



**City Commission Agenda**  
**Civic Center, 2 Park Drive South, Great Falls, MT**  
**Commission Chambers Room 206**  
**September 4, 2018**

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

**PLEDGE OF ALLEGIANCE**

**ROLL CALL/STAFF INTRODUCTIONS**

**AGENDA APPROVAL**

**CONFLICT DISCLOSURE/ EX PARTE COMMUNICATIONS**

**PROCLAMATIONS**

Constitution Week, Down Syndrome Awareness Month and Vets4Vets 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. Reappointment, Design Review Board.
4. Miscellaneous reports and announcements from Boards and Commissions.

**CITY MANAGER**

5. Miscellaneous reports and announcements from the City Manager.

**CONSENT AGENDA**

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

6. Minutes, August 21, 2018, Commission Meeting.
7. Total Expenditures of \$2,417,739 for the period of August 1, 2018 through August 22, 2018, to include claims over \$5,000, in the amount of \$2,151,804.
8. Contracts List.
9. Approve the purchase of one new 2019 Toro Groundsmaster 5900-D mower for \$93,414.55, including trade-in, from Midland Implement Company, Inc., of Billings,

through National IPA (National Intergovernmental Purchasing Alliance Company).

10. Approve the purchase of two Freightliner M2-106 bucket trucks for a total of \$231,900 from Altec NUECO.
11. Approve final payment for the West Bank Sanitary Sewer Manhole Lining, in the amount of \$13,207.14 to CIP Construction Technologies and \$133.41 to the State Miscellaneous Tax Fund and authorize the City Manager to make the payments.

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

## **PUBLIC HEARINGS**

12. Resolution 10247, to Levy and Assess the Great Falls Park District Number 1.  
*Action: Conduct public hearing and adopt or deny Res. 10247. (Presented by Melissa Kinzler)*
13. Medical Tech Major Subdivision, Preliminary Plat and Accompanying Findings of Fact.  
*Action: Conduct public hearing and approve or deny the Preliminary Plat and the accompanying Findings of Fact. (Presented by Craig Raymond)*

## **OLD BUSINESS**

## **NEW BUSINESS**

14. Library Boiler and Controls Replacement Project.  
*Action: Award or deny a contract for the Library Boiler and Controls Replacement Project to McKinstry Essention, LLC in the amount of \$459,000 and authorize or not authorize the City Manager to execute the contract. (Presented by Craig Raymond)*

## **ORDINANCES/RESOLUTIONS**

15. Ordinance 3188, Repealing and Replacing Title 10, Of The Official Code Of The City Of Great Falls (OCCGF), Pertaining To Vehicles and Traffic.  
*Action: Accept or not accept Ord. 3188 on first reading and set the public hearing for September 18, 2018. (Presented by Sara Sexe)*
16. Ordinance 3192, Amending Title 17, Chapter 16, Article 2, Section 050 of The Official Code of The City of Great Falls (OCCGF), Pertaining to Burden of Proof.  
*Action: Accept or not accept Ord. 3192 on first reading and set second reading for September 18, 2018. (Presented by Sara Sexe)*

## **CITY COMMISSION**

17. Miscellaneous reports and announcements from the City Commission.
18. 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. If a video recording is available it will be posted on the City's website at <https://greatfallsmt.net> after the meeting. 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:** Reappointment, Design Review Board

**From:** City Manager's Office

**Initiated By:** City Commission

**Presented By:** City Commission

**Action Requested:** Reappoint one member to the Design Review Board to a three-year term through March 31, 2021.

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**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission reappoint \_\_\_\_\_ to the Design Review Board for a three-year term through March 31, 2021.”

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

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**Staff Recommendation:**

It is recommended that the City Commission reappoint Tyson Kraft to the Design Review Board for a three-year term through March 31, 2021.

**Summary:**

Tyson Kraft began serving on the Design Review Board on April 1, 2015 for his first three year term. This term expired on March 31, 2018. Mr. Kraft is interested and eligible for serving a second term. During the meeting on June 25, 2018 the Design Review Board recommended reappointing Mr. Kraft to the Board.

The City began advertising for this position in March but no additional applications have been received.

**Background:**

Purpose

Ordinance 2722 was approved at the March 18, 1997, Commission meeting which amended Titles 2 and 15 of the Official Codes of the City of Great Falls and established the Design Review Board. The adoption of Ord. 2923 in September of 2005, the Land Development Code, re-established the Design Review Board. The purpose of the Board is to further promote the health, safety and general welfare of

the City.

The Board has the authority and responsibility to review specified types of development proposals to ensure that the design and aesthetics conform to the review criteria contained in Title 17. The Board's composition should achieve a diversity of expertise, background, and interest.

The Land Development Code states it is preferred that the board include two architects and three individuals chosen for their demonstrated interest in and expertise in design or community aesthetics. Members must reside in the City of Great Falls. No member of the City Commission or employee of the City shall be eligible for membership on the board.

Evaluation and Selection Process

An advertisement for the opening was done through the local media and posted on the City website.

Continuing members of this board are:

Shannon Wilson	12/19/17 -- 3/31/19
David Grosse	3/5/13 – 3/31/19
Dani Grebe	6/16/15 – 3/31/20
Kevin Vining	7/21/15 – 3/31/20

**Alternatives:**

The City Commission could chose to continue to advertise for additional interested citizens.



**Item:** Minutes, August 21, 2018, Commission Meeting.

**From:** City Clerk's Office

**Presented By:** City Commission

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ATTACHMENTS:

- ▣ Draft August 21, 2018 - - City Commission Meeting Minutes

# JOURNAL OF COMMISSION PROCEEDINGS

August 21, 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, Bill Bronson, Mary Sheehy Moe, Owen Robinson, and Tracy Houck. Also present were City Manager Greg Doyon and Deputy City Manager Chuck Anderson; City Clerk Lisa Kunz, Public Works Director Jim Rearden; Planning and Community Development Director Craig Raymond and Senior Transportation Planner Andrew Finch; Human Resources Director Gaye McInerney; Assistant Fire Chief Jeremy Jones; Finance Director Melissa Kinzler; Assistant City Attorney Joe Cik; and, Police Chief Dave Bowen.

## AGENDA APPROVAL

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

## CONFLICT DISCLOSURE/ EX PARTE COMMUNICATIONS

Commissioner Bronson reported that he provided City Clerk Lisa Kunz with an email exchange with a local organization wherein he declined their invitation to attend their board meeting to discuss the proposed Wheat Ridge project. He explained that Commission members should not be engaging in any discussion outside of the public hearing format.

## PETITIONS AND COMMUNICATIONS

### 1. Miscellaneous reports and announcements.

**Becky Monroe**, 1801 2nd Avenue North, urged the Commission to keep the Natatorium open, or have a Plan B, to provide exercise for health reasons and swimming lessons for children. She has been involved in fund raising efforts for the pool.

**Hildreth Grimes**, 926 Avenue B NW, commented that she is almost 101 years of age. She has enjoyed utilizing the pool twice per week and believes that water exercise is the reason she can still walk at her age. She is happy to pay taxes to have the pool fixed for winter swimming for children and for others to be able to use the pool as she has.

**Melissa Barer**, 600 7th Avenue North, Apt. 5, commented that she is part of the activities team at Beehive Assisted Living that brings residents to the Natatorium twice per week to swim. The traumatic brain injury residents that are not able to walk, are able to walk in the pool.

**Marilyn Grimes**, 3020 6th Avenue North, commented that she is a librarian for East and North Middle Schools. She expressed concern about the lack of activities for children during the winter

months.

## **NEIGHBORHOOD COUNCILS**

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

None.

## **BOARDS AND COMMISSIONS**

3. **Appointment, Tourism Business Improvement District.**

**Commissioner Moe moved, seconded by Commissioner Houck, that the City Commission appoint Sandra Johnson-Thares to the Tourism Business Improvement District Board of Trustees for the remainder of a four-year term through June 30, 2019.**

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

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

None.

**CITY MANAGER**

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

City Manager Greg Doyon announced that:

- The second session of City 101 will be held August 30th.
- Deputy City Manager Chuck Anderson was a key note speaker for the new Leadership Great Falls class.
- The audit committee recently met to kick off the audit process wherein independent auditors review and make a report on the City's financial statements.
- He attended a recent MMIA Board retreat. The Board declined making any changes to the health insurance program, and supported establishment of a reinsurance captive.
- Senator Daines discussed the National Defense Authorization Act at Malmstrom Air Force Base last week, as well as other issues of mutual concern.
- Manager Doyon participated in a nuclear weapons incident response training session.
- A new exhibit is opening tomorrow at the History Museum that is a look back in time at the Police and Fire Departments.
- Manager Doyon noted his excused absence from the September 4th Commission meeting.

## CONSENT AGENDA

6. Minutes, August 7, 2018, Commission Meeting.
7. Total Expenditures of \$3,852,077 for the period of July 14, 2018 through August 8, 2018, to include claims over \$5,000, in the amount of \$3,560,048.
8. Contracts List.
9. Approve cancellation of outstanding and unpaid checks over one (1) year old issued by City of Great Falls Municipal Court.
10. Approve Final Payment for the 3rd Avenue South (46th Street South to 56th Street South) Handicap Ramps Phase II project in the amount of \$8,121.96 to David Kuglin Construction, and \$82.04 to the State Miscellaneous Tax Fund, and authorize the City Manager to make the payments. **OF**  
**1697.2**
11. Recommend Staff readvertise for the Public Works Facilities Repairs project due to no bids being submitted after the original Invitation to Bid. **OF**  
**1733**
12. Approve Interlocal Agreement between Cascade County and the City of Great Falls for Emergency Fire and Medical Services from October 1, 2018, through September 30, 2021.
13. Set a public hearing for September 18, 2018, on Resolution 10255 to establish residential and commercial water, sewer, and storm drain utility service rates effective October 1, 2018.

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

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

**John Hubbard**, 615 7th Avenue South, referred to Item 13 and encouraged people to watch this evening's work session on water, sewer and storm drain rate review. He suggested the water and sewer infrastructure should have been taken care of before implementing a school levy, park maintenance district, and permissive medical levy.

Mayor Kelly encouraged attendance at the formal presentation on water, sewer and storm drain



rates at the public hearing.

Commissioner Houck referred to Item 12 noting lower insurance rates last year due to the long standing partnership between the City and County. She also encouraged people to watch this evening's work session that provides rate information and a phone number for people to call should they want to analyze their bill.

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

Motion carried 5-0

## **PUBLIC HEARINGS**

### **OLD BUSINESS**

### **NEW BUSINESS**

#### **14. 2018 Great Falls Area Long Range Transportation Plan Update.**

Planning and Community Development Director Craig Raymond reported that, even though this is considered a minor update, it entailed considerable time and coordination with the consultant and multiple agencies. He acknowledged Senior Transportation Planner Andrew Finch's work on this project, and requested that the Commission consider public comment and approve the 2018 Minor Update to the Great Falls Area Long Range Transportation Plan as submitted.

Senior Transportation Planner Andrew Finch expressed appreciation to the consulting firm of Robert Peccia & Associates that also performed the last update to the Long Range Transportation Plan in 2014.

For the 2018 Update, only a minor update was deemed necessary, due to a number of factors: (1) Great Falls' relatively slow growth rate, meaning predictable growth scenarios; (2) Great Falls is growing in the areas projected, meaning accurate traffic projections; and (3) the length of time it takes to move a new project forward (usually 5+ years) means that few projects have moved forward since the 2014 Plan was completed.

Because only a minor update was necessary, the scope of work was limited to:

- Updating the Plan's base year to 2018, with a planning horizon date of 2038, including updating demographic (housing and employment) estimates and projections;
- Updating Level of Service ratings (a measurement of delay at traffic signals) at intersections with latest data;
- Analysis of major roads for volume-to-capacity ratios (i.e., congestion);
- Updating intersection crash "hot spots" with latest data;
- Adding new Non-motorized facilities to map;
- Updating Demographic (housing and employment) estimates and projections;
- Re-affirming public support of the Plan;
- Updating Fiscal Constraint, using latest project cost and available funding estimates;
- Updating Air Quality Conformance analysis;
- Adding new elements, such as Performance Measures and Targets, to comply with new Federal requirements; and

- Re-formatting the Plan into a more user-friendly format.

Two formal, advertised public meetings were held to inform the public and to provide opportunity for direct public input. The consultant maintained a website for the Update ([www.greatfallstransplan.com](http://www.greatfallstransplan.com)), which included an interactive map of the recommended projects that visitors to the webpage could access to provide comment directly to the consultant. Drafts and technical memoranda were also made available to the public on the website as was notification of outreach and comment opportunities. The Draft Update was made available for a 30-day public review and comment period, ending June 10, 2018. The final draft Plan with appendices is available for viewing on the Plan Update website.

The consultant has worked closely with Planning staff, the Montana Department of Transportation, and Federal agencies to ensure the Plan Update meets Federal requirements and guidance. Specifically, the fiscal constraint and air quality conformance elements of the Update have been reviewed and determined to be in compliance with Federal regulations. Additional Plan elements were added for compliance with the latest Transportation Act (FAST-Act – Fixing America’s Surface Transportation). Adoption of the Plan Update will allow the City, County, and State to receive and expend Federal Transportation dollars within the Great Falls Urban Area. A compliant Long Range Transportation Plan must be adopted to expend these monies. Without an adopted Plan, the Great Falls area would lose millions of transportation dollars each year.

The 2014 Update identified transportation facilities at the highest risk of deterioration in service over the life of the Plan. The 2018 Update reaffirmed the areas of the transportation network that needed the most attention, with some of the main areas of concern being:

- Highway 87/15th St NE/Old Havre Highway, and various associated roadway segments and connections – including Bootlegger Trail;
- All five interchanges along the Interstate 15 corridor, and public comment identified concern at the Airport (congestion and safety) and Emerson Junction (limited access) interchanges, while a recent MDT Study quantified operational deficiencies at Exit 0;
- Fox Farm Rd./Country Club Boulevard Intersection, including the I-315 leg; and
- River Drive North from 15th Street North to 38th Street North (2-lane segment), including the intersection at 25th Street North.

While other areas of concern were noted and a number of projects identified, recommended projects are few due to the need to keep the Plan financially balanced. However, to make the Plan viable, other needs are listed as “illustrative projects”, with no funding source identified.

The Plan Update also includes a robust Non-Motorized element to provide the Urban Area with guidance and suggestions for building a connected pedestrian and bicycle network. While not all of the recommendations may be feasible, they do provide a “blueprint” for working toward a connected system for the segment of the community that, by choice or by necessity, uses transportation methods other than the personal automobile.

Other important elements of the Plan include Safety, Transit, Security, Fiscal Constraint, and Air Quality Conformity. New elements include Enhancement of Travel and Tourism, Transportation Infrastructure Resiliency and Reliability, and Performance Measures and Targets.

The various boards and bodies involved in adoption of the Plan Update include: Technical Advisory Committee - approved the Plan Update on July 12; Planning Advisory Board (as MPO) – approved the Plan Update on August 14 and recommended approval by the City Commission; Cascade County Commission – August 14; Great Falls City Commission – August 21; and Policy Coordinating Committee (Final Adoption) – Late August. After local approvals, the Plan will be sent to the Federal approving agencies for final consideration and concurrence.

**Commissioner Bronson moved, seconded by Commissioner Robinson, that the City Commission approve the 2018 Minor Update to the Great Falls Area Long Range Transportation Plan, and direct its representative on the Policy Coordinating Committee to vote accordingly.**

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

**Shyla Patera**, North Central Independent Living Services, submitted written comments requesting that the City of Great Falls focus on ADA accessibility

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

At Commissioner Robinson's request, Planner Finch noted again that the public can view the 400+ page Plan at <https://www.greatfallstransplan.com>.

Commissioner Robinson noted that improving Stuckey Road will also improve air quality in that area.

Commissioner Bronson referred to Ms. Patera's written comments and inquired if the previously adopted Public Right of Way ADA Transition Plan was referenced or incorporated in the Long Range Transportation Plan and was responded to affirmatively.

Commissioner Moe inquired about the attendance and issues raised at the two public meetings.

Planner Finch responded that attendance was light, approximately a dozen people at each meeting. One person was interested in the functionality of 6th Street SW pertaining to speed and safety. Those concerns were passed along to the Department of Transportation for consideration since it is an MDT route; some people were interested in ADA improvements - Shyla Patera being one that also submitted written comments; and, there were people interested in non-motorized improvements - access to the airport for instance.

Commissioner Moe commented that the current non-motorized network seems spotty. Planner Finch agreed and added that the focus is on filling in the gaps for pedestrian and non-motorized transportation in the network as they are able to.

Commissioner Moe commented that it has been her observation that, because the network is so spotty, there is a tendency on the part of motorized traffic in particular, not to recognize that that is a network of viable transportation for people. She noted her concern about the pedestrian crossing between Broadwater Park and Applebees Restaurant.

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

Motion carried 5-0

15. **Labor agreement between the City of Great Falls and City of Great Falls Public Employees Crafts Council.**

Human Resources Director Gaye McInerney reported that Staff recommends the City Commission approve the labor agreement between the City of Great Falls and City of Great

Falls Public Employees Crafts Council. The Crafts Council consists of 116 employees across six City departments to include Administration, Library, Park and Recreation, Planning and Community Development, Police, and Public Works.

Members of the negotiating team worked to update basic contractual language in order to make the Agreement more clear, more understandable, and consistent.

Changes from the previous Agreement include, but are not limited to:

Article 3 - Definitions: Removed the definition of "seasonal position" as the City does not use this classification. Employees are classified as "temporary employees." The "lead worker" definition was clarified. Added definitions for "Work Schedule" and Work Week."

Article 9.4 - Hours of Work and Overtime: Holidays, but not sick or vacation days, shall be counted as days worked in computing the initial forty (40) hours for overtime purposes.

Article 15.2.5 - Sick Leave: Parental leave was removed as it is provided for under the Family Medical Leave Act (FMLA).

Article 15.6 - Sick Leave: "Leave of Absence" section was removed as it is covered under Article 24 - Leave of Absence.

Article 15.7 - Sick Leave: Clarified death benefits are provided for under the Public Employment Retirement System (PERS).

Article 19 - Health Benefits: Health premium charges after 7/1/18, will be shared at a provider standard rate with the City paying 90 percent and the employee paying 10 percent of the health premium. In addition, the 7/1/18 health premium rates were updated.

Article 27: Updated wording in the clause from Affirmative Action to Non-Discrimination Policy.

Schedule C: Incorporated seven of twelve Letters of Understanding (LOUs) into the labor agreement.

The previous labor agreement period was for a two-year period, expiring June 30, 2018. The term of the proposed Agreement is for a one-year period beginning July 1, 2018, through June 30, 2019.

Negotiating Teams met on three separate occasions over a period of four weeks. Team members were:

Representing the City: Gaye McInerney, Human Resources, Director; Sara Sexe, City Attorney; Melissa Kinzler, Finance Director; Jim Rearden, Public Works Director; Steve Herrig, Park and Recreation Director; Craig Raymond, Planning and Community Development Director; Ross Bartell, Sanitation Manager; Kenny Jorgensen, Streets Manager; Mike Judge, Utilities Manager; Wayne Lovelis, Water Plant Manager; and, Doug Alm, Fleet Manager.

Representing the Public Employees Crafts Council: Jim Stone, Business Representative, Teamsters Local #2; Brian Boland, Field Representative, LiUNA, Local 1686 (Laborers); Troy Buhl, Business Representative, IAMAW District W24, Local 88 (Machinists); Steve Gross, Business Representative, I.U.O.E., Local 400 (Operators); John Johnson, Business Representative, I.U.O.E., Local 400 (Operators); Alan Thomas, Maintenance Worker II, Sanitation; Dave O'Neill, Maintenance Worker I, Utilities; Pat Habel, Customer Service Representative, Utilities; Charlie Marsik, Water Plant Operator II; Cody Lattin, Maintenance

Worker, Streets; Tony Osterman, Master Mechanic, Fleet; and, Mike Lovec, Water Plant Operator II.

The financial impact of a 4.5% increase to wages (3% COLA and 1.5% market adjustment) for a one-year contract is approximately \$347,950. The departmental breakdown is: Administration: \$1,914; Library: \$3,323; Planning and Community Development: \$7,275; Park and Recreation: \$106,626; Police: \$1,937; and Public Works: \$226,875.

**Commissioner Robinson moved, seconded by Commissioner Houck, that the City Commission approve the labor agreement between the City of Great Falls and City of Great Falls Public Employees Crafts Council.**

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 Moe requested clarification of the comment made that the term "seasonal position" was eliminated, yet the first Letter of Understanding refers to "seasonal golf laborers."

Director McInerney explained that it is covered in Schedule A wherein the term is now "temporary laborers."

Commissioner Moe inquired about the one year term of the agreement.

Director McInerney responded that negotiations were started a year and a half ago with other labor unions to accomplish two things: an actual provider standard rate of which the City would base its rates off of, as well as a true 90/10 cost sharing split between the City and the employee. Those negotiated agreements were for two years. Those same two items were negotiated in three other labor agreements this year. Now everyone is on the same playing field at the same time going forward next year.

Commissioner Moe also requested clarification of Article 9.4 wherein sick or vacation leave is not counted, but holidays are, in computing the initial 40 hours for overtime purposes.

Director McInerney responded that refers back to the Fair Labor Standards Act that states overtime that is actually worked above 40 hours in a given work week, in most divisions and departments across the City is Sunday through Saturday, was added in for consistency for all agreements.

Mayor Kelly referred to Article 19 and summarized that next year the negotiations for this agreement will be for a two year term to match up with the other negotiated agreements. Director McInerney concurred.

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

Motion carried 5-0

## **ORDINANCES/RESOLUTIONS**

### 16. **Resolution 10241, Annual Tax Levy.**

Finance Director Melissa Kinzler reported that the City Commission is required to fix an annual

tax levy by setting mills to generate property tax revenues to fund City operations. The City received its original taxable valuation from the Montana Department of Revenue (MTDOR) on July 30, 2018, and a revised valuation on August 6, 2018. With this valuation, the City can now compute and set its annual mill levy.

During the FY 2019 budget adoption process, the Finance Department projected the City's newly taxable property revenue would be \$400,000. The projection was based on the seventeen-year average of newly taxable property. The newly taxable revenue reported by MTDOR is actually \$689,968. MTDOR cannot identify any specific development or project that this newly taxable revenue can be attributed to.

This amount of newly taxable property revenue means that the City will have slightly more tax revenue than projected of \$289,968 (2% of total General Fund tax revenue). The City anticipates property assessment appeals/abatement requests which means the City will not definitively know how much of this new projected tax revenue will be available until those appeals/abatement requests are processed. For example, in Fiscal Year 2018 the newly taxable property revenue was certified to be \$437,295, and the City has still not received this additional revenue.

The newly taxable property increases the taxable value per mill from \$94,164 in FY 2018 to \$109,457 in FY 2019. The increase in value also indicates that the Great Falls' tax base has expanded.

One immediate benefit to the City's budget is to the Great Falls Public Library. The Library receives nine (9) mills under its agreement with the City. With the newly taxable value, this translates into an additional \$137,637 for the Library in FY 2019.

The total mill levy for Tax Year 2018 (FY 2019) is 177.84 mills totaling \$19,465,893. Last year's mill levy for Tax Year 2017 (FY 2018) certified revenue of \$18,341,320. The differences between the mill levy of \$18.3 million (what the City milled last year) and \$19,465,893 (what the City will mill this year) include the following: \$689,968 for newly taxable property, \$127,721 for the inflationary adjustment, \$300,000 for the Permissive Medical Levy, \$24 adjustment from previous taxable value adjustments, and an additional \$6,908 increase for the revenue needed for the soccer park debt.

As proposed, the projected impact on a \$100,000 home with a taxable market value is: \$1.84 for the inflationary factor, and \$4.30 for the permissive medical levy, for a total amount of \$6.14 per year.

State law requires that the City adopt a FY 2019 Budget which includes setting the annual mill levy amounts on or before the first Thursday after the first Tuesday in September or 30 days after receiving taxable valuation from the Montana Department of Revenue, whichever is later. Staff recommends that the City Commission adopt Resolution 10241 without any adjustments.

**Commissioner Robinson moved, seconded by Commissioner Houck, that the City Commission adopt Resolution 10241.**

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

## **CITY COMMISSION**

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

Mayor Kelly announced that the rain delayed Lewis and Clark Festival has been rescheduled for August 25, 2018 at Gibson Park. The River's Edge Trail luminaria walk will also be held that evening.

Commissioner Bronson announced that members of the Commission will be participating in a panel before the group, Great Falls Rising, along with the County Commission, on August 28, 2018. Current legislators and legislative candidates have also been invited. It will be an opportunity for the City and County Commissions to interact with legislators about what the concerns of local government are.

Commissioner Houck reminded motorists to slow down and be aware of school zones as the school year begins next Wednesday.

Commissioner Robinson announced that Fire Chief Hester and Police Chief Bowen will be making presentations at the opening exhibit at the History Museum tomorrow evening.

18. **Commission Initiatives.**

None.

**ADJOURNMENT**

There being no further business to come before the Commission, **Commissioner Moe moved, seconded by Commissioner Bronson, to adjourn the regular meeting of August 21, 2018, at 8:03 p.m.**

Motion carried 5-0

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**Mayor Bob Kelly**

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**City Clerk Lisa Kunz**

**Minutes Approved:  
September 4, 2018**



**Item:** Total Expenditures of \$2,417,739 for the period of August 1, 2018 through August 22, 2018, to include claims over \$5,000, in the amount of \$2,151,804.

**From:** Fiscal Services

**Initiated By:** City Commission

**Presented By:** Melissa Kinzler, Fiscal Services Director

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ATTACHMENTS:

- ▣ 5000 Report





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

**PRESENTED BY:** Finance Director

**ACTION REQUESTED:** Approval with Consent Agenda

**LISTING OF ALL ACCOUNTS PAYABLE CHECKS ISSUED AVAILABLE ONLINE AT**  
**[www.greatfallsmt.net/finance/checkregister](http://www.greatfallsmt.net/finance/checkregister)**

**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 AUGUST 9, 2018 - AUGUST 22, 2018	2,387,366.84
MUNICIPAL COURT ACCOUNT CHECK RUN FOR AUGUST 1, 2018 - AUGUST 14, 2018	30,372.00
<b>TOTAL: \$</b>	<b><u>2,417,738.84</u></b>

**GENERAL FUND**

**OTHER ADMIN**

CTA ARCHITECTS ENGINEERS	PHASE 1 CC EXTERIOR ENVELOPE REHAB ARCHITECTURAL SERVICES	12,847.93
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**FIRE**

MONTANA STATE UNIVERSITY	ROPE RESCUE TRAINING	5,200.00
US BANK NA	DEBT SERVICE	43,555.98

**SPECIAL REVENUE FUND**

**LIGHTING DISTRICT**

CARTEGRAPH SYSTEMS	SOFTWARE SUBSCRIPTION- 50 USERS (SPLIT AMONG FUNDS)	954.00
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**STREET DISTRICT**

STATE OF MONTANA	OF 1739.1 STUCKY ROAD IMPROVEMENTS	7,140.00
GREAT FALLS SAND & GRAVEL	ASPHALTIC CONCRETE MATERIAL	145,769.78
CARTEGRAPH SYSTEMS	SOFTWARE SUBSCRIPTION- 50 USERS (SPLIT AMONG FUNDS)	8,268.00
VULCAN INC	TRAFFIC SIGNS	10,505.95

**LIBRARY FOUNDATION**

BRIDGEALL LIBRARIES LIMITED	ANNUAL SUBSCRIPTION RENEWAL	12,500.00
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**FEDERAL BLOCK GRANTS**

APPLE VALLEY BACKHOE SERVICE	RLF INSTALL NEW WATERLINE 3125 6TH AVE S	7,389.00
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**ENTERPRISE FUNDS**

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**WATER**

INDUSTRIAL AUTOMATION CONSULTING	OF 1519.6 WTP IMPROVEMENTS PHASE 1 UV & CHEMICAL BLDG, SURGE TANK & ELECTRICAL BLDG	5,443.72
NALCO COMPANY	CHEMICALS	58,396.00
SLETTEN CONSTRUCTION CO	OF 1519.6 WTP IMP PH 1 CONSTRUCTION	491,000.30
CARTEGRAPH SYSTEMS	SOFTWARE SUBSCRIPTION- 50 USERS (SPLIT AMONG FUNDS)	3,816.00
HAYWARD GORDON ULC	SLOW MIX MOTOR & SHAFT	11,223.25

**SEWER**

GPD, PC	OF 1633.7 WWTP ELEC. DIST EVAL	45,597.10
CARTEGRAPH SYSTEMS	SOFTWARE SUBSCRIPTION- 50 USERS (SPLIT AMONG FUNDS)	8,586.00
VEOLIA WATER NORTH AMERICA	MONTHLY WWTP OPERATION CONTRACT	241,274.04
VEOLIA WATER NORTH AMERICA	MONTHLY CONTRACTED CAPITAL IMPROVEMENTS	12,500.00
VEOLIA WATER NORTH AMERICA	MAINTENANCE SHOP ROOF REPAIR	38,912.26

**STORM DRAIN**

VEOLIA WATER NORTH AMERICA	YEARLY FEE FOR 3 MDT LIFT STATIONS	6,585.00
VEOLIA WATER NORTH AMERICA	PURCHASE & INSTALLATION OF 1 PUMP AT LIFT STATION 3	11,542.08

**SANITATION**

US BANK NA	DEBT SERVICE	137,695.27
CARTEGRAPH SYSTEMS	SOFTWARE SUBSCRIPTION- 50 USERS (SPLIT AMONG FUNDS)	2,544.00

**SWIMMING POOLS**

HAWKINS INC	CHEMICALS	5,574.82
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**CIVIC CENTER EVENTS**

MONTANA EAST WEST SHRINE GAME	19-1 CASH OUT SHRINE BANQUET	8,194.40
MONTANA EAST WEST SHRINE GAME	19-18 CASH OUT SHRINE GAME	23,417.82

**INTERNAL SERVICES FUND**

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**INFORMATION TECHNOLOGY**

FERGUSON ENTERPRISES INC	UTILITY GUN REPLACEMENT	6,100.00
MALWAREBYTES	1 YEAR ENDPOINT PROTECTION	7,542.50
DELL MARKETING LP	LAPTOP REPLACEMENTS FY 2019	13,772.04

**CENTRAL GARAGE**

CARTEGRAPH SYSTEMS	SOFTWARE SUBSCRIPTION- 50 USERS (SPLIT AMONG FUNDS)	10,176.00
MOUNTAIN VIEW CO-OP	FUEL- DIESEL	33,784.35

**INTERNAL SERVICES FUND (CONTINUED)**

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**ENGINEERING**

US BANK NA	DEBT SERVICE	14,960.34
CARTEGRAPH SYSTEMS	SOFTWARE SUBSCRIPTION- 50 USERS (SPLIT AMONG FUNDS)	8,586.00

**PUBLIC WORKS ADMINISTRATION**

CARTEGRAPH SYSTEMS	SOFTWARE SUBSCRIPTION- 50 USERS (SPLIT AMONG FUNDS)	4,770.93
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**TRUST AND AGENCY**

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**COURT TRUST MUNICIPAL COURT**

CITY OF GREAT FALLS	FINES & FORFEITURES COLLECTIONS	25,866.00
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**PAYROLL CLEARING**

STATE TREASURER	MONTANA TAXES	50,544.00
ICMA RETIREMENT TRUST	EMPLOYEE CONTRIBUTIONS	8,141.97
FIREFIGHTER RETIREMENT	FIREFIGHTER RETIREMENT EMPLOYEE & EMPLOYER CONTRIBUTIONS	54,792.00
STATEWIDE POLICE RESERVE FUND	POLICE RETIREMENT EMPLOYEE & EMPLOYER CONTRIBUTIONS	67,804.27
PUBLIC EMPLOYEE RETIREMENT	PUBLIC EMPLOYEE RETIREMENT EMPLOYEE & EMPLOYER CONTRIBUTIONS	134,871.49
POLICE SAVINGS & LOAN	EMPLOYEE CONTRIBUTIONS	13,385.00
US BANK	FEDERAL TAXES, FICA & MEDICARE	220,323.38
AFLAC	EMPLOYEE CONTRIBUTIONS	10,282.70
NATIONWIDE RETIREMENT SOLUTIONS	EMPLOYEE CONTRIBUTIONS	13,356.72

**UTILITY BILLS**

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MONTANA WASTE SYSTEMS INC	JULY 2018 MONTHLY CHARGES	86,311.84
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**CLAIMS OVER \$5000 TOTAL:** \$ 2,151,804.23



**Item:** Contracts List.

**From:** City Clerk's Office

**Presented By:** City Commission

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ATTACHMENTS:

- ▣ Contracts List

**COMMUNICATION TO THE CITY COMMISSION**

**DATE: September 4, 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>	Planning & Community Development	Society of St Vincent De Paul of North Central Montana	09/05/2018-06/30/2019	\$36,845	2018/2019 Community Development Block Grant Agreement to provide roof upgrades to the Grace Home, a transitional housing facility for homeless veterans. (ID # CD 721903)
<b>B</b>	Public Works/ Engineering	David Kuglin Construction	09/04/2018-0928/2019	\$27,620	Construction Agreement to install ADA compliant ramps, integral curb and gutter, and sidewalk near new Giant Springs Elementary on the NE and SE corners of intersection of 32 <sup>nd</sup> Street and 5 <sup>th</sup> Avenue North <b>OF 1730.6</b>

<b>C</b>	Public Works/ Engineering	Gregoire Construction	09/04/2018- 11/30/2018	\$48,485.75	Construction Agreement to install 10 ADA compliant alley aprons to complete an ADA corridor along 4 <sup>th</sup> Street NE and 6 <sup>th</sup> Street NE <b>OF 1730.5</b>
<b>D</b>	Public Works/ Engineering	Shumaker Trucking & Excavating Contractors, Inc	09/04/2018- 05/30/2019	\$79,867	Construction Agreement to demolish and dispose of a 1,000,000 and 500,000 gallon steel sandpipe located in the Boston Heights Park near the intersection of Central Avenue and 33 <sup>rd</sup> Street North <b>OF 1346.3</b>



**Item:** Purchase of One New 2019 Grounds Mower

**From:** Doug Alm, Vehicle Maintenance Manager

**Initiated By:** Public Works Department

**Presented By:** Dave Dobbs, Representing Public Works Director Jim Rearden

**Action Requested:** Approve Purchase

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**Suggested Motion:**

1. Commissioner moves:

"I move that the City Commission (approve/reject) the purchase of one new 2019 Toro Groundsmaster 5900-D mower for \$93,414.55, including trade-in, from Midland Implement Company, Inc., of Billings, through National IPA (National Intergovernmental Purchasing Alliance Company)."

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

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**Staff Recommendation:**

Staff recommends that the City Commission approve the purchase of one new 2019 Toro Groundsmaster 5900-D mower from Midland Implement Company, Inc., of Billings, for a total of \$93,414.55, including trade-in.

**Background:**

Purpose

This commercial turf mower will be used in the Parks Division to maintain the parks each week.

Evaluation and Selection Process

The City of Great Falls has a membership with National IPA to view their competitive bid contracts. As a member, the City can interact directly with awarded vendors to facilitate a purchase. This also allows the City to work with the National IPA contract manager to verify pricing, answer contract questions, or any other questions that may arise.

### Conclusion

The bid specifications from National IPA meet specifications for the grounds mower. Request for Proposal (RFP) advertising was done through National IPA. Copies of the RFP and the advertisement are available in the Clerk's office for review.

### **Fiscal Impact:**

Staff recommends accepting the trade-in offer of \$3,000 for the City's 2003 Toro Groundsmaster 580-D, Unit #PM-19, VIN #30581-230000108, 5,883 hours.

Funds for this scheduled purchase are provided in the FY 2019 Central Garage Budget.

### **Alternatives:**

The City Commission could vote to reject the purchase of one new 2019 Toro Groundsmaster 5900-D mower.

### ATTACHMENTS:

- ❑ Midland Implement Quote



402 Daniel St • P.O. Box 30358  
Billings, MT 59107  
Tel (406) 248-7771 Fax (406) 252-5772  
www.midlandimplement.com



August 1, 2018

Doug Alm  
City of Great Falls- Parks Dept.  
P.O. Box 5021  
Great Falls, MT 59403

Dear Doug:

Per your request, we are pleased to provide the following quotation for your review. Quote reflects National IPA contract pricing.

<b>Toro Groundsmaster 5900-D</b>	<u>Price</u> <b>\$96,414.55</b>
<i>Includes:</i>	
<ul style="list-style-type: none"><li>• 2 Post ROPS Extension</li><li>• White Canopy</li><li>• Tempered Glass Windshield</li><li>• Windshield Wiper Kit</li><li>• (2) Exterior Mirrors</li></ul>	

This price is firm until August 31, 2018, set up, serviced and delivered. Terms are net 30 days upon delivery.

All New Toro Commercial Turf equipment carries a 2-year or 1500 operational hours limited warranty.

#### TRADES

Based on the equipment inspection performed on 7/24, as well as current demand for this used equipment in our market, Midland Implement will be willing to offer the following as trade credit. We can only accept one of these machines.

2006 Toro Groundsmaster 580-D (3700 hours) - \$7,000.00  
2003 Toro Groundsmaster 580-D (5650 hours) - \$3,000.00

We are confident that you would be completely satisfied with the performance and reliability of this equipment. If you have any questions about our bid or our products, please let us know. Thank you for the continued opportunity to earn your business!

Sincerely,  
*Forest Dean*  
Western Montana Territory Manager,  
MIDLAND IMPLEMENT COMPANY, INC.



**Item:** Purchase of Two Forestry Bucket Trucks

**From:** Doug Alm, Vehicle Maintenance Manager

**Initiated By:** Public Works Department

**Presented By:** Dave Dobbs, Representing Public Works Director Jim Rearden

**Action Requested:** Approve Purchase

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**Suggested Motion:**

1. Commissioner moves:

"I move that the City Commission (approve/reject) the purchase of two Freightliner M2-106 bucket trucks for a total of \$231,900 from Altec NUECO."

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

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**Staff Recommendation:**

Staff recommends that the City Commission approve the purchase of two forestry bucket trucks from Altec NUECO for a total of \$231,900.

**Background:**

Purpose

These forestry bucket trucks will be used in the Forestry Division. They will be used for tree trimming, tree removal, tree insect and disease inspections, tree safety inspections, tree storm damage repair, tree cable and bracing, and public safety.

Evaluation and Selection Process

These vehicles are both lease returns, a 2014 and a 2015 Freightliner both with an Altec lift.

All trucks include a current DOT inspection and chassis service, Altec annual PM inspection and dielectric testing. Chassis and upper (lift assembly) are warranted for 30 days from date of pick up for major components. Chassis repairs are to be completed at local chassis dealer and unit repairs completed by Altec mobile service.

The City of Great Falls has a membership with Sourcewell, formerly known as National Joint Powers Alliance (NJPA), to view their competitive bid contracts. As a member of Sourcewell, the City of Great Falls can interact directly with awarded vendors to facilitate a purchase. This also allows the City of Great Falls to work with the Sourcewell contract manager to verify pricing, answer contract questions, or any other questions that may arise.

Conclusion

The bid specifications from Sourcewell meet specifications for the forestry bucket trucks.

**Fiscal Impact:**

These vehicles will replace the City's 1997 Freightliner FL70, Unit #306, VIN# 1FV6HLBA7WH899822, with 22,775 hours, and the City's 1997 Freightliner FL70, Unit #329, VIN # 1FV6HLBA9WH899823, with 25,392 hours. Unit #306 and Unit #329 will be declared surplus and sold at a later date.

Funds for this scheduled purchase are provided in the FY 2019 Central Garage Budget.

**Alternatives:**

The City Commission could vote to reject the purchase of two forestry bucket trucks.

ATTACHMENTS:

- ▣ Altec Quote
- ▣ Acceptance and Award - Altec
- ▣ Comment and Review



1730 Vanderbilt Road  
Birmingham, AL 35234  
[www.nueco.com](http://www.nueco.com)

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8/24/18

City of Great Falls.

ALTEC NUECO makes an offer for two forestry bucket trucks.

- 1) 2015 Freightliner M2-106. Automatic transmission, air brakes. 33000 GVWR  
9,625 miles. ALTEC LR7-60 overcenter forestry boom and hydraulic dump body  
1FVACXDT1FHGM0017  
Located in Birmingham Alabama. Sourcewell pricing of \$118,400  
Price includes transportation to Alabama for pick up and addition of cone holder on front bumper
  
- 2) 2014 Freightliner M2-106. Automatic transmission,  
Altec LR7-58 overcenter forestry boom and hydraulic chip dump body  
1FVACWDU7EHFF7558  
Located in Birmingham Alabama. Sourcewell pricing is \$113,500 including transportation to Alabama for  
Pickup and addition of cone holder on front bumper.

All trucks include current DOT inspection, chassis service. Altec annual PM inspection and dielectric testing.  
Chassis and upper are warrantied for 30 days from date of pick up for major components.  
Chassis repairs are to be completed at local chassis dealer and unit repairs completed by ALTEC mobile service.





**FORM E**  
**CONTRACT ACCEPTANCE AND AWARD**



(Top portion of this form will be completed by NJPA if the vendor is awarded a contract. The vendor should complete the vendor authorized signatures as part of the RFP response.)


NJPA Contract #: 012418-ALT

Proposer's full legal name: Altec Industries, Inc.

**Based on NJPA's evaluation of your proposal, you have been awarded a contract. As an awarded vendor, you agree to provide the products and services contained in your proposal and to meet all of the terms and conditions set forth in this RFP, in any amendments to this RFP, and in any exceptions that are accepted by NJPA.**

The effective date of the Contract will be March 14, 2018 and will expire on March 14, 2022 (no later than the later of four years from the expiration date of the currently awarded contract or four years from the date that the NJPA Chief Procurement Officer awards the Contract). This Contract may be extended for a fifth year at NJPA's discretion.

**NJPA Authorized Signatures:**

  
\_\_\_\_\_  
NJPA DIRECTOR OF COOPERATIVE CONTRACTS  
AND PROCUREMENT/CFO SIGNATURE

Jeremy Schwartz  
(NAME PRINTED OR TYPED)

  
\_\_\_\_\_  
NJPA EXECUTIVE DIRECTOR/CEO SIGNATURE

Chad Coquette  
(NAME PRINTED OR TYPED)

Awarded on March 12, 2018

NJPA Contract # 012418-ALT

**Vendor Authorized Signatures:**

The Vendor hereby accepts this Contract award, including all accepted exceptions and amendments.

**Vendor Name** Altec Industries, Inc

**Authorized Signatory's Title** Contract Specialist

  
\_\_\_\_\_  
VENDOR AUTHORIZED SIGNATURE

Riley Browne  
(NAME PRINTED OR TYPED)

Executed on March 12, 2018

NJPA Contract # 012418-ALT



**COMMENT AND REVIEW**  
to the  
**REQUEST FOR PROPOSAL (RFP) #012418**  
Entitled

**PUBLIC UTILITY EQUIPMENT WITH RELATED ACCESSORIES AND SUPPLIES**

The following advertisement was placed in Oregon's *Daily Journal of Commerce* on December 8, 2017, in South Carolina's *The State* on December 7, 2017, in Utah's *The Salt Lake Tribune* on December 7, 2017, in *USA Today* on December 7, 2017, and on the NJPA website [www.njpacoop.org](http://www.njpacoop.org), Onvia website [www.onvia.com](http://www.onvia.com), Notice to Bidders website [www.noticetobidders.com](http://www.noticetobidders.com), PublicPurchase.com, AAMDC, Merx, Biddingo and The New York State Contract Reporter:

*The National Joint Powers Alliance® (NJPA), on behalf of NJPA and its current and potential member agencies, which includes all governmental, higher education, K-12 education, not-for-profit, tribal government, and all other public agencies located in all fifty states, Canada, and internationally, issues this Request For Proposal (RFP) to result in a national contract solution for the procurement of #012418 PUBLIC UTILITY EQUIPMENT WITH RELATED ACCESSORIES AND SUPPLIES. Details of this RFP are available beginning December 7, 2017. Details may be obtained by letter of request to Chris Robinson, NJPA, 202 12th Street Northeast, P.O. Box 219, Staples, MN 56479, or by e-mail at [RFP@njpacoop.org](mailto:RFP@njpacoop.org). Proposals will be received until January 24, 2018 at 4:30 p.m. Central Time at the above address and opened January 25, 2018 at 8:30 a.m. Central Time.*

RFPs were requested by and distributed to:

Altec Industries	Lindco Equipment Sales, Inc.
BRITESPAN Building Systems Inc.	Lineman's Testing Laboratories of Canada
Calumet Branded Products LLC	LMT Inc.
Caterpillar, Inc.	MGS Inc
Coastline Equipment	MidCo Material Handling
Construction Industry Center	Monroe Towmaster LLC
Control Networks Plus LLC	Motrec International Inc.
Data Transfer Solutions, LLC	NESCO LLC
Deltek	NPKCE
Department of Finance and Administration	Pacific-Tek
Ditch Witch	Pioneer Pump
DUCO, LLC	Prime Vendor Inc.
Elliott Equipment Company	RACO Manufacturing & Engineering
Felicia Y Sharpe	Rausch Electronics USA, LLC
Fitness Ventures, Inc.	Reelstrong LLC

202 12<sup>th</sup> Street NE • P.O. Box 219 • Staples, MN 56479 • [www.njpacoop.org](http://www.njpacoop.org)



FSG	Ring-O-Matic
GapVax, Inc.	Royal Purple
Global Power Technologies, LLC	S.D.P. Manufacturing, Inc.
Global Pump	Seon
Globe Trailers	SL King and Associates
Grace Environmental Services	SMS Equipment
Grace Services	Strahnet
Green Climber NA	Structural Metal Fabricators Inc.
Hardline Equipment	Subsite, LLC
Harrington	Swenson Spreader LLC
Hertz Equipment Rental Corp.	Terex
HitchDoc	Thompson Pump
Hol-Mac Corporation	Timberland Equipment Limited
Hurco Technologies, Inc.	Time Manufacturing Company
Interstate Power Systems	Tri State Buiding Center
Jack Doheny Companies, Inc.	TSE International, Inc.
Jemtech	Twin Equipment
Kainos Office	Valor Holdings
Keizer Morris International	Vermeer Corporation
Kundel Industries	Wachs Utility Products
Ledwell & Son	WasteCorp Pumps LLC
LF George Inc.	Xylem Dewatering Solutions, Inc.

Proposals were opened on January 25, 2018, at the NJPA offices located at 202 12th Street Northeast in Staples, Minnesota 56479, from the following:

- Altec Industries, Inc.
- Elliot Equipment Company
- GapVax Inc.
- Global Pump
- Keizer Morris International, Inc.
- Pacific-Tek
- Ring-O-Matic
- Terex Utilities Inc.
- The Charles Machine Works, Inc.
- Thompson Pump and Manufacturing Company Inc.
- Time Manufacturing Co
- Vermeer Corporation
- Wachs Utility Products
- Xylem Dewatering Solutions, Inc.

Proposals were reviewed by the Proposal Evaluation Committee:

- Greg Grunig, NJPA Procurement Lead Analyst
- Kim Austin, NJPA Procurement Analyst III
- Brandon Town, NJPA Procurement Analyst II
- Michael Munoz, NJPA Procurement Analyst II

**The findings of the Proposal Evaluation Committee are summarized as follows:**

The Proposal Evaluation Committee used the established NJPA RFP evaluation criteria and determined that all proposal responses met Level-One Responsiveness. The response of Keizer Morris International, Inc. was determined to be Level-Two non-responsive because the offering of products and services in their proposal were found to fall outside of the scope of the RFP. All other proposals were found to be Level-Two responsive and were evaluated.

Altec Industries Inc. offers a diverse product line, including aerial devices, cable handling equipment, chippers/chipper bodies cranes, and digger derricks. They offer a 24 HR parts/sales/service line with less than a 10 second wait time, and have a large sales force with 37 service centers and more than 100 mobile service techs. Altec offers competitive pricing with volume discounts on multiple identical units.

Elliot Equipment Co. manufactures a selection of aerial equipment, boom truck cranes and digger derricks. Elliot offers a lifetime structural warranty on their equipment with two years on boom trucks and one year on the digger derricks. Elliot has 103 locations across the US and Canada to sell and service their equipment. Elliot offers a significant discount from List Price on their own products, as well as "open-market" goods, and additional volume discounts starting at three units.

Terex Utilities Inc. provides aerial platforms, cranes, utility equipment, and boom trucks, covered by a robust warranty that includes coverage for travel and labor. Terex will serve Member needs through 20 service locations across the US, with multiple mobile field technicians. They also offer online parts ordering, tools and accessory ordering capability, with a solid pricing proposal.

The Charles Machine Works offers directional boring equipment, piercing tools, pipe layers, trench rollers, vacuum excavation, pipe and cable locators, trenchers, and vibratory plows under the brand names Ditch Witch, Subsite and HammerHead. They offer in-house financing and leasing options. Charles Machine Works is represented by a dealer network with 126 locations across the US and Canada. They offer a range of significant discounts from MSRP and pass-through pricing on "open-market" items supplied with their equipment.

Thompson Pump and Manufacturing has a wide selection of pumps, including diesel or electric powered, dry priming or wet priming, which are either skid mounted or trailer mounted in various sizes and horsepower ratings. Thompson offers Members many options for arrangements on freight and shipping. Thompson has a strong dealer/distributor network able to service Members' needs. They offer considerable pricing discounts and volume discounts starting at ten units.

Time Manufacturing Co. manufactures a broad selection of bucket trucks, digger derricks, aerial equipment and cable placers under the Versalift, Condor, Skybird and Ruthmann brands. The company has a strong dealer and distributor network to handle sales and service to Members across the US and Canada. Time offers significantly discounted pricing on their primary equipment offerings, as well as accessories.

Vermeer Corporation offers pile drivers, trenchers, plows, trenchless boring, directional drilling, pipeline trenchers, and concrete cutters. They have 109 dealers in the US and 16 in Canada, giving them a demonstrated ability to serve Member needs. Vermeer proposed a range of considerable pricing discounts across product lines and offered volume discounts.


For these reasons, the NJPA Proposal Review Committee recommends award of NJPA Contract #012418 to:


Altec Industries Inc.	#012418-ALT
Elliot Equipment Co.	#012418-EEC
Terex Utilities Inc.	#012418-TER
The Charles Machine Works.	#012418-CMW
Thompson Pump and Manufacturing.	#012418-TPM
Time Manufacturing Co.	#012418-TIM
Vermeer Corporation.	#012418-VRM

The preceding recommendations were approved on March 9, 2018.

  
Chris Robinson, JD, NJPA Procurement Manager

  
James Voelker, CFCM, NJPA Procurement Lead Analyst

  
Greg Grunig, NJPA Procurement Lead Analyst

  
Kim Austin, NJPA Procurement Analyst III

  
Brandon Town, NJPA Procurement Analyst II

  
Michael Munoz, NJPA Procurement Analyst II



**Item:** Final Payment: West Bank Sanitary Sewer Manhole Lining, O.F. 1695.6

**From:** Engineering Division

**Initiated By:** Public Works Department

**Presented By:** Dave Dobbs, Representing Public Works Director Jim Rearden

**Action Requested:** Approve Final Payment Request.

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**Suggested Motion:**

1. Commissioner Moves:

"I move that the City Commission (approve/not approve) Final Payment for the West Bank Sanitary Sewer Manhole Lining, in the amount of \$13,207.14 to CIP Construction Technologies and \$133.41 to the State Miscellaneous Tax Fund and authorize the City Manager to make the payments."

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

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**Staff Recommendation:**

Approve Final Payment Request.

**Summary:**

This project rehabilitated seventeen heavily corroded manholes in the West Bank Park area.

**Background:**

Significant Impacts:

Manholes in the West Bank Park area that are part of the sanitary sewer system's west interceptor line had experienced significant deterioration caused by microbiologically induced corrosion (MIC). The primary cause for the MIC are sulfur reducing bacteria that thrive in these anaerobic sewer conditions and produce H<sub>2</sub>S gas that corrodes the exposed manhole concrete. The manholes are composed of a cylindrical manhole structure of ten feet or more in height, referred to as the barrel, placed over top of the existing forty eight inch sewer main pipe. At the bottom of each cone structure is an often irregular shaped vault area that receives the large main pipe and any laterals entering the system. The cone and vault areas are composed of concrete and were originally susceptible to MIC. Lining the manholes has restored the structural integrity of the cone of the manhole, and protected the entire system from further damage by MIC.

Citizen Participation:

A portion of the work was completed in West Bank Park and required brief detours for pedestrian and bike traffic along the River's Edge Trail. One manhole was located in Central Avenue West and required a lane closure to inspect.

Workload Impacts:

City Engineering Staff prepared plans and specifications and provided construction phase engineering services and inspection.

Project Work Scope:

This project cleaned, patched and lined approximately 235 vertical feet in seventeen manholes. Originally, the project was set up to line eighteen manholes in the vicinity. Upon further inspection, one was deemed to be in fine operational condition by the City project engineer, therefore no lining was necessary and it was removed from the project scope. Additional vertical feet of lining was needed in several of the remaining manholes with irregular vault areas so the scope lost from the removal of the Central Avenue West manhole was distributed back to the contractor in these cases. As a result of this work distribution process, the project scope remained close to the awarded price.

Evaluation and Selection Process:

One bid was received from CIP Construction Technologies, Inc. and opened on September 20, 2017 in the amount of \$114,998.90. The Engineering staff recommended award and the City Commission awarded the contract on October 3, 2017. Final Payment: The final project cost is \$ 114,811.04 which is \$187.86 less than the amount that was originally awarded and approved. More lining was needed in several manholes due to irregularity of the manhole vault sizes. The nature of the main connections and large pipe diameters in the area made the vaults difficult to line completely. There were areas where supplemental lining was needed to get full coverage and in these areas miscellaneous moneys were spent.

Conclusion:

City staff recommends making the Final Payment. City staff verified that CIP Construction Technologies has completed all work and punch list items in accordance with the plans and the contract. The two year warranty period started at the time of substantial completion, which was August 23, 2018.

**Fiscal Impact:**

Funding for this project is from the Sewer Collection Fund.

**Alternatives:**

The City Commission could vote to deny the Final Payment.

ATTACHMENTS:

- OF 1695.6 - Final Pay Documents

PROJECT FUNDING/EXPENDITURE SUMMARY \*

West Bank Sanitary Sewer Manhole Lining - OF 1695.6

PREPARED BY THE CITY ENGINEERS OFFICE-8/23/18

FINAL PAY

PAYEE	FUND	CLAIM - NUMBER / AMOUNT / DATE										ALLOCATED FUNDING	EXPENDITURE TO DATE	BALANCE
		NO. 1	NO. 2	NO. 3	NO. 4	NO. 5	NO. 6	NO. 7	NO. 8	NO. 9	NO. 10			
Contractor - CIP Construction Tech	Sewer Collection- Improvements Other Than Buildings	\$33,563.04	\$19,762.70	\$28,382.91	\$12,815.39	\$5,931.73	\$13,207.14					\$113,848.91	113,662.91	\$186.00
	TOTAL DATE	\$33,563.04 5/22/2018	\$19,762.70 6/25/2018	\$28,382.91 7/16/2018	\$12,815.39 7/24/2018	\$5,931.73 8/23/2018	\$13,207.14 8/23/2018	\$0.00	\$0.00	\$0.00	\$0.00	\$113,848.91	\$113,662.91	\$186.00
Tax	Sewer Collection- Improvements Other Than Buildings	\$339.02	\$199.62	\$286.70	\$129.45	\$59.92	\$133.41					\$1,149.99	1,148.12	\$1.87
	TOTAL DATE	\$339.02 5/22/2018	\$199.62 6/25/2018	\$286.70 7/16/2018	\$129.45 7/24/2018	\$59.92 8/23/2018	\$133.41 8/23/2018	\$0.00	\$0.00	\$0.00	\$0.00	\$1,149.99	\$1,148.12	\$1.87
Miscellaneous	Sewer Collection- Professional Services	\$682.26	\$321.01									\$1,000.00	1,003.27	(\$3.27)
	Tribune													
	TOTAL DATE	\$682.26 08/22/17	\$321.01 09/07/17	\$28,669.61 06/25/18	\$12,944.84 07/24/18	\$5,991.65 8/23/2018	\$13,340.55 8/23/2018	\$0.00	\$0.00	\$0.00	\$0.00	\$1,000.00	\$1,003.27	(\$3.27)
<b>TOTALS</b>												<b>\$115,998.90</b>	<b>\$115,814.30</b>	<b>\$184.60</b>

PROJECT FUNDING SUMMARY

FUND DESIGNATION	ALLOCATED	EXPENDITURE	BALANCE
Sewer Collection- Improvements Other Than Buildings	\$114,998.90	\$114,811.03	\$187.87
Sewer Collection- Professional Services	\$1,000.00	\$1,003.27	(\$3.27)
<b>TOTAL</b>	<b>\$114,998.90</b>	<b>\$114,811.03</b>	<b>\$187.87</b>

ACCOUNT NUMBER

5310-31-565-49310

5310-31-565-43590

PROJECT NUMBER

PW361801

PW361801



**APPLICATION FOR PAYMENT NO. 1 - Final Pay Request**


To: City of Great Falls (OWNER)  
 From: CIP Construction Technologies, Inc. (CONTRACTOR)  
 Contract: Construction Agreement (Over 80k)  
 Project: West Bank Sanitary Sewer Manhole Lining Project  
 OWNER's Contract No. OF 1695.6 ENGINEER's Project No. PW361801  
 For Work accomplished through the date of: August 9, 2018

1.	Original Contract Price:	\$ <u>114,998.90</u>
2.	Net change by Change Orders and Written Amendments (+ or -):	\$ <u>0.00</u>
3.	Current Contract Price (1 plus 2):	\$ <u>114,998.90</u>
4.	Total completed and stored to date:	\$ <u>114,811.04</u>
5.	Retainage (per Agreement):	
	<u>0 % of Completed Work: \$ 00.00</u>	
	<u>0 % of stored material: \$ 00.00</u>	
	Total Retainage:	\$ <u>0.00</u>
6.	Total completed and stored to date less retainage (4 minus 5):	\$ <u>114,811.04</u>
7.	Less previous Applications for Payments:	\$ <u>101,470.49</u>
8.	Gross Amount Due this application: (6 minus 7):	\$ <u>13,340.55</u>
9.	Less 1% State Gross Receipts Tax:	\$ <u>133.41</u>
10.	<b>DUE THIS APPLICATION (8 MINUS 9):</b>	\$ <u>13,207.14</u>


Accompanying Documentation:  
Final Pay Application No 1 quantities

**CONTRACTOR'S Certification:**

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

Dated 8/23/18 CIP Construction Technologies, Inc.  
Concrete Stabilization Technologies, Inc. 8/23/18  
 CONTRACTOR  
 By: 

Payment of the above AMOUNT DUE THIS APPLICATION is recommended.

Dated 8/23/18 City of Great Falls Public Works  
LL ENGINEER  
 By: 

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

PROJECT FUNDING/EXPENDITURE SUMMARY \*

West Bank Sanitary Sewer Manhole Lining - OF 1695.6

PREPARED BY THE CITY ENGINEERS OFFICE-8/23/18

FINAL PAY

PAYEE	FUND	CLAIM - NUMBER / AMOUNT / DATE										ALLOCATED FUNDING	EXPENDITURE TO DATE	BALANCE
		NO. 1	NO. 2	NO. 3	NO. 4	NO. 5	NO. 6	NO. 7	NO. 8	NO. 9	NO. 10			
Contractor - CIP Construction Tech	Sewer Collection- Improvements Other Than Buildings	\$33,563.04	\$19,762.70	\$28,382.91	\$12,815.39	\$5,931.73	\$13,207.14					\$113,848.91	113,662.91	\$186.00
	TOTAL DATE	\$33,563.04 5/22/2018	\$19,762.70 6/25/2018	\$28,382.91 7/16/2018	\$12,815.39 7/24/2018	\$5,931.73 8/23/2018	\$13,207.14 8/23/2018	\$0.00	\$0.00	\$0.00	\$0.00	\$113,848.91	\$113,662.91	\$186.00
Tax	Sewer Collection- Improvements Other Than Buildings	\$339.02	\$199.62	\$286.70	\$129.45	\$59.92	\$133.41					\$1,149.99	1,148.12	\$1.87
	TOTAL DATE	\$339.02 5/22/2018	\$199.62 6/25/2018	\$286.70 7/16/2018	\$129.45 7/24/2018	\$59.92 8/23/2018	\$133.41 8/23/2018	\$0.00	\$0.00	\$0.00	\$0.00	\$1,149.99	\$1,148.12	\$1.87
Miscellaneous	Sewer Collection- Professional Services	\$682.26	\$321.01									\$1,000.00	1,003.27	(\$3.27)
	TOTAL DATE	\$682.26 08/22/17	\$321.01 09/07/17	\$28,669.61 06/25/18	\$12,944.84 07/24/18	\$5,991.65 8/23/2018	\$13,340.55 8/23/2018	\$0.00	\$0.00	\$0.00	\$0.00	\$1,000.00	\$1,003.27	(\$3.27)
TOTALS											\$115,998.90	\$115,814.30	\$184.60	

PROJECT FUNDING SUMMARY

FUND DESIGNATION	ALLOCATED	EXPENDITURE	BALANCE
Sewer Collection- Improvements Other Than Buildings	\$114,998.90	\$114,811.03	\$187.87
Sewer Collection- Professional Services	\$1,000.00	\$1,003.27	(\$3.27)
<b>TOTAL</b>	<b>\$114,998.90</b>	<b>\$114,811.03</b>	<b>\$187.87</b>

ACCOUNT NUMBER

5310-31-565-49310

5310-31-565-43590

PROJECT NUMBER

PW361801

PW361801







## Contractors Gross Receipts Gross Receipts Withholding Return

1. Contract Awarded by:  Agency  Prime Contractor

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

2. Contract Awarded to:  Prime Contractor  Sub Contractor

Federal Identification Number (FEIN): 81-2341999		
Name: CIP Construction Tech		
Address: 134 First Ave West		
City: Kalispell	State: MT	Zip Code: 59901

3. Government Issued Contract Number .....	3.	OF 1695.6
4. Contract Award Date .....	4.	1-May-18
5. Month and year increment payment earned .....	5.	Jun-18
6. Gross amount due prime contractor or sub-contractor at the time of this report .....	6.	\$13,340.55
7. Amount Withheld (1% of line 6) (If payment made to prime contractor from awarding agency, remittance must accompany this report) .....	7.	\$133.41
8. Net amount paid prime contractor or sub-contractor at the time of this report .....	8.	\$13,207.14
9. Check proper box for type of return being filed:		
<input checked="" type="checkbox"/> Remittance attached for credit to prime contractor's account (amount paid) .....	9a.	\$133.41
<input type="checkbox"/> Sub-Contractor allocation. Authorization to transfer credit to sub-contractor Failure of prime contractor to file a distribution report within thirty (30) days of payment will result in a 10% penalty. Date payment made to sub-contractor .....	9b.	31-Aug-18

10. Description of work to be performed: West Bank Sanitary Sewer Manhole Lining

11. Location of work to be performed (be specific): 2 Park Drive South, Great Falls MT

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

Return Submitted by:  Agency  Prime Contractor  Sub-Contractor

Award Authorization

Preparer's Signature: [Redacted Signature]

Preparer's Title: Engineering Administrative Secretary Date: 8-27-18

Phone: 406.771.1258 Fax: 406.771.0700

Mail this return to:

Department of Revenue, P.O. Box 5835, Helena, MT 59604-5835  
Attachment # 1



**Item:** Resolution 10247 to Levy and Assess the Great Falls Park District Number 1

**From:** Judy Burg, Taxes and Assessments

**Initiated By:** Annual Assessment Process

**Presented By:** Melissa Kinzler, Finance Director

**Action Requested:** City Commission Conduct Public Hearing and Adopt Resolution 10247

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**Public Hearing:**

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

**Suggested Motion:**

1. Commissioner moves:

"I move the City Commission (adopt/deny) Resolution 10247."

2. Mayor requests a second to the motion, Commission discussion, and calls for the vote.
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**Staff Recommendation:**

Staff recommends the City Commission adopt Resolution 10247.

**Background:**

On June 5, 2018, the City Commission adopted Resolution 10238 creating the Great Falls Park District Number 1. The boundaries of the District as shown on Exhibit "A" are the current incorporated limits of the City as well as all properties later annexed thereto.

The Park District's overall purpose is to utilize tax dollars and direct those monies to:

- maintenance, repair, replacement, upkeep, installation, improvements, operation enhancement, construction, acquisition of land;
- implementation of measures required to maintain public health and safety or meet legal or regulatory requirements;
- purchase, replace and/or maintain equipment, tools or vehicles used to carry out the functions

described herein, and/or

- other functions, labor, supplies and/or materials necessary for management and maintenance of City-owned facilities, lands, and equipment under the responsibility and care of the City of Great Falls Park and Recreation Department including but not limited to:
  - Public parks and park areas (as described in the City of Great Falls Park and Recreation Master Plan), recreation facilities, trails, open space, urban forest, medians, boulevards, pathways, sidewalks, public easements, and other facilities which are located in the city limits and/or are owned by the City.

The Park District's revenue may not be used for programming.

According to Mont. Code Ann. Sections 7-11-1021 and 1025, prior to annually levying assessments necessary to carry out the services to be performed in the District, each year the City Manager shall prepare, or cause to be prepared for Commission approval, a work plan, budget and estimated expenses for the services to be performed in the District and the Commission shall specify the method of assessment for the lots and parcels of land located in the District, provide for any methods of financing such services, publish notice and conduct a public hearing on such assessment before finally adopting a resolution levying the assessments against the lots or parcels of land in the District. The Commission must annually adopt a resolution establishing the annual assessment for the District.

**Fiscal Impact:**

The cost of the proposed improvements for the Great Falls Park District Number 1 is \$1,500,000 annually for the first three years.

The annual assessment shall be based on the taxable value of each parcel within the District. This method of assessment shall be made pursuant to Mont. Code Ann. Section 7-11-1024(3)(iii) which states:

Each lot or parcel of land, including the improvements on the lot or parcel, may be assessed for that part of the cost of the special district that its taxable valuation bears to the total taxable valuation of the property of the District.

The estimated annual assessment for a \$100,000 market value property would be \$22.92.

**Alternatives:**

The City Commission could choose to deny Resolution 10247 to Levy and Assess Great Falls Park District Number 1; however, the reduction in services and improvements to the park system including facilities and the urban forest, or maintenance will not improve and facilities will deteriorate or close.

**Concurrences:**

Park and Recreation staff is responsible for the operational expenses of the Great Falls Park District Number 1. Finance staff is responsible for assessing and collecting the revenue necessary to carry out the operations.

ATTACHMENTS:

- ▣ Resolution 10247
- ▣ Park District Boundaries Exhibit "A"

## **RESOLUTION NO. 10247**

### **A RESOLUTION LEVYING AND ASSESSING THE COST OF MAINTENANCE IN THE GREAT FALLS PARK DISTRICT NUMBER 1 OF THE CITY OF GREAT FALLS, MONTANA FOR THE FISCAL YEAR BEGINNING JULY 1, 2018 AND ENDING JUNE 30, 2019**

**WHEREAS**, the City Commission did create Great Falls Park District No. 1 (hereinafter “District”) by adoption of Resolution 10238 on June 5, 2018; and

**WHEREAS**, said Resolution 10238 set forth the boundaries of the District, the method of governing the District, the assessment method, estimated cost of the District and method of financing, payment of the assessment, list of properties available and the duration of the District. The District was established for the purpose of providing services including but not limited to:

- Maintenance, repair, replacement, upkeep, installation, improvements, operation enhancement, construction, reconstruction, acquisition of land;
- Implementation of measures required to maintain public health and safety or meet legal or regulatory requirements;
- Purchase, replace and/or maintain equipment, tools or vehicles used to carry out the functions described herein; and/or
- Any other functions, labor, supplies and/or materials necessary for management and maintenance of City-owned facilities, lands, and equipment under the responsibility and care of the City of Great Falls Park and Recreation Department including but not limited to:
  - Public parks and park areas (as described in the City of Great Falls Park and Recreation Master Plan), recreation facilities, trails, open space, urban forest, medians, boulevards, pathways, sidewalks, public easements, and other facilities which are located in the city limits and/or are owned by the City.

**WHEREAS**, on July 17, 2018, the City Commission adopted Resolution 10240, Annual Budget Resolution, in which the estimated assessment for such maintenance

within the District was reflected as ONE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$1,500,000); and

**WHEREAS**, in accordance with Mont. Code Ann. § 7-11-1024 and § 7-1-4127, notice was published setting forth that Resolution No. 10247 Levying and Assessing the Cost of the Great Falls Park District No. 1 would be brought before the Great Falls City Commission for public hearing on September 4, 2018; and

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

Section 1 – Maintenance Costs Assessed

The cost of maintenance in the Great Falls Park District No. 1, totaling \$1,500,000, be levied and assessed upon the properties in said district for the fiscal year ending June 30, 2019.

Section 2 – Maintenance Assessment Method

Each lot or parcel of land, including improvements on the lot or parcel, will be assessed for that part of the cost of the District that its taxable valuation bears to the total taxable valuation of the properties within the District.

Section 3 – Assessment Due Date

Assessments are payable in two payments and will become delinquent at 5:00 o'clock p.m. on November 30, 2018 and May 31, 2019.

Section 4 – Office of Record

The official list of properties subject to potential assessment, fees or taxation of the District is on file and available for public inspection in the City Clerk's office, and further that such list is the last completed property tax record maintained by the Department of Revenue for the county. The City Clerk's office is designated as the office of record for the minutes to be maintained.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, this 4<sup>th</sup> day of September, 2018.

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

ATTEST:

\_\_\_\_\_  
Lisa Kunz, City Clerk

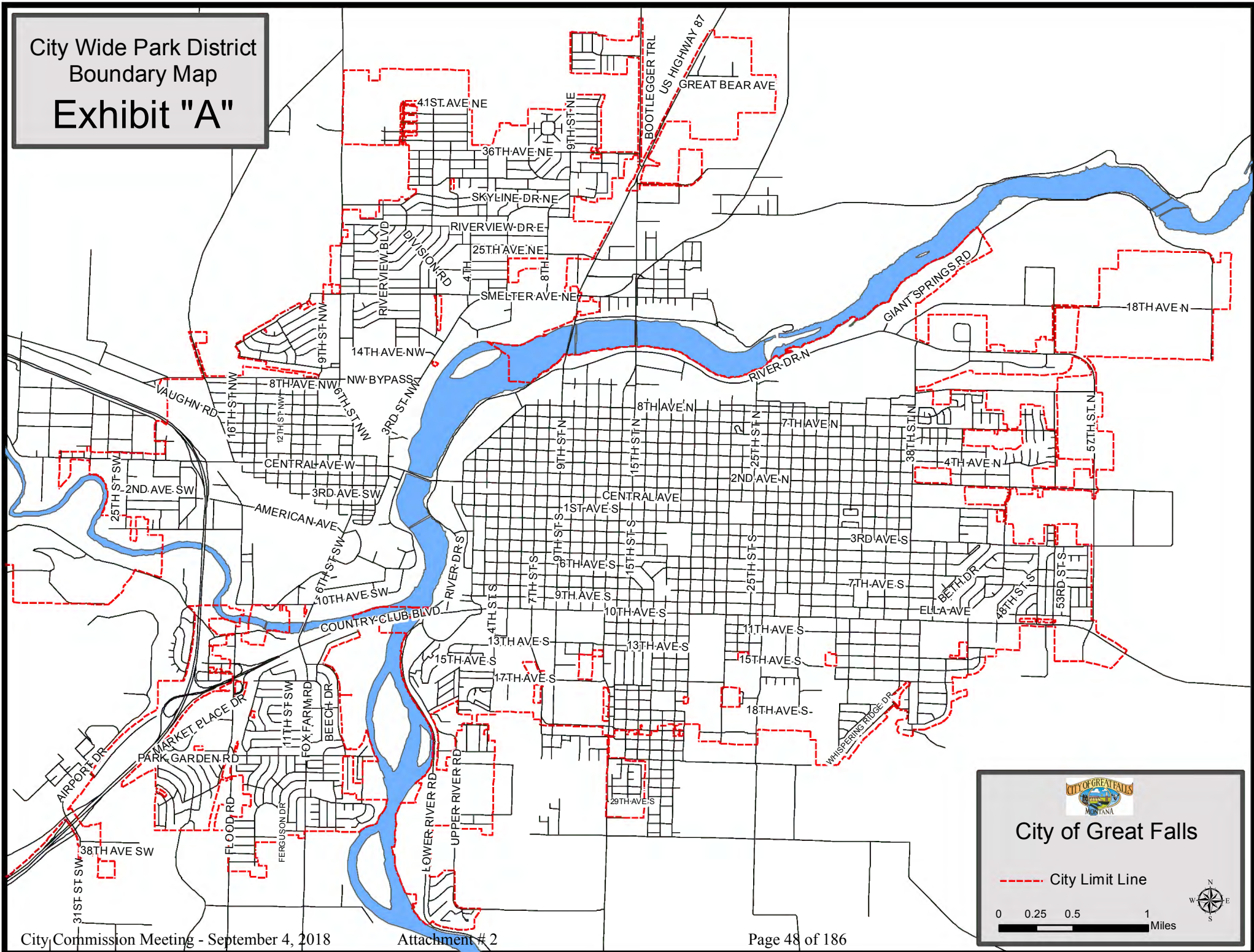
(Seal of the City)


APPROVED FOR LEGAL CONTENT:

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Sara R. Sexe, City Attorney


City Wide Park District  
Boundary Map  
Exhibit "A"



  
**City of Great Falls**

----- City Limit Line

0 0.25 0.5 1 Miles







**Item:** Public Hearing - Preliminary Plat for the Medical Tech Major Subdivision, Lot 4B and 4C of the Amended Plat of Lot 4 of the Medical Tech Park Minor Subdivision located in the SW1/4 SE 1/4 of Section 18, T20N, R4E, P.M.M., Cascade County, Montana.

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

**Initiated By:** NWGF Development, LLC

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

**Action Requested:** City Commission approve the Preliminary Plat for the Medical Tech Subdivision and the accompanying Findings of Fact.

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**Public Hearing:**

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

**Suggested Motion:**

1. Commissioner moves:

"I move that the City Commission (approve/deny) the Preliminary Plat for the Medical Tech Major Subdivision and accompanying Findings of Fact subject to fulfillment of conditions stipulated by the Planning Advisory Board."

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

**Staff Recommendation:**

At the conclusion of a public hearing held on August 14, 2018, the Planning Advisory Board recommended the City Commission approve the Preliminary Plat of the Medical Tech Subdivision, legally described above, subject to the fulfillment of the following Conditions of Approval:

**Conditions of Approval for Preliminary Plat:**

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

**2. Preliminary Plat.** Provide a Final Plat of the subject properties which shall incorporate corrections of any errors or omissions noted by Staff.

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

**4. Land Use & Zoning.** The development standards and land uses for the subject properties shall be consistent with the submitted PUD Planned Unit Development zoning ordinance submitted by the applicant and approved by City Commission.

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

### **Summary:**

The applicant, NeighborWorks Great Falls, is proposing the annexation, establishment of Planned Unit Development (PUD) zoning, and preliminary plat of a major subdivision on two parcels of land that total approximately 20.5 acres. The subject properties are undeveloped land located in Cascade County adjacent to Great Falls along 20th Street South and 24th Avenue South. The applicant is proposing an 85-lot subdivision, fully developed with the establishment of several proposed roadways and alleys to access the lots, sidewalks to create pedestrian circulation, and city utilities to provide services to the subject properties. Development of the site will be a major transformation of the properties from bare land to a new and exciting neighborhood.

The proposed residential community includes 50 lots dedicated to the NWGF Mutual Self-Help Program. Each year over the next five years, ten families will work together to construct their own homes in a program executed by NWGF and funded by the United States Department of Agriculture Rural Development agency. The NWGF Mutual Self-Help program has been successfully providing homeownership for low to low/moderate income families since 2005 and has resulted in 124 homes being constructed. NWGF is currently working in the Thaniel Addition subdivision to construct this housing product, but is beginning to run out of available lots. Additionally, it has been difficult to keep home prices affordable due to the size of lots that were created in the Thaniel Addition subdivision.

In addition to the proposed 50 Mutual Self-Help lots, another 33 lots will be developed into 1 and 2-bedroom Cottage style homes ranging from 800 square feet to approximately 1200 square feet. The Cottage homes could be developed in four phases over the next 5 years. Three model homes will be developed in Phase 1 of the Cottage project in the summer of 2019. As demand for new affordable housing continues to grow, these smaller homes are geared to active adults looking to downsize or young couples just starting out.

During the public hearing for the Planning Advisory Board/ Zoning Commission on August 14, 2018, several questions and concerns were brought up by the public. Concerns were raised with traffic increase, dust control in the area, and sidewalk requirements due to the installation and dedication of new City streets. All concerns were addressed by Staff with the information that was available at that

time. A question was asked by a local citizen in that area if the elementary school could accommodate the increased volume of students that this subdivision could potentially have. Staff has contacted the Great Falls Public Schools and it was verified that Sunnyside Elementary School is not at capacity and they welcome new homes in the area. If there was a large increase in students, the school would adjust to accommodate.

Public Notice for the City Commission Public Hearing was published in the *Great Falls Tribune* on August 19, 2018. To date, Staff has received no correspondence regarding the project. There were however several questions and comments received at the public hearing before the Planning Advisory Board which have been addressed in this report.

### **Background:**

In order to provide information on the project as a whole, information has been included on the annexation and establishment of the zoning. Action on these requests will be taken at a public hearing at a later date with the approval of a final plat for the project.

### **Annexation by Petition**

The subject properties comprise approximately 20.5 acres and are contiguous to the City limits on two sides. The recently approved Rockcress Commons project, proposed to be 124 multifamily units but not yet constructed, is located directly east of the subject properties. On the north side of the subject properties, lots in the Med Tech Park subdivision have already been annexed into the City. In conjunction with the proposed annexation of the subject properties, the adjacent right-of-way of 24th Avenue South is also proposed to be annexed into City limits.

Due to the unique nature of the funding for the proposed Mutual Self-Help homes, the applicant is proposing a phased annexation. This requires a process that has been utilized in the past for the establishment of the Mutual Self-Help lots in the Thaniel Addition subdivision. The USDA Rural Development funding for the homes require the homes to be built in the County. Much like with Thaniel Addition, annexation of the entire multi-phase project will be considered at this stage in the process. If annexation is approved by City Commission, resolutions for 10-lot phases will be recorded by phase after the houses are completed.

### **Establishment of Zoning - Planned Unit Development (PUD)**

The applicant utilized the location of the development and the topography of the existing property to drive the design and layout of the proposed project. The goal of creating a connected neighborhood/community was the primary design concept with a desire to provide two different housing options for prospective home buyers. The applicant proposes lot layouts that are generally alley-accessed for the Mutual Self-help homes with detached garages and lot layouts that are street-accessed for the Cottage style homes with attached garages.

In order to create a development that is feasible for the affordable homes that are being proposed, the applicant is proposing lots that range from 5,948 square feet to 6,989 square feet. The proposed lot sizes as well as minimum lot widths and setbacks are more constrained than the most closely related zoning district in the Land Development Code - the R-3 Single-family high density district. Therefore, to accommodate the proposed development standards, the applicant has requested a Planned Unit Development zoning designation. The use of the PUD zoning district allows for a residential development to be established with unique development standards, pursuant to OCCGF §17.20.2.040

Establishment and purpose of districts, which states:

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

A full land use and development standards proposal has been submitted by the applicant along with a conceptual site plan and typical lot layout for the various types of house products being proposed.

### **Preliminary Plat for a Major Subdivision**

Finally, concurrent to the proposal for annexation and establishment of zoning, the applicant is requesting a major subdivision of Lot 4B and 4C of the Amended Plat of Lot 4 of the Medical Tech Park Minor Subdivision. The applicant is proposing a preliminary plat that subdivides the subject properties into 85 lots. As noted earlier, the subdivision is proposed for annexation in phases as depicted on the preliminary plat.

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

### **Improvements**

#### **Roadways and Alleys**

Pursuant to the Improvement Agreement attached, the applicant proposes to construct 20th Street South, 21st Avenue South, 22nd Avenue South, 22nd Street South, 23rd Avenue South, and three (3) cul-de-sac's in order to provide access to the proposed lots in the subdivision. In addition, alleys are also shown on the site plan to access lots with detached garages. The roadways and alleys are to be constructed consistent with City standards. All necessary property for the construction and maintenance of City streets and alleys shall be dedicated to the public on Final Plats that will be recorded with the Cascade County Clerk and Recorder. All street and alley improvements are to be owned and maintained by the City upon completion.

#### **Traffic Analysis**

According to the ITE Trip Generation Manual (9th Edition), the average trip generation rate for a single family detached housing unit is 9.52 trips per occupied dwelling unit on a weekday. For the 83 homes proposed in the subdivision, this equates to approximately 790 daily trips.

The trip distribution percentages for vehicles entering/exiting the proposed subdivision are estimated to be:

- 15% north on 20th Street South (119 vehicle trips per day)
- 15% east on 21st Avenue South (119 vehicle trips per day)
- 15% east on 23rd Avenue South (119 vehicle trips per day)
- 15% south on 22nd Street South (119 vehicle trips per day)
- 40% south on 20th Street South (316 vehicle trips per day)
- Negligible traffic will be using the unpaved 20th, 21st, 22nd, and 23rd Avenues to the west (County

jurisdiction).

The existing and proposed roadway layout is expected to have sufficient capacity to accommodate traffic generated by the proposed subdivision. Several improvements should be made to accompany the project. These improvements have been agreed to by the applicant. As an example, staff notes that 20th Street South should be constructed as a collector in order to accommodate expected future traffic volumes. Additionally, stop signs should be installed at the avenues meeting 20th Street South as well as the streets meeting 24th Avenue South. A full traffic analysis by Andrew Finch, Senior Transportation Planner, is attached for review.

### Utilities

The applicant is responsible for the installation of all public utilities in order to serve the proposed subdivision. These public utilities include: 1) the installation of a looped and upsized public water main including the addition of fire hydrants and all water service lines stubbed to all lots shown on the preliminary plat, and 2) extension of the public sanitary sewer main and installation of all sewer service lines stubbed to all lots as shown on the preliminary plat. These improvements are to be installed consistent with City standards and submitted plans approved by the City of Great Falls Engineering Division.

### Stormwater Management

The applicant is responsible for the installation of stormwater quality and quantity improvements consistent with City standards and submitted plans approved by the City of Great Falls Public Works Department. The applicant is proposing to construct a stormwater detention pond on Lot 85 of the development. This lot will be dedicated to the City during the final plat process of Phase I. The applicant is also proposing to extend and construct new stormwater pipe to convey stormwater from the development to the detention pond.

### Neighborhood Council Input

The subject properties are located in Neighborhood Council #5. The applicant presented the project at Neighborhood Council #5 on August 20, 2018. Staff also attended the meeting to explain the process in which the project would go through due to the funding of the Mutual Self Help homes. The council was concerned with the traffic increase in the area as well as the small lot size. The council voted to not take action on the item.

### **Fiscal Impact:**

Services will be provided by the City, and the cost of infrastructure improvements will be borne by the applicant per the agreed upon terms of the attached Improvement Agreement. The City will reimburse the applicant for the proportionate share of costs of public improvements as outlined in the attached Improvement Agreement. The annexation and subdivision will provide 85 new lots. This will increase the City's tax base and increase revenue.

### **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.

### **Concurrences:**

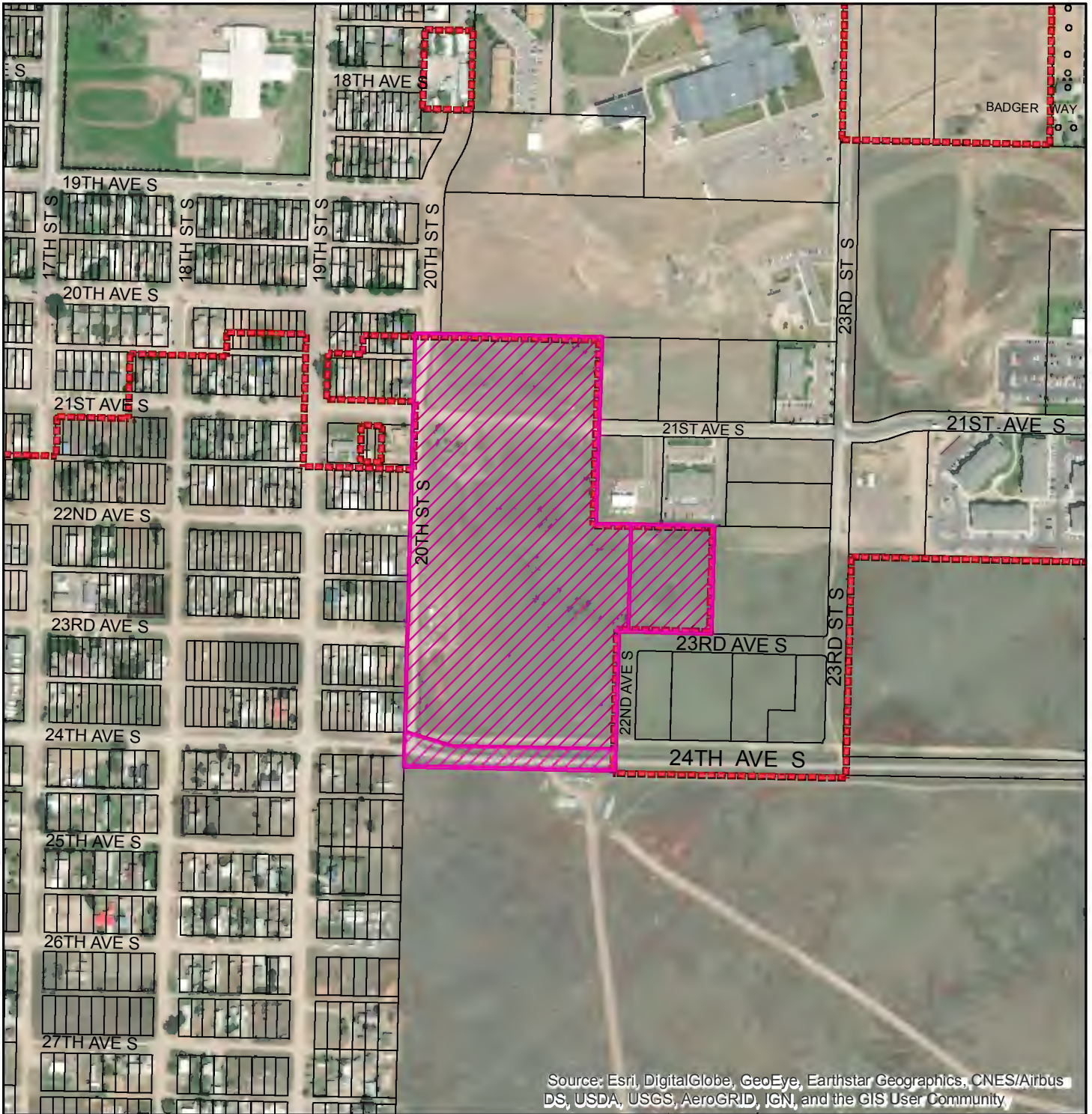
Representatives from the City's Public Works, Legal, Park and Recreation, and Fire/Rescue Departments have been involved throughout the review and approval process for this project, and will




continue throughout the permit approval process. Both Engineering and Environmental Divisions of Public Works have collaborated on the submitted Improvement Agreement as well as the design of the proposed infrastructure improvements.

ATTACHMENTS:

- ▣ Aerial Map
- ▣ Zoning Map
- ▣ Vicinity Map
- ▣ Existing Conditions
- ▣ Project Narrative
- ▣ Site Plan
- ▣ PUD Standards
- ▣ Typical Lot Design - Mutual Self Help
- ▣ Typical Lot Design - Cottages
- ▣ Typical Road Section
- ▣ Traffic Analysis
- ▣ Preliminary Plat
- ▣ Findings of Fact/Basis of Decision - Subdivision
- ▣ Draft Improvement Agreement

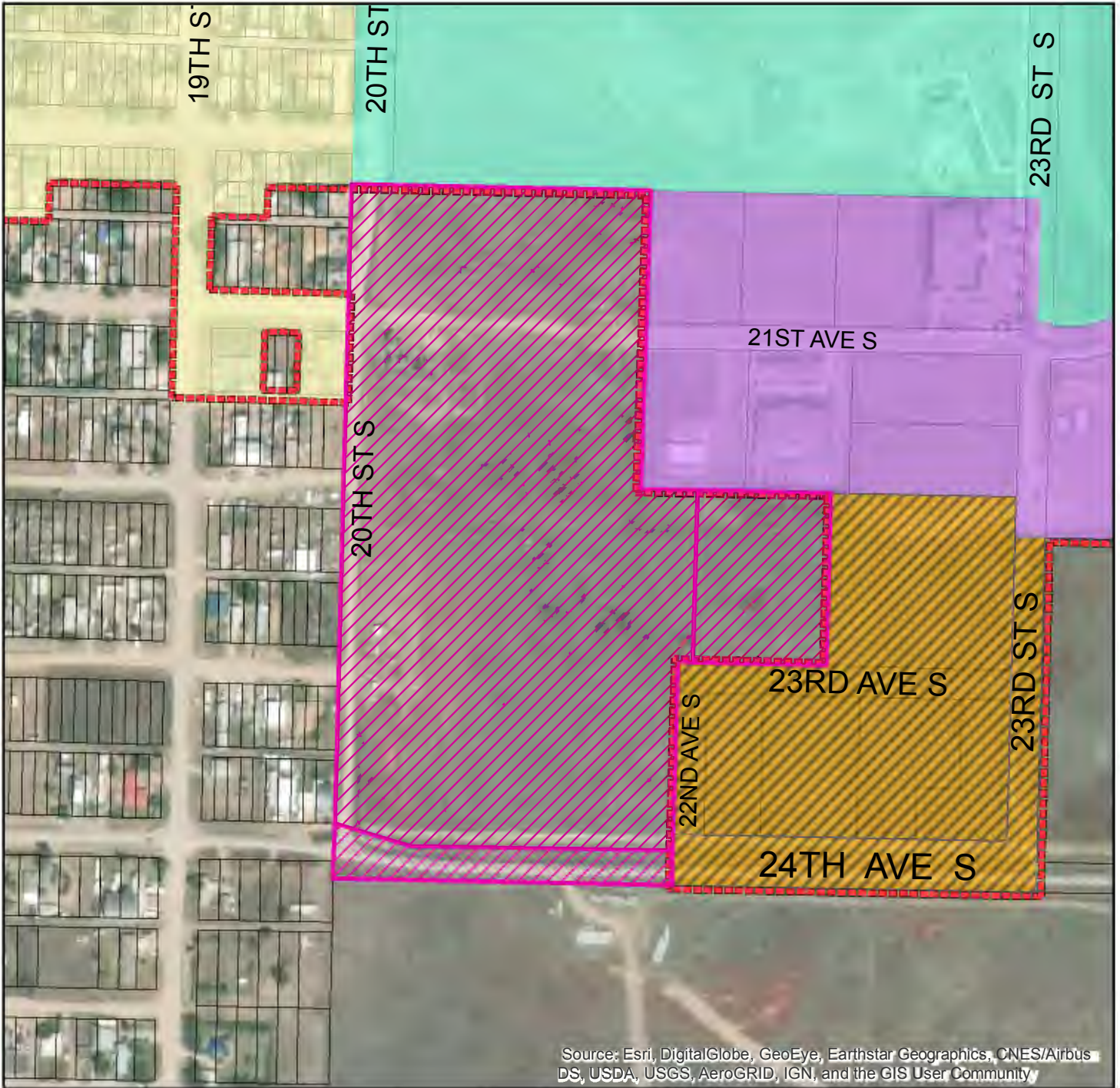
# AERIAL MAP



-  Subject Properties
-  Adjoining 24th ROW
-  Tracts of Land



# ZONING MAP



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

-  Subject Properties
-  Adjoining 24th ROW
-  R-3 Single-family High Density
-  PUD Planned Unit Development
-  M-1 Mixed-use District
-  PLI Public Lands and Institutional
-  U Unincorporated Enclave

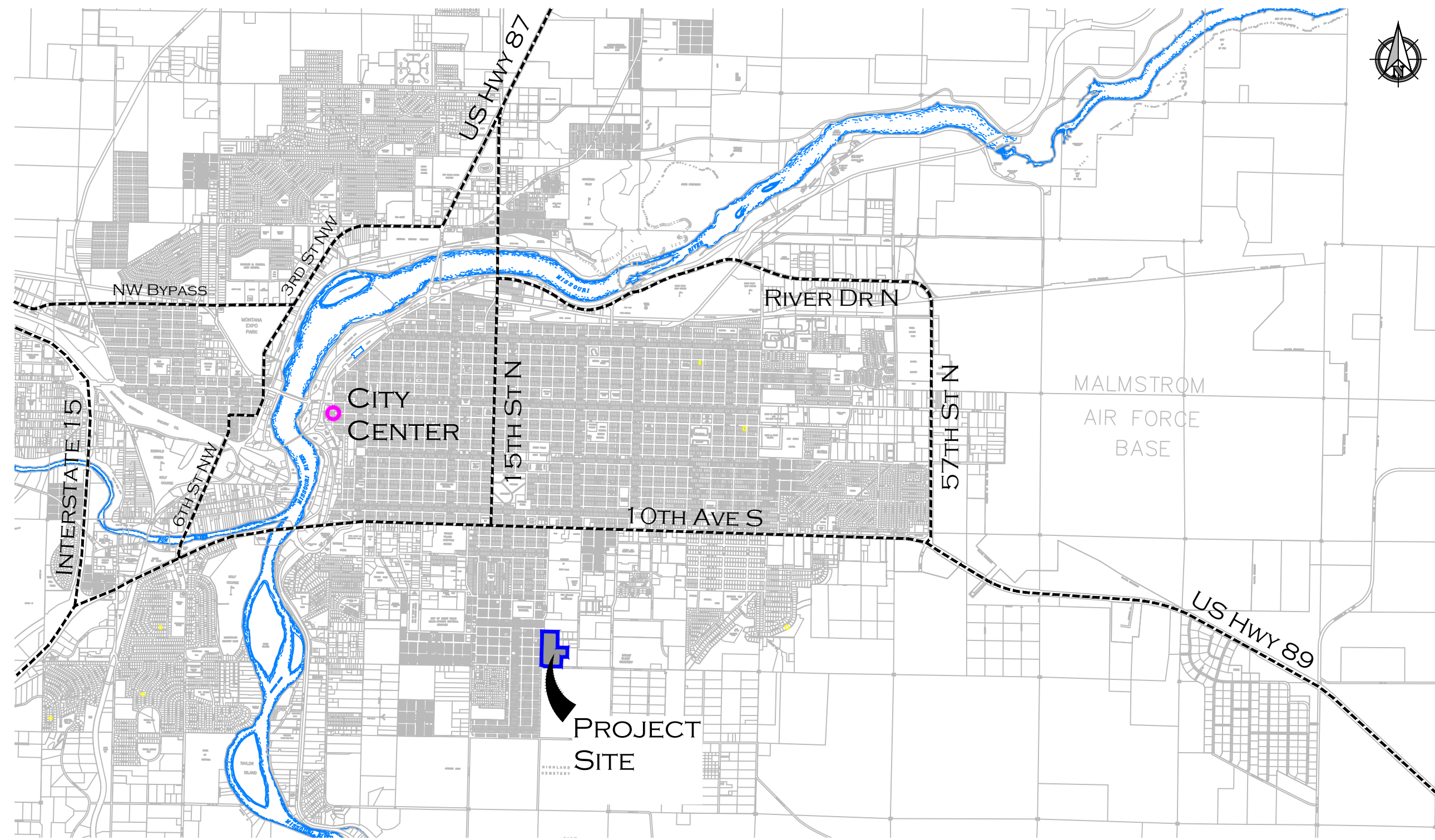
320 160 0 320 Feet







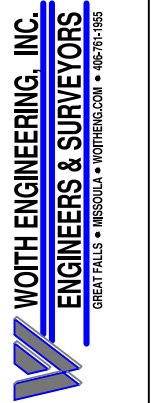
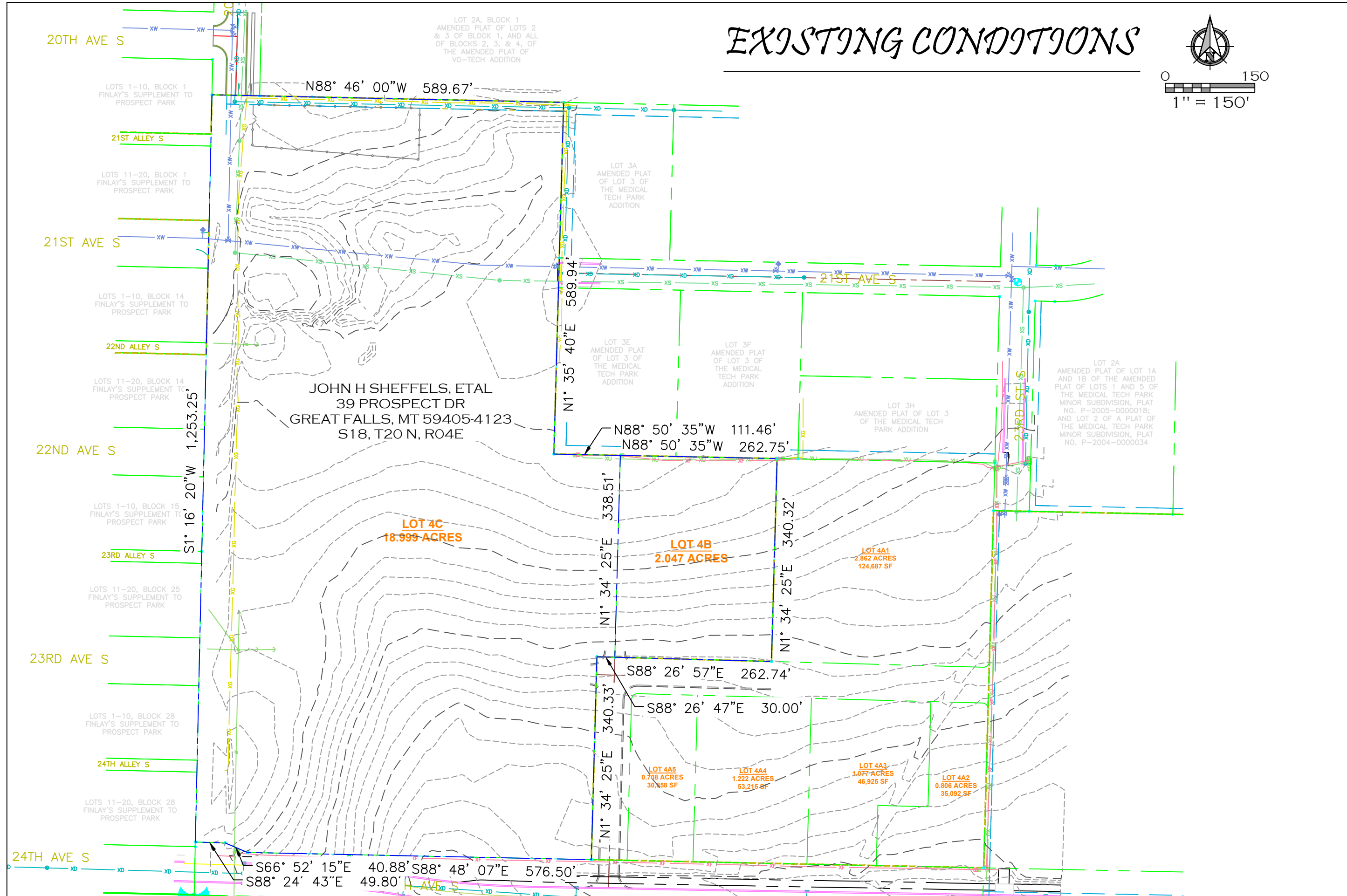
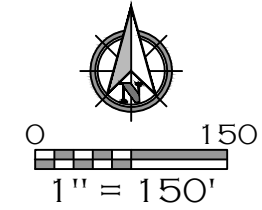
# VICINITY / REGIONAL TRANSPORTATION MAP



MED TECH PARK  
PLANNED UNIT DEVELOPMENT  
GREAT FALLS, MT



# EXISTING CONDITIONS



MED TECH PARK  
 PLANNED UNIT DEVELOPMENT  
 GREAT FALLS, MT

4

We have annotated the City of Great Falls Development Application checklist, form date 5/1/14, to assist you and your staff in evaluating the submission. The following is intended to supplement the checklist annotation:

**PURPOSE AND INTENT**

**a) Project Overview and Goals**

The proposed residential community will offer homes in a new neighborhood adjacent to a developing area of town. The project will be adjacent to a newly improved roadway to the south with wide sidewalks for walking or jogging and the improvements will improve the character of the area by adding stormwater control measures as well as landscaping to an existing vacant lot. Existing streets that are currently broken up will be connected to provide easier routes for circulation. For these reasons and more, the applicant respectfully requests a PUD zoning to help further promote flexibility in development design.

**b) Overall design concept to include, use categories, themes, or other significant features**

The location of the development and the topography of the existing property drove the design and layout of the proposed development. A connected neighborhood / community was the primary design concept with a desire to provide two different housing options for prospective home buyers. Included lot layouts are alley-loaded single family homes with detached garages for the NWGF Mutual Self-help (MSH) housing program, and the other option for homes will be Cottage style homes which are ranch style with attached garages.

**Land Use Plan**

**a) Description of proposed land use categories, include acreages and location if more than one land use category is proposed**

The overall concept of the project is to develop streets and infrastructure for residential homes.

**b) Brief discussion of the Conceptual Site Plan**

The main idea of the layout of the site was to improve 20th Street S from the 24<sup>th</sup> Ave S all the way to the north property line which would provide access from the newly improved 24<sup>th</sup> Ave S roadway to the new home sites and provide access to the existing residents that was a step up from the existing gravel roadway. Cottage home sites will be located along the north end and the most southern and eastern boundaries with the MSH concept lots located in the center blocks of the site.

Natural topography was followed as closely as possible and roadways were laid out to connect existing roads together throughout the site. Non-motorized access around the site will be provided with boulevard sidewalk on all roads.

**Site Conditions and Location**

**a) Acreage**

The overall site proposed for the development contains 20.60 acres.

**b) Location in relation to major intersections or areas of regional significance**

The development is located to the north of 24th Ave South which was recently improved as a part of an MDT project. Other higher density residential projects have been constructed or are in the process of being built to the east of the proposed site along with the associated infrastructure improvements.

**c) Topography and natural features**

The elevations on the site are highest on the south boundary and slope downward as you move to the north with some higher areas along the east side of the property. Drainage on the site conveys stormwater from the southeast to the northwest.

**Zoning and Land Use Compatibility**

**a) Describe existing zoning on and adjacent to site, to include conformance with the objectives, policies, design guidelines, and planned land uses and intensities of all applicable planning areas**

The current zoning assigned to the proposed lots are county urban residential which is the same as the zoning assigned to the adjacent lots to the west.

**b) Describe existing land uses on and adjacent to site**

The site proposed for development is currently vacant land used for pasture and is located outside of the Great Falls city limits. Properties to the west have similar land use to the subject property but have been developed in the county as home sites. The properties to the east have been annexed into the City and are being developed into apartment buildings. North of the site a parcel owned by the Great Falls College that is mostly vacant with one school building on the far east end adjacent to 23<sup>rd</sup> St S.

**c) Describe existing and adjacent character**

Development of the site will be a major transformation of the site from a bare land to a new and exciting neighborhood and community that will bring new life and energy to this side of town in addition to the new residential developments that are proposed to be constructed to the east.

**List of Uses**

**a) Permitted Uses**

Land uses for this development will follow the permitted zoning regulations for R-3 zoning. The primary use will be single family detached but any use designated in R-3 will be allowed. Also we are in discussion with the City of Great Falls to sell them one of the MSH lots to use as a water system booster pump station so this will be included as a specific conditional use.

**Development Standards**

**a) Density and number of dwelling units**

The development will contain 83 residential parcels, one open space parcel, and another open space parcel for the storm water pond.

**b) Minimum lot width/depth**

( See attached PUD Zoning Standards table for items b - h )

**d) Landscape setbacks**

**e) Building separation**

**f) Height**

**g) Lot coverage**

- Assumed maximum building footprints:

MSH	30' x 52'	= 1,560 sf
COTTAGE	30.75' x 42'	= 1,291.5 sf

- Assumed a 25 x 25 detached garage for MSH homes with a 20' wide driveway from setback to alley (12) = 865 sf

- Assumed a 16' wide driveway for Cottages from setback to sidewalk (21) = 336 sf

Total lot impervious coverage area

MSH	2,425 sf
COTTAGE	1,628 sf

**h) Division of Uses N/A**

**Design Guidelines**

The Guidelines for Design Review section of the Zoning Ordinance establishes minimum design guidelines for development. The PUD Narrative is expected to exceed these standards by meeting the Objectives outlined in the Planned Unit Development Basis of Decision (17.16.29.050)

**Signs**

**a) Location**

Road signage will be placed at each intersection closely following standard City of Great Falls standards.

**b) Size**

Road signs will closely follow City standards for size.

**Infrastructure**

**a) Circulation Systems (streets, pedestrian circulation, trails, etc.)**

Road layout can be seen on the overall site layout plan and was configured to follow the existing pattern of the surrounding sites. An overall pedestrian boulevard sidewalk system following City standards has been incorporated into the site plan.

**b) Grading and Drainage**

The site has been graded to closely follow existing topography where possible. 20<sup>th</sup> Ave S will be lowered from the existing grades to allow for surface drainage to the northwest corner of the site which will be the primary method for runoff collection and conveyance. Runoff will be directed to street gutters which will convey it to the northwest to the proposed underground storm drain collection system. This system will convey flows to the proposed detention pond on the north end of 20<sup>th</sup> St S.

**c) Water and Wastewater Services**

Public water main will be extended onto the site from a new system that will be installed for the residential developments to the east of the project as well as being extended from an existing system previously installed through the north end of the site.

A public wastewater system will also be constructed that will collect flows and gravity drain them to the northwest into an existing public sanitary sewer system.

**Phasing Plan**

**a) If no Phasing plan is proposed, state that there is no Phasing Plan**














Site construction phasing will be determined by NeighborWorks in conjunction with the City of Great Falls and will be as shown on the Preliminary Plat.




MED TECH PARK  
PLANNED UNIT DEVELOPMENT  
GREAT FALLS, MT

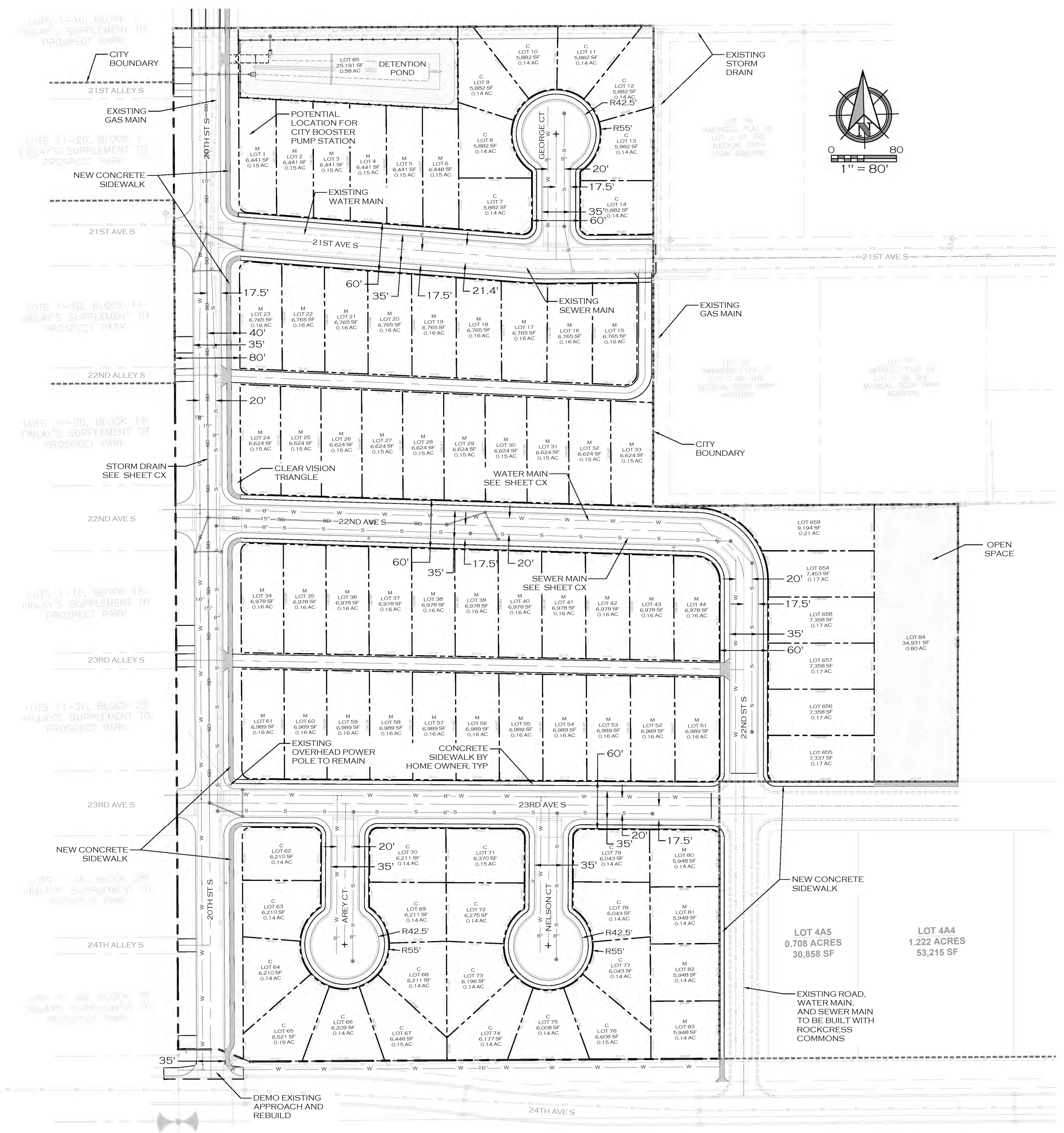


**LEGEND**

-  PROPERTY LINES
-  SANITARY SEWER
-  WATER MAIN
-  STORM DRAIN
-  EXISTING PROPERTY LINES
-  EXISTING EASEMENT LINES
-  EXISTING GAS
-  EXISTING SANITARY SEWER
-  EXISTING WATER
-  EXISTING STORM DRAIN
-  EXISTING OVERHEAD POWER LINE
-  EXISTING UNDERGROUND POWER LINE
-  EXISTING FIBER CABLE

-  M  
LOT 000  
0 SF  
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-  C  
LOT 000  
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- MUTUAL SELF HELP LOT (51)
- COTTAGE LOT (32)



1808	GP'S	DW	RB	RB	7/3/2018
JOB #:	FE:	DRAWN:	DESIGN:	QA:	DATE:
DATE:					
DESCRIPTION					
<p><b>WOITH ENGINEERING, INC.</b>  <b>ENGINEERS &amp; SURVEYORS</b>          GREAT FALLS • MISSOULA • WOTHENG.COM • 406-765-1955</p> <p>MED TECH PARK SUBDIVISION          GREAT FALLS, MONTANA</p> <p>PRELIMINARY SITE PLAN</p>					
<p>Copyright © WOITH ENGINEERING, INC. 2016          P:\1808 MED TECH PARK SUBDIVISION\DWG\SHEETS\1808-MTP-C2-SITE PLAN\DWG\PL01.DWG (P:\AN\BFINSTON) ON 8/5/2018</p>					



Know what's below.  
Call before you dig.

# Med Tech Park Subdivision

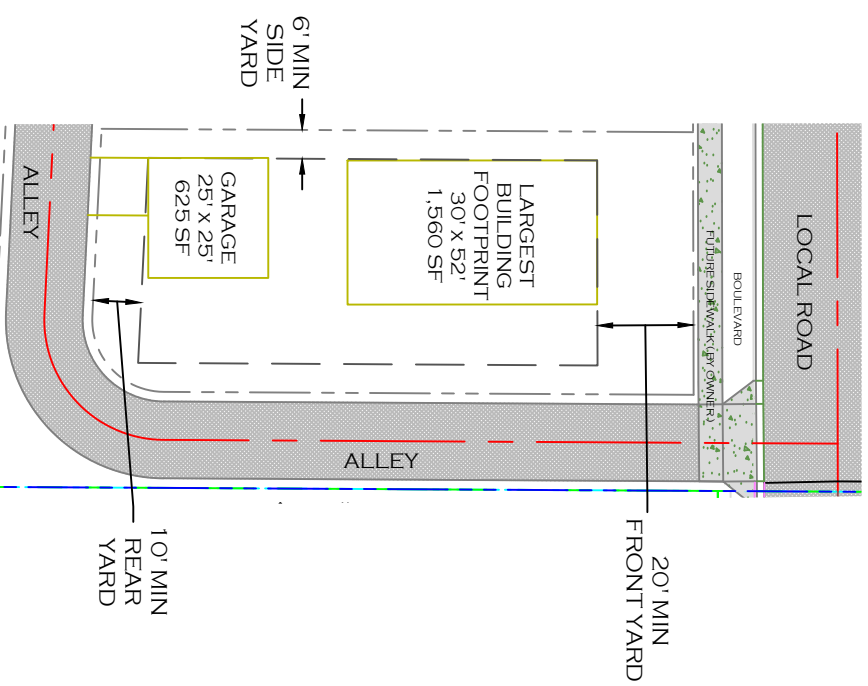
## PUD ZONING STANDARDS

Standard	PUD	R-3
Residential density	-	-
Minimum lot size for newly created lots	5,800	7,500
Minimum lot width for newly created CUL-DE-SAC lots	27	60
Minimum lot width for newly created MUTUAL SELF-HELP lots	52	60
Minimum lot width for newly created COTTAGE lots	44	60
Lot proportions for newly created CUL-DE-SAC lots (max depth to width)	4.2:1	2.5:1
Lot proportions for newly created MUTUAL SELF-HELP lots (max depth to width)	3.3:1	2.5:1
Lot proportions for newly created COTTAGE lots (max depth to width)	2.7:1	2.5:1
Maximum building height of principal building	35 feet	35 Feet
Maximum building height of detached garage	24 feet but not higher than principal building	24 feet but not higher than principal building
Maximum building height of other accessory structures and buildings	12 feet	12 feet
Minimum front yard setback	20 feet	20 feet
Minimum rear yard set back	10 feet	10 feet for lots less than 150 ft in depth; 15 feet for lots over 150 feet in depth
Minimum rear yard set back - CUL-DE-SAC	5 feet	
Accessory structures and buildings rear yard set back	5 feet	2 feet
Minimum side yard set back	6 feet	6 feet
Minimum WEST side yard set back - LOT 1	1 foot	-
Maximum lot coverage of principal and accessory buildings	CORNER LOT 55%, OTHER 50%	CORNER LOT 55%, OTHER 50%
BOULEVARD TREES REQUIRED	1	2
PARKING REQUIREMENT	1 OFF STREET	2 OFF STREET

## LOT DESIGN - MUTUAL SELF HELP (MSH) (ALLEY LOADED)

THE MSH ALLEY LOADED HOMES WILL BE BUILT BY NWGF WITH ASSISTANCE BY THE PROPOSED HOMEOWNER. LOCATED IN THE INTERIOR BLOCKS OF THE DEVELOPMENT, THESE AFFORDABLE HOMES WILL CONSIST OF AN ASSORTMENT OF FLOOR PLANS DEVELOPED BY NWGF AND WILL BE ALLEY LOADED WITH DETACHED GARAGES FACING PROPOSED ALLEYS.

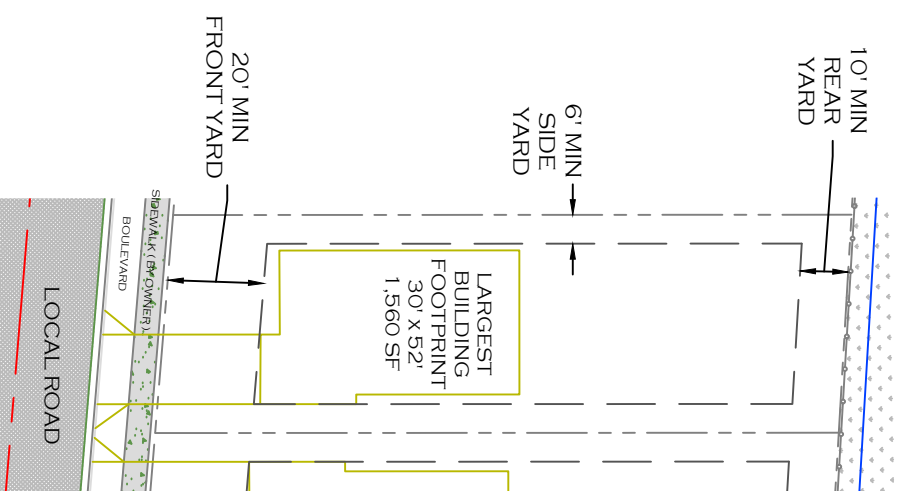
DEPTH	120' MIN, 135' MAX
FRONT YARD SETBACK	20' MIN
SIDE YARD SETBACK	6' MIN
REAR YARD SETBACK	10' MIN
PORCHES	MAY EXTEND INTO THE FRONT YARD SETBACK, NO MORE THAN 9'. TOTAL AREA NOT TO BE MORE THAN 60% OF HOUSE COVERAGE.
GARAGE	REAR (ALLEY)



## LOT DESIGN - MUTUAL SELF HELP (MSH) (NO ALLEY)

THESE MSH HOMES WILL BE BUILT BY NWGF WITH ASSISTANCE BY THE PROPOSED HOMEOWNER. LOCATED ON THE EXTERIOR BLOCKS OF THE DEVELOPMENT, THESE AFFORDABLE HOMES WILL CONSIST OF A COUPLE OF SPECIFIC FLOOR PLANS DEVELOPED BY NWGF AND WILL BE FRONT LOADED WITH ATTACHED GARAGES FACING PROPOSED LOCAL ROADWAYS.

DEPTH	141' MIN, 146' MAX
FRONT YARD SETBACK	20' MIN
SIDE YARD SETBACK	6' MIN
REAR YARD SETBACK	10' MIN
PORCHES	MAY EXTEND INTO THE FRONT YARD SETBACK, NO MORE THAN 9'. TOTAL AREA NOT TO BE MORE THAN 60% OF HOUSE COVERAGE.
GARAGE	FRONT (ATTACHED)

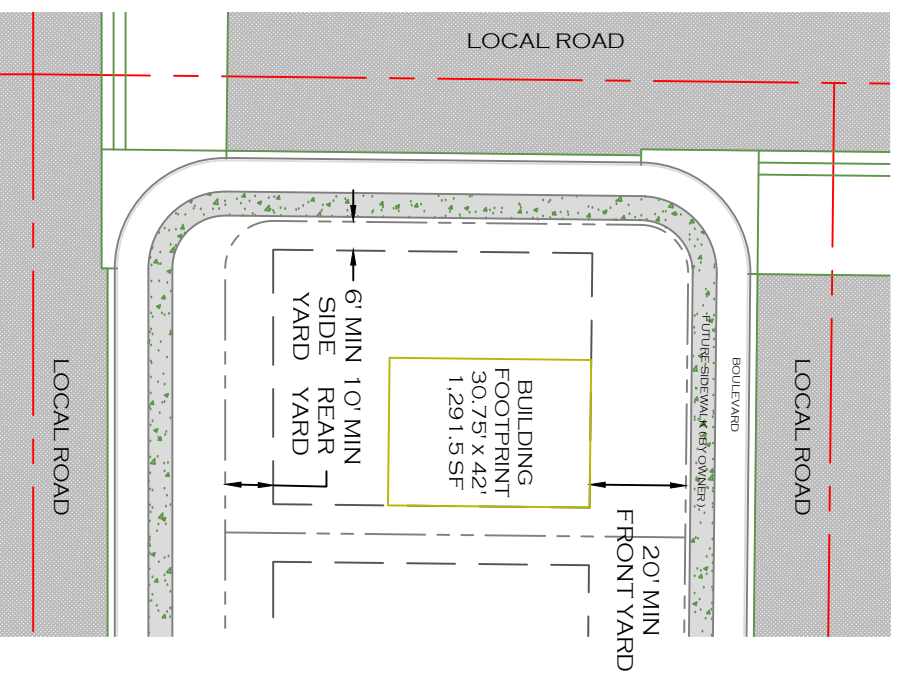


MED TECH PARK  
PLANNED UNIT DEVELOPMENT  
GREAT FALLS, MT

## LOT DESIGN - COTTAGE

THE COTTAGE HOMES WILL BE BUILT BY NWGF. LOCATED IN THE NORTH, SOUTH, AND EAST BLOCKS OF THE DEVELOPMENT, THESE AFFORDABLE HOMES WILL CONSIST OF A STANDARD OF FLOOR PLAN DEVELOPED BY NWGF AND WILL HAVE SINGLE CAR GARAGES FACING THE STREET.

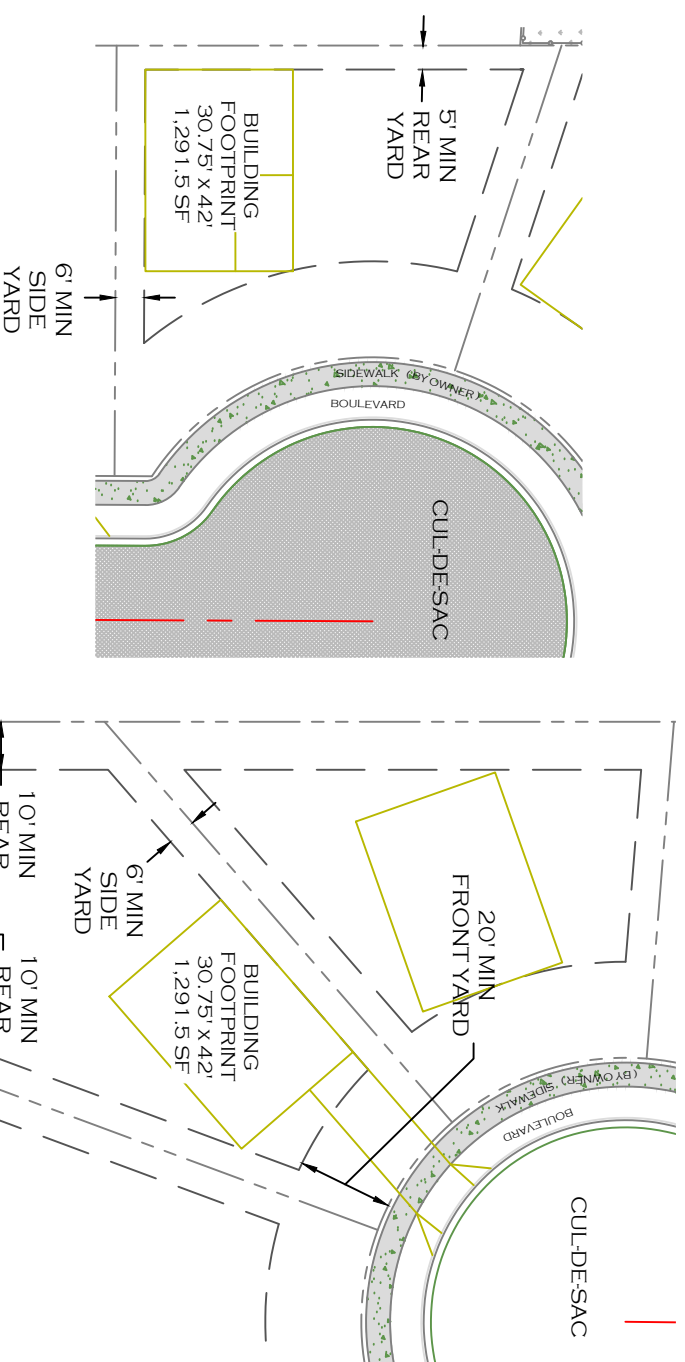
DEPTH	132' MIN, 162' MAX
FRONT YARD SETBACK	20' MIN
SIDE YARD SETBACK	6' MIN
REAR YARD SETBACK	10' MIN
PORCHES	MAY EXTEND INTO THE FRONT YARD SETBACK, NO MORE THAN 9', TOTAL AREA NOT TO BE MORE THAN 60% OF HOUSE COVERAGE.
GARAGE	FRONT (SINGLE CAR)



## LOT DESIGN - CUL-DE-SAC

THE HOMES IN THE CUL-DE-SAC AREAS WILL BE COTTAGE HOMES AND WILL BE BUILT BY NWGF. LOCATED IN THE NORTH, SOUTH, AND EAST BLOCKS OF THE DEVELOPMENT, THESE AFFORDABLE HOMES WILL CONSIST OF A STANDARD OF FLOOR PLAN DEVELOPED BY NWGF AND WILL HAVE SINGLE CAR GARAGES FACING THE STREET.

DEPTH	69' MIN, 115' MAX
FRONT YARD SETBACK	20' MIN
SIDE YARD SETBACK	6' MIN
REAR YARD SETBACK	5' MIN
PORCHES	MAY EXTEND INTO THE FRONT YARD SETBACK, NO MORE THAN 9', TOTAL AREA NOT TO BE MORE THAN 60% OF HOUSE COVERAGE.
GARAGE	FRONT (SINGLE CAR)

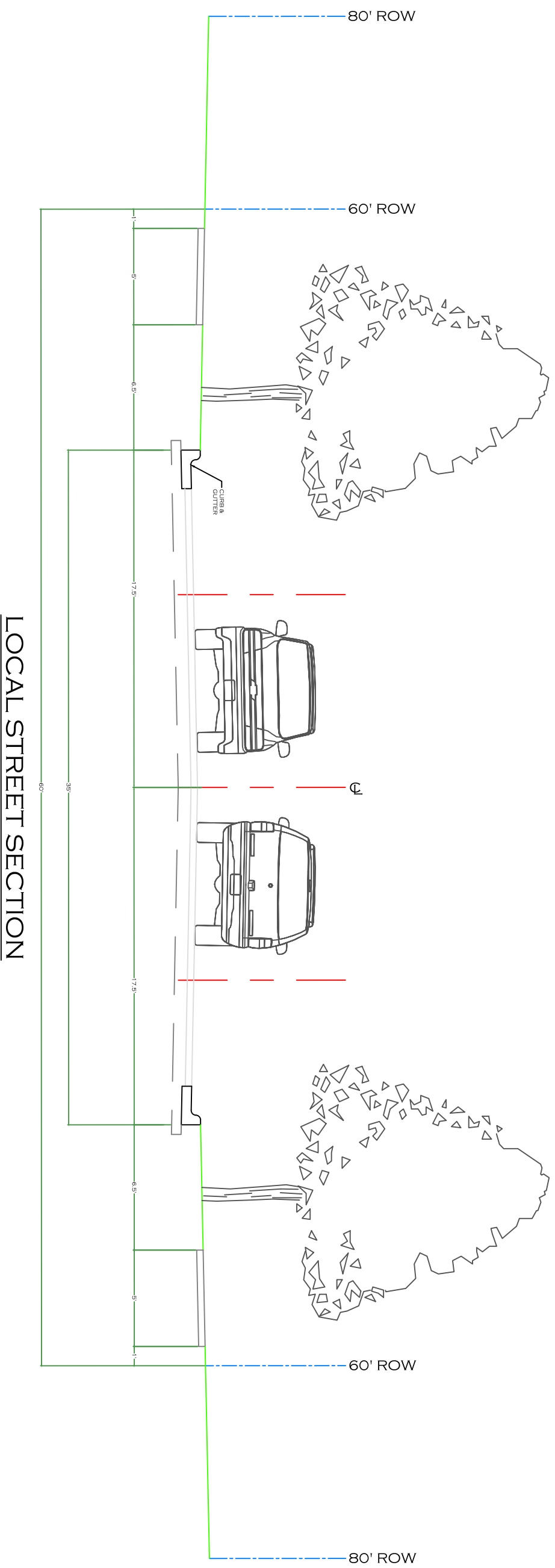


MED TECH PARK  
PLANNED UNIT DEVELOPMENT  
GREAT FALLS, MT



# TYPICAL ROADWAY SECTION

STANDARD CITY LOCAL ROAD DESIGN LAYOUT  
 WILL BE USED THROUGHOUT THE PROJECT. THE  
 LOCAL ROADWAY TYPICAL SECTION WILL BE USED  
 WITHIN THE 80' ARTERIAL RIGHT-OF-WAY AS WELL.



LOCAL STREET SECTION



## Med Tech Park Subdivision Traffic Analysis

Proposed Development Characteristics: A small-lot, single-family Planned Unit Development is proposed for subdivision and annexation upon a parcel of land lying generally north of 24<sup>th</sup> Avenue South, between 20<sup>th</sup> Street South and 22<sup>nd</sup> Street South. The first phase (Phase 1) will include 18 lots along the full northern edge of the subdivision, along with all streets, alleys, and water mains, sanitary sewer mains and storm water management improvements for the entire subdivision. Future phases will be developed according to the phasing schedule shown on the attached Exhibit A. At full build-out, the subdivision will include 83 single-family homes.

Existing Conditions: The parcels immediately to the east are scheduled to be developed as a multi-family complex referred to as “Rockcross Commons”, which will construct 23<sup>rd</sup> Street South from 21<sup>st</sup> Avenue South to 24<sup>th</sup> Avenue South; and, 23<sup>rd</sup> Avenue South from the extended 23<sup>rd</sup> Street South to (and including) a new segment of 22<sup>nd</sup> Street South between 23<sup>rd</sup> and 24<sup>th</sup> Avenues South. Construction is scheduled to start in late summer 2018.

To the west, sub-standard gravel roadways and alleys exist within a semi-rural subdivision outside the incorporated City limits. Existing unpaved roadways connecting to the proposed subdivision include 21<sup>st</sup>, 22<sup>nd</sup> and 23<sup>rd</sup> Avenues South. A sub-standard 20<sup>th</sup> Street South runs down the west side of the property, upon a recently-created easement. As the street was not a legal roadway until the easement was created in 2017, it has never been developed or maintained to any standard.

To the north, 20<sup>th</sup> Street South connects to a paved City street, 19<sup>th</sup> Avenue South, as well as the unpaved City street 20<sup>th</sup> Avenue South. 20<sup>th</sup> Street South is shown as a future Collector roadway in the Great Falls Long Range Transportation Plan’s “Future Roadway Network” map.

Finally, the recently improved major collector roadway, 24<sup>th</sup> Avenue South, abuts the proposed subdivision on the south. Along with reconstruction of 24<sup>th</sup> Avenue South, a 10-foot paved pedestrian/bicycle path was constructed on the north side of the right-of-way, running the length of the property.

The new trail along 24<sup>th</sup> Avenue South is the only bicycle or pedestrian facility in the area. However, the Rockcross Commons development will install sidewalks that connect to 23<sup>rd</sup> Street South. The nearest sidewalk on the west side of the proposed subdivision is on the north side of the intersection of 19<sup>th</sup> Avenue South and 20<sup>th</sup> Street South.

Future Improvements: Other than the streets and sidewalks to be constructed within the Rockcross Commons development, no roadway, bicycle or pedestrian improvements are planned in the area.

Trip Generation: From the ITE Trip Generation Manual (9<sup>th</sup> edition), the average trip generation rate for single-family detached housing units is 9.52 trips per occupied dwelling unit on a weekday. For the 83 homes proposed in the subdivision, this equates to approximately 790 daily trips.

### Trip Distribution:

Primary access to and from the proposed subdivision would be mainly the north/south 20<sup>th</sup> Street South on the west; the north/south 23<sup>rd</sup> Street South on the east; the east/west 24<sup>th</sup> Avenue South;

and, the east/west 21<sup>st</sup> Avenue South. Little traffic is anticipated to use the gravel roads west of the subdivision.

Because drivers' route decisions are based upon various factors such as direction of their destination, travel time, safety, and convenience (i.e., minimal turning movements, stopping/starting or other influences that require fluctuations in speed), drivers are expected to take one of multiple routes to access/exit the proposed subdivision and these routes are expected to vary from trip to trip.

The trip distribution percentages for vehicles entering/exiting the proposed subdivision are estimated to be:

- 15% north on 20<sup>th</sup> Street South (119 vehicle trips per day)
- 15% east on 21<sup>st</sup> Avenue South (119 vehicle trips per day)
- 15% east on 23<sup>rd</sup> Avenue South (119 vehicle trips per day)
- 15% south on 22<sup>nd</sup> Street South (119 vehicle trips per day)
- 40% south on 20<sup>th</sup> Street South (316 vehicle trips per day)
- Negligible traffic using the unpaved 20<sup>th</sup>, 21<sup>st</sup>, 22<sup>nd</sup>, and 23<sup>rd</sup> Avenues to the west

#### Distribution Notes:

1. Many of the trips north on 20<sup>th</sup> Street South are expected to be elementary school-related, as there are no direct routes to the community. If 20<sup>th</sup> Street South is ever constructed as a through-street northward, connecting to the segment past the universities, this roadway will carry more trips.
2. If the gravel streets to the east are ever paved, they will attract a bit more traffic, though not a significant amount.
3. Construction of the new roadways in the area will provide improved access to and from the rural neighborhood to the west. However, the number of vehicles accessing the proposed subdivision's streets from the west is not expected to be significant. It is expected that 20<sup>th</sup> Street South will attract a small amount of trips serving properties from outside the subdivision.
4. 23<sup>rd</sup> Avenue South and 21<sup>st</sup> Avenue South within the proposed subdivision will also attract some trips from both the new Rockcross Commons as well as the Talus apartments located to the east on 21<sup>st</sup> Avenue South. Most of the trips from these properties to the east would most likely be associated with Sunnyside Elementary School located to the northwest of the proposed subdivision.
5. 24<sup>th</sup> Avenue South, as the most direct and highest-speed roadway, is expected to be the main travel route between the proposed subdivision and the greater community, channeling vehicles west to 13<sup>th</sup> Street South and east to 26<sup>th</sup> Street South.

#### Transit and Non-motorized Travel:

Sidewalks will be constructed along each lot frontage at the time of home construction, and will connect to an existing sidewalk network. No extension of transit service to the development is proposed, as the area is outside of the Transit District boundary. Bicycle travel is expected to utilize

the shared-use path along 24<sup>th</sup> Avenue South, providing direct bicycle access to the proposed subdivision.

Analysis, Conclusions and Recommendations:

The existing transportation network and proposed roadway layout is expected to have sufficient capacity to accommodate traffic generated by the proposed subdivision. The nearness of the newly reconstructed 24<sup>th</sup> Avenue South and the pending extension of 23<sup>rd</sup> Street South will provide easy access to and from the development. Lack of paving of the streets to the west will discourage traffic through the existing neighborhood, and the shared use path along 24<sup>th</sup> Avenue South will allow bicyclists and pedestrians to safely travel to and from their homes. However, a “gap” in paving and sidewalks at the northwest corner of the proposed subdivision (on 20<sup>th</sup> Street South) is a safety and maintenance concern, as it would be the main connection to the elementary school serving the neighborhood.

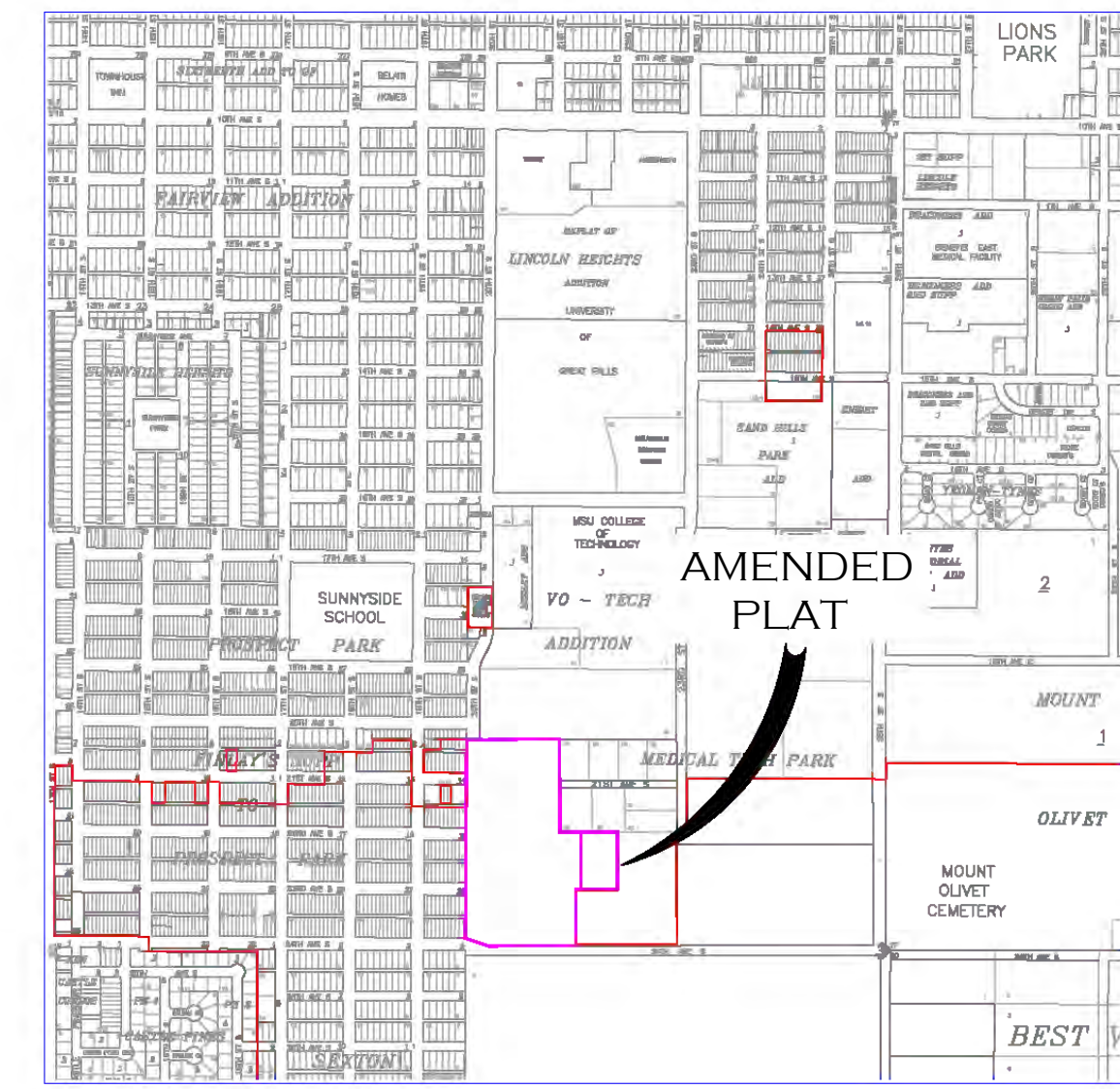
24<sup>th</sup> Avenue South carries around 2,064 AADT (Annual Average Daily Traffic). With the widening and reconstruction of 24<sup>th</sup> Avenue South to minor arterial standards, there is ample capacity on the roadway to accommodate additional trips from both the proposed and the adjoining Rockcross Commons developments.

The following recommendations are based upon review of the proposed development and analysis of its impact upon the transportation network:

- Paving of 20<sup>th</sup> Street South between the subdivision boundary and the paved section of 19<sup>th</sup> Avenue South should occur during Phase I. This should include sidewalk along the east side of the street to the existing sidewalk on 19<sup>th</sup> Avenue South, to provide a safe route for school children.
- 20<sup>th</sup> Street South should be constructed as a collector, to accommodate expected future traffic volumes.
- Utility service lines must be installed prior to paving of the streets, to preserve the long-term integrity of the new streets.
- Alleys must be paved, to City standards. Dry utilities in the alleys should be installed prior to paving of the alleys.
- Stop signs should be installed at the avenues meeting 20<sup>th</sup> Street South and the streets meeting 24<sup>th</sup> Avenue South, and should be considered at other intersections in the neighborhood.
- Sidewalks must be installed adjacent to any non-residential lots within the proposed subdivision at the time of paving of the roadways and installation of curb and gutter.

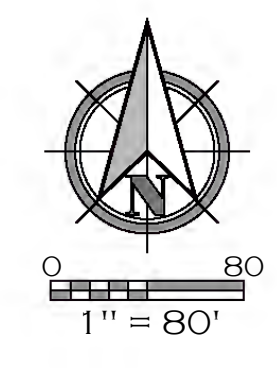
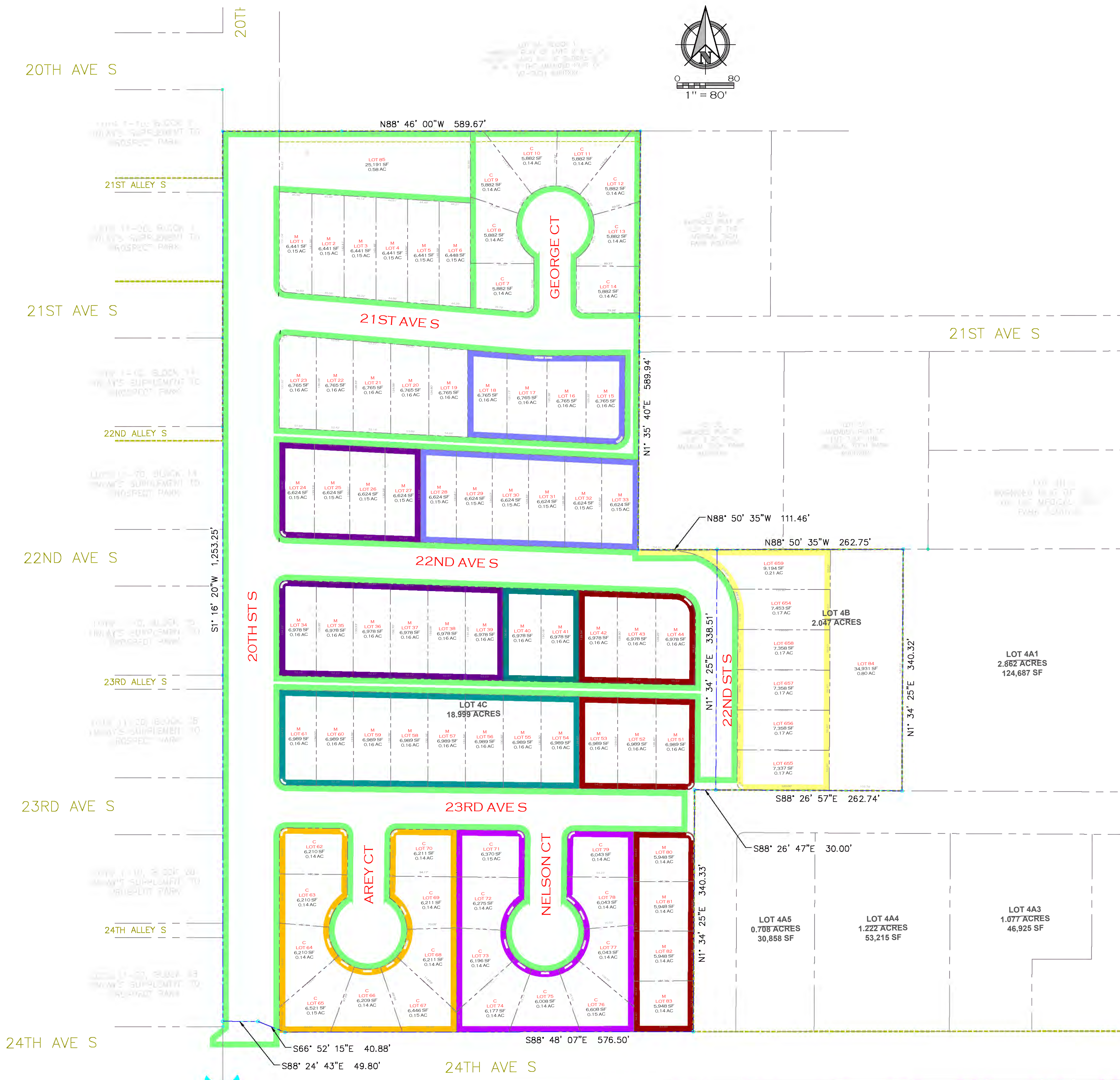


AMENDED PLAT OF  
 LOT 4B AND 4C OF THE AMENDED PLAT OF LOT 4  
 OF THE MEDICAL TECH PARK MINOR SUBDIVISION  
 to the City of Great Falls, a subdivision located in the SW1/4 SE1/4, Section 18,  
 T20N, R4E, PMM, Cascade County, Montana



PHASING LEGEND

- PHASE 1  
 - ALL ROADS/ALLEYS AND UTILITY EXTENSIONS  
 - 11 MSH LOTS (1-6, 19-23)  
 - 32 COTTAGE LOTS (7-14, 45-50, 62-79)
- PHASE 2  
 - 10 MSH LOTS (15-18, 28-33)
- PHASE 3  
 - 10 MSH LOTS (24-27, 34-39)
- PHASE 4  
 - 10 MSH LOTS (40-41, 54-61)
- PHASE 5  
 - 10 MSH LOTS (42-44, 51-53, 80-83)
- PHASE 6  
 - 6 COTTAGE LOTS (45-50)
- PHASE 7  
 - 9 COTTAGE LOTS (62-70)
- PHASE 8  
 - 9 COTTAGE LOTS (71-79)



1808	GFS	RB		6/22/18
JOB #:	DATE:	DESIGN:	DATE:	

PRELIMINARY



PRELIMINARY

MED TECH PARK  
 GREAT FALLS, MT  
 PRELIMINARY AMENDED PLAT



P:\1808-MED TECH PARK SUBDIVISION\DWG\1808-MTF-PUD PLANS.DWG PLOTTED BY RYAN BUFFINGTON ON 09/09/2018

**FINDINGS OF FACT/BASIS OF DECISION – MONTANA SUBDIVISION AND PLATTING ACT**

Lot 4B and 4C of the Amended Plat of Lot 4 of the Medical Tech Park Minor Subdivision located in the SW1/4 SE 1/4 of Section 18, T20N, R4E, P.M.M., Cascade County, Montana and the adjoining right-of-way of 24th Avenue South.

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

**PRIMARY REVIEW CRITERIA:**

**Effect on Agriculture and Agricultural Water User Facilities:** The major subdivision is located just south and west of City limits and the owner has petitioned to annex the properties. The properties are currently vacant in the county and are not currently being used for agricultural purposes. Thus, the proposed major subdivision will not interfere with any agricultural irrigation system or present any interference with agricultural operations in the vicinity.

**Effect on Local Services:** Lots in the subdivision will extend and connect to City water and sewer mains. The Owner will pay the cost of extending these utility mains. The owners of the units within the subdivision will pay regular water and sewer charges, and monthly storm drain charges.

The properties are south of and west of City limits that are currently receiving law enforcement and fire protection service from the City of Great Falls. The first phase of the development will provide multiple points of public access to the development for these services. The subject properties are on the southern periphery of the City limits where fire and other emergency services will be stretched thin as the community develops. At this time, the City will be able to provide essential services as necessary, but it should be noted that response times are in the seven to eight-minute level.

During the public hearing for the Planning Advisory Board/ Zoning Commission on August 14, 2018, the question was asked by a local citizen in that area if the elementary school could take on the increased volume of students that this subdivision could potentially have. Staff has contacted the Great Falls Public Schools and it was verified that Sunnyside Elementary School is not at capacity and they welcome new homes in the area. If there was a large increase in students, the school would adjust to accommodate.

**Effect on the Natural Environment:** The subdivision is not expected to adversely affect soils or the water quality or quantity of surface or ground waters. Surface drainage from the subdivision will flow to the proposed storm drain system which will ultimately will be treated in a proposed detention basin on site and then released into the existing storm drain system. The lot that the proposed detention basin is located on will be dedicated to the City in the Final Plat process. The design of this proposed system will be reviewed and approved by the Public Works Department.

**Effect on Wildlife and Wildlife Habitat:** The subdivision is surrounded by existing neighborhoods to the west and northwest, the existing college to the north, various office buildings and

residential to the northeast and proposed multi-family residential to the east. This is not in an area of significant wildlife habitat beyond occasional migrating fowl.

**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 subdivision itself will not have a negative effect on Public Health and Safety. As noted above however, emergency services response times are in the seven to eight-minute range.

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

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

**EASEMENT FOR UTILITIES**

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

**LEGAL AND PHYSICAL ACCESS**

Legal and physical access to the proposed development will be from the extension of 20<sup>th</sup> Street South, which is proposed to intersect with the existing 24<sup>th</sup> Avenue South. The development is also proposing connections of 21st Avenue South from east to west, the establishment of 22<sup>nd</sup> Avenue South, and the connection of 23<sup>rd</sup> Ave South and 22<sup>nd</sup> Street South to the proposed development to the east. These are all proposed public roads as well as an existing road proposed to be annexed into city limits and will be maintained by the City of Great Falls.

**IMPROVEMENT AGREEMENT FOR MEDICAL TECH PARK MAJOR SUBDIVISION  
(AN AMENDED PLAT OF LOT 4B AND 4C OF THE AMENDED PLAT OF LOT 4 OF THE MEDICAL  
TECH PARK MINOR SUBDIVISION), LOCATED IN THE SW 1/4 SE 1/4 OF SECTION 18,  
TOWNSHIP 20 NORTH, RANGE 4 EAST, P.M.M, CITY OF GREAT FALLS, CASCADE COUNTY,  
MONTANA**

The following is a binding Agreement dated this \_\_\_\_\_ day of \_\_\_\_\_, 2018, between NWGF Development, LLC, hereinafter referred to as "Owner", and the City of Great Falls, Montana, a municipal corporation of the State of Montana, hereinafter referred to as "City", regarding the requirements for phased annexation of two tracts of land into the corporate limits of the City legally described as the amended plat of Lot 4B and 4C of the amended plat of Lot 4 of the Medical Tech Park Minor Subdivision, two tracts of land located in SW 1/4 SE 1/4 of Section 18, Township 20 North, Range 4 East, P.M.M., City of Great Falls, Cascade County, Montana, hereinafter referred to as "Subject Properties", the preliminary plat of which was approved by the Great Falls City Commission on \_\_\_\_\_ day of \_\_\_\_\_, 2018. Owner agrees to, and is bound by, the provisions of this Agreement, and by signing this Agreement, therefore agrees to terms applicable to the Subject Properties. The City is authorized to enter into this Agreement by §17.68.010-040 of the Official Code of the City of Great Falls (OCCGF).

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

**1.1** Declares that the Owner is aware of and has properly accounted for any natural conditions that may adversely affect the Development;

**1.2** Insulates the Development from the impact of changes in the City's subdivision and zoning regulations, provided that no substantial changes in the Development are proposed;

**1.3** Establishes a process for the phased annexation of the subdivision in order for the Owner to utilize specific financing for the self-help and cottage home product being proposed for construction;

**1.4** Requires the Owner to guarantee that the promised on-site improvements are made in a timely manner by providing the financial securities required by the Official Code of the City of Great Falls (OCCGF);

**1.5** Provides for the inspection and warranty of the required on-site improvements before they are accepted for operation and maintenance by the City;

**1.6** Waives protest by the Owner and its successors against the creation of special improvement districts that would provide and maintain necessary infrastructure;

**1.7** Establishes how necessary changes of final construction plans required by the Agreement may be made with the approval of the City;



**1.8** Provides for reimbursements to the Owner when neighboring properties that benefit from improvements made by the Owner are developed;

**1.9** Embodies certain conditions that were imposed upon approval of the development in order to facilitate their enforcement; and

**1.10** Indemnifies the City from challenges to its approval of the Development and holds it harmless from errors and omissions in the approval and oversight of the project.

**2. Duration.** The term of this Agreement begins when it is signed by the City Manager and, with the exceptions stated below, ends at the time the warranty required by Section 12 of this Agreement on the required improvements installed by the Owner expires and the funds securing that warranty are released.

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

**2.2 Failure to Build.** The Owner's failure to complete on-site improvements in accordance with the final construction plans may result in the City retaining the securities required in Section 9 of this Agreement. It may also void this Agreement and the vested rights established by Section 8, below.

**2.3 Failure to Pay.** The Owner's failure to make timely payment of its share of any of the off-site improvements listed in Section 14, below, voids the Agreement and the vested rights established by Section 8. It may also result in the City attempting to collect the amount due by any lawful means.

**3. Supporting Documents.** The following supporting documents are to be submitted for review and approval by the City.

**3.1 Amended Plat.** The Amended Plat of 4B and 4C of the Amended Plat of Lot 4 of the Medical Tech Park Minor Subdivision, filed of record in the Clerk and Recorder's Office of Cascade County, Montana.

**3.2 Construction Documents.** Engineering drawings, specifications, reports and cost estimates, preliminary and final, prepared for the Subject Property, consisting of documents for, but not limited to the public sanitary sewer, water, storm drain, and street improvements.

**3.3 As Built Drawings.** "As Built" reproducible 4 mil mylar drawings of public infrastructure, private utilities, and drainage facilities shall be supplied to the City Engineer upon completion of the construction.

**3.4 Legal Documentation.** Legal documents, including but not limited to any articles of incorporation, bylaws, covenants, and declarations establishing the responsibilities of owners recorded in the Clerk and Recorder's Office of Cascade County, Montana.

**4. Changes.** The Owner understands that failure to install required improvements in accord with the final construction plans approved for each phase of the Development is a breach of this Agreement and may void it. The Owner also understands that failure to build in compliance with approved plans is a breach of this Agreement and a violation of the OCCGF, subject to the penalties provided for such violations. The City recognizes, however, that minor changes are often necessary as construction proceeds and the Administrators (the Administrators are the persons charged by the City Manager with the administration of this improvement agreement) are hereby authorized to permit minor changes to approved plans, as provided below.

**4.1 Minor Changes.** Minor changes to engineering documents and such revisions to the engineering drawings as are deemed appropriate and necessary by the Administrators and which do not materially affect the hereinabove mentioned Subject Property, can be made as follows:

**4.1.1** Before making changes, the applicant must submit revised plans to the Administrator(s) for review. Failure to do this before the proposed change is made, is a breach of this Agreement and a violation of the OCCGF. The Administrator(s) shall respond to all proposed changes within ten (10) business days of receipt of the revised plans.

**4.1.2** Based on a review of the revised plans, the Administrator(s) may permit minor dimensional changes provided they do not result in a violation of the conditions of approval for the Subject Property or the OCCGF.

**4.1.3** Based on a review of the revised plans, the Administrator(s) may permit substitutions for proposed building and construction materials provided that the proposed substitute has the same performance and, for exterior materials, appearance as the originally approved material.

**4.1.4** Minor changes in the location and specifications of the required public improvements may be permitted. Revised plans showing such changes must be submitted to, and then reviewed and approved by the Administrator(s).

**4.2 Substantial Changes.** Substantial changes are not permitted by this Agreement. A new public review and permitting process will be required for such changes. "Substantial Change" versus "Minor Change" is described as follows:

**4.2.1** "Substantial Change" is defined here in order to further clarify what may be permitted as a "Minor Change." A substantial change adds one or more lots; changes the approved use; changes the location or extent of the area proposed to be cleared, graded, or otherwise disturbed by more than 4,000 square feet (a smaller change in the area that will be cleared, graded, or otherwise disturbed may be treated as a minor dimensional change); changes the location, extent, or design of any required public improvement, except where a minor change is approved by the Administrator(s); or changes the approved number of buildings, structures or

units; or the size of any building or structure by more than 10%. A smaller change in the size of a lot, building, or structure may be treated as a minor dimensional change.

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

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

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

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

**5.4 Connection and Construction Fees.** Water service tapping and water and sewer service connection fees will be assessed at the times of tapping and connections. The absence of any fee from this Agreement which is lawfully charged by the City in connection with construction activity associated with Subject Property shall not constitute a waiver by the City.

**5.5 Storm Drain Fee.** The Owner is responsible to pay a storm drain fee in the amount of \$250 per acre for each lot proposed for annexation. This would equal a total of **\$4,787.75** for Lot 4C which is 18.999 acres and **\$511.75** for Lot 4B which is 2.047 acres. The total storm drain fee to be paid to the City no later than 30 days after City Commission action to annex Phase 1 of the Subject Properties into the City is **\$5,299.50**.

**5.6 Park Fee in Lieu of Land Dedication.** Per 76-3-621, the Owner is responsible to dedicate land or pay a park fee in lieu of dedicated land to the City. The total park fee in lieu of dedicated land is to be paid to the City no later than 30 days after City Commission action to annex Phase 1 of the Subject Properties into the City is **\$71,041**. This fee is to be paid to the City no later than 30 days after City Commission action to annex Phase I of the Subject Properties into the City.

**5.7 Application Fees.** Fees paid by the applicant are in addition to the \$2,000.00 application fee for Planned Unit Development (PUD), \$5,650.00 application fee for the preliminary plat, \$3,575.00 application fee for the final plat, and the \$500.00 application fee for Annexation, which have been paid prior to this Agreement.

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

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

**8. Vested Rights.** This Agreement and preliminary plat approval by the City create a vested right that protects the Owner from changes in the zoning and subdivision requirements of Title 17 of the OCCGF until this Agreement expires, as provided in Section 2 of this Agreement. This vested right does not exempt the Owner from compliance with other provisions of the OCCGF, including specifically those intended to prevent and remediate public nuisances, nor does it protect the Owner from changes in the City's building codes and fees, development fees, and inspection fees. This vested right does not exempt the owner from compliance with changes to state and federal requirements. This vested right may be voided, in whole or in part, if the Owner proposes substantial changes in the preliminary plat, the approved final construction plans, or final plats of the Development.

**9. Preliminary Plat.** This Agreement is based on the preliminary plat and accompanying materials approved by the City Commission on September 4, 2018. Changes in that plat and the accompanying materials are governed by Section 4 of this Agreement. To remain valid, the preliminary plat must be periodically renewed because 76-3-610, MCA, requires that preliminary plat approval be for no more than three years. The Owner understands and agrees that it must submit a letter to the Administrator requesting renewal of the preliminary plat at least 90 days before the third anniversary of this Agreement, and then again, before every third anniversary until this Agreement expires. The preliminary plat may also be renewed if and when an amendment is approved.

**10. Phasing Process.** The preliminary plat incorporates multiple phases for annexation as shown on the site plan. This phasing of annexation is approved by the City Commission in conjunction with the preliminary plat contingent upon the final approval of all public improvements by the Public Works Department.

**10.1 Final Plat/Plans.** Final construction plans, including estimated costs and a proposed method of providing the securities required by Section 13 of the Agreement, and final plats must be submitted for each phase identified in the preliminary plat. As provided by Subsection 2.2, the final construction plans and final plat for the first phase or a request for a renewal of the preliminary plat must be submitted within three years of the date of this Agreement or this Agreement will be void.

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

**10.3 Approval/Amendment.** If that submission is not consistent with the approved preliminary plat, all conditions of approval of the preliminary plat, this Agreement, and the final plans/plat requirements of the OCCGF and state law, the Administrator will draft an amendment to this Agreement and promptly submit that draft for approval by the City Commission along with the final plat.

**10.3 Denial/Explanation.** If that submission is not consistent with the approved preliminary plat, all conditions of approval of the preliminary plat, this Agreement, and the final plans/plat requirements

of the OCCGF and state law, the Administrator shall return it with written comments explaining how it may be brought into compliance.

**10.4 Phasing of Annexation.** Due to the financing needs of the Owner, annexation of the lots proposed for mutual self-help single-family homes will be conducted in phases after construction of homes and inspections for code compliance have been conducted by the City. The proposed lots associated with the Cottage homes shall be annexed into the City and subdivided prior to construction.

**11. Required Public Improvements.** The public improvements required for the Development shall be installed as shown on the final construction plans that are submitted to and approved by the Engineering Department before the final plat of each phase is approved by the City. As an alternative, the Owner may provide a financial security for said improvements as prescribed in Section 13. The on-site improvements shall include everything required to provide water, sanitary sewer, stormwater management, and access, including streets, serving each lot proposed in the Development. Sidewalk installation will be the responsibility of the owner of each individual lot and will be installed before issuance of Certificate of Occupancy. Sidewalk that is proposed along 20th Street South, along the frontage of Lot 84 on 23rd Avenue South and a portion of 22nd Avenue South to connect Phase 2 with Phase 6 as shown on the site plan will be required to be installed by the Owner in conjunction with the public improvements adjacent to that lot. All on-site improvements will be installed at the Owner's expense, unless otherwise noted in this Agreement. Any reimbursements owed to the Owner are outlined in Section 15.

**11.1 Water.** The Owner hereby agrees to install a looped and upsized public water main consistent with City standards and submitted plans approved by the City of Great Falls Engineering Division, including the addition of fire hydrants. All water service lines shall be stubbed to all lots shown on the preliminary plat during construction of public improvements. Changes to lot configuration shall require the Owner to dig up and abandon un-needed service lines at the main and rebuild the effected street section at the Owner's expense. The improvements shall be in accordance with City and Montana Department of Environmental Quality standards and approved plans and specifications. Any portion of water main service located outside of the public right-of-way shall be located in a minimum 20-foot wide public utility easement. The improvement is to be owned and maintained by the City upon completion.

**11.2 Sanitary Sewer.** The Owner hereby agrees to extend public sanitary sewer main consistent with City standards and submitted plans approved by the City of Great Falls Engineering Division. All sewer service lines shall be stubbed to all lots shown on the preliminary plat during construction of public improvements. Changes to lot configuration shall require the Owner to dig up and abandon un-needed service lines at the main and rebuild the effected street section at the Owner's expense. The improvement shall be in accordance with City and Montana Department of Environmental Quality standards and approved plans and specifications. Any portion of sewer main service located outside of the public right-of-way shall be located in a minimum 20-foot wide public utility easement. The improvement is to be owned and maintained by the City upon completion.

**11.3 Roadways and Alleys.** The Owner agrees to construct 20th Street South, 21st Avenue South, 22nd Avenue South, 22nd Street South, 23rd Avenue South, all alleys shown on the site plan and three (3) cul-a-sacs to be named by the Owner and the Addressing Department of the City of Great

Falls, alleys as shown on the approved site plan. These roadways and alleys are to be consistent with City standards and submitted plans approved by the City of Great Falls Engineering Division. Construction of these streets shall include curb and gutter and grading of the boulevard. All alleys are to be constructed with 4" thick asphalt per City standards and submitted plans approved by the City of Great Falls Engineering Division. All dry utility lines shall be installed in coordination with alley construction. All necessary property for the construction and maintenance of city streets and alleys shall be dedicated to the public for said purpose. All street and alley improvements are to be owned and maintained by the City upon completion.

**11.4 Stormwater.** The Owner agrees to install stormwater quality and quantity improvements consistent with City standards and submitted plans approved by the City of Great Falls Public Works Department. Stormwater quantity control measures must comply with standards of the City of Great Falls Storm Drainage Design Manual. The Owner agrees to construct a stormwater detention pond on Lot 85 of the Development. This lot will be dedicated to the City during the final plat process of Phase I. The Owner additionally agrees to extend and construct new stormwater pipe consistent with City standards and submitted plans approved by the City of Great Falls Engineering Division to convey stormwater from the Development to the detention pond. Pipe size and all other construction specifications shall comply with City standards and submitted plans approved by the City of Great Falls Public Works Department. Any portion of storm main service located outside of the public right-of-way shall be located in a minimum 20-foot wide public utility easement.

**11.5 Project Grading.** The Owner agrees to grade the entire site such that the building sites are higher than the roads and alleys.

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

Installation of all public streets, alleys, sidewalks, curb ramps, water, sewer, storm drain, and other public improvement required for the Subject Property shall be subject to the City's inspection policy in place at the time of installation.

**13. Security for Public Improvements.** The Owner shall, upon approval of the final plat, and before the installation of the required public improvements listed in this Agreement, provide the City with a performance bond, an irrevocable letter of credit, or another form of security acceptable to the Administrator in an amount equal to one hundred thirty-five percent (135%) of the costs of the required public improvements.

The security required by this section shall be returned or released upon acceptance of the required improvements, except as provided in Section 15. Following the final required inspection, the Director of

Public Works shall promptly inform the Administrator, in writing, that all improvements have been inspected and are acceptable for maintenance by the City. The Administrator shall then, provided that the Development is in compliance with the final plat, all conditions of approval, this Agreement, and the OCCGF, instruct the Finance Director to release the security to the Owner, minus the portion to be held in warranty as required by Section 12 of this Agreement.

**14. Off-site Public Improvements.** The Owner is responsible for the design and construction of a small portion of 20th Street South to connect said street from the north edge of the Development to 20<sup>th</sup> Avenue South.. The City will reimburse the Owner for the portion of the road that is not located on lot 4C. The amount to be reimbursed shall be determined by using the Owner's actual improvement cost. The reimbursement amount shall be based on actual quantity of improvements constructed. In the event that the improvement costs are not provided by the Owner or they are determined by the City to be unreasonable, the City will determine the reimbursement amount using standard bid and/or material prices.

**15. Reimbursements owed to Owner.** The Owner shall provide the City with documentation of its actual out-of-pocket costs of the installation of the hereinabove mentioned improvements within four (4) months after approval and acceptance thereof by the City. In the event of Owner's failure to provide the City with said cost data, the City shall not be obliged to undertake collection of the reimbursement provided for herein, and the responsibility for collection thereof shall be that of Owner, its heirs, successors and assigns. Failure of the Owner to provide the City with said cost data for reimbursement as herein required shall in no way alter the obligation of any other party to make reimbursement as provided for herein, said failure affecting only the City's obligation to assist in collection thereof.

**15.1 Oversizing.** The City shall reimburse the Owner the cost difference of any required over-sizing of public water main, sanitary main, and storm drain improvements. The amount to be reimbursed shall be determined by using the Owner's actual improvement cost for over-sizing of the pipe, including fittings and valves. The reimbursement amount shall be based on actual quantity of improvements constructed. In the event that the improvement costs are not provided by the Owner or they are determined by the City to be unreasonable, the City will determine the reimbursement amount using standard bid and/or material prices.

**15.2 Annexed Parcel to the West.** Per the annexation agreement of Lots 1A and 10A, Block 14, of Finlay's Supplement to Prospect Park Addition, the Owner of Lot 10A is to pay reimbursements to the Owner of Lot 4C of the Medical Tech Park Addition for its proportionate share of half of the cost of the storm main and the roadway for the frontage of the lot along lot 4C. If the Owner of Lot 10A connects to the utilities installed in 20th Street South, the Owner of Lot 10A is to pay reimbursements to the Owner of Lot 4C of the Medical Tech Park Addition for its proportionate share of half of the cost of utility tied into. The amount to be reimbursed shall be determined by using the Owner's actual improvement cost minus any over-sizing cost paid by the City. The reimbursement amount shall be based on actual quantity of improvements constructed. In the event that the improvement costs are not provided by the Owner or they are determined by the City to be unreasonable, the City will determine the reimbursement amount using standard bid and/or material prices. The Owner of Lot 10A shall be responsible for constructing the sidewalk for the frontage of the lot along 20th Street South.

**15.3 Parcel to the South of 24th Avenue South.** A tract of land located in the NE1/4 of Section 19, Township 20 North, Range 4 East, P.M.M., Cascade County, Montana, with the parcel number of 2639500 shall reimburse the Owner for half of the cost of the 16" water main to be installed in the right-of-way of 24th Avenue South at the time of annexation and development of the parcel. The amount to be reimbursed shall be determined by using the Owner's actual improvement cost minus and over-sizing cost paid by the City. The reimbursement amount shall be based on actual quantity of improvements constructed. In the event that the improvement costs are not provided by the Owner or they are determined by the City to be unreasonable, the City will determine the reimbursement amount using standard bid and/or material prices.

**15.4 Un-Annexed Parcels to the West.** At the time of future annexation of the parcels west of Lot 4C, the owners of said parcels are responsible to pay reimbursements to the Owner of Lot 4C of the Medical Tech Park Addition for its proportionate share of half of the cost of the storm main and the roadway for the frontage of the lot along lot 4C. If the Owner shall connect to the utilities installed in 20th Street South, the owners of said parcels are to pay reimbursements to the Owner of Lot 4C of the Medical Tech Park Addition for its proportionate share of half of the cost of utility tied into.

**16. Reimbursements paid by the Owner.** The Owner is responsible for paying the following reimbursements as specified below.

**16.1 22nd Street South.** The Owner shall reimburse the Owner of Lot XX for half of the roadway, water and sewer for the length installed along the east side of lot 4C of Medical Tech Park Addition between 23rd Avenue South and 24th Avenue South. The reimbursement shall be due no later than four (4) months after approval and acceptance of said improvements by the City, with the Owner of Lot XX being obligated to provide the City with documentation of improvement costs.

**16.2 23rd Avenue South.** The Owner shall reimburse the Owner of Lot XX for half of the roadway that abuts the South property line of Lot 4B. The reimbursement shall be due no later than four (4) months after approval and acceptance of said improvements by the City, with the Owner of Lot XX being obligated to provide the City with documentation of improvement costs.

**16.3 Stormwater.** The Owner is responsible to reimburse the City for half the cost of the previously installed stormwater located on the North Side of Lot 4C.

**17. Sale of Lot to the City of Great Falls.** The Owner hereby agrees to sell Lot 1 to the City of Great Falls at fair market rate. The use of the lot and setbacks have been identified in the proposed Planned Unit Development (PUD) standards.

**18. Maintenance Districts.** Owner hereby agrees to waive its right to protest and appeal the lawful creation by the City of maintenance districts for any proper purpose including, but not limited to, fire hydrant and street maintenance and shall pay the proportionate share of the costs associated with said maintenance districts as they may be applied to the Subject Property.

**19. Public Roadway Lighting.** Owner hereby agrees to waive its right to protest and appeal any future special lighting district for public roadway lighting facilities that service the Subject Property, and further



agrees to pay for its proportionate share of the costs associated with roadway lighting which services the Subject Property that may be installed with or without a special lighting district.

**20. City Acceptance and Zoning.** In consideration of the terms of this Agreement, the City hereby accepts the subject properties and adjoining public right-of-way for incorporation by annexation into the corporate limits of the City of Great Falls, Montana, with an assigned zoning classification of PUD Planned Unit Development.

**21. Limitation of Liability.** The City will conduct a limited review of plans and perform inspections for compliance with requirements set forth in this agreement and/or in applicable law. The scope of such review and inspections will vary based upon development type, location and site characteristics. The Owner is exclusively responsible for ensuring that the design, construction drawings, completed construction, and record drawings comply with acceptable engineering practices, State requirements, and other applicable standards. The City's limited plans review and inspections are not substantive reviews of the plans and engineering. The City's approval of any plans or completed inspections is not an endorsement of the plan or approval or verification of the engineering data and plans. Neither the Owner, nor any third party may rely upon the City's limited review or approval.

The Owner shall indemnify, hold harmless and defend the City of Great Falls, its officers, agents, servants and employees and assigns from and against all claims, debts, liabilities, fines, penalties, obligations and costs including reasonable attorney fees, that arise from, result from or relate to obligations relating to that owner's properties described herein. Upon the transfer of ownership of the properties, the prior owner's (whether it is the Owner that signed this agreement or a subsequent owner) indemnity obligation herein for the transferred of the properties is released as to that owner and the indemnity obligation runs to the new owner of the properties. Only the owner of the parcel of property at the time the City incurs the claim, debt, liability, fine, penalty, obligation or cost is obligated to indemnify, and no owner of properties is obligated to indemnify for adverse conditions on property owned by someone else. This indemnification by the owner of the property shall apply unless such damage or injury results from the gross negligence or willful misconduct of the City.

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

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

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

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Gregory T. Doyon, City Manager

ATTEST:

\_\_\_\_\_  
Lisa Kunz, City Clerk

(Seal of City)

APPROVED FOR LEGAL CONTENT\*:

\_\_\_\_\_  
Sara R. Sexe, City Attorney

\*By law, the City Attorney may only advise or approve contract or legal document language on behalf of the City of Great Falls, and not on behalf of other parties. Review and approval of this document was conducted solely from the legal perspective, and for the benefit, of the City of Great Falls. Other parties should not rely on this approval and should seek review and approval by their own respective counsel.

NWGF Development, LLC

By: \_\_\_\_\_

Its: \_\_\_\_\_

State of \_\_\_\_\_ )  
  :ss.  
County of \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, in the year Two Thousand and Eighteen, before me, the undersigned, a Notary Public for the State of \_\_\_\_\_, personally appeared \_\_\_\_\_, known to me to the persons whose names are subscribed to the instrument within and acknowledged to me that they executed the same.

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

\_\_\_\_\_  
Notary Public for the State of \_\_\_\_\_

(NOTARIAL SEAL)



**Item:** Construction Contract Award: Library Boiler and Controls Replacement Project O.F. 621.1

**From:** Planning and Community Development Department

**Initiated By:** Great Falls Public Library

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

**Action Requested:** Approve the construction contract and authorize the City Manager to execute said contract.

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**Suggested Motion:**

1. Commissioner moves:

“I move the City Commission (reject/award) a contract for the Library Boiler and Controls Replacement Project to McKinstry Essention, LLC in the amount of \$459,000 and authorize the City Manager to execute said contract.”

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

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**Staff Recommendation:**

Staff recommends awarding the construction contract and authorizing the City Manager to execute the contract.

**Summary:**

The City received a quote from McKinstry Essention, LLC, in the amount of \$459,000 to replace the aged and failing boiler and control systems at the Great Falls Library. This particular project is just one of many that were identified through the Energy Performance Audit that McKinstry performed at the request of the City.

**Background:**

In August of 2017, the City entered into a contract with McKinstry to perform an energy audit of numerous city facilities including the Civic Center, Library, Downtown Parking Facilities, Police Station and Fire Stations. The audit resulted in a large and comprehensive list of energy savings projects as well as required improvements due to years of deferred maintenance, safety and code compliance issues. After the initial audit was completed, staff worked with McKinstry to focus and prioritize a list of improvements. McKinstry subsequently solicited competitive bids from area sub-contractors based on

the prioritized list of projects. While the City could not tackle the entire list of projects due to budget constraints, this particular project is critical in nature if the Library is to remain viable and open to the public.

The initial competitive bids have expired due to the amount of time that has lapsed since they were originally submitted. As such new bids were obtained and the correct amounts are reflected in this contract.

**Fiscal Impact:**

This project is being funded through the Library Capital Reserve Fund.

**Alternatives:**

The City Commission could vote to reject the construction contract and delay the needed improvements.

**Concurrences:**

DEQ has reviewed and approved the plans and specifications for this project.

ATTACHMENTS:

- ▣ Scope of Work for Contract

# Detailed Scope of Work

## FIM ID # 36143 01.12-LIB Boiler Replacement HW GF Library

### GENERAL

Replace the existing boiler with a new high efficiency heating hot water boiler.

The existing steam boiler is past its useful life and frequently requires difficult to find replacement parts. It has a low combustion efficiency. Replace the existing steam boiler with a new high efficiency HHW boiler. Replace steam piping to AHUs and replace steam coils with HHW coils. Add new HHW pumps.

### SCOPE OF WORK INCLUDES

1. Mechanical
  - A. Remove boiler, absorption chiller, breaching, steam piping, steam coils, steam unit heaters, Steam condensate pumps, piping, valves and appurtenances, etc... as indicated.
  - B. Provide new boilers, heating water pumps, expansion tank, air separator, filter feeder, unit heaters, cabinet unit heater, piping, valves and appurtenances as shown. Piping shall be schedule 40 with grooved fitting for piping 2.5" and larger and Type L copper piping with soldered or press-fit fittings for piping 2" and smaller.
  - C. Provide new heating coil in second floor mechanical room Multi-zone unit.
  - D. Provide 4" high concrete housekeeping pads for new boilers and heating water pumps.
  - E. Grout heating water pump bases.
  - F. Core thru floor structure as required for pipe installation.
  - G. Firestop around all new floor pipe penetrations.
  - H. Relocate ductwork as required for installation of the new heating water pipes. Insulation revised ductwork to match existing construction.
  - I. Insulate heating water piping as follows: 1" insulation on piping less than 1.5". 1.5" insulation on piping 1.5" and larger.
  - J. Insulate combustion air duct with 1.5" duct wrap.
  - K. Install pressure transducer, piping and PT ports between the heating water supply and return mains for heating water pump control. Location TBD.
  - L. Install temperature wells as required by controls contractor. Wells furnished by the T.C.C.
  - M. Install temperature control valves for heating coils and equipment. Control valves furnished by the T.C.C.
  - N. Remove and re-install ceiling tile as required for mechanical work.
  - O. Clean, flush and fill piping system with water and inhibitors.
  - P. Reference Sketches for further instructions.
2. Controls
  - A. Provide controls as required for the control of the heating water system, including boilers, heating water pumps, space unit/cabinet unit heaters,
  - B. Provide all wiring (control) for the Boiler HEATnet System and integrate with the BAS.
  - C. Provide hard wired boiler enable, setpoint reset and general alarm.
  - D. Furnish Variable Speed drives for new heating water pumps. VFD's to be installed by the E.C.
  - E. Provide controller to enable heating water system, enable heating water pumps and provide speed control.
  - F. Provide emergency stop buttons at boiler room exit, wire to remove power to boiler burners when depressed.
  - G. Furnish control valves for boiler isolation and heating water coils/equipment to mechanical contractor for installation.
  - H. Provide all power supplies and 24V power as required for new controls.
  - I. Provide any additional 120V power not specifically shown as provided by the E.C., but required for the controls Scope of Work.
  - J. Furnish pressure transducer and temperature wells to the mechanical contractor for installation into the heating water piping system.
  - K. Provide assistance to McKinstry Commissioning personnel and TAB Contractor as required.
  - L. Reference Sketches for further instructions.
  - M. NOTE: Central Building BAS control, Operators Workstation and Graphics Package are **required** under this FIM. Other Mechanical FIMS for the Library shall be added to the Central BAS as noted.
  - N. Provide 12 hours of Owner Training on Control System and Equipment.
3. Electrical
  - A. Remove power to all demo'd equipment.
  - B. Provide new or extend existing power (if adequate) to new scheduled equipment.
  - C. Provide 120V/20 amp circuit for use by Temperature Control Contractor in boiler room. Coordinate exact location

# Detailed Scope of Work

in Field.

- D.
- 4. Structural
  - A. Not applicable.
- 5. Architectural
  - A. Flash around combustion air intakes and boiler flues thru roof.
  - B. Provide rated chases to enclose new heating water piping risers.
- 6. Acoustical
  - A. Not applicable.
- 7. Specialty
  - A. Not applicable.
- 8. Testing, Adjusting and Balancing (TAB)
  - A. Provide waterside TAB for the new boiler/heating water system.
- 9. Commissioning
  - A. McKinstry to commission the new heating water system and components.
- 10. Demolition and Removal
  - A. See above.
- 11. Allotments
  - A. Not applicable.
- 12. Design
  - B. Provide design as required for this FIM. If applicable, pricing for design is included in Table 4.1.
- 13. Measurement and Verification (M&V)
  - A. Refer to table 3.2. If applicable, pricing for M&V is included in Table 4.1.
- 14. Training
  - A. Provide training as required for this FIM.

## CLARIFICATIONS AND EXCLUSIONS

- 1. For the safety of our people and avoidance of potential long-term liability, McKinstry no longer executes subcontracts for abatement of asbestos and lead paint. Any exceptions to this policy must be approved by our CEO or President and our General Counsel. Abatement of asbestos and lead paint shall be the responsibility of the building owner who should contract directly with qualified abatement specialists.
- 2. If existing equipment or components are reused, repairs to existing are not included unless specifically noted in the scope above.



**Item:** Ordinance 3188, "An Ordinance Repealing and Replacing Title 10, Of The Official Code Of The City Of Great Falls (OCCGF), Pertaining To Vehicles and Traffic."

**From:** Legal Department

**Initiated By:** Legal Department

**Presented By:** Sara R. Sexe, City Attorney

**Action Requested:** Accept Ordinance 3188 on first reading and set public hearing for September 18, 2018.

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**Suggested Motion:**

1. Commissioner moves:

"I move that the City Commission (accept/not accept) Ordinance 3188 on first reading and set the public hearing for September 18, 2018."

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

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**Staff Recommendation:**

Staff recommends that the City Commission accept Ordinance 3188 on first reading and set the public hearing for September 18, 2018.

**Background:**

In an effort to update the OCCGF, 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 10, pertaining to vehicles and traffic. The vast majority of the amendments are non-substantive. Non-substantive changes include chapter re-designation to put chapters in correct numerical order, typographical errors, and reformatting of subsections.

The first proposed substantive change is relocating all definitions applicable to the Title to Chapter 1. Staff is proposing this change to improve readability and organization.

The next substantive proposed change is adopting specific penalty provisions throughout the Title. This will eliminate confusion about potential vehicle-related OCCGF violations. The change will also improve efficiency in the ongoing OCCGF Code Enforcement process.

Other proposed substantive changes include updating payment options for parking meters and amending parking violations to include violation of parking facility lease rules. Recently, there have been complications regarding enforcement of parking facility violations. This change will help enforcement officials, including prosecutors, to more effectively enforce OCCGF parking restrictions.

Additionally, Ord. 3188 proposes to require Montana Department of Transportation (MDT) approval for traffic control devices placed on MDT rights-of-way. This change is proposed to be consistent with current practice and applicable State law and regulations.

Another proposed substantive change is to allow the City Parking Administrator, in consultation with the Parking Advisory Commission, to add meters in City Commission established parking districts. As the Title currently reads, the Parking Administrator has the authority to remove meters in established districts, but the Administrator does not have the authority to add meters. This change is requested to allow the Administrator the authority to add meters in established districts without presenting a formal resolution to the City Commission.

The Ordinance under consideration would also allow the Parking Administrator to remove commercial loading zones when loading zones are creating traffic hazards. These changes are necessary to efficiently eliminate ongoing traffic safety hazards.

Finally, the Ordinance under consideration would allow the Public Works Department, in conjunction with the Great Falls Police Department, to remove vehicles that are parked in construction zones. The Ordinance establishes a procedure that must be followed in moving vehicles to another location. This amendment is proposed to bring the Title consistent with current practice.

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. 3188 is adopted, it will improve application of the vehicle and traffic provisions of the OCCGF.

Ord. 3188 Exhibit "A" is a document illustrating the provisions that will replace the current OCCGF Title 10. Exhibit "B", attached to this agenda report, illustrates the proposed Code in compared format.

**Concurrences:**

City Manager's Office  
Public Works  
Planning and Community Development  
GFPD  
GFFR  
Finance Department

**ATTACHMENTS:**

- ▣ Ordinance 3188
- ▣ Ordinance 3188 Exhibit A
- ▣ Ordinance 3188 Exhibit B



**ORDINANCE 3188**

**AN ORDINANCE REPEALING AND REPLACING TITLE 10 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF), PERTAINING TO VEHICLES AND TRAFFIC.**

\* \* \* \* \*

**WHEREAS**, the City Commission established Title 10 of the OCCGF outlining provisions pertaining to Vehicles and Traffic; and

**WHEREAS**, the City Commission has recognized deficiencies throughout OCCGF Title 10, 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 10; and

**WHEREAS**, the City Commission wishes to make substantive amendments to OCCGF Title 10; and

**WHEREAS**, the amendments include substantive changes to regulations including, but not limited to, parking violations, parking district administration, abandoned or junked vehicles on public property, and vehicles parked in construction zones; and

**WHEREAS**, the City Commission wishes to establish clear penalty provisions for vehicle and traffic 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 10 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 September 4, 2018.

ADOPTED by the City Commission of the City of Great Falls, Montana on second reading September 18, 2018.

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

ATTEST:

(CITY SEAL)

\_\_\_\_\_  
Lisa Kunz, City Clerk

APPROVED FOR LEGAL CONTENT:

\_\_\_\_\_  
Joseph P. Cik, Assistant City Attorney

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

I, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do certify that I did post as required by law and as prescribed and directed by the Commission, Ordinance 3188 on the Great Falls Civic Center posting board and the Great Falls City website.

\_\_\_\_\_  
Lisa Kunz, City Clerk

(CITY SEAL)

Title 10 VEHICLES AND TRAFFIC

**Title 10 VEHICLES AND TRAFFIC**

**Chapter**

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Chapter 1 - DEFINITIONS

Chapter 2 - APPLICABILITY

Chapter 3 - TRAFFIC CONTROL DEVICES AND PARKING METERS

Chapter 4 - STOP INTERSECTIONS

Chapter 5 - ONE-WAY STREETS AND ALLEYS

Chapter 6 - FOUR-LANE STREETS AND ROADWAYS

Chapter 7 - SPEED RESTRICTIONS

Chapter 8 - MISCELLANEOUS DRIVING RULES

Chapter 9 - STOPPING, STANDING, AND PARKING

Chapter 10 - VEHICLE IMMOBILIZATION

Chapter 11 - COMMERCIAL VEHICLES

Chapter 12 - ABANDONED AND JUNKED VEHICLES, MACHINERY, TRAILERS, AND PARTS

Chapter 13 - ABANDONED, WRECKED, JUNKED, OR DISMANTLED VEHICLES ON PRIVATE PROPERTY

Chapter 14 - SNOWMOBILES

Chapter 15 - MOTORCYCLES

Chapter 16 - HANDICAP ZONE

Chapter 17 - TRAILERS

Chapter 18 - TOLL LOCATIONS

Chapter 19 - LIABILITY FOR STREET DAMAGE

Chapter 20 - EXCESS SIZE AND WEIGHT PERMITS

Chapter 21 – PARKING VIOLATIONS

Exhibit "A"

Title 10 VEHICLES AND TRAFFIC

**Chapter 1 DEFINITIONS**

Section:

10.1.010 Definitions.

**10.1.010 Definitions.**

Unless otherwise specified in this Title, the following definitions apply:

- A. "Abandoned vehicle" means any of the following:
  - 1. A vehicle that has been left unattended on public property for more than forty-eight (48) hours and is rendered inoperable;
  - 2. A vehicle that has remained illegally parked on public property for more than forty-eight (48) hours;
  - 3. A vehicle that has been unlawfully parked on private real property or has been placed on private property without the consent of the real property owner or person in control of the property for more than forty-eight (48) hours;
  - 4. A vehicle that has been legally impounded by order of a law enforcement authority and has not been reclaimed for a period of five (5) days; or
  - 5. Any vehicle parked on a street determined by a law enforcement authority to create a hazard to other vehicle traffic.
- B. "Bicycle" means a non-motorized vehicle consisting of a metal frame on two (2) or more wheels and having handlebars and a seat.
- C. "Central Business District" means the C-4 Central Business Core Zoning District.
- D. "Commercial motor vehicle" any vehicle meeting the definition provided by Mont. Code Ann. § 61-1-101.
- E. "Freight Loading Zone" means a portion of a public right-of-way that is designated for short-term use by vehicles loading and unloading goods. Freight loading zones are established following the procedures adopted in this Title. This term also includes delivery zones in the metered parking district.
- F. "Handicap Parking Zone" means a portion of a public right-of-way that is designated for use only by vehicles that have a handicap parking permit or plate. Handicap parking zones are established following the procedures adopted in this Title.
- G. "Junk vehicle" means any vehicle, machinery, trailer, or parts thereof, located on public property or illegally parked on private property within the incorporated City limits, which, as to a vehicle or trailer, does not properly display license plates or stickers indicating current registration and/or which has any one (1) or more of the following characteristics:
  - 1. Lacks an engine, wheel, tire, properly installed battery or other structural parts which renders the vehicle inoperable for use as designed by the manufacturer;

Exhibit "A"

Title 10 VEHICLES AND TRAFFIC

2. Has a broken or missing fender, door, bumper, hood, steering wheel, trunk top, trunk handle, tail pipe, muffler, driver's seat, fuel tank, driveshaft, differential, generator, or alternator;
  3. Has become or has the potential to become the breeding ground or habitat of rats, mice, snakes, mosquitoes or other vermin, rodents or insects, or is otherwise used for the storage, harbor, caging or dwelling for an animal of any kind;
  4. Has heavy growth of weeds or other noxious vegetation over eight (8) inches in height under or immediately next to it;
  5. Has become a point of collection for stagnant water;
  6. Has junk, garbage, refuse, gasoline or fuel other than in its fuel tank, paper, cardboard, wood or other combustible materials, solid waste, or other hazardous material present in it or which is primarily used for storage of any materials;
  7. Has become a source of danger for children through entrapment in areas of confinement that cannot be opened from inside, through a danger of the vehicle falling or turning over, or through possible injury from exposed surfaces of metal, glass, or other rigid materials;
  8. Has become a potential source of contamination of the soil from petroleum products or other toxic liquids being discharged or leaking from the vehicle;
  9. Has become illegal to operate on the public streets because it is missing one (1) or more parts required by law; or
  10. Because of its defective, deteriorated, or obsolete condition in any other way constitutes a nuisance or a threat to the public's health or safety.
- H. "Law enforcement authority" means a peace officer or any City, State, or Federal department or agency member operating in his or her professional capacity within the incorporated City limits.
- I. "Local service" means limiting the authorized use of City streets or avenues to those trucks which have either point of origin or destination for immediate business purposes within the incorporated City limits.
- J. "Machinery" is synonymous with and means the same as "machine" as defined by the current edition of the Merriam-Webster Dictionary.
- K. "Parking Administrator" means the City employee or contractor tasked by the City Manager with the management of the City's parking facilities. Within this Title this person may also be referred to as "The Administrator".
- L. "Parking Official" means peace officers and other persons designated by the City Manager to enforce the provisions of this Title.
- M. "Parking Meter" means any device installed for the regulation of the time allowed for parking as provided by this Title.
- N. "Parts" means any mechanical, structural, body, or decorative part of any vehicle, machinery, or trailer.
- O. "Passenger Loading Zone" means a portion of a public right-of-way that is designated for short-term use by vehicles loading and unloading people. This specifically includes school bus loading zones. Passenger loading zones are established following the procedures adopted in this Title.

Exhibit "A"

Title 10 VEHICLES AND TRAFFIC

- P. "Person" means any individual, partnership, association or corporation, or other legal entity.
- Q. "Trailer" means any vehicle without motor power designed for carrying persons or property and for being drawn by a motor vehicle. The term includes devices intended for recreational purposes carried in the bed of a pick-up truck.
- R. "Vehicle" means any device by which any person or property may be propelled, moved, or drawn upon a street. The term includes, but is not limited to:
  - 1. An automobile;
  - 2. Truck;
  - 3. Van;
  - 4. Sport utility vehicle;
  - 5. Recreational vehicle;
  - 6. Watercraft;
  - 7. Boat;
  - 8. Jet ski;
  - 9. Snowmobiles;
  - 10. ATV's;
  - 11. Aircraft, or
  - 12. Parts thereof.

**Chapter 2 APPLICABILITY**

**Sections:**

10.2.010 Pushcarts and animals.

10.2.020 Toy vehicles and devices—restrictions—exception.

**10.2.010 Pushcarts and animals.**

Any person propelling any pushcart, riding an animal, or driving any animal-drawn vehicle shall be subject to the provisions of this Title.

**10.2.020 Toy vehicles and devices—restrictions—exception.**

- A. It is unlawful for any person upon roller skates, toy vehicle, or similar device to be upon any roadway except while crossing a street on a crosswalk. Such person shall be granted all rights and shall be subject to all the duties applicable to pedestrians.
- B. A violation of this section is punishable by a fine of fifty dollars (\$50.00).

### **Chapter 3 TRAFFIC CONTROL DEVICES AND PARKING METERS**

#### **Sections:**

10.3.010 Installation of traffic control devices and parking meters.

10.3.020 Obedience required.

10.3.030 Interference with signals.

10.3.040 Crosswalks, traffic lanes, and parking spaces.

10.3.050 Standards and specifications.

10.3.060 No-passing zones—establishment authority.

10.3.070 Lane designation signs—erection.

#### **10.3.010 Installation of traffic control devices and parking meters.**

- A. The Public Works Department with the approval of the City Commission and The Montana Department of Transportation when applicable, shall place and maintain traffic and parking control signs, signals, and devices when and as required under the OCCGF, pursuant to the recommendations of the Manual on Traffic Control Devices, and may place and maintain such additional traffic-control devices as necessary to regulate traffic under the OCCGF or under State law, or to guide or warn traffic.
- B. In parking meter zones established pursuant to this Title, the Planning and Community Development Director or designee, shall cause parking meters to be installed upon the curb or sidewalk immediately adjacent to the parking spaces. The Planning and Community Development Director shall be responsible for the regulation, control, operation, maintenance, and use of such parking meters.
- C. Upon the expiration of the lawful time limit, the right of the occupying vehicle to occupy such space ceases and the operator, owner, possessor, or manager thereof, shall be subject to the penalties provided in this Title.

#### **10.3.020 Obedience required.**

The driver of any vehicle shall obey the instruction of any official traffic-control device applicable thereto placed in accordance with the traffic laws of the City, unless otherwise directed by a law enforcement officer, subject to the exceptions granted the driver of an authorized emergency vehicle.

#### **10.3.030 Interference with signals.**

- A. It is unlawful for any person without legal authorization to attempt to or alter, deface, injure, knock down, or remove any official traffic-control device, railroad sign, or any other part thereof.

Exhibit "A"

Title 10 VEHICLES AND TRAFFIC

- B. It is unlawful for any person to disable or destroy any parking meter.
- C. A violation of this section is punishable by a term not to exceed six (6) months in jail, a fine of not more than five hundred dollars (\$500.00), or both.

**10.3.040 Crosswalks, traffic lanes, and parking spaces.**

The Public Works Department is authorized to:

- A. Install and maintain by appropriate devices, marks, or lines upon the surface of the roadway, crosswalks at intersections where there is particular danger to pedestrians crossing the roadway, and at such other places as deemed necessary; and
- B. Mark lanes for traffic on street pavements at such places as he may deem advisable, consistent with the OCCGF.

**10.3.050 Standards and specifications.**

All traffic control signs, signals, and devices shall conform to the standards and guidelines set forth by the Manual on Uniform Traffic Control Devices.

**10.3.060 No-passing zones—establishment authority.**

The Public Works Department, with appropriate Montana Department of Transportation approval, is authorized to determine those portions of any roadway where overtaking and passing or driving to the left of the roadway would be especially hazardous and provide appropriate signage.

**10.3.070 Lane designation signs—erection.**

Official signs may be erected directing traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway.

**Chapter 4 STOP INTERSECTIONS**

**Sections:**

10.4.010 Designated.

10.4.020 Stop sign erection—authority.

**10.4.010 Designated.**

The following streets and parts of streets are through streets at stop intersections for the purpose of this Chapter:

- A. Second Avenue North from Park Drive to east City limits;
- B. Park Drive from Second Avenue South to Eighth Avenue North;



Exhibit "A"

Title 10 VEHICLES AND TRAFFIC

- C. First Avenue North from Thirty-Seventh Street to west end of First Avenue North Bridge;
- D. Central Avenue West from west end of First Avenue North Bridge to west City limits;
- E. Sixth Street Southwest from Central Avenue West to south City limits;
- F. Third Street Northwest and Smelter Avenue from Central Avenue West to northeast City limits;
- G. Tenth Avenue South from west City limits to east City limits;
- H. Ninth Street from Tenth Avenue South to River Drive North;
- I. Fourteenth and Fifteenth Streets couplet from Tenth Avenue South to River Drive North;
- J. Central Avenue from Ninth Streets to Forth-sixth Street;
- K. Second Street from Tenth Avenue South to First Avenue South;
- L. River Drive all inside of City limits;
- M. Twenty-fifth and Twenty-sixth Streets couplet from Tenth Avenue South to River Drive North;
- N. Twenty-sixth Street South from Tenth Avenue South to the south City limits;
- O. Fifth and Sixth Street couplets from Central Avenue to Tenth Avenue South;
- P. Second Avenue South from Second Street to Fifteenth Street;
- Q. First Avenue South from Park Drive to Fifteenth Street;
- R. Thirteenth Avenue South from Fourth Street to Twentieth Street;
- S. Thirty-second Street South from Central Avenue to Tenth Avenue South;
- T. Thirteenth Street South from Tenth Avenue South to south City limits;
- U. Fox Farm Road from Tenth Avenue South to south City limits; and
- V. Upper River Road from River Road loop to south City limits.

**10.4.020 Stop sign erection—authority.**

Whenever the OCCGF designates and describes a through street, it shall be the duty of the Public Works Department to place and maintain a stop sign on each and every street intersecting such through street or intersection that portion thereof described and designated as such by the OCCGF.

**Chapter 5 ONE-WAY STREETS AND ALLEYS**

**Sections:**

10.5.010 Sign placement and maintenance.

10.5.020 Direction designated.

Exhibit "A"

Title 10 VEHICLES AND TRAFFIC

**10.5.010 Sign placement and maintenance.**

Whenever the OCCGF designates a one-way street or alley, the Public Works Department shall place and maintain signs giving notice thereof. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited.

**10.5.020 Direction designated.**

- A. Upon those streets, parts of streets, and alleys described in subsection B of this section, vehicular traffic shall move only in the indicated direction. Movement in the opposite direction is prohibited.
- B. In accordance with Section 10.5.010 and when proper signs are posted, traffic shall move only in the direction indicated upon the following streets or avenues.

<u>Street, Avenue or Alley</u>	<u>Permitted direction</u>
First Avenue North Park Drive to Thirty-seventh Street	
	Eastbound
First Avenue South Park Drive to Fifteenth Street	
	Westbound
Second Avenue South Second Street to Fifteenth Street	
	Eastbound
Second Avenue North Park Drive to Thirty-seventh Street	
	Westbound
Fifth Street Eighth Avenue North to Tenth Avenue South	

Exhibit "A"

Title 10 VEHICLES AND TRAFFIC

	Southbound
Sixth Street Eighth Avenue North to Tenth Avenue South	
	Northbound
Fourteenth Street Twelfth Avenue North to Tenth Avenue South	
	Southbound
Fifteenth Street Twelfth Avenue North to Tenth Avenue South	
	Northbound
Twenty-fifth Street Tenth Avenue South to Eighth Avenue North	
	Southbound
Twenty-fifth Alley Northeast Sixth Street Northeast to Ninth Street Northeast	
	Westbound
Twenty-sixth Street Tenth Avenue South to Eighth Avenue North	
	Northbound
Park Drive First Avenue South to Second Street	Southbound

**Chapter 6 FOUR-LANE STREETS AND ROADWAYS**

**Sections:**

10.6.010 Designated marking regulations.

**10.6.010 Designated marking regulations.**

- A. The following streets and avenues or portions thereof, located within the incorporated City limits, are designated as four-lane streets and roadways:
1. Central Avenue:  
From the east line of Ninth Street to the west line of Fifteenth Street;
  2. Tenth Avenue South:  
From the west City limits to the east City limits;
  3. Central Avenue West:  
From the west abutment of the First Avenue North Bridge to west line of Interstate 15;
  4. Fourteenth and Fifteenth Streets North:  
From the south line of Twelfth Avenue North to the south abutment of the Fifteenth Street North Bridge;
  5. First Avenue North:  
From west abutment of First Avenue North Bridge to west line of Park Drive;
  6. Park Drive:  
From south line of First Avenue North to north line of First Avenue South;
  7. Sixth Street SW:  
From Central Avenue West, south to City limit;
  8. Northwest Bypass:  
From Third Street Northwest, west to City limits;
  9. Third Street Northwest and Smelter Avenue:  
From Central Avenue West, northeast to City limits;
  10. Ninth Street North:  
From 8th Avenue North to south abutment of Tenth Street North Bridge;
  11. Tenth Street North:  
From north abutment of Tenth Street North Bridge, north to City limits;
  12. Fox Farm Road:  
From Tenth Avenue South to Alder Drive; and
  13. River Drive:  
From Tenth Street North to Fifteenth Street North.

Exhibit "A"

Title 10 VEHICLES AND TRAFFIC

- B. The Public Works Department is directed to mark appropriately all such four-lane streets or roadways and to keep the same properly marked and designated for four-lane traffic.
- C. All vehicles proceeding on any four-lane street or roadway must be driven wholly within a single lane and the driving of any vehicle so as to straddle two (2) lanes of traffic, except in passing from one (1) lane to the other, is prohibited.

**Chapter 7 SPEED RESTRICTIONS**

**Sections:**

10.7.010 Established—specific streets.

10.7.020 Established - alleys.

**10.7.010 Established—specific streets.**

In accordance with Mont. Code Ann. § 61-8-306, no person shall drive a motor vehicle at a speed greater than the speed as set forth in the following schedule:

<u>Street and Avenue</u>	<u>Maximum</u> <u>M.P.H.</u> <u>M.P.H.</u>
Central Avenue Ninth Street to Fifteenth Street	25
Central Avenue Fifteenth Street to Thirty-eighth Street	30
First Avenue South Ninth Street to Fifteenth Street	30
Second Avenue South Ninth Street to Fifteenth Street	30
Second Street South Tenth Avenue South to south line of First Avenue South	30

Exhibit "A"

Title 10 VEHICLES AND TRAFFIC

Park Drive First Avenue North to Eighth Avenue North	30
Parkdale Housing All streets within the following boundaries: Bounded on the north by the north line of Fifth Avenue South; on the east by the west line of Eighteenth Street and Chowen Park; on the south by the north line of Eighth Avenue South and Chowen Park; and on the west by the east line of Fifteenth Street	
	15
Eighth Avenue North Park Drive to Twenty-fifth Street All trucks only	20

**10.7.020 Established - alleys.**

The limit for all alleys within the incorporated City limits is fifteen (15) miles per hour.

**Chapter 8 MISCELLANEOUS DRIVING RULES**

**Sections:**

10.8.010 Driving on sidewalk prohibited—exception.

10.8.020 Boarding or exiting from moving vehicles prohibited.

10.8.030 Passenger regulations.

10.8.040 Violation—misdemeanor—penalty.

10.8.050 Use of electronic communication devices while operating a motorized vehicle or a bicycle.

**10.8.010 Driving on sidewalk prohibited—exception.**

- A. The driver of a vehicle shall not drive upon any sidewalk area except at a permanent driveway.
- B. This section does not apply to City authorized vehicles performing sidewalk maintenance or snow removal.

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**10.8.020 Boarding or exiting from moving vehicles prohibited.**

It is unlawful for any person to board or exit any vehicle while the vehicle is in motion.

**10.8.030 Passenger regulations.**

It is unlawful for any person to ride on any vehicle or portion thereof not designed or intended for the use of passengers. This provision shall not apply to an employee engaged in the necessary discharge of a duty.

**10.8.040 Violation—misdemeanor—penalty.**

A violation of this Chapter is a misdemeanor punishable by a fine of not more than five hundred dollars (\$500.00), a term not to exceed six (6) months in jail, or both.

**10.8.050 Use of electronic communication devices while operating a motorized vehicle or a bicycle.**

- A. No person operating a motorized vehicle or a bicycle on a public highway within the incorporated City limits shall use a mobile telephone to engage a call and/or use any other hand-held electronic communication device to compose, send, view or retrieve email, a text message, or other electronic data.
- B. "Hand held electronic communication device" includes wireless or cellular phones, laptop and notebook computers, GPS and navigational systems, pagers, electronic games, and any other device that would permit wireless communications to and from the user of the device.
- C. This section does not apply to the following:
  - 1. Any person reporting a health, fire, safety, or police emergency;
  - 2. Governmental fire agencies, ambulance services, law enforcement agencies, emergency responders, or any other person operating an "authorized emergency vehicle" as defined in Mont. Code Ann. § 61-8-102(2)(a);
  - 3. Operators or passengers of a motorized vehicle using a hand held electronic communication device while in a parking lane or space out of moving traffic lanes;
  - 4. Persons using a "hands free device", defined as, an external device that connects to a wireless telephone, wireless or electronic communication device that allows use of the hands-free device; and
  - 5. Drivers using two-way radios while in the performance and scope of their work-related duties, or to drivers holding a valid amateur radio operator license issued by the Federal Communications Commission while using a two-way radio.
- D. The penalties for a violation of this section are as follows:
  - 1. A first conviction for a violation of this section, shall be punishable by a fine not less than two hundred dollars (\$200.00) and not more than five hundred dollars (\$500.00);
  - 2. A second conviction, within 24 months after the first conviction, for a violation of this section, shall be punishable by a fine not less than three hundred dollars (\$300.00) and not more than five hundred dollars (\$500.00). The Defendant shall further participate in twenty (20) hours of Court approved community service to be

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completed within ninety (90) days of the date of the second conviction. The Defendant shall provide completion of community service to the Great Falls Municipal Court; and

3. A third or subsequent conviction, within 24 months after the first conviction, for a violation of this section, shall be punishable by a fine not less than four hundred dollars (\$400.00) and more than five hundred dollars (\$500.00). The Defendant shall further participate in forty (40) hours of community service to be completed within ninety (90) days of the date of conviction. Additional penalties may include forfeiture of license plates of the vehicle, driven at the time of the offense, or forfeiture of the Defendant's driver's license for a period not to exceed 180 days, or both.

## **Chapter 9 STOPPING, STANDING, AND PARKING**

### **Sections:**

- 10.9.010 Stopping, standing or parking close to curb.
- 10.9.020 Lights on parked vehicles.
- 10.9.030 Parking at meters.
- 10.9.040 Paying for parking.
- 10.9.050 Stopping or parking on public streets and alleys.
- 10.9.060 Parking in alleys.
- 10.9.070 Parking for certain purposes prohibited.
- 10.9.080 Parking of commercial vehicles.
- 10.9.090 Compliance with signs required.
- 10.9.100 Curb or pavement markings.
- 10.9.110 Parking controlled adjacent to schools.
- 10.9.120 Parking controlled on narrow traffic ways.
- 10.9.130 Parking controlled during certain hours of the day and/or days of the week.
- 10.9.140 Stopping, standing or parking controlled in hazardous or congested places.
- 10.9.150 Stopping, standing or parking controlled along arterial and collector traffic ways.
- 10.9.160 On-street loading and parking zones.
- 10.9.170 Parking management districts.
- 10.9.180 Review of applications for loading and parking zones on public streets.
- 10.9.190 Application fees for the establishment of loading and parking zones.
- 10.9.200 Use of loading and parking zones on public streets.
- 10.9.210 Passenger loading zones serving schools.
- 10.9.220 Delivery permits.
- 10.9.230 Meter bags.



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10.9.240 Residential parking in parking management districts.

10.9.250 Administration of parking management districts.

10.9.260 Parking meter enforcement periods and time limits.

10.9.270 Courtesy parking.

10.9.280 Unauthorized parking in off-street parking facilities prohibited.

10.9.290 Rates charged on City owned or operated off-street parking lots, garages, and parking meters.

10.9.300 Parking in construction zones.

**10.9.010 Stopping, standing or parking close to curb.**

Unless otherwise provided in this Chapter, it is unlawful for any person to stop, stand, or park a vehicle, other than a motor cycle, in a traffic way other than parallel with the edge of the traffic way headed in the direction of the lawful traffic movement for the lane in which it is stopped, standing, or parked and with the wheels of the vehicle within eighteen (18) inches of the curb or edge of the traffic way.

**10.9.020 Lights on parked vehicles.**

Any lighted headlamps upon a parked vehicle shall be depressed or dimmed.

**10.9.030 Parking at meters.**

- A. Except as directed by a Great Falls Fire Rescue (GFFR) Department, Great Falls Police Department (GFPD) officer or representative, or a City parking official, vehicles using metered parking spaces shall park within the area and at the angle delineated by the pavement markings.
- B. When pavement markings are obscured by snow, wear, or other conditions and there is angle parking, vehicles shall be parked to the left side or right side of the appropriate meter.
- C. Where there is parallel parking, vehicles shall be parked front end to or rear end to, within eighteen (18) inches of the appropriate meter, and within eighteen (18) inches of the curb. Failure to comply with this section is a violation of this Title, subject to the penalties and fees authorized by Chapter 21 of this Title.

**10.9.040 Paying for parking.**

- A. Upon parking in a metered parking space, the occupants of the vehicle shall immediately pay for parking using coins of the United States or any other means provided for payment by the City including a mobile electronic device application.
- B. The available means of payment shall be indicated on the meter and/or signs posted on the adjoining sidewalk. The occupants may display a free parking pass issued by the City. Failure to pay for parking or to display a pass is a violation of this Title subject to the penalties and fees authorized by Chapter 21 of this Title.

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- C. A valid free parking pass bears the signature of the Parking Administrator, the City Manager, or the City's authorized agent, and an expiration date. Attempted use of a pass that does not bear an authorized signature and an expiration date is a violation of this Title, subject to the penalties and fees authorized by Chapter 21 of this Title.
- D. Vehicle occupants may use unexpired time on a parking meter, but the unexpired time counts toward the applicable time limit.

#### **10.9.050 Stopping or parking on public streets and alleys.**

Except when temporarily necessary to avoid conflict with other traffic, when so directed by a GFFR or GFPD officer or representative, City parking official, or where a parking space is clearly delineated by pavement markings, it is a violation of this Title, punishable by Chapter 21 of this Title, to park a vehicle in any of the following places:

- A. In front of, across, or within five (5) feet of a public or private driveway, an alley, or as otherwise indicated by pavement markings and/or official signs, which may prohibit parking in a larger area adjacent to the driveway or alley;
- B. Within a signed and/or marked fire hydrant zone, or if the fire hydrant zone is not signed and/or marked, within ten (10) feet of a fire hydrant;
- C. Within thirty (30) feet in front of any crosswalk (marked or unmarked) at an intersection;
- D. Within twenty (20) feet beyond any crosswalk (marked or unmarked) at an intersection;
- E. Within thirty (30) feet in front of or twenty (20) feet beyond any mid-block crosswalk;
- F. Upon the paved or main traveled part of a street or alley when it is practical to stop or park in a delineated parking space, on the shoulder, or otherwise safely out of the flow of traffic;
- G. In a traffic lane for the purpose of discharging or receiving passengers, in which case both the driver of the vehicle and the passenger may be cited for a violation;
- H. In a marked or signed fire lane;
- I. In violation of parking City parking facility rules or lease agreement; or
- J. Any other place where official signs, pavement, or curb markings prohibit parking.

#### **10.9.060 Parking in alleys.**

- A. It is unlawful to stop, stand, or park any vehicle or trailer in any alley unless parallel to and within eighteen (18) inches of the alley line and leaving at least ten (10) feet of roadway for movement of through traffic.
- B. It is unlawful to stop, stand, or park any vehicle or trailer in any alley so as to block entry to any private driveway, entrance to a building, or at any location which will prevent or hinder garbage collection.
- C. It is unlawful to stop, stand, or park any vehicle or trailer in any alley at any time in the area which may be designated Central Business District; except commercial vehicles which are attended or in the process of loading or unloading. Such alleys shall be properly signed and marked by the Public Works Department.
- D. It is unlawful to stop, stand, or park any vehicle or trailer in any one-way alley, except upon the right-hand side of the alley and heading in the proper direction of designated traffic flow.

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**10.9.070 Parking for certain purposes prohibited.**

It is unlawful for any person to do any of the following while a vehicle is parked upon any traffic way of the City:

- A. Display more than one (1) vehicle for sale or advertising of such vehicle on the vehicle itself; or
- B. Grease, paint, or repair any vehicle for non-emergency purposes.

**10.9.080 Parking of commercial vehicles.**

It is unlawful for any motor vehicle used for commercial purposes to park on any traffic way for any continuous period in excess of twenty-four (24) hours, unless otherwise provided in this Title.

**10.9.090 Compliance with signs required.**

When official signs controlling parking are erected upon such traffic ways as authorized by this Title, no person shall stop, stand, or park a vehicle upon any traffic way in violation of any sign.

**10.9.100 Curb or pavement markings.**

The Public Works Department, with appropriate Montana Department of Transportation approval, is authorized to approve curb or pavement markings. No markings shall be applied without prior approval from the Public Works Department.

**10.9.110 Parking controlled adjacent to schools.**

The Public Works Department, with appropriate Montana Department of Transportation approval, is authorized to install and maintain signs that control parking upon either side of any traffic way adjacent to any school property when stopping, standing, or parking would, in the Department's opinion, interfere with traffic or create a hazard to health or safety.

**10.9.120 Parking controlled on narrow traffic ways.**

The Public Works Department, with appropriate Montana Department of Transportation approval, is authorized to install and maintain signs that control parking upon any traffic way when the width of the traffic way does not permit safe passage of traffic flow under existing conditions.

**10.9.130 Parking controlled during certain hours of the day and/or days of the week.**

The Public Works Department, with appropriate Montana Department of Transportation approval, is authorized to install and maintain signs that control parking during certain hours of the day and/or days of the week upon any traffic way whenever it is deemed necessary.

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**10.9.140 Stopping, standing, or parking controlled in hazardous or congested places.**

The Public Works Department, with appropriate Montana Department of Transportation approval, is authorized to install and maintain signs that control the stopping, standing, or parking of vehicles that would create a hazard to health or safety or that would cause unusual delay to traffic along certain traffic ways.

**10.9.150 Stopping, standing, or parking controlled along arterial and collector traffic ways.**

The Public Works Department, with appropriate Montana Department of Transportation approval, is authorized to install and maintain signs that control parking upon either side of any arterial or collector traffic way that may be hereafter designated as such by proper authority.

**10.9.160 On-street loading and parking zones.**

- A. On-street loading and parking zones may be established following the procedure adopted in the Chapter.
- B. The Public Works Department, with appropriate Montana Department of Transportation approval, is authorized to install and maintain parking control signs and/or curb or pavement markings on public streets for on-street loading and parking zones serving properties within the incorporated City limits, including freight or passenger loading zones, handicap parking zones, and bus parking zones serving schools.

**10.9.170 Parking management districts.**

- A. The City may establish parking management districts in which time limits, parking meters, or both, are used to encourage turnover in the use of parking spaces and/or to ensure that adequate parking is available to businesses and residents. Delivery permits, meter bags, and monthly meter passes may be used to facilitate the administration of these districts.
- B. The Public Works Department is authorized to install and maintain parking control signs and/or curb or pavement markings designating parking management districts.

**10.9.180 Review of applications for loading and parking zones on public streets.**

- A. The Administrator shall provide forms upon which applications for the establishment of loading or parking zones, including handicap parking zones, may be filed. Upon receipt of an application accompanied by the application fee established pursuant to Commission resolution, the Administrator shall refer the application to the Public Works and Planning and Community Development Departments for review and comment and then, based on those comments:
  - 1. Approve;
  - 2. Conditionally approve; or
  - 3. Deny the application, with any conditions imposed or reasons for denial stated in writing.
- B. In addition to the application fee, applicants will be responsible for the actual costs the City incurs in making and erecting signs or installing curb or pavement markings to delineate the loading or parking zone.

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- C. The extent and location of loading and parking zones may be limited by the Administrator to ensure traffic and pedestrian circulation and safety. The Administrator is not required to approve an application for a loading or parking zone that interferes with safe circulation.
- D. Loading and parking zones will not be permitted on a public street where the Administrator determines that there is adequate space for loading and parking on the applicant's property.
- E. The Administrator's decision may be appealed to the Board of Adjustment following the procedures established in OCCGF Title 17.

**10.9.190 Application fees for the establishment of loading and parking zones.**

Application fees for the establishment of loading and parking zones shall be set by Commission resolution with the objective of recovering administrative costs.

**10.9.200 Use of loading and parking zones on public streets.**

- A. It is unlawful for any vehicle to stop or park in any loading or parking zone established pursuant to this Chapter for any purpose except that for which the zone was established.
- B. It is unlawful for vehicles or materials to be parked or stored in a loading zone except where the Administrator permits the temporary use of a loading zone for the parking of equipment or storage of materials during construction.
- C. The Administrator may, after seeking the advice of the Parking Advisory Commission, remove any loading or parking zone that:
  - 1. Is subject to repeated violations by the applicant requesting its establishment;
  - 2. Is creating a traffic hazard or congestion;
  - 3. Is no longer in use; or
  - 4. Is otherwise failing to function for its intended purpose.

**10.9.210 Passenger loading zones serving schools.**

Section 10.9.200 shall be enforced in passenger loading zones serving schools only between 7:00 a.m. and 5:00 p.m. on school days or when weekend, summer, or evening sessions served by busses are held.

**10.9.220 Delivery permits.**

- A. Delivery permits allow parking in freight loading zones or in any lawful parking space in a parking management district without additional payment only while a vehicle is making deliveries.
- B. All vehicles that regularly make deliveries within a parking management district shall display a delivery permit issued by the City in a way that is clearly visible to parking enforcement personnel. The Administrator may issue more specific instructions for the display of these permits.
- C. Delivery permits must be renewed on or before January 1 each year. The cost of a delivery permit will be set by Commission resolution.

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- D. Use of a delivery permit to attempt to avoid paying for parking when not making a delivery is a violation of this Title.

**10.9.230 Meter bags.**

- A. Meter bags may be issued to temporarily reserve metered parking spaces for maintenance or construction activities, while moving, or for other activities being conducted by or for the adjoining property owner that require reserved parking at a particular location within a parking management district.
- B. The daily cost of meter bags will be set by Commission resolution.
- C. Using a meter bag to attempt to avoid paying for parking when not engaged in the activities for which the meter bag was issued is a violation of this Title.

**10.9.240 Residential parking in parking management districts.**

- A. Residential parking areas are shown on the Official Parking Management District Map of the City of Great Falls that is filed with the Planning and Community Development Department. After seeking the advice of the Parking Advisory Commission, the City Commission may, by resolution, dissolve, amend, or add residential parking areas in any parking management district.
- B. It is unlawful to stop or park a vehicle for longer than the time limit established by the signs posted in a residential parking area.
- C. Residents of the district may, upon submitting proof of their residence in a residential parking area, obtain a residential parking permit that exempts them from the posted time limit. Fees for such permits shall be set by Commission resolution.
- D. Residential parking permits are specific to the vehicle plate number shown on the application for the permit and must be used within one block of the place of residence given on that application. Residential parking permits may not be used at metered parking spaces. Penalties for violations of this section are as set by Commission resolution.

**10.9.250 Administration of parking management districts.**

- A. Parking management districts are shown on the Official Parking Management District Map of the City of Great Falls that is filed with the Planning and Community Development Department. After seeking the advice of the Parking Advisory Commission, the City Commission may, by resolution, dissolve, amend, or add parking management districts.
- B. Parking meters may be installed within parking management districts. Meters need not, however, be used throughout these districts. The Administrator, in consultation with the Parking Advisory Commission, may remove parking meters that are not needed to maintain parking turnover or where the cost of servicing a meter exceeds the revenue it generates. The Administrator, in consultation with the Parking Advisory Commission, may add meters in an established management district. Where meters are not used within the metered parking districts, time limits may be posted and enforced using signs.
- C. The Administrator may also issue monthly parking passes that can be used at meters in areas where meters are underutilized. The fee for monthly parking passes shall be set by Commission resolution.

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**10.9.260 Parking meter enforcement periods and time limits.**

- A. The rates and time limits for parking in parking management districts shall be set by Commission resolution.
- B. Any type of meter may be used within a parking management district at the discretion of the Administrator, with recommendations from the Parking Advisory Commission.
- C. Enforcement of the parking rates and time limits established by the Commission shall be in effect from 9:00 a.m. to 5:00 p.m. on all days except Saturdays, Sundays, and City holidays or as otherwise provided by Commission resolution. The Administrator may temporarily suspend parking meter enforcement for downtown events, holidays, or construction projects.
- D. It is unlawful to park a vehicle in a parking management district for a period of time longer than the limit that is adopted by the Commission and posted on the meter and/or signs placed by the City. Spaces may be used without regard to the posted time limit on Saturdays, Sundays, and City holidays, except where otherwise posted.
- E. The time limits authorized herein are enforced, among other ways, by chalking tires. Consistent with the purpose of time limits, as stated in A., above, a vehicle that has not been moved far enough to erase the chalk mark is still in violation of the time limits.
- F. An exception to the posted time limits is hereby granted to individuals with disabilities as provided in Mont. Code Ann. Title 49, Chapter 4, to use any metered space without regard to the sign-posted time limit.

**10.9.270 Courtesy parking.**

Upon request by the adjoining property owner or tenant and approval of the Administrator, metered spaces may be designated as courtesy parking, allowing the removal of the meters and their replacement with a sign stating that parking is being provided by the adjoining business. The number and location of spaces that may be thus designated will be determined by the Administrator. The fee for designating spaces as courtesy parking shall be set by Commission resolution and payable each year prior to January 1.

**10.9.280 Unauthorized parking in off-street parking facilities prohibited.**

- A. It is unlawful for any person to stop or park a vehicle in any parking space in an off-street parking facility that is owned or leased by the City unless the occupants of that vehicle have paid the required fee.
- B. Parking spaces controlled by parking meters in off-street parking facilities owned or leased by the City shall be subject to the same rates, time limits, and periods of enforcement as other parking meters, unless otherwise provided by Commission resolution.

**10.9.290 Rates charged on City owned or operated off-street parking lots, garages, and parking meters.**

Rates for City owned or operated off-street parking lots, garages, and parking meters shall be set by Commission resolution.

**10.9.300 Parking in construction zones.**

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The Public Works Department is authorized to relocate vehicles parked in active construction zones. Prior to relocation the Department shall:

- A. Place a no parking notice in the construction zone twenty-four (24) hours prior to construction beginning;
- B. Provide notice to the GFPD that a vehicle is located in the construction zone and must be removed; and
- C. GFPD shall attempt to locate the registered owner of the vehicle.
- D. If the registered owner is not located, or the vehicle is not removed from the construction zone within twenty-four (24) hours, the Public Works Department shall remove the vehicle from the construction zone, and the costs of said removal shall be charged to the registered owner.

## Chapter 10 VEHICLE IMMOBILIZATION

### Sections:

10.10.010 Authorization to use vehicle immobilizer.

10.10.020 Procedure for vehicle immobilization.

10.10.030 Removal of violation vehicle.

10.10.040 Release to the owner.

10.10.050 Hearing on immobilization.

### 10.10.010 Authorization to use vehicle immobilizer.

- A. Members of the GFPD, or other Parking Administrator authorized persons, are authorized to use a vehicle immobilizer ("boot") to immobilize any vehicle that is parked in a City parking space located in the downtown residential district, the parking meter district, or any City owned off-street pay-to-park facility that has five (5) or more parking tickets unpaid or delinquent thirty (30) days or more.
- B. Prior to any vehicle immobilization, the Planning and Community Development Department's Parking Division is required to either:
  1. Mail the registered owner of the vehicle a final notice for five (5) or more of the unpaid or delinquent parking tickets; or
  2. File a complaint in Great Falls Municipal Court charging the registered owner with unpaid parking tickets on the vehicle, and no individual has appeared for arraignment on the complaint.



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**10.10.020 Procedure for vehicle immobilization.**

- A. If parking officials, as defined this Chapter, choose to immobilize a vehicle with a boot as allowed by Chapter, then the on-site officers immobilizing the vehicle shall ensure that a written notice is conspicuously affixed to the vehicle.
- B. The written notice will inform the owner, driver, or person in charge of such vehicle that:
  - 1. The vehicle has been immobilized by the City pursuant to this Chapter;
  - 2. That release from such immobilization may be obtained at a designated place;
  - 3. That unless arrangements are made for the release of such vehicle within forty-eight (48) hours, the vehicle will be towed and impounded pursuant to this Chapter; and
  - 4. That removing or attempting to remove the immobilization device before a release is obtained is unlawful.
- C. An immobilized vehicle shall not be released by the City until the immobilization fee is paid, together with payment of all outstanding parking fines, or posting of a bond as allowed by this Chapter.
- D. If the vehicle has remained immobilized for a period of forty-eight (48) hours and a release has not been obtained, then the GFPD shall have the vehicle towed and impounded.

**10.10.030 Removal of violation vehicle.**

- A. The City is authorized to remove a vehicle or tow a vehicle from parking spaces located in the areas listed in section 10.10.010 to the designated tow site when a vehicle with an immobilization device attached remains immobilized for a period of forty-eight (48) hours, and a release has not been obtained.
- B. Whenever an officer removes a vehicle from a street or City parking space as authorized in this section, and the officer knows or is able to ascertain from the registration records on the vehicle the name and address of the vehicle owner, the officer shall give notice in writing to the owner of the removal, the violations, and the place where the vehicle has been removed to.
- C. If a vehicle is stored at a designated tow site, a copy of the notice shall be given to the proprietor of the tow site. The party towing the vehicle shall immediately notify the GFPD dispatcher that a vehicle has been towed from a specific location and give the dispatcher a detailed description of the vehicle and the location to which it is being towed.
- D. Whenever an officer removes a vehicle from a street under this section and does not know and is not able to ascertain the name of the owner, or for any other reason is unable to give the notice to the owner, and if the vehicle is not returned to the owner within a period of three (3) days, then the officer shall send a report of the removal to the Montana Department of Transportation Motor Vehicle Division, and shall file a copy of the notice with the proprietor of the designated tow site. The notice shall include a complete description of the vehicle, the date, time, and place from which removed, the violations, and name of the tow site.
- E. The cost of towing or removing the vehicle and costs of storing the vehicle shall be chargeable against the vehicle and shall be paid by the owner of the vehicle before it is released.

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- F. The taking of possession of a vehicle for violation of any parking ordinance or regulation shall not prohibit the filing of a complaint in Municipal Court for the violation(s).

**10.10.040 Release to the owner.**

- A. A vehicle immobilized for unpaid parking tickets shall be released to the registered owner or any other person legally entitled to claim possession of the vehicle, and the vehicle immobilization equipment removed, upon payment of all overdue and unpaid parking tickets and the immobilization fee. The fee may be paid in the form of a refundable bond pending the outcome of any hearing requested pursuant to section 10.10.050(D).
- B. A vehicle towed and impounded for unpaid parking citations, and in accordance with section 10.10.030, can only be released pursuant to a written order from the Municipal Court that all penalties, fines, or forfeitures owed by the registered owner have been satisfied by full payment or the posting of a bond pending a hearing.

**10.10.050 Hearing on immobilization.**

- A. After a vehicle has been immobilized pursuant to this Chapter, the registered owner, and any other person(s) who reasonably appear to have an interest in the vehicle, is entitled to have speedy hearing with the Parking Administrator or a designee to determine if the vehicle was immobilized in accordance with this Chapter.
- B. If the Parking Administrator or designee finds that the immobilization was invalid or unjustified, he or she will order the vehicle to be immediately released, and the owner or any other person(s) who have an interest in the vehicle shall not be held liable for the immobilization fee.
- C. If the Parking Administrator finds that the immobilization was valid and justified, he or she may order that the immobilization device remains on the vehicle until payment is received for the immobilization fee and all overdue and unpaid parking tickets.
- D. The decision of the Parking Administrator may be appealed to the City Manager's Office within fifteen (15) calendar days. The City Manager or designee shall affirm, modify, or reverse the decision of the Parking Administrator by written finding. An adverse finding by the City Manager may be appealed, in writing, within (15) calendar days to the City Commission. The City Commission after hearing testimony on the matter, shall issue a written finding affirming, modifying, or reversing the decision of the City Manager.

**Chapter 11 COMMERCIAL VEHICLES**

**Sections:**

10.11.010 Commercial vehicles—prohibited where.

10.11.020 Commercial vehicles—parking prohibited where—exception.

10.11.030 Restriction of vehicles—determined by City Commission—signs to be erected.

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**10.11.010 Commercial vehicles—prohibited where.**

- A. It is unlawful for any person to drive or operate, or for the owner to cause or knowingly permit to be driven or operated any commercial vehicle, not involved in local service as defined in subsection B. of this section, upon any City public way except upon the truck routes designated as follows:
1. Tenth Avenue South from the west City limits to the east City limits;
  2. The Northeast Bypass from the intersection at Fifty-seventh Street and Tenth Avenue South, north and then westerly to the Ninth Street Bridge;
  3. River Drive from its connection with Tenth Avenue South at or near the Warden Bridge to the First Avenue North Bridge;
    - i. First Avenue North from Park Drive westerly through the First Avenue North Bridge; and
    - ii. Central Avenue West from the west end of the First Avenue North Bridge to the west City limits on the Vaughn Highway;
  4. Third Street Northwest and Smelter Avenue from Central Avenue West to the northeasterly City limits;
  5. Second Street from the Tenth Avenue South approaches north to First Avenue South;
  6. First Avenue South from Second Street, west to Park Drive; and
    - i. Park Drive from First Avenue South to First Avenue North;
  7. Sixth Street Southwest from Central Avenue West to Tenth Avenue South; and
  8. River Drive from First Avenue North to the Ninth Street Bridge.

**10.11.020 Commercial vehicles—parking prohibited where—exception.**

It is unlawful for any person to park a commercial vehicle on any City public way, and outside of that area which may be designated as the Central Business District, except for an emergency or for loading and unloading purposes.

**10.11.030 Restriction of vehicles—determined by City Commission—signs to be erected.**

- A. The City Commission may by ordinance, prohibit the operation of vehicles upon any such streets, avenues, or highways, or impose restrictions as to the weight of vehicles to be operated upon any street, whenever any street by reason of deterioration, rain, snow, or other climate conditions will be seriously damaged or destroyed.
- B. The Public Works Department, shall erect signs pursuant to the ordinance at each end of that portion of any street affected thereby, and the ordinance shall not be effective unless and until signs are erected and maintained.

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**Chapter 12 ABANDONED AND JUNKED VEHICLES, MACHINERY, TRAILERS, AND PARTS**

**Sections:**

- 10.12.010 Purpose.
- 10.12.020 Exemptions.
- 10.12.030 Junk vehicle deemed nuisance.
- 10.12.040 Administration and enforcement.
- 10.12.050 Notices of intention to abate and remove; mailing; form of notices.
- 10.12.060 Appeal.
- 10.12.070 Abatement and removal.
- 10.12.080 Illegal off-street parking.
- 10.12.090 Continuing notice.
- 10.12.100 Penalty.

**10.12.010 Purpose.**

The City Commission hereby makes, finds, and declares that the accumulation and storage of abandoned, wrecked, dismantled, or inoperative vehicles, machinery, trailers, or parts thereof, on public property is hereby found to:

- A. Create a condition tending to reduce the value of private property;
- B. Promote blight and deterioration;
- C. Invite criminal activity;
- D. Create fire hazards;
- E. Constitute an attractive nuisance creating a hazard to the health and safety of minors; and
- F. Create a harbor for rodents and insects, and to be injurious to the health, safety, and general welfare.
- G. Therefore, the presence of an abandoned, wrecked, or dismantled or inoperative vehicle, or part thereof, on public property except as expressly hereinafter permitted, is hereby declared to constitute a Nuisance, which may be abated in accordance with the provisions of OCCGF Title 8, Chapter 49.

**10.12.020 Exemptions.**

This Chapter shall not apply to the following:

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- A. When such storage or parking is necessary to the operation of a lawfully conducted business or commercial enterprise on land which such business or enterprise is authorized by the City's zoning regulations; or
- B. A vehicle which was recently involved in a collision, duly documented by a timely report filed with the appropriate law enforcement agency or the Montana Department of Transportation, or its equivalent in a sister state, shall not be deemed a junk vehicle unless the owner or operator of said vehicle fails to repair or properly cover the same.

**10.12.030 Junk vehicle deemed nuisance.**

The keeping, maintaining, or allowing a junk vehicle to be on public property, except as provided by Section 10.12.020, shall constitute a Nuisance as defined by OCCGF Title 8, Chapter 49.

**10.12.040 Administration and enforcement.**

- A. Except as otherwise provided, the provisions of this Chapter shall be administered and enforced by the Planning and Community Development Director and/or the Police Chief, or their respective designees, hereinafter collectively referred to as "enforcement officer."
- B. The enforcement officer and any person designated by the enforcement officer to abate the nuisance pursuant to the OCCGF or court order, are hereby authorized access to any property upon which a junk vehicle is located for the purpose of carrying out any and all actions necessary to enforce this Chapter.

**10.12.050 Notices of intention to abate and remove; mailing; form of notices.**

- A. A ten-day notice (exclusive of weekends or federally mandated holidays) of intention to abate and remove the vehicle or parts thereof as a Nuisance shall be given to the owner of the vehicle, if known. The notice shall be in a form promulgated by the issuing enforcement officer, and shall provide the following information at a minimum:
  - 1. A description of the vehicle or parts which constitute(s) a Nuisance under the provisions of the OCCGF;
  - 2. That the Nuisance must be abated within ten (10) days, (exclusive of weekends and federally mandated holidays) the junk vehicle must be either:
    - i. Brought into a condition that it no longer is defined as a junk vehicle;
    - ii. Placed in a proper enclosure; or
    - iii. Removed from the property and properly disposed of or removed from the City; and
  - 3. Failure to properly abate said Nuisance as prescribed shall be sufficient cause for the removal of the junk vehicle by the enforcement officer or his/her designee as set forth by the OCCGF.
- B. The notice required by this section shall be served in any one (1) of the following manners:
  - 1. By regular mail, to the last registered-owner of said vehicle, if ascertainable, at the address listed in the State's records concerning ownership of the vehicle, and service shall be deemed to have been perfected the day after the notice is mailed; or

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2. If the last registered owner's name is not ascertainable, by posting notice on or near the junk vehicle, and service shall be deemed to have been perfected the day the notice is posted on or near the junk vehicle.

**10.12.060 Appeal.**

Any interested party may appeal the decision of the enforcement officer by filing a written notice of appeal with the City Manager ten (10) calendar days after service of notice as required by this Chapter. The City Manager or designee shall within fifteen (15) calendar days make a written finding affirming, reversing or modifying the enforcement officer's decision.

**10.12.070 Abatement and removal.**

- A. The responsible party, after service of notice is perfected, shall abate the Nuisance within ten (10) calendar days. Abatement shall consist of:
  1. Providing for the current registration of the vehicle including the affixing the registration plate or current sticker to the vehicle;
  2. Repairing any and all conditions which cause the vehicle to be a Nuisance under the provisions of the OCCGF; and
  3. Having all of the required equipment and parts for the vehicle which was described in the notice; or
  4. Removing the vehicle or causing the vehicle to a legally authorized location.
- B. If the responsible parties fail to abate the Nuisance as prescribed, or after such abatement has been affirmed by the City Manager, the City, through the enforcement officer may abate such Nuisance by causing the junk vehicle(s) to be removed, impounded and sold, or disposed of as provided for abandoned vehicles under the laws of the State of Montana. All costs of abatement and the administrative fee provided by this Chapter shall be charged to the responsible parties, jointly and severally.

**10.12.080 Illegal off-street parking.**

- A. No person shall park a vehicle upon privately owned real property or area developed as an off-street parking facility without the consent of the owner, lessee, or person in charge of said property or facility.
- B. No person shall park a vehicle upon publicly owned real property in violation of any legally authorized signage.
- C. Any vehicle parked in violation of this section shall be deemed an abandoned vehicle.

**10.12.090 Continuing notice.**

A notice issued pursuant to this Chapter shall be deemed a continuing notice regarding the vehicle(s) described in the notice for a period of one (1) year from the date of service and is valid for all locations within the incorporated City limits. No further notice by an enforcement officer or ten-day period to abate is necessary to abate a Nuisance created by said vehicle(s) within the one-year period.

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**10.12.100 Penalty.**

Parking any vehicle in violation of this Chapter is 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.

**Chapter 13 ABANDONED, WRECKED, JUNKED OR DISMANTLED  
VEHICLES ON PRIVATE PROPERTY**

**Sections:**

10.13.010 A condition prohibited.

10.13.020 Repair.

**10.13.010 A condition prohibited.**

An abandoned or junked vehicle on a private, non-permitted, premises is hereby declared a condition prohibited pursuant to OCCGF Title 8, Chapter 51.

**10.13.020 Repair.**

Vehicles may be repaired by non-commercial property owners or occupants in public view. Said repairs must be pursued to completion. Dismantled vehicles must be covered when not being repaired. Vehicles not fully repaired within twenty (20) calendar days are presumed to be abandoned.

**Chapter 14 SNOWMOBILES**

**Sections:**

10.14.010 Definitions.

10.14.020 Prohibited where.

10.14.030 Penalty.

**10.14.010 Definitions.**

Pursuant to this Chapter, unless otherwise specified, the following definitions apply.

- A. "Operator" means every person who operates or is in actual physical control of the operation of the snowmobile.

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- B. "Snowmobile" means any self-propelled vehicle designed primarily for travel on the snow or ice, which may be steered by wheels, skis or runners, and which is not otherwise registered or licensed under Montana State law.

**10.14.020 Prohibited where.**

It is unlawful for any person or operator to drive any snowmobile upon any public rights-of-way within the incorporated City limits, or upon any public parks or public grounds within the City.

**10.14.030 Penalty.**

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 six months in jail, or both.

**Chapter 15 MOTORCYCLES**

**Sections:**

10.15.010 Driving on sidewalks and in public parks or grounds prohibited.

10.15.020 Penalty.

**10.15.010 Driving on sidewalks and in public parks or grounds prohibited.**

It is unlawful for any person or operator to drive any motorcycle or other power driven two-wheel vehicle upon sidewalks within the City or upon that portion of any public park or public grounds where no roadway is provided.

**10.15.020 Penalty.**

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 six months in jail, or both.

**Chapter 16 HANDICAP ZONE**

**Sections:**

10.16.010 Handicap zone.

**10.16.010 Handicap zone.**

- A. No person shall park a motor vehicle in a parking space designated and reserved for the physically handicapped, unless:



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1. Such person is physically handicapped in a manner rendering it difficult and burdensome for such person to walk, or such person was operating the vehicle under the direction of a physically handicapped person; and
  2. The vehicle visibly bears or contains the certificate or insignia issued to physically handicapped persons by the City or visibly bears or contains a special handicapped license plate or permit issued to physically handicapped persons by any State or City.
- B. Notice of such designation of handicapped parking spaces shall be given by posting appropriate signs.
- C. In any prosecution charging a violation of the above provisions, the owner or person or corporation in whose name said vehicle is registered shall be held absolutely responsible for said violation and subject to the penalty therefore.
- D. A violation of this section is punishable by a fine set by Commission resolution.

## Chapter 17 TRAILERS

### Sections:

10.17.010 Occupancy regulations.

10.17.020 Penalty.

### 10.17.010 Occupancy regulations.

No trailer as defined by this Title, shall be occupied either permanently or temporarily as a dwelling place, or living abode while parked on any street, avenue, alley or highway, or other public place unless otherwise authorized by OCCGF Title 17 or other applicable Federal or State law.

### 10.17.020 Penalty.

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 six months in jail, or both.

## Chapter 18 TOLL LOCATIONS

### Sections:

10.18.010 Tolls prohibited.

10.18.020 Penalty.

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**10.18.010 Tolls prohibited.**

It is unlawful for any person, firm, corporation or organization, charitable or otherwise, to occupy, stand in, and/or use any portion of any public right-of-way for the purpose of establishing a toll location through which vehicular traffic must pass in order to collect funds or make any other contact or solicitation from the driver or occupant of any vehicle using the public street, highway or bridge within the City without prior written authorization from the City Manager.

**10.18.020 Penalty.**

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 six months in jail, or both.

**Chapter 19 LIABILITY FOR STREET DAMAGE**

**Sections:**

10.19.010 Applicability.

10.19.020 Owner and driver of vehicle jointly liable.

10.19.030 Civil action.

**10.19.010 Applicability.**

Any person driving any vehicle, object, or device upon any street or street structure shall be liable for all damage which the street or structure may sustain as a result of any illegal operation, driving, or moving of the vehicle, object, or device, or as a result of operating, driving or moving any vehicle, object, or device weighing in excess of the maximum weight in this Title except as otherwise provided or permitted.

**10.19.020 Owner and driver of vehicle jointly liable.**

- A. Whenever such driver is not the owner of such vehicle, object, or device, but is operating, driving, or moving the same with the express or implied permission of the owner, then the owner and driver shall be jointly and severally liable for any damage.
- B. The Public Works Director may, in his or her discretion, authorize an individual liable for damage pursuant to this Chapter to repair any damage caused to the same or better condition before the damage was caused or to any other legally mandated condition.

**10.19.030 Civil action.**

Such damage may be recovered in a civil action brought by the City in a Court of competent jurisdiction.

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**Chapter 20 EXCESS SIZE AND WEIGHT PERMITS**

**Sections:**

10.20.010 Issuance conditions.

10.20.020 Penalty.

**10.20.010 Issuance—conditions.**

The City Engineer is authorized to issue, revoke, or deny permits for the operation of vehicles of excess size and weight pursuant to adopted written policy on file at the Great Falls Public Works Department. A permit issued pursuant to this Chapter shall describe any applicable conditions for the operation of the vehicle subject to the permit.

**10.20.020 Penalty.**

- A. Any person who knowingly or willfully misrepresents the size or weight of any load in obtaining a permit pursuant to this Chapter, does not follow the conditions of the permit, or operates any vehicle requiring a permit pursuant to this Chapter without a permit, is guilty of a misdemeanor punishable by a fine not to exceed five-hundred dollars (\$500.00), six months in jail, or both.
- B. Every permit issued pursuant to this Chapter shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by law enforcement.

**Chapter 21 PARKING VIOLATIONS**

**Sections:**

10.21.010 Illegally parked vehicle notice.

10.21.020 Illegally parked vehicle notice of failure to comply.

10.21.030 Illegally parked vehicle presumption.

10.21.040 Illegally parked vehicle warrant issued when.

10.21.050 Disposition of fines and parking meter revenue.

10.21.060 Fines and forfeitures official misuse.

10.21.070 Penalties and administrative fees.

Exhibit "A"

Title 10 VEHICLES AND TRAFFIC

**10.21.010 Illegally parked vehicle notice.**

Whenever any motor vehicle without a driver is found parked or stopped in violation of any State or local restrictions, the Parking Official finding such vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its owner and post written notice of the violation on the vehicle indicating any applicable penalties and the place where any applicable fines may be paid or contested.

**10.21.020 Illegally parked vehicle notice of failure to comply.**

If an alleged violator of the restrictions on stopping, standing, or parking under legally authorized restriction does not appear in response to a notice affixed to such motor vehicle within the time set forth in the notice, the City shall implement the following process:

- A. The penalty for a violation of this section occurring in a parking management district must be paid within thirty (30) calendar days of the date of the citation. If payment is not received within that time, an administrative fee will be added to the violation. The penalties and fees will be set by Commission resolution.
- B. After thirty (30) days without payment, a statement of the amount due for the violation and the administrative fee will be sent to the address associated with the license plate in the records of vehicle registrations maintained by the appropriate licensing agency or authority.
- C. After sixty (60) days without payment, a second statement of the amount due for the violation and the administrative fee will be sent to the address associated with the license plate in the records of vehicle registrations maintained by the appropriate licensing agency or authority.
- D. After ninety (90) days without payment, a third statement that is clearly marked as a pre-collection notice of the amount due for the violation and the administrative fee will be sent to the address associated with the license plate in the records of vehicle registrations maintained by the appropriate licensing agency or authority.
- E. After one hundred twenty (120) days without payment, the amount due for the violation and the administrative fee will be referred to a collection agency. If the payment through collection efforts is not received within ten (10) months of the date of the citation, the City may request an arrest warrant and proceed with an action through the Municipal Court as provided by this Chapter.
- F. Proceedings through the Municipal Court for enforcement of this Title must be filed within one (1) year of the date of the citation.

**10.21.030 Illegally parked vehicle presumption.**

If any vehicle is found stopped or parked in any manner violative of legally authorized restrictions, the owner, person, or corporation in whose name said vehicle is registered shall be held absolutely responsible for said violation and subject to applicable penalties.

**10.21.040 Illegally parked vehicle warrant issued when.**

In the event any person fails to comply with a notice served on the person or attached to a vehicle or fails to make appearance pursuant to a summons directing an appearance in the Municipal Court, or if any person fails or refuses to deposit bail as required and within the time permitted by law, Municipal Court may, at its discretion, issue a warrant of arrest.

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**10.21.050 Disposition of fines and parking meter revenue.**

- A. All fines or forfeitures collected upon conviction or upon the forfeiture of bail of any person charged with a violation of any of the provisions of this Title shall be paid to the Planning and Community Development Department and deposited in the parking fund, to be expended to defray the expense of:
  - 1. Proper regulation of traffic;
  - 2. Parking upon City public streets;
  - 3. Provide for the cost of supervision, regulation, and control of parking vehicles; and
  - 4. To cover the cost of purchase, supervision, operation, maintenance, control and use of parking meters.
- B. All revenue obtained from and through the use of parking meters shall be appropriated by the City to pay for the operation and maintenance of on street and off-street parking facilities.

**10.21.060 Fines and forfeitures official misuse.**

Failure, refusal, or neglect on the part of any judicial or other officer or employee receiving or having custody of any such fine or forfeiture, either before or after a deposit in the fund, to comply with the foregoing provisions of this Chapter, shall constitute misconduct in office and shall be grounds for removal therefrom.

**10.21.070 Penalties and administrative fees.**

Penalties and administrative fees for violations of this Title shall be set by Commission resolution.

(Ord. 3188, 2018; Ord. 3146, 2016; Ord. 3122, 2014; Ord. 3090, 2012; Ord. 3057, 2010; Ord. 3042, 2009; Ord. 2951, 2006; Ord. 2867, 2004; Ord. 2819, 2002; Ord. 2815, 2002; Ord. 2802, 2001; Ord. 2790, 2000; Ord. 2757, 1999; Ord. 2708, 1996; Ord. 2707, 1996; Ord. 2676, 1995; Ord. 2646, 1994; Ord. 2640, 1994; Ord. 2633, 1992; Ord. 2521, 1989; Ord. 2520, 1989; Ord. 2469, 1987; Ord. 2457, 1987; Ord. 2456, 1987; Ord. 2446, 1987; Ord. 2443, 1986; Ord. 2442, 1986; Ord. 2383, 1985; Ord. 2353, 1984; Ord. 2321, 1983; Ord. 2305, 1982; Ord. 2283, 1981; Ord. 2245, 1981; Ord. 2219, 1980; Ord. 2189, 1980; Ord. 2188, 1980; Ord. 2186, 1980; Ord. 2052, 1979; Ord. 2021, 1977; Ord. 1987, 1976; Ord. 1974, 1976; Ord. 1627, 1969; Ord. 1471, 1964; Ord. 1454, 1963; Ord. 1217, 1956; Prior codes §§ 10-1-19; 10-2-1(M); 10-2-2(D), 10-2-2(E); 10-2-3(C), 10-2-3(I); 10-2-5(A), 10-2-5(B); 10-2-7(A), 10-2-7(B), 10-2-7(C); 10-2-8(A), 10-2-8(B); 10-2-9(F), 10-2-9(G), 10-2-9(L), 10-2-9(M), 10-2-9(Z); 10-2-10(2); 10-2-11; 10-2-12(A), 10-2-12(D), 10-2-12(E); 10-2-13(A), 10-2-13(B), 10-2-13(C), 10-2-13(D); 10-2-14, 10-2-14(A), 10-2-14(B), 10-2-14(C), 10-2-14(E), 10-2-14(F), 10-2-14(G)(1), 10-2-14(G)(2), 10-2-14(G)(3), 10-2-14(G)(4), 10-2-14(G)(5), 10-2-14(G)(6); 10-2-16(F), 10-2-16(H), 10-2-16(I), 10-2-16(J); 10-2-20(A), 10-2-20(B); 10-2-26(A); 10-2-27(A), 10-2-27(B), 10-2-27(D); 10-2-28; 10-2-29(A), 10-2-29(B), 10-2-29(C); 10-2-30(A), 10-2-30(B); 10-2-33)

Title 10 VEHICLES AND TRAFFIC

**Title 10 VEHICLES AND TRAFFIC**

**Chapter**

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Chapter ~~31~~ - DEFINITIONS

Chapter ~~92~~ - APPLICABILITY

Chapter ~~213~~ - TRAFFIC CONTROL DEVICES AND PARKING METERS

Chapter ~~274~~ - STOP INTERSECTIONS

Chapter ~~305~~ - ONE-WAY STREETS AND ALLEYS

Chapter ~~336~~ - FOUR-LANE STREETS AND ROADWAYS

Chapter ~~367~~ - SPEED RESTRICTIONS

Chapter ~~398~~ - MISCELLANEOUS DRIVING RULES

Chapter ~~489~~ - STOPPING, STANDING, AND PARKING

Chapter ~~5010~~ - VEHICLE IMMOBILIZATION

Chapter ~~5711~~ - COMMERCIAL VEHICLES

Chapter ~~6012~~ - ABANDONED AND JUNKED VEHICLES, MACHINERY, TRAILERS, AND PARTS

Chapter ~~6113~~ - ABANDONED, WRECKED, JUNKED, OR DISMANTLED VEHICLES ON PRIVATE PROPERTY

Chapter ~~6614~~ - SNOWMOBILES

Chapter ~~6915~~ - MOTORCYCLES

Chapter ~~7116~~ - HANDICAP ZONE

Chapter ~~72~~ - BICYCLES

Chapter ~~7317~~ - TRAILERS

Chapter ~~7518~~ - TOLL LOCATIONS

Chapter ~~7819~~ - LIABILITY FOR STREET DAMAGE

Chapter ~~8420~~ - EXCESS SIZE AND WEIGHT PERMITS

**Chapter 21 – PARKING VIOLATIONS**

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Chapter ~~87~~ VIOLATION PENALTY

**Chapter 31 DEFINITIONS**

Section:

~~10.3.010 Definitions.~~

**10.1.010 Definitions.**

**10.31.010 Definitions.**

Unless otherwise specified or a different meaning is plainly intended in this Title, the following definitions apply throughout this title:

~~Administrator~~**A. "Abandoned vehicle" means any of the City employees following:**

1. **A vehicle that has been left unattended on public property for more than forty-eight (48) hours and is rendered inoperable;**
2. **A vehicle that has remained illegally parked on public property for more than forty-eight (48) hours;**
3. **A vehicle that has been unlawfully parked on private real property or contractor tasked by has been placed on private property without the City Manager with consent of the management real property owner or person in control of the City's parking facilities property for more than forty-eight (48) hours;**

~~(Ord. No. 3122, § 1, 12-2-2014)~~

4. **A vehicle that has been legally impounded by order of a law enforcement authority and has not been reclaimed for a period of five (5) days; or**
5. **Any vehicle parked on a street determined by a law enforcement authority to create a hazard to other vehicle traffic.**

**B. "Bicycle" means a non-motorized vehicle consisting of a metal frame on two (2) or more wheels and having handlebars and a seat.**

~~(Ord. No. 3122, § 1, 12-2-2014; Ord. 2646 (part), 1994)~~

**C. "Central Business District" means the C-4 Central Business Core Zoning District.**

~~(Ord. No. 3122, § 1, 12-2-2014; Prior code § 10-2-1(M)(part))~~

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- D. **"Commercial motor vehicle"** any vehicle meeting the definition provided by Mont. Code Ann. § 61-1-101.
- E. "Freight Loading Zone" means a portion of a public right-of-way that is designated for short-term use by vehicles loading and unloading goods. Freight loading zones are established following the procedures adopted in this ~~chapter~~ **Title**. This term also includes delivery zones in the metered parking district.

~~(Ord. No. 3122, § 1, 12-2-2014)~~

- F. "Handicap Parking Zone" means a portion of a public right-of-way that is designated for use only by vehicles that have a handicap parking permit or plate. Handicap parking zones are established following the procedures adopted in this ~~title~~ **Title**.

~~(Ord. No. 3122, § 1, 12-2-2014)~~

- G. "Junk vehicle" means any vehicle, machinery, trailer, or parts thereof, located on public property or illegally parked on private property within the incorporated City limits, which, as to a vehicle or trailer, does not properly display license plates or stickers indicating current registration and/or which has any one (1) or more of the following characteristics:
1. Lacks an engine, wheel, tire, properly installed battery or other structural parts which renders the vehicle inoperable for use as designed by the manufacturer;
  2. Has a broken or missing fender, door, bumper, hood, steering wheel, trunk top, trunk handle, tail pipe, muffler, driver's seat, fuel tank, driveshaft, differential, generator, or alternator;
  3. Has become or has the potential to become the breeding ground or habitat of rats, mice, snakes, mosquitoes or other vermin, rodents or insects, or is otherwise used for the storage, harbor, caging or dwelling for an animal of any kind;
  4. Has heavy growth of weeds or other noxious vegetation over eight (8) inches in height under or immediately next to it;
  5. Has become a point of collection for stagnant water;
  6. Has junk, garbage, refuse, gasoline or fuel other than in its fuel tank, paper, cardboard, wood or other combustible materials, solid waste, or other hazardous material present in it or which is primarily used for storage of any materials;
  7. Has become a source of danger for children through entrapment in areas of confinement that cannot be opened from inside, through a danger of the vehicle falling or turning over, or through possible injury from exposed surfaces of metal, glass, or other rigid materials;
  8. Has become a potential source of contamination of the soil from petroleum products or other toxic liquids being discharged or leaking from the vehicle;
  9. Has become illegal to operate on the public streets because it is missing one (1) or more parts required by law; or



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- 10. Because of its defective, deteriorated, or obsolete condition in any other way constitutes a nuisance or a threat to the public's health or safety.**
- H. "Law enforcement authority" means a peace officer or any City, State, or Federal department or agency member operating in his or her professional capacity within the incorporated City limits.**
- I. "Local service" means limiting the authorized use of City streets or avenues to those trucks which have either point of origin or destination for immediate business purposes within the incorporated City limits.**
- J. "Machinery" is synonymous with and means the same as "machine" as defined by the current edition of the Merriam-Webster Dictionary.**
- K. "Parking Administrator" means the City employee or contractor tasked by the City Manager with the management of the City's parking facilities. Within this Title this person may also be referred to as "The Administrator".**
- L. "Parking Official" means peace officers and other persons designated by the City Manager to enforce the provisions of this Title.**
- M. "Parking Meter" means any device installed for the regulation of the time allowed for parking as provided by 10.48.270 of this ~~title~~ Title.**

~~(Ord. No. 3122, § 1, 12-2-2014; Prior code § 10-2-1(M)(part))~~

- N. "Parts" means any mechanical, structural, body, or decorative part of any vehicle, machinery, or trailer.**
- O. "Passenger Loading Zone" means a portion of a public right-of-way that is designated for short-term use by vehicles loading and unloading people. This specifically includes school bus loading zones. Passenger loading zones are established following the procedures adopted in this ~~title~~ Title.**

~~(Ord. No. 3122, § 1, 12-2-2014)~~

- P. "Person" means any individual, partnership, association or corporation, or other legal entity.**
- Q. "Trailer" means any vehicle without motor power designed for carrying persons or property and for being drawn by a motor vehicle. The term includes devices intended for recreational purposes carried in the bed of a pick-up truck.**
- R. "Vehicle" means any device by which any person or property may be propelled, moved, or drawn upon a street. The term includes, but is not limited to:**
- 1. An automobile;**
  - 2. Truck;**
  - 3. Van;**

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4. Sport utility vehicle;
5. Recreational vehicle;
6. Watercraft;
7. Boat;
8. Jet ski;
9. Snowmobiles;
10. ATV's;
11. Aircraft, or
12. Parts thereof.

## Chapter 92 APPLICABILITY

### Sections:

~~10.9.010 Pushcarts and animals.~~

~~10.9.020 Toy vehicles and devices—restrictions—exception.~~

**10.2.010 Pushcarts and animals.**

**10.2.020 Toy vehicles and devices—restrictions—exception.**

### **10.92.010 Pushcarts and animals.**

~~Every~~**Any** person propelling any pushcart or, riding an animal upon a roadway and every person, or driving any animal-drawn vehicle shall be subject to the provisions of this ~~title~~**Title**.

~~(Ord. 2646 § (part), 1994; Prior code §10-2-2(D)).~~

### **10.9.020 Toy vehicles and devices—restrictions—exception.**

- A. It is unlawful for any person upon roller skates or riding in or by means of any coaster, toy vehicle, or similar device to be upon any roadway except while crossing a street on a crosswalk, and when so crossing such. **Such** person shall be granted all of the rights and shall be subject to all the duties applicable to pedestrians.

~~(Ord. 2646 §(part), 1994; Prior code §10-2-2(E)).~~

- B. **A violation of this section is punishable by a fine of fifty dollars (\$50.00).**

Title 10 VEHICLES AND TRAFFIC

**Chapter 243 TRAFFIC CONTROL DEVICES AND PARKING METERS**

**Sections:**

~~10.21.010 Installation—traffic control devices—parking meters.~~

~~10.21.020 Obedience required.~~

~~10.21.030 Interference with signals.~~

~~10.21.040 Crosswalks, traffic lanes and parking spaces—designation authority.~~

~~10.21.050 Standards and specifications.~~

~~10.21.060 No-passing zones—establishment authority.~~

~~10.21.070 Lane designation signs—erection.~~

**10.3.010 Installation of traffic control devices and parking meters.**

**10.3.020 Obedience required.**

**10.3.030 Interference with signals.**

**10.3.040 Crosswalks, traffic lanes, and parking spaces.**

**10.3.050 Standards and specifications.**

**10.3.060 No-passing zones—establishment authority.**

**10.3.070 Lane designation signs—erection.**

**10.243.010 Installation— of traffic control devices— and parking meters.**

A.— The Public Works Department, with the approval of the City Commission **and The Montana Department of Transportation when applicable**, shall place and maintain traffic and parking control signs, signals, and devices when and as required under the ~~traffic laws of this City, and per~~**OCCGF, pursuant to the** recommendations of the Manual on Traffic Control Devices, ~~to make effective the provisions of the laws,~~ and may place and maintain such additional traffic-control devices as necessary to regulate traffic under the ~~traffic laws of this City~~**OCCGF** or under State law, or to guide or warn traffic.

B.—~~Parking Meters.~~ In parking meter zones ~~to be established as provided in Chapter 10.48~~**pursuant to this Title**, the Planning and Community Development Director, or designee, shall cause parking meters to be installed upon the curb or sidewalk immediately adjacent to the parking spaces. The Planning and Community Development Director shall be responsible for the regulation, control, operation, maintenance ~~and use of such parking meters.~~ Upon the expiration of the lawful time limit, the right of such vehicle to occupy such space ~~ceases and the operator, owner, possessor or manager thereof, shall be subject to the penalties provided in Chapter 10.87,~~ **and use of such parking meters.**

~~(Ord. No. 3057, § 1, 8-17-2010)~~**C. Upon the expiration of the lawful time limit, the right of the occupying vehicle to occupy such space ceases and the operator, owner, possessor, or manager thereof, shall be subject to the penalties provided in this Title.**

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**10.243.020 Obedience required.**

The driver of any vehicle shall obey the instruction of any official traffic-control device applicable thereto placed in accordance with the traffic laws of ~~this~~**the** City, unless otherwise directed by a ~~Police Officer~~**law enforcement officer**, subject to the exceptions granted the driver of an authorized emergency vehicle.

~~(Ord. 2646 §(part), 1994; Prior code §10-2-3(C)).~~

**10.24.030 Interference with signals.**

- A. It is unlawful for any person without ~~lawful authority~~**legal authorization** to attempt to or ~~in fact~~ alter, deface, injure, knock down, or remove any official traffic-control device or any, railroad sign or signal or any inscription, shield, or insignia thereon, or any other part thereof, ~~nor shall such~~.
- B. **It is unlawful for any** person ~~deposit or cause to be deposited~~ **indisable or destroy** any parking meter ~~any slugs, device or metal substance or other substitute for lawful coins or approved tokens~~.

~~(Ord. 2646 §(part), 1994; Prior code §10-2-3(I)).~~

**10.24C. A violation of this section is punishable by a term not to exceed six (6) months in jail, a fine of not more than five hundred dollars (\$500.00), or both.**

**10.3.040 Crosswalks, traffic lanes, and parking spaces—~~designation authority.~~**

The Public Works Department is authorized, ~~with the approval of the City Commission,~~ to:

- A.— Install and maintain by appropriate devices, marks, or lines upon the surface of the roadway, crosswalks at intersections where there is particular danger to pedestrians crossing the roadway, and at such other places as deemed necessary; **and**
- B.— Mark lanes for traffic on street pavements at such places as he may deem advisable, consistent with the ~~traffic laws of this City~~**OCCGF**.

**10.243.050 Standards and specifications.**

All traffic control signs, signals, and devices shall conform to the standards and guidelines set forth by the ~~manual~~**Manual** on Uniform Traffic Control Devices.

~~(Ord. 2646 §(part), 1994)~~

**10.243.060 No-passing zones—~~establishment authority.~~**

The Public Works Department, **with appropriate Montana Department of Transportation approval**, is authorized to determine those portions of any roadway where overtaking and passing or driving to the left of the roadway would be especially hazardous and ~~may, by appropriate signs and markings on the roadway,~~ indicate the beginning and end of such zones and when such signs or markings are in place and clearly visible to an ordinarily observant person, ~~every driver of a vehicle shall obey the directions thereof~~**provide appropriate signage.**

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~~(Ord. 2646 §(part), 1994; Prior code §10-2-20(A)).~~

~~**10.210.3.070 Lane designation signs—erection.**~~

~~Official signs may be erected directing traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway, and drivers of vehicles shall obey the directions of every such sign.~~

~~(Ord. 2646 § (part), 1994; Prior code §0-2-20(B)).~~

**Chapter 274 STOP INTERSECTIONS**

**Sections:**

~~10.27.010 Designated.~~

~~10.27.020 Stop sign erection—authority.~~

**10.4.010 Designated.**

**10.4.020 Stop sign erection—authority.**

**10.274.010 Designated.**

The following streets and parts of streets ~~so described~~ are through ~~and preferential~~ streets **at stop intersections** for the purpose of this ~~chapter~~**Chapter**:

- A.— Second Avenue North from Park Drive to east City limits;
- B.— Park Drive from Second Avenue South to Eighth Avenue North;
- C.— First Avenue North from Thirty-Seventh Street to west end of First Avenue North Bridge;
- D.— Central Avenue West from west end of First Avenue North Bridge to west City limits;
- E.— Sixth Street Southwest from Central Avenue West to south City limits;
- F.— Third Street Northwest and Smelter Avenue from Central Avenue West to northeast City limits;
- G.— Tenth Avenue South from west City limits to east City limits;
- H.— Ninth Street from Tenth Avenue South to River Drive North;
- I.— Fourteenth and Fifteenth Streets couplet from Tenth Avenue South to River Drive North;
- J.— Central Avenue from Ninth Streets to Forth-sixth Street;
- K.— Second Street from Tenth Avenue South to First Avenue South;
- L.— River Drive all inside of City limits;
- M.— Twenty-fifth and Twenty-sixth Streets couplet from Tenth Avenue South to River Drive North;

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- N.— Twenty-sixth Street South from Tenth Avenue South to the south City limits;
- O.— Fifth and Sixth Street couplets from Central Avenue to Tenth Avenue South;
- P.— Second Avenue South from Second Street to Fifteenth Street;
- Q.— First Avenue South from Park Drive to Fifteenth Street.;
- R.— Thirteenth Avenue South from Fourth Street to Twentieth Street;
- S.— Thirty-second Street South from Central Avenue to Tenth Avenue South;
- T.— Thirteenth Street South from Tenth Avenue South to south City limits;
- U.— Fox Farm Road from Tenth Avenue South to south City limits; **and**
- V.— Upper River Road from River Road loop to south City limits.

~~(Prior code §10-2-8(A)).~~

**10.27.4.020 Stop sign erection—authority.**

Whenever ~~any law of this City~~ **the OCCGF** designates and describes a through ~~or preferential~~ street, it shall be the duty of the Public Works Department to place and maintain a stop sign on each and every street intersecting such through ~~or preferential~~ street or intersection that portion thereof described and designated as such by ~~any law of this City~~ **the OCCGF**.

~~(Ord. 2646 § (part), 1994; Prior code §10-2-8(B)).~~

**Chapter 305 ONE-WAY STREETS AND ALLEYS**

**Sections:**

~~10.30.010 Sign placement and maintenance.~~

~~10.30.020 Direction designated.~~

**10.5.010 Sign placement and maintenance.**

**10.5.020 Direction designated.**

~~10.305.010~~ **10.5.010 Sign placement and maintenance.**

Whenever ~~any laws of this City designate any~~ **the OCCGF designates a** one-way street or alley, the Public Works Department shall place and maintain signs giving notice thereof, ~~and no such regulation shall be effective unless such signs are in place.~~ Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited.

~~(Ord. 2646 § (part), 1994; Prior code §10-2-7(A)).~~

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**10.30.5.020 Direction designated.**

- A.— Upon those streets ~~and~~, parts of streets, and ~~in those~~ alleys described in subsection B of this section, vehicular traffic shall move only in the indicated direction ~~when signs indicating the direction of traffic are erected and maintained at every intersection where movement.~~ **Movement** in the opposite direction is prohibited.
- B.— In accordance with Section 10.305.010 and when proper signs are posted, traffic shall move only in the direction indicated upon the following streets or avenues.

~~(Ord. 2867, 2004)~~

<u>Street, Avenue or Alley</u>	<u>Permitted direction</u>
First Avenue North Park Drive to Thirty-seventh Street	
<del>(Ord. 1217, 1956)</del>	Eastbound
First Avenue South Park Drive to Fifteenth Street	
<del>(Ord. 1217, 1956)</del>	Westbound
Second Avenue South Second Street to Fifteenth Street	
<del>(Ord. 1217, 1956)</del>	Eastbound
Second Avenue North Park Drive to Thirty-seventh Street	
<del>(Ord. 1217, 1956)</del>	Westbound
Fifth Street Eighth Avenue North to Tenth Avenue South	
<del>(Ord. 1471, 1964)</del>	Southbound
Sixth Street Eighth Avenue North to Tenth Avenue South	

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<del>{Ord. 1471, 1964}</del>	Northbound
Fourteenth Street Twelfth Avenue North to Tenth Avenue South	
<del>{Ord. 1454, 1963}</del>	Southbound
Fifteenth Street Twelfth Avenue North to Tenth Avenue South	
<del>{Ord. 1454, 1963}</del>	Northbound
Twenty-fifth Street Tenth Avenue South to Eighth Avenue North	
<del>{Ord. 1627, 1969}</del>	Southbound
Twenty-fifth Alley Northeast Sixth Street Northeast to Ninth Street Northeast	
<del>{Ord. 3042, 2009}</del>	Westbound
Twenty-sixth Street Tenth Avenue South to Eighth Avenue North	
<del>{Ord. 1627, 1969}</del>	Northbound
Park Drive First Avenue South to Second Street	

~~{Ord. 2867, 2004; Ord. 2646 §(part), 1994; Prior code §10-2-7(B)}.~~

~~{Ord. No. 3042, § 1, 8-4-2009}~~

**Chapter 336 FOUR-LANE STREETS AND ROADWAYS**

**Sections:**



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~~10.33.010 Designated marking regulations.~~

**10.6.010 Designated marking regulations.**

~~10.336.010~~ **Designated marking regulations.**

A.— The following streets and avenues or portions thereof, located within the **incorporated** City limits, are designated as four-lane streets and roadways:

1. Central Avenue:  
From the east line of Ninth Street to the west line of Fifteenth Street;
2. Tenth Avenue South:  
From the west City limits to the east City limits;
3. Central Avenue West:  
From the west abutment of the First Avenue North Bridge to west line of Interstate 15;
4. Fourteenth and Fifteenth Streets North:  
From the south line of Twelfth Avenue North to the south abutment of the Fifteenth Street North Bridge;
5. First Avenue North-:  
From west abutment of First Avenue North Bridge to west line of Park Drive;
6. Park Drive:  
From south line of First Avenue North to north line of First Avenue South;
7. Sixth Street SW:  
From Central Avenue West, south to City limit;
8. Northwest Bypass:  
From Third Street Northwest, west to City limits;
9. Third Street Northwest/ **and** Smelter Avenue:  
From Central Avenue West, northeast to City limits;
10. Ninth Street North:  
From 8th Avenue North to south abutment of Tenth Street North Bridge;
11. Tenth Street North:  
From north abutment of Tenth Street North Bridge, north to City limits;
12. Fox Farm Road:  
From Tenth Avenue South to Alder Drive; **and**
13. River Drive:  
From Tenth Street North to Fifteenth Street North.

B.— The Public Works Department is directed to mark appropriately all such four-lane streets or roadways and to keep the same properly marked and ~~laned~~ **designated** for four-lane traffic.

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C.— All vehicles proceeding on any four-lane street or roadway must be driven wholly within a single lane and the driving of any vehicle so as to straddle two (2) lanes of traffic, except in passing from one (1) lane to the other, is prohibited.

~~(Ord. 2646 § (part), 1994; Prior code §10-2-7(C)(2-4)).~~

**Chapter 367 SPEED RESTRICTIONS**

**Sections:**

~~10.36.010 Established—specific streets.~~

~~10.36.020 Established - alleys.~~

**10.7.010 Established—specific streets.**

**10.7.020 Established - alleys.**

**10.367.010 Established—specific streets.**

In accordance with ~~Section~~**Mont. Code Ann. § 61-8-306, MCA,** and when signs are erected giving notice thereof, no person shall drive a motor vehicle at a speed greater than or less than the speed as set forth in the following schedule on the street or parts of streets as follows:

<u>Street and Avenue</u>	<u>Minimum</u> <u>Maximum</u> <u>M.P.H.</u> <u>M.P.H.</u>
Central Avenue Ninth Street to Fifteenth Street	25
Central Avenue Fifteenth Street to Thirty-eighth Street	30
First Avenue South Ninth Street to Fifteenth Street	30
Second Avenue South Ninth Street to Fifteenth Street	30

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Second Street South Tenth Avenue South to south line of First Avenue South	30
Park Drive First Avenue North to Eighth Avenue North	30
Parkdale Housing All streets within the following boundaries: Bounded on the north by the north line of Fifth Avenue South; on the east by the west line of Eighteenth Street and Chowen Park; on the south by the north line of Eighth Avenue South and Chowen Park; and on the west by the east line of Fifteenth Street	
<del>(Ord. 2633, 1992)</del>	15
Eighth Avenue North Park Drive to Twenty-fifth Street All trucks only	20
All other vehicles	25

~~(Ord. 2646 §(part), 1994; Ord. 2446 §2, 1987; Prior code § 10-2-5(B)).~~

**10.36.7.020 Established - alleys.**

The limit for all alleys within the **incorporated** City limits shall be ~~is~~ fifteen (15) miles per hour.

~~(Ord. 2802, 2001; Ord 2446, 1987; prior code §10-2-5(A)).~~

**Chapter 398 MISCELLANEOUS DRIVING RULES**

**Sections:**

~~10.39.055 Loud noises — prohibited.~~

~~10.39.060 Processions — parades — permits required when.~~

~~10.39.070 Driving on sidewalk prohibited — exception.~~

~~10.39.080 Boarding or alighting from moving vehicles prohibited.~~

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~~10.39.090 Passenger regulations.~~

~~10.39.100 Violation—misdemeanor—penalty.~~

~~10.39.110 Use of electronic communication devices while operating a motorized vehicle or a bicycle.~~

**10.39.055—Loud noises—prohibited.**

Refer to OCCGF 8.56 **10.8.010 Driving on sidewalk prohibited—exception.**

**10.8.020 Boarding or exiting from moving vehicles prohibited.**

~~10.8.030(C)– Passenger regulations.~~

~~(Ord. 10.8.040 Violation—misdemeanor—penalty.~~

**10.8.050 Use of electronic communication devices while operating a motorized vehicle or a bicycle.**

~~2790, 2000; Ord. 2640 § (part), 1994).~~

**10.39.060—Processions—parades—permits required when.**

No funeral procession or parade containing two hundred (200) or more persons or fifty (50) or more vehicles or any marching band and drum and bugle corps, except the forces of the United States Army or Navy, the military forces of this State, or the forces of the Police and Fire Departments shall occupy, march or proceed along any street unless application is made and approved by the City administration and a permit issued by the Park & Recreation Department. Such application must meet the requirements of the City Parade policy and such other regulations as are set forth in this chapter which may apply.

~~(Ord. 2245, 1981; Prior code §10-2-9(F)).~~

**10.39.0708.010 Driving on sidewalk prohibited—exception.**

- A. The driver of a vehicle shall not drive upon any sidewalk area except at a permanent driveway.

~~(Prior code §10-2-9(G)).~~

**10.39.080B. This section does not apply to City authorized vehicles performing sidewalk maintenance or snow removal.**

**10.8.020 Boarding or alighting exiting from moving vehicles prohibited.**

It is unlawful for any person to board or alight from ~~exit~~ any vehicle while ~~such~~ the vehicle is in motion.

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~~(Ord. 2646 § (part), 1994; Prior code §10-2-9(L)).~~

~~10.39.090~~**10.8.030 Passenger regulations.**

It is unlawful for any person to ride on any vehicle or portion thereof not designed or intended for the use of passengers. This provision shall not apply to an employee engaged in the necessary discharge of a duty or to persons riding within truck bodies in the space intended for merchandise.

~~(Ord. 2646 § (part), 1994; Prior code §10-2-9(M)).~~

~~10.39.100~~**8.040 Violation—misdemeanor—penalty.**

~~Every person convicted of a misdemeanor for the~~**Chapter is a misdemeanor punishable** by a fine of not more than five hundred dollars (\$500.00) or by imprisonment for, a term not more than to exceed six (6) months in jail, or by both such fine and imprisonment.

~~(Ord. 2646 § (part), 1994; Prior code §10-2-9(Z)).~~

~~10.39.110~~**10.8.050 Use of electronic communication devices while operating a motorized vehicle or a bicycle.**

~~1. Electronic communication device usage while driving prohibited.~~

~~(a) A.~~ **A.** No person operating a motorized vehicle or a bicycle on a public highway within the ~~city~~**incorporated City** limits of ~~Great Falls~~ shall use a mobile telephone to engage a call and/or use any other hand-held electronic communication device to compose, send, view or retrieve email, a text message, or other electronic data.

~~(b) B.~~ **B.** "Hand held electronic communication device" includes wireless or cellular phones, laptop and notebook computers, GPS and navigational systems, pagers, electronic games, and any other device that would permit wireless communications to and from the user of the device.

~~(c) Exceptions.~~

~~(1) C.~~ **C.** This ~~provision shall~~**section does** not apply to ~~any~~**the following:**

**1. Any person reporting a health, fire, safety, or police emergency;**

~~(2) This provision shall not apply to governmental.~~ **2. Governmental** fire agencies, ambulance services, law enforcement agencies, emergency responders, or any other **person operating an "authorized emergency vehicle"** as defined in ~~Montana~~**Mont. Code Annotated Sec. Ann. § 61-8-102(2)(a-);**

~~(3) This provision shall not apply to operators.~~ **3. Operators** or passengers of a motorized vehicle using a hand held electronic communication device while in a parking lane or space out of moving traffic lanes-;

~~(4) This provision shall not apply to persons.~~ **Persons** using a "hands free device." ~~A "hands free device" is~~, **defined as**, an external device that connects to a wireless telephone, wireless or electronic communication device that allows use of the hands-free device-; **and**

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(5) ~~This provision shall not apply to drivers~~**5. Drivers** using two-way radios while in the performance and scope of their work-related duties, or to drivers holding a valid amateur radio operator license issued by the Federal Communications Commission while using a two-way radio.

**2. Penalty: D.** The ~~penalty(ies)~~**penalties** for a ~~person who is found to have committed a~~ violation of ~~Section 10.39.110~~**this section** are as follows:

(a) **1.** A first conviction for a violation of ~~Section 10.39.110~~**this section**, shall be punishable by a fine not less than two hundred dollars (\$200.00) and not more than five hundred dollars (\$500.00);

(b) **2.** A second conviction, within 24 months after the first conviction, for a violation of ~~Section 10.39.110~~**this section**, shall be punishable by a fine not less than three hundred dollars (\$300.00) and not more than five hundred dollars (\$500.00). The Defendant shall further participate in twenty (20) hours of Court approved community service to be completed within ninety (90) days of the date of the second conviction. The Defendant shall provide completion of community service to the Great Falls Municipal Court; **and**

(c) **3.** A third or subsequent conviction, within 24 months after the first conviction, for a violation of ~~Section 10.39.110~~**this section**, shall be punishable by a fine not less than four hundred dollars (\$400.00) and more than five hundred dollars (\$500.00). The Defendant shall further participate in forty (40) hours of community service to be completed within ninety (90) days of the date of conviction. Additional penalties may include forfeiture of license plates of the vehicle, driven at the time of the offense, or forfeiture of the Defendant's driver's license for a period not to exceed 180 days, or both.

~~(Ord. 3146, 2016; Ord. 3090, § 1(Exh. A), 7-3-2012, eff. 8-2-2012)~~

## Chapter 489 STOPPING, STANDING, AND PARKING

### Sections:

~~10.48.010 Stopping, standing or parking close to curb.~~

~~10.48.040 Lights on parked vehicles.~~

~~10.48.050 Parking at meters.~~

~~10.48.055 Paying for parking.~~

~~10.48.060 Stopping or parking on public streets and alleys.~~

~~10.48.070 Parking in alleys.~~

~~10.48.080 Parking for certain purposes prohibited.~~

~~10.48.090 Parking of commercial vehicles.~~

~~10.48.100 Compliance with signs required.~~

~~10.48.105 Curb or pavement markings.~~

~~10.48.110 Parking controlled adjacent to schools.~~

~~10.48.120 Parking controlled on narrow trafficways.~~

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- ~~10.48.130 Parking controlled during certain hours of the day and/or days of the week.~~
- ~~10.48.150 Stopping, standing or parking controlled in hazardous or congested places.~~
- ~~10.48.160 Stopping, standing or parking controlled along arterial and collector trafficways.~~
- ~~10.48.170 On-street loading and parking zones.~~
- ~~10.48.175 Parking management districts.~~
- ~~10.48.180 Review of applications for loading and parking zones on public streets.~~
- ~~10.48.190 Application fees for the establishment of loading and parking zones.~~
- ~~10.48.200 Use of loading and parking zones on public streets.~~
- ~~10.48.220 Passenger loading zones serving schools.~~
- ~~10.48.230 Delivery permits.~~
- ~~10.48.240 Meter bags.~~
- ~~10.48.250 Residential parking in parking management districts.~~
- ~~10.48.260 Administration of parking management districts.~~
- ~~10.48.270 Parking meter enforcement periods and time limits.~~
- ~~10.48.280 Courtesy parking.~~
- ~~10.48.290 Unauthorized parking in off-street parking facilities prohibited.~~
- ~~10.48.300 Rates charged on City owned/operated off-street parking lots and garages.~~

- 10.4810.9.010 Stopping, standing or parking close to curb.**
- 10.9.020 Lights on parked vehicles.**
- 10.9.030 Parking at meters.**
- 10.9.040 Paying for parking.**
- 10.9.050 Stopping or parking on public streets and alleys.**
- 10.9.060 Parking in alleys.**
- 10.9.070 Parking for certain purposes prohibited.**
- 10.9.080 Parking of commercial vehicles.**
- 10.9.090 Compliance with signs required.**
- 10.9.100 Curb or pavement markings.**
- 10.9.110 Parking controlled adjacent to schools.**
- 10.9.120 Parking controlled on narrow traffic ways.**
- 10.9.130 Parking controlled during certain hours of the day and/or days of the week.**
- 10.9.140 Stopping, standing or parking controlled in hazardous or congested places.**
- 10.9.150 Stopping, standing or parking controlled along arterial and collector traffic ways.**
- 10.9.160 On-street loading and parking zones.**

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**10.9.170 Parking management districts.**

**10.9.180 Review of applications for loading and parking zones on public streets.**

**10.9.190 Application fees for the establishment of loading and parking zones.**

**10.9.200 Use of loading and parking zones on public streets.**

**10.9.210 Passenger loading zones serving schools.**

**10.9.220 Delivery permits.**

**10.9.230 Meter bags.**

**10.9.240 Residential parking in parking management districts.**

**10.9.250 Administration of parking management districts.**

**10.9.260 Parking meter enforcement periods and time limits.**

**10.9.270 Courtesy parking.**

**10.9.280 Unauthorized parking in off-street parking facilities prohibited.**

**10.9.290 Rates charged on City owned or operated off-street parking lots, garages, and parking meters.**

**10.9.300 Parking in construction zones.**

**10.9.010 Stopping, standing or parking close to curb.**

~~Unless otherwise provided in this Chapter, it is unlawful for any person to stop, stand, or park a vehicle, other than a motor cycle, in a traffic way other than parallel with the edge of the traffic way headed in the direction of the lawful traffic movement for the lane in which it is stopped, standing, or parked and with the wheels of the vehicle within eighteen (18) inches of the curb or edge of the traffic way-except as otherwise provided in Section 10.48.050.~~

~~(Ord. No. 3122, § 2, 12-2-2014; Ord. 1987 2(part), 1976: prior code 10-2-12(A))~~

~~10.48.040~~**10.9.020 Lights on parked vehicles.**

Any lighted headlamps upon a parked vehicle shall be depressed or dimmed.

~~(Ord. 1987 §2(part), 1976: prior code §10-2-12(d))~~

~~10.48.050~~**9.030 Parking at meters.**

- A. Except as directed by ~~an officer of the~~**a Great Falls Fire or-Rescue (GFFR) Department, Great Falls Police DepartmentsDepartment (GFPD) officer or representative, or a City parking attendantsofficial**, vehicles using metered parking spaces shall park within the area and at the angle delineated by the pavement markings.



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- B. When ~~these~~ **pavement** markings are obscured by snow, wear, or other conditions and there is angle parking, vehicles shall be parked to the left side or right side of the appropriate meter.
- C. Where there is parallel parking, vehicles shall be parked front end to or rear end to, within eighteen (18) inches of the appropriate meter, and within eighteen (18) inches of the curb. Failure to comply with this section is a violation of this ~~Code Title~~, subject to the penalties and fees authorized by ~~Section 10.87.090~~ **Chapter 21** of this ~~title~~ **Title**.

~~(Ord. No. 3122, § 2, 12-2-2014; Ord. 1987 §2(part), 1976: prior code §10-2-12(E))~~

~~10.48.055.9.040~~ **Paying for parking.**

- A.— Upon parking in a metered parking space, the occupants of the vehicle shall immediately pay for parking using coins of the United States or any other means provided for payment by the City— **including a mobile electronic device application.**
- B. The available means of payment shall be indicated on the meter and/or signs posted on the adjoining sidewalk. ~~Alternatively, the~~ **The** occupants may display a free parking pass issued by the City. Failure to pay for parking or to display a pass is a violation of this ~~Code Title~~, subject to the penalties and fees authorized by ~~Section 10.87.090~~ **Chapter 21** of this ~~title~~ **Title**.
- ~~B.—~~ **C.** A valid free parking pass bears the signature of the **Parking** Administrator, the City Manager, or the City's authorized agent, and an expiration date. Attempted use of a pass that does not bear an authorized signature and an expiration date is a violation of this ~~Code Title~~, subject to the penalties and fees authorized by ~~Section 10.87.090~~ **Chapter 21** of this ~~title~~ **Title**.
- ~~C.— It is lawful to~~ **D. Vehicle occupants may** use unexpired time on a parking meter, but the unexpired time counts toward the applicable time limit.

~~(Ord. No. 3122, § 2, 12-2-2014)~~

~~10.48.0609.050~~ **Stopping or parking on public streets and alleys.**

Except when temporarily necessary to avoid conflict with other traffic, when so directed by ~~an~~ **GFFR or GFPD** officer of the Fire or Police Departments— or **representative**, City parking ~~attendants~~ **official**, or where a parking space is clearly delineated by pavement markings, it is a violation of this ~~Code Title~~, **punishable by Chapter 21 of this Title**, to park a vehicle in any of the following places:

- A.— In front of ~~(, across)~~, or within five (5) feet of a public or private driveway—~~or~~, an alley, or as otherwise indicated by pavement markings and/or official signs, which may prohibit parking in a larger area adjacent to the driveway or alley—;
- B.— Within a signed and/or marked fire hydrant zone, or, if the fire hydrant zone is not signed and/or marked, within ten (10) feet of a fire hydrant—;
- C.— Within thirty (30) feet in front of any crosswalk (marked or unmarked) at an intersection—;
- D.— Within twenty (20) feet beyond any crosswalk (marked or unmarked) at an intersection—;
- E.— Within thirty (30) feet in front of or twenty (20) feet beyond any mid-block crosswalk—;
- F.— Upon the paved or main traveled part of a street or alley when it is practical to stop or park in a delineated parking space, on the shoulder, or otherwise safely out of the flow of traffic—;

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- G.— In a traffic lane for the purpose of discharging or receiving passengers, in which case both the driver of the vehicle and the passenger may be cited for a violation-;
  - H.— In a marked or signed fire lane-;
  - I.— **In violation of parking City parking facility rules or lease agreement; or**
  - J. Any other place where official signs, pavement, or curb markings prohibit parking.
- ~~J.— The violations listed above are subject to the penalties and fees authorized by Section 10.87.090 of this title.~~

~~(Ord. No. 3122, § 2, 12-2-2014; Ord. 2676 § (part), 1995; Ord. 2646 §(part), 1994; Ord. 2353 §1, 1984; Ord. 1987 §2(part), 1976: prior code §10-2-13(A))~~

**10.48.0709.060 Parking in alleys.**

- A.— It is unlawful to stop, stand, or park any vehicle or trailer in any alley unless ~~the same shall be~~ parallel to and within eighteen (18) inches of the alley line and leaving at least ten (10) feet of roadway for movement of through traffic.
- B.— It is unlawful to stop, stand, or park any vehicle or trailer in any alley so as to block entry to any private driveway, entrance to a building, or at any location which will prevent or hinder garbage collection.
- C.— It is unlawful to stop, stand, or park any vehicle or trailer in any alley at any time in the area which may ~~from time to time be designated central business district; save and excepting only~~ **Central Business District; except** commercial vehicles which are attended or in the process of loading or unloading. Such alleys shall be properly signed and marked by the Public Works Department.
- D.— It is unlawful to stop, stand, or park any vehicle or trailer in any one-way alley, except upon the right-hand side of the alley and heading in the proper direction of designated traffic flow.

~~(Ord. 1987 §2(part), 1976: prior code §10-2-13(B))~~

**10.48.08010.9.070 Parking for certain purposes prohibited.**

It is unlawful for any person to do any of the following while a vehicle is parked upon any traffic way of the City:

- A.— Display more than one (1) vehicle for sale or advertising of such vehicle on the vehicle itself-; **or**
- B.— Grease, paint, or repair ~~such any~~ vehicle, ~~except repairs necessitated by an~~ **for non-emergency purposes.**

~~(Ord. 2283, 1981: Ord. 1987 §2(part), 1976; prior code §10-2-13(C))~~

**10.48.09010.9.080 Parking of commercial vehicles.**

It is unlawful for any motor vehicle used for commercial purposes to park on any traffic way for any continuous period in excess of twenty-four (24) hours, unless otherwise provided ~~for herein~~ **in this Title.**

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~~(Ord. 1987 §2(part), 1976: prior code §10-2-13(D))~~

~~10.48.100~~**10.9.090 Compliance with signs required.**

When official signs controlling parking are erected upon such traffic ways as authorized ~~herein~~**by this Title**, no person shall stop, stand, or park a vehicle upon any ~~such~~ traffic way in violation of any ~~such~~ sign.

~~(Ord. No. 3122, § 2, 12-2-2014; Ord. 1987 §2(part), 1976: prior code §10-2-14(part))~~

~~10.48.105~~**9.100 Curb or pavement markings.**

The Public Works Department, **with appropriate Montana Department of Transportation approval**, is authorized to approve curb or pavement markings. No ~~such~~ markings shall be applied without prior approval from the Public Works Department.

~~(Ord. No. 3122, § 2, 12-2-2014)~~

~~10.489~~**.110 Parking controlled adjacent to schools.**

The Public Works Department, **with appropriate Montana Department of Transportation approval**, is authorized to install and maintain signs that control parking upon either side of any traffic way adjacent to any school property when ~~such~~ stopping, standing, or parking would, in the Department's opinion, interfere with traffic or create a ~~hazardous situation~~**hazard to health or safety**.

~~(Ord. No. 3122, § 2, 12-2-2014; Ord. 2646 § (part), 1994; Ord. 1987 §2(part), 1976: prior code §10-2-14(A))~~

~~10.48.9~~**.120 Parking controlled on narrow ~~trafficway~~ traffic ways.**

The Public Works Department, **with appropriate Montana Department of Transportation approval**, is authorized to install and maintain signs that control parking upon any traffic way when the width of the traffic way does not permit safe passage of traffic flow under existing conditions.

~~(Ord. 2646 §(part), 1994; Ord. 1987 §2(part), 1976: prior code §10-2-14(B))~~

~~10.4810.9~~**.130 Parking controlled during certain hours of the day and/or days of the week.**

The Public Works Department, **with appropriate Montana Department of Transportation approval**, is authorized to install and maintain signs that control parking during certain hours of the day and/or days of the week upon any traffic way whenever it is deemed necessary.

~~(Ord. 2646 §(part), 1994; Ord. 1987 §2(part), 1976: prior code §10-2-14(C))~~

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**10.48.150.9.140 Stopping, standing, or parking controlled in hazardous or congested places.**

The Public Works Department, **with appropriate Montana Department of Transportation approval**, is authorized to install and maintain signs that control the stopping, standing, or parking of vehicles that would create an especially hazardous condition **a hazard to health or safety** or that would cause unusual delay to traffic along certain traffic ways.

~~(Ord. 2646 §(part), 1994; Ord. 1987 §2(part), 1976: prior code §10-2-14(E))~~

**10.48.160.9.150 Stopping, standing, or parking controlled along arterial and collector trafficways traffic ways.**

The Public Works Department, **with appropriate Montana Department of Transportation approval**, is authorized to install and maintain signs that control parking upon either side of any arterial or collector traffic way that may be hereafter designated as such by proper authority.

~~(Ord. 2646 § (part), 1994; Ord. 1987 §2(part), 1976: prior code § 10-2-14(F))~~

**10.48.170.9.160 On-street loading and parking zones.**

- A.— On-street loading and parking zones may be established following the procedure adopted in ~~Section 10.48.180, below the Chapter.~~
- B.— The Public Works Department, **with appropriate Montana Department of Transportation approval**, is authorized to install and maintain parking control signs and/or curb or pavement markings on public streets for on-street loading and parking zones serving properties within the **incorporated City limits**, including freight or passenger loading zones, handicap parking zones, and bus parking zones serving schools.

~~(Ord. No. 3122, § 2, 12-2-2014; Ord. 2646 §(part), 1994; Ord. 2520 §1, 1989; Ord. 2021 §1, 1977; Ord. 1987 §2(part), 1976: prior code §10-2-14(G)(1))~~

**10.48.175.9.170 Parking management districts.**

- A.— The City may establish parking management districts in which time limits ~~or~~, parking meters, or both, are used to encourage turnover in the use of parking spaces and/or to ensure that adequate parking is available to businesses and residents. Delivery permits, meter bags, and monthly meter passes may be used to facilitate the administration of these districts.
- B.— The Public Works Department is authorized to install and maintain parking control signs and/or curb or pavement markings designating parking management districts.

~~(Ord. No. 3122, § 2, 12-2-2014)~~

**10.489.180 Review of applications for loading and parking zones on public streets.**

- A.— The Administrator shall provide forms upon which applications for the establishment of loading or parking zones, including handicap parking zones, may be filed. Upon receipt of

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such an application accompanied by the application fee established pursuant to ~~Section 10.48.190, below~~ **Commission resolution**, the Administrator shall refer the application to the Public Works and Planning and Community Development Departments for review and comment and then, based on those comments:

1. **Approve;**
  2. **Conditionally approve, conditionally approve,; or deny**
  3. **Deny** the application, with any conditions imposed or reasons for denial stated in writing.
- B.** In addition to the application fee, applicants will be responsible for the actual costs the City incurs in making and erecting signs or installing curb or pavement markings to delineate the loading or parking zone.
- ~~B.~~ **C.** The extent and location of loading and parking zones may be limited by the Administrator to ensure traffic and pedestrian circulation and safety. The Administrator is not required to approve an application for a loading or parking zone that interferes with safe circulation.
- ~~C.~~ **D.** Loading and parking zones will not be permitted on a public street where the Administrator determines that there is adequate space for loading and parking on the applicant's property.
- ~~D.~~ **E.** The Administrator's decision may be appealed to the Board of Adjustment following the procedures established in ~~Title 17, Chapter 16, Article 34 of the Official Code of the City of Great Falls~~ **OCCGF Title 17.**

~~(Ord. No. 3122, § 2, 12-2-2014; Ord. No. 3057, § 1, 8-17-2010; Ord. 2646 §(part), 1994; Ord. 1987 §2(part), 1976; prior code §10-2-14(G)(2))~~

~~10.48.10.190~~ **10.9.190 Application fees for the establishment of loading and parking zones.**

Application fees for the establishment of loading and parking zones shall be set by **Commission** resolution of the ~~City Commission~~ with the objective of recovering the administrative costs involved. ~~For the convenience of applicants, the Commission may elect to set a flat fee for the installation of residential handicap parking zones.~~

~~(Ord. No. 3122, § 2, 12-2-2014; Ord. 2646 § (part), 1994; 2443 §3, 1986; Ord. 2353 §3, 4, 1984; Ord. 2305 §1, 1982; Ord. 2021 §2, 1977; Ord. 1987 §2(part), 1976; prior code §10-2-14(G)(3))~~

~~10.48.9.200~~ **10.9.200 Use of loading and parking zones on public streets.**

- ~~A. — It is a violation of this Code, subject to the penalties and fees authorized by Section 10.87.090 of this title, unlawful~~ **unlawful** for any vehicle to stop or park in any loading or parking zone established ~~as provided in~~ **pursuant to this chapter** ~~Chapter~~ for any purpose except that for which the zone was established.
- B.** It is ~~also a violation~~ **unlawful** for vehicles or materials to be parked or stored in a loading zone except where the Administrator permits the temporary use of a loading zone for the parking of equipment or storage of materials during construction.
- ~~B.~~ **C.** The Administrator may, after seeking the advice of the Parking Advisory Commission, remove any loading or parking zone that ~~is subject to repeated violations by the applicant requesting its establishment, that is creating a traffic hazard or congestion, that is no longer in use, or that is otherwise failing to function for its intended purpose.:~~

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~~(Ord. No. 3122, § 2, 12-2-2014; Ord. No. 3057, § 1, 8-17-2010; Ord. 2646 §(part), 1994; prior code §10-2-14(G)(4)(part))~~

**10.48.2201. Is subject to repeated violations by the applicant requesting its establishment;**

- 2. Is creating a traffic hazard or congestion;**
- 3. Is no longer in use; or**
- 4. Is otherwise failing to function for its intended purpose.**

**10.9.210 Passenger loading zones serving schools.**

Section 10.489.200 shall be enforced in passenger loading zones serving schools only between 7:00 a.m. and 5:00 p.m. on school days ~~during the school year or, when weekend, summer, or evening sessions served by busses are held, and when school is in session.~~

~~(Ord. No. 3122, § 2, 12-2-2014; Ord. 2951, 2006)~~

**10.48.2309.220 Delivery permits.**

- A.— Delivery permits allow parking in freight loading zones or in any lawful parking space in a parking management district without additional payment only while a vehicle is making deliveries.
- B.— All vehicles that regularly make deliveries within a parking management district shall display a delivery permit issued by the City in a way that is clearly visible to parking enforcement personnel. The Administrator may issue more specific instructions for the display of these permits.
- C.— Delivery permits must be renewed ~~each year, on or before the anniversary date of their issuance.~~ **January 1 each year.** The cost of a delivery permit will be set by **Commission** ~~resolution of the City Commission.~~
- D.— Use of a delivery permit to attempt to avoid paying for parking when not making a delivery is a violation of this ~~section, subject to the penalties and fees authorized by Section 10.87.090 of this title~~ **Title.**

~~(Ord. No. 3122, § 2, 12-2-2014)~~

**Editor's note**— ~~Ord. No. 3122, § 2, adopted December 2, 2014, amended the Code by repealing former § 10.48.230, and adding a new § 10.48.230. Former § 10.48.230 pertained to passenger loading zones, and derived from the prior code, § 10-2-14(G)(4); Ord. 1987 of 1976; and Ord. 2951 of 2006.~~

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~~10.48.240 — Meter bags.~~

**10.9.230 Meter bags.**

- A.— Meter bags may be issued to temporarily reserve metered parking spaces for maintenance or construction activities, while moving, or for other activities being conducted by or for the adjoining property owner that require reserved parking at a particular location within a parking management district.
- B.— The daily cost of meter bags will be set by **Commission** resolution of the ~~City Commission.~~
- C.— Using a meter bag to attempt to avoid paying for parking when not engaged in the activities for which the meter bag was issued is a violation of this section, ~~subject to the penalties and fees authorized by Section 10.87.090 of this title. It is also a violation to park a vehicle in a parking space with a meter bag without the meter bag applicant's permission.~~ **Title.**

~~(Ord. No. 3122, § 2, 12-2-2014)~~

~~**Editor's note** — Ord. No. 3122, § 2, adopted December 2, 2014, amended the Code by repealing former § 10.489.240, and adding a new § 10.48.240. Former § 10.48.240 pertained to freight loading zones, and derived from the prior code, § 10-2-14(G)(4); and Ord. 1987 of 1976.~~

**10.48.250 Residential parking in parking management districts.**

- A.— Residential parking areas are shown on the Official Parking Management District Map of the City of Great Falls that is ~~appended to this title.~~ **filed with the Planning and Community Development Department.** After seeking the advice of the Parking Advisory Commission, the City Commission may, by resolution, dissolve, amend, or add residential parking areas in any parking management district.
- B.— ~~It is a violation of this Code, subject to the penalties and fees authorized by Section 10.87.090 of this title,~~ **It is unlawful** to stop or park a vehicle for longer than the time limit established by the signs posted in a residential parking area ~~except that residents.~~
- C. **Residents** of the district, ~~whether owners or lessees,~~ may, upon submitting proof of their residence in a residential parking area, obtain a residential parking permit that exempts them from the posted time limit. ~~The City Commission may set a fee that covers the administrative costs of issuing the residential parking permits.~~ **Fees for such permits shall be set by Commission resolution.**
- C.—**D** Residential parking permits are specific to the vehicle plate number shown on the application for the permit and must be used within one block of the place of residence given on that application. Residential parking permits may not be used at metered parking spaces. Penalties for violations of this section are as set by **Commission** resolution of the ~~City Commission.~~

~~(Ord. No. 3122, § 2, 12-2-2014)~~

~~**Editor's note** — Ord. No. 3122, § 2, adopted December 2, 2014, amended the Code by repealing former § 10.489.250, and adding a new § 10.48.250. Former § 10.48.250 pertained to delivery zones, and derived from the prior code, § 10-2-14(G)(4); Ord. 1987 of 1976; Ord. 2646 of 1994; and Ord. No. 3057, adopted August 17, 2010.~~

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**10.48.260 Administration of parking management districts.**

- A.— Parking management districts are shown on the Official Parking Management District Map of the City of Great Falls that is ~~appended to this title.~~ **filed with the Planning and Community Development Department.** After seeking the advice of the Parking Advisory Commission, the City Commission may, by resolution, dissolve, amend, or add parking management districts. ~~These changes shall be promptly added to the Official Parking Management District Map of the City of Great Falls that is appended to this title.~~
- B.— Parking meters may be installed within parking management districts. Meters need not, however, be used throughout these districts. The Administrator, in consultation with the Parking Advisory Commission, may remove parking meters that are not needed to maintain parking turnover or where the cost of servicing a meter exceeds the revenue it generates. **The Administrator, in consultation with the Parking Advisory Commission, may add meters in an established management district.** Where meters are not used within the metered parking districts, time limits may be posted and enforced using signs.
- C.— The Administrator may also issue monthly parking passes that can be used at meters in areas where meters are underutilized. The fee for monthly parking passes shall be set by **Commission** ~~resolution of the Commission.~~

~~(Ord. No. 3122, § 2, 12-2-2014; Ord. 2189, 1980; Ord. 1987 §2 (part), 1976; prior code §10-2-14(G)(5))~~

**Editor's note**— ~~Ord. No. 3122, § 2, adopted December 2, 2014, amended the Code by repealing former § 10.48.9.260, and renumbered former § 10.48.280 as a new § 10.48.260. Former § 10.48.260 pertained to daily use zones and meter bags, and derived from the prior code, § 10-2-14(G)(4); Ord. 1987 of 1976; Ord. 2353 of 1984; Ord. 2520 of 1989; Ord. 2572 of 1990; and Ord. 2646 of 1994.~~

**10.48.270 Parking meter enforcement periods and time limits.**

- A.— ~~Time limits on curb parking, whether metered or not, are established to promote parking turnover for the convenience of shoppers and the benefit of downtown businesses.~~  
The rates and time limits for parking in parking management districts shall be as ~~established~~ **set** by **Commission** ~~resolution of the City Commission.~~
- B.— Any type of meter may be used within a parking management district at the discretion of the Administrator, with recommendations from the Parking Advisory Commission.
- C.— Enforcement of the parking rates and time limits established by the Commission shall be in effect from 9:00 a.m. to 5:00 p.m. on all days except **Saturdays**, Sundays, and City holidays or as otherwise provided by **Commission** ~~resolution of the Commission.~~ The Administrator may temporarily suspend parking meter enforcement for downtown events, holidays, or construction projects.
- D.— ~~It is a violation of this Code, subject to the penalties and fees authorized by Section 10.87.090 of this title,~~ **It is unlawful** to park a vehicle in a parking management district for a period of time longer than the limit that is adopted by the Commission and posted on the meter and/or signs placed by the City. Spaces may be used without regard to the posted time limit on **Saturdays**, Sundays, and City holidays, except where otherwise posted.
- E.— The time limits authorized herein are enforced, among other ways, by chalking tires. Consistent with the purpose of time limits, as stated in A., above, a vehicle that has not



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been moved far enough to erase the chalk mark is still in violation of the time limits ~~and this Code.~~

- F.— An exception to the posted time limits is hereby granted to individuals with disabilities as ~~defined~~**provided** in Mont. Code Ann. Title 49, Chapter 4, to use any metered space without regard to the sign-posted time limit.

(Ord. No. 3122, § 2, 12-2-2014; Ord. No. 3057, § 1, 8-17-2010; Ord. 2646 § (part), 1994; Ord. 2520 §4, 1989; Ord. 2353 §9, 10, 1984; Ord. 2052 §1, 1979; Ord. 2021 §4, 1977; Ord. 1987 §2(part), 1976; prior code §10-2-14(G)(6))

**Editor's note**— Ord. No. 3122, § 2, adopted December 2, 2014, amended the Code by repealing former § 10.48.270, and renumbered former § 10.48.290 as a new § 10.48.270. Former § 10.48.270 pertained to residential zones, and derived from the prior code, § 10-2-14(G)(4); Ord. 1987 of 1976; Ord. 2353 of 1984; Ord. 2646 of 1994; and Ord. No. 3057, adopted August 17, 2010.

**10.48.28010.9.270** Courtesy parking.

Upon request by the adjoining property owner or tenant and approval of the Administrator, metered spaces may be designated as courtesy parking, allowing the removal of the meters and their replacement with a sign stating that parking is being provided by the adjoining business. The number and location of spaces that may be thus designated will be determined by the Administrator. The fee for designating spaces as courtesy parking shall be set by **Commission** resolution of the City Commission and payable each year on the anniversary date of the application. ~~The City will continue prior to enforce the applicable time limit on courtesy parking spaces~~**January 1.**

(Ord. No. 3122, § 2, 12-2-2014; Ord. No. 3057, § 1, 8-17-2010; Ord. 2646 § (part), 1994; Ord. 2443 § 1, 1986; Ord. 2353 §11, 1984)

**Editor's note**— Ord. No. 3122, § 2, adopted December 2, 2014, amended the Code by renumbering former § 10.48.280 as a new § 10.48.260, and renumbered former § 10.48.291 as a new § 10.48.280.

**10.48.2909.280** Unauthorized parking in off-street parking facilities prohibited.

- A.— It is a violation of this Code, subject to the penalties and fees authorized by Section 10.87.090 of this title, **A. It is unlawful** for any person to stop or park a vehicle in any parking space in an off-street parking facility that is owned or leased by the City unless the occupants of that vehicle have paid the required fee.
- B.— Parking spaces controlled by parking meters in off-street parking facilities owned or leased by the City shall be subject to the same rates, time limits, and periods of enforcement as other parking meters, unless otherwise provided by **Commission** resolution ~~of the Commission.~~

(Ord. No. 3122, § 2, 12-2-2014; Ord. 2457 § 1, 1987; Ord. 2383 § 2, 1985; Ord. 2353 § 12, 1984; Ord. 2188, 1980)

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~~**Editor's note**— Ord. No. 3122, § 2, adopted December 2, 2014, amended the Code by renumbering former § 10.48.290 as a new § 10.48.270, and renumbered former § 10.48.300 as a new § 10.48.290.~~

~~**10.48.300** Rates charged on City owned/ or operated off-street parking lots and, garages.~~

~~The City Manager shall, on recommendation of the Parking Advisory Commission, establish the hourly, daily, and monthly lease rates charged for, and parking in meters.~~

~~Rates for City owned or operated off-street parking lots or, garages, and parking meters shall be set by Commission resolution.~~

~~(Ord. No. 3122, § 2, 12-2-2014; Ord. 2646 § (part), 1994; Ord. 2521, 1989)~~

~~**Editor's note**— Ord. No. 3122, § 2, adopted December 2, 2014, amended the Code by renumbering former § 10.48.300 as a new § 10.48.290, and renumbered former § 10.48.310 as a new § 10.48.300.~~

**10.9.300 Parking in construction zones.**

The Public Works Department is authorized to relocate vehicles parked in active construction zones. Prior to relocation the Department shall:

- A. Place a no parking notice in the construction zone twenty-four (24) hours prior to construction beginning;
- B. Provide notice to the GFPD that a vehicle is located in the construction zone and must be removed; and
- C. GFPD shall attempt to locate the registered owner of the vehicle.
- D. If the registered owner is not located, or the vehicle is not removed from the construction zone within twenty-four (24) hours, the Public Works Department shall remove the vehicle from the construction zone, and the costs of said removal shall be charged to the registered owner.

**Chapter 5010 VEHICLE IMMOBILIZATION**

**Sections:**

~~10.50.010 Authorization to use vehicle immobilizer.~~

~~10.50.020 Procedure for vehicle immobilization.~~

~~10.50.030 Removal of violation vehicle.~~

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~~10.50.040 Release to the owner.~~

~~10.50.050 Hearing on immobilization.~~

~~10.50.060 Cost liability.~~

**10.10.010 Authorization to use vehicle immobilizer.**

**10.10.020 Procedure for vehicle immobilization.**

**10.10.030 Removal of violation vehicle.**

~~10.50~~**10.10.040 Release to the owner.**

**10.10.050 Hearing on immobilization.**

**10.10.010 Authorization to use vehicle immobilizer.**

- A.** Members of the ~~City Police Department~~**GFPD, or other Parking Administrator authorized persons**, are authorized to use a vehicle immobilizer ("boot") to immobilize any vehicle that is parked in a ~~city~~**City** parking space located in the downtown residential district, the parking meter district, or any ~~city~~**City** owned off-street pay-to-park facility ~~lot,~~ and that has five (5) or more parking tickets unpaid ~~or delinquent thirty (30) days or more,~~ provided that.
- B. Prior to any vehicle immobilization,** the Planning and Community Development Department's Parking Division ~~has~~**is required to** either ~~(a) mailed:~~
- 1. Mail** the registered owner of the vehicle a final notice for five (5) or more of the unpaid ~~or delinquent~~ parking tickets; or ~~(b) has filed~~
  - 2. File** a complaint in ~~court~~**Great Falls Municipal Court** charging the registered owner with unpaid parking tickets on the vehicle, and no individual has appeared for arraignment on the complaint.

~~(Ord. 2815, 2002).~~

~~(Ord. No. 3057, § 1, 8-17-2010)~~

~~10.50~~**10.10.020 Procedure for vehicle immobilization.**

- A.** If parking officials, as defined in ~~section 10.87.010~~**this Chapter**, choose to immobilize a vehicle with a boot as allowed by ~~section 10.50.040~~**Chapter**, then the on-site officers immobilizing the vehicle shall ensure that a written notice is conspicuously affixed to the vehicle.
- B.** The written notice will inform the owner, driver, or person in charge of such vehicle: that ~~the:~~

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1. ~~The~~ **The** vehicle has been immobilized by the City ~~for violation of one (1) or more provisions of~~ **pursuant to this Chapter 10.48**; ~~that~~;
  2. ~~That~~ **That** release from such immobilization may be obtained at a designated place; ~~that~~
  3. ~~That~~ **That** unless arrangements are made for the release of such vehicle within forty-eight (48) hours, the vehicle will be **towed and** impounded ~~and towed as provided in section 10.50.030~~ **pursuant to this Chapter**; ~~and that~~
  4. ~~That~~ **That** removing or attempting to remove the immobilization device before a release is obtained is unlawful.
- C. An immobilized vehicle shall not be released by the City until the immobilization fee is paid, together with payment of all outstanding parking fines, or posting of a bond as allowed by ~~section 10.50.040~~ **this Chapter**.
- D. If the vehicle has remained immobilized for a period of forty-eight (48) hours and a release has not been obtained, then the ~~parking official~~ **GFPD** shall have the vehicle **towed and** impounded ~~and towed as provided in section 10.50.030~~.

~~(Ord. 2815, 2002).~~

**10.5010.030 Removal of violation vehicle.**

- A.— The City is authorized to remove a vehicle or tow a vehicle from parking spaces located in the areas listed in section 10.5010.010 to the designated tow site when a vehicle with an immobilization device attached remains immobilized for a period of forty-eight (48) hours, and a release has not been obtained.

~~(Ord. 2815, 2002).~~

- B.— Whenever an officer removes a vehicle from a street or City parking space as authorized in this section, and the officer knows or is able to ascertain from the registration records on the vehicle the name and address of the ~~vehicle~~ **owner thereof, such, the** officer shall give notice in writing to ~~such~~ **the** owner of the ~~fact of such removal, the violations, and the reasons thereof and of the place to which such~~ **where the** vehicle has been removed ~~to~~.
- C. If ~~any such~~ **a** vehicle is stored at a designated tow site, a copy of ~~such~~ **the** notice shall be given to the proprietor of ~~such~~ **the** garage. ~~Further, the~~ **tow site. The** party towing the vehicle shall immediately notify the ~~police department~~ **GFPD** dispatcher that a vehicle has been towed from a specific location and give the dispatcher a detailed description of the vehicle and the location to which it is being towed.

~~(Ord. 2815, 2002).~~

- C.—~~D.~~ Whenever an officer removes a vehicle from a street under this section and does not know and is not able to ascertain the name of the owner, or for any other reason is unable to give the notice to the owner ~~as hereinafter provided~~, and if the vehicle is not returned to the owner within a period of three (3) days, then the officer shall send ~~or cause to be sent~~ **written reports a report** of ~~such~~ **the** removal by mail to the state department whose duty it is to register motor vehicles ~~to the Montana Department of Transportation Motor Vehicle Division~~, and shall file a copy of ~~such~~ **the** notice with the proprietor of the designated tow site ~~in which the vehicle may be stored. Such. The~~ notice shall include a

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complete description of the vehicle, the date, time, and place from which removed, the reasons for such removal **violations**, and name of the garage or place where the vehicle is stored **tow site**.

~~(Ord. 2815, 2002).~~

~~D. — Any officer is authorized to take possession of any motor vehicle owned by any person that has violated, as to the vehicle, any of the provisions of Chapter 10.48, and has the authority to remove such vehicle from the streets and parking facilities in the areas designated in section 10.50.010, and to store and keep possession thereof until the owner of such vehicle appears and claims the same. E. — The cost of towing or removing such the vehicle and costs of storing the same vehicle shall be chargeable against the vehicle and shall be paid by the owner of the vehicle before the same shall be it is released. The vehicle will be stored in a designated tow site. The owner of a vehicle impounded and towed due to unpaid parking tickets must secure the release of the vehicle as required by section 10.50.040(B).~~

~~(Ord. 2815, 2002).~~

~~E. — F. The taking of possession of a vehicle for violation of any parking ordinance or regulation shall not prohibit the filing of a complaint in connection with such Municipal Court for the violation(s).~~

~~(Ord. 2815, 2002).~~

**10.5010.040 Release to the owner.**

A. — A vehicle immobilized for unpaid parking tickets shall be released to the registered owner or any other person legally entitled to claim possession of the vehicle, and the vehicle immobilization equipment removed, upon payment of all overdue and unpaid parking tickets and the immobilization fee. The fee may be paid in the form of a refundable bond pending the outcome of any hearing requested pursuant to section 10.5010.050(D).

~~(Ord. 2815, 2002).~~

B. — A vehicle **towed and** impounded ~~and towed~~ for unpaid parking citations, and in accordance with section 10.5010.030, can only be released pursuant to a written order from the Municipal Court that all penalties, fines, or forfeitures owed by the registered owner have been satisfied by full payment or the posting of a bond pending a hearing.

~~(Ord. 2815, 2002).~~

**10.5010.050 Hearing on immobilization.**

A. — After a vehicle has been immobilized pursuant to this ~~chapter~~ **Chapter**, the registered owner, and any other person(s) who reasonably appear to have an interest in the vehicle, is entitled to have speedy hearing with the Parking ~~Official~~ **Administrator** or a ~~designated representative~~ **designee** to determine if the vehicle was immobilized in accordance with ~~sections 10.50.010 and 10.50.020~~ **this Chapter**.

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~~(Ord. 2815, 2002).~~

- B.— If the Parking ~~Official~~**Administrator or designee** finds that the immobilization was invalid or unjustified, he/ or she will order the vehicle to be immediately released, and the owner or any other person(s) who have an interest in the vehicle shall not be held liable for the immobilization fee.

~~(Ord. 2815, 2002).~~

- C.— If the Parking ~~Official~~**Administrator** finds that the immobilization was valid and justified, he/ or she ~~will~~**may** order that the immobilization device remains on the vehicle until payment is received for the immobilization fee and all overdue and unpaid parking tickets. ~~However, pursuant to section 10.50.030 A., when a vehicle with an immobilization device attached remains immobilized for a period of forty-eight (48) hours and a release has not been obtained, the vehicle will be towed and impounded.~~

~~(Ord. 2815, 2002).~~

- ~~D.— The decision of the Parking Official shall be the final decision by the City. Any person aggrieved by a decision can request a hearing in Municipal Court. The court shall attempt to have the hearing as soon as all parties can be present, preferably on the day the immobilization or towing occurred; but in no instance shall the hearing be any later than three (3) business days after towing has occurred. If the Municipal Court judge determines that the immobilization or towing was in violation of sections 10.50.010, 10.50.020 and/or 10.50.030, then the court may order the City to pay or reimburse the fees for immobilization or storage.~~

~~(Ord. 2815, 2002).~~

**10.50.060 — Cost liability.**

~~The cost of removal and storage of any vehicle moved or towed pursuant to this chapter shall be paid by the owner or operator of the vehicle unless the Great Falls Municipal Court orders otherwise.~~

~~(Ord. 2815, 2002).~~

- D. **The decision of the Parking Administrator may be appealed to the City Manager's Office within fifteen (15) calendar days. The City Manager or designee shall affirm, modify, or reverse the decision of the Parking Administrator by written finding. An adverse finding by the City Manager may be appealed, in writing, within (15) calendar days to the City Commission. The City Commission after hearing testimony on the matter, shall issue a written finding affirming, modifying, or reversing the decision of the City Manager.**

**Chapter 5711 COMMERCIAL VEHICLES**

**Sections:**

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~~10.57.010 Definitions.~~

~~10.57.020 Trucks prohibited where.~~

~~10.57.040 Trucks parking prohibited where exception.~~

~~10.57.050 Restriction of vehicles determined by City Commission signs to be erected.~~

**10.57.010 Definitions.**

"Truck" and other "commercial" **10.11.010 Commercial vehicles prohibited where.**

**10.11.020 Commercial vehicles** include motor buses. ~~parking prohibited where exception.~~

(Ord. 1974 §1(part), 1976: prior code §10-2-27(A)).

~~10.57.020 Trucks~~ **10.11.030 Restriction of vehicles determined by City Commission signs to be erected.**

**10.11.010 Commercial vehicles prohibited where.**

A.— It is unlawful ~~and constitutes a public offense~~ for any person to drive or operate, or for the owner to cause or knowingly permit to be driven or operated any ~~truck~~ **commercial vehicle**, not involved in local service as defined in subsection B. of this ~~Section~~ **section**, upon ~~the streets and avenues of the~~ any City **public way** except upon the truck routes designated as follows:

- 1.— Tenth Avenue South from the west City limits to the east City limits;
- 2.— The Northeast Bypass from the intersection at Fifty-seventh Street and Tenth Avenue South, north and then westerly to the ~~Tenth~~ **Ninth** Street Bridge;
- 3.— River Drive from its connection with Tenth Avenue South at or near the Warden Bridge to the First Avenue North Bridge;
  - i. First Avenue North from Park Drive westerly through the First Avenue North Bridge; **and**
  - ii. Central Avenue West from the west end of the First Avenue North Bridge to the west City limits on the Vaughn Highway;
- 4.— Third Street Northwest and Smelter Avenue from Central Avenue West to the northeasterly City limits;
- 5.— Second Street from the Tenth Avenue South approaches north to First Avenue South;
- 6.— First Avenue South from Second Street, west to Park Drive; **and**
  - i. Park Drive from First Avenue South to First Avenue North;
- 7.— Sixth Street Southwest from Central Avenue West to Tenth Avenue South; **and**

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8.— River Drive from First Avenue North to the ~~Tenth~~**Ninth** Street Bridge;

B.— For the purpose of this section, the following definitions and terms shall apply:

"Truck" means any motor vehicle designed, used or maintained primarily for the transportation of property, which has a gross vehicle weight of over ten thousand (~~10,000~~) pounds.

"Local service" means limiting the authorized use of City streets or avenues to those trucks which have either point of origin or destination for immediate business purposes within the corporate limits of the City.

C.— In any hearing in Municipal Court, unless credible evidence is produced demonstrating such immediate business purposes such as a bill of lading or routing schedule, the operation of such truck on a prohibited street or avenue shall be prima facie evidence of violation of ~~10.57.11.020~~.

(Ord. 2646 § (part), 1994; Ord. 1974 §1(part), 1976: prior code §10 2 27(B) (part); Ord. 2219 1980).

~~10.57.040~~ — ~~Trucks~~ — **Commercial vehicles—parking prohibited where—exception.**

It is unlawful and constitutes a public offense for any person to park a truck (as defined in Section ~~10.57.020~~) **commercial vehicle** on any street or avenue within the City **public way**, and outside of that area which may from time to time by the City ordinance be designated as the central business district **Central Business District**, except for an emergency or for loading and unloading purposes.

(Ord. 1974 §1(part), 1976: prior code §10 2 27(D)).

~~10.57.050~~ **10.11.030** **Restriction of vehicles—determined by City Commission—signs to be erected.**

A.— The City Commission may, by ~~law or resolution~~ **ordinance**, prohibit the operation of vehicles upon any such streets, avenues, or highways, or impose restrictions as to the weight of vehicles to be operated upon any ~~such~~ street, whenever any street by reason of deterioration, rain, snow, or other climate conditions will be seriously damaged or destroyed ~~unless the use of vehicles thereon is prohibited or the permissible weights thereof reduced.~~

B.— The City Commission, in enacting any such ~~law or resolution~~ **Public Works Department**, shall erect or cause to be erected and maintained signs ~~designating~~ **pursuant to** the provisions of the ~~law or resolution~~ **ordinance** at each end of that portion of any street affected thereby, and the ~~law or resolution~~ **ordinance** shall not be effective unless and until such signs are erected and maintained.

(Prior code §10 2 28).

**Chapter 6012 ABANDONED AND JUNKED VEHICLES, MACHINERY, TRAILERS, AND PARTS**

**Sections:**

10.60.010 Purpose.



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~~10.60.020 Definitions.~~

~~10.60.030 Exemptions.~~

~~10.60.040 Junk vehicle deemed nuisance.~~

~~10.60.050 Administration and enforcement.~~

~~10.60.060 Administration costs.~~

~~10.60.070 Notices of intention to abate and remove; mailing; form of notices.~~

~~10.60.080 Appeal.~~

~~10.60.090 Abatement and removal.~~

~~10.60.100 Illegal off-street parking.~~

~~10.60.110 Continuing notice.~~

~~10.60.120 Penalty.~~

~~10.60.130 Non-exclusively of this chapter.~~

**10.6010.12.010 Purpose.**

**10.12.020 Exemptions.**

**10.12.030 Junk vehicle deemed nuisance.**

**10.12.040 Administration and enforcement.**

**10.12.050 Notices of intention to abate and remove; mailing; form of notices.**

**10.12.060 Appeal.**

**10.12.070 Abatement and removal.**

**10.12.080 Illegal off-street parking.**

**10.12.090 Continuing notice.**

**10.12.100 Penalty.**

**10.12.010 Purpose.**

The City Commission of the City of Great Falls hereby makes, finds, and declares that the accumulation and storage of abandoned, wrecked, dismantled, or inoperative vehicles, machinery, trailers, or parts thereof, on public property or illegally parked on private property is hereby found to create:

- A. **Create** a condition tending to reduce the value of private property, ~~to promote;~~
- B. **Promote** blight and deterioration, ~~to invite plundering, to create;~~
- C. **Invite criminal activity;**
- D. **Create** fire hazards, ~~to constitute;~~

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- E. **Constitute** an attractive nuisance creating a hazard to the health and safety of minors, ~~to create; and~~
- F. **Create** a harbor for rodents and insects, and to be injurious to the health, safety, and general welfare.
- G. Therefore, the presence of an abandoned, wrecked, or dismantled or inoperative vehicle, or part thereof, on public property ~~or illegally parked on private property, except as expressly hereinafter permitted,~~ is hereby declared to constitute a public nuisance **Nuisance**, which may be abated ~~as such~~ in accordance with the provisions of this chapter **OCCGF Title 8, Chapter 49.**

~~(Ord. 2819, 2002)~~

**10.6012.020 Definitions.**

~~For the purpose of this chapter the following definitions shall apply:~~

~~"Vehicle" means any device by which any person or property may be propelled, moved, or drawn upon a street, except a device which is designed to be exclusively moved by human power or used exclusively upon stationary rails or tracks. The term vehicle shall include, but is not limited to, an automobile, truck, van, sports utility vehicle, recreational vehicle, camper, motorcycle, trailer, watercraft, boat, canoe, jet skis, snowmobiles, ATV's or aircraft.~~

~~"Machinery" is synonymous with and means the same as "machine" as defined by the current edition of Webster's New Collegiate Dictionary.~~

~~"Trailer" means any vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle.~~

~~"Parts" means any mechanical, structural, body or decorative part of any vehicle, machinery or trailer.~~

~~"Junk vehicle" means any vehicle, machinery, trailer, or parts thereof, located on public property or illegally parked on private property within the corporate limits of the City of Great Falls, which, as to a vehicle or trailer, does not properly display license plates or stickers indicating current registration and/or, as to any vehicle, machinery, trailer, or parts thereof, which has any one (1) or more of the following characteristics:~~

- A. ~~Lacks an engine, wheel, tire, properly installed battery or other structural parts which renders the vehicle inoperable for use as designed by the manufacturer; provided, that if there is more than one (1) vehicle on the real property, there shall be the necessary number of engines, wheels, tires, batteries and other structural parts for each respective vehicle;~~
- B. ~~Has a broken or missing fender, door, bumper, hood, exterior door handle, running board, steering wheel, trunk top, trunk handle, tail pipe, muffler, driver's seat, fuel tank, driveshaft, differential, generator, alternator or other structural piece;~~
- C. ~~Has become or the potential to become the breeding ground or habitat of rats, mice, snakes, mosquitoes or other vermin, rodents or insects, or is otherwise used for the storage, harbor, caging or dwelling for an animal of any kind;~~
- D. ~~Has heavy growth of weeds or other noxious vegetation over eight (8) inches in height under or immediately next to it.~~
- E. ~~Has become a point of collection for stagnant water;~~

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- F. ~~Has junk, garbage, refuse, gasoline or fuel other than in its fuel tank, paper, cardboard, wood or other combustible materials, solid waste or other hazardous material present in it or which is primarily used for storage of any materials;~~
- G. ~~Has become a source of danger for children through entrapment in areas of confinement that cannot be opened from inside, through a danger of the vehicle falling or turning over, or through possible injury from exposed surfaces of metal, glass or other rigid materials;~~
- H. ~~Has become a potential source of contamination of the soil from petroleum products or other toxic liquids being discharged or leaking from the vehicle;~~
- I. ~~Has become illegal to operate on the public streets because it is missing one (1) or more parts required by law;~~
- J. ~~Is an abandoned vehicle; or~~
- K. ~~Because of its defective, deteriorated or obsolete condition in any other way constitutes a nuisance or a threat to the public's health or safety.~~

~~"Abandoned vehicle" means any of the following. For the purposes of this subsection, the word "vehicle" includes a vehicle, machinery, trailer or parts thereof:~~

- A. ~~A vehicle that has been left unattended on public property for more than forty-eight (48) hours and lacks current registration, plates, or one (1) or more wheels/tires or other parts which renders the vehicle totally inoperable;~~
- B. ~~A vehicle that has remained illegally parked on public property for more than forty-eight (48) hours;~~
- C. ~~A vehicle that has been unlawfully parked on private real property or has been placed on private property without the consent of the real property owner or person in control of the property for more than forty-eight (48) hours;~~
- D. ~~A vehicle that has been legally impounded by order of a law enforcement authority and has not been reclaimed for a period of five (5) days. However, a law enforcement authority may declare the vehicle abandoned within the five-day period by commencing the notification process in Mont. Code Annotated Title 61 Chapter 8 (2001).~~
- E. ~~Any vehicle parked on a street determined by a law enforcement authority to create a hazard to other vehicle traffic.~~

~~"Law enforcement authority" means a peace officer or any City, state or federal department or agency operating with arrest authority in Great Falls, Montana.~~

~~"Responsible parties if ascertainable, the last known registered owner of the junk vehicle as indicated in the official records of the State of Montana Department of Motor Vehicles or a sister state division of transportation or motor vehicles.~~

**10.60.030 Exemptions.**

This ~~chapter~~**Chapter** shall not apply to the following:

- A. When such storage or parking is necessary to the operation of a lawfully conducted business or commercial enterprise on land which such business or enterprise is authorized by the City's zoning regulations; **or**
- B. A vehicle which was recently involved in a collision, duly documented by a timely report filed with the appropriate law enforcement agency or the ~~state department of transportation~~**Montana Department of Transportation**, or its equivalent in a sister state,

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shall not be deemed a junk vehicle unless the owner/ or operator of said vehicle fails to repair **or properly cover** the same ~~within a reasonable period of time after said collision.~~

~~C. Nothing in this chapter shall authorize the maintenance of a public or private nuisance as defined under provisions of law. (See Title 8 regarding Criminal Nuisances.)~~

~~D. Nothing in the chapter and none of these exemptions alter any zoning regulations for the land on which the vehicle is located. (See Title 17 for zoning regulations)~~

**10.60.04012.030 Junk vehicle deemed nuisance.**

The keeping, maintaining, or allowing a junk vehicle to be on public ~~or illegally parked on private~~ property, except as provided by Section 10.60.030 ~~above~~ **12.020**, shall constitute a nuisance. ~~The owner of a junk vehicle shall be responsible for the maintaining or keeping of a nuisance.~~ **Nuisance as defined by OCCGF Title 8, Chapter 49.**

**10.60.05012.040 Administration and enforcement.**

- A. Except as otherwise provided ~~in this chapter~~, the provisions of this ~~chapter~~ **Chapter** shall be administered and enforced by the Planning and Community Development Director and/or the Police Chief, or their respective designees, hereinafter collectively referred to as "enforcement officer."
- B. The enforcement officer and any person designated by the enforcement officer to abate the nuisance pursuant to ~~this code~~ **the OCCGF** or court order, are hereby authorized access to any property upon which a junk vehicle is located for the purpose of carrying out any and all actions necessary to enforce this ~~chapter~~ **Chapter**.

~~(Ord. No. 3057, § 1, 8-17-2010)~~

**10.60.060 Administration costs.**

~~The City Commission shall determine and fix the administrative fee, an amount to be assessed as administrative costs under this chapter. Said administrative fee shall be in addition to the actual costs incurred regarding towing, storage and disposal of the vehicle. The administrative fee shall be set by resolution.~~

**10.60.07012.050 Notices of intention to abate and remove; mailing; form of notices.**

- A.— A ten-day notice (exclusive of weekends or federally mandated holidays) of intention to abate and remove the vehicle or parts thereof as a ~~public nuisance~~ **Nuisance** shall be given to the owner of the land ~~and/or to the owner of the vehicle~~, if known. The ~~notices of intention~~ **notice** shall be in a form promulgated by the ~~Planning and Community Development Director~~ **issuing enforcement officer**, and shall provide the following information at a minimum:
  - 1.— A description of the vehicle or parts which constitute(s) a ~~nuisance~~ **Nuisance** under the provisions of the ~~Great Falls Municipal Code~~; **OCCGF**;
  - 2.— That the ~~nuisance~~ **Nuisance** must be abated within ten (10) days, (exclusive of weekends and federally mandated holidays) ~~to wit:~~ the junk vehicle must be either:
    - i.—Brought into a condition that it no longer is defined as a junk vehicle;;

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- ii.— Placed in a proper enclosure;; or
  - iii.— Removed from the property and properly disposed of or removed from the City; and
  - 3.— Failure to properly abate said ~~nuisance~~**Nuisance** as prescribed shall be sufficient cause for the removal of the junk vehicle by the enforcement ~~authority~~**officer** or his/her ~~duly designated agent~~**designee** as set forth by the ~~municipal code~~**OCCGF**.
- B.— The notice required by this section shall be served in any one (1) of the following manners:
- 1.— ~~Posting notice on or near the junk vehicle(s) in question and by certified mail, return receipt requested~~**1. By regular mail**, to the last registered-owner of said vehicle, if ascertainable, at the address listed in the ~~state's~~**State's** records concerning ownership of the vehicle ~~(for the purposes of this provision, and service shall be deemed to have been perfected the day after the notice is mailed);; or~~
  - 2.— If the last registered owner's name is not ascertainable, by posting notice on or near the junk vehicle(s) in ~~(for the purposes of this provision, and service shall be deemed to have been perfected the day the notice is posted on or near the junk vehicle).~~

~~(Ord. No. 3057, § 1, 8-17-2010)~~

~~10.60.080~~**12.060 Appeal.**

Any interested party may appeal the decision of the enforcement officer by filing a written notice of appeal with the ~~Planning and Community Development Director ten (10) days (exclusive of weekends and federally mandated holidays) days after service of notice as required by Section 10.60.070 above. Such appeal shall be heard by the Municipal Court Judge which may affirm, amend or reverse the notice/order or take other action deemed appropriate. The Clerk of Municipal Court shall give at least five-day written notice of the time and place of the hearing to the appellant by first-class mail or personal service~~**City Manager ten (10) calendar days after service of notice as required by this Chapter. The City Manager or designee shall within fifteen (15) calendar days make a written finding affirming, reversing or modifying the enforcement officer's decision.**

~~(Ord. No. 3057, § 1, 8-17-2010)~~

~~10.60.090~~**12.070 Abatement and removal.**

- A.— The responsible party, after service of notice is perfected, shall abate the ~~nuisance~~**Nuisance** within ten (10) **calendar** days ~~(exclusive of weekends and federally mandated holidays) days of service being perfected.~~ Abatement shall consist of:
  - 1.— Providing for the current registration of ~~each and every~~**the** vehicle including the affixing the registration plate or current sticker to the vehicle;
  - 2.— Repairing any and all conditions which cause ~~such~~**the** vehicle(s) to be a ~~nuisance~~**Nuisance** under the provisions of the ~~Municipal Code~~**OCCGF**; and
  - 3.— Having all of the required equipment and parts for ~~each~~**the** vehicle which was described in the notice; or
  - 4.— Removing the ~~junk vehicle or causing the junk vehicle to be removed to a licensed dismantler, salvage yard, licensed vehicle dealer, a junk dealer, an auto body shop~~

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~~or to any other~~**legally authorized** location provided the same complies with all applicable provisions of the Municipal Code.

- B.— If the responsible parties fail to abate the ~~nuisance~~**Nuisance** as prescribed, or after such abatement has been affirmed by the ~~Court on appeal~~**City Manager**, the City, through the enforcement officer, may abate such ~~nuisance~~**Nuisance** by causing the junk vehicle(s) to be removed, impounded and sold, or disposed of as provided for abandoned vehicles under the laws of the State of Montana. All costs of ~~such~~ abatement and the administrative fee provided by this ~~chapter~~**Chapter** shall be charged to the responsible parties, jointly and severally.

~~10.60.100~~**12.080** **Illegal off-street parking.**

- A.— No person shall park a vehicle ~~onto or~~ upon privately owned real property or area developed as an off-street parking facility without the consent of the owner, lessee, or person in charge of said property or facility.
- B.— No person shall park a vehicle ~~onto or~~ upon publicly owned real property ~~or area developed as an off-street parking facility~~, if said property is not properly designated and signed for parking of private vehicles; ~~contrary to~~ **in violation of** any signs set forth upon said property or facility; ~~or contrary to the laws of the State of Montana, County of Cascade or the City of Great Falls without proper consent of said state, county or City.~~**legally authorized signage.**
- C.— Any vehicle parked in violation of this section shall be deemed an abandoned vehicle.

~~10.60.110~~**12.090** **Continuing notice.**

A notice issued ~~as provided in Section 10.60.070 above~~**pursuant to this Chapter** shall be deemed a continuing notice regarding the vehicle(s) described in the notice for a period of one (1) year from the date of service and is valid for all locations within the **incorporated** City of ~~Great Falls~~**limits**. No further notice by an enforcement officer or ten-day period to abate is necessary to abate a ~~nuisance~~**Nuisance** created by said vehicle(s) within the one-year period.

~~10.60.120~~**12.100** **Penalty.**

~~Any person found guilty of a violation of any of the provisions of this chapter shall, upon conviction, be subject to the penalty provisions of this Code. Each day that a violation is allowed to continue shall constitute a separate and distinct violation.~~

~~10.60.130~~ ~~Non-exclusively of this chapter.~~

~~This chapter is not the exclusive regulation of abandoned, wrecked, dismantled or inoperative vehicles within the City of Great Falls. It shall supplement and be in addition to the other regulatory codes, statutes, and ordinances heretofore or hereafter enacted by the City, the state, or any other legal entity or agency having jurisdiction.~~

**Chapter 61** **Parking any vehicle in violation of this Chapter is 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.**

## Chapter 13 ABANDONED, WRECKED, JUNKED OR DISMANTLED VEHICLES ON PRIVATE PROPERTY

### Sections:

~~10.61.010 Definitions.~~

~~10.61.020 Enforcement.~~

~~10.61.030 Prohibited.~~

~~10.61.040 Permitted in a building.~~

~~10.61.050 Repair.~~

~~10.61.060 Person responsible.~~

~~10.61.070 Notice.~~

~~10.61.080 Violation and penalty.~~

### **10.61.010 — Definitions.**

The following definitions shall apply in the interpretation and enforcement of this chapter unless otherwise noted:

When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number and words in the singular number include the plural number.

"Vehicle" means every device in, upon, or by which any person or property may be transported or drawn upon a public highway or upon p property, including trailers, semi-trailers, travel or camp trailers, as well as machinery used in farming, logging, excavating, but not including mobile homes presently utilized for human habitation. "Vehicle" shall not include a bicycle, but shall include motorbikes, motorcycles, motor-scooters, tractors, go-carts and golf carts.

"Abandoned, wrecked, junked or dismantled motor vehicles" means any motor vehicle described in 61-1-102, MCA, which does not have lawfully affixed thereto both an unexpired license plate or plates and the condition of which is wrecked, dismantled, inoperative, abandoned or discarded.

"Abandoned, wrecked, junked or dismantled vehicle" means any vehicle described in Subsection B of this section which is not being utilized for its manufactured or intended purpose and has been discarded, abandoned, wrecked, junked, dismantled or partially dismantled, including parts thereof.

"Person" means any person, firm, partnership, association, corporation, company or organization of any kind.

"Private property" means any real property within the City which is privately owned.

(Ord. 2646 §(part), 1994; Ord. 2442 §2 Ex. B(part), 1986).

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**10.61.020 — Enforcement.**

- A. ~~**Authority.** The Planning and Community Development Director or duly authorized representative, is authorized and directed to enforce all the provisions of this chapter, and all enforcement agencies of the City shall cooperate in this regard.~~
- B. ~~**Right of entry.** The Planning and Community Development Director or a duly authorized representative's right of entry in the enforcement of this chapter shall be in accordance with Section 17.16.46.020B.4 and 17.16.46.080 of this Code.~~

~~(Ord. 2442 §2 Ex. B(part), 1986).~~

~~(Ord. No. 3057, § 1, 8-17-2010)~~

**10.61.030 — Prohibited.**

~~No person shall park, store, keep, place, leave or permit the same, any abandoned, wrecked, junked or dismantled motor vehicle or vehicle upon any private property within the City limits for a period in excess of seventy-two (72) hours. The presence of any abandoned, wrecked, junked or dismantled vehicle or motor vehicle, or parts thereof, upon private property as specified in this chapter, is declared a public nuisance which shall be abated as such in accordance with the provisions of this chapter. This section shall not apply to any vehicles enclosed within a building, or covered by a fabric cover specifically designed for covering vehicles or motor vehicles or to any vehicle held in connection with a business enterprise lawfully licensed and properly operated in an appropriate zone, pursuant to the zoning laws of the City or a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the City or to any vehicle or motor vehicle validly and properly retained by the owner thereof for antique collection purposes, pursuant to 61-3-411, M.C.A. Any motor vehicle whether in operable or inoperable condition designed, adapted or used for dragstrip racing or raceway racing shall be covered, as set forth in this chapter, or placed within a building.~~

~~(Ord. 2442 §2 Ex. B(part), 1986).~~

**10.61.040 — Permitted in a building.**

~~Storage, service, restoration and repair of an abandoned, wrecked, junked or dismantled vehicle or motor vehicle which is conducted within the confines of a building shall be permitted provided that such vehicle or motor vehicle is the property of the owner or occupier of the lot and provided that the storage service, service, restoration or repair is not a commercial use of the property.~~

~~(Ord. 2442 §2 Ex. B(part), 1986).~~

**10.61.050 — Repair.**

~~This chapter shall not be construed to prevent any occupant of premises within the City limits from repairing his own motor vehicles or vehicle or machinery on his premises even though exposed to public view, so long as the person pursues the work to completion with reasonable diligence; provided, however, that any vehicle which remains out of running condition with any wheel, tire, engine, body or other major part removed there from for a period in excess of twenty (20) days, while remaining exposed to public view, shall be deemed to be prima facie evidence that the vehicle or motor vehicle is not being diligently repaired and constitutes a violation of this chapter.~~



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~~(Ord. 2442 §2 Ex. B(part), 1986).~~

**10.61.060 — Person responsible.**

~~The owner of any private property within the City limits shall be absolutely responsible for any violation of the chapter.~~

~~(Ord. 2646 §(part), 1994; Ord. 2442 §2 Ex. B(part), 1986).~~

**10.61.070 — Notice.**

~~Whenever it comes to the attention of the Planning and Community Development Director that a nuisance exists within the City limits due to the maintenance or presence of abandoned, wrecked, junked or dismantled motor vehicles or vehicles upon private property within the City limits, a notice in writing shall be served upon the occupant of the land where the nuisance exists, or in the case there is no such occupant, then upon the person being the owner of the property, notifying them of the existence of the nuisance and ordering its removal in the time specified in this chapter.~~

~~A. Notice shall be given by United States mail, postage prepaid, addressed to the occupant or the person who is the owner at the last known address as exists upon the records of City. An alternative notice may be served in the same manner as other legal process is served in the State.~~

~~B. The Planning and Community Development Director shall give the notice for the removal of the items which constitute the nuisance at least fourteen (14) days before the time of compliance with the notice. The notice shall specify clearly the abandoned, wrecked, junked or dismantled motor vehicles or vehicles, or parts thereof upon the private property, which constitutes the nuisance and shall order the removal of the same as specified within this chapter. The notice shall advise that failure to remove or cover as specified in the notice shall render the person so served subject to prosecution for violation of this chapter and the penalty therefore as set forth in this chapter. The notice shall contain the name, address and telephone number of the Planning and Community Development Department for contact by the occupant or owner.~~

~~(Ord. 2442 §2 Ex. B(part), 1986).~~

~~(Ord. No. 3057, § 1, 8-17-2010)~~

**10.61.080 — Violation and penalty.**

~~A. Failure of the person or persons responsible for the removal or covering of abandoned, wrecked, junked or dismantled motor vehicles or vehicles or parts thereof to remove or cover the same within the time specified in the notice, after the same has been served as provided in this chapter, constitutes a violation of the chapter which shall be punishable by a fine not to exceed five hundred dollars (\$500.00). It is specifically provided that each day a violation continues after the time for removal or covering specified in the notice, constitutes a separate offense, thereby subjecting the person or persons in violation thereof to a daily fine until the abandoned, wrecked, junked or dismantled motor vehicles or vehicles or parts thereof are removed from the private property, or covered, as provided in the notice.~~

~~B. In any action or proceeding brought for the violation of this chapter, as defined in this chapter, the reasonable cost and expense to City in connection with the mailing or serving of notice and the inspection of the private property in question, shall be awarded to City as part of the court's sentence.~~

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~~(Ord. 2442 §2 Ex. B(part), 1986).~~

**Chapter 66 — SNOWMOBILES <sup>H1</sup>**

**10.13.010 A condition prohibited.**

**10.13.020 Repair.**

**10.13.010 A condition prohibited.**

An abandoned or junked vehicle on a private, non-permitted, premises is hereby declared a condition prohibited pursuant to OCCGF Title 8, Chapter 51.

**10.13.020 Repair.**

Vehicles may be repaired by non-commercial property owners or occupants in public view. Said repairs must be pursued to completion. Dismantled vehicles must be covered when not being repaired. Vehicles not fully repaired within twenty (20) calendar days are presumed to be abandoned.

**Chapter 14 SNOWMOBILES**

**Sections:**

~~10.66.010 Definitions.~~

~~10.66.020 Prohibited where.~~

**10.14.010 Definitions.**

**10.14.020 Prohibited where.**

~~10.66~~**10.030 Penalty.**

**10.14.010 Definitions.**

**Pursuant to this Chapter, unless otherwise specified, the following definitions apply.**

- A.** "Operator" ~~includes~~**means** every person who operates or is in actual physical control of the operation of the snowmobile.

Exhibit "B"

Title 10 VEHICLES AND TRAFFIC

~~"Person" includes any individual, partnership, association or corporation, or any other body or groups of persons, whether incorporated or not, and regardless of the degree of formal organization.~~

- B.** "Snowmobile" ~~includes~~ **means** any self-propelled vehicle designed primarily for travel on the snow or ice ~~or natural terrain~~, which may be steered by wheels, skis or runners, and which is not otherwise registered or licensed under ~~the laws of the~~ **Montana State law**.

~~(Prior code §10-2-30(A)).~~

**10.66.14.020 Prohibited where.**

It is unlawful for any person or operator to drive any snowmobile upon any public ~~streets, avenues, highways, roadways, alleys or sidewalks~~ **rights-of-way** within the **incorporated City limits**, or upon any public parks or public grounds within the City.

~~(Prior code §10-2-30(B)).~~

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FOOTNOTE(S):

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~~(1)~~

~~For statutory provisions regarding snowmobiles, see RCM 53-1012 et seq. ([Back](#))~~

**10.14.030 Penalty.**

**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 six months in jail, or both.**

**Chapter ~~6915~~ MOTORCYCLES**

**Sections:**

Section:

~~10.69.020 Driving on sidewalks and in public parks or grounds prohibited.~~

**10.15.010 Driving on sidewalks and in public parks or grounds prohibited.**

Title 10 VEHICLES AND TRAFFIC

10.6915.020 **Penalty.**

**10.15.010 Driving on sidewalks and in public parks or grounds prohibited.**

It is unlawful for any person or operator to drive any motorcycle or other power driven two-wheel vehicle upon ~~the~~ sidewalks within the City or upon that portion of any public park or public grounds where no roadway is provided.

~~(Ord. 2646 § (part), 1994; Prior code §10-2-10 (2)).~~

~~(Ord. No. 3057, § 1, 8-17-2010)~~

**10.15.020 Penalty.**

**A violation of this Chapter 74 is 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.**

**Chapter 16 HANDICAP ZONE**

Section:

~~10.71.010 Handicap zone.~~

Sections:

**10.16.010 Handicap zone.**

**10.7416.010 Handicap zone.**

- A.— No person shall park a motor vehicle in a parking space designated and reserved for the physically handicapped, unless:
  - 1.— Such person is physically handicapped in a manner rendering it difficult and burdensome for such person to walk, or such person was operating the vehicle under the direction of ~~such~~ a physically handicapped person; and
  - 2.— The vehicle visibly bears or contains the certificate or insignia issued to physically handicapped persons by the City or visibly bears or contains a special handicapped license plate or permit issued to physically handicapped persons by any State or City.
- B.— Notice of such designation of handicapped parking spaces shall be given by posting appropriate signs.

Exhibit "B"

Title 10 VEHICLES AND TRAFFIC

- C.— In any prosecution charging a violation of the above provisions, the owner or person or corporation in whose name said vehicle is registered shall be held absolutely responsible for said violation and subject to the penalty therefore.
- D.— A violation of this section ~~shall constitute~~ **is punishable by a misdemeanor. Vehicles in violation may be removed, impounded, and kept in custody at the direction of the Chief of Police** ~~fine set by Commission resolution.~~

~~(Ord. 2676, 1995; Ord. 2646, 1994; Ord. 2353, 1984; Ord. 2031, 1977).~~

## **Chapter 72 — BICYCLES**

### **Section:**

~~10.72.010 Riding on sidewalks — prohibited where — regulation.~~

### **10.72.010 — Riding on sidewalks — prohibited where — regulation.**

- A.— ~~It is unlawful for any person to ride a bicycle upon a sidewalk within the central business district east of the west line of Park Drive.~~
- B.— ~~Whenever any person is riding a bicycle upon a sidewalk, such person shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing such pedestrian.~~

~~(Ord. 2646 § (part), 1994; Prior code §10-1-19).~~

- C.— ~~Bicycles operated as part of the City bike patrol program are exempt from 10.72.010(A).~~

~~(Ord. 2708; 1996)~~

## **Chapter 7317 TRAILERS**

### **Section:**

~~10.73.010 Occupancy regulations.~~

### **Sections:**

**10.17.010 Occupancy regulations.**

**10.7317.020 Penalty.**

Title 10 VEHICLES AND TRAFFIC

**10.17.010 Occupancy regulations.**

No trailer as defined in ~~Section 10.15.010, subsection 32-2105,~~ or motor vehicle as defined in ~~Section 10.15.010, subsection 32-2101(b),~~ **by this Title**, shall be occupied either permanently or temporarily as a dwelling place, or living abode while parked on any street, avenue, alley or highway, or other public place unless otherwise authorized by law. **OCCGF Title 17 or other applicable Federal or State law.**

~~(Ord. 1984, 1976: prior code §10-2-33).~~

**10.17.020 Penalty.**

A violation of this Chapter ~~75~~ **is 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.**

**Chapter 18 TOLL LOCATIONS**

**Sections:**

**Sections:**

10.75.010 Prohibited.

10.75.020 Exception.

**10.18.010 Tolls prohibited.**

**10.18.020 Penalty.**

~~10.75~~**18.010 Prohibited Tolls prohibited.**

It is unlawful for any person, firm, corporation or organization, charitable or otherwise, to occupy, stand in, and/or use any portion of any public ~~street, highway or bridge~~ **right-of-way** for the purpose of establishing a toll location through which vehicular traffic must pass in order to collect funds or make any other contact or solicitation from the driver or occupant of any vehicle using the public street, highway or bridge within the City. **without prior written authorization from the City Manager.**

~~(Prior code §10-2-11).~~

~~10.75.18.020~~ **Exception Penalty.**

The City Manager may approve a toll request provided that:

Exhibit "B"

Title 10 VEHICLES AND TRAFFIC

~~A. The requesters are sworn public safety officers trained in emergency scene management, accident prevention, traffic control, personnel and public safety, advanced medical training, and are experienced in the appropriate methods to set up and operate a safe tolling exercise.~~

~~(Ord. 2757, 1999).~~

~~B. The requesters submit a traffic plan which includes the date, time and location for the tolling activity, traffic control descriptions for each location, and a one million dollar (\$1,000,000.00) general liability policy naming the City as additional insured.~~

~~C. No more than one (1) toll will be granted per calendar year.~~

**Chapter 78A** violation of this Chapter is 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.

## **Chapter 19 LIABILITY FOR STREET DAMAGE**

### **Sections:**

~~10.78.010 Applicability.~~

~~10.78.020 Owner and driver of vehicle jointly liable.~~

~~10.78.030 Civil action.~~

**10.19.010 Applicability.**

**10.19.020 Owner and driver of vehicle jointly liable.**

**10.19.030 Civil action.**

### **10.7819.010 Applicability.**

Any person driving any vehicle, object, or ~~contrivance~~**device** upon any street or street structure shall be liable for all damage which the street or structure may sustain as a result of any illegal operation, driving, or moving of ~~such~~**the** vehicle, object, or ~~contrivance~~**device**, or as a result of operating, driving or moving any vehicle, object, or ~~contrivance~~**device** weighing in excess of the maximum weight in this ~~title~~**Title** except ~~Chapters 10.51 and 10.72 but is authorized by a special permit issued as~~ **otherwise** provided in this ~~title~~**title** except Chapters 10.51 and 10.72**or permitted.**

~~(Prior code §10-2-29(A)).~~

Title 10 VEHICLES AND TRAFFIC

**10.78.19.020 Owner and driver of vehicle jointly liable.**

- A. Whenever such driver is not the owner of such vehicle, object, or contrivance or device, but is so operating, driving, or moving the same with the express or implied permission of the owner, then the owner and driver shall be jointly and severally liable for any such damage.

~~(Prior code §B.~~ **The Public Works Director may, in his or her discretion, authorize an individual liable for damage pursuant to this Chapter to repair any damage caused to the same or better condition before the damage was caused or to any other legally mandated condition.**

~~10-2-29(B)).~~

**10.78.19.030 Civil action.**

Such damage may be recovered in a civil action brought by the ~~authorities~~**City** in ~~control~~**a Court** of such streets or street structure **competent jurisdiction.**

~~(Prior code §10-2-29(C)).~~

**Chapter 8420 EXCESS SIZE AND WEIGHT PERMITS**

**Sections:**

~~10.84.010 Issuance—conditions.~~

~~10.84.020 Display—violation—penalty.~~

**10.20.010 Issuance conditions.**

**10.20.020 Penalty.**

**10.8420.010 Issuance—conditions.**

~~The City Engineer is authorized to issue or withhold such special permit at his discretion, or if such permit is issued, to limit the number of trips, or to establish seasonal or other time limitations within which the vehicle described may be operated on the public streets indicated, or otherwise to limit or prescribe conditions of operation of such vehicle or vehicles when necessary to assure against damage to the road foundation, surfaces or structures or safety or traffic and may require such undertaking or other security as may be deemed necessary to compensate for injury to any street or road structure.~~

~~(Ord. 2646 § (part), 1994; Prior code §~~**The City Engineer is authorized to issue, revoke, or deny permits for the operation of vehicles of excess size and weight pursuant to adopted written policy on file at the Great Falls Public Works Department. A permit issued pursuant to this Chapter shall describe any applicable conditions for the operation of the vehicle subject to the permit.**

~~10-2-26(A))~~



Title 10 VEHICLES AND TRAFFIC

**10.84.20.020 ~~Display violation penalty~~Penalty.**

- A.— Any person who knowingly ~~and~~ willfully misrepresents the size or weight of any load in obtaining a special permit ~~or pursuant to this Chapter~~, does not follow the requirement and conditions of the special permit, or who operates any vehicle, ~~the gross weight of which is in excess of the maximum for such vehicle may be eligible for license, requiring a permit pursuant to this Chapter~~ without first obtaining a special permit, is guilty of a misdemeanor, **punishable by a fine not to exceed five-hundred dollars (\$500.00), six months in jail, or both.**
- B.— Every special permit issued ~~under~~ **pursuant to this chapterChapter** shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by ~~the Police Officer~~ **law enforcement.**
- C.— ~~A complaint filed and a summons or notice to appear issued pertaining to a violation of the gross weight regulations in this chapter shall specify the amount of the over-weight which the defendant is allowed to have had upon the vehicle or combination of vehicles.~~

(Ord. 2646 § (part), 1994; Ord. 2186, 1980)

**Chapter 87 ~~VIOLATION PENALTY~~**

**~~Sections:~~**

- ~~10.87.010 Definitions.~~
- ~~10.87.030 Illegally parked vehicle notice procedure.~~
- ~~10.87.040 Illegally parked vehicle notice failure to comply.~~
- ~~10.87.050 Illegally parked vehicle presumption.~~
- ~~10.87.060 Illegally parked vehicle warrant issued when.~~
- ~~10.87.070 Disposition of fines and parking meter revenue.~~
- ~~10.87.080 Fines and forfeitures official misuse.~~
- ~~10.87.090 Penalties and administrative fees.~~

10.87

**Chapter 21 ~~PARKING VIOLATIONS~~**

**~~Sections:~~**

- 10.21.010 Illegally parked vehicle notice.**
- 10.21.020 Illegally parked vehicle notice of failure to comply.**
- 10.21.030 Illegally parked vehicle presumption.**

Title 10 VEHICLES AND TRAFFIC

**10.21.040 Illegally parked vehicle warrant issued when.**

**10.21.050 Disposition of fines and parking meter revenue.**

**10.21.060 Fines and forfeitures official misuse.**

**10.21.070 Penalties and administrative fees.**

**10.21.010 Definitions.**

~~"Parking Official" for purposes of Title 10, Chapter 87 means: peace officers and other persons designated by the City Commission.~~

~~(Ord. No. 3122, § 3, 12-2-2014; Ord. 2646 § (part), 1994)~~

~~**10.87.030**~~ ~~Illegally parked vehicle— notice— procedure.~~

~~Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the~~ **State or local** ~~restrictions imposed by the laws of this City or by State law, the Parking Official finding such vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its owner and shall conspicuously affix to such vehicle a notice in writing on a form provided by the City for the owner to answer to or pay the charge against the driver within the time set forth in the notice during the hours and at a place specified in the notice~~ **post written notice of the violation on the vehicle indicating any applicable penalties and the place where any applicable fines may be paid or contested.**

~~(Ord. No. 3122, § 3, 12-2-2014; Ord. 2646 § (part), 1994)~~

~~**10.87.040**~~ **10.21.020 Illegally parked vehicle— notice— of failure to comply.**

If ~~an~~ **alleged** violator of the restrictions on stopping, standing, or parking under ~~the traffic laws~~ **legally authorized restriction** does not appear in response to a notice affixed to such motor vehicle within the time set forth in the notice, the City shall implement the following process:

- ~~1.—~~ **A.** The penalty for a violation of this section occurring in a parking management district must be paid within thirty (30) calendar days of the date of the citation. If payment is not received within that time, an administrative fee will be added to the violation. The penalties and fees will be set by **Commission** ~~resolution of the City Commission, as provided by Section 10.87.090 of this chapter.~~
- ~~2.—~~ **B.** After thirty (30) days without payment, a statement of the amount due for the violation and the administrative fee will be sent to the address associated with the license plate in the records of vehicle registrations maintained by the appropriate licensing agency or authority.
- ~~3.—~~ **C.** After sixty (60) days without payment, a second statement of the amount due for the violation and the administrative fee will be sent to the address associated with the license plate in the records of vehicle registrations maintained by the appropriate licensing agency or authority.
- ~~4.—~~ **D.** After ninety (90) days without payment, a third statement that is clearly marked as a pre-collection notice of the amount due for the violation and the administrative fee will be sent

Exhibit "B"

Title 10 VEHICLES AND TRAFFIC

to the address associated with the license plate in the records of vehicle registrations maintained by the appropriate licensing agency or authority.

- 5.—~~E.~~ After one hundred twenty (120) days without payment, the amount due for the violation and the administrative fee will be referred to a collection agency. If the payment through collection efforts is not received within ten (10) months of the date of the citation, the City may request an arrest warrant and proceed with an action through the Municipal Court as provided by ~~other sections of this chapter~~**Chapter**.
- 6.—~~F.~~ Proceedings through the Municipal Court for enforcement of this ~~title~~**Title** must be filed within one (1) year of the date of the citation.

~~(Ord. No. 3122, § 3, 12-2-2014; Ord. 2646 § (part), 1994; Prior code §10-2-16(F))~~

**10.87.050.21.030 Illegally parked vehicle— presumption.**

If any vehicle is found stopped or parked in any manner violative of ~~the provisions of Title 10 of the Official Code of the City of Great Falls~~**legally authorized restrictions**, the owner, person, or corporation in whose name said vehicle is registered shall be held absolutely responsible for said violation and subject to ~~the penalty therefore~~**applicable penalties**.

~~(Ord. No. 3122, § 3, 12-2-2014; Ord. 2321 § 1, 1983)~~

**10.87.060.21.040 Illegally parked vehicle— warrant issued when.**

In the event any person fails to comply with a notice ~~so given to~~**served on** the person or attached to a vehicle or fails to make appearance pursuant to a summons directing an appearance in the ~~municipal court~~**Municipal Court**, or if any person fails or refuses to deposit bail as required and within the time permitted by law, Municipal Court may, at its discretion, issue a warrant of arrest.

~~(Ord. No. 3122, § 3, 12-2-2014; Prior code § 10-2-16(H))~~

**10.87.070.21.050 Disposition of fines and parking meter revenue.**

- A.— All fines or forfeitures collected upon conviction or upon the forfeiture of bail of any person charged with a violation of any of the provisions of this Title ~~except Chapter 10.72~~ shall be paid to the Planning and Community Development Department and deposited in the parking fund, to be expended to defray the expense of ~~proper~~:
  1. **Proper** regulation of traffic ~~and parking~~;
  2. **Parking** upon ~~the City~~ public streets of the City, to provide;
  3. **Provide** for the cost of supervision, regulation, and control of parking vehicles; and ~~to~~
  4. **To** cover the cost of purchase, supervision, operation, maintenance, control and use of parking meters.
- B.— All revenue obtained from and through the use of parking meters shall be appropriated by the City to pay for the operation and maintenance of on street and off--street parking facilities.

Exhibit "B"

Title 10 VEHICLES AND TRAFFIC

~~(Ord. No. 3122, § 3, 12-2-2014; Ord. No. 3057, § 1, 8-17-2010; Ord. 2646 (part), 1994; Prior Code § 10-2-16(I))~~

**10.87.080.21.060 Fines and forfeitures— official misuse.**

Failure, refusal, or neglect on the part of any judicial or other officer or employee receiving or having custody of any such fine or forfeiture, either before or after a deposit in the fund, to comply with the foregoing provisions of this ~~chapter~~**Chapter**, shall constitute misconduct in office and shall be grounds for removal therefrom.

~~(Prior code § 10-2-16(J))~~

**10.87.090.10.21.070 Penalties and administrative fees.**

Penalties and administrative fees for violations of this ~~title~~**Title** shall be set by **Commission** resolution ~~of the City Commission.~~

~~(Ord. 3188, 2018; Ord. 3146, 2016; Ord. 3122, 2014; Ord. 3090, 2012; Ord. 3057, 2010; Ord. 3042, 2009; Ord. 2951, 2006; Ord. 2867, 2004; Ord. 2819, 2002; Ord. 2815, 2002; Ord. 2802, 2001; Ord. 2790, 2000; Ord. 2757, 1999; Ord. 2708, 1996; Ord. 2707, 1996; Ord. 2676, 1995; Ord. 2646, 1994; Ord. 2640, 1994; Ord. 2633, 1992; Ord. 2521, 1989; Ord. 2520, 1989; Ord. 2469, 1987; Ord. 2457, 1987; Ord. 2456, 1987; Ord. 2446, 1987; Ord. 2443, 1986; Ord. 2442, 1986; Ord. 2383, 1985; Ord. 2353, 1984; Ord. 2321, 1983; Ord. 2305, 1982; Ord. 2283, 1981; Ord. 2245, 1981; Ord. 2219 1980; Ord. 2189, 1980; Ord. No. 3122, § 3, 12-2-2014; Ord. 2188, 1980; Ord. 2186, 1980; Ord. 2052, 1979; Ord. 2021, 1977; Ord. 1987, 1976; Ord. 1974, 1976; Ord. 1627, 1969; Ord. 1471, 1964; Ord. 1454, 1963; Ord. 1217, 1956; Prior codes §§ 10-1-19; 10-2-1(M); 10-2-2(D), 10-2-2(E); 10-2-3(C), 10-2-3(I); 10-2-5(A), 10-2-5(B); 10-2-7(A), 10-2-7(B), 10-2-7(C); 10-2-8(A), 10-2-8(B); 10-2-9(F), 10-2-9(G), 10-2-9(L), 10-2-9(M), 10-2-9(Z); 10-2-10(2); 10-2-11; 10-2-12(A), 10-2-12(D), 10-2-12(E); 10-2-13(A), 10-2-13(B), 10-2-13(C), 10-2-13(D); 10-2-14, 10-2-14(A), 10-2-14(B), 10-2-14(C), 10-2-14(E), 10-2-14(F), 10-2-14(G)(1), 10-2-14(G)(2), 10-2-14(G)(3), 10-2-14(G)(4), 10-2-14(G)(5), 10-2-14(G)(6); 10-2-16(F), 10-2-16(H), 10-2-16(I), 10-2-16(J); 10-2-20(A), 10-2-20(B); 10-2-26(A); 10-2-27(A), 10-2-27(B), 10-2-27(D); 10-2-28; 10-2-29(A), 10-2-29(B), 10-2-29(C); 10-2-30(A), 10-2-30(B); 10-2-33)2707, 1996; Ord. 2646 (part), 1994; Ord. 2469 § 1, 1987; Ord. 2456 § 1, 1987; Ord. 2443 § 2, 1986; Ord. 2321 § 2, 1983).~~



**Item:** Ordinance 3192, "An Ordinance Amending Title 17, Chapter 16, Article 2, Section 050 of The Official Code of The City of Great Falls (OCCGF), Pertaining to Burden of Proof."

**From:** Legal Department

**Initiated By:** Legal Department

**Presented By:** Sara R. Sexe, City Attorney

**Action Requested:** Accept Ordinance 3192 on first reading and set second reading for September 18, 2018.

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**Suggested Motion:**

1. Commissioner moves:

"I move that the City Commission (accept/not accept) Ordinance 3192 on first reading and set the second reading for September 18, 2018."

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

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**Staff Recommendation:**

Accept Ordinance 3192 on first reading and set second reading for September 18, 2018.

**Background:**

The Great Falls Board of Adjustment (BOA) is the quasi-judicial body that hears appeals regarding Land Use Decisions including variances. The BOA also hears appeal decisions regarding allocation of Community Development Block Grant allocation decisions. The burden of proof for proceedings conducted by the BOA is established by OCCGF §17.16.2.050.

The Ordinance under consideration would amend OCCGF §17.16.2.050. The proposed amendment would require the individual or applicant appealing a decision to the BOA to maintain the burden of proving the decision which is being appealed should be reversed or modified. The BOA is a quasi-judicial appellate body. This amendment is appropriate because, traditionally, a party to a judicial or quasi-judicial action has the burden of showing the decision of the authority being appealed from should be overturned or modified.

Ordinance 3192 Exhibit “A” illustrates the proposed additional language to OCCGF § 17.16.2.050 in **bold** and removed language in ~~striketrough~~. Ordinance 3192 Exhibit “B”, attached to this report, illustrates the Ordinance if the changes are accepted, in clean format.

**Concurrences:**

City Manager's Office  
Planning and Community Development  
City Clerk's Office

ATTACHMENTS:

- ▣ Ordinance 3192
- ▣ Ordinance 3192 Exhibit A
- ▣ Ordinance 3192 Exhibit B

**ORDINANCE 3192**

**AN ORDINANCE AMENDING TITLE 17, CHAPTER 16, ARTICLE 2, SECTION 050 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF), PERTAINING TO BURDEN OF PROOF**

\*\*\*\*\*

**WHEREAS**, OCCGF § 17.16.2.050 specifies what party bears the burden of proof in Land Use application decisions and Board of Adjustment appeal proceedings; and

**WHEREAS**, when an administrative unit or department decision is appealed to the Great Falls Board of Adjustment, the administrative unit or department bears the burden of proof that such decision is correct; and

**WHEREAS**, the City Commission wishes to require the applicant or individual appealing such a decision to bear the burden of proof that the administrative unit or department decision should be modified or reversed.

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

Section 1. Title 17, Chapter 16, Article 2, Section 050, of the OCCGF pertaining to exceptions to burden of proof shall be amended as depicted by Exhibit “A”, attached hereto, which removes any language indicated by a ~~strike-out~~ and adds any language which is **bolded**; and,

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

APPROVED by the City Commission on first reading September 4, 2018.

ADOPTED by the City Commission of the City of Great Falls, Montana on second reading September 18, 2018.

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

ATTEST:

\_\_\_\_\_  
Lisa Kunz, City Clerk

(CITY SEAL)

APPROVED FOR LEGAL CONTENT:

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Sara R. Sexe, City Attorney

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

I, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do certify that I did post as required by law and as prescribed and directed by the Commission, Ordinance 3192 on the Great Falls Civic Center posting board and the Great Falls City website.

---

Lisa Kunz, City Clerk

(CITY SEAL)



Exhibit "A"

Title 17 - LAND DEVELOPMENT CODE

Chapter 16 ADMINISTRATIVE AND ENFORCEMENT PROCEDURES

Article 2 - GENERALLY

**17.16.2.050 Burden of proof.**

- A. ~~During application process.~~ During the application processes, the applicant has the burden of proof to show that the proposed development is consistent with this Title.
- B. ~~During appeal of an administrative decision.~~ In instances where an applicant **or individual** appeals an administrative decision to the Board of Adjustment, the ~~administrative unit or department making said decision~~ **applicant or individual** has the burden of proof to show that the ~~decision is consistent with this Title.~~ **administrative unit or department decision should be modified or reversed.**
- C. ~~During enforcement proceedings.~~ During enforcement proceedings, the administrative unit or department taking enforcement action has the burden of proof to show that the action or development is in violation of this Title.

Exhibit "B"

Title 17 LAND DEVELOPMENT CODE

Chapter 16 – ADMINISTRATIVE AND ENFORCEMENT PROCEDURES

Article 2 - GENERALLY

**17.16.2.050 Burden of proof.**

- A. During the application processes, the applicant has the burden of proof to show that the proposed development is consistent with this Title.
- B. In instances where an applicant or individual appeals an administrative decision to the Board of Adjustment, the applicant or individual has the burden of proof to show that the administrative unit or department decision should be modified or reversed.
- C. During enforcement proceedings, the administrative unit or department taking enforcement action has the burden of proof to show that the action or development is in violation of this Title.