



City Commission Agenda
Civic Center, 2 Park Drive South, Great Falls, MT
Commission Chambers Room 206
November 20, 2018

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL/STAFF INTRODUCTIONS

AGENDA APPROVAL

CONFLICT DISCLOSURE/ EX PARTE COMMUNICATIONS

PROCLAMATIONS

Small Business Saturday.

PETITIONS AND COMMUNICATIONS

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

1. Miscellaneous reports and announcements.

NEIGHBORHOOD COUNCILS

2. Miscellaneous reports and announcements from Neighborhood Councils.

BOARDS AND COMMISSIONS

3. Miscellaneous reports and announcements from Boards and Commissions.
4. Reappointment, City-County Board of Health.
5. Reappointment, Ethics Committee.

CITY MANAGER

6. Miscellaneous reports and announcements from the City Manager.

CONSENT AGENDA

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

7. Minutes, November 7, 2018, Commission Meeting.
8. Total Expenditures of \$2,135,452 for the period of October 13, 2018 through November 7, 2018, to include claims over \$5,000, in the amount of \$1,835,410.
9. Contracts List.
10. Approve Final Payment for the 16th Avenue South/Prospect Heights Storm Drain

Improvements in the amount of \$34,472.24 to Horn Construction, LLC and \$348.20 to the State of Montana Miscellaneous Tax Division, and authorize the City Manager to execute the necessary documents and make the payments.

11. Approve a Lease Agreement with Option to Purchase Real Estate for Storm Water Retention and Treatment Ponds, and authorize the City Manager to execute the agreement.
12. Approve Memorandum of Understanding Addendum 1 to Labor Agreement between the City of Great Falls and the International Association of Fire Fighters, Local #8 (IAFF Local #8).

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

PUBLIC HEARINGS

13. Ordinance 3189, Repealing and Replacing Title 15, Of The Official Code Of The City Of Great Falls (OCCGF), Pertaining To Buildings and Construction.

Action: Conduct public hearing and adopt or deny Ord. 3189. (Presented by Sara Sexe)

OLD BUSINESS

NEW BUSINESS

14. Marketing Agreement with Utility Service Partners Private Label, Inc. d/b/a Service Line Warranties of America.

Action: Approve or deny the Marketing Agreement. (Presented by Greg Doyon)

ORDINANCES/RESOLUTIONS

CITY COMMISSION

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

ADJOURNMENT

(Please exit the chambers as quickly as possible. Chamber doors will be closed 5 minutes after adjournment of the meeting.) Commission meetings are televised on cable channel 190. 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 to City-County Board of Health

From: City Commission

Initiated By: City Commission

Presented By: City Commission

Action Requested: Reappoint Peter Gray to the City-County Board of Health for a three-year term through December 31, 2021

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission reappoint _____ to the City-County Board of Health for a three-year term commencing January 1, 2019, and ending December 31, 2021.”

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

Summary:

Peter Gray was appointed to serve a three year term from January 1, 2016 through December 31, 2018. Mr. Gray is interested in serving another three year term. During the November 7, 2018 Board of Health meeting, the Board recommended reappointing Mr. Gray.

Background:

The Board consists of seven members: two appointed by the City Commission (one of whom is either the mayor or a sitting commissioner); two appointed by the County Commission (one of whom is a county commissioner), the Great Falls Superintendent of Schools; a representative of the local medical association; and a representative of the local dentist’s association. The Board is charged under a 1975 Memorandum of Agreement with the supervision and management of the City-County Health Department.

Current Board Members:

Owen Robinson, City Commission Representative
Matt Martin DDS, Local Dentist's Association Representative
Ray Geyer, DO, Local Medical Association Representative
Jane Weber, Cascade County Commission Representative
Terry Barber, Cascade County Appointed Representative

Tammy Lacey, GFPS Superintendent of Schools

Alternatives:

The City Commission could choose not to reappoint and direct staff to advertise for the position.



Item: Reappointment, Ethics Committee

From: City Manager's Office

Initiated By: City Commission

Presented By: City Commission

Action Requested: Reappoint one member to the Ethics Committee

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission reappoint _____ for a three year term through December 31, 2021.”

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

Summary:

During the establishment and appointment of members to the Ethics Committee in January 2018 terms were initially staggered. Carl Rostad was appointed to serve an initial term of three (3) years through December 31, 2020. Carmen Roberts was appointed to serve an initial term of two (2) years through December 31, 2019, and Katrina Stark was appointed to serve an initial term of one (1) year through December 31, 2018.

The Ethics Committee met on November 7, 2018 and recommended the reappointment of Katrina Stark for her first three year term beginning January 1, 2019 through December 31, 2021.

Background:

The Ethics Committee was established through Ordinance 3169 and adopted by the City Commission on October 17, 2017. The purpose of the Committee is to ensure that all City officers and employees are performing their duties in compliance with the provisions of Montana Code Annotated, Title 2, Chapter 2 and the provisions of the Official Code of the City of Great Falls (OCCGF) Title 2, Chapter 21.

Committee members must be qualified electors and residents of the City. Members cannot be City employees and as reasonably possible, the members should have experience and or training in Public administration, Governmental operation, Political practices or legal practice. The Committee does not

have a regular meeting schedule.

2.21.100 Committee duties

The Committee shall meet and be presented testimony regarding matters referred to it. Based on the information and testimony presented, the Committee shall:

A. Make a written finding, filed with the City Clerk, as to whether there is an appearance of a violation of any provision on Mont. Code Ann. Title 2, Chapter 2, or a violation of this chapter;

B. Make a written finding, filed with the City Clerk, as to whether the appearance of a violation rises to a level of an actual violation; and

C. Make a written recommendation, filed with the City Clerk, in consultation with the City Attorney's Office, as to the correct course of action to eliminate any violation and/or reduce the appearance of any violation.

The Committee shall meet on an as needed basis after referral of an issue. Generally the Committee shall meet on the first Wednesday of the month after a matter has been referred to it.

Alternatives:

The Commission could direct staff to advertise for additional citizen interest.



Agenda # 7.
Commission Meeting Date: November 20, 2018
City of Great Falls
Commission Agenda Report

Item: Minutes, November 7, 2018, Commission Meeting.

From: City Clerk's Office

Initiated By: City Clerk's Office

Presented By: City Commission

ATTACHMENTS:

- ▢ Draft Minutes, November 7, 2018, Commission Meeting

JOURNAL OF COMMISSION PROCEEDINGS

November 7, 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: Mayor Pro Tempore Bill Bronson, Mary Sheehy Moe, Owen Robinson and Tracy Houck. Mayor Bob Kelly was excused. Also present were City Manager Greg Doyon and Deputy City Manager Chuck Anderson; Deputy City Clerk Darcy Dea; Public Works Director Jim Rearden; Planning and Community Development Director Craig Raymond; Finance Director Melissa Kinzler; Assistant Fire Chief Jeremy Jones; Assistant City Attorney Joe Cik; and Police Captain Jeff Newton.

AGENDA APPROVAL

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

CONFLICT DISCLOSURE/ EX PARTE COMMUNICATIONS

None

PROCLAMATIONS

Extra Mile Day, WWI Centennial Armistice Remembrance Day, Support for City & Citizens of Pittsburgh and 130th Anniversary Month of the Great Falls Area Chamber of Commerce.

Doris Boyle, address not provided, read a document entitled, "Love Poured Out to Squirrel Hill - Pittsburgh."

PETITIONS AND COMMUNICATIONS

1. Miscellaneous reports and announcements.

John Hubbard, 615 7th Avenue South, expressed concern with regard to increased criminal activity in his neighborhood.

Barbara Linn, 1507 High Street, inquired if the pool at Montana School for the Deaf and Blind (MSDB) would be an adequate substitution for the Natatorium until another pool was provided.

Mayor Pro Tempore Bronson suggested that Ms. Linn follow up with Park and Recreation Director Steve Herring.

Richard Liebert, 289 Boston Coulee Road, commended staff for utilizing energy consultants with regard to the work being done at the library. Referring to the Natatorium, Mr. Liebert commented that it is important to determine the number of citizens who need the pool for physical therapy. Mr. Liebert mentioned that live streaming is a technical issue that needs to be resolved. Mr. Liebert commended Ron Gessaman for his civic contributions.

Jeni Dodd, 3245 8th Avenue North, opined that it is economic injustice to continue supporting the golf courses, while letting the Natatorium go. Referring to the Pittsburg Resolution, Ms. Dodd expressed concern with regard to the City not extending its sympathies for other tragic events in the nation.

NEIGHBORHOOD COUNCILS

2. Miscellaneous reports and announcements from Neighborhood Councils.

Tim Austin, NC 3 Chairperson, provided and discussed a speed study survey that was conducted for 36th Avenue NE along Bootlegger Trail to 2nd Street NE. Chairperson Austin announced that the next NC 3 meeting is December 6, 2018 at 7:00 p.m. at Riverview School.

BOARDS AND COMMISSIONS

3. Miscellaneous reports and announcements from Boards and Commissions.

None

CITY MANAGER

4. Miscellaneous reports and announcements from the City Manager.

City Manager Greg Doyon reported that:

- The last full year building permit valuations totaled under \$80 million, and the current year is approximately \$101 million.
- Planning and Community Development recently hired a Planner II.
- The Library Director position has been posted, and the first review will be November 30, 2018.
- The Association of Civil Engineering Consultants (ACEC) Montana Grand Project Award will be presented to TD&H Engineering and Black & Veatch for the Waste Water Treatment Plant Phase 1 project.
- A contract to fix the live streaming capabilities was approved by the Commission at its meeting on October 16, 2018.
- The Clerk's office implemented JustFOIA, an online web based public records request system in August, and requests have steadily increased.
- The IT Department has worked with all departments to increase the web pages accessibility to the sight/hearing impaired. In August the site was rated as 66% accessible, and now is at 94.8% accessible.

- Manager Doyon attended an Infrastructure Coalition conference on October 24, 2018.
- Neighborhood Council Coordinator Patty Cadwell will be retiring on November 15, 2018. The Commission will be informed if the position would continue, as well as a date for her retirement party.
- Manager Doyon participated in a Middle School Career Fair sponsored by United Way.
- Manager Doyon will attend a State of Emergency Response Commission meeting on November 8, 2018.
- He and Deputy City Manager Chuck Anderson attended the Council of Councils meeting on October 30, 2018.

CONSENT AGENDA

5. Minutes, October 16, 2018, Commission Meeting.
6. Total Expenditures of \$4,122,420 for the period of September 29, 2018 through October 24, 2018, to include claims over \$5,000, in the amount of \$3,699,041.
7. Contracts List.
8. Approve Final Payment for the Sanitary Sewer Trenchless Rehabilitation, Phase 20, project in the amount of \$522,051.75 to Planned and Engineered Construction (PEC) and \$5,273.25 to the State Miscellaneous Tax Fund and authorize the City Manager to make the payments. **OF 1674.6**
9. Approve the Interlocal Agreement between the City County Health Department and the City for Emergency Preparedness and Community Health Response for the term of October 16, 2018 to September 30, 2021, and authorize the City Manager to execute the agreement.

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

Mayor Pro Tempore Bronson asked if there were any comments from the public or discussion amongst the Commissioners.

Commissioner Robinson expressed appreciation to the City County Health Department, as well as the City with regard to Agenda Item 9.

There being no further discussion, Mayor Pro Tempore Bronson called for the vote.

Motion carried 4-0

PUBLIC HEARINGS

OLD BUSINESS

NEW BUSINESS

10. Labor Agreement between the City of Great Falls and Plumbers and Fitters Local No. 41.

City Manager Greg Doyon reported that the proposed Agreement will update basic contractual language in order to make the Agreement more clear, more understandable, and consistent. Schedule A was modified to reflect a wage increase of 3 1/2%, and Schedule B was modified to reflect the standard health premium.

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.

Manager Doyon requested that the Commission advise staff of any concerns with the way contracts are being negotiated with regard to the impact on the budget for the negotiating process next year.

Commissioner Robinson moved, seconded by Commissioner Houck, that the City Commission approve the labor agreement between the City of Great Falls and Plumbers and Fitters Local No. 41.

Mayor Pro Tempore Bronson asked if there were any comments from the public or discussion amongst the Commissioners.

Commissioner Moe inquired about the meaning of jurisdiction in the context referring to Schedule B, Special Conditions list, Part A. Referring to Part C (2), Commissioner Moe further inquired if inspectors being subbed in an emergency situation would include man made situations.

Manager Doyon responded that he would follow up with Human Resource Director Gaye McInerney and report back to the Commission.

There being no further discussion, Mayor Pro Tempore Bronson called for the vote.

Motion carried 4-0

ORDINANCES/RESOLUTIONS

11. Resolution 10256, Temporarily Suspending the Design Review Board Meetings and Review Requirements.

Planning and Community Development Director Craig Raymond reported that this item is a request to approve Resolution 10256 which will temporarily suspend the requirement that certain

projects appear before the Design Review Board (DRB) for a period of six months.

There has been a significant boost in development activity in Great Falls over the last few years. During this period, Planning and Community Development (P&CD) has struggled with adequate staffing to keep up with the development pace. There are unfilled vacancies in the department that continues to have a negative effect on development review timelines and efficiency.

Director Raymond reported that the proposed Resolution does not suspend any code required standards or guidelines, and the codes will remain in full force and effect.

He commented that there may be some concern about staff's ability to maintain the high level of quality that the DRB process produces. Staff is already doing the heavy lifting leading up to the DRB meeting. The P&CD will continue to do so under this proposal. The benefit of this proposal is that staff will be able to save time in the setting of agendas, creation of staff reports, attending meetings and production of meeting minutes. The development community may also find benefit in the streamlined process.

Manager Doyon explained that the intent of the six month suspension of the DRB is to relieve some of the pressure with regard to the volume of work from the P&CD Department.

Commissioner Robinson moved, seconded by Commissioner Moe, that the City Commission adopt Resolution 10256.

Mayor Pro Tempore Bronson asked if there were any comments from the public.

Jeni Dodd, 3245 8th Avenue North, received clarification that certain projects have to go through the DRB. Ms. Dodd urged the Commission to consider eliminating the DRB since City codes and zoning requirements already exist.

Shane Etzweiler, President/CEO of the Great Falls Area Chamber of Commerce, 100 1st Avenue North, commented that suspending the DRB for an interim period of six months would be a good trial period.

Tim Austin, NC 3 Chairperson, received clarification that suspending the DRB would be for a period of six months.

Shannon Wilson, 1201 6th Avenue South, commented that the DRB is very pro-development, and offers good suggestions with regard to projects. Ms. Wilson expressed concern that suspending the DRB would not allow the public to attend meetings and comment on projects.

Jeni Dodd, 3245 8th Avenue North, expressed concern with regard to the DRB supporting specific suppliers.

Mayor Pro Tempore Bronson asked if there was any discussion amongst the Commissioners.

Commissioner Moe commented that the role of the DRB is an important use of community expertise that is a value to the community. Commissioner Moe further commented that she would support Resolution 10256 since the suspension would be short term.

Commissioner Houck received clarification that there is not corruption with regard to the DRB supporting just one specific supplier, and that on occasion the DRB has issues with having a quorum.

Commissioner Bronson expressed support of temporarily suspending the DRB for the reasons

provided by Director Raymond and Manager Doyon.

There being no further discussion, Mayor Pro Tempore Bronson called for the vote.

Motion carried 4-0

12. **Resolution 10271, Adopting a Statement of Expense in the Abatement of a Nuisance located at Lot 4, Block 13, Section 8, Township 20 North, Range 4 East, Black Eagle Falls Addition, Great Falls, Cascade County, Montana, addressed as 2612 1st Avenue South.**

Assistant City Attorney Joe Cik reported that in October of 1995 and continuing through June of 2017, the Great Falls Planning and Community Development Department (P&CD) received multiple complaints about the condition of the property located at 2612 1st Avenue South.

In order to abate the subject nuisance, staff contracted with ALR Contracting, LLC, for the painting of the residential structure on the subject property. Painting was completed on June 15, 2018. The cost of said painting service totaled \$3,895.00.

The subject property owner may pay the outstanding balance to the Finance Department within five (5) calendar days. If the property owner does not pay the balance within that time, Staff recommends that the Commission direct that the costs be collected as a special assessment on the subject property. If the Commission does not adopt the Resolution under consideration, the City will not recover the costs of the forced abatement.

Commissioner Houck moved, seconded by Commissioner Robinson, that the City Commission adopt Resolution 10271.

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

Motion carried 4-0

13. **Resolution 10257, Certifying the Abatement of a Nuisance located at Lot 4, Block 13, Section 8, Township 20 North, Range 4 East, Black Eagle Falls Addition, Great Falls, Cascade County, Montana, addressed as 2612 1st Avenue South completed.**

Assistant City Attorney Joe Cik reported that this item pertains to the same property as in Item 12, and consideration of Resolution 10257 is the final step of the abatement process for the property.

Commissioner Moe moved, seconded by Commissioner Houck, that the City Commission adopt Resolution 10257.

Mayor Pro Tempore Bronson asked if there were any comments from the public or discussion

amongst the Commissioners. Hearing none, Mayor Pro Tempore Bronson called for the vote.

Motion carried 4-0

14. **Resolution 10273, Amending Resolution 10233 Extending the Effective Period Thereof for property located at 2311 4th Avenue Southwest.**

Planning and Community Development Director Craig Raymond reported that this item is a request to approve Resolution 10273 which will extend the effective period of Resolution 10233 so that the current owner of the property located at 2311 4th Ave Southwest may complete the abatement of the declared nuisance.

On May 1, 2018, the Commission adopted Resolution 10233, declaring the property located at 2311 4th Avenue Southwest to be a Nuisance pursuant to the Official Code of the City of Great Falls (OCCGF) Title 8, Chapter 49. Resolution 10233 ordered the Nuisance to be abated and authorized staff to force abatement if necessary.

The previous owner, Michael Lewis, made certain improvements to the property in response to the Commission's order. Subsequently, Mr. Lewis was sentenced to federal prison for a 5 year period on unrelated issues.

Staff finds that it is in the City's best interest to extend the effective period so that the new owner has an appropriate time period to complete the abatement. To date, the new owner appears to be cooperative and is taking measures to bring the property into compliance.

Commissioner Moe moved, seconded by Commissioner Houck, that the City Commission adopt Resolution 10273.

Mayor Pro Tempore Bronson asked if there were any comments from the public.

Pat Goodover, 803 Forest Avenue, Realtor for the new property owner, Fannie Mae, received clarification that there would be nothing prohibiting the current or subsequent owner from selling the property as is; however, it would not alleviate the requirement to abate the nuisance.

Mayor Pro Tempore Bronson commented that the Commission is familiar with the issues concerning the property, and he thanked Fannie Mae for taking over the property.

Mayor Pro Tempore Bronson asked if there was any discussion amongst the Commissioners.

Commissioner Houck echoed Mayor Pro Tempore Bronson's comments.

There being no further discussion, Mayor Pro Tempore Bronson called for the vote.

Motion carried 4-0

15. **Ordinance 3189, Repealing and Replacing Title 15, of the Official Code of the City of Great Falls (OCCGF), Pertaining to Buildings and Construction.**

Assistant City Attorney Joe Cik reported that substantive changes include: clarifying language for building moving permits; providing penalties for maintaining unsafe structures; providing penalties for operating without a special business license; providing specific penalties for fire code violations; enhancing code enforcement options for property screening violations.

The ultimate goal of the proposed revisions is to create consistency within the Montana Code Annotated (MCA), the Administrative Rules of Montana (ARM), as well as to clarify the process and application.

Commissioner Moe moved, seconded by Commissioner Robinson, that the City Commission accept Ordinance 3189 on first reading and set the public hearing for November 20, 2018.

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

Motion carried 4-0

CITY COMMISSION

16. Miscellaneous reports and announcements from the City Commission.

Commissioner Moe announced that she would be absent for the November 20th Commission meeting, and that there is a tentative meeting scheduled on December 3rd for the Future of the Falls. Commissioner Moe reported that Mayor Kelly would like to be involved with Cascade County's 24/7 pretrial sentencing program, in order to see if there are any efficiencies that could better the Municipal Court.

Mayor Pro Tempore Bronson announced that he would coordinate a Joint City/County meeting with regard to the Legislative Session.

Commissioner Houck announced that she is a representative for the Local Emergency Planning Committee. She further announced that Commissioner Robinson is fulfilling the needs of the City's Representative for the 2020 Census.

17. Commission Initiatives.

None

ADJOURNMENT

There being no further business to come before the Commission, **Commissioner Moe moved, seconded by Commissioner Houck, to adjourn the regular meeting of November 7, 2018 at 9:00 p.m.**

Motion carried 4-0

Mayor Bob Kelly

City Clerk Lisa Kunz

**Minutes Approved:
November 20, 2018**

DRAFT



Item: Total Expenditures of \$2,135,452 for the period of October 13, 2018 through November 7, 2018, to include claims over \$5,000, in the amount of \$1,835,410.

From: Fiscal Services

Initiated By: City Commission

Presented By: Melissa Kinzler, Fiscal Services Director

ATTACHMENTS:

- ▣ 5000 Report



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

PRESENTED BY: Finance Director

ACTION REQUESTED: Approval with Consent Agenda

LISTING OF ALL ACCOUNTS PAYABLE CHECKS ISSUED AVAILABLE ONLINE AT
<http://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 OCTOBER 25, 2018 - NOVEMBER 7, 2018	2,087,362.71
MUNICIPAL COURT ACCOUNT CHECK RUN FOR OCTOBER 13, 2018 - OCTOBER 31, 2018	48,089.00

TOTAL: \$ 2,135,451.71

GENERAL FUND

POLICE

MISSION CRITICAL PARTNERS LLC	1ST INSTALLMENT FOR RADIO ASSESSMENT AT PD	15,585.40
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SPECIAL REVENUE FUND

911 SPECIAL REVENUE

CENTURYLINK	MONTHLY LINE CHARGES	5,843.14
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HIDTA SPECIAL REVENUE

BILLION DODGE CHRYSLER JEEP RAM	2019 NISSAN FRONTIER	25,329.00
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STREET DISTRICT

GREGOIRE CONSTRUCTION	OF 1730.5 ADA ALLEY APRONS 4TH ST NE 6TH ST NE & 6TH AVE S	26,954.11
KUGLIN CONSTRUCTION	OF 1730.2 ADA HANDICAP RAMPS	31,178.52
GREAT FALLS SAND & GRAVEL INC	ASPHALTIC CONCRETE MATERIAL	143,831.88

ENTERPRISE FUNDS

WATER

BILLION DODGE CHRYSLER JEEP RAM	3 - 2019 NISSAN FRONTIERS	75,987.00
INDUSTRIAL AUTOMATION	OF 1519.6 WTP IMPROVEMENT PHASE 1 UV	34,850.09
CONSULTING INC	CHEMICAL /ELECTRICAL BUILDING	
ADVANCED ENGINEERING &	OF 1625 WATER STORAGE TANK	40,486.93
ENVIRONMENTAL SERVICES INC	EVALUATION	
ADVANCED ENGINEERING &	OF 1625.6 GORE HILL PUMP STATION	12,996.25
ENVIRONMENTAL SERVICES INC	REPLACEMENT	
BLACK & VEATCH CORP	OF 1519.6 WTP IMPROVEMENT PHASE 1	68,939.57
	CONSTRUCTION PORTION	
INDUSTRIAL AUTOMATION	OF 1519.6 WTP IMPROVEMENT PHASE 1 UV	29,368.27
CONSULTING INC	CHEMICAL /ELECTRICAL BUILDING	
LANDMARK STRUCTURES	OF 1625.2 GORE HILL TANK	59,767.83
	REPLACEMENT	

SEWER

NCI ENGINEERING CO	OF 1722.1 LIFT STATION #9 REHAB	6,380.50
GERANIOS ENTERPRISES INC	OF 1674.9 MEADOWLARK DR SEWER	60,069.74
	MAIN REROUTE	
PLANNED AND ENGINEERED	OF 1674.3 NE INTERCEPTOR REHAB	81,675.00
CONSTRUCTION INC		

STORM DRAIN

OUTRIGGER CONSULTANTS LLC	OF 1722.2 LIFT STATION #8 REMOVAL	12,922.50
CASCADE COUNTY TREASURER	TAXES FOR WESTSIDE FLOOD DISTRICT	26,341.54
HORN CONSTRUCTION LLC	OF 1666.7 16TH AVE S/PROSPECT HEIGHTS	127,971.82
	STORM DRAIN IMPROVEMENTS	

CIVIC CENTER EVENTS

OWENHOUSE PROMOTIONS	19-46 CASH OUT JAY OWENHOUSE	15,785.53
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INTERNAL SERVICES FUND

INFORMATION TECHNOLOGY

DELL MARKETING LP	2019 EQUIPMENT REPLACEMENT FOR ERS	15,347.75
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CENTRAL GARAGE

MOUNTAIN VIEW CO-OP	FUEL	35,051.12
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TRUST AND AGENCY

COURT TRUST MUNICIPAL COURT

CITY OF GREAT FALLS

FINES & FORFEITURES COLLECTIONS

36,039.50

PAYROLL CLEARING

STATE TREASURER

MONTANA TAXES

49,528.00

ICMA RETIREMENT TRUST

EMPLOYEE CONTRIBUTIONS

9,091.97

FIREFIGHTER RETIREMENT

FIREFIGHTER RETIREMENT EMPLOYEE &

55,074.23

EMPLOYER CONTRIBUTIONS

STATEWIDE POLICE RESERVE FUND

POLICE RETIREMENT EMPLOYEE &

68,209.09

EMPLOYER CONTRIBUTIONS

PUBLIC EMPLOYEE RETIREMENT

PUBLIC EMPLOYEE RETIREMENT

138,413.35

EMPLOYEE & EMPLOYER CONTRIBUTIONS

US BANK

FEDERAL TAXES, FICA & MEDICARE

215,173.58

AFLAC

EMPLOYEE CONTRIBUTIONS

10,273.10

LABORERS INTERNATIONAL UNION

EMPLOYEE CONTRIBUTIONS

32,519.04

WESTERN CONF OF TEAMSTERS

EMPLOYEE CONTRIBUTIONS

18,373.94

MONTANA OE - CI TRUST FUND

EMPLOYEE CONTRIBUTIONS

27,688.67

NATIONWIDE RETIREMENT SOLUTIONS

EMPLOYEE CONTRIBUTIONS

40,186.50

UTILITY BILLS

NORTHWESTERN ENERGY

OCTOBER 2018 SLD CHARGES

79,129.73

NORTHWESTERN ENERGY

SEPT 2018 WATER PLANT CHARGES

11,087.81

TALEN TREASURE STATE

ELECTRICITY CHARGES FOR OCT 2018

91,958.40

CLAIMS OVER \$5000 TOTAL:\$ 1,835,410.40



Item: Contracts List.

From: City Clerk's Office

Initiated By: Various City Departments

Presented By: City Commission

ATTACHMENTS:

- ▣ Contracts List Updated
- ▣ Contracts List Updated

CITY OF GREAT FALLS, MONTANA

AGENDA: 9

COMMUNICATION TO THE CITY COMMISSION

DATE: November 20, 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: Lisa Kunz, City Clerk

ACTION REQUESTED: Ratification of Contracts through the Consent Agenda

MAYOR' S SIGNATURE: _____

CONTRACTS LIST

	DEPARTMENT	OTHER PARTY (PERSON OR ENTITY)	PERIOD	AMOUNT	PURPOSE
A	Public Works/ Engineering	Montana Department of Transportation (MDT)	10/31/2018 – 12/31/2020	25% of total cost IF MDT's work exceeds \$25,000	Letter Agreement for MDT to adjust one water valve and one sanitary sewer manhole for MDT Project: CMDP 101- 1(18)1 C/N, 3 rd Street NW – Great Falls, Control No. 9053000, Letting Date: February 2019 OF 1614.3 (*Duplicative – See 110718.7F – OF 1614)

B	Public Works/ Engineering	Detailed Construction	11/21/2018- 09/28/2019	\$17,300	Agreement to install an ADA compliant restroom at the Community Recreation Center located at 801 2 nd Avenue North (CR 010218.10D & 062017.18) OF 1737
C	Planning & Community Development and Animal Shelter	Nelson Architects	Current	\$11,996	Ratification of Amendment Number 1 to the Agreement for City Animal Shelter Remodel project (121713.4D) OF 1673
D	Public Works	Lion Ridge, LLC River's Edge Mobile Home Park	Indefinite	N/A	Amended Consecutive System Agreement PWS ID# 000-4687 (CR: 040610.11G)
E	Park & Recreation	Williamson Fencing & Sprinklers (Williamson Fencing, Inc.)	11/21/2018 – 02/28/2019	\$24,450	Ratification of Agreement to replace dugouts and backstop on Field #7 at the Multi Sports Complex OF 1063.6

CITY OF GREAT FALLS, MONTANA

AGENDA: 9

COMMUNICATION TO THE CITY COMMISSION

DATE: November 20, 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: Lisa Kunz, City Clerk

ACTION REQUESTED: Ratification of Contracts through the Consent Agenda

MAYOR' S SIGNATURE: _____

CONTRACTS LIST

	DEPARTMENT	OTHER PARTY (PERSON OR ENTITY)	PERIOD	AMOUNT	PURPOSE
A	Public Works/ Engineering	Montana Department of Transportation (MDT)	10/31/2018 – 12/31/2020	25% of total cost IF MDT's work exceeds \$25,000	Letter Agreement for MDT to adjust one water valve and one sanitary sewer manhole for MDT Project: CMDP 101- 1(18)1 C/N, 3 rd Street NW – Great Falls, Control No. 9053000, Letting Date: February 2019 OF 1614.3 (*Duplicative – See 110718.7F)

B	Public Works/ Engineering	Detailed Construction	11/21/2018- 09/28/2019	\$17,300	Agreement to install an ADA compliant restroom at the Community Recreation Center located at 801 2 nd Avenue North (CR 010218.10D & 062017.18) OF 1737
C	Planning & Community Development and Animal Shelter	Nelson Architects	Current	\$11,996	Ratification of Amendment Number 1 to the Agreement for City Animal Shelter Remodel project (121713.4D) OF 1673
D	Public Works	Lion Ridge, LLC River's Edge Mobile Home Park	Indefinite	N/A	Amended Consecutive System Agreement PWS ID# 000-4687 (CR: 040610.11G)
E	Park & Recreation	Williamson Fencing & Sprinklers (Williamson Fencing, Inc.)	11/21/2018 – 02/28/2019	\$24,450	Ratification of Agreement to replace dugouts and backstop on Field #7 at the Multi Sports Complex OF 1063.6



Item: Final Payment: 16th Avenue South / Prospect Heights Storm Drain Improvements – O.F. 1666.7

From: Engineering Division

Initiated By: Public Works Department

Presented By: Jim Rearden, Public Works Director

Action Requested: Approve Final Pay Request

Suggested Motion:

1. Commissioner moves:

"I move that the City Commission (approve/not approve) Final Payment for the 16th Avenue South/Prospect Heights Storm Drain Improvements in the amount of \$34,472.24 to Horn Construction, LLC and \$348.20 to the State of Montana Miscellaneous Tax Division, and authorize the City Manager to execute the necessary documents and make the payments."

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

Staff Recommendation:

Approve Final Pay Request.

Summary:

City staff has verified that Horn Construction has completed all work in accordance with the plans and contract documents. The project was completed within the approved contract time of 45 calendar days.

Background:

Significant Impacts:

The project consisted of reconstruction of an existing segment of storm drain on 16th Avenue South and 2nd Street South, including new inlets. This project was initiated to correct local drainage problems including minor flooding of private properties.

Project Work Scope:

The completed work scope consisted of approximately 450 feet of storm drain replacement with larger pipe, 3 new manholes, two new inlets, reconnection of existing storm drains, and restoration of the

disturbed roadway and boulevard areas.

Evaluation and Selection Process:

Two bids were received on July 25, 2018 with the bids ranging between \$166,756.10 and \$215,015.00. On August 7, 2018, a contract in the amount of \$166,756.10 was awarded to Horn Construction.

Conclusion: The project was substantially complete on October 12, also the date when the 2-year project warranty period began. The final cost is \$164,084.90, which is \$2,671.20 less than the contract amount.

Fiscal Impact:

City Storm Drain funds were allocated to the project and are available for Final Payment.

Alternatives:

The City Commission could vote to deny the Final Payment.

ATTACHMENTS:

- ▣ Final Payment Documents

APPLICATION FOR PAYMENT NO. 2 - FINAL

To: City of Great Falls (OWNER)
From: Horn Construction L.L.C. (CONTRACTOR)
Contract: 16TH Avenue South / Prospect Heights Storm Drain Improvements O.F. 1666.7
Project: Storm Drain replacement.
OWNER's Contract No. 406-771-1258 ENGINEER's Project No. O.F. 1666.7
For Work accomplished through the date of: October 15, 2018

1.	Original Contract Price:	\$	<u>166,756.10</u>
2.	Net change by Change Orders and Written Amendments (+ or -):	\$	<u>0.00</u>
3.	Current Contract Price (1 plus 2):	\$	<u>166,756.10</u>
4.	Total completed \$ _____ and stored \$ _____ to date:	\$	<u>164,084.90</u>
5.	Retainage (per Agreement):		
	<u>50</u> % of Completed Work: \$ 0.00		
	<u>50</u> % of stored material: \$ 0.00		
	Total Retainage:	\$	<u>0.00</u>
6.	Total completed and stored to date less retainage (4 minus 5):	\$	<u>164,084.90</u>
7.	Less previous Applications for Payments:	\$	<u>129,264.46</u>
8.	Gross Amount Due this application: (6 minus 7):	\$	<u>34,820.44</u>
9.	Less 1% State Gross Receipts Tax:	\$	<u>348.20</u>
10.	DUE THIS APPLICATION (8 MINUS 9):	\$	<u>34,472.24</u>

Accompanying Documentation:

CONTRACTOR's Certification:

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

Dated 10-17-2018

Horn Construction L.L.C

CONTRACTOR

By: 

Payment of the above AMOUNT DUE THIS APPLICATION is recommended.

Dated 10/25/2018

City of Great Falls

ENGINEER

By: 

EJCDC No. 1910-8-E (1996 Edition)

Prepared by the Engineers Joint Contract Documents Committee and endorsed by The Associated General Contractors of America and the Construction Specifications Institute. Modified by the City of Great Falls to add items 9 and 10.

Date: October 7, 2018

15th Avenue South/ Prospect Heights Storm Drain Improvements - O.F. 1666.7

Payment (1) for Horn Construction

Item #	Description of Pay Items	Qty	Unit	Unit Price	Total Bid Amount	Quantity Payment No. 1	Amount Payment No. 1	Quantity Payment No. 2	Amount Payment No. 2	Quantity Payment No. 3	Amount Payment No. 3	Quantity Payment No. 4	Amount Payment No. 4	Quantity Payment No. 5	Amount Payment No. 5 (Final)	Amount Cumulative Payments	Quantity Remaining	Quantity Completed %
SCHEDULE I																		
0101	Mobilization	1	LS	\$ 6,700.00	\$6,700.00	1.00	\$6,700.00		\$0.00		\$0.00		\$0.00		\$0.00	\$6,700.00	0.00	100.00
0102	Traffic Control	1	LS	\$ 4,200.00	\$4,200.00	1.00	\$4,200.00		\$0.00		\$0.00		\$0.00		\$0.00	\$4,200.00	0.00	100.00
0103	Remove and Replace 4" Asphalt Surface Course	475	S.Y.	\$ 43.58	\$20,700.50	115.00	\$6,011.70	360.00	\$15,688.80		\$0.00		\$0.00		\$0.00	\$20,700.50	0.00	100.00
0104	1-1/2" Crushed Gravel Base	475	S.Y.	\$ 18.75	\$8,906.25	475.00	\$8,906.25		\$0.00		\$0.00		\$0.00		\$0.00	\$8,906.25	0.00	100.00
0105	Geotextile Fabric	475	S.Y.	\$ 4.21	\$1,999.75	475.00	\$1,999.75		\$0.00		\$0.00		\$0.00		\$0.00	\$1,999.75	0.00	100.00
0106	30" ASTM F879, PS 45 PVC Storm Drain Pipe	398	L.F.	\$ 145.28	\$57,821.44	398.00	\$57,821.44		\$0.00		\$0.00		\$0.00		\$0.00	\$57,821.44	0.00	100.00
0107	12" ASTM D3034, SDR 35 PVC Storm Drain Pipe	46	L.F.	\$ 133.42	\$6,404.16	46.00	\$6,404.16		\$0.00		\$0.00		\$0.00		\$0.00	\$6,404.16	0.00	100.00
0108	48" Storm Drain Manhole, ASTM C478	1	EA	\$ 6,029.00	\$6,029.00	1.00	\$6,029.00		\$0.00		\$0.00		\$0.00		\$0.00	\$6,029.00	0.00	100.00
0109	60" Storm Drain Manhole, ASTM C478	1	EA	\$ 7,118.00	\$7,118.00	1.00	\$7,118.00		\$0.00		\$0.00		\$0.00		\$0.00	\$7,118.00	0.00	100.00
0110	84" Storm Drain Manhole, ASTM C478	2	EA	\$ 10,215.00	\$20,430.00	2.00	\$20,430.00		\$0.00		\$0.00		\$0.00		\$0.00	\$20,430.00	0.00	100.00
0111	Connect 30" Storm Drain to Existing Manhole	1	EA	\$ 2,500.00	\$2,500.00	1.00	\$2,500.00		\$0.00		\$0.00		\$0.00		\$0.00	\$2,500.00	0.00	100.00
0112	Inlet, Type 1, Including Concrete Apron & Curb	1	EA	\$ 4,237.00	\$4,237.00	0.75	\$3,177.75	0.25	\$1,059.25		\$0.00		\$0.00		\$0.00	\$4,237.00	0.00	100.00
0113	Inlet, Type 1 and Dog House Manhole over Existing 18" RCP	1	EA	\$ 5,388.00	\$5,388.00	0.75	\$4,041.00	0.25	\$1,347.00		\$0.00		\$0.00		\$0.00	\$5,388.00	0.00	100.00
0114	Lower and Insulate Water Services	5	EA	\$ 864.40	\$4,322.00	2.00	\$1,728.80		\$0.00		\$0.00		\$0.00		\$0.00	\$1,728.80	3.00	40.00
0115	Miscellaneous Work Units	10.000	Unit	\$ 1.00	\$10,000.00		\$0.00	9.922.00	\$9,922.00		\$0.00		\$0.00		\$0.00	\$9,922.00	75.00	98.22
TOTAL					\$166,756.10		\$136,067.85		26,017.05		0.00		0.00		0.00	\$164,084.90		

0017 Miscellaneous Work Item Summary

Miscellaneous Pay Item	Qty	Unit Price	Total Amount
Misc. Retro fit MH4 and CI-1 due to gas lines.	2		\$4,394.00
Misc. Excavate soft sub grade and replace with compacted fill.	1		\$1,850.00
Misc. Extra sidewalk replacement	212.00	8.00	\$1,696.00
Misc. Extra curb and gutter replacement	24	48	\$1,152.00
Miscellaneous Work Total (This Payment No.)			\$9,922.00
Misc. Insulate and sand water service #5 and hydrant line			\$800.00

Retainage Summary

Pay No.	Pay Amount	Retainage	Amount
1	\$136,067.85	5%	\$6,803.39
2	\$26,017.05	0%	\$0.00
3	\$0.00	5%	\$0.00
4	\$0.00	5%	\$0.00
5	\$0.00	0%	\$0.00

Payment Summary

Payment No.	1	2	3	4	5 (Final)
Original Contract	\$166,756.10	\$166,756.10	\$166,756.10	\$166,756.10	\$166,756.10
Change Orders + or -	\$0.00	\$9,922.00	\$0.00	\$0.00	\$0.00
Current Contract Amount	\$166,756.10	\$166,084.90	\$166,756.10	\$166,756.10	\$166,756.10
Total Completed and Stored to Date	\$136,067.85	\$164,084.90	\$0.00	\$0.00	\$0.00
Retainage	\$6,803.39	\$0.00	\$0.00	\$0.00	\$0.00
Total Completed and Stored to Date less Retainage	\$129,264.46	\$164,084.90	\$0.00	\$0.00	\$0.00
Less Previous Payments	\$0.00	\$129,264.46	\$0.00	\$0.00	\$0.00
Gross Amount Due this Application	\$129,264.46	\$34,820.44	\$0.00	\$0.00	\$0.00
Less 1% State Withholding Tax	1,292.64	348.20	0.00	0.00	0.00
Total Amount Due this Pay Period	\$127,971.81	\$34,472.24	\$0.00	\$0.00	\$0.00

PROJECT FUNDING/EXPENDITURE SUMMARY

16th Avenue South/Prospect Height Storm Drain Improvements - O.F. 1666.7

Prepared By City Engineers Office 10/6/2018

Payee	Fund	Payment Number/Amount/Date										Allocated Funding	To Date Expenditures	Funding Balance
		No. 1	No. 2 (Final)	No. 3	No. 4	No. 5	No. 6	No. 7	No. 8	No. 9	No. 10			
Contractor Horn Construction, LLC	Sewer Main Collect Impr's. Other Than Bldg.	\$127,971.62	\$34,472.24									For P.O. \$165,085.29	\$162,444.06	\$2,644.23
	Totals	\$127,971.62	\$34,472.24	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$165,085.29	\$162,444.06	\$2,644.23
	Date	10/10/18	10/29/18											
MT. Misc. Contractor's Tax (1%) Horn Construction, LLC	Sewer Main Collect Impr's. Other Than Bldg.	\$1,292.64	\$348.20									For P.O. \$1,667.56	\$1,640.64	\$26.72
	Totals	\$1,292.64	\$348.20	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,667.56	\$1,640.64	\$26.72
	Date	10/16/18	10/29/18											
Miscellaneous	Sewer Main Collect Impr's. Other Than Bldg.	\$180.51										\$3,244.15	\$180.51	\$3,063.64
	Totals	\$180.51	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$3,244.15	\$180.51	\$3,063.64
	Date	07/12/16												
	Vendor	G.P. Tribune												
Totals												\$170,000.00	\$164,265.41	\$5,734.59

Project Funding Summary

Project Fund	Funding	Expenditure	Balance
Storm Drain Other Than Bldg.	\$170,000.00	\$164,265.41	\$5,734.59
Totals	\$170,000.00	\$164,265.41	\$5,734.59

Fund Account No.

Project No.

5315-31-575-49310

PW381806

PROJECT FUNDING/EXPENDITURE SUMMARY

16th Avenue South/Prospect Height Storm Drain Improvements - O.F. 1665.7

Prepared By City Engineers Office 10/8/2018

Payee	Fund	Payment Number/Amount/Date										Allocated Funding For P.O.	To Date Expenditures	Funding Balance
		No. 1	No. 2 (Final)	No. 3	No. 4	No. 5	No. 6	No. 7	No. 8	No. 9	No. 10			
Contractor Horn Construction, LLC	Sewer Main Collect Impr's. Other Than Bldg.	\$127,971.82	\$34,472.24									\$165,088.29	\$162,444.06	\$2,644.23
	Totals	\$127,971.82	\$34,472.24	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$165,088.29	\$162,444.06	\$2,644.23
	Date	10/18/18	10/29/18											
MT. Misc. Contractor's Tax (1%) Horn Construction, LLC	Sewer Main Collect Impr's. Other Than Bldg.	\$1,292.64	\$348.20									For P.O. \$1,667.56	\$1,640.84	\$26.72
	Totals	\$1,292.64	\$348.20	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,667.56	\$1,640.84	\$26.72
	Date	10/18/18	10/29/18											
Miscellaneous	Sewer Main Collect Impr's. Other Than Bldg.	\$180.51										\$3,244.15	\$180.51	\$3,063.64
	Totals	\$180.51	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$3,244.15	\$180.51	\$3,063.64
	Date	07/12/18												
	Vendor	G.F Tribune												
Totals												\$170,000.00	\$164,265.41	\$5,734.59

Project Funding Summary

Project Fund	Funding	Expenditure	Balance
Storm Drain Other Than Bldg.	\$170,000.00	\$164,265.41	\$5,734.59
Totals	\$170,000.00	\$164,265.41	\$5,734.59

Fund Account No.

Project No.

6315-31-575-49310

PW361506



Item: Lease Agreement with Option to Purchase Real Estate for Storm Water Retention and Treatment Ponds, O. F. 1118.4

From: Public Works Administration and Engineering Division

Initiated By: Public Works Department

Presented By: Jim Rearden, Public Works Director

Action Requested: Approve Lease Agreement with Option to Purchase Real Estate

Suggested Motion:

1. Commissioner moves:

"I move the City Commission (approve/not approve) a Lease Agreement with Option to Purchase Real Estate for Storm Water Retention and Treatment Ponds, and authorize the City Manager to execute the agreement."

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

Staff Recommendation:

Approve Lease Agreement with Option to Purchase Real Estate.

Summary:

This agreement will secure the use of existing storm water ponds in the southeastern part of the City and allow the City to install improvements that will enhance the retention and treatment of storm drainage from upslope areas of the City. For up to 15 years, the City will pay the land owner, Loren D. Smith, to lease the property. At the end of the 15 years, the lease can be extended twice for 5 (five) year periods. The City may also purchase the property at any time during the 15 years, with the agreement of Mr. Smith; or at the end of the 15 year lease period. The property has been appraised. The annual lease payments and purchase price was set according to the appraised value for the 8.965 acres involved.

Background:

The property is adjacent to the Berkner Heights subdivisions. No impact to local residents is anticipated.

The agreement was drafted by Public Works staff and reviewed by the City Attorney's Office. The lease will be administered by the Public Works Department.

The primary objective of this lease agreement is to secure the use of this private property for the long term storm water retention and treatment. The current ponds, which were installed around 1950 as part of a gravel mining and processing operation, are in need of some routine maintenance. Modest upgrades will allow the ponds to more efficiently collect storm water from upslope areas of the City as well as some County parcels. The ponds will also allow the City to meet increasingly stringent State and Federal requirements to treat storm runoff from urban areas.

The Agreement will secure the use of the ponds. Future enhancements will extend storm drain mains, stabilize the ponds, and improve the treatment of storm water. These projects will be included in the Capital Improvements Plan over the next several years.

Fiscal Impact:

The lease price is based on a percentage of the appraised land value. The first annual lease payment will be \$8,290.00. Annual payments will increase at 2.25% each year. In the 15th year, the annual payment will be \$11,320.00. Similarly, the purchase price of the land would be \$80,685.00 in year one, increasing to \$110,174.00 in the 15th year.

It should be noted that the property owner does not wish to sell at this time. Thus, this agreement to lease the property, with the eventual option to purchase in the future, was negotiated.

Alternatives:

The City Commission could vote to not approve this agreement. If this happens, the ponds could be removed and the City would lose this opportunity to manage and treat storm runoff from this area in a cost effective manner.

ATTACHMENTS:

- ▢ Lease Agreement
- ▢ Exhibit 'B'
- ▢ Exh. A Certificate of Survey

Lease Agreement with Option to Purchase Real Estate

This LEASE AGREEMENT WITH OPTION TO PURCHASE REAL ESTATE (hereinafter referred to as the Lease/Option) is made this _____ day of _____, 2018, by and between the following parties: City of Great Falls, a Montana municipality, 2 Park Drive South, Great Falls, Montana 59401 (hereinafter referred to as the Tenant/Buyer); and Loren D. Smith, with principal place of business at 1500 51st South, Great Falls, Montana, (hereinafter referred to as the Landlord/Seller).

In consideration of the mutual promises and covenants hereinafter stipulated, the parties hereby agree as follows:

(1) **DESCRIPTION:** The Landlord/Seller agrees to lease, and, the Tenant/Buyer agrees to rent the real property and improvements, hereinafter called property; located at: SE 1/4 SE ¼ C/S #2879 as more fully described in Exhibit "A" (prepared by Babb Land Surveying), attached hereto and incorporated herein by reference.

(2) **TERM:** The term of this Lease/Option shall be for a period of 15 years commencing on January 1, 2019 and ending on December 31, 2033. The term may be extended for two (2) additional periods of five (5) years, unless the Tenant/Buyer gives notice one year in advance to the Landlord/Seller of its intent to terminate this Lease/Option, by mailing a written notice to the last provided address of the Landlord/Seller. Liability for payment will not extend beyond notice to terminate this agreement. Possession shall be given to Tenant/Buyer on January 1, 2019.

(3) **RENT:** Tenant/Buyer agrees to pay to the Landlord/Seller, the initial sum of \$8,290 per year, with the first payment beginning January 1, 2019 as rent for the property, for the term of this Lease/Option, and during any extensions thereof. All rental payments shall be due and payable in advance on the 1st day of each calendar year. The lease payment will increase by 2.25% annually as shown on attached exhibit B.

(4) **OPTION TO PURCHASE:** The Tenant/Buyer, as part of the consideration herein, is

hereby granted the exclusive right, option, and privilege of purchasing the referenced property at any time during the term of this Lease/Option agreement or any extension thereof with Landlord/Seller's written consent. The Tenant/Buyer shall notify the Landlord/Seller in writing of the exercise of this option at least thirty (30) days prior to the expiration of the initial term of this Lease/Option or the expiration of any extension thereof, by mail to the last-provided address of Landlord/Seller.

(5) COVENANTS OF TENANT/BUYER: Commencing with and during the term of this agreement, including extensions, the Tenant/Buyer hereby covenants and agrees as follows:

(A) That the Tenant/Buyer will pay all utility charges and bills, including, but not limited to, water, sewer, gas, oil, and electric, which may be assessed or charged against the property; and

(B) That the Tenant/Buyer will not use the property for any unlawful purpose; and that the Tenant/Buyer will conform to and obey all laws, ordinances, *rules, regulations*, requirements and orders of all Federal, State, and local governmental authorities, agencies, departments, bureaus, boards or officials, respecting the use of the property; and

(C) That the Tenant/Buyer will surrender and deliver up the property, at the end of the term or any extensions thereof, should the option herein not be exercised, in as good order and condition as the same now exists, reasonable use and natural wear and tear excepted; and.

(D) That the Tenant/Buyer will maintain all applicable insurance coverage on the property subject to the limitations set forth in Mont. Code Ann. §2-9-108; and

(E) That the Tenant/Buyer shall allow Landlord/Seller use and access to any water that may be stored on the property during the term of this Lease/Option; and

(F) To the fullest extent permitted by law, subject to the limitations provided by Mont. Code Ann. §2-9-108, Tenant/Buyer shall fully indemnify, defend, and save Landlord/Seller, its agents, representatives, employees, and officers harmless from and against any and all claims, actions, costs, fees, losses, liabilities or damages of whatever kind or nature arising from or related to Tenant/ Buyer's use and enjoyment of the property.

(G) If the real estate taxes on the property increase, primarily due to improvements placed on the property by Tenant/Buyer, more than 10 % above the 2.25% inflation factor used in

this agreement, then the annual lease payment by Tenant/Buyer will be adjusted to reflect that increase.

(6) COVENANTS OF LANDLORD/SELLER: The Landlord/Seller hereby covenants and agrees as follows:

(A) That the Landlord/Seller shall pay all applicable property taxes, except as noted in item (G) above; and

(B) That the Tenant/Buyer shall peaceably and quietly hold, occupy, use, and enjoy the property, without any hindrance, or molestation by Landlord/Seller or any person associated therewith; and

(C) That the Landlord/Seller will not oppose subdivision of the parcel to become a separate tract. The Tenant/Buyer will pay for the costs to perform such subdivision.

(7) BREACH BY TENANT/BUYER: If the Tenant/Buyer shall fail to keep and perform any of the covenants, agreements, or provisions of this Lease/Option, or if the Tenant/Buyer shall abandon the property; it shall be lawful for the Landlord/Seller to enter into said property and again have, repossess, and enjoy the same as if this Lease/Option had not been made, and thereupon this Lease/Option and everything herein contained on the part of the Landlord/Seller to be done and performed shall cease and be utterly void, except as set forth in paragraph (8), below. The commencement of a proceeding or suit in forcible entry and detainer or in ejectment, or otherwise after any default by the Tenant/Buyer, shall be equivalent in every respect to actual entry by the Landlord/Seller.

(8) COSTS OF IMPROVEMENTS: In the event the Tenant/Buyer exercises the option to purchase set forth in paragraph (4), above, and through no fault of the Tenant/Buyer, the Landlord/Seller fails to convey said property to Tenant/Buyer, in accordance with the terms of this Lease/Option, the Tenant/Buyer, *in addition to any other rights which Tenant/Buyer may have in law or equity for the enforcement of Tenant/Buyer's option to purchase*, shall be entitled to reimbursement for the cost of all repairs, maintenance and improvements.

(9) FURTHER ENCUMBRANCES: The Landlord/Seller hereby warrants that there are no leases, options, mortgages, liens, and any other encumbrances against the property, whether of public record or not. The Landlord/Seller agrees not to lease to another third party, nor to assign, sell, option, transfer, pledge or otherwise to convey any or all rights or interests had by Landlord/Seller in the property or in this Lease/Option agreement, nor to further encumber the property nor allow the same to occur. All third parties are hereby put on notice that any leases, assignments by the Landlord/Seller, liens, options, mortgages or any other conveyances or transfers occurring subsequent to the date of this Lease/Option are hereby declared by the Landlord/Seller to be null and void and of no force and effect. The Landlord/Seller further agrees to keep all mortgages, liens, taxes, or other encumbrances on the property, current and in good standing. Tenant/Buyer shall have the right to make payments on same in the event that Landlord/Seller becomes non-current or otherwise defaults thereon and said payments will be deducted from any equity due seller or recovered from future rent due seller.

(10) RIGHT OF ASSIGNMENT: The Tenant/Buyer shall **not** have the right to sublet the property, and/or to assign, sell, transfer, pledge or otherwise convey any or all rights or interests which the Tenant/Buyer may have in the property or in this Lease/Option Agreement.

(11) MAINTENANCE AND REPAIRS: The Tenant/Buyer accepts the property "as is" on the date of execution of this Lease/Option except for items listed in paragraph (13). The Tenant/Buyer shall henceforth be responsible for all maintenance and repair upon said property. The Tenant/Buyer shall have the right to make such repairs, maintenance, and improvements as Tenant/Buyer shall deem necessary proper or desirable. The Tenant/Buyer shall be solely liable for payment for said improvements and shall hold the Landlord/Seller nameless there from.

(12) BINDING AGREEMENTS: The parties hereto agree that this Lease/Option comprises the entire agreement of the parties and that no other representation or agreements have been made or relied upon, and that this Lease/Option agreement shall inure to the benefit of and shall be binding upon the parties, their heirs, executors, administrators, personal representatives, successors, or assigns.

(13) SPECIAL PROVISIONS:

(A) A TITLE SEARCH will be ordered immediately by the Tenant/Buyer. This cost will be borne by the Tenant/Buyer unless it is discovered that Landlord/Seller has unmarketable title in which case the Landlord/Seller will reimburse Tenant/Buyer the cost of the search. If the title is unmarketable, the Tenant/Buyer will then have the option to void this agreement or proceed as agreed herewith.

OPTION TO PURCHASE TERMS

(14) PRICE AND TERMS: The purchase price shall be Eighty Thousand Six Hundred Eighty Five dollars (\$80,685) adjusted by 2.25% annually at the time of purchase. See attached exhibit B which indicates the respective purchase price during each year of the lease.

(15) INCLUDED IN THE PURCHASE: The property, at such time when the option to purchase is executed, shall include all land, together with all improvements thereon, and all appurtenant rights, privileges, easements and facilities.

(16) TITLE: The Landlord/Seller shall convey marketable title to the property with the above described inclusions, by good and sufficient General Warranty Deed in fee simple absolute, on or before closing; said title to be free, clear, and unencumbered except existing mortgages restrictions and easements of record shown in paragraph (9). Title to be conveyed to the Tenant/Buyer and/or assigns.

(17) CLOSING: The deed shall be delivered and the purchase money shall be paid at the lending institution, or other office, of Tenant/Buyer's choice, no later than sixty (60) days after notification to the Landlord/Seller of the Tenant/Buyer's exercise of the option.

(18) COSTS AND PRORATIONS: There shall be prorated between the landlord/Seller and the Tenant/Buyer, as of date of closing, the following items: (a) All real estate taxes and assessments; (b) Interest on encumbrances assumed or taken over by Tenant/Buyer.

(19) In the event this agreement is placed in the hands of an attorney for enforcement the prevailing party shall be entitled to recover court costs and attorney fees.

IN WITNESS WHEREOF: the parties hereto, have set their hands to this Lease/Option

Agreement on this _____ day of _____, 20_____

LOREN D. SMITH,




By: LOREN D. SMITH

STATE OF MONTANA)
County of Cascade : ss.
City of Great Falls)

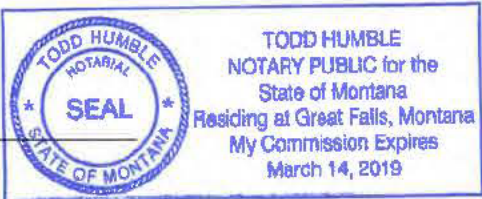
On this 5th day of November, 2018, before me, a Notary Public in and for the State of Montana, personally appeared Loren Smith, known to me to be the person whose name is subscribed to the foregoing instrument within and acknowledged to me that he executed the same.

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

(NOTARIAL SEAL)



Notary Public for the State of Montana



CITY OF GREAT FALLS,

Bob Kelly, Mayor

ATTEST

Lisa Kunz, City Clerk

CITY SEAL

APPROVED FOR LEGAL CONTENT:

Sara R. Sexe, City Attorney

EXHIBIT 'B'

<u>YEAR</u>	<u>PURCHASE PRICE</u>	<u>ANNUAL LEASE PAYMENT</u>
1(2019)	\$80,685.00	\$8,290.00
2	\$82,500.00	\$8,477.00
3	\$84,357.00	\$8,667.00
4	\$86,255.00	\$8,862.00
5	\$88,196.00	\$9,061.00
6	\$90,180.00	\$9,265.00
7	\$92,209.00	\$9,474.00
8	\$94,284.00	\$9,687.00
9	\$96,405.00	\$9,905.00
10	\$98,574.00	\$10,128.00
11	\$100,792.00	\$10,356.00
12	\$103,060.00	\$10,589.00
13	\$105,379.00	\$10,827.00
14	\$107,750.00	\$11,070.00
15(2033)	\$110,174.00	\$11,320.00

EXHIBIT 'A'

CERTIFICATE OF SURVEY

A LEASE PARCEL CREATED FOR STORM WATER RETENTION FACILITIES BEING A PORTION OF THE PARCELS SHOWN ON C.O.S. #2879 & 3349 IN THE SE 1/4 SE 1/4 NW 1/4 & NE 1/4 NE 1/4 SW 1/4, SEC. 16, T. 20 N., R. 4 E., P.M. CASCADE COUNTY, MONTANA

CERTIFICATE OF SURVEY

I, LOREN SMITH, A.K.A. LOREN D. SMITH, A.K.A. LOREN DALLAS SMITH, THE UNDERSIGNED OWNER OF THE SUBJECT PROPERTIES, DO HEREBY CERTIFY THAT I HAVE CAUSED TO BE SURVEYED THE FOLLOWING REAL PROPERTY TO WIT:

LEGAL DESCRIPTION: LEASE PARCEL

A LEASE PARCEL SITUATED IN PORTIONS OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER (SE 1/4 SE 1/4 NW 1/4) AND IN PORTIONS OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER (NE 1/4 NE 1/4 SW 1/4) OF SECTION 16, T. 20 N., R. 4 E., OF THE PRINCIPLE MERIDIAN, CASCADE COUNTY, MONTANA, AND BEING PORTIONS OF THOSE CERTAIN TRACTS OF LAND DEPICTED ON CERTIFICATES OF SURVEY 2879 & 3349, RESPECTIVELY AND DESCRIBED IN REEL 200, DOCUMENT 818 AS TRACT ONE AND IN REEL 318, DOCUMENT 781, RESPECTIVELY, IN THE RECORDS OF CASCADE COUNTY, SAID LEASE PARCEL BEING DESCRIBED AS FOLLOWS:

COMMENCING AT A 2" DIAMETER PIPE SET IN CONCRETE, WHICH OCCUPIES THE POSITION OF THE CENTER-SOUTH-NORTH (C-S-N) SIXTEENTH CORNER OF SAID SECTION 16 AND THE POINT OF BEGINNING OF THE LEASE PARCEL, HEREIN DESCRIBED;

THENCE ALONG THE NORTH-SOUTH SECTION CENTERLINE OF SAID SECTION 16, S01°54'28"E (S02°15'02"E recorded) A DISTANCE OF 659.75 FEET (660.00 FEET RECORDED) TO THE POSITION OF THE CENTER QUARTER CORNER OF SAID SECTION 16;

THENCE CONTINUING ALONG THE NORTH-SOUTH SECTION CENTERLINE OF SAID SECTION 16, S01°54'28"E (S02°15'02"E recorded) A DISTANCE OF 272.16 FEET TO A 5/8" DIAMETER REBAR, 24" LONG, WITH A 1-3/4" DIAMETER NYLON CAP STAMPED "STEPHEN D. BABB, PROFESSIONAL LAND SURVEYOR, MONTANA REG. #11699 LS", HEREINAFTER REFERRED TO AS A "BABB MONUMENT" WHICH OCCUPIES THE POSITION OF AN ANGLE POINT IN SAID LEASE PARCEL, FROM WHICH THE CENTER-NORTH-SOUTH (C-N-S) SIXTEENTH CORNER POSITION BEARS S01°54'28"E A DISTANCE OF 384.27 FEET;

THENCE LEAVING SAID SECTION CENTERLINE, S42°14'01"W A DISTANCE OF 359.77 FEET TO A "BABB MONUMENT" WHICH OCCUPIES AN ANGLE POINT IN SAID LEASE PARCEL;

THENCE N80°58'34"W A DISTANCE OF 119.44 FEET TO A "BABB MONUMENT" WHICH OCCUPIES AN ANGLE POINT IN SAID LEASE PARCEL;

THENCE N59°33'03"W A DISTANCE OF 126.66 FEET TO A "BABB MONUMENT" WHICH OCCUPIES AN ANGLE POINT IN SAID LEASE PARCEL;

THENCE N26°50'05"W A DISTANCE OF 109.68 FEET TO A "BABB MONUMENT" WHICH OCCUPIES AN ANGLE POINT IN SAID LEASE PARCEL;

THENCE N101°17'18"E A DISTANCE OF 483.82 FEET TO A "BABB MONUMENT" WHICH OCCUPIES AN ANGLE POINT IN SAID LEASE PARCEL;

THENCE N01°54'28"W A DISTANCE OF 62.02 FEET TO A "BABB MONUMENT" WHICH OCCUPIES AN ANGLE POINT IN SAID LEASE PARCEL AND LIES ON THE NORTHERLY LINE OF SAID SE 1/4 SE 1/4 NW 1/4 OF SECTION 16, FROM WHICH POINT THE SOUTHEAST-NORTHWEST (SE-NW) SIXTY-FOURTH CORNER OF SAID SECTION 16 BEARS N89°58'15"W (S89°41'40"E recorded) A DISTANCE OF 576.95 FEET;

THENCE ALONG SAID NORTHERLY LINE, S89°58'15"E (N89°41'40"E recorded) A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING OF THE LEASE PARCEL, HEREIN DESCRIBED; AND CONTAINING IN ALL 390,520 SQUARE FEET OR 8.965 ACRES, MORE OR LESS; AND

LEGAL DESCRIPTION: EASEMENT NO. 1

I HEREBY RESERVE FOR MYSELF, MY SUCCESSORS AND ASSIGNS, AND DEDICATE TO AND FOR THE LESSEE OF THE LEASE PARCEL SHOWN HEREON, THEIR SUCCESSORS AND ASSIGNS, A PERPETUAL EASEMENT, DESCRIBED BELOW, FOR THE PURPOSE OF INGRESS, EGRESS, ROAD CONSTRUCTION, ROAD MAINTENANCE AND ROAD USE; SAID EASEMENT BEING DESCRIBED AS FOLLOWS:

AN EASEMENT BEING 30.00 FEET IN WIDTH, BEING THE NORTHERLY 30.00 FEET OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER (SE 1/4 SE 1/4 NW 1/4) OF SECTION 16, TOWNSHIP 20 NORTH, RANGE 4 EAST, OF THE PRINCIPLE MERIDIAN, CASCADE COUNTY, MONTANA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST-NORTHWEST (SE-NW) SIXTY-FOURTH CORNER OF SAID SECTION 16 AND THE POINT OF BEGINNING OF EASEMENT NO. 1, HEREIN DESCRIBED;

THENCE ALONG THE NORTHERLY LINE OF SAID SE 1/4 SE 1/4 NW 1/4, S89°58'15"E (N89°41'40"E recorded) A DISTANCE OF 636.95 FEET (637.06 FEET RECORDED) TO THE CENTER-SOUTH-NORTH (C-S-N) SIXTY-FOURTH CORNER OF SAID SECTION 16;

THENCE ALONG A WESTERLY LINE OF SAID SE 1/4 SE 1/4 NW 1/4, S01°54'28"E A DISTANCE OF 30.00 FEET;

THENCE PARALLEL WITH AND 30.00 FEET SOUTHERLY FROM SAID NORTHERLY LINE OF THE SE 1/4 SE 1/4 NW 1/4, N89°58'15"W A DISTANCE OF 637.10 FEET TO THE WESTERLY LINE OF SAID SE 1/4 SE 1/4 NW 1/4;

THENCE ALONG SAID WESTERLY LINE, N01°38'21"W A DISTANCE OF 30.01 FEET TO THE POINT OF BEGINNING OF EASEMENT NO. 1, HEREIN DESCRIBED; AND (CONTINUED ON NEXT COLUMN)

CERTIFICATE OF SURVEY (continued...)

LEGAL DESCRIPTION: EASEMENT NO. 2

I HEREBY CREATE, GRANT, AND DEDICATE TO AND FOR THE LESSEE OF THE LEASE PARCEL SHOWN HEREON, THEIR SUCCESSORS AND ASSIGNS, A PERPETUAL EASEMENT, DESCRIBED BELOW, FOR THE PURPOSE OF CONSTRUCTION, MAINTENANCE AND OPERATION OF STORM SEWER PIPE(S) AND RELATED FACILITIES, OVER, UNDER AND THROUGH SAID EASEMENT; SAID EASEMENT BEING DESCRIBED AS FOLLOWS:

AN EASEMENT BEING 20.00 FEET IN WIDTH, BEING SITUATED IN THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER (SE 1/4 SE 1/4 NW 1/4) OF SECTION 16, TOWNSHIP 20 NORTH, RANGE 4 EAST, OF THE PRINCIPLE MERIDIAN, CASCADE COUNTY, MONTANA, DESCRIBED AS FOLLOWS:

COMMENCING AT A 5/8" DIAMETER REBAR, 24" LONG, WITH A 1-3/4" DIAMETER NYLON CAP STAMPED "STEPHEN D. BABB, PROFESSIONAL LAND SURVEYOR, MONTANA REG. #11699 LS", WHICH OCCUPIES THE POSITION OF THE CENTER-EAST-WEST (C-E-W) SIXTY-FOURTH CORNER OF SAID SECTION 16;

THENCE N01°38'21"W ALONG THE WESTERLY LINE OF SAID SE 1/4 SE 1/4 NW 1/4, N01°38'21"W A DISTANCE OF 70.90 FEET TO THE POINT OF BEGINNING OF EASEMENT NO. 2, HEREIN DESCRIBED;

THENCE CONTINUING ALONG SAID WESTERLY LINE, N01°38'21"W A DISTANCE OF 22.53 FEET;

THENCE LEAVING SAID WESTERLY LINE, N60°58'31"E A DISTANCE OF 121.45 FEET TO AN ANGLE POINT;

THENCE S77°14'17"E A DISTANCE OF 116.47 FEET TO A 5/8" DIAMETER REBAR, 24" LONG, WITH A 1-3/4" DIAMETER NYLON CAP STAMPED "STEPHEN D. BABB, PROFESSIONAL LAND SURVEYOR, MONTANA REG. #11699 LS", WHICH OCCUPIES THE POSITION OF AN ANGLE POINT IN THE BOUNDARY OF THE HEREIN ABOVE DESCRIBED LEASE PARCEL;

THENCE ALONG A WESTERLY LINE OF SAID LEASE PARCEL, S107°18'18"W A DISTANCE OF 20.02 FEET;

THENCE LEAVING SAID WESTERLY LINE AND PARALLEL WITH AND 20.00 FEET SOUTHERLY FROM THE PREVIOUSLY DESCRIBED LINES, N77°14'17"W A DISTANCE OF 109.69 FEET TO AN ANGLE POINT;

THENCE S80°58'31"W A DISTANCE OF 124.19 FEET TO THE POINT OF BEGINNING OF EASEMENT NO. 2, HEREIN DESCRIBED; AND

PURPOSE STATEMENT

THE PURPOSE OF THIS SURVEY IS TO CREATE AND DESCRIBE A LEASE PARCEL TO BE USED BY THE CITY OF GREAT FALLS FOR CONSTRUCTION AND USE OF STORM WATER RETENTION FACILITIES; AND

NOTICE OF AGRICULTURAL ACTIVITIES

TAKE NOTICE ALL PROSPECTIVE PURCHASERS: THE SUBJECT PARCELS ARE IN THE VICINITY OF EXISTING AGRICULTURAL ACTIVITIES WHICH MAY AFFECT A PURCHASER'S USE AND/OR ENJOYMENT OF HIS/HER PROPERTY; AND

NOTICE OF LIMITED PUBLIC SERVICES

CERTAIN PUBLIC SERVICES SUCH AS, BUT NOT LIMITED TO, SCHOOL BUSING, SNOW PLOWING AND ROAD MAINTENANCE, MAY NOT BE PROVIDED BY CASCADE COUNTY; AND

EXEMPTION FROM REVIEW BY CASCADE COUNTY

THIS LEASE IS EXEMPT FROM REVIEW BY CASCADE COUNTY AS A SUBDIVISION PURSUANT TO M.C.A. 76-3-207(1)(a), WHICH STATES:

"(1) Unless the method of disposition is adopted for the purpose of creating this chapter, the requirements of this chapter may not apply to any division of land that: (a) is created for rights-of-way or utility sites. A subsequent change in the use of the land to a residential, commercial or industrial use is subject to the requirements of this chapter."

EXEMPTION FROM REVIEW BY THE MONTANA D.E.Q.

THIS DIVISION OF LAND IS EXEMPT FROM REVIEW BY THE MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY PURSUANT TO M.C.A. 76-4-125(2)(d) WHICH STATES:

"(2) (d) A subdivision excluded from the provisions of chapter 3 must be submitted for review pursuant to M.C.A. 76-4-125 (2) (i) subdivisions excluded from the provisions of this part, except that the following divisions or parcels, unless the exclusions are used to evade the provisions of this part, are not subject to review:

(d) divisions located within jurisdictional areas that have adopted growth policies pursuant to chapter 1 or within first-class or second-class municipalities for which the governing body certifies, pursuant to 76-4-127, that adequate storm water drainage and adequate municipal facilities will be provided;" AND

(CONTINUED ON NEXT COLUMN)

CERTIFICATE OF SURVEY (continued...)

SO RESERVED, CREATED, GRANTED AND DEDICATED THIS _____ DAY OF _____, 201____

BY LOREN D. SMITH, A.K.A. LOREN SMITH, A.K.A. LOREN DALLAS SMITH

BY: _____

LOREN D. SMITH, A.K.A. LOREN SMITH, A.K.A. LOREN DALLAS SMITH

ACKNOWLEDGED:

State of MONTANA)
County of CASCADE)

ON THIS _____ DAY OF _____, 201____, BEFORE ME A NOTARY PUBLIC FOR THE STATE OF MONTANA, PERSONALLY APPEARED LOREN D. SMITH, A.K.A. LOREN SMITH, A.K.A. LOREN DALLAS SMITH, KNOWN TO ME TO BE THE PERSON WHICH EXECUTED THE FORGING INSTRUMENT, IN WITNESS WHEREOF, I HAVE SET MY HAND AND AFFIXED BY OFFICIAL SEAL ON THE DAY AND YEAR HEREIN ABOVE FIRST WRITTEN.

NOTARY PUBLIC FOR THE STATE OF MONTANA
NOTARY PRINTED NAME: _____
RESIDING AT: _____
MY COMMISSION EXPIRES: _____

CERTIFICATE OF COUNTY TREASURER

I, JAMIE BAILEY, CASCADE COUNTY TREASURER, DO HEREBY CERTIFY THAT PURSUANT TO SECTION 76-3-207(3) M.C.A. THAT ALL REAL PROPERTY TAXES ASSESSED AND LEVIED ON THE LAND DESCRIBED HEREIN HAVE BEEN PAID.

DATED THIS _____ DAY OF _____, 201____

JAMIE BAILEY, CASCADE COUNTY TREASURER

BY: _____ DEPUTY

CERTIFICATE OF SURVEYOR

I, STEPHEN D. BABB, PROFESSIONAL LAND SURVEYOR, LICENSED BY THE STATE OF MONTANA, AND CERTIFIED FEDERAL SURVEYOR, DO HEREBY CERTIFY THAT DURING THE MONTHS OF JULY & AUGUST, 2018, THAT I PERFORMED THE SURVEY THAT THE ACCOMPANYING SURVEY REPRESENTS AND THAT THIS SURVEY IS IN ACCORDANCE WITH THE PROVISIONS SET FORTH IN 76-3-402 AND 403, M.C.A., AND THAT THE MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS SHOWN.

DATED THIS 30th DAY OF October, 2018.

PRELIMINARY

THIS SURVEY AND PLAT ARE VALID ONLY IF THE PRINT HAS THE ORIGINAL SEAL AND SIGNATURE OF THE LAND SURVEYOR

STEPHEN D. BABB, PROFESSIONAL LAND SURVEYOR, MONTANA REGISTRATION NO. 11699LS
CERTIFIED FEDERAL SURVEYOR #1355

CASCADE COUNTY PLANNING DIVISION EXAMINED FOR COMPLIANCE WITH SUBDIVISION & PLATTING ACT

TREASURER'S STAMP YES _____ NO _____

DATE _____

BY _____

CASCADE COUNTY PLANNING DIVISION



CITY-COUNTY HEALTH DEPT
Great Falls, Montana
Exempt From Health Dept. Review
Date: _____
By: _____

SHEET
1
OF
1

CERTIFICATE OF SURVEY
STORM WATER RETENTION FACILITIES LEASE PARCEL
A PORTION OF THE PARCELS SHOWN ON C/S #2879 & #3349
IN THE SE 1/4 SE 1/4 NW 1/4 & NE 1/4 NE 1/4 SW 1/4 SEC. 16
T. 20N., R. 4E., P.M., CASCADE COUNTY, MONTANA

DATE OCTOBER 30, 2018

JOB NO. 1808 XREF: 0540

SCALE 1" = 100'

DRAWN S. BABB



SEC. 16, T. 20N., R. 4E., P.M.

BABB
LAND SURVEYING, INC.

822 ALICE DRIVE GREAT FALLS MONTANA 59405
(406) 268-1188 • (406) 788-6896 CELL • EMAIL: BABBSURVEY@BRESNAN.NET

OWNER:

LOREN SMITH, A.K.A. LOREN D. SMITH, A.K.A. LOREN DALLAS SMITH
1500 5TH ST. S., GREAT FALLS, MT. 59405-5626



Item: Memorandum of Understanding Addendum to Labor Agreement between the City of Great Falls and the International Association of Fire Fighters, Local #8 (IAFF Local #8)

From: Greg Doyon - City Manager

Initiated By: City Manager's Office/IAFF Local #8

Presented By: Greg Doyon - City Manager

Action Requested: Approval of Memorandum of Understanding (MOU) - "Addendum #1 to Schedule A - Certification Pay / Paramedics".

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (approve/deny) the MOU Addendum 1 to Schedule A to the current Collective Bargaining Agreement between the City of Great Falls and the IAFF Local #8, and authorize the City Manager to execute the agreement.”

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

Staff Recommendation:

Staff recommends that the City Commission approve the Memorandum of Understanding between the City of Great Falls and the IAFF Local #8.

Background:

The current International Association of Firefighters (IAFF) Local 8 Collective Bargaining Agreement (CBA) that was approved by the City Commission on August 15, 2017 allows certification pay for Paramedics up to the rank of Captain only. The current paramedic staffing level of Great Falls Fire Rescue (department or GFFR) is sixteen (16) paramedics who are spread out between the four shifts, which has caused shortages of personnel able to provide Advanced Life Support (ALS) Emergency Medical Services (EMS). Also, the department expects to suffer further shortages due to military guard member deployments. GFFR has also been covering Great Falls Emergency Services transports due to their paramedic shortages by intercepting ambulances with department paramedics to provide critical patient care.

Currently there are (2) two Paramedic Battalion Chiefs that have maintained the training and certifications to work in the capacity of Paramedics. In order to continue to provide ALS coverage these

Paramedic/Battalion Chiefs have been responding to calls and providing ALS treatment to critical patients when no ALS level of care was immediately available. Recognizing the position of Paramedic Battalion Chief will increase the department's ability to maintain ALS service and pay them for the work they have already been performing.

The Proposed MOU would be applicable from October of 2018 through October 2021 and will not become a permanent part of the CBA. This MOU shall be revisited during future negotiations and no later than July of 2021.

Fiscal Impact:

The annual estimated financial impact for each Battalion Chief Paramedic would be \$3,563 or \$7,126 for both.

Alternatives:

City Commission could reject the proposed changes and direct staff to find a different solution to the Paramedic shortage.

Concurrences:

IAFF Local #8 members voted to accept the MOU.

ATTACHMENTS:

- Memorandum of Understanding between IAFF and City

**Memorandum of Understanding
between
IAFF, Local 8 and the City of Great Falls**

**Amending Addendum 1 Schedule A
Relating to Certification Pay / Paramedics**

Purpose:

To temporarily amend the current collective bargaining agreement (CBA) Addendum 1 Schedule A – Certification Pay for Paramedics to address paramedic staffing levels.

Background:

Currently, the CBA allows certification pay for Paramedics up to the rank of Captain only. The current paramedic staffing level of Great Falls Fire Rescue (department) is sixteen (16). With upcoming military deployments, the department's hire back pool of paramedics will be affected. Currently the department has two Battalion Chiefs who have maintained the training and certifications to work in the capacity of Paramedics. These Paramedic/Battalion Chiefs are already responding to calls and utilizing the ALS skills when no ALS level of care is immediately available. Recognizing the position of Paramedic Battalion Chief will increase the department's ability to maintain ALS service and pay them for the work they are already performing. Therefore, the parties agree to the following language changes to Addendum 1 Schedule A of the CBA as are identified in bold and strikeout, with the remainder of the CBA remaining as written:

CERTIFICATION PAY:

Paramedic certification pay:

1. Fire Fighter Base X's 4.5%
Criteria: 1st increase effective upon the Department Administration receiving proof of Paramedic certification
2. Fire Fighter Base X's 7%

Criteria: Additional 2.5% effective upon the Department Administration receiving proof of successfully completing proctoring requirements (Practicing Paramedic)

3. Members will not receive Paramedic certification pay above the rank of Battalion Chief.

The number of Paramedics: maximum of 24, increasing at management's discretion.

Schedule:

This MOU will be an addendum to the CBA, applicable from October of 2018 through October of 2021 and will not become a permanent part of the CBA. This MOU shall be revisited no later than July of 2021 for reconsideration.

AGREED TO AND DATED THIS 11th DAY OF October, 2018.

FOR THE CITY OF GREAT FALLS:

FOR THE UNION, IAFF, LOCAL 8:

Gregory T. Doyon, City Manager

David Van Son, IAFF Local 8 Union President



Item: Ordinance 3189, “An Ordinance Repealing and Replacing Title 15, Of The Official Code Of The City Of Great Falls (OCCGF), Pertaining To Buildings and Construction.”

From: Legal Department

Initiated By: Legal Department

Presented By: Sara R. Sexe

Action Requested: Conduct a pubic hearing and adopt Ordinance 3189.

Public Hearing:

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

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (adopt/deny) Ordinance 3189.”

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

Staff Recommendation:

Conduct a public hearing and adopt Ordinance 3189.

Background:

City staff is continuing the comprehensive update of the City Code. The changes recommended in this agenda report deal with Title 15, pertaining to buildings and construction.

The first proposed substantive change would establish clear penalty provisions for International Fire or Building Code (IFC or IBC) violations and operating construction and building maintenance businesses without appropriate licenses. Staff is proposing this change to improve the code enforcement process.

The next substantive proposed change would amend the IFC adoption procedure to allow the Great Falls Fire Rescue Department (GFFR) to administratively amend the Montana State adopted IFC. The GFFR is required, under State law, to adopt the same IFC as does the State. The State will often amend

the IFC to be consistent with specific fire prevention needs in Montana. The current practice requires the GFFR to request the City Commission the adopt an ordinance amending the IFC to be consistent with the State. Allowing the GFFR to amend the IFC administratively to align with the State requirements will greatly increase efficiency in the adoption process.

Ord. 3189 was accepted on first reading November 7, 2018. There was no public comment or Commission discussion. The Ord. 3189 Exhibits were updated after first reading to incorporate additional grammatical changes suggested by Commissioner Moe and to clarify language regarding mobile home caps.

Ord. 3189 Exhibit "A" (Updated from First Reading) is a document illustrating the provisions that will replace the current OCCGF Title 10 with added language in bold and deleted language in strikeout. Exhibit "B" (Updated from First Reading), attached to this agenda report, illustrates the proposed Code in clean format.

Concurrences:

City Manager's Office

Public Works

Planning and Community Development

GFFR

ATTACHMENTS:

- ▣ Ordinance 3189
- ▣ Ord. 3189 Exhibit "A" (Updated from First Reading)
- ▣ Ord. 3189 Exhibit "B" (Updated from First Reading)

ORDINANCE 3189

**AN ORDINANCE REPEALING AND REPLACING TITLE 15 OF
THE OFFICIAL CODE OF THE CITY OF GREAT FALLS
(OCCGF), PERTAINING TO BUILDINGS AND CONSTRUCTION**

* * * * *

WHEREAS, the City Commission established Title 15 of the OCCGF outlining provisions pertaining to Buildings and Construction; and

WHEREAS, the City Commission has recognized deficiencies throughout OCCGF Title 15, 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 15; and

WHEREAS, the City Commission wishes to make substantive amendments to OCCGF Title 15; and

WHEREAS, the amendments include substantive changes to regulations including, but not limited to, International Fire Code adoption process and clearly established penalty provisions for OCCGF Title 15 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 15 is hereby repealed and replaced as depicted by Exhibit “A” attached hereto and by reference incorporated herein, with deleted language identified by ~~strikeout~~ and inserted language **bolded**; and

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

ACCEPTED by the City Commission of the City of Great Falls, Montana on first reading November 7, 2018.

ADOPTED by the City Commission of the City of Great Falls, Montana on second reading November 20, 2018.

Bob Kelly, Mayor

ATTEST:

(CITY SEAL)

Lisa Kunz, City Clerk

APPROVED FOR LEGAL CONTENT:

Sara R. Sexe, City Attorney

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

I, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do certify that I did post as required by law and as prescribed and directed by the Commission, Ordinance 3189 on the Great Falls Civic Center posting board and the Great Falls City website.

Lisa Kunz, City Clerk

(CITY SEAL)

Title 15 BUILDINGS AND CONSTRUCTION

Title 15 BUILDINGS AND CONSTRUCTION

Chapter

Chapter 1 - CODE ADOPTION

~~Chapter 5 — Reserved~~

~~Chapter 102~~ - MOBILE HOMES

~~Chapter 153~~ - INTERNATIONAL ENERGY CONSERVATION CODE

~~Chapter 204~~ - INTERNATIONAL EXISTING BUILDING CODE

~~Chapter 255~~ - MECHANICAL CODE

~~Chapter 306~~ - PLUMBING CODE

~~Chapter 357~~ - INTERNATIONAL FUEL GAS CODE

~~Chapter 408~~ - ELECTRICAL CODE

~~Chapter 509~~ - FIRE CODE

~~Chapter 5510~~ - SCREENING

~~Chapter 5711~~ - DESIGN PROFESSIONALS

~~Chapter 6012~~ - APPLICABILITY

Chapter 1 CODE ADOPTION

Sections:

~~15.1.010 Adoption.~~

~~15.1.020 Design Review Board.~~

~~15.1.030 Commission report.~~

~~15.1.040 House moving license.~~

~~15.1.041 Insurance and bond.~~

~~15.1.050 Moving buildings, permit, supervision.~~

~~15.1.060 Moving buildings, permit fee.~~

~~15.1.070 Special inspector.~~

~~15.1.080 Relocated structures.~~

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~~15.1.090 Asbestos in building construction.~~

15.1.010 Adoption.

15.1.020 Design Review Board.

15.1.030 Commission report.

15.1.040 House moving license.

15.1.050 Insurance and bond.

15.1.060 Moving buildings, permit, and supervision.

15.1.070 Moving buildings, permit fee.

15.1.080 Special inspector.

15.1.090 Relocated structures.

15.1.100 Asbestos in building construction.

15.1.010 Adoption.

The Building Code shall be the same edition as adopted by the State **of Montana**. The Building Code is adopted ~~by administrative action per section 24.301.202 of~~ **pursuant to** the Administrative Rules of Montana- **(ARM)**. The Building Code currently being enforced by the City of Great Falls is on file in the Planning and Community Development Department. Copies of each are available for inspection. Copies may be obtained from the Department of Labor & Industry, Building Standards Division, Building Codes Bureau, P.O. Box 200517, Helena, MT 59620, at cost plus postage; or the International Code Council (ICC), 4051 West Flossmoor Road, Country Club Hills, IL 60478, www.iccsafe.org.

~~(Ord. 2874, 2004; Ord. 2810, (Exh. A) 2001)~~

~~(Ord. No. 3057, § 1, 8-17-2010)~~

~~A. Building Accessibility Rules of the Administrative Rules of Montana 8.70.1501 through 24.301.901 through 24.301.905.~~

15.1.020 Design Review Board.

The Official Code of the City of Great Falls (OCCGF) Title 17-28, Chapter 12, Article 3, establishes the Design Review Board and sets forth its purpose, authority, membership, and the process to review Board decisions. The Board will review and approve development proposals for new commercial and multifamily buildings of eight (8) units or more (excluding Planned Unit Developments and Townhouses).

~~(Ord. 2722, 1997)~~

15.1.030 Commission report.

~~The~~ **During his or her term of office**, the Building Official shall keep, or cause to be kept, a record of the number, description, type, occupancy, size, and valuation of every building or structure erected in the City

Title 15 BUILDINGS AND CONSTRUCTION

during ~~his/her term of office~~ for which certificates or permits are issued. The Building Official shall also make a monthly report, on or before the tenth day of each month, of the number of permits and certificates issued and the valuation of structures erected within the ~~corporate~~ **incorporated City** limits of ~~the City~~ and of fees collected during the preceding month.

~~(Ord. 2541 §2(Exh. B(part)), 1989).~~

15.1.040 House moving license.

Any person, firm ~~or~~, corporation, **or other entity** desiring to move, ~~or engage in the business of moving~~ any house or structure into, out of, or within the City limits, shall first obtain a house mover's license, the annual fee for which shall be set by City Commission resolution.

~~(Ord. 2541 §2(Exh. B(part)), 1989).~~

15.1.041050 Insurance and bond.

Any person, firm, **entity** or corporation desiring to obtain a house mover's license shall make application to the Planning and Community Development Department and shall supply a commercial general liability insurance policy and license bond as specified by City Commission resolution. Upon approval of the application and payment of the annual fee, the license will be issued.

~~(Ord. 2801, 2001; Ord. 2541 §2(Exh. B(part)), 1989).~~

~~(Ord. No. 3057, § 1, 8-17-2010)~~

15.1.050060 Moving buildings, permit, and supervision.

- A. Before any house or structure may be moved into, out of, or within the City, such licensed house movers shall make application for a permit for the moving of each separate house or structure to the Building Official, and ~~said the~~ **Building Official** shall inspect the same and the route upon which house or structure is proposed to be moved.
- B. All house-moving shall be **conducted** under the supervision of the Building Official ~~of the City~~, and the Building Official may demand any precaution deemed advisable for the protection of the streets.
- C. Any mover shall ~~make their own arrangements with all~~ **coordinate and receive appropriate authorization from:**
 - 1. **All impacted** public utilities;
 - 2. **The Great Falls Fire Rescue Department, (GFFR);**
 - 3. **The Great Falls Police Department, Park (GFPD);**
 - 4. **The Great Falls Park and Recreation Department; and**
 - 5. **The Montana Department of Highways, either by agreement or under provisions of the State for such moving and shall furnish proof of such agreement**

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authorization on forms supplied by the Building Official. ~~Each application shall furnish proof of compliance with all Montana regulations for such moving.~~

~~(Ord. 2541 §2(Exh. B(part)), 1989).~~

- D. Each application shall furnish proof of compliance with all Montana regulations for such moving.**

15.1.060070 Moving buildings, permit fee.

Fees for the issuance of a permit to remove any house or structure shall be as set by City Commission resolution.

15.1.070080 Special inspector.

If the Building Official determines any structure over forty (40) tons requires the services of an inspector while the building is in transit, an additional inspection fee shall be paid for all the time spent on inspection.

~~(Ord. 2541 §2(Exh. B(part)), 1989).~~

15.1.080090 Relocated structures.

Whenever ~~said~~ a moved structure is to be relocated within the jurisdiction of the City, permits required by ~~this the Official Code of the City of Great Falls (OCCGF)~~ shall be obtained for such work as **is are** necessary to locate, support, anchor, and supply utilities to the structure. Foundation and/or framing work at the relocated site shall be inspected and approved by the Building Official **or designee** prior to such structure being placed upon the lot. Buildings or structures moved into or within the City shall comply with **the all applicable OCCGF provisions of this Code** for new buildings or structures. Demolition of foundation and utility abandonment on the original site shall be as required by razing guidelines **as set forth by the City.**

~~(Ord. 2541. §2(Exh. B(part)), 1989).~~

15.1.090100 Asbestos in building construction.

A. ~~Building Demolitions.~~

- A.** All buildings scheduled for demolition which contain asbestos insulation or fireproofing must follow the safeguards listed in Title 50, Chapter 64, Montana ~~Codes Code~~ Annotated. Periodic inspection ~~with~~ **pursuant to Mont. Code Ann.** Title 50, Chapter 64, MCA and this section, **may be required.**

B. ~~Asbestos-Containing Spray Products.~~

1. "

- B.** "Asbestos-containing spray products" means any fibrated product or compound which is applied to a surface utilizing a spray or pneumatic means of applications, for whatever purpose.

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- C. "Friable asbestos material" means any material that contains more than one (1) percent asbestos by weight and that can be crumbled, pulverized or reduced to powder, when dry, by hand pressure.
- ~~2.~~
- D. The use of asbestos-containing spray products **for whatever purpose**, other than those in which the asbestos fibers are encapsulated with a bituminous or resinous binder and which are not friable after drying, ~~for whatever purpose~~, in the construction, remodeling, renovation, alteration of a building or structure is prohibited.
- E. **A violation of subsection (D) of this part is a misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00).**

~~(Ord. 2541 §2(Exh. B(part)), 1989).~~

Chapter 5 — Reserved ¹⁴¹

FOOTNOTE(S):

~~—(1)—~~

~~**Editor's note** — Ord. No. 3141, § 1, adopted May 17, 2016, repealed the former Ch. 5, § 15.5.010. The former Ch. 5 pertained to the International Property Maintenance Code and derived from Ord.~~

~~3063, 2011; Ord. 2874, 2004; Ord. 2864, 2003; Ord. 2748, 1998; Ord. 2710 Exh. A), 1996; Ord. 2654 (Exh. B), 1993; Ord. 2627 §1(Exh B) 1992; Ord. 2538 §2(Exh. B), 1989. Provisions relating to similar subject matter have been added as Title 16, Ch. 1, § 16.1.010 of the Code by § 2 of this ordinance.~~
~~(Back)~~

Chapter 2 MOBILE HOMES ¹⁴¹

Sections:

~~15.10.010 Purpose.~~

~~15.10.040 Unsafe structures and utilities — designated.~~

~~15.10.050 Unsafe structures and utilities — abatement — notice.~~

~~15.10.060 Building official — decision.~~

~~15.10.070 Appurtenances — installation.~~

~~15.10.080 Footing.~~

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~~15.10.090 Pier.~~

~~15.10.100 Cap.~~

~~15.10.110 Shim.~~

~~15.10.120 Foundations and piers—use approval.~~

~~15.10.150 Skirting requirements.~~

~~15.10.160 Permit—fees.~~

15.2.010 Purpose.

15.2.020 Unsafe structures and utilities—designated.

15.2.030 Unsafe structures and utilities penalty.

15.2.040 Appurtenances—installation.

15.2.050 Footing.

15.2.060 Pier.

15.2.070 Cap.

15.2.080 Shim.

15.2.090 Foundations and piers—use approval.

15.2.100 Skirting requirements.

15.2.110 Permit—fees.

15.402.010 Purpose.

The purpose of this regulation is to provide minimum standards to safeguard ~~life and limb~~, health, **safety**, property, and public welfare by regulating and controlling use and occupancy of all mobile homes, trailer homes, trailers, or any similarly named structure within the City.

~~(Ord. 2874, 2004; Prior code §4-7-1; Ord. 2651 (Exh. B), 1993).~~

15.10.0402.020 Unsafe structures and utilities—designated.

Unsafe mobile homes, trailer homes, trailers, or other similar structures designed for living purposes for one (1) or more persons are defined as follows:

- A. ~~"Unsafe Structure. An unsafe"~~ **means a** structure ~~is one (1) which~~ constitutes a fire hazard or hazard to life, health, property, or public welfare by reason of use, inadequate maintenance or dilapidation, or abandonment. ~~However, without limitations of the foregoing, any~~ **Any** structure in which any one (1) or more of the following conditions exists shall be deemed conclusively to be an unsafe structure:

1. ~~Those~~ **A structure** which ~~show~~ **shows** damage or deterioration of the non-supporting enclosing or outside walls or covering to such an extent that they will not resist the wind pressure or lateral forces all in accordance with the standards adopted in this ~~chapter~~ Chapter;

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- 2.—~~Those in~~ **A structure for** which the loads upon the floors or roof exceed the maximum design limits; **or**
 - 3.—~~Those in~~ **A structure which parts thereof with parts that** are so attached that they may fall and cause injury to persons or personal property.
- B. ~~"Unsafe Utility. An unsafe"~~ **means a utility is one (1)** which constitutes a fire hazard or hazard to life, health, **safety**, property, or public welfare by reason of use, construction, quality of material, ~~or inadequate maintenance, or dilapidation. However, without limitation of the foregoing, any~~ **Any** utility in which any one (1) or more of the following conditions exists shall be deemed to be an unsafe utility:
- 1.—~~Gas~~ **Damaged gas**-fired, oil-fired, or solid fuel-fired appliances, ~~devices; or~~
 2. **Devices** or other apparatus which have any of the following defects:
 - a.i. Broken or cracked heat exchangers,;
 - b.ii. Defective or deteriorated vents, venting, or flues which permit leakage of the flue gas through the walls,;
 - c.iii. Defective fuel supply lines,;
 - d.iv. Insufficient air supply for combustion of the fuel,;
 - e.v. Defective or improperly installed and/or adjusted controls and appurtenances or a lack of such required controls,;
 - f.vi. Equipment locations which constitute a fire or explosive hazard,; **or**
 - g.vii. Defective or improperly installed **gas-fueled** equipment.

15.10.0502.030 Unsafe structures and utilities—~~abatement—notice~~ penalty.

- A. ~~If after inspection of the structure it is determined to be unsafe, it is a nuisance and shall be abated by removal, upon written notice by the Building Official or duly authorized representative to the person or persons having a record title therein.~~
- B. ~~If the owner of any unsafe structure fails to carry out removal required to be carried out by the written notice within ninety (90) days after receipt of the notice, the Building Official or authorized agent shall cause to be posted upon the structure a warning notice declaring the structure to be unsafe for human occupancy, and he/she shall order all utilities disconnected until such unsafe condition has been abated.~~
- C. ~~Failure to comply with the abatement of the unsafe structure shall constitute a violation of this chapter, and the owner shall be subject to the penalties of Chapter 1.04.070.~~

~~(Ord. 2874, 2004; Prior code §5-7-3 (B)).~~

- A. **An unsafe structure or utility is hereby declared a Nuisance pursuant to OCCGF Title 8, Chapter 49.**
- B. **Owning or maintaining an unsafe structure or utility is a misdemeanor, punishable by a term not to exceed 6 months in jail, a fine not to exceed five hundred dollars (\$500.00) or both. The Court may in its discretion order the unsafe structure or utility removed or destroyed.**

15.10.060 ~~Building official—decision.~~

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~~Any decision or order issued by the Building Official may be appealed to the Board of Appeals. If such order of the Building Official is sustained or modified by the Board of Appeals, such decision shall be deemed final.~~

~~(Ord. 2874, 2004; Prior code §4-7-3(C)).~~

15.10.0702.040 Appurtenances—installation.

- A. Footings, piers, caps, and shims shall be installed directly under the main frame or chassis of the mobile home according to the manufacturer's recommendations ~~so long as, if those recommendations meet the minimum standards set out in this section and Sections 15.10.080 through 15.10.120~~**Chapter.**
- B. All footings, piers, caps, and shims shall be located under both frame rails and shall be installed so the longest dimensions of each piece of material used for the construction of a pier and of each footing, cap, and shim ~~is~~ **are** parallel ~~with~~ **to** the ground and perpendicular to the frame rail. Those nearest ~~to~~ each end of the mobile home shall be within five (5) feet ~~from~~ **of** the end of the home, and shall have a maximum spacing of ten (10) feet on the centers.
- C. All grass and organic material shall be removed from beneath the footings.

~~(Ord. 2874, 2004; Prior code §4-7-4(part)).~~

15.10.0802.050 Footing.

- A. A footing is that portion of the blocking between the ground and the frame rail which spreads and transmits loads directly to the soil.
- B. All footings shall be of a material impervious to rot which has a minimum weight-bearing ability equal to or greater than a solid piece of wood having minimum nominal dimensions of two (2) inches by twelve (12) inches by eighteen (18) inches.
- C. Each footing may be constructed from more than one (1) piece of material, provided that each piece of material has minimum nominal dimensions of not less than two (2) inches by twelve (12) inches by eighteen (18) inches, unless smaller dimensions are approved by the section prior to use.
- D. All footings shall be at least four (4) inches longer and four (4) inches wider than the pier resting upon it, unless smaller dimensions are approved by the section prior to use.

~~(Ord. 2874, 2004; Prior code §4-7-4(part)).~~

15.10.0902.060 Pier.

- A. A pier is a vertical structural support that transmits the load from the mobile home chassis to the footing.
- B. A pier shall be constructed of a material or materials which have a minimum weight-bearing ability equal to or greater than a standard eight (8) inches by eight (8) inches by sixteen (16) inches minimum celled concrete block. If a celled material, e.g., a celled concrete block or an expanded shell, is used to construct piers, the material shall be installed so the open end of each cell is perpendicular to the frame rail and to the ground.

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- C. A pier shall be not less than eight (8) nominal inches wide, and ~~in any event~~ shall be the same width as a cap resting upon it.
- D. A pier eight (8) inches in height, or less, may be constructed of more than one (1) piece of material provided each piece has minimum nominal dimensions of two (2) inches by four (4) inches by sixteen (16) inches.
- E. A pier more than eight (8) inches in height may be constructed of more than one (1) piece of material having minimum nominal dimensions of eight (8) inches wide, eight (8) inches high, and sixteen (16) inches long, provided that the pieces fit flush, one (1) to another.

~~(Ord. 2874, 2004; Prior code §4-7-4 (part)).~~

15.10.1002.070 Cap.

- A. A cap is a covering structure that is placed between the pier and shim to provide a surface on which the shims may rest so as to transmit the mobile home load uniformly to the pier-bearing surface.
- B. All piers shall be topped with a cap not more than four (4) inches in height and not less than eight (8) nominal inches wide and sixteen (16) inches long.
- C. Each cap shall be constructed of the same material throughout and may be constructed of more than one (1) piece of **said same** material, each having minimum nominal dimensions of one (1) inch by eight (8) inches by sixteen (16) inches.

~~(Ord. 2874, 2004; Prior code §4-7-4(part)).~~

15.10.1102.080 Shim.

- A. A shim is a thin tapered slip of wood or metal used to fill in between the cap and mobile home chassis for the purpose of leveling the mobile home.
- B. All shims shall be four (4) inches or less in thickness and wide enough to provide bearing over the width of the cap.
- C. The shims shall be driven tight between the cap and the frame rail to provide uniform bearing and leveling.

~~(Ord. 2874, 2004; Prior code §4-7-4(part)).~~

15.10.1202.090 Foundations and piers—use approval.

Other types of piers and foundations, including heavy metal adjustable screw columns, of equal performance and weight-bearing ability may be used when approved by the ~~administrative authority~~. **Building Official or designee.** Tie-downs shall be provided to resist overturning caused by seismic or wind loadings.

~~(Ord. 2874, 2004; Ord. 2335, 1983; prior code §4-7-4(part)).~~

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15.10.1502.100 Skirting requirements.

All mobile homes placed upon mobile home zoned lots shall have the space below the mobile home skirted by weatherproof materials compatible with the exterior design of the mobile home. When such skirting is placed around a mobile home that has combustion air for the furnace and hot water tank taken from beneath the unit, provision shall be taken to louvre the air intake to outside of the skirt. A proper louvre shall be placed over the intake to prevent the entrance of birds and rodents.

~~(Ord. 2874, 2004; Prior code §4-7-7).~~

15.10.1602.110 Permit—fees.

A fee for each permit to place a mobile home on a lot outside of a licensed trailer court shall be **set by Commission resolution and** paid to the Planning and Community Development Department ~~and the fee therefore shall be as set by City Commission resolution.~~

~~(Ord. 2874, 2004; Ord. 2280 §1, 1981; prior code §4-7-8).~~

~~(Ord. No. 3057, § 1, 8-17-2010)~~

FOOTNOTE(S):

~~—(2)—~~

~~For provisions on mobile home parks, see Title 17 of this Code. ([Back](#))~~

Chapter 153 INTERNATIONAL ENERGY CONSERVATION CODE

Section:

~~15.15.010 Adoption.~~

15.3.010 Adoption.

15.153.010 Adoption.

The International Energy Conservation Code (**IECC**) shall be the same edition as adopted by the State of **Montana**. The ~~International Energy Conservation Code~~ **IECC** is adopted ~~by administrative action per section 24.301.202 of~~ **pursuant to** the Administrative Rules of Montana. The ~~International Energy Conservation Code~~ **IECC** currently being enforced by the City of Great Falls is on file in the Planning and

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Community Development Department. Copies of each are available for inspection. Copies may be obtained from the Department of Labor & Industry, Building Standards Division, Building Codes Bureau, P.O. Box 200517, Helena, MT 59620, at cost plus postage; or the International Code Council (ICC), 4051 West Fossmoor Road, Country Club Hills, IL 60478, www.iccsafe.org.

~~(Ord. 2887, 2004; Ord. 2874, 2004; Ord. 2818, 2002; Ord. 2810, (Exh. A), 2001).~~

~~(Ord. No. 3057, § 1, 8-17-2010)~~

Chapter 204 INTERNATIONAL EXISTING BUILDING CODE

Section:

~~15.20.010 Adoption.~~

15.4.010 Adoption.

15.204.010 Adoption.

The International Existing Building Code (**IEBC**) shall be the same edition as adopted by the State of Montana. The International Existing Building Code **IEBC** is adopted by administrative action per Section 24.304.202 of **pursuant to** the Administrative Rules of Montana. The International Existing Building Code **IEBC** currently being enforced by the City of Great Falls is on file in the Planning and Community Development Department. Copies of each are available for inspection. Copies may be obtained from the Department of Labor & Industry, Building Standards Division, Building Codes Bureau, P.O. Box 200517, Helena, MT 59620, at cost plus postage; or the International Code Council (ICC), 4051 West Flossmoor Road, Country Club Hills, Ill 60478, www.iccsafe.org.

~~(Ord. 2874, 2004; Ord. 2818, 2002; Ord. 2779, 2000; Ord. 2748, 1998; Ord. 2710, 1996; Ord. 2651, 1993; Ord. 2626, 1992; Ord. 2591, 1991)~~

~~(Ord. No. 3057, § 1, 8-17-2010)~~

Chapter 255 MECHANICAL CODE

Section:

~~15.25.010 Adoption.~~

15.5.010 Adoption.

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15.25.010 Adoption.

The Mechanical Code shall be the same edition as adopted by the State **of Montana**. The Mechanical Code is adopted ~~by administrative action per Section 24.301.202 of~~ **pursuant to** the Administrative Rules of Montana. The Mechanical Code currently being enforced by the City of Great Falls is on file in the Planning and Community Development Department. Copies of each are available for inspection. Copies may be obtained from the Department of Labor & Industry, Building Standards Division, Building Codes Bureau, P.O. Box 200517, Helena, MT 59620, at cost plus postage; or the International Code Council (ICC), 4051 West Flossmoor Road, Country Club Hills, IL 60478, www.iccsafe.org.

~~(Ord. 2874, 2004; Ord. 2810, 2001; Ord. 2748, 1998; Ord. 2723, 1997; Ord. 2710, 1996; Ord. 2651, 1993; Ord. 2625, 1991; Ord. 2589, 1991; Ord. 2536, 1989).~~

~~(Ord. No. 3057, § 1, 8-17-2010)~~

Chapter 306 PLUMBING CODE

Sections:

~~15.30.010 Adoption.~~

~~15.30.012 Definition.~~

~~15.30.016 Permit fees.~~

~~15.30.020 Plumbing requirements.~~

~~15.30.021 Contractor licensing.~~

~~15.30.022 Application.~~

~~15.30.023 Insurance and bond.~~

~~15.30.024 License term.~~

~~15.30.025 Fee.~~

~~15.30.026 Permit issuance.~~

~~15.30.030 Plumber's licensing.~~

~~15.30.031 Fee—plumber's license.~~

~~15.30.050 Homeowner's permit.~~

~~15.30.051 Medical gas requirements.~~

~~15.30.052 Contractor licensing.~~

~~15.30.053 Application.~~

~~15.30.054 Insurance and bond.~~

~~15.30.055 Fee.~~

~~15.30.056 Medical gas systems licensing.~~

~~15.30.057 Fee—medical gas systems licensing.~~

~~15.30.060 Violation—penalty.~~

Title 15 BUILDINGS AND CONSTRUCTION

15.6.010 Adoption.

15.6.020 Authority designated.

15.6.030 Permit fees.

15.6.040 Plumbing requirements.

15.6.050 Permit issuance.

15.6.060 Homeowner's permit.

15.6.070 Medical gas requirements.

15.6.080 Violation—penalty.

15.30.010 Adoption.

The **Uniform** Plumbing Code shall be the same edition as adopted by the State of Montana. The **Uniform** Plumbing Code is adopted by administrative action per Section 24.301.202 of pursuant to the Administrative Rules of Montana. The **Uniform** Plumbing Code currently being enforced by the City of Great Falls is on file in the Planning and Community Development Department. Copies of each are available for inspection. Copies may be obtained from the Department of Labor & Industry, Building Standards Division, Building Codes Bureau, P.O. Box 200517, Helena, MT 59620, at cost plus postage; or the International Association of Plumbing and Mechanical Officials (IAPMO), 20001 Walnut Drive South, Walnut, CA 91789-2825.

~~(Ord. 2874, 2004; Ord. 2818, 2002; Ord. 2810, 2001; Ord. 2781, 2000; Ord. 2748, 1998; Ord. 2711, 1996; Ord. 2651, 1993; Ord. 2624, 1992; Ord. 2540, 1989).~~

~~(Ord. No. 3057, § 1, 8-17-2010)~~

15.30.012 Definition.

~~Authority having jurisdiction referred to in this Code shall be the Building Official as defined in the International Building Code.~~

~~(Ord. 2874, 2004; Ord. 2540 §2(Exh. B(part)), 1989).~~

15.6.020 Authority designated.

The Great Falls Building Official or designee shall have the authority to enforce this Chapter.

15.30.0166.030 Permit fees.

~~Section 103.4 Fees:~~ **Shall be as specified Permit fees shall be set** by City Commission resolution.

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~~(Ord. 2874, 2004; Ord. 2818, 2002).~~

15.30.0206.040 Plumbing requirements.

For purposes of definition, plumbing shall involve all sections of the Uniform Plumbing Code, except Chapter 12, Fuel gas piping.

~~(Ord. 2874, 2004; Ord. 2540 §2(Exh. B(part)), 1989).~~

~~15.30.021 Contractor licensing.~~

~~Repealed. See Title 5.~~

~~(Ord. 3172, 2017; Ord. 2874, 2004; Ord. 2540, 1989).~~

~~15.30.022 Application.~~

~~Repealed. See Title 5.~~

~~(Ord. 3172, 2017; Ord. 2874, 2004; Ord. 2540 §2(Exh. B(part)), 1989).~~

~~15.30.023 Insurance and bond.~~

~~Repealed. See Title 5.~~

~~(Ord. 3172, 2017; Ord. 2874, 2004; Ord. 2801; 2001; Ord. 2711 (Exh. A), 1996; Ord. 2540 §2(Exh. B(part)), 1989).~~

~~(Ord. No. 3057, § 1, 8-17-2010)~~

~~15.30.024 License term.~~

~~Repealed. See Title 5.~~

~~(Ord. 3172; Ord. 2874, 2004; Ord. 2540 §2(Exh. B(part)), 1989).~~

~~15.30.025 Fee.~~

~~Repealed. See Title 5.~~

~~(Ord. 3172, 2017; Ord. 2874, 2004; Ord. 2711 (Exh. A), 1996; Ord. 2540 §2(Exh. B(part)), 1989).~~

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15.306.050026 Permit issuance.

Permits shall be issued only to plumbing contractors or homeowners ~~meeting~~ **who meet** the requirements of this chapter ~~Chapter~~, or Title 37, Chapter 69, of MCA. (~~Ord. 2874, 2004; Ord. 2540 §2(Exh. B(part)), 1989~~). **the Montana Code Annotated.**

~~**15.30.030 Plumber's licensing.**~~

~~Repealed. See Title 5.~~

~~(Ord. 3172, 2017; Ord. 2874, 2004; Ord. 2540 §2(Exh. B(part)), 1989).~~

~~**15.30.031 Fee plumber's license.**~~

~~Repealed. See Title 5.~~

~~(Ord. 3172, 2017; Ord. 2874, 2004; Ord. 2711 (Exh. A), 1996; Ord. 2566 §2, 1990; Ord. 2540 §2(Exh. B(part)), 1989).~~

~~**15.30.05015.6.060 Homeowner's permit.**~~

An owner of a single-family residence used exclusively for personal use, may install all sanitary plumbing or potable water supply piping. The standard fee schedule applies to all permits obtained under this ~~article of the Code~~ **Chapter**.

~~(Ord. 2874, 2004; Ord. 2711 (Exh. A), 1996; Ord. 2540 §2(Exh. B(part)), 1989).~~

~~**15.30.0516.070 Medical gas requirements.**~~

For purposes of definition medical gas systems shall involve only ~~NEPA~~ **National Fire Protection Association** 99C Gas and Vacuum Systems current edition.

~~(Ord. 2926, 2006; Ord. 2874, 2004; Ord. 2761, 1999)~~

~~**15.30.052 Contractor licensing.**~~

~~Repealed. See Title 5.~~

~~(Ord. 3172, 2017; Ord. 2874, 2004; Ord. 2761, 1999)~~

~~**15.30.053 Application.**~~

~~Repealed. See Title 5.~~

~~(Ord. 3172, 2017; Ord. 2874, 2004; Ord. 2761, 1999)~~

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~~15.30.054 Insurance and bond.~~

~~Repealed. See Title 5.~~

~~(Ord. 3172, 2017; Ord. 2874, 2004; Ord. 2761, 1999)~~

~~15.30.055 Fee.~~

~~Repealed. See Title 5.~~

~~(Ord. 3172, 2017; Ord. 2874, 2004; Ord. 2761, 1999)~~

~~15.30.056 Medical gas systems licensing.~~

~~Repealed. See Title 5.~~

~~(Ord. 3172, 2017; Ord. 2874, 2004; Ord. 2761, 1999)~~

~~15.30.057 Fee—medical gas systems licensing.~~

~~Repealed. See Title 5.~~

~~(Ord. 3172, 2017; Ord. 2874, 2004; Ord. 2761, 1999)~~

~~15.30.0606.080 Violation—penalty.~~

A violation of any provision of this Chapter is a misdemeanor, punishable by a term not to exceed six (6) months in jail, a fine not to exceed five hundred dollars (\$500.00), or both. A violation of this Chapter may also result in a revocation of any special business license issued pursuant to OCCGF Title 5.

~~Any person, firm or corporation found guilty of violating any of the applicable provisions of this chapter shall be liable to penalty as prescribed by Chapter 1.4.070 of this Code.~~

~~(Ord. 2874, 2004; Ord. 2540 §2(Exh. B(part)), 1989).~~

Chapter 357 INTERNATIONAL FUEL GAS CODE

Sections:

~~15.35.010 Adoption.~~

~~15.35.012 Definition.~~

~~15.35.020 Permit fees.~~

~~15.35.021 Fuel Gas piping requirements.~~

Title 15 BUILDINGS AND CONSTRUCTION

~~15.35.022 Contractor licensing.~~

~~15.35.023 Application.~~

~~15.35.024 Insurance and bond.~~

~~15.35.030 Fee.~~

~~15.35.031 Gas fitters licensing.~~

~~15.35.040 Application.~~

~~15.35.041 Fee—gas fitters license.~~

~~15.35.042 License term.~~

~~15.35.050 Permit issuance.~~

~~15.35.060 Violation—penalty.~~

15.7.010 Adoption.

15.7.020 Definition.

15.7.030 Permit fees.

15.7.040 Fuel Gas piping requirements.

15.7.050 Permit issuance.

15.7.060 Violation—penalty.

~~15.357.010~~ Adoption.

The **International** Fuel Gas Code shall be the same edition as adopted by the State **of Montana**. The **International** Fuel Gas Code is adopted by ~~administrative action per Section 24.301.202 of the administrative~~ **pursuant to the Administrative** Rules of Montana. The **International** Fuel Gas Code currently being enforced by the City of Great Falls is on file in the Planning and Community Development Department. Copies of each are available for inspection. Copies may be obtained from the Department of Labor & Industry, Building Standards Division, Building codes Bureau, P.O. Box 200517, Helena, MT 59620, at cost plus postage; or the International Code Council (ICC), 4051 West Flossmoor Road, Country Club Hills, IL 60478, www.iccsafe.org.

~~(Ord. No. 3057, § 1, 8-17-2010)~~

~~15.35.0127.020~~ Definition.

The ~~code official referred to in this~~ **Fuel Gas** Code **Official** shall be the **Great Falls** Building Official **or designee**. ~~as defined in the International Building Code.~~

~~(Ord. 2874, 2004)~~

Title 15 BUILDINGS AND CONSTRUCTION

15.35.0207.030 Permit fees.

~~Section 106.5.2 Fee schedule. Shall~~ **Permit fees shall** be as specified ~~set~~ by City Commission resolution.

~~(Ord. 2874, 2004)~~

15.35.0217.040 Fuel Gas piping requirements.

For purposes of definition, fuel gas piping shall involve only the International Fuel Gas Code.

~~(Ord. 2874, 2004)~~

~~**15.35.022 Contractor licensing.**~~

~~Repealed. See Title 5.~~

~~(Ord. 3172, 2017; Ord. 2874, 2004; Ord. 2569 §2(Exh. B(part)), 1990).~~

~~**15.35.023 Application.**~~

~~Repealed. See Title 5.~~

~~(Ord. 3172, 2017; Ord. 2874, 2004; Ord. 2569 §1(Exh. B(part)), 1990).~~

~~**15.35.024 Insurance and bond.**~~

~~Repealed. See Title 5.~~

~~(Ord. 3172, 2017; Ord. 2874, 2004; Ord. 2801, 2001; Ord. 2592 §2(part), 1991)~~

~~**15.35.030 Fee.**~~

~~Repealed. See Title 5.~~

~~(Ord. 3172, 2017; Ord. 2874, 2004; Ord. 2711 (Exh. A), 1996; Ord. 2569 §2(Exh. B(part)), 1990).~~

~~**15.35.031 Gas fitters licensing.**~~

~~Repealed. See Title 5.~~

~~(Ord. 3172, 2017; Ord. 2874, 2004; Ord. 2569 §2(Exh. B(part)), 1990).~~

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~~15.35.040~~ — Application.

~~Repealed. See Title 5.~~

~~(Ord. 3172, 2017; Ord. 2874, 2004; Ord. 2569 §1(Exh. B(part)), 1990).~~

~~15.35.041~~ — Fee — gas fitters license.

~~Repealed. See Title 5.~~

~~(Ord. 3172, 2017; Ord. 2874, 2004; Ord. 2711 (Exh. A), 1996; Ord. 2569 §2(Exh. B(part)), 1990).~~

~~15.35.042~~ — License term.

~~Repealed. See Title 5.~~

~~(Ord. 3172, 2017; Ord. 2874, 2004; Ord. 2569 §2(Exh. B(part)), 1990).~~

~~15.35~~15.7.050 Permit issuance.

Only a gas fitting contractor licensed pursuant to **OCCGF** Title 5 of this Code, shall be eligible to obtain a permit for fuel gas piping systems.

~~(Ord. 31732, 2017; Ord. 2874, 2004; Ord. 2569 §2(Exh. B(part)), 1990).~~

~~15.35~~7.060 Violation—penalty.

Any person, firm or corporation found guilty of violating any of the provisions of this chapter shall be liable to penalty as prescribed by Chapter 1.4.070 of this Code.

~~(Ord. 2874, 2004; Ord. 2592 §2(part), 1991).~~

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A violation of any provision of this Chapter is a misdemeanor, punishable by a term not to exceed six (6) months in jail, a fine not to exceed five hundred dollars (\$500.00), or both. A violation of this Chapter may result in the revocation of any special business license issued pursuant to OCCGF Title 5.

Chapter 408 ELECTRICAL CODE

Sections:

~~15.40.010 Adoption.~~

Title 15 BUILDINGS AND CONSTRUCTION

- ~~15.40.020 Electrical contractor's license.~~
- ~~15.40.021 Application for City electrical contractor's license.~~
- ~~15.40.022 Insurance and bond.~~
- ~~15.40.023 License term.~~
- ~~15.40.024 Fee.~~
- ~~15.40.030 Homeowner electrical permit.~~
- ~~15.40.031 Application—homeowner's permit.~~
- ~~15.40.040 Individual wiring certificate.~~
- ~~15.40.041 Application—individual wiring certificate.~~
- ~~15.40.042 Fee—individual wiring certificate.~~
- ~~15.40.050 Electrical permit issuance.~~
- ~~15.40.051 Permit fees.~~
- ~~15.40.060 Violation—penalty.~~
- 15.8.010 Adoption.**
- 15.8.020 Homeowner electrical permit.**
- 15.8.030 Application—homeowner's permit.**
- 15.8.040 Electrical permit issuance.**
- 15.8.050 Permit fees.**
- 15.8.060 Violation—penalty.**

15.408.010 Adoption.

The Electrical Code shall be the same edition as adopted by the State of Montana. The Electrical Code is adopted by administrative action per Section 24.301.202 of **pursuant to** the Administrative Rules of Montana. The Electrical Code currently being enforced by the City of Great Falls is on file in the Planning and Community Development Department. Copies are available for inspection. Copies may be obtained from the Department of Labor & Industry, Building Standards Division, Building codes Bureau, P.O. Box 200517, Helena, MT 59620, at cost plus postage; or the National Fire Protection Association, Inc., #1 Battery march Park, Quincy, Massachusetts, 02269, www.necdirect.org.

~~(Ord. 2874, 2004; Ord. 2818, 2002; Ord. 2810 (Exh. A), 2001; Ord. 2723, 1997; Ord. 2666, 1994; Ord. 2651, 1993; Ord. 2592, 1991).~~

~~(Ord. No. 3057, § 1, 8-17-2010)~~

~~15.40.020 Electrical contractor's license.~~

~~Repealed. See Title 5.~~

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~~(Ord. 3172, 2017; Ord. 2874, 2004; Ord. 2592 §2(part), 1991).~~

~~15.40.021 — Application for City electrical contractor's license.~~

~~Repealed. See Title 5.~~

~~(Ord. 3172, 2017; Ord. 2874, 2004; Ord. 2592 §2(part), 1991).~~

~~15.40.022 — Insurance and bond.~~

~~Repealed. See Title 5.~~

~~(Ord. 3172, 2017; Ord. 2874, 2004; Ord. 2801, 2001; Ord. 2592 §2(part), 1991).~~

~~(Ord. No. 3057, § 1, 8-17-2010)~~

~~15.40.023 — License term.~~

~~Repealed. See Title 5.~~

~~(Ord. 3172, 2017; Ord. 2874, 2004; Ord. 2592 §2(part), 1991).~~

~~15.40.024 — Fee.~~

~~Repealed. See Title 5.~~

~~(Ord. 3172, 2017; Ord. 2874, 2004; Ord. 2592 §2(part), 1991).~~

15.408.020 Homeowner electrical permit.

An individual may obtain an electrical permit for doing electrical work on his **or her** own property or residence; provided, that said property or residence is maintained for his **or her** own use. The electrical work shall be done by the owner or a member of the family residing at the same address. Any other individual(s) performing work under the electrical permit are in violation of this ~~Code~~ **Chapter**.

~~(Ord. 2874, 2004; Ord. 2592 §2(part), 1991).~~

15.40.0318.030 Application—homeowner's permit.

~~Every~~ **Any** person desiring a homeowner's permit under the provisions of ~~Section 15.40.030~~ **this Chapter** shall first file an application for registration, ~~which~~. **The** application shall set forth the location of the building where the work is proposed to be done, state that the applicant is the owner of said building, and attest to understanding applicable provisions of this ~~chapter~~ **Chapter** and electrical codes. Permit fees shall be established by City Commission resolution.

~~(Ord. 2874, 2004; Ord. 2592 §2(part), 1991).~~

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~~15.40.040 Individual wiring certificate.~~

~~Repealed. See Title 5.~~

~~(Ord. 3172, 2017; Ord. 2874, 2004; Ord. 2592 §2(part), 1991).~~

~~15.40.041 Application individual wiring certificate.~~

~~Repealed. See Title 5.~~

~~(Ord. 3172, 2017; Ord. 2874, 2004; Ord. 2592 §2(part), 1991).~~

~~15.40.042 Fee individual wiring certificate.~~

~~Repealed. See Title 5.~~

~~(Ord. 3172, 2017; Ord. 2874, 2004; Ord. 2592 §2(part), 1991).~~

15.408.0540 Electrical permit issuance.

Electrical permits may be issued only to a person, firm ~~or~~, corporation, **or other entity** qualified or licensed under ~~Chapter 68~~, **applicable** Montana Codes Annotated **state law** and ~~this chapter the~~ **OCCGF**, or to individuals qualifying as homeowners in ~~Section 15.40.030 pursuant to this Chapter.~~

~~(Ord. 2874, 2004; Ord. 2592 §2(part), 1991).~~

~~15.40.0518.050 Permit fees.~~

Electrical permit fees shall be ~~collected as~~ set by City Commission resolution.

~~(Ord. 2874, 2004)~~

15.408.060 Violation—penalty.

~~Any person, firm or corporation found guilty of violating any of the provisions of this chapter shall be liable to penalty as prescribed by Chapter 1.4.070 of this Code.~~

~~(Ord. 2874, 2004; Ord. 2592 §2(part), 1991).~~

A violation of any provision of this Chapter is a misdemeanor, punishable by a term not to exceed six (6) months in jail, a fine not to exceed five hundred dollars (\$500.00), or both. A violation of this Chapter may result in the revocation of any special business license issued pursuant to OCCGF Title 5.

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Chapter 950 FIRE CODE

Sections:

~~15.50.010 International Fire Code (IFC)—adoption.~~

~~15.50.040 Definitions.~~

~~15.50.060 Bureau of Fire Prevention—established—duties.~~

~~15.50.080 International Fire Code—amendments.~~

~~15.50.100 Pipes thawed with torch prohibited.~~

~~15.50.140 Violation—penalty.~~

15.9.010 International Fire Code (IFC)—adoption.

15.9.020 Definitions.

15.9.030 Bureau of Fire Prevention—established—duties.

15.9.040 Pipes thawed with torch prohibited.

15.9.050 Violation—penalty.

15.509.010 International Fire Code—adoption.

- A. ~~There is for~~ **The City of Great Falls hereby adopts** the purpose of prescribing regulations governing conditions hazardous to life and property from fire, hazardous materials or explosion, that certain Code and Standards known as the ~~most currently Montana state adopted~~ **International Fire Code (IFC)**, as may be administratively amended by the **Great Falls Fire Rescue Department (GFFR)**.
- B. A copy of such ~~Code~~ **the IFC, as may be amended**, is ~~now filed~~ **available for inspection** in the **City Clerk's** office of ~~and the City Clerk~~ **GFFR Fire Marshall's** office.
- C. Copies of the ~~2012-IFC~~ may **also** be obtained from the International Code Council.

~~(Ord. 2905, 2005; Ord. 2874, 2004; Ord. 2794, 2001; Ord. 2651 (Exh. B), 1993; Ord. 2455 (part), 1987; Ord. 2429 § 2 (part), 1986).~~

~~(Ord. No. 2998, § 1, 3-4-2008; Ord. No. 3048, § 1, 4-6-2010; Ord. No. 3112, § 1, 9-17-2013; Ord. No. 3137, § 1(Exh. A), 11-17-2015)~~

15.50.0409.020 Definitions.

Whenever the following words are used in the ~~2012-IFC~~, the following definitions shall apply:

- A. "Chief of the Bureau of Fire Prevention" means the ~~Fire Marshal of the City~~ **Great Falls Fire Rescue Department (GFFR) Chief**.
- B. "Corporation Counsel" means the **Great Falls** City Attorney.
- C. "Jurisdiction" means the **incorporated City limits of Great Falls**.

Title 15 BUILDINGS AND CONSTRUCTION

- D. "Removal" in relation to storage tanks includes vents and fill pipes and all other incidental hardware.

~~(Ord. 2874, 2004; Ord. 2455 (part), 1987; Ord. 2429 § 2 (part), 1986).~~

~~(Ord. No. 2908, § 1, 3-4-2008; Ord. No. 3048, § 1, 4-6-2010; Ord. No. 3112, § 1, 9-17-2013; Ord. No. 3137, § 1(Exh. A), 11-17-2015)~~

15.50.0609.030 Bureau of Fire Prevention—established—duties.

The 2012-IFC shall be enforced by the **GFFR** Bureau of Fire Prevention ~~in the Fire Department of the City, which is established and which shall be operated,~~ under the supervision of the Fire Chief.

~~(Ord. 2874, 2004).~~

~~(Ord. No. 2998, § 1, 3-4-2008; Ord. No. 3048, § 1, 4-6-2010; Ord. No. 3112, § 1, 9-17-2013; Ord. No. 3137, § 1(Exh. A), 11-17-2015)~~

15.50.080 — International Fire Code—amendments.

The 2012 IFC is adopted in full with the exceptions as follows:

- A. ~~If there is any conflict between the adopted code and the Montana Code Annotated, the provisions of the Montana Code Annotated control.~~
- B. ~~The 2012 IFC is adopted with the following exceptions, additions and amendments:~~
 - a. ~~Section 104.2 Application and Permits is not adopted.~~
 - b. ~~Section 105 Permits and Approvals and any other sections of the 2012 IFC referring to permits are not adopted. This section applies only to the 2012 IFC permitting requirements, not to permitting requirements contained in Montana law. Fees shall be set by Commission resolution.~~
 - c. ~~The Permit sections of the following chapters are not adopted: 3, 5, 6, 9, 20-35 and 50-67.~~
 - d. ~~Section 108 Board of Appeals is not adopted.~~
 - e. ~~Section 113 Fees is not adopted.~~
 - f. ~~Section 308.1.6 Open Flame Devices is adopted but deleting "except by a permit in accordance with Section 105.6 secured from the fire code official."~~
 - g. ~~Section 308.2 Permits Required is not adopted.~~
 - h. ~~Section 405.2 Delete section and replace with: "Frequency required emergency evacuation drills shall be held at the intervals specified in § 20-1-402 MCA. There must be at least eight (8) emergency evacuation/disaster drills held a year in a school. At least four (4) of the drills must be fire exit drills. Drills must be held at different hours of the day or evening to avoid distinction between drills and actual disasters." In Table 405.2 delete the word "monthly" from the frequency column, applicable to Group E and replace with "20-1-402 MCA."~~
 - i. ~~Section 603.4 Portable Unvented Heaters is adopted but the "Exceptions" are not adopted.~~
 - j. ~~Section 603.4.1 Prohibited Locations is not adopted.~~

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- k. ~~Section 906.1 Portable Fire Extinguishers—(1) Exception—is not adopted.~~
- l. ~~Section 907.6.5 Monitoring. Fire alarm systems required by this chapter or by the International Building Code shall be monitored by an approved supervising station in accordance with NFPA 72. Single communications technology to the supervising station is prohibited unless the technology contains redundancy and is approved by the fire code official. When required by the fire code official, non-required fire alarm systems shall be monitored by an approved supervising station in accordance with NFPA 72 and this code.~~
- m. ~~Section 1008.1.4 Door Operations is adopted adding the sentence, "Exit doors shall not be locked, chained, bolted, barred, latched or otherwise rendered unusable. All locking devices shall be of an approved type.~~
- n. ~~Sections 2306.7.9 through 2306.7.9.2.4 Vapor Recovery and Vapor Processing Systems are not adopted.~~
- o. ~~Section 5601.1.3 Approval Required is adopted but deleting "a permit and."~~
- p. ~~Sections 5601.2.2 through 5601.2.4.2 are not adopted.~~
- q. ~~Section 5606.5.2.1 Smokeless Propellant is not adopted. The maximum quantities, storage conditions, and fire protection requirements of gunpowder and ammunition stored in a building shall be as follows: Smokeless powder and small arms primers or percussion caps shall be in accordance with Sections 50-61-120 and 50-61-121 MCA.~~
- r. ~~Section 5606.5.2.3 Small Arms Primers is not adopted. See Sections 50-61-120 and 50-61-121 MCA.~~
- s. ~~Section 5608 Fireworks Display is not adopted. See Title 50 Chapter 37 MCA~~
- t. ~~Section 5706.1 General—In paragraph number 1 delete "farms and."~~
- u. ~~Section 5706.2 delete "farms and" from the heading and "on farms and rural areas and" from the paragraph.~~
- v. ~~Section 5706.2.5.1 (2) is not adopted.~~

The following annexes are adopted as a part of this Code:

- A. ~~Appendix A Board of Appeals is not adopted.~~
- B. ~~Appendix B Fire Flow Requirements of Buildings is adopted.~~
- C. ~~Appendix C Fire Hydrant Location and Distribution is adopted.~~
- D. ~~Appendix D Fire Access Roads is adopted.~~
- E. ~~Appendix E Hazard Categories is not adopted.~~
- F. ~~Appendix F Hazard Ranking is not adopted.~~
- G. ~~Appendix G Cryogenic Fluids is not adopted.~~
- H. ~~Appendix H Hazardous Materials is not adopted.~~
- I. ~~Appendix I Fire Protection Systems—Noncompliant Conditions is adopted.~~
- J. ~~Appendix J Building Information Sign is not adopted.~~

~~(Ord. 2905, 2005; Ord. 2874, 2004; Ord. 2794, 2001).~~

~~(Ord. No. 2998, § 1, 3-4-2008; Ord. No. 3048, § 1, 4-6-2010; Ord. No. 3112, § 1, 9-17-2013; Ord. No. 3137, § 1(Exh. A), 11-17-2015)~~

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15.50.1409.040 Pipes thawed with torch prohibited.

- A.** It is unlawful to use any torch or other flame-producing device for the purpose of thawing out any pipe in or under any house, building or structure in the City. Any person, who in consequence of violating the provisions of this section causes a fire, shall, in addition to the penalties prescribed in this section, be liable to the City in damage to the extent of the costs to the Fire Department for answering a fire alarm and services in extinguishing such fire, such penalty to be recovered by a civil action, or structure in the incorporated City limits.

(Ord. 2874, 2004; Ord. 2455 (part), 1987; Ord. 2429 § 2(part), 1986).

(Ord. No. 2898, § 1, 3-4-2008; Ord. No. 3048, § 1, 4-6-2010; Ord. No. 3137, § 1(Exh. A), 11-17-2015)

- B.** A violation of this section is a misdemeanor punishable by a term not to exceed (six) 6 months in jail, a fine not to exceed five hundred dollars (\$500.00), or both.
- C.** Costs incurred by City emergency personnel responding to a violation of this section may be assessed as a lien on the subject property by Commission resolution.

15.50.1409.050 Violation—penalty.

- A.—Any** Unless otherwise specified in this Chapter, any person who violates any of the provisions of the 2012 IFC as adopted in Section 15.50.010 of this chapter, or fails to comply therewith is guilty of a misdemeanor, punishable by a fine of term not less than ten dollars (\$10.00) nor more than to exceed (six) 6 months in jail, a fine not to exceed five hundred dollars (\$500.00)), or both. by imprisonment for not more than six (6) months, or by both such fine and imprisonment. The imposition of one (1) penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten (10) days that prohibited conditions are maintained shall constitute a separate offense.
- B.** A property that contains a violation shall not excuse of the IFC, or any other violation of this Chapter is hereby declared a Nuisance as defined by OCCGF Title 8, Chapter 49.

B. The application of the above penalty shall not be held to prevent the enforced removal or prohibited conditions.

(Ord. 2874, 2004; Ord. 2455 (part), 1987; Ord. 2429 § 2 (part), 1986).

(Ord. No. 2998, § 1, 3-4-2008; Ord. No. 3048, § 1, 4-6-2010; Ord. No. 3112, § 1, 9-17-2013; Ord. No. 3137, § 1(Exh. A), 11-17-2015)

Other pertinent OCCGF Codes:

9.9.90 Fireworks Policy

9.5.28.010 Negligent Smoking

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~~9.9.90.060 Discharging Fireworks in Parks~~

~~8.60.010 Abandoned Refrigerators~~

~~10.48.060(B) Hydrant Codes~~

~~13.14.010 Unlawful Materials in Sewer~~

Chapter 5510 SCREENING

Sections:

~~15.55.010 Title.~~

~~15.55.020 Purpose.~~

~~15.55.030 Enforcement.~~

~~15.55.040 Definitions.~~

~~15.55.050 Screening—required.~~

~~15.55.060 Nonconforming uses.~~

~~15.55.070 Violations and penalties.~~

15.10.010 Title.

15.10.020 Purpose.

15.10.030 Enforcement.

15.10.040 Definitions.

15.10.050 Screening—required.

15.10.060 Violations and penalties.

~~15.55~~10.010 Title.

This ~~chapter~~ **Chapter** shall be known as the Great Falls Screening Code (**GFSC**). ~~may be cited as such and will be referred to in this chapter as "this Code."~~

~~(Ord. 2874, 2004; Ord. 2651 (Exh. B), 1993; Ord. 2405 (Exh. A (part)), 1985~~

~~15.55~~10.020 Purpose.

The purpose of this Code is to provide a standard to enhance life, health, property, and public welfare by requiring the screening of salvage establishments. The intent is to present a visually attractive appearance, allowing only standard fencing materials or landscaping methods.

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~~(Ord. 2874, 2004; Ord. 2405 (Exh. A (part)), 1985).~~

15.5510.030 Enforcement.

The Planning and Community Development Director or ~~a duly authorized representative~~ **designee** is authorized and directed to enforce this Code.

~~(Ord. 2874, 2004; Ord. 2405 (Exh. A (part)), 1985).~~

~~(Ord. No. 3057, § 1, 8-17-2010)~~

15.5510.040 Definitions.

- A.** "Public view" means a point six (6) feet above the surface of the center of any adjacent public right-of-way including but not limited to avenues, streets, and alleys.
- B.** "Salvage" or "scrap" means fragments of material discarded as waste in manufacturing operations, or machines, tools, equipment, or parts ~~of these~~, **thereof** no longer in serviceable condition, or such items and materials no longer used for their original intent or purpose or such items or materials which are valuable only as raw material for reprocessing. Classes of scrap include but are not limited to ~~metal, rubber, textiles, rope, paper, leather, lumber, plastics and equipment made of these.~~
 - 1. metal;**
 - 2. rubber;**
 - 3. textiles,**
 - 4. rope;**
 - 5. paper;**
 - 6. leather;**
 - 7. lumber;**
 - 8. plastics; and**
 - 9. equipment made of such material.**
- C.** "Salvage" or "scrap dealer" means any place of business which is maintained, operated or used for storing, keeping or selling salvage. This excludes a motor vehicle graveyard ~~or~~, garbage dump, or sanitary landfill which are regulated by other ~~codes~~ **OCCGF provisions.**

~~(Ord. 2874, 2004; Ord. 2405 (Exh. A (part)), 1985).~~

15.5510.050 Screening—required.

~~A. All salvage or scrap material accumulating, disposing of or storing salvage or scrap within the City, when the accumulating, disposing or storing thereof is outside a building or not entirely enclosed by a building hereafter so deposited, stored or accumulated shall enclose the lot or place of deposit where the salvage or scrap is stored within a visually attractive screening sufficient to enclose the salvage or scrap from public view from the outside of the enclosure.~~

~~B.~~

- A. Screening, in compliance with the provisions of this Chapter, is required for the accumulation, storage, or disposal of salvage or scrap.**

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- B.** Screening refers to fencing or other manmade barriers to conceal a ~~facility~~ **salvage** from public view. It also refers to natural barriers. Any screening barrier must conform to all local zoning, planning, building **and protective covenant**, provisions and any other legal restrictions that may be in effect for each **site property**.
- C.** If a fence is used, the boards may be spaced and/or slanted to reduce wind load. The space which can be seen from a broadside view will not be more than one and one-half (1½) inches wide when viewed at any angle from forty-five (45) degrees to ninety (90) degrees to the fence. The interval between spaces will not be less than seven and one-half (7½) inches. Chain-link metal fences with standard fiberglass or other inserts are acceptable, provided the gap between adjacent slats does not exceed one and one-half (1 1/5-) inches. The breaks in the fence may be vertical or at any angle; they cannot be horizontal.
- D.** ~~Screening with shrubs and trees, while not subject to precise measurements, is to provide a similar degree of screening at all times of the year. A berm may be constructed of any solid material, including stumps, demolition debris, etc. The slopes of the berm are to be covered and graded smooth, with not less than three (3) inches of topsoil and seeded with an adequate seeding formula.~~
- ~~D. Any screening must be of sufficient height that none of the salvage or scrap on the premises is visible from public view. This is not intended to require that permanent buildings, other structures, utility poles, cranes or derricks or similar structures be screened.~~
- ~~E. Fences are to be constructed of sound building materials. Rough dimensional lumber or better is acceptable. Slabs are not considered rough dimensional lumber. Plastics or other materials that are placed over the salvage or scrap are not acceptable. Trees and shrubs can best be used in conjunction with other screening materials to improve the appearance of the salvage or scrap facility. Chain-link type metal fence with slats inserted is acceptable. Other screening~~ **Screening other** than the two (2) types of fencing specifically approved above (metal and wood) but of equivalent permanence, attractiveness, and screening qualities are also acceptable, if approved by the Board of Adjustment ~~as provided for in~~ **compliance with OCCGF Title 17 of this Municipal Code.**
- E.** Screening with shrubs and trees, while not subject to precise measurements, is to provide a similar degree of screening at all times of the year. A berm may be constructed of any solid material, including stumps, demolition debris, etc. The slopes of the berm are to be covered and graded smooth, with not less than three (3) inches of topsoil and seeded with an adequate seeding formula.
- F.** No more than one (1) of the approved screening materials is to be used on one (1) side of the ~~facility~~ **premises**. Trees and shrubs may be placed on the outside of the screening material. Other sides may use different approved materials.
- G.** The screening is to be maintained by the ~~facility operator~~ **property or salvage dealer** in a neat and workmanlike manner. ~~It and in compliance with all applicable Official Code of the City of Great Falls provisions. Screening is to be replaced where when necessary by the operator.~~ **property owner or salvage dealer.** Damage by ~~vandals criminal acts~~, or other causes, is ~~at the risk of the operator and is not to be reason for not maintaining the screening.~~ **owner or designee.**
- H.** Signage on the screening must comply with ~~OCCGF Title 17., Chapter 60 of this Code book.~~

~~(Ord. 2874, 2004; Ord. 2405 (Exh. A (part)), 1985).~~

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~~15.55.060~~ — Nonconforming uses.

~~Salvage material dealers in operation at the time of the enactment of this Code and which are not conforming to the provisions, shall be regarded as nonconforming. All non-conformance salvage material dealers shall be screened so as to fall under compliance with this Code within one (1) year of the enactment of this Code.~~

~~(Ord. 2405 (Exh. A (part)), 1985).~~

~~15.55~~10.0760 Violations and penalties.

~~It shall be unlawful for any salvage or scrap dealer to operate contrary to or in~~

- A.** ~~A violation of this Code. Any person violating this Code shall be guilty of Chapter is a misdemeanor, and upon conviction of any such violation, such person shall be punishable by a term not to exceed (six) 6 months in jail, a fine of not more than to exceed five hundred dollars (\$500.00) or by imprisonment for not more than six (6) months or by both such fine and imprisonment), or both.~~

~~(Ord. 2874, 2004; Ord. 2405 (Exh. A (part))), 1985).~~

- B.** ~~A property that contains any violation of this Chapter is hereby declared a Nuisance as defined by OCCGF Title 8, Chapter 49.~~

Chapter 5711 DESIGN PROFESSIONALS

Section:

~~15.57.010 Requirement for design professionals.~~

15.11.010 Requirement for design professionals.

~~15.57~~11.010 Requirement for design professionals.

~~Where structural integrity or, mechanical, electrical, or plumbing complexity, or any other applicable code provision necessitates it, the Building Official may require plans, computations, and specifications to be prepared and designed by an engineer or architect licensed by the State to practice as such even if not required by State law of Montana.~~

~~(Ord. 2875, 2004)~~

Title 15 BUILDINGS AND CONSTRUCTION

Chapter 6012 APPLICABILITY

Sections:

~~15.60.010 Applicability.~~

~~15.60.020 Appeals.~~

15.12.010 Applicability.

15.12.020 Appeals.

~~15.60~~12.010 Applicability.

~~These codes are~~ **OCCGF Title 15** is applicable to all buildings within the ~~building code enforcement area of incorporated City limits~~ of Great Falls, including but not limited to, ~~residential~~:

- A. Residential** buildings, containing less than ~~five (5)~~**four (4)** dwelling units or their attached-to structures, ~~any~~;
- B. Any** farm or ranch building; ~~and any~~
- C. Any** private garage or private storage structure used only for the owner's own use as provided by ~~§Mont. Code Ann. § 50-60-102(1)(a), MCA.~~

~~(Ord. 2874, 2004; Ord. 2748, 1998)~~

~~15.60~~12.020 Appeals.

Appeals may be filed to any order, requirement, permit decision, refusal or determination of the Building Official **or designee** in accordance with **OCCGF Title 17, Chapter 12, Article 5.**

~~(Ord. 2874, 2004; Ord. 2748, 1998).~~

(Ord. 3189, 2018; Ord. 3172, 2017; Ord. 3141, 2016; Ord. 3137, 2015; Ord. 3112, 2013; Ord. 3063, 2011; Ord. 3057, 2010; Ord. 3048, 2010; Ord. 2998, 2008; Ord. 2926, 2006; Ord. 2905, 2005; Ord. 2887, 2004; Ord. 2875, 2004; Ord. 2874, 2004; Ord. 2864, 2003; Ord. 2839, 2003; Ord. 2834, 2002; Ord. 2818, 2002; Ord. 2817, 2002; Ord. 2810, 2001; Ord. 2801, 2001; Ord. 2794, 2001; Ord. 2791, 2000; Ord. 2786, 2001; Ord. 2782, 2001; Ord. 2779, 2000; Ord. 2761, 1999; Ord. 2748, 1998; Ord. 2736, 1998; Ord. 2723, 1997; Ord. 2722, 1997; Ord. 2718, 1996; Ord. 2711, 1996; Ord. 2710, 1996; Ord. 2669, 1994; Ord. 2666, 1994; Ord. 2665, 1994; Ord. 2651, 1993; Ord. 2644, 1993; Ord. 2636, 1992; Ord. 2629, 1992; Ord. 2628, 1992; Ord. 2627, 1992; Ord. 2626, 1992; Ord. 2625, 1992; Ord. 2624, 1992; Ord. 2597, 1991; Ord. 2592, 1991; Ord. 2591, 1991; Ord. 2590, 1991; Ord. 2589, 1991; Ord. 2588, 1991; Ord. 2569, 1990; Ord. 2567, 1990; Ord. 2566, 1990; Ord. 2559, 1990; Ord. 2541, 1989; Ord. 2540, 1989; Ord. 2539, 1989; Ord. 2538, 1989; Ord. 2537, 1989; Ord. 2536, 1989; Ord. 2513, 1988; Ord. 2497, 1988; Ord. 2482, 1987; Ord. 2464, 1987; Ord. 2463, 1987; Ord. 2455, 1987;

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Ord. 2434, 1986; Ord. 2429, 1986; Ord. 2426, 1986; Ord. 2425, 1986; Ord. 2424, 1986; Ord. 2423, 1986; Ord. 2422, 1986; Ord. 2421, 1986; Ord. 2420, 1986; Ord. 2419, 1986; Ord. 2416, 1986; Ord. 2415, 1986; Ord. 2405, 1985; Ord. 2377, 1985; Ord. 2376, 1985; Ord. 2375, 1985; Ord. 2374, 1985; Ord. 2337, 1983; Ord. 2336, 1983; Ord. 2335, 1983; Ord. 2334, 1983; Ord. 2333, 1983; Ord. 2332, 1983; Ord. 2331, 1983; Ord. 2330, 1983; Ord. 2329, 1983; Ord. 2328, 1983; Ord. 2327, 1983; Ord. 2280, 1981; Ord. 2253, 1981; Ord. 2230, 1980; Ord. 2204, 1980; Ord. 2203, 1980; Ord. 2202, 1980; Ord. 2058, 1979; Ord. 2038, 1978; Prior Code: §5-7-3(B); 4-7-8; 4-7-7; 4-7-4; 4-7-3(C)).

Title 15 BUILDINGS AND CONSTRUCTION

Title 15 BUILDINGS AND CONSTRUCTION

Chapter

Chapter 1 - CODE ADOPTION

Chapter 2 - MOBILE HOMES

Chapter 3 - INTERNATIONAL ENERGY CONSERVATION CODE

Chapter 4 - INTERNATIONAL EXISTING BUILDING CODE

Chapter 5 - MECHANICAL CODE

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Chapter 1 CODE ADOPTION

Sections:

15.1.010 Adoption.

15.1.020 Design Review Board.

15.1.030 Commission report.

15.1.040 House moving license.

15.1.050 Insurance and bond.

15.1.060 Moving buildings, permit, and supervision.

15.1.070 Moving buildings, permit fee.

15.1.080 Special inspector.

15.1.090 Relocated structures.

15.1.100 Asbestos in building construction.

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15.1.010 Adoption.

The Building Code shall be the same edition as adopted by the State of Montana. The Building Code is adopted pursuant to the Administrative Rules of Montana (ARM). The Building Code currently being enforced by the City of Great Falls is on file in the Planning and Community Development Department. Copies of each are available for inspection. Copies may be obtained from the Department of Labor & Industry, Building Standards Division, Building Codes Bureau, P.O. Box 200517, Helena, MT 59620, at cost plus postage; or the International Code Council (ICC), 4051 West Flossmoor Road, Country Club Hills, IL 60478, www.iccsafe.org.

15.1.020 Design Review Board.

The Official Code of the City of Great Falls OCCGF Title 17, Chapter 12, Article 3, establishes the Design Review Board and sets forth its purpose, authority, membership, and the process to review Board decisions. The Board will review and approve development proposals for new commercial and multifamily buildings of eight (8) units or more (excluding Planned Unit Developments and Townhouses).

15.1.030 Commission report.

During his or her term of office, the Building Official shall keep, or cause to be kept, a record of the number, description, type, occupancy, size, and valuation of every building or structure erected in the City for which certificates or permits are issued. The Building Official shall also make a monthly report, on or before the tenth day of each month, of the number of permits and certificates issued and the valuation of structures erected within the incorporated City limits and of fees collected during the preceding month.

15.1.040 House moving license.

Any person, firm, corporation, or other entity desiring to move any house or structure into, out of, or within the City limits, shall first obtain a house mover's license, the annual fee for which shall be set by City Commission resolution.

15.1.050 Insurance and bond.

Any person, firm, entity or corporation desiring to obtain a house mover's license shall make application to the Planning and Community Development Department and shall supply a commercial general liability insurance policy and license bond as specified by City Commission resolution. Upon approval of the application and payment of the annual fee, the license will be issued.

15.1.060 Moving buildings, permit, and supervision.

- A. Before any house or structure may be moved into, out of, or within the City, such licensed house movers shall make application for a permit for the moving of each separate house or structure to the Building Official, and the Building Official shall inspect the same and the route upon which house or structure is proposed to be moved.

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- B. All house-moving shall be conducted under the supervision of the Building Official, and the Building Official may demand any precaution deemed advisable for the protection of the streets.
- C. Any mover shall coordinate and receive appropriate authorization from:
 - 1. All impacted public utilities;
 - 2. The Great Falls Fire Rescue Department (GFFR);
 - 3. The Great Falls Police Department (GFPD);
 - 4. The Great Falls Park and Recreation Department; and
 - 5. The Montana Department of Highways, either by agreement or under provisions of the State for such moving and shall furnish proof of such authorization on forms supplied by the Building Official.
- D. Each application shall furnish proof of compliance with all Montana regulations for such moving.

15.1.070 Moving buildings, permit fee.

Fees for the issuance of a permit to remove any house or structure shall be as set by City Commission resolution.

15.1.080 Special inspector.

If the Building Official determines any structure over forty (40) tons requires the services of an inspector while the building is in transit, an additional inspection fee shall be paid for all the time spent on inspection.

15.1.090 Relocated structures.

Whenever a moved structure is to be relocated within the jurisdiction of the City, permits required by the Official Code of the City of Great Falls (OCCGF) shall be obtained for such work as are necessary to locate, support, anchor, and supply utilities to the structure. Foundation and/or framing work at the relocated site shall be inspected and approved by the Building Official or designee prior to such structure being placed upon the lot. Buildings or structures moved into or within the City shall comply with all applicable OCCGF provisions for new buildings or structures. Demolition of foundation and utility abandonment on the original site shall be as required by razing guidelines as set forth by the City.

15.1.100 Asbestos in building construction.

- A. All buildings scheduled for demolition which contain asbestos insulation or fireproofing must follow the safeguards listed in Title 50, Chapter 64, Montana Code Annotated. Periodic inspection pursuant to Mont. Code Ann. Title 50, Chapter 64, and this section, may be required.
- B. "Asbestos-containing spray products" means any fibrated product or compound which is applied to a surface utilizing a spray or pneumatic means of application, for whatever purpose.

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- C. "Friable asbestos material" means any material that contains more than one (1) percent asbestos by weight and that can be crumbled, pulverized or reduced to powder, when dry, by hand pressure.
- D. The use of asbestos-containing spray products for whatever purpose, other than those in which the asbestos fibers are encapsulated with a bituminous or resinous binder and which are not friable after drying, in the construction, remodeling, renovation, alteration of a building or structure is prohibited.
- E. A violation of subsection (D) of this part is a misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00).

Chapter 2 MOBILE HOMES

Sections:

- 15.2.010 Purpose.
- 15.2.020 Unsafe structures and utilities—designated.
- 15.2.030 Unsafe structures and utilities penalty.
- 15.2.040 Appurtenances—installation.
- 15.2.050 Footing.
- 15.2.060 Pier.
- 15.2.070 Cap.
- 15.2.080 Shim.
- 15.2.090 Foundations and piers—use approval.
- 15.2.100 Skirting requirements.
- 15.2.110 Permit—fees.

15.2.010 Purpose.

The purpose of this regulation is to provide minimum standards to safeguard, health, safety, property, and public welfare by regulating and controlling use and occupancy of all mobile homes, trailer homes, trailers, or any similarly named structure within the City.

15.2.020 Unsafe structures and utilities—designated.

Unsafe mobile homes, trailer homes, trailers, or other similar structures designed for living purposes for one (1) or more persons are defined as follows:

- A. "Unsafe Structure" means a structure which constitutes a fire hazard or hazard to life, health, property, or public welfare by reason of use, inadequate maintenance or dilapidation, or abandonment. Any structure in which any one (1) or more of the following conditions exists shall be deemed conclusively to be an unsafe structure:

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1. A structure which shows damage or deterioration of the non-supporting enclosing or outside walls or covering to such an extent that they will not resist the wind pressure or lateral forces all in accordance with the standards adopted in this Chapter;
 2. A structure for which the loads upon the floors or roof exceed the maximum design limits; or
 3. A structure with parts that are so attached that they may fall and cause injury to persons or personal property.
- B. "Unsafe Utility" means a utility which constitutes a fire hazard or hazard to health, safety, property, or public welfare by reason of use, construction, quality of material, inadequate maintenance, or dilapidation. Any utility in which any one (1) or more of the following conditions exists shall be deemed to be an unsafe utility:
1. Damaged gas-fired, oil-fired, or solid fuel-fired appliances; or
 2. Devices or other apparatus which have any of the following defects:
 - i. Broken or cracked heat exchangers;
 - ii. Defective or deteriorated vents, venting, or flues which permit leakage of the flue gas through the walls;
 - iii. Defective fuel supply lines;
 - iv. Insufficient air supply for combustion of the fuel;
 - v. Defective or improperly installed and/or adjusted controls and appurtenances or a lack of such required controls;
 - vi. Equipment locations which constitute a fire or explosive hazard; or
 - vii. Defective or improperly installed gas-fueled equipment.

15.2.030 Unsafe structures and utilities penalty.

- A. An unsafe structure or utility is hereby declared a Nuisance pursuant to OCCGF Title 8, Chapter 49.
- B. Owning or maintaining an unsafe structure or utility is a misdemeanor, punishable by a term not to exceed 6 months in jail, a fine not to exceed five hundred dollars (\$500.00) or both. The Court may in its discretion order the unsafe structure or utility removed or destroyed.

15.2.040 Appurtenances—installation.

- A. Footings, piers, caps, and shims shall be installed directly under the main frame or chassis of the mobile home according to the manufacturer's recommendations, if those recommendations meet the minimum standards set out in this Chapter.
- B. All footings, piers, caps, and shims shall be located under both frame rails and shall be installed so the longest dimensions of each piece of material used for the construction of a pier and of each footing, cap, and shim are parallel to the ground and perpendicular to the frame rail. Those nearest to each end of the mobile home shall be within five (5) feet of the end of the home, and shall have a maximum spacing of ten (10) feet on the centers.

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- C. All grass and organic material shall be removed from beneath the footings.

15.2.050 Footing.

- A. A footing is that portion of the blocking between the ground and the frame rail which spreads and transmits loads directly to the soil.
- B. All footings shall be of a material impervious to rot which has a minimum weight-bearing ability equal to or greater than a solid piece of wood having minimum nominal dimensions of two (2) inches by twelve (12) inches by eighteen (18) inches.
- C. Each footing may be constructed from more than one (1) piece of material, provided that each piece of material has minimum nominal dimensions of not less than two (2) inches by twelve (12) inches by eighteen (18) inches, unless smaller dimensions are approved by the section prior to use.
- D. All footings shall be at least four (4) inches longer and four (4) inches wider than the pier resting upon it, unless smaller dimensions are approved by the section prior to use.

15.2.060 Pier.

- A. A pier is a vertical structural support that transmits the load from the mobile home chassis to the footing.
- B. A pier shall be constructed of a material or materials which have a minimum weight-bearing ability equal to or greater than a standard eight (8) inches by eight (8) inches by sixteen (16) inches minimum celled concrete block. If a celled material, e.g., a celled concrete block or an expanded shell, is used to construct piers, the material shall be installed so the open end of each cell is perpendicular to the frame rail and to the ground.
- C. A pier shall be not less than eight (8) nominal inches wide and shall be the same width as a cap resting upon it.
- D. A pier eight (8) inches in height, or less, may be constructed of more than one (1) piece of material provided each piece has minimum nominal dimensions of two (2) inches by four (4) inches by sixteen (16) inches.
- E. A pier more than eight (8) inches in height may be constructed of more than one (1) piece of material having minimum nominal dimensions of eight (8) inches wide, eight (8) inches high, and sixteen (16) inches long, provided that the pieces fit flush, one (1) to another.

15.2.070 Cap.

- A. A cap is a covering structure that is placed between the pier and shim to provide a surface on which the shims may rest so as to transmit the mobile home load uniformly to the pier-bearing surface.
- B. All piers shall be topped with a cap not more than four (4) inches in height and not less than eight (8) nominal inches wide and sixteen (16) inches long.
- C. Each cap shall be constructed of the same material throughout and may be constructed of more than one (1) piece of said same material, each having minimum nominal dimensions of one (1) inch by eight (8) inches by sixteen (16) inches.

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15.2.080 Shim.

- A. A shim is a thin tapered slip of wood or metal used to fill in between the cap and mobile home chassis for the purpose of leveling the mobile home.
- B. All shims shall be four (4) inches or less in thickness and wide enough to provide bearing over the width of the cap.
- C. The shims shall be driven tight between the cap and the frame rail to provide uniform bearing and leveling.

15.2.090 Foundations and piers—use approval.

Other types of piers and foundations, including heavy metal adjustable screw columns, of equal performance and weight-bearing ability may be used when approved by the Building Official or designee. Tie-downs shall be provided to resist overturning caused by seismic or wind loadings.

15.2.100 Skirting requirements.

All mobile homes placed upon mobile home zoned lots shall have the space below the mobile home skirted by weatherproof materials compatible with the exterior design of the mobile home. When such skirting is placed around a mobile home that has combustion air for the furnace and hot water tank taken from beneath the unit, provision shall be taken to louver the air intake to outside of the skirt. A proper louver shall be placed over the intake to prevent the entrance of birds and rodents.

15.2.110 Permit—fees.

A fee for each permit to place a mobile home on a lot outside of a licensed trailer court shall be set by Commission resolution and paid to the Planning and Community Development Department.

Chapter 3 INTERNATIONAL ENERGY CONSERVATION CODE

Section:

15.3.010 Adoption.

15.3.010 Adoption.

The International Energy Conservation Code (IECC) shall be the same edition as adopted by the State of Montana. The IECC is adopted pursuant to the Administrative Rules of Montana. The IECC currently being enforced by the City of Great Falls is on file in the Planning and Community Development Department. Copies of each are available for inspection. Copies may be obtained from the Department of Labor & Industry, Building Standards Division, Building Codes Bureau, P.O. Box 200517, Helena, MT 59620, at cost plus postage; or the International Code Council (ICC), 4051 West Fossmoor Road, Country Club Hills, IL 60478, www.iccsafe.org.

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Chapter 4 INTERNATIONAL EXISTING BUILDING CODE

Section:

15.4.010 Adoption.

15.4.010 Adoption.

The International Existing Building Code (IEBC) shall be the same edition as adopted by the State of Montana. The IEBC is adopted pursuant to the Administrative Rules of Montana. The IEBC currently being enforced by the City of Great Falls is on file in the Planning and Community Development Department. Copies of each are available for inspection. Copies may be obtained from the Department of Labor & Industry, Building Standards Division, Building Codes Bureau, P.O. Box 200517, Helena, MT 59620, at cost plus postage; or the International Code Council (ICC), 4051 West Floosmoor Road, Country Club Hills, Ill 60478, www.iccsafe.org.

Chapter 5 MECHANICAL CODE

Section:

15.5.010 Adoption.

15.25.010 Adoption.

The Mechanical Code shall be the same edition as adopted by the State of Montana. The Mechanical Code is adopted pursuant to the Administrative Rules of Montana. The Mechanical Code currently being enforced by the City of Great Falls is on file in the Planning and Community Development Department. Copies of each are available for inspection. Copies may be obtained from the Department of Labor & Industry, Building Standards Division, Building Codes Bureau, P.O. Box 200517, Helena, MT 59620, at cost plus postage; or the International Code Council (ICC), 4051 West Flossmoor Road, Country Club Hills, IL 60478, www.iccsafe.org.

Chapter 6 PLUMBING CODE

Sections:

15.30.010 Adoption.

Title 15 BUILDINGS AND CONSTRUCTION

15.6.010 Adoption.

15.6.020 Authority designated.

15.6.030 Permit fees.

15.6.040 Plumbing requirements.

15.6.050 Permit issuance.

15.6.060 Homeowner's permit.

15.6.070 Medical gas requirements.

15.6.080 Violation—penalty.

15.6.010 Adoption.

The Uniform Plumbing Code shall be the same edition as adopted by the State of Montana. The Uniform Plumbing Code is adopted pursuant to the Administrative Rules of Montana. The Uniform Plumbing Code currently being enforced by the City of Great Falls is on file in the Planning and Community Development Department. Copies of each are available for inspection. Copies may be obtained from the Department of Labor & Industry, Building Standards Division, Building Codes Bureau, P.O. Box 200517, Helena, MT 59620, at cost plus postage; or the International Association of Plumbing and Mechanical Officials (IAPMO), 20001 Walnut Drive South, Walnut, CA 91789-2825.

15.6.020 Authority designated.

The Great Falls Building Official or designee shall have the authority to enforce this Chapter.

15.6.030 Permit fees.

Permit fees shall be set by City Commission resolution.

15.6.040 Plumbing requirements.

For purposes of definition, plumbing shall involve all sections of the Uniform Plumbing Code, except Chapter 12, Fuel gas piping.

15.6.050 Permit issuance.

Permits shall be issued only to plumbing contractors or homeowners who meet the requirements of this Chapter, or Title 37, Chapter 69, of the Montana Code Annotated.

15.6.060 Homeowner's permit.

An owner of a single-family residence used exclusively for personal use may install all sanitary plumbing or potable water supply piping. The standard fee schedule applies to all permits obtained under this Chapter.

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15.6.070 Medical gas requirements.

For purposes of definition medical gas systems shall involve only National Fire Protection Association 99C Gas and Vacuum Systems current edition.

15.6.080 Violation—penalty.

A violation of any provision of this Chapter is a misdemeanor, punishable by a term not to exceed six (6) months in jail, a fine not to exceed five hundred dollars (\$500.00), or both. A violation of this Chapter may also result in a revocation of any special business license issued pursuant to OCCGF Title 5.

Chapter 7 INTERNATIONAL FUEL GAS CODE

Sections:

15.7.010 Adoption.

15.7.020 Definition.

15.7.030 Permit fees.

15.7.040 Fuel Gas piping requirements.

15.7.050 Permit issuance.

15.7.060 Violation—penalty.

15.7.010 Adoption.

The International Fuel Gas Code shall be the same edition as adopted by the State of Montana. The International Fuel Gas Code is adopted pursuant to the Administrative Rules of Montana. The International Fuel Gas Code currently being enforced by the City of Great Falls is on file in the Planning and Community Development Department. Copies of each are available for inspection. Copies may be obtained from the Department of Labor & Industry, Building Standards Division, Building codes Bureau, P.O. Box 200517, Helena, MT 59620, at cost plus postage; or the International Code Council (ICC), 4051 West Flossmoor Road, Country Club Hills, IL 60478, www.iccsafe.org.

15.7.020 Definition.

The Fuel Gas Code Official shall be the Great Falls Building Official or designee.

15.7.030 Permit fees.

Permit fees shall be set by City Commission resolution.

15.7.040 Fuel Gas piping requirements.

For purposes of definition, fuel gas piping shall involve only the International Fuel Gas Code.

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15.7.050 Permit issuance.

Only a gas fitting contractor licensed pursuant to OCCGF Title 5, shall be eligible to obtain a permit for fuel gas piping systems.

15.7.060 Violation—penalty.

A violation of any provision of this Chapter is a misdemeanor, punishable by a term not to exceed six (6) months in jail, a fine not to exceed five hundred dollars (\$500.00), or both. A violation of this Chapter may result in the revocation of any special business license issued pursuant to OCCGF Title 5.

Chapter 8 ELECTRICAL CODE

Sections:

15.8.010 Adoption.

15.8.020 Homeowner electrical permit.

15.8.030 Application—homeowner's permit.

15.8.040 Electrical permit issuance.

15.8.050 Permit fees.

15.8.060 Violation—penalty.

15.8.010 Adoption.

The Electrical Code shall be the same edition as adopted by the State of Montana. The Electrical Code is adopted pursuant to the Administrative Rules of Montana. The Electrical Code currently being enforced by the City of Great Falls is on file in the Planning and Community Development Department. Copies are available for inspection. Copies may be obtained from the Department of Labor & Industry, Building Standards Division, Building codes Bureau, P.O. Box 200517, Helena, MT 59620, at cost plus postage; or the National Fire Protection Association, Inc., #1 Battery march Park, Quincy, Massachusetts, 02269, www.necdirect.org.

15.8.020 Homeowner electrical permit.

An individual may obtain an electrical permit for doing electrical work on his or her own property or residence provided that said property or residence is maintained for his or her own use. The electrical work shall be done by the owner or a member of the family residing at the same address. Any other individual(s) performing work under the electrical permit are in violation of this Chapter.

15.8.030 Application—homeowner's permit.

Any person desiring a homeowner's permit under the provisions of this Chapter shall first file an application for registration. The application shall set forth the location of the building where the work is proposed to be done, state that the applicant is the owner of said building, and attest to understanding

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applicable provisions of this Chapter and electrical codes. Permit fees shall be established by City Commission resolution.

15.8.040 Electrical permit issuance.

Electrical permits may be issued only to a person, firm, corporation, or other entity qualified or licensed under applicable Montana state law and the OCCGF, or to individuals qualifying as homeowners pursuant to this Chapter.

15.8.050 Permit fees.

Electrical permit fees shall be set by City Commission resolution.

15.8.060 Violation—penalty.

A violation of any provision of this Chapter is a misdemeanor, punishable by a term not to exceed six (6) months in jail, a fine not to exceed five hundred dollars (\$500.00), or both. A violation of this Chapter may result in the revocation of any special business license issued pursuant to OCCGF Title 5.

Chapter 9 FIRE CODE

Sections:

15.9.010 International Fire Code—adoption.

15.9.020 Definitions.

15.9.030 Bureau of Fire Prevention—established—duties.

15.9.040 Pipes thawed with torch prohibited.

15.9.050 Violation—penalty.

15.9.010 International Fire Code —adoption.

- A. The City of Great Falls hereby adopts the most currently Montana state adopted International Fire Code (IFC), as may be administratively amended by the Great Falls Fire Rescue Department (GFFR).
- B. A copy of the IFC, as may be amended, is available for inspection in the City Clerk's office and the GFFR Fire Marshall's office.
- C. Copies of the IFC may also be obtained from the International Code Council.

15.9.020 Definitions.

Whenever the following words are used in the IFC, the following definitions shall apply:

Title 15 BUILDINGS AND CONSTRUCTION

- A. "Chief of the Bureau of Fire Prevention" means the Great Falls Fire Rescue Department (GFFR) Chief.
- B. "Corporation Counsel" means the Great Falls City Attorney.
- C. "Jurisdiction" means the incorporated City limits of Great Falls.
- D. "Removal" in relation to storage tanks includes vents and fill pipes and all other incidental hardware.

15.9.030 Bureau of Fire Prevention—established—duties.

The IFC shall be enforced by the GFFR Bureau of Fire Prevention, under the supervision of the Fire Chief.

15.9.040 Pipes thawed with torch prohibited.

- A. It is unlawful to use any torch or other flame-producing device for the purpose of thawing out any pipe in or under any house, building, or structure in the incorporated City limits.
- B. A violation of this section is a misdemeanor punishable by a term not to exceed (six) 6 months in jail, a fine not to exceed five hundred dollars (\$500.00), or both.
- C. Costs incurred by City emergency personnel responding to a violation of this section may be assessed as a lien on the subject property by Commission resolution.

15.9.050 Violation—penalty.

- A. Unless otherwise specified in this Chapter, any person who violates any of the provisions of the IFC as adopted, or fails to comply therewith is guilty of a misdemeanor, punishable by a term not to exceed (six) 6 months in jail, a fine not to exceed five hundred dollars (\$500.00), or both.
- B. A property that contains a violation of the IFC, or any other violation of this Chapter is hereby declared a Nuisance as defined by OCCGF Title 8, Chapter 49.

Chapter 10 SCREENING

Sections:

15.10.010 Title.

15.10.020 Purpose.

15.10.030 Enforcement.

15.10.040 Definitions.

15.10.050 Screening—required.

15.10.060 Violations and penalties.

Title 15 BUILDINGS AND CONSTRUCTION

15.10.010 Title.

This Chapter shall be known as the Great Falls Screening Code (GFSC).

15.10.020 Purpose.

The purpose of this Code is to provide a standard to enhance life, health, property, and public welfare by requiring the screening of salvage establishments. The intent is to present a visually attractive appearance, allowing only standard fencing materials or landscaping methods.

15.10.030 Enforcement.

The Planning and Community Development Director or designee is authorized and directed to enforce this Code.

15.10.040 Definitions.

- A. "Public view" means a point six (6) feet above the surface of the center of any adjacent public right-of-way including but not limited to avenues, streets, and alleys.
- B. "Salvage" or "scrap" means fragments of material discarded as waste in manufacturing operations, or machines, tools, equipment, or parts thereof no longer in serviceable condition, or such items and materials no longer used for their original intent or purpose or such items or materials which are valuable only as raw material for reprocessing. Classes of scrap include but are not limited to:
 - 1. metal;
 - 2. rubber;
 - 3. textiles,
 - 4. rope;
 - 5. paper;
 - 6. leather;
 - 7. lumber;
 - 8. plastics; and
 - 9. equipment made of such material.
- C. "Salvage or scrap dealer" means any place of business which is maintained, operated or used for storing, keeping or selling salvage. This excludes a motor vehicle graveyard, garbage dump, or sanitary landfill which are regulated by other OCCGF provisions.

15.10.050 Screening—required.

- A. Screening, in compliance with the provisions of this Chapter, is required for the accumulation, storage, or disposal of salvage or scrap.
- B. Screening refers to fencing or other manmade barriers to conceal salvage from public view. It also refers to natural barriers. Any screening barrier must conform to all local zoning, planning, building, provisions and any other legal restrictions that may be in effect for each property.
- C. If a fence is used, the boards may be spaced and/or slanted to reduce wind load. The space which can be seen from a broadside view will not be more than one and one-half

Title 15 BUILDINGS AND CONSTRUCTION

(1½) inches wide when viewed at any angle from forty-five (45) degrees to ninety (90) degrees to the fence. The interval between spaces will not be less than seven and one-half (7½) inches. Chain-link metal fences with standard fiberglass or other inserts are acceptable, provided the gap between adjacent slats does not exceed one and one-half (1 1/5) inches. The breaks in the fence may be vertical or at any angle; they cannot be horizontal.

- D. Fences are to be constructed of sound building materials. Rough dimensional lumber or better is acceptable. Slabs are not considered rough dimensional lumber. Plastics or other materials that are placed over the salvage or scrap are not acceptable. Trees and shrubs can best be used in conjunction with other screening materials to improve the appearance of the salvage or scrap facility. Screening other than the two (2) types of fencing specifically approved above (metal and wood) but of equivalent permanence, attractiveness, and screening qualities are also acceptable, if approved by the Board of Adjustment in compliance with OCCGF Title 17.
- E. Screening with shrubs and trees, while not subject to precise measurements, is to provide a similar degree of screening at all times of the year. A berm may be constructed of any solid material, including stumps, demolition debris, etc. The slopes of the berm are to be covered and graded smooth, with not less than three (3) inches of topsoil and seeded with an adequate seeding formula.
- F. No more than one (1) of the approved screening materials is to be used on one (1) side of the premises. Trees and shrubs may be placed on the outside of the screening material. Other sides may use different approved materials.
- G. The screening is to be maintained by the property or salvage dealer in a neat and workmanlike manner and in compliance with all applicable Official Code of the City of Great Falls provisions. Screening is to be replaced when necessary by the property owner or salvage dealer. Damage by criminal acts, or other causes, is at the risk of the owner or designee.
- H. Signage on the screening must comply with OCCGF Title 17.

15.10.060 Violations and penalties.

- A. A violation of this Chapter is a misdemeanor, punishable by a term not to exceed (six) 6 months in jail, a fine not to exceed five hundred dollars (\$500.00), or both.
- B. A property that contains any violation of this Chapter is hereby declared a Nuisance as defined by OCCGF Title 8, Chapter 49.

Chapter 11 DESIGN PROFESSIONALS

Section:

15.11.010 Requirement for design professionals.

Title 15 BUILDINGS AND CONSTRUCTION

15.11.010 Requirement for design professionals.

Where structural integrity, mechanical, electrical, or plumbing complexity, or any other applicable code provision necessitates it, the Building Official may require plans, computations, and specifications to be prepared and designed by an engineer or architect licensed by the State of Montana.

Chapter 12 APPLICABILITY

Sections:

15.12.010 Applicability.

15.12.020 Appeals.

15.12.010 Applicability.

OCCGF Title 15 is applicable to all buildings within the incorporated City limits of Great Falls, including but not limited to:

- A. Residential buildings, containing less than four (4) dwelling units or their attached-to structures;
- B. Any farm or ranch building; and
- C. Any private garage or private storage structure used only for the owner's own use as provided by Mont. Code Ann. § 50-60-102(1)(a).

15.12.020 Appeals.

Appeals may be filed to any order, requirement, permit decision, refusal or determination of the Building Official or designee in accordance with OCCGF Title 17.

(Ord. 3189, 2018; Ord. 3172, 2017; Ord. 3141, 2016; Ord. 3137, 2015; Ord. 3112, 2013; Ord. 3063, 2011; Ord. 3057, 2010; Ord. 3048, 2010; Ord. 2998, 2008; Ord. 2926, 2006; Ord. 2905, 2005; Ord. 2887, 2004; Ord. 2875, 2004; Ord. 2874, 2004; Ord. 2864, 2003; Ord. 2839, 2003; Ord. 2834, 2002; Ord. 2818, 2002; Ord. 2817, 2002; Ord. 2810, 2001; Ord. 2801, 2001; Ord. 2794, 2001; Ord. 2791, 2000; Ord. 2786, 2001; Ord. 2782, 2001; Ord. 2779, 2000; Ord. 2761, 1999; Ord. 2748, 1998; Ord. 2736, 1998; Ord. 2723, 1997; Ord. 2722, 1997; Ord. 2718, 1996; Ord. 2711, 1996; Ord. 2710, 1996; Ord. 2669, 1994; Ord. 2666, 1994; Ord. 2665, 1994; Ord. 2651, 1993; Ord. 2644, 1993; Ord. 2636, 1992; Ord. 2629, 1992; Ord. 2628, 1992; Ord. 2627, 1992; Ord. 2626, 1992; Ord. 2625, 1992; Ord. 2624, 1992; Ord. 2597, 1991; Ord. 2592, 1991; Ord. 2591, 1991; Ord. 2590, 1991; Ord. 2589, 1991; Ord. 2588, 1991; Ord. 2569, 1990; Ord. 2567, 1990; Ord. 2566, 1990; Ord. 2559, 1990; Ord. 2541, 1989; Ord. 2540, 1989; Ord. 2539, 1989; Ord. 2538, 1989; Ord. 2537, 1989; Ord. 2536, 1989; Ord. 2513, 1988; Ord. 2497, 1988; Ord. 2482, 1987; Ord. 2464, 1987; Ord. 2463, 1987; Ord. 2455, 1987; Ord. 2434, 1986; Ord. 2429, 1986; Ord. 2426, 1986; Ord. 2425, 1986; Ord. 2424, 1986; Ord. 2423, 1986; Ord. 2422, 1986; Ord. 2421, 1986; Ord. 2420, 1986; Ord. 2419,

Exhibit "B" (Updated from First Reading)

Title 15 BUILDINGS AND CONSTRUCTION

1986; Ord. 2416, 1986; Ord. 2415, 1986; Ord. 2405, 1985; Ord. 2377, 1985; Ord. 2376, 1985; Ord. 2375, 1985; Ord. 2374, 1985; Ord. 2337, 1983; Ord. 2336, 1983; Ord. 2335, 1983; Ord. 2334, 1983; Ord. 2333, 1983; Ord. 2332, 1983; Ord. 2331, 1983; Ord. 2330, 1983; Ord. 2329, 1983; Ord. 2328, 1983; Ord. 2327, 1983; Ord. 2280, 1981; Ord. 2253, 1981; Ord. 2230, 1980; Ord. 2204, 1980; Ord. 2203, 1980 Ord. 2202, 1980; Ord. 2058, 1979; Ord. 2038, 1978; Prior Code: §5-7-3(B); 4-7-8; 4-7-7; 4-7-4; 4-7-3(C)).



Item: Marketing Agreement with Utility Service Partners Private Label, Inc.

From: Greg Doyon, City Manager

Initiated By: Robert Meston, Regional Manager

Presented By: Greg Doyon, City Manager

Action Requested: Approve a Marketing Agreement with Utility Service Partners Private Label, Inc.

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (approve/not approve) a marketing agreement with Utility Service Partners Private Label, Inc.”

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

Summary:

The City of Great Falls was approached by Rob Meston with the Utility Services Partners Private Label, Inc. (USP) to partner with them to provide the city's residential property owners the opportunity, but not the obligation, to purchase a service line warranty and similar products.

The optional service line warranty program includes Water Line, Sewer Line and In-Home Plumbing and Drainage Coverage. Water Line Warranty covers the buried, outside waterline that runs from the point of the utility connection to the foundation of the home. Sewer Line Warranty covers the buried, outside sewer line that runs from the foundation of the home to the main line. In-Home Plumbing and Drainage Warranty covers interior water supply lines, sewer lines and all drain lines connected to the main sewer stack that are broken or leaking inside the home after the point of entry, including lines that may be embedded under the slab or basement floor.

If approved USP will mail each resident a campaign letter, which outlines the city's endorsement, followed by a reminder letter two weeks later to ensure highest response rate. All homeowners will have the option to enroll in the program, regardless of the age of their residence. Through this agreement the City would grant USP a non-exclusive license the use the City's name and logo on letterhead, bills and marketing materials. The City would receive \$0.50 Licence Fee per product for each month that a product is in force for each property owners. This would be paid to the City annually in January.

The term of this agreement will be for three years from the effective date with an automatic renewal for additional one year term unless one of the parties gives written notice at least 90 days prior to the end of the term.

Fiscal Impact:

Through this agreement the City would receive a monthly \$0.50 License Fee for each product that is maintained by each property owner purchasing the warranty products. This would be paid to the City annually. The Commission could choose to waive the License fee, by doing so USP would in turn lower the program cost to residents by \$0.50.

Concurrences:

Supported by Montana League of Cities and Towns.

ATTACHMENTS:

- ▢ Marketing Agreement

MARKETING AGREEMENT

This MARKETING AGREEMENT ("Agreement") is entered into as of _____, 20__ ("**Effective Date**"), by and between the City of Great Falls, Montana ("**City**"), and Utility Service Partners Private Label, Inc. d/b/a Service Line Warranties of America ("**Company**"), herein collectively referred to singularly as "Party" and collectively as the "Parties".

RECITALS:

WHEREAS, water line laterals between the mainlines and the connection on residential private property are owned by individual residential property owners residing in the City limits of Great Falls ("**Residential Property Owner**"); and

WHEREAS, City desires to offer Residential Property Owners the opportunity, but not the obligation, to purchase a service line warranty and other similar products set forth in Exhibit A or as otherwise agreed in writing from time-to-time by the Parties (each, a "**Product**" and collectively, the "**Products**"); and

WHEREAS, Company, a subsidiary of HomeServe USA Corp., is the administrator of the National League of Cities Service Line Warranty Program and has agreed to make the Products available to Residential Property Owners subject to the terms and conditions contained herein; and

NOW, THEREFORE, in consideration of the foregoing recitals, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, and with the intent to be legally bound hereby, the Parties agree as follows:

1. **Purpose.** City hereby grants to Company the right to offer and market the Products to Residential Property Owners subject to the terms and conditions herein.

2. **Grant of License.** City hereby grants to Company a non-exclusive license ("**License**") to use City's name and logo on letterhead, bills and marketing materials to be sent to Residential Property Owners from time to time, and to be used in advertising (including on the Company's website), all at Company's sole cost and expense and subject to City's prior review and approval, which will not be unreasonably conditioned, delayed, or withheld. In the event that City extends a similar license to a direct competitor of Company during the Term and any Renewal Term of this Agreement, Company may immediately terminate this Agreement.

3. **Term.** The term of this Agreement ("**Term**") shall be for three (3) years from the Effective Date. The Agreement will automatically renew for additional one (1) year terms ("**Renewal Term**") unless one of the Parties gives the other written notice at least ninety (90) days prior to end of the Term or of a Renewal Term that the Party does not intend to renew this Agreement. In the event that Company is in material breach of this Agreement, the City may terminate this Agreement thirty (30) days after giving written notice to Company of such breach, if said breach is not cured during said thirty (30) day period. City may also terminate this Agreement for any

reason, upon providing Company with 90 days written notice. Company will be permitted to complete any marketing initiative initiated or planned prior to termination of this Agreement after which time, neither Party will have any further obligations to the other and this Agreement will terminate.

4. Consideration.

A. As consideration for such license, Company will pay to City a License Fee as set forth in Exhibit A ("**License Fee**") during the term of this Agreement. The first payment shall be due by January 30th of the year following the conclusion of first year of the Term. Succeeding License Fee payments shall be made on an annual basis throughout the Term and any Renewal Term, due and payable on January 30th of the succeeding year. City will have the right, at its sole expense, to conduct an audit, upon reasonable notice and during normal business hours, of Company's books and records pertaining to any fees due under this Agreement while this Agreement is in effect and for one (1) year after any termination of this Agreement.

5. **Indemnification.** Company hereby agrees to protect, indemnify, and hold the City, its elected officials, officers, employees and agents (collectively or individually, "**Indemnatee**") harmless from and against any and all third party claims, damages, losses, expenses, suits, actions, decrees, judgments, awards, reasonable attorneys' fees and court costs (individually or collectively, "**Claim**"), which an Indemnatee may suffer or which may be sought against or are recovered or obtainable from an Indemnatee, as a result of or arising out of any breach of this Agreement by the Company, or any negligent or fraudulent act or omission of the Company or its officers, employees, contractors, subcontractors, or agents related to this Agreement; provided that the applicable Indemnatee notifies Company of any such Claim within a time that does not prejudice the ability of Company to defend against such Claim. Any Indemnatee hereunder may participate in its, his, or her own defense, but will be responsible for all costs incurred, including reasonable attorneys' fees, in connection with such participation in such defense.

6. **Notice.** Any notice required to be given hereunder shall be deemed to have been given when notice is (i) received by the Party to whom it is directed by personal service, (ii) sent by electronic mail (provided confirmation of receipt is provided by the receiving Party), or (iii) deposited as registered or certified mail, return receipt requested, with the United States Postal Service, addressed as follows:

To: City:
ATTN: Gregory T. Doyon
City of Great Falls
PO Box 5021
Great Falls, MT 59403-5021
Phone: (406) 455-8450

To: Company:
ATTN: Chief Sales Officer
Utility Service Partners Private Label, Inc.
11 Grandview Circle, Suite 100
Canonsburg, PA 15317
Phone: (866) 974-4801

7. **Modifications or Amendments/Entire Agreement.** Any and all of the representations and obligations of the Parties are contained herein, and no modification, waiver or amendment of this Agreement or of any of its conditions or provisions shall be binding upon a party unless in writing signed by that Party.

8. **Assignment.** This Agreement and the License granted herein may not be assigned by Company other than to an affiliate or an acquirer of all or substantially all of its assets, without the prior written consent of the City, such consent not to be unreasonably withheld.

9. **Counterparts/Electronic Delivery; No Third Party Beneficiary.** This Agreement may be executed in counterparts, all such counterparts will constitute the same contract and the signature of any Party to any counterpart will be deemed a signature to, and may be appended to, any other counterpart. Executed copies hereof may be delivered by facsimile or e-mail and upon receipt will be deemed originals and binding upon the Parties hereto, regardless of whether originals are delivered thereafter. Nothing expressed or implied in this Agreement is intended, or should be construed, to confer upon or give any person or entity not a party to this agreement any third- party beneficiary rights, interests, or remedies under or by reason of any term, provision, condition, undertaking, warranty, representation, or agreement contained in this Agreement.

10. **Choice of Law/Attorney Fees.** The governing law shall be the laws of the State of Montana. In the event that at any time during the Term or any Renewal Term either Party institutes any action or proceeding against the other relating to the provisions of this Agreement or any default hereunder, then the unsuccessful Party shall be responsible for the reasonable expenses of such action including reasonable attorney's fees, incurred therein by the successful Party.

11. **Incorporation of Recitals and Exhibits.** The above Recitals and Exhibit A attached hereto are incorporated by this reference and expressly made part of this Agreement.

[Signature Page Follows]

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement on the day and year first written above.

CITY OF GREAT FALLS

Name: Gregory T. Doyon

Title: City Manager

APPROVED FOR LEGAL CONTENT:

Sara R. Saxe, City Attorney

UTILITY SERVICE PARTNERS PRIVATE LABEL, INC.

Name: Michael Backus

Title: Chief Sales Officer

Exhibit A
NLC Service Line Warranty Program
City of Great Falls
Term Sheet
August 16, 2018

I. Initial Term. Three years

II. License Fee. \$0.50 per Product for each month that a Product is in force for each Residential Property Owner (and for which payment is received by Company), aggregated and paid annually, for:

- a. City logo on letterhead, advertising, billing, and marketing materials

III. Products.

- a. External water service line warranty (initially, \$6.75 per month)
- b. Interior plumbing and drainage warranty (initially, \$9.99 per month)

Company may adjust the foregoing Product fees after the initial 12 months of the Agreement; provided, that any such adjustment shall not exceed \$.50 per month in any 12-month period, unless otherwise agreed by the Parties in writing.

IV. Scope of Coverage.

- a. External water service line warranty:
 - Homeowner responsibility: From the main to the external wall of the home.
 - Covers thawing of frozen external water lines.
 - Covers well service lines if applicable.
- b. Interior plumbing and drainage warranty:
 - Water supply pipes and drainage pipes within the interior of the home.

V. Marketing Campaigns. Company shall have the right to conduct up to three campaigns per year, comprised of up to six mailings and such other channels as may be mutually agreed. Initially, Company anticipates offering the Interior plumbing and drainage warranty Product via in-bound channels only.