EMS 911 System Medical Director to provide overall medical direction for the City EMS 911 system. The duties and responsibilities for the EMS System Medical Director shall include, but not be limited to, the following:

- A. Review and approval of all EMS training programs that are necessary for operation of the EMS 911 response system;
- B. Development and implementation of medical protocols for all EMS personnel;
- C. Serve as the vice-chair of the City's EMS Advisory Board;
- D. Serve as the chair of the EMS system's quality improvement committee;
- E. Conduct periodic quality improvement reviews as dictated by EMS system needs;
- F. The EMS System Medical Director shall serve as the medical director for the GFFR Department and the 911 emergency ambulance service provider;
- G. The cost of the EMS System Medical Director will be shared by both the GFFR Department and any ambulance service provider;
- H. The City will administer any contract with the EMS system medical director;
- I. The EMS 911 System Medical Director shall not have oversight over the non-emergent and inter-facility transport services that may be provided by any contracted ambulance service; and
- J. When the Medical Director's position becomes vacant, the System Administrator in conjunction with an ambulance service provider representative, will collaborate to recruit and interview a physician to serve as the system's Medical Director.

**8.5.080 Establishment of an EMS Advisory Board.**

- A. The City Commission shall establish an EMS Advisory Board which is representative of the EMS system participants.
- B. The City Commission shall appoint the members of the EMS Advisory Board. Members of the EMS Advisory Board should include, but not be limited to, the following representatives:
  - 1. EMS System Administrator (chair);
  - 2. EMS System Medical Director (vice-chair);
  - 3. Emergency Manager;
  - 4. Neighborhood Council Coordinator;

Exhibit "A"

(Updated from First Reading)

Title 8 HEALTH AND SAFETY

5. Emergency Operations Center or 911 Center Supervisor;
  6. GFFR EMS Coordinator;
  7. Ambulance service provider administrator or manager;
  8. GFFR EMT or paramedic; and
  9. Ambulance service EMT or paramedic.
- C. Other EMS advisory members may be appointed by the City Commission as needed to ensure all EMS system participants affected by the decisions of the EMS Advisory Board are represented.
- D. The EMS Advisory Board will provide input and discuss issues related to the City's EMS system and serve in an advisory capacity to the City's EMS Administrator.
- E. The EMS Administrator will have the authority regarding EMS system operational issues on behalf of the City and the EMS System Medical Director will have the final authority regarding medical procedures, protocols, or practices.
- F. The City Commission will have oversight responsibility for the EMS Administrator and the EMS Advisory Board.
- G. The EMS Advisory Board will meet on a regular basis, not less than four (4) times a year, to address issues affecting the EMS system and ensure that the performance of the EMS system is safe, stable, and effective.

**8.5.090 City of Great Falls EMS responsibilities.**

- A. The City Manager has the primary responsibility to ensure that effective, safe, and reliable EMS is provided to the City.
- B. GFFR shall provide EMS first response services to all EMS calls within the City and to other areas and locations where they may respond.
- C. GFFR may transport patients when it is in the interest of the patient's health and safety. Standard operating guidelines or protocols shall be established by the EMS System Medical Director in conjunction with the EMS Advisory Board to determine when this is appropriate. GFFR may transport when time is critical to patient care, when the patient is packaged and ready for transport, and when an ambulance is not immediately available or is delayed.

**8.5.100 Replacement of GFFR items.**

- A. Disposable items used by GFFR in providing patient care and treatment shall be replaced at the incident by the ambulance service provider. If it is not in the best interest of patient care to complete the replacement of disposable items at the incident, GFFR will furnish the ambulance service provider with a list of items to be replaced accompanied by the name, if known, and incident number of the patient for whom the items were used.
- B. The ambulance service provider shall, within forty-eight (48) hours of receipt of the list of items, resupply GFFR with all items on such list to be delivered them at Fire Station 1, 105 9th Street South. All brand name specific supplies as identified by all EMS participants and approved by the EMS Advisory Board shall be replaced with said brand name. Otherwise,

Exhibit "A"

(Updated from First Reading)

Title 8 HEALTH AND SAFETY

a brand name equivalent replacement may be used but shall be approved by the Medical Director.

- C. Within twenty-four (24) hours, or such longer period as has been established as policy by the EMS Advisory Board, the ambulance service provider will retrieve and return to GFFR all durable equipment supplied by GFFR in providing EMS and any other GFFR equipment which has come into the ambulance service provider's possession.

**8.5.110 Emergency medical services license required.**

- A. No person shall conduct or operate an ambulance service within the City without first obtaining a license as required by OCCGF Title 5, Chapter 3, Article 7.
- B. A violation of this section is a misdemeanor punishable by a term not to exceed six (6) months in jail, a fine not to exceed five hundred dollars (\$500.00), or both.

**8.5.120 Ambulance service performance contract required.**

- A. All persons who wish to operate, conduct, advertise, engage in, or profess to be engaged in the 911 emergency ambulance business or service of the transportation of any patient by ambulance upon the streets or any public way or place within the City, shall only do so upon the execution of an ambulance service performance contract issued by the City.
- B. Any City ambulance service contractor is required by this Chapter to obtain an ambulance service performance contract from the City to provide 911 emergency ambulance services within the City's jurisdiction.
- C. Upon recommendation of the City Manager, the City Commission shall make the final determination to execute an ambulance service performance contract with an ambulance service provider for ambulance service to City 911 emergency calls.
- D. No ambulance service performance contract will be approved under this Chapter to any new ambulance service unless the City Commission, 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 ambulance service provider is fit, willing, and able to perform such public service and to operate in compliance with Montana state law, the ARM, and the OCCGF.
- E. No unauthorized ambulance service shall be dispatched to 911 emergency calls or allowed to transport patients within the City except during a catastrophic incident or disaster, if demand for resources overwhelms the EMS system.
- F. Nothing in this Chapter shall be construed to modify, or in any way affect, existing state laws concerning ambulance services.

**8.5.130 Issuance of ambulance service performance contract.**

- A. An ambulance service performance contract can only be issued by the City Commission by "grandfathering" or completion of a competitive process in accordance with Montana state law. The City reserves the right to issue an interim contract to any ambulance service provider for the City under emergency circumstances such as when the contracted



Exhibit "A"

(Updated from First Reading)

Title 8 HEALTH AND SAFETY

ambulance service provider fails to perform the services under its performance contract and this Chapter.

- B. If during an exceptional event, as determined by the City Manager, the health or safety of the residents of the City is threatened or jeopardized, the City Manager shall take such actions necessary to alleviate that threat. Such action may include, but is not limited to, temporary assignment of an ambulance service provider to provide services in the City. Such action shall comply with Mont. Code Ann. Title 10.
- C. Emergency action taken by the City Manager must be ratified and approved by the City Commission within thirty (30) calendar days to remain valid. The City Commission may issue an interim ambulance service performance contract for a specified term.

**8.5.140 Transferability of ambulance service performance contract.**

- A. An ambulance service performance contract shall not be transferable by the ambulance service provider to another person, party, or business, for the purpose of providing ambulance service within the City, unless formally approved by the City Commission.
- B. The City Manager, at his or her discretion, may allow the contracted ambulance service provider to subcontract for ambulance services. Any subcontractor must comply with the provisions of this Chapter and all other applicable provisions of the Official Code of the City of Great Falls (OCCGF).
- C. If the City approves the use of a subcontractor, the primary contractor shall retain accountability for delivering the required contract performance. The inability or failure of any subcontractor to perform any duty or deliver contracted performance will not excuse the primary contractor from any responsibility in this Chapter or in the ambulance service performance contract.

**8.5.150 Extension of ambulance service performance contract.**

The City Commission will determine the length of an ambulance service performance contract, by resolution or approval of a contract. At the discretion of the City Commission, contract extensions may be granted, or the contract may provide for automatic annual renewals based on achievement of performance measures and customer service requirements specified by the City.

**8.5.160 Breach of contract and default.**

- A. An ambulance service performance contract issued by the City Commission may be suspended or terminated by the City Commission for:
  - 1. Non-compliance with this Chapter;
  - 2. Violations of applicable Montana Code Annotated provisions;
  - 3. Violations of applicable ARM regulations;
  - 4. Violations of applicable federal regulations;
  - 5. Violations of the terms of the ambulance service performance contract, or

Exhibit "A"

(Updated from First Reading)

Title 8 HEALTH AND SAFETY

6. Violations of the performance standards specified in the ambulance service performance contract as agreed to by both parties.
- B. An ambulance service performance contract shall contain performance criteria and provisions for the suspension or termination of the contract for failure to meet the performance criteria or other provisions, including response time standards.
- C. The ambulance service performance contract shall contain provisions defining major and minor breaches of contract infractions and specified time periods for correcting infractions.
- D. An ambulance service performance contract shall contain provisions designed to assure continuity of ambulance service in the event of default or breach of contract by the ambulance service provider and any subsequent suspension or termination by the City.

**8.5.170 Criteria for ambulance service performance contract.**

Any person desiring to obtain an ambulance service performance contract with the City as required by this Chapter, shall demonstrate the ability to meet the following requirements:

- A. The ambulance service provider must possess a current license from the State of Montana, Department of Health and Human Services to provide emergency medical services, both transport and treatment at the Advanced Life Support (ALS) level;
- B. The ambulance service provider must provide emergency medical services at the ALS level, throughout the City, twenty-four (24) hours per day, and seven (7) days per week;
- C. Each responding ambulance shall be staffed with a minimum of one (1) Montana Certified Paramedic and one (1) Montana Certified Emergency Medical Technician (EMT);
- D. The ambulance service provider must have adequate personnel, vehicles, equipment, and facilities to respond to all locations within the City to meet the response time standards specified in the ambulance service performance contract;
- E. The ambulance service provider must comply with rules and regulations governing emergency medical services and emergency medical technicians, as promulgated by the State of Montana, Department of Health and Human Services, and the Board of Medical Examiners as specified in the ARM;
- F. The emergency medical providers, to include the contracted ambulance service, will use the Great Falls 911 Center, and they shall abide by the rules and procedures as outlined in the 911 Center policy manual;
- G. The ambulance service provider must have a commercial general liability insurance policy, including automobile coverage, in a form set by Commission resolution;
- H. All policies of insurance under this Chapter shall be issued by insurance companies licensed to do business in the State of Montana;
- I. Proof or coverage shall be evidenced by submitting an insurance certificate, or certificates, to the City which names the City as an additional insured and indicates that the City will be notified not less than thirty (30) days prior to alteration, cancellation, termination, or non-renewal of coverage;
- J. The ambulance service provider shall provide the City a list of the full names of all ambulance drivers and attendants, identifying each person's:
  1. EMS certification level;

Exhibit "A"

(Updated from First Reading)

Title 8 HEALTH AND SAFETY

2. Certification number or paramedic license number;
  3. Issuing jurisdiction;
  4. CPR certification;
  5. Montana Driver's License number; and
  6. Ambulance Driver Certificate, as well as the expiration dates for each;
- K. The above described list shall be updated and provided to the City on an annual basis and any changes (including additions or deletions) will be provided on a quarterly basis or as requested by the City; and
- L. The City shall take reasonable steps to protect confidentiality of private personal ambulance staff information.

**8.5.180 Ambulance service performance requirements.**

- A. The ambulance service performance contract shall include specific response time standards for 911 EMS calls.
- B. Additional performance requirements related to personnel, vehicles, equipment, and patient care shall also be included in the ambulance service performance contract.

**8.5.190 Conflict resolution.**

- A. Conflicts or disputes related to the operation of emergency services involving the Great Falls 911 Emergency Services System will be resolved between the system participants as efficiently and as cooperatively as possible. The conflict or issue should be resolved at the lowest level possible. Conflict resolution will proceed as follows:
- B. If the issue cannot be resolved at this initial level, the issue should be submitted in writing by either party to the EMS Administrator within fifteen (15) calendar days of first occurrence or first knowledge, and the party carrying the conflict forward must include their requested remedy;
- C. The EMS Administrator shall have ten (10) calendar days from receipt of the written conflict to investigate the matter, take the appropriate corrective action, if any, and provide a written response to the parties involved;
- D. If the EMS Administrator's decision does not resolve the conflict, then either party may submit the conflict in writing to the City Manager within fifteen (15) calendar days of receipt of the EMS Administrator's decision, and the City Manager, or designee, shall investigate the issue and render a written decision within ten (10) calendar days after receipt of the written submission of the conflict;
- E. If the City Manager's decision does not resolve the conflict, then either party may submit the issue in writing to the City Commission within fifteen (15) calendar days of receipt of the City Manager's decision;
- F. The City Commission may after conducting a hearing on the conflict, in a written pronouncement, choose to affirm the decision of the City Manager, further investigate the

Exhibit "A"

(Updated from First Reading)

Title 8 HEALTH AND SAFETY

issue, or reject or modify the decision of the City Manager within thirty (30) calendar days of submittal; and

- G. A party may appeal an adverse City Commission decision to the Montana Eighth Judicial District Court within thirty (30) calendar days of the Commission's pronouncement.

**8.5.200 Penalties.**

- A. An ambulance service performance contract shall provide for penalties and remedies in the event the ambulance service provider fails to comply with the personnel, equipment, or reporting requirements of this Chapter or the ambulance service performance contract, including response time standards for 911 emergency responses.
- B. The penalties paid to the City shall be used to pay for EMS related expenses, including public education programs and administrative oversight of ambulance service providers.

**8.5.210 Performance security.**

- A. The 911 emergency ambulance service provider shall provide security in an amount equal to the City's reasonably anticipated operating costs for two (2) months of 911 emergency ambulance services.
- B. Security shall be provided in the form of:
  - 1. Cash;
  - 2. An irrevocable letter of credit issued by a financial institution rated at least "A" by Moody's or Standard & Poor's;
  - 3. An irrevocable guaranty issued by an entity rated at least "A" by Moody's or Standard & Poor's;
  - 4. A surety bond issued by an insurance company rated at least "A" by Moody's, Standard & Poor's or A.M. Best; or
  - 5. Such other forms of security as may be agreed to by the City and the ambulance service provider in writing.
- C. An ambulance service performance contract may include provisions that protect the interests of the City, provide for continued ambulance services in the event of a suspension or termination of the contract, failure of any ambulance service provider, and any takeover of services that may be enacted by the City.

**8.5.220 Submittal of reports for requests for service.**

- A. At the request of City, the ambulance service provider shall submit reports, records, and other information regarding emergency transports that are necessary to verify the ambulance service provider's compliance with this Chapter and the ambulance service performance contract executed pursuant to this Chapter.
- B. These reports, records, and information shall be submitted in the format and on the date requested by the City. The specific information that is to be provided in these reports will be clearly set forth in the performance contract, including when and how often such reports will be submitted to the City.

## Exhibit "A"

(Updated from First Reading)

### Title 8 HEALTH AND SAFETY

- C. The ambulance service provider may keep records using account numbers or patient numbers rather than names and addresses; provided that such records shall include the fire department incident number.

#### **8.5.230 Release of information.**

Upon receipt of a written request from any patient who has been transported by the ambulance service contractor, the contractor or provider shall provide to the patient all information related to the transport in question, to the extent permitted by the federal HIPAA Privacy Regulations or state law including, but not limited to, all of its billing records relating to patient and supported by the account number or patient number. Additionally, at the City's request and if so authorized by the patient, the ambulance service contractor shall provide all information related to the transport in question to the City.

#### **8.5.240 Confidentiality of records.**

- A. Except as otherwise provided in this section, information provided by the ambulance service provider to the City for purposes of determining compliance with the requirements of this Chapter and the ambulance service performance contract shall be considered public records.
- B. An ambulance service provider may seek and the City may provide, after a showing of good cause by the applicant, confidential treatment to protect against the disclosure, or public inspection of, commercially valuable or proprietary information related to performance.
- C. Any information provided to the City which contains a natural person's name, address, medical condition or diagnosis, incident location, social security number, personal financial records, telephone number, home address, e-mail address, names of family members or work history, or which otherwise constitutes "protected health information" as that term is applied in the Federal Health Insurance Portability and Accountability Act of 1996, and regulations under ("HIPAA") or Montana Health Care information Act, as may be amended, shall be considered confidential.
- D. Such confidential information shall not be released by the City to the public, unless the person to whom the information applies has first agreed in writing, in a format which complies with HIPAA requirements, to release of the information. To the extent permitted by HIPAA and other applicable law, reports containing confidential information and information deemed to be public may be released if such confidential information is first redacted.

#### **8.5.250 Ambulance service rates.**

- A. The contracted ambulance service shall submit to the EMS administrator a proposed ambulance fee schedule that will be approved by Commission resolution, if said fees are consistent with industry best practices, the market, and applicable federal and state laws.
- B. The ambulance service may not refuse transport based on the patient's inability to pay.



## Exhibit "A"

(Updated from First Reading)

### Title 8 HEALTH AND SAFETY

#### **8.5.260 Right of property not granted.**

Any ambulance service performance contract granted pursuant to this Chapter shall not impart to the ambulance service provider any right of property in any City rights-of-way or other City property. The ambulance service performance contract shall be construed to have granted nonexclusive permission and authority to operate within the City.

#### **8.5.270 City to be held harmless.**

The contracted ambulance service provider shall defend, indemnify, protect and hold the City, its officers, employees and agents harmless from and against any and all claims asserted, or liability established for injuries or damages to any person or property, or losses and causes of action which may arise from, or in connection with, the services provided under the ambulance service performance contract, except to the extent any such claims, liability, losses, or causes of action arise from the acts or omissions of the City.

#### **8.5.280 Ambulance service provider bound by City, State, and Federal regulations.**

The ambulance service provider shall be subject to all requirements of the OCCGF, rules, regulations, and specifications insofar as the regulations and specifications are not in violation of any applicable State or Federal regulations. The City reserves every right and power to exercise any requirement of the OCCGF, and the ambulance service provider, by its acceptance of the ambulance service performance contract, agrees to be bound thereby and to comply with any action under (or requirement) of the OCCGF, as it exists now or as may be amended.

## **Chapter 6 FOOD SERVICE**

### **Sections:**

8.6.010 State rule adopted.

8.6.020 Closure.

8.6.030 Inspection of food service establishments.

8.6.040 Knowledge of food protection practices.

8.6.050 Temporary food permit.

8.6.060 Penalties.

#### **8.6.010 State rule adopted.**

The City hereby adopts, by reference, the Montana Code Annotated and Administrative Rules of Montana (ARM) as may be amended, relating to food service establishments. A copy of the regulation shall be filed with the City Clerk as the, "Montana Retail Food Code".

Exhibit "A"

(Updated from First Reading)

Title 8 HEALTH AND SAFETY

**8.6.020 Closure.**

- A. The Health Authority may close a Food Service Establishment, Temporary Food Establishment, or Cottage Food Operation under any of the following conditions:
  - 1. If a foodborne illness outbreak is likely associated with a Food Service Establishment, Temporary Food Establishment, or Cottage Food Operation, and the Health Authority deems that closure is necessary to protect public health and/or correct the circumstances contributing to the outbreak;
  - 2. If a Priority Item is in violation which creates an imminent or present danger to public health and is not corrected immediately to the satisfaction of the Health Authority;
  - 3. When a follow-up inspection of a Food Service Establishment, Temporary Food Establishment, or Cottage Food Operation yields two or more of the same priority item violations noted on a previous inspection and the establishment has been notified that closure may be a consequence of noncompliance as described in this section; or
  - 4. When a Food Service Establishment operates without a valid license, a temporary food service operates without a valid permit, or a Cottage Food Operation operates without a valid registration.
- B. Operation of a Food Service Establishment, Temporary Food Establishment, or Cottage Food Operation which has been closed by the Health Authority is a violation of this Chapter.
- C. Before the Health Authority closes an establishment or operation because of repeat priority item violations, the Health Authority shall notify the establishment in writing that it may be closed to the public and a closure notice placed at each customer entrance, if two or more of the same priority item violations remain on a follow-up inspection conducted within ten (10) business days.
- D. Upon closure of a Food Service Establishment, Temporary Food Establishment, or Cottage Food Operation for any reason pursuant to this Chapter:
  - 1. The Health Authority shall serve a written explanation of the reasons for closure and a copy of any applicable inspection forms to the operator or agent of the establishment or operation;
  - 2. The closure order is effective upon service, and no new customers may be served or sold any products;
  - 3. The Health Authority may require the operator or agent to notify current customers of the closure;
  - 4. A conspicuous notice of closure shall be posted at each customer entrance of an establishment by POST certified law enforcement or the Health Authority, but notice of closure need not be posted at the entrance of a Cottage Food Operation; and
  - 5. The notice may only be removed or altered under the direction of the Health Authority.

Exhibit "A"

(Updated from First Reading)

Title 8 HEALTH AND SAFETY

- E. Upon closure of a Food Service Establishment, Temporary Food Establishment, or Cottage Food Operation pursuant to this Chapter, it may be reopened after twenty-four (24) hours if:
  - 1. The operator or agent submits a written plan of correction to the Health Authority specifying the corrections to be made and time parameters for completion;
  - 2. The Health Authority approves the plan of correction;
  - 3. The Health Authority inspects the establishment or operation and determines that the approved plan of correction is being followed; and
  - 4. The notice of closure previously posted is removed by, or under the direction of, the Health Authority.
- F. An establishment or operation may be reopened pursuant to this Chapter sooner than twenty-four (24) hours after closure, if following an administrative hearing conducted by the Health Authority, it is determined that all provisions of subsection (E) of this section are satisfied.
- G. Once an establishment or operation is re-opened pursuant to this Chapter:
  - 1. The Health Authority shall conduct additional inspections as deemed necessary to evaluate whether the plan of correction is being performed and whether any priority item violations exist;
  - 2. The Health Authority may require an operator to modify a plan of correction; and
  - 3. An establishment may be closed pursuant to this Chapter again if:
    - i. Any violations of this Chapter exist; or
    - ii. The plan of correction is not being performed.

**8.6.030 Inspection of Food Service Establishments.**

- A. At least once every year, the Health Authority shall inspect each Food Service Establishment located in the City of Great Falls and shall make any additional inspections and re-inspections as are necessary for the enforcement of this Chapter.
- B. The Health Authority shall have the power to enter and inspect any place where meat, game, poultry, fish, milk, groceries, or any other food products are prepared, handled, and/or stored for public use and to inspect any vehicle transporting such products.
- C. Any person, or any person being owner, agent, or manager at any place food is prepared, handled, or stored, is guilty of a violation of this Chapter, if that person in any manner:
  - 1. Interferes, or attempts to interfere, with the Health Authority in the discharge of duties, or
  - 2. Refuses to permit the Health Authority to have full access to the premises, or any food products that the Health Authority desires to inspect.

Exhibit "A"

(Updated from First Reading)

Title 8 HEALTH AND SAFETY

- B. The Health Authority shall be permitted to examine the records of the establishment to obtain pertinent information pertaining to food and supplies purchased, received, or used, and persons employed, during operation hours, or at any other time when food preparation is being conducted.
- C. A written or electronic record of any inspections will be provided to the owner, agent, or manager of each establishment.

**8.6.040 Knowledge of food protection practices.**

- A. In addition to the Montana state requirement for Certified Food Protection Managers in retail food establishments, the owner, operator, manager, or employees of any Food Service Establishment may, at any time, be required by the Health Authority to show sufficient knowledge of food protection practices, sanitation practices, and regulation requirements necessary to protect the public from food borne illness.
- B. At the option of the Health Authority, owners, operators, managers, and key food preparation personnel, may be required to participate in a food safety training course and/or may be tested on their knowledge of food protection practices prior to the opening of any new food establishment or at any time there is a change of ownership or management of an existing food establishment or if there is a pattern of critical item violations within an existing establishment.

**8.6.050 Temporary Food Permit.**

All persons or organizations serving or selling food to the public that are not exempt from obtaining a permit pursuant to Mont. Code Ann. Title 50, Chapter 50 (i.e., private church dinners, private organizations serving members only) shall comply with the provisions of Mont. Code Ann. § 50-50-120, as may be amended, and shall obtain a Temporary Food Permit from the City-County Health Department.

**8.6.060 Penalties.**

In addition to any remedies listed in this Chapter:

- A. A person owning or operating a retail Food Service Establishment, Temporary Food Establishment, or Cottage Food Operation within the incorporated City limits, in violation of this Chapter, is guilty of a misdemeanor punishable by a term not to exceed six (6) months in jail, a fine not to exceed five hundred dollars (\$500.00), or both; and
- B. A Retail Food Service Establishment, Temporary Food Establishment, or Cottage Food Operation operating within the incorporated City limits, in violation of this Chapter, is hereby declared a Nuisance as defined by Chapter 49 of this Title.

**Chapter 7 WHOLESALE FOOD ESTABLISHMENTS**

**Sections:**

8.7.010 State rule adopted.

Exhibit "A"

(Updated from First Reading)

Title 8 HEALTH AND SAFETY

8.7.020 Closure.

8.7.030 Inspection of wholesale food establishments.

8.7.040 Knowledge of food protection practices.

8.7.050 Penalties.

**8.7.010 State rule adopted.**

The City adopts by reference the Montana Code Annotated and the ARM regulations, as may be amended, pertaining to Wholesale Food Establishments. A copy of the regulation shall be filed with the City Clerk as the "Montana Wholesale Food Code".

**8.7.020 Closure.**

- A. The Health Authority may close a Wholesale Food Establishment operation under any of the following circumstances:
  - 1. If a foodborne illness outbreak is likely associated with the Wholesale Food Establishment and the Health Officer deems that closure is necessary to protect public health and/or correct the circumstances contributing to the outbreak;
  - 2. If a Priority Item is in violation which creates an imminent or present danger to public health and is not corrected immediately to the satisfaction of the Health Authority;
  - 3. When a follow-up inspection of a Wholesale Food Establishment operation yields two or more of the same priority item violations noted on a previous inspection and the establishment has been notified that closure may be a consequence of noncompliance as described in this section; or
  - 4. When a Wholesale Food Establishment operates without a valid license.
- B. Operation of a Wholesale Food Establishment which has been closed by the Health Authority is a violation of this Chapter.
- C. Before the Health Authority closes a Wholesale Food Establishment because of repeat priority item violations, the Health Authority shall notify the establishment in writing that it may be closed to the public and a closure notice placed at each customer entrance, if two or more of the same priority item violations remain on a follow-up inspection conducted within ten (10) business days.
- D. Upon closure of a Wholesale Food Establishment for any reason pursuant to this Chapter:
  - 1. The Health Authority shall serve a written explanation of the reasons for closure and a copy of any applicable inspection forms to the operator or agent of the establishment;

Exhibit "A"

(Updated from First Reading)

Title 8 HEALTH AND SAFETY

2. The closure order is effective upon service, and no new customers may be served or sold any products;
  3. A conspicuous notice of closure shall be posted at each customer entrance of the establishment by POST certified law enforcement or the Health Authority; and
  4. The notice may only be removed or altered under the direction of the Health Authority.
- E. Upon closure of an establishment pursuant to this Chapter, it may be reopened after twenty-four (24) hours if:
1. The operator or agent submits a written plan of correction to the Health Authority specifying the corrections to be made and time parameters for completion;
  2. The Health Authority approves the plan of correction;
  3. The Health Authority inspects the establishment and determines that the approved plan of correction is being followed; and
  4. The notice of closure previously posted is removed by, or under the direction of, the Health Authority.
- F. An establishment may be reopened pursuant to this Chapter sooner than twenty-four (24) hours after closure, if following an administrative hearing conducted by the Health Authority, it is determined that all provisions of subsection (E) of this section are satisfied.
- G. Once an establishment or operation is re-opened pursuant to this Chapter:
1. The Health Authority shall conduct additional inspections as deemed necessary to evaluate whether the plan of correction is being performed and whether any priority item violations exist;
  2. The Health Authority may require an operator to modify a plan of correction; and
  3. An establishment may be closed pursuant to this chapter again if:
    - i. Any violations of this Chapter exist; or
    - ii. The plan of correction is not being performed.

**8.7.030 Inspection of Wholesale Food Establishments.**

- A. At least once every calendar year, a representative of the Health Authority shall inspect each wholesale food establishment located in the incorporated City limits and shall make any additional inspections and re-inspections as are necessary for the enforcement of this Chapter.
- B. The Health Authority representative shall have the power to enter and inspect any place where meat, game, poultry, fish, milk, groceries, or any other food products are prepared, handled, or stored for public use and to inspect any vehicle transporting such products.

Exhibit "A"

(Updated from First Reading)

Title 8 HEALTH AND SAFETY

- C. Any person, or any person being owner, agent, or manager at any place food is prepared, handled, or stored, is guilty of a violation of this Chapter, if that person in any manner:
  - 1. Interferes, or attempts to interfere, with the Health Authority in the discharge of duties, or
  - 2. Refuses to permit the Health Authority to have full access to the premises, or any food products that the Health Authority desires to inspect.
- D. The Health Authority shall be permitted to examine the records of the establishment to obtain pertinent information pertaining to food and supplies purchased, received, or used, or persons employed during operation hours or at any other time when food preparation is being conducted.
- E. A written or electronic record of any inspections will be provided to the owner, agent, or manager of each establishment and continually maintained by the Health Authority.

**8.7.040 Knowledge of food protection practices.**

- A. The owner, operator, manager, and employees of any wholesale food establishment may, at any time, be required by the Health Authority to show sufficient knowledge of:
  - 1. Food protection practices;
  - 2. Sanitation practices; and
  - 3. Regulation requirements necessary to protect the public from foodborne illness.
- B. At the option of the Health Authority, owners, operators, managers, and key food preparation personnel may be required to participate in a food safety training course and/or may be tested on their knowledge of food protection prior to the opening of any new food processing establishment or any time there is a change of ownership or management of an existing food processing establishment, or if there is a pattern of critical item violations within an existing establishment.

**8.7.050 Penalties.**

In addition to any remedies listed in this Chapter:

- A. A person owning or operating a Wholesale Food Establishment within the incorporated City limits, in violation of this Chapter, is guilty of a misdemeanor punishable by a term not to exceed six (6) months in jail, a fine not to exceed five hundred dollars (\$500.00), or both; and
- B. A Wholesale Food Establishment operating within the incorporated City limits, in violation of this Chapter, is hereby declared a Nuisance as defined by Chapter 49 of this Title.

**Chapter 8 GARBAGE AND REFUSE**

**Sections:**

8.8.010 Definitions.



Exhibit "A"

(Updated from First Reading)

Title 8 HEALTH AND SAFETY

- 8.8.020 Containers—accumulation or refuse—standards generally.
- 8.8.030 Containers—future use of underground cans prohibited.
- 8.8.040 Containers—refuse—placement for collection.
- 8.8.050 Containers—refuse—placement for alley collection.
- 8.8.060 Containers—refuse—garbage wrapping requirements.
- 8.8.070 Combustible rubbish storage.
- 8.8.080 Containers—rubbish accumulation.
- 8.8.090 Bulk handling—refuse storage.
- 8.8.100 Containers—bulk—multifamily dwelling.
- 8.8.110 Collector—littering prohibited.
- 8.8.120 Private persons transporting.
- 8.8.130 Premises maintenance—violation.
- 8.8.140 Alley maintenance.
- 8.8.150 Premises—container placement—parks and public areas.
- 8.8.160 Premises—collection—authorized.
- 8.8.170 Burning.
- 8.8.180 Construction—waste removal regulations.
- 8.8.190 Salvaging prohibited—exception with contract or permit.
- 8.8.200 Manure accumulations.
- 8.8.210 Billing charges.
- 8.8.220 Assessing delinquent charges.
- 8.8.230 Sanitation rates resolution.
- 8.8.240 Special services rate.
- 8.8.250 Exemption from service prohibited.
- 8.8.260 Contractual—license required.
- 8.8.270 Out of City dumping prohibited.

**8.8.010 Definitions.**

Pursuant to this Chapter, the following definitions of terms shall apply:

- A. "City-owned container" means any container supplied to residential or commercial refuse generators by the City.

Exhibit "A"

(Updated from First Reading)

Title 8 HEALTH AND SAFETY

- B. "Compost" means the product resulting from the decomposition of leaves, straw, grasses, and other such organic matter mixed or unmixed with well-rotted manure, and mixed or unmixed with materials ordinarily forming a part of the soil used as fertilizer and soil conditioner.
- C. "Contract collection" means engagement by the City of a private company or companies under formal agreement and definite specifications to collect and haul municipal refuse for which the contractors are paid from general public revenues or service fees collected by the City.
- D. "Disposal area" means any site, location, tract of land, area, building, structure, or premises used or intended to be used for refuse disposal.
- E. "Garbage" or "Refuse" means every accumulation of matter that attends the preparation, consumption, decay, dealing in, or storage of meats, fish, fowl, birds, fruit, or vegetables, including the cans, containers, or wrappers. These terms also include solid materials including but not limited to the following:
  - 1. Garbage cleanings;
  - 2. Industrial solid wastes or domestic solid wastes;
  - 3. Organic wastes or residue of animals sold as meat;
  - 4. Fruit or other vegetables or animal matter from kitchens or dining rooms;
  - 5. Wasted material from food establishments; or
  - 6. Any places dealing in or handling meat, fowl, fruits, grain or vegetables, offal, animal excreta or the carcasses of animals, brick, plaster, or other waste matter resulting from the demolition, alteration or construction of buildings or structures; accumulated waste material, cans, containers, tires, junk, or other such substances which may become a Nuisance.
- F. "Manure" means the accumulation of animal or fowl droppings with or without added decomposable materials such as straw, grasses, or leaves, exclusive of human excrement.
- G. "Municipal collection" means performance of collection operations under direction of a regular municipal department or official.
- H. "Owner/occupant" means the person occupying a dwelling or unit, or the person owning, operating, managing, or keeping any:
  - 1. Hotel;
  - 2. Apartment house;
  - 3. Rental unit;
  - 4. Mobile home;
  - 5. Boarding house;
  - 6. Trailer camp;
  - 7. Auto court;

Exhibit "A"

(Updated from First Reading)

Title 8 HEALTH AND SAFETY

8. Food establishment;
  9. Industrial establishment;
  10. Commercial establishment;
  11. Business establishment;
  12. School;
  13. Church; or
  14. Institution or premises wherein or whereon refuse accumulates or is likely to accumulate.
- I. "Private collection" means collection by licensed individuals or companies of refuse materials from private properties, pursuant to arrangements made directly between the owner or occupant of the premises and the collector.
- J. "Rack" means any type of support which will hold refuse containers upright and protect the contents from being scattered by animals or the wind.
- K. "Refuse collector" means the person, firm, agency, public body, or employee or agent thereof who is engaged in the collection and/or transportation of refuse in any part of the City that is either properly licensed pursuant to OCCGF Title 5 or has written permission from the Public Works Director or designee to engage in such collection or transportation.
- L. "Refuse container" means any container supplied to refuse generators by an authorized collector which are approved by the City Public Works Director.
- M. "Refuse disposal" means the complete process required for the disposal of any refuse and includes all tools, equipment, treatment spaces, buildings, structures, appurtenances, and materials required to take refuse from a refuse collector and bury, incinerate, destroy, or otherwise dispose of such refuse.
- N. "Rubbish" means accumulation of any of the following:
1. Wood and leaves;
  2. Trimmings from shrubs;
  3. Dead trees or branches; shavings and sawdust;
  4. Wood shavings;
  5. Woodenware;
  6. Printed matter including paper, paperboard, and pasteboard;
  7. Packing crates and pasteboard boxes;
  8. Grass and roots;
  9. Straw;
  10. Wearing apparel;
  11. Soil, earth, sand, clay, gravel, loam;
  12. Stone, bricks, plaster, crockery, glass, and glassware;

Exhibit "A"

(Updated from First Reading)

Title 8 HEALTH AND SAFETY

13. Ashes, cinders, shell, and metals; or
  14. All other materials not included under the term "garbage."
- 
- O. "Salvage operation" means any operation carried on by a person, firm, corporation, or other entity for the express purpose of reclaiming for value a portion of a substance, material, or goods prior to or as a part of the refuse disposal process by sorting, segregation, or other manual or mechanical means.
  - P. "Transportation of refuse" means the hauling in bulk or in refuse containers to the designated disposal area or transfer station.
  - Q. "Commercial collection" means collection from businesses and multifamily dwelling units containing two (2) or more separate dwellings.
  - R. "Residential collection" means collection from all single-family dwellings.
  - S. "Yard waste" means grass clippings, leaves, trimmings from shrubs and trees, and vegetable and flower garden plants.
  - T. "Winter months' traveler" means a residential property owner who temporarily leaves his or her primary residence for a period of time during the months of November through April, often referred to as "snowbird".

**8.8.020 Containers—accumulation or refuse—standards generally.**

The standards and requirements set out in OCCGF sections 8.8.030 through 8.8.120 are established as a minimum for the accumulation and storage of refuse pending collection.

**8.8.030 Containers—future use of underground cans prohibited.**

Underground containers are prohibited.

**8.8.040 Containers—refuse—placement for collection.**

- A. Residential refuse and garbage generators equipped with City-owned rollout containers shall place refuse and garbage containers on the scheduled collection days at the curb-line in front of the premises.
- B. Containers shall not be placed for collection before 6:00 p.m. on the day preceding the day of collection, and after the containers are emptied they shall be removed from the curb-line on the day of collection. It shall be the duty of the owner or occupant to provide and maintain accessibility to any and all containers.

**8.8.050 Containers—refuse—placement for alley collection.**

City-owned containers shall be distributed and positioned as approved by the City Public Works Director or designee. Containers serving more than one property or dwelling unit shall be positioned along the rear or side alley in a manner to facilitate efficient collection and accessibility for refuse and garbage generators

Exhibit "A"

(Updated from First Reading)

Title 8 HEALTH AND SAFETY

and City refuse and garbage collection. It shall be the duty of the property owner to provide and maintain accessibility to any and all containers.

**8.8.060 Containers—refuse—garbage wrapping requirements.**

All garbage placed in residential refuse containers shall be wrapped with paper or plastic. It is prohibited to place the following materials in a City-owned container:

- A. Large limbs or trimmings that do not allow the container lid to close;
- B. Hazardous liquids;
- C. Large construction, demolition or remodeling debris;
- D. Concrete, dirt or plaster;
- E. Appliances or other furniture that will not allow the lid to close;
- F. Hot ashes; and
- G. Dead animals or parts thereof.

**8.8.070 Combustible rubbish storage.**

Whenever combustible rubbish is held and stored within any industrial, commercial, or business structure, it must be stored in a manner acceptable to the Fire Marshall.

**8.8.080 Containers—rubbish accumulation.**

- A. Ordinary accumulations of rubbish between collections may be placed at the designated collection place in any container of size and shape so as to be easily lifted, no larger than 32 gallons, secured against the wind, and handled without spillage by the collector.
- B. Extraordinary accumulations of rubbish shall be placed for collection in appropriate containers. Tree trimmings may be placed for collection outside of a container, provided such trimmings are secured in bundles that do not exceed seventy-five (75) pounds in weight and do not exceed four (4) feet in length.
- C. Grass clippings shall be placed in substantial containers or bags that can be collected without spillage or in a manner so as to not prevent a City container from closing.
- D. Wetted down ashes shall be placed only in easily lifted metal containers with covers.
- E. Other waste material shall be placed in containers which will not break, fall apart, rip or tear while being handled by the collector, or shall be secured in neat bundles, easily handled by the collector and shall not exceed four (4) feet in length.

**8.8.090 Bulk handling—refuse storage.**

Bulk handling or storage of refuse of any character shall be subject to review by the City Public Works Director or designee, and the owner or occupant of any industrial, commercial, or business establishment

Exhibit "A"

(Updated from First Reading)

Title 8 HEALTH AND SAFETY

shall make such provisions as required for the sanitary and safe storage and collection of such refuse as may be produced in bulk.

**8.8.100 Containers—bulk—multifamily dwelling.**

- A. For multifamily dwellings containing four or more separate dwelling units, bulk containers of a minimum one-half-cubic-yard or ninety-six (96) gallon capacity shall be required per dwelling unit.
- B. For commercial or industrial establishments, bulk containers shall generally be required unless the amount of refuse generated warrants special consideration by the City Public Works Director or designee. Bulk containers shall be supplied by the City and shall be in accordance with requirements provided by sections 8.8.040 through 8.8.050.

**8.8.110 Collector—littering prohibited.**

- A. The collector shall not litter any premises or public property while making collections of refuse, nor shall any refuse be allowed to blow or fall from collection vehicles.
- B. If in spite of normal precautions against spillage, litter is made on any premises or public property, the collector shall immediately clear the area of spillage. The collector shall not be responsible to clear up the area of spillage when refuse has been carelessly spilled by the owner or occupant. The City Sanitation Officer shall be notified to enforce correct litter accumulation requirements.
- C. A violation of the Section is a misdemeanor punishable by a fine not to exceed five-hundred dollars (\$500.00), a term not to exceed six (6) months in jail, or both

**8.8.120 Private persons transporting.**

Private persons who transport any refuse or yard waste shall take action to prevent any spillage. Should any spillage accidentally occur, the transporter will immediately clean the area.

**8.8.130 Premises maintenance—violation.**

- A. It shall be the duty of every property owner to maintain the premises, equipment, containers, and disposal areas owned or used in compliance with all the requirements of this Chapter.
- B. A violation of this section is a misdemeanor punishable by a term not to exceed six months in jail, a fine not to exceed five hundred dollars (\$500.00), or both.
- C. Any premises where a violation of this section is occurring is hereby declared a Nuisance as defined by Chapter 49 of this Title.

Exhibit "A"

(Updated from First Reading)

Title 8 HEALTH AND SAFETY

**8.8.140 Alley maintenance.**

All persons owning, occupying, or being in control of property fronting on any alley of the City shall keep the portion of the alley between the centerline thereof and the property line of such property and fronting on such property, free from garbage, rubbish, weeds, or any other combustible material.

**8.8.150 Premises—container placement—parks and public areas.**

Containers shall be placed by the owner or occupant in a place or manner approved by the City Public Works Sanitation Division. The Sanitation Division may also place containers in parks, recreation areas, places of public assembly, and along public rights-of-way as may be required or desirable.

**8.8.160 Premises—collection—authorized.**

- A. Every property owner of the places or occupancies referred to in this Chapter shall be responsible for the regular collection of garbage from the places of occupancy by authorized collectors. No person shall permit the removal of any refuse except in an approved manner or by an authorized collector.
- B. A violation of this section is a misdemeanor punishable by a term not to exceed six months in jail, a fine not to exceed five hundred dollars (\$500.00), or both.
- C. Any premises where a violation of this section is occurring is hereby declared a Nuisance as defined by Chapter 49 of this Title.

**8.8.170 Burning.**

- A. The burning of refuse is prohibited.
- B. A violation of this section is a misdemeanor punishable by a term not to exceed six months in jail, a fine not to exceed five hundred dollars (\$500.00), or both.

**8.8.180 Construction—waste removal regulations.**

- A. Each person, building contractor, construction contractor, or subcontractor, engaged in the construction, landscaping, repair, or demolition of any building, structure, property, or part thereof shall take measures to prevent waste matter or rubbish from accumulating on any:
  - 1. Street, alley, or gutter;
  - 2. Park;
  - 3. Sidewalk curbing or curb space;
  - 4. Any public way; or
  - 5. Any privately-owned premises.
- B. Any refuse, waste matter or rubbish shall be cleaned up, and removed from a work site, and disposed of in a sanitary manner.



Exhibit "A"

(Updated from First Reading)

Title 8 HEALTH AND SAFETY

- C. A violation of this section is a misdemeanor punishable by a term not to exceed six months in jail, a fine not to exceed five hundred dollars (\$500.00), or both.

**8.8.190 Salvaging prohibited.**

- A. No person may pick over, sort, segregate, or salvage any refuse deposited in an authorized disposal area, refuse container or refuse pile.
- B. A violation of this section is a misdemeanor punishable by a term not to exceed six months in jail, a fine not to exceed five hundred dollars (\$500.00), or both.

**8.8.200 Manure accumulations.**

- A. All manure resulting from keeping of any animal, fowl, livestock, or game in the City shall be accumulated in sanitary flyproof containers and collected and disposed of in an approved manner.
- B. A violation of this section is a misdemeanor punishable by a term not to exceed six months in jail, a fine not to exceed five hundred dollars (\$500.00), or both.
- C. Any premises where a violation of this section is occurring is hereby declared a Nuisance as defined by Chapter 49 of this Title.

**8.8.210 Billing charges.**

- A. The City may make monthly billings for the costs of sanitation service. The cost of sanitation services including collection, refuse reduction, or shredding and disposal of garbage from the streets, alleys, and private premises of the City, shall be charged to the owner or tenant of the property from which such garbage is removed.
- B. Payment shall be made to the Finance Department within fifteen calendar days after the billing date. If payment is not made, such costs may be assessed against the property or referred to a debt collection service.
- C. One-time garbage service, extra pick-ups, dumpster rental fees, appliance fees, and monthly recurring commercial service will be billed through Miscellaneous Billing, not Utility Billing. Payment is due fifteen calendar days after the billing date. If payment is not made, such costs may be assessed against the property or referred to a debt collection service.

**8.8.220 Assessing delinquent charges.**

The City may include sanitation charges as part of the annual resolution assessing delinquent accounts. The resolution shall provide:

- A. The property owner's name;
- B. The property owner's mailing address;
- C. Street address;

Exhibit "A"

(Updated from First Reading)

Title 8 HEALTH AND SAFETY

- D. Legal description;
- E. Parcel number of the property in question; and
- F. The amount of late payment fees.

**8.8.230 Sanitation rates resolution.**

- A. The City Commission shall, following a public hearing, adopt a resolution establishing sanitation rates as it determines necessary to defray the cost of sanitation services for the fiscal year.
- B. It shall be the duty of the Finance Department, before the passage of the resolution fixing the sanitation rates, to publish in a newspaper of general circulation and on the City website, a notice of public hearing on the rate resolution. The notice shall comply with all state and federal public notice requirements.

**8.8.240 Special services rate.**

A special services rate will be established each year to recover the costs of handling garbage outside of containers. These costs shall be billed as incurred to each property owner or occupant on the basis of additional time spent at the pickup site. Large accumulation of material placed for collection may be charged to the customer if it takes longer than two minutes to collect the material.

**8.8.250 Exemption from service prohibited.**

- A. It is declared that it is in the interest of good health and sanitation that all premises in the City shall receive sanitation service. Unless otherwise provided by this section, no service exemption shall be made.
- B. Owners or occupants receiving private collection under a City license or permit shall be exempt from City collection charges unless such owner or occupant uses a City container, in which case the owner or occupant shall be charged for so long as such use continues.
- C. Charges for refuse disposal shall be made against all lots wherein or whereon refuse accumulates or is likely to accumulate. If the City determines that water service to a property is active, refuse is likely to accumulate, and sanitation service is required, no service exemption shall be provided, unless otherwise provided by this section.
- D. A temporary suspension of sanitation services may be provided to a winter months' traveler at the traveler's primary residence only. This suspension of service is allowed for a minimum of 2 months and a maximum of 6 months between the months of November and April. Stop and start dates are required to be provided to the City Finance Department. If the City determines that refuse is being generated, service will be re-started immediately to include monthly collection fees.

Exhibit "A"

(Updated from First Reading)

Title 8 HEALTH AND SAFETY

**8.8.260 Contractual—license required.**

- A. No person shall engage in the business of collecting or removing refuse from any business establishment or private premises in the City without first complying with all licensing provisions established by OCCGF Title 5.
- B. A violation of this section is a misdemeanor punishable by a term not to exceed six months in jail, a fine not to exceed five hundred dollars (\$500.00), or both.

**8.8.270 Out of City dumping prohibited.**

- A. It is unlawful for any person, not residing in the incorporated City limits, to transport garbage or refuse into the incorporated City limits for placement in City-owned, or City-provided, containers.
- B. A violation of this section is a misdemeanor punishable by a term not to exceed six months in jail, a fine not to exceed five hundred dollars (\$500.00), or both.

**Chapter 9 GARBAGE AND REFUSE DISPOSAL AREAS**

**Sections:**

8.9.010 Standards.

8.9.020 Scavenging or salvaging—authorization required.

8.9.030 Disposing in unauthorized areas prohibited.

8.9.040 Fees.

**8.9.010 Standards.**

The ultimate means of disposal of all refuse shall be by landfilling. All disposal operations shall conform to current and accepted principles and regulations for the operation as approved or adopted by federal, state, and local regulatory agencies.

**8.9.020 Scavenging or salvaging—authorization required.**

- A. No person shall remove or take away from any City disposal area any soil, manure, refuse, or material of any nature unless specific authorization in writing to do so is obtained from the City Public Works Department.
- B. A violation of this section is a misdemeanor punishable by a term not to exceed six months in jail, a fine not to exceed five hundred dollars (\$500.00), or both.

Exhibit "A"

(Updated from First Reading)

Title 8 HEALTH AND SAFETY

**8.9.030 Disposing in unauthorized areas prohibited.**

- A. It is unlawful for any person to dispose of any manure, garbage, refuse, or other material on property within the incorporated City limits, other than in disposal areas established to receive that particular substance.
- B. A violation of this section is a misdemeanor punishable by a term not to exceed six months in jail, a fine not to exceed five hundred dollars (\$500.00), or both.
- C. Any property where a violation of this section is occurring is hereby declared a Nuisance as defined by Chapter 49 of this Title.

**8.9.040 Fees.**

Any person, firm, corporation, or other entity shall be entitled to dispose of refuse on any disposal area owned by the City, designated for public use, upon payment of fees to the City established by Commission resolution.

**Chapter 10 SWIMMING POOLS**

**Sections:**

- 8.10.010 Definitions.
- 8.10.020 Protective barrier—required.
- 8.10.030 Protective barrier—inspection of swimming pools.
- 8.10.040 Adopted by reference.
- 8.10.050 Discharges subject to approval.

**8.10.010 Definitions.**

For the purpose of this Chapter, the following definitions shall apply:

- A. "Private swimming pool" includes all artificially constructed pools which are used in connection with, and appurtenant to, single-family residences and are not available to the public.
- B. "Semiprivate pool" includes all artificially constructed pools which are used in connection with multiple family or cooperative groups (such as apartments, motels, or subdivisions) and available only to such groups and their private guests but not available to the general public.

Exhibit "A"

(Updated from First Reading)

Title 8 HEALTH AND SAFETY

- C. "Swimming pool" means an artificial pool of water used for swimming or recreational bathing, including all appurtenances to its use.

**8.10.020 Protective barrier—required.**

All swimming pool areas shall be enclosed by substantial protective barriers which shall be adequate and sufficient to prevent persons or animals from danger or harm and shall be equipped with a self-closing, self-latching lock gate.

**8.10.030 Protective barrier—inspection of swimming pools.**

The Building Official, or designee, is empowered with the authority to inspect any and all swimming pools within the City to compliance with this Chapter.

**8.10.040 Adopted by reference.**

In addition to any regulations pursuant to this Chapter, the City adopts, by reference, Montana Code Annotated and ARM swimming pool regulations as may be amended.

**8.10.050 Discharges subject to approval.**

All discharges to the City Publicly Owned Treatment Works or storm drain from swimming pools are subject to review and written approval by the Public Work Director.

## **Chapter 11 WEEDS**

### **Sections:**

8.11.010 Nuisance Weeds—defined.

8.11.020 Nuisance Weeds prohibited.

8.11.030 Violation—Public Works Director to serve notice.

8.11.040 Assessing delinquent charges.

**8.11.010 Nuisance Weeds—defined.**

"Nuisance Weeds" are all weeds, grass, and unmaintained vegetation growing to a height in excess of eight (8) inches on premises located within the City.

Exhibit "A"

(Updated from First Reading)

Title 8 HEALTH AND SAFETY

**8.11.020 Nuisance Weeds prohibited.**

- A. It is unlawful for any person, firm, corporation, or other ownership entity to allow Nuisance Weeds, as defined in this Chapter, to exist on any premises within the incorporated City limits.
- B. A violation of this section is a misdemeanor punishable by a term not to exceed six months in jail, a fine not to exceed five hundred dollars (\$500.00), or both.
- C. Any property where a violation of this section is occurring is hereby declared a Nuisance as defined by Chapter 49 of this Title.

**8.11.030 Violation—Public Works Director to serve notice.**

- A. It shall be the duty of the Public Works Director or designee to enforce the provisions of this Chapter.
- B. Upon a determination that a violation of this Chapter exists, the Public Works Director or designee shall ascertain the name and mailing address of the owner of the premises and the description of the premises where the violation exists. The name and mailing address of the owner may be obtained from the current assessment list maintained by the office of the Cascade County Clerk and Recorder.
- C. Written notice of violation shall be served upon the owner, by regular mail and posting on the premises, directing that the Nuisance Weeds be cut or removed from the premises within seven calendar days from the date of the written notice, or the following action will be taken:
  - 1. The City may cause the Nuisance Weeds to be removed, with the cost thereof to be charged against the owner;
  - 2. The City may file criminal proceedings pursuant to this Chapter; or
  - 3. The City may proceed with Nuisance abatement proceedings pursuant to Chapter 49 of this Title.
- D. Payment shall be made at the Finance Department within fifteen calendar days after the billing date. If payment is not made, such costs may be assessed against the property.

**8.11.040 Assessing delinquent charges.**

The City may include weed removal as part of the annual resolution assessing delinquent accounts. The resolution shall provide:

- A. The property owner's name;
- B. The property owner's mailing address;
- C. The property street address;
- D. The property legal description; and

Exhibit "A"

(Updated from First Reading)

Title 8 HEALTH AND SAFETY

- E. Parcel number of the property in question.

## **Chapter 12 TATTOOING AND BODY-PIERCING ESTABLISHMENTS**

### **Sections:**

8.12.010 ARM compliance.

#### **8.12.010 ARM compliance.**

All tattooing and body-piercing establishments as defined by Mont. Code Ann. § 50-48-102, as may be amended, which operate within the incorporated City limits, shall comply with the OCCGF and all applicable ARM regulations as may be amended.

## **Chapter 13 TOURIST CAMPGROUNDS AND TRAILER COURTS**

### **Sections:**

8.13.010 ARM and Code Compliance.

#### **8.13.010 ARM and Code compliance.**

All tourist campgrounds and trailer courts as defined by Mont. Code Ann. § 50-52-101, as may be amended, which operate within the incorporated City limits, shall comply with the OCCGF and all applicable ARM regulations as may be amended.

## **Chapter 14 CHILD CARE FACILITIES**

### **Sections:**

8.14.010 Purpose.

8.14.020 State rules adopted.

8.14.030 Definitions.

8.14.040 Licensing and certification.

8.14.050 Water and sanitation service.

8.14.060 Health safety measures.

8.14.070 Food safety measures.

8.14.080 Cleaning and sanitizing.

8.14.090 Diapering and infant care.

8.14.100 Inspections.

8.14.110 Closure.

Exhibit "A"

(Updated from First Reading)

Title 8 HEALTH AND SAFETY

**8.14.010 Purpose.**

The purpose of this Chapter is to prevent and eliminate conditions and practices which endanger public health in childcare facilities.

**8.14.020 State rules adopted.**

Unless otherwise specified in this Chapter, childcare facilities including drop-in facilities which operate in the incorporated city limits shall comply with the Administrative Rules of Montana, as authorized by Montana Code Annotated, as may be amended, concerning child care facilities.

**8.14.030 Definitions.**

Unless otherwise specified in this Chapter, the following definitions shall apply:

- A. "Childcare facility" means a person, association, or place, incorporated or unincorporated, that provides day care on a regular basis, or a place licensed or registered to provide day care on an irregular basis.
- B. "Critical violation" means a high-risk violation in any of the following categories that can adversely affect public health, or does not sufficiently prevent the spread of communicable disease:
  - 1. Health: exclusion or isolation of ill children and staff; onsite CPR/First Aid certified staff; proper medication administration and storage; immunized children and staff; handling and cleaning of laundry; sufficiently stocked first aid kit;
  - 2. Sanitation: cleaning and sanitizing of toys, surfaces, and facility; safe food service; adequate hand washing; approved diapering procedure or area.
  - 3. Water/Wastewater: adequate and safe water supply; proper sewage disposal.
- C. "Drop-in facility" means a facility that meets all of the following criteria:
  - 1. It is not licensed or registered by the state;
  - 2. It offers unscheduled care where the parent/guardian is not on the same premises; and
  - 3. It has the primary function of providing childcare.
- D. "Premises" or "facility" means the facility and the property immediately adjacent to it.
- E. "Department" means the Cascade County City-County Health Department.



Exhibit "A"

(Updated from First Reading)

Title 8 HEALTH AND SAFETY

**8.14.040 Licensing and certification.**

- A. Drop-in childcare facilities shall satisfy the following licensing and certification criteria:
  - 1. Obtain a license through Department of Public Health and Human Services Quality Assurance Division and operate in compliance with ARM, Title 37, Chapter 95; or
  - 2. Contact the Cascade City-County Health Department (Department) for a certification inspection as an unlicensed drop-in childcare facility; and
  - 3. Obtain and maintain a valid Safety Inspection Certificate pursuant to OCCGF Title 5.
- B. Drop-in childcare facilities that choose not to license must have a certification inspection annually by Cascade City-County Health Department.
- C. The drop-in childcare facility shall pay the applicable fees pursuant to Mont. Code Ann. § 52-2-735(5), as may be amended, per inspection.
- D. If the Department determines that the drop-in childcare facility meets the requirements in this Chapter, and the facility has paid all fees, a certificate shall be issued to the facility valid through the end of the following calendar year.
- E. The drop-in childcare facility shall post all certificates and licenses in a location visible to the public.

**8.14.050 Water and sanitation service.**

All water and sanitation services provided to childcare facilities shall comply with applicable state and federal regulations. Additionally, water and sanitation services shall comply with all applicable provisions of the OCCGF. All discharges to the City Publicly Owned Treatment Works or storm drain from childcare facilities are subject to review and written approval by the Public Work Director.

**8.14.060 Health and safety measures.**

Unless otherwise determined to be in the best interest of child safety, as determined by the Department, all childcare facilities shall comply with the following health and safety measures:

- A. Unless otherwise protected by federal HIPAA regulation, all childcare facilities shall safeguard children's health against infectious disease by obtaining an emergency card and health history form as provided by ARM § 37.95.1130, as may be amended.

Exhibit "A"

(Updated from First Reading)

Title 8 HEALTH AND SAFETY

- B. All facilities shall exclude children from the facility if they have the following symptoms upon arrival, during attendance, or in the 24 hours prior to arrival as indicated in the general health statement from the parent/guardian:
1. A fever greater than one-hundred-one (101) degrees Fahrenheit;
    - i. Vomiting;
    - ii. Diarrhea;
    - iii. A bacterial infection such as strep throat, scarlet fever, impetigo, conjunctivitis, or a skin infection unless prescribed and taking antibiotics for 24 hours prior;
    - iv. Chickenpox with active sores;
    - v. Jaundice;
    - vi. Uncontrollable coughs and sneezes, difficulty breathing, stiff neck, poor food or fluid intake; or
    - vii. Other signs of severe or contagious illness.
- C. Health and contact information must be reviewed and kept current to the Department's satisfaction.
- D. All facilities must maintain a register for at least one calendar year containing the following:
1. The child's name;
  2. A parent or guardian's name;
  3. A parent or guardian's phone number; and
  4. A parent or guardian's mailing address.
- E. If children develop symptoms of illness while at the facility, they must be isolated in an area other than the kitchen and the parent or guardian immediately contacted to remove his or her child from the facility.
- F. Only medications supplied by the parent or guardian with written consent may be administered. Medications must be in original packaging, labeled with the child's name, and have instructions for administration stored with the medication. Medication must be securely stored where children cannot access it.
- G. At least one staff member on site, during operation, must be certified in First Aid and CPR. Documentation of said certification must be on site.
- H. The following emergency telephone numbers must be posted by a facility phone:

Exhibit "A"

(Updated from First Reading)

Title 8 HEALTH AND SAFETY

1. Poison Control;
  2. Great Falls Fire Rescue Department;
  3. Great Falls Police Department; and
  4. 911 emergency dispatch.
- I. Staff health must be ensured by satisfying the following criteria:
1. Excluding staff with symptoms listed in subsection (B) of this section;
  2. Having records on site that demonstrate staff members have current tetanus and MMR vaccinations.
- J. At least one first aid kit must be maintained at all facilities and include without limitation the following items:
1. Sterile bandages;
  2. A cold pack;
  3. Scissors;
  4. Tape and band-aids;
  5. Tweezers; and
  6. Disposable gloves; and
  7. Poison control telephone number posted with the kit.
- K. Thirty-five (35) square feet of indoor play space must be provided per child not including the kitchen, bathroom, or storage areas, other square footage may be approved by the Department with good cause shown.

**8.14.070 Food safety measures.**

- A. Unless otherwise specified in this section, all childcare facilities shall comply with all applicable ARM food safety regulations.
- B. The following residential equipment may be used in place of commercial equipment, if said equipment satisfies the listed criteria:
1. Refrigerators able to maintain forty-one (41) degrees Fahrenheit, or colder;
  2. Freezers able keep food frozen;

Exhibit "A"

(Updated from First Reading)

Title 8 HEALTH AND SAFETY

3. Dishwashers able to provide a sanitizing cycle capable of reducing pathogens by 99.9% through an uninterrupted heated dry cycle, heated rinse cycle, or chemical sanitizing cycle with 50-100ppm chlorine;
  4. Cooking and heating equipment able to achieve required food temperatures and comply with all applicable OCCGF provisions; and
  5. A designated hand-sink separate and apart from that used for the bathrooms, bathing, and diapering.
- d. A three-compartment sink or dishwasher is not required, if a two-compartment sink is available with an extra bin large enough to sanitize dishes that are washed manually.

**8.14.080 Cleaning and sanitizing.**

- A. Bathrooms must be cleaned daily with a germicidal cleaner.
- B. All general surfaces such as tables and chairs must be sanitized daily with 50-100ppm chlorine or other chemical approved by the Department.
- C. All toys, play surfaces, and manipulatives must be sanitized at least once weekly with ¼ cup bleach to one gallon of water, be rinsed and then air dried. If these items are mouthed, they must be pulled from use and sanitized as described in this section before they can be used again.
- D. If nap mats are available, they must be cleanable and non-absorbent and sanitized after each use with ¼ cup bleach to one gallon of water.
- E. If any blankets, pillows, or other bedding items are used on site, they must be washed after use by one child and before use by another child. If they are washed on site, they must be laundered in a machine able to reach one-hundred-forty (140) degrees Fahrenheit initial wash temperature and tumbled dry in a heated cycle or laundered by a commercial laundry service.
- F. Surfaces in all childcare facilities must be cleanable and in good repair. Areas that are subject to high-moisture or constant cleaning must be non-absorbent and able to maintain Department satisfactory condition under normal use and required cleaning.

**8.14.090 Diapering and infant care.**

- A. If cribs are used, they must be cleaned and sanitized after use by one child and before use by another child, and the sheets and blankets changed.

Exhibit "A"

(Updated from First Reading)

Title 8 HEALTH AND SAFETY

- B. A Department approved diapering procedure must be followed, including but not limited to the following:
1. Gloves approved by the Department must be worn;
  2. Diapers must be appropriately discarded in a diaper pail, a covered receptacle with a plastic lining that is inaccessible to children or wrapped in plastic bag taken directly outside to a City approved refuse container;
  3. Hands must be adequately washed at a designated hand sink that is not used for food service, and said sink must be stocked with soap, paper towels, and hot and cold running water; and
  4. The diapering station must be sanitized after each use with ¼ cup bleach to one gallon of water.
- C. The diapering station must be cleanable, non-absorbent, and not pose a safety risk to the child.

**8.14.100 Inspections.**

All childcare facilities shall allow the Department, and any other regulatory agencies, access during reasonable hours to assess compliance with this Chapter. The Department shall inspect all facilities at least once per calendar year.

**8.14.110 Closure.**

- A. The Department may close any childcare facility, including a drop-in facility, under any of the following conditions:
1. If a contagious disease outbreak is likely associated with the facility and the Health Officer deems that closure is necessary to protect public health and/or correct the circumstances contributing to the outbreak;
  2. If a violation which creates an imminent or present danger to public health is not corrected immediately to the satisfaction of the Department;
  3. When a follow-up inspection yields two or more of the same critical violations noted on a previous inspection, and the establishment has been notified closure may be a consequence of noncompliance as described in subsection (B) of this section;
  4. When the childcare facility has not been inspected for compliance prior to operating, or denies the Department access to do so; or

Exhibit "A"

(Updated from First Reading)

Title 8 HEALTH AND SAFETY

5. When the childcare facility has not obtained a state license, a valid certificate from the Department, or a Great Falls Safety Inspection Certificate.
- B. Prior to Department closure of a facility for repeat critical violations, the Department shall notify the owner, operator, or agent in writing that it may be closed to the public and a closure notice placed at each customer entrance if compliance is not satisfied at the follow-up inspection to be conducted within ten working days.
- C. Upon Department closure of any facility for any reason, pursuant to this Chapter:
1. The Department shall serve a written explanation of the reasons for closure and a copy of any pertinent inspection forms to the facility owner, operator, or agent.
  2. The closure order is effective upon service, and no new children may be admitted to the facility;
  3. The Department may require the operator to notify parents or guardians of children currently in care to retrieve them;
  4. A conspicuous notice of closure must be posted at each customer entrance by the Department; and
  5. Notice of said closure may only be altered or removed under the direction of the Department.
- D. When a childcare facility has been closed, it may be reopened after twenty-four hours if the following criteria are satisfied:
1. The operator submits a written plan of correction, specifying the corrections to be made and time parameters for completion;
  2. The Department approves the plan of correction;
  3. The Department inspects the facility and makes a determination that the approved plan of correction is being performed; and
  4. The notice of closure previously posted is removed by, or under the direction of, the Department.

**Chapters 15– 47    Reserved.**

**Chapter 48    RESIDENTIAL OUTDOOR FIRE RESTRICTIONS**

**Sections:**

8.48.010 Establishment.

Exhibit "A"

(Updated from First Reading)

Title 8 HEALTH AND SAFETY

8.48.020 Conditions allowing restrictions.

8.48.030 Notice of restriction.

8.48.040 Violation.

**8.48.010 Establishment.**

The City Commission hereby establishes conditions upon which the City Manager, in consultation with the Fire Chief, may restrict the all outdoor residential open or closed fire burning.

**8.48.020 Conditions allowing restrictions.**

- A. The City Manager or designee, in consultation with the Fire Chief, may restrict by written finding all outdoor residential open or closed burning on any of the following conditions:
  - 1. The Cascade County Commission has established fire restrictions pursuant to Mont. Code Ann. § 7-33-2212, as may be amended;
  - 2. Open burning would be inconsistent with a local air pollution control program established pursuant to Mont. Code Ann. § 75-2-301, as may be amended;
  - 3. The Montana Department of Environmental Quality has issued an unhealthy, very unhealthy, or hazardous air quality warning for all or a portion of Cascade County;
  - 4. There exists, an active wild or structural fire within Cascade County that poses a potential threat to properties located within the incorporated City limits; or
  - 5. There exist, other conditions, in the judgment of the Fire Chief, that create a danger to persons or property, if outdoor burning continues or is allowed.
- B. The City Manager or designee shall make a written finding determining that residential outdoor burning shall be restricted. Said finding shall describe the condition or conditions warranting the restrictions.

**8.48.030 Notice of restriction.**

The written finding declaring it necessary to restrict all outdoor residential open or closed burning shall be maintained by the City Clerk, published on the City website and published in a newspaper of general circulation within the incorporated City limits, on at least a weekly basis, during the duration of the restriction.

**8.48.040 Violation.**

Exhibit "A"

(Updated from First Reading)

Title 8 HEALTH AND SAFETY

- A. Any person burning any material outdoors on a residential premises, during a restriction pursuant to this Chapter, is guilty of a misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00), a term not to exceed six months in jail, or both.
- B. The Fire Chief or designee shall have the authority to enter upon any premises where a fire in violation of a restriction pursuant to this Chapter is occurring and to extinguish said fire.

## **Chapter 49 NUISANCES**

### **Sections:**

- 8.49.010 Nuisance defined.
- 8.49.020 Summary abatement and lien procedure declared.
- 8.49.030 Lien procedure for abatement of Nuisance.
- 8.49.040 Notice of hearing before City Commission.
- 8.49.050 Hearing by City Commission—finding of Nuisance.
- 8.49.060 Abatement.
- 8.49.070 Hearing by City Commission—statement of expense.
- 8.49.080 Recordation of certificate—when Nuisance is abated.

### **8.49.010 Nuisance defined.**

- A. "Nuisance" means:
  - 1. Anything which is injurious to health, or is indecent or offensive to the senses;
  - 2. An obstruction to the free use of another's property, so as to interfere with the comfortable enjoyment of life or property of another including but not limited to;
    - i. Placement and/or maintenance of any motor vehicle, motorcycle, trailer, camp trailer; or
    - ii. Mobile home on any property in the City in violation of any OCCGF provision;
  - 3. Unsecured vacant structures or properties that may invite trespass or vandalism;
  - 4. Property in a condition that constitutes a hazard, or its appearance is a blight to the community; or
  - 5. Property, real or personal, that is maintained so as to obstruct the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin, or any public park, square, street, or highway.



Exhibit "A"

(Updated from First Reading)

Title 8 HEALTH AND SAFETY

- B. A declaration of Nuisance by the City Commission is made pursuant to Mont. Code Ann. § 7-5-4104, as may be amended, and its self-governmental powers under the Charter of the City of Great Falls.

**8.49.020 Summary abatement and lien procedure declared.**

The City Commission declares that it is in the public interest to establish a summary abatement procedure utilizing a lien process to abate any Nuisance as defined in in this Chapter. The expense of abatement of Nuisances may be assessed as a lien against the property on which it is maintained, and a personal obligation of said lien shall exist as against the property owner(s).

**8.49.030 Lien procedure for abatement of Nuisance.**

- A. The Planning and Community Development Director, Chief of Police, Fire Chief, Public Works Director, Code Enforcement Officer, or other authorized City personnel, shall examine or cause to be examined whether any property or thing has been maintained so as to constitute a Nuisance as defined in this Chapter.
- B. If City personnel find that a Nuisance does exist, City personnel may implement the following procedure:
  - 1. Obtain a preliminary title report or commitment on the real property where the Nuisance exists, which shall identify all owners of record, lessees of record, holders of mortgages, deed of trust, or other liens and encumbrances of record;
  - 2. Serve upon each such person by personal service or by certified mail, postage prepaid, and return receipt requested, a written notice stating the nature of the Nuisance, requiring the owner to commence the required repairs, demolition, removal or other appropriate action within ten calendar days and to complete such work within thirty calendar days from the date of notice;
  - 3. Ensure that said notice also contains the office, address, and phone number of City personnel empowered to review the subject matter and the days and hours the same may be contacted;
  - 4. Send the notice to each party financially interested in the property or thing at his or her address as it appears on the last equalized assessment roll of the County or as known to City personnel; and
  - 5. If no address of any such person so appears, then mail a copy of the notice addressed to such person, at the address of the real property where the Nuisance is found to exist.
- C. The service by certified mail shall be effective on the date of mailing. City personnel shall also cause at least one copy of the notice to be posted conspicuously on the building, structure, or on the real or personal property alleged to be a Nuisance.
- D. Proof of service notices shall be certified to at the time of service by written declaration executed by the person effecting service, declaring the time, date, and manner in which service was made. The declaration, together with any receipt card, returned acknowledgment of receipt by certified mail, shall be affixed with a copy of the notice and order retained by City personnel.

Exhibit "A"

(Updated from First Reading)

Title 8 HEALTH AND SAFETY

**8.49.040 Notice of hearing before City Commission.**

- A. If the property owner does not comply with the notice prescribed by this Chapter, by commencing the required abatement within the time allowed, or by making such other arrangement as may be satisfactory, City personnel shall thereupon send a notice to all interested parties identified pursuant to, and in the same manner described in this Chapter.
- B. The notice pursuant to this section shall inform all interested parties of the following:
  - 1. A public hearing shall be conducted by the City Commission to adopt or not adopt a resolution declaring the property a Nuisance;
  - 2. The date and time of the public hearing; and
  - 3. The City's costs associated with the adoption of the resolution and any subsequent abatement may be assessed as a lien on the subject property.

**8.49.050 Hearing by City Commission—finding of Nuisance.**

- A. At the time fixed on the notice, the City Commission shall proceed to hear the report of the City personnel and the testimony of any other interested party who may be present and desire to testify respecting the condition of the real or personal property or the estimated cost of any appropriate abatement.
- B. Upon the conclusion of the hearing, the City Commission will by resolution, declare its findings. The City Commission may declare the subject property to be a Nuisance, in the event it so concludes, and direct the owner(s) to obtain the proper permits and physically commence abatement of the Nuisance within ten calendar days, and complete said abatement within thirty calendar days by having the condition(s) causing the Nuisance to be properly abated.
- C. Such resolution shall further notify the owner(s) of the property that if the Nuisance is not abated, the property will be the subject of repair, demolition, removal, or other appropriate abatement procedure, by the City, and the expenses thereof may be assessed as a lien on the property.
- D. The City personnel shall send copies of the resolution, to the last known address of each of the following:
  - 1. Person(s) having ownership interests in the property, as the name(s) and address appear on the last equalized assessment roll or as known to the City personnel;
  - 2. To each recorded lessee;
  - 3. Any mortgage holder;
  - 4. Deed of trust holder; and/or
  - 5. Other holder of any other lien, encumbrance, estate, or legal interest of record as shown on the preliminary title report or commitment obtained pursuant to this Chapter.
- E. The City Clerk shall file a certified copy of any resolution declaring real property a Nuisance with the Cascade County Clerk and Recorder.

Exhibit "A"

(Updated from First Reading)

Title 8 HEALTH AND SAFETY

- F. The City Commission will consider any extension of the time limits set by resolution, if the owner posts a cash deposit, in an amount fixed by the City Commission, within three calendar days from the date of the grant of the extension request, if one is granted, or for other substantial compliance with the terms of the resolution.

**8.49.060 Abatement.**

- A. In the event the owner does not commence the abatement of the Nuisance located on the real property within ten calendar days prescribed, or complete within thirty calendar days prescribed, members of City personnel are authorized to undertake the appropriate action such as demolition, repair, or removal necessary to abate the Nuisance in accordance with the resolution of the City Commission and have the work performed pursuant to purchase order or contract.
- B. City personnel shall keep an itemized account of all time and expenses involved in the Nuisance abatement.
- C. City personnel shall mail a copy of the statement to the property owner and to any holder of any interest of record, along with a notice of date, time, and place the statement shall be submitted to the City Commission for confirmation.

**8.49.070 Hearing by City Commission—statement of expense.**

- A. At the time fixed for the hearing of the statement of expense, the City Commission shall consider the statement, together with any objection or protest which may be raised by any of the property owners liable to be assessed for the work and any other interested person, and may adopt a resolution confirming, revising, correcting, or modifying the statement.
- B. If said statement is not paid within five calendar days of the adoption of the resolution, it shall constitute a lien upon the real property and shall be collected as a special assessment against the real property.

**8.49.080 Recordation of certificate—when Nuisance is abated.**

When the City Commission has by resolution declared that a property or thing is being maintained as a Nuisance, a resolution has been recorded, and thereafter the Nuisance is abated, City personnel shall prepare and file with the Clerk and Recorder of the County a Commission adopted resolution certifying that such Nuisance has been abated and indicating the method of abatement.

**Chapter 50 CRIMINAL PUBLIC NUISANCES**

**Sections:**

8.50.010 Criminal Public Nuisance defined.

8.50.020 Offense designated.

Exhibit "A"

(Updated from First Reading)

Title 8 HEALTH AND SAFETY

8.50.030 Extent of Nuisance not limiting.

8.50.040 Barbed wire and electric fences.

8.50.050 Violation—penalty.

**8.50.010 Criminal Public Nuisance defined.**

"Criminal Public Nuisance" means:

- A. Real property, personal property, or other condition created or maintained in such condition which:
  - 1. Endangers safety or health;
  - 2. Is offensive to the senses; and/or
  - 3. Obstructs the free use of property so as to interfere with the comfortable enjoyment of life or property by an entire community or neighborhood or by any considerable number of persons;
- B. Any premises where persons gather for the purpose of engaging in unlawful conduct; or
- C. Any condition which renders dangerous for passage any public highway or right-of-way or waters used by the public.

**8.50.020 Offense designated.**

A person commits the offense of maintaining a Criminal Public Nuisance, if he or she knowingly creates, conducts, or maintains a Criminal Public Nuisance.

**8.50.030 Extent of Nuisance not limiting.**

Any act which affects an entire community or neighborhood or any considerable number of persons is no less a Criminal Public Nuisance because the extent of the annoyance or damage inflicted upon individuals is unequal.

**8.50.040 Barbed wire and electric fences.**

- A. It is a Criminal Public Nuisance for any person to maintain, erect, or allow an occupant of his or her owned property, to maintain or erect a barbed wire fence or an electric fence upon any premises in the City except as provided in subsection (C) of this section.
- B. "Electric fence" means any conductive material encompassing a property or partial property and having an electrical potential to earth ground.
- C. Exceptions to this section include:
  - 1. A fence wherein the barbs are at least six feet above ground level and located on top of a security fence; or

Exhibit "A"

(Updated from First Reading)

Title 8 HEALTH AND SAFETY

2. A barbed wire fence in an R-1 single-family suburban zoning district as designated in OCCGF Title 17.
- D. The Planning and Community Development Director or designee shall provide written notice, by certified mail with return receipt requested, to the owner(s) of a property in violation of this section. Said notice shall advise the property owner(s) any fencing in violation of this section shall be removed within thirty calendar days.
- E. Failure to remove said fencing, within the time prescribed in the written notice, shall constitute a violation of this Chapter.

**8.50.050 Violation—penalty.**

A violation of this Chapter is a misdemeanor punishable by a fine of not less than two hundred and fifty dollars (\$250.00) or more than five hundred dollars (\$500.00), a term not to exceed six months in jail, or both.

**Chapter 51 MAINTENANCE AND SANITATION OF PREMISES**

**Sections:**

8.51.010 Definitions.

8.51.020 Maintenance duty of controlling owner/agent.

8.51.030 Conditions prohibited on premises.

8.51.040 Conditions prohibited on right-of-way.

8.51.050 Violation — penalty.

**8.51.010 Definitions.**

For the purposes of this Chapter, unless otherwise specified, the following definitions apply:

- A. "Premises" shall mean any lot or parcel of land or property, including any building or portion thereof, improved or unimproved.
- B. "Public right-of-way" shall mean any area or parcel of land granted, deeded, dedicated to, or otherwise acquired by the City or the public at large for any public purpose, including, but not limited to:
  1. Alleys, roadways, or parkways;
  2. Pedestrian ways and sidewalks;
  3. Public streets;
  4. Water or waterways;

Exhibit "A"

(Updated from First Reading)

Title 8 HEALTH AND SAFETY

5. Storm drains and drainage, sanitary sewers, water pipes, electric and telephone conduits, electronic services, overhead wires; and
6. Supporting structures.

**8.51.020 Maintenance duty of controlling owner.**

Any person, or the agent thereof, owning any premises in the City, shall keep and maintain such premises and the right-of-way abutting such premises in compliance with the OCCGF, including but not limited to OCCGF Title 16.

**8.51.030 Conditions prohibited on premises.**

The following conditions are prohibited on premises within the incorporated City limits:

- A. Buildings or structures which are abandoned, partially destroyed, left in a partially constructed condition, or uncompleted buildings;
- B. Buildings with deteriorating or peeling paint which allows the exterior building coverings to deteriorate or allows the effects of sun or water penetration so as to cause decay, dry rot, warping, or cracking;
- C. Broken windows, doors, attic vents, or underfloor vents;
- D. Improperly maintained landscaping which is visible from streets, including, but not limited to:
  1. Lawns with grasses in excess of eight inches in height;
  2. Untrimmed hedges;
  3. Dying trees, shrubbery, lawns, and other dying plant life from lack of water or other necessary maintenance; and
  4. Trees and shrubbery growing uncontrolled without proper pruning;
- E. Overgrown vegetation which is unsightly and likely to harbor vermin, rodents or pests;
- F. Dead, decayed, or diseased trees, weeds, and other vegetation;
- G. Trash, garbage, refuse cans, bins, boxes, or other such containers stored in front or side yards visible from public streets and rear yards, unless in City approved containers;
- H. Lumber, junk, trash, debris, or salvage materials maintained upon any premises which are visible from a public street, alley, or adjoining property;
- I. Abandoned, discarded, or unused furniture, stoves, sinks, toilets, cabinets, or other household fixtures or equipment stored visible at ground level from a public alley, street, or adjoining premises;
- J. Premises having a topography, geology, or configuration which, as a result of grading operations or improvements to the land, causes erosion, subsidence, unstable soil conditions, or surface or subsurface drainage problems or potentially injurious to adjacent premises;

## Exhibit "A"

(Updated from First Reading)

### Title 8 HEALTH AND SAFETY

- K. Abandoned, wrecked, dismantled, or inoperative automobiles, trailers, campers, boats, and other motor vehicles which are accumulated or stored in yard areas, not in compliance with the OCCGF off-street parking provisions;
- L. The accumulation of dirt, litter, or debris in vestibules, doorways on the premises, or adjoining walkways;
- M. Mounds of soil, dry grass, weeds, dead trees, abandoned asphalt or concrete, rubbish, refuse, or waste or other unsanitary material of any kind;
- N. Building exteriors, walls, fences, driveways, or walkways which are broken, defective, deteriorated, in disrepair, or defaced due to any writing, inscription, scratch, or other marking commonly referred to as "graffiti";
  - 1. It shall be the duty of the owner or agent thereof to remove graffiti from such premises within seventy-two hours after graffiti appears visible from public rights-of-way or adjacent properties;
- O. Any tree which overhangs a street, alley, or sidewalk in such a manner as to cause an obstruction to any person using such street, alley, or sidewalk; or
- P. Any other condition which adversely impacts economic welfare of adjacent properties including but not limited to, infestation by rodents, mosquitos, vermin, or wild animals, which threaten or endanger the public health, welfare, or safety.

#### **8.51.040 Conditions prohibited on right-of-way.**

The following conditions are prohibited on any right-of-way within the incorporated City limits:

- A. Any accumulations of dirt, litter, debris, rubbish, weeds, or any other kind of waste or unsanitary material of any kind;
- B. Any curb cut or driveway approach, or a portion thereof, which is no longer needed or which no longer provides vehicular access to the adjacent premises; or
- C. Any curb, sidewalk, parkway, or driveway which is cracked, broken, or otherwise in need of repair, replacement, or maintenance, so as to constitute a potential or actual hazard to health or safety.

#### **8.51.050 Violation — penalty.**

A violation of this Chapter is a misdemeanor punishable by a fine of not less than two hundred and fifty dollars (\$250.00) or more than five hundred dollars (\$500.00), a term not to exceed six months in jail, or both. Each day of such conduct constitutes a separate offense.

## **Chapter 52 ABATEMENT OF NUISANCE VEGETATION**

### **Sections:**

8.52.010 Nuisance vegetation declared.

8.52.020 Maintaining Nuisance vegetation unlawful.

Exhibit "A"

(Updated from First Reading)

Title 8 HEALTH AND SAFETY

- 8.52.030 Inspection and investigation.
- 8.52.040 Abatement of Nuisance vegetation.
- 8.52.050 Exception.
- 8.52.060 Specific procedure for abatement of Dutch Elm disease.
- 8.52.070 Spraying.
- 8.52.080 Notice of operations.
- 8.52.090 Transporting Elm wood prohibited.
- 8.52.100 Interference prohibited.
- 8.52.110 Cost of abatement.

**8.52.010 Nuisance Vegetation declared.**

The following conditions shall be declared Nuisances, as defined by Chapter 49 of this Title, whenever found to exist within the City and shall be abated as provided herein:

- A. Any living or standing tree or shrub or part thereof infected to any degree with any disease, fungus, or insect which is, in the judgment of the Park and Recreation Department Director or designee, harmful to said tree; or
- B. Any dead tree or part thereof, including logs, branches, stumps, firewood, or any portion of any diseased tree which has not been disposed of in accordance with the regulations of the Park and Recreation Department.

**8.52.020 Maintaining Nuisances unlawful.**

It is unlawful for any person to willfully permit any Nuisance Vegetation, to remain on any property controlled by any person within the City.

**8.52.030 Inspection and investigation.**

- A. The Park and Recreation Director or designee is responsible for inspecting all premises and places within the incorporated City limits to determine the existence of such Nuisance Vegetation.
- B. The Park and Recreation Director or designee may with consent of the owner enter upon private premises at any reasonable time for the purpose of carrying out an inspection of the premises of the collection of appropriate specimens or samples for diagnosis.
- C. The Park and Recreation Director or designee shall, with reasonable cause to believe that a tree is diseased, immediately obtain and furnish appropriate specimens or samples to a qualified plant diagnostician for diagnosis. No action to remove such trees or wood shall be taken until a reasonably certain diagnosis of the disease has been made.



Exhibit "A"

(Updated from First Reading)

Title 8 HEALTH AND SAFETY

- D. Within five (5) calendar days of receipt of the diagnosis, the owner of the property from which the specimen or sample was obtained shall be notified by the Parks and Recreation Department of the results by regular mail or personal delivery, and the Department shall appropriately tag said vegetation.

**8.52.040 Abatement of Nuisance Vegetation.**

Whenever the City Forester or designee finds with reasonable certainty that any nuisance disease, fungus, or harmful insect exists in any tree, shrub, wood, or other vegetation located on property within the incorporated City limits, the City may initiate Nuisance abatement proceedings pursuant to this Chapter or Chapter 49 of this Title.

**8.52.050 Exception.**

Section 8.52.040 shall not apply to maintaining boulevards within the General Boulevard Maintenance District as previously established and defined by Commission resolution, or otherwise specified to this Chapter.

**8.52.060 Specific procedure for abatement of Dutch Elm disease.**

- A. No action to remove, destroy, or dispose of wood infected with Dutch Elm fungus shall be taken until a reasonably certain diagnosis of the disease has been made. When such diagnosis has been made, the infected tree or wood shall be removed, destroyed, or disposed of in a manner which will effectively destroy and prevent, as fully as possible, the spread of the Dutch Elm disease fungus.
- B. When the presence of elm bark beetles has been discovered in or upon any living elm tree but the presence of Dutch Elm disease fungus is not then or thereafter diagnosed, the tree shall be treated in a manner which will effectively destroy and prevent, as fully as possible, the spread of the elm bark beetle. If such treatment is or cannot be effective, the tree shall be removed, destroyed, and disposed of.
- C. Standing dead elm trees, elm logs, branches, stumps, firewood, or other raw elm material from which the bark has not been removed and which are not infected with Dutch Elm disease fungus, shall have the bark removed, destroyed, and disposed of or shall be treated in a manner which will effectively destroy and prevent, as fully as possible, the spread of the elm bark beetle. If such treatment is or cannot be effective, the trees, logs, branches, stumps, firewood, or other raw elm material shall be removed, destroyed and disposed of.
- D. Specifications and procedures for the removal, destruction, and disposal of trees and wood infected with Dutch Elm disease fungus, for treating live elm trees infested with elm bark beetles, and for removing, destroying, and disposing of elm bark and treating dead elm trees, logs, branches, stumps, firewood and other raw material shall be established by the Director of Park and Recreation.

Exhibit "A"

(Updated from First Reading)

Title 8 HEALTH AND SAFETY

**8.52.070 Spraying.**

Whenever the Park and Recreation Director or designee determines that any tree, or part thereof, is infected with any tree disease, fungus, or harmful insect, and is in a weakened condition, the Director or designee may cause all such trees within a specified radius thereof to be treated with an effective concentrate as may be recommended by the State Forester.

**8.52.080 Notice of operations.**

- A. When trees on private property are to be treated, the Park and Recreation Director or designee shall notify the owner of such property and proceed in accordance with the requirements of this Chapter.
- B. In order to facilitate the work and minimize the inconvenience to the public of any treating operations conducted pursuant to this Chapter, the Park and Recreation Director or designee shall cause to be given advance public notice of such operations by publishing the notice on the City website, in a newspaper of general circulation, and posting of appropriate warning notices in the areas and along the streets where trees to be treated at least twenty-four (24) hours in advance.
- C. After warning notices have been given and posted, the City shall not allow any claim for damages to any vehicle or other property resulting from such treating operations.

**8.52.090 Transporting Elm wood prohibited.**

- A. It is unlawful for any person to transport within the incorporated City limits, any bark bearing elm wood without having obtaining a permit from the Director of Park and Recreation. The Director of Park and Recreation or designee shall grant such permits only when the purpose of this Chapter shall be served and may impose such restrictions as deemed necessary.
- B. A violation of this section is a misdemeanor punishable by a fine of not less than two hundred and fifty dollars (\$250.00) or more than five hundred dollars (\$500.00), a term not to exceed six (6) months in jail, or both.

**8.52.100 Interference prohibited.**

- A. It is unlawful for any person, firm, corporation, or other entity to prevent, delay, or interfere with the Park and Recreation employees or agents while they are engaged in the performance of the duties imposed by this Chapter.
- B. A violation of this section is a misdemeanor punishable by a fine of not less than two hundred and fifty dollars (\$250.00) or more than five hundred dollars (\$500.00), a term not to exceed six (6) months in jail, or both.

**8.52.110 Cost of abatement.**

The cost of abatement pursuant to any provision of this Chapter shall be assessed pursuant to Chapter 49 of this Title.

Exhibit "A"

(Updated from First Reading)

Title 8 HEALTH AND SAFETY

**Chapter 53 NOISE**

**Sections:**

8.53.010 Definitions.

8.53.020 Loud noises prohibited.

8.53.030 Prohibited acts.

8.53.040 Noise levels—Limitations for structures and open spaces—dB(A) criteria—Table I.

8.53.050 Noise levels—maximum permissible for motorized vehicles—Table II.

8.53.060 Noise levels—exemptions.

8.53.070 Noise—measurement.

8.53.080 Relief permit.

8.53.090 Enforcement.

8.53.100 Violations—from moving noise source or sources.

8.53.110 Violations—penalties.

**8.53.010 Definitions.**

As used in this Chapter, unless otherwise specified, the following definitions shall apply:

- A. "Ambient noise" is the noise which exists at a point of measurement in the absence of the sound emitted by the source being measured, being the total effect of all other sounds coming from near and far.
- B. "dB(A)" means sound levels in decibels measured on an "A" scale of a standard sound level meter having characteristics defined by the American National Standards Institute, publication S 4-1970.
- C. "Decibel" means the sound pressure level, in a logarithmic unit used to express the magnitude of sound pressure with respect to a reference sound pressure. It is defined as twenty (20) times the logarithm to the base ten (10) of the ratio of the sound pressure to the reference sound pressure. By international standards, the reference sound pressure is  $2 \times 10^{-5}$  newtons/meter squared. For example, a doubling of sound pressure, at any magnitude, will result in a six (6) decibel increase in sound pressure level; a tenfold increase will result in a twenty-decibel increase in sound pressure level.
- D. "Emergency work" is work made necessary to restore property to a safe condition following a public disaster or work required to protect persons or property from exposure to danger or potential danger.
- E. "Health" is defined as an optimal state of physical, mental, and emotional well-being and not merely the absence of disease.

Exhibit "A"

(Updated from First Reading)

Title 8 HEALTH AND SAFETY

- F. "Motor vehicle" means a vehicle propelled by its own power and designed or used to transport persons or property upon the ways of the state open to the public.
- G. "Reasonable person" is a normal, healthy person of ordinary habits and sensibilities who is entitled to enjoy ordinary comfort of human existence and not the extra-sensitive or fastidious person or the hardened individual inured to such irritation or annoyance.
- H. "Person" means any person, firm, association, co-partnership, joint venture, corporation, or other public or private entity.
- I. "Zoning" for the purpose of this Chapter, includes the following:
  - 1. "Residential Area":
    - i. R-1 Single-family suburban;
    - ii. R-2 Single-family medium density;
    - iii. R-3 Single-family high density;
    - iv. R-5 Multi-family residential medium density;
    - v. R-6 Multi-family residential high density;
    - vi. R-10 Mobile home park;
    - vii. POS Parks and open space; and
    - viii. PUD Planned unit development.
  - 2. "Light commercial" includes:
    - i. C-1 Neighborhood commercial.
  - 3. "Heavy commercial" includes:
    - i. C-2 General commercial;
    - ii. C-3 Highway commercial;
    - iii. C-4 Central business core;
    - iv. C-5 Central business periphery;
    - v. M-1 Mixed-use;
    - vi. M-2 Mixed-use transitional; and
    - vii. PLI Public lands and Institutional.
  - 4. "Industrial" includes:
    - i. I-1 Light industrial;
    - ii. I-2 Heavy industrial; and
    - iii. GFIA Great Falls International Airport.

Exhibit "A"

(Updated from First Reading)

Title 8 HEALTH AND SAFETY

**8.53.020 Loud noises prohibited.**

It is unlawful for any person to make, or cause to be made, any excessive or unusually loud noise or any noise measured or unmeasured which either annoys, disturbs, injures, or endangers the comfort, repose, health, peace, or safety of any reasonable person of normal sensitivity within the incorporated City limits.

**8.53.030 Prohibited acts.**

Unless performed for emergency work for the safety, welfare, and public health of the citizens of Great Falls and to the extent that the noise thereby created is reasonably necessary for the public benefit, it is unlawful to perform any of the following acts within the incorporated City limits:

- A. Sounding any horn or signaling device on any truck, automobile, motorcycle, or other vehicle on any street or public place of the City except as a warning signal;
- B. Using, operating, or permitting the use of any radio receiving set, musical instrument, television, phonograph, machine, or device for the production or reproduction of sound in such a manner as to disturb the quiet, comfort, or repose of any reasonable person;
- C. The use or operation of any music producing, or music amplifying, device that can be heard or felt at a distance greater than fifty (50) feet from the exterior of the vehicle from which the device is being operated. Violation of this section shall be punishable by:
  - 1. A fine of seventy dollars (\$70.00) on a first offense;
  - 2. A fine of \$150.00 on a second offense; and
  - 3. A fine of five hundred dollars (\$500.00) on a third or subsequent offense;
- D. Installing, using, or operating a loudspeaker or sound amplifying equipment, in a fixed or movable position or mounted upon any sound truck, emitting decibel levels in excess of those specified in Chapter, for the purpose of:
  - 1. Giving instructions or directions;
  - 2. Talks, addresses, or lectures; or
  - 3. Transmitting music to any persons or assemblages, of persons in or upon any street, alley, sidewalk, park, place, or public property without first obtaining a permit;
- E. Yelling, shouting, or whistling on the public streets, alleys, or parks at any time as to annoy or disturb the quiet, comfort, or repose of any normally sensitive and reasonable person;
- F. Discharging into the open air the exhaust of any steam engine, stationary internal combustion engine, motorboat, or motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom;
- G. Operating any truck, trailer, automobile, motorcycle, or vehicle so out of repair or so leaded in such a manner as to create loud and unnecessary grating, grinding, rattling, or other noises;
- H. Loading, unloading, opening, or other handling of boxes, crates, containers, garbage containers, or other objects in such a manner as to disturb the quiet, comfort or repose of any normally sensitive and reasonable person; or

Exhibit "A"

(Updated from First Reading)

Title 8 HEALTH AND SAFETY

- I. Operating equipment, performing any construction, or repair work between the hours of 8:00 p.m. and 7:00 a.m. on buildings, structures, or projects, or operating any pile driver, pneumatic hammer, derrick, steam or electric hoist, or other construction-type device in such a manner as to disturb the quiet, comfort, or repose of a reasonable person.

**8.53.040 Noise levels—Limitations for structures and open spaces—dB(A) criteria—  
Table I.**

- A. Maximum permissible decibel limits on noise emitting from source or sources not on a public right-of-way in residential, commercial, and industrial districts are as set out in this section.
- B. Noise will be measured at a distance of twenty-five (25) feet from the source or at the boundary of the lot, whichever is the greater distance. Noise radiating from properties or buildings in excess of the dB(A) established for the districts and times in Table I of this section shall constitute prima facie evidence that such noise is a Nuisance. This includes noise from such activities as production, processing, cleaning, servicing, testing, and repair of vehicles, material, goods, or products. Noises caused by home or building repair or grounds maintenance are excluded as provided in this Chapter.

TABLE I  
Limitations

Districts	7:00 a.m. to 8:00 p.m.	8:00 p.m. to 7:00 a.m.
Residential	55 dB(A)	50 dB(A)
Light commercial	65 dB(A)	60 dB(A)
Heavy commercial	70 dB(A)	65 dB(A)
Industrial	80 dB(A)	75 dB(A)

- C. At boundaries between zones, the lower of the dB(A) level shall be applicable.
- D. To be in violation, the source of sources of noise must be identifiable and the levels without regard to the ambient must exceed the limitations in Table I.
- E. Periodic or impulsive noises are in violation when such noises are at a noise level of five (5) dB(A) less than those listed in this section.
- F. Construction projects shall be subject to the maximum permissible noise levels specified for industrial districts pursuant to any applicable construction permit issued by the Building

Exhibit "A"

(Updated from First Reading)

Title 8 HEALTH AND SAFETY

Official, or if no time limitation is imposed, then for a reasonable period of time for completion of the project.

- G. All railroad rights-of-way shall be considered as industrial districts for the purpose of this Chapter, and the operation of trains shall be subject to the maximum noise levels specified for such district.

**8.53.050 Noise levels—maximum permissible for motorized vehicles—Table II.**

- A. It is unlawful to operate a motorized vehicle within the incorporated City limits which emits noise, with the exception of sound producing equipment as defined in this Chapter in excess of the limits specified in Table II below.
- B. Noise from a noise source within a public right-of-way shall be measured at a distance of at least twenty-five (25) feet from the center of the nearest traffic lane on a sound level meter of standard design and operated on the "A" weight scale.

TABLE II  
Maximum Permissible Noise Levels For Motor Vehicles

- 1. Trucks and Buses:
  - i. Over ten thousand (10,000) pounds:  
eighty-two (82) dB(A) measured at fifty (50) feet;  
eighty-eight (88) dB(A) measured at twenty-five (25) feet;
  - ii. Under ten thousand (10,000) pounds:  
seventy-four (74) dB(A) measured at fifty (50) feet; and  
eighty (80) dB(A) measured at twenty-five (25) feet.
- 2. Passenger Cars:
  - i. Seventy-four (74) dB(A) measured at fifty (50) feet; and
  - ii. Eighty (80) dB(A) measured at twenty-five (25) feet.
- 3. Motorcycles, Snowmobiles, Minibikes, and Other Self-propelled Vehicles:
  - i. Seventy-four (74) dB(A) measured at fifty (50) feet; and
  - ii. Eighty (80) dB(A) measured at twenty-five (25) feet.

**8.53.060 Noise levels—exemptions.**

The following uses and activities shall be exempt from noise level restrictions:

- A. Noise of safety signals and warning devices;
- B. Noise resulting from any authorized emergency vehicle, when responding to an emergency call or acting in time of emergency;
- C. Noise resulting from emergency work or noise for which a special permit has been granted, as provided for in this Chapter;
- D. Noise resulting from the operating of motorized lawnmowers fitted with equipment-type mufflers between the hours of 8:00 a.m. and 8:00 p.m.;

Exhibit "A"

(Updated from First Reading)

Title 8 HEALTH AND SAFETY

- E. Noise caused by home or building repair or ground maintenance between the hours of 8:00 a.m. and 8:00 p.m.;
- F. Athletic events held in stadiums or parks;
- G. Noise resulting from marching bands and drum and bugle corps while practicing or parading, in accordance with the applicable provisions of the OCCGF.

**8.53.070 Noise—measurement.**

For the purpose of determining and classifying any noise as excessive or unusually loud as prohibited by this Chapter, the following test measurements and requirements may be applied:

- A. The noise shall be measured on a sound level meter, meeting current American National Standards Institute standards, and operated on the "A" weighted scale; and
- B. In all sound level measurements, the ambient noise shall be at least ten (10) dB(A) below the specific noise source being measured; or
- C. In all sound level measurements, consideration shall be given to the effect of the ambient noise level created by the encompassing noise of the environment from all sources at the time of the sound level measurement.

**8.53.080 Relief permit.**

Applications for a permit for relief from the noise level designated in this Chapter, on the basis of undue hardship, may be made to the Great Falls Police Department (GFPD). Any permit granted by the Chief of Police or designee shall contain all conditions upon which the permit has been granted and shall specify a reasonable time that the permit shall be effective. The Chief of Police or designee may grant the permit applied for if:

- A. Additional time is necessary for the applicant to alter or modify the activity or operation to comply with this Chapter;
- B. The activity, operation, or noise source will be of temporary duration, and it cannot be performed in the manner that would comply with other sections of this Chapter;
- C. No other reasonable alternative is available to the applicant; or
- D. The Chief of Police may prescribe any conditions or requirements deemed necessary to minimize adverse effects upon the community or surrounding neighborhood.

**8.53.090 Enforcement.**

The GFPD shall assign duties of enforcement to personnel trained in noise control techniques and procedures and equipped with sound level meters of a standard design. Enforcement of the provisions of this Chapter rests solely with the police officer responding to the call or hearing the violation. Officers have discretion in considering options available, including issuing a warning or a Notice to Appear.



Exhibit "A"

(Updated from First Reading)

Title 8 HEALTH AND SAFETY

**8.53.100 Violations—Motor vehicle.**

Violations of this Chapter in which the noise source is a motor vehicle shall be cause for a Notice to Appear to be issued.

**8.53.110 Violations—penalties.**

- A. Unless otherwise specified, a person responsible of causing a violation of this Chapter is guilty of a misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00), a term not exceed six (6) months in jail, or both.
- B. A premises upon which a violation of this Chapter is occurring is hereby declared a Nuisance in violation of Chapter 49 of this Title.

(Ord. 3181, 2018; Ord. 3118, 2014; Ord. 3057, 2010; Ord. 2993, 2008; Ord. 2920, 2005; Ord. 2803, 2001; Ord. 2790, 2000; Ord. 2743, 1998; Ord. 2728, 1997; Ord. 2695, 1995; Ord. 2672, 1995; Ord. 2614, 1991; Ord. 2603, 1991; Ord. 2507, 1988; Ord. 2506, 1988; Ord. 2500, 1988; Ord. 2491, 1988; Ord. 2450, 1987; Ord. 2449, 1987; Ord. 2432, 1986; Ord. 2430, 1986; Ord. 2417, 1986; Ord. 2246, 1981; Ord. 1857, 1975; Prior Codes: §§ 9-9-4, 9-9-3, 9-9-2, 9-9-1, 8-6-5, 8-6-3, 8-6-2, 8-6-1, 8-3-12, 8-3-10, 8-3-4, 8-3-1, 8-2-2, 8-2-1, 8-1-8, 8-1-7, 8-1-6, 8-1-5, 8-1-4, 8-1-3, 8-1-2, 8-1-1, 6-4-1, 6-1-11, 4-12-2, 4-12-1)

Exhibit "B"

(Updated from First Reading)

Title 8 HEALTH AND SAFETY

**Title 8 HEALTH AND SAFETY**

**Chapter**

---

Chapter ~~41~~ - GENERAL HEALTH DEFINITIONS

Chapter ~~62~~ - GENERAL HEALTH REGULATIONS

Chapter ~~73~~ - RESERVED

Chapter ~~84~~ - HOTELS AND MOTELS

Chapter ~~95~~ - EMERGENCY MEDICAL SERVICES

Chapter ~~126~~ - FOOD SERVICE

Chapter ~~16-7~~ - **WHOLESALE FOOD MANUFACTURING ESTABLISHMENTS**

Chapter ~~328~~ - GARBAGE AND REFUSE

Chapter ~~369~~ - GARBAGE AND REFUSE— DISPOSAL AREAS

Chapter ~~4010~~ - SWIMMING POOLS

Chapter ~~44-11~~ - WEEDS

**Chapter 12 – TATTOOING AND BODY-PIERCING ESTABLISHMENTS**

**Chapter 13 – TOURIST CAMPGROUNDS AND TRAILER COURTS**

**Chapter 14 – CHILD CARE FACILITIES**

**Chapters 15- 47 - RESERVED**

**Chapter 48 – RESIDENTIAL OUTDOOR FIRE RESTRICTIONS**

Chapter 49 - NUISANCES

Chapter 50 — **CRIMINAL PUBLIC NUISANCES**

Chapter 51 - MAINTENANCE AND SANITATION OF PREMISES

Chapter 52 - ABATEMENT OF ~~DISEASED~~ **NUISANCE** VEGETATION

**Exhibit "B"**

**(Updated from First Reading)**

Title 8 HEALTH AND SAFETY

Chapter ~~5653~~ - NOISE

**Chapter 60—APPLIANCE SAFETY PRECAUTIONS-1**

~~Chapter 4~~ **GENERAL HEALTH DEFINITIONS**

**Sections:**

~~8.4.010 Definitions.~~

**8.1.010 Purpose.**

**8.1.020 Definitions.**

**8.41.010 Purpose.**

**The purpose of this Title of the OCCGF is to prevent and eliminate conditions and practices which endanger public health.**

**8.1.020 Definitions.**

**Unless otherwise specified, the following definitions shall apply to this Title.**

- A.** "Health Authority" means the legally designated **City-County Health Department** Health Officer or ~~designated authority~~ **designee**.

~~(Ord. 2803, 2001)~~

- B.** "Health Department" means the legally designated Great Falls and Cascade County City-County Health Department.

~~(Ord. 2803, 2001; Prior code §8-3-1).~~

- C.** "Administrative hearing" means an informal hearing before the Health Officer, Supervising Sanitarian, and Inspecting Registered Sanitarian concerning **closure of a permit suspension food service establishment or wholesale food establishment**.

Exhibit "B"

(Updated from First Reading)

Title 8 HEALTH AND SAFETY

(Ord. 2803, 2001)

- D. "Board" means the legally designated City-County Board of Health provided for in ~~M.C.A.~~**Mont. Code Ann. § 50-2-106, as may be amended.**

~~"Critical item~~**E. "Priority Item"** means a provision of Title 37, Chapter 110, subchapter 2 and Title 16, Chapter 10, subchapter 3 of the **Montana Food Code**, Administrative Rules of Montana for Food Service Establishments that if violated is more likely than other violations**Title 37 Chapter 110 subchapter 2, as amended, whose application contributes directly to contribute the elimination, prevention, or reduction to food contamination, an acceptable level, hazards associated with foodborne illness or environmental degradation injury, and there is no other provision that more directly controls the hazard.**

(Ord. 2803, 2001)

- F. "Health Officer" means a physician or person with a Master's Degree in Public Health, or equivalent, appointed by the Board, as provided in ~~M.C.A.~~**Mont. Code Ann. § 50-2-116, as may be amended.**

(Ord. 2614 §2(Exh. B), 1991).

~~"Food Manufacturing Establishment" means a commercial~~**G. "Wholesale food** establishment—~~and buildings or structures in connection with it, used to manufacture or prepare food for sale for human consumption but does not include milk producers' facilities, milk pasteurization facilities, milk product manufacturing plants, slaughterhouses or meat packing plants; a food manufacturing"~~**means any establishment does not provide food directly to a consumer, and does not include a food service establishment involved in the sale or provision of food as defined in this chapter.**

(Ord. 2803, 2001; Ord. 2728, 1997; Prior code §8-1-1).

~~"Food Service Establishment" means an operation as defined in~~**Mont. Code Ann. § 50-5057-102(8) M.C.A., and 11), as may be amended. Wholesale food establishment** includes an operation that stores, prepares, packages, serves, vends or otherwise provides food for human consumption in a mobile, stationary, temporary semi-permanent or permanent facility or location; where consumption is on or off the premises and regardless of whether there is a charge for the food. ~~Food service~~**"wholesale food manufacturing** establishment does not include:

- A. ~~An~~**"wholesale food salvage** establishment, vendor or vending machine that sells or serves only non-perishable foods;"; **"wholesale ice manufacturer"**, and **"wholesale water bottler"** as defined in **Mont. Code Ann. § 50-57-102(12) – (16), as may be amended.**
- B. ~~An~~**H. "Food Service Establishment"** means any establishment that offers only prepackaged foods that are not potentially hazardous;
- C. ~~A~~ produce stand that only offers whole, uncut fresh fruits and vegetables;
- D. ~~A~~ food manufacturing establishment;

## Exhibit "B"

(Updated from First Reading)

### Title 8 HEALTH AND SAFETY

~~E. A kitchen involved in a private home if the food is prepared for retail sale or service at a function such as provision of food as a religious or charitable organization's bake sale; defined in Mont. Code Ann. § 50-50-102(21), as may be amended.~~

~~F. A private home that receives catered or home-delivered food; or~~

~~G. A private organization serving food to only its members.~~

~~Short Term~~ I. **"Temporary Food Permit"** means a permit issued by the Health Authority within the Health Department that allows for persons or organizations to serve approved food items to the public at events that do not exceed two (2) days in accordance with the regulations for temporary food establishments found in Mont. Code Ann. §§ 50-50-102(22) and 50-50-120 and the Administrative Rules of Montana (ARM), as may be amended.

~~Farmer's Market Short Term~~ J. **"Temporary Food Permit Establishment"** means a permit issued by retail food establishment that operates temporarily in a licensing year as defined in Mont. Code Ann. § 50-50-102, as may be amended.

K. **"Cottage Food Operation"** means an establishment that is operating under the Health Authority within conditions provided by Mont. Code Ann. § 50-50-116, as may be amended, to provide, manufacture, or package cottage food products in a kitchen in a registered area of a domestic residence and only for direct sale to a customer of this state.

L. **"Cottage Food Products"** means foods that are not potentially hazardous and are processed or packaged in a Cottage Food Operation including jams, jellies, dried fruit, dry mixes, and baked goods. Other similar foods that are not potentially hazardous may be defined by the Health Department allowing persons or organizations to serve approved food items to of Health and Human Services by rule.

M. For the public for the duration of the designated Farmer's Market season, purposes of this Title, "person" shall include an individual, corporation, company, limited liability company, partnership or other non-human entity.

(Ord. 2803, 2001; Ord. 2728, 1997; Prior code §8-1-1)

## Chapter 62 GENERAL HEALTH REGULATIONS

### Sections:

~~8.6.010 Drinking facilities.~~

~~8.6.020 Health authority duties inspections.~~

~~8.6.030 Short-term food function certificates.~~

~~8.68.2.010 Health authority duties and inspections.~~

**Exhibit "B"**

**(Updated from First Reading)**

Title 8 HEALTH AND SAFETY

**8.2.020 Penalties.**

**8.2.010 Drinking facilities.**

~~All public halls, stores, depots, hotel lobbies and other public places must be provided with sanitary cups or sanitary drinking fountains, and the common cup or glass for the use of the public in such places is prohibited.~~

~~(Ord. 2728, 1997; Prior code §§ 3-4; 8.04.070).~~

**8.6.020—Health authority— duties— and inspections.**

- A.— The Health Authority shall have the power to enter and inspect any place where meat, game, poultry, fish, milk, groceries, or other food products are prepared, handled, or stored, for public use and to inspect any vehicle transporting such products from one ~~(4)~~ point to another or throughout the City.
- B.— Any person ~~who~~ **is guilty of a violation of this Chapter, if he or she** in any manner ~~interferes~~:
  - 1. **Interferes** or attempts to interfere with the Health Authority in the discharge of duties or any person being the owner, agent or manager of any place where food is prepared, handled, or stored ~~who refuses,~~
  - 2. **Refuses** to permit the Health Authority to have full access to such premises, or ~~who attempts~~
  - 3. **Attempts** to conceal or remove any animals supposed to be diseased, or any food products that the Health Authority desires to inspect, ~~is guilty of a violation of this chapter.~~
- C.— It is the duty of the Health Authority to inspect any place where food is prepared, handled, or stored for public use at least once in every **calendar** year unless otherwise provided for, or as often as is deemed necessary by the Health Authority to maintain proper sanitation standards. Written **or electronic** record of such inspections will be provided to the owner, agent, or manager of such establishments.

~~(Ord. 2728, 1997; Prior codes §§ 3-10; 8.04.100).~~

**8.6.030—Short term food function certificates.**

~~All persons or organizations serving or selling food to the public that do not fall under the other provisions of this chapter (i.e. church dinners, private organizations fund raising dinners) shall obtain a short term function certificate from the City/County Health Department.~~

~~(Ord. 2728, 1997; Prior codes §§ 3-12; 8.04.120).~~

**Exhibit "B"**

**(Updated from First Reading)**

Title 8 HEALTH AND SAFETY

**8.2.020 Penalties.**

- A. A violation of this Chapter is a misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00), a term not to exceed 6 months in jail, or both.
- B. Any establishment operating within the incorporated City limits in violation of this Chapter is hereby declared a Nuisance as defined by Chapter 49, of this Title.

~~Chapter 7~~ **RESERVED** <sup>(1)</sup>

---

FOOTNOTE(S):

---

—(1)—

~~Editor's note~~ Ord. No. 3047, § 1, adopted December 15, 2009 and Ord. No. 3057, § 1, adopted August 17, 2010, repealed Ch. 7, §§ 8.7.010, 8.7.020, which pertained to smoking in indoor and public places. See also the Code Comparative Table. ([Back](#))

**Chapter 3 RESERVED**

**Chapter 48 HOTELS AND MOTELS**

**Sections:**

~~8.8.010 Defined.~~

~~8.8.020 State rule adopted.~~

**Exhibit "B"**

**(Updated from First Reading)**

Title 8 HEALTH AND SAFETY

**8.88.4.010 Defined.**

**8.4.020 State rule adopted.**

**8.4.010 Defined.**

"Hotel" or "Motel" means and includes any building or structure kept, used, ~~or~~ maintained as, ~~or~~ advertised as, or held out to the public as a hotel, motel, inn, motor court, tourist court, **home court**, public lodging house, or place where sleeping accommodations are furnished for a fee to transient guests, with or without meals.

~~(Ord. 2728, 1997; Prior code §8-2-1).~~

**8.8.4.020 State rule adopted.**

~~The City adopts by reference the Montana Department of Public Health and Human Services rule for Hotels, Motels, Tourist Homes, Rooming Houses/Retirement Homes, Title 16, Chapter 10, Subchapter 6, dated November 11, 1994. A copy of the regulations shall be filed with the City Clerk as the official hotel-motel code.~~

~~(Ord. 2728, 1997; Prior code §8-2-2).~~

**Chapter 9** All hotels or motels operating within the incorporated City limits shall comply with all applicable provisions of the Montana Code Annotated and the Administrative Rules of Montana, including but not limited to those relating to Public Accommodations, and applicable provisions of the International Fire and Building Codes, as adopted by the OCCGF. All discharges to the City Publicly Owned Treatment Works from hotels or motels that include facilities that constitute a food service establishment are subject to review and written approval by the Public Work Director.

**Chapter 5 EMERGENCY MEDICAL SERVICES**

**Sections:**

8.9.010 Purpose.

8.9.020 Authority.



**Exhibit "B"**

**(Updated from First Reading)**

Title 8 HEALTH AND SAFETY

~~8.9.030 Definitions.~~

~~8.9.100 Emergency medical services (EMS) system.~~

~~8.9.105 EMS system administrator.~~

~~8.9.110 EMS system components.~~

~~8.9.115 EMS System Medical Direction.~~

~~8.9.120 Establishment of an EMS Advisory Board.~~

~~8.9.200 City of Great Falls EMS responsibilities.~~

~~8.9.205 Replacement of fire department items.~~

~~8.9.300 Emergency medical services license required.~~

~~8.9.310 Ambulance service performance contract required.~~

~~8.9.315 Issuance of ambulance service performance contract.~~

~~8.9.320 Transferability of ambulance service performance contract.~~

~~8.9.325 Extension of ambulance service performance contract.~~

~~8.9.330 Breach of contract and default.~~

~~8.9.335 Criteria for ambulance service performance contract.~~

~~8.9.340 Ambulance service performance requirements.~~

~~8.9.345 Conflict Resolution.~~

~~8.9.350 Penalties.~~

~~8.9.355 Performance security.~~

~~8.9.360 Submittal of reports for requests for service.~~

~~8.9.365 Release of information.~~

~~8.9.370 Confidentiality of records.~~

~~8.9.375 Ambulance service rates.~~

~~8.9.380 Right of property not granted.~~

~~8.9.385 City to be held harmless.~~

~~8.9.390 Ambulance service provider bound by City, State, and Federal regulations.~~

**8.98.5.010 Purpose.**

**8.5.020 Authority.**

**8.5.030 Definitions.**

**8.5.040 EMS system.**

**8.5.050 EMS system administrator.**

**8.5.060 EMS system components.**

**Exhibit "B"**

**(Updated from First Reading)**

Title 8 HEALTH AND SAFETY

- 8.5.070 EMS System Medical Direction.**
- 8.5.080 Establishment of an EMS Advisory Board.**
- 8.5.090 City of Great Falls EMS responsibilities.**
- 8.5.100 Replacement of GFFR items.**
- 8.5.110 Emergency medical services license required.**
- 8.5.120 Ambulance service performance contract required.**
- 8.5.130 Issuance of ambulance service performance contract.**
- 8.5.140 Transferability of ambulance service performance contract.**
- 8.5.150 Extension of ambulance service performance contract.**
- 8.5.160 Breach of contract and default.**
- 8.5.170 Criteria for ambulance service performance contract.**
- 8.5.180 Ambulance service performance requirements.**
- 8.5.190 Conflict Resolution.**
- 8.5.200 Penalties.**
- 8.5.210 Performance security.**
- 8.5.220 Submittal of reports for requests for service.**
- 8.5.230 Release of information.**
- 8.5.240 Confidentiality of records.**
- 8.5.250 Ambulance service rates.**
- 8.5.260 Right of property not granted.**
- 8.5.270 City to be held harmless.**
- 8.5.280 Ambulance service provider bound by City, State, and Federal regulations.**

**8.5.010 Purpose.**

The ~~purpose~~**purpose** of this Chapter ~~are~~**is**:

- A.— To allow for the orderly and lawful operation of the emergency medical services ~~(EMS)~~ system in the City;
- B.— To enact regulations, policies, and procedures, which are necessary for the public health and safety regarding first response and 911 emergency ambulance service in the City;
- C.— To enact regulations, policies, and procedures for issuing contracts and regulating 911 emergency ambulance services to ensure safe, competent, efficient, and adequate care is provided within the City; and

**Exhibit "B"**

**(Updated from First Reading)**

Title 8 HEALTH AND SAFETY

- D.— To allow for adequate 911 emergency ambulance services and to establish ambulance service rates ~~recommended by~~ for the City's contracted ambulance service ~~and as~~ approved by the City Commission.

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

**8.98.5.020 Authority.**

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

~~(Ord. 2672, 1995)~~

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

**8.9.5.030 Definitions.**

~~For~~**Unless otherwise specified, for** the purpose of this Chapter, the following ~~terms and words~~**definitions** shall have the meanings set forth in this Section, unless the context requires otherwise:**apply.**

- A.—" ~~"Advanced life support~~**Life Support (ALS)" shall mean**~~means~~ an advanced life support provider as defined in the Administrative Rules of Montana ~~24-156-2701.~~**(ARM).**
- B.—" ~~"Advanced life support service" shall mean~~**Life Support Service" means** an ambulance service or non-transporting medical unit that has the capacity, and is licensed by the State of Montana, to provide care at the EMT-Paramedic equivalent level twenty-four (24) hours a day, seven (7) days a week.
- C.—" ~~"Ambulance" shall mean~~**means** a privately or publicly owned motor vehicle that is maintained and used for the transportation of patients and that meets all Montana ambulance licensure requirements.
- D.—" ~~"Ambulance service" shall mean~~**Service" means** an emergency medical service that utilizes an ambulance to respond to 911 emergency calls.
- E.—" ~~"Ambulance service performance contract" shall mean~~**Service Performance Contract" means** an agreement between the City and an ambulance service provider used as an instrument to authorize and regulate ambulance service in the City.
- F.—" ~~"Ambulance service provider" shall mean~~**Service Provider" means** the business of, or a person owning, operating, managing, or maintaining as principal or agent of one ~~(1)~~ or more ambulances for the purpose of providing 911 emergency ambulance services within the City ~~EMS system~~**Emergency Medical Services System.** The ambulance service provider may be a public or private entity.
- G.—" ~~"Ambulance service rates" shall mean~~**Service Rates" means** any monetary charge, fare, fee, rate, or other consideration or compensation for ambulance service.
- H.—" ~~"Approved" shall mean~~**means** acceptable to the authority having jurisdiction.
- I.—" ~~"City" shall mean~~**means** the incorporated area of the City of Great Falls and the Fire Districts served by ~~the~~ Great Falls Fire Rescue **Department.**

Exhibit "B"

(Updated from First Reading)

Title 8 HEALTH AND SAFETY

- J.—" ~~Emergency medical services (Medical Services" or EMS)" shall mean~~ **means** the services, personnel, resources, equipment, and supporting administration and infrastructure used in responding to medical emergencies, providing emergency medical care, first response services, **and** the transporting of patients, while rendering emergency medical treatments.
- K.—" ~~Emergency medical services (EMS) call" shall mean~~ **K. "EMS Call" means** first responder and ambulance service provided to evaluate and treat medical conditions of recent onset and severity that would lead a prudent layperson, possessing an average knowledge of medicine and health, to believe that urgent and/or unscheduled care is required.
- L.—" ~~Emergency medical services (EMS) system" shall mean~~ **L. "EMS System" means** the interrelated but separate public and private entities including, but not limited to, ambulance service providers, and fire departments, which, optimally, work together in the timely and appropriate provision of emergency medical services to the citizens and visitors of the City.
- M.—" ~~Fire department" shall mean~~ **Department" means** the Great Falls Fire Rescue Department (GFFR).
- N.—" ~~First response service" shall mean~~ **Response Service" means** the provision of EMS provided by a responder prior to the arrival of the ambulance service.
- O.—" ~~Grandfathering" shall mean~~ **means** the City Commission may contract with an existing ambulance service provider without conducting a competitive process for ambulance service providers.
- P.—" ~~Patient" shall mean~~ **means** any person in need of, or in the process of receiving, emergency medical care.
- Q.—" ~~Person" shall mean~~ **means** an individual, firm, partnership, association, corporation, company, group of individuals, **or other entity** acting together for a common purpose, ~~or any other organization of any kind.~~
- R.—" ~~Public convenience and necessity" shall mean~~ **means** qualified, fit, able, and willing to perform and provide an ambulance 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 service within the City.

~~(Ord. 2743, 1998)~~

~~(Ord. No. 2993, 1-~~

~~8-2008)~~

~~8.9.100~~ **Emergency medical services (5.040 EMS) system.**

The public welfare requires the providing of assistance and encouragement for the development of a comprehensive ~~emergency medical services~~ **EMS** program for the City of Great Falls. The City shall establish and administer an ~~emergency medical services (EMS)~~ **EMS** 911 system. The City may contract with a private ambulance service provider to provide emergency medical treatment and transportation of patients within the City.

**Exhibit "B"**

**(Updated from First Reading)**

Title 8 HEALTH AND SAFETY

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

**8.9.105.5.050 EMS system administratorSystem Administrator.**

The City shall establish an EMS system administrator**System Administrator** appointed by the City Manager to represent the City and the City Commission. The duties and responsibilities of the EMS system administrator shall include, but not be limited to, the following:

- A.— Development and implementation of a comprehensive EMS system planning process-;
- B.— Develop guidelines and performance standards for each component of the City EMS system-;
- C.— Establish and articulate the roles and responsibilities for EMS system participation-;
- D.— Coordinate with the EMS system medical director on issues related to medical procedures, EMS protocols, and quality improvement processes-;
- E.— Coordinate with all EMS system participants to develop and ensure a management structure and accountability process for the EMS system-;
- F.— Serve as the chair of the City's EMS Advisory Board-;
- G.— Provide mechanisms for the continuous evaluation of the EMS system including a comprehensive quality improvement program-;
- H.— Establish an EMS system quality improvement committee in consultation with the EMS system medical director and other EMS system participants-;
- I.— Administer and supervise the ambulance service performance contract-;
- J.— Establish procedures, and policies in consultation with the EMS Advisory Board to ensure a safe, stable, and effective EMS system throughout the City; **and**
- K.— Any other duties as needed to ensure a safe, stable, and effective EMS system throughout the City.

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

**8.9.1108.5.060 EMS system components.**

The EMS system of the City shall include the participation of the following components:

- A.— ~~Cascade County Consolidated Dispatch~~ **Great Falls 911** Center-;
- B.— ~~Fire department.~~ **The GFFR;**
- C.— Ambulance service provider-;
- D.— Air ambulance service provider-;
- E.— Local and regional medical facilities-;
- F.— Any other entity or agency that may be required for the safe, stable, and effective delivery of EMS in the City as identified by the EMS system administrator-; **and**
- G.— The public at large.

Exhibit "B"

(Updated from First Reading)

Title 8 HEALTH AND SAFETY

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

**8.9.115.5.070 EMS System Medical Director.**

The City shall provide for an EMS 911 ~~system medical director~~ **System Medical Director** to provide overall medical direction for the City EMS 911 system. The duties and responsibilities for the EMS ~~system medical director~~ **System Medical Director** shall include, but is not be limited to, the following:

- A.— Review and approval of all EMS training programs that are necessary for operation of the EMS 911 response system-;
- B.— Development and implementation of medical protocols for all EMS personnel-;
- C.— Serve as the vice-chair of the City's EMS Advisory Board-;
- D.— Serve as the chair of the EMS system's quality improvement committee-;
- E.— Conduct periodic quality improvement reviews as is dictated ~~based on~~ **by** EMS system needs-;
- F.— The EMS ~~system medical director~~ **System Medical Director** shall serve as the medical director for the ~~fire department~~ **GFFR Department** and the 911 emergency ambulance service provider-;
- G.— The cost of the EMS ~~system medical director~~ **System Medical Director** will be shared by both the ~~fire department~~ **GFFR Department** and **any** ambulance service provider-;
- H. The City will administer any contract with the EMS system medical director-;
- ~~H.—~~ **I.** The EMS 911 ~~system medical director~~ **System Medical Director** shall not have oversight over the non-emergent and inter-facility transport services that may be provided by ~~the any~~ **any** contracted ambulance service-; **and**
- ~~I.—~~ **J.** ~~Medical Director Selection Process: J.~~ When the Medical Director's position becomes vacant, the System Administrator in conjunction with an ambulance ~~company~~ **service provider** representative, will collaborate to recruit and interview a physician to serve as the system's Medical Director.

(Ord. No. 2993, 1-

8-2008)

**8.9.120.5.080 Establishment of an EMS Advisory Board.**

- A.— The City Commission shall establish an EMS Advisory Board **which is** representative of the EMS system participants.
- B.— The City Commission shall appoint the members of the EMS Advisory Board. Members of the EMS Advisory Board should include, but not be limited to, the following representatives:
  - (1)— EMS ~~system administrator~~ **System Administrator** (chair-);
  - (2)— EMS ~~system medical director~~ **System Medical Director** (vice-chair-);
  - (3)— Emergency ~~Department manager~~ **Manager**;

**Exhibit "B"**

**(Updated from First Reading)**

Title 8 HEALTH AND SAFETY

- ~~(4)~~. Neighborhood Council Coordinator;
- ~~(5)~~ ~~Cascade County Consolidated Dispatch.~~ **Emergency Operations Center or 911**  
Center Supervisor;
- ~~(6)~~ ~~Fire department.~~ **GFFR** EMS Coordinator;
- ~~(7)~~. Ambulance service provider administrator or manager;
- ~~(8)~~ ~~Fire department.~~ **GFFR** EMT or paramedic-; **and**
- ~~(9)~~. Ambulance service EMT or paramedic.
- C.— Other EMS ~~Advisory~~**advisory** members may be appointed by the City Commission as needed to ensure all EMS system participants affected by the decisions of the EMS Advisory Board are represented.
- D.— The EMS Advisory Board will provide input and discuss issues related to the City's EMS system and serve in an advisory capacity to the City's EMS ~~administrator~~**Administrator**.
- E.— The EMS ~~administrator~~**Administrator** will have the authority regarding EMS system operational issues on behalf of the City and the ~~City Commission and the EMS system medical director~~**EMS System Medical Director** will have the final authority regarding medical procedures, protocols, or practices.
- F.— The City Commission will have oversight responsibility for the EMS Administrator and the EMS Advisory Board.
- G.— The EMS Advisory Board will meet on a regular basis, not less than four (4) times a year, to address issues affecting the EMS system, ~~to~~ **and** ensure **that** the performance of ~~the EMS system and that~~ the EMS system is safe, stable, and effective.

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

**8.9.200.5.090 City of Great Falls EMS responsibilities.**

- A.— The City **Manager** has the primary responsibility to ensure that effective, safe, and reliable EMS is provided to the City.
- ~~B.— The fire department~~ **GFFR** shall provide EMS first response services to all EMS calls within the City and **to** other areas and locations ~~that~~**where** they may respond.
- ~~C.— The fire department~~**C.** **GFFR** may transport patients when it is in the interest of the patient's health and safety. Standard operating guidelines or protocols shall be established by the EMS ~~system medical director~~**System Medical Director** in conjunction with the EMS Advisory Board to determine when this is appropriate. ~~The Fire Department~~**GFFR** may transport when time is critical to patient care ~~and~~, when the patient is packaged and ready for transport, and when an ambulance is not immediately available or ~~shall be~~ **is** delayed.

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

**8.9.205.5.100 Replacement of ~~fire department~~GFFR items.**

- A. Disposable items used by ~~the fire department~~**GFFR** in providing patient care and treatment shall be replaced at the incident by the ambulance service provider. If it is not in the best

**Exhibit "B"**

**(Updated from First Reading)**

Title 8 HEALTH AND SAFETY

interest of patient care to complete the replacement of disposable items at the incident, ~~the fire department~~**GFFR** will furnish the ambulance service provider with a list of items to be replaced accompanied by the name, if known, and incident number of the patient for whom the items were used.

- B.** The ambulance service provider shall, within forty-eight (48) hours of receipt of the list of items, resupply ~~fire department~~**GFFR** with all items on such list to be delivered them at Fire Station 1, 105 9th Street South. All brand name specific supplies as identified by all EMS participants and approved by the EMS Advisory Board shall be replaced with said brand name. Otherwise, a brand name equivalent replacement may be used but shall be approved by the ~~medical director~~**Medical Director**.
- C.** Within twenty-four (24) hours, or such longer period as has been established as policy by the EMS Advisory Board, the ambulance service provider will retrieve and return to ~~the fire department~~**GFFR** all durable equipment supplied by ~~the fire department~~**GFFR** in providing EMS and any other ~~fire department~~**GFFR** equipment which has come into the ambulance service provider's possession.

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

**8.9.300.5.110 Emergency medical services license required.**

- A.** No person shall conduct or operate an ambulance service within the City without first obtaining a license as required ~~in~~**by OCCGF** Title 5, Chapter 3, Article 7 ~~of the City Code~~.

~~(Ord. No. 2993, 1-8-2008)~~ **B. A violation of this section is a misdemeanor punishable by a term not to exceed six (6) months in jail, a fine not to exceed five hundred dollars (\$500.00), or both.**

~~8-2008)~~

**8.9.340.5.120 Ambulance service performance contract required.**

- A.—** All persons who wish to operate, conduct, advertise, engage in, or profess to be engaged in the 911 emergency ambulance business or service of the transportation of any patient by ambulance upon the streets or any public way or place within the City, shall only do so upon the execution of an ambulance service performance contract issued by the City.
- B.—** Any City ambulance service contractor is required by this Chapter to obtain an ambulance service performance contract from the City to provide 911 emergency ambulance services within the City's jurisdiction.
- C.—** Upon recommendation of the City Manager, the City Commission shall make the final determination to execute an ambulance service performance contract with an ambulance service provider for ambulance service to City 911 emergency calls.
- D.—** No ambulance service performance contract will be approved under this Chapter to any new ambulance service 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 ambulance service provider is fit, willing, and able



**Exhibit "B"**

**(Updated from First Reading)**

Title 8 HEALTH AND SAFETY

to perform such public service, and to operate in compliance with Montana state law, the ~~Administrative Rules of Montana~~**ARM**, and the ~~provisions of this Chapter~~**OCCGF**.

- E.— No unauthorized ambulance service shall be dispatched to 911 emergency calls or allowed to transport patients within the City except during a catastrophic incident or disaster, if demand for resources overwhelms the EMS system.
- F.— Nothing in this Chapter shall be construed to modify, or in any way affect, existing state laws concerning ambulance services.

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

**8.9.315.5.130 Issuance of ambulance service performance contract.**

- A. An ambulance service performance contract can only be issued by the City Commission by "grandfathering" or completion of a competitive process in accordance with Montana state law. The City reserves the right to issue an interim contract to any ambulance service provider for the City under emergency circumstances such as when the contracted ambulance service provider fails to perform the services ~~they had agreed to under their~~ performance contract and this ~~ordinance~~**Chapter**.
- B. If during an exceptional event, as ~~judged~~**determined** by the City Manager ~~that~~, the health ~~and~~ safety of the residents of the City is threatened or jeopardized, ~~he or she~~**the City Manager** shall take such actions necessary to alleviate that threat. Such action may include, but is not limited to, temporary assignment of an ambulance service provider to provide services in the City. **Such action shall comply with Mont. Code Ann. Title 10.**
- C. Emergency action taken by the City Manager must be ratified and approved by the City Commission within thirty (30) calendar days to remain valid. ~~The City Commission will determine the term of the action, and the~~**The** City Commission may issue an interim ambulance service performance contract for a specified term.

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

**8.9.320.5.140 Transferability of ambulance service performance contract.**

- A.— An ambulance service performance contract shall not be transferable by the ambulance service provider to another person, party, or business, for the purpose of providing ambulance service within the City, unless formally approved by the City Commission.
- B.— The City Manager, at his/ **or** her discretion, may allow the contracted ambulance service provider to subcontract for ambulance services. Any subcontractor must comply with the provisions of this Chapter and all other ~~appropriate City Codes~~**applicable provisions of the Official Code of the City of Great Falls (OCCGF)**.
- C.— If the City approves the use of a subcontractor, the primary contractor shall retain accountability for delivering the required contract performance. The inability or failure of any subcontractor to perform any duty or deliver contracted performance will not excuse the primary contractor from any responsibility in this Chapter or in the ambulance service performance contract.

**Exhibit "B"**

**(Updated from First Reading)**

Title 8 HEALTH AND SAFETY

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

**8.9.3258.5.150 Extension of ambulance service performance contract.**

The City Commission will determine the length of an ambulance service performance contract, **by resolution or approval of a contract.** At the discretion of the City Commission, contract extensions may be granted, or the contract may provide for automatic annual renewals based on achievement of performance measures and customer service requirements specified by the City.

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

**8.9.330.5.160 Breach of contract and default.**

- A.— An ambulance service performance contract issued by the City Commission may be suspended or terminated by the City Commission for ~~non~~:
1. **Non-compliance with this Chapter;**
  2. **Violations of applicable Montana Code Annotated provisions;**
  3. **Violations of applicable ARM regulations;**
  4. **Violations of applicable federal regulations;**
  5. **Violations of the terms of the ambulance service performance contract, or**
  6. **Violations of the performance standards specified in the ambulance service performance contract as agreed to by both parties.**
- B.— An ambulance service performance contract shall contain performance criteria and provisions for the suspension or termination of the contract for failure to meet the performance criteria or other provisions, including response time standards.
- C.— The ambulance service performance contract shall contain provisions defining major and minor ~~breach~~**breaches** of contract infractions and specified time periods for correcting infractions.
- D.— An ambulance service performance contract shall contain provisions designed to assure continuity of ambulance service in the event of default or breach of contract by the ambulance service provider and any subsequent suspension or termination by the City.

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

**8.9.3358.5.170 Criteria for ambulance service performance contract.**

Any person desiring to obtain an ambulance service performance contract with the City as required by this Chapter, shall demonstrate the ability to meet the following requirements:

- A.— The ambulance service provider must possess a current license from the State of Montana, Department of Health and Human Services to provide emergency medical services, both transport and treatment at the ~~advanced life support~~**Advanced Life Support (ALS)** level;

**Exhibit "B"**

**(Updated from First Reading)**

Title 8 HEALTH AND SAFETY

- B.— The ambulance service provider must provide emergency medical services at the ALS level, throughout the City, twenty-four (24) hours per day, and seven (7) days per week-;
  - C.— Each responding ambulance shall be staffed with a minimum of one (1) Montana Certified Paramedic and one (1) Montana ~~certified~~**Certified** Emergency Medical Technician (EMT-);
  - D.— The ambulance service provider must have adequate personnel, vehicles, equipment, and facilities to respond to all locations within the City to meet the response time standards specified in the ambulance service performance contract-;
  - E.— The ambulance service provider must comply with rules and regulations governing emergency medical services and emergency medical technicians, as promulgated by the State of Montana, Department of Health and Human Services, and the Board of Medical Examiners as specified in the ~~Administrative Rules of Montana~~**ARM**;
  - F.— The emergency medical providers, to include the contracted ambulance service, will use the ~~Cascade County Consolidated Dispatch~~**Great Falls 911 Center**. ~~They, and they~~ shall abide by the rules and procedures as outlined in the ~~CCCDG~~**911 Center** policy manual-;
  - G.— The ambulance service provider must have a commercial general liability insurance policy, including automobile coverage, in a form acceptable to the City, ~~insuring the ambulance service provider for not less than two million dollars (\$2,000,000.00) per occurrence for bodily injury or death, and two million dollars (\$2,000,000.00) per occurrence for loss or damage to property; and four million dollars (\$4,000,000.000) aggregate.~~ **set by Commission resolution**;
  - H. All policies of insurance under this ~~chapter~~**Chapter** shall be issued by insurance companies licensed to do business in the State of Montana-;
  - I. Proof or coverage shall be evidenced by submitting an insurance certificate, or certificates, to the City, which names the City as an additional insured and indicates that the City will be notified ~~not~~ less than thirty (30) days prior to alteration, cancellation, termination, or non-renewal of coverage-;
  - H.—**J.** The ambulance service provider shall provide the City a list of the full names of all ambulance drivers and attendants, identifying each person's-:
    - 1. EMS certification level; ~~certification~~
    - 2. **Certification** number or paramedic license number; ~~issuing~~
    - 3. **Issuing** jurisdiction;
    - 4. CPR certification-;
    - 5. Montana ~~Drivers~~**Driver's** License number-; and
    - 6. Ambulance Driver Certificate, as well as the expiration dates for each-;
  - K. The **above described** list shall be updated and provided to the City on an annual basis and any changes (including additions or deletions) will be provided on a quarterly basis or as requested by the City. ~~The City shall take reasonable steps to protect confidentiality and security of the individual certification and license number of the contracted ambulance staff; and~~
- ~~(Ord. No. 2993, 1-~~**L. The City shall take reasonable steps to protect confidentiality of private personal ambulance staff information.**

Exhibit "B"

(Updated from First Reading)

Title 8 HEALTH AND SAFETY

~~8-2008)~~

**8.9.340.5.180 Ambulance service performance requirements.**

- A.— The ambulance service performance contract shall include specific response time standards for 911 EMS calls.
- B.— Additional performance requirements related to personnel, vehicles, equipment, and patient care shall also be included in the ambulance service performance contract.

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

**8.9.345.5.190 Conflict Resolutionresolution.**

- A. Conflicts or disputes related to the operation of emergency services involving the Great Falls 911 Emergency Services System will be resolved between the system participants as ~~expeditiously~~**efficiently** and as cooperatively as possible. The conflict/ or issue should be resolved at the lowest level possible. Conflict resolution will ~~follow this general format wherever possible~~**proceed as follows:**
- B. If the issue cannot be resolved at this initial level, the issue should be submitted in writing by either party to the EMS Administrator within ~~five (5) business~~**fifteen (15) calendar** days ~~(Monday—Friday)~~ of first occurrence or first knowledge. ~~The, and the~~ party carrying the ~~issue~~**conflict** forward must include their requested remedy-;
- C. The EMS Administrator ~~has~~**shall have** ten (10) ~~business~~**calendar** days from receipt of the written conflict/~~issue~~ to investigate the matter, take the appropriate corrective action, if any, and provide a written response to the parties involved-;
- D. If the EMS Administrator's decision does not resolve the ~~issue~~**conflict**, then either party may submit the ~~issue~~**conflict** in writing to the City Manager within ~~five (5) business~~**fifteen (15) calendar** days of receipt of the EMS Administrator's decision. ~~The, and the~~ City Manager, or designee, shall investigate the issue and render a **written** decision within ten (10) ~~business~~**calendar** days- **after receipt of the written submission of the conflict;**
- E. If the City Manager's decision does not resolve the ~~issue~~**conflict**, then either party may submit the issue in writing to the City Commission within ~~five (5) business~~**fifteen (15) calendar** days of receipt of the City Manager's decision-;
- F. The City Commission may **after conducting a hearing on the conflict, in a written pronouncement**, choose to affirm the decision of the City Manager, further investigate the issue, or reject or modify the decision of the City Manager- **within thirty (30) calendar days of submittal; and**

~~This last step in the conflict resolution process must be completed.~~ **G. A party may appeal an adverse City Commission decision to the Montana Eighth Judicial District Court within thirty (30) calendar days from of the time the written issue is presented to the City Commission. Commission's pronouncement.**

~~Nothing in this conflict resolution procedure is intended as the waiver of any legal rights that either the City or the contracted ambulance provider may have or as an alternative to the right to sue or seek court action.~~

**Exhibit "B"**

**(Updated from First Reading)**

Title 8 HEALTH AND SAFETY

~~It is not intended to be the exclusive remedy or the sole remedy for any dispute for which there may be a viable legal claim. This conflict resolution procedure is specifically not intended to be the final resolution of any disputes that may arise under the ambulance performance contract and the contracted ambulance provider does not relinquish any right to sue with respect to contract disputes.~~

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

**8.9.350.5.200 Penalties.**

- A.— An ambulance service performance contract shall provide for penalties and remedies in the event the ambulance service provider fails to comply with ~~the~~ personnel, equipment ~~and, or~~ reporting requirements of this Chapter ~~and/or~~ the ambulance service performance contract, including response time standards for 911 emergency responses.
- B.— The penalties paid to the City shall be used to pay for EMS related expenses, including public education programs, and administrative oversight of ambulance service providers.

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

**8.9.355.5.210 Performance security.**

- A.— The 911 emergency ambulance service provider shall provide security in an amount equal to the City's reasonably anticipated operating costs for two (2) months of 911 emergency ambulance services.
- B.— Security shall be provided in the form of:
  - 1) —. Cash;
  - 2) —. An irrevocable letter of credit issued by a financial institution rated at least "A" by Moody's or Standard & Poor's;
  - 3) —. An irrevocable guaranty issued by an entity rated at least "A" by Moody's or Standard & Poor's;
  - 4) —. A surety bond issued by an insurance company rated at least "A" by Moody's, Standard & Poor's or A.M. Best; or,
  - 5) —. Such other forms of security as may be agreed to by the City and the ambulance service provider in writing.
- C.— An ambulance service performance contract may include provisions that protect the interests of the City ~~and provides,~~ **provide** for continued ambulance services in the event of a suspension or termination of the contract, ~~the~~ failure of any ambulance service provider, and any takeover of services that may be enacted by the City.

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

**8.9.360.5.220 Submittal of reports for requests for service.**

- A.— At the request of City, the ambulance service provider shall submit reports, records, and other information regarding emergency transports that are necessary to verify the

**Exhibit "B"**

**(Updated from First Reading)**

Title 8 HEALTH AND SAFETY

ambulance service provider's compliance with this ~~ordinance~~**Chapter** and the ambulance service performance contract executed pursuant to this Chapter.

- B. These reports, records, and information shall be submitted in the format and on the date requested by the City. The specific information that is to be provided in these reports will be clearly set forth in the performance contract, including when and how often such reports will be submitted to the City.
- ~~B.~~C. The ambulance service provider may keep records using account numbers or patient numbers rather than names and addresses; provided that such records shall include the fire department incident number.

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

**8.9.3658.5.230 Release of information.**

Upon receipt of a written request from any patient who has been transported by the ambulance service contractor, ~~they~~**the contractor or provider** shall provide to the patient all information related to the transport in question, to the extent permitted by the federal HIPAA Privacy Regulations or state law including, but not limited to, all of its billing records relating to patient and supported by the account number ~~and/or~~ patient number. Additionally, at the City's request and if so authorized by the patient, the ambulance service contractor shall provide all information related to the transport in question to the City.

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

**8.9.370.5.240 Confidentiality of records.**

- A.— Except as otherwise provided in this ~~Section~~**section**, information provided by the ambulance service provider to the City for purposes of determining compliance with the requirements of this Chapter and the ambulance service performance contract shall be considered public records.
- B.— An ambulance service provider may seek and the City ~~shall~~**may** provide, **after a showing of good cause by the applicant**, confidential treatment to protect against the disclosure, or public inspection of ~~commercially valuable or proprietary information, such as,~~ commercially valuable or proprietary information related to performance.
- C.— Any information provided to the City which contains a natural person's name, address, medical condition or diagnosis, incident location, social security number, personal financial records, telephone number, home address, e-mail address, names of family members, or work history, or which otherwise constitutes "protected health information" as that term is applied in the Federal Health Insurance Portability and Accountability Act of 1996, and regulations under ("HIPAA"), **or Montana Health Care information Act, as may be amended**, shall be considered confidential.
- D. Such confidential information shall not be released by the City to the public, unless the person to whom the information applies has first agreed in writing, in a format which complies with HIPAA requirements, to release of the information. To the extent permitted by HIPAA and other applicable law, reports containing confidential information and information deemed to be public may be released if such confidential information is first redacted.

**Exhibit "B"**

**(Updated from First Reading)**

Title 8 HEALTH AND SAFETY

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

**8.9.375.5.250 Ambulance service rates.**

- A.— The contracted ambulance service shall submit to the EMS administrator a proposed ambulance fee schedule that will be approved by ~~the City Commission~~ **resolution**, if said fees are consistent with industry best practices, the market, and applicable federal and state laws.
- B.— The ambulance service may not refuse transport based on the patient's inability to pay.

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

**8.9.3808.5.260 Right of property not granted.**

Any ambulance service performance contract granted pursuant to this Chapter shall not impart to the ambulance service provider any right of property in any City rights-of-way or other City property. The ambulance service performance contract shall be construed to have granted nonexclusive permission and authority to operate within the City.

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

**8.9.385.5.270 City to be held harmless.**

The contracted ambulance service provider ~~agrees to~~ **shall** defend, indemnify, protect and hold the City, its officers, employees and agents harmless from and against any and all claims asserted, or liability established for injuries or damages to any person or property, or losses and causes of action which may arise from, or in connection with, the services provided under the ambulance service performance contract, except to the extent any such claims, liability, losses, or causes of action arise from the acts or omissions of the City.

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

**8.9.3908.5.280 Ambulance service provider bound by City, State, and Federal regulations.**

The ambulance service provider shall be subject to all requirements of the ~~City's ordinances~~ **OCCGF**, rules, regulations, and specifications insofar as the regulations and specifications are not in violation of any applicable State or Federal regulations. The City reserves every right and power to exercise any requirement of the ~~Great Falls Municipal Code~~ **OCCGF**, and the ambulance service provider, by its acceptance of the ambulance service performance contract, agrees to be bound thereby and to comply with any action under (or requirement) of the ~~Great Falls Municipal Code~~ **OCCGF**, as it exists now or as **may be** amended in the future.

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

Exhibit "B"

(Updated from First Reading)

Title 8 HEALTH AND SAFETY

**Chapter 126 FOOD SERVICE**

**Sections:**

~~8.12.010 State rule adopted.~~

~~8.12.030 Permit required.~~

~~8.12.040 Permit suspension.~~

~~8.12.050 Permit suspended reinstatement.~~

~~8.12.060 Permit revocation.~~

~~8.12.070 Hearings.~~

~~8.12.080 Inspection of food service establishments.~~

~~8.12.090 Knowledge of food protection practices.~~

~~8.12.100 Short term food permit.~~

~~8.12.110 Farmer's Market short term food permit.~~

**8.128.6.010 State rule adopted.**

**8.6.020 Closure.**

**8.6.030 Inspection of food service establishments.**

**8.6.040 Knowledge of food protection practices.**

**8.6.050 Temporary food permit.**

**8.6.060 Penalties.**

**8.6.010 State rule adopted.**

The City **hereby** adopts, by reference, the Montana Department of Public Health **Code Annotated** and Human Services requirements, dated November 23, 2000, for compliance with Chapter 110, Subchapter 2, Food Service Establishments of Title 37, Administrative Rules and of Montana, and its definition of **(ARM) as may be amended, relating to** food service establishments. A copy of the regulation shall be filed with the City Clerk as the official food service code., "**Montana Retail Food Code**".

~~(Ord. 2803, 2001; Ord. 2728, 1997; Ord. 2614 §2(Exh. B), 1991).~~

**8.12.030 Permit required.**

~~Each person, new owner, or operator of a food service establishment shall make an application for a City-County Health Department Food Establishment permit prior to operation of such an establishment. This application shall be made in writing and signed by the owner, manager, or authorized agent of the~~



## Exhibit "B"

### (Updated from First Reading)

#### Title 8 HEALTH AND SAFETY

~~establishment. The Health Officer or his/her authorized representative shall approve the permit provided that the establishment meets the minimum requirements of State and local health laws and regulations, and requirements of this City Code. No food service establishment will be allowed to operate without a valid City-County Health Department Food Establishment permit.~~

~~(Ord. 2803, 2001; Ord. 2614 §2(Exh. B), 1991).~~

#### **8.12.040 — Permit — suspension.**

~~A. — Permits may be suspended temporarily by the Health Authority for failure of the holder to comply with the requirements of this chapter. Whenever a permit holder or operator has failed to comply with any notice issued under the provisions of this chapter, the permit holder or operator shall be notified in writing of the specified violations causing the suspension, that the permit is, upon service of the notice, immediately suspended, and that an opportunity for an Administrative hearing will be provided if a written request for such is filed with the Health Department by the permit holder.~~

~~B. — Justifications for permit suspension are as follows:~~

- ~~1. — Whenever the Health Authority finds unsanitary or other conditions in the operation of the food service establishment which, in their judgment, constitute a substantial hazard to the public health, the Health Authority may temporarily suspend the permit.~~
- ~~2. — Whenever, upon written notice to the owner, manager, or authorized agent of a food service establishment, an inspection reveals unsanitary conditions and health-related problems exist within the establishment, and the subsequent inspection of the establishment reveals that the problems and conditions still exist, the Health Officer may temporarily suspend the permit.~~
- ~~3. — Continued violation of critical item(s), as outlined in red on the official Montana Department of Public Health and Human Services food service establishment inspection report form.~~

~~(Ord. 2803, 2001; Ord. 2614 §2(Exh. B), 1991).~~

#### **8.12.050 — Permit — suspended — reinstatement.**

~~Any person whose permit has been suspended may, at any time, make application to the Health Department for a re-inspection for the purpose of reinstatement of the permit. Within ten (10) days following the receipt of a written request, including a statement signed by the applicant that, in the applicant's opinion, the conditions causing suspension of the permit have been corrected, the Health Authority shall make a re-inspection. If the applicant is found to be in compliance with the requirements of this chapter, the permit shall be reinstated.~~

~~(Ord. 2803, 2001; Ord. 2614 §2(Exh. B), 1991).~~

#### **8.12.060 — Permit — revocation.**

~~For serious or repeated violation of any of the requirements of this chapter, or for interference with the Health Authority in the performance of their duties, the permit may be permanently revoked after an opportunity for a hearing has been provided by the Board of Health. Prior to such action, the Health Department shall notify the permit holder, in writing, stating the reasons for which the permit is subject to revocation, and advising that the permit shall be permanently revoked at the end of five (5) days following~~

**Exhibit "B"**

**(Updated from First Reading)**

Title 8 HEALTH AND SAFETY

~~service of such notice unless the permit holder files within five (5) days a request for a hearing before the Board. A permit may be suspended for cause pending its revocation or a hearing relative thereto.~~

~~(Ord. 2803, 2001; Ord. 2614 §2(Exh. B), 1991).~~

**8.12.070 — Hearings.**

~~The hearings provided for in this section shall be conducted by the Board at a time and place designated by the board chair. Based upon the record of such hearing, the Board shall make a finding and shall sustain, modify, or rescind any official notice or order considered in the hearing. A written report of the Board's decision shall be furnished to the permit holder by the Health Officer.~~

~~(Ord. 2803, 2001; Ord. 2614 §2(Exh. B), 1991).~~

**8.12.080 — 8.6.020 Closure.**

- A. The Health Authority may close a Food Service Establishment, Temporary Food Establishment, or Cottage Food Operation under any of the following conditions:
  - 1. If a foodborne illness outbreak is likely associated with a Food Service Establishment, Temporary Food Establishment, or Cottage Food Operation, and the Health Authority deems that closure is necessary to protect public health and/or correct the circumstances contributing to the outbreak;
  - 2. If a Priority Item is in violation which creates an imminent or present danger to public health and is not corrected immediately to the satisfaction of the Health Authority;
  - 3. When a follow-up inspection of a Food Service Establishment, Temporary Food Establishment, or Cottage Food Operation yields two or more of the same priority item violations noted on a previous inspection and the establishment has been notified that closure may be a consequence of noncompliance as described in this section; or
  - 4. When a Food Service Establishment operates without a valid license, a temporary food service operates without a valid permit, or a Cottage Food Operation operates without a valid registration.
- B. Operation of a Food Service Establishment, Temporary Food Establishment, or Cottage Food Operation which has been closed by the Health Authority is a violation of this Chapter.
- C. Before the Health Authority closes an establishment or operation because of repeat priority item violations, the Health Authority shall notify the establishment in writing that it may be closed to the public and a closure notice placed at each customer entrance, if two or more of the same priority item violations remain on a follow-up inspection conducted within ten (10) business days.
- D. Upon closure of a Food Service Establishment, Temporary Food Establishment, or Cottage Food Operation for any reason pursuant to this Chapter:

**Exhibit "B"**

**(Updated from First Reading)**

Title 8 HEALTH AND SAFETY

1. **The Health Authority shall serve a written explanation of the reasons for closure and a copy of any applicable inspection forms to the operator or agent of the establishment or operation;**
  2. **The closure order is effective upon service, and no new customers may be served or sold any products;**
  3. **The Health Authority may require the operator or agent to notify current customers of the closure;**
  4. **A conspicuous notice of closure shall be posted at each customer entrance of an establishment by POST certified law enforcement or the Health Authority, but notice of closure need not be posted at the entrance of a Cottage Food Operation; and**
  5. **The notice may only be removed or altered under the direction of the Health Authority.**
- E. Upon closure of a Food Service Establishment, Temporary Food Establishment, or Cottage Food Operation pursuant to this Chapter, it may be reopened after twenty-four (24) hours if:**
1. **The operator or agent submits a written plan of correction to the Health Authority specifying the corrections to be made and time parameters for completion;**
  2. **The Health Authority approves the plan of correction;**
  3. **The Health Authority inspects the establishment or operation and determines that the approved plan of correction is being followed; and**
  4. **The notice of closure previously posted is removed by, or under the direction of, the Health Authority.**
- F. An establishment or operation may be reopened pursuant to this Chapter sooner than twenty-four (24) hours after closure, if following an administrative hearing conducted by the Health Authority, it is determined that all provisions of subsection (E) of this section are satisfied.**
- G. Once an establishment or operation is re-opened pursuant to this Chapter:**
1. **The Health Authority shall conduct additional inspections as deemed necessary to evaluate whether the plan of correction is being performed and whether any priority item violations exist;**
  2. **The Health Authority may require an operator to modify a plan of correction; and**
  3. **An establishment may be closed pursuant to this Chapter again if:**
    - i. **Any violations of this Chapter exist; or**
    - ii. **The plan of correction is not being performed.**

**Exhibit "B"**

**(Updated from First Reading)**

Title 8 HEALTH AND SAFETY

**8.6.030 Inspection of ~~food service establishments~~ Food Service Establishments.**

- A.— At least once every year, the Health Authority shall inspect each ~~food service establishment~~ **Food Service Establishment** located in the City of Great Falls and shall make any additional inspections and re-inspections as are necessary for the enforcement of this Chapter.
- B. The Health Authority shall have the power to enter and inspect ~~any place~~ **any place** where meat, game, poultry, fish, milk, groceries, or any other food products are prepared, handled, **and/or** stored for public use and to inspect any vehicle transporting such products.
- C. Any person ~~who in any manner interferes or attempts to interfere with the Health Authority in the discharge of duties, or~~ **or** any person being owner, agent, or manager ~~or at any place food is prepared, handled, or stored, who refuses~~ **is guilty of a violation of this Chapter, if that person in any manner:**
1. **Interferes, or attempts to interfere, with the Health Authority in the discharge of duties, or**
  2. **Refuses** to permit the Health Authority to have full access to the premises, or any food products that the Health Authority desires to inspect, ~~is guilty of a violation of this Chapter.~~
- B.— The Health Authority shall be permitted to examine the records of the establishment to obtain pertinent information pertaining to food and supplies purchased, received, or used, ~~and~~ **and** persons employed, during operation hours, or at any other time when food preparation is being conducted.
- C.— A written **or electronic** record of any inspections will be provided to the owner, agent, or manager of each establishment.

~~(Ord. 2728, 1997; Ord. 2614 §2(Exh. B), 1991).~~

**8.42-0906.040 Knowledge of food protection practices.**

- ~~The~~ **A. In addition to the Montana state requirement for Certified Food Protection Managers in retail food establishments, the** owner, operator, manager ~~and~~ **or** employees of any ~~food service establishment~~ **Food Service Establishment** may, at any time, be required by the Health Authority ~~of the City/County Health Department~~ to show sufficient knowledge of food protection practices, sanitation practices, and regulation requirements necessary to protect the public from food borne illness.
- B. At the option of the Health Authority, owners, operators, managers, and key food preparation personnel, may be required to participate in a food safety training course and/or may be tested on their knowledge of food protection practices prior to the opening of any new food establishment or at any time there is a change of ownership/ **or** management of an existing food establishment or if there is a pattern of critical item violations within an existing establishment.

~~(Ord. 2803, 2001; Ord. 2728, 1997; Ord. 2614 §2(Exh. B), 1991).~~

## Exhibit "B"

(Updated from First Reading)

### Title 8 HEALTH AND SAFETY

#### ~~8.12.100 Short term food permit.~~

#### 8.6.050 Temporary Food Permit.

All persons or organizations serving or selling food to the public that do not fall under the provisions of this chapter **are not exempt from obtaining a permit pursuant to Mont. Code Ann. Title 50, Chapter 50** (i.e., private church dinners, private organizations serving members only) shall **comply with the provisions of Mont. Code Ann. § 50-50-120, as may be amended, and shall** obtain a ~~short-term food permit~~ **Temporary Food Permit** from the City-County Health Department. ~~Only~~

#### 8.6.060 Penalties.

In addition to any remedies listed in this Chapter:

- A. **A person owning or operating a retail Food Service Establishment, Temporary Food Establishment, or Cottage Food Operation within the incorporated City limits, in violation of this Chapter, is guilty of a misdemeanor punishable by a term not to exceed six (6) months in jail, a fine not to exceed five (5) short term food permits will be issued per organization per year. Organizations wishing to operate more than five (5) times per year shall be required to obtain a State of Montana, Department of Public Health and Human Services Food Purveyors License. hundred dollars (\$500.00), or both; and**
- B. **A Retail Food Service Establishment, Temporary Food Establishment, or Cottage Food Operation operating within the incorporated City limits, in violation of this Chapter, is hereby declared a Nuisance as defined by Chapter 49 of this Title.**

### Chapter 7 (Ord. 2803, 2001; Ord. 2728, 1997; Ord. 2614 §2(Exh. B), 1991).

#### ~~8.12.110 Farmer's Market short term food permit.~~

All persons or organizations serving or selling food to the public at farmer's market locations shall obtain a Farmer's Market short term food permit unless exempt pursuant to MCA 50.50.103.

(Ord. 2803, 2001)

### ~~Chapter 16~~ **WHOLESALE FOOD MANUFACTURING ESTABLISHMENTS**

#### Sections:

#### ~~Sections:~~

~~8.16.020 State rule adopted.~~

~~8.16.030 Permit required.~~

Exhibit "B"

(Updated from First Reading)

Title 8 HEALTH AND SAFETY

~~8.16.040 Permit—suspension.~~

~~8.16.050 Permit—suspended—reinstatement.~~

~~8.16.060 Permit—revocation.~~

~~8.16.070 Hearings.~~

~~8.16.080 Inspection of food manufacturing establishments.~~

~~8.16.090 Knowledge of food protection practices.~~

~~8.16.020~~ 8.7.010 State rule adopted.

8.7.020 Closure.

8.7.030 Inspection of wholesale food establishments.

8.7.040 Knowledge of food protection practices.

8.7.050 Penalties.

**8.7.010 State rule adopted.**

The City adopts by reference the Montana Department of Public Health and Human Services Sanitary Rule for Food Manufacturing **Code Annotated and the ARM regulations, as may be amended, pertaining to Wholesale Food** Establishments, Title 16, Chapter 10, Subchapter 3, dated November 11, 1994.. A copy of the regulation shall be filed with the City Clerk as the official food-manufacturing code: **"Montana Wholesale Food Code"**.

(Ord. 2728, 1997; Prior code §8-1-2).

~~8.16.030—Permit—required.~~

~~Each person, new owner~~ **8.7.020 Closure.**

- A. The Health Authority may close a Wholesale Food Establishment operation under any of the following circumstances:**
- 1. If a foodborne illness outbreak is likely associated with the Wholesale Food Establishment and the Health Officer deems that closure is necessary to protect public health and/or operator—of—correct the circumstances contributing to the outbreak;**
  - 2. If a Priority Item is in violation which creates an imminent or present danger to public health and is not corrected immediately to the satisfaction of the Health Authority;**

Exhibit "B"

(Updated from First Reading)

Title 8 HEALTH AND SAFETY

3. **When a follow-up inspection of a Wholesale Food Establishment operation yields two or more of the same priority item violations noted on a previous inspection and the establishment shall make an application for a Health Department Permit prior to operation of such an has been notified that closure may be a consequence of noncompliance as described in this section; or**
4. **When a Wholesale Food Establishment operates without a valid license.**
- B. **Operation of a Wholesale Food Establishment which has been closed by the Health Authority is a violation of this Chapter.**
- C. **Before the Health Authority closes a Wholesale Food Establishment because of repeat priority item violations, the Health Authority shall notify the establishment. This application shall be made in writing and signed by the owner, manager or authorized that it may be closed to the public and a closure notice placed at each customer entrance, if two or more of the same priority item violations remain on a follow-up inspection conducted within ten (10) business days.**
- D. **Upon closure of a Wholesale Food Establishment for any reason pursuant to this Chapter:**
  1. **The Health Authority shall serve a written explanation of the reasons for closure and a copy of any applicable inspection forms to the operator or agent of the establishment--;**
  2. **The Health Officer closure order is effective upon service, and no new customers may be served or authorized representatives sold any products;**
  3. **A conspicuous notice of closure shall approve the permit provided that be posted at each customer entrance of the establishment meets the minimum requirements of State and local health laws and regulations and requirements of this Code. No Food manufacturing by POST certified law enforcement or the Health Authority; and**
  4. **The notice may only be removed or altered under the direction of the Health Authority.**
- E. **Upon closure of an establishment will be allowed to operate without a valid Cascade County City/County Health Department Permit, pursuant to this Chapter, it may be reopened after twenty-four (24) hours if:**

(Prior code §8-1-3).

**8.16.040 — Permit — suspension.**

- A. ~~Permits may be suspended temporarily by.~~ **The operator or agent submits a written plan of correction to the Health Authority for failure of specifying the holder to comply with the requirements of this chapter. Whenever a permit holder or operator has failed corrections to comply with any notice issued under the provisions of this chapter, the permit holder or operator shall be notified in writing of the specified violations causing the suspension, that the permit is, upon service**

Exhibit "B"

(Updated from First Reading)

Title 8 HEALTH AND SAFETY

of the notice, immediately suspended, **be made** and that an opportunity for hearing will be provided if a written request for a hearing is filed with the Health Officer by the permit holder. **time parameters for completion;**

B. ~~Justifications for permit suspension are as follows:~~

- ~~1. Whenever the Health Authority finds unsanitary or other conditions in the operation of the Food-manufacturing establishment which, in their judgment, constitute a substantial hazard to the public health, the Health Officer may temporarily suspend the permit.~~
- ~~2. Whenever, upon written notice to the owner, manager, or authorized agent of a Food-manufacturing establishment, an inspection reveals unsanitary conditions and health related problems exist within the establishment and the subsequent inspection of the establishment reveals that the problems and conditions still exist, the Health Authority may temporarily suspend the permit.~~

~~(Ord. 2803, 2001; Prior code §8-1-2. The Health Authority approves the plan of correction;~~

- ~~3. The Health Authority inspects the establishment and determines that the approved plan of correction is being followed; and~~

~~4).~~

**~~8.16.050 Permit suspended reinstatement.~~**

~~Any person whose permit has been suspended may, at any time, make application to the Health Department for a re-inspection for the purpose of reinstatement of the permit. Within ten (10) days following the receipt of a written request, including a statement signed by the applicant that in the applicant's opinion the conditions causing suspension of the permit have been corrected. **The notice of closure previously posted is removed by, or under the direction of,** the Health Authority shall make a re-inspection. If the applicant is found to be in compliance with the requirements of this chapter the permit shall be reinstated.~~

~~(Ord. 2803, 2001; Prior code §8-1-5).~~

**~~8.16.060 Permit revocation.~~**

~~For serious or repeated violations of any of the requirements of this chapter, or for interference with the Health Authority in the performance of his/her duties, the permit may be permanently revoked after an opportunity for a hearing has been provided by the Health Department. Prior to such action, the Health Officer shall notify the permit holder in writing, stating the reasons for which the permit is subject to revocation and advising that the permit shall be permanently revoked at the end of five (5) days following service of such notice, unless the permit holder files within the five (5) days a request for a hearing before the Board of Health. A permit may be suspended for cause pending its revocation or a hearing relative thereto.~~

~~(Ord. 2803, 2001; Prior code §8-1-6).~~



Exhibit "B"

(Updated from First Reading)

Title 8 HEALTH AND SAFETY

**8.16.070 — Hearings.**

The hearings provided for in this section shall be conducted by the Board of Health at a time and place designated by the Board Chair. Based upon the record of such hearing, the Board of Health shall make a finding and shall sustain, modify, or rescind any official notice or order considered in the hearing. A written report of the Board's hearing decision shall be furnished to the permit holder by the Board Health.

(Ord. 2803, 2001; Prior code §8-1-7).

**8.16.080 — F.** An establishment may be reopened pursuant to this Chapter sooner than twenty-four (24) hours after closure, if following an administrative hearing conducted by the Health Authority, it is determined that all provisions of subsection (E) of this section are satisfied.

**G.** Once an establishment or operation is re-opened pursuant to this Chapter:

1. The Health Authority shall conduct additional inspections as deemed necessary to evaluate whether the plan of correction is being performed and whether any priority item violations exist;
2. The Health Authority may require an operator to modify a plan of correction; and
3. An establishment may be closed pursuant to this chapter again if:
  - i. Any violations of this Chapter exist; or
  - ii. The plan of correction is not being performed.

**8.7.030 Inspection of ~~food manufacturing establishments~~ Wholesale Food Establishments.**

A. — At least once every **calendar** year, a **representative** of the Health Authority shall inspect each **wholesale** food ~~manufacturing~~ establishment located in the **incorporated** City of ~~Great Falls~~**limits** and shall make any additional inspections and re-inspections as are necessary for the enforcement of this ~~chapter.~~**Chapter.**

**B.** The Health Authority **representative** shall have the power to enter and inspect ~~any place~~**any place** where meat, game, poultry, fish, milk, groceries, or any other food products are prepared, handled, **or** stored for public use and to inspect any vehicle transporting such products. ~~Any person who~~

**C.** **Any person, or any person being owner, agent, or manager at any place food is prepared, handled, or stored, is guilty of a violation of this Chapter, if that person in any manner interferes:**

1. **Interferes**, or attempts to interfere, with the Health Authority in the discharge of duties, ~~or any person being owner, agent, or manager or any place food is prepared, handled, or stored, who refuses~~

**Exhibit "B"**

**(Updated from First Reading)**

Title 8 HEALTH AND SAFETY

2. **Refuses** to permit the Health Authority to have full access to the premises, or any food products that the Health Authority desires to inspect, ~~is guilty of a violation of this chapter.~~
- ~~B.~~ **D.** The Health Authority shall be permitted to examine the records of the establishment to obtain pertinent information pertaining to food and supplies purchased, received, or used, ~~and~~ **or** persons employed, during operation hours, or at any other time when food preparation is being conducted.
- ~~C.~~ **E.** A written **or electronic** record of any inspections will be provided to the owner, agent, or manager of each establishment **and continually maintained by the Health Authority.**

~~(Ord. 2803, 2001; Ord. 2728, 1997; Ord. 2614 §2(Exh. B), 1991; Prior code §8-1-8)~~

**8.16.090 — 8.7.040 Knowledge of food protection practices.**

- A.** The owner, operator, manager, and employees of any **wholesale** food ~~manufacturing~~ establishment may, at any time, be required by the Health Authority ~~of Cascade County City-County Health Department~~ to show sufficient knowledge of food:
1. **Food** protection practices, ~~sanitation~~;
  2. **Sanitation** practices, ~~and regulation~~;
  3. **Regulation** requirements necessary to protect the public from foodborne illness.
- B.** At the option of the Health Authority, owners, operators, managers, and key food preparation personnel may be required to participate in a food safety training course and/or may be tested on their knowledge of food protection prior to the opening of any new food processing establishment or any time there is a change of ownership ~~or~~ management of an existing food processing establishment, or if there is a pattern of critical item violations within an existing establishment.

~~(Ord. 2803, 2001; Ord. 2728, 1997)~~

**8.7.050 Penalties.**

In addition to any remedies listed in this Chapter ~~32~~:

- A.** A person owning or operating a Wholesale Food Establishment within the incorporated City limits, in violation of this Chapter, is guilty of a misdemeanor punishable by a term not to exceed six (6) months in jail, a fine not to exceed five hundred dollars (\$500.00), or both; and
- B.** A Wholesale Food Establishment operating within the incorporated City limits, in violation of this Chapter, is hereby declared a Nuisance as defined by Chapter 49 of this Title.

Exhibit "B"

(Updated from First Reading)

Title 8 HEALTH AND SAFETY

**Chapter 8 GARBAGE AND REFUSE**

**Sections:**

~~8.32.010 Definitions.~~

~~8.32.020 Containers—accumulation or refuse—standards generally.~~

~~8.32.030 Containers—future use of underground cans prohibited.~~

~~8.32.040 Containers—refuse—placement for collection.~~

~~8.32.050 Containers—refuse—placement for alley collection.~~

~~8.32.070 Containers—refuse—garbage wrapping requirements.~~

~~8.32.080 Combustible rubbish storage.~~

~~8.32.090 Containers—rubbish accumulation.~~

~~8.32.100 Bulk handling—refuse storage.~~

~~8.32.120 Containers—bulk—multifamily dwelling.~~

~~8.32.150 Collector—littering prohibited.~~

~~8.32.160 Private persons transporting.~~

~~8.32.190 Premises maintenance—violation.~~

~~8.32.200 Alley maintenance.~~

~~8.32.220 Premises—container placement—parks and public areas.~~

~~8.32.240 Premises—collection—authorized.~~

~~8.32.270 Burning.~~

~~8.32.280 Construction—waste removal regulations.~~

~~8.32.290 Salvaging prohibited—exception with contract or permit.~~

~~8.32.310 Manure accumulations.~~

~~8.32.331 Billing charges.~~

~~8.32.332 Assessing delinquent charges.~~

~~8.32.350 Sanitation rates resolution.~~

~~8.32.380 Special services rate.~~

~~8.32.420 Exemption from service prohibited.~~

~~8.32.430 Contractual—license required.~~

**8.328.8.010 Definitions.**

**8.8.020 Containers—accumulation or refuse—standards generally.**

**8.8.030 Containers—future use of underground cans prohibited.**

**Exhibit "B"**

**(Updated from First Reading)**

Title 8 HEALTH AND SAFETY

- 8.8.040 Containers—refuse—placement for collection.
- 8.8.050 Containers—refuse—placement for alley collection.
- 8.8.060 Containers—refuse—garbage wrapping requirements.
- 8.8.070 Combustible rubbish storage.
- 8.8.080 Containers—rubbish accumulation.
- 8.8.090 Bulk handling—refuse storage.
- 8.8.100 Containers—bulk—multifamily dwelling.
- 8.8.110 Collector—littering prohibited.
- 8.8.120 Private persons transporting.
- 8.8.130 Premises maintenance—violation.
- 8.8.140 Alley maintenance.
- 8.8.150 Premises—container placement—parks and public areas.
- 8.8.160 Premises—collection—authorized.
- 8.8.170 Burning.
- 8.8.180 Construction—waste removal regulations.
- 8.8.190 Salvaging prohibited—exception with contract or permit.
- 8.8.200 Manure accumulations.
- 8.8.210 Billing charges.
- 8.8.220 Assessing delinquent charges.
- 8.8.230 Sanitation rates resolution.
- 8.8.240 Special services rate.
- 8.8.250 Exemption from service prohibited.
- 8.8.260 Contractual—license required.
- 8.8.270 Out of City dumping prohibited.

**8.8.010 Definitions.**

~~The Pursuant to this Chapter, the following definitions of terms shall apply unless the context clearly indicates another meaning or unless elsewhere expressly stated for specific application:~~

- A. "City-owned container" means any container supplied to residential or commercial refuse generators by the City.
- B. "Compost" means the product resulting from the decomposition of leaves, straw, grasses, and other such ~~vegetable~~ **organic** matter mixed or unmixed with well-rotted manure, and

**Exhibit "B"**

**(Updated from First Reading)**

Title 8 HEALTH AND SAFETY

mixed or unmixed with ~~inorganic~~ materials ordinarily forming a part of the soil, ~~such as sand or lime, loam, and used, and usable or intended to be used as fertilizer and soil conditioner.~~

- C.** "Contract collection" means engagement by the City of a private company or companies under formal agreement and definite specifications to collect and haul municipal refuse for which the contractors are paid from general public revenues or service fees collected by the City.
- D.** "Disposal area" means any site, location, tract of land, area, building, structure, or premises used or intended to be used for refuse disposal.
- E.** "Garbage" or **"Refuse"** means every accumulation of ~~animal, vegetable or other~~ matter that attends the preparation, consumption, decay, dealing in, or storage of meats, fish, fowl, birds, fruit, or vegetables, including the cans, containers, or wrappers ~~wasted along with such~~. **These terms also include solid materials— including but not limited to the following:**
- 1. Garbage cleanings;**
  - 2. Industrial solid wastes or domestic solid wastes;**
  - 3. Organic wastes or residue of animals sold as meat;**
  - 4. Fruit or other vegetables or animal matter from kitchens or dining rooms;**
  - 5. Wasted material from food establishments; or**
  - 6. Any places dealing in or handling meat, fowl, fruits, grain or vegetables, offal, animal excreta or the carcasses of animals, brick, plaster, or other waste matter resulting from the demolition, alteration or construction of buildings or structures; accumulated waste material, cans, containers, tires, junk, or other such substances which may become a Nuisance.**
- F.** "Manure" means the accumulation of animal or fowl droppings with or without added decomposable materials such as straw, grasses, or leaves, ~~and~~ exclusive of human excrement.
- G.** "Municipal collection" means performance of collection operations under direction of a regular municipal department or official.
- H.** "Owner/occupant" means the person occupying a dwelling or unit, or the person owning, operating, managing ~~or keeping any hotel, apartment house, rental unit, mobile home, boardinghouse, trailer camp, auto court, food establishment, industrial establishment, commercial establishment, business establishment, school, church, or institution or premises wherein or whereon refuse accumulates or is likely to accumulate,~~ **or keeping any:**
- 1. Hotel;**
  - 2. Apartment house;**
  - 3. Rental unit;**
  - 4. Mobile home;**

**Exhibit "B"**

**(Updated from First Reading)**

Title 8 HEALTH AND SAFETY

5. **Boarding house;**
6. **Trailer camp;**
7. **Auto court;**
8. **Food establishment;**
9. **Industrial establishment;**
10. **Commercial establishment;**
11. **Business establishment;**
12. **School;**
13. **Church; or**
14. **Institution or premises wherein or whereon refuse accumulates or is likely to accumulate.**

- I. "Private collection" means collection by licensed individuals or companies of refuse materials from private properties, pursuant to arrangements made directly between the owner or occupant of the premises and the collector.
- J. "Rack" means any type of support which will hold refuse containers upright and protect the contents from being scattered by animals or the wind.

~~"Refuse" means any waste products solid or having the character of solids rather than liquid in that it will not flow readily without additional liquid and which is composed wholly or partly of such materials as garbage cleanings, trash, rubbish, litter, industrial solid wastes or domestic solid wastes; organic wastes or residue of animals sold as meat, fruit or other vegetables or animal matter from kitchens, dining rooms, markets, food establishments or any places dealing in or handling meat, fowl, fruits, grain or vegetables, offal, animal excreta or the carcasses of animals, brick, plaster or other waste matter resulting from the demolition, alteration or construction of buildings or structures; accumulated waste material, cans, containers, tires, junk, or other such substances which may become a nuisance.~~

- K. "Refuse collector" means the person, firm, agency ~~or~~, public body, or employee or agent thereof who is ~~or intends to be~~ engaged in the collection and/or transportation of refuse in any part of the City **that is either properly licensed pursuant to OCCGF Title 5 or has written permission from the Public Works Director or designee to engage in such collection or transportation.**
- L. "Refuse container" means any container supplied to refuse generators by an authorized collector which are approved by the ~~Director of~~City Public Works **Director.**
- M. "Refuse disposal" means the complete process required for the disposal of any refuse and includes all tools, equipment, treatment spaces, buildings, structures, appurtenances, and materials required to take refuse from a refuse collector and bury, incinerate, destroy, or otherwise dispose of such refuse.
- N. "Rubbish" means ~~weed~~**accumulation of any of the following:**
  1. **Wood and** leaves, ~~trimmings~~;
  2. **Trimmings** from shrubs, ~~dead~~;

**Exhibit "B"**

**(Updated from First Reading)**

Title 8 HEALTH AND SAFETY

3. **Dead** trees or branches; shavings, **and** sawdust, ~~excelsior, woodenware, dodgers, printed;~~
4. **Wood shavings;**
5. **Woodenware;**
6. **Printed** matter, **including** paper, paperboard, **and** pasteboard, ~~packing;~~
7. **Packing** crates and pasteboard boxes, ~~grass;~~
8. **Grass and** roots, ~~straw, wearing;~~
9. **Straw;**
10. **Wearing** apparel, ~~soil;~~
11. **Soil**, earth, sand, clay, gravel, loam, ~~stone;~~
12. **Stone**, bricks, plaster, crockery, glass, **and** glassware, ~~ashes;~~
13. **Ashes**, cinders, shell, **and** metals, ~~and all;~~ **or**
14. **All** other materials not included under the term "garbage."

- O.** "Salvage operation" means any operation carried on by a person, firm ~~or~~, corporation, **or other entity** for the express purpose of reclaiming for value a portion of a substance, material, or goods prior to or as a part of the refuse disposal process by sorting, segregation, or other manual or mechanical means.
- P.** "Transportation of refuse" means the hauling in bulk or in refuse containers to the designated disposal area or transfer station.

~~(Ord. 2449 §1(part), 1987).~~

- Q.** "Commercial collection" means collection from businesses and multifamily **dwelling** units containing two (2) or more separate dwellings.
- R.** "Residential collection" means collection from all single-family dwellings.
- S.** "Yard waste" means grass clippings, leaves, trimmings from shrubs and trees, and vegetable and flower garden plants.

~~(Ord. 2728, 1997)~~

- T.** **"Winter months' traveler"** means a residential property owner who temporarily leaves his or her primary residence for a period of time during the months of November through April, often referred to as "snowbird".

**8.328.020 Containers—accumulation or refuse—standards generally.**

The standards and requirements set out in ~~Sections~~**OCCGF sections** 8.328.030 through 8.328.120 are established as a minimum for the accumulation and storage of refuse pending collection.

**Exhibit "B"**

**(Updated from First Reading)**

Title 8 HEALTH AND SAFETY

~~(Ord. 2449 §1(part), 1987).~~

**8.328.030 Containers—future use of underground cans prohibited.**

~~From and after November 1, 1972, underground containers shall not be used; provided, however, such containers in use at that time may continue to be used until changed by occupant.~~

~~(Ord. 2449 §1(part), 1987).~~

**8.32 Underground containers are prohibited.**

**8.8.040 Containers—refuse—placement for collection.**

- A. Residential refuse and garbage generators equipped with City-owned rollout containers shall place refuse and garbage containers on the scheduled collection days at the ~~curbline~~**curb-line** in front of ~~their residences.~~**the premises.**
- B. Containers shall not be placed for collection before 6:00 p.m. on the day preceding the day of collection, and after the containers are emptied they shall be removed from the ~~curbline~~**curb-line** on the day of collection. It shall be the duty of the owner ~~or~~ occupant to provide and maintain accessibility to any and all containers.

~~(Ord. 2449 §1(part), 1987).~~

**8.328.050 Containers—refuse—placement for alley collection.**

City-owned containers shall be distributed and positioned as approved by the ~~director of public works.~~**City Public Works Director or designee.** Containers serving more than one ~~(1) residence~~**property or dwelling unit** shall be positioned along the rear or side alley in a manner to facilitate efficient collection and accessibility for refuse and garbage generators and City refuse and garbage collection. It shall be the duty of the ~~property~~ owner/~~occupant~~ to provide and maintain accessibility to any and all containers.

~~(Ord. 2449 §1(part), 1987).~~

**8.32-0708.060 Containers—refuse—garbage wrapping requirements.**

All garbage placed in residential refuse containers shall be wrapped with paper or plastic. It is prohibited to place the following materials in a City-owned container:

- A.— Large limbs or trimmings that do not allow the container lid to close;
- B.— Liquids; **Hazardous liquids;**
- C.— Large construction, demolition or remodeling debris;
- D.— Concrete, dirt or plaster;
- E.— Appliances or other furniture that will not allow the lid to close;
- F.— Hot ashes; **and**



**Exhibit "B"**

**(Updated from First Reading)**

Title 8 HEALTH AND SAFETY

G.— Dead animals or parts thereof;

H.— ~~Yard waste including grass clippings.~~

~~(Ord. 2449 §1(part), 1987).~~

**8.32.0808.070 Combustible rubbish storage.**

Whenever combustible rubbish is held and stored within any industrial, commercial, or business structure, it must be stored in a manner acceptable to the Fire Marshall.

~~(Ord. 2449 §1(part), 1987).~~

**8.32.0908.080 Containers—rubbish accumulation.**

- A. Ordinary accumulations of rubbish between collections may be placed at the designated collection place in any container of size and shape **so as to be** easily lifted, **no larger than 32 gallons**, secured against the wind, and handled without spillage by the collector.
- B. Extraordinary accumulations of rubbish shall be placed for collection in appropriate containers. Tree trimmings may be placed for collection outside of a container, provided such trimmings are secured in bundles ~~of convenient size and~~ **that do not exceed seventy-five (75) pounds in weight** and do not exceed four (4) feet in length.
- C. Grass clippings shall be placed in substantial containers **or bags** that can be collected without spillage ~~or in a manner so as to not prevent a City container from closing.~~
- D. Wetted down ashes shall be placed only in easily lifted metal containers with covers.
- E. Other waste material shall be ~~in sturdy, well-built~~ **placed in** containers which will not break, fall apart, rip or tear while being handled by the collector, or shall be secured in neat bundles, easily handled by the collector and shall not exceed four (4) feet in length.

~~(Ord. 2449 §1(part), 1987).~~

**8.32.1008.090 Bulk handling—refuse storage.**

Bulk handling or storage of refuse of any character shall be subject to review by the City **Public Works Director or designee**, and the owner or occupant of any industrial, commercial, or business establishment shall make such provisions as required for the sanitary and safe storage and collection of such refuse as may be produced in bulk.

~~(Ord. 2449 §1(part), 1987).~~

Exhibit "B"

(Updated from First Reading)

Title 8 HEALTH AND SAFETY

**8.32-1208.100 Containers—bulk—multifamily dwelling.**

- A. For multifamily dwellings containing four (4) or more separate dwelling units, bulk containers of a minimum one-half-cubic-yard or **ninety-six (96) gallon** capacity shall be required— **per dwelling unit**.
- B. For commercial or industrial establishments, bulk containers shall generally be required unless the amount of refuse generated warrants special consideration by the City- **Public Works Director or designee**. Bulk containers shall be supplied **by the City** and shall be in accordance with requirements ~~outlined in Sections~~**provided by sections** 8.328.040 through 8.328.050.

~~(Ord. 2449 §1(part), 1987).~~

**8.32-1508.110 Collector—littering prohibited.**

- A. The collector shall not litter any premises or public property while making collections of refuse, nor shall any refuse be allowed to blow or fall from collection vehicles; ~~however, if~~.
- B. **If** in spite of normal precautions against spillage, litter is made on any premises or public property, the collector shall immediately ~~remove same and clear up~~ the area of spillage. The collector shall not be responsible to clear up the area of spillage when refuse has been carelessly spilled by the owner/ or occupant. **The** City Sanitation Officer shall be notified to enforce correct litter accumulation requirements.

~~(Ord. 2449 §1(part), 1987).~~

- C. **A violation of the Section is a misdemeanor punishable by a fine not to exceed five-hundred dollars (\$500.00), a term not to exceed six (6) months in jail, or both**

**8.32-1608.120 Private persons transporting.**

Private persons who transport any refuse or yard waste shall take action to prevent any spillage. Should any spillage accidentally occur, the transporter will immediately clean the area.

~~(Ord. 2728, 1997; Ord. 2449 §1(part), 1987).~~

**8.32-1908.130 Premises maintenance—violation.**

- A. It shall be the duty of every **property** owner/~~occupant~~ to maintain the premises, equipment, containers, and disposal areas owned or used in compliance with all the requirements of this chapter and all of the applicable provisions of this Code and violation is a public nuisance**Chapter**.

~~(Ord. 2728, 1997; Ord. 2449 §1(part), 1987).~~**B. A violation of this section is a misdemeanor punishable by a term not to exceed six months in jail, a fine not to exceed five hundred dollars (\$500.00), or both.**

Exhibit "B"

(Updated from First Reading)

Title 8 HEALTH AND SAFETY

- C. Any premises where a violation of this section is occurring is hereby declared a Nuisance as defined by Chapter 49 of this Title.

**8.32-2008.140 Alley maintenance.**

All persons owning, occupying, or being in control of property fronting on any alley of ~~this~~the City shall keep the portion of the alley between the centerline thereof and the property line of such property and fronting on such property, free from garbage, rubbish, weeds, or any other combustible material.

~~(Ord. 2728, 1997; Ord. 2449 §1(part), 1987).~~

**8.32-2208.150 Premises—container placement—parks and public areas.**

Containers shall be placed by the owner ~~or~~ occupant in a place or manner approved by the **City Public Works** Sanitation Division. The Sanitation Division may also place containers in parks, recreation areas, places of public assembly, and along public rights-of-way as may be required or desirable.

~~(Ord. 2449 §1(part), 1987).~~

**8.32-2408.160 Premises—collection—authorized.**

- A. Every ~~tenant, lessee, occupant, keeper or~~property owner of the places or occupancies referred to in this ~~chapter~~Chapter shall be responsible for the regular collection of garbage from the places of occupancy by authorized collectors. No person shall permit the removal of any refuse except in an approved manner or by an authorized collector.

~~(Ord. 2449 §1(part), 1987).~~

- B. A violation of this section is a misdemeanor punishable by a term not to exceed six months in jail, a fine not to exceed five hundred dollars (\$500.00), or both.
- C. Any premises where a violation of this section is occurring is hereby declared a Nuisance as defined by Chapter 49 of this Title.

**8.32-2708.170 Burning.**

- A. The burning of refuse is prohibited.

~~(Ord. 2449 §1(part), 1987).~~

- B. A violation of this section is a misdemeanor punishable by a term not to exceed six months in jail, a fine not to exceed five hundred dollars (\$500.00), or both.

Exhibit "B"

(Updated from First Reading)

Title 8 HEALTH AND SAFETY

**8.32-2808.180 Construction—waste removal regulations.**

- A. Each person, building contractor, construction contractor, or subcontractor, engaged in the construction ~~or~~, **landscaping**, repair, or demolition of any building ~~or~~, structure, **property**, or part thereof, shall take measures to prevent waste matter or rubbish from accumulating on any ~~street~~:
1. **Street**, alley, **or** gutter, ~~park, sidewalk~~;
  2. **Park**;
  3. **Sidewalk** curbing, **or** curb space, ~~any~~;
  4. **Any** public way; ~~or any~~
  5. **Any** privately ~~owned~~ premises.
- B. Any refuse, waste matter or rubbish shall be cleaned up, and removed from a work site, and disposed of in a sanitary manner.

~~(Ord. 2728, 1997; Ord. 2449 §1(part), 1987).~~

- C. **A violation of this section is a misdemeanor punishable by a term not to exceed six months in jail, a fine not to exceed five hundred dollars (\$500.00), or both.**

**8.32-2908.190 Salvaging prohibited—~~exception with contract or permit.~~**

- A. No person may pick over, sort, segregate, or salvage any refuse deposited in an authorized disposal area, refuse container or refuse pile ~~except as authorized by contract.~~
- B. **A violation of this section is a misdemeanor punishable by a term not to exceed six months in jail, a fine not to exceed five hundred dollars (\$500.00), or ~~permit~~ both.**

~~(Ord. 2449 §1(part), 1987).~~

**8.32-3108.200 Manure accumulations.**

- A. All manure resulting from keeping of any animal, fowl, livestock, or game in the City shall be accumulated in sanitary flyproof containers and collected and disposed of in an approved manner.

~~(Ord. 2728, 1997; Ord. 2449 §1(part), 1987).~~

- B. **A violation of this section is a misdemeanor punishable by a term not to exceed six months in jail, a fine not to exceed five hundred dollars (\$500.00), or both.**
- C. **Any premises where a violation of this section is occurring is hereby declared a Nuisance as defined by Chapter 49 of this Title.**

Exhibit "B"

(Updated from First Reading)

Title 8 HEALTH AND SAFETY

**8.32-3318.210 Billing charges.**

- A.— The City may make monthly billings for the costs of sanitation service. The cost of sanitation services including collection, refuse reduction, or shredding and disposal of garbage from the streets, alleys, and private premises of the City, shall be charged to the owner **or tenant** of the property from which such garbage is removed.
- B.— Payment shall be made ~~at~~ the ~~Fiscal Control office~~ **Finance Department** within fifteen ~~(15)~~ **calendar** days after the billing date. If payment is not made, such costs may be assessed against the property **or referred to a debt collection service**.

~~(Ord. 2728, 1997; Ord. 2506 §1, 1988).~~

- C. **One-time garbage service, extra pick-ups, dumpster rental fees, appliance fees, and monthly recurring commercial service will be billed through Miscellaneous Billing, not Utility Billing. Payment is due fifteen calendar days after the billing date. If payment is not made, such costs may be assessed against the property or referred to a debt collection service.**

**8.32-3328.220 Assessing delinquent charges.**

The City may include sanitation charges as part of the annual resolution assessing delinquent accounts. The resolution shall provide ~~property owners name; property owners mailing address; street address; legal description; and parcel number of the property in question.:~~

~~(Ord. 2728, 1997)~~ **A. The property owner's name;**

**B. The property owner's mailing address;**

**C. Street address;**

**D. Legal description;**

**E. Parcel number of the property in question; and**

**F. The amount of late payment fees.**

**8.32-3508.230 Sanitation rates resolution.**

- A.— The City Commission shall, following a public hearing, adopt a resolution establishing sanitation rates as ~~they determine~~ **it determines** necessary to defray the cost of sanitation services for the fiscal year.
- B.— It shall be the duty of the ~~Fiscal Control~~ **Finance Department**, before the passage of the resolution fixing the sanitation rates, to publish in ~~the official paper~~ **a newspaper of general circulation and on the City website**, a notice of public hearing on the rate resolution. The notice shall ~~include the time and place the resolution will come up for hearing.~~

~~(Ord. 2728, 1997; Ord. 2449 §1(part), 1987).~~ **comply with all state and federal public notice requirements.**

Exhibit "B"

(Updated from First Reading)

Title 8 HEALTH AND SAFETY

**8.32-3808.240 Special services rate.**

A special services rate will be established each year to recover the costs of handling garbage outside of containers. These costs ~~are to~~ shall be billed ~~monthly~~ as incurred to each **property** owner/ or occupant on the basis of additional time spent at the pickup site. ~~No charges will be made~~ **Large accumulation of material placed for special services requiring less collection may be charged to the customer if it takes longer than three (3) two minutes provided, acceptable refuse containers are in use. Where inadequate containers are provided, as determined by the Sanitation Division, to collect the three-minute exception will not apply material.**

(~~Ord. 2728, 1997; Ord. 2449 §1(part), 1987~~).

**8.32-4208.250 Exemption from service prohibited.**

- A. It is declared that it is in the interest of good health and sanitation that all premises in the City ~~should~~ shall receive sanitation service. ~~No~~ **Unless otherwise provided by this section, no service exemption shall be made. Owner/**
- B. **Owners or** occupants receiving private collection under a City license or permit shall be exempt from City collection charges unless such owner/ or occupant uses a City container, in which case the owner/ or occupant shall be charged for so long as such use continues.
- C. Charges for refuse disposal shall be made against all lots wherein or whereon refuse accumulates or is likely to accumulate. **If the City determines that water service to a property is active, refuse is likely to accumulate, and sanitation service is required, no service exemption shall be provided, unless otherwise provided by this section.**

(~~Ord. 2507 §1, 1988; Ord. 2449 §1(part), 1987~~).

- D. **A temporary suspension of sanitation services may be provided to a winter months' traveler at the traveler's primary residence only. This suspension of service is allowed for a minimum of 2 months and a maximum of 6 months between the months of November and April. Stop and start dates are required to be provided to the City Finance Department. If the City determines that refuse is being generated, service will be re-started immediately to include monthly collection fees.**

**8.32-4308.260 Contractual—license required.**

- A.— No person shall engage in the business of collecting ~~and/or~~ removing refuse from any business establishment or private ~~dwelling~~ **premises** in the City without first ~~obtaining a City license or applicable certificate~~ **complying with all licensing provisions established by OCCGF Title 5.**
- B.— ~~No owner/occupant or private individual not in the business of collecting and removing refuse shall cause same to be removed from a business establishment or private dwelling in the City except by licensed collector.~~ **A violation of this section is a misdemeanor punishable by a term not to exceed six months in jail, a fine not to exceed five hundred dollars (\$500.00), or both.**

**Exhibit "B"**

**(Updated from First Reading)**

Title 8 HEALTH AND SAFETY

~~(Ord. 2728, 1997; Ord. 2449 §1(part), 1987).~~

**Chapter 36 — GARBAGE AND REFUSE — DISPOSAL AREAS <sup>f21</sup>**

**~~Sections:~~**

~~8.36.010 Standards.~~

~~8.36.020 Scavenging or salvaging—authorization required.~~

~~8.36.030 Disposing in unauthorized areas prohibited.~~

~~8.36.040 Fees.~~

**8.368.8.270 Out of City dumping prohibited.**

- A. It is unlawful for any person, not residing in the incorporated City limits, to transport garbage or refuse into the incorporated City limits for placement in City-owned, or City-provided, containers.**
- B. A violation of this section is a misdemeanor punishable by a term not to exceed six months in jail, a fine not to exceed five hundred dollars (\$500.00), or both.**

**Chapter 9 GARBAGE AND REFUSE DISPOSAL AREAS**

**Sections:**

**8.9.010 Standards.**

**8.9.020 Scavenging or salvaging—authorization required.**

**8.9.030 Disposing in unauthorized areas prohibited.**

**8.9.040 Fees.**

**8.9.010 Standards.**

The ultimate means of disposal of all refuse shall be by landfilling. All disposal operations shall conform to current and accepted principles **and regulations** for the operation as approved or adopted by federal, ~~State~~**state**, and local regulatory agencies.

**Exhibit "B"**

**(Updated from First Reading)**

Title 8 HEALTH AND SAFETY

~~(Ord. 2728, 1997; Ord. 2450 §1(part), 1987: prior code §8-6-1).~~

**8.36.9.020 Scavenging or salvaging—authorization required.**

- A. No person shall remove or take away from any City disposal area any soil, manure, refuse, or material of any nature ~~whatsoever~~ unless specific authorization in writing to do so is obtained from the ~~appropriate department~~ **City Public Works Department**.

~~(Ord. 2728, 1997; Ord. 2450 §1(part), 1987: prior code §8-6-2).~~

**8.36B. A violation of this section is a misdemeanor punishable by a term not to exceed six months in jail, a fine not to exceed five hundred dollars (\$500.00), or both.**

**8.9.030 Disposing in unauthorized areas prohibited.**

- A. It is unlawful for any person to dispose of any manure, garbage, refuse, or other material on property within the **incorporated City limits**, other than **in** disposal areas established to receive that particular substance.

~~(Ord. 2728, 1997; Ord. 2450 §1(part), 1987: prior code §8-6-3).~~

**8.36B. A violation of this section is a misdemeanor punishable by a term not to exceed six months in jail, a fine not to exceed five hundred dollars (\$500.00), or both.**

- C. **Any property where a violation of this section is occurring is hereby declared a Nuisance as defined by Chapter 49 of this Title.**

**8.9.040 Fees.**

~~There shall be charged fees as defined in this section for disposal of refuse on any designated disposal area:~~

- A. ~~Any person, firm or, corporation, or other entity shall be entitled to dispose of refuse on any disposal area owned by the City and so, designated for public use, upon payment of fees to the City as shall from time to time be established.~~

~~B. The appropriate Department shall from time to time determine the costs encountered in handling refuse at City disposal site. The City by Commission shall enact by resolution such disposal fees as they may determine necessary to recover such disposal costs as provided in 8.32.350.~~

~~(Ord. 2728, 1997; Ord. 2450 §1(part), 1987: prior code §8-6-5).~~

---

FOOTNOTE(S):



Exhibit "B"

(Updated from First Reading)

Title 8 HEALTH AND SAFETY

---

~~(2)~~

~~For provisions on refuse collector licensing, see Ch. 5.01 of this Code. ([Back](#))~~

## Chapter ~~40~~**10 SWIMMING POOLS**

### Sections:

~~8.40.010 Definitions.~~

~~8.40.020 Protective barrier—required.~~

~~8.40.040 Protective barrier—inspection of swimming pools.~~

~~8.40.055 Adopted by reference—swimming pool and spa closure policy.~~

**8.10.010 Definitions.**

**8.10.020 Protective barrier—required.**

**8.10.030 Protective barrier—inspection of swimming pools.**

**8.10.040 Adopted by reference.**

**8.4010.050 Discharges subject to approval.**

### **8.10.010 Definitions.**

A.—For the purpose of this chapter**Chapter**, the following terms**definitions** shall be construed to have the meanings given them in this section**apply**:

- A. "Private swimming pool" includes all artificially constructed pools which are used in connection with, and appurtenant to—a, single-family residence**residences** and **are not** available only to the family of the householder or his private guests**public**.
- B. "Semiprivate pool" includes all artificially constructed pools which are used in connection with multiple family or cooperative groups (such as apartments, motels, or subdivisions) and available only to such groups and their private guests but not available to the general public.

**Exhibit "B"**

**(Updated from First Reading)**

Title 8 HEALTH AND SAFETY

**C.** "Swimming pool" means an artificial pool of water, including all appurtenances to its use, and used for swimming or recreational bathing.

~~B. Other terms shall be construed in their normal and ordinary use and sense. Technical terms shall be construed with the meaning accorded them by the Health Department of this and other cities concerning swimming pools.~~

~~(Prior code §4-12-1), including all appurtenances to its use.~~

**8.4010.020 Protective barrier—required.**

~~The~~**All swimming pool areas** shall be enclosed by a substantial protective ~~barrier~~**barriers** which shall be adequate and sufficient to prevent persons, children, or animals from danger or harm and shall be equipped with a self-closing, self-latching lock gate.

~~(Prior code §4-12-2(part)).~~

~~8.40.040~~**10.030 Protective barrier—inspection of swimming pools.**

~~The building inspector is herewith~~**Building Official, or designee, is** empowered with the authority to inspect any and all swimming pools within the City to ~~determine whether or not there is a good and sufficient barrier as defined in Section 8.40.020~~**compliance with this Chapter.**

~~(Prior code §4-12-2(B)).~~

~~8.40.055~~**10.040 Adopted by reference—swimming pool and spa closure policy.**

~~The City~~**In addition to any regulations pursuant to this Chapter, the City** adopts, by reference, ~~the City-County Health Department Swimming Pool and Spa Closure Policy. A copy of the policy shall~~**Montana Code Annotated and ARM swimming pool regulations as may be filed with the City Clerk. amended.**

~~(Ord. 2728, 1997)~~

**8.10.050 Discharges subject to approval.**

**All discharges to the City Publicly Owned Treatment Works or storm drain from swimming pools are subject to review and written approval by the Public Work Director.**

**Chapter 4411 WEEDS**

**Sections:**

**8.11.010 Nuisance Weeds—defined.**

Exhibit "B"

(Updated from First Reading)

Title 8 HEALTH AND SAFETY

8.11.020 Nuisance Weeds prohibited.

8.11.030 Violation—Public Works Director to serve notice.

8.11.040 Assessing delinquent charges.

**8.11 Sections:**

~~8.44.010 Nuisance weeds—defined.~~

~~8.44.020 Nuisance weeds—deemed a nuisance.~~

~~8.44.040 Violation—Public Works Director to serve notice.~~

~~8.44.050 Violation—notice procedure.~~

~~8.44.060 Assessing delinquent charges.~~

**8.44.010 Nuisance weedsWeeds—defined.**

"Nuisance ~~weeds~~**Weeds**" are all weeds, grass, and uncared for ~~unmaintained~~ **unmaintained** vegetation growing to a height in excess of eight (8) inches on premises located within the City.

~~(Ord. 2432 (part), 1986; Ord. 1857 §2(part), 1975; prior code §9-9-1).~~

**8.4411.020 Nuisance weeds—deemed a nuisanceWeeds prohibited.**

- A. It is a ~~public offense punishable under the general penalty provided in Chapter 1.4.070,~~ and it is a nuisance, **unlawful** for any person, firm or, corporation to maintain, cause, permit, or suffer any growth of nuisance weeds **other ownership entity to allow Nuisance Weeds**, as defined in Section 8.44.010 **this Chapter**, to exist in or upon **on** any premises ~~in~~ **within the incorporated City owned** limits.
- B. **A violation of this section is a misdemeanor punishable by such person, firm, a term not to exceed six months in jail, a fine not to exceed five hundred dollars (\$500.00), or corporation, or upon the boulevards or the one-half (½) both.**
- C. **Any property where a violation of this section is occurring is hereby declared a Nuisance as defined by Chapter 49 of any public roads, streets, or alleys adjacent thereto this Title.**

~~(Ord. 2432 (part), 1986; Ord. 1857 §2(part), 1975; prior code §9-9-2).~~

Exhibit "B"

(Updated from First Reading)

Title 8 HEALTH AND SAFETY

**8.44.04011.030 Violation—Public Works Director to serve notice.**

- A.— It shall be the duty of the Public Works Director or ~~authorized representative~~**designee** to enforce the provisions of this ~~chapter, and upon~~**Chapter**.
- B. Upon a determination that a violation of this ~~chapter~~Chapter exists, the Public Works Director or designee shall ascertain the name and mailing address of the owner of the premises and the description of the premises where the violation exists. The name and mailing address of the owner may be obtained from the current assessment list maintained by the office of the Cascade County assessor. ~~Written notice of violation shall be served upon the owner directing that the nuisance weeds shall be cut and removed from the premises within seven (7) days or the following action will be taken: The City will cause the nuisance weeds to be removed, with the cost thereof to be charged against the owner~~Clerk and Recorder.**
- B.—C. Written notice of violation shall be served upon the owner, by regular mail and posting on the premises, directing that the Nuisance Weeds be cut or removed from the premises within seven calendar days from the date of the written notice, or the following action will be taken:**
- 1. The City may cause the Nuisance Weeds to be removed, with the cost thereof to be charged against the owner;**
  - 2. The City may file criminal proceedings pursuant to this Chapter; or**
  - 3. The City may proceed with Nuisance abatement proceedings pursuant to Chapter 49 of this Title.**
- D. Payment shall be made at the ~~Fiscal Services~~Finance Department within fifteen ~~(15)~~calendar days after the billing date. If payment is not made, such costs ~~can~~may be assessed against the property.**

~~(Ord. 2728, 1997; Ord. 2432 (part), 1986; Ord. 1857 §2(part), 1975: prior code §9-9-3).~~

**8.44.050 Violation—notice procedure.**

~~Notice of violation shall be made by either:~~

- ~~A.— Posting a copy of the notice on the premises; or~~
- ~~B.— Mailing a copy of the notice to the owner by first-class United States mail. The notice shall be deemed complete on the day the notice is posted or mailed.~~

~~(Ord. 2432 (part), 1986; Ord. 1857 §2(part), 1975: prior code §9-9-4).~~

**8.44.060**

**8.11.040 Assessing delinquent charges.**

The City may include weed removal as part of the annual resolution assessing delinquent accounts. The resolution shall provide ~~the property owners name; property owners mailing address; street address; legal description; and parcel number of the property in question.:~~

**Exhibit "B"**

**(Updated from First Reading)**

Title 8 HEALTH AND SAFETY

- A. The property owner's name;
- B. The property owner's mailing address;
- C. The property street address;
- D. The property legal description; and
- E. Parcel number of the property in question.

**Chapter 12 TATTOOING AND BODY-PIERCING ESTABLISHMENTS**

**Sections:**

**8.12.010 ARM compliance.**

**8.12.010 ARM compliance.**

All tattooing and body-piercing establishments as defined by Mont. Code Ann. § 50-48-102, as may be amended, which operate within the incorporated City limits, shall comply with the OCCGF and all applicable ARM regulations as may be amended.

**Chapter 13 TOURIST CAMPGROUNDS AND TRAILER COURTS**

**Sections:**

**8.13.010 ARM and Code Compliance.**

**8.13.010 ARM and Code compliance.**

All tourist campgrounds and trailer courts as defined by Mont. Code Ann. § 50-52-101, as may be amended, which operate within the incorporated City limits, shall comply with the OCCGF and all applicable ARM regulations as may be amended.

**Chapter 14 CHILD CARE FACILITIES**

**Sections:**

**8.14.010 Purpose.**

**8.14.020 State rules adopted.**

**8.14.030 Definitions.**

**8.14.040 Licensing and certification.**

**8.14.050 Water and sanitation service.**

**8.14.060 Health safety measures.**

**Exhibit "B"**

**(Updated from First Reading)**

Title 8 HEALTH AND SAFETY

- 8.14.070 Food safety measures.**
- 8.14.080 Cleaning and sanitizing.**
- 8.14.090 Diapering and infant care.**
- 8.14.100 Inspections.**
- 8.14.110 Closure.**

**8.14.010 Purpose.**

The purpose of this Chapter is to prevent and eliminate conditions and practices which endanger public health in childcare facilities.

**8.14.020 State rules adopted.**

Unless otherwise specified in this Chapter, childcare facilities including drop-in facilities which operate in the incorporated city limits shall comply with the Administrative Rules of Montana, as authorized by Montana Code Annotated, as may be amended, concerning child care facilities.

**8.14.030 Definitions.**

Unless otherwise specified in this Chapter, the following definitions shall apply:

- A. "Childcare facility" means a person, association, or place, incorporated or unincorporated, that provides day care on a regular basis, or a place licensed or registered to provide day care on an irregular basis.**
- B. "Critical violation" means a high-risk violation in any of the following categories that can adversely affect public health, or does not sufficiently prevent the spread of communicable disease:**
  - 1. Health: exclusion or isolation of ill children and staff; onsite CPR/First Aid certified staff; proper medication administration and storage; immunized children and staff; handling and cleaning of laundry; sufficiently stocked first aid kit;**
  - 2. Sanitation: cleaning and sanitizing of toys, surfaces, and facility; safe food service; adequate hand washing; approved diapering procedure or area.**
  - 3. Water/Wastewater: adequate and safe water supply; proper sewage disposal.**
- C. "Drop-in facility" means a facility that meets all of the following criteria:**
  - 1. It is not licensed or registered by the state;**

**Exhibit "B"**

**(Updated from First Reading)**

Title 8 HEALTH AND SAFETY

2. It offers unscheduled care where the parent/guardian is not on the same premises; and
  3. It has the primary function of providing childcare.
- D. "Premises" or "facility" means the facility and the property immediately adjacent to it.
- E. "Department" means the Cascade County City-County Health Department.

**8.14.040 Licensing and certification.**

- A. Drop-in childcare facilities shall satisfy the following licensing and certification criteria:
1. Obtain a license through Department of Public Health and Human Services Quality Assurance Division and operate in compliance with ARM, Title 37, Chapter 95; or
  2. Contact the Cascade City-County Health Department (Department) for a certification inspection as an unlicensed drop-in childcare facility; and
  3. Obtain and maintain a valid Safety Inspection Certificate pursuant to OCCGF Title 5.
- B. Drop-in childcare facilities that choose not to license must have a certification inspection annually by Cascade City-County Health Department.
- C. The drop-in childcare facility shall pay the applicable fees pursuant to Mont. Code Ann. § 52-2-735(5), as may be amended, per inspection.
- D. If the Department determines that the drop-in childcare facility meets the requirements in this Chapter, and the facility has paid all fees, a certificate shall be issued to the facility valid through the end of the following calendar year.
- E. The drop-in childcare facility shall post all certificates and licenses in a location visible to the public.

**8.14.050 Water and sanitation service.**

All water and sanitation services provided to childcare facilities shall comply with applicable state and federal regulations. Additionally, water and sanitation services shall comply with all applicable provisions of the OCCGF. All discharges to the City Publicly Owned Treatment Works

**Exhibit "B"**

**(Updated from First Reading)**

Title 8 HEALTH AND SAFETY

or storm drain from childcare facilities are subject to review and written approval by the Public Work Director.

**8.14.060 Health and safety measures.**

Unless otherwise determined to be in the best interest of child safety, as determined by the Department, all childcare facilities shall comply with the following health and safety measures:

- A. Unless otherwise protected by federal HIPAA regulation, all childcare facilities shall safeguard children's health against infectious disease by obtaining an emergency card and health history form as provided by ARM § 37.95.1130, as may be amended.**
- B. All facilities shall exclude children from the facility if they have the following symptoms upon arrival, during attendance, or in the 24 hours prior to arrival as indicated in the general health statement from the parent/guardian:**
  - 1. A fever greater than one-hundred-one (101) degrees Fahrenheit;**
    - i. Vomiting;**
    - ii. Diarrhea;**
    - iii. A bacterial infection such as strep throat, scarlet fever, impetigo, conjunctivitis, or a skin infection unless prescribed and taking antibiotics for 24 hours prior;**
    - iv. Chickenpox with active sores;**
    - v. Jaundice;**
    - vi. Uncontrollable coughs and sneezes, difficulty breathing, stiff neck, poor food or fluid intake; or**
    - vii. Other signs of severe or contagious illness.**
- C. Health and contact information must be reviewed and kept current to the Department's satisfaction.**
- D. All facilities must maintain a register for at least one calendar year containing the following:**
  - 1. The child's name;**
  - 2. A parent or guardian's name;**
  - 3. A parent or guardian's phone number; and**



**Exhibit "B"**

**(Updated from First Reading)**

**Title 8 HEALTH AND SAFETY**

- 4. A parent or guardian's mailing address.**
- E. If children develop symptoms of illness while at the facility, they must be isolated in an area other than the kitchen and the parent or guardian immediately contacted to remove his or her child from the facility.**
- F. Only medications supplied by the parent or guardian with written consent may be administered. Medications must be in original packaging, labeled with the child's name, and have instructions for administration stored with the medication. Medication must be securely stored where children cannot access it.**
- G. At least one staff member on site, during operation, must be certified in First Aid and CPR. Documentation of said certification must be on site.**
- H. The following emergency telephone numbers must be posted by a facility phone:**
  - 1. Poison Control;**
  - 2. Great Falls Fire Rescue Department;**
  - 3. Great Falls Police Department; and**
  - 4. 911 emergency dispatch.**
- I. Staff health must be ensured by satisfying the following criteria:**
  - 1. Excluding staff with symptoms listed in subsection (B) of this section;**
  - 2. Having records on site that demonstrate staff members have current tetanus and MMR vaccinations.**
- J. At least one first aid kit must be maintained at all facilities and include without limitation the following items:**
  - 1. Sterile bandages;**
  - 2. A cold pack;**
  - 3. Scissors;**
  - 4. Tape and band-aids;**
  - 5. Tweezers; and**
  - 6. Disposable gloves; and**
  - 7. Poison control telephone number posted with the kit.**

**Exhibit "B"**

**(Updated from First Reading)**

Title 8 HEALTH AND SAFETY

- K. Thirty-five (35) square feet of indoor play space must be provided per child not including the kitchen, bathroom, or storage areas, other square footage may be approved by the Department with good cause shown.**

**8.14.070 Food safety measures.**

- A. Unless otherwise specified in this section, all childcare facilities shall comply with all applicable ARM food safety regulations.**
- B. The following residential equipment may be used in place of commercial equipment, if said equipment satisfies the listed criteria:**
  - 1. Refrigerators able to maintain forty-one (41) degrees Fahrenheit, or colder;**
  - 2. Freezers able keep food frozen;**
  - 3. Dishwashers able to provide a sanitizing cycle capable of reducing pathogens by 99.9% through an uninterrupted heated dry cycle, heated rinse cycle, or chemical sanitizing cycle with 50-100ppm chlorine;**
  - 4. Cooking and heating equipment able to achieve required food temperatures and comply with all applicable OCCGF provisions; and**
  - 5. A designated hand-sink separate and apart from that used for the bathrooms, bathing, and diapering.**
- d. A three-compartment sink or dishwasher is not required, if a two-compartment sink is available with an extra bin large enough to sanitize dishes that are washed manually.**

**8.14.080 Cleaning and sanitizing.**

- A. Bathrooms must be cleaned daily with a germicidal cleaner.**
- B. All general surfaces such as tables and chairs must be sanitized daily with 50-100ppm chlorine or other chemical approved by the Department.**
- C. All toys, play surfaces, and manipulatives must be sanitized at least once weekly with ¼ cup bleach to one gallon of water, be rinsed and then air dried. If these items are mouthed, they must be pulled from use and sanitized as described in this section before they can be used again.**
- D. If nap mats are available, they must be cleanable and non-absorbent and sanitized after each use with ¼ cup bleach to one gallon of water.**

**Exhibit "B"**

**(Updated from First Reading)**

Title 8 HEALTH AND SAFETY

- E. If any blankets, pillows, or other bedding items are used on site, they must be washed after use by one child and before use by another child. If they are washed on site, they must be laundered in a machine able to reach one-hundred-forty (140) degrees Fahrenheit initial wash temperature and tumbled dry in a heated cycle or laundered by a commercial laundry service.**
- F. Surfaces in all childcare facilities must be cleanable and in good repair. Areas that are subject to high-moisture or constant cleaning must be non-absorbent and able to maintain Department satisfactory condition under normal use and required cleaning.**

**8.14.090 Diapering and infant care.**

- A. If cribs are used, they must be cleaned and sanitized after use by one child and before use by another child, and the sheets and blankets changed.**
- B. A Department approved diapering procedure must be followed, including but not limited to the following:
  - 1. Gloves approved by the Department must be worn;**
  - 2. Diapers must be appropriately discarded in a diaper pail, a covered receptacle with a plastic lining that is inaccessible to children or wrapped in plastic bag taken directly outside to a City approved refuse container;**
  - 3. Hands must be adequately washed at a designated hand sink that is not used for food service, and said sink must be stocked with soap, paper towels, and hot and cold running water; and**
  - 4. The diapering station must be sanitized after each use with ¼ cup bleach to one gallon of water.****
- C. The diapering station must be cleanable, non-absorbent, and not pose a safety risk to the child.**

**8.14.100 Inspections.**

**All childcare facilities shall allow the Department, and any other regulatory agencies, access during reasonable hours to assess compliance with this Chapter. The Department shall inspect all facilities at least once per calendar year.**

**8.14.110 Closure.**

**Exhibit "B"**

**(Updated from First Reading)**

**Title 8 HEALTH AND SAFETY**

- A. The Department may close any childcare facility, including a drop-in facility, under any of the following conditions:**
- 1. If a contagious disease outbreak is likely associated with the facility and the Health Officer deems that closure is necessary to protect public health and/or correct the circumstances contributing to the outbreak;**
  - 2. If a violation which creates an imminent or present danger to public health is not corrected immediately to the satisfaction of the Department;**
  - 3. When a follow-up inspection yields two or more of the same critical violations noted on a previous inspection, and the establishment has been notified closure may be a consequence of noncompliance as described in subsection (B) of this section;**
  - 4. When the childcare facility has not been inspected for compliance prior to operating, or denies the Department access to do so; or**
  - 5. When the childcare facility has not obtained a state license, a valid certificate from the Department, or a Great Falls Safety Inspection Certificate.**
- B. Prior to Department closure of a facility for repeat critical violations, the Department shall notify the owner, operator, or agent in writing that it may be closed to the public and a closure notice placed at each customer entrance if compliance is not satisfied at the follow-up inspection to be conducted within ten working days.**
- C. Upon Department closure of any facility for any reason, pursuant to this Chapter:**
- 1. The Department shall serve a written explanation of the reasons for closure and a copy of any pertinent inspection forms to the facility owner, operator, or agent.**
  - 2. The closure order is effective upon service, and no new children may be admitted to the facility;**
  - 3. The Department may require the operator to notify parents or guardians of children currently in care to retrieve them;**
  - 4. A conspicuous notice of closure must be posted at each customer entrance by the Department; and**
  - 5. Notice of said closure may only be altered or removed under the direction of the Department.**
- D. When a childcare facility has been closed, it may be reopened after twenty-four hours if the following criteria are satisfied:**

**Exhibit "B"**

**(Updated from First Reading)**

Title 8 HEALTH AND SAFETY

1. The operator submits a written plan of correction, specifying the corrections to be made and time parameters for completion;
2. The Department approves the plan of correction;
3. The Department inspects the facility and makes a determination that the approved plan of correction is being performed; and
4. The notice of closure previously posted is removed by, or under the direction of, the Department.

**Chapters 15– 47 Reserved.**

**Chapter 48 RESIDENTIAL OUTDOOR FIRE RESTRICTIONS**

Sections: (~~Ord. 2728, 1997~~)

**8.48.010 Establishment.**

**8.48.020 Conditions allowing restrictions.**

**8.48.030 Notice of restriction.**

**8.48.040 Violation.**

**8.48.010 Establishment.**

The City Commission hereby establishes conditions upon which the City Manager, in consultation with the Fire Chief, may restrict the all outdoor residential open or closed fire burning.

**8.48.020 Conditions allowing restrictions.**

- A. The City Manager or designee, in consultation with the Fire Chief, may restrict by written finding all outdoor residential open or closed burning on any of the following conditions:
  1. The Cascade County Commission has established fire restrictions pursuant to Mont. Code Ann. § 7-33-2212, as may be amended;

## Exhibit "B"

(Updated from First Reading)

### Title 8 HEALTH AND SAFETY

2. Open burning would be inconsistent with a local air pollution control program established pursuant to Mont. Code Ann. § 75-2-301, as may be amended;
  3. The Montana Department of Environmental Quality has issued an unhealthy, very unhealthy, or hazardous air quality warning for all or a portion of Cascade County;
  4. There exists, an active wild or structural fire within Cascade County that poses a potential threat to properties located within the incorporated City limits; or
  5. There exist, other conditions, in the judgment of the Fire Chief, that create a danger to persons or property, if outdoor burning continues or is allowed.
- B. The City Manager or designee shall make a written finding determining that residential outdoor burning shall be restricted. Said finding shall describe the condition or conditions warranting the restrictions.

#### 8.48.030 Notice of restriction.

The written finding declaring it necessary to restrict all outdoor residential open or closed burning shall be maintained by the City Clerk, published on the City website and published in a newspaper of general circulation within the incorporated City limits, on at least a weekly basis, during the duration of the restriction.

#### 8.48.040 Violation.

- A. Any person burning any material outdoors on a residential premises, during a restriction pursuant to this Chapter, is guilty of a misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00), a term not to exceed six months in jail, or both.
- B. The Fire Chief or designee shall have the authority to enter upon any premises where a fire in violation of a restriction pursuant to this Chapter is occurring and to extinguish said fire.

## Chapter 49 NUISANCES

### Sections:

~~8.49.010 Nuisance defined.~~

~~8.49.020 Summary abatement—lien procedure.~~

~~8.49.030 Lien procedure for abatement of nuisance.~~

~~8.49.040 Notice of hearing before City Commission.~~

Exhibit "B"

(Updated from First Reading)

Title 8 HEALTH AND SAFETY

~~8.49.050 Hearing by City Commission—finding of nuisance.~~

~~8.49.060 Abatement.~~

~~8.49.070 Hearing by City Commission—statement of expense.~~

~~8.49.080 Recordation of certificate—when nuisance is abated.~~

~~8.49.090 Violation—penalty.~~

**8.49.010 Nuisance defined.**

**8.49.020 Summary abatement and lien procedure declared.**

**8.49.030 Lien procedure for abatement of Nuisance.**

**8.49.040 Notice of hearing before City Commission.**

**8.49.050 Hearing by City Commission—finding of Nuisance.**

**8.49.060 Abatement.**

**8.49.070 Hearing by City Commission—statement of expense.**

**8.49.080 Recordation of certificate—when Nuisance is abated.**

**8.49.010 Nuisance defined.**

**A. "Nuisance" means:**

1. Anything which is injurious to health, or is indecent or offensive to the senses,~~or is an;~~
2. **An** obstruction to the free use of another's property, so as to interfere with the comfortable enjoyment of life or property of another;~~or including but not limited to placement;~~
  - i. **Placement** and/or maintenance of any motor vehicle, motorcycle, trailer, camp trailer; ~~or mobile~~
  - ii. **Mobile** home on any property in the City in violation of any zoning regulation ~~or other City ordinance; or all any residential structure (including all appurtenant~~ **OCCGF provision;**
3. **Unsecured vacant** structures) ~~to remain vacant for more than one (1) year where its~~ **or properties that may invite trespass or vandalism;**
4. **Property in a condition that** constitutes a hazard, or its appearance is a blight to the community; **or**
5. **Property, real or where the property, personal, that** is maintained so as to obstruct the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin, or any public park, square, street, or highway; ~~is defined to be a "nuisance."~~

Exhibit "B"

(Updated from First Reading)

Title 8 HEALTH AND SAFETY

~~This~~**B. A declaration of nuisance** by the City Commission is made pursuant to ~~Sections~~**Mont. Code Ann. § 7-5-4104, as may be amended,** and its self-governmental powers under the Charter.

~~(Ord. 2500 §1(part), 1988).~~ **of the City of Great Falls.**

**8.49.020 Summary abatement— and lien procedure declared.**

The City Commission declares that it is in the public interest to establish a summary abatement procedure utilizing a lien process to abate any ~~nuisance~~**Nuisance** as defined in ~~Section 8.49.010.~~**in this Chapter.** The expense of abatement of ~~nuisances shall be~~**Nuisances may be assessed as** a lien against the property on which it is maintained, and a personal obligation **of said lien** shall exist as against the property owner.~~(s).~~

~~(Ord. 2500 §1(part), 1988).~~

**8.49.030 Lien procedure for abatement of nuisance**

- A.— The Planning and Community Development Director, Chief of Police, Fire Chief, Public Works Director, **Code Enforcement Officer**, or other authorized City personnel, shall examine or cause to be examined whether any property or thing has been maintained so as to constitute a ~~nuisance as defined in Section 8.49.010.~~ **Nuisance as defined in this Chapter.** ~~With owner's consent, City personnel may enter upon private premises at any reasonable time to perform an inspection or if such consent cannot be obtained, resort to other legal process inclusive of a search warrant.~~
- B.— If City personnel find that a ~~nuisance~~**Nuisance** does exist, ~~they shall obtain~~**City personnel may implement the following procedure:**
1. **Obtain** a preliminary title report **or commitment** on the real property where the ~~nuisance~~**Nuisance** exists, which shall identify all owners of record, lessees of record, holders of mortgages, deed of trust, or other liens and encumbrances of record. ~~They shall serve;~~
  2. **Serve** upon each such person by personal service or by certified mail, postage prepaid, **and** return receipt requested, a written notice stating the nature of the ~~nuisance and~~**Nuisance**, requiring the owner to commence ~~either the required repairs, demolition, removal or other appropriate action within ten (10)~~ **calendar** days and to complete such work within thirty ~~(30)~~ **calendar** days from the date of notice. ~~Such;~~
  3. **Ensure that said** notice ~~shall also contain~~ **contains** the office, address, **and** phone number of City personnel empowered to review the subject matter and the days and hours the same may be contacted. ~~The;~~
  4. **Send the** notice ~~shall be sent to each such person~~ **party financially interested in the property or thing** at his **or her** address as it appears on the last equalized assessment roll of the County or as known to City personnel. ~~If no address of any such person so appears, then a copy of the notice shall be mailed, and addressed to such person, at the address of the real property where the nuisance is found to exist.; and~~



Exhibit "B"

(Updated from First Reading)

Title 8 HEALTH AND SAFETY

~~4.~~5. If no address of any such person so appears, then mail a copy of the notice addressed to such person, at the address of the real property where the Nuisance is found to exist.

C. The service by certified mail shall be effective on the date of mailing. City personnel shall **also** cause at least one ~~(4)~~ copy of the notice to be posted conspicuously on the building, structure, or on the real **or personal** property ~~or thing~~ alleged to be a ~~nuisance~~ **Nuisance**.

~~2.~~D. Proof of service notices shall be certified to at the time of service by written declaration executed by the person effecting service, declaring the time, date, and manner in which service was made. The declaration, together with any receipt card, returned acknowledgment of receipt by certified mail, shall be affixed with a copy of the notice and order retained by City personnel.

~~(Ord. 2500 §1(part), 1988).~~

~~(Ord. No. 3057, § 1, 8-17-2010)~~

**8.49.040 Notice of hearing before City Commission.**

A. If the property owner does not comply with the notice prescribed by ~~Section 8.49.030~~ **this Chapter**, by commencing the required ~~work~~ **abatement** within the time allowed, or ~~makes~~ **by making** such other arrangement as may be satisfactory, City personnel shall thereupon send a notice, ~~by certified mail, postage prepaid, return receipt requested, to the owner, mortgage holder, deed of trust holder, or holder of any other lien, encumbrance, estate or legal interest of record as disclosed by the preliminary title report obtained~~ **all interested parties identified pursuant to Section 8.49.030, and in the same manner described in this Chapter.**

B. ~~The cost of said title report~~ **notice pursuant to this section shall inform all interested parties of the following:**

1. **A public hearing shall be charged to the owner, conducted by the City Commission to adopt or not adopt a resolution declaring the property a Nuisance;**

~~(Ord. 2728, 1997)~~

2. **The date and time of the public hearing; and**

3. **The City's costs associated with the adoption of the resolution and any subsequent abatement may be assessed as a lien on the subject property.**

**8.49.050 Hearing by City Commission—finding of ~~nuisance~~ Nuisance.**

A.— At the time fixed on the notice, the City Commission shall proceed to hear the ~~testimony~~ **report** of the City personnel and the testimony of any other interested party who may be present and desire to testify respecting the condition of the **real or personal**

Exhibit "B"

(Updated from First Reading)

Title 8 HEALTH AND SAFETY

property or thing, the estimated cost of repair, demolition, removal or other ~~any~~ appropriate ~~action~~ **abatement**.

- B.— Upon the conclusion of the hearing, the City Commission will by resolution, declare its findings ~~and in the event it so concludes, it~~. **The City Commission** may declare the **subject** property or thing to be a nuisance **Nuisance, in the event it so concludes**, and direct the owner(s) to obtain the proper permits and physically commence abatement of the nuisance **Nuisance** within ten ~~(10)~~ **calendar** days, and to complete said abatement within thirty ~~(30)~~ **calendar** days by having the property repaired, demolished, removed or other appropriate act necessary to cure **condition(s) causing the nuisance. Nuisance to be properly abated**.
- C.— Such resolution shall further notify the owner(s) of the property that if the ~~nuisance~~ **Nuisance** is not abated, the property will be the subject of repair, demolition, removal, or other appropriate act, ~~as the case may be~~ **abatement procedure**, by the City, and the expenses thereof ~~shall remain~~ **may be assessed as** a lien on the property.
- D.— The City personnel shall send copies of the resolution, to the ~~person owning~~ **last known address of each of the following**:
1. **Person(s) having ownership interests in** the property or thing, as such person's ~~the name(s) and address appear on the last equalized assessment roll or as known to the City personnel, and to;~~
  2. **To each recorded** lessee,;
  3. **Any** mortgage holder, ~~deed;~~
  4. **Deed** of trust holder, ~~;~~ **and/or** other
  5. **Other** holder of any other lien, encumbrance, estate, or legal interest of record as shown on the preliminary title report **or commitment** obtained pursuant to this section, ~~at the last known address of each such person~~ **Chapter**.
- E.— The City Clerk shall file a certified copy of any resolution declaring real property a ~~nuisance~~ **Nuisance** with the Cascade County Clerk and Recorder.
- F.— The City Commission will consider any extension of the time limits set by resolution, if the owner posts a cash deposit, in an amount fixed by the City Commission, within three ~~(3)~~ **calendar** days from the date of the grant of the extension request, **if one is granted, or for other substantial compliance with the terms of the resolution**.

~~(Ord. 2500 §1(part), 1988).~~

**8.49.060 Abatement.**

- A.— In the event the owner does not commence the abatement of the ~~nuisance~~ **Nuisance** located on the real property within ten ~~(10)~~ **calendar** days prescribed, **or complete within thirty calendar days prescribed, members of City personnel** are authorized to undertake the appropriate action such as demolition, repair, or removal necessary to ~~cure~~ **abate** the ~~nuisance~~ **Nuisance** in accordance with the resolution of the City Commission ~~and~~ have the work ~~done~~ **performed** pursuant to purchase order or contract.

**Exhibit "B"**

**(Updated from First Reading)**

Title 8 HEALTH AND SAFETY

- B.— City personnel shall keep an itemized account of all **time and** expenses involved in the ~~repair, demolition, removal or other appropriate act necessary to cure the nuisance.~~**Nuisance abatement.**
- C.— City personnel shall mail a copy of the statement to the property owner and to any holder of any interest of record, along with a notice of **date**, time, and place ~~when and where~~ the statement shall be submitted to the City Commission for ~~approval and~~ confirmation.

~~(Ord. 2500 §1(part), 1988).~~

**8.49.070 Hearing by City Commission—statement of expense.**

- A.— At the time fixed for the hearing of the statement of expense, the City Commission shall consider the statement, together with any objection or protest which may be raised by any of the property owners liable to be assessed for the work and any other interested person ~~and the same shall be confirmed as stated, revised, corrected or modified by the City Commission,~~ **and may adopt a resolution confirming, revising, correcting, or modifying the statement.**
- B.— ~~Payment of Expenses.~~ If said statement is not paid within five ~~(5)~~**calendar** days of the adoption of the resolution, it shall constitute a lien upon the real property and shall be collected as a special assessment against the real property.

~~(Ord. 2500 §1(part), 1988).~~

**8.49.080 Recordation of certificate—when ~~nuisance~~**Nuisance** is abated.**

When the City Commission has by resolution declared that ~~such~~**a** property or thing is being maintained as a ~~nuisance,~~ ~~and such~~**Nuisance**, a resolution has been recorded, and thereafter ~~such nuisance~~**the Nuisance** is abated, City personnel shall prepare and file with the Clerk and Recorder of the County a ~~certificate stating~~**Commission adopted resolution certifying** that such ~~nuisance~~**Nuisance** has been abated and indicating the method of abatement.

~~(Ord. 2500 §1(part), 1988).~~

**8.49.090 — Violation — penalty.**

~~Any person violating any provision of this chapter is guilty of a misdemeanor pursuant to the general penalty chapter of this Code, Chapter 1.04.070.~~

~~(Ord. 2500 §1(part), 1988).~~

Exhibit "B"

(Updated from First Reading)

Title 8 HEALTH AND SAFETY

**Chapter 50 CRIMINAL PUBLIC NUISANCES**

Sections:

~~8.50.010 Public nuisance defined.~~

~~8.50.020 Offense designated.~~

~~8.50.030 Extent of nuisance not limiting.~~

~~8.50.035 Barbed wire and electric fences.~~

~~8.50.040 Violation—penalty.~~

**8.50.010 Criminal Public Nuisance defined.**

**8.50.020 Offense designated.**

**8.50.030 Extent of Nuisance not limiting.**

**8.50.040 Barbed wire and electric fences.**

**8.50.050 Violation—penalty.**

**8.50.010 Criminal Public Nuisance Nuisance defined.**

"Criminal Public Nuisance" means:

A.—A **Real property, personal property, or other condition created or maintained in such condition which endangers:**

1. **Endangers** safety or health, ~~is;~~
2. **Is** offensive to the senses, ~~;~~ **and/or obstructs**
3. **Obstructs** the free use of property so as to interfere with the comfortable enjoyment of life or property by an entire community or neighborhood or by any considerable number of persons;

B.— Any premises where persons gather for the purpose of engaging in unlawful conduct; or

C.— Any condition which renders dangerous for passage any public highway or right-of-way or waters used by the public.

~~(Ord. 2728, 1997; Ord. 2603 (part), 1991).~~

**8.50.020 Offense designated.**

A person commits the offense of maintaining a ~~public nuisance~~ **Criminal Public Nuisance**, if he or she knowingly creates, conducts, or maintains a ~~public nuisance~~.

~~(Ord. 2603 (part), 1991).~~ **Criminal Public Nuisance.**

Exhibit "B"

(Updated from First Reading)

Title 8 HEALTH AND SAFETY

**8.50.030** ~~Extent of nuisance~~ **Nuisance not limiting.**

Any act which affects an entire community or neighborhood or any considerable number of persons is no less a ~~nuisance~~ **Criminal Public Nuisance** because the extent of the annoyance or damage inflicted upon individuals is unequal.

~~(Ord. 2603 (part), 1991).~~

**8.50.035** ~~040~~ **Barbed wire and electric fences.**

A.— It is a ~~public nuisance~~ **Criminal Public Nuisance** for any person to ~~have, maintain or, erect,~~ or allow to ~~have,~~ **an occupant of his or her owned property, to** maintain or erect a barbed wire fence or an electric fence upon any premises in the City ~~owned or occupied by such person or upon the boulevards or in any public roads, streets and alleys~~ except as provided in subsection ~~B~~ **(C)** of this section.

**B.** "Electric fence" means any conductive material encompassing a property or partial property and having an electrical potential to earth ground.

~~B.—~~ **C. Exceptions to this section include:**

- 1.— A fence wherein the barbs are at least six ~~(6)~~ feet above ~~grade~~ **ground level** and located on top of a security fence; **or**
- 2.— A barbed wire fence in a ~~an~~ **R-1 single-family** suburban residential use ~~zoning~~ district as designated in **OCCGF** Title 17 ~~of this Code~~.

~~(Ord. 2728, 1997; Ord. 2417 (part), 1986).~~

~~C.— If the person fails to remove the barbed wire or electric fence within the time specified in a written notice of violation, the~~ **D. The** Planning and Community Development Director **or designee** shall cause the fence to be removed from the premises and shall bill the cost thereof, ~~together~~ **provide written notice, by certified mail** with a reasonable charge for administration and supervision ~~return receipt requested~~, to the owner ~~or occupant(s)~~ of the property. **in violation of this section. Said notice shall advise the property owner(s) any fencing in violation of this section shall be removed within thirty calendar days.**

~~(Ord. 2728, 1997; Ord. 2417 (part), 1986).~~

~~(Ord. No. 3057, § 1, 8-17-2010)~~

**E. Failure to remove said fencing, within the time prescribed in the written notice, shall constitute a violation of this Chapter.**

**Exhibit "B"**

**(Updated from First Reading)**

Title 8 HEALTH AND SAFETY

**8.50.04050 Violation—penalty.**

~~A person convicted of maintaining a nuisance shall be fined~~**violation of this Chapter is a misdemeanor punishable by a fine of** not less than two hundred **and** fifty dollars (\$250.00) ~~or~~**or** more than five hundred dollars (\$500.00) ~~or imprisoned in the County jail for~~, a term not to exceed six ~~(6)~~**in jail**, or both. Each day of such conduct constitutes a separate offense.

~~(Ord. 2603 (part), 1991).~~

**Chapter 51 MAINTENANCE AND SANITATION OF PREMISES**

**Sections:**

~~8.51.010 Definitions.~~

~~8.51.020 Maintenance duty of controlling owner/agent.~~

~~8.51.030 Conditions prohibited on premises.~~

~~8.51.040 Conditions prohibited on right-of-way.~~

~~8.51.050 Violation — penalty.~~

**8.51.010 Definitions.**

**8.51.020 Maintenance duty of controlling owner/agent.**

**8.51.030 Conditions prohibited on premises.**

**8.51.040 Conditions prohibited on right-of-way.**

**8.51.050 Violation — penalty.**

**8.51.010 Definitions.**

~~For the purposes of this chapter~~**Chapter**, unless otherwise ~~apparent from~~**specified**, the ~~context, certain words and phrases used in this chapter are defined as follows~~**following definitions apply:**

- A. "Premises" shall mean any lot or parcel of land or property, including any building or portion thereof, improved or unimproved.
- B. "Public right-of-way" shall mean any area or parcel of land granted, deeded, dedicated to, or otherwise acquired by the City or the public at large for any public purpose, including, but not limited to, ~~alleys:~~
  - 1. **Alleys**, roadways, **or** parkways, ~~pedestrian;~~
  - 2. **Pedestrian** ways, **and** sidewalks, ~~public;~~
  - 3. **Public** streets, ~~water;~~
  - 4. **Water** or waterways, ~~and uses for storm;~~

**Exhibit "B"**

**(Updated from First Reading)**

Title 8 HEALTH AND SAFETY

5. **Storm** drains and drainage, sanitary sewers, water pipes, electric and telephone conduits, electronic services, overhead wires,; and ~~supporting structures.~~

~~(Ord. 2695, 1995).~~ **6. Supporting structures.**

**8.51.020 Maintenance duty of controlling owner/agent.**

Any person-, **or the agent thereof**, owning, leasing, occupying, or having charge or possession of any premises in the City, ~~and the agent thereof~~, shall keep and maintain such premises and the right-of-way abutting such premises in a safe, clean, orderly, sanitary and aesthetic condition.

~~(Ord. 2695, 1995).~~ **compliance with the OCCGF, including but not limited to OCCGF Title 16.**

**8.51.030 Conditions prohibited on premises.**

The following conditions ~~do not comport with a safe, clean, orderly, sanitary, aesthetic condition and are prohibited:~~ **on premises within the incorporated City limits:**

- A.— Buildings **or structures** which are abandoned, ~~boarded up~~, partially destroyed, ~~or left in a partially constructed condition~~, or uncompleted buildings ~~after building permits have expired;~~
- B.— Buildings with deteriorating or peeling paint which allows the exterior building coverings to deteriorate or allows the effects of sun or water penetration so as to cause decay, dry rot, warping, or cracking;
- C.— Broken windows, doors, attic vents, or underfloor vents;
- D.— Improperly maintained landscaping which is visible from streets, including, but not limited to:
  - 1.— Lawns with grasses in excess of eight ~~(8)~~ inches in height;
  - 2.— Untrimmed hedges;
  - 3.— Dying trees, shrubbery, lawns, and other ~~desired~~ **dying** plant life from lack of water or other necessary maintenance; and
  - 4.— Trees and shrubbery growing uncontrolled without proper pruning;
- E.— Overgrown vegetation which is unsightly and likely to harbor ~~rats or vermin;~~ **rodents or pests;**
- F.— Dead, decayed, or diseased trees, weeds, and other vegetation;
- G.— Trash, garbage, ~~or~~ refuse cans, bins, boxes, or other such containers stored in front or side yards visible from public streets and rear yards, **unless in City approved containers;**
- H.— Lumber, junk, trash, debris, or salvage materials maintained upon any premises which are visible from a public street, alley, or adjoining property;
- I.— Abandoned, discarded, or unused furniture, stoves, sinks, toilets, cabinets, or other household fixtures or equipment stored ~~so as to be~~ visible at ground level from a public alley, street, or adjoining premises;
- J.— Premises having a topography, geology, or configuration which, as a result of grading operations or improvements to the land, causes erosion, subsidence, unstable soil

Exhibit "B"

(Updated from First Reading)

Title 8 HEALTH AND SAFETY

conditions, or surface or subsurface drainage problems or potentially injurious to adjacent premises;

- K.— Abandoned, wrecked, dismantled, or inoperative automobiles, trailers, campers, boats, and other motor vehicles which are accumulated or stored in yard areas, **not in compliance with the OCCGF off-street parking provisions;**
- L.— The accumulation of dirt, litter, or debris in vestibules, doorways on the premises, or adjoining walkways;
- M.— Mounds of soil, dry grass, weeds, dead trees, ~~tin cans~~, abandoned asphalt or concrete, rubbish, refuse, or waste or other unsanitary material of any kind;
- N.— Building exteriors, walls, fences, driveways, or walkways which are broken, defective, deteriorated, in disrepair, or defaced due to any writing, inscription, scratch, or other marking commonly referred to as "graffiti";

- 1.—It shall be the duty of the owner or ~~tenant or agent~~ thereof to remove graffiti from such premises within seventy-two (~~72~~) hours after graffiti appears.

(~~Ord. 2920, 2005~~)

~~O.— Any unsightly, partly completed or partly destroyed buildings, structures, or improvements in the City which endanger or injure neighboring~~ **visible from public rights-of-way or adjacent** properties ~~or the public health, safety, or general welfare;~~;

~~P.—~~**O.** Any tree which overhangs a street, alley, or sidewalk in such a manner as to cause an obstruction to any person using such street, alley, or sidewalk; **or**

~~Q.—~~**P.** Any other condition which ~~is or may reasonably become infested or inhabited~~ **adversely impacts economic welfare of adjacent properties including but not limited to, infestation** by rodents, **mosquitos**, vermin, or wild animals ~~or may furnish a breeding place for mosquitoes, or threatens or endangers, which threaten or endanger~~ the public health, welfare, ~~and~~ **or** safety ~~or may reasonably cause disease, adversely affects and impairs the economic welfare or adjacent property, is offensive to the senses, or obstructs the free use of property so as to interfere with the comfortable enjoyment of life or property by an entire community or neighborhood or by any considerable number of persons.~~

(~~Ord. 2695, 1995~~).

**8.51.040 Conditions prohibited on right-of-way.**

The following conditions ~~do not comport with a safe, clean, orderly, and sanitary conditions~~ **are prohibited** on any public-right-of-way ~~and are prohibited by Section 8.51.020.~~ **within the incorporated City limits:**

- A.— Any **accumulations of** dirt, litter, debris, rubbish, weeds, or any other kind of waste or unsanitary material of any kind;
- B.— Any curb cut or driveway approach, or a portion thereof, which is no longer needed or which no longer provides vehicular access to the adjacent premises; **or**
- C.— Any curb, sidewalk, parkway, or driveway which is cracked, broken, or otherwise in need of repair, replacement, or maintenance, **so as to constitute a potential or actual hazard to health or safety.**



Exhibit "B"

(Updated from First Reading)

Title 8 HEALTH AND SAFETY

(Ord. 2695, 1995).

**8.51.050 Violation — penalty.**

~~Any person convicted~~ **A violation** of violating this chapter shall be fined ~~Chapter is a misdemeanor punishable by a fine of~~ not less than two- hundred and fifty dollars (\$250.00) ~~nor~~ **or** more than five hundred dollars (\$500.00) ~~or imprisoned in the county jail for~~), a term not to exceed six (6) months **in jail**, or both. Each day of such conduct constitutes a separate offense.

**Chapter 52 ABATEMENT OF NUISANCE VEGETATION**

**Sections:**

(Ord. 2695, 1995).

**8.52.010 Nuisance vegetation declared.**

**8.52.020 Maintaining Nuisance vegetation unlawful.**

**8.52.030 Inspection and investigation.**

**8.52.040 Abatement of Nuisance vegetation.**

**8.52.050 Exception.**

**8.52.060 Specific procedure for abatement of Dutch Elm disease.**

**8.52.070 Spraying.**

**8.52.080 Notice of operations.**

**8.52.090 Transporting Elm wood prohibited.**

**8.52.100 Interference prohibited.**

**8.52.110 Cost of abatement.**

~~Chapter 52 ABATEMENT OF~~ **DISEASED VEGETATION** <sup>[3]</sup>

~~**Sections:**~~

~~8.52.010 Nuisance declared.~~

~~8.52.020 Maintaining nuisances unlawful.~~

~~8.52.030 Inspection and investigation.~~

~~8.52.040 Abatement of nuisances.~~

~~8.52.050 Exception.~~

~~8.52.055 Specific procedure for abatement of Dutch Elm disease.~~

~~8.52.060 Spraying.~~

**Exhibit "B"**

**(Updated from First Reading)**

Title 8 HEALTH AND SAFETY

~~8.52.070 Notice of operations.~~

~~8.52.080 Transporting Elm wood prohibited.~~

~~8.52.090 Interference prohibitive.~~

~~8.52.100 Cost of abatement.~~

**8.52.010 Nuisance Vegetation declared.**

The following conditions shall be declared ~~to be public nuisances~~**Nuisances, as defined by Chapter 49 of this Title**, whenever found to exist within the City and shall be abated as provided herein:

- A.— Any living or standing tree or shrub or part thereof infected to any degree with any disease, fungus, or insect which is, in the judgment of the Park and Recreation Department **Director or designee**, harmful to said tree; **or**
- B.— Any dead tree or part thereof, including logs, branches, stumps, firewood, or any portion of any diseased tree which has not been disposed of in accordance with the regulations of the Park and Recreation Department.

~~(Ord. 2491 §2(Exh. B(part)), 1988).~~

**8.52.020 Maintaining ~~nuisances~~Nuisances unlawful.**

It is unlawful for any person to willfully permit any ~~public nuisance as defined in Section 8.52.010 hereof~~**Nuisance Vegetation**, to remain on any property controlled by any person within the City.

~~(Ord. §2(Exh. B(part)), 1988).~~

**8.52.030 Inspection and investigation.**

- A.— The Park ~~Superintendent, and Recreation Director~~ **or such other person as may be designated by the City Manager, shall inspect**~~designee is responsible for inspecting~~ all premises and places within the **incorporated City as often as practical**~~limits~~ to determine the existence of such ~~nuisances~~**Nuisance Vegetation**.
- B.— The Park ~~Superintendent and Recreation Director~~ **or such other person as may be designated by the City Manager**~~designee~~ may with the consent of the owner enter upon private premises at any reasonable time for the purpose of carrying out an inspection of the premises of the collection of appropriate specimens or samples for diagnosis. ~~If such consent cannot be obtained, the authorized representative shall have resources to other legal process inclusive of a search warrant to secure entry.~~
- C.— The Park ~~Superintendent and Recreation Director~~ **or such other person as may be designated by the City Manager**~~designee~~ shall, with reasonable cause to believe that a tree is diseased, immediately obtain and furnish appropriate specimens or samples to a

**Exhibit "B"**

**(Updated from First Reading)**

Title 8 HEALTH AND SAFETY

qualified plant diagnostician for diagnosis. No action to remove such trees or wood shall be taken until a reasonably certain diagnosis of the disease has been made.

- D.— Within five (5) **calendar** days of receipt of the diagnosis, the owner of the property from which the specimen or sample was obtained shall be notified by the ~~Park~~**Parks** and Recreation Department of the results by ~~certified~~**regular** mail or personal delivery, **and the Department shall appropriately tag said vegetation.**

(Ord. 2491 §2(Exh. B(part)), 1988).

**8.52.040 Abatement of nuisancesNuisance Vegetation.**

Whenever the City Forester or ~~such other person as may be designated by the City Manager~~**designee** finds with reasonable certainty that any nuisance disease, fungus, or harmful insect exists in any tree, shrub, wood, or other vegetation located on property within the **incorporated** City limits, the ~~owner of such property shall be notified in writing by certified mail, or by personal delivery, of the existence of the nuisance and direct that the nuisance be removed, burned, buried or otherwise effectively treated in the approved manner within twenty (20) days after mailing of such notice. The notice shall state that if such nuisance shall not be abated by the owner within the time provided, the Park and Recreation Department shall proceed to have such nuisance properly abated or eliminated. The notice shall further contain:~~

- A.— ~~The address or other description sufficient to identify the premises where such nuisance is located;~~
- B.— ~~A statement that certain vegetation or other property has been found to be a nuisance as herein defined and a description of the conditions constituting such nuisance;~~
- C.— ~~A statement of the action to be taken as determined by the City Forester;~~
- D.— ~~The office, address, phone number of an authorized representative of the City empowered to review the notice of the City Forester and the days and hours the same may be contacted:~~
- 1.— ~~Such requests for review must be made within ten (10) days of the date of notice or further review will thereafter be barred;~~
- E.— ~~A statement that if the owner does not comply with the notice within twenty (20) days of the date of such notice, the Park and Recreation Department shall have the nuisance abated and the costs shall be levied as a special assessment lien on the premises.~~

(Ord. No. 3118, § 1, 3-4-2014; Ord. No. 3057, § 1, 8-17-2010; Ord. 2491, § 2(Exh. B(part)), 1988)

**Editor's note**— Ord. No. 3118, § 1, adopted March 4, 2014, amended the Code by repealing former § 8.52.040, and renumbering former § 8.52.050 as a new § 8.52.040. Former § 8.52.040 pertained to **City may initiate Nuisance** abatement of nuisances on public property, and derived from Ord. No. 2491, § 2, of 1988. **proceedings pursuant to this Chapter or Chapter 49 of this Title.**

**Exhibit "B"**

**(Updated from First Reading)**

Title 8 HEALTH AND SAFETY

**8.52.050 Exception.**

Section 8.52.040 shall not apply to maintaining boulevards within the General Boulevard Maintenance District as previously established and defined by ~~City Resolution~~ **Commission resolution, or otherwise specified to this Chapter.**

~~(Ord. No. 3118, § 1, 3-4-2014)~~

**8.52.055060 Specific procedure for abatement of Dutch Elm disease.**

- A.— No action to remove, destroy ~~and, or~~ dispose of wood infected with Dutch Elm fungus shall be taken until a reasonably certain diagnosis of the disease has been made. When such diagnosis has been made, the infected tree or wood shall be removed, destroyed ~~and, or~~ disposed of in a manner which will effectively destroy and prevent, as fully as possible, the spread of the Dutch Elm disease fungus.
- B.— When the presence of elm bark beetles has been discovered in or upon any living elm tree but the presence of Dutch Elm disease fungus is not then or thereafter diagnosed, the tree shall be treated in a manner which will effectively destroy and prevent, as fully as possible, the spread of the elm bark beetle. If such treatment is ~~not, or, because of the extent of infestation,~~ cannot be effective, the tree shall be removed, destroyed, and disposed of.
- C.— Standing dead elm trees, elm logs, branches, stumps, firewood, or other raw elm material from which the bark has not been removed and which are not infected with Dutch Elm disease fungus, shall have the bark removed, destroyed, and disposed of or shall be treated in a manner which will effectively destroy and prevent, as fully as possible, the spread of the elm bark beetle. If such treatment is ~~not effective, or, because of the extent of infestation,~~ cannot be effective, the trees, logs, branches, stumps, firewood, or other raw elm material shall be removed, destroyed and disposed of.
- D.— Specifications and procedures for the removal, destruction, and disposal of trees and wood infected with Dutch Elm disease fungus, for treating live elm trees infested with elm bark beetles, and for removing, destroying, and disposing of elm bark and treating dead elm trees, logs, branches, stumps, firewood and other raw material shall be established by the Director of Park and Recreation.

~~(Ord. 2491 §2(Exh. B(part)), 1988).~~

**8.52.060070 Spraying.**

Whenever the Park ~~Superintendent shall determine~~ **and Recreation Director or designee determines** that any tree, or part thereof, is infected with any tree disease, fungus, or harmful insect, and is in a weakened condition, ~~he~~ **the Director or designee** may cause all such trees within a specified radius thereof to be treated with an effective concentrate as may be recommended by the State Forester.

~~(Ord. 2491 §2(Exh. B(part)), 1988).~~

Exhibit "B"

(Updated from First Reading)

Title 8 HEALTH AND SAFETY

**8.52.070080 Notice of operations.**

- A.— When trees on private property are to be treated, the Park Superintendent **and Recreation Director or designee** shall notify the owner of such property and proceed in accordance with the requirements of this ~~chapter~~ **Chapter**.
- B.— In order to facilitate the work and minimize the inconvenience to the public of any treating operations conducted ~~under~~ **pursuant to this chapter** ~~Chapter~~, the ~~park supervisor~~ **Park and Recreation Director or designee** shall cause to be given advance public notice of such operations by **publishing the notice on the City website, in a newspaper, radio, television, public service announcements or other effective means and shall also cause the of general circulation, and** posting of appropriate warning notices in the areas and along the streets where trees to be treated at least twenty-four (24) hours in advance.
- ~~C.— When appropriate~~ **C. After** warning notices have been given and posted, the City shall not allow any claim for damages to any vehicle or other property resulting from such treating operations.

~~(Ord. 2491 §2(Exh. B(part)), 1988).~~

**8.52.080090 Transporting Elm wood prohibited.**

- A. It is unlawful for any person to transport within the **incorporated City limits**, any bark bearing elm wood without having ~~obtained~~ **obtaining** a permit ~~therefore~~ from the Director of Park and Recreation. The Director of Park and Recreation **or designee** shall grant such permits only when the purpose of this ~~chapter~~ **Chapter** shall be served ~~thereby~~ and may impose such restrictions as deemed necessary.

~~(Ord. 2491 §2(Exh. B(part)), 1988).~~

- B. **A violation of this section is a misdemeanor punishable by a fine of not less than two hundred and fifty dollars (\$250.00) or more than five hundred dollars (\$500.00), a term not to exceed six (6) months in jail, or both.**

**8.52.090100 Interference ~~prohibitive~~ prohibited.**

- A. It is unlawful for any person, firm ~~or~~, corporation, **or other entity** to prevent, delay, or interfere with the Park Superintendent, **and Recreation** employees, or agents while they are engaged in the performance of the duties imposed by this ~~chapter~~ **Chapter**.

~~(Ord. 2491 §2(Exh. B(part)), 1988).~~

- B. **A violation of this section is a misdemeanor punishable by a fine of not less than two hundred and fifty dollars (\$250.00) or more than five hundred dollars (\$500.00), a term not to exceed six (6) months in jail, or both.**

**Exhibit "B"**

**(Updated from First Reading)**

Title 8 HEALTH AND SAFETY

**8.52.400110 Cost of abatement.**

The cost of abatement of any nuisance incurred by the City and not reimbursed by the owner on or before the September 15th of each year shall be reported by the Director of Park and Recreation to the City Commission. The City Commission shall assess the levy and cause the same to be collected as a special assessment lien against the subject premises.

(Ord. 2491 §2(Exh. B(part)), 1988).

---

FOOTNOTE(S):

---

—(3)—

~~Editor's note~~ Chapter 52 was retitled by Ord. No. 3118, § 1, adopted March 4, 2014. ~~(Back)~~

**The cost of abatement pursuant to any provision of this Chapter shall be assessed pursuant to Chapter 49 of this Title.**

**Chapter 5653 NOISE**

Sections:

~~Sections:~~

~~8.56.010 Definitions.~~

~~8.56.020 Loud noises prohibited.~~

~~8.56.030 Prohibited acts.~~

~~8.56.040 Noise levels— Limitations for structures and open spaces— dB(A) criteria— Table I.~~

~~8.56.050 Noise levels— maximum permissible for motorized vehicles— Table II.~~

~~8.56.060 Noise levels— exemptions.~~

~~8.56.070 Noise— measurement.~~

~~8.56.080 Relief permit.~~

~~8.56.090 Enforcement.~~

~~8.56.100 Violations— from moving noise source or sources.~~

~~8.56.120 Violations— penalties.~~

**Exhibit "B"**

**(Updated from First Reading)**

Title 8 HEALTH AND SAFETY

~~8.56.130 Violation—additional remedy—injunction.~~

~~8.56~~**8.53.010 Definitions.**

**8.53.020 Loud noises prohibited.**

**8.53.030 Prohibited acts.**

**8.53.040 Noise levels—Limitations for structures and open spaces—dB(A) criteria—Table I.**

**8.53.050 Noise levels—maximum permissible for motorized vehicles—Table II.**

**8.53.060 Noise levels—exemptions.**

**8.53.070 Noise—measurement.**

**8.53.080 Relief permit.**

**8.53.090 Enforcement.**

**8.53.100 Violations—from moving noise source or sources.**

**8.53.110 Violations—penalties.**

**8.53.010 Definitions.**

As used in this ~~chapter~~**Chapter**, unless the context otherwise requires**specified**, the following ~~words and phrases shall have the meanings ascribed to them in this section.~~**definitions shall apply:**

- A.** "Ambient noise" is the noise which exists at a point of measurement in the absence of the sound emitted by the source being measured, being the total effect of all other sounds coming from near and far.
- B.** "dB(A)" means sound levels in decibels measured on an "A" scale of a standard sound level meter having characteristics defined by the American National Standards Institute, publication S 4-1970.
- C.** "Decibel" means the sound pressure level, ~~in decibels~~, in a logarithmic unit used to express the magnitude of sound pressure with respect to a reference sound pressure. It is defined as twenty (20) times the logarithm to the base ten (10) of the ratio of the sound pressure to the reference sound pressure. By international standards, the reference sound pressure is  $2 \times 10^{-5}$  newtons/meter squared. For example, a doubling of sound pressure, at any magnitude, will result in a six (6) decibel increase in sound pressure level; a tenfold increase will result in a twenty-decibel increase in sound pressure level.
- D.** "Emergency work" is work made necessary to restore property to a safe condition following a public ~~calamity~~**disaster** or work required to protect persons or property from exposure to danger or potential danger.
- E.** "Health" is defined as an optimal ~~State~~**state** of physical, mental, and emotional well-being and not merely the absence of disease.

**Exhibit "B"**

**(Updated from First Reading)**

Title 8 HEALTH AND SAFETY

- F. "Motor vehicle" means a vehicle propelled by its own power and designed or used to transport persons or property upon the ~~highways~~**ways** of the state **open to the public**.

~~(Ord. 2790, 2000)~~

- G. "Reasonable person" is a normal, healthy person of ordinary habits and sensibilities who is entitled to enjoy ordinary comfort of human existence and not the extra-sensitive or fastidious person or the hardened individual inured to such irritation or annoyance.

~~(Ord. 2790, 2000)~~

- H. "Person" means any person, ~~person's~~ firm, association, co-partnership, joint venture, corporation, or ~~any entity,~~**other** public or private ~~in nature~~**entity**.

- I. "Zoning" for the purpose of this ~~chapter~~**Chapter**, includes the following:

1. —" "Residential ~~area~~"**Area**":

- a.—i. R-1 Single-family suburban;
- b.—ii. R-2 Single-family medium density;
- c.—iii. R-3 Single-family high density;
- d.—iv. R-5 Multi-family residential medium density;
- e.—v. R-6 Multi-family residential high density;
- f.—vi. R-10 Mobile home park;
- g.—vii. POS Parks and open space; **and**
- h.—viii. PUD Planned unit development.

2. —" "Light commercial" includes:

- a.—i. C-1 Neighborhood commercial.

3. —" "Heavy commercial" includes:

- a.—i. C-2 General commercial;
- b.—ii. C-3 Highway commercial;
- c.—iii. C-4 Central business core;
- d.—iv. C-5 Central business periphery;
- e.—v. M-1 Mixed-use;
- f.—vi. M-2 Mixed-use transitional; **and**
- g.—vii. PLI Public lands and ~~institutional~~**Institutional**.

4. —" Industrial" includes:

- a.—~~light~~ i. I-1 Light industrial;
- b.—ii. I-2 Heavy industrial; **and**
- c.—iii. GFIA Great Falls International Airport.



Exhibit "B"

(Updated from First Reading)

Title 8 HEALTH AND SAFETY

(Prior code §6-1-11(A)).

(Ord. No. 3057, § 1, 8-17-2010)

**8.56.53.020 Loud noises prohibited.**

It is unlawful for any person to make, or cause to be made, any excessive or unusually loud noise or any noise measured or unmeasured which either annoys, disturbs, injures, or endangers the comfort, repose, health, peace, or safety of any reasonable person of normal sensitivity within the **incorporated City** limits of the City.

(Prior code §6-1-11(B)).

**8.5653.030 Prohibited acts.**

**Unless performed for emergency work for the safety, welfare, and public health of the citizens of Great Falls and to the extent that the noise thereby created is reasonably necessary for the public benefit, it is unlawful to perform any of the following acts within the incorporated City limits:**

- A. ~~Horns and Signaling Devices.~~ Sounding any horn or signaling device on any truck, automobile, motorcycle, or other vehicle on any street or public place of the City except as a warning signal;
- B. ~~Sound Amplifying Equipment.~~ B. Using, operating, or permitting the use of any radio receiving set, musical instrument, television, phonograph, or other machine, or device for the production or reproduction of sound in such a manner as to disturb the quiet, comfort, or repose of any normally sensitive and reasonable person, or the operation of any such sets, instruments, television, phonographs, machine or device in such a manner as to be in violation of this chapter **reasonable person;**
- C. ~~Operation of Sound Producing or Reproducing Equipment in or from a motor vehicle, either parked or in transport.~~ The use or operation of any radio, compact disc or tape player, musical instrument, loud speaker, or any other device used to amplify any type of sound, or which causes a vibration at a level where the sound or vibration **C. The use or operation of any music producing, or music amplifying, device that** can be heard or felt at a distance greater than fifty (50) feet from the exterior of the vehicle from which the device is being operated. Violation of this section shall be punishable by a graduated fine schedule starting with a minimum of a written warning and a maximum of five hundred dollars (\$500.00). The following fine schedule is associated with violations of this subsection.:

1 <sup>st</sup> offense	Written warning tracked by the court
2 <sup>nd</sup> offense	\$30.00
3 <sup>rd</sup> offense	\$70.00

Exhibit "B"

(Updated from First Reading)

Title 8 HEALTH AND SAFETY

4 <sup>th</sup> offense	\$150.00
5 <sup>th</sup> offense	\$500.00

(Ord. 2790, 2000)

- ~~D. Loud Speakers~~ 1. A fine of seventy dollars (\$70.00) on a first offense;
2. A fine of \$150.00 on a second offense; and ~~Amplifiers for Commercial Purposes.~~
3. A fine of five hundred dollars (\$500.00) on a third or subsequent offense;
- D. Installing, using, or operating within the City a loudspeaker or sound amplifying equipment at levels in excess of those specified in Section 8.56.040, in a fixed or movable position or mounted upon any sound truck, emitting decibel levels in excess of those specified in Chapter, for the purpose of giving:
1. Giving instructions, or directions, talks;
2. Talks, addresses, or lectures; or transmitting
3. Transmitting music to any persons or assemblages, of persons in or upon any street, alley, sidewalk, park, place, or public property without first obtaining a permit;
- E. ~~Yelling and Shouting~~ Yelling, shouting, hooting, or whistling on the public streets, alleys, or parks at any time as to annoy or disturb the quiet, comfort, or repose of any normally sensitive and reasonable person;
- F. ~~Animals~~ Owing, keeping, having in possession or harboring any animals which, by frequent or habitual howling, barking, meowing, squawking, or any other noise as to disturb the quiet, comfort, or repose of any normally sensitive and reasonable person;
- G. ~~Exhausts~~ F. Discharging into the open air the exhaust of any steam engine, stationary internal combustion engine, motorboat, or motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive noises ~~there from~~ ~~therefrom~~;
- H. ~~Defect in Vehicle or Load~~ G. Operating any truck, trailer, automobile, motorcycle, or vehicle so out of repair or so loaded in such a manner as to create loud and unnecessary grating, grinding, rattling, or other noises;
- I. ~~Loading, Unloading and Opening Containers~~ H. Loading, unloading, opening, or other handling of boxes, crates, containers, garbage containers, or other objects in such a manner as to disturb the quiet, comfort or repose of any normally sensitive and reasonable person; or
- J. ~~Construction Projects or Repair of Buildings~~ I. Operating equipment or, performing any construction, or repair work between the hours of 8:00 p.m. and 7:00 a.m. on buildings, structures, or projects, or operating any pile driver, ~~steam shovel~~, pneumatic hammer,

**Exhibit "B"**

**(Updated from First Reading)**

Title 8 HEALTH AND SAFETY

derrick, steam or electric hoist, or other construction-type device in such a manner as to disturb the quiet, comfort, or repose of any normally sensitive and a reasonable person;-.

K. ~~Exemption Clause.~~ Any of the above acts performed for emergency work for the safety, welfare, and public health of the citizens of Great Falls and to the extent that the noise thereby created is reasonably necessary for the public benefit will not be construed to be in violation of this chapter.

(Prior code §6-1-11(C)).

**8.5653.040 Noise levels—Limitations for structures and open spaces—dB(A) criteria—  
Table I.**

- A.— Maximum permissible decibel limits on noise emitting from source or sources not on a public right-of-way in residential, commercial, and industrial districts are as set out in this section.
- B.— Noise will be measured at a distance of twenty-five (25) feet from the source or at the boundary of the lot, whichever is the greater distance. Noise radiating from properties or buildings in excess of the dB(A) established for the districts and times in Table I of this section shall constitute prima facie evidence that such noise is a public nuisance. ~~Nuisance.~~ This includes noise from such activities as production, processing, cleaning, servicing, testing, and repair of vehicles, material, goods, or products. Noises caused by home or building repair or grounds maintenance are excluded as provided in Section 8.56.060 ~~this Chapter.~~

TABLE I  
Limitations

Districts	8:00 a.m. to 8:00 p.m.	8:00 p.m. to 8:00 a.m.
Residential	55 dB(A)	50 dB(A)
Light commercial	65 dB(A)	60 dB(A)
Heavy commercial	70 dB(A)	65 dB(A)
Industrial	80 dB(A)	75 dB(A)

- A.—C. At boundaries between zones, the lower of the dB(A) level shall be applicable.
- B.—D. To be in violation, the source of sources of noise must be identifiable and the levels without regard to the ambient must exceed the limitations in Table I.

**Exhibit "B"**

**(Updated from First Reading)**

Title 8 HEALTH AND SAFETY

- ~~C.—~~**E.** Periodic or impulsive noises are in violation when such noises are at a noise level of five (5) dB(A) less than those listed in this section.
- ~~D.—~~**F.** Construction projects shall be subject to the maximum permissible noise levels specified for industrial districts pursuant to any applicable construction permit issued by the ~~building inspector~~**Building Official**, or if no time limitation is imposed, then for a reasonable period of time for completion of the project.
- ~~E.—~~**G.** All railroad rights-of-way shall be considered as industrial districts for the purpose of this ~~chapter~~**Chapter**, and the operation of trains shall be subject to the maximum noise levels specified for such district.

~~(Prior code §6-1-11(D)).~~

**8.5653.050 Noise levels—maximum permissible for motorized vehicles—Table II.**

- A.— It is unlawful to operate a motorized vehicle within the **incorporated** City limits which emits noise, with the exception of sound producing equipment as defined in ~~OCGGF 8.56.030(C)~~**this Chapter** in excess of the limits specified in Table II below.

~~(Ord. 2790, 2000)~~

- B.— Noise from a noise source within a public right-of-way shall be measured at a distance of at least twenty-five (25) feet from the center of the nearest traffic lane on a sound level meter of standard design and operated on the "A" weight scale.

TABLE II  
Maximum Permissible Noise Levels For Motor Vehicles

- 1.— Trucks and Buses:—
  - a.—i. Over ten thousand (10,000) pounds:  
eighty-two (82) dB(A) measured at fifty (50) feet;  
eighty-eight (88) dB(A) measured at twenty-five (25) feet;
  - b.—ii. Under ten thousand (10,000) pounds:  
seventy-four (74) dB(A) measured at fifty (50) feet; **and**  
eighty (80) dB(A) measured at twenty-five (25) feet.
- 2.— Passenger Cars:—
  - a.—i. Seventy-four (74) dB(A) measured at fifty (50) feet; **and**
  - b.—ii. Eighty (80) dB(A) measured at twenty-five (25) feet.
- 3.— Motorcycles, Snowmobiles, Minibikes, and Other Self-propelled Vehicles:—
  - a.—i. Seventy-four (74) dB(A) measured at fifty (50) feet; **and**
  - b.—ii. Eighty (80) dB(A) measured at twenty-five (25) feet.

~~(Prior code §6-1-11(E)).~~

**Exhibit "B"**

**(Updated from First Reading)**

Title 8 HEALTH AND SAFETY

**8.5653.060 Noise levels—exemptions.**

The following uses and activities shall be exempt from noise level ~~regulations~~**restrictions**:

- A.— Noise of safety signals and warning devices;
- B.— Noise resulting from any authorized emergency vehicle, when responding to an emergency call or acting in time of emergency;
- C.— Noise resulting from emergency work or noise for which a special permit has been granted, as provided for in ~~Section 8.56.080~~**this Chapter**;
- D.— Noise resulting from the operating of motorized lawnmowers fitted with equipment-type mufflers between the hours of 8:00 a.m. and 8:00 p.m.;
- E.— Noise caused by home or building repair or ~~grounds~~**ground** maintenance between the hours of 8:00 a.m. and 8:00 p.m.;
- F.— Athletic events held in stadiums or parks;
- G.— Noise resulting from marching bands and drum and bugle corps while practicing or parading, in accordance with the **applicable** provisions of ~~Section 10.39.060~~**the OCCGF**.

~~(Ord. 2246, 1981; Prior code §6-1-11(F)).~~

**8.5653.070 Noise—measurement.**

For the purpose of determining and classifying any noise as excessive or unusually loud as prohibited by this ~~chapter~~**Chapter**, the following test measurements and requirements may be applied; ~~but a violation of Section 8.56.020 may occur without the following measurements:~~

- A.— The noise shall be measured on a sound level meter, meeting current American National Standards Institute standards, **and** operated on the "A" weighted scale; **and**
- B.— In all sound level measurements, the ambient noise shall be at least ten (10) dB(A) below the specific noise source being measured; or
- C.— In all sound level measurements, consideration shall be given to the effect of the ambient noise level created by the encompassing noise of the environment from all sources at the time of the sound level measurement.

~~(Prior code §6-1-11(G)).~~

**8.5653.080 Relief permit.**

Applications for a permit for relief from the noise level designated in this ~~chapter~~**Chapter**, on the basis of undue hardship, may be made to the ~~chief of police~~**Great Falls Police Department (GFPD)**. Any permit granted by the Chief of Police **or designee** shall contain all conditions upon which the permit has been granted and shall specify a reasonable time that the permit shall be effective. The Chief of Police **or designee** may grant the permit applied for if ~~he finds that~~:

- A.— ~~The additional~~ **Additional** time is necessary for the applicant to alter or modify the activity or operation to comply with this ~~chapter~~**Chapter**;

**Exhibit "B"**

**(Updated from First Reading)**

Title 8 HEALTH AND SAFETY

- B.— The activity, operation, or noise source will be of temporary duration, and **it cannot be performed in the manner that would comply with other sections of this ~~chapter~~Chapter;**
- C.— No other reasonable alternative is available to the applicant; **or**
- D.— The Chief of Police may prescribe any conditions or requirements deemed necessary to minimize adverse effects upon the community or surrounding neighborhood.

~~(Prior code §6-1-11(H)).~~

**8.5653.090 Enforcement.**

The ~~Chief of Police~~**GFPD** shall assign duties of enforcement to personnel trained in noise control techniques and procedures and equipped with sound level meters of a standard design. Enforcement of ~~OCCGF 8.56.030(C)~~**the provisions of this Chapter** rests solely with the police officer responding to the call or hearing the violation. Officers have discretion in considering options available, including issuing a warning, ~~a notice to appear, or arresting the violator~~ **or a Notice to Appear.**

~~(Ord. 2790, 2000; Prior code §6-1-11(N)).~~

**8.5653.100 Violations—~~from moving noise source or sources~~Motor vehicle.**

Violations of this ~~chapter~~**Chapter** in which the noise source is a ~~truck, bus, passenger car, motorcycle, snowmobile, minibike, or other self-propelled~~**motor** vehicle shall be cause for ~~summons and warrant~~**Notice to issue forthwith.** ~~Machines or devices not customarily used or designed for transportation are excluded from this section~~**Appear to be issued.**

~~(Prior code §6-1-11(L)).~~

**8.56.12053.110 Violations—penalties.**

~~Whenever in any section of this chapter or rule or regulation promulgated under this chapter, the doing of any act is required, prohibited or declared to be unlawful and no definite fine or penalty is provided for a violation thereof, any person who is convicted of a violation of any such section shall, for each offense, be fined in a sum of not more than three hundred dollars (\$300.00) or imprisoned not to exceed ninety (90) days, or both so fined or imprisoned. Each day such violation is committed or permitted to continue shall constitute a separate offense.~~

~~(Prior code §6-1-11(I)).~~

**8.56.130 Violation—additional remedy—injunction.**

~~As an additional remedy, the operation or maintenance of any noise source in violation of any provision of this chapter and which causes discomfort and annoyance to any reasonable person of normal sensitivity or which endangers the comfort, repose, health or peace of residents in the area shall be a public nuisance and may be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.~~

Exhibit "B"

(Updated from First Reading)

Title 8 HEALTH AND SAFETY

(Prior code §6-1-11(J)).

**Chapter 60 — APPLIANCE SAFETY PRECAUTIONS**

**Sections:**

8.60.010 Appliance safety precautions.

**8.60.010 — Appliance safety precautions.**

All refrigerators and similar appliances shall be housed inside secure buildings irrespective of use. Any refrigerator or similar appliance which is used for other than perishable storage, abandoned, unattended or discarded shall have the door removed or the locking mechanism removed and an auxiliary hasp and padlock installed.

- (A. Unless otherwise specified, a person responsible of causing a violation of this Chapter is guilty of a misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00), a term not exceed six (6) months in jail, or both.
  
- B. A premises upon which a violation of this Chapter is occurring is hereby declared a Nuisance in violation of Chapter 49 of this Title.

(Ord. Ord. 2430 §2, 1986; prior code §6-4-1).

3181, 2018; Ord. 3118, 2014; Ord. 3057, 2010; Ord. 2993, 2008; Ord. 2920, 2005; Ord. 2803, 2001; Ord. 2790, 2000; Ord. 2743, 1998; Ord. 2728, 1997; Ord. 2695, 1995; Ord. 2672, 1995; Ord. 2614, 1991; Ord. 2603, 1991; Ord. 2507, 1988; Ord. 2506, 1988; Ord. 2500, 1988; Ord. 2491, 1988; Ord. 2450, 1987; Ord. 2449, 1987; Ord. 2432, 1986; Ord. 2430, 1986; Ord. 2417, 1986; Ord. 2246, 1981; Ord. 1857, 1975; Prior Codes: §§ 9-9-4, 9-9-3, 9-9-2, 9-9-1, 8-6-5, 8-6-3, 8-6-2, 8-6-1, 8-3-12, 8-3-10, 8-3-4, 8-3-1, 8-2-2, 8-2-1, 8-1-8, 8-1-7, 8-1-6, 8-1-5, 8-1-4, 8-1-3, 8-1-2, 8-1-1, 6-4-1, 6-1-11, 4-12-2, 4-12-1)



**Item:** City Manager Contract Amendment

**From:** City Commission

**Initiated By:** City Commission

**Presented By:** Mayor Kelly

**Action Requested:** Wage amendment to the City Manager's Employment Agreement effective July 1, 2018

---

---

**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission approve a contract amendment with the City Manager effective July 1, 2018 granting the City Manager a base wage increase of 3% effective March 24, 2018.”

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

---

---

**Summary:**

The City Commission met on May 1, 2018 to review the city manager's performance. After the review in nonpublic session, the Commission reconvened in public session and voted to amend Manager Doyon's base wage by 3%.

**Background:**

The term of the City Manager's contract is March 24, 2017 through March 24, 2020.

**Fiscal Impact:**

The Manager's current base salary is \$140,775.12. The three percent increase results in a base salary of \$144,998.37. Manager Doyon is eligible for a COLA increase as is customarily offered to all other nonunion employees when and if approved by the City Commission during the annual budget process.

**Concurrences:**

The City Commission voted on May 1, 2018 to award the merit increase. This action amends contract language.



ATTACHMENTS:

- Contract Amendment #1

Employment Agreement – Amendment #1

City of Great Falls  
And  
Gregory T. Doyon

Section B. Salary

Commencing March 24, 2018, the City Manager’s base annual wage is \$144,998.37, payable in accordance with normal City policy and practices. Cost of Living Increases will be paid as approved for other City employees.

\_\_\_\_\_  
Bob Kelly, Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Gregory T. Doyon

\_\_\_\_\_  
Date

Pursuant to a Commission vote on June 12, 2018.



**Item:** Lot aggregation for the Great Falls High School Building Addition Project.

**From:** Troy Hangen, Planner II

**Initiated By:** Jana Cooper, PLA, TD & H Engineering

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

**Action Requested:** Approve the amended plat of the 91 lot aggregation for the Great Falls High School Building Addition Project.

---

---

**Suggested Motion:**

1. Commissioner moves:

"I move that the City Commission (adopt/deny) the amended plat for the 91 lot aggregation for the Great Falls High School Building Addition Project, subject to the Applicant fulfilling the listed Conditions of Approval."

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

---

---

**Staff Recommendation:**

Staff Recommends approval of the lot aggregation for the Great Falls High School building addition project with the following conditions:

**Conditions of Approval for Lot Aggregation and Amended Plat :**

1. Amended Plat. Provide a revised Plat of the subject property which shall incorporate corrections of any errors or omissions noted by Staff.

2. Easements. The submitted plat shall contain all easements required by the City of Great Falls. The applicant shall provide all necessary information to the City to determine such easements prior to recording of the submitted plat.

**Summary:**

The applicant is requesting the City's approval for a significant construction project on the Great Falls High School campus. As part of this project, the applicant is proposing an approximately 62,000 square

foot addition connecting the south campus building to the historic school building. This connecting building is known as the "HUB". Because the proposed building and other associated improvements are proposed to cross over existing parcel boundaries, the City has directed the applicant to submit a lot aggregation of the property encompassing the Great Falls High School campus. The applicant is requesting to aggregate 22.219 acres legally described as lots 1-14, Block 399, Lots 1-14, Block 400, Third Addition to Great Falls Townsite, and lots 1-11, Block 733, lots 1-14, Block 734, lots 8-14, Block 735, lots 1-14, Block 745, lots 1-10, Block 746, Tenth Addition to Great Falls Townsite, and lots A, 8-9, Block 1, lots 6-9, Block 8, Resurvey of Huy's Addition, including those accumulated proportions of the vacated streets and alleys, by Ordinance No. 656, 776, 1021, 1031, 2019, and Resolution No. 8839 located in the NW1/4, NE1/4, SW1/4, and SE1/4 of Section 7, T20N, R4E, P.M.M., City of Great Falls, Cascade County, Montana. The subject property is currently comprised of 91 lots which are proposed to be aggregated into a single development parcel. This will include multiple previously vacated alley and street right-of-ways.

The aggregation is necessary to go through the amended plat process because of Montana Code Annotated (MCA) 76-3-207 (2) (a) which states:

"within a platted subdivision filed with the county clerk and recorder, a division, redesign, or rearrangement of lots that results in an increase in the number of lots or that redesigns or rearranges six or more lots must be reviewed and approved by the governing body before an amended plat may be filed with the county clerk and recorder."

**Background:**

As noted above, the applicant is proposing a major construction project on the Great Falls High School campus. The development is one of the cornerstone projects being funded by the approximately \$100 million bond approved by Cascade County voters last year. The lot aggregation request is one of several steps in the process that also include: 1) discussion of the project with the City/County Historic Preservation Advisory Commission (on-going), 2) future review of the project by the City's Design Review Board, and 3) a public hearing requested by the District on June 18 to address the applicability of local zoning regulations to the project.

The amended plat has been reviewed by staff and complies with the requirements of the subdivision chapter of the Land Development Code. The newly created aggregated parcel will be 22.219 acres and will encompass the campus from 2nd Avenue South to 5th Avenue South, and from 20th Street South to an irregular line running from 18th Street South to 17th Street South. The proposed plat also identifies new water line easements that reflect proposed utility improvements being reviewed by the Public Works Department. The finalization of easements to be added or removed has been identified as a Condition of Approval.

**Fiscal Impact:**

Street and public utility services will continue to be provided by the City and will not be affected in any way by the proposed lot aggregation.

**Alternatives:**

If there are justifiable reasons to do so, the City Commission could deny the requested action to the extent allowed in City Code and State Statute. Such reasons would have to be detailed as alternative Findings of Fact.

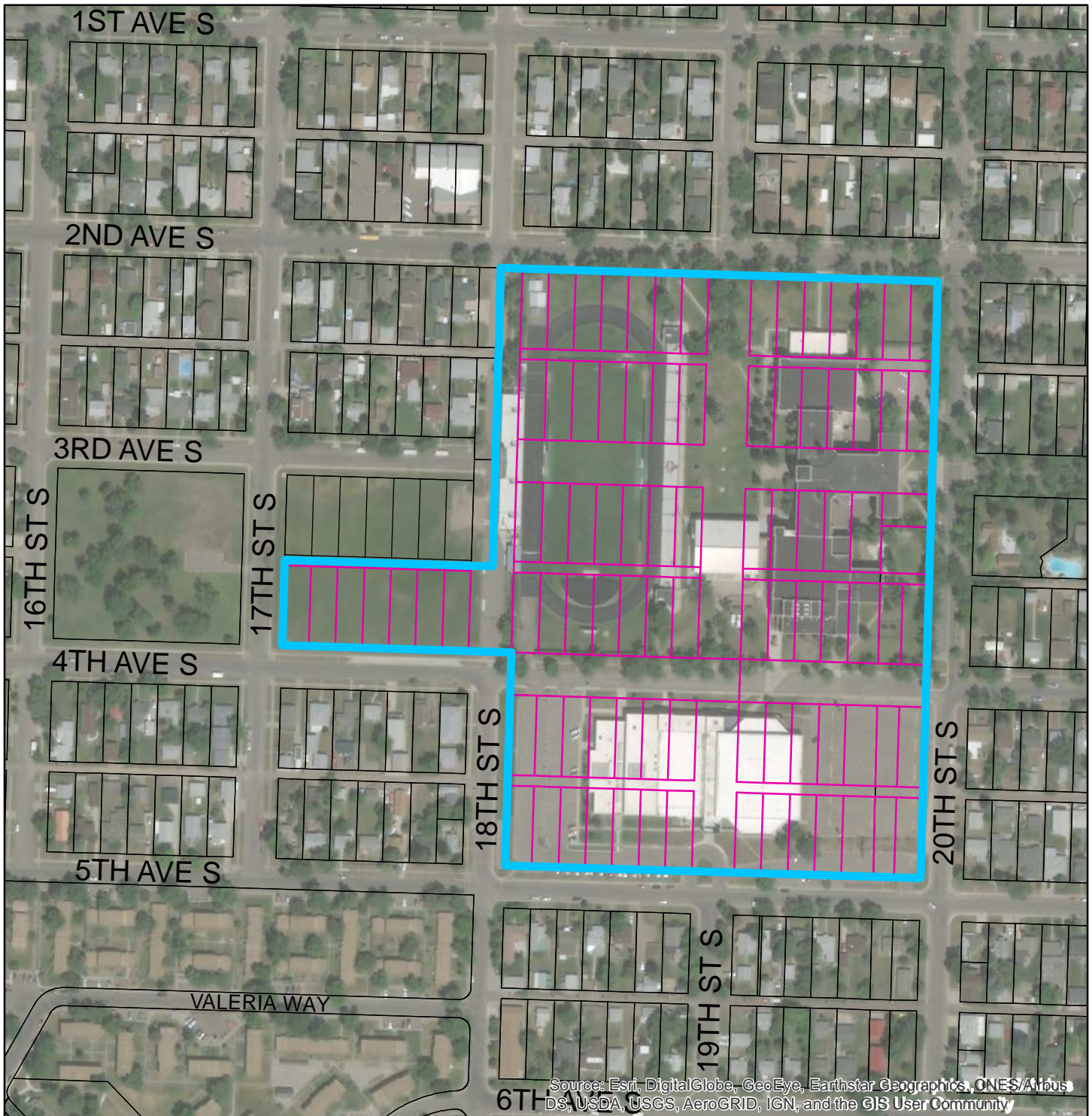
**Concurrences:**




Representatives from the City's Public Works, Engineering, Legal, and Fire Departments have been involved throughout the review process for this project, and will continue throughout the permit approval process. Prior to recording of the amended plat, all necessary easements for utilities, access, and fire hydrants must be provided on the plat.

**ATTACHMENTS:**

- ▣ Aerial Map
- ▣ Zoning Map
- ▣ Plat - Site Plan
- ▣ Color Site Plan
- ▣ Subdivision Findings

# Aerial Map

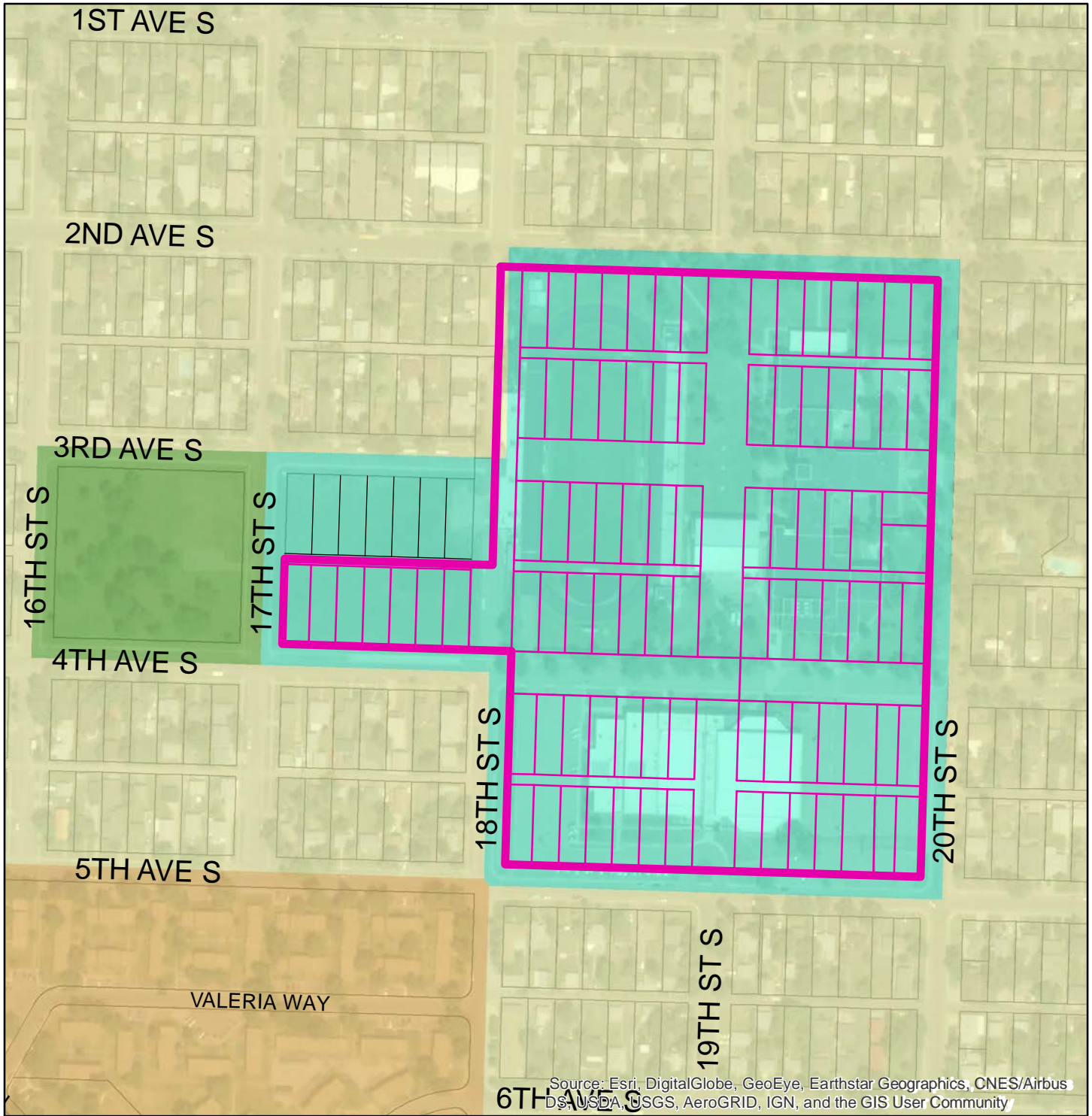








-  Aggregation Boundary
-  Lots to be Aggregated
-  Tracts of Land





# Zoning Map



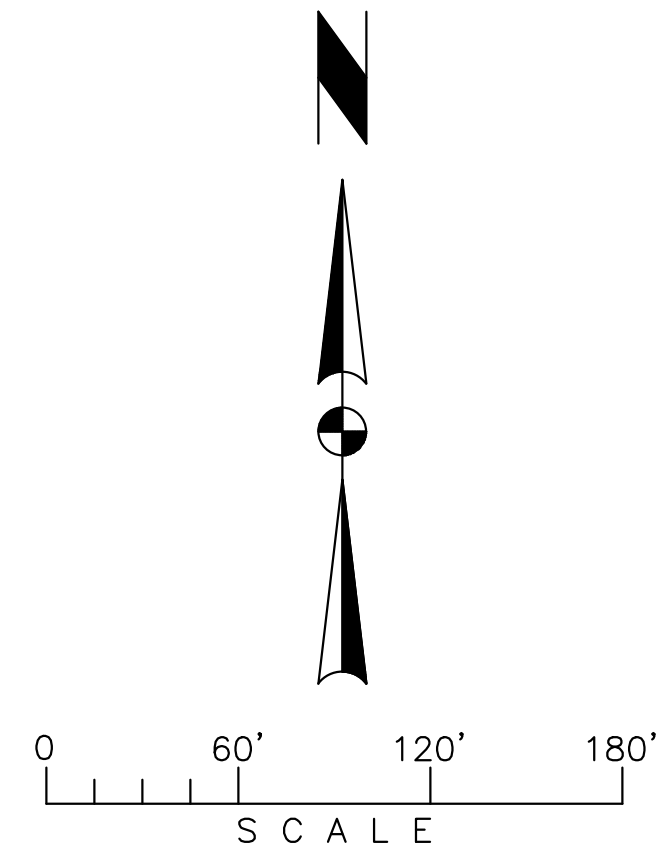
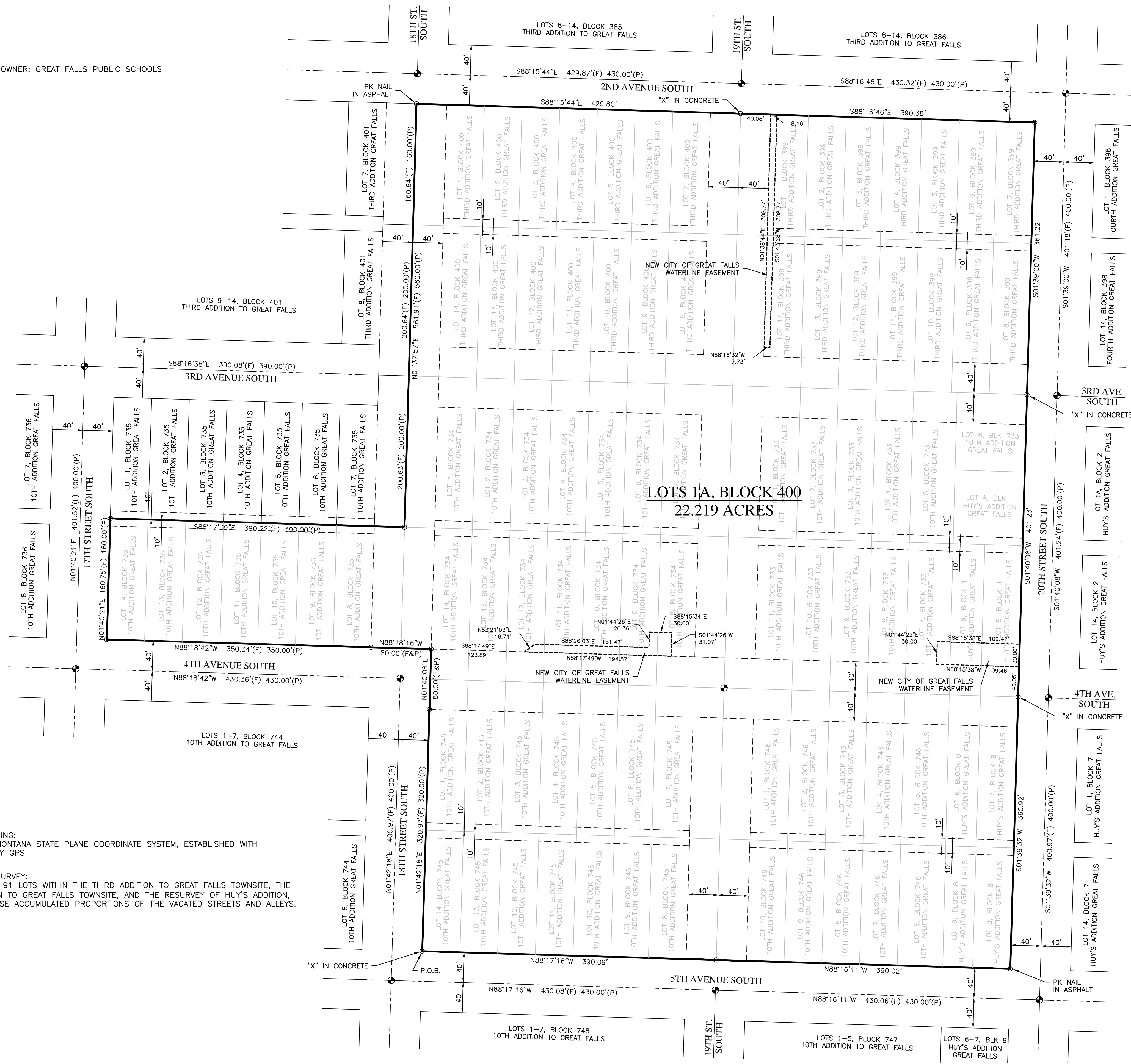
-  Aggregation Boundary
-  Lots to be Aggregated
-  R-3 Single-family High Density
-  R-5 Multi-family Medium Density
-  PLI Public Lands and Institutional
-  POS Parks and Open Space



**AN AMENDED PLAT OF LOTS 1-14, BLOCK 399, LOTS 1-14, BLOCK 400, THIRD ADDITION TO GREAT FALLS TOWNSITE, AND LOTS 1-11, BLOCK 733, LOTS 1-14, BLOCK 734, LOTS 8-14, BLOCK 735, LOTS 1-14, BLOCK 745, LOTS 1-10, BLOCK 746, TENTH ADDITION TO GREAT FALLS TOWNSITE, AND LOTS A, 8-9, BLOCK 1, LOTS 6-9, BLOCK 8, RESURVEY OF HUY'S ADDITION, INCLUDING THOSE ACCUMULATED PROPORTIONS OF THE VACATED STREETS AND ALLEYS, BY ORDINANCE NO. 656, 776, 1021, 1031, 2019, AND RESOLUTION NO. 8839**

LOCATED IN THE NW1/4, NE1/4, SW1/4, AND SE1/4 OF SECTION 7, T20N, R4E, P.M.M., CITY OF GREAT FALLS, CASCADE COUNTY, MONTANA

LANDOWNER: GREAT FALLS PUBLIC SCHOOLS



**LEGEND**

- FND CENTERLINE MONUMENT
- SET PROPERTY PIN  
- 18"x5/8" REBAR/YPC 15625LS
- SUBDIVISION BOUNDARY
- - - EXISTING EASEMENT CREATED BY VACATED STREET/ALLEY
- - - NEW EASEMENT THIS PLAT
- LOT LINE
- LOT LINE BEING DELETED THIS PLAT
- (F) FOUND/FIELD MEASUREMENT
- (P) PLAT RECORD DISTANCE
- LOT 1 LOT BEING AGGREGATED THIS PLAT

THE FOLLOWING STREETS AND ALLEYS WERE VACATED BY THE NOTED ORDINANCE AND/OR RESOLUTION, WITH THE RESERVATION THAT THE STREET OR ALLEY BECOME AN EASEMENT TO THE CITY OF GREAT FALLS, FOR MUNICIPAL FACILITIES AND RIGHT OF ACCESS, ALONG WITH THE RIGHT TO GRANT USE AND ACCESS TO ANY PUBLIC SERVICE COMPANY:

- ORDINANCE NO. 656
  - 3RD AVE SO, FROM THE EAST LINE OF 18TH ST SO TO THE WEST LINE OF 20TH ST SO
  - 19TH ST SO, FROM THE SOUTH LINE OF 2ND AVE SO TO THE NORTH LINE OF 4TH AVE SO
  - 3RD ALLEY SO, FROM THE EAST LINE OF 18TH ST SO TO THE WEST LINE OF 20TH ST SO
  - 4TH ALLEY SO, FROM THE EAST LINE OF 18TH ST SO TO THE WEST LINE OF 20TH ST SO
- ORDINANCE NO. 1021
  - 18TH ST SO, FROM THE SOUTH LINE OF 2ND AVE SO TO THE NORTH LINE OF 4TH AVE SO
- ORDINANCE NO. 1031
  - 19TH ST SO, FROM THE SOUTH LINE OF 4TH AVE SO TO THE NORTH LINE OF 5TH AVE SO
- RESOLUTION NO. 8839
  - 4TH AVE SO, FROM THE EAST LINE OF 18TH ST SO TO THE WEST LINE OF 20TH ST SO
- ORDINANCE NO. 776
  - 4TH ALLEY SO, FROM THE EAST LINE OF 17TH ST SO TO THE WEST LINE OF 18TH ST SO
- ORDINANCE NO. 2019
  - 5TH ALLEY SO, FROM THE EAST LINE OF 18TH ST SO TO THE WEST LINE OF 20TH ST SO

BASIS OF BEARING:  
GRID NORTH, MONTANA STATE PLANE COORDINATE SYSTEM, ESTABLISHED WITH SURVEY QUALITY GPS

PURPOSE OF SURVEY:  
TO AGGREGATE 91 LOTS WITHIN THE THIRD ADDITION TO GREAT FALLS TOWNSITE, THE TENTH ADDITION TO GREAT FALLS TOWNSITE, AND THE RESURVEY OF HUY'S ADDITION, INCLUDING THOSE ACCUMULATED PROPORTIONS OF THE VACATED STREETS AND ALLEYS.

<b>TD&amp;H</b> Engineering	DRAWN BY: DRK	DATE: 4-16-18	QUALITY CHECK: X
	SURVEYED BY: KVF	JOB NO. 17-234	FIELDBOOK X
GREAT FALLS-BOZEMAN-KALISPELL-SHELBY SPOKANE LEWISTON WATFORD CITY			MONTANA WASHINGTON IDAHO NORTH DAKOTA



**AN AMENDED PLAT OF LOTS 1-14, BLOCK 399, LOTS 1-14, BLOCK 400, THIRD ADDITION TO GREAT FALLS TOWNSITE, AND LOTS 1-11, BLOCK 733, LOTS 1-14, BLOCK 734, LOTS 8-14, BLOCK 735, LOTS 1-14, BLOCK 745, LOTS 1-10, BLOCK 746, TENTH ADDITION TO GREAT FALLS TOWNSITE, AND LOTS A, 8-9, BLOCK 1, LOTS 6-9, BLOCK 8, RESURVEY OF HUY'S ADDITION, INCLUDING THOSE ACCUMULATED PROPORTIONS OF THE VACATED STREETS AND ALLEYS, BY ORDINANCE NO. 656, 776, 1021, 1031, 2019, AND RESOLUTION NO. 8839**

LOCATED IN THE NW1/4, NE1/4, SW1/4, AND SE1/4 OF SECTION 7, T20N, R4E, P.M.M., CITY OF GREAT FALLS, CASCADE COUNTY, MONTANA

LANDOWNER: GREAT FALLS PUBLIC SCHOOLS

CERTIFICATE OF CONSENT

I (we), the undersigned property owner(s), do hereby certify that I (we) have caused to surveyed and platted into lots, blocks, and easements, the following described tract of land in the City of Great Falls, Cascade County, Montana, to-wit:

A tract of land being Lots 1-14, Block 399, Lots 1-14, Block 400, Third Addition to Great Falls Townsite, and Lots 1-11, Block 733, Lots 1-14, Block 734, Lots 8-14, Block 735, Lots 1-14, Block 745, Lots 1-10, Block 746, Tenth Addition to Great Falls Townsite, and Lots A, 8-9, Block 1, Lots 6-9, Block 8, Resurvey of Huy's Addition, including those accumulated proportions of the vacated streets and alleys, by Ordinance No. 656, 776, 1021, 1031, 2019, and Resolution No. 8839, located in the NW1/4, NE1/4, SW1/4, and SE1/4 of Section 7, Township 20 North, Range 4 East, P.M.M., City of Great Falls, Cascade County, Montana, and being more particularly described as follows:

Beginning at the intersection of the Northerly right-of-way line of 5th Avenue South and the Easterly right-of-way line of 18th Street South; thence North 01°42'18" East along said Easterly right-of-way line, a distance of 320.97 feet to the intersection of the Southerly right-of-way line of 4th Avenue South; thence North 01°40'08" East along the Westerly edge of the vacated 4th Avenue South right-of-way, decreed by Resolution No. 8839, a distance of 80.00 feet to the intersection of the Northerly right-of-way line of 4th Avenue South; thence North 88°18'42" West along the Southerly edge of the vacated 18th Street South right-of-way, decreed by Ordinance No. 1021 a distance of 80.00 feet to the intersection of the Westerly right-of-way line of 18th Street South; thence North 88°18'42" West along the Northerly right-of-way line of 4th Avenue South, a distance of 350.34 feet to the intersection of the Easterly right-of-way line of 17th Street South; thence North 01°40'21" East along said Easterly right-of-way line, a distance of 160.75 feet to the centerline of 4th Alley South, vacated by Ordinance No. 776; thence South 88°17'39" East along said centerline of the vacated 4th Alley South, a distance of 390.22 feet to the centerline of 18th Street South, vacated by Ordinance No. 1021; thence North 01°37'57" East along said centerline of the vacated 18th Street South, a distance of 561.91 feet to the Southerly right-of-way line of 2nd Avenue South; thence South 88°15'44" East along said Southerly right-of-way line, a distance of 429.80 feet; thence South 88°16'46" East along said Southerly right-of-way line, a distance of 390.38 feet to the Westerly right-of-way line of 20th Street South; thence South 01°39'00" West along said Westerly right-of-way line, a distance of 361.22 feet; thence South 01°40'08" West along said Westerly right-of-way line, a distance of 401.23 feet; thence South 01°39'32" West along said Westerly right-of-way line, a distance of 360.92 feet to the Northerly right-of-way line of 5th Avenue South; thence North 88°16'11" West along said Northerly right-of-way line, a distance of 390.02 feet; thence North 88°17'16" West along said Northerly right-of-way line, a distance of 390.02 feet to the Point of Beginning and containing 22.219 acres, along with and subject to any existing easements.

The above described tract of land is to be known and designated as AN AMENDED PLAT OF LOTS 1-14, BLOCK 399, LOTS 1-14, BLOCK 400, THIRD ADDITION TO GREAT FALLS TOWNSITE, AND LOTS 1-11, BLOCK 733, LOTS 1-14, BLOCK 734, LOTS 8-14, BLOCK 735, LOTS 1-14, BLOCK 745, LOTS 1-10, BLOCK 746, TENTH ADDITION TO GREAT FALLS TOWNSITE, AND LOTS A, 8-9, BLOCK 1, LOTS 6-9, BLOCK 8, RESURVEY OF HUY'S ADDITION, INCLUDING THOSE ACCUMULATED PROPORTIONS OF THE VACATED STREETS AND ALLEYS, BY ORDINANCE NO. 656, 776, 1021, 1031, 2019, AND RESOLUTION NO. 8839, to the City of Great Falls, Cascade County, Montana, and the public easements shown on said plat are hereby granted and donated to the use of the public forever.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2018

\_\_\_\_\_  
GREAT FALLS PUBLIC SCHOOLS

Printed Name \_\_\_\_\_

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, \_\_\_\_\_, 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  
Residing at \_\_\_\_\_  
My commission expires \_\_\_\_\_

CERTIFICATE OF PUBLIC WORKS DIRECTOR

I, Jim Rearden, Public Works Director for the City of Great Falls, Montana, do hereby certify that I have examined the accompanying plat of the AN AMENDED PLAT OF LOTS 1-14, BLOCK 399, LOTS 1-14, BLOCK 400, THIRD ADDITION TO GREAT FALLS TOWNSITE, AND LOTS 1-11, BLOCK 733, LOTS 1-14, BLOCK 734, LOTS 8-14, BLOCK 735, LOTS 1-14, BLOCK 745, LOTS 1-10, BLOCK 746, TENTH ADDITION TO GREAT FALLS TOWNSITE, AND LOTS A, 8-9, BLOCK 1, LOTS 6-9, BLOCK 8, RESURVEY OF HUY'S ADDITION, INCLUDING THOSE ACCUMULATED PROPORTIONS OF THE VACATED STREETS AND ALLEYS, BY ORDINANCE NO. 656, 776, 1021, 1031, 2019, AND RESOLUTION NO. 8839 and the survey it represents, find that same conforms to regulations governing the platting of lands and presently platted adjacent land, as near as circumstances will permit, do hereby approve the same.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
JIM REARDEN, Public Works Director  
City of Great Falls, Montana

CERTIFICATE OF CITY COMMISSION

I, Gregory T. Doyon, City Manager of the City of Great Falls, Montana, do hereby certify that the accompanying plat of the AN AMENDED PLAT OF LOTS 1-14, BLOCK 399, LOTS 1-14, BLOCK 400, THIRD ADDITION TO GREAT FALLS TOWNSITE, AND LOTS 1-11, BLOCK 733, LOTS 1-14, BLOCK 734, LOTS 8-14, BLOCK 735, LOTS 1-14, BLOCK 745, LOTS 1-10, BLOCK 746, TENTH ADDITION TO GREAT FALLS TOWNSITE, AND LOTS A, 8-9, BLOCK 1, LOTS 6-9, BLOCK 8, RESURVEY OF HUY'S ADDITION, INCLUDING THOSE ACCUMULATED PROPORTIONS OF THE VACATED STREETS AND ALLEYS, BY ORDINANCE NO. 656, 776, 1021, 1031, 2019, AND RESOLUTION NO. 8839, was duly examined and approved by the City Commission of the City of Great Falls, Montana, at its regular meeting held on the \_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
GREGORY T. DOYON, City Manager  
City of Great Falls, Montana

CERTIFICATE OF AVAILABILITY OF MUNICIPAL SERVICES

I, Gregory T. Doyon, City Manager of the City of Great Falls, Montana, do hereby certify that the City Commission of the City of Great Falls, Montana, at its regular meeting held on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, found that adequate municipal facilities for the supply of water and the disposal of sewage and solid waste, are available to the above described property, namely the said facilities of the City of Great Falls, Montana, and this certificate is made pursuant to Section 76-4-125(2)(d) M.C.A., permitting the Clerk and Recorder of Cascade County, Montana, to record the accompanying plat.

\_\_\_\_\_  
GREGORY T. DOYON, City Manager  
City of Great Falls, Montana

CERTIFICATE OF GREAT FALLS PLANNING BOARD

We, the undersigned, Peter Fontana, President of the Great Falls Planning Board, City of Great Falls, Montana, and Craig Raymond, Secretary of said Great Falls Planning Board, do hereby certify that the accompanying plat of the AN AMENDED PLAT OF LOTS 1-14, BLOCK 399, LOTS 1-14, BLOCK 400, THIRD ADDITION TO GREAT FALLS TOWNSITE, AND LOTS 1-11, BLOCK 733, LOTS 1-14, BLOCK 734, LOTS 8-14, BLOCK 735, LOTS 1-14, BLOCK 745, LOTS 1-10, BLOCK 746, TENTH ADDITION TO GREAT FALLS TOWNSITE, AND LOTS A, 8-9, BLOCK 1, LOTS 6-9, BLOCK 8, RESURVEY OF HUY'S ADDITION, INCLUDING THOSE ACCUMULATED PROPORTIONS OF THE VACATED STREETS AND ALLEYS, BY ORDINANCE NO. 656, 776, 1021, 1031, 2019, AND RESOLUTION NO. 8839, has been submitted to the said Great Falls Planning Board, for examination by them and was approved at its regular meeting held on the \_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
Peter Fontana, President  
Great Falls Planning Board

\_\_\_\_\_  
CRAIG RAYMOND, Secretary  
Great Falls Planning Board

CERTIFICATE OF SURVEYOR

I, the undersigned, Daniel R. Kenczka, Professional Land Surveyor, Montana Registration No. 15625LS, do hereby certify that I supervised this Plat of the AN AMENDED PLAT OF LOTS 1-14, BLOCK 399, LOTS 1-14, BLOCK 400, THIRD ADDITION TO GREAT FALLS TOWNSITE, AND LOTS 1-11, BLOCK 733, LOTS 1-14, BLOCK 734, LOTS 8-14, BLOCK 735, LOTS 1-14, BLOCK 745, LOTS 1-10, BLOCK 746, TENTH ADDITION TO GREAT FALLS TOWNSITE, AND LOTS A, 8-9, BLOCK 1, LOTS 6-9, BLOCK 8, RESURVEY OF HUY'S ADDITION, INCLUDING THOSE ACCUMULATED PROPORTIONS OF THE VACATED STREETS AND ALLEYS, BY ORDINANCE NO. 656, 776, 1021, 1031, 2019, AND RESOLUTION NO. 8839, and plotted 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., 2018

\_\_\_\_\_  
Daniel R. Kenczka, Montana Reg. No. 15625LS



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 plat of the AN AMENDED PLAT OF LOTS 1-14, BLOCK 399, LOTS 1-14, BLOCK 400, THIRD ADDITION TO GREAT FALLS TOWNSITE, AND LOTS 1-11, BLOCK 733, LOTS 1-14, BLOCK 734, LOTS 8-14, BLOCK 735, LOTS 1-14, BLOCK 745, LOTS 1-10, BLOCK 746, TENTH ADDITION TO GREAT FALLS TOWNSITE, AND LOTS A, 8-9, BLOCK 1, LOTS 6-9, BLOCK 8, RESURVEY OF HUY'S ADDITION, INCLUDING THOSE ACCUMULATED PROPORTIONS OF THE VACATED STREETS AND ALLEYS, BY ORDINANCE NO. 656, 776, 1021, 1031, 2019, AND RESOLUTION NO. 8839, and find that the current taxes are not delinquent.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2018

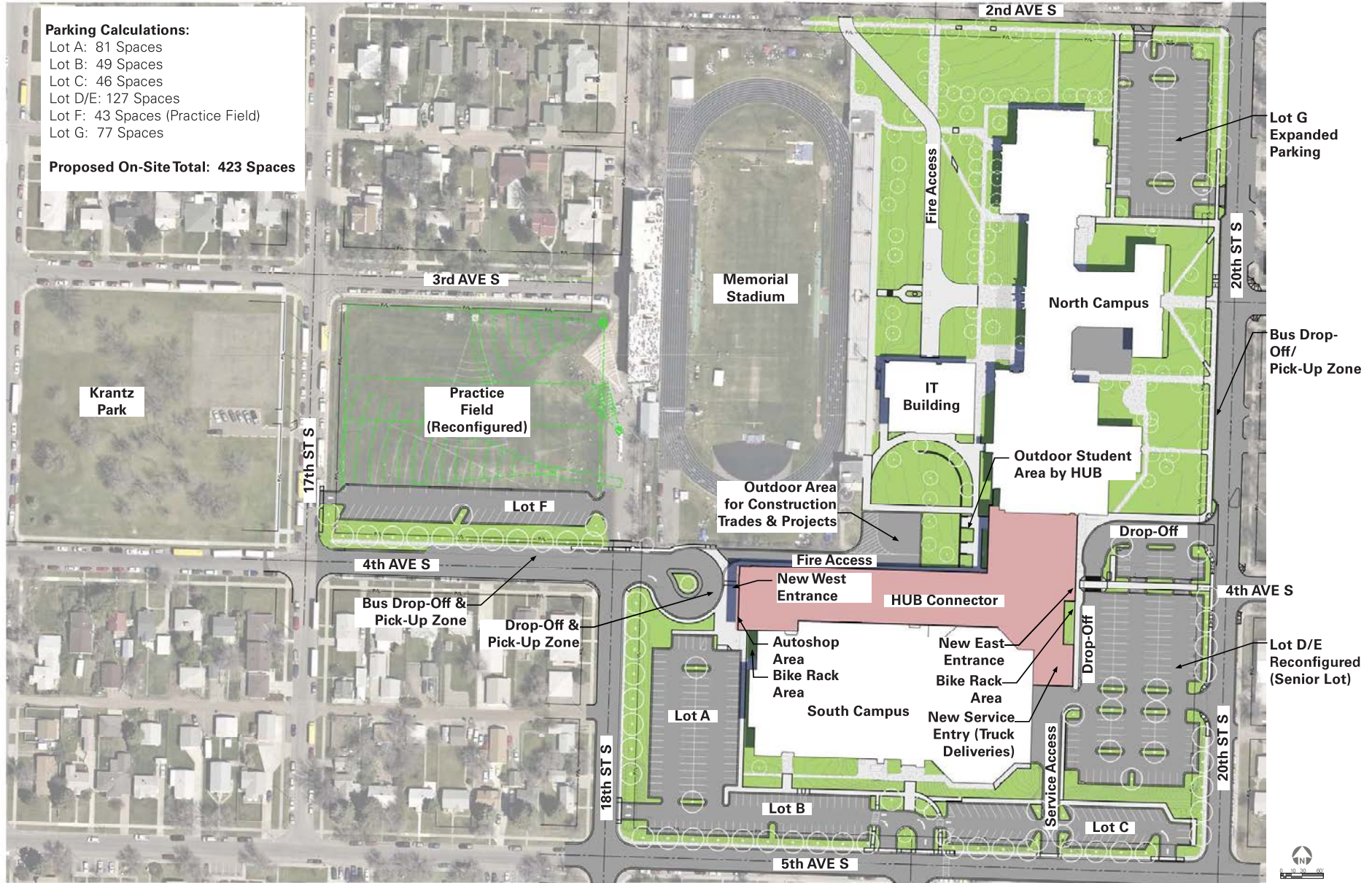
\_\_\_\_\_  
County Treasurer, Cascade County, Montana

BASIS OF BEARING:  
GRID NORTH, MONTANA STATE PLANE COORDINATE SYSTEM, ESTABLISHED WITH SURVEY QUALITY GPS

PURPOSE OF SURVEY:  
TO AGGREGATE 91 LOTS WITHIN THE THIRD ADDITION TO GREAT FALLS TOWNSITE, THE TENTH ADDITION TO GREAT FALLS TOWNSITE, AND THE RESURVEY OF HUY'S ADDITION, INCLUDING THOSE ACCUMULATED PROPORTIONS OF THE VACATED STREETS AND ALLEYS.

	DRAWN BY: DRK	DATE: 4-16-18	QUALITY CHECK: X
	KFV	JOB NO. 17-234	FIELDBOOK X
GREAT FALLS-BOZEMAN-KALISPELL-SHELBY SPOKANE LEWISTON WATFORD CITY			MONTANA WASHINGTON IDAHO NORTH DAKOTA

GREAT FALLS HIGH SCHOOL / UPDATED CAMPUS SITE PLAN



**Parking Calculations:**  
 Lot A: 81 Spaces  
 Lot B: 49 Spaces  
 Lot C: 46 Spaces  
 Lot D/E: 127 Spaces  
 Lot F: 43 Spaces (Practice Field)  
 Lot G: 77 Spaces  
**Proposed On-Site Total: 423 Spaces**



## FINDINGS OF FACT – MONTANA SUBDIVISION AND PLATTING ACT

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

### PRIMARY REVIEW CRITERIA:

**Effect on Agriculture and Agricultural Water User Facilities:** The parcels to be aggregated are not currently being used for agricultural purposes. The parcels are the existing site of Great Falls High School.

**Effect on Local Services:** The aggregation of lots will not affect local services. City of Great Falls Public Works and Engineering have agreed that the City has no need for the remaining easement established by Ordinance 8839 and 656. These ordinances vacated 4<sup>th</sup> Avenue South and 19<sup>th</sup> Street South and left an 80-foot wide easement for utilities in the vacated 4<sup>th</sup> Avenue right of way. Because the applicant proposes abandoning an existing water line and constructing new service, the City's interest in the easement is no longer needed. The applicant and City staff still need to work on finalizing easements on the amended plat.

**Effect on the Natural Environment:** The proposed aggregation of lots will not adversely affect soils or the water quality or quantity of surface or ground waters. No environmental constraints have been found on the property.

**Effect on Wildlife and Wildlife Habitat:** This property location is not in an area of significant wildlife habitat. There are no wooded areas or water resources that provide habitats.

**Effect on Public Health and Safety:** Based on available information, the subdivision is not subject to abnormal natural hazards nor potential man-made hazards. The amended plat must show appropriate easements for Fire Department access and hydrants.

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

The aggregation 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 proposed aggregated parcel must still be finalized to provide necessary utility easements to accommodate water mains, sanitary sewer mains, and possible private utilities if necessary.

### LEGAL AND PHYSICAL ACCESS

Legal and physical access to the proposed aggregated parcel will continue to exist from adjoining City right of ways.