



# City Commission Agenda

for

## August 17, 2010

---

*Please Note: The City Commission agenda format allows citizens to speak on each issue prior to Commission action. We encourage your participation. Please keep your remarks concise and to the topic under consideration.*

**\*\*REVISED\*\***

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

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**PROCLAMATIONS**

Vets4Vets Month  
Outstanding Volunteer Service

**NEIGHBORHOOD COUNCILS**

1. Miscellaneous reports and announcements.

**BOARDS & COMMISSIONS**

2. Appointment, Design Review Board. Appoint one member for a three-year term through March 31, 2013.
3. Miscellaneous reports and announcements

**PUBLIC HEARINGS**

4. Ord. 3056 providing miscellaneous amendments to Title 17 – Land Development Code. Action: Conduct public hearing and adopt or deny Ord. 3056. *(Presented by: Mike Haynes)*
5. Ord. 3057 providing minor amendments to Titles 2, 5, 8, 9, 10, 12, 13 and 15 of the Official Code of the City of Great Falls to reflect departmental changes and technical edits. Action: Conduct public hearing and adopt or deny Ord. 3057. *(Presented by: Mike Haynes)*

**OLD BUSINESS**

- 5A. Memorandum of Understanding for Utility Connections and Fire Protection and Emergency Services for the Great Falls AgriTech Park, Phase 1. Action: Approve or deny Memorandum of Understanding. *(Presented by: Greg Doyon)*

**NEW BUSINESS**

6. Consultant Services Agreement with Community Development Services of Montana for the Central Montana Agricultural and Technology Park Tax Increment Industrial Infrastructure District. Action: Approve or deny Agreement. *(Presented by: Coleen Balzarini)*

## ORDINANCES/RESOLUTIONS

7. Res. 9899, Amending Resolution 9042. Action: Adopt or deny Res. 9899. *(Presented by: Linda Williams)*
8. Res. 9882, Annual Tax Levy. Action: Adopt or deny Res. 9882. *(Presented by Melissa Kinzler)*
9. Res. 9884, Remodel Tax Benefit, 1011 Broadwater Drive. Action: Adopt or deny Res. 9884. *(Presented by: Mike Haynes)*
10. Res. 9894, New or Expanding Industry Tax Benefit, 1408 52<sup>nd</sup> Street North. Action: Adopt or deny Res. 9894. *(Presented by: Mike Haynes)*
11. Res. 9900, Terminating a \$100,000 Financial Assurance Reserve Fund in the Electric Utility Fund and Authorizing the Return of \$100,000 to the General Fund. Action: Adopt or deny Res. 9900. *(Presented by: Coleen Balzarini)*

**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.*

12. Minutes, August 3, 2010, Commission meeting.
13. Total Expenditures of \$5,407,575 for the period of July 29 – August 11, 2010, to include claims over \$5000, in the amount of \$5,150,386.
14. Contracts list.
15. Grants list.
16. Set public hearing for September 21, 2010, on Res. 9892 to Levy and Assess Properties within Special Improvement Lighting Districts.
17. Set public hearing for September 21, 2010, on Res. 9895 to Levy and Assess Properties for Unpaid Utility Services.
18. Approve Change Order No. 1 in the amount of \$1,975.25 and Final Payment for the 23<sup>rd</sup> Street Southwalk in the amount of \$2,710.74 to Electric City Concrete, LLC and \$27.38 to the State Miscellaneous Tax Division.
19. Approve Change Order No. 1 in the amount of \$15,268.04 to James Talcott Construction for the Bay Drive Bike/Ped Path Phase II Project.
20. Postpone bid award until September 21, 2010, for the Portage Meadows Storm Drain Extension 4<sup>th</sup> Avenue North – 7<sup>th</sup> Avenue North project.
21. Approve final payment in the amount of \$43,546.66 to United Materials of Great Falls, Inc. and the State Miscellaneous Tax Division for the Phase II – 7<sup>th</sup> and 8<sup>th</sup> Avenues South Water Main Replacement project.
22. Approve final payment in the amount of \$36,093.08 to United Materials of Great Falls, Inc. and the State Miscellaneous Tax Division for the 4<sup>th</sup> Avenue South Street Reconstruction project.
23. Award contract to Forde Nursery, Inc. for the Contract Planting for Right-of-Way Trees project in the amount of \$152,940.
24. Postpone bid award for renovation of the Elk's Riverside tennis courts.

Action: Approve Consent Agenda or remove items for further discussion and approve remaining items.

**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 5 minutes)*

25. Miscellaneous reports and announcements.

**CITY MANAGER**

26. Miscellaneous reports and announcements.

**CITY COMMISSION**

27. Miscellaneous reports and announcements.

**MOTION TO ADJOURN**



**Item:** Appointment to the Design Review Board

**From:** City Manager's Office

**Initiated By:** Design Review Board

**Presented By:** City Commission

**Action Requested:** Appoint one member to the Design Review Board for a three-year term through March 31, 2013.

---

**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission appoint \_\_\_\_\_ to the Design Review Board for a three-year term through March 31, 2013.”

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

---

**Staff Recommendation:** It is recommended that the City Commission appoint one member to the Design Review Board for a three-year term through March 31, 2013.

**Background:** David Cantley was appointed to the Design Review Board in February of 2007. Mr. Cantley is eligible for but not interested in reappointment. The current opening is for an architect member.

Purpose

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

The purpose of the Board is to further promote the health, safety and general welfare of the City. The Board has the authority and responsibility to review specified types of development proposals to ensure that the design and aesthetics conform to the review criteria contained in Title 17. The Board's composition should achieve a diversity of expertise, background, and interest. The Land Development Code states that it is preferred the board include two architects and three individuals chosen for their demonstrated interest in and expertise in design or community aesthetics.

Members must reside in the City of Great Falls.

Evaluation and Selection Process

Announcements regarding the openings were placed in the *Great Falls Tribune* and on the City's Website. Applications are submitted to the City Commission for their consideration in making appointments.

Continuing members of this board are:

Bruce Forde  
Todd Humble  
Jean Price  
Jule Stuver (architect)

Citizens interested in serving on this board:

Mary Offerdal Klette

**Fiscal Impact:** Not applicable.

**Alternatives:** Continue advertising to seek further citizen input.

**Attachments:** Application (Not available online; on file in the City Clerk's Office.)



**Item:** Public Hearing – Ordinance 3056 providing miscellaneous amendments to Title 17 – Land Development Code

**From:** Mike Haynes, Planning and Community Development Director

**Initiated By:** Planning and Community Development Department Staff

**Presented By:** Mike Haynes, Planning and Community Development Director

**Action Requested:** City Commission adopt/approve Ordinance 3056 providing miscellaneous amendments to Title 17 – Land Development Code

---

**Public Hearing:**

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

**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission (adopt/deny) Ordinance 3056.”

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

**Planning Board/Zoning Commission Recommendation:** The Planning Advisory Board, also acting as the Zoning Commission, following a public hearing held June 22, 2010, passed a motion recommending the City Commission adopt Ordinance 3056 providing miscellaneous amendments to the Land Development Code (LDC).

**Background:** The City’s Land Development Code, contained in Title 17 of the Official Code of the City of Great Falls, was adopted and implemented in 2005, providing a new and updated set of guidelines, requirements, and standards to help govern zoning and physical growth and development within the City of Great Falls. Numerous amendments were made to the Code in 2007. As staff continues to work with the Code, it identifies items and provisions warranting further consideration. The majority of proposed amendments can be placed into one of these categories:

- typographical/editorial corrections
- minor housecleaning/debugging items
- clarification/consistency items
- improve and refine wording and definitions for better Code application, interpretation and enforcement
- expanded provisions for better Code application

It is offered that the proposed amendments will further benefit the general public and specific Code users, as well as assist City staff to more clearly apply, interpret and enforce the Code.

Attached is a matrix which summarizes the purpose or basis for each proposed amendment.

During the Zoning Commission hearing on June 22, 2010, several Commission members expressed concern about the language in a statement to be added to all subdivision plats to notify prospective purchasers of potential adverse soil conditions (Section 17.16.27 of the LDC). Ms. Ronda Wiggers, representing the Great Falls Realtors Association, and Mr. Spencer Woith, also expressed similar concerns about the language which was subsequently modified to the satisfaction of those present. Ronda Wiggers, and Tom Alfrey representing the Chamber of Commerce, also expressed concern about changing the number of Planning Board meetings in Section 17.12.1.070 from having to meet at least once a month to meeting at least once in the months of January, April, July, and October. It was explained this revised provision constitutes the minimum number of meetings the Planning Board must conduct by statute but the Board's Bylaws do stipulate the Board shall meet the second and fourth Tuesdays of every month (24 meetings annually) unless a meeting is properly cancelled.

Since the Zoning Commission hearing on June 22, 2010, there have been three additional changes to Ordinance 3056. The previously proposed amendment to delete reference to Malmstrom Air Force Base in Section 17.54.020.3 which lists the purposes of the Airport Overlay Districts in the LDC, is being withdrawn and will be readdressed in conjunction with any overlay products resulting from the Joint Land Use Study involving Malmstrom Air Force Base and surrounding properties that is currently being prepared. The second change involves widening the curb length dimension for parking spaces depending upon the angle of the parking stall as presented in Exhibit 36-2 of the LDC and amending Section 17.36.2.070 (D) and Exhibit 36-5 of the LDC to increase the width of handicap accessible parking spaces from 96 inches to 108 inches to match a State guideline. The third change is a corrected Exhibit 60-11 "Example Free Standing Sign Calculation" which included a calculation error.

On July 20, 2010, the City Commission accepted Ordinance 3056 on first reading and set the Public Hearing for August 17, 2010. The Public Hearing was noticed on August 1, 2010 in the Great Falls Tribune and on the City of Great Falls website beginning on July 29, 2010.

**Concurrences:** The amendments proposed by Ordinance 3056 are a collaborative effort of the Planning and Community Development Staff.

**Fiscal Impact:** Implementation of the amendments provided by Ordinance 3056 should not result in any increased cost to the City or the consumer and should in some instances result in less potential expense.

**Alternatives:** The City Commission has the option of denying Ordinance 3056 or making modifications to the proposed amendments.

**Attachments/Exhibits:**

1. Ordinance 3056
2. Summary of Proposed Amendments

# **GREAT FALLS PLANNING BOARD & ZONING COMMISSION**

## **MINUTES OF THE COMBINED PUBLIC HEARING PROPOSED REVISIONS TO TITLE 17 OF THE LAND DEVELOPMENT CODE**

**June 22, 2010**

The public hearing was called to order at 3:01 p.m. in the Commission Chambers of the Civic Center by Chairman John Harding.

### **ROLL CALL & ATTENDANCE**

Planning Board/Zoning Commission Members present:

Mr. Michael Bates (arrived late)  
Ms. Danna Duffy  
Mr. John Harding  
Mr. Terry Hilgendorf  
Mr. Ron Kinder  
Mr. Bill Roberts  
Mr. Joe Schaffer  
Mr. Wyman Taylor

Planning Board/Zoning Commission Members absent:

Mr. Thor Swensson

Planning Staff Members present:

Mr. Brant Birkeland, Comprehensive Planner II  
Mr. Andrew Finch, Senior Transportation Planner  
Mr. Mike Haynes, Planning and Community Development Director  
Ms. Deb McNeese, Administrative Assistant  
Mr. Charlie Sheets, Planner I  
Mr. Bill Walters, Senior Planner

Others present:

Mr. Dave Dobbs, City Engineer

A copy of the attendance list, as signed by those present, is attached and incorporated by reference.



## **EXPLANATION OF HEARING PROCEDURES**

Mr. Harding advised that agendas are available on the table at the back of the room and the agenda will be followed. He requested that everyone present sign the attendance list, which was also on the table. There will be an opportunity for proponents and opponents to speak. Mr. Harding asked those intending to speak to come to the rostrum, state their name, address and whom they represent. He requested remarks be on the subject before the Board at this hearing and be limited to a reasonable length of time to allow everyone equal opportunity to speak. The Chairman reserves the right to determine reasonable time. The hearing is recorded on tape as an aid in preparing minutes. He asked that cell phones and electronic devices be turned off.

## **READING OF PUBLIC NOTICE**

As there was no response to Mr. Harding's question on whether anyone present wished to have the public notice read, the public notice was not read.

## **PLANNING STAFF REPORT & RECOMMENDATION**

Mr. Walters explained that this public hearing is to consider several minor amendments to the Land Development Code, and began reviewing each change. Mr. Hilgendorf interrupted and suggested Mr. Walters read each section title and allow the Board to ask any questions, since all members had ample time to review the report. Mr. Harding asked the audience if they had any objections to Mr. Hilgendorf's proposal. There were no objections. The following sections were discussed:

17.12.1.090 Voting and quorum. Mr. Harding questioned whether five affirmative votes were necessary to make an action by the Board official. It was pointed out that state law was amended a few years ago to make the action official based upon an affirmative vote of a majority of members where a quorum is in attendance

17.16.32.070 Variance. Mr. Walters was asked to explain the difference between a use variance and conditional use. He explained that conditional uses are a specific list of uses permitted in a particular district when approved through the conditional use process. A use variance, which is now outlawed, was presented by the applicant to the Board of Adjustments, who in turn would determine if the use would be permitted.

17.8.120 General Definitions. Mr. Taylor asked about the change in definition of a foster care home, and Mr. Sheets noted that the reference to the Montana Code Annotated in the City code will be corrected to reflect the State's definition.

17.16.27.040 Subdivision-final plat. Mr. Harding questioned the procedure to establish a policy or ordinance, and how the geotechnical study requirement for new construction began. Mr. Walters said policy is the common practice followed by the governing body.

Mr. Sheets added that the policy of requiring geotechnical studies was initiated by the building official in 2009 in response to case law that put the City at liability risk, and has become standard on all new plats before this Board and the City Commission. Mr. Harding disagreed with the requirement and suggested that, if it is necessary, the language should be changed to be less negative. Mr. Hilgendorf agreed with Mr. Harding and said that this statement could be detrimental to development. Mr. Hilgendorf also noted that in a loan closing the statement on a plat would be disclosed as "terms and conditions and facts contained on the face of the plat" and that no one looks at a plat except a builder. Mr. Hilgendorf suggested that notice be made to the builder and owner of the lot at the time a building permit is obtained. Mr. Haynes responded that this is the City's way of informing the consumer before a lot is purchased. There followed a lengthy discussion, including an idea to strike the more negative sounding language in the statement.

17.64.030 Nonconforming structures. Mr. Schaffer asked who determined feasibility for reconstruction after damage. Mr. Haynes said the director and staff would review each case. Mr. Harding recalled a percentage being associated with damage and Mr. Haynes replied that a damage percentage is used in a different section of the code.

### **PROponents OPPORTUNITY TO SPEAK**

There were no proponents.

### **OPponents OPPORTUNITY TO SPEAK**

Ms. Ronda Wiggers, 3248 2<sup>nd</sup> Avenue South, representing the Great Falls Association of Realtors, apologized for being an opponent and thanked the staff for their work. Realtors are concerned that if the generic language notifying prospective purchasers of potential adverse soil conditions is placed on every single subdivision lot and someone does question it, the realtor will say "they make us put it on every lot in Great Falls and it really doesn't mean anything". Realtors are in favor of striking the language or revising it to advise prospective purchasers to obtain recommendations before construction. The second concern was that changing the Planning Board required meetings in the bylaws to quarterly could delay project development.

Mr. Tom Alfrey, 100 1<sup>st</sup> Avenue North, representing the Great Falls Chamber of Commerce Board of Directors and membership, concurred with Ms. Wiggers. He supplied staff with a formal statement and read a couple paragraphs from the statement.

Mr. Spencer Woith, 1725 41<sup>st</sup> Street South, said he disagreed with requiring a geotechnical statement on a plat. He would prefer the entire statement be stricken, but was comfortable with the modification as suggested by the Board. He said a plat is legal property information not a forum for statements.

## OTHER PUBLIC COMMENT

There was no other public comment.

Mr. Harding further discussed the change in Planning Board bylaws and that in the past several months only a few meetings have been held due to lack of business items. The bylaws require two meetings per month, except that one meeting per month may be canceled due to lack of business, while state statute requires at least one meeting during the months of January, April, July and October. Mr. Hilgendorf questioned procedures for cancelling or calling for a special meeting.

## PLANNING BOARD/ZONING COMMISSION DISCUSSION & ACTION

Mr. Harding proposed entertaining a motion with language in 17.16.27.040 being changed to “...*that all prospective purchasers are advised to consult with and obtain the recommendation of a geotechnical engineer before initiating construction*”.

MOTION: That the Planning Board, also acting as the Zoning Commission, recommend the City Commission adopt Ordinance 3056 providing miscellaneous amendments to the Land Development Code with language in 17.16.27.040 regarding the geotechnical language changed to “...*together with a statement that all prospective purchasers are advised to consult with and obtain the recommendation of a geotechnical engineer before initiating construction*”.

Made by: Mr. Schaffer  
Second: Ms. Duffy

Vote: The motion carried unanimously.

Mr. Walters said that this item could go before the City Commission for first reading on July 6<sup>th</sup> or July 20<sup>th</sup>.

## ADJOURNMENT

The hearing adjourned at 4:11p.m.

---

CHAIRMAN

---

SECRETARY

ORDINANCE 3056

AN ORDINANCE AMENDING TITLE 17  
OFFICIAL CODE OF THE CITY OF GREAT FALLS,  
COMMONLY REFERRED TO AS  
THE LAND DEVELOPMENT CODE,  
TO PROVIDE MISCELLANEOUS  
REVISIONS AND ADDITIONS

\* \* \* \* \*

WHEREAS, on September 6, 2005, the City Commission of the City of Great Falls amended the Official Code of the City of Great Falls (OCCGF) to include new and updated land development regulations and City zoning map under “Title 17 – Land Development Code”; and,

WHEREAS, on March 6, 2007, the City Commission adopted Ordinance 2950 amending and refining numerous provisions in Title 17, OCCGF; and,

WHEREAS, over the last few years, staff has identified additional items and provisions warranting further amendment that can be primarily categorized as typographical corrections, minor housecleaning, clarification, and improvement and refinement of wording and definitions for better code application, interpretation and enforcement; and,

WHEREAS, the City of Great Falls Planning Board/Zoning Commission has held a public hearing on the proposed amendments and recommended the City Commission adopt Ordinance 3056; and,

WHEREAS, notice of amending the Land Development Code was published in the Great Falls Tribune, advising that a public hearing on these proposed amendments would be held on the 17th day of August, 2010, before final passage of said Ordinance herein.

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

Section 1. That OCCGF Title 17 pertaining to the Land Development Code be amended as depicted in Exhibit “A” which removes any language indicated by a strike-out and adds any language which is bolded.

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

Section 3. All Ordinances and parts of Ordinances in conflict herewith, are hereby repealed.

Section 4. This ordinance shall be in full force and effect thirty (30) days after its passage and adoption by the City Commission.

APPROVED by the City Commission on first reading July 20, 2010.

PASSED, APPROVED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on second reading August 17, 2010.

---

Michael J. Winters, Mayor

ATTEST:

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

(CITY SEAL)

APPROVED FOR LEGAL CONTENT:

\_\_\_\_\_  
James W. Santoro, 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 3056 in three conspicuous places within the limits of said City to-wit:

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

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

(CITY SEAL)

EXHIBIT “A”

TO

ORDINANCE 3056

AN ORDINANCE AMENDING TITLE 17  
OFFICIAL CODE OF THE CITY OF GREAT FALLS,  
COMMONLY REFERRED TO AS  
THE LAND DEVELOPMENT CODE,  
TO PROVIDE MISCELLANEOUS  
REVISIONS AND ADDITIONS

**Chapter 4**  
**GENERAL PROVISIONS**

**17.4.080 Applicability of zoning regulations to public entities**

A State or local agency may develop public land contrary to the zoning regulations contained in this Title. However, the agency shall notify the Director of the Planning **and Community Development** Department of its intent to do so and the Board of Adjustment shall hold a public hearing within 30 days of the date of such notice. The Board of Adjustment shall host the public hearing as a public forum for comment on the proposed use but shall have no power to deny the proposed use. (See 76-2-402, MCA) If a private developer develops land under contract for a State or local agency that is contrary to this Title, the property, including uses, buildings, and structures, shall conform to this Title when the State agency vacates the building.

**17.4.100 Incorporation by reference**

The following, as may be amended from time to time, are incorporated into and made part of this Title by reference:

1. the official zoning map on file with the City Clerk
2. the flood insurance rate maps for Great Falls, as may be amended, having the revision date of February 15, 2002
3. “Storm Drainage Design Manual”, dated June 1990
4. the City’s street classification map, as maintained by the Planning **and Community Development** Department
5. “Arboricultural and Standards and Specifications” as kept on file by the City Clerk

**Chapter 8**  
**INTERPRETATION, CONSTRUCTION, AND DEFINITIONS**

**17.8.120          General definitions**

“Administrative government center” means a place and/or building, or portion thereof, that is used or is intended as a governmental office or administrative facility. The term includes post offices, courthouses, correctional **and related transitional** facilities, and the like.

“Community residential facility” means any one of the following as defined:

- a. “Community group home” means a family-oriented residence that is designed to provide residential services for 2 to 8 individuals with severe disabilities and does not provide skilled or intermediate nursing care. The term does not preclude the provision of skilled or intermediate nursing care by third-person providers. (Source: 52-4-202, MCA)
- b. “Youth foster home” means a youth care facility licensed by the State in which one to 6 children or youth other than the foster parents' own children, stepchildren, or wards are given food shelter, security and safety, guidance, direction, and if necessary, treatment. (Source: 52-2-602, MCA)
- c. “Youth group home” means a youth care facility licensed by the State in which 7 to 12 children or youth are given food shelter, security and safety, guidance, direction, and if necessary, treatment. (Source: 52-2-602, MCA)
- d. “Halfway house” means a place and/or building, or portion thereof, that is used or is intended to provide treatment, rehabilitation, and prevention of chemical dependency. (Source: 53-24-103, MCA)
- e. **“Adult foster care home” means a private home or other facility that offers only light personal care or custodial care to four or fewer disabled adults or aged persons who are not related to the owner or manager of the home by blood, marriage, or adoption or who are not under the full guardianship of the owner or manager. (Source: 50-5-101, MCA)**
- f. ~~“Adult foster family care home” means a private residence owned by one or more individuals 18 years of age or older which offer light personal care or custodial care to disabled adults who are not related to the owner by blood or marriage or which offer light personal care or custodial care to aged individuals. (Source: 52-3-302 MCA)~~

“Day care center” means a place and/or building, or portion thereof, that is used or is intended to provide day care to children on a regular basis. **The operation may include pre-school services/activities** (Source: 52-2-703, MCA) (Ord. 2950, 2007)

“Educational facility (higher education)” means any place and/or building, or portion thereof, that offers or is intended to provide secondary education. The term includes colleges, universities, community colleges, and vocational schools. **On campus housing and dormitories to accommodate enrolled students are considered an accessory use.**

“General repair” means a place and/or building, or portion thereof, that is used or is intended for the repair of consumer goods such as shoes, bicycles, appliances, business equipment, **small engines**, and the like. The term does not include repair of vehicles or industrial equipment.

“General sales” means a place and/or building, or portion thereof, that is used or is intended for retail sale of **goods, commodities, or products to the end consumer. a diverse product line.** ~~The term includes grocery stores, warehouse retail outlets, comparison shopping stores, full-line department stores, and the like.~~

**“Institutional Use” means a public and/or quasi-public land use typically engaged in community service, health care, or educational land uses including but not limited to: governmental facilities, worship facilities, community centers, K-12 and higher education facilities, and health care facilities.**



~~“Retirement home” means a place and/or building, or portion thereof, that is used or is intended to provide independent living quarters, either owned or rented, to for individuals generally 62 years of age or older. Limited commercial and medical facilities constructed and used for the exclusive use of residents shall be an accessory use of the retirement home. The term includes assisted living facilities wherein skilled or intermediate nursing care is not provided on a full time basis.~~

“Shopping center” means more than one sales or service use built on a single site which is planned, developed, ~~owned,~~ and managed as an operating unit **and has an accumulated gross floor area exceeding 35,000 square feet on a site at least 2 acres in size. Typical features include one or more anchor tenant(s), freestanding buildings containing restaurants or other commercial uses, and on-site employee and customer parking.**

~~“Specialty sales” means a place and/or building, or portion thereof, that is used or is intended for retail sale of a limited product line. The term includes antique shops, furniture stores, auto part stores, bookstores, drug stores, clothing boutiques, pet stores, and the like.~~

**Chapter 12**  
**ADMINISTRATIVE AND ENFORCEMENT BODIES**

**Article 1**  
**PLANNING ADVISORY BOARD**

**17.12.1.070 Schedule of meetings**

The board shall fix the time for holding regular meetings, but shall meet at least once ~~each month during the year~~ **in the months of January, April, July, and October.**

**17.12.1.090 Voting and quorum**

- A. **Requirements for quorum.** A quorum shall consist of 5 members.
- B. **Requirements for official action.** ~~No action of the board shall be official unless authorized by 5 or more members of the board at a regular or properly called special meeting.~~ **Each decision of the board shall be approved by a majority vote of the members present at a meeting in which a quorum is in attendance and voting.**
- C. **Disqualification or voluntary abstention from voting.** In adjudicative decisions, a member shall abstain from voting on a particular issue or shall be disqualified by majority vote of the remaining members present, if any of the following circumstances apply:
  - 6. The member has a direct financial interest in the outcome of the matter at issue; or
  - 7. The member has such close personal ties to the applicant, the project, or to a party opposing the application that the member cannot reasonably be expected to exercise sound judgment in the public interest; or
  - 8. The member owns property within the area entitled to receive written notice; or
  - 9. Participation in the matter might violate the letter or spirit of a member's code of professional responsibility; or
  - 10. Other applicable law that applies.

**17.12.1.050 Officers**

- A. **Election.** At its first regular meeting in each calendar year, the board shall elect from its members a chairman and vice-chairman to serve for a period of one year. If there is more than one nominee for any office, voting shall be by secret ballot.
- B. **Nominations.** A nominating committee of 3 members, elected by a majority vote of the board, shall prepare a slate of nominees. The committee shall present the slate at the regular meeting preceding the annual meeting or notify the members in writing at least 2 weeks before the election at the annual meeting. Nominations may also be made from the floor, provided the nominee consents to the nomination.
- C. **Terms of office.** All elective offices shall be for one year. An officer whose term has expired shall hold office until a successor is elected.
- D. **Limitation on consecutive terms.** No member shall hold the same elective office for more than 3 consecutive terms.
- E. **Vacancies.** In the event of a vacancy in any office, the chairman, upon approval by a majority of voting members present, shall designate a member to fill the unexpired term of the office.
- F. **Rights of chairman.** The chairman shall have all the rights and privileges of a board member.
- G. **Duties of chairman.** The chairman shall:
  - 1. preside at all meetings of the board,
  - 2. be an ex-officio member of all committees except the nominating committee,
  - 3. act as a liaison between the board and the **Planning and Community Development** Department,
  - 4. execute all legal documents on behalf of the board,
  - 5. authorize all financial transactions upon approval of a majority of members present,
  - 6. appoint the chair and members of all committees except the nominating committee,
  - 7. call special meetings as provided herein, and
  - 8. act as the public representative of the board or designate an alternate.

- H. **Duties of vice-chairman.** The vice-chairman shall perform the duties of the chairman in all cases in which the chairman is unable to serve or as otherwise directed by the chairman.
- I. **Duties of secretary.** The Director of the Planning **and Community Development** Department shall function as the secretary of the board. The secretary shall maintain the minutes and records of the board and issue calls and notices pertaining to the board, prepare and distribute the agenda for all regular meetings at least four days prior to the meeting, keep a roll of membership and attendance, and supervise the balloting at all elections.

**17.12.1.140 Fiscal administration and budget**

To finance the yearly operations of the board, the director of the Planning **and Community Development** Department shall prepare a budget for approval by the board and the City, in the same manner as City departments. The budget shall be based on projected revenue from all sources and shall estimate projected expenditures. Further, the budget shall be limited in all expenditures to the provisions made therefore by the City.

**Article 2  
ZONING COMMISSION**

**17.12.2.050 Officers**

- A. **Election.** At its first regular meeting in each calendar year, the commission shall elect from its members a chairman and vice-chairman to serve for a period of one year. If there is more than one nominee for any office, voting shall be by secret ballot.
- B. **Nominations.** Nominations may be made from the floor, provided the nominee consents to the nomination.
- C. **Terms of office.** All elective offices shall be for one year. An officer whose term has expired shall hold office until a successor is elected.
- D. **Limitation on consecutive terms.** No member shall hold the same elective office for more than 3 consecutive terms.
- E. **Vacancies.** In the event of a vacancy in any office, the chairman, upon approval by a majority of voting members present, shall designate a member to fill the unexpired term of the office.
- F. **Rights of chairman.** The chairman shall have all the rights and privileges of a commission member.
- G. **Duties of chairman.** The chairman shall:
  1. preside at all meetings of the commission,
  2. act as a liaison between the commission and the Planning **and Community Development** Department,
  3. execute all legal documents on behalf of the commission,
  4. call special meetings as provided herein, and
  5. act as the public representative of the commission or designate an alternate.
- H. **Duties of vice-chairman.** The vice-chairman shall perform the duties of the chairman in all cases in which the chairman is unable to serve or as otherwise directed by the chairman.
- I. **Duties of secretary.** The Director of the Planning **and Community Development** Department shall function as the secretary of the commission. The secretary shall maintain the minutes and records of the commission and issue calls and notices pertaining to the commission, prepare and distribute the agenda for all regular meetings at least four days prior to the meeting, keep a roll of membership and attendance, and supervise the balloting at all elections.

**Article 3  
DESIGN REVIEW BOARD**

**17.12.3.040 Officers**

- A. **Election.** At its annual meeting, the board shall elect a chair and vice-chair from among its membership by majority vote. If there is more than one nominee for any office, voting shall be by secret ballot.
- B. **Nominations.** Nominations may be made from the floor, provided the nominee consents to the nomination.
- C. **Terms of office.** All elective offices shall be for one year. An officer whose term has expired shall hold office until a successor is elected.

- D. **Limitation on consecutive terms.** No member shall hold the same elective office for more than 3 consecutive terms.
- E. **Vacancies.** In the event of a vacancy in any office, the chair, upon approval by a majority of voting members present, shall designate a member to fill the unexpired term of the office.
- F. **Rights of chair.** The chair shall have all the rights and privileges of a board member.
- G. **Duties of chair.** The chair shall:
  1. preside at all meetings of the board,
  2. plan the agenda for the board,
  3. act as a liaison between the board and the **Planning and** Community Development Department,
  4. execute all legal documents on behalf of the board,
  5. call special meetings as provided herein, and
  6. act as the public representative of the board or designate an alternate.
- H. **Duties of vice-chair.** The vice-chair shall perform the duties of the chair in all cases in which the chair is unable to serve or as otherwise directed by the chair.
- I. **Duties of secretary.** The secretary shall:
  1. maintain the minutes and records of the board and issue calls and notices pertaining to the board,
  2. distribute the agenda for all regular and annual meetings at least one week prior to the meeting,
  3. keep a roll of membership and attendance, and
  4. supervise the balloting at all elections.
- J. **Delegation of duties.** The board may delegate the duties of the secretary to the **Planning and** Community Development Department by a majority vote.

#### Article 4

#### HISTORIC PRESERVATION ADVISORY COMMISSION

##### 17.12.4.040 Officers

- A. **Election.** At its annual meeting, the commission shall elect a chair, vice-chair, and secretary from among its membership by majority vote. If there is more than one nominee for any office, voting shall be by secret ballot.
- B. **Nominations.** A nominating committee of 3 members, elected by a majority vote of the commission, shall prepare a slate of nominees. The committee shall present the slate at the regular meeting preceding the annual meeting or notify the members in writing at least 2 weeks before the election at the annual meeting. Nominations may also be made from the floor, provided the nominee consents to the nomination.
- C. **Terms of office.** All elective offices shall be for one year. An officer whose term has expired shall hold office until a successor is elected.
- D. **Limitation on consecutive terms.** No member shall hold the same elective office for more than 3 consecutive terms.
- E. **Vacancies.** In the event of a vacancy in any office, the chair, upon approval by a majority of voting members present, shall designate a member to fill the unexpired term of the office.
- F. **Rights of chair.** The chair shall have all the rights and privileges of a commission member.
- G. **Duties of chair.** The chair shall:
  1. preside at all meetings of the commission;
  2. plan the agenda for the commission;
  3. act as a liaison between the commission, ~~and the~~ **Planning and** Community Development Department, ~~and the Planning Department;~~
  4. execute all legal documents on behalf of the commission;
  5. call special meetings as provided herein; and
  6. act as the public representative of the commission or designate an alternate.
- H. **Duties of vice-chair.** The vice-chair shall perform the duties of the chair in all cases in which the chair is unable to serve or as otherwise directed by the chair.
- I. **Duties of secretary.** The secretary shall:
  1. maintain the minutes and records of the commission and issue calls and notices pertaining to the commission,
  2. distribute the agenda for all meetings at least one week prior to the meeting,

3. keep a roll of membership and attendance, and
  4. supervise the balloting at all elections.
- J. **Delegation of duties.** The commission may delegate the duties of the secretary to the **Planning and** Community Development Department /~~Planning Department~~ by a majority vote.

**Article 5**  
**BOARD OF ADJUSTMENT**

**17.12.5.040 Officers**

- K. **Election.** At its annual meeting, the board shall elect a chair, vice-chair, and secretary from among its membership by majority vote. If there is more than one nominee for any office, voting shall be by secret ballot.
- L. **Nominations.** Nominations may be made from the floor, provided the nominee consents to the nomination.
- A. **Terms of office.** All elective offices shall be for one year. An officer whose term has expired shall hold office until a successor is elected.
- B. **Limitation on consecutive terms.** No member shall hold the same elective office for more than 3 consecutive terms.
- C. **Vacancies.** In the event of a vacancy in any office, the chair, upon approval by a majority of voting members present, shall designate a member to fill the unexpired term of the office.
- D. **Rights of chair.** The chair shall have all the rights and privileges of a board member.
- E. **Duties of chair.** The chair shall:
1. preside at all meetings of the board,
  2. plan the agenda for the board,
  3. act as a liaison between the board and the **Planning and** Community Development Department,
  4. execute all legal documents on behalf of the board,
  5. call special meetings as provided herein, and
  6. act as the public representative of the board or designate an alternate.
- F. **Duties of vice-chair.** The vice-chair shall perform the duties of the chair in all cases in which the chair is unable to serve or as otherwise directed by the chair.
- G. **Duties of secretary.** The secretary shall:
1. maintain the minutes and records of the board and issue calls and notices pertaining to the board,
  2. distribute the agenda for all meetings at least one week prior to the meeting,
  3. keep a roll of membership and attendance, and
  4. supervise the balloting at all elections.
- H. **Delegation of duties.** The board may delegate the duties of the secretary to the **Planning and** Community Development Department by a majority vote.

**Chapter 16**  
**ADMINISTRATIVE AND ENFORCEMENT PROCEDURES**

**Article 7**  
**ANNEXATION BY PETITION**

**17.16.7.030 Application and review procedure**

- A. **Pre-submittal meeting.** Before submitting an application, the applicant or the applicant's agent shall meet with the Director of the Planning **and Community Development** Department to:
1. review applicable procedures;
  2. review applicable goals and objectives of the City's growth policy and applicable neighborhood plans, if any; and
  3. review the proposal.
- The pre-submittal meeting may, at the discretion of the director and concurrence of the applicant or the applicant's agent, be held via telephone conference. Prior to the conference, the applicant shall submit background information to the director. A representative from the **Planning and Community Development** Department, Public Works Department, Fire Department, and other City departments as appropriate should participate in this preliminary discussion.
- B. **Neighborhood council contact recommended.** Prior to submitting an application, the applicant may meet with representatives of the neighborhood council in which the project is located to present the project and solicit feedback.
- C. **Submittal of application.** The applicant shall submit an application to the Planning **and Community Development** Department along with the application fee as may be established by the City Commission.
- D. **Determination of completeness.** Within 10 days, but not sooner than 4 days, of submittal, the director shall determine whether the proposed application is complete or incomplete and notify the applicant of any deficiencies. If the application is incomplete, the applicant has 6 months to resubmit the application or forfeit the application fee. The director shall take no further steps to process the application until the deficiencies are remedied.
- E. **Schedule date of review.** Following a determination of completeness, the director shall schedule a public hearing date to review the application allowing for proper public notice.
- F. **Notice.** Consistent with Article 4 of this chapter, the director shall provide for public notice, neighborhood council notification, property owner notification, agency notification, and posting of a sign on the premises.
- G. **Staff report.** The director shall prepare a written staff report as described in this article and mail it to each member of the Planning Board, the applicant, and the applicant's agent, if any, at least 3 days prior to the public hearing. He/she shall also provide a copy to interested people upon request.
- H. **Public hearing.** The Planning Board shall conduct a public hearing to review the application and staff report.
- I. **Planning Board recommendation.** The Planning Board, after considering the comments and recommendations of the staff report, shall make a recommendation to the City Commission, based on the decision criteria contained in this article, to either:
1. approve the annexation,
  2. approve the annexation with conditions, or
  3. deny the annexation.
- J. **City commission decision.** The City Commission, after considering the comments and recommendation of the Planning Board and after reviewing the staff report, shall make a decision, based on the criteria contained in this article, to either:
1. approve the annexation,
  2. approve the annexation with conditions, or
  3. deny the annexation.

The decision shall be prepared consistent with the requirements contained in this article.

- K. **Annexation resolution.** City Commission approval shall be done through the adoption of a resolution officially annexing the subject property.
- L. **Compliance.** If the annexation is approved, the applicant shall comply with all the conditions, if any, of the approval.
- M. **Recording of resolution.** The City Clerk shall record the annexation resolution with the County Clerk and Recorder. (Ord. 2950, 2007)

## **Article 8 ZONING PERMIT**

### **17.16.8.030 Application and review procedure**

- A. **Submittal of application.** The applicant shall submit a completed application to the **Planning and Community Development** Department along with the application fee as may be established by the City Commission.
- B. **Determination of completeness.** Within 2 days of submittal, the Director of the **Planning and Community Development** Department shall determine whether the submitted application is complete or incomplete and notify the applicant, in writing, of any deficiencies. If the application is deemed incomplete, the applicant has 20 days to resubmit the application or forfeit the application fee. The director shall take no further steps to process the application until the deficiencies are remedied.
- C. **Determination of compliance.** Within 3 days after a determination of completeness, the director shall either issue or deny issuance of the permit based on the decision criteria established in this article.

## **Article 16 SIGN PERMIT**

### **17.16.16.020 Application and review procedure**

- A. **Submittal of application.** The applicant shall submit a completed application to the **Planning and Community Development** Department.
- B. **Determination of completeness.** Within 2 days of submittal, the Director of **Planning and Community Development** shall determine whether the submitted application is complete or incomplete and notify the applicant, of any deficiencies. The director shall take no further steps to process the application until the deficiencies are remedied.
- C. **Determination of compliance.** Within 3 days after a determination of completeness, the director shall approve the permit, approve it with conditions, or deny the permit based on the decision criteria established in this article.
- D. **Permit fee.** At the time of issuance of the permit, the applicant shall pay the applicable permit fee as may be established by the City Commission.

## **Article 17 LANDSCAPE DESIGN REVIEW**

### **17.16.17.010 Application and review procedure**

- A. **Submittal of application.** The applicant shall submit a completed application to the **Planning and Community Development** Department along with the application fee as may be established by the City Commission.
- B. **Determination of completeness.** Within 5 days of submittal, the Director of **Planning and Community Development** shall determine whether the submitted application is complete or incomplete and notify the applicant, in writing, of any deficiencies. If the application is deemed incomplete, the applicant has 20 days to

resubmit the application or forfeit the application fee. The director shall take no further steps to process the application until the deficiencies are remedied.

- C. **Determination of compliance.** Within 3 days after a determination of completeness, the director shall approve the application, approve it with conditions, or deny the permit based on the decision criteria established in this article.
- D. **Resubmittal of application.** If the application is denied, the applicant has 20 days to submit another application or forfeit the original application fee.

## **Article 18 DESIGN REVIEW**

### **17.16.18.010 Application and review procedure**

- A. **Pre-submittal conference.** Before submitting an application, the applicant or the applicant's agent is encouraged to meet with the Director of **Planning and** Community Development to:
  - 1. review applicable regulations and procedures;
  - 2. review applicable goals and objectives of the City's growth policy, neighborhood plans, if any, and other plans, as appropriate; and
  - 3. review a concept drawing of the project.The pre-submittal conference may, at the discretion of the director and with concurrence of the applicant or the applicant's agent, be held via telephone conference. Prior to the conference, the concept drawing shall be submitted to the director.
- B. **Submittal of application.** The applicant shall submit an application, as described in this article, to the **Planning and** Community Development Department along with the application fee as may be established by the City Commission.
- C. **Determination of completeness.** Within 10 days, but not sooner than 4 days, of submittal, the director shall determine whether the proposed application is complete or incomplete and notify the applicant of any deficiencies. If the application is incomplete, the applicant has 6 months to resubmit the application or forfeit the application fee. The director shall take no further steps to process the application until the deficiencies are remedied.
- D. **Schedule date of review.** Following a determination of completeness, the director shall schedule a meeting with the Design Review Board. Public notice shall be given of the date and time of the meeting.
- E. **Staff report.** The director shall prepare a written staff report as described in this article and mail it to each member of the Design Review Board, the applicant, and the applicant's agent, if any, at least 3 days prior to the public meeting. He/she shall also provide a copy to interested people upon request.
- F. **Public hearing.** The board shall conduct a public hearing to review the application.
- G. **Board decision.** Within 10 days of the public meeting (unless the applicant consents in writing to an extension of the review period), the Design Review Board after considering the comments and recommendations of the staff report shall render a decision to:
  - 1. approve the application,
  - 2. approve the application with conditions, or
  - 3. deny the application.
- H. **Applicant notification of decision.** Within 5 days following the decision date, the director shall mail the board's decision to the applicant.

## **Article 19 OUTDOOR LIGHTING**

### **17.16.19.020 Reviewing entity**

- A. **Review.** When the Design Review Board reviews a project, it shall also review the proposed lighting, if any, to



ensure it complies with the lighting standards contained in this Title. The Design Review Board shall follow the review process and render a decision consistent with this article.

- B. **Administrative review.** When an outdoor lighting application is submitted and is not subject to any other review procedure, the Director of **Planning and** Community Development shall conduct the review and render a decision consistent with this article.

#### **17.16.19.030 Application and review procedure for independent review**

- A. **Submittal of application.** The applicant shall submit a completed application to the **Planning and** Community Development Department along with the application fee as may be established by the City Commission.
- B. **Determination of completeness.** Within 2 days of submittal, the Director of **Planning and** Community Development shall determine whether the submitted application is complete or incomplete and notify the applicant, in writing, of any deficiencies. If the application is deemed incomplete, the applicant has 20 days to resubmit the application or forfeit the application fee. The director shall take no further steps to process the application until the deficiencies are remedied.
- C. **Determination of compliance.** Within 3 days after a determination of completeness, the director shall approve the permit, approve it with conditions, or deny the permit based on the decision criteria established in this article.
- D. **Applicant notification.** Within 5 days following the decision, the director shall mail the applicant the original (signed) copy of the permit and retain a copy for the public record.

### **Article 20 DESIGN WAIVER**

#### **17.16.20.020 Application and review procedure**

- A. **Submittal of application.** The applicant shall submit a completed application, as described in this article, to the **Planning and** Community Development Department along with the application fee as may be established by the City Commission.
- B. **Determination of completeness.** Within 10 days, but not sooner than 4 days, of submittal, the Director of **Planning and** Community Development or appropriate City department director shall determine whether the proposed application is complete or incomplete and notify the applicant of any deficiencies. If the application is incomplete, the applicant has 6 months to resubmit the application or forfeit the application fee. The director shall take no further steps to process the application until the deficiencies are remedied.
- C. **Decision.** Within 15 days after submittal, the director shall review the request and approve it, approve it with conditions, or deny it based on the decision criteria established in this article.
- D. **Applicant notification of decision.** Within 5 days following the decision, the director shall mail the decision to the applicant.
- E. **Ratification by reviewing authority.** The board, commission, or official responsible for a subsequent review shall ratify the issuance of the waiver or revoke the waiver if it was not issued in compliance with this article.

### **Article 23 DEMOLITION PERMIT**

#### **17.16.23.030 Application and review procedure**

- A. **Submittal of application.** The applicant shall submit a completed application to the **Planning and** Community Development Department.
- B. **Determination of completeness.** Within 10 days of submittal, the Director of **Planning and** Community Development shall determine if the application is complete. If the application is deemed incomplete, it shall be returned to the applicant and the applicant has 6 months to resubmit the application or forfeit the application

- fee. The director shall take no further steps to process the application until it is deemed complete.
- C. **Determination of review** authority. In consultation with the Historic Preservation Officer, the Director shall determine if the building proposed for demolition is of historic value, meaning it is individually listed on the National Register of Historic Places, is eligible for listing, or is designated as a contributing or primary property to an existing historic district.
  - D. **Review if building is not of historic value.** If a determination is made that the building is not of historic value, the director shall issue a demolition permit provided the demolition complies with all other requirements of this Title and other laws and ordinances of the State of Montana and City of Great Falls as may apply.
  - E. **Review if building is of historic value.** If a determination is made that the building is of historic value, the applicant and the Historic Preservation Officer shall meet to discuss the proposed demolition. The Historic Preservation Officer shall discuss options for the property, such as alternative designs, grants, tax credits, tax abatements, purchase, land exchanges, and building relocation.
  - F. **Neighborhood council contact recommended.** The applicant may meet with representatives of the Neighborhood Council in which the project is located to discuss the proposed demolition and solicit feedback.
  - G. **Additional procedural steps.** If the permit is issued, the applicant shall work with the **Planning and Community Development** Department to ensure compliance with this part and other regulations that may apply. (Ord. 2950, 2007)
  - H. **Permit fee.** At the time of issuance of the permit, the applicant shall pay the applicable permit fee as may be established by the City Commission.

**Article 26**  
**SUBDIVISION – PRELIMINARY AND MINOR PLATS**

**17.16.26.010 Application and review procedure for a major subdivision** (See: 76-3-601, MCA)

- A. **Pre-submittal meeting.** Before submitting an application, the applicant or the applicant's agent shall meet with the Director of the **Planning and Community Development** Department to:
  1. review applicable State laws and local regulations and procedures; and,
  2. review applicable goals and objectives of the City's growth policy; and,
  3. review the concept plat; and,
  4. create a list of the public utilities, agencies of local, State and federal government and other entities to be contacted for comment on the subdivision application and the timeframes that the public utilities, agencies and other entities are given to respond.

The pre-application meeting may, at the discretion of the director and concurrence of the applicant or the applicant's agent, be held via telephone conference within 30 days from the date the subdivider requests such a meeting. Prior to the conference, the concept plat shall be submitted to the director. A representative from the **Planning and Community Development** Department, Public Works Department, Fire Department, and other City departments as appropriate should participate in this preliminary discussion.
- B. **Neighborhood council contact recommended.** Prior to submitting an application, the applicant should meet with representatives of the neighborhood council in which the project is located to present the project and solicit feedback.
- C. **Submittal of application.** The applicant shall submit an application to the **Planning and Community Development** Department along with the application fee as may be established by the City Commission, within 6 months of the pre-application meeting referenced in A above.
- D. **Determination of completeness.** Within 5 working days of submittal, the director shall determine whether the proposed application contains all of the listed materials as required by section 17.16.26.080 of this Article, and notify the applicant of any deficiencies. The director has an additional 15 working days to determine whether the application and required elements contain detailed, supporting information that is sufficient to allow for review of the proposed subdivision under the provisions of this chapter and local regulations adopted pursuant to this chapter. If the application is incomplete, the applicant has 6 months to resubmit the application or

forfeit the application fee. The director shall take no further steps to process the application until the deficiencies are remedied. (See: 76-3-604 (1) and (2), MCA)

- E. Schedule **date of review**. Following a determination of completeness, the director shall notify the Planning Board of the application. If more than 2 majors are submitted in any given month, the Planning **and Community Development** Department, in consultation with the Planning Board president, may schedule separate meetings to consider them. Applications will be scheduled on a first-come first-serve basis.
- F. **Notice**. Consistent with Article 4 of this chapter, the director shall provide for public notice, neighborhood council notification, property owner notification, agency notification, and posting of a sign on the premises.
- G. **Staff report**. The director shall prepare a written staff report as described in this article and mail it to each member of the Planning Board, the applicant, and the applicant's agent, if any, at least 3 days prior to the public hearing. He/she shall also provide a copy to interested people upon request.
- H. **Public hearing**. Allowing for proper public notice, the Planning Board shall conduct a public hearing to review the application. (See: 76-3-501(1)(n) and 76-3-605 (1), MCA)
- I. **Review session**. Allowing for proper notice, the Planning Board may conduct a review session to review the application. The purpose of this session is to allow the Planning Board members and the applicant to informally discuss the preliminary plat without making a formal recommendation.
- J. **Planning Board recommendation**. Within 10 days of the public hearing (unless the applicant consents in writing to an extension of the review period), the Planning Board after considering the comments and recommendations of the staff report shall make a recommendation to the City Commission, based on the decision criteria contained in this article to either:
  - 1. approve the preliminary plat; or,
  - 2. approve the preliminary plat with conditions; or,
  - 3. deny the preliminary plat. (See: 76-3-605 (4) and 76-1-107, MCA)
- K. **Consultation**. If the City Commission intends on imposing conditions of approval to mitigate negative impacts that are different than and/or in excess of those voluntarily included in the application of record by the applicant, the commission shall consult with the applicant and give due weight and consideration to the expressed preference of the applicant. (See: 76-3-608(5)(b), MCA)
- L. **Supplemental consideration**. If as a result of the consultation, the proposed subdivision is materially and substantially different than the original application, the City Commission may direct the Planning Board to conduct another public hearing to consider the application as may be changed by the anticipated mitigation.
- M. **City Commission decision**. Within 60 days of the determination of completeness (unless the applicant consents in writing to an extension of the review period), the City Commission after considering the comments and recommendation of the Planning Board and after reviewing the staff report shall make a decision, based on the decision criteria contained in this article, to either:
  - 1. approve the preliminary plat; or,
  - 2. approve the preliminary plat with conditions; or,
  - 3. deny the preliminary plat. (See: 76-3-604 (2), MCA)The preliminary plat decision shall be prepared consistent with the requirements contained in this article.

**17.16.26.020 Application and review procedure for a minor subdivision or for a second or subsequent minor subdivision from a tract of record** (See: 76-3-505 (2) and 76-3-609, MCA)

- A. **Pre-submittal meeting**. Before submitting an application, the applicant or the applicant's agent shall meet with the Director of the Planning **and Community Development** Department to:
  - 1. review applicable subdivision regulations and procedures; and,
  - 2. review applicable goals and objectives of the City's growth policy; and,
  - 3. review the concept plat; and,
  - 4. create a list of the public utilities, agencies of local, State and federal government and other entities to be contacted for comment on the subdivision application and the timeframes that the public utilities, agencies and other entities are given to respond.

- The pre-application meeting may, at the discretion of the director and concurrence of the applicant or the applicant's agent, be held via telephone conference within 30 days from the date the subdivider requests such a meeting. Prior to the conference, the concept plat shall be submitted to the director. A representative from the **Planning and Community Development** Department, Public Works Department, Fire Department, and other City departments as appropriate should participate in this preliminary discussion.
- B. **Neighborhood council contact recommended.** Prior to submitting an application, the applicant should meet with representatives of the neighborhood council in which the project is located to present the project and solicit feedback.
  - C. **Submittal of application.** The applicant shall submit an application, as described in this article, to the **Planning and Community Development** Department along with the application fee as may be established by the City Commission, within 6 months of the pre-application meeting referenced in A above.
  - D. **Determination of completeness.** Within 5 working days of submittal, the director shall determine whether the proposed application contains all of the listed materials as required by section 17.16.26.080 of this Article, and notify the applicant of any deficiencies. The director has an additional 15 working days to determine whether the application and required elements contain detailed, supporting information that is sufficient to allow for review of the proposed subdivision under the provisions of this chapter and local regulations adopted pursuant to this chapter. If the application is incomplete, the applicant has 6 months to resubmit the application or forfeit the application fee. The director shall take no further steps to process the application until the deficiencies are remedied. (See: 76-3-604 (1) and (2), MCA)
  - E. **Schedule date of review.** Following a determination of completeness, the director shall notify the Planning Board of the application. If more than 6 minors are submitted in any given month, the **Planning and Community Development** Department, in consultation with the Planning Board president, may schedule separate meetings to consider them. Applications will be scheduled on a first-come, first-serve basis.
  - F. **Notice.** Consistent with Article 4 of this chapter, the director shall provide for, appropriate notification, depending upon whether the application involves a minor plat or a second or subsequent minor subdivision from a tract of record (See: 76-3-605 (3), MCA).
  - G. **Staff report.** The director shall prepare a written staff report as described in this article and mail it to each member of the Planning Board, the applicant, and the applicant's agent, if any, at least 3 days prior to the date of Planning Board consideration. He/she shall also provide a copy to interested people upon request.
  - H. **Public hearing for a second or subsequent minor subdivision from a tract of record.** Allowing for proper public notice, the Planning Board shall conduct a public hearing to review the application for a second or subsequent minor subdivision from a tract of record. (See: 76-3-501(1) and 76-3-605 (1), MCA)
  - I. **Planning Board recommendation.** Within 10 days of the public meeting (in the case of a minor plat) or the public hearing (in the case of a second or minor subdivision from a tract of record), (unless the applicant consents in writing to an extension of the review period), the Planning Board after considering the comments and recommendations of the staff report shall make a recommendation to the City Commission, based on the decision criteria contained in this article, to either:
    1. approve the minor plat; or,
    2. approve the minor plat with conditions; or,
    3. deny the minor plat. (See: 76-3-505 (2)(b), MCA)
  - J. **Consultation.** If the City Commission intends on imposing conditions of approval to mitigate negative impacts that are different than and/or in excess of those voluntarily included in the application of record by the applicant, the commission shall consult with the applicant and give due weight and consideration to the expressed preference of the applicant. (See: 76-3-608(5)(b), MCA)
  - K. **City Commission decision.** Within 35 days of the determination of completeness (unless the applicant consents in writing to an extension of the review period), the City Commission after considering the comments and recommendation of the Planning Board and after reviewing the staff report shall make a decision, based on the decision criteria contained in this article, to either:
    1. approve the minor plat; or,

2. approve the minor plat with conditions; or,
3. deny the minor plat. (See: 76-3-604 (2), MCA)

The minor plat decision shall be prepared consistent with the requirements contained in this article.

- L. **Applicant notification of decision.** Within 5 days following the decision date, the City Commission decision on the minor plat shall be mailed to the applicant.

#### **17.16.26.030 Extension of review period**

- A. **Generally.** Prior to the final decision of the City Commission, an applicant may request an extension to the review period if the applicant wishes to amend the application with new or different information. (See: 76-3-604 (2), MCA)
- B. **Procedure.** If the City Commission approves the extension, the Planning Board will rehear the amended application with appropriate notice. If the requested change in the application is minor, the Planning **and Community Development** Department shall simply notify the president of the Planning Board of the change.
- C. **Extension requirements.** Unless otherwise stated in writing, an extension request automatically extends the review period to 30 days beyond the date when the Planning Board hears the amended application.

### **Article 27**

#### **SUBDIVISION – FINAL PLAT**

#### **17.16.27.010 Application and review procedure**

- A. **Submittal.** Following approval of the preliminary plat but before the expiration date of the original preliminary plat decision or the extension thereto, the applicant shall submit all of the items as specified in the preliminary plat decision to the Planning **and Community Development** Department along with the application fee as may be established by the City Commission.
- B. **Staff review.** Within 10 days of submittal, the Director of the Planning **and Community Development** Department shall examine the submitted items and recommend approval only when they conform to the preliminary plat decision, the Montana Subdivision and Platting Act, and this Title.
- C. **County treasurer review.** The County Treasurer shall certify that all real property taxes and special assessments assessed and levied on the land to be subdivided have been paid. (See: 76-3-611 (1) (b), MCA)
- D. **Clerk and recorder review.** The County Clerk and Recorder shall examine the final plat to ensure that it conforms to the Montana Subdivision and Platting Act. The County Clerk and Recorder shall refuse to accept any plat for record that is not in proper form.
- E. **City attorney review.** The City Attorney may review the title abstract or certificate of title and other elements of the final plat submittal as appropriate. (See: 76-3-612 (2), MCA)
- F. **Planning Board recommendation on majors.** The Planning Board shall review the final plat and provide a recommendation to the City Commission.
- G. **City Commission decision.** After considering the comments and recommendations of the Planning Board (only for majors), the City Commission shall review the final plat application and approve the plat or deny it based on the decision criteria as described in this part.
- H. **Resubmittal of final plat.** If the final plat is denied, the applicant may make the necessary corrections and resubmit the final plat for approval provided that it is resubmitted within the approval period of the preliminary plat.
- I. **Filing of final plat.** After approval of the final plat, the County Clerk and Recorder shall officially file the plat according to State law.

#### **17.16.27.040 Final plat form and content** (See: 76-3-504 (1)(c), MCA)

- A. **Preparation.** A professional land surveyor shall prepare the final plat. All engineering plans, specifications, and reports, when included as part of the plat shall be prepared and certified by a professional engineer.
- B. **Format.** The final plat shall be prepared consistent with the requirements of the preliminary plat.

- C. Required content. The final plat shall include, at a minimum, the information as listed in Appendix A, **together with a statement that all prospective purchasers are advised to consult with and obtain the recommendation of a geotechnical engineer before initiating construction.**
- D. **Consistency with approved preliminary plat.** The final plat shall conform to the preliminary plat decision.
- E. **Consistency with uniform standards.** The final plat shall comply with the Montana Uniform Standards for Final Subdivision Plats. (ARM 8.94.3003)

**17.16.27.050 Application form and content** (See: 76-3-504 (1)(c), MCA)

- A. **Generally.** The application shall include all those elements as required by the preliminary plat decision. This shall include the survey in a digital format as specified by the Director of the **Planning and Community Development** Department.
- B. **Final plat as a portion of preliminary plat.** The final plat may constitute a portion of the approved preliminary plat the subdivider wishes to file, provided that such portion conforms to all requirements of this Title and is approved by the City Commission in writing.

**Article 29  
PLANNED UNIT DEVELOPMENT**

**17.16.29.020 Application and review procedure**

- A. **Pre-submittal meeting.** Before submitting an application, the applicant or the applicant's agent shall meet with the Director of the **Planning and Community Development** Department to:
  1. review applicable regulations and procedures;
  2. review applicable goals and objectives of the City's growth policy and the applicable neighborhood plan(s), if any; and
  3. review the proposal.
 The pre-submittal meeting may, at the discretion of the director and concurrence of the applicant or the applicant's agent, be held via telephone conference. Prior to the conference, any preliminary drawings and maps shall be submitted to the director. A representative from the **Planning and Community Development** Department, Public Works Department, Fire Department, and other City departments as appropriate should participate in this preliminary discussion.
- B. **Neighborhood council contact recommended.** Prior to submitting an application, the applicant should meet with representatives of the neighborhood council in which the project is located to present the project and solicit feedback.
- C. **Submittal of application.** The applicant shall submit an application to the **Planning and Community Development** Department along with the application fee as may be established by the City Commission.
- D. **Determination of completeness.** Within 10 days, but not sooner than 4 days, of submittal, the director shall determine whether the proposed application is complete or incomplete and notify the applicant of any deficiencies. If the application is incomplete, the applicant has 6 months to resubmit the application or forfeit the application fee. The director shall take no further steps to process the application until the deficiencies are remedied.
- E. **Schedule date of review.** Following a determination of completeness, the director shall schedule a public hearing with the Zoning Commission allowing for proper public notice.
- F. **Notice.** Consistent with Article 4 of this chapter, the director shall provide for public notice, neighborhood council notification, property owner notification, agency notification, and posting of a sign on the premises.
- G. **Staff report.** The director shall prepare a written staff report as described in this article and mail it to each member of the Zoning Commission, the applicant, and the applicant's agent, if any, no later than 3 days prior to the public hearing. He/she shall also provide a copy to interested people upon request.
- H. **Public hearing.** The Zoning Commission shall conduct a public hearing to review the application.
- I. **Zoning Commission/Planning Board recommendation.** Within 10 days of the public hearing (unless the

applicant consents in writing to an extension of the review period), the Zoning Commission after considering the comments and recommendations of the staff report shall make a recommendation to the City Commission, based on the decision criteria contained in this article to either:

1. approve the planned unit development,
2. approve the planned unit development with conditions, or
3. deny the planned unit development.

J. **City Commission public hearing.** Allowing for proper public notice, the City Commission shall conduct a public hearing to consider the application.

K. **City Commission decision.** Within 10 days of the public hearing (unless the applicant consents in writing to an extension of the review period), the City Commission after considering the comments and recommendation of the Zoning Commission and after reviewing the staff report shall make a decision, based on the decision criteria contained in this article, to either:

1. approve the planned unit development,
2. approve the planned unit development with conditions, or
3. deny the planned unit development.

The decision shall be prepared consistent with the requirements contained in this article.

#### **17.16.29.100 Changes in Planned Unit Development**

A Planned Unit Development shall be developed only according to the approved final plan and all supporting data. The final plan and supporting data together with all recorded amendments shall be binding on the applicants, their successors, grantees, and assigns, and shall limit and control the use of premises (including the internal use of buildings and structures) and location of structures in the Planned Unit Development as set forth therein.

- A. **Major Changes.** Major changes in the plan of development or supporting data similarly approved shall be considered the same as a new petition, and reapplication shall be made in accordance with the procedures for a new application. Major changes include increase in density, heights of buildings, change in location and types of nonresidential land uses, changes in road standards or alignment, changes in the location and/or amount of land devoted to open space, parks or other common facilities.
- B. **Minor Changes.** Minor changes may be approved by the zoning administrator or **Planning and Community Development** Director following approval of such change by the appropriate property owners' association if applicable. Minor changes are defined as any change not defined as a major change. (Ord. 2950, 2007)

### **Article 30**

#### **CERTIFICATE OF OCCUPANCY**

#### **17.16.30.020 Basis of decision**

The Director of **Planning and** Community Development may withhold issuance of a certificate of occupancy when the available evidence shows the structure and associated development does not meet the standards and requirements of this Title, the current adopted edition of the International Building Code or other laws and ordinances of the City of Great Falls and State of Montana that may apply.

#### **17.16.30.030 Issuance of a certificate when partially complete**

The Director of **Planning and** Community Development may at his/her discretion issue a certificate of occupancy for that area of the building that has been completed, according to the current adopted edition of the International Building Code and other laws and ordinances of the City of Great Falls and State of Montana that may apply.

**Article 32**  
**VARIANCE**

**17.16.32.020 Application and review procedure for variances that do not relate to the subdivision regulations**

- A. **Submittal of application.** The applicant shall submit a completed application to the **Planning and Community Development** Department along with the application fee as may be established by the City Commission.
- B. **Determination of completeness.** Within 10 days of submittal, the Director of **Planning and Community Development** shall determine if the application is complete. If the application is deemed incomplete, it shall be returned to the applicant and the applicant has 6 months to resubmit the application or forfeit the application fee. The director shall take no further steps to process the application until the deficiencies are remedied.
- C. **Notice.** Consistent with Article 4 of this chapter, the director shall provide for public notice, property owner notification, and agency notification.
- D. **Staff report.** The director shall prepare a written staff report as described in this article and mail it to each member of the Board of Adjustment, the applicant, and the applicant's agent, if any, no later than 3 days prior to the public hearing. He/she shall also provide a copy to interested people upon request.
- E. **DNRC notification of application.** If the variance is related to the floodplain regulations, the floodplain administrator shall send a copy of the application to the Montana Department of Natural Resources and Conservation, Floodplain Management Section.
- F. **Public hearing.** Allowing for proper notice, the Board of Adjustment shall hold a public hearing to review the application.
- G. **Decision.** Within 30 days of the determination of completeness, the Board of Adjustment shall approve the application, approve it with conditions, or deny it. Such decision shall be in writing and shall include the findings in support of its decision and if approved any conditions as may be imposed.
- H. **DNRC notification of decision.** If the variance is related to the floodplain regulations, the floodplain administrator shall send a copy of the decision to the Montana Department of Natural Resources and Conservation, Floodplain Management Section.
- I. **Applicant notification.** Within 5 days following the decision, the director shall mail the applicant the original (signed) copy of the decision and retain a copy for the public record.
- J. **Additional procedural steps.** If the board grants the variance, the applicant shall then follow other review procedures as may be required.

**17.16.32.030 Application and review procedure for variances that relate to the subdivision regulations**

- A. **Submittal of application.** The applicant shall submit a completed application to the **Planning and Community Development** Department along with the application for subdivision as provided in Article 26 of this chapter. (Ord. 2950, 2007)
- B. **Procedure.** The application for variance shall be processed simultaneously and as a part of the application for subdivision as provided in Article 26 of this chapter including staff report, Planning Board recommendation and City Commission decision. (Ord. 2950, 2007)

**17.16.32.070 Limitations on issuing a variance**

The following actions shall not be allowed by a variance:

- 1. expansion of a nonconforming use
- 2. modification to lot or other requirements so as to increase the permitted density or intensity of use
- 3. any project within a floodway that increases flood velocities or elevations
- 4. continuation of an amortized sign
- 5. **establishment of a use not permitted based upon the zoning classification assigned to subject property**



**Article 34**  
**ADMINISTRATIVE APPEAL**

**17.16.34.020 Application and review procedure**

- A. **Submittal of appeal.** The applicant shall submit a written appeal to the Director of **Planning and Community Development** within 2 months of the date of the decision being appealed.
- B. **Notification of appeal.** The director shall provide a copy of the appeal to the Board of Adjustment and the officer who made the decision being appealed or who allegedly failed to act as required.
- C. **Compilation and submittal of record.** The officer who made the decision being appealed or who allegedly failed to act as required shall compile a complete and accurate record relating to the same and submit it to the Board of Adjustment.
- D. **Public hearing.** Allowing for proper public notice and notice to the parties in interest, the board shall conduct a public hearing to hear the appeal and consider the written record and testimony as may be provided.
- E. **Decision.** Within 45 days of the public hearing, the board shall decide to affirm the administrative decision, set aside the decision, or modify the decision.
- F. **Notification of decision.** The board shall notify in writing both the applicant and the officer of its final decision.

**Article 36**  
**CONDITIONAL USE**

**17.16.36.020 Application and review procedure**

- A. **Pre-submittal meeting.** Before submitting an application, the applicant or the applicant's agent shall meet with the Director of the **Planning and Community Development** Department to:
  - 1. review applicable regulations and procedures;
  - 2. review applicable goals and objectives of the City's growth policy and the applicable neighborhood plan(s), if any; and
  - 3. review the proposal.The pre-submittal meeting may, at the discretion of the director and concurrence of the applicant or the applicant's agent, be held via telephone conference. Prior to the conference, any preliminary drawings and maps shall be submitted to the director. A representative from the **Planning and Community Development** Department, Public Works Department, Fire Department, and other City departments as appropriate should participate in this preliminary discussion.
- B. **Neighborhood council contact recommended.** Prior to submitting an application, the applicant should meet with representatives of the neighborhood council in which the project is located to present the project and solicit feedback.
- C. **Submittal of application.** The applicant shall submit an application to the **Planning and Community Development** Department along with the application fee as may be established by the City Commission.
- D. **Determination of completeness.** Within 10 days, but not sooner than 4 days, of submittal, the director shall determine whether the proposed application is complete or incomplete and notify the applicant of any deficiencies. If the application is incomplete, the applicant has 6 months to resubmit the application or forfeit the application fee. The director shall take no further steps to process the application until the deficiencies are remedied.
- E. **Schedule date of review.** Following a determination of completeness, the director shall schedule a public hearing with the Zoning Commission allowing for proper public notice.
- F. **Notice.** Consistent with Article 4 of this chapter, the director shall provide for public notice, neighborhood council notification, property owner notification, agency notification, and posting of a sign on the premises.
- G. **Staff report.** The director shall prepare a written staff report as described in this article and mail it to each

member of the Zoning Commission, the applicant, and the applicant's agent, if any, no later than 3 days prior to the public hearing. He/she shall also provide a copy to interested people upon request.

- H. **Public hearing.** The Zoning Commission shall conduct a public hearing to review the application.
- I. **Zoning commission recommendation.** Within 10 days of the public hearing (unless the applicant consents in writing to an extension of the review period), the Zoning Commission after considering the comments and recommendations of the staff report shall make a recommendation to the City Commission, based on the decision criteria contained in this article, to either:
  - 1. approve the conditional use permit,
  - 2. approve the conditional use permit with conditions, or
  - 3. deny the conditional use permit.
- J. **City commission public hearing.** Allowing for proper public notice, the City Commission shall conduct a public hearing to consider the application.
- K. **City commission decision.** Within 10 days of the public hearing (unless the applicant consents in writing to an extension of the review period), the City Commission after considering the comments and recommendation of the Zoning Commission and after reviewing the staff report shall make a decision, based on the decision criteria contained in this article, to either:
  - 1. approve the conditional use permit,
  - 2. approve the conditional use permit with conditions, or
  - 3. deny the conditional use permit.The decision shall be prepared consistent with the requirements contained in this article.

#### **17.16.36.110 Subsequent modifications and additions**

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

### **Article 38 CODE INTERPRETATION**

#### **17.16.38.010 Responsibility for interpretation**

In the event a question arises concerning any provision or the application of any provision of this Title, the following individuals shall be responsible for rendering a written interpretation for the specified provisions. Due to overlapping responsibilities, joint interpretation may be required for all other provisions of this Title.

- 1. Floodplain administrator – floodplain regulations
- 2. Historic preservation officer – regulations concerning historic structures and buildings
- 3. Director of Public Works – regulations concerning erosion control and stormwater management
- 4. Director of Planning **and Community Development** – regulations concerning land use, subdivision and platting, airport district, neighborhood district, **design review, parking, signs, outdoor lighting, and landscaping**
- 5. ~~Director of Community Development – regulations concerning design review, parking, hillside development, signs, outdoor lighting, landscaping~~

#### **17.16.38.030 Application and review procedure**

- A. **Submittal of question.** The individual requesting the interpretation shall submit the question in writing to the Director of the Planning **and Community Development** Department.
- B. **Decision.** The director shall determine the appropriate individual responsible for such interpretation and forward a copy of the question to that individual. The individual responsible for rendering the interpretation

shall make a written decision within 15 days of receiving the request. However, if an administrative fee has been established, payment may be required before an interpretation is rendered.

- C. **Notification of decision.** The individual responsible for rendering the interpretation shall send a copy of the interpretation to the individual requesting the interpretation and to any board, commission, employee, and official involved in the administration of this Title, as appropriate.
- D. **Permanent record.** The individual rendering the interpretation shall send a copy of the interpretation to the director who shall keep a written record of all interpretations and make them available for public inspection.

#### **Article 40**

#### **AMENDMENT TO TITLE 17, RELATIVE TO SUBDIVISIONS AND/OR ZONING**

##### **17.16.40.020 Application and review procedure for map amendments**

- A. **Submittal of application.** The applicant shall submit a complete application to the **Planning and Community Development** Department along with the application fee as may be established by the City Commission.
- B. **Determination of completeness.** Within 10 days of submittal, the Director of the **Planning and Community Development** Department shall determine whether the submittal is complete or incomplete and notify the applicant, in writing, of any deficiencies. The director shall take no further steps to process the application until the deficiencies are remedied.
- C. **Determination of review authority.** The director shall determine the appropriate review authority. If the amendment is intended to amend the text of this Title as it relates to the subdivision of land, the Planning Board shall hear the amendment and render a recommendation to the City Commission. The Zoning Commission shall hear all other amendments relating to zoning. (Ord. 2950, 2007)
- D. **Transmittal of application to Zoning Commission / Planning Board.** The director shall forward one copy of the application to each member of the Zoning Commission or the Planning Board as appropriate.
- E. **Notice for single-parcel map amendment.** Consistent with Article 4 of this chapter, the director shall provide for public notice, neighborhood council notification, property owner notification, agency notification, and posting of a sign on the premises.
- F. **Notice for multiple-parcel map amendment.** Consistent with Article 4 of this chapter, the director shall provide for public notice, neighborhood council notification, and agency notification.
- G. **Notice for text amendment.** Consistent with Article 4 of this chapter, the director shall provide for public notice and agency notification.
- H. **Neighborhood council contact recommended.** If the amendment involves a change in zoning designation for a single parcel, the applicant should meet with representatives of the neighborhood council in which the project is located to present the project and solicit feedback.
- I. **Interdepartmental/agency review.** The director shall forward one copy of the application to appropriate City personnel and other local units of government that would be directly affected by the proposed amendment.
- J. **Staff report.** The director shall prepare a written staff report as described in this article and mail it to each member of the Zoning Commission / Planning Board, the applicant, and the applicant's agent, if any, at least 3 days prior to the first public hearing. He/she shall also provide a copy to interested people upon request.
- K. **First public hearing.** Allowing for proper public notice, the Zoning Commission / Planning Board shall conduct a public hearing to review the application, written comments received from the interdepartmental/agency review, and the staff report and to accept public comment on the application.
- L. **Recommendation.** The Zoning Commission / Planning Board shall make a written recommendation to the City Commission to either: deny the proposed amendment; or approve the proposed amendment without revision; or approve the proposed amendment with revision(s) it deems appropriate. Such revisions to the proposed amendment shall be limited in scope to those matters considered in the public meeting.
- M. **Second public hearing.** The City Commission shall hold a public hearing, allowing for proper public notice, to consider the proposed amendment.
- N. **City commission decision.** After reviewing the application, written comments received from the public, the

interdepartmental/agency review, the staff report, and the Zoning Commission's / Planning Board's recommendation, the City Commission shall make a decision to either: deny the proposed amendment; or approve the proposed amendment without revision; or approve the amendment with revision(s) that it deems appropriate. Such revisions to the proposed amendment shall be limited in scope to those matters considered in the public hearing.

**Chapter 20**  
**LAND USE**

**Article 2**  
**ZONING DISTRICTS AND ZONING MAP**

**17.20.2.030 Official zoning map**

- A. **Availability.** An official copy of the zoning map shall be on file in the City Clerk's office and available for public inspection upon request.
- B. **Title.** The official zoning map shall bear the title "Official Zoning Map - City of Great Falls, Montana".
- C. **Certification.** The official zoning map shall be identified by the signature of the mayor attested by the City Clerk.
- D. **Preparation of a new official zoning map.** In the event the official zoning map is damaged, lost, or destroyed, and after each amendment to the official zoning map, the Director of the Planning **and Community Development** Department shall prepare a new official zoning map and submit it to the City Clerk for certification.
- E. **History of amendment.** After the effective date of this Title, the official zoning map shall be accompanied by a descriptive history of each amendment that has been made, indicating the ordinance number and date of action.
- F. **Archive of superseded zoning maps.** Upon passage of this Title, the Director of the Planning **and Community Development** Department shall keep a copy of each superseded zoning map in a permanent archive for historical reference.
- G. **Amendment.** The amendment procedures in Chapter 16 of this Title shall be used to amend the zoning map.

**17.20.2.040 Establishment and purpose of districts**

- A. **Base districts.** Different areas of the City serve uniquely different functions. The narrative below describes each of the districts. Some of the districts may share similar characteristics, but they possess one or more uniquely different qualities that allow a distinction to be drawn between them. Although an area may not now possess each of the attributes in these descriptions, it is intended that as uses change over time they more closely reflect the intended uses. Uses are allowed in the various districts consistent with the development standards in this Title and development limitations that may be present, including steep slopes, floodplains, wetlands, riparian areas, and other environmentally sensitive areas. The City is divided into the following base districts as shown on the official zoning map:
  - 1. **R-1 Single-family suburban.** This district is intended to accommodate comparatively low-density, single-family residential development on larger lots. Home occupations can occur in this district to the extent they are compatible with residential uses found in this district.
  - 2. **R-2 Single-family medium density.** This district is intended to accommodate medium-density, single-family residential development on moderate-sized lots. Home occupations can occur in this district to the extent they are compatible with residential uses found in this district. Schools and other public facilities are often found in close proximity.
  - 3. **R-3 Single-family high density.** This district is intended to accommodate single-family residences at the highest urban density. Home occupations can occur in this district to the extent they are compatible with residential uses found in this district. Schools and other public facilities are often found in close proximity.
  - 4. **R-5 Multi-family residential medium density.** This district is intended to accommodate multi-family units not exceeding two-stories. Given the higher densities, these districts are typically close to work and leisure.
  - 5. **R-6 Multi-family residential high density.** This district is intended to accommodate multi-family units of the highest density allowed in the City. These districts are typically found close to work and

leisure, and are close to the downtown.

6. **R-9 Mixed residential.** This district contains a mix of housing types including single-family, two-family, and multi-family dwellings. **All permitted existing residential densities in the R-9 district are considered to be conforming and are allowed to be re-established, if damaged. Any increase in density shall only be permitted as a conditional use.** New projects developing under this classification must be at least 5 acres in size and include a mix of housing types consistent with a set of prescribed standards.
7. **R-10 Mobile home park.** This district is for the exclusive use and development of mobile home parks.
8. **C-1 Neighborhood commercial.** This district is found near established and developing residential areas and is intended to accommodate low intensity commercial activities that serve the nearby residential area. Development standards ensure the compatibility of this district to those residential districts that may adjoin.
9. **C-2 General commercial.** This district is primarily intended to accommodate high-traffic businesses that focus on vehicle traffic. Where this district abuts a residential district, appropriate screening and landscaping will be provided to lessen associated impacts. Current residential uses are not considered nonconforming. As such, current residential uses existing at the time this Title was adopted are allowed to expand or to be re-established, if damaged.
10. **C-3 Highway commercial.** This district is intended to accommodate those commercial activities that primarily cater to those traveling on the interstate. As such, this district is only found at interchanges.
11. **C-4 Central business core.** This district is intended to accommodate and create a high level of business and social activity from morning through the nighttime hours. This district hosts a wide range of employment and businesses. Retail operations and specialty stores are common on the street level along with professional offices. Residential uses can occur in this district primarily on the upper levels of buildings. Entertainment occurs in this district and helps to create a destination. Sidewalk cafes and food vendors are common during the warmer months of the year. Off-street parking is available, but occurs primarily in multi-level parking garages and on-street parking. Civic buildings help to build a critical mass of activity.
12. **C-5 Central business periphery.** This district is generally found around the core of the downtown. It is intended to serve as a buffer between the downtown area and the surrounding residential districts. Although commercial uses are allowed in this district, they are typically businesses with lower levels of traffic compared to those found in the downtown area. Buildings are smaller in this district to create a physical transition in building bulk from predominant residential uses and the intensely developed downtown area. Buildings have setbacks and landscaping requirements. Exterior storage or display is not allowed.
13. **M-1 Mixed-use.** The mixed-use district is intended to allow a balanced and harmonious mixture of commercial, residential, institutional uses, and public spaces. Employment opportunities are near a variety of living options. A mix of uses could occur within the same building or in separate buildings in close proximity to one another. The transportation system and buildings are designed with pedestrians in mind.
14. **M-2 Mixed-use transitional.** This district is intended to promote a transition over time to a predominately mixed-use land use pattern. Because of changing economic conditions and other factors, some current uses do not represent the highest and best use, given other more suitable areas. Current industrial uses and warehouses are not considered nonconforming. As such, current industrial uses and warehouses existing at the time this Title was adopted are allowed to expand or to be re-established, if damaged, provided development and appearance standards under the purview of the Design Review Board are met. (See Chapter 28, Section 17.28.050.) Uses characteristic of this district are the same as those found in the previously described M-1 District.
15. **PLI Public lands and institutional.** This district is intended to include areas of significant public lands including public schools and significant public and quasi-public institutional uses or facilities.

16. **POS Parks and open space.** This district is intended to include lands that are undeveloped and unimproved, or are public parks or recreational areas.
  17. **PUD Planned unit development.** A planned unit development district is a special type of zoning district that is proposed by the developer to account for a desired mix of uses. Each district is unique and therefore has its own set of development standards which are documented in the approval. (Ord. 2950, 2007)
  18. **GFIA Great Falls International Airport.** This district is intended to include all lands associated with the Great Falls International Airport including support uses and activities.
  19. **I-1 Light industrial.** This district is intended to accommodate those types of activities typically associated with manufacturing of finished products, storage, and wholesale operations.
  20. **I-2 Heavy industrial.** This district is intended to accommodate those activities associated with processing raw materials or other activities with potentially significant off-site impacts. Typically, the uses found in this district are not compatible with most types of non-industrial uses.
- B. **Overlay districts.** In addition to the base districts enumerated above, the City is also divided into the following overlay districts as shown on the official zoning map to account for unique conditions or requirements as further described in subsequent chapters:
1. **Neighborhood conservation overlay districts.** This overlay district is intended to protect characteristics typically found in older neighborhoods. Design standards help to perpetuate the best features of the neighborhood as buildings are renovated, maintained, and potentially redeveloped. The provisions relating to this overlay district are contained in Chapter 58 of this Title.
  2. **Great Falls International Airport overlay districts.** Overlay districts are established around the Great Falls International Airport to limit the height of buildings and other obstructions near the airport. Noise zones are also established around Great Falls International Airport to ensure that land uses are compatible with the continued functioning of the airport with special consideration on noise compatibility. The provisions relating to these overlay districts are contained in Chapter 54 of this Title.
  3. **Floodplain overlay districts.** The floodplain overlay districts are based on flood studies conducted in the City and on approved floodplain maps. Each of the districts has unique development standards based on flooding characteristics. The provisions relating to these overlay districts are contained in Chapter 56 of this Title.
- C. **Unincorporated land.** Within the perimeter of the City limits there are a number of parcels that are not under the jurisdiction of the City. These are noted on the zoning map as “U”.
- D. **Malmstrom Air Force Base.** If property is sold or leased to a non-federal entity, the property may not be used for another use until such time the City Commission has assigned the property an appropriate zoning classification.

### Article 3 ALLOWABLE USES

	R-1	R-2	R-3	R-5	R-6	R-9	R-10	C-1	C-2	C-3	C-4	C-5	M-1	M-2	PLI	POS	GFIA	I-1	I-2	Special Standards
<b>Agricultural Uses</b>																				
Agriculture, horticulture, nursery	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	17.20.6.005
<b>Residential Uses</b>																				
Mobile home/park	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-	-	-	-	-	17.20.6.010
Residence, single-family detached	P	P	P	P	P	P	-	P	-	-	-	P	P	P	-	-	-	-	-	
Residence, zero lot line	-	-	P	P	P	P	-	P	-	-	-	P	P	P	-	-	-	-	-	17.20.6.020
Residence, two-family	-	C	C	P	P	C	-	P	-	-	-	P	P	P	-	-	-	-	-	47.20.6.030
Residence, multi-family	-	-	-	P	P	C	-	P	-	-	P	P	P	P	-	-	-	-	-	17.20.6.040
Residence, condominiums	-	-	-	P	P	C	-	P	-	-	P	P	P	P	-	-	-	-	-	47.20.6.040
Residence, townhouse	-	C	C	P	P	C	-	-	-	-	-	P	P	P	-	-	-	-	-	17.20.6.050

Residence, manufactured/factory-built	P	P	P	P	P	P	-	P	-	-	-	P	P	P	-	-	-	-	-	17.20.6.060
Retirement home	-	C	C	P	P	C	-	P	-	-	P	P	P	P	-	-	-	-	-	
<b>Special Care Facilities</b>																				
Community residential facility, type I	P	P	P	P	P	P	-	-	-	-	P	P	P	-	-	-	-	-	-	
Community residential facility, type II	C	C	C	GP	GP	GP	-	-	-	-	P	P	C	C	-	-	-	-	-	
Day care center	C	C	C	C	C	C	-	P	P	-	P	P	P	P	P	-	-	-	-	
Emergency shelter	-	-	-	-	-	-	-	C	C	C	C	C	C	C	C	-	-	-	-	
Family day care home	P	P	P	P	P	P	-	P	-	-	C	P	P	P	-	-	-	-	-	
Group day care home	P	P	P	P	P	P	-	P	-	-	C	P	P	P	-	-	-	-	-	
Nursing home	-	-	C	C	C	C	-	P	C	-	P	P	P	P	P	-	-	-	-	
<b>Overnight Accommodations</b>																				
Campground	-	-	-	-	-	-	-	-	C	P	-	-	-	-	-	-	P	-	-	17.20.6.070
Hotel/motel	-	-	-	-	-	-	-	P	P	P	P	C	P	P	-	-	P	-	-	
<b>Food and Beverage Sales</b>																				
Micro-brewery	-	-	-	-	-	-	-	-	P	-	P	C	C	C	-	-	P	P	-	
Restaurant	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-	-	P	P	P	
Tavern	-	-	-	-	-	-	-	P	P	P	P	C	C	C	-	-	P	P	P	17.20.6.080
<b>General Sales</b>																				
Agriculture sales	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	
Auction sales	-	-	-	-	-	-	-	-	C	-	-	-	-	-	-	-	P	P	P	
Construction materials sales	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-	P	P	P	
Convenience sales	C	-	-	-	-	-	-	P	P	P	P	C	-	-	-	-	P	P	P	
General sales	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-	-	P	P	P	
Manufactured housing sales	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	
Off-site liquor sales	-	-	-	-	-	-	-	P	P	P	P	C	C	C	-	-	P	P	P	
Secondhand sales	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	P	P	P	
Shopping center	-	-	-	-	-	-	-	C	P	-	-	-	-	-	-	-	P	P	P	
Specialty sales	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-	-	P	-	-	
<b>General Services</b>																				
Administrative services	-	-	-	-	-	-	-	P	P	P	P	P	P	P	C	-	P	-	-	17.20.6.090
Commercial kennel	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	P	P	-	
Financial services	-	-	-	-	-	-	-	P	P	-	P	P	P	P	-	-	P	-	-	
Funeral home	-	-	-	-	-	-	-	P	P	-	P	C	P	P	-	-	-	-	-	
General services	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-	-	P	P	P	
Professional services	-	-	-	-	-	C	C	-	P	P	-	P	P	P	-	-	P	-	-	17.20.6.100
Sexually-oriented business	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	
Veterinary clinic, large animal	-	-	-	-	-	-	-	-	C	-	-	-	-	-	-	-	P	P	P	17.20.6.110
Veterinary clinic, small animal	-	-	-	-	-	-	-	C	P	-	-	-	P	P	-	-	P	P	P	

	R-1	R-2	R-3	R-5	R-6	R-9	R-10	C-1	C-2	C-3	C-4	C-5	M-1	M-2	PLI	POS	GFIA	I-1	I-2	Special Standards
<b>Rental and General Repair</b>																				
Large equipment rental	-	-	-	-	-	-	-	-	C	C	-	-	-	-	-	-	P	P	P	
Small equipment rental	-	-	-	-	-	-	-	-	P	-	P	-	-	-	-	-	P	P	P	
General repair	-	-	-	-	-	-	-	P	P	-	P	P	-	-	-	-	P	P	P	
<b>Vehicle Trade and Service</b>																				
Vehicle fuel sales	-	-	-	-	-	-	-	C	P	P	P	P	-	-	-	-	P	P	-	17.20.6.120
Vehicle repair	-	-	-	-	-	-	-	-	P	P	C	P	-	-	-	-	P	P	-	
Vehicle sales and rental	-	-	-	-	-	-	-	-	P	P	P	P	-	-	-	-	P	P	-	
Vehicle services	-	-	-	-	-	-	-	C	P	P	P	P	C	P	-	-	P	P	-	



<b>General Storage</b>																								
Agricultural commodity storage facility	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P			
Fuel tank farm	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P			
Mini-storage facility	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-	-	-	-	P	P	P		17.20.6.130	
Freight terminal	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-	-	-	-	P	P	P			
Warehouse	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-	-	-	-	P	P	P			
<b>Indoor Recreation / Sports / Entertainment</b>																								
Casino, type I	-	-	-	-	-	-	-	-	P	-	P	-	-	-	-	-	-	-	P	P	P		17.20.6.140	
Casino, type II	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-	P	P		17.20.6.150	
Indoor entertainment	-	-	-	-	-	-	-	-	P	-	P	C	C	C	C	-	-	-	P	-	-			
Indoor sports and recreation	-	-	-	-	-	-	-	-	P	-	P	C	C	C	C	C	-	-	P	P	-			
<b>Outdoor Recreation / Sports / Entertainment</b>																								
Golf course / driving range	C	C	C	C	C	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-			
Miniature golf	-	-	-	-	-	-	-	-	P	C	-	-	-	-	-	C	-	-	P	C	-			
Outdoor entertainment	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	P	C	-			
Park	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			
Recreational trail	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			
<b>Community Services / Uses</b>																								
Administrative governmental center	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	P	C	P	-	-				
Animal shelter	-	-	-	-	-	-	-	-	C	C	-	-	-	-	-	-	-	-	P	-	-		17.20.6.160	
Cemetery	C	C	C	C	C	C	C	-	-	-	-	-	-	-	-	-	P	P	P	-	-		17.20.6.170	
Civic use facility	C	C	C	C	C	C	C	C	P	-	P	P	P	P	P	P	C	-	-	-	-			
Community center	C	C	C	C	C	C	C	C	P	-	P	P	P	P	P	P	C	-	-	-	-			
Community cultural facility	C	C	C	C	C	C	C	P	P	-	P	P	P	P	P	P	C	-	-	-	-			
Community garden	P	C	C	C	C	C	C	-	-	-	-	-	-	P	P	P	P	P	P	C	C			
Public safety facility	C	C	C	C	C	C	C	C	P	C	P	P	P	P	P	P	-	-	P	P	-			
Worship facility	C	C	C	C	C	C	C	P	-	-	C	P	P	P	P	-	-	P	-	-			17.20.6.180	
<b>Health Care</b>																								
Health care clinic	-	-	-	-	-	-	-	P	P	-	P	P	P	P	P	P	-	-	-	-	-			
Health care facility	-	-	-	-	-	-	-	-	P	-	P	P	C	C	P	-	-	-	-	-	-			
Health care sales and services	-	-	-	-	-	-	-	P	P	-	P	P	P	P	P	P	-	-	-	-	-			
<b>Education</b>																								
Commercial education facility	-	-	-	-	-	-	-	P	P	-	P	P	P	P	-	-	-	-	P	P	-			
Educational facility (K-12)	C	C	C	C	C	C	C	C	-	-	-	C	C	C	P	-	-	-	-	-	-		17.20.6.200	
Educational facility (higher education)	-	-	-	-	-	-	-	C	C	-	-	C	C	C	P	-	-	-	-	-	-			
Instructional facility	-	-	-	-	-	-	-	P	P	-	P	P	P	P	-	-	-	-	P	P	-			

Solid Waste, Recycling And Composting																				Special			
	R-1	R-2	R-3	R-5	R-6	R-9	R-10	C-1	C-2	C-3	C-4	C-5	M-1	M-2	PLI	POS	GFIA	I-1	I-2	Standards			
Composting facility	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	C	P	17.20.6.210		
Recycling center	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	C	P	17.20.6.220		
Solid waste transfer station	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	C	P	17.20.6.230		
<b>Telecommunications</b>																							
Amateur radio station	P	P	P	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	17.20.6.240		
Telecommunication facility																							
Concealed facility	C	C	C	C	C	C	C	P	P	P	P	C	P	P	P	C	P	P	P	17.20.6.250			
Unconcealed facility	-	-	-	-	-	-	-	C	C	C	C	C	C	C	C	C	C	P	P	P			
Co-located facility	-	-	-	-	-	-	-	P	P	P	P	C	C	C	C	C	P	P	P				

<b>Utilities</b>																				
Utility installation	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	C	P	
<b>Transportation</b>																				
Airport	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	17.20.6.260
Bus transit terminal	-	-	-	-	-	-	-	-	P	P	P	-	C	C	C	-	P	P	-	
Heli-pad	-	-	-	-	-	-	-	-	C	C	C	C	C	C	C	C	P	P	P	
Parking lot, principal use	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	P	P	P	P	
Parking structure	-	-	-	-	-	-	-	-	P	-	-	P	P	P	P	-	P	P	P	
Railroad yard	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	
Taxi cab dispatch terminal	-	-	-	-	-	-	-	-	P	P	P	-	P	P	-	-	P	P	-	
<b>Contractor Yards</b>																				
Contractor yard, type I	C	-	-	-	-	-	-	-	C	-	-	-	P	P	-	-	P	P	-	17.20.6.270
Contractor yard, type II	-	-	-	-	-	-	-	-	-	-	-	-	C	C	-	-	P	P	P	17.20.6.280
<b>Industrial / Manufacturing</b>																				
Artisan shop	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-	-	P	P	-	17.20.6.290
Industrial, heavy	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	P	
Industrial, light	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	
Industrial park	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	
Junkyard	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	C	P	
Light manufacturing and assembly	-	-	-	-	-	-	-	-	P	P	P	P	P	P	-	-	P	P	P	
Motor vehicle graveyard	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	
Motor vehicle wrecking facility	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	

- The use is not permitted in the district
- C The use is allowed through the conditional use process
- P The use is permitted in the district by right, consistent with the development standards contained in Article 6 of this chapter, as appropriate

**Exhibit 20-2. Accessory uses by district**

Use																Specific				
	R-1	R-2	R-3	R-5	R-6	R-9	R-10	C-1	C-2	C-3	C-4	C-5	M-1	M-2	PLI	POS	GFA	I-1	I-2	Standards
Agriculture, livestock	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	17.20.7.0180
ATM, exterior	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	-	P	P	P	17.20.7.020
Bed and breakfast	C	C	C	C	C	C	-	C	-	-	-	P	P	P	-	-	-	-	-	17.20.7.030
Fences	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	17.20.7.040
Gaming, accessory	-	-	-	-	-	-	-	-	P	P	P	-	-	P	-	-	P	P	P	17.20.7.050
Garage, private	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	P	P	P	17.20.7.060
Home occupation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-	P	P	17.20.7.070
Private stable/barn	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	17.20.7.080
Residence, accessory	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-	-	P	P	P	17.20.7.085
Roadside farmer's market	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	17.20.7.090
Storage containers	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	P	P	P	17.20.7.100

- The use is not permitted in the district
- C The use is allowed in the district through the conditional use process
- P The use is permitted in the district by right, consistent with the development standards contained in Article 7 of this chapter, as appropriate

**Exhibit 20-3. Temporary uses by district** (see 17.20.8.010 for Special Standards)

Use	R-1	R-2	R-3	R-5	R-6	R-9	R-10	C-1	C-2	C-3	C-4	C-5	M-1	M-2	PLI	POS	GFIA	I-1	I-2	Specific Standards
Garage sales	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-	P	P	17.20.8.015
Itinerant outdoor sales	-	-	-	-	-	-	-	-	P	P	-	-	-	P	-	-	C	C	-	17.20.8.020
On-site construction office	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	17.20.8.030
On-site real estate sales office	P	P	P	P	P	P	-	-	-	-	-	-	P	P	-	-	-	-	-	17.20.8.040
Outdoor entertainment, temporary	-	-	-	-	-	-	-	-	P	P	-	-	-	-	P	P	P	P	P	
Sidewalk café	-	-	-	-	-	-	-	P	P	-	P	P	P	P	C	C	-	-	-	17.20.8.050
Sidewalk food vendor	-	-	-	-	-	-	-	-	P	-	P	P	P	P	P	P	-	-	-	17.20.8.060

- The use is not permitted in the district
- C The use is allowed in the district through the conditional use process
- P The use is permitted in the district by right, consistent with the development standards contained in Article 8 of this chapter, as appropriate

**Article 6  
SPECIAL STANDARDS FOR PRINCIPAL USES**

**17.20.6.010 Mobile home park**

- A. **Generally.** In addition to the other applicable design and improvement requirements contained in this Title, mobile home parks shall comply with the provisions of this part and applicable State law.
- B. **Applicability.** The design standards of this section shall apply during the establishment of new mobile home parks. (Ord. 2950, 2007)
- C. **Licensing requirements.** The mobile home park shall be licensed by the Montana Department of Public Health and Human Services consistent with State law.
- D. **Maintenance responsibility.** The owner of the mobile home park shall maintain the park in a clean and sanitary manner and may adopt and enforce community rules.
- E. **Adoption of State regulations.** The City adopts by reference the Montana State Department of Public Health and Human Services regulations titled, “Trailer Courts and Tourist Campgrounds”, Administrative Rules of Montana, Title 37, Chapter 111, Sub-Chapter 2. A copy of the above regulation will be filed with the City Clerk as the official code for travel trailer parks, campgrounds and mobile home parks.
- F. **Permitted uses.** Accessory buildings and uses customarily incidental thereto are permitted. No part of any park shall be used for nonresidential purposes, except such uses that are a direct service and for the well-being of the park residents, and for management and maintenance of the park.
- G. **License required.** Prior to the establishment of a mobile home park and before January 2 of each calendar year thereafter, the operator of the mobile home park shall obtain a license from the City.
- H. **Size.** No mobile home park shall be less than one acre in area, be less than 150 feet wide, or fewer than 10 mobile home sites.
- I. **Density.** The maximum density of mobile home parks shall be not more than 10 units per acre.
- J. **Access.** All mobile home parks shall have access to a public thoroughfare.
- K. **Permanent marking of each mobile home space.** The limits of each mobile home space shall be clearly marked on the ground with permanent markers. The location of mobile home spaces shall be approximately the same as shown on the approved site plan.
- L. **Width of mobile home space.** A mobile home space shall be at least 14 feet wide.
- M. **Shape of mobile home space.** Considering the orientation of principal windows in mobile homes, mobile home spaces should be arranged diagonally to the street (30 degrees from perpendicular).
- N. **Access.** Mobile home spaces shall be arranged to permit the safe and practical placement and removal of mobile homes from a private street internal to the development.
- O. **Mobile home pad.** There shall be a mobile home pad for each mobile home that meets the following

requirements:

4. The size of the pad shall be at least 14 feet wide and at least 70 feet long.
  5. The pad shall provide adequate support for the placement of a mobile home but in no case shall the pad consist of less than 6 inches of crushed gravel over a stabilized base.
- P. **Setbacks.** The placement of mobile homes, including attached structures (e.g., awnings and carports) and accessory structures shall meet the dimensions listed in Exhibit 20-5.

**Exhibit 20-5. Setbacks for Mobile Homes and Accessory**

**Structures**

	<b>Mobile Home (feet)</b>	<b>Accessory Structure (feet)</b>
From the property line of an arterial street or higher	50	25
From the property line of a collector street or local street	25	25
From a property boundary line when not a ROW	25	10
Between mobile homes	20	n/a

- Q. **Skirting.** Skirting, footings, and piers shall comply with Title 15, Chapter 15.05-10, OCCGF. Each mobile home shall be skirted within 30 days of placement on the pad.
- R. **Streets.** Street widths should be of adequate widths to accommodate expected traffic load, but in all cases shall meet the following minimum requirements:
1. Collector street with guest parking shall be 34 feet wide.
  2. Collector street with no parking shall be 22 feet wide.
  3. Minor street with no parking shall be 20 feet wide.
  4. All dead-end streets shall be limited to a maximum length of 300 feet and shall be provided with a cul-de-sac of at least 80 feet in diameter.
  5. Minimum width to each mobile home site shall be 14 feet.
- S. **Internal access.** There shall be a system of paved roadways (concrete or asphalt) to provide access from each and every trailer and automobile parking space within such mobile home park to the public street or highway.
- T. **Recreation area.** A minimum of 10 percent of the gross mobile home park area shall be reserved for park and recreational development. Such area shall be located in a central area of the mobile home park.
- U. **Common storage area.** The City Commission may require the provision of a common storage area for boats, trailers, recreational vehicles, and similar equipment. Such area shall be screened from view and shall not be considered part of the required common area.
- V. **Mail delivery.** An off-street area for central mail delivery shall be provided.
- W. **Solid waste collection.** An off-street area for the collection of solid waste shall be provided.
- X. **Utilities.** Utilities shall be provided in the following manner or by an alternative manner approved by the City:
1. All sanitary sewage utilities and water facilities, including connections provided to individual sites, shall meet the requirements of the City plumbing and mechanical codes.
  2. The plumbing connections to each mobile home lot shall be constructed so that all lines are protected from freezing, from accidental bumping, or from creating any type of nuisance or health hazard.
  3. Water shall be piped to each mobile home and the piping shall not be less than ¾ inch for each mobile home unit.
  4. Storm drainage facilities, where necessary, shall be so constructed as to protect those that will reside in the mobile home park as well as the property owners adjacent to the park. A storm drainage plan must be submitted for approval to the Director of Public Works.
  5. All electric, telephone and other lines from supply poles to each mobile home lot shall be underground. When meters are installed, they shall be uniformly located.
  6. All fuel lines leading to mobile home lots shall be underground and so designed as to conform with the

- requirements of the City plumbing code.
7. Facilities for the storage and disposal of trash and garbage in a sanitary and lawful manner shall be provided in each mobile home park.
  8. Street and yard lights, attached to standards, shall be provided in sufficient number and intensity to permit the safe movement of vehicles and pedestrians at night, and shall be effectively related to buildings, trees, walks, steps and ramps.
  9. The erection, construction, reconstruction, repair, relocation and/or alteration of all permanent buildings and structures located within a mobile home park shall conform to the most recently adopted codes of the City.
  10. All mobile home parks developed under this chapter shall comply with Montana Department of Public Health and Human Services regulations found in Title 24, Chapter 301, and Sub-Chapters 3 and 4, ARM or any amendment thereto concerning plumbing and electrical requirements.

#### **17.20.6.250 Telecommunications facility**

- A. **Purpose.** The provisions of this section are established to promote the public health, safety, and welfare, while at the same time not unduly restricting the development of needed telecommunications facilities, and are intended to accomplish the following purposes, to the full extent permitted by law:
  1. protect the visual character of the City from the potential adverse effects of telecommunication facility development and minor antenna installation
  2. insure against the creation of visual blight within or along the City's scenic corridors and ridgelines
  3. retain local responsibility for and control over the use of public rights-of-way to protect citizens and enhance the quality of their lives
  4. protect City residents from the possible adverse health effects associated with exposure to high levels of non-ionizing electromagnetic radiation (NIER)
  5. protect environmental resources
  6. insure that a competitive and broad range of telecommunications services and high quality telecommunications infrastructure are provided
  7. create and preserve telecommunication facilities that will serve as an important and effective part of the City's emergency response network
- B. **Applicability.** The provisions of this section apply to all telecommunication facilities, except City government owned or public service use/facility owned and operated receive and/or transmit telemetry station antennas for supervisory control and data acquisition (SCADA) systems for water, flood alert, traffic control devices and signals, stormwater, pump stations and/or irrigation systems, public education and transportation with heights not exceeding 35 feet. Additionally, the provisions of this section do not apply to single satellite dishes smaller than 10 inches in diameter. (Ord. 2950, 2007)
- C. **City licensing.** Telecommunications carriers and providers engaged in the business of transmitting, supplying, or furnishing of telecommunications originating or terminating in the City shall register with the City pursuant to Title 5, OCCGF. (Ord. 2950, 2007)
- D. **Other permitting and licensing.** Prior to issuance of a building permit, the applicant shall obtain other applicable permits/approvals from other governmental agencies which may have jurisdiction over the project.
- E. **FCC compliance.** Commercial telecommunication facilities and antennas shall comply at all times with FCC rules, regulations, and standards. In event of conflict between federal law and this chapter, federal law shall prevail.
- F. **Yard setbacks.** Facilities and antennas shall not be located in the required yard setback of the zoning district in which it is located.
- G. **Placement of satellite dish and parabolic antennas.** Satellite dish and parabolic antennas shall be situated as close to the ground as possible to reduce visual impact without compromising their function.
- H. **Historic districts.** Commercial telecommunication facilities and antennas shall not be located in a historic district, unless fully concealed and not otherwise visible.

- I. **Structural requirements.** No telecommunication facility shall be designed and/or sited such that it poses a potential hazard to nearby residences or surrounding properties or improvements. To this end, any telecommunication tower, located at a distance of less than 110 percent of its height from an inhabited area or other tower shall be designed and maintained to withstand without failure the maximum forces expected from wind and earthquakes when the tower is fully loaded with antennas, transmitters and other equipment, and camouflaging, if any.
1. **Initial compliance.** Initial demonstration of compliance with this chapter shall be provided via submission of a report to the City Building Official prepared by a structural engineer licensed by the State that describes the tower structure, specifying the number and type of antennas it is designed to accommodate, providing the basis for the calculations done, and documenting the actual calculations performed.
  2. **Continued compliance.** Proof of ongoing compliance shall be provided via submission to the City Building Official at least every 5 (self-supporting and guyed towers)/10 (monopoles) years of an inspection report prepared by a structural engineer licensed by the State indicating the number and types of antennas and related equipment actually present and indicating the structural integrity of the tower. Based on this report, the building official may require repair or, if a serious safety problem exists, removal of the tower.
- J. **Basic tower and building design.** All telecommunication facilities shall be designed to blend into the surrounding environment. To this end, all the following measures shall be implemented:
1. Telecommunication towers shall be constructed out of metal or other non-flammable material, unless specifically conditioned by the City to be otherwise.
  2. Telecommunication towers taller than 35 feet shall be monopoles or guyed/lattice towers except where satisfactory evidence is submitted to the Director of **Planning and** Community Development that a self-supporting tower is required to provide the height and/or capacity necessary for the proposed telecommunication use to minimize the need for screening from adjacent properties, or to reduce the potential for bird strikes.
  3. Satellite dishes other than microwave dishes shall be of mesh construction, except where technical evidence shows that this is not feasible.
  4. Telecommunication support facilities (e.g., vaults, equipment rooms, utilities, and equipment enclosures) shall be constructed out of non-reflective materials (visible exterior surfaces only) and shall be placed in underground vaults to the greatest extent possible.
  5. Telecommunication support facilities shall be no taller than 15 feet and shall be designed and constructed to look like a building or facility typically found in the area.
  6. Telecommunication support facilities in areas of high visibility shall, where possible, be sited below the ridgeline or designed (i.e., placed underground, depressed, or located behind earth berms) to minimize their profile.
  7. All buildings, poles, towers, antenna supports, antennas, and other components of each telecommunications site shall be initially painted and thereafter repainted as necessary with a "flat" paint. The color selected shall be one that will minimize their visibility to the greatest extent feasible. Improvements which will be primarily viewed against soils, trees, or grasslands shall be painted colors matching these landscapes while elements which rise above the horizon shall be painted a blue gray that matches the typical sky color at that location.
  8. The project description and permit shall include a specific maximum allowable gross cross-sectional area, or silhouette of the facility. The silhouette shall be measured from the "worst case" elevation perspective.
  9. The City shall have the authority to require special design of the telecommunication facilities where findings of particular sensitivity are made (e.g., proximity to historic or aesthetically significant structures, views and/or community features).
  10. Antennas and supporting electrical/mechanical equipment installed on the rooftop or above a structure shall be screened, constructed, and/or colored to match the structure to which they are attached.

11. Telecommunication facilities shall insure that sufficient anti-climbing measures have been incorporated into the facility, as needed, to reduce potential for trespass and injury.
  12. No sign shall be placed on a tower.
  13. When a telecommunication facility is located in a residential zoning district, no employee shall be based at the site. Routine maintenance and monitoring is permissible.
- K. **Required setback.** Telecommunication towers shall be set back at least 25 percent of the tower height from all property lines. Guy wire anchors shall be set back at least 20 feet from any property line.
- L. **Maximum height.** Towers shall not exceed the heights listed in Exhibit 20-7. Notwithstanding the preceding, no tower shall exceed the height limitations described in Chapter 54 of this Title.

**Exhibit 20-7. Maximum tower/antenna height**

Maximum Height	
Residential zoning districts	35 feet
Commercial zoning districts	45 feet
Mixed use zoning districts	45 feet
Industrial zoning districts	100 feet, 50 additional feet may be added to accommodate co-location if the applicant submits information certifying the capacity of the tower for 2 additional providers and a letter of intent from the applicant indicating their intent to share space. A lightning rod, not to exceed 10 feet, shall not be included within the height limitations.

- M. **Visibility.** All telecommunication facilities shall be located so as to minimize their visibility and the number of distinct facilities present. To this end all of the following measures shall be implemented for all telecommunications facilities:
1. No telecommunication facility shall be installed within the influence zone of the Great Falls International Airport or any helipad unless the airport owner/operator indicates that it will not adversely affect the operation of the airport or helipad;
  2. No telecommunication facility shall be installed at a location where special painting or lighting will be required by the FAA regulations unless technical evidence acceptable to the Director of **Planning and Community Development** is submitted showing that this is the only technically feasible location for this facility;
  3. No telecommunication facility shall be installed on an exposed ridgeline, in or at a location readily visible from Interstate 15, a public trail, public park or other outdoor recreation area, or in property designated as a floodway unless it blends with the surrounding existing natural and man-made environment in such a manner as to be effectively unnoticeable and a finding is made that no other location is technically feasible;
  4. No telecommunication facility that is readily visible from off-site shall be installed closer than one-half mile from another readily visible, un-camouflaged or unscreened, telecommunication facility unless it is a co-located facility, situated on a multiple-user site, or blends with the surrounding existing natural and man-made environment in such a manner as to be effectively unnoticeable; or technical evidence acceptable to the Director of **Planning and Community Development** is submitted showing a clear need for this facility and the unfeasibility of co-locating it on one of these former sites;
  5. No telecommunication facility that is readily visible from off-site shall be installed on a site that is not already developed with telecommunication facilities or other public or quasi-public uses unless it blends with the surrounding existing natural and man-made environment in such a manner so as to be effectively unnoticeable or technical evidence acceptable to the Director of **Planning and Community Development** is submitted showing a clear need for this facility and the unfeasibility of co-locating it on one of these former sites; and
- N. **Lighting.** Lighting shall comply with the standards contained in Chapter 40 of this Title.
- O. **Vegetation protection and facility screening.** All telecommunications facilities shall be installed in such a

manner so as to maintain and enhance existing native vegetation and to install suitable landscaping to screen the facility, where necessary. To this end, all of the following measures shall be implemented for all telecommunication facilities:

1. A landscape plan shall be submitted with project application submittal indicating all existing vegetation, identifying landscaping that is to be retained on the site and any additional vegetation that is needed to satisfactorily screen the facility from adjacent land uses and public view areas. The landscape plan shall be subject to approval during the site plan review process.
  2. Existing trees and other screening vegetation in the vicinity of the facility and along the access roads and power/telecommunication line routes involved shall be protected from damage, both during the construction period and thereafter.
  3. All areas disturbed during project construction other than the access road and parking areas required under Chapter 36 of this Title shall be replanted with vegetation compatible with the vegetation in the surrounding area (e.g., ornamental shrubs or natural brush, depending upon the circumstances) to the satisfaction of the Director of **Planning and** Community Development.
  4. Any existing trees or significant vegetation, on the site or along the affected access area that die shall be replaced with native trees and vegetation of a size and species acceptable to the Director of **Planning and** Community Development.
- P. **Fire prevention.** All telecommunication facilities shall be designed and operated in such a manner so as to minimize the risk of igniting a fire or intensifying one that otherwise occurs. To this end, all of the following measures shall be implemented, when determined necessary by the Building Official:
1. At least one-hour fire resistant interior surfaces shall be used in the construction of all buildings.
  2. Monitored automatic fire extinguishing systems shall be installed in all equipment buildings and enclosures.
  3. Rapid entry systems shall be installed.
- Q. **Environmental resource protection.** All telecommunication facilities shall be sited so as to minimize the effect on environmental resources. To that end the following measures shall be implemented for all telecommunication facilities:
1. No telecommunications facility or related improvements shall be sited such that their construction will damage an archaeological site or have an adverse effect on the historic character of a historic feature or site;
  2. No telecommunications facility shall be sited such that its presence threatens the health or safety of migratory birds;
  3. Potential adverse visual impacts which might result from project related grading or road construction shall be minimized;
  4. Potential adverse impacts upon nearby public use areas such as parks or trails shall be minimized.
- R. **Noise.** Telecommunication facilities shall be constructed and operated in such a manner as to minimize the amount of disruption caused to the residents of nearby homes and the users of nearby recreational areas such as public parks and trails.
- S. **Use of backup generators.** Backup generators shall only be operated during power outages and for testing and maintenance purposes. Testing and maintenance shall only take place on weekdays between the hours of 8:30 a.m. and 4:30 p.m. If the facility is located within 100 feet of a residential dwelling, noise levels at the property boundary shall not exceed an Ldn (Day-Night Average Level) of 50 dB (decibels).
- T. **Visual compatibility.** Facility structures and equipment shall be located, designed, and screened to blend with the existing natural or built surroundings so as to reduce visual impacts to the extent feasible considering the technological requirements of the proposed telecommunication service and the need to be compatible with neighboring residences and the character of the community.
- U. **Visual analysis.** A visual analysis, which may include photo montage, field mock-up, or other techniques, shall be prepared by or on behalf of the applicant that identifies the potential visual impacts, at design capacity, of the proposed facility. Consideration shall be given to views from public areas as well as from private



residences. The analysis shall assess the cumulative impacts of the proposed facility and other existing and foreseeable telecommunication facilities in the area, and shall identify and include all feasible mitigation measures consistent with the technological requirements of the proposed telecommunication service. All costs for the visual analysis, and applicable administrative costs, shall be borne by the applicant. The City may require the applicant to provide funding to the City to cover the cost of a second analysis if the analysis submitted by the applicant does not accurately or completely analyze the visual effects of the proposed project.

- V. **NIER (non-ionizing electromagnetic radiation) exposure.** No telecommunication facility shall be sited or operated in such a manner that it poses, either by itself or in combination with other such facilities, a potential threat to public health. To that end, no telecommunication facility or combination of facilities shall produce at any time power densities in any inhabited area that exceed the ANSI C95.1-1992 standard for human exposure or any more restrictive standard subsequently adopted or promulgated by the City, county, State, or the federal government.
1. **Initial compliance.** Initial compliance with this requirement shall be demonstrated for any facility within 400 feet of residential uses or sensitive receptors such as schools, churches, hospitals, etc. and all broadcast radio and television facilities, regardless of adjacent land uses, through submission, at the time of application for the necessary permit or entitlement, of NIER calculations specifying NIER levels in the inhabited area where the levels produced are projected to be highest. If these calculated NIER levels exceed 80 percent of the NIER standard established by this Section, the applicant shall hire a qualified electrical engineer licensed by the State to measure NIER levels at said location after the facility is in operation. A report of these measurements and his/her findings with respect to compliance with the established NIER standard shall be submitted to the Director of **Planning and** Community Development. Said facility shall not commence normal operations until it complies with, or has been modified, to comply with this standard. Proof of said compliance shall be a certification provided by the engineer who prepared the original report. In order to assure the objectivity of the analysis, the City may require, at the applicant's expense, independent verification of the results of the analysis.
  2. **Ongoing compliance.** Every telecommunication facility within 400 feet of an inhabited area and all broadcast radio and television facilities shall demonstrate continued compliance with the NIER standard established by this section. Every 5 years a report listing each transmitter and antenna present at the facility and the effective radiated power radiated shall be submitted to the Director of **Planning and** Community Development. If either the equipment or effective radiated power has changed, calculations specifying NIER levels in the inhabited areas where said levels are projected to be highest shall be prepared. NIER calculations shall also be prepared every time the adopted NIER standard changes. If calculated levels in either of these cases exceed 80 percent of the standard established by this section, the operator of the facility shall hire a qualified electrical engineer licensed by the State to measure the actual NIER levels produced. A report of these calculations, required measurements, if any, and the author's/engineer's findings with respect to compliance with the current NIER standard shall be submitted to the Director of **Planning and** Community Development within 5 years of facility approval and every 5 years thereafter. In the case of a change in the standard, the required report shall be submitted within 90 days of the date said change becomes effective.
  3. **Failure to submit required reports.** Failure to supply the required reports or to remain in continued compliance with the NIER standard established by this section shall be grounds for revocation of the use permit or other entitlement.
- W. **Co-located and multiple-user facilities.** An analysis shall be prepared by or on behalf of the applicant, which identifies all reasonable, technically feasible, alternative locations and/or facilities which would provide the proposed telecommunication service. The intention of the alternatives analysis is to present alternative strategies which would minimize the number, size, and adverse environmental impacts of facilities necessary to provide the needed services to the City and surrounding rural and urban areas. The analysis shall address the potential for co-location at an existing or a new site and the potential to locate facilities as close as possible to the intended service area. It shall also explain the rationale for selection of the proposed site in view of the

relative merits of any of the feasible alternatives. Approval of the project is subject to a finding that the proposed site results in fewer or less severe environmental impacts than any feasible alternative site. The City may require independent verification of this analysis at the applicant's expense. Facilities which are not proposed to be co-located with another telecommunication facility shall provide a written explanation why the subject facility is not a candidate for co-location.

1. All co-located and multiple-user telecommunication facilities shall be designed to promote facility and site sharing. To this end telecommunication towers and necessary appurtenances, including but not limited to, parking areas, access roads, utilities and equipment buildings shall be shared by site users when, in the determination of the Director of **Planning and** Community Development, this will minimize overall visual impact to the community.
  2. The facility shall make available unused space for co-location of other telecommunication facilities, including space for these entities providing similar, competing services. A good faith effort in achieving co-location shall be required of the host entity. Requests for utilization of facility space and responses to such requests shall be made in a timely manner and in writing and copies shall be provided to the City. Unresolved disputes may be mediated by the Board of Adjustment. Co-location is not required in cases where the addition of the new service or facilities would cause quality of service impairment to the existing facility or if it became necessary for the host to go off-line for a significant period of time.
  3. Approval for the establishment of facilities improved with an existing microwave band or other public service use or facility, which creates interference or interference is anticipated as a result of said establishment of additional facilities, shall include provisions for the relocation of said existing public use facilities. All costs associated with said relocation shall be borne by the applicant for the additional facilities.
- X. **Waiver.** The City Commission may grant a waiver to the requirements specified in this section when the waiver would not increase the visibility of the facility or decrease public safety. Tower setback requirements may be waived when:
1. the facility is proposed to be co-located onto an existing, legally-established telecommunication tower; or
  2. the reduced setback enables further mitigation of adverse visual and other environmental impacts than would otherwise be possible.

#### **Article 7**

### **SPECIAL STANDARDS FOR ACCESSORY USES**

#### **17.20.7.010 Agriculture, livestock**

- A. ~~**Enclosure required.** Horses and cattle shall be kept within fences or other enclosures.~~
- B. ~~**Building setbacks.** All buildings intended to house horses or cattle shall be located at least 50 feet from all property boundary lines.~~

#### **Article 8**

### **SPECIAL STANDARDS FOR TEMPORARY USES**

#### **17.20.8.020 Itinerant outdoor sales**

- A. **Time limits.** Itinerant outdoor sales shall observe the following time limitations:
  1. Christmas trees                      November 15 through December 25
  2. Fireworks                                ~~June 30~~ **July 2** through July 4
  3. Other                                        No more than 5 days in a month on a given parcel of land or more than 20 in a year
- B. **Removal and clean up.** All features associated with the sale shall be removed within 48 hours following the termination of the sale.
- C. **Access.** The premises hosting the itinerant outdoor sale shall have direct access to a collector street or a higher

street classification.

#### **17.20.8.050 Sidewalk café**

- A. **Generally.** The provisions of this section provide the opportunity for restaurants in identified areas of the City to use adjoining public sidewalks and other public rights-of-way (not to include those controlled by the State of Montana) for the purpose of providing outdoor seating.
- B. **Purpose.** The provisions of this section are intended to accomplish the following purposes:
  - 1. enhance the pedestrian ambiance of the City by promoting additional activity on City sidewalks and visual interest
  - 2. enhance the appropriate use of existing public spaces
  - 3. increase economic activity in the area
- C. **Location.** A sidewalk café shall be located directly in front of the restaurant with which it is associated and it shall be operated solely in conjunction with such restaurant.
- D. **Obstructions.** A sidewalk café may not interfere with any public service facilities located within the street right-of-way, including public telephones, mailboxes, public signs, public benches, public art, public fountains, and bus stops. In addition, a sidewalk café may not interfere with fire escapes, drop ladders, building access points, and other points of normal or emergency access.
- E. **Pedestrian movement.** No portion of the sidewalk café may impede pedestrian movement. Generally, a 4-foot wide unobstructed walkway allows adequate pedestrian movement.
- F. **Planters.** Planters may be used as a visual amenity and to frame off the space allocated for the sidewalk café. The size of plant materials shall be compatible in scale with the immediate area. Hanging planters are not permitted.
- G. **Lighting.** Lighting shall be limited to table top lamps of low intensity. The Director of **Planning and Community Development** may allow additional lighting to provide appropriate levels for safety.
- H. **Furnishings.** All furnishings shall fit the character of a public streetscape. Umbrellas over each table may be permitted if it does not create an obstruction.
- I. **Floor covering.** A floor covering may not be used in the sidewalk café.
- J. **Tables.** Round tables may not exceed 36 inches in diameter and square tables may not exceed 36 inches in width.
- K. **Food preparation.** All food shall be prepared within the restaurant.

#### **17.20.8.060 Sidewalk food vendor**

- A. **Vendor cart requirements.** Vendor carts shall be wheeled and mobile so that one individual can move and maneuver the cart along the sidewalk, but not motorized. Vendor carts, including all appurtenances, shall not be larger than 36 inches wide, 72 inches long, and 84 inches high.
- B. **Generally.** Vendor carts shall be located upon the sidewalk while in operation. When not in operation, vendor carts shall be stored on private property consistent with the remainder of this Title.
- C. **Limitations on location.** No vendor shall be located:
  - 1. within 250 feet of any premises selling the same commodity, unless the vendor is associated with said premises,
  - 2. within 100 feet of another vendor, or
  - 3. within 15 feet of a street intersection.
- D. **Trash and litter.** Vendors shall be responsible for maintaining the area around the cart in a neat, clean appearance. Vendors shall provide a trash receptacle and dispose of the refuse at an off-site location (not in public waste receptacles).
- E. **Posting of permits/licenses.** All permits/**license** necessary to operate the vendor cart shall be posted on the cart in plain view.

**Chapter 24**  
**SUBDIVISION AND PLATTING**

**17.24.160 — Street maintenance agreement**

~~When a street within a subdivision is to remain under private ownership, a street maintenance agreement shall be prepared and recorded consistent with Chapter 32 of this Title.~~

**Chapter 32**  
**TRANSPORTATION FACILITIES**

**17.32.030 Street classification**

- A. **Street types.** All existing and proposed streets in the City shall be classified as one of the following:
  - 1. principal arterial
  - 2. minor arterial
  - 3. collector
  - 4. local
- B. **Classification of existing streets.** Existing streets are classified as documented in the “Great Falls Area Transportation Plan —2003”, as may be amended from time to time.
- C. **Classification of proposed streets.** Proposed streets shall be classified based on function, anticipated traffic speed, and average daily traffic (ADT). The estimates for ADT shall be based on trip generation rates from the most current edition of "Trip Generation" (published by the Institute of Transportation Engineers). Trip generation rates from other sources may be used if it can be shown that the alternative source better reflects local conditions.

**17.32.080 Street layout considerations**

- A. **Consistency with growth policy and others.** All new streets shall be consistent with the City’s adopted growth policy, the document entitled the “Great Falls Area Transportation Plan —2003”, and neighborhood plans that may be adopted, all of which may be amended from time to time.
- B. **Avoidance of environmentally sensitive areas.** Streets shall be laid out to avoid environmentally sensitive areas, such as wetlands.
- C. **Through traffic.** Streets shall be laid out to encourage inter-neighborhood travel but discourage unrelated through travel and speeding.
- D. **Coordination with adjoining parcels.** Streets in a new development shall be connected to right-of-way in adjacent areas to allow for inter-neighborhood traffic flow. If adjacent lands are unplatted, stub outs in the new development shall be provided for future connection to the adjacent unplatted land. When topographic or other conditions make such continuation undesirable, and/or impractical, the Director of the Planning and Community Development Department, in consultation with the City Engineer, may waive or modify this requirement.
- E. **River crossings.** Where a street crosses a river or stream, the street shall intersect the waterbody at right angles, except where impracticable due to environmental damage, excessive construction costs, and other factors.
- F. **Divided streets.** The City Engineer may permit and may require divided streets to protect environmental features. For divided streets, the design standards shall be applied to the aggregate dimensions of the two segments.

**17.32.090 Street design standards**

- A. **Guardrails.** In areas of excessive fill or steep back slopes, roadside guardrail shall be installed consistent with the standards in **the latest version of “Roadside Design Guide” (January 1996)** as published by the American Association of State Highway and Transportation Officials (AASHTO).
- B. **Pavement design.** A pavement design report shall be prepared for all street projects by a registered professional engineer, or other qualified professional approved by the City Engineer, and submitted to the City Engineer for review and approval. The design shall be based on site characteristics

**Exhibit 32-1. Standards for back slope and fill slope under normal conditions**

Cut Depth	Allowable Back Slope
0 – 5 feet	5:1
5 – 10 feet	4:1
10 – 15 feet	3:1
15 – 20 feet	2:1
> 20 feet	1.5:1
Fill Height	Allowable Fill Slope
0 – 10 feet	6:1
10 – 20 feet	4:1
20 – 30 feet	3:1
> 30 feet	2:1

(e.g., soils) and based on at least a 20-year performance period traffic volume; however, the minimum design lane equivalent 18,000 pound single axle load (ESAL) used in the pavement design must not be less than 50,000 ESAL. Pavement thickness shall be consistent with the standards contained in the current AASHTO “Guide for Design of Pavement Structures” or the current Asphalt Institute Manual Series No. 1 (MS-1).

- C. **Cut and fill slopes.** Cut and fill slopes shall meet the standards in Exhibit 32-1. When these standards can not be met because of steep terrain, limited right-of-way, or other site constraint, a geotechnical report shall be prepared by a professional engineer and submitted to the City Engineer for review and approval. The geotechnical report shall contain, at a minimum, the following:
  1. An explanation of why the standards can not be met.
  2. A description of the soil types encountered at the site and their properties.
  3. An assessment of soil slope stability.
  4. A copy of any boring logs, if any were taken.
  5. A description of the recommended design, supported by design calculations.
 If other slope stabilization measures are necessary (e.g., soil pinning, retaining walls), the geotechnical report shall also include the following information:
  1. Settlement characteristics of the soil, including amount of settlement expected, time rate of settlement, surcharge or camber if required.
  2. Bearing capacity of the soil.
  3. Expected skin friction of the soil if piles or drilled shafts are proposed.
  4. Soil pressure, stability, and alternates (if a soil retaining wall is being considered).
- D. **Cul-de-sacs.** Cul-de-sacs must meet a 42½-foot radius from center of cul-de-sac to back of curb, a 55-foot radius on the right-of-way, and cannot be longer than 500 feet.
- E. **Temporary dead-end streets.** When a street terminates in the first phase of a multi-phase project or where it is intended that the street will continue into an adjoining vacant parcel when it develops, a temporary cul-de-sac shall be provided. Upon completion of the connection, the temporary cul-de-sac shall be removed and the street cross-section completed.
- F. **Street grades.** Street grades shall conform to the standards of Exhibit 32-2.

**Exhibit 32-2. Street and alley standards**

	Principal	Minor	Local		
	Arterial	Arterial	Collector	Street	Alley
Right-of-way width (feet)	110	100	80	60	20
Maximum grade (percent)	5	7	10	10	10
Minimum grade (percent)	0.5	0.5	0.5	0.5	0.5

- G. **Curved Streets.** Curved collector streets shall have a centerline radius of not less than two-hundred fifty feet. Curved local (minor) streets shall have a centerline radius of not less than one-hundred feet. (Ord. 2950, 2007)

**17.32.170 Dedication of streets**

- A. Streets shall be dedicated to the City upon ~~completion, inspection, and acceptance by the City~~ **Commission approval of the plat of the subdivision describing subject streets and filing of the plat in the Cascade County Clerk and Records Office.**
- B. Private streets may be allowed within developments that will remain under common ownership, provided they are designed and constructed pursuant to the standards as provided for in this chapter, **and** a homeowner’s association is formed to own the parcel containing the streets ~~and a street maintenance agreement is filed as provided for in this chapter.~~

**17.32.210 Sidewalks**

- A. **When required.** Sidewalks shall be provided on both sides of public and private streets, but not alleys. In addition, sidewalks shall be constructed ~~within a development~~ when necessary to provide safe pedestrian access **to and circulation** within the project.
- B. **Location.** Sidewalks in residential areas shall be separated from the street by a boulevard area that is at least 6 feet in width. In areas where the topography or other physical feature prevents this type of placement, the City Engineer shall approve a suitable alternative.
- C. **Cross-walks within development projects.** When a sidewalk crosses a street internal to the project, a pedestrian crossing shall be constructed to provide for safe passage. Appropriate design features may include pavement treatments, signals, lighting, traffic-calming features, median-refuge areas, signs, and striping.
- D. **Access for physically handicapped persons.** Sidewalks shall be handicapped accessible consistent with federal, State, and local requirements.

**Exhibit 32-6. Sizing for bridges and culverts**

Storm Event	
Principal arterial	50-year
Minor arterial	50-year
Collector	25-year
Local	25-year
Driveway	10-year

**17.32.240 Street name signs**

- A. **Number and where required.** At least one street name sign shall be installed at a street intersection.
- B. **Sign appearance.** When the street is a public street, street name signs shall be consistent with City standards. When the street is private, the developer may install alternate signs, provided ~~the street maintenance agreement includes~~ **there is** a mechanism for maintenance of the signs and the design is consistent throughout the project.
- C. **Names.** Street names shall be approved by the Planning **and Community Development** Department.

**Chapter 36**  
**PARKING**

**Article 2**  
**VEHICLE PARKING**

**17.36.2.010 General requirements**

- A. **Location of parking.** All parking spaces provided pursuant to this article shall be on the same lot or an adjoining lot with the building, except that the Director of **Planning and** Community Development may permit the parking spaces to be on a lot within 400 feet of the lot served by the parking lot if he/she determines that it is impractical to provide parking on the same or adjoining lot.
- B. **Off-site parking agreements.** If required parking is to be provided off-site, the use of such a site for parking shall be secured with a long-term agreement acceptable to the City and recorded with the County Clerk and Recorder. The City shall be named in that agreement as one of the parties with rights of enforcement.
- C. **Change in use.** Any area once designated as required parking shall not be changed to any other use unless and until equal facilities are provided elsewhere, in accordance with this article. (Ord. 2950, 2007)
- D. **Accessibility.** All parking spaces shall be accessible at all times, from a street, alley, or driveway intended to serve such parking. (Ord. 2950, 2007)
- E. **Use of parking spaces.** The required off-street parking shall be for occupants, employees, visitors, and patrons. The storage of merchandise, supplies, motor vehicles for sale, or the repair of vehicles on such parking area is prohibited. In addition, the use of a parking lot for overnight camping, including recreational vehicle camping, is prohibited. (Ord. 2950, 2007)

**17.36.2.040 Design requirements**

- A. **Parking space dimensions.** Standard and compact parking spaces shall conform to the dimensions in Exhibit 36-2.
- B. **Service drive, when required.** Groups of 3 or more parking spaces, except those in conjunction with single-family or two-family dwellings on a single lot, shall be served by a service drive so that no backward movement or other maneuvering of a vehicle within a public right of way, other than an alley, will be required.
- C. **Service drive, standards.** Service drives shall be designated and constructed to facilitate the flow of traffic, provide maximum safety in traffic ingress and egress and maximum safety of pedestrian and vehicular traffic on the site, and meet the dimensional standards in Exhibit 36-2.
- D. **Drive-through stacking requirements.** Drive-through facilities shall have stacking room for at least six vehicles, including one vehicle at the window (or call box, etc.). Stacked vehicles shall not extend into any public street, road, alley or right-of-way, or required service drive. (Ord. 2950, 2007)



**Exhibit 36-2. Dimensional standards for standard and compact parking spaces**

Angle (a)	Parking Type	Stall Width (b)	Curb Length (c)	1-Way aisle Width (d)	2-Way aisle Width (d)	Stall Depth (e)
0°	Standard	9 ft.	22 ft. 6 in.	12 ft.	24 ft.	9 ft.
	Compact	8 ft.	19 ft. 6 in.	12 ft.	24 ft.	8 ft.
30°	Standard	10 ft.	20 ft.	12 ft.	24 ft.	17 ft.
	Compact	8 ft.	15 ft. 6 in.	12 ft.	24 ft.	14 ft.
45°	Standard	10 ft.	12 ft. 6 in.	12 ft.	24 ft.	19 ft.
	Compact	8 ft.	10 ft. 6 in.	12 ft.	24 ft.	16 ft.
60°	Standard	10 ft.	10 ft. 6 in.	18 ft.	24 ft.	20 ft.
	Compact	8 ft.	8 ft. 6 in.	15 ft.	24 ft.	16 ft. 6 in.
90°	Standard	10 ft.	9 ft. 6 in.	24 ft.	25 ft.	19 ft.
	Compact	8 ft.	7 ft. 6 in.	22 ft.	24 ft.	15 ft.

**17.36.2.070 Accessible parking and passenger loading**

- A. **Generally.** Accessible parking spaces shall be provided subject to this part, the Americans with Disabilities Act (ADA), “ADA Standards for Accessible Design” 28 CFR 36, revised as of July 1, 1994, and amendments thereto.
- B. **Number required.** If parking spaces are required, then accessible spaces shall be provided, inclusive of the required number of regular spaces, in the quantity as shown in Exhibit 36-4. One of 8 accessible parking spaces, but always at least one, must be van-accessible. (Ord. 2950, 2007)
- C. **Location.** Accessible spaces serving a particular building shall be located on the shortest accessible route of travel between the parking and the accessible entrance. When there are multiple entrances to a building of similar prominence (e.g., shopping mall) with nearby parking, accessible spaces shall be dispersed and provided at each location. In parking facilities that do not serve a particular building, accessible parking shall be located on the shortest accessible

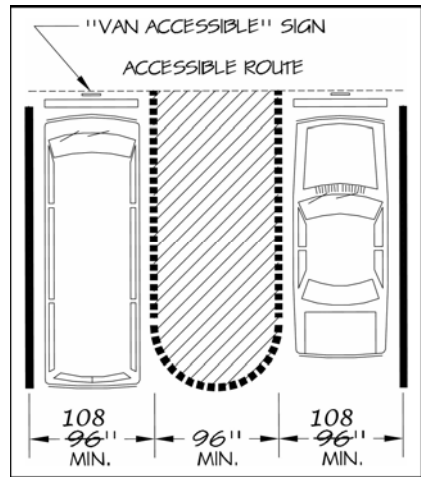
**Exhibit 36-4. Minimum number of required accessible parking spaces**

1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2 percent of total
1,001 and over	20, plus 1 for each 100 over 1,000

route of travel to an accessible pedestrian entrance of the parking facility.

- D. **Dimensions.** Accessible parking spaces shall be at least ~~96~~ **108** inches wide.
- E. **Vertical clearance.** For van-accessible parking spaces, a 98-inch high clearance shall be maintained above the space, access aisle, and on the route to and from the van-accessible space.
- F. **Maximum slope.** Accessible spaces and adjoining access aisles shall have a maximum slope of 1:50 in all directions. When accessible spaces are provided in an existing parking lot, the spaces shall be located on the most level surface close to the accessible building entrance.
- G. **Signage.** Each accessible space shall be so designated with a sign identified by the international symbol of accessibility mounted on a vertical pole. In addition, van-accessible spaces shall be so designated with a sign indicating "Van Accessible". Such signs shall be located so they cannot be obscured by a vehicle parked in the space (a minimum of 6 feet in height).
- H. **Pavement striping and markings.** The boundary of the access aisle must be marked and the end of which may be squared or a semicircle. Additional pavement markings denoting the space are optional.
- I. **Accessible route.** An accessible route must be provided from the accessible parking space to the accessible entrance of the building. It must be at least 36 inches wide, without steps or curbs. It shall be paved and not contain any feature that would restrict, inhibit, or unreasonably impeded the movement of a physically disabled individual. (See Exhibit 36-5)
- J. **Access aisle.** An access aisle for an accessible space shall be the same length as the adjacent parking space it serves and be at least 60 inches wide for car access and 96 inches wide for van-accessibility. Two adjoining accessible parking spaces may share a common access aisle. (See Exhibit 36-5) An access aisle for a passenger loading zone shall be 60 inches wide and 20 feet long and adjacent and parallel to the space.

**Exhibit 36-5. Layout of standard and van accessible parking spaces**



#### **17.36.2.050 Payment in lieu of parking**

- A. **Generally.** In the central business core district the Director of **Planning and** Community Development may reduce the number of required parking spaces depending on the circumstances of the property and surrounding land uses.
- B. **Payment required.** If the number of required parking spaces is reduced, the applicant shall pay the City \$1,000 for each space reduced. These payments shall be used to provide, maintain, and improve parking areas that serve the central business core district as authorized by the City Commission.

#### **17.36.2.060 Shared parking**

There may be instances where 2 or more land uses could share the same parking facilities as shown in Exhibit 36-3. The Director of **Planning and** Community Development may, upon application, authorize the joint use of parking facilities required by said uses, provided that:

1. The applicant shows that there is no substantial conflict or overlap in the principal operating hours of the building or use for which the joint use of parking facilities is proposed; and,
2. The parking facility for which joint use is proposed shall be located within 400 feet of the building or use required to provide parking; and,
3. The parties concerned in the joint use of off-street parking facilities shall evidence their agreement for such joint use by a legal instrument approved by the City Attorney as to form and content. Such instrument, when approved as conforming to the provisions of this chapter, shall be recorded in the office of the County Clerk and Recorder and a copy filed with the **Planning and** Community Development

- Department; and,
- 4. directional signage is provided where appropriate; and,
- 5. pedestrian links are direct, clear, and safe; and,
- 6. Parking lots are located within the same zoning district as the use they serve.

**Article 3  
BICYCLE PARKING**

**17.36.3.010 Bicycle parking**

A. **Generally.** Bicycle parking may be provided consistent with the recommended standards contained in Exhibit 36-6. When bicycle parking is provided, each such space may substitute for a vehicular parking space up to a maximum of 5 percent of the required number of vehicle parking spaces or 10 spaces, whichever is less. For example, if the standards as applied to a project call for 100 vehicle parking spaces, no more than 5 bicycle parking spaces may be provided if substituted for vehicle parking spaces (95 vehicle parking spaces and 5 bicycle parking spaces).

**Exhibit 36-6. Recommended number of bicycle parking spaces**

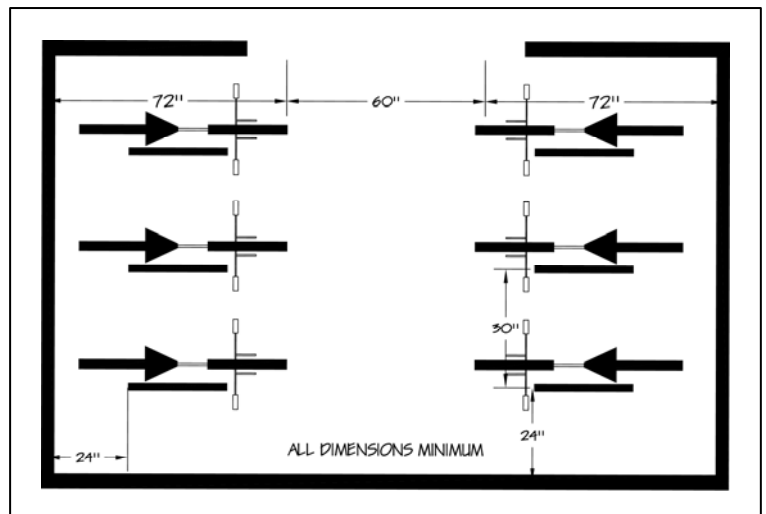
Land use	Number of recommended spaces
Multi-family	1 space per 2 apartments
Primary or secondary school	10% of the number of students, plus 3% of the number of employees
College or university	6% of the number of students, plus 3% of the number of employees
Dorms, fraternities, sororities	1 space per 3 students
Shopping mall	5% of the number of vehicle parking spaces
Office	5% of the number of vehicle parking spaces
Governmental	10% of the number of vehicle parking spaces
Movie theater	5% of the number of vehicle parking spaces
Restaurant	5% of the number of vehicle parking spaces
Manufacturing / industrial	3% of the number of vehicle parking spaces
Other	5% to 10% of the number of vehicle parking spaces

B. **Location.** Bicycle parking shall be located in visible and prominent locations near the building entrance and shall be as close or closer to the entrance than the nearest parking space. Under no circumstance should bicycle parking be more than 100 feet from the entrance. Where there is more than one building on a site, or where a building has more than one main entrance, the parking must be distributed to serve all buildings or main entrances. If possible, racks should be protected from the elements by an awning, overhang, or similar covering. Racks should not be placed so they block the entrance or inhibit pedestrian flow in or out of the building.

C. **Design.** Bicycle parking areas should be incorporated into the overall building design, parking lot layout, and pedestrian circulation and coordinated with street furniture (e.g., benches, street lights, planters) when it is part of the overall project.

D. **Accessibility.** Each parking space shall be accessible without moving another bicycle - generally, allowing for 2 feet by 6 feet for

**Exhibit 36-7. Layout of bicycle parking spaces**



each bicycle parking space-~~and~~ providing an aisle at least 5 feet wide behind all bicycle parking to allow room for maneuvering.

- E. **Lighting.** Bicycle parking spaces shall have adequate lighting to promote security and avoid vandalism and theft.
- F. **Rack design.** Bicycle parking may be provided in floor, wall, or ceiling mounted racks. Racks shall meet the following requirements:
  1. Holds the bicycle frame, not just a wheel.
  2. Can be used with a U-shaped shackle lock.
  3. Accommodates a wide range of bicycle sizes, wheel sizes, and types.
  4. Is covered with material that will not chip the paint of a bicycle that leans against it.
  5. Does not have hazards, such as sharp edges.
  6. Is securely fastened to the ground.

## Chapter 40 OUTDOOR LIGHTING

### 17.40.050 General standards

- A. **Illumination level at property boundary line.** When a commercial or industrial use abuts a residential use, lighting shall be designed so that the illumination at the property boundary line that is attributable to the subject property does not exceed 0.3 foot-candles. When a commercial or industrial use abuts a public right-of-way, or another commercial or industrial use, lighting shall be designed so that the illumination at the property boundary line does not exceed 1.0 foot-candles.
- B. **Lighting required.** Lighting shall be provided to illuminate sidewalks or other pedestrian paths, primary building entrances, and parking areas.
- C. **Pole-mounted luminaires.** Luminaires shall not be taller than 20 feet in residential zoning districts or when placed within 50 feet of a residential zoning district. In all other zoning districts, luminaires shall not be taller than 30 feet.
- D. **Building-mounted luminaires.** In non-residential zoning districts, building-mounted luminaires shall not be attached to a sloped roof and shall not be taller than 30 feet or the height of the principal building, whichever is less. The use of wall-pack luminaires is discouraged.
- E. **Overhead electrical lines prohibited.** For new installations, electrical lines for luminaires mounted on freestanding poles shall be placed underground between poles.
- F. **Material for light poles.** Light poles shall be anodized, painted or otherwise coated so as to minimize glare from the light source.
- G. **Placement in buffer areas.** Lights may not be placed in buffer areas that may be required by this Title, except for low-level lights for security purposes as approved by the City.
- H. **Continued maintenance.** Lighting installations shall be maintained in good repair to meet the provisions of this chapter on an on-going basis.
- I. **Lighting curfew.** For parcels with non-residential uses, lighting in vehicle parking areas containing 20 parking spaces or more shall be reduced to 50 percent of permitted levels one hour after the business closing to one hour before the business opens. If lighting levels are already below 50 percent of permitted levels, no curfew adjustment is required.
- J. **Luminaire types.** Full-cutoff luminaires shall be used in parking areas, along internal streets, and along pedestrian ways. The City may allow cutoff luminaires or semi-cutoff luminaires in these locations when the overall uplight would be less than for full-cutoff luminaires. To promote a unified development theme, post top luminaires (also referred to as period lighting) may be used as an alternate if they have built-in reflectors that effectively eliminate uplight. Except as provided in this chapter, all other luminaires shall be directed downward and the light source shall be shielded so that it is not visible from any adjacent property.
- K. **Maximum average lighting levels.** Average lighting levels shall not exceed the standards provided for in Exhibit 40-1. For those areas not specified, the Director of **Planning and** Community Development shall work with the applicant to set an appropriate level on a case-by-case basis in keeping with the intent of this chapter.
- L. **Maximum uniformity ratio.** In all parking areas and along sidewalks and other pedestrian walkways, an average to minimum uniformity ratio of 6:1 or better shall be maintained.

An example of a post top luminaire



- M. **Minimum color rendering index (CRI).** In all parking areas and along sidewalks and other pedestrian walkways, lighting shall meet or exceed the minimum color rendering index as provided for in Exhibit 40-2.

**Exhibit 40-1. Maximum average light levels**

Location	Foot-candles
At entries for residential, commercial, and industrial buildings	5.0
At loading areas (berths) associated with a commercial or industrial use	10.0
In parking areas for multi-family uses	3.0
In parking areas for non-residential uses	5.0
Along sidewalks and other pedestrian walkways	3.0
Under service station canopies	20.0
In general storage areas for commercial and industrial uses	8.0
In vehicular display areas	15.0

**Exhibit 40-2. Minimum color rendering index for parking areas and pedestrian ways**

	Minimum color rendering index (CRI)
Residential zoning districts	60
Central business core and central business periphery	60
Mixed-use zoning districts	60
Commercial zoning districts, except central business core and central business periphery	20
Industrial zoning districts	20

**17.40.060 Special standards for specific applications**

- A. **Flag poles, statues and similar monuments.** A flag pole bearing a state flag, a flag of the United States or a flag of a foreign nation may be illuminated, provided the following standards are met:
1. The luminaires shall be fully shielded.
  2. Upward aiming luminaires shall be placed as close to the base as possible.
  3. The luminaires shall not collectively exceed 40,000 mean lumens.
- Public statues, memorials or other similar monuments may also be lighted upon approval by the **Planning and Community Development Director**, provided the above standards are met.
- B. **Building façade lighting.** The exterior of a building may be lighted provided the following standards are met:
1. The lighting is done to accentuate an architectural or aesthetic element of the building, not the entire building.
  2. The light shall only be directed onto the building façade and not spillover beyond the plane of the building.
  3. Upward aimed lighting shall not exceed 4,000 mean lumens per accent feature, shall be fully shielded, and mounted as flush to the wall as possible.
  4. Lighting exceeding 4,000 mean lumens per accent feature shall be aimed downward, fully shielded, and mounted as flush to the wall as possible.
- C. **Sign lighting.** Signs may be lighted consistent with the following standards:
1. Ground signs that are less than 6 feet in height may be internally lit, lighted from above provided the luminaire is no taller than the top of the sign, or lighted with ground-mounted lights provided the lights are fully shielded and mounted as close to the sign base as possible.
  2. Ground signs 6 feet in height or taller may be internally lit or lighted from above provided the luminaire is no taller than the top of the sign.
  3. Wall signs may be internally lit or lighted with ground-mounted lights provided the lights are fully shielded and mounted as close to the wall as possible.
- D. **Canopy lighting.** Lighting associated with a canopy used for a vehicular shelter shall meet the following standards:
1. Luminaires beneath a canopy shall be either a full-cutoff luminaire or mounted so the luminaire or lens,

which ever is lower, does not project below the bottom of the canopy surface.

2. The sides or top of the canopy shall not be illuminated, except as permitted by the sign standards.
3. Lighting installed beneath a canopy shall be pointed downward and substantially confined to the ground surface directly beneath the perimeter of the canopy.
4. Lighting beyond the perimeter of the canopy shall be consistent with the lighting standards for parking areas.

E. **Telecommunication facilities.** Telecommunication facilities shall be unlit, except for the following:

1. A manually-operated or motion-detector controlled light above the equipment shed door which shall be kept off except when personnel are actually present at night.
2. The minimum tower lighting required by the Federal Aviation Administration or other State or federal requirement.

Where tower lighting is required, it shall be shielded or directed to the greatest extent possible in such a manner as to minimize the amount of light that falls onto nearby properties, particularly residences.

F. **Recreational facilities.** Lighting for outdoor athletic fields, courts, or tracks shall meet the following standards:

1. Lighting installations shall be designed to achieve no greater than the minimal illuminance levels for the activity as recommended by the Illuminating Engineering Society of North America (IESNA).
2. Light trespass and glare shall be reduced to the greatest extent possible given the illumination constraints of the design. When an outdoor athletic field abuts a residential district, lighting as a goal should be designed so that the illumination at the property boundary line that is attributable to the subject property does not exceed 0.5 foot-candles.
3. Lighting used to illuminate the athletic surface shall be turned off within one hour after the last event of the night.
4. Events shall be scheduled to conclude no later than 10:30 p.m., while allowing for unusual circumstances such as rain delays.
5. Lighting shall be designed by a registered engineer having experience with lighting installations.

**Chapter 56**  
**FLOODPLAIN OVERLAY DISTRICTS**

**Article 1**  
**GENERAL PROVISIONS**

**17.56.1.040 Floodplain administrator**

- G. **Appointment.** The zoning technician with the **Planning and** Community Development Department is the designated floodplain administrator.
- H. **Administrative procedures.** The floodplain administrator shall adopt such administrative procedures as may be necessary to efficiently administer the provisions of these regulations.
- I. **Records.** The floodplain administrator shall maintain such files and records as may be necessary to document nonconforming uses, base flood elevation, floodproofing and elevation certification, fee receipts, the issuance of permits, agendas, minutes, records of public meetings, and any other matters related to floodplain management in the City of Great Falls. Such files and records shall be open for public inspection.



**Chapter 60  
SIGN CODE**

**Exhibit 60-6**

<b><i>ON PREMISE SIGNAGE TABLE</i></b>					
	<b>NEIGHBORHOOD COMMERCIAL M-1, C-1, C-5, PLI, POS</b>	<b>COMMERICAL/ INDUSTRIAL C-2, C-3, I-1, I-2, AI (non-Riverfront)</b>	<b>CENTRAL BUSINESS CORE DISTRICT C-4</b>	<b>RIVERFRONT CORRIDOR M-2</b>	<b>PREMISES EXCEEDING 50,000 S.F. IN AREA</b>
<b>TOTAL ALLOWANCE PER PREMISE (S.F.)</b>	50	Wall signage allowance plus 200	Wall signage allowance plus 100	Wall signage allowance plus 100	Wall signage allowance plus 300
<b>WALL Signs per Frontage Area</b>	1 (max 2 signs) 32 S.F. per sign	10% of building wall area per frontage	10% of building wall area per frontage	10% of building wall area per frontage	10% of building wall area per frontage
<b>FREE-STANDING POLE Signs per Frontage Area (S.F.)</b>	1 32 /sign	1 1 S.F./linear foot of premise frontage	1 1 S.F./linear foot of premise frontage	1 1 S.F./ linear foot of premise frontage	1 1 per premise frontage
<b>Height (FT)</b>	6	Max. 200 25	Max. 100 20	Max. 100 20	Max. 300 25
<b>PROJECTING Signs in Place of Wall or Free-standing Sign Maximum Area (S.F.)</b>	32	32	32	32	32

**Article 4**  
**ON-PREMISE SIGNS**

**17.60.4.010 Residential, neighborhood commercial and central business periphery districts**

The following on-premise signs are authorized for approved commercial uses in residential zoning districts (**R-1, R-2, R-3, R-5, R-6, R-9 and R-10**), neighborhood commercial (~~C-1~~) zoning districts (**C-1**), and central business periphery zoning districts (C-5), **mixed use zoning districts (M-1), public lands and institutional zoning districts (PLI) and parks and open space zoning districts (POS)**, subject to issuance of a sign permit. Home occupations, family day cares and the like, allowed in residential units are addressed in section 17.60.2.020.K of this Title and are not included in this section. Each commercial premise is limited to a maximum of fifty (50) square feet of total signage. If the premise houses multiple tenants, the owner is responsible for allocating signage amongst the separate tenants/businesses.

- A. **Wall signs.** (See Exhibit 60-7 page 25 and Exhibit 60-1 page 20 of this chapter.)
1. One (1) wall sign per premise frontage. No more than two (2) wall signs per premise.
  2. Maximum area per sign: thirty-two (32) square feet.
  3. Maximum projection – excluding awnings: twenty-four (24) inches.
  4. Wall signs may be placed no higher than six (6) inches below the top of the wall or parapet.
  5. Wall signs may not obstruct required windows and/or required exits.
- B. **Freestanding signs including pole signs, monument signs and low-profile signs.** (See Exhibit 60-8 page 26 of this chapter.)
1. One (1) freestanding sign per premise frontage is allowed as long as there is a perimeter separation of 250 feet between any two signs. No more than two (2) signs per premise are allowed.
  2. Maximum area per sign: thirty-two (32) square feet.
  3. Height limit is six (6) feet above finished grade.
  4. Freestanding signs must be located entirely on private property.
  5. When a free standing sign structure is installed, the base of the sign must be landscaped. If the freestanding sign is located within a vehicular use area, the landscaped area must be designed to protect sign base supports from vehicular incursion. Support protection examples include bollards, stones or curbing. Such protection must be integrated with the landscaping. Landscaping may contain trees, shrubs, groundcovers, perennial or annual flowers, turf and organic or inorganic mulches. Living plant materials must cover at least 75% of the landscaped area.
  6. If a premise is subsequently subdivided after a freestanding sign allocation has been established for the premise, the subsequently created parcels shall share the freestanding sign allocation; shall share the same freestanding sign pole or monument; and, the owner/subdivider is responsible for allocating the freestanding signage amongst the separately created parcels at the time of each sale or lease.
- C. **Projecting signs.** Each business with frontage on a public right-of-way is allowed one (1) projecting sign along the public right-of-way. (See Exhibit 60-5 page 24 and Exhibit 60-9 page 27 of this chapter.)
1. A projecting sign may be used instead of, but not in addition to, a freestanding sign.
  2. Projecting signs and wall signs advertising the same business may not occupy the same building frontage.
  3. Projecting signs are limited to sixteen (16) square feet plus one (1) additional square foot for each three (3) feet of linear building footage in excess of fifty (50) feet. Maximum allowance: thirty-two (32) square feet.
  4. Projecting signs must not project over public property.

**17.60.4.020 Commercial and industrial districts**

The following on-premise signs are authorized on property in ~~zoned~~ commercial zoning districts (**C-2 or C-3**), or industrial zoning districts (**I-1, I-2 or AI**) subject to a sign permit. Property contained within the central business core zoning district (**C-4**) is regulated by Section 17.60.4.030 of this chapter. The Riverfront Corridor District is regulated by Section 17.60.4.040. Premises exceeding 50,000 square feet are regulated by Section 17.60.4.050.

Maximum sign allocation for each commercial and/or industrial premise under this section equals the standard wall signage allocation plus two hundred (200) square feet maximum freestanding signage. If the premise houses multiple tenants, the owner is responsible for allocating signage amongst the separate tenants/businesses.

- A. **Wall signs.** (See Exhibit 60-7 page 25, Exhibit 60-1 page 20, and Exhibit 60-10 page 28 of this chapter.)
1. A maximum of 10% of each frontage building wall, excluding service delivery areas and parapets, may be covered with wall signage.
  2. Each premise is allowed a minimum of twenty-four (24) square feet of wall signage.
  3. Maximum projection – excluding awnings: twenty-four (24) inches.
  4. Wall signs may be placed no higher than six (6) inches below the top of the wall or parapet.
  5. Wall signs may not obstruct required windows and/or required exits.
- B. **Freestanding signs including pole signs, monument signs and low-profile signs.** (See Exhibit 60-8 page 26 and Exhibit 60-11 page 29 of this chapter.)
1. One (1) freestanding sign per premise street frontage. A perimeter separation of two hundred and fifty (250) feet is required between any two freestanding signs on the premise. No more than two (2) signs are allowed per premise.
  2. A maximum area of one (1) square foot per linear foot of premise frontage facing one street or avenue is allowed. A maximum of two hundred (200) square feet of total freestanding signage per premise is allowed.
  3. Height limit is twenty-five (25) feet above finished grade of the lot.
  4. Freestanding signs must be located entirely on private property.
  5. Signs may not project over public property.
  6. When a freestanding sign structure is installed, the base of the sign must be landscaped. If the freestanding sign is located within a vehicular use area, the landscaped area must be designed to protect sign base supports from vehicular incursion. Support protection examples include bollards, stones or curbing that are integrated with the landscaping. Landscaping may contain trees, shrubs, groundcovers, perennial or annual flowers, turf and organic or inorganic mulches. Living plant materials must cover at least 75% of the landscaped area.
  7. A 20% increase in maximum freestanding sign area is granted when signage is entirely low-profile. (See Exhibit 60-5 page 24 of this chapter.)
  8. If a premise is subsequently subdivided after a freestanding sign allocation has been established for the premise, the subsequently created parcels shall share the freestanding sign allocation; shall share the same freestanding sign pole or monument; and, the owner/subdivider is responsible for allocating the freestanding signage amongst the separately created parcels at the time of each sale or lease.
- C. **Projecting signs.** Each business with frontage on a public right-of-way is allowed one projecting sign along the public right-of-way. A sign permit is required. (See Exhibit 60-5 page 24 and Exhibit 60-9 page 27 of this chapter.)
1. A projecting sign may be used instead of, but not in addition to, a freestanding sign.
  2. Projecting signs and wall signs advertising the same business may not occupy the same building frontage.
  3. A projecting sign is limited to sixteen (16) square feet plus one (1) additional square foot for each three (3) feet of linear building footage in excess of fifty (50) feet to a maximum of thirty-two (32) square feet.
  4. Projecting signs must not project over public property.

#### **17.60.4.030 Central business core district**

The following on-premise signs are authorized on property within the central business core **zoning** district (**C-4**). A sign permit is required.

A maximum of two (2) square feet of total signage for each linear foot of building frontage is permitted per premise to a maximum of two hundred (200) square feet. If the premise houses multiple tenants, the owner is responsible for allocating signage amongst the separate tenants/businesses. The following types of signs are allowed:

**A. Wall signs.** (See Exhibit 60-7 page 25 and Exhibit 60-1 page 20 of this chapter.)

1. A maximum of 10% of frontage building wall, excluding service delivery areas and parapets, may be covered with wall signage.
2. Each premise is allowed at least twenty-four (24) square feet of wall signage.
3. No single wall sign may exceed one hundred (100) square feet.
4. Maximum projection – excluding awnings: twenty-four (24) inches.
5. Wall signs may be placed no higher than six (6) inches below the top of the wall or parapet.
6. Minimum vertical clearance allowances.
7. Alley: fourteen (14) feet.
  - g. Other public property: eight (8) feet.
  - h. Wall signs may not obstruct required windows and/or required exits.

**B. Freestanding signs including monument signs and other low-profile signs.** (See Exhibit 60-8 page 26 of this chapter.)

1. One (1) freestanding sign per premise street frontage. A perimeter separation of two hundred and fifty (250) feet is required between any two freestanding signs. No more than two (2) signs per premise will be permitted.
2. Area may not exceed one hundred (100) square feet.
3. Height limit is twenty (20) feet from finished grade of the lot.
4. Freestanding signs must be located entirely on private property and must not overhang public property.
5. A 20% increase in maximum freestanding sign area is granted when signage on the premise is entirely low-profile.
6. When a freestanding sign structure is installed, the base of the sign must be landscaped. If the freestanding sign is located within a vehicular use area, the landscaped area must be designed to protect sign base supports from vehicular incursion. Support protection examples include bollards, stones or curbing that are integrated with the landscaping. Landscaping may contain trees, shrubs, groundcovers, perennial or annual flowers, turf and organic or inorganic mulches. Living plant materials must cover at least 75% of the landscaped area.
7. If a premise is subsequently subdivided after a freestanding sign allocation has been established for the premise, the subsequently created parcels shall share the freestanding sign allocation; shall share the same freestanding sign pole or monument; and, the owner/subdivider is responsible for allocating the freestanding signage amongst the separately created parcels at the time of each sale or lease.

**C. Projecting signs.** Businesses with frontage on a public right-of-way are allowed one projecting sign along the public right-of-way. (See Exhibit 60-9 page 27 and Exhibit 60-12 page 30 of this chapter.)

1. Projecting signs may be used instead of, but not in addition to, a freestanding signs.
2. Projecting signs and wall signs advertising the same business may not occupy the same building frontage.
3. A projecting sign is limited to sixteen (16) square feet plus one (1) additional square foot for each three (3) feet of linear building footage in excess of fifty (50) feet to a maximum of thirty-two (32) square feet.
4. Projecting signs may extend no farther than six (6) feet over public property or more than two-thirds (2/3) the distance to the back of curb, whichever is less.
5. Signs may project no farther than one (1) foot into an alley.
6. Minimum vertical clearance allowances.
  - i. Alley: fourteen (14) feet.
  - j. Other public property: eight (8) feet.

**D. Sandwich board signs.** Temporary sandwich board signs may be placed on public property within the Central Business Core District only. This is the only district in which sandwich boards are allowed on public property. Such signs require an annual permit to occupy the public right-of-way.

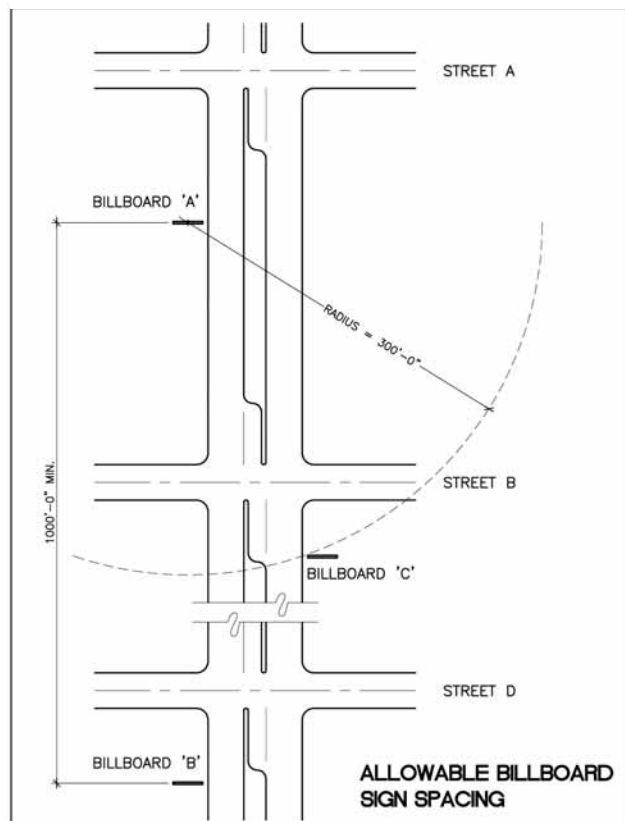
1. Sandwich board signs are limited to one (1) sign per business frontage and must conform to the following design standards:
  - a. Each sign may have a maximum of two (2) faces, not to exceed an aggregate total of twelve (12) square feet per sign. (See Exhibit 60-12 page 30 of this chapter.)
  - b. Each sign must be secured in place by no less than two (2) weights of not less than ten (10) pounds each, placed upon the base material.
  - c. Sign permits are issued only to holders of insurance equal to that required for a sign contractor Class B license.
  - d. The permit fee for each sandwich board sign is established by City Commission resolution.
  - e. A sandwich board sign must be placed so that the middle third of the sidewalk is clear. A minimum of five (5) feet of sidewalk width must be unobstructed. (See Exhibit 60-12 page 30 of this chapter.)
2. Sandwich board signs must be placed adjacent to or upon the permit-holding premises, may only be displayed during business hours of the advertised business and must be removed from public property during all other times.
3. Sandwich board signs may not be illuminated or energized.
4. The sign permit may be revoked at any time for lack of adequate maintenance or safety. The sandwich board sign will be removed by the sign owner upon notice of permit revocation. If not removed, the City may remove the sign. The sign becomes City property. The sign owner may reclaim the sign within ten (10) working days of the removal. After such time, the sign may be destroyed.

**Article 5**  
**OFF-PREMISE SIGNS**

**17.60.5.020 Billboards signs**

- A. **Purpose.** The intent of this section is to regulate the visual impact of billboard signs; to improve the appearance of designated entryways and scenic corridors; and to encourage compatibility between billboard signs and neighboring property, e.g. parks, schools, places of worship, and residential areas.
- B. **Prohibited locations.** A billboard is an off-premise sign and may not be located on the same premise as that of the business advertised by the billboard. Billboard signs erected after the effective date of this ordinance shall comply with the following location limitations:
  1. Billboard signs may only be erected in C-2, C-3, I-1 and I-2 zoning districts.
  2. Billboard signs may not be erected within two hundred (200) feet of the edge of a roadway surface along the following entry and scenic corridors known as Billboard-free Areas:
    - a. 10<sup>th</sup> Avenue South from I-15 Exit #278 to the intersection of 10<sup>th</sup> Avenue South and 2<sup>nd</sup> Street South
    - b. Along 10<sup>th</sup> Avenue South from 54<sup>th</sup> Street to the eastern limit of the City
    - c. River Drive from the southernmost

**Exhibit 60-14. Allowable Billboard Sign Spacing**



City limits to 38<sup>th</sup> Street North

- d. Central Avenue West from 6<sup>th</sup> Street to the east bank of the Missouri River
  - e. Along the Old Havre Highway from the intersection of 15<sup>th</sup> Street to Smelter Avenue
3. Billboard signs are prohibited in the following areas:
- a. All zoning districts other than C-2, C-3, I-1 and I-2.
  - b. Within three hundred (300) feet in any direction of a public park, public or private school, college or university, church, cemetery, courthouse, Civic Center, or public museum.
  - c. Within one hundred and fifty (150) feet in any direction of any lot or parcel that is zoned residential or used as a primary residential use of any kind.
  - d. Within one thousand (1000) feet of any other billboard sign, measured on the same side of the street. (See Exhibit 60-14.)
  - e. Within three hundred (300) feet of any other billboard sign on a crossing street located on the same side of the street. (See Exhibit 60-14.)
4. Minimum spacing requirement shall not apply to two faces that share a support structure and face different directions.
- C. **Billboard standards.** Billboards established after the effective dates of this Code shall conform to the following standards:
1. The maximum sign display area for any one billboard face shall be two hundred and fifty (250) square feet. Billboards located within the interstate corridor are exempt from this standard.
  2. In the Interstate Corridor within the City of Great Falls, the maximum display area for any billboard face shall be four hundred and thirty-two (432) square feet.
  3. Billboards may be single-faced or double-faced, but no billboard shall contain more than one face on each side of the display. The surface display area may not exceed a total area of five hundred (500) square feet per structure.
  4. Billboard sign face limitations exclude border, trim, base or apron supports or other structural members, but include cut-outs, extensions or protrusions. Size limits apply to each sign face of a structure. Sign faces may be placed back-to-back with no more than one display per face.
  5. The maximum overall height of a billboard sign shall not exceed thirty (30) feet above the grade of the roadway to which the sign is oriented. However, if the sign is located in the Riverfront Corridor, it is limited to twenty (20) feet above the grade of the roadway to which the sign is oriented.
  6. Billboard structures must be located entirely on private property. No portion of any structure or sign face may overhang the public right-of-way.
- D. **Installation, appearance and maintenance.** All billboards must be kept in good repair and maintained according to the following standards:
1. During periods of repair, alteration or copy change the facing may be removed for a maximum of 48 consecutive hours.
  2. All billboard signs must have the owner's name firmly attached to the sign structure.
  3. Billboard structures must be single pole.
  4. Billboard structures may not be placed on the roof or wall of a building or structure.
  5. Sign structures must be painted, anodized or otherwise finished in earth tones of brown and green, including beige, mocha, forest and hunter green; but not teal or any fluorescent color. The paint or finish must not be peeling or obviously worn.
- E. **Maintenance and repair requirements.**
1. If the Director of **Planning and** Community Development finds that any billboard, except one that is nonconforming, is not maintained in good repair and has not deteriorated more than 50% of its replacement value, the Director of **Planning and** Community Development will notify the owner and order him to repair the billboard within a specified time allowing at least ten (10) calendar days.
  2. If the Director of **Planning and** Community Development finds that the billboard has deteriorated more than 50% of its replacement value, or is not repaired within the time specified in the repair notice,

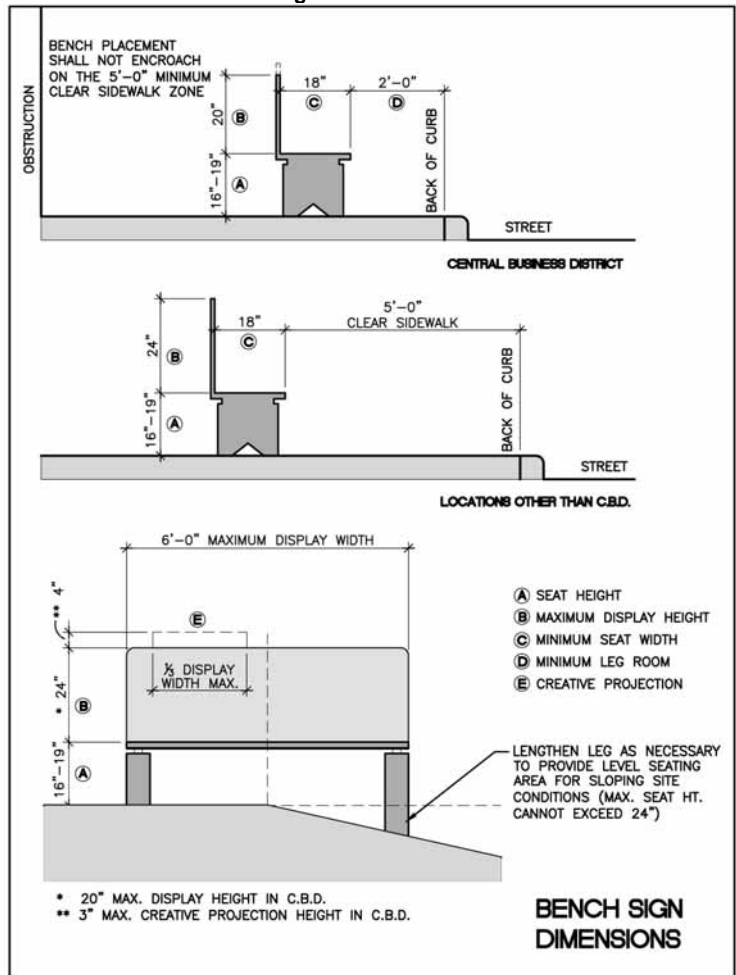
the Director will notify the owner of the billboard and the owner of the real property that the billboard is to be removed from the property within a specified time.

- F. ~~**Legal nonconforming billboards.** Billboard signs that do not conform to the provisions of this Code, but that were legally constructed and permitted at the time of its installation are considered legally nonconforming and may remain subject to the following:~~
1. ~~Nonconforming billboards exceeding height and area limitations specified in the Code must be downsized to meet requirements of area and height specified in this Code by December 31, 2015, or be removed by the sign owner or the property owner. This does not apply to existing side-by-side faces.~~
  2. ~~Any nonconforming billboard sign destroyed or damaged beyond 50% of its replacement value for any cause whatsoever will be reconstructed in compliance with all provisions of this Code or be removed by the sign owner or property owner.~~
  3. ~~In no case may a billboard be repaired or maintained by substantially upgrading or replacing its structural supports. Substantial upgrading may include, but is not limited to, converting from wood to steel structure or a change from a multi pole to a single pole structure.~~
  4. ~~A non illuminated billboard may be illuminated provided the subject billboard is not nonconforming because of its proximity to a residential area or its location within an entry or scenic corridor pursuant to 17.60.5.210.B.~~
  5. ~~Property annexed to the City of Great Falls after the effective date of this chapter is subject to all the provisions of this Code.~~

**17.60.5.030 Bench/transit shelter signs**

- A. Bench signs are defined as off-premise signs placed upon benches that are located on public property including sidewalks, surfaced boulevards and immediately adjacent private property. After the date of this ordinance bench signs in newly annexed areas will be limited to two per intersection.
- B. Transit shelter signs are defined as off-premise signs placed upon transit shelters. They are located upon public property including sidewalks, surfaced boulevards and immediately adjacent private property.
- C. Bench sign designs must be submitted in triplicate to the **Planning and Community Development Department**. Designs must be approved prior to permit issuance. Benches may be no longer than six (6) feet. They must be placed on concrete pads. A one-time design review fee as may be set by City Commission resolution for each bench design must be paid prior to permit issuance. (See Exhibit 60-15.)
- D. Bench signs in the Central Business Core District are limited to a total of fifty-six (56) and must be approved by the **Planning and Community Development Department** for compatibility with the streetscape program. A one-time design review fee as may be set by City Commission resolution for each bench sign design must be paid prior to permit issuance.

**Exhibit 60-15. Bench Sign Dimensions**



- E. Transit shelter signs are limited to a maximum of 50% of the square footage of walls exposed to vehicular traffic.
- F. Bench/transit shelter sign permits are issued only to holders of insurance equal to that required for a sign contractor Class B license.
- G. The permit fee for occupancy of public space by the bench/transit shelter sign is established by a resolution of the City Commission. The annual fee per sign is payable one year in advance and is due prior to permit issuance. The permit fee may be renewed annually by the permit holder by January 15th for the current year. Fees may be pro-rated for periods less than one year.
- H. The location of each bench/transit shelter sign must be approved by the Director of **Planning and** Community Development or designee. The bench may not be located closer than three (3) feet to a fire hydrant. A minimum of five (5) feet of sidewalk width must be left unobstructed. (See Exhibit 60-15)
- I. The owner, leaseholder of private property or authorized agent located nearest to the public property upon which the bench/transit shelter sign is proposed must approve the location by signing the permit application prior to permit issuance. The approval may be withdrawn at any time by contacting the **Planning and** Community Development Department.
- J. Bench/transit shelter signs are not permitted in districts of the City zoned residential unless the property has received an approved Conditional Use for offices, hospitals, medical clinics or colleges.
- K. Bench/transit shelter signs are permitted in the PLI district only with approval of the appropriate City department head or adjacent property owner if not a City-owned parcel.
- L. Bench/transit shelter signs placed in City parks by the Park and Recreation Department are exempt from the provisions of this section.
- M. The bench/transit shelter sign permit may be revoked at any time for lack of adequate maintenance or safety, after which the bench sign will be removed by the owner within seven days. If not removed, the City may remove the sign which becomes City property. The sign owner may reclaim the sign within ten (10) working days of removal by paying removal costs as may be set by City Commission resolution. After such time, the sign may be destroyed.
- N. Bench/transit shelter signs are limited to one bench or shelter per City block face not to exceed one bench or shelter per adjoining premise.

## **Article 7**

### **PERMIT, INSPECTIONS AND LICENSES**

#### **17.60.7.010 Permit required**

No sign may be erected, re-erected, constructed, altered or refaced until a sign permit has been issued by the Director of **Planning and** Community Development or an authorized representative. For exemptions to this section, see Section 17.60.2.020 of this Code.

#### **17.60.7.020 Sign permit-application**

- A. The **Planning and** Community Development Department takes applications for sign permits.
- B. Each application must contain the location by street address of the proposed sign structure as well as the name and address of the sign owner and sign contractor or erector.
- C. The Director of **Planning and** Community Development or designee may require submittal documents prepared and designed by a structural engineer licensed by the State when in his/her opinion such information is necessary to insure compliance with the Building Code for the following:
  1. Freestanding signs
  2. Billboard signs
  3. Awning signs
  4. Projecting signs
- D. A sign permit shall be issued only to a licensed sign contractor except as provided in Section 17.60.7.030.



- E. Posting requirements. It is the responsibility of the sign erector/contractor or owner of the sign to attach to the sign, in a manner visible from the ground, the owner's name and/or the name of the sign erector company, the date of installation and the permit number.

#### **17.60.7.050 Inspection**

- A. All signs requiring a permit are subject to the inspection of the Director of **Planning and** Community Development or designee. Signs erected without the required inspection will be taken down until the required inspection is complete at the cost of the sign installer.
- B. All signs containing electrical wiring are subject to the provisions of the current adopted edition of the National Electrical Code.
- C. All electrical signs, including neon signage and neon tubing, must be inspected while they are on the ground prior to installation for compliance with Article 600 of the National Electric Code.
- D. All electric signs must be inspected during sign face replacement or sign face redecoration. Inspections will be performed on site and in place with the sign face removed. All electric signs must meet current specifications in chapter 6, Article 600 before sign faces are reinstalled.
- E. All signs may be reinspected at the discretion of the Director of **Planning and** Community Development or designee when in his/her opinion inspection is required to ensure compliance with this Code.

#### **17.60.7.060 Sign certificate required**

- A. Any person engaged in the installation or repair of electrical signs, including outline and accent lighting commonly known as neon must have an individual sign electrician/journeyman's certificate, or be currently licensed as a master or journeyman electrician by the State of Montana and the City of Great Falls.
- B.** A sign erector certificate is required for persons doing work with non-electrical signs requiring permit except under section 17.60.7.030.
- C. Examination. Director of **Planning and** Community Development, or designee, will arrange for examination of the applicant's knowledge of sign installation, erection and/or wiring.
  - 1. A person desiring a sign electrician/journeyman's certificate must request, in writing, a qualification examination from the department.
    - a. Written requests must include proof of two (2) years experience prior to application and include the application fee.
    - b. Successful applicants must receive a score of 75% on the examination.
    - c. Unsuccessful applicants will be required to wait 90 days before applying for re-examination.
  - 2. Examination is required for each initial application. Examination is not required for license renewal unless more than 30 days have passed since the expiration.
  - 3. The Director of **Planning and** Community Development will authorize issuance of the appropriate certificate upon the applicant's successful completion of the examination.
- D. Certificate fees for sign electrician/journeyman, sign erector and examination fees are established by City Commission resolution.
- E. All certificates or special licenses expire on December 31st of the year in which the certificate or special license is issued, unless otherwise specified.
- F. Renewals may be obtained on or before the expiration date.

#### **17.60.7.080 Insurance and bond**

- A. Sign contractor's Class A license. Prior to receiving a Sign contractor's Class A license, an applicant must file a current commercial general liability insurance policy or written certificate issued by an insurance carrier authorized to do business in the State with the **Planning and** Community Development Department.
- B. Sign contractor's Class B license. An applicant for a Sign contractor's Class B license must file with the **Planning and** Community Development Department a commercial general liability insurance policy or written certificate with limits established by City Commission resolution and issued by an insurance carrier authorized

to do business in the State.

- C. Insurance must be kept in full force as a condition of licensure. In the event of insurance cancellation, the sign contractor's license automatically terminates.
- D. Payment is required of a license bond in an amount established by City Commission resolution.

#### **17.60.7.090 Maintenance and repair**

All signs, together with all types of supports including steel poles and structures, braces, guy wires, anchors, sign faces, sign cabinets, wood surfaces, plastic or sheet metal decorative trims and fasteners must be properly repaired and maintained.

- A. All painted surfaces must be free of rust, worn, loose and peeling paint.
- B. If the Director of **Planning and** Community Development finds that any sign is not maintained in good repair and has not deteriorated more than 50% of its replacement value, he/she shall notify the owner and order him to repair the sign within a specified time allowing at least 10 calendar days.
- C. If the Director of **Planning and** Community Development finds that the sign has deteriorated more than 50% of its replacement value, or is not repaired within the time specified in the repair notice, the official will notify the owner of the sign and the owner of the real property on which said sign is located to remove the sign from the property within a specified time
- D. Upon receipt of proper notification, sign removal is the responsibility of the sign owner or the property owner.
- E. Failure by the sign owner to comply with a removal/repair notice will result in removal of the sign by the direction of the Building Official. Removal costs will be assessed against the property.

### **Article 9**

#### **Nonconforming Signs**

##### **Sections:**

**17.60.090.010 Nonconforming Signs**

**17.60.090.020 Nonconforming Billboards**

##### **17.60.090.010 Nonconforming Signs**

###### **A. Compliance.**

1. Except as otherwise provided in this chapter, all signs and supporting structures which do not conform to the provisions of this Code, but were constructed in compliance with previous regulations, shall be regarded as nonconforming. Nonconforming signs may remain until December 31, 2015, if such signs are properly repaired and maintained as required by Section 17.60.7.090.
2. The copy face of a sign may be changed or altered in any manner which does not require structural alteration, subject to the permit requirements of this Code, until December 31, 2012. After December 31, 2012, any sign change, including copy change, shall require compliance with the provisions of the Sign Code.
3. Any sign user may file for an exemption as set forth in subsection B below (“grandfather” exemption), and the provisions of that subsection B shall govern. However, neither this subsection nor subsection B provides any right of continuance after the adoption of the Sign Code of those types of signs specifically prohibited in Section 17.60.2.010, with the exception of roof signs. Grandfather exemptions will not be granted to freestanding signs that overhang or encroach into the public right-of-way or overhang or encroach upon adjoining property.

**B. Grandfather exemption.** Signs that have been granted a grandfather exemption by the City of Great Falls on or before July 1, 2006, may remain in perpetuity, provided the sign is properly maintained and is not changed in any manner, either structurally or copy changes. Any sign which is so changed shall be brought into immediate compliance with all provisions of this Code. Changes in the name of a tenant on a multi-tenant identification sign may be made without loss of the grandfather exemption.

**C. Change of nonconforming sign.** Any nonconforming sign that is structurally altered, relocated (on the

same or another lot) or replaced shall immediately comply with all provisions of this Code. Any sign that is accidentally damaged or destroyed may be repaired or replaced within sixty (60) days to the sign's original condition subject to the permit requirement of this Code.

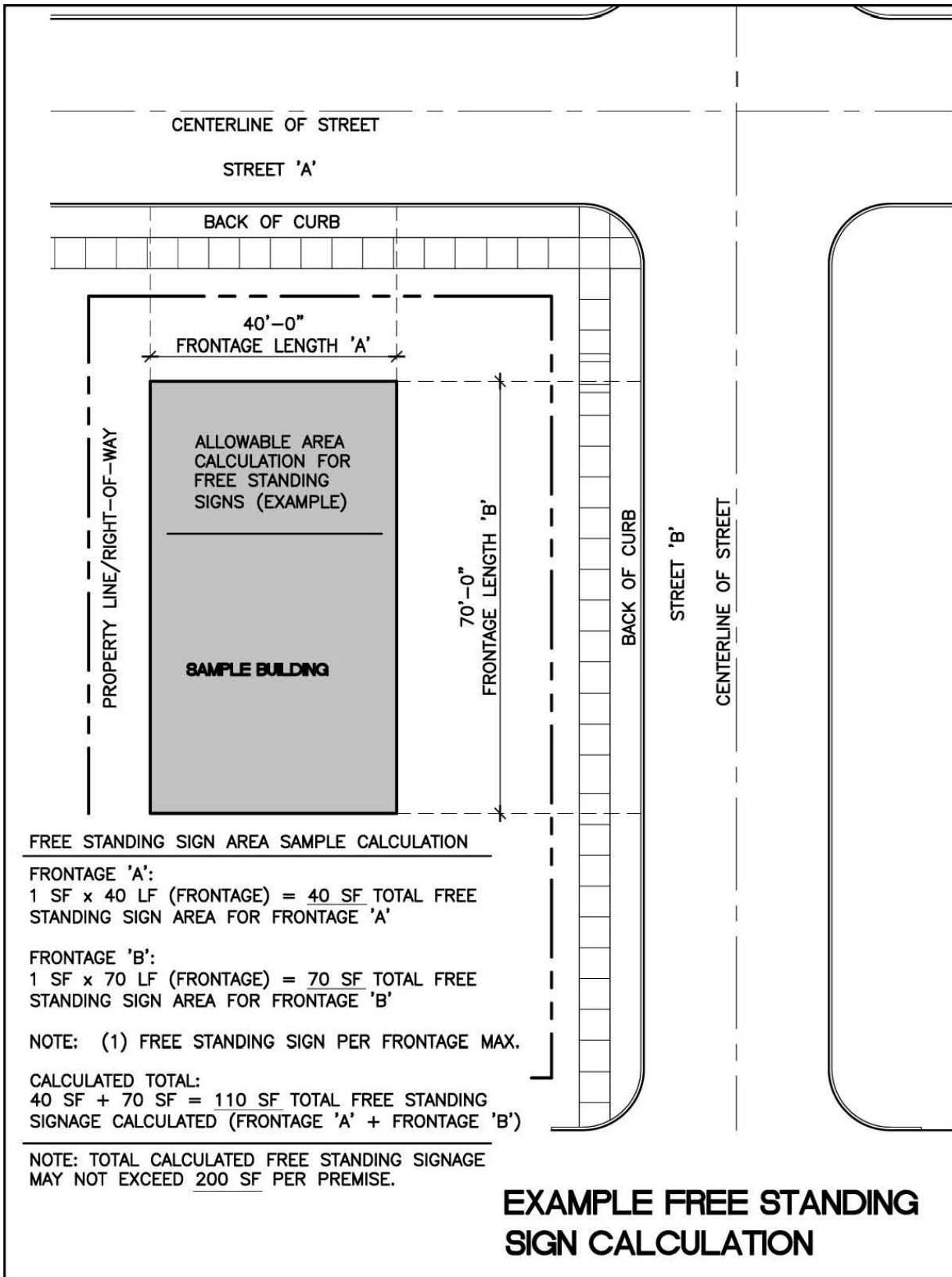
- D. **Administrative authority.** The Director of Planning and Community Development is granted authority to perform an administrative review and make appropriate decisions to allow some flexibility in individual nonconforming situations where the strict interpretation and application of the code will be unworkable for the property owner and/or tenants. All decisions must be consistent with the overall goal of bringing nonconforming signage closer to compliance and should be consistently applied to similar circumstances.
- E. **Removal.** The Director of Planning and Community Development may order the removal of any sign, or sign structure, that is not in compliance with the provisions of this chapter.
  - 1. Removal is the responsibility of the owner of the sign or the property owner.
  - 2. Failure of the property owner or sign owner to comply with the removal notice will result in the removal of the sign by the City. Removal costs and administrative fees will be assessed against the property.

#### **17.060.9.020 Nonconforming Billboards**

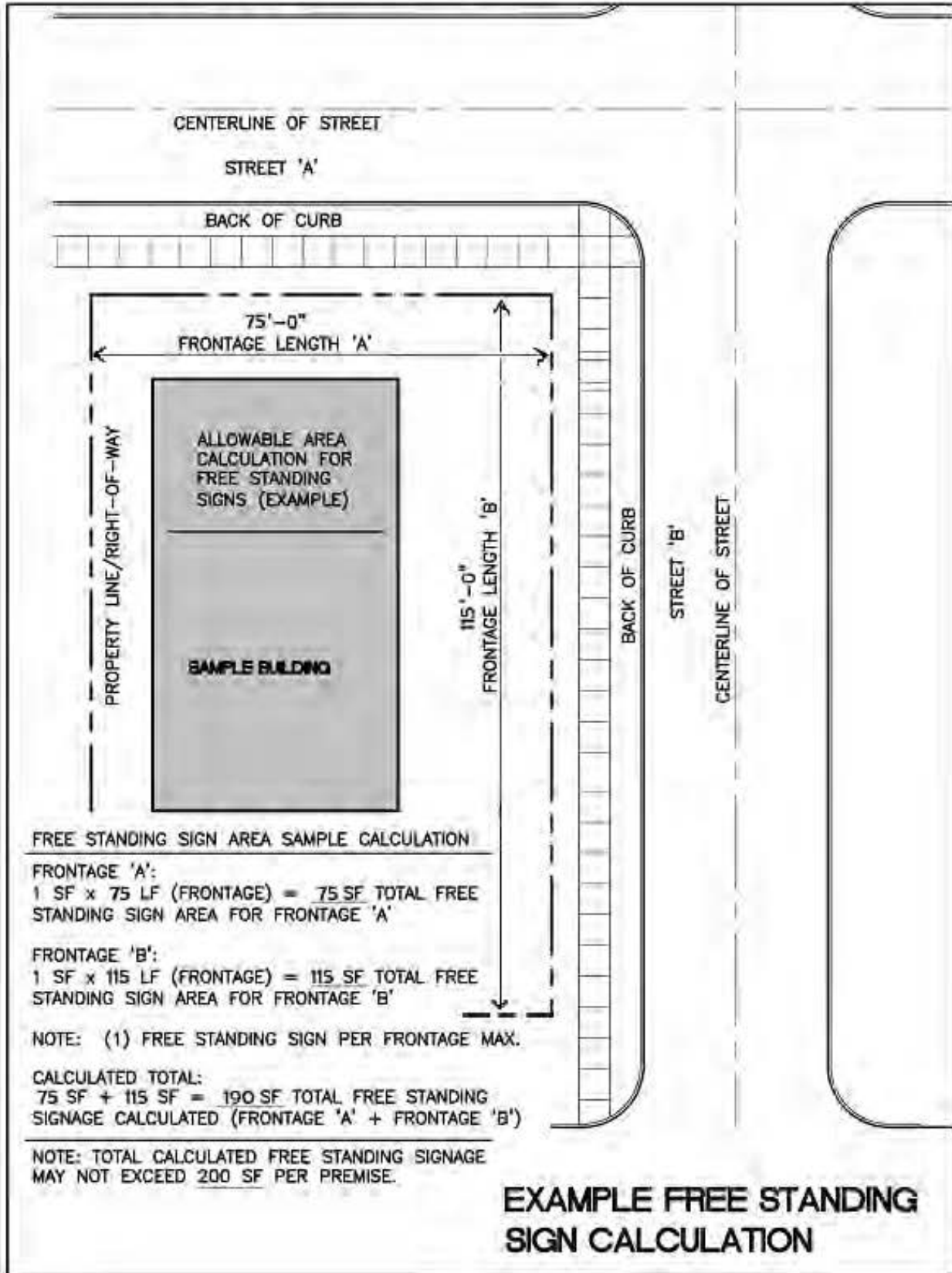
Billboard signs that do not conform to the provisions of this code, but were legally constructed and permitted at the time of their installation shall be considered legally nonconforming and allowed to remain subject to the following:

- A. **Downsizing required.** Nonconforming billboards exceeding height and area limitations specified in this code must be downsized to meet requirements of area and height specified in this code by December 31, 2015, or be removed by the sign owner or the property owner. This is not intended to eliminate legally sanctioned side-by-side billboards.
- B. Any nonconforming billboard sign destroyed or damaged beyond fifty (50) percent of its replacement value for any cause whatsoever shall be reconstructed only in compliance with all provisions of this chapter or be removed by the sign owner or property owner.
- C. In no case may a billboard be repaired or maintained resulting in substantial upgrading or replacement of the structural support of the billboard that would extend the life of the structure. Substantial upgrading may include, but is not limited to, conversion from wood to steel support structure or a conversion from a multi-pole to a single-pole structure.
- D. A non-illuminated billboard may be illuminated provided it is not non-conforming because of its proximity to a residential area or its location within an entry or scenic corridor pursuant to 17.60.5.020.B.
- E. Any signs on property annexed to the City of Great Falls after the effective date of this chapter are subject to all the provisions of this code.

# Exhibit 60-11 (ORIGINAL)



# Exhibit 60-11 (CORRECTED)



**FREE STANDING SIGN AREA SAMPLE CALCULATION**

FRONTAGE 'A':  
 $1 \text{ SF} \times 75 \text{ LF (FRONTAGE)} = 75 \text{ SF TOTAL FREE STANDING SIGN AREA FOR FRONTAGE 'A'}$

FRONTAGE 'B':  
 $1 \text{ SF} \times 115 \text{ LF (FRONTAGE)} = 115 \text{ SF TOTAL FREE STANDING SIGN AREA FOR FRONTAGE 'B'}$

NOTE: (1) FREE STANDING SIGN PER FRONTAGE MAX.

CALCULATED TOTAL:  
 $75 \text{ SF} + 115 \text{ SF} = 190 \text{ SF TOTAL FREE STANDING SIGNAGE CALCULATED (FRONTAGE 'A' + FRONTAGE 'B')}$

NOTE: TOTAL CALCULATED FREE STANDING SIGNAGE MAY NOT EXCEED 200 SF PER PREMISE.

## EXAMPLE FREE STANDING SIGN CALCULATION

**Chapter 64**  
**NONCONFORMITIES**

**17.64.020 Nonconforming uses**

A. **Generally.** A nonconforming use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. **Change or expansion of nonresidential uses.**

a. A nonconforming nonresidential use may be changed to another nonconforming nonresidential use, or may be increased or expanded, if the **Planning and Community Development** Director determines the application for the proposed, expanded or increased use meets the following criteria, without requiring or requesting any dimensional, lighting, parking, landscaping or other similar variance:

1. The off-street parking and loading requirements for and traffic generated by the proposed, expanded or increased use do not exceed that of the existing or most recent use.
2. The proposed use is permitted in the same zoning district in which the existing or most recent use is first permitted in Table 20-4 of Chapter 20 to this Title. For the purposes of this Chapter, “first permitted” shall mean the first zoning district in Table 20-4 in which a “P” occurs, when reading the table from left to right.
3. The intensity of onsite and offsite impacts from noise, dust, smoke and other environmental impacts associated with the proposed, expanded or increased use is equal to or less than that associated with the existing or most recent use.

Such application may require a fee, as may be established by the City Commission. (Ord. 2950, 2007)

b. Alternatively, a nonconforming, nonresidential use may also be changed to another nonconforming use, or may be increased or expanded, through a conditional use permit procedure as set forth in Chapter 16. (Ord. 2950, 2007)

2. **Expansion of residential uses.** The expansion of nonconforming residential dwellings is allowed, in compliance with applicable building codes, up to 20% of the existing total residential area, as long as the number of dwelling units on the lot is not increased.
3. **Change of location.** A nonconforming use shall not be moved in whole or in part to any other portion of the lot or to another structure than what was occupied at the effective date of this title or any amendment thereto which creates said nonconforming use.
4. **Discontinuance of use.** If a nonconforming use ceases for any reason for more than 24 months, any subsequent use shall conform with this Title.

**17.64.030 Nonconforming structures**

A. **Generally.** A nonconforming structure may continue so long as it remains otherwise lawful, subject to the following provisions:

1. **Change in extent.** A nonconforming structure shall not be enlarged or altered in a way to increase its nonconformity.
2. **Conformance required if moved.** If a nonconforming structure is moved for any reason for any distance, it shall thereafter conform with this Title.
3. A nonconforming structure that is removed, razed or damaged by fire or other cause **shall be rebuilt in conformance with this Title to the maximum extent feasible. If it is determined that it is not feasible for the structure to be rebuilt in conformance with this title the structure** may be rebuilt on the structure’s original foundation or on a new foundation in the same location. Construction must be completed within 24 months of the date of such damage, removal or razing. If repair or rehabilitation does not occur within 24 months, the structure shall be reconstructed only in conformance with this Title without resort to variance.

B. **Unsafe conditions, ordinary maintenance, and remodeling.** Nothing in this chapter shall be deemed to

prevent the strengthening or restoring to a safe condition of any structure or part thereof, ordinary repair and maintenance, or remodeling.

#### **17.64.040 Nonconforming signs**

##### **A. Compliance.**

1. Except as otherwise provided in this chapter, all signs and supporting structures which do not conform to the provisions of this Code, but were constructed in compliance with previous regulations, shall be regarded as nonconforming. Nonconforming signs may remain until December 31, 2015, if such signs are properly repaired and maintained as required by Section 17.60.7.090.
2. The copy face of a sign may be changed or altered in any manner which does not require structural alteration, subject to the permit requirements of this Code, until December 31, 2012. After December 31, 2012, any sign change, including copy change, shall require compliance with the provisions of the Sign Code.
3. Any sign user may file for an exemption as set forth in subsection B below (“grandfather” exemption), and the provisions of that subsection B shall govern. However, neither this subsection nor subsection B provides any right of continuance after the adoption of the Sign Code of those types of signs specifically prohibited in Section 17.60.2.010, with the exception of roof signs. Grandfather exemptions will not be granted to freestanding signs that overhang or encroach into the public right of way or overhang or encroach upon adjoining property.

##### **B. Grandfather exemption.**

1. Signs that exceed the code for size and/or height for which an exemption has been filed as set out below may remain in perpetuity, provided the sign is properly maintained and is not changed in any manner, either structurally or copy changes. Any sign which is so changed shall be brought into immediate compliance with all provisions of this Code. This code would allow a change in the name of a tenant on a multi-tenant identification sign without loss of the grandfather exemption.
2. A grandfather exemption may be obtained by the sign owner or user by filing for such an exemption with the Community Development Department on or before July 1, 2006, or as provided in subsections C below. Each application for exemption must be accompanied with a color photograph, dimensions and location of each sign for which the exemption is sought, and in such form as may be prescribed by the department. A fifty (50) dollar fee per premise plus ten (10) dollars per sign to be exempted, shall be levied for each application to help cover processing costs.

##### **C. Change of nonconforming sign.** Any nonconforming sign which is structurally altered, relocated (on the same or another lot) or replaced shall immediately comply with all provisions of this Code. Any signs, which is accidentally damaged or destroyed may be repaired or replaced within sixty (60) days to the sign’s original condition subject to the permit requirement of this Code.

##### **D. Administrative authority.** The Director of Community Development is granted authority to perform an administrative review and make appropriate decisions to allow some flexibility in individual nonconforming situations where the strict interpretation and application of the code will be unworkable for the property owner and/or tenants. All decisions must be consistent with the overall goal of bringing nonconforming signage closer to compliance and should be consistently applied to similar circumstances.

##### **E. Removal.** The Director of Community Development may order the removal of any sign, or sign structure, that is not in compliance with the provisions of this chapter.

3. Removal is the responsibility of the owner of the sign or the property owner.
4. Failure of the property owner or sign owner to comply with the removal notice will result in the removal of the sign by the City. Removal costs and administrative fees will be assessed against the property.

**17.64.050 — Nonconforming billboards**

Billboard signs that do not conform to the provisions of this code, but were legally constructed and permitted at the time of their installation shall be considered legally nonconforming and allowed to remain subject to the following:

- A. ~~Downsizing required. Nonconforming billboards exceeding height and area limitations specified in this code must be downsized to meet requirements of area and height specified in this code by December 31, 2015, or be removed by the sign owner or the property owner. This is not intended to eliminate legally sanctioned side-by-side billboards.~~
- B. ~~Any nonconforming billboard sign destroyed or damaged beyond fifty (50) percent of its replacement value for any cause whatsoever shall be reconstructed only in compliance with all provisions of this chapter or be removed by the sign owner or property owner.~~
- C. ~~In no case may a billboard be repaired or maintained resulting in substantial upgrading or replacement of the structural support of the billboard that would extend the life of the structure. Substantial upgrading may include, but is not limited to, conversion from wood to steel support structure or a conversion from a multi-pole to a single pole structure.~~
- D. ~~A non-illuminated billboard may be illuminated provided it is not non-conforming because of its proximity to a residential area or its location within an entry or scenic corridor pursuant to 17.60.5.210.~~
- E. ~~Any signs on property annexed to the City of Great Falls after the effective date of this chapter are subject to all the provisions of this code.~~



## Chapter 68

### TIMING OF IMPROVEMENTS, IMPROVEMENT AGREEMENTS, AND DEDICATIONS

#### 17.68.040 Improvement agreements

- A. **City Attorney approval.** The improvement agreement and form of financial security shall be satisfactory to the City Attorney.
- B. **Amount of security.** The amount of the financial security shall be the total cost of the improvements subject to the agreement, as estimated by a registered professional engineer, or other qualified professional as appropriate, plus 35 percent. The City Engineer may require the developer to submit a second cost estimate from another source to verify the cost of the improvements.
- C. **Content.** An improvement agreement shall contain the following:
  - 1. A list of all on-site and off-site improvements subject to the agreement.
  - 2. Detailed construction plans and cost estimates for the improvements subject to the agreement. A registered professional engineer shall prepare the plan and estimates for all work elements requiring engineering. Other professionals, as appropriate, shall prepare plans and estimates for those work elements not requiring engineering.
  - 3. A timetable for completing each of the improvements subject to the agreement.
  - 4. A description of the type of financial security used to secure the completion of the improvements subject to the agreement.
  - 5. A provision allowing the City to claim the financial security when the developer has not satisfactorily completed the improvements by the date specified in the agreement or has not otherwise complied with the terms of the agreement.
  - 6. The financial security shall be released in full only upon submission of as-built plans when required and written certification by a registered professional engineer, or other qualified professional, that the improvements have been installed in accordance with the development approval and other applicable provisions of this Title.
  - 7. A provision stating that the City may release a portion of the financial security in an amount equal to 135 percent of the estimated cost of the improvement that has been satisfactorily completed.
  - 8. A provision that the developer indemnifies, defends, and holds the City, its employees, agents and assigns harmless from and against any and all liabilities, loss, claims, causes of action, judgements and damages resulting from or arising out of the execution of the improvement agreement.
  - 9. A provision stating that if the developer has not satisfactorily completed the improvements by the date specified in the agreement, the City can use a portion of the security as reimbursement for time and expense in administering the installation and inspection of the improvements subject to the agreement,
  - 10. A provision stating that the City Engineer must inspect the improvements to verify compliance with the development approval and this Title before releasing the financial security, in whole or part.
  - 11. The term of the agreement.
  - 12. A provision allowing amendment with the written consent of all parties, provided the minimum requirements of this Title are satisfied.
  - 13. Any other provision deemed appropriate by the City to accomplish the purposes of this Title and to protect its interests.
  - 14. **A provision that the developer indemnifies and holds the City, its employees, agents, and assigns harmless for and against all claims, attorney fees, judgments, demands and/or liability of every kind and nature, arising out of, or attributable to soil conditions and/or groundwater associated with the property being developed.**

**Appendix F**  
**LAND USE DEFINITIONS**

“Residence, two-family” means a ~~single building~~ **or buildings** ~~that is~~ situated on one lot ~~and~~ that contains a **total of 2** dwelling units.

“Retirement home” means a place and/or building, or portion thereof, that is used or is intended to provide ~~independent~~ living quarters, ~~either owned or rented, to~~ **for** individuals generally 62 years of age or older. Limited commercial and medical facilities constructed and used for the exclusive use of residents shall be an accessory use of the retirement home. **The term includes assisted living facilities wherein skilled or intermediate nursing care is not provided on a full time basis.**

**“Adult foster care home” means a private home or other facility that offers only light personal care or custodial care to four or fewer disabled adults or aged persons who are not related to the owner or manager of the home by blood, marriage, or adoption or who are not under the full guardianship of the owner or manager. (Source: 50-5-101, MCA)**

~~“Adult foster family care home” means a private residence owned by one or more individuals 18 years of age or older which offer light personal care or custodial care to disabled adults who are not related to the owner by blood or marriage or which offer light personal care or custodial care to aged individuals. (Source: 52-3-302 MCA)~~

“Day care center” means a place and/or building, or portion thereof, that is used or is intended to provide day care to children on a regular basis. **The operation may include pre-school services/activities.** (Source: 52-2-703, MCA) (Ord. 2950, 2007)

“Group day care home” means a private residence in which day care (meaning care is less than 24 hours per day) is provided to 7 to 12 children on a regular basis. **The operation may include pre-school services/activities.** (Source: 52-2-703, MCA)

“General sales” means a place and/or building, or portion thereof, that is used or is intended for retail sale of **goods, commodities, or products to the end consumer.** ~~a diverse product line. The term includes grocery stores, warehouse retail outlets, comparison shopping stores, full-line department stores, and the like.~~

“Shopping center” means more than one sales or service use built on a single site which is planned, developed, ~~owned,~~ and managed as an operating unit **and has an accumulated gross floor area exceeding 35,000 square feet on a site at least 2 acres in size. Typical features include one or more anchor tenant(s), freestanding buildings containing restaurants or other commercial uses, and on-site employee and customer parking.**

~~“Specialty sales” means a place and/or building, or portion thereof, that is used or is intended for retail sale of a limited product line. The term includes antique shops, furniture stores, auto part stores, bookstores, drug stores, clothing boutiques, pet stores, and the like.~~

“General repair” means a place and/or building, or portion thereof, that is used or is intended for the repair of consumer goods such as shoes, bicycles, appliances, business equipment, **small engines** and the like. The term does not include repair of vehicles or industrial equipment.

“Administrative government center” means a place and/or building, or portion thereof, that is used or is intended as a governmental office or administrative facility. The term includes post offices, courthouses, correctional **and related transitional** facilities, and the like.

“Educational facility (K-12)” means a place and/or building, or portion thereof, that is used or is intended for use as a preschool, kindergarten, elementary, junior high, or high school.

“Educational facility (higher education)” means any place and/or building, or portion thereof, that offers or is intended to provide secondary education. The term includes colleges, universities, community colleges, and vocational schools. **On campus housing and dormitories to accommodate enrolled students are considered an accessory use.**

**Exhibit A**  
**Summary of Proposed Amendments**  
**Land Development Code (Title 17)**

Title, Chapter, Article, Section	Proposed Amendment	Reason for Amendment
<b>17.8 Interpretations, Construction, and Definitions</b>		
17.8.120 General definitions		
	<p>“Administrative government center” means a place and/or building, or portion thereof, that is used or is intended as a governmental office or administrative facility. The term includes post offices, courthouses, correctional <b>and related transitional</b> facilities, and the like.</p>	Clarified/expanded definition
	<p>“Community residential facility” means any one of the following as defined:</p> <ul style="list-style-type: none"> <li>a. “Community group home” means a family-oriented residence that is designed to provide residential services for 2 to 8 individuals with severe disabilities and does not provide skilled or intermediate nursing care. The term does not preclude the provision of skilled or intermediate nursing care by third-person providers. (Source: 52-4-202, MCA)</li> <li>b. “Youth foster home” means a youth care facility licensed by the State in which one to 6 children or youth other than the foster parents' own children, stepchildren, or wards are given food shelter, security and safety, guidance, direction, and if necessary, treatment. (Source: 52-2-602, MCA)</li> <li>c. “Youth group home” means a youth care facility licensed by the State in which 7 to 12 children or youth are given food shelter, security and safety, guidance, direction, and if necessary, treatment. (Source: 52-2-602, MCA)</li> <li>d. “Halfway house” means a place and/or building, or portion thereof, that is used or is intended to provide treatment, rehabilitation, and prevention of chemical dependency. (Source: 53-24-103, MCA)</li> <li>e. <b>“Adult foster care home” means a private home or other facility that offers only light personal care or custodial care to four or fewer disabled adults or aged persons who are not related to the owner or manager of the home by blood, marriage, or adoption or who are not under the full guardianship of the owner or manager. (Source: 50-5-101, MCA)</b>  <del>“Adult foster family care home” means a private residence owned by one or more individuals 18 years of age or older which offer light personal care or custodial care to disabled adults who are not related to the owner by blood or marriage or which offer light personal care or custodial care to aged individuals. (Source: 52-3-302 MCA)</del> </li> </ul>	Clarified to reflect state definition

	“Day care center” means a place and/or building, or portion thereof, that is used or is intended to provide day care to children on a regular basis. <b>The operation may include pre-school services/activities</b> (Source: 52-2-703, MCA) (Ord. 2950, 2007)	Clarified definition
	“Educational facility (higher education)” means any place and/or building, or portion thereof, that offers or is intended to provide secondary education. The term includes colleges, universities, community colleges, and vocational schools. <b>On campus housing and dormitories to accommodate enrolled students are considered an accessory use.</b>	Clarified/expanded definition
	“General repair” means a place and/or building, or portion thereof, that is used or is intended for the repair of consumer goods such as shoes, bicycles, appliances, business equipment, <b>small engines</b> , and the like. The term does not include repair of vehicles or industrial equipment.	Clarified definition
	“General sales” means a place and/or building, or portion thereof, that is used or is intended for retail sale of <b>goods, commodities, or products to the end consumer. a diverse product line.</b> <del>The term includes grocery stores, warehouse retail outlets, comparison shopping stores, full-line department stores, and the like.</del>	Updated definition to reflect merger of this land use with “Specialty Sales” land use
	<b>“Institutional use” means a public and/or quasi-public land use typically engaged in community service, health care, or educational land uses including but not limited to: governmental facilities, worship facilities, community centers, K-12 and higher education facilities, and health care facilities.</b>	New Definition added to define a term used in the current code
	“Retirement home” means a place and/or building, or portion thereof, that is used or is intended to provide <del>independent</del> living quarters, <del>either owned or rented, to for</del> individuals generally 62 years of age or older. Limited commercial and medical facilities constructed and used for the exclusive use of residents shall be an accessory use of the retirement home. <b>The term includes assisted living facilities wherein skilled or intermediate nursing care is not provided on a full time basis.</b>	Modified definition to allow more flexibility
	“Shopping center” means more than one sales or service use built on a single site which is planned, developed, <del>owned</del> , and managed as an operating unit <b>and has an accumulated gross floor area exceeding 35,000 square feet on a site at least 2 acres in size. Typical features include one or more anchor tenant(s), freestanding buildings containing restaurants or other commercial uses, and on-site employee and customer parking.</b>	Modified definition for clarification
	“Specialty sales” means a place and/or building, or portion thereof, that is used or is intended for retail sale of a limited product line. <del>The term includes antique shops, furniture stores, auto part stores, bookstores, drug stores, clothing boutiques, pet stores, and the like.</del>	Removed land use (duplicate of “General Sales”)

## 17.12 Administrative and Enforcement Bodies

### 17.12.1 Planning Advisory Board

.070 Schedule of meetings	The board shall fix the time for holding regular meetings, but shall meet at least once <del>each</del> month during the year <b>in the months of January, April, July, and October.</b>	Revised to conform with Section 76-1-301, MCA
---------------------------	--	---

.090 Voting and quorum	B. Requirements for official action. <del>No action of the board shall be official unless authorized by 5 or more members of the board at a regular or properly called special meeting.</del> <b>Each decision of the board shall be approved by a majority vote of the members present at a meeting in which a quorum is in attendance and voting.</b>	Revised to conform with Section 76-1-304, MCA
<b>17.16 Administrative and Enforcement Procedures</b>		
17.16.27 Subdivision – final plat		
.040 Final plat form and content	C. Required content. The final plat shall include, at a minimum, the information as listed in Appendix A, <b>together with a statement that all prospective purchasers are advised to consult with and obtain the recommendation of a geotechnical engineer before initiating construction</b>	Required statement currently based upon policy. Addition will base required statement upon code.
17.16.32 Variance		
.070 Limitations on issuing a variance	The following actions shall not be allowed by a variance:  <ol style="list-style-type: none"> <li>1. expansion of a nonconforming use</li> <li>2. modification to lot or other requirements so as to increase the permitted density or intensity of use</li> <li>3. any project within a floodway that increases flood velocities or elevations</li> <li>4. continuation of an amortized sign</li> <li>5. <b>establishment of a use not permitted based upon the zoning classification assigned to subject property</b></li> </ol>	Addition to clarify that a use variance is prohibited
<b>17.20 Land Use</b>		
17.20.2 Zoning Districts and Zoning Map		
.040 Establishment and purpose of districts	R-9 Mixed residential. This district contains a mix of housing types including single-family, two-family, and multi-family dwellings. <b>All permitted existing residential densities in the R-9 district are considered to be conforming and are allowed to be re-established, if damaged. Any increase in density shall only be permitted as a conditional use.</b> New projects developing under this classification must be at least 5 acres in size and include a mix of housing types consistent with a set of prescribed standards.	Clarification
17.20.3 Exhibit 20-1 Principle uses by district		
	See Exhibit 20-1 below for changes	Certain primary uses have been reclassified as permitted and/or conditional for consistency with current staff practice
17.20.3 Exhibit 20-2 Accessory uses by district		

	See Exhibit 20-2 below for changes	Certain accessory uses have been reclassified as permitted and/or conditional for consistency with current staff practice
17.20.3 Exhibit 20-3 Temporary uses by district		
	See Exhibit 20-3 below for changes	Certain temporary uses have been reclassified as permitted and/or conditional for consistency with current staff practice
17.20.6 Special standards for principal uses		
.010 Mobile home parks	Q. Skirting. Skirting, footings, and piers shall comply with Title 15, Chapter 15.05 <del>10</del> , OCCGF. Each mobile home shall be skirted within 30 days of placement on the pad.	Corrects error in reference
17.20.7 Special standards for accessory uses		
.010 Agriculture, livestock	<del>17.20.7.010 Agriculture, livestock</del> A. <del>Enclosure required. Horses and cattle shall be kept within fences or other enclosures.</del> B. <del>Building setbacks. All buildings intended to house horses or cattle shall be located at least 50 feet from all property boundary lines.</del>	Removed redundant standards Applicable remaining special standards: Private stable/barn (17.20.7.080)
17.20.8 Special standards for temporary uses		
.020 Itinerant outdoor sales	A. Time limits. Itinerant outdoor sales shall observe the following time limitations: 1. Christmas trees November 15 through December 25 2. Fireworks <del>June 30</del> <b>July 2</b> through July 4 3. Other No more than 5 days in a month on a given parcel of land or more than 20 in a year	Changed to conform to Ordinance 2965
.060 Sidewalk food vendor	E. Posting of permits/ <b>licenses</b> . All permits/ <b>licenses</b> necessary to operate the vendor cart shall be posted on the cart in plain view.	Clarified to reflect current practice
<b>17.24 Subdivision and Platting</b>		
17.24.160 Street maintenance agreement		
	<del>17.24.160 Street maintenance agreement</del> When a street within a subdivision is to remain under private ownership, a street maintenance agreement shall be prepared and recorded consistent with Chapter 32 of this Title.	Addressed as part of the subdivision's home owner's association documents
<b>17.32 Transportation Facilities</b>		
17.32.030 Street classification		
B. Classification of existing streets	Existing streets are classified as documented in the "Great Falls Area Transportation Plan <del>2003</del> ", as may be amended from time to time.	Removed date to allow reference to the current Plan at any given time
17.32.080 Street layout considerations		

A. Consistency with growth policy and others	All new streets shall be consistent with the City’s adopted growth policy, the document entitled the “Great Falls Area Transportation Plan <del>2003</del> ”, and neighborhood plans that may be adopted, all of which may be amended from time to time.	Removed date to allow reference to the current Plan at any given time
17.32.090 Street design standards		
A. Guardrails	In areas of excessive fill or steep back slopes, roadside guardrail shall be installed consistent with the standards in <b>the latest version of “Roadside Design Guide”</b> ( <del>January 1996</del> ) as published by the American Association of State Highway and Transportation Officials (AASHTO).	Removed date to allow reference to most current version
17.32.170 Dedication of streets		
A.	Streets shall be dedicated to the City upon <del>completion, inspection, and acceptance by the City</del> <b>Commission approval of the plat of the subdivision describing subject streets and filing of the plat in the Cascade County Clerk and Records Office.</b>	Streets technically are dedicated upon filing of the plat of the subdivision
B.	Private streets may be allowed within developments that will remain under common ownership, provided they are designed and constructed pursuant to the standards as provided for in this chapter, <b>and</b> a homeowner’s association is formed to own <del>the parcel containing the streets and a street maintenance agreement is filed as provided for in this chapter.</del>	Maintenance addressed as part of the subdivision’s homeowner’s association documents, clarifies the streets do not need to be separate parcels
17.32.210 Sidewalks		
A. When required	Sidewalks shall be provided on both sides of public and private streets, but not alleys. In addition, sidewalks shall be constructed <del>within a development</del> when necessary to provide safe pedestrian access <b>to and circulation</b> within the project.	Clarified sidewalk requirement
17.32.240 Street name signs		
B. Sign appearance	When the street is a public street, street name signs shall be consistent with City standards. When the street is private, the developer may install alternate signs, provided <del>the street maintenance agreement includes</del> <b>there is</b> a mechanism for maintenance of the signs and the design is consistent throughout the project.	Element that could be addressed as part of the subdivision’s homeowner’s association documents
<b>17.36 Parking</b>		
17.36.2 Exhibit 36-2 Dimensional standards for standard and compact parking spaces		
	See Exhibit 36-2 below for changes	Corrected Curb Length dimensions that were in error
17.36.2 Exhibit 36-5 Layout of standard and van accessible parking spaces		
	See Exhibit 36-5 below for changes	Adjusted dimension to be consistent with Administrative Rules of Montana (ARM) building code guidelines
17.36.2.070 Accessible parking and passenger loading		
D. Dimensions	Accessible parking spaces shall be at least <del>96</del> <b>108</b> inches wide.	Adjusted dimension to be consistent with Administrative Rules of Montana (ARM) building code guidelines



17.36.3 Bicycle Parking		
.010.D Accessibility	Each parking space shall be accessible without moving another bicycle - generally, allowing for 2 feet by 6 feet for each bicycle parking space- <del>and P</del> providing an aisle at least 5 feet wide behind all bicycle parking to allow room for maneuvering.	Corrected sentence structure
<b>17.60 Sign Code</b>		
17.60.3 Exhibit 60-6 On Premise Signage Table		
	See Exhibit 60-6 below for changes	Modified for clarification
17.60.4 On Premise Signs		
.010 Residential, neighborhood commercial and central business periphery districts	The following on-premise signs are authorized for approved commercial uses in residential zoning districts ( <b>R-1, R-2, R-3, R-5, R-6, R-9 and R-10</b> ), neighborhood commercial ( <del>C-1</del> )-zoning districts ( <b>C-1</b> ), <del>and</del> central business periphery zoning districts ( <b>C-5</b> ), <b>mixed use zoning districts (M-1), public lands and institutional zoning districts (PLI) and parks and open space zoning districts (POS)</b> , subject to issuance of a sign permit. Home occupations, family day cares and the like, allowed in residential units are addressed in section 17.60.2.020.K of this Title and are not included in this section. Each commercial premise is limited to a maximum of fifty (50) square feet of total signage. If the premise houses multiple tenants, the owner is responsible for allocating signage amongst the separate tenants/businesses.	Clarifies existing regulation
.020 Commercial and industrial districts	The following on-premise signs are authorized on property <del>in zoned</del> -commercial <b>zoning districts (C-2 or C-3)</b> , or industrial <b>zoning districts (I-1, I-2 or AI)</b> subject to a sign permit. Property contained within the central business core <b>zoning district (C-4)</b> is regulated by Section 17.60.4.030 of this chapter. The Riverfront Corridor District is regulated by Section 17.60.4.040. Premises exceeding 50,000 square feet are regulated by Section 17.60.4.050.	Clarifies existing regulation
.030 Central business core district	The following on-premise signs are authorized on property within the central business core <b>zoning district (C-4)</b> . A sign permit is required.	Clarifies existing regulation
17.60.5 Off-Premise Signs		
.020.E. Maintenance and repair requirements	1. If the Director of <b>Planning and</b> Community Development finds that the billboard has deteriorated more than 50% of its replacement value, or is not repaired <del>within</del> the time specified in the repair notice, the Director will notify the owner of the billboard and the owner of the real property that the billboard is to be removed from the property within a specified time.	Corrects grammatical error

<p>.020.F. Legal nonconforming billboards</p>	<p><b>F. Legal nonconforming billboards.</b> Billboard signs that do not conform to the provisions of this Code, but that were legally constructed and permitted at the time of its installation are considered legally noneonforming and may remain subject to the following:</p> <ol style="list-style-type: none"> <li>1. <del>Nonconforming billboards exceeding height and area limitations specified in the Code must be downsized to meet requirements of area and height specified in this Code by December 31, 2015, or be removed by the sign owner or the property owner. This does not apply to existing side-by-side faces.</del></li> <li>2. <del>Any nonconforming billboard sign destroyed or damaged beyond 50% of its replacement value for any cause whatsoever will be reconstructed in compliance with all provisions of this Code or be removed by the sign owner or property owner.</del></li> <li>3. <del>In no case may a billboard be repaired or maintained by substantially upgrading or replacing its structural supports. Substantial upgrading may include, but is not limited to, converting from wood to steel structure or a change from a multi-pole to a single-pole structure.</del></li> <li>4. <del>A non-illuminated billboard may be illuminated provided the subject billboard is not nonconforming because of its proximity to a residential area or its location within an entry or scenic corridor pursuant to 17.60.5.210.B.</del></li> <li>5. <del>Property annexed to the City of Great Falls after the effective date of this chapter is subject to all the provisions of this Code.</del></li> </ol>	<p>Relocated to Section 17.60.9.020 of the Sign Code</p>
<p>17.60.9 Nonconforming Signs</p>		

**.010  
Nonconforming  
signs**

**A. Compliance.**

1. Except as otherwise provided in this chapter, all signs and supporting structures which do not conform to the provisions of this Code, but were constructed in compliance with previous regulations, shall be regarded as nonconforming. Nonconforming signs may remain until December 31, 2015, if such signs are properly repaired and maintained as required by Section 17.60.7.090.
2. The copy face of a sign may be changed or altered in any manner which does not require structural alteration, subject to the permit requirements of this Code, until December 31, 2012. After December 31, 2012, any sign change, including copy change, shall require compliance with the provisions of the Sign Code.
3. Any sign user may file for an exemption as set forth in subsection B below (“grandfather” exemption), and the provisions of that subsection B shall govern. However, neither this subsection nor subsection B provides any right of continuance after the adoption of the Sign Code of those types of signs specifically prohibited in Section 17.60.2.010, with the exception of roof signs. Grandfather exemptions will not be granted to freestanding signs that overhang or encroach into the public right-of-way or overhang or encroach upon adjoining property.

**B. Grandfather exemption.** Signs that have been granted a grandfather exemption by the City of Great Falls on or before July 1, 2006, may remain in perpetuity, provided the sign is properly maintained and is not changed in any manner, either structurally or copy changes. Any sign which is so changed shall be brought into immediate compliance with all provisions of this Code. Changes in the name of a tenant on a multi-tenant identification sign may be made without loss of the grandfather exemption.

**C. Change of nonconforming sign.** Any nonconforming sign that is structurally altered, relocated (on the same or another lot) or replaced shall immediately comply with all provisions of this Code. Any sign that is accidentally damaged or destroyed may be repaired or replaced within sixty (60) days to the sign’s original condition subject to the permit requirement of this Code.

**D. Administrative authority.** The Director of Planning and Community Development is granted authority to perform an administrative review and make appropriate decisions to allow some flexibility in individual nonconforming situations where the strict interpretation and application of the code will be unworkable for the property owner and/or tenants. All decisions must be consistent with the overall goal of bringing nonconforming signage closer to compliance and should be consistently applied to similar circumstances.

**E. Removal.** The Director of Planning and Community Development may order the removal of any sign, or sign structure, that is not in compliance with the provisions of this chapter.

1. Removal is the responsibility of the owner of the sign or the property owner.
2. Failure of the property owner or sign owner to comply with the removal notice will result in the removal of the sign by the City. Removal costs and administrative fees will be assessed against the property.

With the purpose of consolidating all sign regulations in one chapter, these provisions are relocated from Section 17.64.040

<p>.020 Nonconforming billboards</p>	<p><b>17.60.9.020 Nonconforming billboards</b>  <b>Billboard signs that do not conform to the provisions of this code, but were legally constructed and permitted at the time of their installation shall be considered legally nonconforming and allowed to remain subject to the following:</b></p> <p><b>A. Downsizing required. Nonconforming billboards exceeding height and area limitations specified in this code must be downsized to meet requirements of area and height specified in this code by December 31, 2015, or be removed by the sign owner or the property owner. This is not intended to eliminate legally sanctioned side-by-side billboards.</b></p> <p><b>B. Any nonconforming billboard sign destroyed or damaged beyond fifty (50) percent of its replacement value for any cause whatsoever shall be reconstructed only in compliance with all provisions of this chapter or be removed by the sign owner or property owner.</b></p> <p><b>C. In no case may a billboard be repaired or maintained resulting in substantial upgrading or replacement of the structural support of the billboard that would extend the life of the structure. Substantial upgrading may include, but is not limited to, conversion from wood to steel support structure or a conversion from a multi-pole to a single-pole structure.</b></p> <p><b>D. A non-illuminated billboard may be illuminated provided it is not non-conforming because of its proximity to a residential area or its location within an entry or scenic corridor pursuant to 17.60.5.020.B.</b></p> <p><b>E. Any signs on property annexed to the City of Great Falls after the effective date of this chapter are subject to all the provisions of this code.</b></p>	<p>Relocated from Section 17.60.5.020.F of the Sign Code</p>
<p><b>17.64 Nonconformities</b></p>		
<p>17.64.030 Nonconforming structures</p>		
<p>A. Generally</p>	<p>3. A nonconforming structure that is removed, razed or damaged by fire or other cause <b>shall be rebuilt in conformance with this Title to the maximum extent feasible. If it is determined that it is not feasible for the structure to be rebuilt in conformance with this title the structure</b> may be rebuilt on the structure's original foundation or on a new foundation in the same location. Construction must be completed within 24 months of the date of such damage, removal or razing. If repair or rehabilitation does not occur within 24 months, the structure shall be reconstructed only in conformance with this Title without resort to variance.</p>	<p>Modified to reflect staff interpretation of best practices</p>
<p>17.64.040 Nonconforming signs</p>		

	<p><b>A.— Compliance.</b></p> <ol style="list-style-type: none"> <li>1.— Except as otherwise provided in this chapter, all signs and supporting structures which do not conform to the provisions of this Code, but were constructed in compliance with previous regulations, shall be regarded as nonconforming. Nonconforming signs may remain until December 31, 2015, if such signs are properly repaired and maintained as required by Section 17.60.7.090.</li> <li>2.— The copy face of a sign may be changed or altered in any manner which does not require structural alteration, subject to the permit requirements of this Code, until December 31, 2012. After December 31, 2012, any sign change, including copy change, shall require compliance with the provisions of the Sign Code.</li> <li>3.— Any sign user may file for an exemption as set forth in subsection B below (“grandfather” exemption), and the provisions of that subsection B shall govern. However, neither this subsection nor subsection B provides any right of continuance after the adoption of the Sign Code of those types of signs specifically prohibited in Section 17.60.2.010, with the exception of roof signs. Grandfather exemptions will not be granted to freestanding signs that overhang or encroach into the public right of way or overhang or encroach upon adjoining property.</li> </ol> <p><b>B.— Grandfather exemption.</b></p> <ol style="list-style-type: none"> <li>1.— Signs that exceed the code for size and/or height for which an exemption has been filed as set out below may remain in perpetuity, provided the sign is properly maintained and is not changed in any manner, either structurally or copy changes. Any sign which is so changed shall be brought into immediate compliance with all provisions of this Code. This code would allow a change in the name of a tenant on a multi tenant identification sign without loss of the grandfather exemption.</li> <li>2.— A grandfather exemption may be obtained by the sign owner or user by filing for such an exemption with the Community Development Department on or before July 1, 2006, or as provided in subsections C below. Each application for exemption must be accompanied with a color photograph, dimensions and location of each sign for which the exemption is sought, and in such form as may be prescribed by the department. A fifty (50) dollar fee per premise plus ten (10) dollars per sign to be exempted, shall be levied for each application to help cover processing costs.</li> </ol> <p><b>C.— Change of nonconforming sign.</b> Any nonconforming sign which is structurally altered, relocated (on the same or another lot) or replaced shall immediately comply with all provisions of this Code. Any signs, which is accidentally damaged or destroyed may be repaired or replaced within sixty (60) days to the sign’s original condition subject to the permit requirement of this Code.</p> <p><b>D.— Administrative authority.</b> The Director of Community Development is granted authority to perform an administrative review and make appropriate decisions to allow some flexibility in individual nonconforming situations where the strict interpretation and application of the code will be unworkable for the property owner and/or tenants. All decisions must be consistent with the overall goal of bringing nonconforming signage closer to compliance and should be consistently applied to similar circumstances.</p> <p><b>E.— Removal.</b> The Director of Community Development may order the removal of any sign, or sign structure, that is not in compliance with the provisions of this chapter.</p> <ol style="list-style-type: none"> <li>1.— Removal is the responsibility of the owner of the sign or the property owner.</li> <li>2.— Failure of the property owner or sign owner to comply with the removal notice will result in the removal of the sign by the City. Removal costs and administrative fees will be assessed against the property.</li> </ol>	<p>Relocated to Section 17.60.9.010 of the Sign Code</p>
17.64.050 Nonconforming billboards		

	<p>Billboard signs that do not conform to the provisions of this code, but were legally constructed and permitted at the time of their installation shall be considered legally nonconforming and allowed to remain subject to the following:</p> <p>A. <del>Downsizing required. Nonconforming billboards exceeding height and area limitations specified in this code must be downsized to meet requirements of area and height specified in this code by December 31, 2015, or be removed by the sign owner or the property owner. This is not intended to eliminate legally sanctioned side-by-side billboards.</del></p> <p>B. <del>Any nonconforming billboard sign destroyed or damaged beyond fifty (50) percent of its replacement value for any cause whatsoever shall be reconstructed only in compliance with all provisions of this chapter or be removed by the sign owner or property owner.</del></p> <p>C. <del>In no case may a billboard be repaired or maintained resulting in substantial upgrading or replacement of the structural support of the billboard that would extend the life of the structure. Substantial upgrading may include, but is not limited to, conversion from wood to steel support structure or a conversion from a multi-pole to a single-pole structure.</del></p> <p>D. <del>A non-illuminated billboard may be illuminated provided it is not nonconforming because of its proximity to a residential area or its location within an entry or scenic corridor pursuant to 17.60.5.210.</del></p> <p>E. <del>Any signs on property annexed to the City of Great Falls after the effective date of this chapter are subject to all the provisions of this code.</del></p>	<p>Deleted as these provisions will be addressed through Section 17.60.9.020 of the Sign Code</p>
--	--	---

**17.68 Timing of Improvements, Improvement Agreements, and Dedications**

17.68.040 Improvement agreements

C. Content	<p><b>14. A provision that the developer indemnifies and holds the City, its employees, agents, and assigns harmless for and against all claims, attorney fees, judgments, demands and/or liability of every kind and nature, arising out of, or attributable to soil conditions and/or groundwater associated with the property being developed.</b></p>	<p>Provision currently required based upon policy. Provision more legally defensible as part of the code.</p>
------------	---	---

**Appendix F Land Use Definitions**

	<p>“Residence, two-family” means a <del>single building or buildings</del> that is situated on one lot <del>and</del> that contains <b>a total of 2</b> dwelling units.</p>	<p>Allows 2 dwelling units on lot to be detached</p>
--	---	--

	<p>“Retirement home” means a place and/or building, or portion thereof, that is used or is intended to provide <del>independent</del> living quarters, <del>either owned or rented,</del> <del>to</del> <b>for</b> individuals generally 62 years of age or older. Limited commercial and medical facilities constructed and used for the exclusive use of residents shall be an accessory use of the retirement home. <b>The term includes assisted living facility wherein skilled or intermediate nursing care is not provided on a full time basis.</b></p>	Modified definition to allow more flexibility
	<p><b>“Adult foster care home” means a private home or other facility that offers only light personal care or custodial care to four or fewer disabled adults or aged persons who are not related to the owner or manager of the home by blood, marriage, or adoption or who are not under the full guardianship of the owner or manager. (Source: 50-5-101, MCA)</b></p> <p><del>“Adult foster family care home” means a private residence owned by one or more individuals 18 years of age or older which offer light personal care or custodial care to disabled adults who are not related to the owner by blood or marriage or which offer light personal care or custodial care to aged individuals. (Source: 52-3-302 MCA)</del></p>	Clarified to reflect state definition
	<p>“Day care center” means a place and/or building, or portion thereof, that is used or is intended to provide day care to children on a regular basis. <b>The operation may include pre-school services/activities.</b> (Source: 52-2-703, MCA)</p>	Clarified definition
	<p>“Group day care home” means a private residence in which day care (meaning care is less than 24 hours per day) is provided to 7 to 12 children on a regular basis. <b>The operation may include pre-school services/activities.</b> (Source: 52-2-703, MCA)</p>	Clarified definition
	<p>“Shopping center” means more than one sales or service use built on a single site which is planned, developed, <del>owned,</del> and managed as an operating unit <b>and has an accumulated gross floor area exceeding 35,000 square feet on a site at least 2 acres in size. Typical features include one or more anchor tenant(s), freestanding buildings containing restaurants or other commercial uses, and on-site employee and customer parking.</b></p>	Modified definition for clarification
	<p>“General sales” means a place and/or building, or portion thereof, that is used or is intended for retail sale of <b>goods, commodities, or products to the end consumer. a diverse product line.</b> <del>The term includes grocery stores, warehouse retail outlets, comparison shopping stores, full line department stores, and the like.</del></p>	Updated definition to reflect merger of this land use with “Specialty Sales” land use
	<p><del>“Specialty sales” means a place and/or building, or portion thereof, that is used or is intended for retail sale of a limited product line. The term includes antique shops, furniture stores, auto part stores, bookstores, drug stores, clothing boutiques, pet stores, and the like.</del></p>	Removed land use (duplicate of “General Sales”)
	<p>“General repair” means a place and/or building, or portion thereof, that is used or is intended for the repair of consumer goods such as shoes, bicycles, appliances, business equipment, <b>small engines,</b> and the like. The term does not include repair of vehicles or industrial equipment.</p>	Clarified definition

	<p>“Administrative government center” means a place and/or building, or portion thereof, that is used or is intended as a governmental office or administrative facility. The term includes post offices, courthouses, correctional <b>and related transitional</b> facilities, and the like.</p>	<p>Clarified/expanded definition</p>
	<p>“Educational facility (K-12)” means a place and/or building, or portion thereof, that is used or is intended for use as a <del>preschool</del>, <b>kindergarten</b>, elementary, junior high, or high school.</p>	<p>Clarified definition</p>
	<p>“Educational facility (higher education)” means any place and/or building, or portion thereof, that offers or is intended to provide secondary education. The term includes colleges, universities, community colleges, and vocational schools. <b>On campus housing and dormitories to accommodate enrolled students are considered an accessory use.</b></p>	<p>Clarified/expanded definition</p>





Exhibit 20-1. Principal uses by district - continued

	R-1	R-2	R-3	R-5	R-6	R-9	R-10	C-1	C-2	C-3	C-4	C-5	M-1	M-2	PLI	POS	GFIA	I-1	I-2	Special Standards
<b>Rental and General Repair</b>																				
Large equipment rental	-	-	-	-	-	-	-	-	C	C	-	-	-	-	-	-	P	P	P	
Small equipment rental	-	-	-	-	-	-	-	-	P	-	P	-	-	-	-	-	P	P	P	
General repair	-	-	-	-	-	-	-	P	P	-	P	P	-	-	-	-	P	P	P	
<b>Vehicle Trade and Service</b>																				
Vehicle fuel sales	-	-	-	-	-	-	-	C	P	P	P	P	-	-	-	-	P	P	-	17.20.6.120
Vehicle repair	-	-	-	-	-	-	-	-	P	P	C	P	-	-	-	-	P	P	-	
Vehicle sales and rental	-	-	-	-	-	-	-	-	P	P	P	P	-	-	-	-	P	P	-	
Vehicle services	-	-	-	-	-	-	-	C	P	P	P	P	C	P	-	-	P	P	-	
<b>General Storage</b>																				
Agricultural commodity storage facility	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	
Fuel tank farm	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	P	
Mini-storage facility	-	-	-	-	-	-	-	-	-	C	-	-	-	C	-	-	P	P	P	17.20.6.130
Freight terminal	-	-	-	-	-	-	-	-	-	C	-	-	-	-	-	-	P	P	P	
Warehouse	-	-	-	-	-	-	-	-	-	C	-	-	-	C	-	-	P	P	P	
<b>Indoor Recreation / Sports / Entertainment</b>																				
Casino, type I	-	-	-	-	-	-	-	-	P	-	P	-	-	-	-	-	P	P	P	17.20.6.140
Casino, type II	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	P	P	17.20.6.150
Indoor entertainment	-	-	-	-	-	-	-	-	P	-	P	C	C	C	C	-	P	-	-	
Indoor sports and recreation	-	-	-	-	-	-	-	-	P	-	P	C	C	C	C	C	P	P	-	
<b>Outdoor Recreation / Sports / Entertainment</b>																				
Golf course / driving range	C	C	C	C	C	-	-	-	-	-	-	-	-	-	-	P	P	-	-	
Miniature golf	-	-	-	-	-	-	-	-	P	C	-	-	-	C	-	-	P	C	-	
Outdoor entertainment	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	P	C	-	
Park	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Recreational trail	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
<b>Community Services / Uses</b>																				
Administrative governmental center	-	-	-	-	-	-	-	P	P	P	P	P	P	P	P	C	P	-	-	
Animal shelter	-	-	-	-	-	-	-	-	C	C	-	-	C	C	C	-	P	P	-	17.20.6.160
Cemetery	C	C	C	C	C	C	C	-	-	-	-	-	-	-	P	P	P	-	-	17.20.6.170
Civic use facility	C	C	C	C	C	C	C	-	P	-	P	P	P	P	P	C	-	-	-	
Community center	C	C	C	C	C	C	C	C	P	-	P	P	P	P	P	C	-	-	-	
Community cultural facility	C	C	C	C	C	C	C	P	P	-	P	P	P	P	P	C	-	-	-	
Community garden	P	C	C	C	C	C	C	-	-	-	-	-	P	P	P	P	P	C	C	
Public safety facility	C	C	C	C	C	C	C	C	P	C	P	P	P	P	P	-	P	P	-	
Worship facility	C	C	C	C	C	C	C	P	-	-	C	P	P	P	-	-	P	-	-	17.20.6.180
<b>Health Care</b>																				
Health care clinic	-	-	-	-	-	-	-	P	P	-	P	P	P	P	P	P	-	-	-	
Health care facility	-	-	-	-	-	-	-	-	P	-	P	P	C	C	C	P	-	-	-	
Health care sales and services	-	-	-	-	-	-	-	P	P	-	P	P	P	P	P	-	-	-	-	
<b>Education</b>																				
Commercial education facility	-	-	-	-	-	-	-	P	P	-	P	P	P	P	-	-	P	P	-	
Educational facility (K-12)	C	C	C	C	C	C	C	C	-	-	-	C	C	C	P	-	-	-	-	17.20.6.200
Educational facility (higher education)	-	-	-	-	-	-	-	C	C	-	-	C	C	C	C	P	-	P	-	
Instructional facility	-	-	-	-	-	-	-	P	P	-	P	P	P	P	-	-	P	P	-	

continued



**Exhibit 20-3. Temporary uses by district** (see 17.20.8.010 for Special Standards)

Use																			Specific	
	R-1	R-2	R-3	R-5	R-6	R-9	R-10	C-1	C-2	C-3	C-4	C-5	M-1	M-2	PLI	POS	GFIA	I-1	I-2	Standards
Garage sales	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-	P	P	17.20.8.015
Itinerant outdoor sales	-	-	-	-	-	-	-	-	P	P	-	-	-	P	-	-	C	C	-	17.20.8.020
On-site construction office	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	17.20.8.030
On-site real estate sales office	P	P	P	P	P	P	-	-	-	-	-	-	P	P	-	-	-	-	-	17.20.8.040
Outdoor entertainment, temporary	-	-	-	-	-	-	-	-	P	P	-	-	-	-	P	P	P	P	P	
Sidewalk café	-	-	-	-	-	-	-	P	P	-	P	P	P	P	C	C	-	-	-	17.20.8.050
Sidewalk food vendor	-	-	-	-	-	-	-	-	P	-	P	P	P	P	P	P	-	-	-	17.20.8.060

- The use is not permitted in the district

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

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

Exhibit 36-2. Dimensional standards for standard and compact parking spaces

Angle (a)	Parking Type	Stall Width (b)	Curb Length (c)	1-Way aisle Width (d)	2-Way aisle Width (d)	Stall Depth (e)
0°	Standard	9 ft.	22 ft. 6 in.	12 ft.	24 ft.	9 ft.
	Compact	8 ft.	19 ft. 6 in.	12 ft.	24 ft.	8 ft.
30°	Standard	10 ft.	18 ft. 20 in.	12 ft.	24 ft.	17 ft.
	Compact	8 ft.	15 ft. 6 in.	12 ft.	24 ft.	14 ft.
45°	Standard	10 ft.	12 ft. 6 in. 62 in.	12 ft.	24 ft.	19 ft.
	Compact	8 ft.	10 ft. 1 ft. 64 in.	12 ft.	24 ft.	16 ft.
60°	Standard	10 ft.	10 ft. 1 ft. 67 in.	18 ft.	24 ft.	20 ft.
	Compact	8 ft.	8 ft. 9 in. 63 in.	15 ft.	24 ft.	16 ft. 6 in.
90°	Standard	10 ft.	9 ft. 10 in. 6 in.	24 ft.	25 ft.	19 ft.
	Compact	8 ft.	7 ft. 8 in. 6 in.	22 ft.	24 ft.	15 ft.

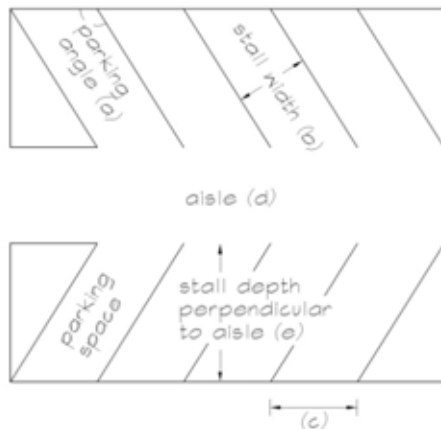
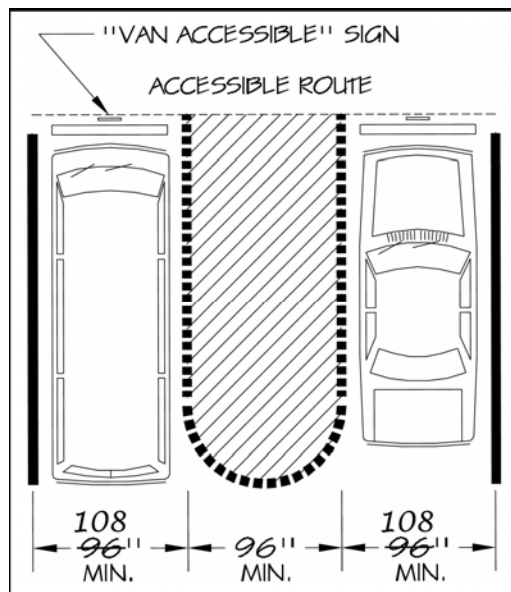


Exhibit 36-5. Layout of standard and van accessible parking spaces



# Exhibit 60-6

<b>ON PREMISE SIGNAGE TABLE</b>					
	NEIGHBORHOOD COMMERCIAL M-1, C-1, C-5, PLI, POS	COMMERICAL/ INDUSTRIAL C-2, C-3, I-1, I-2, AI (non-Riverfront)	CENTRAL BUSINESS CORE DISTRICT C-4	RIVERFRONT CORRIDOR M-2	PREMISES EXCEEDING 50,000 S.F. IN AREA
<b>TOTAL ALLOWANCE PER PREMISE (S.F.)</b>	50	Wall signage allowance plus 200	Wall signage allowance plus 100	Wall signage allowance plus 100	Wall signage allowance plus 300
<b>WALL Signs per Frontage Area</b>	1 (max 2 signs) 32 S.F. per sign	10% of building wall area per frontage	10% of building wall area per frontage	10% of building wall area per frontage	10% of building wall area per frontage
<b>FREE-STANDING POLE Signs per Frontage Area (S.F.)</b>	1 32 /sign	1 1 S.F./linear foot of premise frontage	1 1 S.F./linear foot of premise frontage	1 1 S.F./ linear foot of premise frontage	1 1 per premise frontage
<b>Height (FT)</b>	6	Max. 200 25	Max. 100 20	Max. 100 20	Max. 300 25
<b>PROJECTING Signs in Place of Wall or Free-standing Sign Maximum Area (S.F.)</b>	32	32	32	32	32



**Item:** Public Hearing – Ordinance 3057 providing minor amendments to Titles 2, 5, 8, 9, 10, 12, 13 and 15 of the Official Code of the City of Great Falls to reflect departmental changes and technical edits

**From:** Mike Haynes, Planning and Community Development Director

**Initiated By:** Planning and Community Development Department Staff

**Presented By:** Mike Haynes, Planning and Community Development Director

**Action Requested:** City Commission adopt/approve Ordinance 3057 providing minor amendments to Titles 2, 5, 8, 9, 10, 12, 13 and 15 of the Official Code of the City of Great Falls

---

**Public Hearing:**

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

**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission (adopt/deny) Ordinance 3057.”

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

**Background:** On January 1, 2010, the Planning Department and the Community Development Department were consolidated into the Planning and Community Development Department. Simultaneously, the Planning Director and Community Development Director positions were combined into the Planning and Community Development Director position.

Staff has reviewed the Official Code of the City of Great Falls (OCCGF) for amendments necessary to reflect the reorganization. During its review, staff also identified a few other minor amendments that should be made to reflect outdated or changed terminology. The recommended amendments are summarized as follows:

- All references to “Community Development Director” and “Director of Community Development” be changed to “Planning and Community Development Director”;
- All references to “Community Development Department”, “Office of Community Development” and “Department of Community Development” be changed to “Planning and Community Development Department”, and references to “Community Development staff” be changed to “Planning and Community Development Department staff”;
- Reference to “City-County Planning Board” be changed to “Planning Advisory Board” in Title 13, “Water and Sewer and Storm Drainage”;
- Title 2, Chapter 16, “Administrative Departments”, be revised to reflect the consolidation of the former Planning and Community Development Departments;
- All references to the “Assistant City Manager” be changed to “Deputy City Manager”;
- The zoning definitions in Title 8, Chapter 56, “Noise”, be updated to reflect current zoning district classifications; and,
- Miscellaneous typographical errors be corrected.

On July 20, 2010, the City Commission accepted Ordinance 3057 on first reading and set the Public Hearing for August 17, 2010. The Public Hearing was noticed on August 1, 2010 in the Great Falls Tribune and on the City of Great Falls website beginning on July 29, 2010.

**Concurrences:** The amendments proposed by Ordinance 3057 are a collaborative effort of the Planning and Community Development staff, and the City Manager concurs with the Deputy City Manager title change.

**Fiscal Impact:** Implementation of the amendments provided by Ordinance 3057 should not result in any increased cost to the City or the citizens of Great Falls.

**Alternatives:** The City Commission has the option of denying Ordinance 3057 or making modifications to the proposed amendments.

**Attachments/Exhibits:**

1. Ordinance 3057



ORDINANCE 3057

AN ORDINANCE AMENDING  
TITLES 2, 5, 8, 9, 10, 12, 13 AND 15 OF THE  
OFFICIAL CODE OF THE CITY OF GREAT FALLS  
TO REFLECT DEPARTMENTAL NAME CHANGES  
AND TECHNICAL EDITS

\* \* \* \* \*

WHEREAS, on January 1, 2010, the Planning Department and the Community Development Department were consolidated into the Planning and Community Development Department; and,

WHEREAS, on January 1, 2010, the Planning Director and Community Development Director positions were combined into the Planning and Community Development Director position; and,

WHEREAS, the position of Assistant City Manager has been reclassified as Deputy City Manager; and,

WHEREAS, the Official Code of the City of Great Falls (OCCGF) contains numerous references to the Community Development Department and Community Development Director, as well as reference to Assistant City Manager; and,

WHEREAS, certain definitions in Title 8, Chapter 56, "Noise", OCCGF, include zoning districts that were superseded in 2007 with the adoption of Title 17, "Land Development Code", OCCGF; and,

WHEREAS, notice of amending the OCCGF was published in the Great Falls Tribune, advising that a public hearing on these proposed amendments would be held on the 17th day of August, 2010, before final passage of said Ordinance herein.

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

Section 1. That Titles 2, 5, 8, 9, 10, 12, 13 and 15 of the OCCGF be amended as depicted in Exhibit "A" which removes any language indicated by a strike-out and adds any language which is bolded.

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

APPROVED by the City Commission on first reading July 20, 2010.

PASSED, APPROVED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on second reading August 17, 2010.

---

Michael J. Winters, Mayor

ATTEST:

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

(CITY SEAL)

APPROVED FOR LEGAL CONTENT:

\_\_\_\_\_  
James W. Santoro, 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 3057 in three conspicuous places within the limits of said City to-wit:

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

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

(CITY SEAL)

EXHIBIT “A”

TO

ORDINANCE 3057

AN ORDINANCE AMENDING  
TITLES 2, 5, 8, 9, 10, 12, 13 AND 15 OF THE  
OFFICIAL CODE OF THE CITY OF GREAT FALLS  
TO REFLECT DEPARTMENTAL NAME CHANGES  
AND TECHNICAL EDITS

Title 2  
**ADMINISTRATION AND PERSONNEL**

**Chapter**

---

4	City Commission
8	City Manager
14	Municipal Court
16	Administrative Departments
18	Employee Holidays
20	Officer’s Bonds
22	Advisory Commission on International Relationships
26	Mansfield Center for the Performing Arts Advisory Board
28	Board of Adjustment (See OCCGF 17.12.5)
30	Design Review Board (See OCCGF 17.12.3)
32	Park and Recreation Board
36	Golf Advisory Board
40	Historic Preservation Advisory Commission (See OCCGF 17.12.4)
44	Loan Advisory Board
46	Planning Advisory Board (See OCCGF 17.12.1)
47	Zoning Commission (See OCCGF 17.12.2)
48	Parking Advisory Commission
50	Neighborhood Councils
52	Code of Ethics
54	Indemnification
56	Boards/Commissions Attendance

**Chapter 4**  
**CITY COMMISSION**

**Sections:**

- 2.4.010      Established
- 2.4.015      Salary

**2.4.010      Established**

The Charter establishes and promulgates the powers and duties of the City Commission. (Ord. 2652, 1993).

**2.4.015 Salary**

The salary of each Commissioner shall be \$312 per month. The salary of the Mayor shall be \$468 per month. (Ord. 2814, 2001; Ord. 2652, 1993; Ord. 2818, 1988)

**Chapter 8  
CITY MANAGER****Sections:**

2.8.010 Appointment - generally

**2.8.010 Appointment - generally**

The provisions for the appointment of a City Manager and his/her powers and duties are established by Charter. (Ord. 2652, 1993).

**Chapter 14  
MUNICIPAL COURT****Sections:**

2.14.010 Established  
2.14.020 Appeal to district court  
2.14.030 Municipal Court Judge  
2.14.040 Municipal Court Clerk

**2.14.010 Established**

The Municipal Court of the City of Great Falls, Montana, is hereby established pursuant to Title 3, Chapter 6, Montana Code Annotated (MCA). The Municipal Court shall be a court of record by electronic recording or stenographic transcription and shall assume continuing jurisdiction over all pending Municipal Court cases from and after February 1, 1998. (Ord. 2725, 1997; Ord. 2652, 1993).

**2.14.020 Appeal to district court**

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

- A. The amount of controversy exceeds \$200; or,
- B. The judgment includes incarceration; or,
- C. Upon petition of an aggrieved party, the District Court may, in the interests of justice, accept appellate jurisdiction notwithstanding the amount in controversy.

**2.14.030 Municipal Court Judge**

- A. There shall be one Municipal Court Judge elected to a four year term pursuant to Title 3, Chapter, 6, MCA. The qualifications of a Municipal Court Judge shall be as required by Montana law to include:
  1. The same qualifications as a judge of District Court as set forth in Article VII, Section 9, of the Montana Constitution except a Municipal Court Judge need only be admitted to the practice of law in Montana for at least two years prior to the date of the election; and,
  2. A Municipal Court Judge shall be a resident and voter in the City of Great Falls at the time of his or her election; and,
  3. A Municipal Court Judge shall be certified as provided in MCA 3-1-1502 to 3-1-1503, prior to assuming office.
- B. The salary of the Municipal Court Judge shall be set by resolution. (Ord. 2725, 1997; Ord. 2652, 1993; Ord. 2604, 1991; Ord. 2034, 1978; Ord. 1904 §6, 1976).

**2.14.040 Municipal Court Clerk**

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

**Chapter 16**  
**ADMINISTRATIVE DEPARTMENTS**

**Sections:**

2.16.010	Established	2.16.060	Fire Department
2.16.015	<del>Assistant Deputy</del> City Manager	2.16.070	Police Department
2.16.020	City Clerk	2.16.080	<b>Planning and</b> Community Development
Department			
2.16.030	Legal Department	2.16.090	Park and Recreation Department
2.16.045	Fiscal Services Department	<del>2.16.100</del>	<del>Planning Department</del>
2.16.050	Public Works Department		

**2.16.010            Established**

The administrative departments of the City are hereby established. Each department is subject to the control and supervision of the City Manager who may transfer, eliminate or add to department functions. (Ord. 2652, 1993; Ord. 2479 2(part), 1987).

**2.16.015            ~~Assistant Deputy~~ City Manager**

The City Manager shall appoint an ~~Assistant Deputy~~ City Manager who shall serve as acting City Manager in the absence of the City Manager assuming all responsibilities as outlined in the Charter. The ~~Assistant Deputy~~ City Manager shall oversee management of ~~the Great Falls Housing Authority and~~ the Human Resource and Budgeting functions of the City. The ~~Assistant Deputy~~ City Manager shall perform such other duties by direction of the City Manager or as required by law. (Ord. 2825, 2002).

**2.16.020            City Clerk**

The City Manager shall appoint a City Clerk who shall keep a history of the City of Great Falls, maintain public records and perform such other duties by direction of the City Manager or as required by law. (Ord. 2652, 1993).

**2.16.030            Legal Department**

A Department of Law is hereby created. The City Manager shall appoint a City Attorney, qualified under Montana law, to administer the Department of Law. The Department shall render legal services in all civil and administrative matters for the City and prosecute all charges in Municipal Court, and perform such other duties by direction of the City Manager or as required by law. (Ord. 2652, 1993; Ord. 2479 2(part), 1987).

**2.16.045            Fiscal Services Department**

A Fiscal Services Department is hereby created. The City Manager shall appoint a director to administer said Department. The Department shall render accounting, revenue collection, including utility billing, court receipts and accounts receivable, accounts payable, debt issuance, investment services, payroll, risk management and information processing services to the City and perform such other duties by direction of the City Manager or as required by law. (Ord. 2825, 2002; Ord. 2703, 1996.)

**2.16.050            Public Works Department**

A Public Works Department is hereby created. The City Manager shall appoint a Director to administer the Public Works Department. The Department shall administer capital improvements, maintenance, operations, and utilities and perform such other duties by direction of the City Manager or as required by law. (Ord. 2652, 1993; Ord. 2479 2(part), 1987).

**2.16.060            Fire Department**

A Fire Department is hereby created. The City Manager shall appoint a Fire Chief to administer the Fire Department. The Department shall provide fire fighting, rescue operation, fire investigation and fire prevention services for the City and perform such other duties by direction of the City Manager or as required by law. (Ord. 2652, 1993; Ord. 2479 2(part), 1987).

**2.16.070            Police Department**

A Police Department is hereby created. The City Manager shall appoint a Police Chief to administer the Police Department. The Department shall enforce the laws of the City and State to protect life and property; to control traffic; and perform such other duties by direction of the City Manager or as required by law. (Ord. 2652, 1993; Ord. 2479 2(part), 1987).

**2.16.080 Planning and Community Development Department**

A **Planning and Community Development Department** is hereby created. The City Manager shall appoint a Director to administer the **Planning and Community Development Department**. **The Department shall render land use and transportation planning services and facilitate, promote and ensure orderly land development in the City;** ~~The Department shall~~ facilitate, promote and ensure quality development in the City; administer related federal programs; provide a neighborhood council liaison; and perform such other duties by direction of the City Manager or as required by law. (Ord. 2727, 1997; Ord. 2652, 1993; Ord. 2479 2(part), 1987).

**2.16.090 Park and Recreation Department**

A Park and Recreation Department is hereby created. The City Manager shall appoint a Director to administer the Park and Recreation Department. The Department shall manage all parks and recreational facilities and programs; and, perform such other duties by direction of the City Manager or as required by law. (Ord. 2652, 1993; Ord. 2479 2(part), 1987).

~~**2.16.100 Planning Department**~~

~~A Planning Department is hereby created. The City Manager shall appoint a Director to administer the Planning Department. The Department shall render land use and transportation planning services and facilitate, promote and ensure orderly land development in the City; and, perform such other duties by direction of the City Manager or as required by law. (Ord. 2918, 2005).~~

**Chapter 18  
EMPLOYEE HOLIDAYS**

**Sections:**

2.18.010 Holidays listed

**2.18.010 Holidays listed**

- A. The employee holidays for all City employees are as follows:
  - 1. New Year’s Day, January 1;
  - 2. Martin Luther King Jr. Day, 3<sup>rd</sup> Monday in January;
  - 3. President’s Day, 3<sup>rd</sup> Monday in February;
  - 4. Memorial Day, last Monday in May;
  - 5. Independence Day, July 4;
  - 6. Labor Day, first Monday in September;
  - 7. Veterans Day, November 11;
  - 8. Thanksgiving Holiday, fourth Thursday and Friday in November;
  - 9. Christmas Day, December 25;
  - 10. Every day in which a general election is held throughout the State (General Election Day).
- B. Designated holidays falling on an employee’s regular days-off. Employees shall either be entitled to receive a day off with pay or the day preceding the holiday off on another day following the holiday in the same pay period. (Ord. 2781, 2000).

**Chapter 20  
OFFICER’S BONDS**

**Sections:**

2.20.010 Required-amount  
 2.20.020 Form  
 2.20.030 Conditions

**2.20.010 Required—amount**

Except when otherwise provided by law, all City employees, before discharging their official duties, for the duration of their term or employment, shall be bonded by the City for \$100,000. (Ord. 2652, 1993; Prior code §1-11-8).

**2.20.020 Form**

- A. Official bonds must be filed in the Human Resources Department.
- B. Unless otherwise provided, all official bonds must be joint and several and made payable to the City in such penalty and with such conditions as required in Section 2.20.030.
- C. The principal and sureties upon any official bond are also in all cases liable for the neglect, default or misconduct in office of any City employee. (Ord. 2652, 1993; Prior code §1-11-1).

**2.20.030 Conditions**

The condition of every official bond must be that the principal shall well, truly and faithfully perform all official duties then required by law and also such additional duties as may be imposed by any law of the State subsequently enacted, and by any law of the City subsequently enacted, and that the principal will account for and pay over and deliver to the person or officer entitled to receive the same all moneys or other properties that may come into the hands as such officer. (Ord. 2652, 1993; Prior code §1-11-4).

**Chapter 22**

**ADVISORY COMMISSION ON INTERNATIONAL RELATIONSHIPS**

**Sections:**

- 2.22.010 Creation
- 2.22.020 Purpose
- 2.22.030 Members
- 2.22.040 Duties

**2.22.010 Creation**

An Advisory Commission on International Relationships is hereby created to serve in an advisory capacity to the City Commission. (Ord. 2788, 2000).

**2.22.020 Purpose**

The purpose of the Advisory Commission shall provide support, coordination and exchange of information for international programs in the community. The group shall develop its own mission statement. (Ord. 2788, 2000).

**2.22.030 Members**

The Advisory Commission shall consist of nine to eleven members appointed by the City Commission. Each of the members shall be appointed to hold office for a period of three years and until a successor is appointed and qualified. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. All of the members of the Board shall serve without compensation, and are subject to removal by the City Commission for cause upon written charges and after public hearing. (Ord. 2863, 2004; Ord. 2788, 2000).

**2.22.040 Duties**

It shall be the duty of the Advisory Commission to:

- A. Provide support for the Sister Cities program in consultation and cooperation with its Board of Directors.
- B. Serve as a sounding board and a resource of advice and support for the Resource Cities partnership with Naryn. Help develop a program for continuation after the funded program ends.
- C. Develop resources for and help facilitate educational exchanges particularly at the higher education level.
- D. Facilitate the community wide exchange of information among international programs.
- E. Develop community resources to support international programs.
- F. Review and make recommendations; may prepare and submit proposals to the City Commission regarding international programs and relationships. (Ord. 2788, 2000).

**Chapter 26**

**MANSFIELD CENTER FOR THE PERFORMING ARTS ADVISORY BOARD**

**Sections:**



- 2.26.010 Creation
- 2.26.020 Purpose
- 2.26.030 Membership—appointment--compensation
- 2.26.040 Terms
- 2.26.050 Duties
- 2.26.060 Reporting

**2.26.010 Creation**

There is created a Mansfield Center for the Performing Arts Advisory Board, which shall hereafter be referred to as “Board.” (Ord. 2928, 2006; Ord. 2729, 1997).

**2.26.020 Purpose**

The Board shall advise the City Commission and City Manager on matters related to the successful operation of Mansfield Center for the Performing Arts including the use of the Theater, Convention Center, and meeting rooms as well as common areas and facility aesthetics. (Ord. 2928, 2006; Ord. 2729, 1997).

**2.26.030 Membership--appointment—compensation**

The Board shall consist of five (5) to seven (7) members appointed by the City Commission. The members shall serve without compensation. The City Commission shall attempt a balance in membership with representation from these areas: performing arts, conventions and meetings, and civic leaders. (Ord. 2928, 2006; Ord. 2813, 2001; Ord. 2729, 1997).

**2.26.040 Terms**

The staggered terms of office shall be three years. (Ord. 2928, 2006; Ord. 2729, 1997).

**2.26.050 Duties**

- A. The Board shall serve in an advisory capacity regarding the Mansfield Center for the Performing Arts and public meeting rooms.
- B. The Board shall assist in identifying funding strategies for a capital improvement plan and special events which may include fund-raising and foundation development.
- C. The duties of the Board shall not necessarily be limited to those items identified above. (Ord. 2928, 2006; Ord. 2729, 1997).

**2.26.060 Reporting**

The Board shall make available copies of regular-meeting minutes as well as an annual report to the City Commission and City Manager. (Ord. 2928, 2006; Ord. 2729, 1997).

**Chapter 28  
BOARD OF ADJUSTMENT**

**Sections:**

Repealed.  
(Ordinance 2958, 2007). See Title 17.12.5 Board of Adjustment

**Chapter 30  
DESIGN REVIEW BOARD**

**Sections:**

Repealed.  
(Ord. 2958, 2007) See Title 17.12.3 Design Review Board

**Chapter 32  
PARK AND RECREATION BOARD**

**Sections:**

- 2.32.010 Creation
- 2.32.020 Purpose
- 2.32.030 Membership-appointment-compensation
- 2.32.040 Term of office
- 2.32.050 Duties

**2.32.010 Creation**

A Park and Recreation Board is hereby created. (Ord. 2652, 1993; Prior code §2-4-1).

**2.32.020 Purpose**

The Board shall advise the City Commission and the City Manager on all matters related to the Park and Recreation program of the City, and exercises certain functions in regard to the disposition and acquisition of park land and/or facilities as set forth in Section 2.32.050. (Ord. 2652, 1993; Prior code §2-4-2).

**2.32.030 Membership--appointment—compensation**

The Board shall consist of seven members, residents of the City, appointed by the City Commission. The members shall serve without compensation. (Ord. 2652, 1993; Prior code 2-4-3).

**2.32.040 Term of office**

The staggered terms of office shall be three years from and after January 1st of the year of appointment. (Ord. 2652, 1993; Prior code 2-4-4).

**2.32.050 Duties**

The Board shall review and make recommendations and may prepare and submit proposals to the City Commission. (Ord. 2652, 1993).

**Chapter 36  
GOLF ADVISORY BOARD**

**Sections:**

- 2.36.010 Creation
- 2.36.020 Purpose
- 2.36.030 Memberships
- 2.36.040 Terms
- 2.36.050 Duties

**2.36.010 Creation**

A Golf Advisory Board is hereby created which shall hereafter be referred to as "Board." (Ord. 2652, 1993; Ord. 2648, 1993).

**2.36.020 Purpose**

The purpose of the Board shall be to consult with and advise the City Commission, City Manager, and Park and Recreation Department staff on all matters related to the operation of the municipal golf courses. (Ord. 2652, 1993).

**2.36.030 Memberships**

The Board shall consist of five members of the City who shall be appointed by the City Commission. Membership will consist of one member representing the City's Men's Golf Associations, one member representing the City's Women's Golf Association, one member representing the Malmstrom Golf Association and two members representing non-league golfers. The Chairman of the Park and Recreation Board or a designated representative from the Board will be an ex officio member of the Board. (Ord. 2652, 1993).

**2.36.040 Terms**

The term of office of each member of the Board shall be three years from and after March 1 of the year in which the member is appointed, except two members of the first Board who shall hold office for a period of two years from and after the first day of March 1, 1993. (Ord. 2652, 1993).

**2.36.050 Duties**

The Board shall serve in an advisory capacity regarding the operation of the municipal golf courses, specifically as regards to:

- A. Fees and charges, tournament requests policies, procedures, and rules;
- B. Capital improvements or projects;
- C. Promotion of usage at the golf courses;
- D. All other matters relating to the golf courses which may be assigned or requested by the City Commission or the City Manager. (Ord. 2652, 1993).

**Chapter 40**  
**HISTORIC PRESERVATION ADVISORY COMMISSION**

**Sections:**

Repealed

(Ord. 2958, 2007) See Title 17.12.4 Historic Preservation Advisory Board

**Chapter 44**  
**LOAN ADVISORY BOARD**

**Sections:**

- 2.44.010 Creation
- 2.44.020 Purpose
- 2.44.030 Members
- 2.44.040 Duties

**2.44.010 Creation**

A Loan Advisory Board is hereby created to serve in an advisory capacity to the City Commission. (Ord. 2652, 1993).

**2.44.020 Purpose**

The purpose of the Board shall be to consult with and advise the City Commission, City Manager and **Planning and Community Development Department** staff on matters related to changes to existing loans, primarily Tax Increment Loans. In addition, to advise on matters relating to lending funds for economic development. (Ord. 2652, 1993).

**2.44.030 Members**

The Board shall be ad-hoc and appointed by the City Commission when needed. (Ord. 2683, 1995; Ord. 2652, 1993).

**2.44.040 Duties**

It shall be the duty of the Board to review economic development proposals involving the use of available funds and make recommendations to the City Commission and City Manager. (Ord. 2652, 1993).

**Chapter 46**  
**PLANNING ADVISORY BOARD**

**Sections:**

Repealed.

(Ord. 2958, 2007) See Title 17.12.1 Planning Advisory Board

**Chapter 47**  
**ZONING COMMISSION**

**Sections:**

Repealed.

(Ord. 2958, 2007) See Title 17.12.2 Zoning Commission

**Chapter 48**  
**PARKING ADVISORY COMMISSION**

**Sections:**

- 2.48.010 Creation
- 2.48.020 Purpose
- 2.48.030 Members
- 2.48.040 Duties

**2.48.010 Creation**

A Parking Advisory Commission is hereby created to serve in an advisory capacity to the City Commission and City Manager. (Ord. 2652, 1993).

**2.48.020 Purpose**

The purpose of the Board shall be to consult with and advise the City Commission, City Manager, and **Planning and Community Development Department** staff on matters related to parking issues within the Parking Districts. (Ord. 2652, 1993).

**2.48.030 Members**

The Parking Advisory Commission shall consist of five members, residents of the City, appointed by the City Commission whose staggered terms shall be for three years. A sixth, ex-officio member, shall be appointed by the Business Improvement District. (Ord. 2683, 1995; Ord. 2652, 1993).

**2.48.040 Duties**

It shall be the duty of the Parking Advisory Commission to review the Great Falls Parking Program and make recommendations to the City Commission and City Manager. (Ord. 2652, 1993).

**Chapter 50  
NEIGHBORHOOD COUNCILS**

**Sections:**

- |          |                     |          |                                  |
|----------|---------------------|----------|----------------------------------|
| 2.50.010 | Establishment       | 2.50.060 | Organization                     |
| 2.50.020 | Purpose             | 2.50.070 | Bylaws                           |
| 2.50.030 | District boundaries | 2.50.080 | Open meetings and public records |
| 2.50.040 | Council elections   | 2.50.090 | Great Falls Citizen’s Council    |
| 2.50.050 | Duties and powers   | 2.50.100 | City resources                   |

**2.50.010 Establishment**

Pursuant to the Charter for the City of Great Falls, a program of neighborhood councils is hereby established. (Ord. 2727, 1997)

**2.50.020 Purpose**

The purpose of the neighborhood council program is to provide a means for the citizens of Great Falls to actively participate in their local government through a formal organization working at the neighborhood level.

**2.50.030 District boundaries**

- A. The City Commission shall divide the City of Great Falls into no less than nine (9) and no more than thirteen (13) neighborhood council districts. The residents of a district shall comprise the electorate for that district pursuant to the Great Falls City Charter.
- B. The district boundaries shall be established by a resolution of the City Commission.
- C. Neighborhood councils may petition the City Commission to amend district boundaries for good cause consistent with the purpose and intent of this chapter.

**2.50.040 Council elections**

- A. Each neighborhood district shall have a council comprised of five (5) resident members; who must live within their designated neighborhood council district for which they were elected, as defined in M.C.A. 1-1-251, for their term of office; such members shall be elected to two (2) year terms at the election held in conjunction with the City general election.
- B. Nominees for election to a neighborhood council must be qualified electors and residents of their designated neighborhood district. (Ord. 2968, 2007)

- C. The filing period for neighborhood council candidates shall close 45 days prior to the general election. Neighborhood council candidates are not subject to primary elections. (Ord. 2968, 2007)

**2.50.050 Duties and powers**

- A. The councils shall act in an advisory capacity to the City Commission, the City Manager and to other City advisory bodies. They may contribute information, opinions, advice, suggestions and recommendations to the City Commission, City Manager and other City advisory bodies on all governmental affairs and services having an effect on the area the neighborhood council represents. Topics and issues for council involvement may include, but are not limited to the following:
1. public finance;
  2. public works;
  3. public safety;
  4. social services;
  5. transportation;
  6. economic development;
  7. planning and zoning;
  8. public health and sanitation;
  9. parks and recreation;
  10. environmental issues.
- B. Neighborhood Councils may also work cooperatively in an advisory capacity with other governmental and quasi-governmental entities such as school districts, county government and the transit district.
- C. As advisory bodies, neighborhood councils shall not:
1. Appropriate or commit City resources;
  2. Enact or enforce City codes or ordinances;
  3. Engage in law enforcement;
  4. Assume a supervisory role or directorship over any City employee; nor
  5. Interfere in any way with a City employee in the performance of his/her duties.

**2.50.060 Organization**

- A. Each council shall organize with a chairman, secretary, and an official delegate to attend City Commission meetings.
- B. In the event of a vacancy on the council, the remaining members shall appoint a person eligible to hold the position to fill the vacancy until the next general election.
- C. Within thirty (30) days after each election, each neighborhood council shall meet to organize as provided in this section.
- D. Neighborhood councils are encouraged to involve business persons, young people, and other individuals who may not necessarily qualify as an elected council member.
- E. Neighborhood Councils and the Great Falls Citizen's Council are further encouraged to involve minorities, ethnic groups, community service organizations, environmental interest groups, and other like organizations to ensure broad participation in the neighborhood council program.

**2.50.070 By-Laws**

- A. Each council shall adopt by-laws prescribing additional duties of the council, meeting criteria and times, and such other provisions as the council may deem appropriate.
- B. The City Clerk shall provide model by-laws for use by the councils in drafting their own by-laws.
- C. By-laws shall be reviewed by the office of the City Attorney and certified for consistency with the provisions of the Great Falls City Charter, the City codes and the laws of Montana.
- D. A copy of the by-laws shall be on file in the office of the City Clerk.

**2.50.080 Open meetings and public records**

- A. All meetings of the neighborhood councils shall be open to the public.
- B. All records maintained by the council shall be available for public inspection.

**2.50.090 Great Falls Citizen's Council**

- A. The purpose of the Great Falls Citizen's Council (GFCC) is to act as a forum to address issues of community wide concern and to resolve disputes among the individual neighborhood councils.
- B. Organization.
1. The GFCC shall consist of one (1) member from each neighborhood council and two members of the Great Falls City Commission who shall be appointed by the Mayor.

2. The GFCC shall determine its rules of organization and operation, except that no rules adopted shall be inconsistent with the provisions of this Charter or the laws of Montana.
3. In addition to the membership set forth in subsection B, any council representing any unincorporated neighborhood or community may petition the GFCC for membership.

**2.50.100 City resources**

- A. The City Commission, at its discretion, may provide funding and other resources to neighborhood councils and to the Great Falls Citizen’s Council.
- B. A neighborhood liaison function is hereby established within the **Planning and** Community Development Department.
- C. The City of Great Falls shall not be liable for any obligations incurred by the councils or the GFCC unless expressly approved by the City Commission.

**Chapter 52  
CODE OF ETHICS**

**Sections:**

2.52.010	Title	2.52.050	Ethical standards
2.52.020	Findings	2.52.060	Nepotism
2.52.030	Purpose and authority	2.52.070	Distribution
2.52.040	Definitions		

**2.52.010 Title**

This chapter shall be known and may be cited as the "City of Great Falls Code of Ethics."

**2.52.020 Findings**

The City Commission of the City of Great Falls finds and declares that:

- A. Public office and employment are a public trust;
- B. The vitality and stability of representative democracy depends upon the public's confidence in the integrity of its elected and appointed representatives;
- C. Governments have the duty both to provide their citizens with standards by which they may determine whether public duties are being faithfully performed, and to appraise their officers and employees of the behavior which is expected of them while conducting such duties.

**2.52.030 Purpose and authority**

It is the purpose of this chapter to provide a method of assuring that standards of ethical conduct for officers and employees of the City of Great Falls shall be clear, consistent, uniform in their application, enforceable, and to provide those officers or employees with advice and information concerning possible conflicts of interest which might arise in the conduct of their public duties. Such ethical standards shall inspire and stimulate each officer and employee to:

- A. Be dedicated to the concepts of effective and democratic local government by responsible elected officials and believe that professional general management is essential to the achievement of this objective;
- B. Affirm the dignity and worth of the services rendered by government and maintain a constructive, creative and practical attitude toward urban affairs and a deep sense of social responsibility as a trusted public servant.
- C. Be dedicated to the highest ideals of honor and integrity in all public and personal relationships so that each public servant may merit the respect and confidence of elected officials, of other officials and employees, and of the public;
- D. Recognize that the chief function of local government at all times is to serve the best interests of all of the people.

**2.52.040 Definitions**

As used in this section:

"Agency" means any agency, board, governing body, including the chief executive officer, office, commission or other instrumentality within the City of Great Falls, and any independent local authority created by or appointed under the authority of the City of Great Falls.

"Business organization" means any corporation, partnership, firm, enterprise, franchise, association, trust, sole proprietorship, union or other legal entity;

"Employee" means any person, whether compensated or not, whether part-time or full-time, employed by or serving on an agency who is not a local government officer;

"Interest" means the ownership or control of more than 10% of the profits, assets or stock of a business organization but shall not include the control of assets in a non-profit entity or labor union;

"Member of immediate family" means the spouse or dependent child of an officer or employee residing in the same household.

"Officer" means any person whether compensated or not, whether part-time or full-time, who is one of the following:

1. Member of the City Commission
2. City Manager
3. ~~Assistant~~ **Deputy** City Manager
3. Director, Department of Fiscal Services
4. Director, Department of **Planning and** Community Development
5. Director, Department of Public Works
6. Director, Department of Parks & Recreation
7. Chief of Police
8. City Clerk
9. City Attorney
10. Municipal Judge
11. Fire Chief
12. Director, Library
- ~~13. Director, City Planning~~

"Officer or employee" means an officer or employee of the City of Great Falls or of an agency under the authority of or appointed by the City Commission. (Ord. 2703, 1996)

#### **2.52.050 Ethical standards**

Officers and employees of the City of Great Falls shall comply with the following provisions:

- A. No officer or employee of the City of Great Falls or member of his or her immediate family shall have an interest in a business organization or engage in any business, transaction, or professional activity which is in substantial conflict with the proper discharge of his or her governmental duties;
- B. No officer or employee shall use or attempt to use his or her official position to secure unwarranted privileges or advantages for himself, herself or others;
- C. No officer or employee shall act in his or her official capacity in any matter where he or she, a member of his or her immediate family, or any business organization in which he or she has an interest, has a direct or indirect financial or personal involvement that might reasonably be expected to impair his or her objectivity or independence or judgment;
- D. No officer or employee shall undertake any private employment or service which might prejudice his or her independent judgment in the exercise of his or her official duties;
- E. No officer or employee, any member of his or her immediate family, or any business organization in which he or she has an interest shall solicit or accept any gift, favor, political contribution, service, promise of future employment, or other thing of value for the purpose of influencing him, directly or indirectly, in the discharge of his or her official duties. In this regard, the appearance of impropriety must be avoided by the acceptance of such a gift;
- F. No officer or employee shall use, or allow to be used, his or her public office or employment or any information, not generally available to the members of the public, which he or she receives or acquires in the course of employment, for the purpose of securing financial gain for himself or herself, any member of his or her immediate family, or any business organization with which he or she is associated;
- G. No officer or employee or any business organization in which he or she has an interest shall represent any other person or party except the City in connection with any cause, proceeding, application or other matter pending before any agency of the City of Great Falls. The only other exceptions shall be in the process of collective bargaining for public employees or where any officer or employee or members of his or her immediate family shall represent himself, herself or themselves, in negotiations or proceedings concerning his, her, or their own interests;
- H. No officer shall be in conflict with these provisions if, by reason of his or her participation in the enactment of any ordinance, resolution or other matter required to be voted upon, no particular material or monetary gain accrues to him or her;

- I. No elected officer shall be prohibited from making an inquiry for information on behalf of a constituent if in return, no fee, reward or other thing of value is directly or indirectly promised to or accepted by the officer or a member of his or her immediate family;
- J. No officer or employee, elected or appointed in the City, shall without receiving formal written authorization from the appropriate person or body, disclose any confidential information concerning any other officer or employee or any other person or any property or governmental affairs of the City;
- K. No officer or employee shall approve or disapprove or in any way recommend the payment of any bill, voucher or indebtedness in which he or she has direct or indirect interests except reimbursement for proper expenses otherwise approved by the City Manager;
- L. No officer or employee shall request, use or permit the use of any public property, vehicle, equipment, labor or service for personal convenience or advantage for himself or any other person. The only exception shall be where it is the general practice to make the same available to the public at large or where the same is provided pursuant to stated public policy for the use of officials and employees in the conduct of official business;
- M. All officers or employees shall exercise prudence and integrity in management of public funds in their custody and in all financial transactions;
- N. All officers or employees shall uphold the letter and spirit of the constitution, statutes and regulations governing their duties and report violations of the law to appropriate authorities;
- O. All officers or employees shall be sensitive and responsive to the concerns and questions of the public.

**2.52.060 Nepotism**

All personnel matters shall be administered on the basis of merit and through regular management procedure except:

- A. No one participating actively in the appointment of a position, i.e., City Commissioners, City Manager, representatives of the Human Resources Department, the appointing department head or division head shall appoint any person related or connected by consanguinity within the fourth degree or by affinity within the second degree;
  - 1. "Consanguinity" means blood relation and degrees are determined as follows: Parent and child are of the first degree; grandparents, grandchildren, brothers and sisters are of the second degree; uncles, aunts, nephews, nieces and great grandparents are of the third degree; first cousins, great uncles and great aunts and great-great grandparents are of the fourth degree.
  - 2. "Affinity" means a relationship by marriage and the degrees are determined as follows: husband and wife are of the first degree; brothers-in-law, sisters-in-law, fathers-in-law and mothers-in-law are of the second degree.
- B. No one may be appointed to a position within a City department if related or connected by consanguinity within the fourth degree or by affinity within the second degree to any person sitting on a board or commission representing or advising that department. The above shall include but not be limited to the following: City Commission, Board of Adjustment, Board of Health, Housing Authority, Library Board, Park and Recreation Board, Parking Commission, Planning Board, Police Commission.

**2.52.070 Distribution**

The City Clerk shall cause a copy of this code of ethics ordinance to be distributed to every public officer and employee of the City within thirty (30) days after enactment of this ordinance. Each public officer and employee elected, appointed, or engaged thereafter shall be furnished a copy before entering upon the duties of this office or employment.

**Chapter 54  
INDEMNIFICATION**

**Sections:**

2.54.010 Indemnification

**2.54.010 Indemnification**

In any civic action brought against any public official or employee of the City of Great Falls alleging a violation of Initiative 75, the City of Great Falls shall defend the action on behalf of the official or employee and indemnify the official or employee for any liability resulting from the alleged violation of Initiative 75. (Ord. 2747, 1998)

**Chapter 56  
BOARDS/COMMISSIONS/COUNCILS ATTENDANCE**

**Sections:**

2.56.010 Scope



2.56.020 Removal of members of boards, commissions and councils

**2.56.010 Scope**

The provisions of this chapter shall apply to all boards, commissions and councils appointed by the City Commission except as follows: Where a conflicting provision appears in state statutes or in city ordinances relating to a particular board, commission or council, the specific statute or ordinance shall apply. (Ord. 2793, 2001)

**2.56.020 Removal of members of boards, commissions and councils**

A member of any board or commission or council, who misses more than one-third (1/3) of the regular meetings in a calendar year without a health or medical excuse, shall lose his/her status as a member of such board, commission or council and shall be replaced by the City Commission. Such removal must be preceded by delivery of a copy of a notice of removal stating the reasons therein to such member at least ten days prior to a hearing thereon before the City Commission, should such member request a hearing on the removal. (Ord. 2793, 2001).

Title 5  
**BUSINESS LICENSE AND SAFETY INSPECTION CERTIFICATE**

**Chapter**

---

- 1 Business License and Safety Inspection Certificate Procedure
- 2 Safety Inspection Certificate
- 3 Special Business License
- 16 CATV
- 20 Electric City Power

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

**Sections:**

- |   |   |
|---|---|
| 5.1.010 Definitions   | 5.1.070 Late charge   |
| 5.1.020 Application of regulations  | 5.1.080 Duties of licensee or safety inspection certificate holder                          |
| 5.1.030 Authority   | 5.1.090 Safety inspection certificate or special business license –revocation or suspension |
| 5.1.040 Procedure for issuance of safety inspection certificate or special licenses   | 5.1.100 Appeal  |
| 5.1.050 Safety inspection certificate and special business license fees               | 5.1.110 Severability  |
| 5.1.060 Safety inspection certificate and special business license duration – renewal |   |

**5.1.010 Definitions**

The following words and phrases when used in this title shall have the following meanings. (Ord. 2672, 1995)

"Buildings or Offices" shall mean all buildings, structures, rooms, offices, or portions thereof which are situated on a permanent structural foundation and permanently connected to City water and sewer service wherein a business or organization is located and which may be accessible to the public, employees, or members or located in such close proximity to other buildings, structures, rooms, offices, or portions thereof so as to constitute a public threat in the event of a uniform safety code violation. (Ord. 2764, 2000)

"Business" shall mean any occupation, trade, profession, commercial activity, social activity, fraternal activity, or religious activity located or meeting regularly in buildings or offices, together with all devices, machines, vehicles and appurtenances used therein. This includes sole proprietorships, partnerships, corporations, nonprofit corporations, religious organizations, social organizations and fraternal organizations.

"Home Occupation" means a lawful business carried on by a resident of a dwelling as an accessory use within the same dwelling or an accessory building which will not infringe upon the right of neighboring residents to enjoy the peaceful occupancy of their home.

"Non-Resident Vendor" is any person engaged or employed in the business of selling to consumers by going from consumer to consumer, either on the streets or to their places of residence or employment and soliciting, selling or taking orders for future delivery of any goods, wares or merchandise. This definition applies to persons vending food or other merchandise from pushcarts, vehicles, trailers, or other readily mobile sources to customers within the city limits. No vendor shall park a vehicle or any other moveable or temporary entity on any public street, alley or private

lot for more than four (4) hours in any eight (8) hour period at one location. The parking of a vehicle or other movable entity within 300 feet of the original location is considered one location. This all-inclusive definition applies to vendors coming into Great Falls to provide any type of service (e.g. painters, contractors, tree trimmers, computer technicians, etc.), to residents within the City limits. (Ord. 2764, 2000; Ord. 2745, 1998).

"Nonprofit organization" is any group which does not distribute pecuniary gains, profits or dividends, and a pecuniary gain is not the objective of the organization. Nonprofit organizations or groups must be recognized as such by the United States Internal Revenue Service and the Montana Department of Revenue.

"Permanent Premise" means any buildings or structures or any part of any building or structure situated on a permanent structural foundation that meets the engineering requirements in the Uniform Building Code and is permanently connected to City water and sewer service. This definition excludes all accessory structures not intended to be occupied by employees and/or the public. (Ord. 2764, 2000)

"Person" is meant to include individual natural persons, partnerships, joint ventures, societies, associations, clubs, trustees, trusts, or corporations; or any officers, agents, employees, factors, or any kind of personal representatives of any thereof, in any capacity, acting either for him or herself, or for any other person, under either personal appointment or pursuant to law.

"Premise" means an office, retail space or structure occupied for business use, the facilities and appurtenances in the structure, and the grounds, areas and facilities held out for the use of business. (Ord. 2745, 1998)

"Safety Inspection Certificate" is a certificate for a premise or occupation at a specific premise acknowledging inspection for uniform safety codes or other ordinances and regulations enacted for the purpose of protecting health, safety, and welfare of the public. The certificate is not intended, and shall not be used, to regulate or infringe upon the conduct of a business or profession and is not intended, and shall not be used, to regulate, infringe or prohibit the practice of religion or religious beliefs. (Ord. 2745, 1998)

"Property Manager" means a "person" who rents or leases rental units, excluding hotels or motels.

"Square footage" is the total number of square feet contained within the exterior walls of a building, suite or office used in the business operation and open to the public. (Ord. 2745, 1998)

"Temporary premises" means any buildings, structure, vehicles, or other mobile entities without a foundation and not permanently connected to City water and sewer service temporarily occupied for business. A temporary premise can exist for no more than ninety (90) calendar days in any twelve (12) month period. Temporary premise does not include sales booths, concession stands etc., which are operated in conjunction with a community sponsored event authorized by the City Commission. (Ord. 2764, 2000)

"Non-Resident Merchant" means any person who brings into temporary premises, a stock of goods, wares or articles of merchandise or notions or other articles of trade, and who solicits, sells or offers to sell, or exhibits for sale, such stock of goods, wares or articles of merchandise or notions or other articles of trade. A non-resident merchant can operation out of temporary premises for a period of ninety (90) calendar days in any twelve (12) month period. (Ord. 2764, 2000; Ord. 2745, 1998)

"Year" for specific Special Business Licenses and Safety Inspection Certificate purposes, means a period of time of twelve (12) months commencing each year on January 1<sup>st</sup> and ending December 31<sup>st</sup> of the same year. (Ord. 2764, 2000)

"Non-Resident Service Contractor" is any person not residing within the city limits of Great Falls engaged or employed in the business of providing services for hire. This includes persons engaged in contract construction, painting and drywall, landscape installation and maintenance, janitorial, and service contractors of all kinds including computer technicians and copier maintenance. (Ord. 2764, 2000)

"Uniform Safety Codes" as used herein shall mean the most recent version of the codes adopted by the City of Great Falls and referenced in Title 15 and Title 17. (Ord. 2874, 2004)

#### **5.1.020 Application of regulations**

- A. A certificate and special business license shall be obtained in the manner prescribed herein for each branch establishment, including off-site warehouses and distributing plants or location of the business engaged in, as if

each such branch establishment or location were a separate business. However, on-site warehouses and distributing plants used in connection with and incidental to an authorized business shall not be deemed to be separate places of business or branch establishment. (Ord 2865, 2003; Ord. 2764, 2000)

- B. No certificate or special license shall be required of any person for any mere delivery in the City of any property purchased or acquired in good faith from such person at the regular place of business outside the City where no intent by such person is shown to exist to evade the provisions of this chapter.
- C. All family/group day care facilities and all day care centers shall obtain a Safety Inspection Certificate. (Ord. 2745, 1998; Ord. 2672, 1995).

#### **5.1.030 Authority**

The City Manager, or designee, shall have the authority to establish the necessary procedures to carry out and enforce the intent of this title. (Ord. 2672, 1995).

#### **5.1.040 Procedure for issuance of safety inspection certificate or special licenses**

- A. Prior to issuing a certificate or special business license, the applicant shall:
  - 1. Be in compliance with all zoning, building and fire codes and have permanent water and sewer service provided by the City (non-resident licenses exempted). (Ord. 2764, 2000)
  - 2. Submit a completed application accompanied by the full amount of the applicable fee.
- B. The applicant may change location provided:
  - 1. The applicant complies with all zoning, building and fire codes.
  - 2. The applicant obtains a new certificate or special business license for the change of location. (Ord. 2764, 2000)
- C. The applicant may transfer the certificate or special business license to another person in accordance with established procedures. (Ord. 2764, 2000; Ord. 2672, 1995)

#### **5.1.050 Safety inspection certificate and special business license fees**

- A. All certificate or special business license fees shall be defined by resolution adopted by the City Commission. Such fees shall reasonably relate to the cost of issuing the certificate or special license and the additional cost of inspections.
- B. New businesses, excluding Non-Resident Merchants, established within the last ninety (90) days of the calendar year shall not pay the initial annual renewal fee. (Ord. 2764, 2000; Ord. 2745, 1998)
- C. No rebate or refund of any certificate or special business license fee, or part thereof, shall be made. (Ord. 2764, 2000; Ord. 2672, 1995)

#### **5.1.060 Safety inspection certificate and special business license duration – renewal**

All certificates or special business licenses shall expire on December thirty-first (31st) of the year in which such certificate or special business license is issued, unless otherwise specified. (Ord. 2764, 2000; Ord. 2672, 1995)

#### **5.1.070 Late charge**

- A. Failure to renew the certificate or special business license shall result in a delinquent charge as determined by resolution.
- B. Each day that any violation of this chapter occurs or continues may constitute a separate offense and may be punishable as a separate violation. (Ord. 2764, 2000; Ord. 2672, 1995)

#### **5.1.080 Duties of licensee or certificate holder**

- A. Every licensee or certificate holder under this title shall permit all reasonable inspections of the business premises by public authorities to carry out the intent of this title.
- B. Every licensee or certificate holder under this title shall post the certificate or special license on the premise or carried on the person where an individual license is required. (Ord. 2672, 1995)

#### **5.1.090 Certificate or special license - revocation or suspension**

- A. The certificate or special license may be revoked or suspended when the licensee or certificate holder violates this title.
- B. The following procedure will be followed in revoking or suspending a certificate or license:
  - 1. A written notice shall be provided to the licensee or certificate holder at least fifteen (15) days prior to revocation or suspension. The notice shall state the reason(s) for the action.
  - 2. The licensee or certificate holder may request a review of the proposed action within fifteen (15) days of the receipt of notice.
  - 3. When a review is requested, a meeting shall be set between City staff and the requesting party.

C. If conditions are determined to cause an immediate threat to health or safety, the City shall immediately suspend the certificate or special business license until such condition is remedied. (Ord. 2764, 2000; Ord. 2762, 1995)

#### **5.1.100 Appeal**

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

#### **5.1.110 Severability**

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

## **Chapter 2 SAFETY INSPECTION CERTIFICATE**

### **Sections:**

- 5.2.100 Safety inspection certificate
- 5.2.200 Home occupation certificate
- 5.2.210 Issuance – revocation of certificate
- 5.2.220 Home occupation requirements

#### **5.2.100 Safety inspection certificate**

- A. Every business in a building or office in the jurisdictional limits of the City of Great Falls shall be required to obtain a Safety Inspection Certificate to ensure that the building, store or office complies with uniform safety codes and other ordinances and regulations enacted for the purpose of protecting the health, safety, and welfare of the public. (Ord. 2745, 1998, Ord. 2672, 1995)
- B. A Safety Inspection Certificate fee is authorized.
- C. In any multiple business, suite/office structure:
  - 1. Each portion or subdivision under separate control and requiring its own inspections shall have its own Safety Inspection Certificate.
  - 2. The building owner/agent shall obtain a certificate for indoor common areas if the aggregate total of the common area is greater than 1000 square feet.
- D. For multi-family dwelling units of four (4) or more units, only the indoor common areas shall require a certificate. (Ord. 2764, 2000; Ord. 2745, 1998, Ord. 2672, 1995)

#### **5.2.200 Home occupation certificate**

The establishment of a Home Occupation shall require a certificate issued by the City of Great Falls. (Ord. 2674, 1995; Ord. 2483 §1, 1987; Ord 2344 (part), 1983).

#### **5.2.210 Issuance - revocation of certificate**

- A. New Issuances. Applications for Home Occupation certificates shall include:
  - 1. A site plan indicating what portion of the dwelling will be used for the business. (Ord. 2745, 1998, Ord. 2672, 1995)
  - 2. A complete description of the type of business to be conducted.
  - 3. Documented approval of all adjacent property owners inclusive of those separated by right-of-ways. If any two adjacent property owners, whose approval is required, do not approve the certificate, the certificate shall not be granted.
    - a. The Home Occupation certificate holder may appeal the denial or revocation of a Home Occupation certificate as described in 5.02.210(B)(1).
- B. Renewals. Review and/or revocation of the Home Occupation certificate shall occur:
  - 1. Upon receipt of a written request for revocation from any two property owners whose approval is required in 5.02.210(A)(3) a hearing shall be held by the Board of Adjustment. The finding of the Board of Adjustment shall be presented to the City Commission and, unless a majority of the City Commissioners disagree, shall become binding sixty (60) days after presentation to the City Commission.

---

<sup>1</sup>Existing home occupations, licensed by either the State of Montana, United States Government or the City of Great Falls, shall not be required to fulfill the requirements for the neighborhood pre-approval as outlined in 5.2.210(A)(3).

2. Upon verification of any violation of this chapter, the City shall review the certificate in question. Upon the finding that the Home Occupation is no longer compatible with the neighborhood, and verifying that a violation exists, the said Home Occupation certificate shall be revoked. (Ord. 2745, 1998, Ord. 2674, 1995)

**5.2.220 Home occupation requirements**

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

- A. Appearance. The activity must be conducted in a manner so as not to give an outward appearance nor manifest any characteristics of a business in the ordinary meaning of the terms, nor shall it create undue amounts of traffic which would infringe upon the right of neighboring residents to enjoy the peaceful occupancy of their home.
- B. Employees. That portion of the Home Occupation conducted at the dwelling unit must be carried on by at least one resident of the dwelling unit. In addition, non-resident employees where the aggregate hours worked do not exceed forty hours per week and when no more than two employees are present at one time are permitted
- C. Location. For Home Occupations whose services are rendered at the customer's location, the use of the dwelling unit shall be limited to the office portion of the business.
- D. Secondary use. The Home Occupation must be incidental and secondary to the use of the dwelling unit as a residence.
- E. Area. A maximum of thirty percent (30%) of the dwelling may be dedicated to the Home Occupation.
- F. Exterior Use. No exterior storage of material or equipment or any variation from the residential character of the principle building shall be permitted.
- G. Noise, etc. No offensive noise, vibration, smoke, dust, odor, heat or glare shall be produced.
- H. Delivery. No material or commodities shall be delivered to or from the residence which are of such bulk or quantity as to create undesirable traffic or congestion.
- I. Weight. No materials or commodities shall be placed within the building which exceeds the allowable floor loading of forty pounds per square foot.
- J. Parking. No parking of customers' vehicles shall be permitted in a manner of frequency so as to cause a disturbance or inconvenience to neighboring residents or so as to necessitate off-street parking. Business vehicles shall not exceed one ton rated capacity.
- K. Sign. No exterior display shall be permitted except that one non-illuminated nameplate or Home Occupation sign shall be permitted; however, the sign shall not exceed one hundred forty-four square inches (one square foot) in area and further; shall not exceed twenty-four inches in length. Such sign or nameplate shall be placed flat against the dwelling unit.
- L. Garage. The Home Occupation cannot be conducted upon the area, including garage space, provided to fulfill the off-street parking requirements for the dwelling unit on the lot. (Ord. 2674, 1995)

**Chapter 3  
SPECIAL BUSINESS LICENSE**

**Articles:**

- 1 Coin-operated devices depicting sexual activities
- 2 Commercial garbage license
- 3 Pawnshops and secondhand stores
- 4 Alcoholic beverages
- 5 Non-resident license
- 6 False alarms
- 7 Emergency medical services license

**Article 1  
COIN-OPERATED DEVICES DEPICTING SEXUAL ACTIVITIES**

**Sections:**

- |           |   |
|-----------|---|
| 5.3.1.100 | Purpose   |
| 5.3.1.110 | Coin-operated devices depicting sexual activities |
| 5.3.1.120 | License required                                  |

**5.3.1.100 Purpose**

The purpose of this ordinance is to recognize and to provide for the fact that the operation of mechanical amusement devices which depict or display specified sexual activities or specified anatomical areas result in increased enforcement programs for the City and additional expense to the City that justifies a higher license fee. This

necessitates greater police vigilance to assure that the lawful business of displaying non-obscene portrayals or depictions of sexual conduct is not used inadvertently or by design as the means of unlawful displaying or depicting obscenity. In order to recoup some of the costs thus imposed on the City, it is appropriate that there be imposed on the persons who profit from such devices some of the costs of ensuring that the devices are used only lawfully. (Ord. 2675, 1995)

#### **5.3.1.110 Coin-operated devices depicting sexual activities**

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

“Device” shall include any machine which, upon the insertion of a coin or the payment of consideration, depicts, displays, or projects directly or indirectly pictures, photographs or other visual images of anatomical areas or specified sexual activities.

“Specified Anatomical Areas”

1. Less than completely and opaquely covered: human genitals, pubic region; buttock; or female breast below a point immediately above the top of areola.
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

“Specified Sexual Activities”

1. Human genitals in a state of sexual stimulation or arousal;
2. Acts of human masturbation, sexual intercourse, or sodomy; or,
3. Fondling of human genitals, pubic region, buttock, or female breast.

B. The license application shall include but not be limited to a complete list of the devices owned by the person or business subject to this licensing with an indication thereon of the location of each machine. (Ord. 2675, 1995)

#### **5.3.1.120 License required**

It shall be unlawful for any business to have and to operate devices depicting sexual activities for which a license or permit is required without such license being first procured and kept in effect at all such times as required by this chapter. (Ord. 2675, 1995).

## Article 2 COMMERCIAL GARBAGE LICENSE

**Sections:**

5.3.2.200 Commercial garbage license

**5.3.2.200 Commercial garbage license**

- A. No person or business shall engage in the business of collecting or removing garbage from any business or residence in this City without first obtaining a commercial garbage license.
  - B. All equipment used by the collector under a City commercial garbage license for collection and hauling of refuse shall be constructed and maintained to prevent leakage, spillage, or overflow. All portions of the collection vehicle shall be kept clean and sanitary, and shall be clearly identified by assigned equipment number and with the firm and local telephone number affixed thereto.
  - C. A commercial garbage collector shall have applied for and received the proper Montana Rail Commission (MRC) permit.
  - D. A current list of all services provided shall be submitted to the City, containing the following information:
    1. Residences - the names and addresses of each residence served.
    2. Commercial - the names and addresses of each commercial establishment, including multifamily dwellings containing three or more separate dwelling units.
    3. The number and size of the containers at each commercial site.
    4. The number of times each container is picked up per week.
    5. An estimate of the weekly volume of refuse removed from the site which is outside of regular containers.
- (Ord. 2675, 1995)

## Article 3 PAWNSHOPS AND SECONDHAND STORES

**Sections:**

5.3.3.300 Definitions

5.3.3.310 Register required

**5.3.3.300 Definitions**

The following words and phrases when used in this section shall have the following meanings respectively ascribed to them:

"Pawnbroker" means any person who loans money on deposit or pledge of personal property or any valuable thing, or who deals in the purchasing of personal property or valuable things on condition of selling the same back at a stipulated price, whether he does the same for himself or as an agent of some person or firm or corporation, who by any means, method or device loans money for personal property when the same is deposited for security or is deposited for any other purpose. (Ord. 2675, 1995; Prior code 5-11-1).

"Secondhand Dealer" shall mean any person who, within the City, as a business, engages in the purchase, sale, trade, barter, consignment or exchange of secondhand goods, wares or merchandise; or any person who keeps any store, shop, room or place where secondhand goods, wares or merchandise of any kind or description, are bought, sold, traded, bartered, consigned or exchanged is defined as a secondhand dealer within the meaning of this chapter; provided, however, that this chapter shall not apply to bona fide trade or turn-ins of secondhand goods, wares or merchandise or other goods where no cash is transferred or paid by the merchant. (Ord. 2675, 1995; Prior code 5-12-1).

**5.3.3.310 Register required**

Any person who carries on the business of pawnbroking or secondhand stores shall keep a register in which shall be entered in legible writing a description of all property purchased or taken as a pledge, pawn or security for any money loaned thereon, of any description whatever, together with the names and residences of the persons from whom such property was purchased or received; and such register shall be subject to examination by the Police Department at any and all times. (Ord. 2675, 1995; Prior code 5-11-3).



## **Article 4**

### **ALCOHOLIC BEVERAGES**

**Sections:**

5.3.4.400	Definitions
5.3.4.410	Alcoholic beverage license required
5.3.4.420	Special alcoholic beverage license required
5.3.4.430	Catering license required
5.3.4.440	Teen night license
5.3.4.450	Sales within six-hundred feet of a church or school

**5.3.4.400 Definitions**

The following words and phrases used in this chapter shall be given the following interpretation:

"Beer" means a malt beverage containing not more than 7% of alcohol by weight.

"License" means a license issued by this City to a qualified person, under which it is lawful either for the licensee to brew, sell or dispense beer or to sell and dispense liquor, respectively, as provided in this chapter.

"Premises" means the building or specific portion of any building in which the liquor and/or beer business is conducted and those areas in which the retailer operates a sidewalk café, open-air restaurant or tavern outside of and adjacent to the licensed building and to which patrons are permitted free access from said building. Where a retailer conducts as a single business enterprise two or more bars located on the same premises and which have such intercommunication as will enable patrons to move freely from one bar to another without leaving the premises, the various bars shall be regarded as but one premises for which but one license is required. In all other cases, licenses must be obtained for each bar even though operated in the same building with another bar.

"Liquor" means an alcoholic beverage except beer and table wine.

"Retailer" means any person engaged in the sale and distribution of beer, either on draft or in bottles, to the public.

"Wine" means any alcoholic beverage made from or containing the normal alcoholic fermentation of the juice of sound, ripe fruit or other agricultural products without addition or abstraction, except as may occur in the usual cellar treatment of clarifying and aging and that contains more than 0.5% but not more than 24% of alcohol by volume. Wine may be ameliorated to correct natural deficiencies, sweetened, and fortified in accordance with applicable federal regulations and the customs and practices of the industry. Other alcoholic beverages not defined in this section but made in the manner of wine and labeled and sold as wine in accordance with federal regulations are also wine. (Ord. 2675, 1995; Ord. 2008 §1 and 2, 1977; Ord. 1874 §2(part), 1975: prior code §5-16-1).

**5.3.4.410 Alcoholic beverage license required**

Any person or business brewing, selling or dispensing beer, wine or liquor must obtain a City alcoholic beverage license in addition to other permits or licenses which may be required. Such license shall authorize the conduct of business under one of the following specific categories: beer; beer and wine; or all-alcoholic beverages. This does not pertain to individuals' home brewing for personal consumption. (Ord. 2675, 1995)

**5.3.4.420 Special alcoholic beverage license required**

Where all requirements stipulated by the State are met by the applicant, a Special Alcoholic Beverage License is required in addition to the State's special permit or license for beer or beer and wine. The Special Alcoholic Beverage License shall be in effect for the period established by the State and will expire at the end of that period. (Ord. 2675, 1995)

**5.3.4.430 Catering license required**

- A. Both an Alcohol Catering and a Special Event catering license are required for the conduct of off-premise alcoholic beverage catering, in addition to other required permits or license.
- B. Any alcoholic beverages licensee may obtain an Alcohol Catering License for all the catering and sale of alcoholic beverages to persons attending a special event upon premises within the City not otherwise licensed for the sale of alcoholic beverages.

- C. Any Alcoholic Beverages licensee with an Alcoholic Catering License shall at least three days prior to each special event submit a license application describing the location of the event, the nature of the event, and the period during which the event is to be held. (Ord. 2675, 1995)

**5.3.4.440 Teen night license**

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

- A. Any and all beer or liquor on the premises has been stored away out of sight and shall remain locked and secured for so long as the premises are open as a teen night; and
- B. All signs advertising or referencing alcohol shall be removed or covered when the premises is open as a teen night; and
- C. The only patrons permitted on the premises other than the proprietor, his employees, and parents of patrons shall be individuals verifying identification through current high school identification cards between 6:00 p.m. and thirty minutes prior to curfew and anyone verifying their age over eighteen after curfew on designated days of the week; and
- D. Registration of the name, age and address of the licensee's employees (a minimum of four) who shall be responsible for security of the premises including parking lots to be patrolled a minimum of three times per hour while the premises is open as a teen night, and who shall ensure that any and all dangerous drugs as defined by the Montana Criminal Code, beer and liquor, weapons or any other dangerous substances are excluded from the premises except beer and liquor that may have otherwise been locked away and secured thereon; and
- E. Anyone under the influence of such drugs or alcohol shall be excluded from the premises. Where any violations of this Code or laws of the State of Montana are observed, security personnel shall immediately notify the Police Department.
- F. For so long as the premises is open as a teen night, smoking inclusive of a lighted cigar, cigarette, pipe or any smokable product, shall be prohibited on the premises and notice thereof shall be conspicuously posted.
- G. If an establishment is unable to abide by these provisions, the City teen night license can be revoked in accordance with licensing procedures. (Ord. 2675, 1995; Ord. 2509, 1988).

**5.3.4.450 Sales within six-hundred feet of a church or school**

- A. A fraternal or religious organization may apply for and receive a permit from the **Planning and** Community Development Department to allow within their own facilities sales of alcoholic beverages within six hundred feet of a church or school.
- B. The aforesaid special permit shall be an exception to 16-3-306(1) M.C.A. as permitted by 16-3-309 M.C.A. and to Title 9, Chapter 20, OCCGF.
- C. The permit shall expire upon the termination of each special event and shall be nonrenewable. (Ord. 2675, 1995; Ord. 2487, 1987).

**Article 5  
NON-RESIDENT VENDOR LICENSE**

**Sections:**

- 5.3.5.500 Non-resident vendor license required
- 5.3.5.510 Non-resident merchant special business license required
- 5.3.5.520 Non-resident service contractor special business license required

**5.3.5.500 Non-resident vendor license required**

- A. Each individual engaging in Non-Resident Vendor type business within the City must first obtain a Non-Resident Vendor license. The Non-Resident Vendor license must be obtained prior to soliciting any customer or offering any goods or products for sale. No vendor shall park a vehicle or any other movable temporary entity on any public street, alley or private lot for more than four (4) hours in any eight (8) hour period at one location. The parking of a vehicle or other moveable entity within 300 feet of the original location is considered one location. (Ord. 2764, 2000)
- B. The license can be obtained from the **Planning and** Community Development Department during regular working hours or from the Fire Department.
- C. The short-term license shall be good for one week from the date of issuance. The long term license is good from the issue date through December 31 of the same year and may be renewed upon its expiration (Ord. 2764, 2000).

- D. The City reserves the right to deny a license upon receiving citizen complaints regarding the vendor, merchandise or practices. (Ord. 2745, 1998, Ord. 2675, 1995)

**5.3.5.510 Non-resident merchant special business license required**

- A. Any individual engaged in any business within the City that is defined or administratively determined to be classified Non-Resident Merchant must first obtain a Non-Resident Merchant special business license from the City of Great Falls. This special business license must be obtained prior to soliciting any customer, offering any merchandise or products for sale, or bringing any stock of goods, wares, or other articles of trade to a temporary premise. (Ord. 2764, 2000)
- B. This special business license can be obtained from the **Planning and** Community Development Department during normal business hours, or from the Fire Department at any other time. (Ord. 2764, 2000)
- C. The license is only valid for a period of ninety (90) calendar days in any twelve (12) month period. (Ord. 2764, 2000)
- D. The City reserves the right to deny or revoke a license for just cause with regard to the conduct of the merchant, suitability of any merchandise, or business and/or marketing practices. (Ord. 2764, 2000)

**5.3.5.520 Non-resident service contractor special business license required**

- A. Any individual engaged in any business within the City that is defined or administratively determined to be classified Non-Resident Service Contractor must first obtain a Non-Resident Service Contractor special license from the City. This special business license must be obtained prior to soliciting any customer, offering or advertising any service, or performing any such service. (Ord. 2764, 2000)
- B. This special business license can be obtained from the **Planning and** Community Development Department during normal business hours or from the Fire Department at other times. (Ord. 2764, 2000)
- C. This special business license is valid from the date of issuance to December 31 and may be renewed upon its expiration. (Ord. 2764, 2000)
- D. The City reserves the right to deny or revoke a license for just cause with regard to the conduct of the service contractor, quality of services rendered, or business and/or marketing practices. (Ord. 2764, 2000)

**Article 6  
FALSE ALARMS**

**Sections:**

- 5.3.6.600 Definitions  
5.3.6.610 Audible alarm requirements  
5.3.6.620 Agent permit required  
5.3.6.630 Exemptions  
5.3.6.640 Penalty

**5.3.6.600 Definitions**

For the purpose of this chapter certain words and phrases shall be construed herein as set forth in this section, unless it is apparent from the context that a different meaning is intended:

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

Exemption. The provisions of this section do not include a person who engages in the manufacture for sale of an alarm system from a fixed location and who neither visits the location where the alarm system is to be installed nor designs the scheme for physical location and installation of the alarm system in a specific location.

"Alarm business" means the business by any individual, partnership, corporation or other entity of: Selling, leasing, maintaining, servicing, repairing, altering, replacing, moving or installing any alarm system or causing to be sold, leased, maintained, serviced, repaired, altered, replaced, moved or installed any alarm system in or on any building, structure or facility.

"Alarm system" means any mechanical or electrical device which is designed or used for the detection of an unauthorized entry into a building, structure or facility or for alerting others of the commission of an unlawful act within a building, structure or facility, or both; and which emits a sound or transmits a signal or message when actuated. Alarm systems include, but are not limited to, direct dial telephone devices, audible alarms and proprietor alarms. Devices that are not designed or used to register alarms that are audible, visible or perceptible outside of the

protected building, structure or facility are not included within this definition, nor are auxiliary devices installed by the telephone company to protect telephone company systems which might be damaged or disrupted by the use of an alarm system.

“Audible alarm” means a device designed for the detection of unauthorized entry on premises which generates an audible sound on the premises when it is actuated.

"False alarm" means an alarm signal actuated by inadvertence, negligence, or unintentional act necessitating response by the Great Falls Police Department, including alarms caused by the malfunction of the alarm system, except the following:

- A. alarms caused by repair of telephone equipment or lines;
- B. alarms caused by earthquakes, flood, windstorm, thunder and lightning;
- C. alarms caused by an attempted illegal entry or analogous causes of which there is visible evidence;
- D. alarms caused by power outages.

"Proprietor alarm" means an alarm which is not serviced by an alarm business.

"Subscriber" means any person who purchases, leases, contracts for or otherwise obtains an alarm system or for the servicing maintenance of an alarm system from an alarm business. (Ord. 2675, 1995)

**5.3.6.610 Audible alarm requirements**

- A. Every person maintaining an audible alarm shall notify the Police Department with names and telephone numbers of the persons to be notified to render repairs of service and secure the premises during any hour of the day or night that the burglar alarm is actuated.
- B. Whenever any change occurs relating to the written information required, the applicant shall give written notice thereof to the Police Department after such change. (Ord. 2675, 1995)

**5.3.6.620 Agent permit required**

- A. All persons engaged in or carry on an alarm business, to repair, service, alter, replace, remove, design, sell, lease, maintain or install alarm systems shall obtain an Alarm agent Permit in accordance with the provisions of this title.
- B. The Alarm agent permittee shall have in their possession said permit while engaged in alarm related business or activities. (Ord. 2675, 1995)

**5.3.6.630 Exemptions**

The provisions of this chapter are not applicable to audible alarms affixed to automobiles. (Ord. 2675, 1995)

**5.3.6.640 Penalty**

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

- False Alarms one thru six - written notice to permittee
  - False Alarms seven and eight - written notice and \$25
  - False Alarms nine and ten - written notice and \$50
  - False Alarms eleven and more - written notice and \$75
- (Ord. 2675, 1995)

**Article 7  
EMERGENCY MEDICAL SERVICES LICENSES**

**Sections**

- 5.3.7.700 Definitions
- 5.3.7.710 License required
- 5.3.7.720 Criteria for license
- 5.3.7.730 Cancellation of license
- 5.3.7.740 Notice and hearing required
- 5.3.7.750 Existing services
- 5.3.7.760 Exemptions

**5.3.7.700 Definitions**

For the purpose of this chapter, the following terms and words shall have the meanings set forth in this section, unless the context requires otherwise.

“Ambulance” means a privately or publicly owned motor vehicle or aircraft that is maintained and used for the transportation of patients.

“Emergency Medical Services” means a pre-hospital emergency medical transportation or treatment service provided by an ambulance service.

“License Certificate” means the City emergency services license issued or renewed to any person to engage in the ambulance service business. A new ambulance service business license shall be issued only after a favorable determination of public convenience and necessity by the City Commission.

“License Year” means a fiscal year from July 1 through June 30.

“Patient” means an individual who is sick, injured, wounded or otherwise incapacitated or helpless. The term does not include a person who is non-ambulatory and who needs transportation assistance solely because that person is confined to a wheel chair as the person’s usual means of mobility.

“Person” means an individual, firm, partnership, association, corporation, company, group of individuals acting together for a common purpose, or any other organization of any kind.

“Public Convenience and Necessity” means qualified, fit, able and willing to perform and provide an ambulance service fitting and suited to serve the public need within the City without substantially or significantly adversely impacting the public interest in the overall general provision of the ambulance service within the City. (Ord. 2743, 1998)

**5.3.7.710 License required**

- A. No person shall conduct or operate an emergency medical service within the City without first obtaining a license as provided in this chapter.
- B. All such license certificate(s) shall be for a City license year or for the remainder thereof. A license certificate shall expire at the conclusion of each licensure year and shall be renewable subject to the ability to meet the standards set by the City and the State Department of Health and Human Services as to fitness and ability to operate an emergency ambulance service.
- C. No license shall be issued under this chapter to any new applicant unless the City Commission shall, after conducting a public hearing and review, find that another ambulance service is in the public interest, for the public convenience and necessity, and that the applicant is fit, willing and able to perform such public transportation, and to operate in compliance with Montana State Law and the provisions of this chapter.
- D. If the City Commission finds that another ambulance service would be in the public interest, the City Commission shall authorize the issuance of a License Certificate of public convenience and necessity stating the name and address of the applicant, the location of the ambulance service and the date of the issuance. If the City Commission does not find that public convenience and necessity would benefit from another ambulance service, the application shall be denied. Existing ambulance services may continue to operate within the City as long as they comply with the provisions of this chapter and are in compliance with Montana State Law.
- E. There must be paid to the City, with each application for a license or for renewal of a license, a license fee that shall be set by resolution.
- F. The license is not transferable.
- G. The license is non-exclusive. (Ord. 2743, 1998)

**5.3.7.720 Criteria for license**

Any person desiring to obtain a license required by this chapter shall demonstrate the ability to meet the following requirements.

- A. The applicant must possess a current license from the Department of Health and Environmental Sciences to provide emergency medical services, both transport and treatment at the Advanced Life Support level.
- B. The applicant must provide emergency medical services at the Advanced Life Support level, throughout the City, twenty four (24) hours per day, seven (7) days per week.
- C. Each responding ambulance shall be staffed with a minimum of one National Registry Paramedic and one EMT.

- D. The applicant must have adequate personnel, vehicles, equipment and facilities to respond at the Advanced Life Support level to emergency calls to all locations within the City within eight (8) minutes or less on at least ninety percent (90%) of such calls. The applicant must take into consideration emergency responses outside the City limits, to ensure they have adequate staffing, vehicles and equipment to meet the response requirements as outlined in this chapter.
- E. The applicant must comply with rules and regulations governing emergency medical services and emergency medical technicians, as promulgated by the State of Montana, Department of Health and Human Services and the Board of Medical Examiners as outlined in the Administrative Rules of Montana.
- F. All emergency medical services providers must have a signed agreement with the City of Great Falls 911 Dispatch Center for providing dispatch services. All emergency medical providers shall abide by the rules and procedures as outlined in the City of Great Falls 911 Center Policy Manual.
- G. The applicant must have a commercial general liability, including auto, insurance policy, in a form acceptable to the City, insuring the applicant for not less than the \$1 million per occurrence, for bodily injury or death and \$1 million per occurrence for loss or damage to property; and \$2 million aggregate. Said policy shall name the City as an additional named insured. The applicant must provide proof of such insurance coverage prior to issuance of the license. (Ord. 2743, 1998)

#### **5.3.7.730 Cancellation of license**

The City may cancel a license if it finds that the licensee has:

- A. Violated any provision of this chapter or of the rules promulgated by the Montana Department of Health and Human Services or the Board of Medical Examiners, as contained in the Administrative Rules of Montana, or violation of policy, rules and procedure as outlined in the City of Great Falls 911 Center Policy Manual; and,
- B. Failed or refused to remedy or correct the violation within the time and in the manner directed by the City. (Ord. 2743, 1998)

#### **5.3.7.740 Notice and hearing required**

- A. The City shall not deny or cancel a license without:
  - 1. Delivery to the applicant or licensee of a written statement of the grounds for denial or cancellation of the charge involved;
  - 2. An opportunity to answer at a hearing before the City Commission to show cause, if any, why the license should not be denied or canceled.
- B. After receipt of written notice of grounds for denial or cancellation or charges, any applicant or licensee desiring a hearing before the City Commission must make written application within ten (10) days of such notice. (Ord. 2743, 1998)

#### **5.3.7.750 Existing services**

Any person providing emergency medical services with the City as of the effective date of this chapter shall have a period of one hundred twenty (120) days to meet the requirements and obtain the license required by this article, exclusive of the public hearing and City Commission determination of public convenience and necessity as stated in 5.3.7.710(C). (Ord. 2743, 1998)

#### **5.3.7.760 Exemptions**

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

- A. The Great Falls Fire Department except as provided in 5.3.7.720(A) through 5.3.7.720(E).
- B. Any person providing emergency medical services outside the City who, in the course of providing such services, transports a patient from outside the City into or through the City.
- C. Any person providing emergency medical services within the City who is providing such services at the request of the City pursuant to a written mutual aid agreement between the City and the person. (Ord. 2743, 1998)

## **Chapter 16 CATV REGULATIONS**

The Franchise Agreement with TCI Cablevision was replaced by Ordinance 2620 which has not been codified. However, the General Penalty Chapter of OCCGF shall apply and violations of the Franchise Agreement shall be punishable under said chapter.

#### **Sections:**

5.16.010 Purpose

5.16.150 Telecommunication facilities - co-located and

	multi-user facilities
5.16.020 Definitions	5.16.160 Telecommunication facilities - lighting
5.16.030 General requirements	5.16.170 Telecommunication facilities - roads and parking
5.16.040 Registration of telecommunications carriers and providers	5.16.180 Telecommunication facilities - vegetation protection and facility screening
5.16.050 Use agreement	5.16.190 Telecommunication facilities - fire prevention
5.16.060 Non-exclusive grant	5.16.200 Telecommunication facilities - environmental resource protection
5.16.070 Rights granted	5.16.210 Telecommunications - noise and traffic
5.16.075 Exempt facilities - basic requirements	5.16.220 Telecommunication facilities - visual compatibility
5.16.080 Telecommunication facilities - minimum application requirements	5.16.230 Telecommunication facilities - NIER Exposure
5.16.090 Telecommunication facilities - standard agreements required	5.16.240 Telecommunication facilities - exemptions
5.16.100 Telecommunication facilities - life permits	5.16.250 Telecommunication facilities - public notice
5.16.110 Telecommunication facilities - structural requirements	5.16.260 Ambiguity
5.16.120 Telecommunication facilities - basic tower and building design	5.16.270 Appeal
5.16.130 Telecommunication facilities - location	5.16.280 Statutory severability
5.16.140 Telecommunication facilities - height determination	

**5.16.010 Purpose**

The purpose and intent of this chapter is to provide a uniform and comprehensive set of standards for the development of telecommunication facilities and installation of antennas. The regulations contained herein are designed to protect and promote public health, safety, community welfare and the aesthetic quality of Great Falls while at the same time not unduly restricting the development of needed telecommunications facilities and important amateur radio installations and encouraging managed development of telecommunications infrastructure.

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

- A. Protect the visual character of the City from the potential adverse effects of telecommunication facility development and minor antenna installation;
- B. Insure against the creation of visual blight within or along the City's scenic corridors and ridgelines;
- C. Retain local responsibility for and control over the use of public rights-of-way to protect citizens and enhance the quality of their lives.
- D. Protect the inhabitants of Great Falls from the possible adverse health effects associated with exposure to high levels of NIER (non-ionizing electromagnetic radiation);
- E. Protect the environmental resources of Great Falls;
- F. Insure that a competitive and broad range of telecommunications services and high quality telecommunications infrastructure are provided to serve the business community;
- G. Create and preserve telecommunication facilities that will serve as an important and effective part of Great Falls' emergency response network;
- H. Simplify and shorten the process for obtaining necessary permits for telecommunication facilities while at the same time protecting the legitimate interests of Great Falls citizens; and,
- I. Provide for the charging of reasonable, competitively neutral, non-discriminatory fees for use of the public right-of-way by telecommunication providers. (Ord. 2724, 1997)

**5.16.020 Definitions**

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

“Antenna” means any system/specific device the surface of which is used to capture an incoming and/or to transmit an outgoing radio frequency signal. Antennas include the following types:

1. "Antenna - Building Mounted" means any antenna, other than an antenna with its supports resting on the ground, directly attached or affixed to a building, tank, tower, building mounted mast less than 10 feet tall and 6 inches in diameter or structure other than a telecommunication tower.
2. "Antenna - Directional" (also known as a "panel" antenna) transmits and/or receives radio frequency signals in a directional pattern of less than 360 degrees.
3. "Antenna - Ground Mounted" means any antenna with its base, single or multiple posts, placed directly on the ground.
4. "Antenna - Omni-directional" transmits and/or receives radio frequency signals in a 360 degree radial pattern. For the purpose of this Chapter, an omni-directional antenna is up to fifteen feet (15') in height and up to four inches (4") in diameter.
5. "Antenna - Parabolic" (also known as satellite dish antenna) means any device incorporating a reflective surface that is solid, open mesh, or bar configured that is shallow dish, cone, horn, bowl or cornucopia shaped and is used to transmit and/or receive electromagnetic or radio frequency communication/signals in a specific directional pattern. This definition is meant to include, but is not limited to, what are commonly referred to as satellite earth stations and satellite microwave antennas.
6. "Antenna - Portable" means any device used to transmit and/or receive electromagnetic or radio frequency communication/signals in a specific directional pattern, located on a portable or moveable base designed to be placed either for temporary or long-term use at a given site.
7. "Antenna - vertical" means a vertical type antenna without horizontal cross-Sections greater than one half inch in diameter.

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

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

"Direct broadcast satellite service" (DBS) is a system in which signals are transmitted directly from a satellite to a small (not exceeding 18") home receiving dish. DBS competes with cable television.

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

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

"Lattice Tower" means a self supporting support structure, erected on the ground, which consists of metal crossed strips or bars to support antennas and related equipment.

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

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

"Public service use or facility" means a use operated or used by a public body or public utility in connection with any of the following services: water, waste water management, public education, parks and recreation, fire and police protection, solid waste management, transportation or utilities.

"Public way" means and includes all public streets and utility easements, now and hereafter owned by the City, but only to the extent of the City's right, title, interest or authority to grant a license to occupy and use such streets and easements for telecommunications facilities.

"Quasi-Public Use" means a use serving the public at large, and operated by a private entity under a franchise or other similar governmental authorization, designed to promote the interests of the general public or operated by a recognized civic organization for the benefit of the general public.

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



"Related equipment" means all equipment ancillary to the transmission and reception of voice and data via radio frequencies. Such equipment may include, but is not limited to cable, conduit and connectors.

"Satellite Earth Station" means a telecommunication facility consisting of more than a single satellite dish smaller than 10 feet in diameter that transmits to and/or receives signals from an orbiting satellite.

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

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

"Telecommunication facility" means a facility that transmits and/or receives electromagnetic signals. It includes antennas, microwave dishes, horns, and other types of equipment for the transmission or receipt of such signals, telecommunication towers or similar structures supporting said equipment, equipment buildings, parking area, and other accessory development.

1. "Telecommunications Facility - Exempt" include, but are not limited to, the following unless located within a recognized Historic District:
  - a. A single ground or building mounted receive-only radio or television antenna including any mast, for the sole use of the tenant occupying the residential parcel on which the radio or television antenna is located; with an antenna height not exceeding twenty-five feet (25');
  - b. A ground or building mounted citizens band radio antenna including any mast, if the height (post and antenna) does not exceed thirty-five feet (35');
  - c. A ground, building, or tower mounted antenna operated by a federally licensed amateur radio operator as part of the Amateur Radio Service, if the height (post and antenna) does not exceed eighty feet (80'). (Ord. 2754, 1999).
  - d. A ground or building mounted receive-only radio or television satellite dish antenna, which does not exceed thirty-six inches (36") in diameter, for the sole use of the resident occupying a residential parcel on which the satellite dish is located; provided the height of said dish does not exceed the height of the ridgeline of the primary structure on said parcel.
  - e. All citizens band radio antenna or antenna operated by a federally licensed amateur radio operator as part of the Amateur Radio Service which existed at the time of the adoption of this section.
  - f. Mobile services providing public information coverage of news events of a temporary nature.
  - g. Hand held devices such as cell phones, business-band mobile radios, walkie-talkies, cordless telephones, garage door openers and similar devices as determined by the **Planning and** Community Development Director.
  - h. City government owned or public service use/facility owned (as described in 5.16.020(J) and operated receive and/or transmit telemetry station antennas for supervisory control and data acquisition (SCADA) systems for water, flood alert, traffic control devices and signals, storm water, pump stations and/or irrigation systems, public education and transportation with heights not exceeding thirty-five feet (35').
2. "Telecommunication Facility - Co-Located" means a telecommunication facility comprised of a single telecommunication tower or building supporting one or more antennas, dishes, or similar devices owned or used by more than one public or private entity.
3. "Telecommunication Facility - Commercial" means a telecommunication facility that is operated primarily for a business purpose or purposes.
4. "Telecommunication Facility - Multiple User" means a telecommunication facility comprised of multiple telecommunication towers or buildings supporting one or more antennas owned or used by more than one public or private entity, excluding research and development industries with antennas to serve internal uses only.
5. "Telecommunications Facility - Non Commercial" means a telecommunication facility that is operated solely for a non business purpose.
6. "Telecommunications Tower" means a mast, pole, monopole, guyed tower, lattice tower, free-standing tower, or other structure designed and primarily used to support antennas. A ground or building mounted mast greater than ten feet (10') tall and six inches (6") in diameter supporting one or more antenna, dishes arrays, etc. shall be considered a telecommunications tower. (Ord. 2724, 1997)

#### **5.16.030 General requirements**

The following requirements shall be met for all Telecommunications Facilities in any zoning district:

- A. Obtain any applicable permit requirements of any agencies which have jurisdiction over the project;

- B. All the requirements established by the other chapters of the OCCGF Zoning Ordinance that are not in conflict with the requirements contained in this chapter;
- C. The Uniform Building Code, National Electrical Code, Uniform Plumbing Code, Uniform Mechanical Code, and Uniform Fire Code, where applicable;
- D. Any applicable Airport land use compatibility criteria/policies and Federal Aviation Administration regulations;
- E. Any applicable easements or similar restrictions on the subject property, including adopted PUD standards;
- F. Facilities and antennas cannot be located in any required yard setback area of the zoning district in which it is located;
- G. All setbacks shall be measured from the base of the tower or structure closest to the applicable property line or structure;
- H. All commercial telecommunication facilities and antennas shall comply at all times with all FCC rules, regulations, and standards;
- I. Satellite dish and parabolic antennas shall be situated as close to the ground as possible to reduce visual impact without compromising their function.
- J. All telecommunications carriers and providers engaged in the business of transmitting, supplying or furnishing of telecommunications originating or terminating in the City shall register with the City pursuant to Section 5.16.040 of this chapter. (Ord. 2724, 1997)

#### **5.16.040 Registration of telecommunications carriers and providers**

- A. Registration Required. All telecommunications carriers and providers that offer or provide any telecommunications services for a fee directly to the public, either within the City of Great Falls, or outside the corporate limits from telecommunications facilities within the City, shall register with the City pursuant to this Article on forms to be provided by the **Planning and** Community Development Director, which shall include the following:
  - 1. The identity and legal status of the registrant, including any affiliates.
  - 2. The name, address and telephone number of the officer, agent or employee responsible for the accuracy of the registration statement.
  - 3. A narrative and map description of registrant's existing or proposed telecommunications facilities within the City of Great Falls.
  - 4. A description of the telecommunications services that the registrant intends to offer or provide, or is currently offering or providing, to persons, firms, businesses or institutions within the City.
  - 5. Information sufficient to determine that the applicant has applied for and received any construction permit, operating license or other approvals required by the Federal Communications Commission (FCC) to provide telecommunications services or facilities within the City.
  - 6. Such other information as the **Planning and** Community Development Director may reasonably require.
- B. Registration fee. Each application for registration as a telecommunications carrier or provider shall be accompanied by a non-resident business certificate fee as set forth by Resolution of the City Commission.
- C. Purpose of Registration. The purpose of registration under this Section is to:
  - 1. Provide the City with accurate and current information concerning the telecommunications carriers and providers who offer or provide telecommunications services within the City, or that own or operate telecommunication facilities with the City;
  - 2. Assist the City in enforcement of this chapter;
  - 3. Assist the City in the collection and enforcement of any license fees or charges that may be due the City, and
  - 4. Assist the City in monitoring compliance with local, State and Federal laws.
- D. Amendment. Each registrant shall inform the City, within sixty (60) days of any change of the information set forth in Section 5.16.040. (Ord. 2724, 1997)

#### **5.16.050 Use agreement**

No permit approval granted hereunder shall be effective until the applicant and the City have executed a written agreement setting forth the particular terms and provisions under which the approval to occupy public property of the City will be granted.

#### **5.16.060 Non-exclusive grant**

No approval granted under this section shall confer any exclusive right, privilege, license or franchise to occupy or use the public ways of the City for delivery of telecommunications services or any other purposes. (Ord. 2724, 1997)

#### **5.16.070 Rights granted**

No approval granted under this section shall convey any right, title or interest in the public ways, but shall be deemed approval only to use and occupy the public ways for the limited purposes and terms stated in the approval. Further, no approval shall be construed as any warranty of title. (Ord. 2724, 1997)

**5.16.075 Exempt facilities - basic requirements**

Exempt facilities defined in Section 5.16.020 of this chapter may be installed, erected, maintained and/or operated in any residential zoning district except recognized Historic Districts, where such antennas are permitted under this title, without benefit of a building permit or other entitlement process, so long as all the following conditions are met:

- A. The antenna use involved is accessory to the primary use of the property which is not a telecommunications facility;
- B. In a residential zone, no more than one (1) satellite dish eight feet (8') or less in diameter, is allowed on the parcel and no more than three (3) support structures for licensed amateur radio operators are allowed on a parcel. (Ord. 2754, 1999).
- C. Sufficient anti-climbing measures have been incorporated into the facility, as needed, to reduce potential for trespass and injury. (Ord. 2724, 1997)

**5.16.080 Telecommunications facilities - minimum application requirements**

The following are the minimum criteria applicable to all telecommunication facilities, except exempt facilities as defined in Section 5.16.020(S)(1). In the event that a project is subject to discretionary and/or environmental review, mitigation measures or other conditions may also be necessary. All Telecommunications Facilities shall comply with the following:

- A. The **Planning and** Community Development Director shall establish and maintain a list of information that must accompany every application for the installation of a telecommunications facility. Said information may include, but shall not be limited to, completed supplemental project information forms, a specific maximum requested gross cross-sectional area, or silhouette, of the facility; service area maps, network maps, alternative site analysis, visual impact demonstrations including mock-ups and/or photo-montages, visual impact analysis, NIER (non-ionizing electromagnetic radiation) exposure studies, title reports identifying legal access, security considerations, lists of other nearby telecommunication facilities known to the City, master plan for all related facilities within the City limits and within one-quarter (1/4) mile there from; and facility design alternatives to the proposal and deposits for peer review, if deemed necessary by the Director. The **Planning and** Community Development Director may release an applicant from having to provide one or more of the pieces of information on this list upon a finding that in the specific case involved said information is not necessary to process or make a decision on the application being submitted; and
- B. The **Planning and** Community Development Director is explicitly authorized at his/her discretion to employ on behalf of the City an independent technical expert to review any technical materials submitted including, but not limited to, those required under this section and in those cases where a technical demonstration of unavoidable need or unavailability of alternatives is required. The applicant shall pay all the costs of said review, including any administrative costs incurred by the City. Any proprietary information disclosed to the City or the expert hired shall remain confidential and shall not be disclosed to any third party.
- C. A permit will be issued by the **Planning and** Community Development Department when the minimum application requirements have been met. (Ord. 2724, 1997)

**5.16.090 Telecommunications facilities - standard agreements required**

- A. A maintenance/facility removal agreement (see Attachment 2) signed by the applicant shall be submitted to the **Planning and** Community Development Director prior to approval of the building permit or other entitlement for use authorizing the establishment or modification of any telecommunications facility which includes a telecommunication tower, one (1) or more new buildings/equipment enclosures larger in aggregate than three hundred (300) square feet, more than three (3) satellite dishes of any size, or a satellite dish larger than four feet (4') in diameter. Said agreement shall bind the applicant and the applicant's successors-in-interest to properly maintain the exterior appearance of and ultimately removal of the facility in compliance with the provisions of this chapter and any conditions of approval. It shall further bind them to pay all costs for monitoring compliance with, and enforcement of, the agreement and to reimburse the City for all costs incurred to perform any work required of the applicant by this agreement that the applicant fails to perform. It shall also specifically authorize the City and/or its agents to enter onto the property and undertake said work so long as:
  1. The **Planning and** Community Development Director has first provided the applicant the following written notices:
    - a. An initial compliance request identifying the work needed to comply with the agreement and providing the applicant at least forty-five (45) calendar days to complete it; and
    - b. A follow-up notice of default specifying the applicant's failure to comply with the work within the time period specified and indicating the city's intent to commence the required work within ten (10) working days;

2. The applicant has not filed an appeal pursuant to Section 5.16.280 within fourteen (14) working days of the notice required under Section 5.16.090(1) above. If an appeal is filed, the City shall be authorized to enter the property and perform the necessary work if the appeal is dismissed or final action on it taken in favor of the City;
  3. All costs incurred by the City to undertake any work required to be performed by the applicant pursuant to the agreement referred to in Section 5.16.090 including, but not limited to, administrative and job supervision costs, shall be borne solely by the applicant. The agreement shall specifically require the applicant to immediately cease operation of the telecommunication facility involved if the applicant fails to pay the moneys demanded within ten (10) working days. It shall further require that operation remain suspended until such costs are paid in full.
- B. The standard agreement required by Section 5.16.090(A) shall include, but not be limited to, the following stipulations agreed to by the applicant:
1. Owners of telecommunication facilities shall be strictly liable for any and all sudden and accidental pollution and gradual pollution resulting from their use within the City of Great Falls. This liability shall include cleanup, intentional injury or damage to persons or property. Additionally, telecommunication facilities lessors shall be responsible for any sanctions, fines, or other monetary costs imposed as a result of the release of pollutants from their operations. Pollutants means any solid, liquid, gaseous or thermal irritant or contaminant, include smoke, vapor, soot, fumes, acids, alkalis, chemicals, electromagnetic waves and waste. Waste includes materials to be recycled, reconditioned or reclaimed.
  2. The telecommunication facility provider shall defend, indemnify, and hold harmless the City or any of its boards, commissions, agents, officers, and employees from any claim, action or proceeding against the City, its boards, commission, agents, officers, or employees to attack, set aside, void, or annul, the approval of the project when such claim or action is brought within the time period provided for in applicable State and/or local statutes. The City shall promptly notify the provider(s) of any such claim, action or proceeding. The City shall have the option of coordinating in the defense. Nothing contained in this stipulation shall prohibit the City from participating in a defense of any claim, action, or proceeding if the City bears its own attorney's fees and costs, and the City defends the action in good faith. (Ord. 2724, 1997)

#### **5.16.100 Telecommunications facilities - life permits**

- A. A permit issued pursuant to this chapter authorizing establishment of a telecommunication facility, except exempt facilities as defined in Section 5.16.020(S)(1), shall be reviewed every year. Costs associated with the review process shall be borne by the telecommunication facility owner/provider. Grounds for revocation of the permit shall be limited to a finding that (1) the use involved is no longer allowed in the applicable zoning district, (2) the facility fails to comply with the relevant requirements of this chapter as they exist at the time of renewal and the permittee has failed to supply assurances acceptable to the **Planning and** Community Development Director that the facility will be brought into compliance within one hundred twenty (120) days, (3) the permittee has failed to comply with the conditions-of-approval imposed, (4) the facility has not been properly maintained, or (5) the facility has not been upgraded to minimize its impact, including community aesthetics, to the greatest extent permitted by the technology that exists at the time of renewal and is consistent with the provisions of universal service at affordable rates. The grounds for appeal of issuance of a renewal shall be limited to a showing that one or more of the situations listed above do in fact exist or that the notice required under Section 5.16.090 was not provided.
- B. If a permit for use is not renewed, it shall automatically become null and void without notice or hearing two (2) years after it is issued or upon cessation of use for more than a year and a day, whichever comes first. Unless a new permit or entitlement of use is issued, within one hundred twenty (120) days thereafter all improvements installed including their foundations down to three feet (3 feet below ground surface) shall be removed from the property and the site restored to its natural pre-construction state within one hundred twenty (120) days of non-renewal or abandonment. Any access road installed shall also be removed and the ground returned to its natural condition unless the property owner establishes to the satisfaction of the **Planning and** Community Development Director that these sections of road are necessary to serve some other allowed use of the property that is permitted or is currently present or to provide access to adjoining parcels. (Ord. 2724, 1997)

#### **5.16.110 Telecommunication facilities - structural requirements**

No telecommunication facility shall be designed and/or sited such that it poses a potential hazard to nearby residences or surrounding properties or improvements. To this end, any telecommunication tower, except exempt facilities as defined in Section 5.16.020(S)(1), located at a distance of less than 110% of its height from an inhabited area or other tower shall be designed and maintained to withstand without failure the maximum forces expected from wind and earthquakes when the tower is fully loaded with antennas, transmitters and other equipment, and camouflaging. Initial demonstration of compliance with this requirement shall be provided via submission of a report to the Building Official prepared by a structural engineer licensed by the State of Montana describing the tower structure, specifying

the number and type of antennas it is designed to accommodate, providing the basis for the calculations done, and documenting the actual calculations performed. Proof of ongoing compliance shall be provided via submission to the **Planning and** Community Development Director at least every five (5) (self-supporting and guyed towers)/ten (10) (monopoles) years of an inspection report prepared by a Montana-licensed structural engineer indicating the number and types of antennas and related equipment actually present and indicating the structural integrity of the tower. Based on this report, 5.16.110 - 5.16.120 the Building Official may require repair or, if a serious safety problem exists, removal of the tower. (Ord. 2724, 1997)

#### **5.16.120 Telecommunications facilities - basic tower and building design**

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

- A. Telecommunication towers shall be constructed out of metal or other non-flammable material, unless specifically conditioned by the City to be otherwise.
- B. Telecommunication towers taller than thirty-five feet (35') shall be monopoles or guyed/lattice towers except where satisfactory evidence is submitted to the **Planning and** Community Development Director that a self-supporting tower is required to provide the height and/or capacity necessary for the proposed telecommunication use to minimize the need for screening from adjacent properties, or to reduce the potential for bird strikes.
- C. Satellite dishes other than microwave dishes shall be of mesh construction, except where technical evidence is acceptable to the **Planning and** Community Development Director is submitted showing that this is infeasible.
- D. Telecommunication support facilities (i.e., vaults, equipment rooms, utilities, and equipment enclosures) shall be constructed out of non-reflective materials (visible exterior surfaces only) and shall be placed in underground vaults to all extent possible.
- E. Telecommunication support facilities shall be no taller than one story (fifteen feet) in height and shall be treated to look like a building or facility typically found in the area.
- F. Telecommunication support facilities in areas of high visibility shall, where possible, be sited below the ridgeline or designed (i.e., placed underground, depressed, or located behind earth berms) to minimize their profile.
- G. All buildings, poles, towers, antenna supports, antennas, and other components of each telecommunications site shall be initially painted and thereafter repainted as necessary with a "flat" paint. The color selected shall be one that will minimize their visibility to the greatest extent feasible. To this end, improvements which will be primarily viewed against soils, trees or grasslands shall be painted colors matching these landscapes while elements which rise above the horizon shall be painted a blue gray that matches the typical sky color at that location.
- H. The project description and permit shall include a specific maximum allowable gross cross-sectional area, or silhouette, of the facility. The silhouette shall be measured from the "worst case" elevation perspective.
- I. The City shall have the authority to require special design of the telecommunication facilities where findings of particular sensitivity are made (e.g. proximity to historic or aesthetically significant structures, views and/or community features). Antennas and supporting electrical/mechanical equipment installed on the rooftop or above a structure shall be screened, constructed and/or colored to match the structure to which they are attached.
- J. Telecommunication facilities shall insure that sufficient anti-climbing measures have been incorporated into the facility, as needed, to reduce potential for trespass and injury.

#### **5.16.130 Telecommunication facilities - location**

- A. Telecommunication facilities (antennas and towers) are permitted in residential districts when they are designed as an architecturally compatible accessory element to an existing non-residential use such as schools, churches, etc. and antennas mounted on existing non-residential structures (subject to location and height restrictions). These permitted antennas/towers shall be limited to 45 feet in height above original grade and are subject to site plan approval by the Design Review Board.
- B. Antennas and towers are permitted in Commercial (LB, GC, B1, B2, B3, B4 & CLM), Public Lands Institutional (PLI) and Industrial Districts subject to the following height limitations:
  1. Towers/antennas are permitted to a maximum height of 100 feet in Industrial Districts. Fifty additional feet may be added to accommodate co-location if the applicant submits information certifying the capacity of the tower for two additional providers and a letter of intent from the applicant indicating their intent to share space. A lightning rod, not to exceed 10 feet, shall not be included within the height limitations. A setback, equal to 25% of the tower height, must be maintained and the facilities are subject to site plan approval by the Design Review Board.

2. Ground mounted towers/antennas permitted in Commercial and PLI Districts are limited to a maximum height of 45 feet. A setback, equal to 25 % of the tower height, must be maintained and the facilities are subject to site plan approval by the Design Review Board.
  3. Permitted telecommunications facilities in Commercial and PLI Districts that are building mounted can have a tower/antenna height equal to the distance to the nearest edge of the roof.
- C. All telecommunication facilities shall be located so as to minimize their visibility and the number of distinct facilities present. To this end all of the following measures shall be implemented for all telecommunications facilities, except exempt facilities as defined in Section 5.16.020)(S)(1):
1. No telecommunication facility shall be installed within the influence zone of the Great Falls International Airport or any helipad unless the airport owner/operator indicates that it will not adversely affect the operation of the airport or helipad;
  2. No telecommunication facility shall be installed at a location where special painting or lighting will be required by the FAA regulations unless technical evidence acceptable to the **Planning and** Community Development Director is submitted showing that this is the only technically feasible location for this facility;
  3. No telecommunication facility shall be installed on an exposed ridgeline, in or at a location readily visible from Highway I-15, a public trail, public park or other outdoor recreation area, or in property designated as a Floodway unless it blends with the surrounding existing natural and man-made environment in such a manner as to be effectively unnoticeable and a finding is made that no other location is technically feasible;
  4. No telecommunication facility that is readily visible from off-site shall be installed closer than one-half mile from another readily visible uncamouflaged or unscreened telecommunication facility unless it is a co-located facility, situated on a multiple-user site, or blends with the surrounding existing natural and man-made environment in such a manner as to be effectively unnoticeable; or technical evidence acceptable to the **Planning and** Community Development Director is submitted showing a clear need for this facility and the unfeasibility of co-locating it on one of these former sites;
  5. No telecommunication facility that is readily visible from off-site shall be installed on a site that is not already developed with telecommunication facilities or other public or quasi-public uses unless it blends with the surrounding existing natural and man-made environment in such a manner so as to be effectively unnoticeable or technical evidence acceptable to the **Planning and** Community Development Director is submitted showing a clear need for this facility and the unfeasibility of co-locating it on one of these former sites; and
  6. Telecommunication towers shall be set back at least twenty five percent (25%) of the tower height from all property lines. Any tower/antenna located less than 110% of its height from an inhabited area must meet the requirements set forth in Section 5.16.110. Guy wire anchors shall be set back at least twenty feet (20') from any property line. (Ord. 2724, 1997)

#### **5.16.140 Telecommunication facilities - height determination**

The height of a telecommunication tower shall be measured from the natural undisturbed ground surface below the center of the base of said tower to the top of the tower itself or, if higher, to the tip of the highest antenna or piece of equipment attached thereto. In the case of building-mounted towers the height of the tower includes the height of the portion of the building on which it is mounted. In the case of "crank-up" or other similar towers whose height can be adjusted, the height of the tower shall be the maximum height to which it is capable of being raised. (Ord. 2724, 1997)

#### **5.16.150 Telecommunication facilities - co-located and multiple-user facilities**

- A. An analysis shall be prepared by or on behalf of the applicant, which identifies all reasonable, technically feasible, alternative locations and/or facilities which would provide the proposed telecommunication service. The intention of the alternatives analysis is to present alternative strategies which would minimize the number, size, and adverse environmental impacts of facilities necessary to provide the needed services to the City and surrounding rural and urban areas. The analysis shall address the potential for co-location at an existing or a new site and the potential to locate facilities as close as possible to the intended service area. It shall also explain the rationale for selection of the proposed site in view of the relative merits of any of the feasible alternatives. Approval of the project is subject to a finding that the proposed site results in fewer or less severe environmental impacts than any feasible alternative site. The City may require independent verification of this analysis at the applicant's expense. Facilities which are not proposed to be co-located with another telecommunication facility shall provide a written explanation why the subject facility is not a candidate for co-location.
- B. All co-located and multiple-user telecommunication facilities shall be designed to promote facility and site sharing. To this end telecommunication towers and necessary appurtenances, including but not limited to, parking areas, access roads, utilities and equipment buildings shall be shared by site users when in the determination of the **Planning and** Community Development Director this will minimize overall visual impact to the community.

- C. The facility shall make available unused space for co-location of other telecommunication facilities, including space for these entities providing similar, competing services. A good faith effort in achieving co-location shall be required of the host entity. Requests for utilization of facility space and responses to such requests shall be made in a timely manner and in writing and copies shall be provided to the City's permit files. Unresolved disputes may be mediated by the Board of Adjustment/Appeal. Co-location is not required in cases where the addition of the new service or facilities would cause quality of service impairment to the existing facility or if it became necessary for the host to go off-line for a significant period of time.
- D. Approval for the establishment of facilities improved with an existing microwave band or other public service use or facility, which creates interference or interference is anticipated as a result of said establishment of additional facilities, shall include provisions for the relocation of said existing public use facilities. All costs associated with said relocation shall be borne by the applicant for the additional facilities. (Ord. 2724, 1997)

#### **5.16.160 Telecommunications facilities - lighting**

All telecommunication facilities shall be unlit except for the following:

- A. A manually-operated or motion-detector controlled light above the equipment shed door which shall be kept off except when personnel are actually present at night; and
- B. The minimum tower lighting required under FAA regulation; and
- C. Where tower lighting is required, it shall be shielded or directed to the greatest extent possible in such a manner as to minimize the amount of light that falls onto nearby properties, particularly residences. (Ord. 2724, 1997)

#### **5.16.170 Telecommunications facilities - roads and parking**

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

- A. Existing roads shall be used for access, built using concrete/asphalt, and be upgraded the minimum amount necessary to meet standards specified by the Director of Public Works. Any new roads or parking areas built shall, whenever feasible, be shared with subsequent telecommunication facilities and/or other permitted uses. In addition, they shall meet the width and structural requirements of the Director of Public Works;
- B. Existing parking areas shall, whenever possible, be used; and
- C. Any new parking areas constructed shall be kept to a minimum and will be done in concrete or asphalt. (Ord. 2724, 1997)

#### **5.16.180 Telecommunications facilities - vegetation protection and facility screening**

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

- A. A landscape plan shall be submitted with project application submittal indicating all existing vegetation, identifying landscaping that is to be retained on the site and any additional vegetation that is needed to satisfactorily screen the facility from adjacent land uses and public view areas. The landscape plan shall be subject to approval during the site plan review process. All trees, larger than four inches (4") in diameter shall be identified in the landscape plan with indication of species type, diameter at four and one-half feet (42') high, and whether it is to be retained or removed with project development;
- B. Existing trees and other screening vegetation in the vicinity of the facility and along the access roads and power/telecommunication line routes involved shall be protected from damage, both during the construction period and thereafter.
- C. All areas disturbed during project construction other than the access road and parking areas required under Section 5.16.180 shall be replanted with vegetation compatible with the vegetation in the surrounding area (e.g., ornamental shrubs or natural brush, depending upon the circumstances) to the satisfaction of the **Planning and Community Development** Director;
- D. Any existing trees or significant vegetation, on the site or along the affected access area that die shall be replaced with native trees and vegetation of a size and species acceptable to the **Planning and Community Development** Director; and
- E. No actions shall be taken subsequent to project completion with respect to the vegetation present that would increase the visibility of the facility itself or the access road and power/telecommunication lines serving it. (Ord. 2724, 1997)

#### **5.16.190 Telecommunication facilities - fire prevention**

All telecommunication facilities shall be designed and operated in such a manner so as to minimize the risk of igniting a fire or intensifying one that otherwise occurs. To this end all of the following measures shall be implemented for all

telecommunication facilities, when determined necessary by the Building Official, except exempt facilities as defined in Section 5.16.020(S)(1):

- A. At least one-hour fire resistant interior surfaces shall be used in the construction of all buildings;
- B. Monitored automatic fire extinguishing systems shall be installed in all equipment buildings and enclosures;
- C. Rapid entry systems shall be installed;
- D. All tree trimmings and trash generated by construction of the facility shall be removed from the property and properly disposed of prior to building permit finalization or commencement of operation, whichever comes first. (Ord. 2724, 1997)

#### **5.16.200 Telecommunication facilities - environmental resource protection**

All telecommunication facilities shall be sited so as to minimize the effect on environmental resources. To that end the following measures shall be implemented for all telecommunication facilities, except exempt facilities as defined in Section 5.16.020(S)(1):

- A. No telecommunications facility or related improvements shall be sited such that their construction will damage an archaeological site or have an adverse effect on the historic character of a historic feature or site;
- B. No telecommunications facility shall be sited such that its presence threatens the health or safety of migratory birds;
- C. The facility shall comply with all applicable City Floodplain, Floodway and Storm Drainage Control regulations;
- D. Potential adverse visual impacts which might result from project related grading or road construction shall be minimized;
- E. Potential adverse impacts upon nearby public use areas such as parks or trails shall be minimized; and
- F. Drainage, erosion, and sediment controls shall be required as necessary to abide soil erosion and sedimentation of waterways. Structures and roads on slopes of 10% or greater shall be avoided. Erosion control measures shall be incorporated for any proposed facility which involves grading or construction near a waterway or on lands with slopes over 10%. Natural vegetation and topography shall be retained to the extent feasible. (Ord. 2724, 1997)

#### **5.16.210 Telecommunications - noise and traffic**

All telecommunication facilities shall be constructed and operated in such a manner as to minimize the amount of disruption caused to the residents of nearby homes and the users of nearby recreational areas such as public parks and trails. To that end all the following measures shall be implemented for all telecommunication facilities, except exempt facilities as defined in Section 5.16.020(S)(1):

- A. Outdoor noise producing construction activities shall only take place on weekdays (Monday through Friday, non-holiday) between the hours of 7:30 a.m. and 5:30 p.m. unless allowed at other times by the **Planning and Community Development Director**;
- B. Backup generators shall only be operated during power outages and for testing and maintenance purposes. If the facility is located within one hundred feet (100') of a residential dwelling unit, noise attenuation measures shall be included to reduce noise levels to an exterior noise level of at least a Ldn of 50 dB at the property line and an interior noise level of a Ldn of 45 dB. Testing and maintenance shall only take place on weekdays between the hours of 8:30 a.m. and 4:30 p.m.; and
- C. Traffic, at all times, shall be kept to an absolute minimum, but in no case more than two round trips per day on an average annualized basis once construction is complete. (Ord. 2724, 1997)

#### **5.16.220 Telecommunication facilities - visual compatibility**

- A. Facility structures and equipment shall be located, designed and screened to blend with the existing natural or built surroundings so as to reduce visual impacts to the extent feasible considering the technological requirements of the proposed telecommunication service and the need to be compatible with neighboring residences and the character of the community.
- B. The facility is designed to blend with the any existing supporting structure and does not substantially alter the character of the structure or local area.
- C. Following assembly and installation of the facility, all waste and debris shall be removed and disposed of in a lawful manner; and
- D. A visual analysis, which may include photo montage, field mock up, or other techniques shall be prepared by or on behalf of the applicant which identifies the potential visual impacts, at design capacity, of the proposed facility to the satisfaction of the **Planning and Community Development Director**. Consideration shall be given to views from public areas as well as from private residences. The analysis shall assess the cumulative impacts of the proposed facility and other existing and foreseeable telecommunication facilities in the area, and shall identify and include all feasible mitigation measures consistent with the technological requirements of the proposed telecommunication service. All costs for the visual analysis, and applicable administrative costs, shall be borne by the applicant. (Ord. 2724, 1997)



**5.16.230 Telecommunications facilities - NIER exposure**

- A. No telecommunication facility shall be sited or operated in such a manner that it poses, either by itself or in combination with other such facilities, a potential threat to public health. To that end no telecommunication facility or combination of facilities shall produce at any time power densities in any inhabited area as this term is defined in Section 5.16.020 that exceed the ANSI (American National Standards Institute) C95. 1-1992 standard for human exposure or any more restrictive standard subsequently adopted or promulgated by the City, County, the State of Montana, or the federal government.
- B. Initial compliance with this requirement shall be demonstrated for any facility within four hundred feet (400') of residential uses or sensitive receptors such as schools, churches, hospitals, etc. and all broadcast radio and television facilities, regardless of adjacent land uses, through submission, at the time of application for the necessary permit or entitlement, of NIER (Nonionizing Electromagnetic Radiation calculations) specifying NIER levels in the inhabited area where the levels produced are projected to be highest. If these calculated NIER levels exceed 80% of the NIER standard established by this Section, the applicant shall hire a qualified electrical engineer licensed by the State of Montana to measure NIER levels at said location after the facility is in operation. A report of these measurements and his/her findings with respect to compliance with the established NIER standard shall be submitted to the **Planning and** Community Development Director. Said facility shall not commence normal operations until it complies with, or has been modified, to comply with this standard. Proof of said compliance shall be a certification provided by the engineer who prepared the original report. In order to assure the objectivity of the analysis, the City may require, at the applicant's expense, independent verification of the results of the analysis.
- C. Every telecommunication facility within four hundred feet (400') of an inhabited area and all broadcast radio and television facilities shall demonstrate continued compliance with the NIER standard established by this section. Every five (5) years a report listing each transmitter and antenna present at the facility and the effective radiated power radiated shall be submitted to the **Planning and** Community Development Director. If either the equipment or effective radiated power has changed, calculations specifying NIER levels in the inhabited areas where said levels are projected to be highest shall be prepared. NIER calculations shall also be prepared every time the adopted NIER standard changes. If calculated levels in either of these cases exceed 80% of the standard established by this section, the operator of the facility shall hire a qualified electrical engineer licensed by the State of Montana to measure the actual NIER levels produced. A report of these calculations, required measurements, if any, and the author's/engineer's findings with respect to compliance with the current NIER standard shall be submitted to the **Planning and** Community Development Director within five (5) years of facility approval and every five (5) years thereafter. In the case of a change in the standard, the required report shall be submitted within ninety (90) days of the date said change becomes effective.
- D. Failure to supply the required reports or to remain in continued compliance with the NIER standard established by this section shall be grounds for revocation of the use permit or other entitlement. (Ord. 2724, 1997)

**5.16.240 Telecommunication facilities – exemptions**

- A. Exceptions to the requirements specified within this chapter may be granted by the City Commission. Such a permit may only be approved if the City Commission finds, after receipt of sufficient evidence, that failure to adhere to the standard under consideration in the specific instance will not increase the visibility of the facility or decrease public safety.
- B. Tower setback requirements may be waived under any of the following circumstances:
  - 1. The facility is proposed to be co-located onto an existing, legally-established telecommunication tower; and
  - 2. Overall, the reduced setback enables further mitigation of adverse visual and other environmental impacts than would otherwise be possible. (Ord. 2724, 1997)

**5.16.250 Telecommunication facilities - public notice**

In addition to the notices required within Section 5.16.090 of this chapter, the following special noticing shall be provided:

- A. Notice of consideration on a permit authorizing the establishment or modification of a telecommunication facility shall be provided to the operators of all telecommunication facilities, registered with the City of Great Falls pursuant to Section 5.16.040, within one mile of the subject parcel via mailing of the standard legal notice prepared, and
- B. Notice of the permit approval authorizing the establishment or modification of, or the renewal of a permit for, a telecommunication facility or minor antenna needing site plan review, shall be mailed to all adjacent property owners within three hundred feet (300'). Mailing of said notice shall start a fourteen (14) calendar day appeal period. (Ord. 2724, 1997)

**5.16.260 Ambiguity**

- A. In order to achieve consistent and efficient coordination and enforcement in the administration of this chapter, the **Planning and** Community Development Director, or designee, shall have the power and duty to interpret this chapter to members of the public, to City departments and other branches of City government, including preliminary negotiation with and advice to applicants for administrative approval, subject to the policy of the City Commission. Said duties shall be carried out in consultation with the Director of Public Works and the City Manager.
- B. Report regularly to the City Manager and City Commission on the conduct of his/her office including number of applications processed and their resolution. (Ord. 2724, 1997)

**5.16.270 Appeal**

Any person who disagrees with a ruling or interpretation of the **Planning and** Community Development Director or designee regarding this chapter may appeal the matter to the Board of Adjustment/Appeal. Such appeal shall be made in writing within fourteen (14) calendar days of the ruling or interpretation. The **Planning and** Community Development Director, or designee, will then cause the matter to be placed on the agenda of the Board of Adjustment/Appeal. If no appeal is made within that time, the ruling or interpretation shall be final. The appeal shall set forth in writing the grounds for the appeal and the relief sought by the appellant. The hearing shall be scheduled within two regularly scheduled meetings. The **Planning and** Community Development Director, or designee, shall notify in writing all persons who have demonstrated their interest in this matter of the time and place of the meeting on the appeal at least ten (10) calendar days prior to the meeting. The **Planning and** Community Development Director shall transmit the application and all exhibits therewith to the Board of Adjustment/Appeal for consideration. For the purposes of this section, a ruling is a discretionary action, e.g., on a permit or a site plan and architectural review; and an interpretation refers to the determination of the intent and application of provisions of this chapter. Application or enforcement of provisions of this chapter shall not be considered interpretations or rulings and are not subject to appeal. Notwithstanding this section, an individual may file for an exception from the provisions of this chapter pursuant to Section 5.16.240 of this chapter. (Ord. 2724, 1997)

**5.16.280 Statutory severability**

If any section, subsection, sentence, clause or phrase or word of this ordinance is for any reason held to be unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Commission of the City of Great Falls hereby declares that it would have passed and adopted this ordinance and each and all provisions thereof irrespective of the fact that anyone or more of said provisions be declared unconstitutional. (Ord. 2724, 1997)

**Chapter 20  
ESTABLISH AND OPERATE AN ELECTRIC UTILITY**

**Sections:**

- 5.20.010 Findings, determinations and declarations
- 5.20.020 Definitions
- 5.20.030 Establishment of municipal electric utility
- 5.20.040 Organization of Electric City Power, Inc.
- 5.20.050 Purpose of the corporation
- 5.20.060 Powers of the corporation; limitations
- 5.20.070 Rates
- 5.20.080 Rules of operation
- 5.20.090 Availability of rules and schedule of rates, charges and classifications
- 5.20.100 Revenue bonds; tax-exempt obligations
- 5.20.110 Transitional provisions
- 5.20.120 Removal of directors; sale or dissolution of corporation

**5.20.010 Findings, determinations and declarations**

The City Commission hereby finds, determines and declares that:

- A. The continued growth, economic development and prosperity of the City and its residents requires the availability of secure, reliable and economic supplies of electricity at stable, economical and cost-based rates for all residential, commercial, industrial and other electric consumers within the City;
- B. The restructuring of the electric utility industry in the State has exposed the City and residential, commercial, industrial and other electric consumers within the City to volatile and unstable market-based rates for electricity supply service; and

C. It is necessary, desirable and in the best interest of the City, its residents and all electricity consumers within the City for the City to establish and organize Electric City Power, Inc. (the “Corporation”) pursuant to the provisions of the Montana Nonprofit Corporation Act, Title 35, Chapter 2, Montana Code Annotated, as amended (the “Nonprofit Act”), to own, construct, finance, operate and maintain the properties, facilities, rights and interests comprising the City’s municipal electric utility established pursuant to Section 5.20.030, OCCGF, and to provide electricity supply services to consumers within and outside of the boundaries of the City at stable, cost-based rates, all for and on behalf of the City. (Ord. 2925, 2005; Ord. 2861, 2003)

#### **5.20.020 Definitions**

For the purposes of this ordinance, and in addition to the words and terms defined elsewhere in this ordinance, the following words and terms shall have the meanings ascribed to them in this section, except where the context clearly indicates different meaning:

“Acquisition, Acquire, Construction or Construct” shall mean, without limitation, construction, acquisition, operation, maintenance, testing, extending, renewing, relocating, removing, replacing, repairing and using electric facilities.

“Consumer” shall mean any person, firm, partnership, corporation, cooperative, organization, governmental agency or other form of legal entity currently or potentially receiving electric services within and/or outside the boundaries of the City.

“Electric Facilities” shall mean fuel sources; water supply; generation, transmission and distribution facilities and equipment; and all necessary or convenient facilities and appurtenances thereto whether the same be located above or below ground, or within and/or outside the boundaries of the City.

“Internal Revenue Code” shall mean the Internal Revenue Code of 1986, as amended.

“Municipal Electric Utility” shall mean:

- A. The ownership, management and operation of electric facilities;
- B. The provision of electricity supply services to the City and to industrial, commercial, residential and other electric consumers within and outside of the boundaries of the City;
- C. The sale of electricity at wholesale or retail; and
- D. All other services necessary, desirable, incidental or related thereto; all to the extent permitted by law.

“Revenue Bonds” shall mean bonds, notes or other evidences of indebtedness authorized by the City and issued by the Corporation which shall be payable from the revenues of the municipal electric utility.

“Services” shall mean electric power and energy in the form of generation services, transmission services, distribution services, sale services or marketing services within and/or outside the boundaries of the City.

“Tax-Exempt Obligations” shall mean revenue bonds, the interest on which is excludable from the gross income of the holder pursuant to Section 103 of the Internal Revenue Code. (Ord. 2925, 2005; Ord. 2861, 2003)

#### **5.20.030 Establishment of municipal electric utility**

In the exercise of the self-governing powers contained in its Charter and pursuant to applicable law, the City does hereby establish a municipal electric utility for the purpose of securing and providing reliable and economic long term supplies of electricity to the City, its residents and electric consumers. (Ord. 2925, 2005; Ord. 2861, 2003)

#### **5.20.040 Organization of Electric City Power, Inc.**

The organization and incorporation of the Corporation pursuant to the Nonprofit Act is hereby authorized and approved. The Articles of Incorporation and the Bylaws of the Corporation shall be approved by resolution of the City Commission, and shall be placed on file with the City Clerk. The City Manager is hereby authorized and directed to take all actions necessary to complete the incorporation of the Corporation pursuant to the Nonprofit Act. (Ord. 2925, 2005; Ord. 2861, 2003)

#### **5.20.050 Purpose of the corporation**

The Corporation shall own, operate and manage the municipal electric utility and shall operate for the primary purpose of securing and providing reliable, long-term supplies of electricity to the City, its residents and electric consumers. In furtherance of such purpose, the Corporation may acquire or construct electrical facilities, participate with others in the acquisition or construction of electrical facilities, may enter into contracts to secure supplies of electricity and related services and, in order to achieve economies of scale and other benefits, may own, acquire,

construct or contract for long-term sources of electricity that are in excess of the present requirements of the City, its residents and consumers and may enter into contracts for the sale of electricity to any consumer outside of the City or any investor-owned, cooperative or municipal utility or other purchaser. (Ord. 2925, 2005; Ord. 2861, 2003)

#### **5.20.060 Powers of the corporation; limitations**

The Corporation shall have and exercise all powers conferred pursuant to the Nonprofit Act and its Articles of Incorporation that are necessary or desirable for the accomplishment of its purposes. Notwithstanding the foregoing,

- A. the Corporation shall not issue or incur any bonds, notes or other evidences of indebtedness without the prior approval of the City Commission, and
- B. the Corporation shall have no power to bind or create obligations of the City, and each bond, note or other evidence of indebtedness of the Corporation shall contain a statement to the effect that
  1. neither the City, the State, any agency, authority or instrumentality of the State or any municipality or local governmental unit is obligated to pay the principal thereof or interest thereon; and
  2. neither the faith and credit nor the taxing power of the City, the State, any agency, authority or instrumentality of the State or any municipality or local governmental unit is pledged or in any way obligated to pay the principal thereof or interest thereon. (Ord. 2925, 2005; Ord. 2861, 2003)

#### **5.20.070 Rates**

The Board of Directors of the Corporation shall from time to time consider and recommend rates and charges for electricity supply and other services provided by the Corporation. Such rates and charges shall be designed to enable the Corporation to operate on a self-sufficient and self-sustaining basis and to produce revenues at all times sufficient to pay all operating, maintenance, debt service, repair and replacement costs of the Corporation and to provide reserves necessary or desirable for working capital, capital improvements and replacements and rate stabilization purposes. All rates and charges recommended by the Board of Directors of the Corporation shall be subject to the approval of the City Commission, by resolution adopted subsequent to notice and public hearing as required by Title 69, Chapter 7, Part 1, Montana Code Annotated, as amended. (Ord. 2925, 2005; Ord. 2861, 2003)

#### **5.20.080 Rules of operation**

The Board of Directors of the Corporation shall from time to time consider and recommend rules for operation of the municipal electric utility which shall contain, at a minimum, those requirements of good practice which can be normally expected for the operation of an electrical utility as required by Title 69, Chapter 7, Part 2, Montana Code Annotated, as amended. All rules of operation recommended by the Board of Directors shall be subject to approval by resolution of the City Commission. (Ord. 2925, 2005; Ord. 2861, 2003)

#### **5.20.090 Availability of rules and schedule of rates, charges and classifications**

A schedule of rates, charges or classifications imposed upon or otherwise payable by the customers served by the municipal electric utility and a copy of the rules established for the operation of the municipal electric utility shall be kept and maintained at the principal office of the Corporation and in the City Clerk's Office and the same shall be made available to public inspection at any time during regular office hours. (Ord. 2925, 2005; Ord. 2861, 2003)

#### **5.20.100 Revenue bonds; tax-exempt obligations**

The City Commission may from time to time authorize the issuance of revenue bonds by the Corporation on behalf of the City to acquire or construct electric facilities. By enactment of this ordinance, the City has approved the creation and organization of the Corporation, the purposes and activities of the Corporation, and in general, the issuance of revenue bonds by the Corporation to acquire and construct electric facilities. However, no revenue bonds shall be issued by the Corporation unless the City Commission shall first adopt (within one year prior to the issuance of such revenue bonds) a resolution approving the issuance of such revenue bonds and the purposes for which such revenue bonds are to be issued. In the event that such revenue bonds are to be issued as tax exempt obligations, the City and the Corporation shall comply with the requirements of Revenue Procedure 82-26, 1982-1 C.B. 476, or any successor thereto, and all such tax-exempt obligations shall comply with the following requirements:

- A. All of the original proceeds and investment proceeds of the tax-exempt obligations, except for a *de minimis* amount of less than \$5,000 that is included in the issue solely for the purpose of rounding the dollar amount of the issue, shall be used to provide tangible real or tangible personal property. Notwithstanding any other provision of this ordinance to the contrary, the Corporation may not finance the acquisition or construction of electric facilities with the proceeds of a tax-exempt obligation unless such electric facilities are located within the geographic boundaries of, or have a substantial connection with, the City.
- B. Before tax-exempt obligations may be issued to acquire or construct electric facilities, the City shall first adopt a resolution stating that it will accept title to the electric facilities financed by such tax-exempt obligations, including

any additions to such electric facilities, when the tax-exempt obligations financing such electric facilities are discharged.

- C. The tax-exempt obligations of the Corporation are issued on behalf of the City and unencumbered fee title to the electric facilities (including any additions to such electric facilities) and exclusive possession and use of the electric facilities (including any additions to such electric facilities) shall vest solely in the City without demand or further action on the City's part when the tax-exempt obligations financing such electric facilities are discharged. Tax-exempt obligations are discharged when
1. cash is available at the place of payment on the date that the tax-exempt obligations are due (whether at maturity or upon prior call for redemption) and
  2. interest ceases to accrue on the tax-exempt obligations.
- D. The City shall have the right at any time to obtain unencumbered fee title and exclusive possession of all electric facilities financed by the tax-exempt obligations, and any additions to such electric facilities, by
1. placing into escrow an amount that will be sufficient to defease the tax exempt obligations financing such electric facilities, and
  2. paying reasonable costs incident to the defeasance. However, the City, at any time before it defeases such tax-exempt obligations, shall not agree or otherwise be obligated to convey any interest in the financed electric facilities to any person (including the United States of America or its agencies or instrumentalities) for any period extending beyond or beginning after the City defeases such tax-exempt obligations. In addition, except as may be provided in an ordinance approving a particular issue of tax-exempt obligations, the City shall not agree or otherwise be obligated to convey a fee interest in the electric facilities financed with any tax-exempt obligation issued by the Corporation to any person before the defeasance or within 90 days after the City defeases the tax-exempt obligations financing such electric facilities. (Ord. 2925, 2005; Ord. 2861, 2003)

#### **5.20.110 Transitional provisions**

The City Manager (or designee) is hereby authorized and directed to assign and transfer to the Corporation (insofar as is practicable and at such time and in such manner as he shall determine) all licenses, permits, contracts, agreements and other instruments heretofore entered into by the City in connection with or relating to the municipal electric utility. (Ord. 2925, 2005; Ord. 2861, 2003)

#### **5.20.120 Removal of directors; sale or dissolution of corporation**

A vote of four-fifths of the members of the City Commission shall be required in order to:

- A. Remove any Director of the Corporation;
- B. Approve the dissolution of the Corporation;
- C. Approve the sale of all or a substantial portion of the assets of the Corporation; or
- D. Approve an amendment to this Chapter that reduces the aforesaid number of members of the City Commission required for vote to take any of the actions described in 1 through 3 of this Section. (Ord. 2925, 2005)

Title 8  
**HEALTH AND SAFETY**

**Chapter**

---

4	General Health Definitions
6	General Health Regulations
7	Smoking in Indoor and Public Places
8	Hotels and Motels
12	Food Service
16	Food Manufacturing Establishments
32	Garbage and Refuse
36	Garbage and Refuse – Disposal Areas
40	Swimming Pools
44	Weeds
49	Nuisances
50	Public Nuisances
51	Maintenance and Sanitation of Premises
52	Abatement of Diseased Trees
56	Noise
60	Appliance Safety Precautions

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

**Sections:**

8.4.010 Definitions

**8.4.010 Definitions**

"Health Authority" means the legally designated Health Officer or designated authority. (Ord. 2803, 2001)

"Health Department" means the legally designated Great Falls and Cascade County City-County Health Department. (Ord. 2803, 2001; Prior code §8-3-1).

"Administrative hearing" means an informal hearing before the Health Officer, Supervising Sanitarian and Inspecting Registered Sanitarian concerning a permit suspension. (Ord. 2803, 2001)

"Board" means the legally designated City-County Board of Health provided for in M.C.A. 50-2-106.

“Critical item” means a provision of Title 37, Chapter 110, subchapter 2 and Title 16, Chapter 10, subchapter 3 of the Administrative Rules of Montana for Food Service Establishments that if violated is more likely than other violations to contribute to food contamination, illness or environmental degradation. (Ord. 2803, 2001)

“Health Officer” means a physician or person with a Master’s Degree in Public Health, or equivalent, appointed by the Board, as provided in M.C.A. 50-2-116. (Ord. 2614 §2(Exh. B), 1991).

“Food Manufacturing Establishment” means a commercial establishment and buildings or structures in connection with it, used to manufacture or prepare food for sale for human consumption but does not include milk producers’ facilities, milk pasteurization facilities, milk product manufacturing plants, slaughterhouses or meat packing plants; a food manufacturing establishment does not provide food directly to a consumer, and does not include a food service establishment as defined in this chapter. (Ord. 2803, 2001; Ord. 2728, 1997; Prior code §8-1-1).

“Food Service Establishment” means an operation as defined in 50-50-102(8) M.C.A., and includes an operation that stores, prepares, packages, serves, vends or otherwise provides food for human consumption in a mobile, stationary, temporary semi-permanent or permanent facility or location; where consumption is on or off the premises and regardless of whether there is a charge for the food. Food service establishment does not include:

- A. An establishment, vendor or vending machine that sells or serves only non-perishable foods;
- B. An establishment that offers only prepackaged foods that are not potentially hazardous;
- C. A produce stand that only offers whole, uncut fresh fruits and vegetables;
- D. A food manufacturing establishment;
- E. A kitchen in a private home if the food is prepared for sale or service at a function such as a religious or charitable organization’s bake sale;
- F. A private home that receives catered or home-delivered food; or
- G. A private organization serving food to only its members.

“Short Term Food Permit” means a permit issued by the Health Authority within the Health Department that allows for persons or organizations to serve approved food items to the public at events that do not exceed two days.

“Farmer’s Market Short Term Food Permit” means a permit issued by the Health Authority within the Health Department allowing persons or organizations to serve approved food items to the public for the duration of the designated Farmer’s Market season. (Ord. 2803, 2001; Ord. 2728, 1997; Prior code §8-1-1)

## Chapter 6 GENERAL HEALTH REGULATIONS

### Sections:

- 8.6.010 Drinking facilities
- 8.6.020 Health authority--duties--inspections
- 8.6.030 Short-term food function certificates

### **8.6.010 Drinking facilities**

All public halls, stores, depots, hotel lobbies and other public places must be provided with sanitary cups or sanitary drinking fountains, and the common cup or glass for the use of the public in such places is prohibited. (Ord. 2728, 1997; Prior code §8-3-4; 8.04.070).

### **8.6.020 Health authority--duties—inspections**

- A. The Health Authority shall have the power to enter and inspect any place where meat, game, poultry, fish, milk, groceries or other food products are prepared, handled, or stored, for public use and to inspect any vehicle transporting such products from one point to another or throughout the City.
- B. Any person who in any manner interferes or attempts to interfere with the Health Authority in the discharge of duties or any person being the owner, agent or manager of any place where food is prepared, handled, or stored who refuses to permit the Health Authority to have full access to such premises, or who attempts to conceal or remove any animals supposed to be diseased, or any food products that the Health Authority desires to inspect, is guilty of a violation of this chapter.
- C. It is the duty of the Health Authority to inspect any place where food is prepared, handled, or stored for public use at least once in every year unless otherwise provided for, or as often as is deemed necessary by the Health Authority

to maintain proper sanitation standards. Written record of such inspections will be provided to the owner, agent or manager of such establishments. (Ord. 2728, 1997; Prior codes §8-3-10; 8.04.100).

**8.6.030 Short-term food function certificates**

All persons or organizations serving or selling food to the public that do not fall under the other provisions of this chapter (i.e. church dinners, private organizations fund raising dinners) shall obtain a short-term function certificate from the City/County Health Department. (Ord. 2728, 1997; Prior codes §8-3-12; 8.04.120).

**Chapter 7**

**SMOKING IN INDOOR AND PUBLIC PLACES**

**Sections:**

- 8.7.010 Definitions
- 8.7.020 Reasonable distance

**8.7.010 Definitions**

“Public place” means any enclosed area to which the public is invited or in which the public is permitted or generally that is open to the public regardless of whether such building is owned in whole or in part by a private person or entities or by the City of Great Falls or other public entity, and regardless whether a fee is charged for admission to the place. (Ord. 2956, 2006; Ord. 2763, 1999)

**8.7.020 Reasonable distance**

The Montana “Smoking in Public Places” statute (MCA 50-40) requires all public places to be smoke free. It does not specify the distance designated smoking areas should be from a public place. This section is meant to augment state law by prohibiting smoking within presumptively reasonable minimum distance of twenty feet from entrances, exits, windows that open, and ventilation intakes that serve an enclosed area where smoking is prohibited so as to ensure that tobacco smoke does not enter the area through entrances, exits, open windows or other means. (Ord. 2956, 2006; Ord. 2753, 1999)

**Chapter 8**

**HOTELS AND MOTELS**

**Sections:**

- 8.8.010 Defined
- 8.8.020 State rule adopted

**8.8.010 Defined**

“Hotel” or “Motel” means and includes any building or structure kept, used, or maintained as, or advertised as, or held out to the public as a hotel, motel, inn, motor court, tourist court, public lodging house or place where sleeping accommodations are furnished for a fee to transient guests, with or without meals. (Ord. 2728, 1997; Prior code §8-2-1).

**8.8.020 State rule adopted**

The City adopts by reference the Montana Department of Public Health and Human Services rule for Hotels, Motels, Tourist Homes, Rooming Houses/Retirement Homes, Title 16, Chapter 10, Subchapter 6, dated November 11, 1994. A copy of the regulations shall be filed with the City Clerk as the official hotel-motel code. (Ord. 2728, 1997; Prior code §8-2-2).

**Chapter 12**

**FOOD SERVICE**

**Sections:**

- 8.12.010 State rule adopted
- 8.12.030 Permit--required
- 8.12.040 Permit--suspension
- 8.12.050 Permit--suspended--reinstatement
- 8.12.060 Permit--revocation
- 8.12.070 Hearings



- 8.12.080 Inspection of food service establishments
- 8.12.090 Knowledge of food protection practices
- 8.12.100 Short term food permit
- 8.12.110 Farmer's Market short term food permit

#### **8.12.010 State rule adopted**

The City adopts, by reference, the Montana Department of Public Health and Human Services requirements, dated November 23, 2000, for compliance with Chapter 110, Subchapter 2, Food Service Establishments of Title 37, Administrative Rules and Montana, and its definition of food service establishments. A copy of the regulation shall be filed with the City Clerk as the official food service code. (Ord. 2803, 2001; Ord. 2728, 1997; Ord. 2614 §2(Exh. B), 1991).

#### **8.12.030 Permit—required**

Each person, new owner, or operator of a food service establishment shall make an application for a City-County Health Department Food Establishment permit prior to operation of such an establishment. This application shall be made in writing and signed by the owner, manager, or authorized agent of the establishment. The Health Officer or his/her authorized representative shall approve the permit provided that the establishment meets the minimum requirements of State and local health laws and regulations, and requirements of this *City Code*. No food service establishment will be allowed to operate without a valid City-County Health Department Food Establishment permit. (Ord. 2803, 2001; Ord. 2614 §2(Exh. B), 1991).

#### **8.12.040 Permit—suspension**

- A. Permits may be suspended temporarily by the Health Authority for failure of the holder to comply with the requirements of this chapter. Whenever a permit holder or operator has failed to comply with any notice issued under the provisions of this chapter, the permit holder or operator shall be notified in writing of the specified violations causing the suspension, that the permit is, upon service of the notice, immediately suspended, and that an opportunity for an Administrative hearing will be provided if a written request for such is filed with the Health Department by the permit holder.
- B. Justifications for permit suspension are as follows:
  - 1. Whenever the Health Authority finds unsanitary or other conditions in the operation of the food service establishment which, in their judgment, constitute a substantial hazard to the public health, the Health Authority may temporarily suspend the permit.
  - 2. Whenever, upon written notice to the owner, manager, or authorized agent of a food service establishment, an inspection reveals unsanitary conditions and health-related problems exist within the establishment, and the subsequent inspection of the establishment reveals that the problems and conditions still exist, the Health Officer may temporarily suspend the permit.
  - 3. Continued violation of critical item(s), as outlined in red on the official Montana Department of Public Health and Human Services food service establishment inspection report form. (Ord. 2803, 2001; Ord. 2614 §2(Exh. B), 1991).

#### **8.12.050 Permit--suspended—reinstatement**

Any person whose permit has been suspended may, at any time, make application to the Health Department for a re-inspection for the purpose of reinstatement of the permit. Within ten days following the receipt of a written request, including a statement signed by the applicant that, in the applicant's opinion, the conditions causing suspension of the permit have been corrected, the Health Authority shall make a re-inspection. If the applicant is found to be in compliance with the requirements of this chapter, the permit shall be reinstated. (Ord. 2803, 2001; Ord. 2614 §2(Exh. B), 1991).

#### **8.12.060 Permit—revocation**

For serious or repeated violation of any of the requirements of this chapter, or for interference with the Health Authority in the performance of their duties, the permit may be permanently revoked after an opportunity for a hearing has been provided by the Board of Health. Prior to such action, the Health Department shall notify the permit holder, in writing, stating the reasons for which the permit is subject to revocation, and advising that the permit shall be permanently revoked at the end of five days following service of such notice unless the permit holder files within five days a request for a hearing before the Board. A permit may be suspended for cause pending its revocation or a hearing relative thereto. (Ord. 2803, 2001; Ord. 2614 §2(Exh. B), 1991).

#### **8.12.070 Hearings**

The hearings provided for in this section shall be conducted by the Board at a time and place designated by the board chair. Based upon the record of such hearing, the Board shall make a finding and shall sustain, modify, or rescind any official notice or order considered in the hearing. A written report of the Board's decision shall be furnished to the permit holder by the Health Officer. (Ord. 2803, 2001; Ord. 2614 §2(Exh. B), 1991).

**8.12.080 Inspection of food service establishments**

- A. At least once every year, the Health Authority shall inspect each food service establishment located in the City of Great Falls and shall make any additional inspections and re-inspections as are necessary for the enforcement of this Chapter. The Health Authority shall have the power to enter and inspect anyplace where meat, game, poultry, fish, milk, groceries, or any other food products are prepared, handled, stored for public use and to inspect any vehicle transporting such products. Any person who in any manner interferes or attempts to interfere with the Health Authority in the discharge of duties, or any person being owner, agent, or manager or any place food is prepared, handled, or stored, who refuses to permit the Health Authority to have full access to the premises, or any food products that the Health Authority desires to inspect, is guilty of a violation of this Chapter.
- B. The Health Authority shall be permitted to examine the records of the establishment to obtain pertinent information pertaining to food and supplies purchased, received, or used, an persons employed, during operation hours, or at any other time when food preparation is being conducted.
- C. A written record of any inspections will be provided to the owner, agent, or manager of each establishment. (Ord. 2728, 1997; Ord. 2614 §2(Exh. B), 1991).

**8.12.090 Knowledge of food protection practices**

The owner, operator, manager and employees of any food service establishment may, at any time, be required by the Health Authority of the City/County Health Department to show sufficient knowledge of food protection practices, sanitation practices and regulation requirements necessary to protect the public from food borne illness. At the option of the Health Authority, owners, operators, managers, and key food preparation personnel, may be required to participate in a food safety training course and/or may be tested on their knowledge of food protection practices prior to the opening of any new food establishment or at any time there is a change of ownership/management of an existing food establishment or if there is a pattern of critical item violations within an existing establishment. (Ord. 2803, 2001; Ord. 2728, 1997; Ord. 2614 §2(Exh. B), 1991).

**8.12.100 Short term food permit**

All persons or organizations serving or selling food to the public that do not fall under the provisions of this chapter (i.e., private church dinners, private organizations serving members only) shall obtain a short-term food permit from the City-County Health Department. Only 5 short term food permits will be issued per organization per year. Organizations wishing to operate more than 5 times per year shall be required to obtain a State of Montana, Department of Public Health and Human Services Food Purveyors License. (Ord. 2803, 2001; Ord. 2728, 1997; Ord. 2614 §2(Exh. B), 1991).

**8.12.110 Farmer’s Market short term food permit**

All persons or organizations serving or selling food to the public at farmer’s market locations shall obtain a Farmer’s Market short term food permit unless exempt pursuant to MCA 50.50.103. (Ord. 2803, 2001)

**Chapter 16  
FOOD MANUFACTURING ESTABLISHMENTS**

**Sections:**

- 8.16.020 State rule adopted
- 8.16.030 Permit--required
- 8.16.040 Permit--suspension
- 8.16.050 Permit--suspended--reinstatement
- 8.16.060 Permit--revocation
- 8.16.070 Hearings
- 8.16.080 Inspection of food manufacturing establishments
- 8.16.090 Knowledge of food protection practices

**8.16.020 State rule adopted**

The City adopts by reference the Montana Department of Public Health and Human Services Sanitary Rule for Food Manufacturing Establishments, Title 16, Chapter 10, Subchapter 3, dated November 11, 1994. A copy of the regulation shall be filed with the City Clerk as the official food-manufacturing code. (Ord. 2728, 1997; Prior code §8-1-2).

**8.16.030 Permit—required**

Each person, new owner or operator of an establishment shall make an application for a Health Department Permit prior to operation of such an establishment. This application shall be made in writing and signed by the owner, manager or authorized agent of the establishment. The Health Officer or authorized representative shall approve the permit provided that the establishment meets the minimum requirements of State and local health laws and regulations and requirements of this Code. No Food-manufacturing establishment will be allowed to operate without a valid Cascade County City/County Health Department Permit. (Prior code §8-1-3).

**8.16.040 Permit—suspension**

- A. Permits may be suspended temporarily by the Health Authority for failure of the holder to comply with the requirements of this chapter. Whenever a permit holder or operator has failed to comply with any notice issued under the provisions of this chapter, the permit holder or operator shall be notified in writing of the specified violations causing the suspension, that the permit is, upon service of the notice, immediately suspended, and that an opportunity for hearing will be provided if a written request for a hearing is filed with the Health Officer by the permit holder.
- B. Justifications for permit suspension are as follows:
1. Whenever the Health Authority finds unsanitary or other conditions in the operation of the Food-manufacturing establishment which, in their judgment, constitute a substantial hazard to the public health, the Health Officer may temporarily suspend the permit.
  2. Whenever, upon written notice to the owner, manager, or authorized agent of a Food-manufacturing establishment, an inspection reveals unsanitary conditions and health related problems exist within the establishment and the subsequent inspection of the establishment reveals that the problems and conditions still exist, the Health Authority may temporarily suspend the permit. (Ord. 2803, 2001; Prior code §8-1-4).

**8.16.050 Permit--suspended—reinstatement**

Any person whose permit has been suspended may, at any time, make application to the Health Department for a re-inspection for the purpose of reinstatement of the permit. Within ten days following the receipt of a written request, including a statement signed by the applicant that in the applicant's opinion the conditions causing suspension of the permit have been corrected, the Health Authority shall make a re-inspection. If the applicant is found to be in compliance with the requirements of this chapter the permit shall be reinstated. (Ord. 2803, 2001; Prior code §8-1-5).

**8.16.060 Permit—revocation**

For serious or repeated violations of any of the requirements of this chapter, or for interference with the Health Authority in the performance of his/her duties, the permit may be permanently revoked after an opportunity for a hearing has been provided by the Health Department. Prior to such action, the Health Officer shall notify the permit holder in writing, stating the reasons for which the permit is subject to revocation and advising that the permit shall be permanently revoked at the end of five days following service of such notice, unless the permit holder files within the five days a request for a hearing before the Board of Health. A permit may be suspended for cause pending its revocation or a hearing relative thereto. (Ord. 2803, 2001; Prior code §8-1-6).

**8.16.070 Hearings**

The hearings provided for in this section shall be conducted by the Board of Health at a time and place designated by the Board Chair. Based upon the record of such hearing, the Board of Health shall make a finding and shall sustain, modify, or rescind any official notice or order considered in the hearing. A written report of the Board's hearing decision shall be furnished to the permit holder by the Board Health. (Ord. 2803, 2001; Prior code §8-1-7).

**8.16.080 Inspection of food-manufacturing establishments**

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

C. A written record of any inspections will be provided to the owner, agent, or manager of each establishment. (Ord. 2803, 2001; Ord. 2728, 1997; Ord. 2614 §2(Exh. B), 1991; Prior code §8-1-8)

**8.16.090 Knowledge of food protection practices**

The owner, operator, manager, and employees of any food manufacturing establishment may, at any time, be required by the Health Authority of Cascade County City-County Health Department to show sufficient knowledge of food protection practices, sanitation practices, and regulation requirements necessary to protect the public from foodborne illness. At the option of the Health Authority, owners, operators, managers, and key food preparation personnel may be required to participate in a food safety training course and/or may be tested on their knowledge of food protection prior to the opening of any new food processing establishment or any time there is a change of ownership/management of an existing food processing establishment or if there is a pattern of critical item violations within an existing establishment. (Ord. 2803, 2001; Ord. 2728, 1997)

**Chapter 32  
GARBAGE AND REFUSE**

**Sections:**

- |   |   |
|---|---|
| 8.32.010 Definitions  | 8.32.200 Alley maintenance                                      |
| 8.32.020 Containers--accumulation of refuse—standards generally | 8.32.220 Premises – container placement—parks and public areas  |
| 8.32.030 Containers—future use of underground can prohibited    | 8.32.240 Premises-collection--authorized                        |
| 8.32.040 Containers--refuse--placement for collection           | 8.32.270 Burning  |
| 8.32.050 Containers—refuse—placement for alley collection       | 8.32.280 Construction-waste removal regulations                 |
| 8.32.070 Containers-refuse-garbage wrapping requirements        | 8.32.290 Salvaging prohibited—exception with contract or permit |
| 8.32.080 Combustible rubbish storage                            | 8.32.310 Manure accumulations                                   |
| 8.32.090 Containers—rubbish accumulation                        | 8.32.331 Billing charges  |
| 8.32.100 Bulk handling--refuse storage                          | 8.32.332 Assessing delinquent charges                           |
| 8.32.120 Containers--bulk--multifamily dwellings                | 8.32.350 Sanitation rates resolution                            |
| 8.32.150 Collector--littering prohibited                        | 8.32.380 Special services rate                                  |
| 8.32.160 Private persons transporting                           | 8.32.420 Exemption from service prohibited                      |
| 8.32.190 Premises maintenance—violation                         | 8.32.430 Contractual collection—license required                |

**8.32.010 Definitions**

The following definitions of terms shall apply unless the context clearly indicates another meaning or unless elsewhere expressly stated for specific application:

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

"Compost" means the product resulting from the decomposition of leaves, straw, grasses and other such vegetable matter mixed or unmixed with well-rotted manure, and mixed or unmixed with inorganic materials ordinarily forming a part of the soil, such as sand or lime, loam, and used, and usable or intended to be used as fertilizer and soil conditioner.

"Contract collection" means engagement by the City of a private company or companies under formal agreement and definite specifications to collect and haul municipal refuse for which the contractors are paid from general public revenues or service fees collected by the City.

"Disposal area" means any site, location, tract of land, area, building, structure or premises used or intended to be used for refuse disposal.

"Garbage" means every accumulation of animal, vegetable or other matter that attends the preparation, consumption, decay, dealing in or storage of meats, fish, fowl, birds, fruit or vegetables, including the cans, containers, or wrappers wasted along with such materials.

"Manure" means the accumulation of animal or fowl droppings with or without added decomposable materials such as straw, grasses or leaves, and exclusive of human excrement.

"Municipal collection" means performance of collection operations under direction of a regular municipal department or official.

"Owner/occupant" means the person occupying a dwelling or unit, or the person owning, operating, managing or keeping any hotel, apartment house, rental unit, mobile home, boardinghouse, trailer camp, auto court, food establishment, industrial establishment, commercial establishment, business establishment, school, church, or institution or premises wherein or whereon refuse accumulates or is likely to accumulate.

"Private collection" means collection by licensed individuals or companies of refuse materials from private properties, pursuant to arrangements made directly between the owner or occupant of the premises and the collector.

"Rack" means any type of support which will hold refuse containers upright and protect the contents from being scattered by animals or the wind.

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

"Refuse collector" means the person, firm, agency or public body or employee or agent thereof who is or intends to be engaged in the collection and/or transportation of refuse in any part of the City.

"Refuse container" means any container supplied to refuse generators by an authorized collector which are approved by the Director of Public Works.

"Refuse disposal" means the complete process required for the disposal of any refuse and includes all tools, equipment, treatment spaces, buildings, structures, appurtenances and materials required to take refuse from a refuse collector and bury, incinerate, destroy or otherwise dispose of such refuse.

"Rubbish" means wood, leaves, trimmings from shrubs, dead trees or branches, shavings, sawdust, excelsior, woodenware, dodgers, printed matter, paper, paperboard, pasteboard, packing crates and pasteboard boxes, grass, roots, straw, wearing apparel, soil, earth, sand, clay, gravel, loam, stone, bricks, plaster, crockery, glass, glassware, ashes, cinders, shell, metals, and all other materials not included under the term "garbage."

"Salvage operation" means any operation carried on by a person, firm or corporation for the express purpose of reclaiming for value a portion of a substance, material, or goods prior to or as a part of the refuse disposal process by sorting, segregation, or other manual or mechanical means.

"Transportation of refuse" means the hauling in bulk or in refuse containers to the designated disposal area or transfer station. (Ord. 2449 §1(part), 1987).

"Commercial collection" means collection from businesses and multifamily units containing two or more separate dwellings.

"Residential collection" means collection from all single family dwellings.

"Yard Waste" means grass clippings, leaves, trimmings from shrubs and trees, and vegetable and flower garden plants. (Ord. 2728, 1997)

### **8.32.020 Containers--accumulation or refuse--standards generally**

The standards and requirements set out in Sections 8.32.030 through 8.32.120 are established as a minimum for the accumulation and storage of refuse pending collection. (Ord. 2449 §1(part), 1987).

### **8.32.030 Containers--future use of underground cans prohibited**

From and after November 1, 1972, underground containers shall not be used; provided, however, such containers in use at that time may continue to be used until changed by occupant. (Ord. 2449 §1(part), 1987).

**8.32.040 Containers--refuse--placement for collection**

Residential refuse and garbage generators equipped with City-owned rollout containers shall place refuse and garbage containers on the scheduled collection days at the curblin in front of their residences. Containers shall not be placed for collection before six p.m. on the day preceding the day of collection, and after the containers are emptied they shall be removed from the curblin on the day of collection. It shall be the duty of the owner/occupant to provide and maintain accessibility to any and all containers. (Ord. 2449 §1(part), 1987).

**8.32.050 Containers--refuse--placement for alley collection**

City-owned containers shall be distributed and positioned as approved by the director of public works. Containers serving more than one residence shall be positioned along the rear or side alley in a manner to facilitate efficient collection and accessibility for refuse and garbage generators and City refuse and garbage collection. It shall be the duty of the owner/occupant to provide and maintain accessibility to any and all containers. (Ord. 2449 §1(part), 1987).

**8.32.070 Containers--refuse--garbage wrapping requirements**

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

- A. Large limbs or trimmings that do not allow the container lid to close;
- B. Liquids;
- C. Large construction, demolition or remodeling debris;
- D. Concrete, dirt or plaster;
- E. Appliances or other furniture that will not allow the lid to close;
- F. Hot ashes;
- G. Dead animals or parts thereof;
- H. Yard waste including grass clippings. (Ord. 2449 §1(part), 1987).

**8.32.080 Combustible rubbish storage**

Whenever combustible rubbish is held and stored within any industrial, commercial, or business structure, it must be stored in a manner acceptable to the Fire Marshall. (Ord. 2449 §1(part), 1987).

**8.32.090 Containers--rubbish accumulation**

Ordinary accumulations of rubbish between collections may be placed at the designated collection place in any container of size and shape easily lifted, secured against the wind, and handled without spillage by the collector. Extraordinary accumulations of rubbish shall be placed for collection in appropriate containers. Tree trimmings may be placed for collection outside of a container provided such trimmings are secured in bundles of convenient size and weight and do not exceed four feet in length. Grass clippings shall be placed in substantial containers that can be collected without spillage. Wetted down ashes shall be placed only in easily lifted metal containers with covers. Other waste material shall be in sturdy, well-built containers which will not break, fall apart, rip or tear while being handled by the collector, or shall be secured in neat bundles, easily handled by the collector and shall not exceed four feet in length. (Ord. 2449 §1(part), 1987).

**8.32.100 Bulk handling--refuse storage**

Bulk handling or storage of refuse of any character shall be subject to review by the City, and the owner or occupant of any industrial, commercial or business establishment shall make such provisions as required for the sanitary and safe storage and collection of such refuse as may be produced in bulk. (Ord. 2449 §1(part), 1987).

**8.32.120 Containers--bulk--multifamily dwelling**

For multifamily dwellings containing four or more separate dwelling units, bulk containers of a minimum one-cubic-yard capacity shall be required. For commercial or industrial establishments, bulk containers shall generally be required unless the amount of refuse generated warrants special consideration by the City. Bulk containers shall be supplied and shall be in accordance with requirements outlined in Sections 8.32.040 through 8.32.050. (Ord. 2449 §1(part), 1987).

**8.32.150 Collector--littering prohibited**

The collector shall not litter any premises or public property while making collections of refuse, nor shall any refuse be allowed to blow or fall from collection vehicles; however, if in spite of normal precautions against spillage, litter is made on any premises or public property, the collector shall immediately remove same and clear up the area of spillage. The collector shall not be responsible to clear up the area of spillage when refuse has been carelessly spilled by the owner/occupant. City Sanitation Officer shall be notified to enforce correct litter accumulation requirements. (Ord. 2449 §1(part), 1987).

**8.32.160 Private persons transporting**

Private persons who transport any refuse or yard waste shall take action to prevent any spillage. Should any spillage accidentally occur, the transporter will immediately clean the area. (Ord. 2728, 1997; Ord. 2449 §1(part), 1987).

**8.32.190 Premises maintenance—violation**

It shall be the duty of every owner/occupant to maintain the premises, equipment, containers, and disposal areas owned or used in compliance with all the requirements of this chapter and all of the applicable provisions of this Code and violation is a public nuisance. (Ord. 2728, 1997; Ord. 2449 §1(part), 1987).

**8.32.200 Alley maintenance**

All persons owning, occupying or being in control of property fronting on any alley of this City shall keep the portion of the alley between the centerline thereof and the property line of such property and fronting on such property, free from garbage, rubbish, weeds, or any other combustible material. (Ord. 2728, 1997; Ord. 2449 §1(part), 1987).

**8.32.220 Premises--container placement--parks and public areas**

Containers shall be placed by the owner/occupant in a place or manner approved by the Sanitation Division. The Sanitation Division may also place containers in parks, recreation areas, places of public assembly, and along public rights-of-way as may be required or desirable. (Ord. 2449 §1(part), 1987).

**8.32.240 Premises--collection—authorized**

Every tenant, lessee, occupant, keeper or owner of the places or occupancies referred to in this chapter shall be responsible for the regular collection of garbage from the places of occupancy by authorized collectors. No person shall permit the removal of any refuse except in an approved manner or by an authorized collector. (Ord. 2449 §1(part), 1987).

**8.32.270 Burning**

The burning of refuse is prohibited. (Ord. 2449 §1(part), 1987).

**8.32.280 Construction--waste removal regulations**

Each person, building contractor, construction contractor, or subcontractor, engaged in the construction or repair or demolition of any building or structure or part thereof, shall take measures to prevent waste matter or rubbish from accumulating on any street, alley, gutter, park, sidewalk curbing, curb space, any public way or any privately owned premises. Any refuse, waste matter or rubbish shall be cleaned up, and removed from a work site, and disposed of in a sanitary manner. (Ord. 2728, 1997; Ord. 2449 §1(part), 1987).

**8.32.290 Salvaging prohibited--exception with contract or permit**

No person may pick over, sort, segregate or salvage any refuse deposited in an authorized disposal area, refuse container or refuse pile except as authorized by contract or permit. (Ord. 2449 §1(part), 1987).

**8.32.310 Manure accumulations**

All manure resulting from keeping of any animal, fowl, livestock or game in the City shall be accumulated in sanitary flyproof containers and collected and disposed of in an approved manner. (Ord. 2728, 1997; Ord. 2449 §1(part), 1987).

**8.32.331 Billing charges**

- A. The City may make monthly billings for the costs of sanitation service. The cost of sanitation services including collection, refuse reduction or shredding and disposal of garbage from the streets, alleys, and private premises of the City shall be charged to the owner of the property from which such garbage is removed.
- B. Payment shall be made at the Fiscal Control office within fifteen days after the billing date. If payment is not made, such costs may be assessed against the property. (Ord. 2728, 1997; Ord. 2506 §1, 1988).

**8.32.332 Assessing delinquent charges**

The City may include sanitation charges as part of the annual resolution assessing delinquent accounts. The resolution shall provide property owners name; property owners mailing address; street address; legal description; and parcel number of the property in question. (Ord. 2728, 1997)

**8.32.350 Sanitation rates resolution**

- A. The City Commission shall, following a public hearing, adopt a resolution establishing sanitation rates as they determine necessary to defray the cost of sanitation services for the fiscal year.

B. It shall be the duty of the Fiscal Control Department before the passage of the resolution fixing the sanitation rates to publish in the official paper of the City a notice of public hearing on the rate resolution. The notice shall include the time and place the resolution will come up for hearing. (Ord. 2728, 1997; Ord. 2449 §1(part), 1987).

**8.32.380 Special services rate**

A special services rate will be established each year to recover the costs of handling garbage outside of containers. These costs are to be billed monthly to each owner/occupant on the basis of additional time spent at the pickup site. No charges will be made for special services requiring less than three minutes provided, acceptable refuse containers are in use. Where inadequate containers are provided, as determined by the Sanitation Division, the three-minute exception will not apply. (Ord. 2728, 1997; Ord. 2449 §1(part), 1987).

**8.32.420 Exemption from service prohibited**

It is declared that it is in the interest of good health and sanitation that all premises in the City should receive sanitation service. No service exemption shall be made. Owner/occupants receiving private collection under a City license or permit shall be exempt from City collection charges unless such owner/occupant uses a City container in which case the owner/occupant shall be charged for so long as such use continues. Charges for refuse disposal shall be made against all lots wherein or whereon refuse accumulates or is likely to accumulate. (Ord. 2507 §1, 1988; Ord. 2449 §1(part), 1987).

**8.32.430 Contractual --license required**

- A. No person shall engage in the business of collecting and removing refuse from any business establishment or private dwelling in the City without first obtaining a City license or applicable certificate.
- B. No owner/occupant or private individual not in the business of collecting and removing refuse shall cause same to be removed from a business establishment or private dwelling in the City except by licensed collector. (Ord. 2728, 1997; Ord. 2449 §1(part), 1987).

**Chapter 36  
GARBAGE AND REFUSE--DISPOSAL AREAS<sup>1</sup>**

**Sections:**

- 8.36.010 Standards
- 8.36.020 Scavenging or salvaging--authorization required
- 8.36.030 Disposing in unauthorized areas prohibited
- 8.36.040 Fees

**8.36.010 Standards**

The ultimate means of disposal of all refuse shall be by landfilling. All disposal operations shall conform to current and accepted principles for the operation as approved or adopted by federal, State and local regulatory agencies. (Ord. 2728, 1997; Ord. 2450 §1(part), 1987: prior code §8-6-1).

**8.36.020 Scavenging or salvaging--authorization required**

No person shall remove or take away from any City disposal area any soil, manure, refuse or material of any nature whatsoever unless specific authorization in writing to do so is obtained from the appropriate department. (Ord. 2728, 1997; Ord. 2450 §1(part), 1987: prior code §8-6-2).

**8.36.030 Disposing in unauthorized areas prohibited**

It is unlawful for any person to dispose of any manure, garbage, refuse or other material on property within the City other than disposal areas established to receive that particular substance. (Ord. 2728, 1997; Ord. 2450 §1(part), 1987: prior code §8-6-3).

**8.36.040 Fees**

There shall be charged fees as defined in this section for disposal of refuse on any designated disposal area:

- A. Any person, firm or corporation shall be entitled to dispose of refuse on any disposal area owned by the City and so designated for public use upon payment of fees to the City as shall from time to time be established.
- B. The appropriate Department shall from time to time determine the costs encountered in handling refuse at City disposal site. The City Commission shall enact by resolution such disposal fees as they may determine necessary to

---

<sup>1</sup>For provisions on refuse collector licensing, see Ch. 5.01 of this Code.



recover such disposal costs as provided in 8.32.350. (Ord. 2728, 1997; Ord. 2450 §1(part), 1987: prior code §8-6-5).

**Chapter 40  
SWIMMING POOLS**

**Sections:**

- 8.40.010 Definitions
- 8.40.020 Protective barrier--required
- 8.40.040 Protective barrier--inspection of swimming pools
- 8.40.055 Adopted by reference--swimming pool & spa closure policy

**8.40.010 Definitions**

A. For the purpose of this chapter the following terms shall be construed to have the meanings given them in this section:

"Private swimming pool" includes all artificially constructed pools which are used in connection with and appurtenant to a single-family residence and available only to the family of the householder or his private guests.

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

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

B. Other terms shall be construed in their normal and ordinary use and sense. Technical terms shall be construed with the meaning accorded them by the Health Department of this and other cities concerning swimming pools. (Prior code §4-12-1).

**8.40.020 Protective barrier—required**

The pool area shall be enclosed by a substantial protective barrier which shall be adequate and sufficient to prevent persons, children, or animals from danger or harm and shall be equipped with a self-closing, self-latching lock gate. (Prior code §4-12-2(part)).

**8.40.040 Protective barrier--inspection of swimming pools**

The building inspector is herewith empowered with the authority to inspect any and all swimming pools within the City to determine whether or not there is a good and sufficient barrier as defined in Section 8.40.020. (Prior code §4-12-2(B)).

**8.40.055 Adopted by reference--swimming pool and spa closure policy**

The City adopts, by reference, the City-County Health Department Swimming Pool and Spa Closure Policy. A copy of the policy shall be filed with the City Clerk. (Ord. 2728, 1997)

**Chapter 44  
WEEDS**

**Sections:**

- 8.44.010 Nuisance weeds--defined
- 8.44.020 Nuisance weeds--deemed a nuisance
- 8.44.040 Violation--Public Works Director to serve notice
- 8.44.050 Violation--Notice procedure
- 8.44.060 Assessing delinquent charges

**8.44.010 Nuisance weeds—defined**

"Nuisance weeds" are all weeds, grass and uncared for vegetation growing to a height in excess of eight inches on premises located within the City. (Ord. 2432 (part), 1986: Ord. 1857 §2(part), 1975: prior code §9-9-1).

**8.44.020 Nuisance weeds--deemed a nuisance**

It is a public offense punishable under the general penalty provided in Chapter 1.4.070, and it is a nuisance, for any person, firm or corporation to maintain, cause, permit or suffer any growth of nuisance weeds as defined in Section 8.44.010 to exist in or upon any premises in the City owned by such person, firm, or corporation, or upon the

boulevards or the one-half of any public roads, streets, or alleys adjacent thereto. (Ord. 2432 (part), 1986: Ord. 1857 §2(part), 1975: prior code §9-9-2).

**8.44.040 Violation--Public Works Director to serve notice**

- A. It shall be the duty of the Public Works Director or authorized representative to enforce the provisions of this chapter, and upon a determination that a violation of this chapter exists, shall ascertain the name and mailing address of the owner of the premises and the description of the premises where the violation exists. The name and mailing address of the owner may be obtained from the current assessment list maintained by the office of the Cascade County assessor. Written notice of violation shall be served upon the owner directing that the nuisance weeds shall be cut and removed from the premises within seven days or the following action will be taken: The City will cause the nuisance weeds to be removed, with the cost thereof to be charged against the owner.
- B. Payment shall be made at the Fiscal Services Department within fifteen days after the billing date. If payment is not made, such costs can be assessed against the property. (Ord. 2728, 1997; Ord. 2432 (part), 1986: Ord. 1857 §2(part), 1975: prior code §9-9-3).

**8.44.050 Violation--notice procedure**

Notice of violation shall be made by either:

- A. Posting a copy of the notice on the premises; or
- B. Mailing a copy of the notice to the owner by first-class United States mail. The notice shall be deemed complete on the day the notice is posted or mailed. (Ord. 2432 (part), 1986: Ord. 1857 §2(part), 1975: prior code §9-9-4).

**8.44.060 Assessing delinquent charges**

The City may include weed removal as part of the annual resolution assessing delinquent accounts. The resolution shall provide the property owners name; property owners mailing address; street address; legal description; and parcel number of the property in question. (Ord. 2728, 1997)

**Chapter 49  
NUISANCES**

**Sections:**

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

**8.49.010 Nuisance defined**

Anything which is injurious to health, or is indecent or offensive to the senses, or is an obstruction to the free use of another's property, so as to interfere with the comfortable enjoyment of life or property of another; or including but not limited to placement and/or maintenance of any motor vehicle, motorcycle, trailer, camp trailer or mobile home on any property in the City in violation of any zoning regulation or other City ordinance; or all any residential structure (including all appurtenant structures) to remain vacant for more than one year where its condition constitutes a hazard or its appearance is a blight to the community or where the property is maintained so as to obstruct the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin, or any public park, square, street, or highway, is defined to be a "nuisance."

This declaration of nuisance by the City Commission is made pursuant to Sections 7-5-4104 and its self-governmental powers under the Charter. (Ord. 2500 §1(part), 1988).

**8.49.020 Summary abatement--lien procedure**

The City Commission declares that it is in the public interest to establish a summary abatement procedure utilizing a lien process to abate any nuisance as defined in Section 8.49.010. The expense of abatement of nuisances shall be a lien against the property on which it is maintained and a personal obligation shall exist as against the property owner. (Ord. 2500 §1(part), 1988).

**8.49.030 Lien procedure for abatement of nuisance**

- A. The **Planning and** Community Development Director, Chief of Police, Fire Chief, Public Works Director or other authorized City personnel, shall examine or cause to be examined whether any property or thing has been maintained so as to constitute a nuisance as defined in Section 8.49.010. With owner's consent, City personnel may enter upon private premises at any reasonable time to perform an inspection or if such consent cannot be obtained, resort to other legal process inclusive of a search warrant.
- B. If City personnel find that a nuisance does exist, they shall obtain a preliminary title report on the real property where the nuisance exists, which shall identify all owners of record, lessees of record, holders of mortgages, deed of trust or other liens and encumbrances of record. They shall serve upon each such person by personal service or by certified mail, postage prepaid, return receipt requested, a written notice stating the nature of the nuisance and requiring the owner to commence either the required repairs, demolition, removal or other appropriate action within ten days and to complete such work within thirty days from the date of notice. Such notice shall also contain the office, address, phone number of City personnel empowered to review the subject matter and the days and hours the same may be contacted. The notice shall be sent to each such person at his address as it appears on the last equalized assessment roll of the County or as known to City personnel. If no address of any such person so appears, then a copy of the notice shall be mailed, and addressed to such person, at the address of the real property where the nuisance is found to exist.
1. The service by certified mail shall be effective on the date of mailing. City personnel shall cause at least one copy of the notice to be posted conspicuously on the building, structure, or on the real property or thing alleged to be a nuisance.
  2. Proof of service notices shall be certified to at the time of service by written declaration executed by the person effecting service, declaring the time, date and manner in which service was made. The declaration, together with any receipt card, returned acknowledgment of receipt by certified mail, shall be affixed with a copy of the notice and order retained by City personnel. (Ord. 2500 §1(part), 1988).

**8.49.040 Notice of hearing before City Commission**

If the property owner does not comply with the notice prescribed by Section 8.49.030, by commencing the required work within the time allowed, or makes such other arrangement as may be satisfactory, City personnel shall thereupon send a notice, by certified mail, postage prepaid, return receipt requested, to the owner, mortgage holder, deed of trust holder, or holder of any other lien, encumbrance, estate or legal interest of record as disclosed by the preliminary title report obtained pursuant to Section 8.49.030. The cost of said title report shall be charged to the owner. (Ord. 2728, 1997)

**8.49.050 Hearing by City Commission --finding of nuisance**

- A. At the time fixed on the notice, the City Commission shall proceed to hear the testimony of the City personnel and the testimony of any other interested party who may be present and desire to testify respecting the condition of the property or thing, the estimated cost of repair, demolition, removal or other appropriate action.
- B. Upon the conclusion of the hearing, the City Commission will by resolution, declare its findings and in the event it so concludes, it may declare the property or thing to be a nuisance and direct the owner to obtain the proper permits and physically commence abatement of the nuisance within ten days, and to complete said abatement within thirty days by having the property repaired, demolished, removed or other appropriate act necessary to cure the nuisance.
- C. Such resolution shall further notify the owner of the property that if the nuisance is not abated, the property will be the subject of repair, demolition, removal, or other appropriate act, as the case may be, by the City and the expenses thereof shall remain a lien on the property.
- D. The City personnel shall send copies of the resolution to the person owning the property or thing, as such person's name and address appear on the last equalized assessment roll or as known to the City personnel, and to each lessee, mortgage holder, deed of trust holder, or other holder of any other lien, encumbrance, estate, or legal interest of record as shown on the preliminary title report obtained pursuant to this section, at the last known address of each such person.
- E. The City Clerk shall file a certified copy of any resolution declaring real property a nuisance with the Cascade County Clerk and Recorder.
- F. The City Commission will consider any extension of the time limits set by resolution, if the owner posts a cash deposit, in an amount fixed by the City Commission, within three days from the date of the grant of the extension request. (Ord. 2500 §1(part), 1988).

**8.49.060 Abatement**

- A. In the event the owner does not commence the abatement of the nuisance located on the real property within ten days prescribed, City personnel are authorized to undertake the appropriate action such as demolition, repair or

removal necessary to cure the nuisance in accordance with the resolution of the City Commission or have the work done pursuant to purchase order or contract.

- B. City personnel shall keep an itemized account of all expenses involved in the repair, demolition, removal or other appropriate act necessary to cure the nuisance.
- C. City personnel shall mail a copy of the statement to the property owner and to any holder of any interest of record, along with a notice of time and place when and where the statement shall be submitted to the City Commission for approval and confirmation. (Ord. 2500 §1(part), 1988).

**8.49.070 Hearing by City Commission --statement of expense**

- A. At the time fixed for the hearing of the statement of expense, the City Commission shall consider the statement together with any objection or protest which may be raised by any of the property owners liable to be assessed for the work and any other interested person and the same shall be confirmed as stated, revised, corrected or modified by the City Commission.
- B. Payment of Expenses. If said statement is not paid within five days of the adoption of the resolution, it shall constitute a lien upon the real property and shall be collected as a special assessment against the real property. (Ord. 2500 §1(part), 1988).

**8.49.080 Recordation of certificate--when nuisance is abated**

When the City Commission has by resolution declared that such property or thing is being maintained as a nuisance, and such resolution has been recorded and thereafter such nuisance is abated, City personnel shall prepare and file with the Clerk and Recorder of the County a certificate stating that such nuisance has been abated and indicating the method of abatement. (Ord. 2500 §1(part), 1988).

**8.49.090 Violation—penalty**

Any person violating any provision of this chapter is guilty of a misdemeanor pursuant to the general penalty chapter of this Code, Chapter 1.04.070. (Ord. 2500 §1(part), 1988).

**Chapter 50  
PUBLIC NUISANCES**

**Sections:**

- 8.50.010 Public nuisance defined
- 8.50.020 Offense designated
- 8.50.030 Extent of nuisance not limiting
- 8.50.035 Barbed wire and electric fences
- 8.50.040 Violation--penalty

**8.50.010 Public nuisance defined**

"Public Nuisance" means:

- A. A condition which endangers safety or health, is offensive to the senses, or obstructs the free use of property so as to interfere with the comfortable enjoyment of life or property by an entire community or neighborhood or by any considerable number of persons;
- B. Any premises where persons gather for the purpose of engaging in unlawful conduct; or
- C. Any condition which renders dangerous for passage any public highway or right-of-way or waters used by the public. (Ord. 2728, 1997; Ord. 2603 (part), 1991).

**8.50.020 Offense designated**

A person commits the offense of maintaining a public nuisance if he knowingly creates, conducts, or maintains a public nuisance. (Ord. 2603 (part), 1991).

**8.50.030 Extent of nuisance not limiting**

Any act which affects an entire community or neighborhood or any considerable number of persons is no less a nuisance because the extent of the annoyance or damage inflicted upon individuals is unequal. (Ord. 2603 (part), 1991).

**8.50.035 Barbed wire and electric fences**

- A. It is a public nuisance for any person to have, maintain or erect or allow to have, maintain or erect a barbed wire fence or an electric fence upon any premises in the City owned or occupied by such person or upon the boulevards or in any public roads, streets and alleys except as provided in subsection B of this section. "Electric fence" means

any conductive material encompassing a property or partial property and having an electrical potential to earth ground.

**B. Exceptions.**

1. A fence wherein the barbs are at least six feet above grade and located on top of a security fence.
2. A barbed wire fence in a suburban residential use district as designated in Title 17 of this Code. (Ord. 2728, 1997; Ord. 2417 (part), 1986).

**C.** If the person fails to remove the barbed wire or electric fence within the time specified in a written notice of violation, the **Planning and** Community Development Director shall cause the fence to be removed from the premises and shall bill the cost thereof, together with a reasonable charge for administration and supervision, to the owner or occupant of the property. (Ord. 2728, 1997; Ord. 2417 (part), 1986).

**8.50.040 Violation—penalty**

A person convicted of maintaining a nuisance shall be fined not less than two hundred fifty dollars nor more than five hundred dollars or imprisoned in the County jail for a term not to exceed six months, or both. Each day of such conduct constitutes a separate offense. (Ord. 2603 (part), 1991).

**Chapter 51  
MAINTENANCE AND SANITATION OF PREMISES**

**Sections:**

- 8.51.010 Definitions
- 8.51.020 Maintenance duty of controlling owner/agent
- 8.51.030 Conditions prohibited on premises
- 8.51.040 Conditions prohibited on right-of-way
- 8.51.040 Violation

**8.51.010 Definitions**

For the purposes of this chapter, unless otherwise apparent from the context, certain words and phrases used in this chapter are defined as follows:

“Premises” shall mean any lot or parcel of land or property, including any building or portion thereof, improved or unimproved.

“Public right-of-way” shall mean any area or parcel of land granted, deeded, dedicated to, or otherwise acquired by the City or the public at large for any public purpose, including, but not limited to, alleys, roadways, parkways, pedestrian ways, sidewalks, public streets, water or waterways, and uses for storm drains and drainage, sanitary sewers, water pipes, electric and telephone conduits, electronic services, overhead wires, and supporting structures. (Ord. 2695, 1995).

**8.51.020 Maintenance duty of controlling owner/agent**

Any person owning, leasing, occupying, or having charge or possession of any premises in the City, and the agent thereof, shall keep and maintain such premises and the right-of-way abutting such premises in a safe, clean, orderly, sanitary and aesthetic condition. (Ord. 2695, 1995).

**8.51.030 Conditions prohibited on premises**

The following conditions do not comport with a safe, clean, orderly, sanitary, aesthetic condition and are prohibited:

- A. Buildings which are abandoned, boarded up, partially destroyed, or partially constructed or uncompleted buildings after building permits have expired;
- B. Buildings with deteriorating or peeling paint which allows the exterior building coverings to deteriorate or allows the effects of sun or water penetration so as to cause decay, dry rot, warping, or cracking;
- C. Broken windows, doors attic vents, or underfloor vents;
- D. Improperly maintained landscaping which is visible from streets, including, but not limited to:
  1. Lawns with grasses in excess of eight (8") inches in height;
  2. Untrimmed hedges;
  3. Dying trees, shrubbery, lawns, and other desired plant life from lack of water or other necessary maintenance; and
  4. Trees and shrubbery growing uncontrolled without proper pruning;
- E. Overgrown vegetation which is unsightly and likely to harbor rats or vermin;
- F. Dead, decayed, or diseased trees, weeds, and other vegetation;

- G. Trash, garbage, or refuse cans, bins, boxes, or other such containers stored in front or side yards visible from public streets and rear yards;
- H. Lumber, junk, trash, debris, or salvage materials maintained upon any premises which are visible from a public street, alley, or adjoining property;
- I. Abandoned, discarded, or unused furniture, stoves, sinks, toilets, cabinets, or other household fixtures or equipment stored so as to be visible at ground level from a public alley, street, or adjoining premises;
- J. Premises having a topography, geology, or configuration which, as a result of grading operations or improvements to the land, causes erosion, subsidence, unstable soil conditions, or surface or subsurface drainage problems or potentially injurious to adjacent premises;
- K. Abandoned, wrecked, dismantled, or inoperative automobiles, trailers, campers, boats, and other motor vehicles which are accumulated or stored in yard areas;
- L. The accumulation of dirt, litter, or debris in vestibules, doorways on the premises, or adjoining walkways;
- M. Mounds of soil, dry grass, weeds, dead trees, tin cans, abandoned asphalt or concrete, rubbish, refuse, or waste or other unsanitary material of any kind;
- N. Building exteriors, walls fences driveways, or walkways which are broken, defective, deteriorated, in disrepair, or defaced due to any writing, inscription, scratch, or other marking commonly referred to as “graffiti”;
  - 1. It shall be the duty of the owner or tenant or agent thereof to remove graffiti from such premises within seventy-two hours after graffiti appears. (Ord. 2920, 2005)
- O. Any unsightly, partly completed or partly destroyed buildings, structures, or improvements in the City which endanger or injure neighboring properties or the public health, safety, or general welfare;
- P. Any tree which overhangs a street, alley, or sidewalk in such a manner as to cause an obstruction to any person using such street, alley, or sidewalk;
- Q. Any other condition which is or may reasonably become infested or inhabited by rodents, vermin or wild animals or may furnish a breeding place for mosquitoes, or threatens or endangers the public health, welfare, and safety or may reasonably cause disease, adversely affects and impairs the economic welfare or adjacent property, is offensive to the senses, or obstructs the free use of property so as to interfere with the comfortable enjoyment of life or property by an entire community or neighborhood or by any considerable number of persons. (Ord. 2695, 1995).

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

The following conditions do not comport with a safe, clean, orderly, and sanitary conditions on any public right-of-way and are prohibited by Section 8.51.020.

- A. Any dirt, litter, debris, rubbish, weeds, or any other kind of waste or unsanitary material of any kind;
- B. Any curb cut or driveway approach, or a portion thereof, which is no longer needed or which no longer provides vehicular access to the adjacent premises;
- C. Any curb, sidewalk, parkway, or driveway which is cracked, broken, or otherwise in need of repair, replacement, or maintenance. (Ord. 2695, 1995).

**8.51.050 Violation – penalty**

Any person convicted of violating this chapter shall be fined not less than two-hundred fifty (\$250) dollars nor more than five-hundred (\$500) dollars or imprisoned in the county jail for a term not to exceed six months, or both. Each day of such conduct constitutes a separate offense. (Ord. 2695, 1995).

**Chapter 52  
ABATEMENT OF DISEASED TREES**

**Sections:**

- 8.52.010 Nuisance declared
- 8.52.020 Maintaining nuisances unlawful
- 8.52.030 Inspection and investigation
- 8.52.040 Abatement of nuisances on public property
- 8.52.050 Abatement of nuisances on private or governmental property
- 8.52.055 Specific procedure for abatement of Dutch Elm disease
- 8.52.060 Spraying
- 8.52.070 Notice of operations
- 8.52.080 Transporting Elm wood prohibited
- 8.52.090 Interference prohibitive
- 8.52.100 Cost of abatement

**8.52.010 Nuisance declared**

The following conditions shall be declared to be public nuisances whenever found to exist within the City and shall be abated as provided herein:

- A. Any living or standing tree or shrub or part thereof infected to any degree with any disease, fungus, or insect which is, in the judgment of the Park and Recreation Department, harmful to said tree;
- B. Any dead tree or part thereof, including logs, branches, stumps, firewood or any portion of any diseased tree which has not been disposed of in accordance with the regulations of the Park and Recreation Department. (Ord. 2491 §2(Exh. B(part)), 1988).

**8.52.020 Maintaining nuisances unlawful**

It is unlawful for any person to willfully permit any public nuisance as defined in Section 8.52.010 hereof, to remain on any property controlled by any person within the City. (Ord. §2(Exh. B(part)), 1988).

**8.52.030 Inspection and investigation**

- A. The Park Superintendent, or such other person as may be designated by the City Manager, shall inspect all premises and places within the City as often as practical to determine the existence of such nuisances.
- B. The Park Superintendent or such other person as may be designated by the City Manager may with the consent of the owner enter upon private premises at any reasonable time for the purpose of carrying out an inspection of the premises of the collection of appropriate specimens or samples for diagnosis. If such consent cannot be obtained, the authorized representative shall have resources to other legal process inclusive of a search warrant to secure entry.
- C. The Park Superintendent or such other person as may be designated by the City Manager shall, with reasonable cause to believe that a tree is diseased, immediately obtain and furnish appropriate specimens or samples to a qualified plant diagnostician for diagnosis. No action to remove such trees or wood shall be taken until a reasonably certain diagnosis of the disease has been made.
- D. Within five days of receipt of the diagnosis, the owner of the property from which the specimen or sample was obtained shall be notified by the Park and Recreation Department of the results by certified mail or personal delivery. (Ord. 2491 §2(Exh. B(part)), 1988).

**8.52.040 Abatement of nuisances on public property**

In abating the nuisance of public streets, alleys, boulevards or public ways as defined in Section 8.52.010 hereof, the Park Superintendent shall cause the infected tree or wood to be removed or otherwise effectively treated so as to destroy and prevent as fully as possible any tree disease, fungus or harmful insect. (Ord. 2491 §2(Exh. B(part)), 1988).

**8.52.050 Abatement of nuisances of private or governmental property**

Whenever the Park Superintendent or such other person as may be designated by the City Manager finds with reasonable certainty that any tree disease, fungus or harmful insect exists in any tree, shrub or wood located on private property outside any public way in the City, or upon property owned and controlled by a governmental unit other than the City, the owner or person in control of such property shall be notified in writing by certified mail, or by personal delivery the existence of the nuisance and direct that the nuisance be removed, burned, buried or otherwise effectively treated in the approved manner within twenty days after mailing of such notice. The notice shall state that if such nuisance shall not be abated by the owner within the time provided, the Park and Recreation Department shall proceed to have such nuisance properly abated or eliminated. The notice shall further contain:

- A. The address or other description sufficient to identify the premises where such nuisance is located;
- B. A statement that certain vegetation or other property has been found to be a nuisance as herein defined and a description of the conditions constituting such nuisance;
- C. A statement of the action to be taken as determined by the Park Superintendent;
- D. The office, address, phone number of an authorized representative of the City empowered to review the order of the Park Superintendent and the days and hours the same may be contacted:
  1. Such requests for review must be made within ten days of the date of notice or further review will thereafter be barred;
- E. A statement that if the owner does not effect the order of the Park Superintendent within twenty days of the date of such notice, the Park and Recreation Department shall have the nuisance abated and the costs shall be levied as a special assessment lien of the premises. (Ord. 2491 §2(Exh. B(part)), 1988).

**8.52.055 Specific procedure for abatement of Dutch Elm disease**

- A. No action to remove, destroy and dispose of wood infected with Dutch Elm fungus shall be taken until a reasonably certain diagnosis of the disease has been made. When such diagnosis has been made, the infected tree or wood shall be removed, destroyed and disposed of in a manner which will effectively destroy and prevent as fully as possible the spread of the Dutch Elm disease fungus.

- B. When the presence of elm bark beetles has been discovered in or upon any living elm tree but the presence of Dutch Elm disease fungus is not then or thereafter diagnosed, the tree shall be treated in a manner which will effectively destroy and prevent as fully as possible the spread of the elm bark beetle. If such treatment is not, or, because of the extent of infestation, cannot be effective, the tree shall be removed, destroyed and disposed of.
- C. Standing dead elm trees, elm logs, branches, stumps, firewood or other raw elm material from which the bark has not been removed and which are not infected with Dutch Elm disease fungus, shall have the bark removed, destroyed and disposed of or shall be treated in a manner which will effectively destroy and prevent as fully as possible the spread of the elm bark beetle. If such treatment is not effective, or, because of the extent of infestation, cannot be effective, the trees, logs, branches, stumps, firewood or other raw elm material shall be removed, destroyed and disposed of.
- D. Specifications and procedures for the removal, destruction and disposal of trees and wood infected with Dutch Elm disease fungus, for treating live elm trees infested with elm bark beetles, and for removing, destroying and disposing of elm bark and treating dead elm trees, logs, branches, stumps, firewood and other raw material shall be established by the Director of Park and Recreation. (Ord. 2491 §2(Exh. B(part)), 1988).

**8.52.060 Spraying**

Whenever the Park Superintendent shall determine that any tree or part thereof is infected with any tree disease, fungus or harmful insect, and is in a weakened condition, he may cause all such trees within a specified radius thereof to be treated with an effective concentrate as may be recommended by the State Forester. (Ord. 2491 §2(Exh. B(part)), 1988).

**8.52.070 Notice of operations**

- A. When trees on private property are to be treated, the Park Superintendent shall notify the owner of such property and proceed in accordance with the requirements of this chapter.
- B. In order to facilitate the work and minimize the inconvenience to the public of any treating operations conducted under this chapter, the park supervisor shall cause to be given advance public notice of such operations by newspaper, radio, television, public service announcements or other effective means and shall also cause the posting of appropriate warning notices in the areas and along the streets where trees to be treated at least twenty-four hours in advance.
- C. When appropriate warning notices have been given and posted, the City shall not allow any claim for damages to any vehicle or other property resulting from such treating operations. (Ord. 2491 §2(Exh. B(part)), 1988).

**8.52.080 Transporting Elm wood prohibited**

It is unlawful for any person to transport within the City any bark bearing elm wood without having obtained a permit therefore from the Director of Park and Recreation. The Director of Park and Recreation shall grant such permits only when the purpose of this chapter shall be served thereby and may impose such restrictions as deemed necessary. (Ord. 2491 §2(Exh. B(part)), 1988).

**8.52.090 Interference prohibitive**

It is unlawful for any person, firm or corporation to prevent, delay or interfere with the Park Superintendent, employees, or agents while they are engaged in the performance of the duties imposed by this chapter. (Ord. 2491 §2(Exh. B(part)), 1988).

**8.52.100 Cost of abatement**

The cost of abatement of any nuisance incurred by the City and not reimbursed by the owner on or before the September 15th of each year shall be reported by the Director of Park and Recreation to the City Commission. The City Commission shall assess the levy and cause the same to be collected as a special assessment lien against the subject premises. (Ord. 2491 §2(Exh. B(part)), 1988).

**Chapter 56  
NOISE**

**Sections:**

- 8.56.010 Definitions
- 8.56.020 Loud noises prohibited
- 8.56.030 Prohibited acts
- 8.56.040 Noise levels—Limitations for structures and open Spaces--dB(A) criteria--Table I
- 8.56.050 Noise levels--maximum permissible for motorized vehicle--Table II
- 8.56.060 Noise levels--exemptions
- 8.56.070 Noise--measurement



- 8.56.080 Relief permit
- 8.56.090 Enforcement
- 8.56.100 Violations--from moving noise source or sources
- 8.56.120 Violations--penalties
- 8.56.130 Violation--additional remedy--injunction

**8.56.010 Definitions**

As used in this chapter, unless the context otherwise requires, the following words and phrases shall have the meanings ascribed to them in this section:

"Ambient noise" is the noise which exists at a point of measurement in the absence of the sound emitted by the source being measured, being the total effect of all other sounds coming from near and far.

"dB(A)" means sound levels in decibels measured on an "A" scale of a standard sound level meter having characteristics defined by the American National Standards Institute, publication S 4-1970.

"Decibel" means the sound pressure level, in decibels, in a logarithmic unit used to express the magnitude of sound pressure with respect to a reference sound pressure. It is defined as twenty times the logarithm to the base ten of the ratio of the sound pressure to the reference sound pressure. By international standards, the reference sound pressure is  $2 \times 10^{-5}$  newtons/meter squared. For example, a doubling of sound pressure, at any magnitude, will result in a six decibel increase in sound pressure level; a tenfold increase will result in a twenty-decibel increase in sound pressure level.

"Emergency work" is work made necessary to restore property to a safe condition following a public calamity or work required to protect persons or property from exposure to danger or potential danger.

"Health" is defined as an optimal State of physical, mental and emotional well being and not merely the absence of disease.

"Motor Vehicle" means a vehicle propelled by its own power and designed or used to transport persons or property upon the highways of the state. (Ord. 2790, 2000)

"Reasonable Person" is a normal, healthy person of ordinary habits and sensibilities who is entitled to enjoy ordinary comfort of human existence and not the extra-sensitive or fastidious person or the hardened individual inured to such irritation or annoyance. (Ord. 2790, 2000)

"Person" means any person, person's firm association, co-partnership, joint venture, corporation or any entity, public or private in nature.

"Zoning" for the purpose of this chapter, includes the following:

1. "Residential area"
  - a. ~~Residential rural~~ **R-1 Single-family suburban;**
  - b. ~~Residential suburban~~ **R-2 Single-family medium density;**
  - c. ~~Residential suburban trailer~~ **R-3 Single-family high density;**
  - d. ~~Residential one family~~ **R-5 Multi-family residential medium density;**
  - e. ~~Residential one family, restricted~~ **R-6 Multi-family residential high density;**
  - f. ~~Residential two family~~ **R-10 Mobile home park;**
  - g. ~~Residential multiple family~~ **POS Parks and open space;**
  - h. ~~Residential Professional~~ **PUD Planned unit development..**
2. "Light commercial" includes:
  - a. ~~Commercial limited~~ **C-1 Neighborhood commercial.**
3. "Heavy commercial" includes:
  - a. ~~Commercial highway~~ **C-2 General commercial;**
  - b. ~~Commercial general~~ **C-3 Highway commercial;**
  - c. ~~Commercial central~~ **C-4 Central business core;**
  - d. **C-5 Central business periphery;**
  - e. **M-1 Mixed-use;**
  - f. **M-2 Mixed-use transitional;**
  - g. **PLI Public lands and institutional**

- 4. "Industrial" includes:
  - a. ~~Industrial~~ light **I-1 Light industrial;**
  - b. ~~Industrial~~ heavy- **I-2 Heavy industrial;** (Prior code §6-1-11(A)).
  - c. **GFIA Great Falls International Airport.**

**8.56.020 Loud noises prohibited**

It is unlawful for any person to make or cause to be made any excessive or unusually loud noise or any noise measured or unmeasured which either annoys, disturbs, injures, or endangers the comfort, repose, health, peace or safety of any reasonable person of normal sensitivity within the limits of the City. (Prior code §6-1-11(B)).

**8.56.030 Prohibited acts**

It is unlawful to perform any of the following acts within the City:

- A. Horns and Signaling Devices. Sounding any horn or signaling device on any truck, automobile, motorcycle, or other vehicle on any street or public place of the *City* except as a warning signal;
- B. Sound Amplifying Equipment. Using, operating, or permitting the use of any radio receiving set, musical instrument, television, phonograph, or other machine or device for the production or reproduction of sound in such a manner as to disturb the quiet, comfort, or repose of any normally sensitive and reasonable person, or the operation of any such sets, instruments, television, phonographs, machine or device in such a manner as to be in violation of this chapter;
- C. Operation of Sound Producing or Reproducing Equipment in or from a motor vehicle, either parked or in transport. The use or operation of any radio, compact disc or tape player, musical instrument, loud speaker, or any other device used to amplify any type of sound, or which causes a vibration at a level where the sound or vibration can be heard or felt at a distance greater than 50 feet from the exterior of the vehicle from which the device is being operated. Violation of this section shall be punishable by a graduated fine schedule starting with a minimum of a written warning and a maximum of \$500. The following fine schedule is associated with violations of this subsection.
 

1 <sup>st</sup> offense	Written warning tracked by the court
2 <sup>nd</sup> offense	\$30
3 <sup>rd</sup> offense	\$70
4 <sup>th</sup> offense	\$150
5 <sup>th</sup> offense	\$500 (Ord. 2790, 2000)
- D. Loud Speakers and Amplifiers for Commercial Purposes. Installing, using operating within the *City* a loudspeaker or sound amplifying equipment at levels in excess of those specified in Section 8.56.040 in a fixed or movable position or mounted upon any sound truck for the purpose of giving instructions, directions, talks, addresses, lectures, or transmitting music to any persons or assemblages, of persons in or upon any street, alley, sidewalk, park, place, or public property without first obtaining a permit;
- E. Yelling and Shouting. Yelling, shouting, hooting, or whistling on the public streets, alleys, or parks at any time as to annoy or disturb the quiet, comfort, or repose of any normally sensitive and reasonable person;
- F. Animals. Owning, keeping, having in possession or harboring any animals which, by frequent or habitual howling, barking, meowing, squawking, or any other noise as to disturb the quiet, comfort, or repose of any normally sensitive and reasonable person;
- G. Exhausts. Discharging into the open air the exhaust of any steam engine, stationary internal combustion engine, motorboat, or motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive noises there from;
- H. Defect in Vehicle or Load. Operating any truck, trailer, automobile, motorcycle, or vehicle so out of repair or so loaded in such a manner as to create loud and unnecessary grating, grinding, rattling or other noises;
- I. Loading, Unloading and Opening Containers. Loading, unloading, opening or other handling of boxes, crates, containers, garbage containers, or other objects in such a manner as to disturb the quiet, comfort or repose of any normally sensitive and reasonable person;
- J. Construction Projects or Repair of Buildings. Operating equipment or performing any construction or repair work between the hours of eight p.m. and seven a.m. on buildings, structures or projects or operating any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist or other construction-type device in such a manner as to disturb the quiet, comfort or repose of any normally sensitive and reasonable person;
- K. Exemption Clause. Any of the above acts performed for emergency work for the safety, welfare, and public health of the citizens of Great Falls and to the extent that the noise thereby created is reasonably necessary for the public benefit will not be construed to be in violation of this chapter. (Prior code §6-1-11(C)).

**8.56.040 Noise levels--Limitations for structures and open spaces--dB(A) criteria--Table I**

- A. Maximum permissible decibel limits on noise emitting from source or sources not on a public right-of-way in residential, commercial, and industrial districts are as set out in this section.
- B. Noise will be measured at a distance of twenty-five feet from the source or at the boundary of the lot, whichever is the greater distance. Noise radiating from properties or buildings in excess of the dB(A) established for the districts and times in Table I of this section shall constitute prima facie evidence that such noise is a public nuisance. This includes noise from such activities as production, processing, cleaning, servicing, testing and repair of vehicles, material, goods or products. Noises caused by home or building repair or grounds maintenance are excluded as provided in Section 8.56.060.

TABLE I

Limitations

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

- A. At boundaries between zones, the lower of the dB(A) level shall be applicable.
- B. To be in violation, the source of sources of noise must be identifiable and the levels without regard to the ambient must exceed the limitations in Table I.
- C. Periodic or impulsive noises are in violation when such noises are at a noise level of five dB(A) less than those listed in this section.
- D. Construction projects shall be subject to the maximum permissible noise levels specified for industrial districts pursuant to any applicable construction permit issued by the building inspector, or if no time limitation is imposed, then for a reasonable period of time for completion of the project.
- E. All railroad rights-of-way shall be considered as industrial districts for the purpose of this chapter, and the operation of trains shall be subject to the maximum noise levels specified for such district. (Prior code §6-1-11(D)).

**8.56.050 Noise levels--maximum permissible for motorized vehicles--Table II**

- A. It is unlawful to operate a motorized vehicle within the *City* limits which emits noise, with the exception of sound producing equipment as defined in OCCGF 8.56.030(C) in excess of the limits specified in Table II below. (Ord. 2790, 2000)
- B. Noise from a noise source within a public right-of-way shall be measured at a distance of at least twenty-five feet from the center of the nearest traffic lane on a sound level meter of standard design and operated on the "A" weight scale.

TABLE II

Maximum Permissible Noise Levels For Motor Vehicles

- 1. Trucks and Buses.
  - a. Over 10,000 pounds:
    - 82 dB(A) measured at 50 feet
    - 88 dB(A) measured at 25 feet
  - b. Under 10,000 pounds:
    - 74 dB(A) measured at 50 feet
    - 80 dB(A) measured at 25 feet
- 2. Passenger Cars.
  - a. 74 dB(A) measured at 50 feet
  - b. 80 dB(A) measured at 25 feet
- 3. Motorcycles, Snowmobiles, Minibikes, and Other Self-propelled Vehicles.
  - a. 74 dB(A) measured at 50 feet
  - b. 80 dB(A) measured at 25 feet.

(Prior code §6-1-11(E)).

**8.56.060 Noise levels—exemptions**

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

- A. Noise of safety signals and warning devices;
- B. Noise resulting from any authorized emergency vehicle, when responding to an emergency call or acting in time of emergency;
- C. Noise resulting from emergency work or noise for which a special permit has been granted, as provided for in Section 8.56.080;
- D. Noise resulting from the operating of motorized lawnmowers fitted with equipment-type mufflers between the hours of eight a.m. and eight p.m.;
- E. Noise caused by home or building repair or grounds maintenance between the hours of eight a.m. and eight p.m.;
- F. Athletic events held in stadiums or parks;
- G. Noise resulting from marching bands and drum and bugle corps while practicing or parading, in accordance with the provisions of Section 10.39.060. (Ord. 2246, 1981; Prior code §6-1-11(F)).

**8.56.070 Noise—measurement**

For the purpose of determining and classifying any noise as excessive or unusually loud as prohibited by this chapter, the following test measurements and requirements may be applied; but a violation of Section 8.56.020 may occur without the following measurements:

- A. The noise shall be measured on a sound level meter meeting current American National Standards Institute standards, operated on the "A" weighted scale;
- B. In all sound level measurements, the ambient noise shall be at least ten dB(A) below the specific noise source being measured; or
- C. In all sound level measurements, consideration shall be given to the effect of the ambient noise level created by the encompassing noise of the environment from all sources at the time of the sound level measurement. (Prior code §6-1-11(G)).

**8.56.080 Relief permit**

Applications for a permit for relief from the noise level designated in this chapter on the basis of undue hardship may be made to the chief of police. Any permit granted by the Chief of Police shall contain all conditions upon which the permit has been granted and shall specify a reasonable time that the permit shall be effective. The Chief of Police may grant the permit applied for if he finds that:

- A. The additional time is necessary for the applicant to alter or modify the activity or operation to comply with this chapter;
- B. The activity, operation or noise source will be of temporary duration, and cannot be performed in the manner that would comply with other sections of this chapter;
- C. No other reasonable alternative is available to the applicant;
- D. The Chief of Police may prescribe any conditions or requirements deemed necessary to minimize adverse effects upon the community or surrounding neighborhood. (Prior code §6-1-11(H)).

**8.56.090 Enforcement**

The Chief of Police shall assign duties of enforcement to personnel trained in noise control techniques and procedures and equipped with sound level meters of a standard design. Enforcement of OCCGF 8.56.030(C) rests solely with the police officer responding to the call or hearing the violation. Officers have discretion in considering options available, including issuing a warning, a notice to appear, or arresting the violator. (Ord. 2790, 2000; Prior code §6-1-11(N)).

**8.56.100 Violations--from moving noise source or sources**

Violations of this chapter in which the noise source is a truck, bus, passenger car, motorcycle, snowmobile, minibike, or other self-propelled vehicle shall be cause for summons and warrant to issue forthwith. Machines or devices not customarily used or designed for transportation are excluded from this section. (Prior code §6-1-11(L)).

**8.56.120 Violations—penalties**

Whenever in any section of this chapter or rule or regulation promulgated under this chapter, the doing of any act is required, prohibited or declared to be unlawful and no definite fine or penalty is provided for a violation thereof, any person who is convicted of a violation of any such section shall, for each offense, be fined in a sum of not more than three hundred dollars or imprisoned not to exceed ninety days, or both so fined or imprisoned. Each day such violation is committed or permitted to continue shall constitute a separate offense. (Prior code §6-1-11(I)).

**8.56.130 Violation--additional remedy—injunction**

As an additional remedy, the operation or maintenance of any noise source in violation of any provision of this chapter and which causes discomfort and annoyance to any reasonable person of normal sensitivity or which endangers the

comfort, repose, health or peace of residents in the area shall be a public nuisance and may be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction. (Prior code §6-1-11(J)).

**Chapter 60**  
**APPLIANCE SAFETY PRECAUTIONS**

**Sections:**

8.60.010           Appliance safety precautions.

**8.60.010           Appliance safety precautions**

All refrigerators and similar appliances shall be housed inside secure buildings irrespective of use. Any refrigerator or similar appliance which is used for other than perishable storage, abandoned, unattended or discarded shall have the door removed or the locking mechanism removed and an auxiliary hasp and padlock installed. (Ord. 2430 §2, 1986: prior code §6-4-1).

Title 9  
**PUBLIC PEACE, MORALS AND WELFARE**

**Chapter**

---

- 1 Offenses By or Against Public Officers and Government
- 2 Offenses Against the Person
- 3 Offenses Against Public Decency
- 4 Offenses Against Public Peace
- 5 Offenses Against Property
- 6 Consumer Protection
- 7 Offenses By or Against Minors
- 8 Weapons
- 9 Fireworks

**Chapter 1**  
**OFFENSES BY OR AGAINST PUBLIC OFFICERS AND GOVERNMENT**

**Articles:**

- 1 Dialing Devices
- 6 Arrest Jurisdiction

**Article 1**  
**DIALING DEVICES**

**Sections:**

- 9.1.1.010 Defined
- 9.1.1.020 Improper use
- 9.1.1.030 Violation

**9.1.1.010 Defined**

Dialing devices, for the purpose of this chapter, are those devices of any description of nature, either electronic or mechanical, that may be attached to or programmed into telephones which by an abbreviated process dial telephone numbers or provide a prerecorded message or both. (Ord. 2454 (part), 1987).

**9.1.1.020 Improper use**

It is unlawful for any person to program or in any way cause any dialing device, automatic or otherwise, to automatically dial any number, emergency or otherwise, in the City Communication Center or to program or cause any prerecorded taped message to be played to any number, emergency or otherwise, in the City Communication Center. (Ord. 2454 (part), 1987).

**9.1.1.030 Violation**

Should the City officials, employees or agents discover that any dialing device has been programmed into the City Communication Center in violation of this chapter, the person shall be notified in writing of that fact and shall be allowed three days within which to disconnect or deprogram the dialing device. After notice, violations of this chapter shall be punishable as misdemeanors in accordance with Chapter 1.4.070 of this code. (Ord. 2454 (part), 1987).

**Article 6  
ARREST JURISDICTION**

**Sections:**

9.1.6.010 Arrest jurisdiction

**9.1.6.010 Arrest jurisdiction**

Pursuant to 7-32-4301 MCA, the arrest jurisdiction of the Great Falls City Police is extended within a five-mile perimeter of the boundaries of the City. (Ord. 2560, 1990).

**Chapter 2  
OFFENSES AGAINST THE PERSON**

(RESERVED)

**Chapter 3  
OFFENSES AGAINST PUBLIC DECENCY**

**Articles:**

10 City Park Rules

13 Display or Dissemination of Obscene Material to Minors

**Article 10  
CITY PARK RULES**

**Sections:**

9.3.10.010 Park rules and regulations

9.3.10.020 Skate park rules and regulations

**9.3.10.010 Park rules and regulations**

It is unlawful for any person to violate any of the following rules and regulations while within any City park:

- A. Parks are closed to vehicles and people from dusk to daylight.
- B. Motorized vehicles may not be operated in excess of 10 mph and only upon designated road.
- C. Parking in front of or within a designated entry or driveway which hinders the use of the park property is prohibited.
- D. Destruction, defacement or dismantling of any park equipment; park furnishings; trees, flowers or other planting and facilities on park property is prohibited.
- E. Active games around designated flower/shrub beds or young trees is prohibited.
  - 1. Practicing or play golf is prohibited except at designated golf courses.
  - 2. Snowmobiling on or within park land is prohibited (See also 10.66.020).
- F. Organized athletic activities or group functions are allowed upon written permission from the Park and Recreation Director.
- G. Littering or dumping debris on or within park land is prohibited.
- H. No erection, construction or maintenance shall be made above or below ground, across or beneath park land without written permission from the Park and Recreation Director.
- I. Selling, advertising or solicitation of products/services within park land is prohibited unless written permission is received from the Park and Recreation Director.
- J. Metal detectors are authorized only through permit issued by the Park and Recreation Director.
- K. All pets must be on a leash and shall be restricted to areas such as sidewalks, roads, trails, or such designated pet walking areas. (See also 6.08.909 and 6.08.120).
- L. Large animals such as horses, cows, and mules, which may damage the turf, are prohibited except in designated riding areas.
- M. Discharging, possession of or selling of fireworks is prohibited in all dedicated park areas, including golf courses.
- N. Use of park land other than its intended use must be approved in writing by the Park and Recreation Director.
- O. Except as provided in 9.20.030, public drinking and public display and exhibition of beer, wine or liquor are prohibited. (See also 9.20.020 and 9.20.030). (Ord. 2647 (part), 1994).

**9.3.10.020 Skate park rules and regulations**

It is unlawful for any person to violate any of the following rules and regulations while at the skate park:

- A. All participants must wear appropriate safety gear: CSA approved helmets and footwear are mandatory. Helmets must fit properly with straps fastened. Pads, gloves and guards are strongly recommended.
- B. Enter at your own risk. Be alert, flying objects are not uncommon.
- C. Use of the facility is only allowed during park hours – (daylight to dusk). After hours use or use when closed will result in a trespass citation.
- D. This is a skate park, not a bike park. Bicycles, scooters, motorized vehicles are not allowed. Only Skateboards and rollerblades are allowed. Violations will result in trespass citations and possible seizure of equipment.
- E. Do not skate if the surface is wet or icy. Extremely dangerous.
- F. Know your abilities and skate within them. Exercise common sense and courtesy to others.
- G. No spectators inside the seating area. Watch from outside the skating area for your safety.
- H. Alcohol, tobacco products and drugs are prohibited.
- I. No obstacles, other material, glass, food or drink is allowed in the skate park.
- J. Trash containers must be used to keep the park clean and safe.
- K. The City of Great Falls reserves the right to revoke the use of the skate park for those individuals that do not obey the rules. In addition, all city ordinances and park rules will be enforced. (Ord. 2878, 2004).

**Article 13**  
**DISPLAY OR DISSEMINATION OF OBSCENE MATERIAL TO MINORS**

**Sections**

- 9.3.13.010 Definitions
- 9.3.13.020 Offenses
- 9.3.13.030 Defenses
- 9.3.13.040 Penalties
- 9.3.13.050 Severability

**9.3.13.010 Definitions**

The following definitions apply in this chapter:

"Harmful to minors" means that quality of any description, exhibition, presentation or representation, in whatever form, of nudity, sexual conduct, sexual excitement, or sadomasochistic abuse when the material or performance, taken as a whole, has the following characteristics:

- A. The average adult person applying contemporary community standards would find that the material or performance has a predominant tendency to appeal to a prurient interest in sex to minors; and
- B. The average adult person applying contemporary community standards would find that the material or performance depicts or describes nudity, sexual conduct, sexual excitement or sadomasochistic abuse in a manner that is patently offensive to prevailing standards in the adult community with respect to what is suitable for minors; and
- C. The material or performance lacks serious literary, scientific, artistic, or political value for minors.

"Knowingly" means having general knowledge of:

- A. The character and content of any material or performance which is reasonably susceptible of examination by the defendant; and
- B. The age of the minor; however, an honest mistake shall constitute an excuse from liability hereunder if the defendant made a reasonable bona fide attempt to ascertain the true age of such minor.

"Material" means any book, magazine, newspaper, pamphlet, poster, print, picture, figure, image, description, motion picture film, record, recording tape, or video tape.

"Minor" means any unmarried person under the age of eighteen years.

"Nudity" means the showing of the human male or female genitals, pubic area, or buttocks with less than a full opaque covering; the showing of the female breast with less than a full opaque covering of any portion thereof below the top of the nipple; or the depiction of covered male genitals in a discernible turgid state.

"Performance" means any motion picture film, video tape, played record, phonograph or tape, preview, trailer, play, show, skit, dance, or other exhibition performed or presented to or before an audience of one or more, with or without consideration.



"Person" means any individual, partnership, association, corporation, or other legal entity of any kind.

"Prurient" means a lustful, lascivious, erotic, shameful, or morbid interest in sexual conduct, sexually explicit nudity, sadomasochistic sexual abuse, or lewd exhibition of the genitals. Materials or performances may be deemed to appeal to the prurient interest when they are pandered, designed, marketed, prompted, or disseminated to cater or appeal to such an interest. Where the material or performance is designed for and primarily disseminated or promoted to a clearly defined, deviant sexual group, rather than the public at large, the prurient - appeal requirement is satisfied if the dominant theme of the material or performance, taken as a whole, appeals to the prurient interest in sex of the members to that intended and probable recipient group.

"Sadomasochistic abuse" means flagellation or torture by or upon a person clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed.

"Sexual conduct" means acts of masturbation, homosexuality, sexual intercourse or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or, if such person be a female, breast.

"Sexual excitement" means the condition of human male or female genitals when in a state of sexual stimulation or arousal.

"A reasonable bona fide attempt" means an attempt to ascertain the true age of the minor by requiring production of a driver's license, marriage license, birth certificate or other governmental or educational identification card or paper and not relying solely on the oral allegations or apparent age of the minor. (Ord. 2558 (part), 1990).

#### **9.3.13.020 Offenses**

No person having custody, control or supervision of any commercial establishment shall knowingly:

- A. Display material which is harmful to minors in such a way that minors, as a part of the invited general public, will be exposed to view such material provided; however, a person shall be deemed not to have "displayed" material harmful to minors if the material is kept behind the counter or is otherwise located so that it is not accessible nor more than the title portion of the material is visible to minors;
- B. Sell, furnish, present, distribute, allow to view, or otherwise disseminate to a minor, with or without consideration, any material which is harmful to minors; or
- C. Present to a minor or participate in presenting to a minor, with or without consideration, any performance which is harmful to a minor. (Ord. 2558 (part), 1990).

#### **9.3.13.030 Defenses**

It shall be an affirmative defense to any prosecution under this chapter that the material or performance involved was displayed, presented or disseminated to a minor at a recognized and established school, church, museum, licensed medical clinic, hospital, public library, governmental agency, quasi-governmental agency and person acting in their capacity as employees or agents of such persons or organizations, and which institution displays, presents or disseminates such material or performance for a bona fide governmental, educational or scientific purpose. (Ord. 2558 (part), 1990).

#### **9.3.13.040 Penalties**

Any person who shall be convicted of violating any provision of this chapter is guilty of a misdemeanor and shall be fined a sum not less than five hundred dollars or more than one thousand dollars or imprisoned in the county jail for a term not to exceed six months or both. Each day that any violation of this section occurs or continues shall constitute a separate offense and shall be punishable as a separate violation. Every act, thing, or transaction prohibited by this section shall constitute a separate offense as to each item, issue or title involved and shall be punishable as such. For the purpose of this section, multiple copies of the same identical title, monthly issue, volume and number issue or other such identical material shall constitute a single offense. (Ord. 2558 (part), 1990).

#### **9.3.13.050 Severability**

If any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions thereof. The City Commission declares that it would have passed this chapter, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases had been declared invalid or unconstitutional. (Ord. 2558 (part), 1990).

**Chapter 4**  
**OFFENSES AGAINST PUBLIC PEACE**

**Articles:**

20 Intoxicating Beverages

**Article 20**  
**INTOXICATING BEVERAGES**

**Sections:**

9.4.20.010 Definitions  
9.4.20.020 Unlawful within City limits  
9.4.20.030 Exception--public facilities  
9.4.20.040 Requirements of special permit  
9.4.20.050 Permit denial - appeal  
9.4.20.080 Violation--penalty

**9.4.20.010 Definitions**

For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

"Beer" means any beverage obtained by alcoholic fermentation of an infusion or decoction of barley, malt, hops or any similar products, containing not more than four percent of alcohol by weight.

"Liquor" means any alcoholic, spirituous, vinous, fermented, malt or other liquor which contains more than one percent of alcohol by weight.

"Public display or exhibition of beer, wine, or liquor" means the carrying and exhibiting of open cans or bottles of beer or the carrying and exhibition of glasses or other types of containers for beer, wine, or liquor, even though empty, on or within any public place as defined herein or on or within any vehicle that is upon a public place as defined herein. This definition does not include carrying or transporting beer, wine, or liquor from retail or wholesale liquor or beer establishments in sacks, cases, boxes, cartons, or other similar containers if the seal for the alcoholic beverage container is unbroken; nor does this definition include those situations wherein the alcoholic beverage container is being transported or carried to a recycling center or garbage disposal site; nor does this definition include transportation of alcoholic containers in a compartment of the vehicle that is outside the passenger area of the vehicle and which area is not accessible to the driver and passenger of the vehicle from the passenger area while the vehicle is in operation.

"Public drinking" means the drinking or consuming of beer, wine or liquor within or upon any vehicle that is upon a public place as defined herein or upon any public place in the City.

"Public places" means all streets, avenues, alleys, eligible publicly owned parking lots and privately owned parking lots open to the public for parking in the City, approved City-owned facilities, and the following City parks: Odd Fellows, Sight and Sound, Elks-Riverside, West Bank, Margaret, Whittier, Gibson, Lions and West Kiwanis. This definition does not include the premises licensed for the sale of liquor or beer at retail by the Liquor Division of the Montana Department of Revenue. For purposes of this definition the term "premises" shall have the same meaning attributed to that term by the Department of Revenue pursuant to its administrative regulations, which term is defined as follows: the building or any specific portion of any building in which the liquor and/or beer business is conducted and those areas in which the licensee operates a sidewalk cafe, open-air restaurant or tavern outside and adjacent to the license building and to which patrons are permitted free access from said building. (Ord. 2949, 2006; Ord. 2854, 2003)

"Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a public highway.

"Wine" means an alcoholic beverage made from the normal alcoholic fermentation of the juice of sound, ripe fruit or other agricultural products without addition or abstraction, except as may occur in the usual cellar treatment of clarifying and aging, and that contains not less than seven percent or more than twenty-four percent of alcohol by volume. Other alcoholic beverages made in the manner of wine and labeled and sold as wine in accordance with federal regulations are also wine. (Ord. 2342 §2(part), 1983).

**9.4.20.020 Unlawful within City limits**

Except as provided in 9.4.20.030, public drinking and public display and exhibition of beer, wine or liquor as defined in this chapter are prohibited. Except as provided for herein, it is unlawful for any person to engage in public drinking, public display or exhibition of beer or liquor within the City limits. (Ord. 2949, 2006; Ord. 2525 §1, 1988; Ord. 2453 §1(part), 1987; Ord. 2342 §2(part), 1983).

**9.4.20.030 Exception – public places**

- A. Individuals, members of groups or organizations who wish to consume, sell or give away alcoholic beverages in public places as defined in 9.4.20.010 may do so provided they obtain a special event permit as specified in 9.4.20.040 or are otherwise excluded from that requirement.
- B. A fee to cover administrative costs for such permit shall be charged and set by Commission resolution.
- C. Organizers for special events held in city parks must clean up the park to a state at least as clean as when they arrived and permit holder shall be solely responsible for the immediate and timely picking up and removal or proper disposal of garbage at the location where the permit is issued within the park. (Ord. 2647 (part), 1994).
- D. A special event may require closure of a public parking lot or temporary closure of a street. For such an event a sign designating the street closure and removal of vehicles will be prominently posted no less than 4 hours in advance of the event. Parking in an area that has been designated and blocked off for a special event is a misdemeanor and such vehicle may be impounded and towed. The owner will be responsible for all towing and impounding fees.
- E. The Civic Center and designated areas of the "State Fair" grounds shall be exempt from the prohibition of Section 9.4.20.020. (Ord. 2949, 2006; Ord. 2854, 2003; Ord. 2525 §2, 1988; Ord. 2453 §1(part), 1987; Ord. 2399 §1, 1985; Ord. 2342 §2(part), 1983).

**9.4.20.040 Requirements of a special event permit**

- A. The application for a special event permit shall be obtained from the City Manager's office and shall contain the name and contact information of the person or entity requesting the permit, the location of the proposed event, the anticipated number attending the event, and the day(s), times(s) and duration of the event. Applications must be turned in for review a minimum of fourteen (14) days prior to the event. (Ord. 2949, 2006; Ord. 2854, 2003)
- B. The applicant must demonstrate that all state and local liquor control regulations pertaining to the sale and consumption of alcohol have been complied with and provide copies of all applicable state and local liquor permits. (Ord. 2949, 2006)
- C. If the event involves more than 75 people, the person or organization must provide liability insurance, including liquor liability if applicable, providing coverage for their organization and naming the City as an additional insured. To the extent reasonably possible, liability insurance coverage shall be in the minimum amounts of \$750,000 per claimant and \$1,500,000 per occurrence. The City Manager, or designee, has the authority to waive this requirement or due to the type of event, require insurance for events with fewer than 75 people should he determine it necessary due to the type of event. (Ord. 2949, 2006)
- D. Applicants for a special event permit shall agree in writing to defend, hold the City and its employees harmless and indemnify the City for any and all claims, lawsuits or liability including attorneys' fees and costs allegedly arising out of loss, damage or injury to person or person's property occurring during the course of or pertaining to the special event caused by the conduct of employees or agents of applicants. (Ord. 2949, 2006)
- E. The Police Department may revoke the special event permit should those in attendance become unruly, property is damaged or for other reasons that adversely affect the public health, safety and welfare of those attending the event and the citizens of Great Falls. (Ord. 2949, 2006)

**9.4.20.050 Permit denial – appeal**

If an applicant is denied a special event permit under 9.20.040, the applicant may appeal the decision to the City Commission who shall review the application in a public meeting and may direct the City Manager's office to issue said permit based upon their review. (Ord. 2949, 2006)

**9.4.20.080 Violation—penalty**

Any person violating any of the provisions of this chapter is guilty of a misdemeanor and upon conviction thereof shall be as specified in 1.4.070. (Ord. 2949, 2006; Ord. 2854, 2003; Ord. 2342 §2(part), 1983).

## Chapter 5 OFFENSES AGAINST PROPERTY

**Articles:**

28 Smoking

36 Posting Advertising Material

**Article 28  
SMOKING**

**Sections:**

- 9.5.28.010 Negligent smoking so as to endanger property prohibited
- 9.5.28.020 Notice--posting

**9.5.28.010 Negligent smoking so as to endanger property prohibited**

Any person who by smoking or attempting to light or to smoke cigarettes, cigars, pipes or tobacco in any manner in which lighters or matches are employed who in any careless, negligent or reckless manner whatsoever, whether willfully or wantonly or not, sets fire to any building, furniture, curtain, drapes, house or any household fittings, or furnishings whatsoever so as to endanger life or property in any way or to any extent is guilty of violating this chapter. (Prior code §6-1-2(C)(part)).

**9.5.28.020 Notice—posting**

A plainly printed notice shall be posted in a conspicuous place in each sleeping room of all hotels, rooming houses, lodging houses and other places of public abode, advising tenants of the provisions of this chapter and the penalty therefore. (Prior code §6-1-2(C) (part)).

**Article 36  
POSTING OF ADVERTISING MATTER**

**Sections:**

- 9.5.36.010 Unlawful where

**9.5.36.010 Unlawful where**

It is unlawful for any person, firm or corporation to tack, nail or otherwise attach any placard, poster, picture, printed matter or any type of literature or advertising to any public utility poles, or to any City property, including but not limited to trees, shrubs, fixtures, or structures of the City, within the City limits of the City. (Prior code §6-1-3(G)).

**Chapter 6  
CONSUMER PROTECTION**

(RESERVED)

**Chapter 7  
OFFENSES BY OR AGAINST MINORS**

**Article:**

- 64 Curfew

**Article 64  
CURFEW**

**Sections:**

- 9.7.64.010 Established
- 9.7.64.020 Hours designated--generally
- 9.7.64.030 Hours designated

**9.7.64.010 Established**

It is unlawful for any minor under the age of eighteen years to remain away from home at late and unusual hours of the nighttime, unless in the company of the parent, guardian or other responsible adult companion. (Ord. 2370 §2(part), 1984).

**9.7.64.020 Hours designated—generally**

Subject to the provisions of Section 9.64.010 and to serve as a guide for parents and minors in observing this chapter, the hours set out in Section 9.64.030 shall be presumed late and unreasonable and any arrest based thereon shall be lawful. (Ord. 2370 §2(part), 1984).

**9.7.64.030 Hours designated**

- A. It is unlawful for a person less than eighteen years of age to be present at or upon any public assembly, building, place, street or highway at the following times unless accompanied and supervised by a parent, legal guardian or other responsible adult companion at least eighteen years of age approved by a parent or legal guardian or unless engaged in a business or occupation which the laws of this state authorize a person less than eighteen years of age to perform:
  - 1. Between 12:01 a.m. and six a.m. Saturday;
  - 2. Between 12:01 a.m. and six a.m. Sunday; and
  - 3. Between eleven p.m. on Sunday to Thursday, inclusive, and six a.m. on the following day.
- B. It is unlawful for a parent, legal guardian or other adult person to knowingly permit a minor under the age of eighteen in their custody or control to violate subsection A of this section, and such violation shall constitute a misdemeanor.
- C. Any minor under the age of eighteen years who is apprehended for a violation of this chapter shall be dealt with in accordance with the provisions of Title 41, Chapter 5, Montana Codes Annotated, concerning juvenile courts and proceedings against juvenile delinquents. (Ord. 2370 §2(part), 1984).

**Chapter 8  
WEAPONS**

**Article:**  
65 Weapons

**Article 65  
WEAPONS**

- Sections:**
- 9.8.65.010 Weapons - use prohibited
  - 9.8.65.020 Prohibiting and suppressing the possession of weapons

**9.8.65.010 Weapons - use of prohibited**

It is unlawful for any person to discharge or cause to be discharged, any weapon, be it a pellet or b-b projectile, either compressed air or gas operated, cross bow or bow, slingshot or wrist rocket, unless it is discharged in a reasonable and responsible manner or at an indoor or outdoor range approved by the City Manager, within the corporate limits of the City of Great Falls. (Ord. 2647 (part), 1994).

**9.8.65.020 Prohibiting and suppressing the possession of weapons**

- A. The carrying of concealed or unconcealed weapons (MCA 45-2-101 (76) (1997), and as such statute may hereafter be amended) to, on, or at a public assembly, publicly owned building, park under City jurisdiction, or school is hereby prohibited.
- B. Exceptions are as otherwise provided by MCA 45-8-351(2)(b)(1997) which allows for display of firearms at shows or other public occasions by collectors and others, and MCA 45-8-317(1997) which states what persons are allowed to carry weapons, and as such statutes may hereafter be amended. (Ord. 2732, 1997).

**Chapter 9  
FIREWORKS**

**Article:**  
90 Fireworks

**Article 90  
FIREWORKS**

- Sections:**
- 9.90.010 Selling and discharging dates and times
  - 9.90.020 Possession illegal

- 9.90.030 Permissible fireworks
- 9.90.035 Littering - illegal
- 9.90.040 Enforcement
- 9.90.060 Fireworks prohibited on all public property
- 9.90.070 Fireworks stands operator requirements and permit fees

**9.90.010 Selling and discharging dates and times**

- A. The selling and discharging of fireworks within the incorporated limits of Great Falls shall be July 2 through July 4 from 8 am to midnight. (Ord. 2965, 2007; Ord. 2664, 1994).
- B. Fireworks may be discharged on December 31 from 10 pm to 12:30 am January 1. Fireworks may not be sold within the incorporated city limits except as provided in 9.90.010 (A).
- C. The Fire Chief, or designee, shall determine if there are special circumstances that warrant the discharge of fireworks not provided for in 9.90.010 A and B, and authorize such use if the circumstance is community wide and of national, state and local significance.
- D. Professional Fireworks Displays using display fireworks. Public displays of fireworks by a licensed, bonded pyrotechnic operator are exempt from 9.90.010A-C. Permits for any public display by a licensed bonded pyrotechnic operator from the Fire Department are required to conduct a public fireworks display. "Display Fireworks" means an aerial shell, salute, flash shell, comet, sky battle, mine, and any similar 1.3g (display fireworks) and 1.4g (consumer fireworks) explosive as defined by the U.S. Department of Transportation in Part 173, Title 49, Code of Federal Regulations. (Ord. 2965, 2007; Ord. 2664, 1994).

**9.90.020 Possession illegal**

- A. Possession of fireworks not allowed to be sold or discharged by the State of Montana shall be illegal. (Ord. 2965, 2007; Ord. 2664, 1994).
- B. It shall be unlawful for any parent, guardian, or custodian of any child, the child being age seven (7) or younger, to permit or consent to the possession or discharge by the child of any fireworks as defined herein, unless that parent, guardian or custodian be in direct supervision of the child at the time of discharge. For purposes of 9.20.020(B) "direct supervision" means the overall direction and control of an individual and requires the individual furnishing direct supervision to be present and immediately available to furnish assistance while he or she is in possession of or is discharging any and all fireworks. Direct supervision also requires the individual directly supervising to control the application of flame or other means of discharge of the firework and must be no greater than 10 feet away from the individual being directly supervised at time of the firework's discharge. (Ord. 2965, 2007)

**9.90.030 Permissible fireworks**

Shall be the same as those authorized by the State of Montana. (Ord. 2965, 2007)

**9.90.035 Littering illegal**

It shall be illegal for anyone to leave debris from discharged fireworks on any public place including but not limited to parks, sidewalks, streets, and alleys, or on private property not owned by the individual discharging the fireworks. (Ord. 2965, 2007)

**9.90.040 Enforcement**

- A. City Police Officers and Firefighters shall enforce these rules and regulations.
- B. Any official charged with enforcing these rules and regulations may;
  - 1. Issue a Notice to Appear to Great Falls Municipal Court for violations of this Chapter.
  - 2. Seize illegal fireworks that are offered for sale, sold, or in the possession of any individual in violations of this chapter.
  - 3. Recommend to the **Planning and** Community Development Department that any wholesaler/retailer found in violation of this chapter have his/her license revoked.
- C. Any person who violates these rules and regulations shall be guilty of a misdemeanor and subject to the following fines. (Ord. 2664, 1994).
  - 1st Offense - \$100
  - 2<sup>nd</sup> Offense - \$200
  - 3<sup>rd</sup> Offense - \$300
  - 4<sup>th</sup> and higher - \$1000

**9.90.060 Fireworks prohibited on all public property**

Fireworks may not be discharged in any city park or on any public sidewalk, street, public right-of-way, public easement or alley. (Ord. 2965, 2007; Ord. 2664, 1994).

**9.90.070 Fireworks stands and permit fees**

- A. Anyone, group or organization wishing to sell fireworks within the incorporated boundaries of the City of Great Falls shall obtain a special permit. The fees collected from the permit shall cover the costs to issue said permit; to inspect the fireworks stands; and costs of enforcement.
- B. Operators of fireworks stands shall educate all patrons on the
  - 1. legal, safe use of fireworks
  - 2. the dates and times allowed for fireworks to be discharged, and
  - 3. the requirement to clean up all debris left from discharged fireworks.
- C. Fireworks stand permit fees are based upon square footage as follows: (Ord. 2965, 2007; Ord. 2664, 1994).

SIZE	FEES
0 – 300 sq. ft.	\$125
301 – 1,000 sq. ft.	\$375
1,001 – 2,000 sq. ft.	\$625
2,001 – 3,000 sq. ft.	\$875
3,001 sq. ft. or larger	\$1125

Title 10  
**VEHICLES AND TRAFFIC**

**Chapter**

---

3	Definitions
9	Applicability
21	Traffic Control Devices and Parking Meters
27	Stop Intersections
30	One Way Streets and Alleys
33	Four Lane Streets and Roadways
36	Speed Restrictions
39	Miscellaneous Driving Rules
48	Stopping, Standing and Parking
50	Vehicle Immobilization
57	Commercial Vehicles
60	Abandoned and Junk Vehicles, Machinery, Trailers and Parts
61	Abandoned, Wrecked, Junked or Dismantled Vehicles on Private Property
66	Snowmobiles
69	Motorcycles
71	Handicap Zone
72	Bicycles
73	Trailers
75	Toll Locations
78	Liability for Street Damage
84	Excess size and weight permits
87	Violation Penalty

**Chapter 3**  
**DEFINITIONS**

**Section:**

10.3.010        Definitions

**10.3.010        Definitions**

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



"Alley" means any public right-of-way or public thoroughfare twenty feet or less in width. (Prior code §0-2-1(M)(part)).

"Central business district" means all streets and portions of streets within the area described as follows: All that area bounded by the west line of Park Drive, thence in an easterly direction on a line with south line of Second Avenue South to east line of Ninth Street, thence north to the north line of Second Avenue North thence west to point of origin. (Prior code §10-2-1(M)(part)).

"Curb-loading zone" means a space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers and/or freight and materials. (Prior code §10-2-1(M)(part)).

Whenever certain hours are named in this title, they mean standard time or daylight-savings time as may be in current use in this City. (Prior code §10-2-1 (M)(part)).

"Parking meter" means any mechanical device or meter, not inconsistent with this chapter, placed or erected for the regulation of parking by the authority of this chapter. Each parking meter installed shall indicate by proper legend the legal parking time established by the City and when operated, shall at all times indicate the balance of legal parking time, and at the expiration of such period shall indicate illegal or overtime parking. (Prior code §10-2-1(M)(part)).

"Parking meter space" means any space within a parking meter zone and adjacent to a legally placed parking meter. (Prior code §0-2-1(M)(part)).

"Parking meter zone" means any restricted street upon which parking meters are installed and in operation. (Prior code §10-2-1(M)(part)).

"Passenger curb-loading zone" means a place adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers. (Prior code §10-2-1(M)(part)).

"Bicycle" means a non-motorized vehicle consisting of a metal frame on two wheels and having handlebars and a seat. (Ord. 2646 §part), 1994)

**Chapter 9  
APPLICABILITY**

**Sections:**

- 10.9.010 Pushcarts and animals
- 10.9.020 Toy vehicles and devices--restrictions--exception

**10.9.010 Pushcarts and animals**

Every person propelling any pushcart or riding an animal upon a roadway and every person driving any animal-drawn vehicle shall be subject to the provisions of this title. (Ord. 2646 § (part), 1994; Prior code §10-2-2(D)).

**10.9.020 Toy vehicles and devices--restrictions—exception**

It is unlawful for any person upon roller skates or riding in or by means of any coaster, toy vehicle or similar device to be upon any roadway except while crossing a street on a crosswalk, and when so crossing such person shall be granted all of the rights and shall be subject to all the duties applicable to pedestrians. (Ord. 2646 §(part), 1994; Prior code §10-2-2(E)).

**Chapter 21  
TRAFFIC CONTROL DEVICES AND PARKING METERS**

**Sections:**

- 10.21.010 Installation—traffic control devices--parking meters
- 10.21.020 Obedience required
- 10.21.030 Interference with signals
- 10.21.040 Crosswalks, traffic lanes and parking spaces--designation authority
- 10.21.050 Standards and specifications
- 10.21.060 No-passing zones--establishment authority

10.21.070 Lane designation signs--erection

**10.21.010 Installation—traffic control devices--parking meters**

- A. The Public Works Department, with the approval of the City Commission, shall place and maintain traffic and parking control signs, signals and devices when and as required under the traffic laws of this City, and per recommendations of the Manual on Traffic Control Devices, to make effective the provisions of the laws, and may place and maintain such additional traffic-control devices as necessary to regulate traffic under the traffic laws of this City or under State law, or to guide or warn traffic.
- B. Parking Meters. In parking meter zones to be established as provided in Chapter 10.48, the **Planning and Community Development Director**, or designee, shall cause parking meters to be installed upon the curb or sidewalk immediately adjacent to the parking spaces. The **Planning and Community Development Director** shall be responsible for the regulation, control, operation, maintenance and use of such parking meters. Upon the expiration of the lawful time limit, the right of such vehicle to occupy such space ceases and the operator, owner, possessor or manager thereof, shall be subject to the penalties provided in Chapter 10.87.

**10.21.020 Obedience required**

The driver of any vehicle shall obey the instruction of any official traffic-control device applicable thereto placed in accordance with the traffic laws of this City, unless otherwise directed by a Police Officer, subject to the exceptions granted the driver of an authorized emergency vehicle. (Ord. 2646 § (part), 1994; Prior code §10-2-3(C)).

**10.21.030 Interference with signals**

It is unlawful for any person without lawful authority to attempt to or in fact alter, deface, injure, knock down or remove any official traffic-control device or any railroad sign or signal or any inscription, shield, or insignia thereon or any other part thereof, nor shall such person deposit or cause to be deposited in any parking meter any slugs, device or metal substance or other substitute for lawful coins or approved tokens. (Ord. 2646 §(part), 1994; Prior code §10-2-3(I)).

**10.21.040 Crosswalks, traffic lanes and parking spaces--designation authority**

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

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

**10.21.050 Standards and specifications**

All traffic control signs, signals and devices shall conform to the standards and guidelines set forth by the manual on Uniform Traffic Control Devices. (Ord. 2646 §(part), 1994)

**10.21.060 No-passing zones--establishment authority**

The Public Works Department is authorized to determine those portions of any roadway where overtaking and passing or driving to the left of the roadway would be especially hazardous and may, by appropriate signs and markings on the roadway, indicate the beginning and end of such zones and when such signs or markings are in place and clearly visible to an ordinarily observant person, every driver of a vehicle shall obey the directions thereof. (Ord. 2646 §(part), 1994; Prior code §10-2-20(A)).

**10.21.070 Lane designation signs—erection**

Official signs may be erected directing traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway, and drivers of vehicles shall obey the directions of every such sign. (Ord. 2646 § (part), 1994; Prior code §0-2-20(B)).

**Chapter 27  
STOP INTERSECTIONS**

**Sections:**

10.27.010 Designated

10.27.020 Stop sign erection--authority

**10.27.010 Designated**

The following streets and parts of streets so described are through and preferential streets for the purpose of this chapter:

- A. Second Avenue North from Park Drive to east City limits;
- B. Park Drive from Second Avenue South to Eighth Avenue North;
- C. First Avenue North from Thirty-Seventh Street to west end of First Avenue North Bridge;
- D. Central Avenue West from west end of First Avenue North Bridge to west City limits;
- E. Sixth Street Southwest from Central Avenue West to south City limits;
- F. Third Street Northwest and Smelter Avenue from Central Avenue West to northeast City limits;
- G. Tenth Avenue South from west City limits to east City limits;
- H. Ninth Street from Tenth Avenue South to River Drive North;
- I. Fourteenth and Fifteenth Streets couplet from Tenth Avenue South to River Drive North;
- J. Central Avenue from Ninth Streets to Forth-sixth Street;
- K. Second Street from Tenth Avenue South to First Avenue South;
- L. River Drive all inside of City limits;
- M. Twenty-fifth and Twenty-sixth Streets couplet from Tenth Avenue South to River Drive North;
- N. Twenty-sixth Street South from Tenth Avenue South to the south City limits;
- O. Fifth and Sixth Street couplets from Central Avenue to Tenth Avenue South;
- P. Second Avenue South from Second Street to Fifteenth Street;
- Q. First Avenue South from Park Drive to Fifteenth Street.
- R. Thirteenth Avenue South from Fourth Street to Twentieth Street;
- S. Thirty-second Street South from Central Avenue to Tenth Avenue South;
- T. Thirteenth Street South from Tenth Avenue South to south City limits;
- U. Fox Farm Road from Tenth Avenue South to south City limits;
- V. Upper River Road from River Road loop to south City limits. (Prior code §10-2-8(A)).

**10.27.020 Stop sign erection—authority**

Whenever any law of this City designates and describes a through or preferential street, it shall be the duty of the Public Works Department to place and maintain a stop sign on each and every street intersecting such through or preferential street or intersection that portion thereof described and designated as such by any law of this City. (Ord. 2646 § (part), 1994; Prior code §10-2-8(B)).

**Chapter 30  
ONE WAY STREETS AND ALLEYS**

**Sections:**

- 10.30.010 Sign placement and maintenance
- 10.30.020 Direction designated

**10.30.010 Sign placement and maintenance**

Whenever any laws of this City designate any one-way street or alley, the Public Works Department shall place and maintain signs giving notice thereof, and no such regulation shall be effective unless such signs are in place. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited. (Ord. 2646 § (part), 1994; Prior code §10-2-7(A)).

**10.30.020 Direction designated**

- A. Upon those streets and parts of streets and in those alleys described in subsection B of this section, vehicular traffic shall move only in the indicated direction when signs indicating the direction of traffic are erected and maintained at every intersection where movement in the opposite direction is prohibited.
- B. In accordance with Section 10.30.010 and when proper signs are posted, traffic shall move only in the direction indicated upon the following streets or avenues. (Ord, 2867, 2004)

Street, Avenue or Alley

Permitted direction

First Avenue North  
Park Drive to Thirty-seventh Street (Ord. 1217, 1956)

Eastbound

First Avenue South

Park Drive to Fifteenth Street (Ord. 1217, 1956)	Westbound
Second Avenue South Second Street to Fifteenth Street (Ord. 1217, 1956)	Eastbound
Second Avenue North Park Drive to Thirty-seventh Street (Ord. 1217, 1956)	Westbound
Fifth Street Eighth Avenue North to Tenth Avenue South (Ord. 1471, 1964)	Southbound
Sixth Street Eighth Avenue North to Tenth Avenue South (Ord. 1471, 1964)	Northbound
Fourteenth Street Twelfth Avenue North to Tenth Avenue South (Ord. 1454,1963)	Southbound
Fifteenth Street Twelfth Avenue North to Tenth Avenue South (Ord. 1454, 1963)	Northbound
Twenty-fifth Street Tenth Avenue South to Eighth Avenue North (Ord. 1627, 1969)	Southbound
Twenty-sixth Street Tenth Avenue South to Eighth Avenue North (Ord. 1627, 1969)	Northbound
Park Drive First Avenue South to Second Street (Ord. 2867, 2004; Ord. 2646 §(part), 1994; Prior code §10-2-7(B)).	Southbound

**Chapter 33**  
**FOUR LANE STREETS AND ROADWAYS**

**Sections:**

10.33.010 Designated--marking--regulations

**10.33.010 Designated--marking—regulations**

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

Central Avenue

From the east line of Ninth Street to the west line of Fifteenth Street

Tenth Avenue South

From the west City limits to the east City limits

Central Avenue West

From the west abutment of the First Avenue North Bridge to west line of Interstate 15

Fourteenth and Fifteenth Streets North

From the south line of Twelfth Avenue North to the south abutment of the Fifteenth Street North Bridge

First Avenue North

From west abutment of First Avenue North Bridge to west line of Park Drive

Park Drive

From south line of First Avenue North to north line of First Avenue South

Sixth Street SW

- From Central Avenue West, south to City limit
- Northwest Bypass
  - From Third Street Northwest, west to City limits
- Third Street Northwest/Smelter Avenue
  - From Central Avenue West, northeast to City limits
- Ninth Street North
  - From 8th Avenue North to south abutment of Tenth Street North Bridge
- Tenth Street North
  - From north abutment of Tenth Street North Bridge, north to City limits
- Fox Farm Road
  - From Tenth Avenue South to Alder Drive
- River Drive
  - From Tenth Street North to Fifteenth Street North

- B. The Public Works Department is directed to mark appropriately all such four-lane streets or roadways and to keep the same properly marked and laned for four-lane traffic.
- C. All vehicles proceeding on any four-lane street or roadway must be driven wholly within a single lane and the driving of any vehicle so as to straddle two lanes of traffic, except in passing from one lane to the other, is prohibited. (Ord. 2646 § (part), 1994; Prior code §10-2-7(C)(2--4)).

**Chapter 36  
SPEED RESTRICTIONS**

**Sections:**

- 10.36.010 Established--specific streets
- 10.36.020 Established - alleys

**10.36.010 Established--specific streets**

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

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

Parkdale Housing  
All streets within the following boundaries:

Bounded on the north by the north line of Fifth Avenue South; on the east by the west line of Eighteenth Street and Chowen Park; on the south by the north line of Eighth Avenue South and Chowen Park; and on the west by the east line of Fifteenth Street (Ord. 2633, 1992) 15

Eighth Avenue North  
 Park Drive to Twenty-fifth Street  
 All trucks only 20  
 All other vehicles 25  
 (Ord. 2646 §(part), 1994; Ord. 2446 §2, 1987; Prior code §10-2-5(B)).

**10.36.020 Established – alleys**

The limit for all alleys within the City limits shall be 15 miles per hour. (Ord. 2802, 2001; Ord 2446, 1987; prior code §10 2 5(A)).

**Chapter 39  
 MISCELLANEOUS DRIVING RULES**

**Sections:**

- 10.39.055 Loud noises - prohibited
- 10.39.060 Processions--parades--permits required when
- 10.39.070 Driving on sidewalk prohibited--exception
- 10.39.080 Boarding or alighting from moving vehicles prohibited
- 10.39.090 Passenger regulations
- 10.39.100 Violation--misdemeanor--penalty

**10.39.055 Loud noises—prohibited**

Refer to OCCGF 8.56.030(C). (Ord. 2790, 2000; Ord. 2640 § (part), 1994).

**10.39.060 Processions--parades--permits required when**

No funeral procession or parade containing two hundred or more persons or fifty or more vehicles or any marching band and drum and bugle corps, except the forces of the United States Army or Navy, the military forces of this State, or the forces of the Police and Fire Departments shall occupy, march or proceed along any street unless application is made and approved by the City administration and a permit issued by the Park & Recreation Department. Such application must meet the requirements of the City Parade policy and such other regulations as are set forth in this chapter which may apply. (Ord. 2245, 1981; Prior code §10-2-9(F)).

**10.39.070 Driving on sidewalk prohibited—exception**

The driver of a vehicle shall not drive upon any sidewalk area except at a permanent driveway. (Prior code §10-2-9(G)).

**10.39.080 Boarding or alighting from moving vehicles prohibited**

It is unlawful for any person to board or alight from any vehicle while such vehicle is in motion. (Ord. 2646 § (part), 1994; Prior code §10-2-9(L)).

**10.39.090 Passenger regulations**

It is unlawful for any person to ride on any vehicle or portion thereof not designed or intended for the use of passengers. This provision shall not apply to an employee engaged in the necessary discharge of a duty or to persons riding within truck bodies in the space intended for merchandise. (Ord. 2646 § (part), 1994; Prior code §10-2-9(M)).

**10.39.100 Violation--misdemeanor—penalty**

Every person convicted of a misdemeanor for the violation of any provisions of this chapter shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than six months or by both such fine and imprisonment. (Ord. 2646 § (part), 1994; Prior code §10-2-9(Z)).

**Chapter 48  
 STOPPING, STANDING AND PARKING**

**Sections:**

10.48.010 Stopping, standing or parking close to curb	10.48.180 Permits for special use zones
10.48.040 Lights on parked vehicles	10.48.190 Fees for permits for special use zones
10.48.050 Operation of parking meters	10.48.200 Use of special use zones
10.48.060 Stopping, standing or parking on trafficways	10.48.220 Bus zone
1048.070 Parking in alleys	10.48.230 Passenger loading zone
10.48.080 Parking for certain purposes prohibited	10.48.240 Freight loading zone
10.48.090 Parking of commercial vehicles	10.48.250 Delivery zone
10.48.100 Signs required	10.48.260 Daily use zone – meter bags
10.48.110 Parking controlled adjacent to schools	10.48.270 Residential zone
10.48.120 Parking controlled on narrow trafficways	10.48.280 Parking meter district defined
10.48.130 Parking controlled during certain hours of the day and/or days of the week	10.48.290 Parking meter enforcement periods and time periods
10.48.150 Stopping, standing or parking controlled in hazardous or congested places	10.48.291 Courtesy parking provided by property owner(s) within parking district
10.48.160 Stopping, standing or parking along arterial and collector trafficways	10.48.300 Unauthorized parking in off-street parking facilities prohibited
10.48.170 Special use zones	10.48.310 Rates charged on City owned/operated off-street parking lots and garages

**10.48.010 Stopping, standing or parking close to curb**

It is unlawful for any person to stop, stand or park a vehicle in a traffic way other than parallel with the edge of the traffic way headed in the direction of the lawful traffic movement for the lane in which it is stopped, standing or parked and with the wheels of the vehicle within eighteen inches of the curb or edge of the traffic way except as otherwise provided in Sections 10.48.040 and 10.48.050. (Ord. 1987 2(part), 1976: prior code 10-2-12(A)).

**10.48.040 Lights on parked vehicles**

Any lighted headlamps upon a parked vehicle shall be depressed or dimmed. (Ord. 1987 §2(part), 1976: prior code §10-2-12(D)).

**10.48.050 Operation of parking meters**

Except for an emergency as determined by an officer of the Fire or Police Department or in compliance with the direction of a Police Officer or traffic-control device, when any vehicle is parked in any parking space adjacent to a parking meter, the driver of such vehicle shall park within the space and at the angle designated by the curb markings, and in the event such markings are obscured, where angle parking prevails, the vehicle shall be parked left side to or right side to the appropriate meter; where parallel parking prevails, the vehicle shall be parked front end to or rear end to the appropriate meter. Upon entering the meter space, a driver shall immediately deposit or cause to be deposited in the meter such proper coin of United States or legal token required for such parking meter. The driver of such vehicle, after the deposit of the proper coin(s) or legal token(s), shall also set in operation the timing mechanism on such meter. Any person placing a vehicle in a parking meter space adjacent to a meter which indicates that unused time has been left in the meter by the previous occupant of the space shall not be required to deposit a coin or token so long the occupancy of the space does not exceed the indicated unused parking time. If the vehicle remains parked in any such parking space, and if the meter indicates such illegal parking, it shall be deemed a violation of this chapter. (Ord. 1987 §2(part), 1976: prior code §10-2-12(E)).

**10.48.060 Stopping, standing or parking on trafficways**

It is unlawful for any person to stop or park (temporarily or otherwise) a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a Police Officer or traffic-control devices, in any of the following places. (Ord. 2676 §(part), 1995; Ord. 2646 §(part), 1994; Ord. 2353 §1, 1984; Ord. 1987 §2(part), 1976: prior code §10-2-13(A)).

- A. In front of or within five feet of a public or private driveway or alley or as otherwise designated.
- B. Within a properly signed and marked fire hydrant zone or, if not signed and marked, within ten feet of the fire hydrant.
- C. Within thirty feet upon the approach to any crosswalk (marked or unmarked) at an intersection (end zone).
- D. Within twenty feet upon the departure from any crosswalk (marked or unmarked) at an intersection (end zone).
- E. Within thirty feet upon the approach or to twenty feet upon the departure from any mid-block crosswalk (end zone).
- F. Upon the paved or main traveled part of the traffic-way when it is practical to stop, stand or park or so leave such vehicle off part of the traffic-way.

- G. In a traffic lane for the purpose of discharging or receiving passengers. Both the driver of such vehicle and such passenger or such pedestrian shall be equally guilty of violations of this section.
- H. At any place where official signs prohibit parking in a fire lane. (Ord. 2676 § (part), 1995; Ord. 2646 §(part), 1994; Ord. 2353 §1, 1984; Ord. 1987 §2(part), 1976: prior code §10-2-13(A)).

**10.48.070 Parking in alleys**

- A. It is unlawful to stop, stand or park any vehicle or trailer in any alley unless the same shall be parallel to and within eighteen inches of the alley line and leaving at least ten feet of roadway for movement of through traffic.
- B. It is unlawful to stop, stand or park any vehicle or trailer in any alley so as to block entry to any private driveway, entrance to a building, or at any location which will prevent or hinder garbage collection.
- C. It is unlawful to stop, stand or park any vehicle or trailer in any alley at any time in the area which may from time to time be designated central business district; save and excepting only commercial vehicles which are attended or in the process of loading or unloading. Such alleys shall be properly signed and marked by the Public Works Department.
- D. It is unlawful to stop, stand or park any vehicle or trailer in any one-way alley, except upon the right-hand side of the alley and heading in the proper direction of designated traffic flow. (Ord. 1987 §2(part), 1976: prior code §10-2-13(B)).

**10.48.080 Parking for certain purposes prohibited**

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

- A. Display more than one vehicle for sale or advertising of such vehicle on the vehicle itself.
- B. Grease, paint or repair such vehicle, except repairs necessitated by an emergency. (Ord. 2283, 1981: Ord. 1987 §2(part), 1976; prior code §10-2-13(C)).

**10.48.090 Parking of commercial vehicles**

It is unlawful for any motor vehicle used for commercial purposes to park on any traffic way for any continuous period in excess of twenty-four hours, unless otherwise provided for herein. (Ord. 1987 §2(part), 1976: prior code §10-2-13(D)).

**10.48.100 Signs required**

When official signs controlling parking are erected upon such traffic ways as authorized herein, no person shall stop, stand or park a vehicle upon any such traffic way in violation of any such sign. (Ord. 1987 §2(part), 1976: prior code §10-2-14(part)).

**10.48.110 Parking controlled adjacent to schools**

The Public Works Department is authorized to install and maintain signs that control parking upon either side of any traffic way adjacent to any school property when such stopping, standing or parking would, in their opinion, interfere with traffic or create a hazardous situation. (Ord. 2646 § (part), 1994; Ord. 1987 §2(part), 1976: prior code §10-2-14(A)).

**10.48.120 Parking controlled on narrow trafficways**

The Public Works Department is authorized to install and maintain signs that control parking upon any traffic way when the width of the traffic way does not permit safe passage of traffic flow under existing conditions. (Ord. 2646 §(part), 1994; Ord. 1987 §2(part), 1976: prior code §10-2-14(B)).

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

The Public Works Department is authorized to install and maintain signs that control parking during certain hours of the day and/or days of the week upon any traffic way whenever it is deemed necessary. (Ord. 2646 §(part), 1994; Ord. 1987 §2(part), 1976: prior code §10-2-14(C)).

**10.48.150 Stopping, standing or parking controlled in hazardous or congested places**

The Public Works Department is authorized to install and maintain signs that control the stopping, standing or parking of vehicles that would create an especially hazardous condition or that would cause unusual delay to traffic along certain traffic ways. (Ord. 2646 §(part), 1994; Ord. 1987 §2(part), 1976: prior code §10-2-14(E)).

**10.48.160 Stopping, standing or parking controlled along arterial and collector trafficways**

The Public Works Department is authorized to install and maintain signs that control parking upon either side of any arterial or collector traffic way that may be hereafter designated as such by proper authority. (Ord. 2646 § (part), 1994; Ord. 1987 §2(part), 1976: prior code §10-2-14(F)).



**10.48.170 Special use zones**

The Public Works Department is authorized to install and maintain parking control signs for all special use zones within the City. A special use zone may be a freight loading zone, delivery zone, daily use zone, residential zone or handicap zone. Bus zones and Passenger Loading zones outside school areas are also included. (Ord. 2646 §(part), 1994; Ord. 2520 §1, 1989; Ord. 2021 §1, 1977; Ord. 1987 §2(part), 1976: prior code §10-2-14(G)(1)).

**10.48.180 Permits for special use zones**

The **Planning and** Community Development Department, upon written application to it for a special use zone permit, which application shall state the location of the desired zone, the type of zone and the number of parking stalls in such zone, shall approve or disapprove the request. If disapproved, the applicant shall be notified in writing with good cause and reason shown. If approved, the **Planning and** Community Development Department shall issue a permit upon payment by the applicant of the permit fee. All permits hereunder shall expire on June 30th of the fiscal year of issuance. Application for renewal must be made to the **Planning and** Community Development Department by June 15th prior to the renewal fiscal year. All renewal applications shall be reviewed and approved by the Public Works Department before the renewal permit is reissued. (Ord. 2646 §(part), 1994; Ord. 1987 §2(part), 1976: prior code §10-2-14(G)(2)).

**10.48.190 Fees for permits for special use zones**

The annual permit fee shall be set by City Commission resolution with guidelines as follows:

- A. Bus Zones, Passenger Loading Zones, Freight Loading Zones. For parking stalls within the parking meter district as defined in Section 10.48.280 the cost shall reflect the cost per meter hour and hours and days of normal meter enforcement. The charge for such special use zones in non-metered areas shall be the same amount City-wide per year per parking stall.
- B. Delivery Permit. To be set as a separate fee for each vehicle using same.
- C. Meter Bags. To be set as a separate fee for each day that the meter is out of regular service. Meter bags will be placed/removed by City of Great Falls or parking contractor personnel.
- D. Residential Zone, Handicap Zone. Shall be issued free of charge to persons meeting the established requirements. (Ord. 2646 § (part), 1994; 2443 §3, 1986; Ord. 2353 §3, 4, 1984; Ord. 2305 §1, 1982; Ord. 2021 §2, 1977; Ord. 1987 §2(part), 1976: prior code §10-2-14(G) (3)).

**10.48.200 Use of special use zones**

No vehicle shall stop, stand or park in any special zone at any time for any purpose except as herein provided and in addition to other penalties provided for in this chapter, upon proof to the **Planning and** Community Development Department of repeated violation of the limitation upon the use of the zone by the vehicle owned by or under the control of the applicant or any member of the family (or owned or controlled by any partner or principal officer of any corporation or a member of the family of any such partner or official in case the applicant is a partnership or corporation), such permit shall not be renewed at the end of the current fiscal year. (Ord. 2646 §(part), 1994; prior code §10-2-14(G) (4) (part)).

**10.48.220 Bus zone**

- A. The driver of a bus shall not park same upon any traffic way within that area herein defined as the parking meter district at any place other than at a bus zone, except a driver of any bus may temporarily stop in accordance with other stopping or parking regulations at any place for the purpose of and while actually engaged in loading or unloading passengers; provided, that it is unlawful for any bus to cruise in and upon any traffic way for the purpose of soliciting passengers. It is unlawful for any person to stop, stand or park a vehicle other than a bus in a bus zone when any such zone has been officially designated and appropriately signed.
- B. The only buses allowed in bus zones adjacent to schools are those authorized by the Great Falls School District.
- C. Bus zones adjacent to schools shall only be enforceable between 7 am and 5 pm when school is in session.
- D. Any violation of this section in a school bus zone shall be punished as a misdemeanor and shall be punished by a fine of not less than one-hundred dollars (\$100) or more than five-hundred dollars (\$500). (Ord. 2951, 2006)

**10.48.230 Passenger loading zone**

- A. It is unlawful for any person to stop, stand or park a vehicle for any purpose or period of time other than for the expeditious loading of passengers in a passenger zone when any such zone has been officially designated and appropriately signed and then only for a period not to exceed three minutes. A driver of a taxicab or bus may not stop, stand or park in a school passenger zone. In any other passenger zone a driver of a taxicab or bus may temporarily stop therein for the purpose of and while actually engaged in loading or unloading passengers when stopping does not interfere with any passenger vehicle waiting to enter or about to enter such zone. (Ord. 2951, 2006)

- B. School passenger loading zone means an appropriately signed passenger zone located adjacent to a school. (Ord. 2951, 2006).
- C. No special designation of passenger vehicles is required.
- D. The applicant for a passenger loading zone permit is herein defined as the owner(s)/lessee of the property(ies) that front the zone. (Ord. 1987 §2(part), 1976: prior code §10-2-14(G) (4) (part)).
- E. Passenger loading zones adjacent to schools shall only be enforceable between 7:30 a.m. to 5 p.m. when school is in session.
- F. Any violation of this section in a school bus zone shall be punished as a misdemeanor and shall be punished by a fine of not less than one-hundred dollars (\$100) or more than five-hundred (\$500) dollars. (Ord. 2951, 2006)

#### **10.48.240 Freight loading zone**

- A. It is unlawful for any person to stop, stand or park a vehicle for any purpose or period of time exclusive of loading and unloading of freight for a period not to exceed thirty minutes in a freight loading zone when such zone has been officially designated and appropriately signed except a driver of a taxicab, bus, or passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in loading or unloading passengers when stopping does not interfere with any freight vehicle waiting to enter or about to enter such zone.
- B. No special designation of freight vehicles is required.
- C. The applicant for a freight vehicle loading zone permit is herein defined as the owner(s) of the property(ies) that front the zone. (Ord. 1987 §2(part), 1976: prior code §10-2-14(G) (4) (part)).

#### **10.48.250 Delivery zone**

- A. It is unlawful for any person to stop, stand or park a vehicle for any purpose or period of time other than those vehicles displaying a valid delivery zone permit in any delivery zone when any such zone has been officially designated and appropriately signed and then only for a period not to exceed forty-five minutes
- B. Each delivery zone applicant shall display the permit issued by the City on the inside of the displaying vehicle on the right-hand side where it is clearly visible. Whenever such applicant transfers or assigns the interests in such vehicles, the permit shall be removed and immediately surrendered to the **Planning and** Community Development Department together with a notice of transfer of interest in such vehicle. If another vehicle is acquired by the applicant, a new permit shall be issued by the **Planning and** Community Development Department or designated representative.
- C. The applicant for delivery zone permit is herein defined as the owner/lessee of the vehicle that bears the permit and is a common conveyor of service agency and who submits satisfactory proof to the **Planning and** Community Development Department or designated representative that he is unable to have access to specific locations within the central business district other than through a delivery zone. (Ord. 2646 §(part), 1994; Ord. 1987 §2(part), 1976: prior code §10-2-14(G) (4) (part)).

#### **10.48.260 Daily use zone - meter bags**

- A. It is unlawful for any person to stop, stand or park a vehicle for any purpose or period of time other than the applicant, his vehicles and his equipment in a daily use zone when so permitted by the **Planning and** Community Development Department and when any such zone has been officially designated and appropriately signed or marked.
- B. Each daily use zone applicant may be required to display a temporary permit issued by the City conspicuously on each vehicle and piece of equipment. The **Planning and** Community Development Department, or designee, shall install temporary signs or meter bags designating the zone as a daily use zone. Where it becomes necessary to physically remove parking meters or signs because of a construction situation, the removal and replacement shall be done by the City and the responsible party shall reimburse the City in full for all reasonable expense thereof.
- C. The applicant for a daily use zone permit is hereby defined as any person or organization actively engaged in construction of any type or other activity necessitating the reservation of parking spaces.
- D. The policy of the City Commission is to designate daily use zones for the following applicants only:
  - 1. The business or property owner immediately adjacent to the proposed zone;
  - 2. A construction contractor, mover, etc. for an activity on the same block as the proposed zone. The designated zone shall be as close as practicable to the necessitating activity. Only vehicles and equipment necessary to the activity shall be parked in the daily use zone. Parking of employee's private vehicles in such zone is not authorized.

(Ord. 2646 § (part), 1994; Ord. 2572, 1990: Ord. 2520 §3, 1989: Ord. 2353 §5, 1984; Ord. 1987 §2(part), 1976: prior code §10--2-14(G) (4) (part)).

#### **10.48.270 Residential zone**

- A. It is unlawful for any person to stop, stand or park a vehicle for any purpose longer than the designated time other than those vehicles displaying a valid residential zone permit in any residential zone when any such zone has been

officially designated and appropriately signed, and then the vehicle must be parked within one block of the address on the permit.

- B. Each residential zone applicant will display the permit issued by the City where it is clearly visible. Whenever such applicant transfers or assigns his interest in such vehicles or residences, the permit shall be removed and immediately surrendered to the **Planning and** Community Development Department or his designated representative together with a notice of transfer of interest in such vehicle or residence. If another vehicle is acquired by the applicant, a new permit shall be issued by the City Manager or his designated representative.
- C. The applicant for a residential zone permit is defined as the owner/lessee of the vehicle and the place of residence within the residential zone.
- D. Residential zone permits are not valid within the parking meter district as defined in Section 10.48.280. (Ord. 2646 § (part), 1994; Ord. 2353 §6, 1984; Ord. 1987 §2(part), 1976: prior code §10-2-14(G) (4) (part)).

#### **10.48.280 Parking meter district defined**

The parking meter district to be established in the City shall consist of traffic ways or portions of traffic ways described and set forth within the following bounds:

At the point of beginning from the south line of Third Alley North projected to the west line of Park Drive, in a southerly direction along the west line of Park Drive to the south line of First Avenue South thence in an easterly direction to the west line of Second Street South thence in a southerly direction to the north line of Third Alley South thence in an easterly direction to the west line of Seventh Street South thence in a northerly direction to the north line of Second Alley South thence in an easterly direction to the east line of Ninth Street South thence in a northerly direction to the south line of Second Alley North thence in a westerly direction to the East line of Sixth Street North thence in the northerly direction to the north line of Second Avenue North thence in a westerly direction to the East line of Fifth Street North thence in a northerly direction to the north line of Third Avenue North thence in a westerly direction to the west line of Fourth Street North thence in a southerly direction to the south line of Third Avenue North thence in a westerly direction to the west line of Third Street North thence in a southerly direction to Third Alley North thence in a westerly direction to the point of beginning; Lots 1 through 7, Block 312; Lots 1 through 5, Block 315; Lots 11 through 14, Block 362; Lots 8, 9 and East one-half of 10, Block 365, Lots 8 and 9, Block 367, Lots 8 and 9, Block 370, all within Cascade County, Montana.

(Ord. 2189, 1980; Ord. 1987 §2(part), 1976: prior code §10-2-14(G) (5)).

#### **10.48.290 Parking meter enforcement periods and time periods**

- A. The rates for parking meters shall be established by City Commission resolution.
- B. Any type of meter may be located within the parking meter district at the discretion of the **Planning and** Community Development Director with recommendations from the Parking Commission.
- C. Parking meter requirements of this chapter shall be in effect from 9 a.m. to 5 p.m. on all days except Saturdays, Sundays and City holidays.
- D. No person shall stand or park a vehicle upon a street for a longer period of time than the limit that is sign-posted in either metered or un-metered areas. Meter spaces may be used without regard to the sign-posted time limit on Saturdays, Sundays and City holidays except where sign-posting specifically prohibits. An exception is granted to individuals as defined in 49-4-302 MCA, to use any metered space without regard to the sign-posted time limit. (Ord. 2646 § (part), 1994; Ord. 2520 §4, 1989; Ord. 2353 §9, 10, 1984; Ord. 2052 §1, 1979; Ord. 2021 §4, 1977; Ord. 1987 §2(part), 1976: prior code §10-2-14(G) (6)).

#### **10.48.291 Courtesy parking provided by property owner(s) within parking district**

Upon the request by the property owner(s) and the approval of the **Planning and** Community Development Department, metered spaces may be designated as courtesy parking thereby allowing the removal of the meters. The number and location of spaces thus designated will be determined by the **Planning and** Community Development Department. Only spaces immediately adjacent to the applicants' property shall be considered. The fee for designating spaces as courtesy parking shall be at a standard rate as approved by the City Commission. The fee shall be payable monthly. The City will continue to enforce the applicable time limit for area parking. (Ord. 2646 § (part), 1994; Ord. 2443 §1, 1986; Ord. 2353 §11, 1984).

#### **10.48.300 Unauthorized parking in off-street parking facilities prohibited**

- A. It is unlawful for any person to stop, stand or park a vehicle in any parking space in an off-street parking facility owned by the municipality unless such vehicle conspicuously displays a valid permit designating a rental of the use of the space for parking for a specific period. Sufficient currency or authorized tokens placed in the lot coin box shall also constitute a valid permit. Failure to display permit or deposit sufficient currency or authorized token(s)

within two hours after parking in the facility will constitute a violation of nonpayment at City lot. Each subsequent two-hour nonpayment lapse shall constitute a further violation.

- B. Parking spaces controlled by parking meters in off-street parking facilities owned or leased by the City shall be subject to control and enforcement as otherwise provided in this title relative to parking meters. (Ord. 2457 §1, 1987; Ord. 2383 §2, 1985; Ord. 2353 §12, 1984; Ord. 2188, 1980).

**10.48.310 Rates charged on City owned/operated off-street parking lots and garages**

The City Manager shall, on recommendation of the Parking Advisory Commission, make adjustments to the lease rates charged on any City owned/operated off-street lot or garage. (Ord. 2646 § (part), 1994; Ord. 2521, 1989).

**Chapter 50  
VEHICLE IMMOBILIZATION**

**Sections:**

- 10.50.010 Authorization to use vehicle immobilizer
- 10.50.020 Procedure for vehicle immobilization
- 10.50.030 Removal of violation vehicle
- 10.50.040 Release to the owner
- 10.50.050 Hearing on immobilization
- 10.50.060 Cost liability

**10.50.010 Authorization to use vehicle immobilizer**

Members of the City Police Department are authorized to use a vehicle immobilizer (“boot”) to immobilize any vehicle that is parked in a city parking space located in the downtown residential district, the parking meter district or any city owned off-street pay-to-park facility/lot, and that has five (5) or more parking tickets unpaid/delinquent 30 days or more, provided that the **Planning and** Community Development Department’s Parking Division has either (a) mailed the registered owner of the vehicle a final notice for five or more of the unpaid/delinquent parking tickets or (b) has filed a complaint in court charging the registered owner with unpaid parking tickets on the vehicle and no individual has appeared for arraignment on the complaint. (Ord. 2815, 2002).

**10.50.020 Procedure for vehicle immobilization**

If parking officials, as defined in section 10.87.010, choose to immobilize a vehicle with a boot as allowed by section 10.50.010, then the on-site officers immobilizing the vehicle shall ensure that a written notice is conspicuously affixed to the vehicle. The written notice will inform the owner, driver or person in charge of such vehicle: that the vehicle has been immobilized by the city for violation of one or more provisions of Chapter 10.48; that release from such immobilization may be obtained at a designated place; that unless arrangements are made for the release of such vehicle within forty-eight (48) hours the vehicle will be impounded and towed as provided in section 10.50.030; and that removing or attempting to remove the immobilization device before a release is obtained is unlawful.

An immobilized vehicle shall not be released by the city until the immobilization fee is paid, together with payment of all outstanding parking fines, or posting of a bond as allowed by section 10.50.040.

If the vehicle has remained immobilized for a period of forty-eight (48) hours and a release has not been obtained, then the parking official shall have the vehicle impounded and towed as provided in section 10.50.030. (Ord. 2815, 2002).

**10.50.030 Removal of violation vehicle**

- A. The City is authorized to remove a vehicle or tow a vehicle from parking spaces located in the areas listed in section 10.50.010 to the designated tow site when a vehicle with an immobilization device attached remains immobilized for a period of forty-eight (48) hours and a release has not been obtained. (Ord. 2815, 2002).
- B. Whenever an officer removes a vehicle from a street or city parking space as authorized in this section and the officer knows or is able to ascertain from the registration records on the vehicle the name and address of the owner thereof, such officer shall give notice in writing to such owner of the fact of such removal and the reasons thereof and of the place to which such vehicle has been removed. If any such vehicle is stored at a designated tow site, a copy of such notice shall be given to the proprietor of such garage. Further, the party towing the vehicle shall immediately notify the police department dispatcher that a vehicle has been towed from a specific location and give the dispatcher a detailed description of the vehicle and the location to which it is being towed. (Ord. 2815, 2002).
- C. Whenever an officer removes a vehicle from a street under this section and does not know and is not able to ascertain the name of the owner, or for any other reason is unable to give the notice to the owner as hereinafter provided, and if the vehicle is not returned to the owner within a period of three (3) days, then the officer shall send or cause to be sent written reports of such removal by mail to the state department whose duty it is to register motor

vehicles, and shall file a copy of such notice with the proprietor of the designated tow site in which the vehicle may be stored. Such notice shall include a complete description of the vehicle, the date, time and place from which removed, the reasons for such removal and name of the garage or place where the vehicle is stored. (Ord. 2815, 2002).

- D. Any officer is authorized to take possession of any motor vehicle owned by any person that has violated, as to the vehicle, any of the provisions of Chapter 10.48, and has the authority to remove such vehicle from the streets and parking facilities in the areas designated in section 10.50.010, and to store and keep possession thereof until the owner of such vehicle appears and claims the same. The cost of towing or removing such vehicle and costs of storing the same shall be chargeable against the vehicle and shall be paid by the owner of the vehicle before the same shall be released. The vehicle will be stored in a designated tow site. The owner of a vehicle impounded and towed due to unpaid parking tickets must secure the release of the vehicle as required by section 10.50.040(B). (Ord. 2815, 2002).
- E. The taking of possession of a vehicle for violation of any parking ordinance or regulation shall not prohibit the filing of a complaint in connection with such violation(s). (Ord. 2815, 2002).

**10.50.040 Release to the owner**

- A. A vehicle immobilized for unpaid parking tickets shall be released to the registered owner or any other person legally entitled to claim possession of the vehicle, and the vehicle immobilization equipment removed, upon payment of all overdue and unpaid parking tickets and the immobilization fee. The fee may be paid in the form of a refundable bond pending the outcome of any hearing requested pursuant to section 10.50.050(D). (Ord. 2815, 2002).
- B. A vehicle impounded and towed for unpaid parking citations, and in accordance with section 10.50.030, can only be released pursuant to a written order from the Municipal Court that all penalties, fines, or forfeitures owed by the registered owner have been satisfied by full payment or the posting of a bond pending a hearing. (Ord. 2815, 2002).

**10.50.050 Hearing on immobilization**

- A. After a vehicle has been immobilized pursuant to this chapter, the registered owner, and any other person(s) who reasonably appear to have an interest in the vehicle, is entitled to have speedy hearing with the Parking Official or a designated representative to determine if the vehicle was immobilized in accordance with sections 10.50.010 and 10.50.020. (Ord. 2815, 2002).
- B. If the Parking Official finds that the immobilization was invalid or unjustified, he/she will order the vehicle to be immediately released, and the owner or any other person(s) who have an interest in the vehicle shall not be held liable for the immobilization fee. (Ord. 2815, 2002).
- C. If the Parking Official finds that the immobilization was valid and justified, he/she will order that the immobilization device remains on the vehicle until payment is received for the immobilization fee and all overdue and unpaid parking tickets. However, pursuant to section 10.50.030 A., when a vehicle with an immobilization device attached remains immobilized for a period of forty-eight (48) hours and a release has not been obtained, the vehicle will be towed and impounded. (Ord. 2815, 2002).
- D. The decision of the Parking Official shall be the final decision by the City. Any person aggrieved by a decision can request a hearing in Municipal Court. The court shall attempt to have the hearing as soon as all parties can be present, preferably on the day the immobilization or towing occurred; but in no instance shall the hearing be any later than three business days after towing has occurred. If the Municipal Court judge determines that the immobilization or towing was in violation of sections 10.50.010, 10.50.020 and/or 10.50.030, then the court may order the city to pay or reimburse the fees for immobilization or storage. (Ord. 2815, 2002).

**10.50.060 Cost liability**

The cost of removal and storage of any vehicle moved or towed pursuant to this chapter shall be paid by the owner or operator of the vehicle unless the Great Falls Municipal Court orders otherwise. (Ord. 2815, 2002).

**Chapter 57  
COMMERCIAL VEHICLES**

**Sections:**

- 10.57.010 Definitions
- 10.57.020 Trucks--prohibited where
- 10.57.040 Trucks--parking prohibited where—exception
- 10.57.050 Restriction of vehicles--determined by City Commission--signs to be erected

**10.57.010 Definitions**

"Truck" and other "commercial vehicles" include motor buses. (Ord. 1974 §1(part), 1976: prior code §10-2-27(A)).

**10.57.020 Trucks--prohibited where**

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

"Truck" means any motor vehicle designed, used or maintained primarily for the transportation of property, which has a gross vehicle weight of over ten thousand pounds.

"Local service" means limiting the authorized use of City streets or avenues to those trucks which have either point of origin or destination for immediate business purposes within the corporate limits of the City.

- C. In any hearing in Municipal Court, unless credible evidence is produced demonstrating such immediate business purposes such as a bill of lading or routing schedule, the operation of such truck on a prohibited street or avenue shall be prima facie evidence of violation of 10.57.020. (Ord. 2646 § (part), 1994; Ord. 1974 §1(part), 1976: prior code §10-2-27(B) (part); Ord. 2219 1980).

**10.57.040 Trucks--parking prohibited where—exception**

It is unlawful and constitutes a public offense for any person to park a truck (as defined in Section 10.57.020) on any street or avenue within the City, and outside of that area which may from time to time by the City ordinance be designated as the central business district, except for an emergency or for loading and unloading purposes. (Ord. 1974 §1(part), 1976: prior code §10-2-27(D)).

**10.57.050 Restriction of vehicles--determined by City Commission--signs to be erected**

- A. The City Commission may, by law or resolution, prohibit the operation of vehicles upon any such streets, avenues, or highways, or impose restrictions as to the weight of vehicles to be operated upon any such street, whenever any street by reason of deterioration, rain, snow or other climate conditions will be seriously damaged or destroyed unless the use of vehicles thereon is prohibited or the permissible weights thereof reduced.
- B. The City Commission, in enacting any such law or resolution, shall erect or cause to be erected and maintained signs designating the provisions of the law or resolution at each end of that portion of any street affected thereby, and the law or resolution shall not be effective unless and until such signs are erected and maintained. (Prior code §10-2-28).

**Chapter 60  
ABANDONED AND JUNKED VEHICLES MACHINERY, TRAILERS AND PARTS**

**Sections:**

- |  |  |
|--|--|
| 10.60.010 Purpose                        | 10.60.080 Appeal                         |
| 10.60.020 Definitions                    | 10.60.090 Abatement and removal          |
| 10.60.030 Exemptions                     | 10.60.100 Illegal off-street parking     |
| 10.60.040 Junk vehicle deemed nuisance   | 10.60.110 Continuing notice              |
| 10.60.050 Administration and enforcement | 10.60.120 Penalty                        |
| 10.60.060 Administration costs           | 10.60.130 Nonexclusively of this chapter |

10.60.070 Notices of intention to abate and remove;  
mailing; form of notices

**10.60.010 Purpose**

The City Commission of the City of Great Falls hereby makes, finds and declares that the accumulation and storage of abandoned, wrecked, dismantled, or inoperative vehicles, machinery, trailers, or parts thereof, on public property or illegally parked on private property is hereby found to create a condition tending to reduce the value of private property, to promote blight and deterioration, to invite plundering, to create fire hazards, to constitute an attractive nuisance creating a hazard to the health and safety of minors, to create a harbor for rodents and insects, and to be injurious to the health, safety and general welfare. Therefore, the presence of an abandoned, wrecked, or dismantled or inoperative vehicle, or part thereof, on public property or illegally parked on private property, except as expressly hereinafter permitted, is hereby declared to constitute a public nuisance, which may be abated as such in accordance with the provisions of this chapter. (Ord. 2819, 2002)

**10.60.020 Definitions**

For the purpose of this chapter the following definitions shall apply:

“Vehicle” means any device by which any person or property may be propelled, moved, or drawn upon a street, except a device which is designed to be exclusively moved by human power or used exclusively upon stationary rails or tracks. The term vehicle shall include, but is not limited to, an automobile, truck, van, sports utility vehicle, recreational vehicle, camper, motorcycle, trailer, watercraft, boat, canoe, jet skis, snowmobiles, ATV’s or aircraft.

“Machinery” is synonymous with and means the same as “machine” as defined by the current edition of Webster’s New Collegiate Dictionary.

“Trailer” means any vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle.

“Parts” means any mechanical, structural, body or decorative part of any vehicle, machinery or trailer.

“Junk vehicle” means any vehicle, machinery, trailer, or parts thereof, located on public property or illegally parked on private property within the corporate limits of the City of Great Falls, which, as to a vehicle or trailer, does not properly display license plates or stickers indicating current registration and/or, as to any vehicle, machinery, trailer, or parts thereof, which has any one or more of the following characteristics:

- A. Lacks an engine, wheel, tire, properly installed battery or other structural parts which renders the vehicle inoperable for use as designed by the manufacturer; provided, that if there is more than one vehicle on the real property, there shall be the necessary number of engines, wheels, tires, batteries and other structural parts for each respective vehicle;
- B. Has a broken or missing fender, door, bumper, hood, exterior door handle, running board, steering wheel, trunk top, trunk handle, tail pipe, muffler, driver's seat, fuel tank, driveshaft, differential, generator, alternator or other structural piece;
- C. Has become or the potential to become the breeding ground or habitat of rats, mice, snakes, mosquitoes or other vermin, rodents or insects, or is otherwise used for the storage, harbor, caging or dwelling for an animal of any kind;
- D. Has heavy growth of weeds or other noxious vegetation over eight inches in height under or immediately next to it.
- E. Has become a point of collection for stagnant water;
- F. Has junk, garbage, refuse, gasoline or fuel other than in its fuel tank, paper, cardboard, wood or other combustible materials, solid waste or other hazardous material present in it or which is primarily used for storage of any materials;
- G. Has become a source of danger for children through entrapment in areas of confinement that cannot be opened from inside, through a danger of the vehicle falling or turning over, or through possible injury from exposed surfaces of metal, glass or other rigid materials;
- H. Has become a potential source of contamination of the soil from petroleum products or other toxic liquids being discharged or leaking from the vehicle;
- I. Has become illegal to operate on the public streets because it is missing one or more parts required by law;
- J. Is an abandoned vehicle; or

K. Because of its defective, deteriorated or obsolete condition in any other way constitutes a nuisance or a threat to the public's health or safety.

“Abandoned vehicle” means any of the following. For the purposes of this subsection, the word “vehicle” includes a vehicle, machinery, trailer or parts thereof:

- A. A vehicle that has been left unattended on public property for more than forty-eight hours and lacks current registration, plates, or one or more wheels/tires or other parts which renders the vehicle totally inoperable;
- B. A vehicle that has remained illegally parked on public property for more than forty-eight hours;
- C. A vehicle that has been unlawfully parked on private real property or has been placed on private property without the consent of the real property owner or person in control of the property for more than forty-eight hours;
- D. A vehicle that has been legally impounded by order of a law enforcement authority and has not been reclaimed for a period of five days. However, a law enforcement authority may declare the vehicle abandoned within the five-day period by commencing the notification process in Mont. Code Annotated Title 61 Chapter 8 (2001).
- E. Any vehicle parked on a street determined by a law enforcement authority to create a hazard to other vehicle traffic.

“Law enforcement authority” means a peace officer or any city, state or federal department or agency operating with arrest authority in Great Falls, Montana.

“Responsible parties if ascertainable, the last known registered owner of the junk vehicle as indicated in the official records of the State of Montana Department of Motor Vehicles or a sister state division of transportation or motor vehicles.

#### **10.60.030 Exemptions**

This chapter shall not apply to the following:

- A. When such storage or parking is necessary to the operation of a lawfully conducted business or commercial enterprise on land which such business or enterprise is authorized by the city's zoning regulations;
- B. A vehicle which was recently involved in a collision, duly documented by a timely report filed with the appropriate law enforcement agency or the state department of transportation, or its equivalent in a sister state, shall not be deemed a junk vehicle unless the owner/operator of said vehicle fails to repair the same within a reasonable period of time after said collision.
- C. Nothing in this chapter shall authorize the maintenance of a public or private nuisance as defined under provisions of law. (See Title 8 regarding Criminal Nuisances.)
- D. Nothing in the chapter and none of these exemptions alter any zoning regulations for the land on which the vehicle is located. (See Title 17 for zoning regulations)

#### **10.60.040 Junk vehicle deemed nuisance**

The keeping, maintaining or allowing a junk vehicle to be on public or illegally parked on private property, except as provided by Section 10.60.030 above, shall constitute a nuisance. The owner of a junk vehicle shall be responsible for the maintaining or keeping of a nuisance.

#### **10.60.050 Administration and enforcement**

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

#### **10.60.060 Administration costs**

The City Commission shall determine and fix the administrative fee, an amount to be assessed as administrative costs under this chapter. Said administrative fee shall be in addition to the actual costs incurred regarding towing, storage and disposal of the vehicle. The administrative fee shall be set by resolution.

#### **10.60.070 Notices of intention to abate and remove; mailing; form of notices**



- A. A ten-day notice (exclusive of weekends or federally mandated holidays) of intention to abate and remove the vehicle or parts thereof as a public nuisance shall be given to the owner of the land and/or to the owner of the vehicle, if known. The notices of intention shall be in a form promulgated by the **Planning and Community Development Director**, and shall provide the following information at a minimum:
1. A description of the vehicle or parts which constitute(s) a nuisance under the provisions of the Great Falls Municipal Code;
  2. That the nuisance must be abated within ten-days, (exclusive of weekends and federally mandated holidays) to-wit: the junk vehicle must be either
    - i. Brought into a condition that it no longer is defined as a junk vehicle,
    - ii. Placed in a proper enclosure, or
    - iii. Removed from the property and properly disposed of or removed from the City; and
  3. Failure to properly abate said nuisance as prescribed shall be sufficient cause for the removal of the junk vehicle by the enforcement authority or his/her duly designated agent as set forth by the municipal code.
- B. The notice required by this section shall be served in any one of the following manners:
1. Posting notice on or near the junk vehicle(s) in question and by certified mail, return receipt requested to the last registered-owner of said vehicle, if ascertainable, at the address listed in the state's records concerning ownership of the vehicle (for the purposes of this provision service shall be deemed to have been perfected the day after the notice is mailed); or
  2. If the last registered owner's name is not ascertainable, by posting notice on or near the junk vehicle(s) in (for the purposes of this provision, service shall be deemed to have been perfected the day the notice is posted on or near the junk vehicle).

#### **10.60.080 Appeal**

Any interested party may appeal the decision of the enforcement officer by filing a written notice of appeal with the **Planning and Community Development Director** ten-days (exclusive of weekends and federally mandated holidays) days after service of notice as required by Section 10.60.070 above. Such appeal shall be heard by the Municipal Court Judge which may affirm, amend or reverse the notice/order or take other action deemed appropriate. The Clerk of Municipal Court shall give at least five-day written notice of the time and place of the hearing to the appellant by first-class mail or personal service.

#### **10.60.090 Abatement and removal**

- A. The responsible party, after service of notice is perfected, shall abate the nuisance within ten-days (exclusive of weekends and federally mandated holidays) days of service being perfected. Abatement shall consist of:
1. Providing for the current registration of each and every vehicle including the affixing the registration plate or current sticker to the vehicle;
  2. Repairing any and all conditions which cause such vehicle(s) to be a nuisance under the provisions of the municipal code; and
  3. Having all of the required equipment and parts for each vehicle which was described in the notice; or
  4. Removing the junk vehicle or causing the junk vehicle to be removed to a licensed dismantler, salvage yard, licensed vehicle dealer, a junk dealer, an auto body shop or to any other location provided the same complies with all applicable provisions of the municipal code.
- B. If the responsible parties fail to abate the nuisance as prescribed, or after such abatement has been affirmed by the Court on appeal, the city, through the enforcement officer, may abate such nuisance by causing the junk vehicle(s) to be removed, impounded and sold or disposed of as provided for abandoned vehicles under the laws of the State of Montana. All costs of such abatement and the administrative fee provided by this chapter shall be charged to the responsible parties, jointly and severally.

#### **10.60.100 Illegal off-street parking**

- A. No person shall park a vehicle onto or upon privately owned real property or area developed as an off-street parking facility without the consent of the owner, lessee or person in charge of said property or facility.
- B. No person shall park a vehicle onto or upon publicly owned real property or area developed as an off-street parking facility, if said property is not properly designated and signed for parking of private vehicles; contrary to any signs set forth upon said property or facility; or contrary to the laws of the state of Montana, county of Cascade or the City of Great Falls without proper consent of said state, county or city.
- C. Any vehicle parked in violation of this section shall be deemed an abandoned vehicle.

#### **10.60.110 Continuing notice**

A notice issued as provided in Section 10.60.070 above shall be deemed a continuing notice regarding the vehicle(s) described in the notice for a period of one year from the date of service and is valid for all locations within the City of Great Falls. No further notice by an enforcement officer or ten-day period to abate is necessary to abate a nuisance created by said vehicle(s) within the one-year period.

**10.60.120 Penalty**

Any person found guilty of a violation of any of the provisions of this chapter shall, upon conviction, be subject to the penalty provisions of this code. Each day that a violation is allowed to continue shall constitute a separate and distinct violation.

**10.60.130 Non-exclusively of this chapter**

This chapter is not the exclusive regulation of abandoned, wrecked, dismantled or inoperative vehicles within the City of Great Falls. It shall supplement and be in addition to the other regulatory codes, statutes, and ordinances heretofore or hereafter enacted by the city, the state, or any other legal entity or agency having jurisdiction.

**Chapter 61  
ABANDONED, WRECKED, JUNKED OR DISMANTLED  
VEHICLES ON PRIVATE PROPERTY**

**Sections:**

- 10.61.010 Definitions
- 10.61.020 Enforcement
- 10.61.030 Prohibited
- 10.61.040 Permitted in a building
- 10.61.050 Repair
- 10.61.060 Person responsible
- 10.61.070 Notice
- 10.61.080 Violation and penalty

**10.61.010 Definitions**

The following definitions shall apply in the interpretation and enforcement of this chapter unless otherwise noted:

When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number and words in the singular number include the plural number.

"Vehicle" means every device in, upon, or by which any person or property may be transported or drawn upon a public highway or upon p property, including trailers, semi-trailers, travel or camp trailers, as well as machinery used in farming, logging, excavating, but not including mobile homes presently utilized for human habitation. "Vehicle" shall not include a bicycle, but shall include motorbikes, motorcycles, motor-scooters, tractors, go-carts and golf carts.

"Abandoned, wrecked, junked or dismantled motor vehicles" means any motor vehicle described in 61-1-102, MCA, which does not have lawfully affixed thereto both an unexpired license plate or plates and the condition of which is wrecked, dismantled, inoperative, abandoned or discarded.

"Abandoned, wrecked, junked or dismantled vehicle" means any vehicle described in Subsection B of this section which is not being utilized for its manufactured or intended purpose and has been discarded, abandoned, wrecked, junked, dismantled or partially dismantled, including parts thereof.

"Person" means any person, firm, partnership, association, corporation, company or organization of any kind.

"Private property" means any real property within the City which is privately owned. (Ord. 2646 §(part), 1994; Ord. 2442 §2 Ex. B(part), 1986).

**10.61.020 Enforcement**

A. Authority. The **Planning and** Community Development Director or duly authorized representative, is authorized and directed to enforce all the provisions of this chapter, and all enforcement agencies of the City shall cooperate in this regard.

B. Right of entry. The **Planning and** Community Development Director or a duly authorized representative's right of entry in the enforcement of this chapter shall be in accordance with Section 17.16.46.020B.4 and 17.16.46.080 of this Code. (Ord. 2442 §2 Ex. B(part), 1986).

#### **10.61.030 Prohibited**

No person shall park, store, keep, place, leave or permit the same, any abandoned, wrecked, junked or dismantled motor vehicle or vehicle upon any private property within the City limits for a period in excess of seventy-two hours. The presence of any abandoned, wrecked, junked or dismantled vehicle or motor vehicle, or parts thereof, upon private property as specified in this chapter, is declared a public nuisance which shall be abated as such in accordance with the provisions of this chapter. This section shall not apply to any vehicles enclosed within a building, or covered by a fabric cover specifically designed for covering vehicles or motor vehicles or to any vehicle held in connection with a business enterprise lawfully licensed and properly operated in an appropriate zone, pursuant to the zoning laws of the City or a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the City or to any vehicle or motor vehicle validly and properly retained by the owner thereof for antique collection purposes, pursuant to 61-3-411, M.C.A. Any motor vehicle whether in operable or inoperable condition designed, adapted or used for dragstrip racing or raceway racing shall be covered, as set forth in this chapter, or placed within a building. (Ord. 2442 §2 Ex. B(part), 1986).

#### **10.61.040 Permitted in a building**

Storage, service, restoration and repair of an abandoned, wrecked, junked or dismantled vehicle or motor vehicle which is conducted within the confines of a building shall be permitted provided that such vehicle or motor vehicle is the property of the owner or occupier of the lot and provided that the storage service, service, restoration or repair is not a commercial use of the property. (Ord. 2442 §2 Ex. B(part), 1986).

#### **10.61.050 Repair**

This chapter shall not be construed to prevent any occupant of premises within the City limits from repairing his own motor vehicles or vehicle or machinery on his premises even though exposed to public view, so long as the person pursues the work to completion with reasonable diligence; provided, however, that any vehicle which remains out of running condition with any wheel, tire, engine, body or other major part removed there from for a period in excess of twenty days, while remaining exposed to public view, shall be deemed to be prima facie evidence that the vehicle or motor vehicle is not being diligently repaired and constitutes a violation of this chapter. (Ord. 2442 §2 Ex. B(part), 1986).

#### **10.61.060 Person responsible**

The owner of any private property within the City limits shall be absolutely responsible for any violation of the chapter. (Ord. 2646 §(part), 1994; Ord. 2442 §2 Ex. B(part), 1986).

#### **10.61.070 Notice**

Whenever it comes to the attention of the **Planning and** Community Development Director that a nuisance exists within the City limits due to the maintenance or presence of abandoned, wrecked, junked or dismantled motor vehicles or vehicles upon private property within the City limits, a notice in writing shall be served upon the occupant of the land where the nuisance exists, or in the case there is no such occupant, then upon the person being the owner of the property, notifying them of the existence of the nuisance and ordering its removal in the time specified in this chapter.

A. Notice shall be given by United States mail, postage prepaid, addressed to the occupant or the person who is the owner at the last known address as exists upon the records of City. An alternative notice may be served in the same manner as other legal process is served in the State.

B. The **Planning and** Community Development Director shall give the notice for the removal of the items which constitute the nuisance at least fourteen days before the time of compliance with the notice. The notice shall specify clearly the abandoned, wrecked, junked or dismantled motor vehicles or vehicles, or parts thereof upon the private property, which constitutes the nuisance and shall order the removal of the same as specified within this chapter. The notice shall advise that failure to remove or cover as specified in the notice shall render the person so served subject to prosecution for violation of this chapter and the penalty therefore as set forth in this chapter. The notice shall contain the name, address and telephone number of the **Planning and** Community Development Department for contact by the occupant or owner. (Ord. 2442 §2 Ex. B(part), 1986).

#### **10.61.080 Violation and penalty**

A. Failure of the person or persons responsible for the removal or covering of abandoned, wrecked, junked or dismantled motor vehicles or vehicles or parts thereof to remove or cover the same within the time specified in the notice, after the same has been served as provided in this chapter, constitutes a violation of the chapter which shall

be punishable by a fine not to exceed five hundred dollars. It is specifically provided that each day a violation continues after the time for removal or covering specified in the notice, constitutes a separate offense, thereby subjecting the person or persons in violation thereof to a daily fine until the abandoned, wrecked, junked or dismantled motor vehicles or vehicles or parts thereof are removed from the private property, or covered, as provided in the notice.

- B. In any action or proceeding brought for the violation of this chapter, as defined in this chapter, the reasonable cost and expense to City in connection with the mailing or serving of notice and the inspection of the private property in question, shall be awarded to City as part of the court's sentence. (Ord. 2442 §2 Ex. B(part), 1986).

**Chapter 66  
SNOWMOBILES<sup>1</sup>**

**Sections:**

- 10.66.010 Definitions
- 10.66.020 Prohibited where

**10.66.010 Definitions**

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

"Person" includes any individual, partnership, association or corporation, or any other body or groups of persons, whether incorporated or not, and regardless of the degree of formal organization.

"Snowmobile" includes any self-propelled vehicle designed primarily for travel on the snow or ice or natural terrain, which may be steered by wheels, skis or runners, and which is not otherwise registered or licensed under the laws of the State. (Prior code §10-2-30(A)).

**10.66.020 Prohibited where**

It is unlawful for any person or operator to drive any snowmobile upon any public streets, avenues, highways, roadways, alleys or sidewalks within the City, or upon any public parks or public grounds within the City. (Prior code §10-2-30(B)).

**Chapter 69  
MOTORCYCLES**

**Section:**

- 10.69.020 Driving on sidewalks and in public parks or grounds prohibited

**10.69.020 Driving on sidewalks and in public parks or grounds prohibited**

It is unlawful for any person or operator to drive any motorcycle or other power driven two-wheel vehicle upon the sidewalks within the City or upon that portion of any public park or public grounds where no roadway is provided. (Ord. 2646 § (part), 1994; Prior code §10-2-10 (2)).

**Chapter 71  
HANDICAP ZONE**

**Section:**

- 10.71.020 Handicap zone

**10.71.010 Handicap zone**

---

<sup>1</sup>For statutory provisions regarding snowmobiles, see RCM 53-1012 et seq.

- A. No person shall park a motor vehicle in a parking space designated and reserved for the physically handicapped, unless:
  - 1. Such person is physically handicapped in a manner rendering it difficult and burdensome for such person to walk, or such person was operating the vehicle under the direction of such a physically handicapped person; and
  - 2. The vehicle visibly bears or contains the certificate or insignia issued to physically handicapped persons by the City or visibly bears or contains a special handicapped license plate or permit issued to physically handicapped persons by any State or City.
- B. Notice of such designation of handicapped parking spaces shall be given by posting appropriate signs.
- C. In any prosecution charging a violation of the above provisions, the owner or person or corporation in whose name said vehicle is registered shall be held absolutely responsible for said violation and subject to the penalty therefore.
- D. A violation of this section shall constitute a misdemeanor. Vehicles in violation may be removed, impounded, and kept in custody at the direction of the Chief of Police. (Ord. 2676, 1995; Ord. 2646, 1994; Ord 2353, 1984; Ord. 2031, 1977).

**Chapter 72  
BICYCLES**

**Section:**  
10.72.010      Riding on sidewalks--prohibited where--regulation

**10.72.010      Riding on sidewalks--prohibited where—regulation**

- A. It is unlawful for any person to ride a bicycle upon a sidewalk within the central business district east of the west line of Park Drive.
- B. Whenever any person is riding a bicycle upon a sidewalk, such person shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing such pedestrian. (Ord. 2646 § (part), 1994; Prior code §10-1-19).
- C. Bicycles operated as part of the City bike patrol program are exempt from 10.72.010(A). (Ord. 2708; 1996)

**Chapter 73  
TRAILERS**

**Section:**  
10.73.010      Occupancy regulations

**10.73.010      Occupancy regulations**

No trailer as defined in Section 10.15.010, subsection 32-2105, or motor vehicle as defined in Section 10.15.010, subsection 32-2101 (b), shall be occupied either permanently or temporarily as a dwelling place, or living abode while parked on any street, avenue, alley or highway, or other public place unless otherwise authorized by law. (Ord. 1984, 1976: prior code §10-2-33).

**Chapter 75  
TOLL LOCATIONS**

**Sections:**  
10.75.010      Prohibited  
10.75.020      Exception

**10.75.010      Prohibited**

It is unlawful for any person, firm, corporation or organization, charitable or otherwise, to occupy, stand in and/or use any portion of any public street, highway or bridge for the purpose of establishing a toll location through which vehicular traffic must pass in order to collect funds or make any other contact or solicitation from the driver or occupant of any vehicle using the public street, highway or bridge within the City. (Prior code §10-2-11).

**10.75.020      Exception**

The City Manager may approve a toll request provided that:

- A. The requesters are sworn public safety officers trained in emergency scene management, accident prevention, traffic control, personnel and public safety, advanced medical training, and are experienced in the appropriate methods to set up and operate a safe tolling exercise. (Ord. 2757, 1999).
- B. The requesters submit a traffic plan which includes the date, time and location for the tolling activity, traffic control descriptions for each location, and a \$1 million general liability policy naming the City as additional insured.
- C. No more than one toll will be granted per calendar year.

**Chapter 78**  
**LIABILITY FOR STREET DAMAGE**

**Sections:**

- 10.78.010      Applicability
- 10.78.020      Owner and driver of vehicle jointly liable
- 10.78.030      Civil action

**10.78.010      Applicability**

Any person driving any vehicle, object or contrivance upon any street or street structure shall be liable for all damage which the street or structure may sustain as a result of any illegal operation, driving or moving of such vehicle, object or contrivance, or as a result of operating, driving or moving any vehicle, object or contrivance weighing in excess of the maximum weight in this title except Chapters 10.51 and 10.72 but is authorized by a special permit issued as provided in this title except Chapters 10.51 and 10.72. (Prior code §10-2-29(A)).

**10.78.020      Owner and driver of vehicle jointly liable**

Whenever such driver is not the owner of such vehicle, object or contrivance, but is so operating, driving or moving the same with the express or implied permission of the owner, then the owner and driver shall be jointly and severally liable for any such damage. (Prior code §10-2-29(B)).

**10.78.030      Civil action**

Such damage may be recovered in a civil action brought by the authorities in control of such streets or street structure. (Prior code §10-2-29(C)).

**Chapter 84**  
**EXCESS SIZE AND WEIGHT PERMITS**

**Sections:**

- 10.84.010      Issuance--conditions
- 10.84.020      Display--violation--penalty

**10.84.010      Issuance—conditions**

The City Engineer is authorized to issue or withhold such special permit at his discretion, or if such permit is issued, to limit the number of trips, or to establish seasonal or other time limitations within which the vehicle described may be operated on the public streets indicated, or otherwise to limit or prescribe conditions of operation of such vehicle or vehicles when necessary to assure against damage to the road foundation, surfaces or structures or safety or traffic and may require such undertaking or other security as may be deemed necessary to compensate for injury to any street or road structure. (Ord. 2646 § (part), 1994; Prior code §10-2-26(A))

**10.84.020      Display--violation—penalty**

- A. Any person who knowingly and willfully misrepresents the size or weight of any load in obtaining a special permit or does not follow the requirement and conditions of the special permit or who operates any vehicle, the gross weight of which is in excess of the maximum for such vehicle may be eligible for license, without first obtaining a special permit, is guilty of a misdemeanor.
- B. Every special permit issued under this chapter shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by the Police Officer.
- C. A complaint filed and a summons or notice to appear issued pertaining to a violation of the gross weight regulations in this chapter shall specify the amount of the over-weight which the defendant is allowed to have had upon the vehicle or combination of vehicles. (Ord. 2646 § (part), 1994; Ord. 2186, 1980)

## Chapter 87 VIOLATION PENALTY

**Sections:**

10.87.010	Definitions
10.87.030	Illegally parked vehicle--notice--procedure
10.87.040	Illegally parked vehicle--notice--failure to comply
10.87.050	Illegally parking vehicle--presumption
10.87.060	Illegally parked vehicle--warrant issued when
10.87.070	Disposition of fines and parking meter revenue
10.87.080	Fines and forfeitures--official misuse
10.87.090	Penalty

**10.87.010 Definitions**

"Parking official" for purposes of Title 10, Chapter 87 means: peace officers, and other persons designated by the City Commission. (Ord. 2646 § (part), 1994)

**10.87.030 Illegally parked vehicle--notice—procedure**

Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions imposed by the laws of this City or by State law, the Parking Official finding such vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its owner and shall conspicuously affix to such vehicle a notice in writing on a form provided by the clerk for the owner to answer to the charge against the driver within five days, during the hours and at a place specified in the notice. (Ord. 2646 § (part), 1994)

**10.87.040 Illegally parked vehicle--notice--failure to comply**

If a violator of the restrictions on stopping, standing or parking under the traffic laws does not appear in response to a notice affixed to such motor vehicle within a period of five days, the Clerk of the Municipal Court or other person authorized by the proper magistrate shall send to the owner of the vehicle a written notice informing the driver of the violation and warning the driver that in the event such written notice is disregarded for a period of ten days a warrant of arrest will be issued. (Ord. 2646 § (part), 1994; Prior code §10-2-16(F))

**10.87.050 Illegally parked vehicle—presumption**

If any vehicle is found stopped, standing or parked in any manner violative of the provisions of Title 10 of this code, the owner, person, or corporation in whose name said vehicle is registered shall be held absolutely responsible for said violation and subject to the penalty therefore. (Ord. 2321 §1, 1983)

**10.87.060 Illegally parked vehicle--warrant issued when**

In the event any person fails to comply with a notice so given to the person or attached to a vehicle or fails to make appearance pursuant to a summons directing an appearance in the municipal court, or if any person fails or refuses to deposit bail as required and within the time permitted by law, the proper magistrate shall, in their discretion, issue a warrant of arrest. (Prior code §10-2-16(H))

**10.87.070 Disposition of fines and parking meter revenue**

- A. All fines or forfeitures collected upon conviction or upon the forfeiture of bail of any person charged with a violation of any of the provisions of this Title except Chapter 10.72 shall be paid to the **Planning and** Community Development Department and deposited in the general fund, to be expended to defray the expense of proper regulation of traffic and parking upon the public streets of the City, to provide for the cost of supervision, regulation, and control of parking vehicles and to cover the cost of purchase, supervision, operation, maintenance, control and use of parking meters.
- B. All revenue obtained from and through the use of parking meters shall be appropriated by the City to pay for the operation and maintenance of on street and off street parking facilities. (Ord. 2646 § (part), 1994; Prior Code §10-2-16(I))

**10.87.080 Fines and forfeitures--official misuse**

Failure, refusal, or neglect on the part of any judicial or other officer or employee receiving or having custody of any such fine or forfeiture, either before or after a deposit in the fund, to comply with the foregoing provisions of this chapter, shall constitute misconduct in office and shall be grounds for removal therefrom. (Prior code §10-2-16(J))

**10.87.090 Penalty**

The penalty for violation of the two hour parking limit in the parking meter district shall be ten dollars for each offence. The penalty for meter or overtime violations (other than the two-hour time limit) or non-payment at off-street parking facilities shall be three dollars for each offense. The penalty for all other standing or parking violations including, but not limited to, hydrant zone, crosswalk, end zone, double parking, bus or passenger zones, driveway, alley and fire lane shall be ten dollars for each offense. In the event that citations issued for violations of any of the provisions of this chapter, except Chapter 10.72, are disregarded for a period of 30 days, the City may charge an administrative fee to recover the costs of processing the violations. (Ord. 2707, 1996; Ord. 2646 § (part), 1994; Ord. 2469 §1, 1987: Ord. 2456 §1, 1987: Ord. 2443 §2, 1986: Ord. 2321 §2, 1983).



Title 12  
**STREETS AND SIDEWALKS**

**Chapter**

---

4	Boulevards
6	Discovery Gallery
8	Obstructions in Streets and Public Places
12	Excavations
14	Parades, Processions, Fun Runs and Street Closures
16	Street Maintenance
18	Vehicle Removal
20	Right-of-Way Vacation Fees
24	Street Names
28	Sidewalks and Curbs
32	Sidewalk Maintenance
33	Emergency Snow Route
36	Private Driveways and Crosswalks
40	Trees and Shrubbery
44	Tree Removal

**Chapter 4  
BOULEVARDS**

**Sections:**

12.4.010	Definitions and responsibility
12.4.020	Clear vision triangle--defined—responsibility
12.4.030	Vehicle parking--prohibited where--exception
12.4.040	Boulevard encroachment permit--issuance conditions
12.4.060	Violation--penalty

**12.4.010 Definitions and responsibility**

A. Definitions

"Boulevard" within the City is that area within any street, avenue or highway right-of-way not occupied by street paving, curb and gutter, and sidewalks. An "inside boulevard" is the boulevard area on the property line side of the sidewalk. An "outside boulevard" is the boulevard area on the street side of the sidewalk. Except as permitted under Section 12.04.050, no boulevard area may be encumbered by any obstacle whatsoever.

"Obstacle" means any strung wire or netting, any fence or railing, or any barrier or structure of any kind whatsoever, but does not include trees, ornamental lamp-posts, telephone or electric light poles, United States government mailboxes, signage for structures on the National Historical Register provided by the Montana Historical society, or other structures erected by permit to aid owners in caring for the boulevards adjoining their property. The Director of

Public Works may grant a special permit for a temporary barrier to protect newly sown grass on boulevard areas if such barrier will not endanger passers-by. (Ord. 2785, 2000)

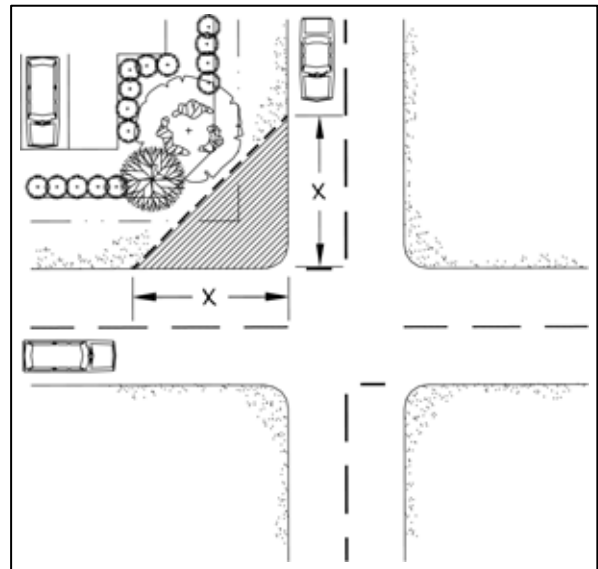
- B. Adjoining Owners Responsibility. It shall be the duty of the owners and tenants of any premises within the limits of the City to maintain the boulevard section in front of and adjoining their premises in safe and substantial condition. Any portion of the right-of-way which is not occupied by roadway section, curb and gutter, driveway, sidewalk or crosswalk shall be maintained as required by Chapter 12.41 Landscape Design Standards. It is also the responsibility of corner lot owners/tenants to maintain the clear vision triangle as described in Section 12.04.030. (Ord. 2549 §1(part), 1989).

**12.4.020 Clear vision triangle--defined—responsibility**

The clear vision triangle is the isosceles triangle having sides of forty-five feet as measured along the back of the curb section of each intersecting roadway. The triangle thus begins at the point where the intersecting back of each curb line would meet, thence forty-five feet along the back of each curb and diagonally across connecting the curb lines. See drawing.

- A. Any signs, fences, plant material, or other items placed in this area shall provide an unobstructed cross-visibility at a level between three feet and eight feet above street surface elevation. Trees having over eight feet of clear trunk as measured from the surface elevation with limbs and foliage trimmed in such a manner as not to extend into the cross-visibility are permitted in the clear vision triangle.
- B. It is the responsibility of the owner or tenant of a corner lot to maintain the clear vision triangle by trimming or removing the cause of any sight obstruction within the area described above.
- C. No obstruction to cross-visibility shall be exempted or excluded from the application of this section because of the obstruction's existence at the time of the adoption hereof. (Ord. 2549 §1(part), 1989).

**Exhibit 12.4.020 Clear visibility triangle**



**12.4.030 Vehicle parking--prohibited where—exception**

No vehicle shall be parked upon any boulevard area in the City except in the following instances:

- A. Upon any lawfully constructed driveway, although no vehicle may be parked upon any sidewalk or sidewalk area;
- B. Upon any boulevard area in a residential area if the boulevard area has no curbing or has a curb cut access to the boulevard area;
- C. By permit issued under Section 12.04.040, boulevard use permit. (Ord. 2549 §1(part), 1989).

**12.4.040 Boulevard encroachment permit--issuance conditions**

A temporary and revocable permit to allow encroachments upon any inside boulevard area within any area of the City may be granted to the owner or lessee of the adjoining property by the City Manager or designee. Any such Boulevard Encroachment permit must comply with the following conditions:

- A. The encroachment as proposed must not be detrimental to the health, safety, or welfare of the public as a whole.
- B. Payment to the City of a one time application fee to defray administrative costs. The fee shall be established by City Commission resolution.
- C. Payment to the City of an annual encroachment rental fee based upon the square footage of encroachment. The annual rental fee shall be established by City Commission resolution.
- D. No encroachment permit may be granted to allow parking necessary to fulfill the requirements of the off-street parking code as set forth in Chapter 17.81.
- E. In all locations where the sidewalk is constructed adjacent to the street curbing and in all locations where no sidewalk has been constructed, no permit may be granted for any encroachment within seven feet from the back of the curb except in cases where artwork has been approved by the City and placed within the Business Improvement District as part of the Discovery Gallery. (Ord. 2766; 2000)
- F. Parking blocks shall be placed in the boulevard area for any permit issued for vehicle parking under this section, and must be placed sufficiently back from the sidewalk area to keep parked vehicles at least two feet from the sidewalk or beyond the seven-foot sidewalk area provided in subsection E of this section.

- G. The Boulevard Encroachment permit may be issued by the City Manager or designee, at the permit holder's risk upon receipt of a completed application and the processing fee. Should the City deem it necessary, the Boulevard Encroachment permit may be revoked upon giving thirty days notice in writing to the permit.
- H. The City Manager or designee shall have authority to deny or immediately revoke any such permit wherever the public safety may be jeopardized or other traffic, utility or other concerns are paramount.
- I. Any permits issued for fencing part of the boulevard area shall ensure that no fence is installed within two feet of any sidewalk or where a sidewalk does not exist, within seven feet of the back curb section.
- J. The requirements of Section 12.04.020, clear vision triangle must be met for any permit involving a corner lot.
- K. Any violation of the terms of this permit shall be cause for immediate revocation at the time of the violation. If the permit holder chooses to reapply for a new permit, the entire permit process including any charges, must be repeated.
- L. Upon notice of revocation of a Boulevard Encroachment permit, the permit holder shall remove or correct any encroachments affected by the revocation within 10 days. The City shall not be held liable for any costs as a result of the revocation, removal, or corrections.
- M. Once a permit has been revoked, should the responsible party fail to remove or correct the situation, the City shall have the structure removed and the cost of the removal assessed to the permit holder.
- N In any case where it is contended that the decision of the City Manager or designee, regarding an application was unfair, inequitable or unreasonable, the party objecting thereto may appeal in writing to the Board of Adjustment and submitted for review by the City Commission. (Ord. 2549 §1(part), 1989).

**12.4.060 Violation—penalty**

Any violation of the provisions of this chapter shall be considered a public offense punishable under the general penalty of the official code of the City set forth in Chapter 1.4.070 of this Code. (Ord. 2549 §1(part), 1989).

**Chapter 6  
DISCOVERY GALLERY**

**Sections:**

- 12.6.010 Intent
- 12.6.020 Responsibilities
- 12.6.030 Allowable boundaries--placement--approval process
- 12.6.040 Clear vision triangle--comply with

**12.6.010 Intent**

The designation of a sidewalk gallery to display art works in downtown Great Falls is a continuation of the City's recognition and support of the Arts as a major economic and social base in the community. In addition, the involvement of the Business Improvement District in developing the proposal and project guidelines reflects their own efforts to enhance the downtown as a vital community and commercial center.

**12.6.020 Responsibilities**

- A. The artwork accepted by the City for placement in the Discovery Gallery may become the property of the City and will be positioned, relocated, or removed at the City's discretion. In some instances, the artist will be permitted to retain ownership of the artwork. Regardless of ownership, the City shall approve all plans to affix and place each piece of art. Nothing in this chapter shall diminish or be considered an exception to the principles of public safety and access as defined in Title 12.
- B. The City shall be responsible for the repair and maintenance of the artwork unless ownership of the artwork is retained by the artist. In that event, the artist shall be responsible for the repair and maintenance of their art.
- C. The artwork will be durable in order to minimize the threat of vandalism and the amount of maintenance.
- D. The Business Improvement District shall develop guidelines for the Discovery Gallery. At a minimum the guidelines shall address:
  - 1. size of the art objects
  - 2. materials
  - 3. construction
  - 4. spacing
  - 5. textures and sounds
  - 6. mechanical and other powered devices
  - 7. general accessibility to the art
  - 8. themes

- 9. sight lines to commercial property
- 10. right-of-ways
- 11. costs, fees insurance
- 12. application process and review
- E. The Business Improvement District shall also establish a review panel consisting of at least one member of the Business Improvement District Board, on downtown retailer, one artist, City staff and one architect/engineer.

**12.6.030 Allowable boundaries--placement--approval process**

- A. The Discovery Gallery shall be within the boundaries of the Business Improvement District.
- B. The Discovery Gallery’s width will be from the back of the curb to a maximum of seven feet in-ward. The Discovery Gallery shall extend to the second parking space at each end of the block or one space away at alleys.
- C. The Business Improvement District shall appoint a committee as described in 12.6.020.D to review all proposals submitted for the artwork which shall include a process for public comment. Said Committee shall forward a recommendation for the City Commission to accept or not-accept the proposed artwork. The Commission may hold a public hearing on the artwork proposals submitted for consideration.

**12.6.040 Clear Vision Triangle--comply with**

All artwork in the Discovery Gallery shall meet the requirements of OCCGF 12.4.020, the clear vision triangle.

**Chapter 8  
OBSTRUCTIONS IN STREETS AND PUBLIC PLACES**

**Section:**

12.8.010 Prohibited--applicability

**12.8.010 Prohibited—applicability**

- A. Except as provided in subsection C of this section, it is unlawful for any person or persons or corporations to erect, place, or locate, or cause to be erected, placed or located, any building, fence or obstruction of any kind whatsoever, in whole or in part, upon any street, avenue, alley or other public grounds within the City. Any person or persons or corporation who is convicted of a violation of any of the provisions of this chapter, shall be deemed guilty of a separate violation of this chapter for every twenty-four hours the same remains un-removed.
- B. In the interest of the public health, welfare and safety, the City may remove such obstruction and assess the costs of removal to the property owner; or where circumstances permit and the public interest is not greatly jeopardized, notice may be given to the violator for removal of the obstruction.
  - 1. Such notice shall provide the time allowed for removal, include the Public Works Director's address and telephone number for information or hearing thereon, briefly describe the nature of the violation and the possible sanctions.
  - 2. The City's costs of removal shall be assessed against the property.
- C. Exceptions.
  - 1. Transit shelters as approved by the City Commission and located so as to not unduly interfere with vehicle or pedestrian traffic and access to utilities and abutting properties in the immediate vicinity.
    - a. A transit shelter shall be defined as a structure occupying no more than one hundred twenty square feet in floor area and designed for the temporary shelter of transit passengers.
  - 2. Pushcarts or any other non-motorized wheeled device may be moved or used on the City sidewalks under the following conditions:
    - a. No pushcart or other device shall exceed thirty-six inches in width, five feet in length and seven feet in height.
    - b. No vendor selling from a pushcart or such device shall conduct business in such a way as would restrict or interfere with the ingress or egress of abutting property owners or tenants or create or become a public nuisance, increase traffic or pedestrian congestion, or delay or constitute a hazard to traffic, pedestrians or property or obstruct adequate access for fire or police.
  - 3. Statuary as approved by the City Commission upon review of a traffic study and located in accordance therewith so as not to unduly interfere with vehicular or pedestrian traffic and access to utilities and abutting property in the immediate vicinity.
  - 4. As permitted under Section 12.4.050, boulevard use permit and Section 12.4.020, permitted structures. (Ord. 2549 §1(part), 1989).

---

<sup>1</sup> Prior ordinance history: Prior code §§6-1-3(B) and (F) and Ordinances 2314, 2338, 2409 and 2460.

## Chapter 12 EXCAVATIONS

### Sections:

12.12.010	Application--required
12.12.020	Application--fee
12.12.030	Application--refusal--issuance
12.12.040	Bond
12.12.050	Insurance required
12.12.060	Permittee responsibility
12.12.070	License--suspension--revocation--limitation

### **12.12.010 Application—required**

Excepting where such person is operating under a contract with the City involving the opening of a public way, any person desiring to excavate in or cut through or tear open the surface of any street, avenue, alley, sidewalk, or other public way within the City shall first file written application with the Director of Public Works. The application shall state the object sought, the purpose for which the public way is to be excavated in, cut through, or broken open, the proposed area of such opening and the exact location thereof. (Prior code §9-10-1).

### **12.12.020 Application—fee**

The application shall be accompanied by the applicable following fee payable to the City:

- A. For an opening not exceeding one hundred square feet, there shall be and is a minimum fee of twenty dollars.
- B. For an opening greater than one hundred square feet, the fee shall be twenty dollars plus ten cents per square foot in excess of one hundred square feet. (Ord. 2485 §1, 1987; Ord. 2462 §2, 1987).

### **12.12.030 Application--refusal—issuance**

The Director of Public Works may, in his/her discretion, grant or refuse to grant such application. The refusal of the director to grant any such application is subject to review by the City Commission. Where the application is granted, whether by the Director or the City Commission, the applicant shall accomplish the proposed work within the time allowed by the Director and under the Director's supervision; and, in accordance with rules, regulations and specifications on file in the Department of Public Works, shall thoroughly backfill any such excavation or opening and restore the surface thereof to the condition it was prior to such excavation or opening except the City will replace all asphaltic surfacing in paved streets. (Ord. 2476, 1987: prior code §9-10-3).

### **12.12.040 Bond**

Any applicant for permission to excavate in, cut through, or tear open any City street, avenue, alley, sidewalk, boulevard, or any other public way must file with the City Clerk a bond in the penal sum that shall be established by City Commission resolution, payable to the City and the state as their interests appear with respect to the expenditure of funds toward the construction of the street, avenue, alley, sidewalk, boulevard, or public way within the City, conditioned for the protection of the City or state from and against any liability of any kind or character whatsoever which may arise as a result of the applicant's excavating in, cutting through, or opening up any such street, avenue, alley, sidewalk, boulevard, or other public way or which may in anyway or manner be connected with or related thereto, and further conditioned that the permittee shall properly backfill and restore the surface of any and all excavations, openings, or cuttings made or dug in the public ways of the City, and shall do and complete all work in connection therewith in a good, competent, and workmanlike manner and in compliance with the specifications required therefore by the City or state; provided, that where any applicant has at the time of the application for permit under the terms of this chapter, on file with the City Clerk, and in force, a water service line layer's license bond under the provisions of Chapter 13.04 of this code, or a drain layer's license bond under the provisions of Chapter 13.20 of this code, and the conditions of either of such bonds is amended by endorsement to protect the state as set forth above and to include the condition as required in this section, then such drain layer's license bonds or water service line layer's license bond shall stand in lieu of the bond required in this section. (Ord. 2801, 2001; Prior code §9-10-4).

### **12.12.050 Insurance required**

Before any application to open any public way is granted, such applicant shall furnish satisfactory evidence that there has been issued to the applicant, and is in full force and effect, liability insurance, auto insurance and workers' compensation insurance in an amount that shall be set by City Commission resolution. (Ord. 2801, 2001; Prior code §9-10-5).

**12.12.060 Permittee responsibility**

- A. The permittee, in accepting and acting under a street opening permit granted under the provisions of this section, agrees to assume full responsibility for injury to persons or losses or damage to property incurred by reason of or arising out of any act or omission of such permittee in making such excavation, cut, or opening or in failing to properly barricade, guard and warn the public of such excavation or trench, and further agrees to assume full responsibility for injury to persons and losses or damage to property incurred by reason of or arising out of any settlement of a restored area occurring within two years of the date of completion of the permanent resurfacing.
- B. If any settlement in a restored area occurs within two years of the date of completion of the permanent surfacing, it shall be considered as conclusive evidence of defective backfill. Upon failure or refusal of such permittee to correct such settlement within five days after notice by the Director of Public Works to do so, any expense incurred by the City in correcting such settlement shall be paid by the permittee. (Prior code §9-10-6).

**12.12.070 License--suspension--revocation—limitation**

The provisions of this chapter are in no way intended, nor shall they be construed so as to limit or in any way repeal any of the provisions of Chapters 13.04 and 13.20 of this code with respect to the right of the City Commission to suspend or revoke the licenses, provided for in Chapters 13.04 and 13.20, upon failure or refusal of any such licensee to refill properly any trench or excavation and to restore the surface thereof. (Prior code §9-10-7).

**Chapter 14  
PARADES, PROCESSIONS, FUN RUNS AND STREET CLOSURES**

**Sections:**

- 12.14.010 Definitions
- 12.14.020 Established and designated parade routes
- 12.14.030 Public conduct during parades, processions and fun runs
- 12.14.040 Participants’ conduct during parades, processions and fun runs
- 12.14.050 Application-contents
- 12.14.060 Street closure permits for public events and block parties

**12.14.010 Definitions**

The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them.

“Parade” means any march or procession consisting of people, animals or vehicles, or combination thereof, except funeral processions, upon any public street, sidewalk or alley, which does not comply with normal and usual traffic regulations and controls and is expressly designed for the enjoyment of the public as well as the participants.

“Motorcade” means an organized procession containing twenty-five (25) or more vehicles, except funeral processions, upon any public street, sidewalk or alley.

“Parade Route” means the route of travel of any parade, motorcade or fun run to include the assembly, staging and disbanding areas.

“Street” includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs, or other public ways in this City which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of the State. (Ord. 2734, 1998).

**12.14.020 Established and designated parade routes**

- A. Parade to stage on Park Drive South and proceed north past the east side of the Police Department onto 1st Avenue South, then east to Park Drive, then North to Central, then east to 8th Street, disbanding on the north and/or south side of Central Avenue.
- B. Parade to stage on the north and/or south side of Central Avenue at 8th Street and proceed west on Central Avenue to Park Drive, then south to 1st Avenue South, then west until disbanding. Any alternate route must be approved by the City.
- C. Routes for other parades, processions or fun runs not requiring street closures can be designated at the discretion of the City. (Ord. 2734, 1998).

**12.14.030 Public conduct during parades, processions and fun runs**

- A. Joining the parade. No person knowingly shall join or participate in any parade, procession or fun run conducted in violation of any of the terms of the permit, nor knowingly join or participate in any permitted parade or procession

without the consent and over the objection of the permittee, nor in any manner interfere with its progress or orderly conduct.

- B. Interference. No person shall hamper, obstruct, impede, or interfere with any parade or procession or with any person, vehicle or animal participation or used in a parade or procession.
- C. Driving through parades or processions. No driver of a vehicle shall drive between the vehicles or persons comprising a parade or motorcade when such vehicles or persons are in motion and are conspicuously designated as a parade or procession. Nothing in this section shall prohibit an emergency vehicle from interrupting a parade or procession for the purpose of responding to an emergency.
- D. Viewing the Parade or Procession. No person shall view, watch or observe the parade or procession from the street or beyond the sidewalk curb or beyond the imaginary curb line that, if it existed, would extend through the intersection from corner to corner of any street perpendicular to the parade route.
- E. Parking on parade route.
  - 1. No vehicle larger than an automobile or pickup truck shall park along the parade route during the parade.
  - 2. The City Manager, or designee, shall have the authority, when reasonably necessary, to prohibit parking of vehicles along a parade route. Signs shall be posted to such effect and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof. (Ord. 2734, 1998).

#### **12.14.040 Participants' conduct during parades, processions and fun runs**

- A. It is unlawful for any persons in a parade or procession to deviate from the established or approved parade route.
- B. No participant in a parade or procession shall throw, cast, or drop candy, trinkets, or any other articles. A violation of this provision shall be a misdemeanor punishable by a fine; as set forth OCCGF 1.04.070. This does not prohibit a parade participant from handing the candy or other articles directly to the spectators providing the parade participant is walking.
- C. No participant in a parade or procession shall entice or lure, or attempt to entice or lure, any spectator to leave the designated viewing area.
- D. No participant in a parade or procession shall operate any vehicle in a careless manner so as to endanger the safety and welfare of other parade participants or spectators.
- E. Each permittee shall provide a person or a horse with a rider to walk or a person in a small motorized vehicle, such as a golf car, on both sides of any parade vehicle larger than an automobile or pickup as a condition to the permit.
- F. Any person operating a motor vehicle in a parade or procession shall be a licensed driver. All applicable seat belt and/or helmet laws must be complied with by all participants.

#### **12.14.050 Application - contents**

- A. Any person who wants to conduct a parade, procession, band practice, or fun run, shall apply to the Park and Recreation Department for a permit at least one month in advance of the event date. The application shall designate the intended route, date and time of the event.
- B. Following approval from the City, the requesting organization will be responsible for notifying news media in order to inform the public of the date, time and parade route.
- C. The organization sponsoring the parade will designate a person who can be contacted by the City to coordinate plans for the parade or band practice.
- D. The parade or band practice shall not deviate from the designated route, time or date approved in the permit. If, for any reason, the event is postponed, or canceled, the City shall immediately be notified.
- E. Parades shall be scheduled between the hours of 9:00 a.m. and noon. When parades cannot be held in the mornings and during this time period, special requests will be considered provided arrangements can be made which will not impede normal traffic conditions or inhibit business in the downtown area.
- F. Organizations sponsoring parades will be responsible for placing and removing barricades on the parade route side of the nearest designated alleys/streets no earlier than thirty minutes prior to the start of the parade and, in no case, longer than fifteen minutes following the end of the parade. Barricades are available at the Park and Recreation Department. It will be the responsibility of the sponsoring organization to pick up from and return to the Park and Recreation Department all barricades used and to contact the Park Supervisor at least two weeks in advance to discuss a barricading plan acceptable to the City.
- G. No sales/solicitations will be permitted by parade participants without proper licensing.
- H. Organizations sponsoring parades or band practices will be required to remove all trash, paper and litter from the streets and sidewalks. Street cleaning arrangements must be made with the Public Works Street Division within two weeks of the event date.
- I. The Police Department will provide one vehicle to escort the parade. All other traffic and crowd control must be provided by the sponsoring organizations and, in no case, be less than two people for each block of parade or band practice length.

- J. Sponsoring organizations will hold the City harmless from any and all claims, damages, losses and expenses arising from the parade or band practice or created by any of the participants. The sponsoring organization shall be required to carry insurance for comprehensive general liability, automobile liability and designated premises in the amount of \$1,000,000 per occurrence and \$1,000,000 aggregate, and list the City as an additional insured.
- K. If determined necessary due to the type, length, time or date of the parade or band practice, the City may require additional provisions and safeguards deemed in the public interest.
- L. Failure to comply with these and other permit requirements will be cause for rejection of future parade or band practice permits requested by the sponsoring organizations.
- M. Any organization requesting a permit for other events such as motorcades, processions or fun runs will comply with any and all specific rules and requirements promulgated by the City. (Ord. 2734, 1998).
- N. The parade organizer must submit with the permit request information as to how property owners, tenants, and or business owners along the parade route were notified of parade, procession, band practice or fun run.

**12.14.060 Street closure permits for public events and block parties**

- A. Events encouraging community and neighborhood involvement are encouraged and may require the temporary closure of city streets.
- B. Organizers of an event that require the temporary closure of a public street must obtain a street closure permit. The application for the permit shall contain the name and contact information of the person or entity requesting the permit, the location of the proposed event, the day(s), times(s) and duration of the event. Applications must be turned in for review a minimum of fourteen (14) days prior to the event.
- C. During the review, city staff will develop a street closure plan the applicant must follow. Staff will also make available the necessary street closure equipment and charge a fee set by Commission resolution.
- D. If the event involves the sale, possession and/or consumption of alcohol, the event organizer must also obtain a special event permit as stipulated in 9.20.040.
- E. The City Manager, or designee, shall review, approve or deny the permit application and has the authority to require additional information from the applicant.
- F. The event organizer must submit with the permit application information as to how property owners, business owners and tenants adjacent to the temporary street closure were notified of special event or activity that required a temporary street closure.
- G. A fee for the street closure permit shall be set by Commission resolution to cover administrative time and any additional costs incurred by the City to ensure the event is safe and the area returned back into the same condition it was prior to the event.
- H. If the event involves more than 75 people, the person or organization must provide liability insurance, including liquor liability if applicable, providing coverage for their organization and naming the City as an additional insured. To the extent reasonably possible, liability insurance coverage shall be in the minimum amounts of \$750,000 per claimant and \$1,500,000 per occurrence. The City Manager has the authority to waive this requirement or due to the type of event, require insurance for events with fewer than 75 people should he determine it necessary due to the type of event.
- I. Applicants for a temporary street closure permit shall agree in writing to defend, hold the City and its employees harmless and indemnify the City for any and all claims, lawsuits or liability including attorneys' fees and costs allegedly arising out of loss, damage or injury to person or person's property occurring during the course of or pertaining to the special event caused by the conduct of employees or agents of applicants.
- J. Permit Denial – Appeal. If an applicant is denied a temporary street closure permit, the applicant may appeal to the City Commission.

**Chapter 16  
STREET MAINTENANCE<sup>2</sup>**

**Sections:**

- 12.16.010 District designation authority
- 12.16.020 Cost--assessment
- 12.16.030 Cost--assessment--levy--resolution

**12.16.010 District designation authority**

---

<sup>2</sup>Prior history: Prior code Sections 9-14-1 through 9-14-4, Ord. 2301.



Whenever any portion of the City has been designated as a street maintenance district, the streets, avenues and alleys may be maintained for such time and in such manner as the City Commission may direct under the supervision of the Public Works Director. (Ord. 2584 (part), 1991).

**12.16.020 Cost—assessment**

The cost assessed for maintaining streets, avenues, and alleys shall be charged to the property bordering on the streets and avenues so maintained by one or a combination of the following methods: each lot or parcel of land bearing its share of the cost according to the part of the whole cost which its area bears to the area of the entire district; or, by that part of the whole cost which each lot or parcel's street frontage bears to the street frontage of the entire district; or, if the City Commission determines that the benefits derived from the maintenance by each lot or parcel are substantially equivalent, the cost may be assessed equally to each lot or parcel located within the district without regard to the assessable area of the lot or parcel; or, each lot or parcel of land, including the improvements thereon, may be assessed for that part of the cost of the district which its taxable valuation bears to the total taxable valuation of the property of the district. The assessment for the same shall be certified by the City Clerk to the Fiscal Services Director, to be extended on the tax roll in the same manner as other special assessments. (Ord. 2584 (part), 1991).

**12.16.030 Cost--assessment--levy—resolution**

Not later than the second Monday in August of each year the Public Works Director shall estimate the annual maintenance cost and the City Commission shall pass and finally adopt a resolution levying and assessing all the property within the street maintenance district with an amount equal to not less than seventy-five percent of the entire cost of the work. (Ord. 2584 (part) 1991).

**Chapter 18  
VEHICLE REMOVAL**

**Sections:**

- 12.18.010 Notification of designated areas
- 12.18.020 Vehicle parking restrictions
- 12.18.030 Vehicle removal

**12.18.010 Notification of designated areas**

- A. The Public Works Director or designated representatives are authorized to prohibit parking in areas where street cleaning operations are scheduled.
- B. Notice of such street cleaning shall be given to local radio, television and to the news press. In addition, streets to be swept will be posted twenty-four hours in advance of street cleaning operations. (Ord. 2393 (part), 1985).

**12.18.020 Vehicle parking restrictions**

- A. Upon notification of street cleaning operations, a designated area pursuant to Section 12.18.010(B), it shall be unlawful for any person to stop, stand, park or leave unattended any motor vehicle or trailer between the hours of eight a.m. and four p.m. or until such time as designated street cleaning is completed.
- B. This provision shall not prohibit the stopping of commercial passenger vehicles for periods sufficient to load or discharge passengers from vehicles. (Ord. 2393 (part), 1985).

**12.18.030 Vehicle removal**

Whenever a motor vehicle or trailer has been stopped, parked or left unattended after notification of street cleaning operation pursuant to subsection 12.18.010(B), such vehicle shall be declared a public nuisance and the Director of Public Works or designee shall order it to be removed at the owner's expense. (Ord. 2393 (part), 1985).

**Chapter 20  
RIGHT-OF-WAY VACATION FEES**

**Section:**

- 12.20.010 Schedule of costs

**12.20.010 Schedule of costs**

Any person petitioning for a right-of-way vacation shall, prior to the passage of the resolution of intention to vacate, pay to the City fees according to the following schedule:

- A. Administrative costs including the preparation of the resolution of intention to vacate, legal publication in a newspaper, the preparation of the vacation ordinance(s) material review by the City Attorney, placement of material on the commissions agenda, and filing and recording legal documents shall be two hundred dollars.
- B. Preparation and service of notice to property owners abutting the right-of-way to be vacated shall be twenty-five dollars per notice served by the Great Falls Police Department; and thirty-five dollars per notice served by authority other than the Great Falls Police Department.
- C. Compensation to the Public Works Department and other departments for review and examination of existing or proposed utility and transportation or other facilities affected by the proposed right-of-way vacation including the preparation of any necessary easements shall be based upon the existing prevailing man-hour costs plus fifty percent.

In the event the right-of-way requested to be vacated was originally established by an official subdivision plat and the City determines it is appropriate and necessary to formulate an amended plat or replat in accordance with the State Subdivision and Platting Act, then the petitioner shall incur all costs associated with the preparation and review of the amended plat or replat. (Prior code §9-15-1).

**Chapter 24**  
**STREET NAMES**

**Section:**

12.24.010 Renaming

**12.24.010 Renaming**

In order to eliminate the duplication of street names and addresses within the City and to provide for uniformity to alleviate the presently existing situation in these areas, the street names as designated on the plats of the following named additions shall be changed as follows:

- A. North Riverview Terrace Addition.
 

From 18th Avenue N.E.	to 21st Avenue N.E.
From 19th Avenue N.E.	to 22nd Avenue N.E.
From 20th Avenue N.E.	to 23rd Avenue N.E.
From 6 "A" Street Northeast	to 6th Street Northeast
From 7 "A" Street Northeast	to 7th Street Northeast
From 34 "A" Street Northeast	to 34th Avenue Northeast
From Riverview 1 West	to Riverview "A"
- B. Twilite Terrace Addition.
 

From 21st Avenue N.E.	to 24th Avenue N.E.
From 22nd Avenue N.E.	to 25th Avenue N.E.
From 23rd Avenue N.E.	to 26th Avenue N.E.
- C. Montana Addition.
 

From Gosman Drive	to Treasure State Drive (north to Aronson Drive)
From Gosman Drive	to 10th Street S.W. (south of Aronson Drive)
From Aronson Drive	to Treasure State Drive
From Hinman Avenue	to 17th Avenue Southwest
From Montana Avenue	to 18th Avenue Southwest
From 13 A Street S.W.	connecting Treasure State Drive and 24th Avenue S.W. to Sundance Drive
- D. Lincoln Height Addition.
 

From Wilson Avenue	to 11th Avenue South
From Washington Avenue	to 12th Avenue South
From Madison Avenue	to 13th Avenue South
- E. Sunrise Terrace Addition.
 

From 4th Avenue South	to Carol Drive
-----------------------	----------------
- F. Tynes Addition
 

From 3rd Street South	to 2 "A" Street South
From 3 "A" Street South	to 2 "B" Street South
- G. Horizon Addition.

- From Grandview Road to 3rd Street Northwest
- H. Yeoman-Tynes Addition.
  - From Cactus Court to Palm Court
- I. BN Car Shop Addition.
  - From Burlington Northern Bay Drive to Bay Drive
- J. Bel-View Palisade Addition.
  - From Ivy Drive (portion located in Centennial Ridge PUD) to Centennial Court
- K. Valeria Way
  - From ½ Avenue South
- L. Chowen Springs Loop
  - From Parkdale

(Ord. 2798, 2001; Ord. 2564 §1, 1990; Ord. 2489 §1, 1988; Ord. 2435 §1, 1986; Ord. 2022, §1, 1977; prior code §9-11-1).

**Chapter 28  
SIDEWALKS AND CURBS**

**Sections:**

- 12.28.010 Improvements--permit required-appeal
- 12.28.020 Construction--compliance with City specifications
- 12.28.030 Construction--grade conformance required
- 12.28.040 Construction--width and slope designations
- 12.28.050 Construction--materials
- 12.28.060 Construction--order--notice to owner
- 12.28.070 Construction--failure to perform--notice--cost assessment
- 12.28.080 Construction--notice--form
- 12.28.090 Construction--annual contract--bid
- 12.28.100 Construction--cost--assessment--payment
- 12.28.110 Construction--payment--delinquency
- 12.28.120 Condemnation
- 12.28.130 Repair--owner's duty
- 12.28.140 Repairs required when--enforcement--injunction
- 12.28.150 Special fund created

**12.28.010 Improvements--permit required—appeal**

- A. No improvement mentioned in this chapter shall be made without a permit first having been obtained from the **Planning and** Community Development Director by the person actually performing the construction. All applications therefore shall be made in duplicate on the form prepared by the **Planning and** Community Development Director who shall fix a reasonable schedule of fees for services provided by the City.
- B. Any applicant deeming himself aggrieved may appeal the decision of the Department of **Planning and** Community Development to the City Commission. However, the applicant shall do no such work pending the appeal, except in strict accordance with the directions of the **Planning and** Community Development Director. (Ord. 2549 §1 (part), 1989: code §9-1-2).

**12.28.020 Construction--compliance with City specifications**

It is unlawful for any person to build or construct any sidewalk, private work, or curb in any street, avenue, alley or boulevard or to build or construct any parking or any improvement of any nature whatsoever in any street, avenue, alley or boulevard unless the same is constructed strictly in accordance with the current standard specifications and plans for such work and under the supervision of the **Planning and** Community Development Director. (Ord. 2549 §1(part), 1989: code §9-1-1).

**12.28.030 Construction--grade conformance required**

Sidewalk construction on improved or graded streets must conform with the established grade and sidewalk line; on all other streets, sidewalks must be laid to the proper sidewalk line, and otherwise to the satisfaction of the Director of Public Works. Driveway crossings into private grounds shall be of form and construction as specified by the Director of Public Works. (Ord. 2549 §1(part), 1989: code §9-1-3).

**12.28.040 Construction--width and slope designations**

- A. All sidewalks hereafter to be built or constructed in the City shall be of the following width except where otherwise ordered by the governing body: on First Avenue North from Park Drive East to Ninth Street, fifteen

feet; on Central Avenue, from Park Drive East to Ninth Street, fifteen feet; on First Avenue South from Park Drive East to Sixth Street, fifteen feet; on Second Avenue South from Second Street East to Fifth Street, fifteen feet; on the east side of Park Drive from First Avenue North to First Avenue South, fifteen feet; on Second Street from Second Avenue North to First Avenue South and on the east side from First Avenue South to Second Avenue South, fifteen feet; on Third Street from Second Avenue North to Second Avenue South, fifteen feet; on Fourth Street from Second Avenue North to Second Avenue South, fifteen feet; on Fifth Street from Second Alley North to First Avenue South, fifteen feet; on Sixth Street from First Avenue North to First Avenue South, fifteen feet. Sidewalks on all other streets and avenues shall be five feet wide, and in alleys a two-foot walk may be constructed and laid in such manner that it will not interfere with traffic of any kind or be injured thereby.

- B. All sidewalks shall rise one-fourth inch to the foot from the curb grade to the property line. (Prior code §9-1-4).

**12.28.050 Construction—materials**

- A. Hereafter all sidewalks shall be constructed only of solid cement concrete, or upon permission from the Director of Public Works may be constructed of a dense clay brick with a non-slip surface and having an average saturation coefficient of 0.78 or less and meeting ASTM specifications C216 and C62 grade SW placed on a concrete base and grouted with a portland cement grout all conforming to current specifications established by the Director of Public Works; provided, that the governing body may order temporary sidewalks of other material to be constructed.
- B. Hereafter all curbing shall be constructed only of solid cement provided that the governing body may order temporary curbing of other material. (Prior code §9-1-5).

**12.28.060 Construction--order--notice to owner**

- A. Whenever the governing body orders any sidewalk or curb to be constructed, it shall be the duty of the City Clerk to enter such order upon the minutes of the governing body and shall name the street along which the sidewalk or curb is to be constructed.
- B. Whenever the governing body orders any sidewalk or curb to be constructed and after the making of such order, it shall be the duty of the City Clerk to give written notice thereof to the owner or agent of such property in front of which lot or parcel of land the governing body orders the sidewalk or curb to be constructed, which written notice must be published for five days in a daily newspaper published in the City and by mailing a copy of such notice to every person or the agent of such person having property in front of which such sidewalk or curb is to be constructed at their last known address upon the same day such notice is first published; the service of such notice to construct such sidewalk or curb to be constructed shall be deemed complete on the date of first publication and mailing. (Prior code §9-1-9).

**12.28.070 Construction--failure to perform--notice--cost assessment**

If the owner or agent of such lot or parcel of land fails or neglects for a period of thirty days after the date of the service of such notice to construct or cause such sidewalk or curb to be constructed, the City shall construct or cause such sidewalk or curb to be constructed and shall assess the cost thereof against the property in front of which the same are constructed. (Prior code §9-1-10).

**12.28.080 Construction--notice—form**

The written notice to be so published and mailed shall be in substantially the following form:

<p><b>NOTICE FOR CONCRETE SIDEWALK AND CURB CONSTRUCTION</b></p>	
<p>Department of Public Works</p>	<p>Great Falls, Montana</p>
<p>"Notice is hereby given that the Governing Body of the City of Great Falls, Montana, at its regular meeting on _____, ordered concrete sidewalk and curb to be constructed as follows:</p>	
<p>"The names of the streets along which said sidewalk and curb is ordered constructed appears upon the minutes of the Governing Body of the above date to which reference is hereby made.</p>	
<p>"All walk and curb remaining un-built at the expiration of thirty (30) days will be built by the City and all costs assessed as a special tax to the abutting property in accordance with the provisions of City law.</p>	
<p>Director of Public Works</p>	
<p>First publication _____" (Prior code §9-1-11).</p>	

**12.28.090 Construction--annual contract—bid**

- A. The governing body shall annually let to the lowest responsible bidder a contract for the construction of all cement or concrete sidewalks in accordance with the specifications prepared therefore by the Director of Public Works and approved by the governing body, which specifications shall provide for the method of construction and the material contemplated during the period of such contract.
- B. The governing body shall, at the same time when it lets its contract as provided for in subsection A for the construction of concrete cement sidewalks, also let its contract for the construction of concrete cement curbs, and the contract for the concrete sidewalks and concrete cement curbs shall be let at the same time and for the same period to the same contractor. (Prior code §9-1-12).

**12.28.100 Construction--cost--assessment—payment**

- A. The total cost of all cement or concrete sidewalks constructed by the City cement or concrete sidewalk contractor in accordance with the orders of the governing body which total costs shall include that of the sidewalk proper as well as that of any notice, grading, hand-railing, private crossing and all other necessary expenses, shall be assessed as a special assessment against the property in front of which such cement or concrete sidewalk is built or constructed. The property occupying street corners shall be assessed for that part of such sidewalk thereon which is within the street intersection.
- B. Such special assessments shall be payable in installments extending over a period of eight years, and the governing body for such sidewalk improvements may issue special improvement warrants and levy and collect assessments to pay the same. When any such installment payment becomes delinquent, that installment payment, plus the interest due thereon, shall become a lien against the property subject to such assessment, and the property shall be subject to sale for delinquent payment of such special assessment the same as other property is sold for delinquent special assessments. (Prior code §9-1-13).

**12.28.110 Construction--payment—delinquency**

Upon the payments after the first, the Controller shall collect simple interest per annum at the maximum rate allowed on judgments under state law (§25-9-205, MCA) from the date when the first payment becomes delinquent, and shall receive payment in full and give receipts therefore for the entire special assessment of any property with interest to the date of payment, at any time the same may be tendered by the owner or agent. (Ord. 2312 §1, 1982: prior code §9-1-14).

**12.28.120 Condemnation**

Any sidewalks, which are now, or which may, by reason of natural deterioration or decay, or by reason of unevenness, steps, rapid slopes or from any cause whatsoever, become dangerous to the public safety, may be condemned by the

street commissioner or Director of Public Works, and may be immediately removed, remodeled, rebuilt, repaired or newly built, as may be most expedient, and the cost thereof shall be a lien upon the lot abutting upon such sidewalk and may be enforced or the amount may be recovered against the owner by a suit before any court of competent jurisdiction or may be assessed and collected as a special tax against such lot. (Prior code §9-1-7).

**12.28.130 Repair--owner's duty**

It shall be the duty of the owners and tenants of any premises within the limits of the City to keep the sidewalk in front of and adjoining their premises in good, safe and substantial condition, and the owners shall see that all breaks or unsoundness of any character resulting from natural deterioration, or from any cause whatsoever, is repaired with all possible dispatch and when by reason of the construction or repairs of sidewalks from any cause whatsoever any sidewalk or section thereof is removed or rendered dangerous or impassable to the public, such spaces or openings shall be securely fenced, and from dark until sunrise red lights shall be maintained thereon, while such dangerous condition exists, and a plank walk not less than two inches in thickness and not less than three feet in width shall be constructed around such construction or dangerous walk, the same to extend from sidewalk to sidewalk on each side of the opening or obstruction. (Prior code §9-1-6).

**12.28.140 Repairs required when--enforcement—injunction**

It shall be the duty of the Chief of Police and members of the Police Department to enforce the provisions of this chapter, and Police Officers shall immediately report any broken, defective or unsafe sidewalk to the owner of the premises in front of which such defect exists and shall notify the *owner* to repair the same forthwith. Police Officers shall also report all such defective walks and crossings as well as the particulars of any accidents that may occur, the names of witnesses, and persons injured thereby, to the Chief of Police, specifying the hour at which the owner as aforesaid was notified to repair the walk, and the Chief of Police shall in turn notify the street commissioner or Director of Public Works thereof. Upon the refusal or neglect of the owner of any premises to remove obstructions from or to make necessary repairs to the walks in front of the same, and when in the opinion of the street commissioner or Director immediate repairs or removal of the obstructions is necessary to prevent accidents, the street commissioner or Director may forthwith proceed with same, and the full costs of the repairs or the removal of such obstructions shall be collected or assessed as provided in Section 12.28.120. Absence of notice to owners to repair or remedy a dangerous walk or to remove obstructions therefrom shall not constitute a valid excuse against the payment of any fine or damages by such owners or occupants, and nothing contained in any of the preceding sections shall be so construed as to release the owners or occupants of real estate from the duty of keeping the sidewalks in front or adjoining their respective premises at all times in a safe and passable condition, and in good and thorough state of repair, but such duty is hereby expressly enjoined and imposed upon all such owners and occupants. (Prior code §9-1-8).

**12.28.150 Special fund created**

- A. There is created a fund to be known as the "special sidewalk and curb fund." All monies hereafter collected from assessments made for the construction of sidewalks and curbs ordered by the governing body shall be placed to the credit of the special sidewalk and curb fund.
- B. Warrant Form. When any sidewalk or curb is constructed by or under the direction of the governing body, payment for the construction thereof shall be made by special warrants, which shall be in substantially the following form (regular City warrant form to be used):

"THE TREASURER OF THE CITY OF GREAT FALLS, MONTANA No.				
DATE	WILL PAY TO	FUND	WARRANT NO.	AMOUNT
\$				
			Mayor	
			Clerk	

- C. Denomination. The special sidewalk and curb warrants shall be issued in a denomination of no more than one thousand dollars each. (Prior code §9-1-15).

## Chapter 32 SIDEWALK MAINTENANCE

**Sections:**

12.32.010	Obstruction--defined--prohibited
12.32.020	Sidewalk--restricted use
12.32.030	Snow and ice removal--owner's duty
12.32.040	Snow and ice removal--hours designated for completion
12.32.050	Snow and ice removal--depository prohibited where
12.32.060	Sanding required when--owner's duty
12.32.070	Wet cement--trespassing prohibited
12.32.080	Failure to comply--City performs work--cost--assessment
12.32.090	Violation--penalty

**12.32.010      Obstruction--defined—prohibited**

- A. "Obstruction," as used in this chapter, is intended to mean clothing, fruit or any kind of merchandise, boxes, crates, trunks, racks and stands of every nature and description.
- B. It is unlawful for any person or persons, firm or corporation to place, cause to be placed or to permit any obstruction to be placed or remain upon any of the sidewalks of the City, except in cases where artwork has been approved by the City and placed within the Business Improvement District as part of the Discovery Gallery. (Ord. 2766, 2000; Prior code §9-3-1).

**12.32.020      Sidewalk--restricted use**

It is unlawful hereafter for any person or persons to ride or drive any horse, mule or other animal, buggy, wagon, bicycle or other vehicle along, over or on any of the sidewalks within the City, or to push any pushcart or wheelbarrow thereon or do damage in any way to the sidewalks. (Prior code §9-3-2).

**12.32.030      Snow and ice removal--owner's duty**

It shall be the duty of the owner and tenant of any premises within the limits of the City to keep the sidewalk in front of and adjoining the premises free from obstructions subject to the special conditions set out in Sections 12.32.040 through 12.32.060. (Prior code §9-3-3(part)).

**12.32.040      Snow and ice removal--hours designated for completion**

Snow, ice, and similar material that has accumulated during the preceding hours shall be removed from sidewalks in commercial areas before eleven a.m. each day and shall be removed from residential areas within twenty-four hours after the snowfall. Once cleared, all sidewalks shall be kept clear of snow, ice, and similar material. (Prior code §9-3-3(A)).

**12.32.050      Snow and ice removal--depository prohibited where**

Snow, ice, and similar material removed from sidewalks in commercial areas shall not be deposited on the adjoining streets, avenues or alleys within two feet of the curbline. (Prior code §9-3-3(B)).

**12.32.060      Sanding required when--owner's duty**

Polish or smoothness resulting from any cause which renders a sidewalk dangerous and unsafe shall be sanded and where there is permanent polish or smoothness on a sidewalk, the surface of the sidewalk shall be repaired in accordance with the directions of the Director of Public Works. (Prior code §9-3-3(C)).

**12.32.070      Wet cement--trespassing prohibited**

It is unlawful for any person to tramp, step or trespass unnecessarily upon any cement or concrete sidewalk in course of construction before such sidewalk becomes set and firm. (Prior code §9-3-4).

**12.32.080      Failure to comply--City performs work--cost—assessment**

If the owners or tenants of property adjoining a sidewalk fail to comply with the provisions of this chapter, the City shall cause any and all obstructions to be removed and shall bill the cost thereof, together with a reasonable charge for the administration and supervision, to the parties. If the charges are not paid within sixty days, the commission shall pass a resolution assessing the charges as a special tax against the premises. (Prior code §9-3-3-(D)).

**12.32.090      Violation—penalty**

Violation of this chapter shall be deemed a misdemeanor and any person violating the provisions of this chapter may be fined in an amount not exceeding five hundred dollars or imprisonment not to exceed six months for any one offense. (Prior code §9-3-3(E)).

**Chapter 33**  
**EMERGENCY SNOW ROUTE**

**Sections:**

- 12.33.010 Declaration of snow emergency
- 12.33.020 Emergency snow routes--designation
- 12.33.030 Emergency snow routes--signing
- 12.33.040 Removal--vehicles
- 12.33.050 Snow emergency--notice

**12.33.010 Declaration of snow emergency**

The City Manager or designated representative are authorized to declare a snow emergency when in their opinion an emergency exists in the City or in a section or sections thereof because of snow, freezing rain, sleet, snow drifts or other natural phenomenon which create or are likely to create hazardous road conditions or impede the free movement of fire, health, police, emergency or other vehicular traffic or otherwise endangers the safety and welfare of the community and shall remain in effect until the snow has been plowed to the curb lines or removed from the street. (Ord. 2526 §1(part), 1989).

**12.33.020 Emergency snow routes—designation**

To facilitate the removal and to assure the regular flow of traffic during a snow emergency, the following streets and public thoroughfares are designated as emergency snow routes:

Central Avenue	9th Street to 46th Street
Central Avenue West	20th Street SW to 29th Street SW
Division Road	28th Avenue NW to Smelter Avenue
Fox Farm Road	10th Avenue South to East Fiesta
Park Garden Road	Riverview Court to Ivy Drive
Smelter Avenue	3rd Street NW to 9th Street NW
1st Westhill Drive	3rd Westhill Drive to Sun River Road
3rd Avenue South	38th Street South to 57th Street South
4th Street South	10th Avenue South to 17th Avenue South
6th Street NW	Smelter Avenue to Central Avenue West
8th Avenue North	Park Drive to 38th Street North
8th Street NE	Smelter Avenue to Skyline Drive
9th Street	River Drive to 17th Avenue South
9th Street NW	Smelter Avenue to Central Avenue West
9th Street NE	Skyline Drive to 36th Avenue N.E.
17th Avenue South	4th Street South to 9th Street South
20th Street SW	Central Avenue to 5th Avenue SW
25th Street	River Drive North to 13th Avenue South
26th Street	8th Avenue North to 16th Avenue South
33rd Street South	10th Avenue South to 17th Avenue South
38th Street	River Drive North to 10th Avenue South

(Ord. 2526 §1(part), 1989).

**12.33.030 Emergency snow routes—signing**

When signs have been erected giving notice thereof, it shall be unlawful for any person to stop, stand, park or leave unattended any motor vehicle upon a designated snow route within the City, during a snow emergency. Parking may be resumed on individual streets as soon as the snow has been plowed or removed. This provision shall not prohibit the stopping or commercial passenger vehicles for periods sufficient to load or discharge passengers from such vehicles. (Ord. 2526 §1 (part), 1989).

**12.33.040 Removal—vehicles**



Whenever a motor vehicle has been stopped, parked or left unattended after the inception of a snow emergency, upon a designated emergency snow route within the City, said vehicle is declared to be a traffic hazard and the Chief of Police shall order said motor vehicle removed at the owner's expense. (Ord. 2526 §1(part), 1989).

**12.33.050 Snow emergency—notice**

Notice of such emergency shall be given by press, radio and television and the news media shall be requested to cooperate with City officials and, when given, such notice shall constitute due and proper notice. (Ord. 2526 §1(part), 1989: Ord. 2187, 1980).

**Chapter 36  
PRIVATE DRIVEWAYS AND CROSSWALKS**

**Sections:**

- 12.36.010 Construction--supervision
- 12.36.020 Construction--permit--application--fee
- 12.36.030 Construction--barricades required
- 12.36.040 Construction--sidewalk--materials
- 12.36.050 Construction--driveway--location
- 12.36.060 Construction--driveway--frontages
- 12.36.070 Construction--driveway--drainage structures
- 12.36.071 Construction--driveway--transition design
- 12.36.080 Construction--driveway--width limitations
- 12.36.090 Construction--driveway--adjoining
- 12.36.100 Construction--right-of-way distances
- 12.36.110 Construction--intersection clearances
- 12.36.120 Construction--conformance with national regulations
- 12.36.130 Use discontinuance--sidewalk restoration

**12.36.010 Construction—supervision**

The construction of concrete driveways and concrete crosswalks used for private purposes, within the street lines of the City, shall be under the supervision and direction of the Director of **Planning and** Community Development, authorized assistant or duly appointed inspector. The design and concrete mixture shall conform to standard specifications on file in the Department of Public Works office of the City for concrete sidewalks and concrete crossings. (Ord. 2568 §1(part), 1990: prior code §9-2-1).

**12.36.020 Construction--permit--application—fee**

- A. All applications for permits for concrete driveways or concrete crosswalks must give a description of the property to be served and such other information as may be required by the director, for the proper direction of the work, and must be signed by the owner or authorized agent.
- B. Before commencing the construction, modification or repair of any concrete driveway or concrete crosswalk, the contractor shall first obtain a written permit from the Department of **Planning and** Community Development, and such permit shall be upon the ground at all times during the progress of the work and must be shown to any office in authority, on demand.
- C. For each and every permit a fee will be charged and collected by the director. (Ord. 2568 §1(part), 1990: prior code §9-2-2).

**12.36.030 Construction--barricades required**

Excavations in streets and avenues shall be made in such manner as to impede travel as little as possible, and the time that such excavation is open may be limited by the director, his assistant or inspector. Efficient barricades shall be erected by the contractor around all trenches or embankments made within the limits of any street or avenue, and red lights shall be maintained thereon from dark to daylight until the street or avenue has been restored to a safe and passable condition. At no time during the progress of the work shall sidewalks be unnecessarily blocked to travel. (Prior code §9-2-3).

**12.36.040 Construction--sidewalk—materials**

After the governing body orders any cement or concrete sidewalk to be built in any boulevard district no private walk shall be built therein from the curblin to the property line or from the sidewalk to either line unless the same is made of cement or concrete. Cement or concrete private walks shall be of uniform width and shall be built upon the established grade from the curblin to the property line, and shall be not less than thirty-six inches in width or more than forty-eight

inches in width; provided, that in front of churches, schoolhouses, the court house and other public buildings, the cement or concrete private walks may be of greater width than above mentioned. (Prior code §9-2-4(A)).

**12.36.050 Construction--driveway—location**

Driveways shall be so located at the discretion of and by the approval of the Director of Public Works as to result in no undue interference with or hazard to the free movement of normal traffic or interfere with the placement and proper functioning of highway signs, signals, lighting, or other devices that affect traffic operation. (Prior code §9-2-4(B)).

**12.36.060 Construction--driveway—frontages**

Frontages of fifty feet or less shall be limited to one driveway, with not more than two driveways to be provided to any single property tract or business establishment, except where the property frontage exceeds six hundred feet. (Prior code §9-2-4(C)).

**12.36.070 Construction--driveway--drainage structures**

All driveways shall be so constructed so as not to impair drainage within the street or highway right-of-way nor alter the stability of the roadway sub-grade and at the same time not impair or materially alter drainage of the adjacent areas. All drainage structures required within the public right-of-way and under the driveways as a result of the property being developed shall be installed in accordance with the standards of the Director of Public Works. (Prior code §9-2-4(D)).

**12.36.071 Construction--driveway--transition design**

All driveways shall have the back of curb dropped a minimum of four inches for the width of the driveway. The minimum driveway transition distance shall be from the back of the curb to the property line and shall occur in a uniform manner. Curb fillets constructed by filling in the curb and gutter are prohibited as a means of transition from the street to the driveway. This prohibition of curb fillets is retroactive to all existing curb fillets within the City and all future annexations to the City. Exceptions for cause must be approved by the Director of Public Works. (Ord. 2490, 1988).

**12.36.080 Construction--driveway--width limitations**

Residential use driveway width as measured parallel with the edge of the traveled way, shall be limited to ten feet per garage stall or parking pad to a maximum of three. For commercial uses, driveway width shall be limited to forty-five feet. (Ord. 2543 §1, 1989; prior code §9-2-4(E)).

**12.36.090 Construction--driveway—adjoining**

The distance between two adjacent driveways to the same frontage shall be not less than thirty feet. (Prior code §9-2-4(F)).

**12.36.100 Construction--right-of-way distances**

Gasoline pump islands or other installations with parking parallel to the right-of-way line shall be at least ten feet outside of the right-of-way line. Buildings or other installations with an angle of ninety degrees parking between it and the right-of-way line shall be at least thirty feet outside the right-of-way line. (Prior code §9-2-4(G)).

**12.36.110 Construction--intersection clearances**

At an intersecting street or highway, the dimension measured along the edge of the traveled way to provide adequate corner clearance shall be measured a minimum distance of ten feet from the intersecting property line except at intersections where there are traffic signals, the nearside clearance shall be two or more times this distance. (Prior code §9-2-4(H)).

**12.36.120 Construction--conformance with national regulations**

Specific controls not defined in this chapter shall be in accordance with the standards for private driveway regulations established by the American Association of State Highway Officials and as applied by the discretion of the Director of Public Works. (Prior code §9-2-4(I)).

**12.36.130 Use discontinuance--sidewalk restoration**

Whenever the use of any existing or future driveway is discontinued by reason of change in the use or design of the private property served thereby, the owner of the private property shall remove that portion of the driveway located within the City right-of-way, and shall restore the sidewalk and curbing affected by the driveway to their normal levels, all under the direction, supervision and standards required by the Director of Public Works. This section shall be applicable to any existing driveway, the use of which is presently discontinued. Upon the failure or refusal

of the owner to restore the sidewalk and curbing as provided in this section, the City Commission may order the restoration of the sidewalk and curbing under the provision of Sections 12.28.060 through 12.28.110 and 12.28.150. (Prior code §9-2-4(J)).

**Chapter 40  
TREES AND SHRUBBERY**

**Sections:**

- 12.40.010       Trimming required
- 12.40.020       Hedge and shrubbery maintenance
- 12.40.030       Injuring trees and shrubbery unlawful

**12.40.010       Trimming required**

Any owner or occupant of any real property shall trim all trees on property owned or occupied by him/her, overhanging any public thoroughfare, so that the branches thereon will not interfere with pedestrians or public travel. (Prior code §9-4-1).

**12.40.020       Hedge and shrubbery maintenance**

Any owner or occupant of any real property shall maintain all hedges and shrubbery adjacent to public sidewalks so that no part of the hedges and/or shrubbery shall extend over any part of a public sidewalk in the municipality. (Prior code §9-4-2).

**12.40.030       Injuring trees and shrubbery unlawful**

It is unlawful for any person, not the owner thereof, or without lawful authority to do so, to injure willfully, deface, disfigure or destroy any tree or shrub, or to injure, destroy, cut or pick any flower or plant located either on private ground or on any public place or thoroughfare. (Prior code §9-4-3).

**Chapter 44  
TREE REMOVAL<sup>3</sup>**

**Sections:**

- 12.44.010       Application
- 12.44.020       New location
- 12.44.030       Construction--obstruction to growth--prohibited
- 12.44.040       City Forester to remove or supervise

**12.44.010       Application**

Any person, firm or corporation desiring to cut down any of the trees located upon the boulevards of the City, shall submit an application to the City park and recreation department for its review. The application shall state the lot, block and street number adjacent to the affected boulevard area; the reason for the request; a plan showing the location of the tree or trees; the distance the tree or trees will be moved; or the tree or trees to be cut down. The park and recreation department shall review the application and within ten days of the receipt thereof, submit its recommendation to the City Manager. Whereupon the City Manager shall approve or reject the application and immediately notify the applicant of the decision.

The applicant may appeal the decision of the City Manager by filing a written notice of appeal with the office of the City Clerk within ten days of the receipt of the decision. The appeal shall be heard at the next regularly scheduled meeting of the City Commission. (Ord. 2065 (Part 1), 1979; prior code §6-1-3(E)).

**12.44.020       New location**

No tree or trees shall be moved to a place where the conditions will hinder their growth or the growth of others, and the new location must conform as nearly as possible to the regular spacing and alignment of the trees in the locality to which it is moved. (Prior code §6-1-3 (E-1)).

**12.44.030       Construction--obstruction to growth—prohibited**

---

<sup>3</sup>For provisions on damage to property, see Ch. 9.32 of this code.

It is unlawful for any person, firm or corporation to build or construct anything around the base or about any part of a tree that may hinder its growth or disfigure its appearance. (Prior code §6-1-3 (E-2)).

**12.44.040 City Forester to remove or supervise**

Upon the permission of the City Manager, the City Forester may cut down or remove any tree or trees which have been petitioned to be cut down or removed from the public boulevards of the City, provided, however, that all expenses of cutting or removal and transplant shall be paid by the petitioning party and such cutting, removal and transplanting shall be supervised by the City Forester. (Ord. 2065 (Part 2), 1979; prior code §6-1-3 (E-3)).

Title 13  
**WATER AND SEWER AND STORM DRAINAGE**

**Chapter**

---

- 2        General Provisions – Water, Sewer and Storm Drainage
- 4        Water – General Rules and Regulations
- 6        Water Service Lines
- 8        Water Service Contract
- 10       Water Meters
- 12       Sewer General Rules and Regulations
- 14       General Discharge Prohibitions
- 16       Building Sewer – General Regulations
- 18       Wastewater Customer Classification and Rates
- 20       Administration of Industrial Discharges
- 22       Industrial Wastewater Enforcement/Penalties
- 24       Storm Drainage Utility – General Rules and Regulations
- 26       Storm Drainage Rates and Charges

**Chapter 2**  
**GENERAL PROVISIONS – WATER, SEWER AND STORM DRAINAGE**

**Sections:**

- 13.2.010        Title
- 13.2.020        Applicability of code
- 13.2.030        Purpose
- 13.2.040        Rates--general
- 13.0.050        Rates--complaint--procedure
- 13.2.060        Billings--payments
- 13.2.070        Service area
- 13.2.075        Annexation requirements
- 13.2.080        Private water or sewer systems
- 13.2.090        Destruction or vandalism to utility facilities
- 13.2.100        Usage--violation--charge
- 13.2.110        Right of entry
- 13.2.120        Violation--penalty
- 13.2.130        Enforcement of rules and regulations

**13.2.010        Title**

This chapter shall be known as the Great Falls Water, Sewer and Storm Drainage Code, may be cited as such, and will be referred to in this chapter as "this code." (Ord. 2645, 1993).

**13.2.020        Applicability of code**

The rules and regulations of the City set out in Title 13 are made a part of the contract with every individual, firm or corporation who takes water or connects to the City water/sewer system, and every such individual, firm or corporation agrees, in making an application for water, sewer or storm drainage to be bound thereby.

In all cases wherein by the rules set out in this chapter any discretion is vested in City personnel, such discretion shall be subject to the control of the Great Falls City Commission. (Ord. 2645, 1993; Ord. 2529 (part), 1989 § 13.28.010 and 13.28.020; Ord. 2386 Exh. A (part), 1985 § 13.20.360; Ord. 2356 Exh. B (part), 1984 § 13.08.010, 13.08.270, 13.08.350).

### **13.2.030 Purpose**

The purpose of Title 13 is to provide standards to safeguard life, health, property and public welfare of the inhabitants of the City and for the purpose of controlling the use of the water, sewer and storm drain systems by regulating and managing the design, quality of materials, construction, location and maintenance; to charge and collect service fees upon all lots, lands, property and premises served or benefited by the said systems. The purpose of the rates and charges shall be to generate sufficient revenue to pay all costs for the operation and maintenance, administration and routine functions of the existing and such future facilities as may be established within, or without the service area. The water, sewer and storm drain systems and facilities consist of all pipelines, conduits, manholes, clean outs, water/sewer mains, storm drains, intercepting sewers, outfall sewers, lift stations, pumps, structures, mechanical equipment and facilities for the treatment and or disposal of water and sewage or sewage by products. (Ord. 2645, 1993; Ord. 2529 [part], 1989, prior code § 13.24.010, 13.28.010; Ord. 2386, Exh. A (part), 1985, prior code § 13.20.010, 13.20.350, 13.20.540).

### **13.2.040 Rates – general**

All rates or fees for use of the utility systems or for permits, licenses, connections or inspections shall be defined by resolution and approved by the City Commission. The City reserves the right to develop and implement separate rate schedules for classes of users not specified elsewhere in this title. (Ord 2645, 1993 (part); Ord. 2532 §2, 1989, prior code § 13.20.481).

### **13.2.050 Rates--complaint—procedure**

The rates, charges and rentals specified in Title 13 shall be deemed prima facie fair, reasonable, and equitable. In any case where any contention is made that the rates are unfair, inequitable or unreasonable, the party objecting thereto shall apply to the City, stating the facts and grounds of complaint, and the City shall investigate and report with recommendations to the City Commission. (Ord. 2645, 1993; Ord. 2386 Exh. A [part], 1985, prior code §13.20.530 (part)).

### **13.2.060 Billings—payments**

Billings for utility services will be made monthly. Payments shall be made at the Fiscal Services Department within ten days after the billing date. If not paid before the fifteenth day after the billing date, the right is reserved to discontinue the service after a reasonable written notice. (Ord. 2645, 1993; Ord. 2356 Exh. B (part), 1984, §13.08.260 (part)).

### **13.2.070 Service area**

The utility system service area shall be:

- A. Inclusive of all premises annexed to the City and bounded by the incorporated City limits, as such limits may be adjusted by the City Commission; and
- B. Restricted to those premises abutting a public right-of-way or easement and directly adjacent to a sanitary sewer or water main location therein. The sole exception thereto shall be those buildings and service lines in place and legally existing prior to the adoption of the ordinance codified in this section. (Ord. 2645, 1993; Ord. 2529 (part), 1989), §13.24.040 (part); Ord. 2386 Exh. A (part), 1985, prior code §13.20.160 (part); Ord. 2356 Exh. B (part), 1984, prior code §13.08.020 (part)).
- C. Notwithstanding the limitation of the service area described in paragraph A and B, the service area may be extended beyond the corporate City limits by a contract for utility and all other City services until an election satisfies the requirements of Article VIII, Section 17, of the Montana Constitution, whereupon, the extended area of service must be annexed to the City. Paragraph C, hereof, shall expire and be of no effect should Article VIII, Section 17, of the Montana Constitution be held unconstitutional or otherwise abrogated. (Ord. 2749, 1999)

(Codifiers Note: 13.2.070 is commonly referred to as “Virtual Annexation.”)

### **13.2.075 Annexation requirements**

Property owners of parcels located outside the city limits receiving city water and/or sewer service must consent to annexation into the city of such parcels as a condition of continuation of city water and/or sewer service. Failure of the property owners to consent to such annexation into the city will result termination of water and/or sewer services to such parcels located outside the city limits. (Ord. 2930, 2006)

**13.2.080 Private water or sewer systems**

There shall be no physical connection between any private water supply system and the Great Falls municipal water system on any premises served by the Great Falls municipal water system. Private sewage disposal systems will not be installed within the municipality of Great Falls. (Ord. 2645, 1993; Ord. 2356 Exh. B (part), 1984, §13.04.120).

**13.2.090 Destruction or vandalism to utility facilities**

No person(s) shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is a part of the Utility facilities of the Public Works Department. Any person(s) violating this provision shall be guilty of a misdemeanor.

It is an offense punishable pursuant to the general penalty provided in Chapter 1.4.070 of this Code for any person to do any of the following acts:

- A. To open, close, turn or interfere with, or attach to, or connect to a fire hydrant, stop valve or stop cock belonging to the Utility Division, without proper permit;
- B. To throw any deleterious matter into the river within three thousand feet of the inlet pipes to the water treatment plant pumping works;
- C. To bathe in the river within five hundred feet of the inlet pipes to the water treatment plant pumping works;
- D. For any person to fill any tank or container having a capacity of more than five gallons and used for the transportation of chemical or solutions of chemicals of any kind whatsoever with water obtained directly from any water source connected with the City water system including, but not limited to, public, private, or domestic standpipes, hydrants, taps, pipes, or hoses, unless the same have been equipped with a backflow preventive device approved and inspected by the City. The foregoing shall not prohibit any person from filling such containers with water obtained indirectly from the City water system by means of a second or intermediate container, or at water sources in the City specifically designated and approved by the City for the filling of containers used for the transportation of chemicals or solutions of chemicals. (Ord. 2645, 1993; Ord. 2386, Exh. A (part), 1985, §13.20.310 (part); Ord. 2356 Exh. B (part), 1984, §13.08.340 (part)).

**13.2.100 Usage rates--violation—charge**

The rates will cover the use of the utility systems in accordance with this chapter. Overtime will be charged for work done other than during normal working hours. If a consumer uses the utilities for purposes other than those he/she is paying for, it is a violation of his/her contract, and the consumer offending, after reasonable notice, may have the water shut off and service discontinued until such time as the additional service furnished has been paid for, together with the actual additional expense incurred in shutting off and turning on the water. (Ord. 2645, 1993; Ord. 2386 Exh. A (part), 1985, §13.20.410).

**13.2.110 Right of entry**

City employees bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing pertinent to water quality or discharge into the community system or repair and maintenance of any portion of the utility system/facilities in accordance with the provisions of this chapter. Where the property entered is an easement, all work shall be done in accordance with the terms of the easement agreement. (Ord. 2645, 1993; Ord. 2386, Exh. B (part), 1985, § 13.20.320, 13.20.330, 13.20.340 (part); Ord. 2356 Exh. B (part), 1984, § 13.08.110, 13.08.120 (part)).

**13.02.120 Violation—penalty**

Violation of any of the terms of Title 13 is a misdemeanor and is punishable pursuant to the general penalty provided by this Code. In addition to the foregoing penalty, upon receiving notification from an authorized official of a violation of any part of Title 13, the Public Works Director shall immediately cause the municipal water supply to be shut off from the premises where such violation is found. The municipal water service shall not be restored until such violation is corrected and has been duly inspected by the authorized official. (Ord. 2645, 1993; Ord. 2356 Exh. B (part), 1984, §13.04.130).

**13.2.130 Enforcement of rules and regulations**

It shall be the duty of the Police and Fire Departments of the City to give vigilant aid to the City in the enforcement of its rules and regulations, and to this end they shall report to the office of the City Manager all violations thereof which come to their knowledge. See Section 13.06.040. (Ord. 2645, 1993; Ord. 2356 Exh. B (part), 1984, § 13.08.370).

#### **Chapter 4**

### **WATER – GENERAL RULES AND REGULATIONS**

**Sections:**

13.4.010	Definitions--water
13.4.020	Water service - emergency discontinuance
13.4.030	Restriction of water use--authorization
13.4.040	Restriction of water use--violation--misdemeanor
13.4.050	Water service--violation--penalty
13.04.060	Water service--owner responsibilities

**13.4.010 Definitions—water**

Unless the context specifically indicates otherwise, the meaning of terms used in this title shall be as follows:

"Authority" means the state or local government entity enacting and enforcing this chapter.

"Bathe" means to immerse and wet oneself or wash oneself.

"City Manager" means the city manager of the City or authorized deputy, agent or representative.

"Connection Fee" is a fee for service extension to new buildings, or for extension to new buildings for larger diameter lines.

"Curb" shall mean the vertical member along the edge of a street to form part of the gutter.

"Curb Box" is a cast iron or plastic tube-like device to provide easy access to curb valves which are located underground.

"Curb Valve" is a valve installed in the water service line and accessible for operation from the surface of the ground for routinely interrupting flow through the service line.

"Dedicated Right-of-Way" means a legal right to the land used by a public utility for water or sewer lines.

"Easement" means an acquired legal right for the specific use of land owned by others.

"Motel" and "Hotel" means a building or group of buildings on the same premises either detached or in connected rows; containing sleeping or dwelling units, and designed for, or occupied with an ordinary rental period not exceeding two weeks.

"Family Residence" is a dwelling structure having not more than two living units.

"Fire Lines" shall mean lines which provide water to private fire alarm systems.

"General Plumbing Permit" is a permit issued when any water service piping is repaired, altered or installed.

"Mobile Home" shall mean a trailer that is used as a permanent dwelling, is connected to utilities and designed without a permanent foundation.

"Montana Public Works Standard Specifications" is a manual establishing maximum uniformity of engineering and construction practices among Montana public works projects.

"Multi-unit Dwelling" means a building containing a unit or combination of units with individual bath and kitchen facilities. This definition includes apartments, condominiums, townhouses. A seasonal multi-unit dwelling is an individual unit of a multi-unit dwelling which is occupied on an intermittent basis and is not utilized as a primary residence.



"MUTCD" means Manual of Uniform Traffic Control Devices.

"O & M" means operation and maintenance.

"Private Water Supply System" means any assemblage of pipes, hose, conduits, pumps, tanks, siphons, etc., whereby water is obtained from any well, spring, pond, digging, river, or lake, to be used on or above the ground for any purpose.

"Remote" means the outside receptacle used to read the water meter consumption.

"Residential Building" means and includes only the types of buildings and structures: single-family residential, duplexes, triplexes, apartment houses, motels, hotels, trailer courts and multi-unit dwellings.

"Residential Customer" means any single family residence occupied by one family.

"Right-of-Way Permit" is a permit issued for any excavation in a dedicated right-of-way.

"Service Area" See Section 13.02.060

"Service Connection" is the point at which the building water or sewer connects to the public water or sewer.

"Shall" is mandatory (see "may").

"Single Family Service" shall mean that one meter is supplied for service to one dwelling unit.

"Single Family Residence" means a building designed for and used exclusively for residence purposes by one family. This definition shall include a single mobile home not located in a trailer court.

"Sprinkler Line" shall mean lines providing water to underground lawn sprinkling systems.

"Tapping Fee" is a fee charged for any new or replacement tap being made on a water main.

"Trailer Court or Mobile Home Park" means any area or site or land upon which two or more mobile homes are placed and maintained for dwelling purposes, either on a permanent or semi-permanent basis.

"Trailer House" is the same as "mobile home."

"Utility" means a service (water, sewer, storm drain) or the department of Public Works that provides such service.

"Watercourse" means a natural or artificial channel for the passage of water either continuously or intermittently.

"Water Meter" shall be referred to as "meter."

"Water Service" shall mean any utility water that is provided to a location.

"Water Service Line" is the line that carries the water to the requested location

"Water, Sewer, Sanitation, Storm Drain and Fire Hydrant Consumer Contract" shall mean the contract made between the City of Great Falls and the customer. (Ord. 2645, 1993; Ord. 2356 Exh. B (part), 1984, § 13.04.100 (part)).

#### **13.4.020 Water service--emergency discontinuance**

Notice will be given, whenever practicable, prior to shutting off the water, but consumers are warned that owing to unavoidable accidents or emergencies their water supply may be shut off at any time. Any temporary failure on the part of the City to supply service by reason of an accident or otherwise shall not render the City liable beyond a pro rata abatement of service charges during such interruption. (Ord. 2645, 1993; Ord. 2356 Exh. B (part), 1984, §13.08.100 (part), 13.08.150).

#### **13.4.030 Restriction of water use—authorization**

- A. The City reserves the right in the case of shortage of water, or for any other cause, to make an order, rule or regulation forbidding or suspending the use of City water for sprinkling, irrigating or watering any lawn or garden, or other uses deemed necessary.
- B. The City Manager is authorized and empowered, when in his/her opinion the amount of water being pumped reaches such volume that, unless restricted, the public health, safety and general welfare might be endangered, to establish the times and hours when City water be used for irrigating, sprinkling or watering lawns and gardens, and may set and fix times when no water may be used for such purposes by giving notice through the City's official newspaper and local radio stations. (Ord. 2645, 1993; Ord. 2356 Exh. B (part), 1984, §13.08.370).

**13.4.040 Restriction of water use--violation—misdemeanor**

Any person violating the restrictions as imposed by the City or who wastes water by letting it run in avenues, streets, alleys or roadways shall be guilty of a misdemeanor. (Ord. 2645, 1993; Ord. 2356 Exh. B (part), 1984, §13.08.380).

**13.4.050 Water service--violation—penalty**

- A. For violation of any of the rules set out in Sections 13.04 through 13.10 or for nonpayment of water rent, for either domestic, sprinkling or other purposes, the City has the right to turn off the water without further notice, and after it has been turned off from any service pipe on account of nonpayment or violation of the rules, the same shall not be turned on again until back rents and the cost to turn the water on are paid. The charge for turning the water on shall be determined by City resolution.
- B. The City agrees to furnish water, sewer and storm drainage services for certain specified users for a certain specified sum. If, therefore, a consumer furnishes other people with water without permission from the City or uses it for other purposes than those he/she is paying for, it is a violation of his/her contract, and the consumer offending, after reasonable notice, may have his/her water shut off and service discontinued until such time as the cost of additional service furnished and the cost to turn the water on are paid. The charge for turning the water on shall be determined by City resolution. (Ord. 2645, 1993; Ord. 2356 Exh. B (part), 1984, §13.08.130 (part)).

**13.4.060 Water service--owner responsibilities**

Owners of property must keep their fixtures and service pipes in good order at their own expense, and all water ways closed when not in use. Leaky fixtures must be repaired at once without waiting for a notice from the City, and if not repaired after reasonable notice is given the water will be shut off by the Public Works Department. (Ord. 2645, 1993; Ord. 2356 Exh. B (part), 1984, §13.08.060 (part)).

**Chapter 6**

**WATER SERVICE LINES**

**Sections:**

- 13.6.010 Water: service line--general regulations
- 13.6.020 Water: license--application--fee
- 13.6.030 Water: license--conditions
- 13.6.040 Water service line--permits--inspection--fees
- 13.6.050 Excavations--general regulations
- 13.6.060 Excavations--streets or alleys
- 13.6.070 Excavations--refilling
- 13.6.080 Water service--razed buildings--regulations

**13.6.010 Water: service line--general regulations**

- A. Every person, firm, corporation, or licensee under this chapter wishing to install, repair, extend, alter, relocate, replace, or otherwise modify any water service line or pipe, or wishing to excavate any trench for the purpose of laying or repairing any water service line or pipe, shall obtain a proper license for such work from the **Planning and Community Development Department**. All the expense of laying and maintaining the service pipes from the mains to the consumer's premises must be borne by the consumer. (Ord. 2645, 1993; Ord. 2356 Exh B (part), 1984, §13.04.040).
- B. No plumber or other person will be allowed to make a connection with any conduit, pipe or other fixture connecting therewith, or to connect pipes when they have been disconnected, or to turn water off or on, on any premises without permission from the Public Works Department. (Ord. 2645, 1993; Ord. 2356 Ex. B (part), 1984, §13.08.070).
- C. Service pipes shall be so arranged that each separate building and/or house shall be supplied by a separate service line from the City main. A valve or curb stop (with box) shall be installed in each service line so that the supply may be controlled from the street side of the property line, under rules established by the City or civil authorities.

- This curb valve and box must be kept in repair and easily accessible to City utility crews. (Ord. 2645, 1993; Ord. 2356 Exh. B (part), 1984, §13.08.080 #A and 13.08.040 (part)).
- D. At no time will it be allowed to extend a water service which is intended to supply water to a property facing one avenue or street to another property facing another avenue or street if said water service has to cross a public right-of-way such as an avenue, street or alley. (Ord. 2645, 1993).
- E. Where water is now supplied through one service to several houses, families, or persons, the City Manager may either decline to furnish water until separate services are provided, or may continue the supply on the condition that one person shall pay for all on the same service, and assume full responsibility for the maintenance and repair of the entire service line. (Ord. 2645, 1993; Ord. 2356 Exh. B (part), 1984, §13.08.080 #B).
- F. When the owner fails to properly maintain the curb valve and box and it becomes necessary for the City to shut off the water, necessary repairs or restoration will be made by the City, or if the service line fails between the City main and the curb shut off and the owner does not take prompt action for its repair, the City will shut the service line off at the corporation cock (connection to the main) but will not repair or replace the service line. In both of the foregoing instances reasonable written notice will be given the owner regarding the action to be taken by the City. The entire cost of time and materials will be charged to the owner. This charge shall be paid before the water service is restored. (Ord. 2645, 1993; Ord. 2356 Exh. B (part), 1984, §13.08.080 #C).
- G. Water will not be turned on at any new building until all water used during construction has been paid for. (Ord. 2645, 1993; Ord. 2356 Exh. B (part), 1984, §13.08.110 (part)).
- H.
1. Water services 3/4 inch through two (2) inches shall be of Type K soft copper from the corporation stop (connection to the main) to the entrance valve in the building or residence. Water services less than one hundred (100) feet in length from the curb stop to the building or residence shall be Type K soft Copper from the curb stop to the entrance valve inside the building or residence. From the entrance valve to a point a minimum of one foot past the meter setting, the service material shall be of Type M of L hard copper pipe. Water services greater than one hundred (100) feet in length from the curb stop to the building or residence shall be Type K soft copper or HDPE, 200 psig meeting AWWA C-901 Standards. When HDPE, 200 psig is used a meter pit approved by the City shall be installed two feet from the curb stop on the property side of the curb stop at the property owner's expense. Type K soft copper shall connect the curb stop and the meter pit. Pipe from the meter pit to the entrance valve inside the building or residence can be HDPE, 200 psig. Fittings used to connect the copper pipe to HDPE, 200 psig shall be all brass similar to Mueller "Insta Tight" fittings. When HDPE, 200 psig is used #14 THNN copper tracer wire shall be installed from the curb stop to the house in the trench with the service line. (Ord. 2946, 2006)
  2. Fire lines and domestic lines over 2 inches in diameter shall be of C900 Class 200 PVC or ductile or iron. When C900 Class 200 pipe is used, it can run to a point ten feet outside the building foundation. From that point the material used shall be of ductile iron the remainder of the way into the building up to the water meter or fire system apparatus. (Ord. 2714, 1996; Ord. 2645, 1993; Ord 2356 Exh. B(part), 1984, §13.08.040(part)).
- I. The service pipe must be laid below final street grade and on the consumer's premises, at a standard depth (no less than six feet) as designated by the City to prevent freezing. If shallower at the water main, insulation, shall be used to protect the service pipe from freezing until the standard depth is obtained. (Ord. 2714, 1996).
- J. Within two feet of the point of service entrance to a building, and from one to three feet above the floor, an approved valve of good quality and good hydraulic characteristics must be placed so that the water can be readily shut off from the building. Full way gate valves or rotary valves, which include ball, cone and plug types are recommended. However, better quality compression stops or globe valves are permissible. The inlet side of any entrance valve shall be mechanically joined to copper service lines three-fourths-inch through two-inches by means of copper flare connections. If inlet side of any entrance valve on service lines larger than two-inches diameter shall be mechanically joined to the service pipe and property supported and restrained against movement in accordance with Public Works Department specifications. (Ord. 2714, 1996; Ord. 2645, 1993; Ord. 2356 Exh. B(part), 1984, §13.08.050(A)).
- K. No branch connection shall be made to a service line between the main and the entrance valve. Where a meter is required no branch connection shall be made between the main and the meter. (Ord. 2645, 1993; Ord. 2356 Exh. B (part), 1984, §13.08.050 #B).
- L. In areas where water service lines have been stubbed to properties with established property lines and said properties are replatted in order to enlarge lot size, only one service line shall be used to supply the replatted property with water. (Ord. 2645, 1993).
- M. All other service lines shall be abandoned at the City main. Excavating shall be done by a properly licensed and bonded person or firm. All cost for such work shall be charged to the property owner. (Ord. 2645, 1993).

The application for a license for running water service pipes shall be endorsed by the Building Official, who shall be satisfied as to the responsibility and ability of the applicant for doing such work. The annual fee for this license shall be in accordance with City resolution, payable in advance, except to those paying the plumbers' annual license fee in accordance with City resolution. (Ord. 2645, 1993; Ord. 2356 Exh. B (part), 1984, §13.04.010(B and C)).

### **13.6.030 Water: license—conditions**

Upon the granting of such a license and before the same has been issued, the licensee shall file with the **Planning and Community Development Department** a general liability policy or a written certificate of the same with bodily injury limits in the amount of three hundred thousand dollars (\$300,000) per claimant, and property damage limits of three hundred thousand dollars (\$300,000) per claimant and one million dollars (\$1,000,000) per occurrence which shall protect the City against all losses or damages which may occur on account of such license, or the carelessness or negligence of the licensee or employees during the time for which such a license is in force; and further conditioned that the licensee shall properly refill any and all trench or trenches made in the streets of the City, and shall keep and maintain the same in a safe and passable condition, level and even with the street surface for a period of two years from and after the time the same has been refilled. (Ord. 2645, 1993; Ord. 2356 Exh. B (part), 1984, §13.04.020).

### **13.6.040 Water service line--permit--inspection—fees**

For any such water service line, the person, firm, corporation, or licensee under this chapter shall obtain from the **Planning and Community Development Department** a water service line permit, which will give the location, nature, and purpose of the proposed work. This permit must be available at the site of the work at all times during the progress of the work and must be shown to any officer of the City upon demand. Permits and inspections are as shown in the subsections below. Fees shall be as established by City resolution.

#### **A. Permit Requirements and Fees.**

1. Permit requirements shall be based on the type and nature of the work anticipated and may include one or all of the following:
  - a. Right-of-Way Permit. This permit shall be issued prior to any excavation in a dedicated right-of-way.
  - b. Fire Line Permit. This permit shall be issued prior to the repair or installation of any water service line to be used as a dedicated fire line.
  - c. Curb Permit. This permit shall be issued prior to any excavation, removal, replacement of concrete curb or curb and gutter in a dedicated right-of-way.
  - d. Sidewalk Permit. This permit shall be issued prior to any excavation, removal, and replacement of concrete sidewalk in a dedicated right-of-way.
2. Two-inch and smaller diameters. Size of service to be stated on permit.
3. Over two-inch diameter. Plans shall be submitted containing the following:
  - a. Plot plan showing the exact location and depth of the entire line being installed; all fitting and valve locations; all with dimensions from property line and existing and proposed building improvements.
  - b. A complete list of proposed materials by type and brand name, all of which must comply with the Public Works Department standard specifications as outlined in the Montana Public Works Standard Specification, current edition, or other applicable rules and regulations of the City, for water mains and appurtenances.
4. General Plumbing Permit. This permit shall be issued when any water service piping is repaired, altered or installed. (For lines two inches and smaller, fee schedules shall be as per the Uniform Plumbing Code or by City resolution. For lines larger than two inches, fees for this inspection permit shall be as per City resolution).
  - a. Connection Fee. This fee shall be added to at the time of water service extension from the curb box to the building. The connection fee is not applicable to fire lines.

#### **B. Inspection.** The Building Official, or authorized representative, shall inspect and approve all water service work for water service pipes two-inches diameter and smaller.

1. For two-inch and smaller diameter pipes, all materials and installation shall conform to the Uniform Plumbing Code, State law and this title. Before any trench containing such water service is filled, or pipes covered, all pressure tests shall be conducted satisfactorily.
2. For fire lines and domestic lines larger than two inches in diameter, pressure, leakage, and bacteriological tests shall be conducted in accordance with the Public Works Department standard specifications, and in the Montana Public Works Standard Specifications, current edition, before acceptance Section 13.06.010(H)(2) the Director of Public Works, or authorized representative, shall inspect, and improve all water service or fire line work for lines larger than two-inches diameter from the water main to the building entrance valve. The Building Official, or authorized representative, shall inspect and approve all piping beyond the entrance valve.
3. The Director of Public Works, or authorized representative, shall inspect, and approve all replacement of pavement, right-of-way landscaping, concrete curb, curb and gutter, and sidewalk removed for the construction or maintenance of water service or fire lines.

- C. Tapping Fee Conditions: This fee shall be issued for any new or replacement tap being made on a water main.
  - 1. Test Taps: The permittee shall pay by direct billing for all test taps, testing equipment, overtime and chemicals used in making tests.
  - 2. Lines larger than two inches: The permittee shall pay by direct billing for all test taps, testing equipment, overtime and chemicals used in making tests. The fees for inspection of these lines shall be as per City resolution. All time and materials furnished by the City for services greater than two inches in diameter will be billed separately to the permittee directly by the Fiscal Services Department.
  - 3. Lines two inches and under: The fee includes installation of corporation cock on the main, and furnishing of corporation, curb valve and curb box. Saddles, clamps and other extraneous fittings are not included in this fee and will be billed extra by the Fiscal Services Department.
  - 4. To obtain a reduced fee for multiple taps, the conditions are:
    - a. Greater than five taps required.
    - b. All excavations shall be ready for tapping crews at the same time.
    - c. The maximum distance between taps shall be one thousand feet.
    - d. Lost crew time due to unsafe or incomplete excavations shall be billed directly to the permittee in addition to permit fees.
  - 5. Whenever a tap is made through which regular service is not immediately desired, the applicant will bear the entire expense of tapping, subject to a refund whenever regular service is begun. (Ord. 2714, 1996; Ord. 2645, 1993; Ord. 2356 Exh. B (part), 1984, §13.04.050 and 13.08.120 (part)).

**13.6.050 Excavations--general regulations**

- A. No water pipe shall be placed in a sewer trench.
- B. Utility separations shall meet State health requirements. (Ord. 2645, 1993; Ord. 2356 Exh. B (part), 1984, §13.04.060 (part)).

**13.6.060 Excavations--streets or alleys**

Excavations in public streets or alleys shall not unnecessarily impede travel.

- A. When it is necessary to excavate entirely across a street, barricades or distinctly legible signs shall be placed at each end of the block per MUTCD and the most current edition of Montana Public Works Standards Specifications.
- B. At all times, reflective or lighted barricades shall be placed around the excavation. (Ord. 2645, 1993; Ord. 2356 Exh. B (part), 1984, §13.04.070, 13.04.080).

**13.6.070 Excavations—refilling**

Trenches for water pipes shall be excavated to give the pipe an even bed of solid earth. Trenches shall be backfilled to meet ninety-five percent of maximum dry density as determined by AASHTO T-99 Specifications. All materials, pavement, and adjacent improvements shall be restored and replaced in-kind. The trench shall be guaranteed against settlement for two years by the permittee, under terms of the street opening bond as provided in Section 13.06.030. (Ord. 2645, 1993; Ord. 2356 Exh. B (part), 1984, §13.04.060 (part), 13.04.090).

**13. 6.080 Water service—razed buildings—regulations**

Water service lines supplying water to a building or buildings that are to be razed shall be plugged at the City water main if they are not copper. If the service line is copper from the curb stop to the City water main, it shall be physically disconnected from the building side of the controlling curb stop. The curb box shall be reset over curb stops for live water services remaining.

All excavating in City right-of-ways shall be done by the contractor razing the building or a subcontractor who is properly licensed. Service lines will be inspected for material type by a City inspector. Service lines being plugged at the City main will be plugged by City personnel after the main is exposed by the contractor or sub-contractor. (Ord. 2645, 1993)

**Chapter 8  
WATER SERVICE CONTRACT**

**Sections:**

- 13.8.010 Property owners contract with City--deposit
- 13.8.020 Rates
- 13.8.030 Incorrect recordation of water consumption
- 13.8.040 Meter accuracy
- 13.8.050 Water/Sewer service--discontinuance

**13.8.010 Property owners contract with City—deposit**

The City contracts with the owners of property, the authorized agents or with tenants. The City, at the discretion of the Fiscal Services Director, or designee, may require a deposit from anyone contracting with it equal to twice the estimated amount of the monthly or billing period bill. Deposits shall be mandatory in instances where water service was terminated due to delinquent payment of bills and in instances of habitual delinquency in paying bills. Application for the use of water must be made at the Fiscal Services office. Service will be furnished to any consumer who fully and truly sets forth all the purposes for which water may be required and who agrees to and conforms with all the rules and regulations governing the service; provided the purposes set forth comply with all the City's rules, and that the system of mains and pipes extends to the point where service is desired, and is adequate to supply the service applied for. (Ord. 2645, 1993; Ord. 2356 Exh. B (part), 1984 §13.08.030).

**13.8.020 Rates**

Residential rates shall be charged for dwelling structures having not more than two living units serviced by one water service, on a single lot. Where more than two living units, on a single lot, are serviced by a common water service and said service has only one curb stop which controls the water to all the living units a commercial rate shall be charged. All rates are established by City Resolution. (Ord. 2645, 1993)

**13.8.030 Incorrect recordation of water consumption**

In case a meter is found stopped for any reason, so that it is not correctly recording the consumption of water, the City may average the amount due for the current month. (Ord. 2645, 1993; Ord. 2356 Exh. B (part), 1984 §13.08.220).

**13.8.040 Meter accuracy**

In case of a dispute as to the accuracy of a meter, the consumer, upon depositing the estimated cost of making a test, may demand that the meter be removed and tested as to accuracy, in the consumer's presence. The standard of acceptable accuracy shall be the American Water Works Association Standard #C-700.

- A. In case the meter is found to be registering correctly, the cost of such testing and replacing of the meter shall be paid by the consumer.
- B. In case the meter is found to be recording incorrectly, the amount deposited by the consumer will be refunded and a reasonable adjustment made for overcharges, for a period not exceeding sixty days previous to the demand of the consumer for a test to be made. (Ord. 2645, 1993; Ord. 2356 Exh. B (part), 1984 §13.08.210 (part)).

**13.8.050 Water/Sewer service—discontinuance**

Should the consumer request to temporarily discontinue the use of the water/sewer, or should the premises become vacant, the City, when notified in writing, will shut off the water at the curb. If water service is turned off at the request of the customer, and turned on again, the charge for turning the water on shall be as per City resolution. No deduction in bills will be made for the time any service pipes may be frozen. The City will charge the customer for the labor required to shut off or turn on the water on the basis of actual cost. Overtime will be charged for work done other than during normal working hours. (Ord. 2645, 1993; Ord. 2356 Exh. B (part), 1984 §13.08.090 (part)).

**Chapter 10  
WATER METERS**

**Sections:**

- 13.10.010 All water to pass through meter
- 13.10.020 Selection of meters
- 13.10.030 Installation of meters
- 13.10.040 Meter maintenance
- 13.10.050 Mobile homes--meters
- 13.10.060 Additional meters
- 13.10.070 Interference with meter
- 13.10.080 Temporary meters for construction sites

**13.10.010 All Water to pass through meter**

All water service shall be metered (except for fire fighting). Customers who refuse to convert to the metering system will have their water service terminated. (Ord. 2645, 1993; Ord. 2356 Exh. B (part), 1984 §13.08.280).

**13.10.020 Selection of meters**

Selection of meters for customer applications shall be made by the City. The City may replace any meter at such time as it may see fit and shall be the judge of the size and make of any meter installed. (Ord. 2645, 1993; Ord. 2356 Exh. B (part), 1984 §13.08.171, Part A).

#### **13.10.030 Installation of meters**

- A. Meters are owned and installed by the City except for new construction where the permittee shall fully install the meter and appurtenances.
- B. Remote receptacles shall be installed on or near the front of the house or structure.
  1. Remote receptacles shall not be placed behind or within two feet of any shrub or vegetation. In the event any fences or structures are built after the remote receptacle is installed and said fence or structure blocks direct access to the remote system, the City may relocate the remote system outside of the fenced area or structure.
  2. The City shall determine the height of the remote receptacle above the ground, but not less than 30 inches above ground level.
- C. Remote meter systems otherwise installed, that do not comply with this section, shall be removed and the City shall install the appropriate unit.
- D. The removal and replacement of any obstruction which interferes with the installation of the water meter is the responsibility of the property owner.
- E. A leaking or otherwise defective water shut-off valve must be replaced in order to facilitate meter installation. The City or property owner may replace this valve with the cost of valve and installation charge to the property owner. Curb box locations and shut-off services to accommodate valve replacement will be provided by the City at no charge.
- F. Every meter setting shall include approved valves at both the inlet and discharge sides of the meter thereby enabling service or replacement without back flooding. Where backflow preventers are installed immediately downstream from meter settings, no valve is required on the discharge side of the meter.
- G. Settings for meters three inches or larger shall include valved bypass lines thereby enabling repair or regular testing without interruption of customer service. Only the City shall operate meter bypass valves which shall remain sealed in the "off" position when not in use.
- H. When insufficient space is available in existing water piping to accept a proper meter installation, the cost of plumbing modifications or special meter setting equipment shall be charged to the property owner.
- I. For new construction, the permittee shall fully install the meter and appurtenances. The meter shall be furnished by the City.
- J. Every displacement meter, compound meter, turbo meter, detector check and fire main meter shall be installed level in a horizontal plane with register or registers facing upward. (Ord. 2645, 1993; Ord. 2356 Exh. B (part), 1984 § 13.08.170, 13.08.171 (part)).

#### **13.10.040 Meter maintenance**

The consumer must furnish proper protection from freezing or other damage, and the meter must be located where it is easily accessible for reading purposes and repairs. Where proper protection is not furnished and meter damage occurs from freezing or other means, the consumer will be charged for labor and materials required to rebuild the meter. If the meter is damaged beyond repair, the consumer will be charged for a new meter to replace the damaged meter. (Ord. 2645, 1993; Ord. 2356 Exh. B (part), 1984 §13.08.190).

#### **13.10.050 Mobile homes—meters**

- A. All existing mobile home services shall be metered, either under or inside the home ahead of any branch lines coming off the main service line. If the City determines the water meter cannot be installed, a meter pit will be installed in the boulevard area at the City's expense. If the mobile home owner refuses to have a meter installed either under or inside the home when the City maintains it is possible, the owner will pay for labor, equipment and materials required to install a meter pit.
- B. All new mobile home services shall be required to have meter pits located in the boulevard area. The City shall furnish proper pits (concrete, plastic, fiberglass or equal) to be installed in its proper location by the contractor installing the water service. Costs for the pit and all labor shall be charged to the property owner.
- C. Remote readers shall be located within a reasonable distance of the meter and shall be mounted on a 4x4 redwood post set four feet in the ground. Distance from ground to the remote shall be forty-four inches.
- D. An individual water connection will be provided at an appropriate location for each mobile home connection. The connection will consist of a riser terminating at least four inches above the ground surface, with two three-quarter-inch valved outlets. The outlets shall be threaded enabling connection to the home's water piping system with one outlet and the other for use as a hose connection. The ground surface around the riser pipe shall be graded to divert surface drainage away from the connection and the mobile home. The riser pipe shall be encased in insulating

material in a six-inch pipe. An insulated cover shall encase both valve outlets enabling connection to the mobile home at all times. (Ord. 2645, 1993; Ord. 2356 Exh. B (part), 1984 §13.08.191, (part)).

**13.10.060 Additional meters**

In no case will the City furnish water from one meter to two or more houses, mobile homes or any combination thereof, whether the same are owned by one person or not. Mobile home trailer parks, multi-unit dwellings, campuses, public building complexes, and medical complexes may be excepted. (Ord. 2645, 1993; Ord. 2356 Exh. B (part), 1984 §13.08.240, 13.08.200).

**13.10.070 Interference with meter**

Water consumers are not permitted to interfere in any way with the meter and appurtenances thereto after it is set in place. In case the meter seal is broken or the working parts of the meter have been tampered with or the meter damaged, the City may render a bill for the current month, based on an average of the previous quarter or the same quarter of the previous year, if available, whichever the City determines more accurately reflects water usage for the inaccurate period, together with the full cost of such damage as has been done to the meter, and may refuse to furnish water until account is paid in full. (Ord. 2645, 1993; Ord. 2356 Exh. B (part), 1984 §13.08.230).

**13.10.080 Temporary meters for construction sites**

Water for construction purposes will be furnished through temporary meters and paid for at the regular meter rates. In addition to the cost of the water, the customer will be required to pay the actual cost of setting and removing the temporary meter. In case it is not possible or practical to set a temporary meter, the cost will be determined by applying the regular meter rates to a quantity of water estimated by the City. (Ord. 2645, 1993; Ord. 2356 Exh. B (part), 1984 § 13.08.320).

**Chapter 12  
SEWER GENERAL RULES AND REGULATIONS**

**Sections:**

- 13.12.010 Sewer--objectives
- 13.12.020 Sewer--definitions
- 13.12.030 Sewer--required when--authority--failure deemed misdemeanor
- 13.12.040 Depositing excrement
- 13.12.050 Septic tanks and cesspools
- 13.12.060 Installation of toilets required when
- 13.12.070 Private wastewater disposal--connection
- 13.12.080 Grease, oil and sand interceptors
- 13.12.090 Industrial wastewater monitoring facility requirements
- 13.12.100 Requirement for pretreatment facilities
- 13.12.110 Maintenance of pretreatment facilities
- 13.12.120 Wastewater analysis standards
- 13.12.130 Special agreements and requirements

**13.12.010 Sewer—objectives**

The objectives of Chapters 13.12 through 13.24 are:

- A. To prevent the introduction of pollutants into the City wastewater system which will interfere with the normal operation of the system or contaminate the resulting sludge;
- B. To prevent the introduction of pollutants into the City wastewater system which do not receive adequate treatment in the POTW, and which will pass through the system into receiving waters or the atmosphere or otherwise be incompatible with the system;
- C. To improve the opportunity to recycle and reclaim wastewater and sludge from the system. These chapters provide for the regulation of discharges into the City wastewater system through the enforcement of administrative regulations. (Ord. 2645, 1993; Ord. 2386 Exh. A (part), 1985, § 13.20.010 (part)).

**13.12.020 Sewer—definitions**

Unless the context specifically indicates otherwise, the meaning of terms used in Chapters 13.12 through 13.24 shall be as follows:

"Act" means the Clean Water Act (33 U.S.C. 1251 et seq.), as amended.



"Authority" means the state or local government entity enacting and enforcing this chapter.

"Applicable pretreatment standards" means local/State or Federal standards, whichever are more stringent.

"Biochemical oxygen demand (BOD)" means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at twenty degrees centigrade, expressed in milligrams per liter.

"Building drain" means that part of the lowest piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning two (2) feet (.6 meters) outside the building wall.

"Building sewer" is part of the horizontal piping of a drainage system which extends from the end of the building drain and which receives the discharge of the building drain and conveys it to a public sewer, private sewer, individual sewage disposal system or other point of disposal.

"Bypass" means the intentional diversion of waste streams from any portion of an industrial user's treatment facility.

"Categorical Pretreatment Standards" means the National Pretreatment Standards specifying quantities or concentrations of pollutants or pollutant properties which may be discharged or introduced into a POTW (see definition) by specific industrial discharges.

"Combined sewer" means a sewer intended to receive both wastewater and storm or surface water.

"Discharger/industrial discharger" means any nonresidential user who discharges an effluent into a POTW by means of pipes, conduits, pumping stations, force mains, constructed drainage ditches, surface water intercepting ditches, and all constructed devices and appliances appurtenant thereto.

"Easement" means an acquired legal right for the specific use of land owned by others.

"Floatable oil" is oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable oil if it is properly pretreated and the wastewater does not interfere with the collection system.

"Garbage" means the animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods.

"Hauled wastes" means any sewage or wastewater contained in a tank or similar apparatus and which is transportable by vehicle, rail car or other mode.

"Indirect discharge" means the discharge or the introduction of non-domestic pollutants from a source regulated under Section 307(b) or (c) of the Act, into a POTW.

"Industrial wastes" means the solid, liquid or gaseous wastes resulting from any industrial manufacturing, trade, or business processes or from the development, recovery or processing of natural resources.

"Interference" means an inhibition or disruption of the POTW, its treatment processes or operations, or its sludge processes, use or disposal which is a cause of or significantly contributes to either a violation of any requirement of the POTW's MPDES permit (including an increase in the magnitude or duration of a violation) or to the prevention of sewage sludge use or disposal by the POTW in accordance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II more commonly referred to as the Resource Conservation and Recovery Act (RCRA) and including state regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA), the Clean Air Act, and the Toxic Substances Control Act. An industrial user significantly contributes to such a permit violation or prevention of sludge use or disposal in accordance with the above-cited authorities whenever such user:

1. Discharges a daily pollutant loading in excess of that allowed by contract with the POTW or by Federal, State, or local law;
2. Discharges wastewater which substantially differs in nature or constituents from the user's average discharge; or

3. Knows or has reason to know that its discharge, alone or in conjunction with discharges from other sources, would result in a POTW permit violation or prevent sewage sludge use or disposal in accordance with the above-cited authorities as they apply to the POTW's selected method of sludge management.

"Motel and Hotel" means a building or group of buildings on the same premises either detached or in connected rows; containing sleeping or dwelling units, and designed for, or occupied with an ordinary rental period not exceeding two weeks.

"Multi-unit dwelling" means a building containing a unit or combination of units with individual bath and kitchen facilities. This definition includes apartments, condominiums, townhouses, and duplexes, triplexes, etc. A seasonal multi-unit dwelling is an individual unit of a multi-unit dwelling which is occupied on an intermittent basis and is not utilized as a primary residence.

"Natural outlet" means any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

"New source discharger" means any new industrial discharger to the City's wastewater system subject to the provisions of this chapter.

"O&M" means operation and maintenance.

"Other wastes" means decayed wood, sawdust, shavings, bark, lime, refuse, ashes, garbage, offal, oil, tar, chemicals and all other substances except sewage and industrial wastes.

"Pass through" means a discharge which exits the POTW into waters of Montana in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's Montana Pollutant Discharge Elimination System (MPDES) Permit (including an increase in the magnitude or duration of a violation).

"Person" means any individual, firm, company, association, society, corporation or group.

"Ph" means the logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution. Neutral water, for example, has a Ph value of seven and a hydrogen ion concentration of ten to the power of minus seven.

"Pollutant" means any substance discharged into a POTW or its collection system, including the EPA List of 126 Priority Pollutants; and substances which create a fire or explosion hazard, cause corrosive structural damage, solid or viscous substances which could cause obstruction to flow in sewers, substances released in such volume or strength as to cause interference in the treatment plant, heat in amounts which will inhibit biological activity at the treatment plant, and heavy metals and similar toxic substances which could cause upset treatment plant operations.

"POTW" means publicly owned treatment works and includes any sewage treatment works and the sewers and conveyance appurtenances discharging thereto, owned and operated by the authority.

"Pretreatment" means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW.

"Properly shredded garbage" means the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater and one-half inch (1.27 centimeters) in any dimension.

"Public sewer" means a sewer in which all owners of abutting properties have equal rights, and which is controlled by a public authority.

"Residential building" means and includes only the following types of buildings and structures: single-family residential, duplexes, triplexes, apartment houses, motels, hotels, trailer courts, and multi-unit dwellings.

"Sanitary sewer" means a sewer which carries sewage from residences, commercial buildings, industrial plants, and institutions and to which ground, storm and surface waters are not intentionally admitted.

"Service connection" is the point at which the building sewer connects to the public sewer.

"Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

"Sewage" is water-carried human wastes or a combination of the water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with such ground, storm, and surface waters as may be present.

"Sewage treatment plant" means any arrangement of devices and structures used for treating sewage.

"Sewer" means any pipe, conduit, ditch, or other device used to collect and transport sewage, wastewater or stormwater from the generating sources.

"Sewer user" is any individual, firm, company, association, society, corporation, or group who has connected to the sewer system.

"Shall" is mandatory. (See "may".)

"Significant industrial discharger" is any industrial user of the City's wastewater disposal system who:

1. Is subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, subchapter N;
2. Has wastes any priority toxic pollutants or other prohibited pollutants;
3. Has wastes toxic pollutants as defined pursuant to Section 307 of the Act;
4. Has a discharge flow per average day of twenty-five thousand gallons or more of process wastewater to the POTW (excluding sanitary, non-contact cooling and boiler blowdown wastewater);
5. Contributes a process waste stream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant;
6. Is determined by the City to have a significant impact or potential for significant impact, either singly or in combination with other contributing industries, on the wastewater treatment system, the quality of sludge, the systems effluent quality, or air emissions generated by the system; or
7. Has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

"Single-family residence" means a building designed for and used exclusively for residence purposes by one family. This definition shall include a single mobile home not located in a mobile home court.

"Slug load" means any pollutant (including biochemical oxygen demand) released in a discharge at a flow rate or concentration which will cause a violation of the discharge prohibitions in Section 13.14.040 or which adversely affects the collection system and/or performance of the wastewater treatment works.

"Storm drain" (sometimes termed "storm sewer") means a drain or sewer for conveying stormwater, groundwater, subsurface water, or unpolluted water from any source.

"Suspended solids" means total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater" and referred to as nonfilterable residue.

"Toxic pollutants" includes but is not limited to those substances and chemical compounds listed in EPA's list of 126 Priority Pollutants, as amended.

"Trailer court or mobile home park" means any area or site or land upon which two or more trailers are placed and maintained for dwelling purposes, either on a permanent or semi-permanent basis.

"Unpolluted water" is water of a quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefitted by discharge to the sanitary sewers and wastewater treatment facilities provided.

"Upset" means an exceptional incident in which a treatment works is unintentionally and temporarily in a state of noncompliance with the discharge standards due to substances introduced into the treatment works and excluding noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation thereof.

"Wastewater" means industrial wastes and/or sewage or any other waste including that which may be combined with any groundwater, surface water, and stormwater, that may be discharged to the POTW.

"Wastewater facilities" means the structures, equipment, and processes required to collect, convey and treat wastewater and dispose of the effluent and sludge.

"Wastewater treatment works" means an arrangement of devices and structures treating wastewater and sludge. It is sometimes used synonymously with "waste treatment plant" or "wastewater treatment plant" or "water pollution control plant" or "POTW".

"Watercourse" means a natural or artificial channel for the passage of water either continuously or intermittently.

Any other term not herein defined shall be defined as presented in the "Glossary -- Water and Sewage Control Engineering," A.P.H.A., A.S.C.E. and W.P.C.F., latest edition. (Ord. 2645, 1993; Ord. 2601, 1991, §13.20.011; Ord. 2551 §§ 2, 3, 1989; Ord. 2532 §3, 1989; Ord. 2531 §§1, 2, 1989, Ord. 2386 Exh. A (part), 1985).

#### **13.12.030 Sewer--required when--authority--failure deemed misdemeanor**

- A. The City Commission or the Director of Public Works shall have the power to order the owner or owners or agent of any owner or owners of any house upon any street or part of a street in the City to make a connection with the sewer, and it shall hereafter be the duty of every owner or agent of owner of any house situated upon any lot upon the line of any sewer in the City, after being ordered to do so as aforesaid, and notice thereof given, to make connections with the sewer nearest to such house. When any such connection has been so ordered, it shall be the duty of the person or body issuing the order, or the duty of the Chief of Police upon the request of any of the foregoing to give notice of such order to the owner or owners of such house or to his or their agent or agents.
- B. If any owner or owners or agent of any owner or owners of such houses fails to make such sewer connections within thirty days after having received such notice, the owner(s), shall be deemed guilty of maintaining and fostering a nuisance; and after being notified of such order for the second time, and a failure to make such connection for ten days, such person or persons to whom such notice has been given, as aforesaid, shall be deemed guilty of a separate violation of this chapter for each twenty-four hours such failure continues to exist. (Ord. 2645, 1993; Ord. 2334, Exh. B (part), 1984, §13.16.010).

#### **13.12.040 Depositing excrement**

It is unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City or in any area under the jurisdiction of the City, any human or animal excrement, garbage, or objectionable waste. (Ord. 2645, 1993; Ord. 2386 Exh. A (part), 1985, §13.20.020).

#### **13.12.050 Septic tanks and cesspools**

Except as provided in Section 13.12.070, it is unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater. (Ord. 2645, 1993; Ord. 2386 Exh. A (part), 1985, §13.20.040).

#### **13.12.060 Installation of toilets required when**

The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the City and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the City, is required at the owner's(s') expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within ninety days after the date of an official notice to do so, provided the City determines that a service line can reasonably be connected to the public sewer. (Ord. 2645, 1993; Ord. 2386 Exh. A (part), 1985, §13.20.050).

#### **13.12.070 Private wastewater disposal—connection**

Where a public sanitary or combined sewer is not available under the provisions of Section 13.12.060, the building sewer shall be connected to a private wastewater disposal system complying with the regulations of the City-County Board of Health. (Ord. 2645, 1993; Ord. 2386 Exh. A (part), 1985, §13.20.150).

**13.12.080 Grease, oil and sand interceptors**

Grease, oil, and sand interceptors shall be provided when, in the opinion of the City, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the City, and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates, and the means of disposal which are subject to review by the City. Any removal and hauling of the collected materials not performed by owner's(s') personnel must be performed by currently licensed waste disposal firms. (Ord. 2645, 1993; Ord. 2386 Exh. A (part), 1985, prior code section 13.20.110).

**13.12.090 Industrial wastewater monitoring facility requirements**

When required by the City, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure, control manhole or monitoring facility together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes by the owner and the City. Such structure, when required, shall be constructed in accordance with plans approved by the City, shall be installed by the owner at the owner's expense, and shall be maintained by the owner so as to be safe, accessible and in proper operating conditions at all times. (Ord. 2386 Exh. A (part), 1985, §13.20.130).

**13.12.100 Requirement for pretreatment facilities**

Any property owner, or sewer user violating the provisions of this section shall, upon notice by the City, immediately install such pretreatment facilities through separators, traps, and/or chemical, physical, or biochemical processes as will make and assure that the sewage contributed from such property or premises will meet the requirements of this chapter. (Ord. 2645, 1993; Ord. 2386 Exh. A (part), 1985, §13.20.142).

**13.12.110 Maintenance of pretreatment facilities**

Where pretreatment or flow-equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner(s) at the owner's expense. (Ord. 2645, 1993; Ord. 2386 Exh. A (part), 1985, §13.20.120).

**13.12.120 Wastewater analysis standards**

All analyses shall be performed in accordance with procedures established by the EPA pursuant to Section 304(h) of the Act and contained in 40 CFR part 136 and amendments thereto or with any other test procedures approved by the EPA. Sampling shall be performed in accordance with the techniques approved by EPA. Where 40 CFR Part 136 does not include sampling or analytical techniques for the pollutants in question, or where EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed using validated analytical methods or any other sampling and analytical procedures, including procedures suggested by the City or other parties, approved by EPA. Samples shall be taken at the monitoring facility provided. (Ord. 2645, 1993; Ord. 2386 Exh. A (part), 1985, §13.20.140).

**13.12.130 Special agreements and requirements**

No statement contained in this chapter shall be construed as preventing any special agreement or arrangement between the City and any industrial user whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefore by the industrial user, except that no agreement will relieve the industrial user of obligation under pretreatment regulations 40 CFR Part 403 or any promulgated categorical pretreatment standards. (Ord. 2645, 1993; Ord. 2386 Exh. A (part), 1985, §13.20.141).

**Chapter 14**

**GENERAL DISCHARGE PROHIBITIONS**

**Sections:**

- 13.14.010 Discharging wastewater into natural outlet
- 13.14.020 Discharging stormwaters and groundwaters into sanitary sewers prohibited
- 13.14.030 Stormwater to be discharged into designated sewers
- 13.14.040 Materials unlawful to discharge into sewer
- 13.14.050 Mass limitations prohibitions and amendments
- 13.14.060 Treatment of materials discharged to the POTW

- 13.14.070 Accidental discharge prohibitions
- 13.14.080 Disposal of hauled wastes
- 13.14.090 Control of slug discharges

**13.14.010 Discharging wastewater into natural outlet**

It is unlawful to discharge into any natural outlet within the City, or in any area under the jurisdiction of the City, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter. (Ord. 2645, 1993; Ord. 2386 Exh. A (part), 1985, §13.20.030).

**13.14.020 Discharging stormwaters and groundwaters into sanitary sewers**

No person(s) shall discharge or cause to be discharged any unpolluted waters such as storm water, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters into any sanitary sewer. (Ord. 2645, 1993; Ord. 2386 Exh. A (part), 1985, §13.20.060).

**13.14.030 Stormwater to be discharged into designated sewers**

Storm water and all other unpolluted drainage shall be discharged to sewers that are specifically designated as storm sewers or to a natural outlet approved by the City, provided all applicable State of Montana, Department of Health and Environmental Sciences and Environmental Protection Agency regulatory requirements are satisfied. (Ord. 2645, 1993; Ord. 2386 Exh. A (part), 1985, §13.20.070).

**13.14.040 Materials unlawful to discharge into sewer**

No discharger shall discharge or cause to be discharged any of the following described substances, waters or wastes into any public sewer or the wastewater disposal system:

- A. Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion hazard, or be injurious in any other way to the POTW or to the operation of the POTW. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system), be more than five percent nor any single reading over ten percent of the lower explosive limit (LEL) of the meter. Prohibited materials include, but are not limited to: gasoline, kerosene, naphtha, benzene, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, sulfides, any substance with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees centigrade as determined using the test methods specified in 40 CFR 261.21 and any other substances which are a fire hazard or a hazard to the system.
- B. Any waters or wastes containing toxic or poisonous solids, liquids, or gases, in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters.
- C. Any waters or wastes having a Ph lower than 5.5 or higher than 9.0 or having any other corrosive property which reasonably could be hazardous to structures, equipment, or personnel of the City, such as, but not limited to, battery or plating acids and wastes, copper sulfate, chromium salts and compounds, or salt brine. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not, shall be prohibited from discharge to the wastewater treatment plant.
- D. Solid or viscous substances capable of causing obstruction to flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, spent lime, stone or marble dust, grass clippings, spent grains, spent hops, wastepaper, asphalt residues, residues from refining or processing of fuel or lubricating oil, glass grinding or polishing wastes, animal hides, feathers, tar, plastics, wood, underground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, disposable diapers, etc. either whole or ground by garbage grinders. The following limits and restrictions shall also apply:
  - 1. Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two degrees Fahrenheit or zero degrees centigrade and one hundred fifty degrees Fahrenheit or sixty-five degrees centigrade.
  - 2. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower (0.76 hp metric) or greater shall be subject to review and approval by the City. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.
- E. Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, or to exceed the limitation promulgated in the EPA Categorical Pretreatment Standards (40 CFR, Subchapter N, Parts 400-471). A toxic pollutant shall include, but not be limited to, any toxic pollutant identified in the EPA List of 126 Priority Pollutants.

- F. Any water or wastes which, either singly or by interaction, may result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
- G. Any substance which may cause the POTW's effluent or treatment residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. (In no case, shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use and disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, Resource Conservation and Recovery Act, or State standards applicable to the sludge management method.)
- H. Any liquid or vapor having a temperature higher than one hundred fifty degrees Fahrenheit (sixty-five degrees centigrade) or containing heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature of the wastewater influent at the treatment plant exceeds one hundred four degrees Fahrenheit (forty degrees centigrade). If, in the opinion of the City, lower temperatures of such wastes could harm either the sewers, sewage treatment process, or equipment; have an adverse effect on the receiving streams or otherwise endanger life, health, or property; or constitute a nuisance, the City may prohibit such discharges.
- I. Wastewater containing more than twenty-five milligrams per liter of petroleum oil, non-biodegradable cutting oils, or product of mineral oil origin.
- J. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting any excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the City for such materials.
- K. Any waters or wastes containing phenols or other taste or odor-producing substances, in such concentrations exceeding limits which may be established by the City as necessary, after treatment of the composite sewage, to meet the requirements of the State, federal, or other public agencies of jurisdiction for such discharge to the receiving waters.
- L. Any waters, wastes, or materials which exert or cause excessive or objectionable discoloration, such as, but not limited to, dye wastes and vegetable tanning solutions.
- M. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the City in compliance with applicable State or federal regulations.
- N. Any unusual volume of flow or concentrations of wastes defined as slug loads or other pollutants (including oxygen-demanding pollutants - BOD, etc.) released in a single extraordinary discharge episode of such volume or strength as to cause interference to the POTW. The following limits shall not be exceeded:
  1. Wastes containing standard five-day biochemical oxygen demand greater than one hundred pounds in any one day unless otherwise approved by the City;
  2. Wastes containing more than one hundred pounds of suspended solids in any one day unless otherwise approved by the City;
  3. A flow of twenty-five thousand gallons or more per average work day unless otherwise approved by the City;
  4. Chlorine demand of more than twenty mg/l unless otherwise approved by the City;
  5. Wastewater at a flow rate and/or pollutant discharge rate which is excessive over relatively short time periods so that there is a treatment process upset and subsequent loss of treatment efficiency.
- O. Waters or wastes which, alone or in combination with other waters or wastes, are a cause of interference or pass through as defined elsewhere in this chapter.
- P. Any water or wastes which, either singly or by interaction with other water or wastes, release obnoxious gases, form suspended solids which interfere with the collection system, create a condition deleterious to structures and treatment processes, cause a hazard to human life or create a public nuisance. (Ord. 2645, 1993; Ord. 2601 §§ 2, 3, 1991, §13.20.080; Ord. 2531 §§ 3--5, 1989; Ord. 2386 Exh. A (part)1985).

#### **13.14.050 Mass limitations, prohibitions and amendments**

The City may impose mass limitations on discharges which are using dilution to meet the pretreatment standards or requirements of this chapter, or in other cases where imposition of mass limitations is deemed appropriate by the City. No discharger shall increase the use of potable or process water in any way for the purpose of diluting a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the standards set forth in this chapter. The City reserves the right to amend this chapter to provide for more stringent limitations or requirements on dischargers to the POTW where deemed necessary to comply with the objectives set forth in this chapter, or is required by changes in the local, State or Federal discharge standards, whichever is more stringent. (Ord. 2645, 1993; Ord. 2386 Exh. A (part), 1985, §13.20.090).

#### **13.14.060 Treatment of materials discharged to the POTW**

If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which exceed or violate the limitations of this section, the City may:

- A. Reject the wastes;
- B. Require pretreatment to an acceptable condition for discharge to the public sewers;
- C. Require control over the quantities and rates of discharge;
- D. Require payment to cover added cost of handling and treating the wastes not covered by existing taxes or sewer charges. If the City permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the City and subject to the requirements of all applicable codes, ordinances, and laws; and/or
- E. Seek enforcement and legal remedies contained in this chapter for violations of the limitations and provisions of this chapter. (Ord. 2645, 1993; Ord. 2386 Exh. A (part), 1985, §13.20.100).

#### **13.14.070 Accidental discharge prohibitions**

Each discharger shall provide protection from accidental discharge of prohibited or regulated materials or substances established by this chapter. Where necessary, facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the discharger's cost and expense. As required by the City, detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the City for review, and shall be approved by the City before construction of the facility. As required by the City, each existing discharger shall complete its plan and submit same to the City within thirty days after formal adoption of the ordinance codified in this chapter. No discharger who discharges to the POTW after the aforesaid date shall be permitted to introduce pollutants into the system until accidental discharge protection procedures have been approved by the City. Review and approval of such plans and operating procedures by the City shall not relieve the discharger from the responsibility to modify its facility as necessary to meet the requirements of this chapter.

Dischargers shall notify the City immediately, followed by a written report within five days, upon the occurrence of a slug load or accidental discharge of substances prohibited by this chapter. The notification shall include location of discharge, date and time thereof, type of waste, concentration and volume, and corrective actions. Any discharger who discharges slug loads of prohibited materials shall be liable for any expense, loss or damage to the POTW, in addition to the amount of any fines imposed on the City on account thereof under State or Federal law.

Signs shall be permanently posted in conspicuous places on discharger's premises, advising employees whom to call in the event of a slug load or accidental discharge. Employers shall instruct all employees who may cause or discover such a discharge with respect to emergency notification procedure. (Ord. 2645, 1993; Ord. 2386 Exh. A (part), 1985, §13.20.143).

#### **13.14.080 Disposal of hauled wastes**

Any person wishing to dispose of hauled wastes shall utilize facilities specifically designated for this purpose. Unless express permission is otherwise granted, disposal shall take place at facilities located at the municipal wastewater treatment plant. The discharging of these wastes shall take place only under supervision of City personnel or their agents, unless otherwise approved by the City. Persons disposing of wastes in this manner shall disclose to the City upon demand the nature of the waste and its origin. Prior to acceptance of the waste, the City has the right to sample and analyze the waste and inspect the location of its origin, including all industrial processes which may reasonably have contributed pollutants to the waste. The City has the right to reject any wastes which are prohibited by any section of this chapter. (Ord. 2645, 1993; Ord. 2532 §1, 1989, §13.20.144).

#### **13.14.090 Control of slug discharges**

The City may evaluate each industrial user to determine the need for the discharger to control slug discharges. For the purpose of this section a slug discharge of a non-routine, episodic nature, including, but not limited to, an accidental spill or a non-customary batch discharge. If the City decides that a slug control plan is needed, the plan shall contain, at a minimum, the following elements:

- A. Description of discharge practices, including non-routine batch discharges;
- B. Description of stored chemicals;
- C. Procedures for immediately notifying the City of slug discharges, including any discharge that would violate a prohibition under Section 13.12.110, with procedures for follow-up written notification within five days;
- D. If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response. (Ord. 2645, 1993; Ord. 2601 §4, 1991, §13.20.145).



**Chapter 16**  
**BUILDING SEWER - GENERAL REGULATIONS**

**Sections:**

13.16.010 Sewer connection--license--application--fee	13.16.100 Building sewer--pipe size
13.16.020 Sewer connection--license--issuance	13.16.110 Building sewer--construction materials
13.16.030 Building sewer--permits--classification	13.16.120 Building sewer--required when
13.16.040 Building sewer--permit--fees	13.16.130 Building sewer--use of old sewer
13.16.050 Building sewer--connection--costs	13.16.140 Building sewer—elevation
13.16.060 Building sewer-maintenance, repair or replacement--responsibility	13.16.150 Building sewer--connections prohibited
13.16.070 Building sewer--collapsed or plugged	13.16.160 Building sewer--connection to public sewer
13.16.080 Building sewer—building demolition	13.16.170 Building sewer--inspection--supervision
13.16.090 Building sewer--trench refilling	13.16.180 Building sewer--excavation regulations

**13.16.010 Sewer connection--license--application—fee**

- A. No person shall excavate for or construct any sewer, drain or cesspool or make a connection thereto or modify or repair the same without holding a proper license for such work from the **Planning and** Community Development Department, except that any person shall have the right to excavate a trench or ditch upon his/her own premises for water pipes, drains, or sewers; provided the laying of water pipes or drains therein shall be done by a licensed plumber or drain layer.
- B. The annual license fee for the license shall be set by City resolution and the **Planning and** Community Development Department shall take applications for and issue the license upon receipt of the annual license fee, and after having first provided satisfactory evidence of the competency and ability of the applicant to carry on the business of drain laying.
- C. No person engaged in the business of drain laying, or sewer connecting, shall allow his/her name to be used by any person, directly or indirectly, either to obtain a permit or to do any work under this license. (Ord. 2645, 1993; Ord. 2386 Exh. A (part), 1985, §13.20.161).

**13.16.020 Sewer connection--license—issuance**

Upon the granting of a sewer connection license, and before the same has been issued, the applicant shall file with the **Planning and** Community Development Department a general liability policy or a written certificate of the same with bodily injury limits in the amount of three hundred thousand dollars (\$300,000) per claimant, and property damage limits of three hundred thousand dollars (\$300,000) per claimant and one million dollars (\$1,000,000) per occurrence. (Ord. 2645, 1993; Ord. 2406 §1, 1985; Ord. 2386 Exh. A (part), 1985, §13.20.170).

**13.16.030 Building sewer--permits—classification**

There shall be two classes of building sewer permits:

- A. For residential and commercial service, and
- B. No unauthorized person shall uncover, make any connections with opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the **Planning and** Community Development Department for service to establishments producing industrial waste. In either case, the owner(s) or agent shall make an application on a special form furnished by the **Planning and** Community Development Department. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent by the City. (Ord. 2645, 1993; Ord. 2386 Exh. A (part), 1985, §13.20.180).

**13.16.040 Building sewer--permit—fees**

The sewer permit shall be established by City resolution. (Ord. 2645, 1993; Ord. 2465 §2, 1987, §13.20.190).

**13.16.050 Building sewer--connection—costs**

All costs and expenses incidental to the installation and connections for the building sewer shall be paid by the owner(s). The owner(s) shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. (Ord. 2645, 1993; Ord. 2386 Exh. A (part), 1985, §13.20.200).

**13.16.060 Building sewer-maintenance, repair or replacement--person responsible**

It is the responsibility of the owner of the property being served by a building sewer to maintain, in working order, the building sewer from the building drain to the public sewer. Repair and replacement of building sewer shall be the property owner's responsibility. All repair and replacement must be performed by a properly licensed plumber or drain

layer. All costs and expenses incidental to maintenance, repair or replacement of the building sewer shall be paid by owner(s). (Ord. 2645, 1993)

**13.16.070 Building sewer--collapsed or plugged**

If a building sewer is collapsed or plugged causing sewage to come to the surface of the ground, the City may at its discretion, shut off water service to said property until repairs are made to the line. (Ord. 2645, 1993)

**13.16.080 Building sewer--building demolition**

Building sewers serving property where a building is to be razed shall be severed at the property line. The end of the sewer service pipe which drains to the City sewer main shall be properly plugged. The excavation required for this to be done and the installation of the plug shall be performed by the contractor razing the building or a properly licensed sub-contractor. A City inspector will inspect this work. (Ord. 2645, 1993)

**13.16.090 Building sewer--trench refilling**

Trenches within streets or alleys shall be compacted to meet ninety-five percent (95%) of maximum dry density as determined by A.A.S.H.T.O., T-99 specifications. Trenches in lawns and non-driven areas shall be compacted to meet eighty-five percent of the same specification. All surface improvements shall be restored in kind, including but not limited to gravel base, asphaltic or portland cement concrete, lawns, or landscaping. The site shall be left clean and free of extraneous materials. All work shall be warranted by the drain layer for one year against defects in materials and two years for defects in workmanship. Failure to comply with this section may result in penalties set forth elsewhere in this chapter. (Ord. 2645, 1993; Ord. 2386 Exh. A (part), 1985, §13.20.210).

**13.16.100 Building sewer--pipe size**

No drain or sewer pipe shall be less than four inches internal diameter, and all drains and sewers must be of a size adequate for its purpose and such as shall convey, and allow freely and entirely to pass whatever enters, or should enter the same. (Ord. 2645, 1993; Ord. 2386 Exh. A (part), 1985, §13.20.220).

**13.16.110 Building sewer--construction materials**

The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9 shall apply. Schedule 40 PVC or ductile iron pipe shall be used for any sewer within two feet of any building, cellar, vault, or areaway. All other service piping shall be a minimum of S.D.R. 35 P.V.C. manufactured in accordance with A.S.T.M. D3034.

Connections between existing service and new or repaired service piping shall be by use of stainless steel banded flexible couplings as approved by the City Engineer. (Ord. 2645, 1993; Ord. 2386 Exh. A (part), 1985, §13.20.230).

**13.16.120 Building sewer--required when**

A separate and independent building sewer shall be provided for every building; except where physically impossible, and only as approved by the City Engineer. (Ord. 2645, 1993; Ord. 2386 Exh. A (part), 1985, §13.20.240).

**13.16.130 Building sewer--use of old sewer**

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the City, to meet all requirements of this chapter. (Ord. 2645, 1993; Ord. 2386 Exh. A (part), 1985, §13.20.250).

**13.16.140 Building sewer—elevation**

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer. (Ord. 2645, 1993; Ord. 2386 Exh. A (part), 1985, §13.20.260).

**13.16.150 Building sewer--connections prohibited**

No person(s) shall make connection of roof downspouts, foundation drains, area-way drains, or other sources of surface runoff or groundwater to a building sewer or building drain which, in turn, is connected directly or indirectly to a public sanitary sewer. (Ord. 2645, 1993; Ord. 2386 Exh. A (part), 1985, §13.20.270).

**13.16.160 Building sewer--connection to public sewer**

The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City. All such connections shall be made gas-tight and water-tight and verified by proper testing. All taps for service piping shall be made in the upper quadrant of the City main.

- A. Connections of sewer service piping six inches and four inches in diameter to the main sewer shall be made solely by use of service saddles clamped or strapped using stainless steel bands as approved by the Department of Public Works. Taps into the City main shall be made by City Utility Division personnel after the City main has been exposed and made ready for tapping by a licensed drain layer. The drain layer shall be responsible for damages to the City main as a result of their own negligence. The drain layer will be charged, over and above the permit fee, for equipment, labor and saddle required to make the tap.
- B. Connections of sewer service piping eight inches in diameter or larger shall be made by use of manholes per specifications on file in the City Engineer's office. (Ord. 2645, 1993; Ord. 2386 Exh. A (part), 1985, §13.20.280).

**13.16.170 Building sewer--inspection—supervision**

The applicant for the building sewer permit shall notify the City when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the City. (Ord. 2645, 1993; Ord. 2386 Exh. A (part), 1985, §13.20.290).

**13.16.180 Building sewer--excavation regulations**

All excavations for building sewer installation shall conform to appropriate Federal, State, and local safety regulations, including adequate barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City. (Ord. 2645, 1993; Ord. 2386 Exh. A (part), 1985, § 13.20.300).

**Chapter 18**

**WASTEWATER CUSTOMER CLASSIFICATION AND RATES**

**Sections:**

- 13.18.010 Costs--purpose
- 13.18.020 Operation cost determination
- 13.18.030 Customer classification
- 13.18.040 Residential rates
- 13.18.050 Commercial rates
- 13.18.060 Industrial rates
- 13.18.070 Black Eagle and Malmstrom Air Force Base water districts
- 13.18.080 Wastewater discharges--charge basis
- 13.18.090 Charge for connection
- 13.18.100 Review of service charge

**13.18.010 Costs—purpose**

The purpose of this section shall be to generate sufficient revenue to pay all costs for the operation and maintenance of the complete wastewater system. The costs shall be distributed equitably to all users of the wastewater system. (Ord. 2645, 1993; Ord. 2386 Exh. A (part), 1985, §13.20.350).

**13.18.020 Operation cost determination**

The City, or its Director of Public Works, shall determine the total annual cost of operation and maintenance of the wastewater system. The total annual cost of operation and maintenance shall include, but need not be limited to, labor, repairs, equipment replacement, maintenance, necessary modifications, power, sampling, laboratory tests, and a reasonable contingency fund. (Ord. 2645, 1993; Ord. 2386 Exh. A (part), 1985, §13.20.400).

**13.18.030 Customer classification**

The classes of customers shall be residential, commercial, and industrial:

- A. A residential customer is a user in a dwelling structure having not more than two living units.
- B. A commercial customer is a user discharging primarily segregated domestic wastes or wastes from sanitary conveniences. These wastes must have concentrations equivalent to or less than the wastes from a residential user with respect to suspended solids and five-day twenty degrees centigrade biochemical oxygen demand.
- C. An industrial customer is a user discharging any wastes requiring more treatment than wastes from sanitary conveniences. Any waste with a higher concentration than from a residential user with respect to suspended solids

and five-day twenty degrees centigrade biochemical oxygen demand is classified as an industrial waste. (Ord. 2645, 1993; Ord. 2386 Exh. A (part), 1985, §13.20.430).

#### **13.18.040 Residential rates**

All residential customers of the City water system, discharging sewage into the sewer system, shall be charged a flat rate based upon a winter average for the months of December, January, February and March water meter reads. These fees will change annually in May. The exact rates shall be determined by resolution. (Ord. 2645, 1993; Ord. 2548 (part), 1989, §13.20.440; Ord. 2517 §1 (part), 1988; Ord. 2474 §1 (part), 1987; Ord. 2398 §2, 1985; Ord. 2386 Exh. A (part), 1985).

#### **13.18.050 Commercial rates**

- A. All commercial customers of the City water system, discharging sewage into the sewer system, shall be charged a fee based upon monthly water meter reads. The exact rates shall be determined by resolution.
- B. Commercial customers who choose not to install a separate meter to measure irrigation water and who have landscaped area of living plant material (inclusive of the boulevard area adjacent to their property) equivalent to twenty-five percent of the total square feet of their property area may apply to the City billing department for an averaged sewer rate. Areas covered by materials such as rock, gravel or bark and/or poly sheeting shall not be counted as landscaping. For those commercial customers who request the averaged sewer rate, the total annual volume of all sewage would be charged as a flat rate based upon a winter average for the months of December, January, February and March water meter reads. These fees will change annually in May. The exact rates shall be defined in City resolution.
- C. For users having a water service line larger than three-fourths of an inch, the minimum monthly charge will be per City resolution. (Ord. 2645, 1993; Ord. 2548 (part), 1989, §13.20.450; Ord. 2517 §1 (part), 1988; Ord. 2474 §1 (part), 1987; Ord. 2398 §3, 1985; Ord. 2386 Exh. A (part), 1985).

#### **13.18.060 Industrial rates**

All industrial customers will be charged the same rates for volume usage as the commercial customers. The industrial users will be charged for the processing of extra strength sewage which the City agrees to accept and treat. Extra strength sewage is any sewage having an excess of two hundred ppm biochemical oxygen demand and/or two hundred fifty ppm suspended solids. The additional charges shall be defined by City resolution. (Ord. 2645, 1993; Ord. 2548 (part), 1989, §13.20.460; Ord. 2517 §1 (part), 1988; Ord. 2474 §1 (part), 1987; Ord. 2398 §4, 1985; Ord. 2386 Exh. A (part), 1985).

#### **13.18.070 Black Eagle and Malmstrom Air Force Base water districts**

The charges for the community of Black Eagle and Malmstrom Air Force Base shall be set by City resolution. (Ord. 2645, 1993; Ord. 2548 (part), 1989, §13.20.470; Ord. 2517 §1 (part), 1988; Ord. 2474 §1 (part), 1987; Ord. 2398 §4, 1985; Ord. 2386 Exh. A (part), 1985).

#### **13.18.080 Wastewater discharges--charge basis**

Any wastewater discharges into the City sewerage system from a source other than a City water tap shall be added to the sewerage charge based on a test flow for volume monitored by the City. The minimum monthly charge will not be less than three-fourths-inch size for a single-family unit or equivalent commercial use. (Ord. 2645, 1993; Ord. 2386 Exh. A (part), 1985, §13.20.490).

#### **13.18.090 Charge for connection**

Charges for connection of service line to sewer line, which does not include installation costs, are per City resolution. If one meter serves one multi-purpose development, either mobile home, local business, commercial, industrial, residential use zones, or variance, the connection charge will be based on the size of the water tap. If there is no water tap, the charges will be based on the sewage being discharged on the same ratio as for other sewer connections. If a tap is replaced and the tap size changed, only the difference in the fee between the existing tap and the new tap size will be charged. (Ord. 2645, 1993; Ord. 2386 Exh. A (part), 1985, §13.20.500 (part)).

#### **13.18.100 Review of service charge**

The City shall review the total annual cost of operation and maintenance, the financial plan and cost of service on an annual basis to assure equity of the service charge system established in the chapter. If a significant user, such as an industry, has completed in-plant modifications which could change the user's wastewater charges, the user can present to the City, in writing, such factual information to determine if the charges are to be changed. The City shall notify the user of its findings following action on the request. (Ord. 2645, 1993; Ord. 2386 Exh. A (part), 1985, §13.20.520).

## Chapter 20

### ADMINISTRATION OF INDUSTRIAL DISCHARGES

#### Sections:

13.20.010	General provisions
13.20.020	Wastewater discharge data disclosure
13.20.030	Industrial wastewater acceptance form--permit
13.20.040	Industrial pretreatment program amendments
13.20.050	Reporting requirements for dischargers
13.20.060	Limits on discharge of selected pollutants
13.20.070	Notification of hazardous waste discharge
13.20.080	Inspection and sampling
13.20.090	Confidential information

#### **13.20.010 General provisions**

It shall be unlawful to discharge sewage, industrial wastes, or other wastes to any sewer within the jurisdiction of the City, and/or to the POTW without having first complied with the terms of this chapter. (Ord. 2645, 1993; Ord. 3486 Exh. A (part), 1985, §13.20.540).

#### **13.20.020 Wastewater discharge data disclosure**

All significant industrial dischargers proposing to connect to the wastewater system and discharge sewage, industrial wastes and other wastes to the POTW shall comply with all terms of this chapter within ninety days after the effective date of the chapter.

Significant industrial dischargers shall complete and file with the City a disclosure declaration in the form prescribed by the City, accompanied by the appropriate fee. Existing significant industrial dischargers shall file disclosure forms within thirty days after the effective date of this chapter, and proposed new dischargers shall file their disclosure forms at least ninety days prior to connecting to the POTW. The disclosure to be made by the discharger shall be made on written forms provided by the City and shall cover:

- A. Disclosure of name, address, and location of the discharger.
- B. Disclosure of standard industrial classification (SIC) number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended.
- C. Disclosure of wastewater constituents and characteristics including, but not limited to, those mentioned in this chapter as determined by bona fide chemical and biological analyses. Sampling and analysis shall be performed in accordance with procedures established by the U.S. EPA and contained in 40 CFR Part 136, as amended.
- D. Disclosure of time and duration of discharges.
- E. Disclosures of average daily and instantaneous peak wastewater flow rates, in gallons per day. All flows shall be measured unless other verifiable techniques are approved by the City due to cost or nonfeasibility.
- F. Disclosure of site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, inspection manholes, sampling chambers and appurtenances by size, location and elevation.
- G. Description of activities, facilities and plant processes on the premises including all materials which are or may be discharged to the sewers or works of the City.
- H. Disclosure of the nature and concentration of any pollutants or materials prohibited by this chapter in the discharge, together with a statement regarding whether or not compliance is being achieved with this chapter on a consistent basis and if not, whether additional operation is required for the discharger to comply with this chapter.
- I. Where additional pretreatment and/or operation and maintenance activities will be required to comply with this chapter, the discharger shall provide a declaration of the shortest schedule by which the discharger will provide such additional pretreatment and/or implementation of additional operational and maintenance activities.
  1. The schedule shall contain milestone dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the discharger to comply with the requirements of this chapter including, but not limited to, dates relating to hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, executing contract for major construction, and all other acts necessary to achieve compliance with this chapter.
  2. Under no circumstances shall the City permit a time increment for any single step directed toward compliance which exceeds nine months.
  3. Not later than fourteen days following each milestone date in the schedule and the final date for compliance, the discharger shall submit a progress report to the City, including no less than a statement as to whether or not it complied with the increment of progress represented by that milestone date, and if not, the date on which it

expects to comply with this increment of progress, the reason for delay, and the steps being taken by the discharger to return the construction to the approved schedule. In no event shall more than nine months elapse between such progress reports to the City.

- J. Disclosure of each product produced by type, amount, process or processes, and rate of production.
- K. Disclosure of the type and amount of raw materials utilized (average and maximum per day).
- L. All disclosure forms shall be signed by a principal executive officer of the discharger, and qualified engineer.
- M. All sewers shall have an inspection and sampling manhole or structure with an opening of no less than twenty-four inches diameter and an internal diameter of no less than forty-eight inches containing flow measuring, recording and sampling equipment as required by the City to assure compliance with this chapter.

The City will evaluate the complete disclosure form and data furnished by the discharger and may require additional information. Within thirty days after full evaluation and acceptance of the data furnished, the City shall notify the discharger of the City's acceptance thereof through issuance of an industrial wastewater acceptance form. (Ord. 2645, 1993; Ord. 2386 Exh. A (part), 1985, §13.20.550).

#### **13.20.030 Industrial wastewater acceptance form—permit**

The City shall issue to the discharger an industrial wastewater acceptance form, which will be based on information in the disclosure form and include:

- A. Any fees and charges to be paid upon initial issuance;
- B. Limits on the average and maximum wastewater constituents and characteristics;
- C. Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;
- D. Requirements for installation and maintenance of inspection and sampling facilities;
- E. Special conditions as the City may reasonably require under particular circumstances of a given discharge, including sampling locations, frequency of sampling, number, types, and standards for tests and reporting schedule;
- F. Compliance schedules;
- G. Requirements for submission of special technical reports or discharge reports where same differs from those prescribed by this chapter;
- H. Any special agreements the City chooses to continue or develop between the City and a discharger. (Ord. 2645, 1993; Ord. 2386 Exh. A (part), 1985, §13.20.560).

#### **13.20.040 Industrial pretreatment program amendments**

The City reserves the right to amend this chapter and the terms and conditions hereof in order to assure compliance by the authority with applicable laws and regulations. Where a discharger, subject to a National Categorical Pretreatment Standard, has not previously submitted a disclosure form as required by Section 13.20.020, the discharger shall file a disclosure form with the City within one hundred eighty days after the promulgation of the applicable National Categorical Pretreatment Standard by the U.S. EPA. In addition, any discharger operating on the basis of a previous filing of a disclosure statement shall submit to the authority within one hundred eighty days after the promulgation of an applicable National Categorical Pretreatment Standard, the additional information required by subsections H and I of Section 13.18.550. The discharger shall be informed of any proposed changes in the chapter at least thirty days prior to the effective date of change. Any changes or new conditions in the chapter shall include a reasonable time schedule for compliance. (Ord. 2645, 1993; Ord. 2386 Exh. A (part), 1985, §13.20.570).

#### **13.20.050 Reporting requirements for dischargers**

- A. Any non-complying discharger subject to a compliance schedule is subject to milestone dates for the commencement or completion of major events leading to the construction or operation of pretreatment facilities shall be required to submit periodic compliance schedule progress reports as required in subsection I of Section 13.20.020.
- B. Within ninety days following the date for final compliance by existing dischargers with applicable pretreatment standards set forth in this chapter or ninety days following commencement of discharge of wastewater into the POTW by a new discharger, any discharger subject to this chapter shall submit to the City a report containing the information described in the Code of Federal Regulations Title 40 Part 403.12 paragraphs (b), (4) and (5). For industrial users subject to equivalent mass or concentration limits established by the City, this report shall contain a reasonable measure of the user's long term production rate. For all other industrial users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional O&M and/or pretreatment is necessary to bring the discharger into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the discharger, and certified by a qualified engineer licensed to practice in the State of Montana.

- C. Any discharger subject to a pretreatment standard set forth in this chapter, after the compliance date of such pretreatment standard, or, in the case of a new discharger, after commencement of the discharge to the wastewater system, shall submit to the City during the months of June and December, unless required more frequently by the City, a self-monitoring report indicating the nature and concentration, of prohibited or regulated substances in the effluent which are limited by the pretreatment standards hereof. In addition, this report shall include a record of all measured or estimated average and maximum daily flows during the report period reported in subsection B of this section. Flows shall be reported on the basis of actual measurement; provided, however, where cost or feasibility considerations justify, the City may accept reports of average and maximum flows estimated by verifiable techniques. The City, for good cause shown considering such factors as local high or low flow rates, holidays, budget cycles, or other extenuating factors may authorize the submission of said reports on months other than those specified above. Reports of dischargers shall contain all results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where required by the City. All analyses shall be performed in accordance with 40 CFR Part 136 and amendments thereto.
- D. Any discharger required to implement an accidental spill prevention plan will be required to submit that plan to the City as a requirement of the industrial wastewater acceptance form, or as required upon notification from the City if an industrial wastewater acceptance form is not required of a discharger. Upon approval of the plan by the City, the affected user will be required to implement the plan. Should an accidental spill occur, the discharger will be required to notify the City immediately upon the occurrence of such spill to the wastewater system. The notification shall include location of discharge, date, time, type of waste, concentration, volume, and corrective actions. The notification shall be followed by a written report to the City within five days.
- E. If sampling performed by an industrial user indicates a violation, the user shall notify the City within twenty-four hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the City within thirty days after becoming aware of the violation.
- F. All industrial users shall promptly notify the City in advance of any substantial change in the volume or character of pollutants in their discharge. (Ord. 2645, 1993; Ord. 2551 §§ 5, 6, 7, 1989; Ord. 2531 § 6, 1989 §13.20.580; Ord. 2386, Exh. A (part), 1985).

**13.20.060 Limits on discharge of selected pollutants**

- A. In addition to discharge limits stated elsewhere in this chapter discharges of industrial wastewater shall limit output of certain pollutants to the following maximum values:
 

Arsenic	--	1.36 milligrams per liter
Cadmium	--	5.00 milligrams per liter
Chromium	--	16.72 milligrams per liter
Copper	--	15.13 milligrams per liter
Lead	--	2.63 milligrams per liter
Mercury	--	0.06 milligrams per liter
Nickel	--	15.57 milligrams per liter
Silver	--	0.70 milligrams per liter
Zinc	--	0.51 milligrams per liter
- B. The City has the right to review and amend these limits as it determines necessary.
- C. The dilution of discharged wastes with uncontaminated or lesser contaminated wastes or waters shall not be an acceptable method of complying with the limitations outlined in this section. (Ord. 2645, 1993; Ord. 2533, 1989; §13.20.581).

**13.20.070 Notification of hazardous waste discharge**

Industrial users shall notify the City Public Works Director, the EPA Regional Waste Management Division Director, and Chief of the Solid and Hazardous Waste Bureau, State of Montana in writing of any discharge into the POTW of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. The notification, as outlined in 40 CFR Part 403.12(p) shall take place no later than one hundred eighty (180) days after the discharge occurs. In the case of new regulations identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, notification shall take place within ninety days of the effective date of such regulations. (Ord. 2645, 1993; Ord. 2601 §5, 1991; §13.20.582).

**13.20.080 Inspection and sampling**

The City may inspect the monitoring facilities of any discharger to determine compliance with the requirements of this chapter. The discharger shall allow the City or its representatives to enter upon the premises of the discharger at all reasonable hours, for the purposes of inspection, sampling, record copying, or records examination. The City shall have the right to set up on the discharger's property such devices as are necessary to conduct verification sampling,

inspection, compliance monitoring and/or metering operations. (Ord. 2645, 1993; Ord. 2386 Exh. A (part), 1985; §13.20.590).

**13.20.090 Confidential information**

Information and data furnished to the City with respect to the nature and frequency of discharge shall be available to the public or other governmental agency without restriction unless the discharger specifically requests and is able to demonstrate to the satisfaction of the City that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets or proprietary information of the discharger.

When requested by a discharger furnishing a report, the portions of a report which may disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this chapter, the Montana Pollutant Discharge Elimination System (MPDES) permit, and/or the pretreatment program; provided, however, that such portions of a report shall be available for use by the State or any State agency in judicial review or enforcement proceedings involving the discharger furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information. (Ord. 2645, 1993; Ord. 2531 §7, 1989, §13.20.600; Ord. 2386, Exh. A (part), 1985).

**Chapter 22  
INDUSTRIAL WASTEWATER ENFORCEMENT/PENALTIES**

**Sections:**

- 13.22.010 Emergency suspension of service and industrial wastewater acceptance
- 13.22.020 Termination of treatment service
- 13.22.030 Notification of violation--administrative adjustment
- 13.22.040 Show cause hearing
- 13.22.050 Judicial proceedings
- 13.22.060 Significant violations--annual publication
- 13.22.070 Interpretations
- 13.22.080 Temporary state of non-compliance
- 13.22.090 Bypass
- 13.22.100 Civil penalties
- 13.22.110 Recovery of costs incurred by the City
- 13.22.120 Falsifying information
- 13.22.130 Records retention

**13.22.010 Emergency suspension of service and industrial wastewater acceptance**

The City may, without advance notice, order the suspension of the wastewater treatment service and the industrial wastewater acceptance form to a discharger when it appears to the City that an actual or threatened discharge:

- A. Presents or threatens an imminent or substantial danger to the health or welfare of persons or substantial danger to the environment, or
- B. Threatens to interfere with the operation of the POTW, or to violate any pretreatment limits imposed by this chapter. Any discharger notified of the City's suspension order shall immediately cease all discharges.

In the event of failure of the discharger to comply with the suspension order, the City may commence judicial proceedings immediately thereafter to compel the discharger's specific compliance with such order and/or to recover civil penalties. The City shall reinstate the industrial wastewater acceptance form and/or the wastewater treatment service upon proof by the discharger of the elimination of the noncomplying discharge or conditions creating the threat as set forth above. (Ord. 2645, 1993; Ord. 2386 Exh. A (part), 1985, §13.20.610).

**13.22.020 Termination of treatment service**

A discharger shall not:

- A. Fail to factually report accurately the wastewater constituents and characteristics of its discharge;
- B. Fail to report significant changes in wastewater constituents or characteristics;
- C. Refuse reasonable access to the discharger's premises by representatives of the City for the purpose of inspection or monitoring; or
- D. Violate the provisions of this chapter, or any order of the City with respect thereto. The City may terminate wastewater treatment services to any discharger who violates any of the foregoing prohibitions. (Ord. 2645, 1993; Ord. 2386 Exh. A (part), 1985, §13.20.620).



**13.22.030 Notification of violation--administrative adjustment**

Whenever the City finds that any discharger has violated the prohibitions in Section 13.22.020, the City shall cause to be served upon such discharger a written notice (either personally or by certified or registered mail, return receipt requested) stating the nature of the alleged violation. Within thirty days of the date of receipt of the notice, the discharger shall respond personally or in writing or by certified or registered mail, return receipt requested, to the City, advising of its position with respect to the allegations. Thereafter, the discharger shall be given the opportunity to meet with a duly authorized City representative to ascertain the veracity of the allegations and establish a plan for the satisfactory correction of the violations and preclusion of a recurrence thereof. (Ord. 2645, 1993; Ord. 2386 Exh. A(part), 1985, §13.20.630).

**13.22.040 Show cause hearing**

Where the violation of Section 13.22.020 is not corrected by timely compliance by means described in Section 13.22.020, the City may order any discharger which suffers or permits a violation of Section 13.22.020 to show cause before the City or its duly authorized representative why the proposed service termination action should not be taken. A written notice shall be served on the discharger by personal service, certified or registered mail, return receipt requested, specifying the time and place of a hearing to be held by an ad hoc committee appointed by the City Manager regarding the violation, the reasons why the enforcement action is to be taken, the proposed enforcement action, and directing the discharger to show cause before such committee why the proposed enforcement action should not be taken. The notice of the hearing shall be served no less than ten days before the hearing. Service may be made on any agent, officer, or authorized representative of a discharger. The proceedings at the hearing shall be considered by such committee, which shall then enter appropriate orders with respect to the alleged violations of the discharger. (Ord. 2645, 1993; Ord. 2386 Exh. A (part), 1985, §13.20.640).

**13.22.050 Judicial proceedings**

Following the entry of any order by the City with respect to the violation by a discharger of Section 13.22.020, the City may commence an action for appropriate legal and/or equitable relief in the appropriate local court. (Ord. 2645, 1993; Ord. 2386 Exh. A (part), 1985, §13.20.650).

**13.22.060 Significant violations--annual publication**

A list of dischargers who were significantly violating the terms of this chapter during the previous twelve months shall be annually published by the City in the official newspaper of the City. For the purposes of this section, an industrial user is in significant noncompliance if its violation meets one or more of the following criteria:

- A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;
- B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent or more of all the measurements for each pollutant parameter of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except Ph).
- C. Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the control authority determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);
- D. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under Section 13.22.020 to halt or prevent such a discharge;
- E. Failure to meet, within ninety days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction or attaining final compliance;
- F. Failure to provide, within thirty days after the due date, required reports such as baseline monitoring reports, ninety-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- G. Failure to accurately report noncompliance;
- H. Any other violation or group of violations which the City determines will adversely affect the operation or implementation of the local pretreatment program. (Ord. 2645, 1993; Ord. 2601 §6, 1991, §13.20.660: Ord. 2386 Exh. A (part), 1985).

**13.22.070 Interpretations**

Any discharger or any interested party shall have the right to request in writing an interpretation or ruling by the City on any matter covered by this chapter and shall be entitled to a prompt written reply. In the event that such inquiry is by a

discharger and deals with matters of performance of compliance with this chapter for which enforcement activity relating to an alleged violation is the subject, receipt of a discharger's request shall not stay enforcement proceedings pending. Appeal of any final judicial order entered pursuant to this chapter may be taken in accordance with local and State law. (Ord. 2645, 1993; Ord. 2386 Exh. A (part), 1985, §13.20.670).

#### **13.22.080 Temporary state of non-compliance**

Any discharger which experiences an upset in operations which places the discharger in a temporary state of noncompliance with this chapter shall inform the City thereof within twenty-four hours of first awareness of the commencement of the upset. Where such information is given orally, a written follow-up report thereof shall be filed by the discharger with the City within five days. The report shall specify:

- A. Description of the upset, the cause thereof and the upset's impact on the discharger's compliance status;
- B. Duration of noncompliance, including exact dates and times of noncompliance, and if the noncompliance continues, the time by which compliance is reasonably expected to occur;
- C. All steps taken or to be taken to reduce, eliminate and prevent recurrence of such an upset or other conditions of noncompliance.

A documented and verified bona fide operating upset shall be an affirmative defense to any enforcement action brought by the City against the discharger for any noncompliance with the chapter which arises out of violations alleged to have occurred during the period of the upset. (Ord. 2645, 1993; Ord. 2386 Exh. A (part), 1985, §13.20.680).

#### **13.22.090 Bypass**

- A. Bypass is prohibited, and the control authority may take enforcement action against an industrial user for a bypass, unless:
  1. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
  2. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and
  3. The industrial user submitted notices as required under paragraph B of this section.
- B. If an industrial user knows in advance of the need for a bypass, it shall submit prior notice to the City, if possible at least ten days before the date of the bypass.
- C. An industrial user shall submit oral notice of an unanticipated bypass that exceeds applicable pretreatment standards to the City within twenty-four hours from the time the industrial user becomes aware of the bypass. A written submission shall also be provided within five days of the time the industrial user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The City may waive the written report on a case-by-case basis if the oral report has been received within twenty-four hours.
- D. The City may approve an anticipated bypass, after considering its adverse effects, if the City determines that it will meet the three conditions listed in paragraph (A) of this section.
- E. An industrial user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. (Ord. 2645, 1993; Ord. 2551 §4, 1989; §13.20.685).

#### **13.22.100 Civil penalties**

Any discharger who violates an order of the City, or who fails to comply with:

- A. Any provision of this chapter, or
- B. Any regulation, rule or permit of the City, issued pursuant to the chapter, shall be liable to the City for a civil penalty. The amount of such civil penalty shall be not less than one thousand dollars per violation. Each day upon which a violation occurs or continues shall constitute a separate violation. Such penalties may be recovered by judicial actions and/or, to the extent permissible by State law, by administrative procedures. (Ord. 2645, 1993; Ord. 2551 §1, 1989; Ord. 2531 §8, 1989 §13.20.690; Ord. 2386 Exh. A (part), 1985, prior code section 13.20.690).

#### **13.22.110 Recovery of costs incurred by the City**

Any discharger violating any of the provisions of this chapter who discharges or causes a discharge producing a deposit or obstruction or causes damage to or impairs the City's wastewater disposal system shall be liable to the City for any expense, loss, or damage caused by such violation of discharge. The City shall, by order, bill the discharger for the cost incurred by the City for any cleaning, repair, or replacement work caused by the violation or discharge. Refusal to pay

the assessed costs shall constitute a violation of this chapter, enforceable under the provisions of this chapter. Any costs incurred by the City to enforce the provisions of this chapter, including, but not limited to, verification sampling and analysis, special administrative procedures, site inspections and plan evaluation, which are directly and reasonably attributable to any specific discharger, shall be billed to that discharger.

General administrative costs to implement and maintain the industrial pretreatment program shall be a part of the operation costs of the wastewater system. (Ord. 2645, 1993; Ord. 2386 Exh. A (part), 1985, §13.20.700).

**13.22.120 Falsifying information**

Any person who knowingly makes any false statement, representation, or certification in any application, record, report, and plan or other document filed or required to be maintained pursuant to this chapter, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter, shall, in addition to civil and/or criminal penalties provided by State law, be guilty of a gross misdemeanor and shall be prosecuted and punished accordingly. (Ord. 2645, 1993; Ord. 2386 Exh. A (part), 1985, §13.20.710).

**13.22.130 Records retention**

All dischargers subject to this chapter shall retain and preserve for no less than three years, any records, books, documents, memoranda, reports, correspondence and any and all summaries thereof, relating to monitoring, sampling and chemical analyses made by or in behalf of a discharger in connection with its discharge. All records which pertain to matters which are the subject of administrative adjustment or any other enforcement or litigation activities brought by the City pursuant hereto shall be retained and preserved by the discharger until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired. (Ord. 2645, 1993; Ord. 2386 Exh. A (part), 1985, §13.20.730).

**Chapter 24**

**STORM DRAINAGE UTILITY – GENERAL RULES AND REGULATIONS**

**Sections:**

- 13.24.010 Declaration of purpose
- 13.24.020 Flood insurance
- 13.24.030 Property owners to provide storm drainage facilities
- 13.24.040 Storm drainage utility service area
- 13.24.050 Cooperation with Cascade County
- 13.24.060 Coordination with Montana Department of Transportation
- 13.24.070 Storm drainage master plan
- 13.24.080 Submission of a drainage plan
- 13.24.090 Contents of a drainage plan
- 13.24.100 Review and approval of the drainage plan
- 13.24.110 Credit for construction of drainage improvements
- 13.24.120 Responsibility for accepted facilities
- 13.24.130 Applicability to governmental entities
- 13.24.140 Violations--penalties

**13.24.010 Declaration of purpose**

The City Commission finds that this chapter and Chapter 13.26 are necessary in order to promote sound development policies and construction procedures to preserve the historic, natural or constructed watercourses; to minimize water quality degradation and control the sedimentation of rivers, streams, ponds, lakes and other water bodies; to minimize adverse impacts on property owners adjacent to developing and developed land from increased runoff; to preserve and enhance the aesthetic quality of the waters; to maintain and protect valuable groundwater resources; to minimize adverse effects of alterations on groundwater quantities, locations and flow patterns; to ensure the safety of public roads and rights-of-way; and to decrease drainage-related damage to public and private property. (Ord. 2645, 1993; Ord. 2529 (part), 1989, §13.24.010).

**13.24.020 Flood insurance**

Floods from storm drainage may occasionally occur which exceed the capacity of storm drainage facilities constructed and maintained using funds made available under this Code. This Code does not imply that property liable for the rates and charges established in this Code will always be free from storm drainage flooding or flood damage. This Code does

not purport to reduce the need or the necessity for the owner obtaining flood insurance and protecting his/her property from storm drainage. (Ord. 2645, 1993; Ord. 2529 (part), 1989, §13.24.020).

#### **13.24.030 Property owners to provide storm drainage facilities**

The City Commission further finds, determines and declares under all attendant circumstances that the owners of property within storm drainage basins in the City service area shall provide the storm drainage facilities necessary for the drainage and control of floodwaters and surface waters within storm drainage basins and shall provide the facilities required to convey such waters from the storm drainage basin to major drainage ways. Therefore, the cost of installing storm drainage facilities in the service area shall be charged in whole or in part against the lands in the service area. The City Commission further finds, determines and declares that all real property within a service area will be benefited by the installation of storm drainage facilities within the area since the development of elevated lands increases the runoff of storm drainage from such lands, causing increased amounts of storm drainage to flow onto adjoining lands of lower elevation. The owner of such elevated land shall share in the cost of improvements to reduce the possibility of such increased runoff from doing damage to other lands. To the extent possible, the rates charged by the storm drainage utility shall take into account the amount of storm drainage which will run off such lands. (Ord. 2645, 1993; Ord. 2529 (part), 1989, §13.24.030).

#### **13.24.040 Storm drainage utility service area**

A. See Title 13, Section 13.02.080.

B. The City reserves the right to plan for drainage improvements outside the service area. The City may also construct storm drain improvements out of the service area, when needed as an integral part of the storm drain facilities located within the service area. (Ord. 2645, 1993; Ord. 2529 (part), 1989, §13.24.040).

#### **13.24.050 Cooperation with Cascade County**

The City shall, in all ways and within the limits of its powers, solicit Cascade County to cooperate in providing drainage facilities in storm drainage basins, or parts thereof, extending outside the City and in general to carry out the drainage plan developed therein. Maps showing all storm drainage basins and proposed facilities shall be furnished to the Cascade County Commission for use in this matter. (Ord. 2645, 1993; Ord. 2529 (part), 1989, § 13.24.060).

#### **13.24.060 Coordination with Montana Department of Transportation**

The City shall solicit the Department of Transportation's financial participation in all storm drainage improvements constructed on or impacted by federal aid routes within the City limits. This solicitation shall be in accordance with the current City-State Storm Drainage Agreement. (Ord. 2645, 1993)

#### **13.24.070 Storm drainage master plan**

The storm drainage master plan, dated February 1989, and prepared by Thomas, Dean & Hoskins, Inc. of Great Falls, MT, is adopted by reference and declared to be a part of this Code. The plan is on file in the office of the City Clerk. The City may adopt additional master drainage plans by reference and declare them to be a part of this Code and copies of such master drainage plans shall be on file in the office of the City Clerk. Modifications to the plans may be initiated by the Public Works Director and submitted to the City Commission for approval. Approved modifications shall be filed in the office of the City Clerk. (Ord. 2645, 1993; Ord. 2529 (part), 1989; §13.24.070)).

#### **13.24.080 Submission of a drainage plan**

A. All developers applying for any of the following permits and/or approvals shall submit for approval a drainage plan prepared by a professional engineer with their application and/or request:

1. Major subdivision plat approval;
2. Minor subdivision plat approval;
3. Zone change applications to accommodate multi-family, business or industrial use;
4. Conditional use permits;
5. Building permits where the permit relates to fifteen thousand or more square feet of development coverage within the property, or where development is in a critical area as determined by the City Engineer;
6. Planned (unit) Development (PUD).

B. Commencement of construction work under any of the above permits or applications shall not begin until such time as final approval of the drainage plan is obtained in accordance with the ordinance codified in this chapter.

C. The same plan submitted during one permit/approval process may be subsequently submitted with further required applications. The plan shall be supplemented with such additional information as may be requested by the Director of Public Works.

- D. The plan requirement established in this section will apply except when the developer demonstrates to the satisfaction of the Director of Public Works and/or ~~City County~~ **Planning Advisory Board** that the proposed activity or development:
1. Will neither seriously nor adversely impact the water quality conditions of any affected receiving bodies of water; and
  2. Will not alter the surface discharge location, alter the drainage pattern on adjoining properties, alter drainage patterns, increase the discharge, nor cause any other adverse effects in the drainage; and
  3. Will not alter the subsurface drainage patterns, flow rates, and discharge points, nor result in any significant adverse effects to property or residents. (Ord. 2645, 1993; Ord. 2529(part), 1989, §13.24.080).

#### **13.24.090 Contents of a drainage plan**

Drainage plans shall be prepared in accordance with the City of Great Falls Storm drainage Design Criteria Manual - 1990 and shall be consistent with the criteria set forth in this chapter. (Ord. 2645, 1993; Ord. 2529 (part), 1989, §13.24.090).

#### **13.24.100 Review and approval of the drainage plan**

- A. All storm drainage plans prepared in connection with any of the permits and/or approvals listed in Section 13.24.070 shall be submitted for review by and approval of the Director of Public Works.
- B. At the time of approval of the drainage plan for the subject property, a schedule for inspection of construction and facilities will be established by the Director of Public Works. (Ord. 2645, 1993; Ord. 2529 (part), 1989, §13.24.100).

#### **13.24.110 Credit for construction of drainage improvements**

- A. If the storm drainage utility requires a developer to construct storm drainage facilities that serve more than that development and are identified in the storm drain master plan, a portion of the actual costs incurred may be eligible for reimbursement from the storm drainage fund. To be eligible for reimbursement, prior to final approval of the development agreement, the developer must submit to the storm drainage utility a report detailing the proposed improvements and obtain the City's approval of the report. The report must identify all elements of the project eligible for reimbursement and include a detailed project description, a project bid form with estimated quantities, units prices, engineering design and construction management costs. The report must also provide an accurate quantity and cost delineation between the proposed storm drainage improvements necessary to meet the standard requirements of the development.
- B. The books and records of the developer relating to the storm drainage facilities for which the utility is providing reimbursement shall be open to the City at all reasonable times for the purpose of audit and/or verification of costs. The Director of Public Works will recommend inclusion of the cost of improvements eligible for reimbursement in the next available budget submittal to the City Commission. Upon approval and appropriation by the City Commission, such costs will be reimbursed from the storm drainage fund. (Ord. 2645, 1993; Ord. 2529 (part), 1989, §13.24.110).

#### **13.24.120 Responsibility for accepted facilities**

All storm drainage facilities constructed, installed or provided hereunder within public right-of-way shall, upon acceptance by the City, become the property of the City, and the City thereafter shall be responsible for the operation and maintenance of the facilities. The City shall maintain all accepted public storm drainage facilities located within City-owned land, City rights-of-way and City easements. The City has the option to maintain other accepted public storm drainage facilities located within or adjacent to the City. Such public facilities include, but are not limited to, open drainage ways and piped drainage ways constructed, expressly for use by the general public and as a part of the City storm drainage facilities, bridges, roadside drainage ditches and gutters, flood control facilities, including detention and retention basins, dikes, overflow channels, pump stations, etc., that have been designed and constructed expressly for use by the public. Such public storm drainage facilities exclude facilities not accepted by the City for maintenance. (Ord. 2645, 1993; Ord. 2529 (part), 1989, §13.24.120).

#### **13.24.130 Applicability to governmental entities**

- A. All governmental entities shall be required to submit a drainage plan and comply with the terms of the ordinance codified in this chapter when developing and/or improving land including, but not limited to, road construction and reconstruction, and other improvements that can affect storm drainage within the City.
- B. It is recognized that county, state and federal permit conditions may apply to the proposed action and that compliance with the provisions of the ordinance codified in this chapter does not constitute compliance with such requirements. (Ord. 2645, 1993; Ord. 2529 (part), 1989, §13.24.130).

**13.24.140 Violations—penalties**

Violations of the ordinance codified in this chapter shall subject the violator to a fine in any sum not to exceed five hundred dollars, or imprisonment in the Cascade County Detention Center for a period not to exceed thirty days, or both such fine and imprisonment. As an alternative method of enforcement, the City may initiate an action to enjoin any development undertaken in violation of the ordinance codified in this chapter by making application for an injunction in any court of competent jurisdiction, and also may commence a civil action in any court of competent jurisdiction to recover any penalty provided for in the ordinance codified in this chapter. (Ord. 2645, 1993; Ord. 2529 (part), 1989, §13.24.140).

**Chapter 26**

**STORM DRAINAGE RATES AND CHARGES**

**Sections:**

- 13.26.010 Costs--purpose
- 13.26.020 Operation cost determination
- 13.26.040 Billing--payment--delinquency—penalty
- 13.26.060 Delinquent charges – lien upon land

**13.26.010 Costs—purpose**

The purpose of the rates and charges shall be to generate sufficient revenue to pay all costs for the operation, maintenance, administration and routine functions of the existing City storm drainage facilities and the operation, maintenance and administration of such future storm drainage facilities as may be established within, or without, the service area and to pay for the review of drainage plans, and the design, right-of-way acquisition and construction or reconstruction of storm drainage facilities. All of the proceeds are deemed to be in payment for use of the City storm drainage system. Rates are defined by City resolution. (Ord. 2645, 1993; Ord. 2529 (part), 1989, §13.28.010).

**13.26.020 Operation cost determination**

The City, or the Director of Public Works, shall determine the total annual cost of operation and maintenance of the storm drainage system. The total annual cost of operation and maintenance shall include, but need not be limited to, labor, repairs, equipment replacement, maintenance, necessary modifications, power, sampling, laboratory tests and a reasonable contingency fund. (Ord. 2645, 1993; Ord. 2529 (part), 1989; §13.28.050).

**13.26.040 Billing--payment--delinquency—penalty**

The City shall submit to each user a monthly storm drainage service charge billing. Should any user fail to pay the user storm drainage service charge within two months of the due date, the City reserves the right to stop water service to the property. Payment shall be made to the Fiscal Services Department within fifteen days after the billing date. (Ord. 2645, 1993; Ord. 2529 (part), 1989, §13.28.060).

**13.26.060 Delinquent charges - lien upon land**

- A. Delinquent storm drainage charges shall become a lien on the land against which such charges have been billed and shall be collected in the manner provided for the enforcement and collection of real property taxes, in accordance with provisions of this section and the laws of the State.
- B. On or before July 15 of each year, notice shall be given by the Fiscal Services Department to the owners of all lots or parcels of land in the storm drainage service area who are delinquent in the payment of storm drainage charges billed prior to July 1. Said notice shall specify the assessment owing and in arrears at the time of giving such notice. Such notice shall be in writing and shall state the amount of such arrearage and that unless the same is paid by August 15 thereafter, the same will be levied as a tax against the lot or parcel of real estate against which the storm drainage charge was assessed and for which payment is delinquent. The notice shall also state that the City may be suit collect past-due assessments, interest, penalties, as a debt owing the City, in any court or competent jurisdiction including the Municipal Court. Such notice may be delivered to such owner personally or by letter addressed to such owner at the post-office address of such owner as recorded in the office of the County Assessor.
- C. On or about September 1, the Fiscal Services Director shall certify and file with the County Assessor a list of all lots or parcels of real estate, giving the legal description thereof, to the owners of which notices of arrearage in payments were given and which arrearage still remains unpaid and stating the amount of such arrearage, including any penalty and interest. The County Assessor shall insert the same as a tax against such lot or parcel of real estate. (Ord. 2660; 1993).

Title 15  
**BUILDING AND CONSTRUCTION**

**Chapter**

---

- 1 Code Adoption
- 5 International Property Maintenance Code
- 10 Mobile Homes
- 15 International Energy Conservation Code
- 20 International Existing Building Code
- 25 Mechanical Code
- 30 Plumbing Code
- 35 International Fuel Gas Code
- 40 Electrical Code
- 50 Fire Code
- 55 Screening
- 57 Design Professionals
- 60 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
- 15.1.090 Asbestos in building construction

**15.1.10 Adoption**

The Building code shall be the same edition as adopted by the State. The Building Code is adopted by administrative action per Section 24.301.202 of the Administrative Rules of Montana. The Building Code currently being enforced by the City of Great Falls is on file in the ~~office of~~ **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](http://www.iccsafe.org). (Ord. 2874, 2004; Ord. 2810, (Exh. A) 2001)

- 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**

OCCGF 17.28 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 units or more (excluding Planned Unit Developments and Townhouses). (Ord. 2722, 1997)

**15.1.030 Commission report**

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 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 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 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).

**15.1.041 Insurance and bond**

Any person, firm 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).

**15.1.050 Moving buildings, permit, supervision**

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 Building Official shall inspect the same and the route upon which house or structure is proposed to be moved. All house moving shall be 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. Any mover shall make their own arrangements with all public utilities, Fire Department, Police Department, Park Department and Montana Department of Highways, either by agreement or under provisions of the State for such moving and shall furnish proof of such agreement 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).

**15.1.060 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.

**15.1.070 Special inspector**

If the Building Official determines any structure over forty 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).

**15.1.080 Relocated structures**

Whenever said moved structure is to be relocated within the jurisdiction of the City, permits required by this code shall be obtained for such work as is 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 prior to such structure being placed upon the lot. Buildings or structures moved into or within the City shall comply with the 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. (Ord. 2541. §2(Exh. B(part)), 1989).

**15.1.090 Asbestos in building construction**

- A. Building Demolitions. All buildings scheduled for demolition which contain asbestos insulation or fireproofing must follow the safeguards listed in Title 50, Chapter 64, Montana Codes Annotated. Periodic inspection with Title 50, Chapter 64, MCA and this section.
- B. Asbestos-Containing Spray Products.
  - 1. "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. "Friable asbestos material" means any material that contains more than one percent asbestos by weight and that can be crumbled, pulverized or reduced to powder, when dry, by hand pressure.
  - 2. The use of asbestos-containing spray products, 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. (Ord. 2541 §2(Exh. B(part)), 1989).

**Chapter 5  
INTERNATIONAL PROPERTY MAINTENANCE CODE**

**Section:**  
15.5.010 Adoption

**15.5.010 Adoption**

The International Property Maintenance Code, 2003 Edition, is adopted and incorporated by reference with the following amendments: Copies of the code are on file in the office of the City Clerk and are available for inspection. Copies may be obtained from the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478 or their web site [www.iccsafe.org](http://www.iccsafe.org).

- A. Subsection 101.1 Title. These regulations shall be known as the International Property Maintenance Code of The City of Great Falls, hereinafter referred to as "this code."
- B. Subsection 102.3 Application of other codes. Amended to read as follows: Strike the title "International Zoning Code" and insert "City of Great Falls' zoning ordinance."
- C. Subsection 103.5 Fees. Strike the words "indicated in the following schedule" and replace with "set by City Commission resolution."
- D. Subsection 110.4 Salvage Materials. Deleted.
- E. Subsection 201.3 Terms defined in other codes. Shall read as follows: "Where terms are not defined in this code and are defined in the International Building Code, Uniform Fire Code, Uniform Plumbing Code, International Mechanical Code, International Existing Building Code or the National Electrical Code, such terms shall have the meanings ascribed to them as in those codes".
- F. Subsection 302.4 Weeds. Shall read as follows: "All premises and exterior property shall be maintained free from weeds or plant growth in excess of eight (8") inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens." Second paragraph is deleted.
- G. Subsection 302.8 Motor Vehicles. Deleted.
- H. Subsection 304.14 Insect Screens. Specify time period of May 1<sup>st</sup> to October 1<sup>st</sup>.
- I. Subsection 505.1 General. Strike reference to the "International Plumbing Code" and replace with "Uniform Plumbing Code."
- J. Subsection 602.2 Residential occupancies. Shall read as follows: Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.
- K. Subsection 602.3 Heat supply. Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guestroom on terms, either expressed or implied, to furnish heat to the

occupants thereof shall supply heat to maintain a temperature of not less than 68°F (20°C) in all habitable rooms, bathrooms, and toilet rooms. Exception #1 is deleted. (Ord. 2874, 2004; Ord. 2864, 2003; Ord. 2748, 1998; Ord. 2710 Exh. A), 1996; Ord. 2651 (Exh. B), 1993; Ord. 2627 §1(Exh B) 1992; Ord. 2538 §2(Exh. B), 1989).

**Chapter 10  
MOBILE HOMES<sup>1</sup>**

**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
- 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

**15.10.010 Purpose**

The purpose of this regulation is to provide minimum standards to safeguard life and limb, health, 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).

**15.10.040 Unsafe structures and utilities—designated**

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

- A. Unsafe Structure. An unsafe structure is one 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 structure in which any one or more of the following conditions exists shall be deemed conclusively to be an unsafe structure:
  - 1. Those which show 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. Those in which the loads upon the floors or roof exceed the maximum design limits;
  - 3. Those in which parts thereof are so attached that they may fall and cause injury to persons or personal property.
- B. Unsafe Utility. An unsafe utility is one which constitutes a fire hazard or hazard to life, health, property or public welfare by reason of use, construction, quality of material or inadequate maintenance or dilapidation. However, without limitation of the foregoing, any utility in which any one or more of the following conditions exists shall be deemed to be an unsafe utility:
  - 1. Gas fired, oil fired or solid fuel fired appliances, devices or other apparatus which have any of the following defects:
    - a. Broken or cracked heat exchangers,
    - b. Defective or deteriorated vents, venting or flues which permit leakage of the flue gas through the walls,
    - c. Defective fuel supply lines,
    - d. Insufficient air supply for combustion of the fuel,
    - e. Defective or improperly installed and/or adjusted controls and appurtenances or a lack of such required controls,

---

<sup>1</sup>For provisions on mobile home parks, see ~~Ch. Title 17-87~~ of this Code.

- f. Equipment locations which constitute a fire or explosive hazard,
- g. Defective or improperly -installed equipment.

**15.10.050 Unsafe structures and utilities--abatement--notice**

- 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 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)).

**15.10.060 Building official—decision**

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)).

**15.10.070 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 those recommendations meet the minimum standards set out in this section and Sections 15.10.080 through 15.10.120.
- B. All footings, piers, caps and shims shall be located under both frame rails and shall be installed so the longest dimension of each piece of material used for the construction of a pier and of each footing, cap and shim is parallel with the ground and perpendicular to the frame rail. Those nearest each end of the mobile home shall be within five feet from the end of the home, and shall have a maximum spacing of ten 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)).

**15.10.080 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 2" x 12" x 18".
- C. Each footing may be constructed from more than one piece of material, provided that each piece of material has minimum nominal dimensions of not less than 2" x 12" x 18", unless smaller dimensions are approved by the section prior to use.
- D. All footings shall be at least four inches longer and four 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)).

**15.10.090 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 8" x 8" x 16" 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 nominal inches wide, and in any event shall be the same width as a cap resting upon it.
- D. A pier eight inches in height or less may be constructed of more than one piece of material provided each piece has minimum nominal dimensions of 2" x 4" x 16".

- E. A pier more than eight inches in height may be constructed of more than one piece of material having minimum nominal dimensions of eight inches wide, eight inches high, and sixteen inches long, provided that the pieces fit flush, one to another. (Ord. 2874, 2004; Prior code §4-7-4 (part)).

#### **15.10.100 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 inches in height and not less than eight nominal inches wide and sixteen inches long.
- C. Each cap shall be constructed of the same material throughout and may be constructed of more than one piece of material each having minimum nominal dimensions of 1" x 8" x 16". (Ord. 2874, 2004; Prior code §4-7-4(part)).

#### **15.10.110 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 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)).

#### **15.10.120 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. 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)).

#### **15.10.150 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).

#### **15.10.160 Permit—fees**

A fee for each permit to place a mobile home on a lot outside of a licensed trailer court shall be paid to the ~~Department of 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).

## **Chapter 15 INTERNATIONAL ENERGY CONSERVATION CODE**

### **Section:**

15.15.010 Adoption

#### **15.15.010 Adoption**

The International Energy Conservation Code shall be the same edition as adopted by the State. The International Energy Conservation Code is adopted by administrative action per section 24.301.202 of the Administrative Rules of Montana. The International Energy Conservation Code currently being enforced by the City of Great Falls is on file in the ~~office of 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. (Ord. 2887, 2004; Ord. 2874, 2004; Ord. 2818, 2002; Ord. 2810, (Exh. A), 2001).

**Chapter 20**  
**INTERNATIONAL EXISTING BUILDING CODE**

**Section:**

15.20.010 Adoption

**15.20.010 Adoption**

The International Existing Building Code shall be the same edition as adopted by the State. The International Existing Building Code is adopted by administrative action per Section 24.301.202 of the Administrative Rules of Montana. The International Existing Building Code currently being enforced by the City of Great Falls is on file in the ~~office of~~ **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](http://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)

**Chapter 25**  
**MECHANICAL CODE**

**Section:**

15.25.010 Adoption

**15.25.010 Adoption**

The Mechanical Code shall be the same edition as adopted by the State. The Mechanical Code is adopted by administrative action per Section 24.301.202 of the Administrative Rules of Montana. The Mechanical Code currently being enforced by the City of Great Falls is on file in the ~~office of~~ **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](http://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).

**Chapter 30**  
**PLUMBING CODE**

**Sections:**

15.30.010	Adoption	15.30.031	Fee--plumber's license
15.30.012	Definition	15.30.050	Homeowner's permit
15.30.016	Permit Fees	15.30.051	Medical gas requirements
15.30.020	Plumbing requirements	15.30.052	Contractor licensing
15.30.021	Contractor licensing	15.30.053	Application
15.30.022	Application	15.30.054	Insurance and bond
15.30.023	Insurance and bond	15.30.055	Fee
15.30.024	License term	15.30.056	Medical gas systems licensing
15.30.025	Fee	15.30.057	Fee--medical gas systems Licensing
15.30.026	Permit issuance	15.30.060	Violation--penalty
15.30.030	Plumbers' licensing		

**15.30.010 Adoption**

The Plumbing Code shall be the same edition as adopted by the State. The Plumbing Code is adopted by administrative action per Section 24.301.202 of the Administrative Rules of Montana. The Plumbing Code currently being enforced by the City of Great Falls is on file in the ~~office of~~ **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).

#### **15.30.012 Definition**

Authority having jurisdiction referred to in this code shall be the Building Official as defined in the International Building Code. (Ord. 2874, 2004; Ord. 2540 §2(Exh. B(part)), 1989).

#### **15.30.016 Permit fees**

Section 103.4 Fees: Shall be as specified by City Commission resolution. (Ord. 2874, 2004; Ord. 2818, 2002).

#### **15.30.020 Plumbing requirements**

For purposes of definition plumbing shall involve all sections of the Uniform Plumbing Code, except Chapter 12, Fuel gas piping. (Ord. 2874, 2004; Ord. 2540 §2(Exh. B(part)), 1989).

#### **15.30.021 Contractor licensing**

Any person, firm or corporation who engages in the business of installation, alteration, maintenance or repair of plumbing and drainage systems is required to have a plumbing contractor's license. (Ord. 2874, 2004; Ord. 2540, 1989).

#### **15.30.022 Application**

An applicant for a plumbing contractor's license shall show evidence that the applicant, or at least one member of the firm or corporation, is the holder of a current master plumber's license issued by the State of Montana. (Ord. 2874, 2004; Ord. 2540 §2(Exh. B(part)), 1989).

#### **15.30.023 Insurance and bond**

All applicants for licensing shall file with the **Planning and** Community Development Department a commercial general liability insurance policy issued by an insurance carrier authorized to do business in the State, with limits established by City Commission resolution. Additionally, a license bond in the amount established by City Commission resolution shall be supplied to guarantee compliance with all laws and regulations applicable relative to the license and permits issued. (Ord. 2874, 2004; Ord. 2801, 2001; Ord. 2711 (Exh. A), 1996; Ord. 2540 §2(Exh. B(part)), 1989).

#### **15.30.024 License term**

All licenses issued under the provisions of this chapter shall be for the calendar year beginning January 1st and expiring on December 31st. Renewals or new applicants applying after the expiration date shall pay fees as specified for the full year. Exception: Applications after December 1st will receive licenses valid for the remainder of the year plus the next calendar year. (Ord. 2874, 2004; Ord. 2540 §2(Exh. B(part)), 1989).

#### **15.30.025 Fee**

The fee for issuance of a plumbing contractor's license shall be as set by City Commission resolution for the term specified in Section 15.30.024. (Ord. 2874, 2004; Ord. 2711 (Exh. A), 1996; Ord. 2540 §2(Exh. B(part)), 1989).

#### **15.30.026 Permit issuance**

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

**15.30.030 Plumber's licensing**

Any person engaged in the trade or calling of journeyman plumber in the City is required to have a plumber's certificate. (Ord. 2874, 2004; Ord. 2540 §2(Exh. B(part)), 1989).

**15.30.031 Fee--plumber's license**

A fee as set by City Commission resolution shall be paid for each initial certificate upon evidence of a current journeyman plumber's license issued by the State. The fee for each renewal shall be as set by City Commission resolution. Such license shall be valid as per Section 15.30.024. (Ord. 2874, 2004; Ord. 2711 (Exh. A), 1996; Ord. 2566 §2, 1990; Ord. 2540 §2(Exh. B(part)), 1989).

**15.30.050 Homeowner's permit**

An owner of a single-family residence used exclusively for personal use, may install all sanitary plumbing or potable water supply piping. The standard fee schedule applies to all permits obtained under this article of the Code. (Ord. 2874, 2004; Ord. 2711 (Exh. A), 1996; Ord. 2540 §2(Exh. B(part)), 1989).

**15.30.051 Medical gas requirements**

For purposes of definition medical gas systems shall involve only NFPA 99C Gas and Vacuum Systems current edition. (Ord. 2926, 2006; Ord. 2874, 2004; Ord. 2761, 1999)

**15.30.052 Contractor licensing**

Any person, firm or corporation who engages in the business of installation, alteration, maintenance or repair of medical gas systems is required to have a medical gas systems contractors license. (Ord. 2874, 2004; Ord. 2761, 1999)

**15.30.053 Application**

An applicant for a medical gas systems contractors license shall show evidence that the applicant, or at least one member of the firm or corporation, is the holder of a current medical gas certificate. (Ord. 2874, 2004; Ord. 2761, 1999)

**15.30.054 Insurance and bond**

An applicant for a medical gas systems contractor's license shall meet the requirements of Section 15.30.023. (Ord. 2874, 2004; Ord. 2761, 1999)

**15.30.055 Fee**

The fee for issuance of a medical gas systems contractor's license shall be as set by City Commission resolution. (Ord. 2874, 2004; Ord. 2761, 1999)

**15.30.056 Medical gas systems licensing**

Any person engaged in the installation, alteration, maintenance or repair of medical gas systems in the City is required to have a medical gas certificate. (Ord. 2874, 2004; Ord. 2761, 1999)

**15.30.057 Fee--medical gas systems licensing**

A fee as set by City Commission resolution shall be paid for each initial certificate upon evidence of a current medical gas endorsement issued by the State. The fee for each renewal shall be as set by City Commission resolution. Such certificate shall be valid as per section 15.30.024. (Ord. 2874, 2004; Ord. 2761, 1999)

**15.30.060 Violation—penalty**

Any person, firm or corporation found guilty of violating any of the applicable provisions of this chapter shall be liable to penalty as prescribed by Chapter 1.4.070 of this Code. (Ord. 2874, 2004; Ord. 2540 §2(Exh. B(part)), 1989).

**Chapter 35**  
**INTERNATIONAL FUEL GAS CODE**

**Sections:**

15.35.010	Adoption	15.35.030	Fee
15.35.012	Definition	15.35.031	Gas fitters licensing
15.35.020	Permit Fees	15.35.040	Application
15.35.021	Fuel gas piping requirements	15.35.041	Fee—gas fitters license
15.35.022	Contractor licensing	15.35.042	License term
15.35.023	Application	15.35.050	Permit issuance
15.35.024	Insurance and bond	15.35.060	Violation--penalty

**15.35.010 Adoption**

The Fuel Gas Code shall be the same edition as adopted by the State. The Fuel Gas Code is adopted by administrative action per Section 24.301.202 of the administrative Rules of Montana. The fuel gas code currently being enforced by the City of Great Falls is on file in the ~~office of~~ **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](http://www.iccsafe.org).

**15.35.012 Definition**

The code official referred to in this code shall be the Building Official as defined in the International Building Code. (Ord. 2874, 2004)

**15.35.020 Permit fees**

Section 106.5.2 Fee schedule. Shall be as specified by City Commission resolution. (Ord. 2874, 2004)

**15.35.021 Fuel Gas piping requirements**

For purposes of definition fuel gas piping shall involve only the International Fuel Gas Code. (Ord. 2874, 2004)

**15.35.022 Contractor licensing**

Any person, firm or corporation who engages in the business of installation, alteration, maintenance or repair of gas piping systems is required to have a gas fitting contractor’s license. (Ord. 2874, 2004; Ord. 2569 §2(Exh. B(part)), 1990).

**15.35.023 Application**

An applicant for a gas fitting contractor's license shall show evidence that the applicant, or at least one member of the firm or corporation, is the holder of a current gas fitters certificate. (Ord. 2874, 2004; Ord. 2569 §1(Exh. B(part)), 1990).

**15.35.024 Insurance and bond**

An applicant for a gas fitting contractor’s license shall meet the requirements of Section 15.30.023. (Ord. 2874, 2004; Ord. 2801, 2001; Ord. 2592 §2(part), 1991)

**15.35.030 Fee**

The fee for issuance of a gas fitting contractor's license shall be as set by City Commission resolution. (Ord. 2874, 2004; Ord. 2711 (Exh. A), 1996; Ord. 2569 §2(Exh. B(part)), 1990).



**15.35.031 Gas fitters licensing**

Any person engaged in the trade or calling of gas fitter in the City is required to have a gas fitters certificate. (Ord. 2874, 2004; Ord. 2569 §2(Exh. B(part)), 1990).

**15.35.040 Application**

A person desiring a gas fitting license shall make application to the Building Official to schedule a time and place for an appropriate examination to determine the qualifications of the applicant. A fee of twenty dollars shall be paid for each examination. The examination shall be administered by the person responsible for gas installation inspections, who will certify the results to the Building Official. Examination is required for each initial application and is not required for renewal of the license, unless the license has been expired for more than thirty calendar days. Adequate proof of experience in the field of gas fitting or related trades shall be submitted prior to the date of examination. Proof of experience shall include affidavits from previous employers themselves in the business of plumbing, pipe fitting or gas fitting totaling a minimum of two years. (Ord. 2874, 2004; Ord. 2569 §1(Exh. B(part)), 1990).

**15.35.041 Fee--gas fitters license**

Upon successful completion of the examination, an initial certificate shall be issued. The fee shall be as set by City Commission resolution for each renewal. Such license shall be valid as per Section 15.30.024. (Ord. 2874, 2004; Ord. 2711 (Exh. A), 1996; Ord. 2569 §2(Exh. B(part)), 1990).

**15.35.042 License term**

All licenses issued under the provisions of this chapter shall be for the calendar year beginning January 1st and expiring on December 31st. Renewals or new applicants applying after the expiration date shall pay fees as specified for the full year. (Ord. 2874, 2004; Ord. 2569 §2(Exh. B(part)), 1990).

**15.35.050 Permit issuance**

Only a gas fitting contractor licensed under this chapter shall be eligible to obtain a permit for fuel gas piping systems. (Ord. 2874, 2004; Ord. 2569 §2(Exh. B(part)), 1990).

**15.35.060 Violation—penalty**

Any person, firm or corporation found guilty of violating any of the provisions of this chapter shall be liable to penalty as prescribed by Chapter 1.4.070 of this Code. (Ord. 2874, 2004; Ord. 2592 §2(part), 1991).

**Chapter 40  
ELECTRICAL CODE**

**Sections:**

- 15.40.010 Adoption
- 15.40.020 Electrical contractor's license
- 15.40.021 Application for City electrical contractor's license
- 15.40.022 Insurance and bond
- 15.40.023 License term
- 15.40.024 Fee
- 15.40.030 Homeowner electrical permit
- 15.40.031 Application--homeowner's permit
- 15.40.040 Individual Wiring Certificate
- 15.40.041 Application--individual wiring certificate
- 15.40.042 Fee--individual wiring certificate
- 15.40.050 Electrical permit issuance
- 15.40.051 Permit fees
- 15.40.060 Violation—penalty

**15.40.010 Adoption**

The Electrical Code shall be the same edition as adopted by the State. The Electrical Code is adopted by administrative action per Section 24.301.202 of the Administrative Rules of Montana. The Electrical Code currently being enforced by the City of Great Falls is on file in the ~~office of~~ **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).

**15.40.020 Electrical contractor's license**

Any person, firm, or corporation engaging in the business or installation, alteration, maintenance or repair of electrical equipment in the City is required to have a City Electrical Contractor's License. This does not apply to the installation, alteration, or repair of electrical signal or communications equipment owned or operated by a public utility or the City. (Ord. 2874, 2004; Ord 2592 §2(part), 1991).

**15.40.021 Application for City electrical contractor's license**

- A. An applicant for an electrical contractor's license shall apply to the Building Official, and shall show evidence that:
  - (1) all work is under the direction, control, and supervision of a licensed master electrician, or
  - (2) under the direction, control and supervision of a journeyman electrician for residential construction consisting of less than five living units in a single structure. Journeyman, master and residential electricians are as defined and licensed under authority of Montana Codes Annotated 37-68 and hold a current contractor's license issued by the State.
- B. The applicant shall also file an insurance policy or certificate as required by Section 15.40.022. (Ord. 2874, 2004; Ord. 2592 §2(part), 1991).

**15.40.022 Insurance and bond**

- A. All applicants for licensing shall file with the **Planning and Community Development Department** a commercial general liability insurance policy or certificate of same, issued by an insurance carrier authorized to do business in the State, with limits established by City Commission resolution. Such limits shall be minimums and shall be in force through the term of the license.
- B. All new electrical contractors will be required to post a license bond in an amount established by City Commission resolution to guarantee compliance with all laws and regulations relative to the license and permits issued for the first two years of business. If performance under the bond is satisfactory, the Board of Appeals may release the contractor from further posting of the bond. Additionally, if an electrical contractor is not performing satisfactory work and has no license bond, the Board of Appeals shall conduct a hearing to determine if a license bond shall be required to be posted and determine the period of the posting. (Ord. 2874, 2004; Ord. 2801, 2001; Ord. 2592 §2(part), 1991).

**15.40.023 License term**

All licenses issued under the provisions of this chapter shall be for the calendar year beginning January 1st and expiring on December 31st. Renewals or new applicants applying after the expiration date shall pay fees as specified for the full year.

Exception: Applications after December 1st will receive licenses valid for the remainder of the year plus the next calendar year. (Ord. 2874, 2004; Ord. 2592 §2(part), 1991).

**15.40.024 Fee**

The fee for issuance of an electrical contractor's license shall be set by City Commission resolution. (Ord. 2874, 2004; Ord. 2592 §2(part), 1991).

**15.40.030 Homeowner electrical permit**

An individual may obtain an electrical permit for doing electrical work on his own property or residence; provided, that said property or residence is maintained for his own use. The electrical work shall be done by the owner or a member of the family residing at the same address. Any other individual(s) performing work under the electrical permit are in violation of this Code. (Ord. 2874, 2004; Ord. 2592 §2(part), 1991).

**15.40.031 Application--homeowner's permit**

Every person desiring a homeowner's permit under the provisions of Section 15.40.030 shall first file an application for registration, which application shall set forth the location of the building where the work is proposed to be done, state that the applicant is the owner of said building, and attest to understanding applicable provisions of this chapter and electrical codes. Permit fees shall be established by City Commission resolution. (Ord. 2874, 2004; Ord. 2592 §2(part), 1991).

**15.40.040 Individual wiring certificate**

Any person who is or in the future may become engaged in the trade or calling of a journeyman or residential electrician in the installation or repair of electrical equipment in the City is required to have an individual wiring certificate. (Ord. 2874, 2004; Ord. 2592 §2(part), 1991).

**15.40.041 Application--individual wiring certificate**

An applicant for an individual wiring certificate shall submit evidence that such person is the holder of a current license issued by the State to engage in the trade or calling of residential electrician, journeyman electrician, or master electrician, as defined by Chapter 37, Montana Codes Annotated. (Ord. 2874, 2004; Ord. 2592 §2(part), 1991).

**15.40.042 Fee--individual wiring certificate**

The fee shall be established by resolution of the City Commission. (Ord. 2874, 2004; Ord. 2592 §2(part), 1991).

**15.40.050 Electrical permit issuance**

Electrical permits may be issued only to a person, firm or corporation qualified or licensed under Chapter 68, Montana Codes Annotated and this chapter or to individuals qualifying as homeowners in Section 15.40.030. (Ord. 2874, 2004; Ord. 2592 §2(part), 1991).

**15.40.051 Permit fees**

Electrical permit fees shall be collected as set by City Commission resolution. (Ord. 2874, 2004)

**15.40.060 Violation—penalty**

Any person, firm or corporation found guilty of violating any of the provisions of this chapter shall be liable to penalty as prescribed by Chapter 1.4.070 of this Code. (Ord. 2874, 2004; Ord. 2592 §2(part), 1991).

**Chapter 50  
FIRE CODE**

**Sections:**

- 15.50.010 Uniform Fire Code--adoption
- 15.50.040 Definitions
- 15.50.060 Bureau of Fire Prevention--established--duties
- 15.50.080 Uniform Fire Code--amendments
- 15.50.100 Pipes thawed with torch prohibited
- 15.50.140 Violation--penalty

**15.50.010 Uniform Fire Code—adoption**

A. There is for 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 National Fire Protection Association

1 Uniform Fire Code 2003 edition (2003 NFPA 1/UFC), including Annexes thereof, save and except such portions as are hereinafter deleted, modified or amended by Section 15.50.080.

B. A copy of such Code has been and is now filed in the office of the City Clerk.

C. Copies of the 2003 NFPA 1/UFC may be obtained from the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02169. Information is available upon request from the State Fire Marshal Bureau, Department of Justice, 303 North Roberts, Helena, Montana, 59620. (Ord. 2905, 2005; Ord. 2874, 2004; Ord. 2794, 2001; Ord. 2651 (Exh. B), 1993; Ord. 2455 (part), 1987; Ord. 2429 §2 (part), 1986).

#### **15.50.040 Definitions**

Whenever the following words are used in the 2003 NFPA 1/UFC, the following definitions shall apply:

"Chief of the Bureau of Fire Prevention" means the Fire Marshal of the City.

"Corporation counsel" means the City Attorney.

"Jurisdiction" means the City.

"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).

#### **15.50.060 Bureau of Fire Prevention--established—duties**

The 2003 NFPA 1/UFC shall be enforced by the 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)

#### **15.50.080 Uniform Fire Code—amendments**

The 2003 NFPA 1/UFC is amended and changed in the following respects:

A. Chapter 1 of the 2003 NFPA 1/UFC is adopted with the following exceptions, additions and amendments:

- a. Section 1.10 Board of Appeals is not adopted; and
- b. 1.12 Permits and Approvals and any other sections of the 2003 NFPA 1/UFC referring to permits is not adopted. This section applies on to 2003 NFPA 1/UFC permitting requirements, not to permitting requirements contained in Montana law. Fees shall be set by Commission resolution.

B. Chapter 10 through 19 of the 2003 NFPA 1/UFC are adopted with the following exceptions, additions and amendments:

- a. Section 10.18 Parade Floats (including all subsections) is not adopted;
- b. Section 10.7.3 False Alarms is not adopted
- c. Section 10.15.1 is not adopted; and
- d. 10.15.9.5 Christmas trees shall be properly treated with an approved flame retardant. The chief may, however, waive this requirement when the tree is fresh (recently harvested) and all other provisions of section 10.15.9 are met. Consideration should also be given to humidity, temperature and the dryness of the tree at the time of setup.
- e. Section 14.15.3 Fire escapes: Existing fire escapes which in the opinion of the chief comply with (1) may be used as one of the required means of egress. The location and anchorage of fire escapes shall be of approved design and construction. 1. Fire escapes shall comply with the following:
  - i. Access from a corridor shall not be through an intervening room;
  - ii. All openings within 10 feet shall be protected by three-fourths-hour fire assemblies;
  - iii. When located within a recess or vestibule, adjacent enclosure walls shall not be less than one hour fire-resistive construction;
  - iv. Egress from the building shall be by a clear opening having a minimum dimension of not less than 29 inches in both height and width. Such openings shall be openable from the inside without the use of a key or special knowledge or effort. The sill of the opening giving access shall not be more than 30 inches above the floor of the building or balcony;
  - v. Fire escape stairways and balconies shall comply with the following requirements:
    1. fire escape stairways and balconies shall support the dead load plus a live load of not less than 100 pounds per square foot and shall be provided with a top and intermediate handrail on each side;
    2. the pitch of the stairway shall not exceed 60 degrees with a minimum width of 18 inches;
    3. treads shall not be less than four inches in width and the rise between treads shall not exceed 10 inches;
    4. all stair and balcony railings shall support a horizontal force of not less than 50 pounds per lineal foot of railing;

5. balconies shall not be less than 44 inches in width with no floor opening other than the stairway opening greater than 5/8 inch in width;
6. stairway openings in such balconies shall not be less than 22 inches by 44 inches; and
7. the balustrade of each balcony shall not be less than 36 inches high with not more than nine inches between balusters;
- vi. Fire escapes shall extend to the roof or provide an approved gooseneck ladder between the top floor landing and the roof when serving buildings four or more stories in height having roofs with less than four units in vertical in 12 units horizontal (33.3% slope);
- vii. Fire escape ladders shall be designed and connected to the building to withstand a horizontal force of 100 pounds per lineal foot; each rung shall support a concentrated load of 500 pounds placed anywhere on the rung. All ladders shall be at least 15 inches wide, located within 12 inches of the building and shall be placed flat wise relative to the face of the building. Ladder rungs shall be 3/4 inch in diameter and shall be located 12 inches on center. Openings for roof access ladders through cornices and similar projections shall have minimum dimensions of 30 inches by 33 inches;
- viii. The lowest balcony shall not be more than 18 feet from the ground;
- ix. Fire escapes shall extend to the ground or be provided with counterbalanced stairs reaching the ground;
- x. Fire escapes shall be kept clear and unobstructed at all times and maintained in good working order.
- f. 19.2.1.4 Rubbish within Dumpsters. Dumpsters and containers with an individual capacity of 1.5 yd<sup>3</sup> or more shall not be stored in buildings or placed within five feet of combustible wall, openings or combustible roof eave lines.
- g. 19.2.1.4.2 Structures of Types I and II fire resistive construction used for dumpster or container storage shall be located not less than five feet from openings and other buildings.
- C. Chapters 60 through 73 of 2003 NFPA 1/UFC are adopted with the following exceptions, additions and amendments:
  - a. Section 65.9 Storage. The maximum quantities, storage conditions, and fire-protection requirements for gunpowder and ammunition stored in a building shall be as follows:
    - i. Smokeless powder –in accordance with 50-61-120 and 50-61-121, MCA.
    - ii. Commercial manufactured sporting black powder: 25 pounds in a separate, portable Type 4 magazine.
    - iii. Small arms primers or percussion caps: In accordance with 50-61-120 and 50-61-121, MCA.
  - b. Section 65.11 Sale, Handling, and Storage of Consumer Fireworks is not adopted.

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

Annex A Explanatory Material;

A. Annex D Hazardous Materials Management Plans and Hazardous Materials Inventory Statements;

B. Annex G Ozone Gas-Generating Equipment;

C. Annex H Fire Flow requirements of Buildings; and

D. Annex E Fire Hydrant Location and Distribution.

The design and construction requirements in NFPA 1/UFC that apply to public buildings or places of employment are not included in this adoption. The Building Code adopted by the *City* controls design and construction in the City of Great Falls. If there is any conflict between the construction standards in the NFPA 1/UFC and the construction standards set forth in the Building Code, the provisions of the Building Code control. NFPA 1/UFC construction codes only apply if no comparable construction code exists.

The following NFPA 1/UFC sections are modified as shown to be in accordance with the Building Code regarding design and construction requirements:

A. Chapter 1

1. Section 1.3 Application. This code shall apply to: New construction as required in the building code, and existing conditions. Existing buildings shall be maintained in accordance with the Building Code in effect at the time of construction. However, where existing conditions or buildings pose an imminent hazard or risk to public health and safety are not, therefore, within the purview of the building code, the Bureau of Fire Prevention may take corrective action pursuant to the provisions of 50-61-101, Montana Code Annotated (MCA) et seq. and 50-61-101, MCA, et seq.
2. Section 1.3.8 Repairs, renovations, alteration, reconstruction, change of occupancy and additions to buildings shall conform with the Fire Code and the Building Code.
3. Section 2.1 General. The documents or [portions thereof listed in this chapter are referenced within this code and shall be considered part of the requirements of this document.
4. Section 2.2 NFPA publications is not adopted.

- 5. Section 10.1.1 Every existing building or structure shall be arranged, equipped, maintained and operated in accordance with this code so as to provide a reasonable level of life safety, property protection and public welfare from the actual and potential hazards created by fire, explosion, and other hazardous conditions.
- 6. Section 10.1.2 is not adopted.
- 7. Section 10.1.3 Building Code. All new construction shall comply with the Building Code.
- 8. Section 14.1 Applications. Means of egress in new and existing buildings shall comply with the Building Code in effect at the time of construction.

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

**15.50.100 Pipes thawed with torch prohibited**

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

**15.50.140 Violation—penalty**

- A. Any person who violates any of the provisions of the Uniform Fire Code adopted in Section 15.12.010 of this chapter or fails to comply therewith is guilty of a misdemeanor, punishable by a fine of not less than ten dollars nor more than five hundred dollars or by imprisonment for not more than six months, or by both such fine and imprisonment. The imposition of one 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 days that prohibited conditions are maintained shall constitute a separate offense.
- 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).

---

**Other pertinent OCCGF Codes:**

8.7	Smoking in Public Places	9.90	Fireworks Policy
8.60.010	Abandoned Refrigerators	10.48.060(B)	Hydrant Codes
9.28.010	Negligent Smoking	13.14.010	Unlawful Materials in Sewer
9.10.010(M)	Discharging Fireworks in Parks		

## Chapter 55 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

### 15.55.010 Title

This chapter shall be known as the Great Falls Screening Code 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).

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

### 15.55.030 Enforcement

The **Planning and** Community Development Director or a duly authorized representative is authorized and directed to enforce this code. (Ord. 2874, 2004; Ord. 2405 (Exh. A (part)), 1985).

### 15.55.040 Definitions

"Public view" means a point six feet above the surface of the center of any adjacent public right-of-way including but not limited to avenues, streets and alleys.

"Salvage" or "scrap" means fragments of material discarded as waste in manufacturing operations, or machines, tools, equipment or parts of these, 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.

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

### 15.55.050 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. Screening refers to fencing or other manmade barriers to conceal a facility 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.
- 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 inches wide when viewed at any angle from forty-five degrees to ninety degrees to the fence. The interval between spaces will not be less than seven and one-half 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 inches. The breaks in the fence may be vertical or at any angle; they cannot be horizontal. 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 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 than the two 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 Title 17 of this Municipal Code.
- F. No more than one of the approved screening materials is to be used on one side of the facility. 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 in a neat and workmanlike manner. It is to be replaced where necessary by the operator. Damage by vandals or other causes is the risk of the operator and is not to be reason for not maintaining the screening.
- H. Signage on the screening must comply with Title 17, Chapter 60 of this code book. (Ord. 2874, 2004; Ord. 2405 (Exh. A (part)), 1985).

**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 year of the enactment of this Code. (Ord. 2405 (Exh. A (part)), 1985).

**15.55.070 Violations and penalties**

It shall be unlawful for any salvage or scrap dealer to operate contrary to or in violation of this Code. Any person violating this Code shall be guilty of a misdemeanor, and upon conviction of any such violation, such person shall be punishable by a fine of not more than five hundred dollars or by imprisonment for not more than six months or by both such fine and imprisonment. (Ord. 2874, 2004; Ord. 2405 (Exh. A (part))), 1985).

**Chapter 57  
DESIGN PROFESSIONALS**

**Section:**

15.57.010 Requirement for design professionals

**15.57.010 Requirement for design professionals**

Where structural integrity or mechanical, electrical, or plumbing complexity, or any other applicable code provision necessitates, 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. (Ord. 2875, 2004

**Chapter 60  
APPLICABILITY**

**Sections:**

15.60.010 Applicability  
15.60.020 Appeals

**15.60.010 Applicability**

These codes are applicable to all buildings within the building code enforcement area of City of Great Falls, including but not limited to, residential buildings, containing less than five dwelling units or their attached-to structures, any farm



or ranch building, and any private garage or private storage structure used only for the owner's own use as provided by §50-60-102(1)(a), MCA. (Ord. 2874, 2004; Ord. 2748, 1998)

**15.60.020 Appeals**

Appeals may be filed to any order, requirement, permit decision, refusal or determination of the Building Official in accordance with Title 17, Chapter 12, Article 5. (Ord. 2874, 2004; Ord. 2748, 1998).



**Item:** Memorandum of Understanding for Utility Connections and Fire Protection and Emergency Services for the Great Falls AgriTech Park, Phase 1, O. F. 1591

**From:** City Manager

**Initiated By:** Great Falls Development Authority

**Presented By:** Greg Doyon, City Manager

**Action Requested:** Consider and Approve Memorandum of Understanding

---

**Suggested Motion:**

1. Commissioner moves:

"I move the City Commission approve the Memorandum of Understanding with the Great Falls Development Authority for Utility Connections and Fire Protection and Emergency Services for the Great Falls AgriTech Park, Phase 1, O. F. 1591, and authorize the City Manager to execute the documents."

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

---

**Staff Recommendation:** Approve the Memorandum of Understanding.

**Background:** This item was brought before the City Commission at its July 20, 2010, meeting and was tabled by a 3-1 vote until the August 17, 2010, meeting.

Significant Impacts

This Memorandum of Understanding (MOU) was requested by the Great Falls Development Authority (GFDA) in order to expedite the development of the proposed industrial park with railroad access in the northeastern part of Great Falls, adjacent to 18<sup>th</sup> Avenue North and the proposed ethanol plant. The MOU sets forth the terms of obtaining water and sewer service as well as fire protection and emergency services prior to annexation to the City. It has been requested by the GFDA that annexation be delayed until near the end of development of individual lots in order to assist in obtaining funding for the infrastructure.

Through a separate legal process under MCA 7-33, Cascade County will be required to amend the Rural Fire District that will be covered under this agreement.

### Workload Impacts

City staff members from Public Works / Engineering, Fire Rescue, and Planning and Community Development Departments generated this MOU. These departments will also be involved in implementation of the MOU's various terms and conditions.

### Purpose

This MOU provides a framework for the development of the Great Falls AgriTech Park, Phase 1. The conditions for extending water and sewer utilities, as well as providing fire protection and emergency services, are elaborated. A significant amount of infrastructure, especially in the way of railroad track extension, will be required in order to bring this project on line. Some of the sources of funding may require that the land being developed not be annexed in order to be eligible for funding. Thus, annexation could be delayed under this agreement until well after the infrastructure (in particular, water and sewer main extensions) are completed. The agreement allows for the provision of water, sewer, and fire protection until the City annexes the property.

This MOU is modeled after other agreements used to extend utilities for the three phases of the Upper and Lower River Road Water and Sanitation District, as well as the Castle Pines subdivisions. The fire protection and emergency services sections of the MOU are similar to other agreements that the City has for unincorporated portions of Cascade County that receive City fire protection.

### **Concurrences:**

The Great Falls Development Authority has reviewed the Memorandum of Understanding.

### **Fiscal Impact:**

Great Falls Fire Rescue would receive revenue for providing fire protection and emergency services under this agreement. Since the lots of this subdivision will be annexed individually over a period of time, rather than all at once, annexation related fees would be higher, but stretched out over a longer period of time.

### **Alternatives:**

The City Commission may choose not to enter into this Memorandum of Understanding, in which case the subdivision would have to be developed and annexed in a manner similar to other industrial developments.

### **Attachments/Exhibits:**

1. Memorandum of Understanding

# MEMORANDUM OF UNDERSTANDING

## UTILITY CONNECTION CONDITIONS

And

## FIRE PROTECTION AND EMERGENCY SERVICES CONDITIONS

Between

CITY OF GREAT FALLS, MONTANA

And

GREAT FALLS DEVELOPMENT AUTHORITY

This agreement is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2010, by and among the City of Great Falls, Montana, a municipal corporation organized under the laws of the State of Montana, hereinafter referred to as the "City", and the Great Falls Development Authority, a Montana nonprofit corporation organized under the laws of the State of Montana, hereinafter referred to as the "GFDA" (collectively, the "Parties").

WHEREAS, GFDA is formulating plans to develop an industrial park on a currently unincorporated site with the initial segment to be identified as Great Falls AgriTech Park Phase 1 (the "Subdivision"); and

WHEREAS, the City currently owns and operates a municipal water system and a municipal sewer system (the "City Utilities"), and maintains and operates a professional fire rescue department (the "GFFR"); and

WHEREAS, neither public water nor public sewer service is available to the Subdivision; and

WHEREAS, the Parties have a mutual interest in providing utility and fire protection services to the Subdivision and improving the tax base of the community; and

WHEREAS, it is GFDA's position that the most feasible and cost effective manner to provide water and sewer service to serve the Subdivision is for the GFDA to arrange financing and install water and sewer lines and related necessary improvements to connect to the City's water and sewer systems (the Water Improvements and Sewer Improvements, collectively, the "Project"); and

WHEREAS, the City's stated policy is to require annexation as a condition precedent to the provision of City Utilities; and

WHEREAS, in an effort to encourage the construction of the Project, the City is willing to modify its annexation requirements; and

WHEREAS, GFDA is required under ordinance 2972 OCCGF 13.2.070 to utilize the City's Fire Rescue Department (GFFR) for fire protection services; and

WHEREAS, GFDA agrees to pay the City for fire protection services in the amount based on taxable valuation as determined by the Department of Revenue, and agrees to pay annual inflationary increases for services as determined by the City, and agrees to pay fees directly to the City once the agreement is initiated.

WITNESSETH:

IN CONSIDERATION OF THE PERFORMANCE OF THE TERMS AND CONDITIONS, THE PARTIES HERETO MUTUALLY AGREE AS FOLLOWS:

Section 1. Purpose. The purpose of this agreement is to set forth general conditions for water and sewer connections to the City Utilities and fire protection in the Subdivision, and the subsequent annexation of parcels in the Subdivision to the City.

Section 2. The Project. The GFDA has determined that the most affordable and feasible method for extending water and sewer service to and within the Subdivision is to install the Project prior to annexation. This Memorandum of Understanding shall apply to Subdivision but the GFDA also intends to create subsequent phases as a part of Great Falls AgriTech Park. Thus, it is contemplated that the Memorandum of Understanding may apply to water and sewer projects and fire protection for such subsequent phases, with such changes as are necessary to fit each particular subsequent phase.

Section 3. Petition for annexation. The owner of each parcel of land in the Subdivision which is to receive utility service shall sign, as a condition to receiving City utility service, a petition requesting annexation and waiving the right of protest of annexation. The annexation petition and waiver must be received by the City prior to the start of on-site construction for the parcel requesting utility service.

Section 4. City Water and Sewer Contracts. Once water and sewer service is available in the Subdivision, no service lines will be connected to the City Utilities until the City has received executed water and sewer service agreements from the owner of the parcel to be served and all applicable utility service line tapping, connection and inspection fees have been paid. The executed water and sewer service agreements must be received and approved by the City prior to the start of on-site construction for the parcel requesting utility service.

Section 5. Ownership, Operation and Maintenance. Prior to construction of the Project, plans and specifications for the Project shall be provided for review by the City and the Montana Department of Environmental Quality (“DEQ”). No construction shall take place prior the approval of the plans and specifications by the City and DEQ. The Project shall be installed in compliance with the City’s Inspection Policy for Privately Installed Public Infrastructure. The City will assume ownership of the Project improvements upon substantial completion of the Project and acceptance by the City. The City will be responsible for the operation and maintenance of the Project. The standard two year warranty on new construction shall apply.

Section 6. Storm Drain Requirements. GFDA shall prepare and submit to the City, within 30 days of plat approval, a storm drainage master plan for the Subdivision. Storm drainage improvements shall be installed in conjunction with the development of each parcel in conformance with City regulations. Upon annexation to the City, the portion(s) of the Subdivision being annexed shall pay the standard storm drain fee (\$250 per acre). Each parcel will be assessed monthly storm drain fees under the City Storm Drain Ordinance.

Section 7. Permits and Connections. The GFDA or the owner of each parcel of land in the Subdivision shall obtain a water service permit and a sewer permit from the City as specified by current City ordinance for each parcel to be served. These permits shall include the cost of the corporation, curb stop, curb box and meter. A licensed plumbing contractor shall be required for all water service line installations. GFDA or the owner shall employ a licensed plumbing contractor to obtain necessary permits from the City to extend the service from the main to the building. The City retains the right of inspection and approval of the water service lines. Each sanitary sewer connection shall obtain a City sewer permit for extension of the service line from the main to the building. The City shall inspect the sewer service line from the main to the building.

Section 8. The City agrees to provide fire protection and emergency services during the development of the Subdivision, pursuant to and in accordance with the terms of this agreement. GFFR shall provide the same type and quality of fire

protection and emergency services to the Subdivision as it does to other industrial customers it serves. Such services shall include, but not be limited to the following:

- A. Fire suppression: The GFFR agrees to combat structural fires, to suppress combustible, flammable, liquid and gas fires, and to address hazardous material fires and wild land / urban interface fires.
- B. Emergency medical services: The GFFR agrees to provide emergency medical response at the advanced life support level and to perform specialized extrication and disentanglement of injured persons.
- C. Hazardous materials: The GFFR is home to one of the six regional hazardous materials teams within Montana. GFFR agrees to use its substantial resources and expertise on any hazardous releases. Hazardous material incidents requiring technical mitigation are subject to additional fees set forth in separate GFFR fee schedules. Confined space rescue services for OSHA permitted entries can also be arranged for an additional fee.
- D. Fire prevention activities: The GFFR agrees to provide a proactive safety inspection program and to conduct safety training on site when requested by the GFDA or occupant.

Section 9. GFDA agrees to consult with, and obtain the approval of the GFFR, on the design of the development, for purposes of fire protection and emergency response. The parties agree that this includes compliance with applicable provisions of the National Fire Code, as directed by the GFFR.

Section 10. GFDA shall provide the GFFR with at least 30 days prior notice of the need for fire protection and emergency services in connection with the Subdivision.

Section 11. GFDA is not liable for any other GFFR expenses, other than those set forth herein, for the services provided under this agreement. Nothing herein shall be construed so as to create any personal liability on the part of any officer, director, employee or agent, or any public body which may be a party hereto, nor shall the agreement be construed as giving any rights or benefits hereunder to anyone other than the City and the GFDA.

Section 12. The GFFR shall be solely responsible for the quality of the fire protection and emergency services provided by it pursuant to this agreement.

Section 13. Fire protection and emergency services under this agreement shall terminate upon written notice from GFDA that the facility will not be built or at such time as annexation occurs.

Section 14. Notice: Any notice to the City required in this agreement shall be accomplished in writing by first-class mail and fax to the following individuals:

City Manager	Public Works Director	Fire Chief
City of Great Falls	City of Great Falls	City of Great Falls
P. O. Box 5021	P. O. Box 5021	P. O. Box 5021
Great Falls, MT 59403	Great Falls, MT 59403	Great Falls, MT 59403
Fax: 406-727-0005	Fax: 406-454-3439	Fax: 406-454-2454

Section 15. Term of Agreement: The initial term of this Agreement shall extend for a period ending July 20, 2013. At that time, renewal terms may be negotiated to the satisfaction of the Parties.

**For the City of Great Falls:**

(SEAL & ATTEST)

\_\_\_\_\_  
Gregory T. Doyon, City Manager

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

APPROVED FOR LEGAL CONTENT:

\_\_\_\_\_  
James W. Santoro, City Attorney

**For the Great Falls Development Authority:**

\_\_\_\_\_  
Brett Doney, President





**Item:** Consultant Services Agreement for the Central Montana Agriculture and Technology Park Tax Increment Industrial Infrastructure District (OF 1604.1)

**From:** Coleen Balzarini, Fiscal Services Director, Michael Haynes, Planning and Community Development Director

**Initiated By:** City Administration

**Presented By:** Coleen Balzarini, Fiscal Services Director

**Action Requested:** Approve Agreement

---

**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission approve (deny) the Consultant Services Agreement with Community Development Services of Montana and authorize the City Manager to execute the agreement.”

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

---

**Staff Recommendation:** It is recommended the City Commission approve the agreement with Community Development Services of Montana (CDS) to assist the City of Great Falls in completing the steps necessary to expand the Central Montana Ag-Tech Tax Increment District, including the annexation of properties currently outside the incorporated limits of the City of Great Falls.

**Background:** CDS would provide services, as reflected in Attachment A to the Agreement, to the extent necessary to assist Staff in expanding the Central Montana Ag-Tech Industrial Park in accordance with Montana Code Annotated and Montana Department of Revenue Administrative Rules. It is also proposed that CDS would provide initial training and orientation to the City Commission and Staff regarding Tax Increment Financing in Montana, in general, and in Great Falls specifically.

In May of 2005, the Central Montana Ag-Tech Industrial Tax Increment District was created. In December of 2007, the boundaries of the District were expanded to include newly annexed industrial properties in the area. Expansion of the District provides a mechanism to accumulate funds for public infrastructure development within the District. While the District has potential for industrial growth and development, it is hindered by the lack of public infrastructure.

A developer has acquired property in the area and is in the process of annexing the property into the City. The developer has requested the City Commission consider expanding the boundaries of the District to include the industrial zoned property. Inclusion of the property into the District will allow the City Commission to consider the use of Tax Increment funds generated within the District to assist in the funding of public infrastructure deficiencies as identified by City Staff or requested by others.

It should be noted that one of the original public infrastructure needs identified for tax increment financing was acquisition of a rail spur in the District. A rail spur was constructed and continues to be owned by Malt Europe, a private corporation.

**Concurrences:** The City Manager, the Planning and Community Development Director, and the Fiscal Services Director concur that it is in the best interests of the City to engage the services of CDS. The reason for Staff's recommendation are based on the unique components of funding related to Tax Increment Districts, the retirement of key City Staff in the Departments, and three new City Commissioners that have not participated in Tax Increment District related actions prior to this time. Actions to modify the District Plan and the District Boundaries are quite specific and will require the Commission to consider Ordinances, District Plan updates, supporting justification for the necessity to expand the existing District Boundary, acceptance of proposed public infrastructure expansion, and compliance with Montana Codes and MT DOR Administrative Rules.

**Fiscal Impact:** The costs related to the consultant services agreement are eligible costs to be funded by tax increments received into the District. There are adequate funds available from prior year collections to pay for CDS' services. The agreement would be billed on an hourly basis fee, at a cost not to exceed \$20,000.

**Alternatives:** Deny the Consultant Services Agreement.

**Attachments/Exhibits:**

Agreement

Attachment A – Proposed Scope of Work

**AGREEMENT BETWEEN THE CITY OF GREAT FALLS  
AND THE COMMUNITY DEVELOPMENT SERVICES OF MONTANA**

THIS AGREEMENT is entered into on the 17<sup>th</sup> day of August, 2010, by and between the City of Great Falls, hereinafter referred to as the City, and Community Development Services of Montana, hereinafter referred to as CDS of Montana, with its principal place of business located at 954 West Caledonia, Butte, Montana, 59701.

WITNESSETH THAT the City and CDS of Montana mutually agree as follows:

1. **PURPOSE:** In 2005, the City of Great Falls created a Tax Increment Financing Industrial District (TIFID), known as the Central Montana Agricultural & Technology TIFID in order to foster and support secondary, value-adding industry in Great Falls and in the State of Montana. The current district however is not large enough to support additional industrial development and a boundary expansion is necessary to accommodate new growth. This boundary adjustment would enable the City to address critical infrastructure deficiencies. Prior to the expansion of the TIFID, the proposed additional properties must be annexed into the City. The City requires assistance in completing the tasks associated with expanding the TIFID and with procuring the necessary professional services from CDS of Montana through this agreement.
2. **SCOPE OF SERVICES:** CDS of Montana will provide services to the City in accordance with Attachment A, to this Agreement.
3. **TIME OF PERFORMANCE:** The services provided by CDS of Montana under this Agreement will commence upon the signing of this Agreement and shall remain in effect through the 30<sup>th</sup> day of June, 2011.
4. **COMPENSATION AND METHOD OF PAYMENT.** The City agrees to compensate CDS of Montana at an hourly rate of \$60.00 per hour plus expenses, not to exceed \$20,000.00. Such compensation will be made within fifteen (15) days after submittal and after review of each invoice regarding work completed by CDS of Montana.
5. **ADDITIONAL SERVICES:** If necessary, CDS of Montana will provide additional services not set forth in this Agreement and requested in writing by the City at an hourly rate of \$60.00.
6. **LIAISON:** Coleen Balzarini of the City of Great Falls will supervise services to be performed under this Agreement. Janet Cornish of CDS of Montana is CDS of Montana's liaison with the City.
7. **INDEPENDENT CONTRACTOR-WORKER'S COMPENSATION COVERAGE:** CDS of Montana is an independent contractor under this Agreement and neither CDS of Montana nor its employees are employed by the City for purposes of taxes, retirement system, social security, and unemployment insurance. *Workmen's compensation Insurance* – CDS of Montana shall comply with all requirements and conditions of the State of Montana Workmen's Compensation Laws; also with all rules, regulations and decisions made during duration of the contract.

CDS of Montana shall carry Workmen's Compensation Insurance for all of its employees employed; CDS of Montana shall require its subcontractors similarly to provide Workmen's Compensation Insurance unless such employees are covered by the protection afforded by CDS of Montana. When appropriate an Exempt Form should be provided. Employer's liability shall carry the statutory limit of Workmen's Compensation Insurance.

Attached is a copy of the statement of exemption regarding workers compensation coverage for independent contractors from the State of Montana.

8. AMENDMENTS: This Agreement represents the complete agreement between the City and CDS of Montana, and no statement, promise, or inducement made by either party, or agent of either party, which are not contained in this written Agreement are valid or binding. This Agreement may not be enlarged, modified or altered except upon written notice agreed to and signed by both parties hereto. CDS of Montana may not assign its rights or delegate its responsibilities under this Agreement, in whole or in part, without the prior written approval of the City.

9. COMPLIANCE WITH APPLICABLE LAWS AND REGULATIONS: CDS of Montana or any subcontractor will comply with current Montana state and local laws.

10. TERMINATION: Either party may terminate this Agreement in whole or in part for any reason at any time upon giving 30 day written notice. Such termination shall be effective in the manner specified in said notice. The City will compensate CDS of Montana for the reasonable value of work satisfactorily completed at the time of termination.

11. CONSTRUCTION AND VENUE: This Agreement will be construed under and governed by the laws of the State of Montana. In the event litigation is ensued regarding this Agreement, the City and CDS of Montana hereby agree that the venue will be the Eighth Judicial District, in and for Cascade County, State of Montana. Reasonable attorney fees shall be awarded to the prevailing party in any action to enforce this Agreement or to declare forfeiture or termination of this Agreement.

12. LIABILITY: CDS of Montana will be held harmless in any question of liability in conjunction with the services rendered if those services are performed in compliance with the terms and conditions of this Agreement and in compliance with all applicable state and local laws.

13. INDEMNIFICATION: CDS of Montana agrees to indemnify, hold harmless and defend the City of Great Falls, their officers, directors, agents, servants and employees ("indemnities") from and against all liabilities, damages, actions, costs, losses, claims and expenses (including attorney's fees), on account of personal injury, death or damage to or loss of property or profits arising out of or resulting, in whole or in part, from any act, omission, negligence, fault or violation of law or ordinance of permission of contractor. Such indemnification by CDS of Montana shall apply unless such damage or injury results solely from the negligence, gross negligence or willful misconduct of the City.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed.

**CITY OF GREAT FALLS**  
Party of the First Part

REVIEWED FOR LEGAL CONTENT

\_\_\_\_\_  
Gregory T. Doyon, City Manager

\_\_\_\_\_  
James W. Santoro, City Attorney

ATTEST:

(Seal of the City)

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

**COMMUNITY DEVELOPMENT SERVICES OF MONTANA**  
Party of the Second Part

\_\_\_\_\_  
Janet Cornish

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

On this \_\_\_\_ day of \_\_\_\_\_, 2010, before me, a Notary Public in and for the State of Montana, personally appeared \_\_\_\_\_, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she/they executed the same.

IN WITNESS THEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

(NOTARIAL SEAL)

\_\_\_\_\_  
Notary Public for the State of Montana  
Printed Name: \_\_\_\_\_  
Residing at Great Falls, Montana  
My Commission Expires: \_\_\_\_\_

Attachment A – Proposed Scope of Work  
City of Great Falls – TIFID Expansion Program

**CDS of Montana** will undertake the following in assisting the City of Great Falls in completing the steps necessary to expand the Central Montana Agricultural & Technology IMC TIFID District, including the annexation of properties currently outside the incorporated limits of the City of Great Falls.

- Provide an initial training and orientation to the City Commission and Staff regarding Tax Increment Financing in Montana in general and in Great Falls specifically, addressing the creation and expansion of Districts.
- Assist the City of Great Falls in completing the necessary steps to annex the subject property to the City of Great Falls
- Assist the City of Great Falls in undertaking the steps necessary to amend the existing TIFID Ordinance/Boundary, including the following:
  - Assure that the property within the expanded TIFID consists of a continuous area with an accurately described boundary (including a legal description and a map)
  - Compile a list of geo-codes for the proposed additional properties
  - Determine that the area to be added to the existing TIFID is zoned for light or heavy industrial use and if not, assist the City of Great Falls in amending the zoning ordinance/zoning map accordingly.
  - Prepare documentation that the zoning within the expanded TIFID is in accordance with the local government's growth policy as determined by the Planning Board
  - Prepare the local government's finding that the property within the TIFID is not included within an existing urban renewal district
  - Prepare a plan for the expanded District that shows that the area within the TIFID is deficient in infrastructure improvement for industrial development, including any documentation upon which the finding of deficiency is based, as well as a description of proposed development and a management plan for the TIFID's operations
  - Prepare the ordinance approving the amended industrial district and the tax increment financing provision pursuant to 7-15-4284, MCA
  - Assist the City in holding a public hearing and notifying property owners pursuant to 7-15-4299, MCA
  - Assist the City of Great Falls in preparing all the necessary documentation to the Montana Department of Revenue per Montana Statute and the new rules as promulgated by the Montana Department of Revenue with respect to Tax Increment Financing Districts
- Assist the City in working with the affected taxing jurisdictions and the public



**Item:** Resolution 9899 Amending Resolution 9042  
**From:** Human Resources  
**Initiated By:** Linda Williams, Human Resources Manager  
**Presented By:** Linda Williams, Human Resources Manager  
**Action Requested:** Adopt Resolution 9899

**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission (adopt/deny) Resolution 9899.”

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

---

**Staff Recommendation:**

Staff recommends that the City Commission adopt Resolution 9899 amending Resolution 9042.

**Background:** Resolution 9042, adopted by the City Commission on September 21, 1999, established a City residency requirement for new firefighters seeking employment with Great Falls Fire Rescue. The residency requirement is allowed under state statute, §7-33-4107, MCA, and was established to increase emergency response times. The residency requirement stated new firefighters hired after September 21, 1999 were required to show proof of residency within ninety (90) days of employment and had to maintain residency as a condition of employment.

During the 2010 contract negotiations with IAFF Local 8, the City agreed to a request from IAFF Local 8 to revise Article 36 – Residency, to read: “As a condition of employment, all firefighters hired after September 21, 1999, shall be required to maintain their primary residence within a maximum of thirty (30) minutes of Fire Station 1, located at 105 9<sup>th</sup> Street South, Great Falls, Montana. The Fire Chief or his designee will determine residency compliance utilizing Google Map internet mapping software. In the event this software program becomes obsolete, Management reserves the right to utilize alternate mapping software of its choice after conferring with the Union. New employees shall be required to comply with residency requirement within one hundred and eighty (180) days of employment with the City of Great Falls.”

The revision was proposed due to employees desiring to live outside City limits, expansion of City boundaries, and challenges in enforcing the existing Resolution.

The labor agreement between the City of Great Falls and IAFF Local 8 was approved by the City Commission on August 3, 2010; therefore, it is necessary to revise Resolution 9042 to include residency requirements established in the labor agreement and approved by the City Commission.

**Concurrences:** The City Commission approved the labor agreement between the City of Great Falls and IAFF Local 8.

**Alternatives:** The City Commission could choose to deny Resolution 9899.

**Attachments/Exhibits:**

Resolution 9042 (Not available online; on file in City Clerk's Office.)

Resolution 9899



## **RESOLUTION 9899**

### **A RESOLUTION AMENDING RESOLUTION 9042 ESTABLISHING CITY RESIDENCY REQUIREMENTS FOR NEW FIREFIGHTERS SEEKING EMPLOYMENT WITH GREAT FALLS FIRE RESCUE, GREAT FALLS, MONTANA**

WHEREAS, a major incident or simultaneous fires requires the call back of off-duty firefighters to ensure the safety of the citizens and firefighters and to assist in reducing property damage; and,

WHEREAS, the call back of additional firefighters must be as prompt as possible; and,

WHEREAS, such residency requirement is allowed under state statute, § 7-33-4107, MCA; and,

WHEREAS, on September 21, 1999, the City Commission adopted Resolution 9042 setting forth that new firefighters hired after the effective date of the resolution by the City of Great Falls, Montana, were required to show proof of residency of the City of Great Falls within ninety (90) days of employment and to maintain residency as a condition of employment; and,

WHEREAS, after successful negotiations between the City of Great Falls and the International Association of Firefighters, Local #8, the City Commission ratified a Collective Bargaining Agreement on August 3, 2010; and,

WHEREAS, Article 36.1 of said Collective Bargaining Agreement increased the reporting period for new employees to comply with the residency requirement from ninety (90) days to one hundred and eighty (180) days of employment with the City of Great Falls, and maintain their primary residence within a maximum of thirty (30) minutes of Fire Station 1.

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

Resolution 9899 amends the language of Resolution 9042 to read as follows:

As a condition of employment, all firefighters hired after September 21, 1999, shall be required to maintain their primary residence within a maximum of thirty (30) minutes of Fire Station 1, located at 105 9<sup>th</sup> Street South, Great Falls, Montana. The Fire Chief or his designee will determine residency compliance utilizing Google Map internet mapping software. In the event this software program becomes obsolete, management reserves the right to utilize alternate mapping software of its choice after conferring with the Union. New

employees shall be required to comply with residency requirement within one hundred eighty (180) days of employment with the City of Great Falls.

PASSED and ADOPTED by the City Commission of the City of Great Falls, Montana, this 17<sup>th</sup> day of August, 2010.

---

Michael J. Winters, Mayor

ATTEST:

---

Lisa Kunz, City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

---

James W. Santoro, City Attorney



**Item:** Resolution 9882 – Annual Tax Levy  
**From:** Gregory T. Doyon, City Manager  
**Initiated By:** Taxable Valuations from the Montana Department of Revenue  
**Presented By:** Melissa Kinzler, Budget Officer  
**Action Requested:** Adopt Resolution

---

**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission (adopt/deny) Resolution 9882.”

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

---

**Staff Recommendation:** Staff recommends adoption of Resolution 9882 to fix the annual tax levy.

**Background:** The City received the taxable valuation for the City of Great Falls from the Montana Department of Revenue. Accordingly, the City can now compute and set its annual mill levy.

The public hearing for the intent to budget an increase in revenue from property taxation was held on July 20, 2010 and closed. The resolution for the total proposed allowable property tax levy increase of 2.202% was passed by the City Commission on a 3 to 1 vote. The fiscal impact of the proposed increases for inflation and the permissive mill levy for a residential home with a taxable market value of \$100,000 would be approximately \$4.97 for the inflation factor and \$4.61 for permissive mill levy for a total of \$9.58 a year.

The total mill levy for the Tax Year 2010 (Fiscal Year 2011) is 174.76 mills totaling \$13,544,572. This includes mill levies of 2.45 mills for soccer park debt service payments and 3.83 mills for swimming pool debt service payments which is \$486,731 of the \$13.4 million. The soccer park bonds were issued June 14, 2004, for \$2,500,000 and are for twenty years. The outstanding balance of the soccer bonds as of June 30, 2010 was \$1,945,000. The swimming pool debt service bonds were issued May 5, 2007, for \$2,270,000 and are for ten years. The outstanding balance of the swimming pool bonds as of June 30, 2010 was \$1,700,000.

Additional health insurance mills for Tax Year 2010 (Fiscal Year 2011) were levied. In the 2009 Montana Legislature, Senate Bill (SB) 491, was passed that changed how the Permissive Health Insurance Mill levy was calculated. There is a transition period allowed in the bill for fiscal year 2010 through 2014 for a political subdivision to levy mills for the greater of: (a) the dollar amount levied in 2009; or the (b) the amount determined in 2-18-703. The City of Great Falls did increase health insurance premiums for Fiscal Year 2011 by 5%, accordingly the City is taking the corresponding increase in the “Permissive Medical Levy”.

The total mill levy for 2009 (Fiscal Year 2010) generated revenue of \$12,905,335. The differences between the mill levy of \$12.9 million and \$13.5 million are:

#### General

- \$448,379 for newly taxable property,
- \$128,775 for inflation,
- \$119,794 for the increase in the “Permissive Medical Levy”,

#### Voted General Obligation Debt

- \$27,948 for the increase in the revenue needed for the soccer park debt, and,
- (\$85,659) decrease in the revenue needed for the swimming pool debt.

Section 15-10-202, MCA requires the Montana Department of Revenue to send certification to each taxing authority of the total taxable value within the jurisdiction of the taxing authority by the first Monday of August. The taxable value was received July 30, 2010. The certified millage is necessary for the City to determine compliance with MCA 15-10-420.

Section 7-6-4036, MCA, Fixing tax levy, provides:

- (1) The governing body shall fix the tax levy for each taxing jurisdiction within the county or municipality:
  - (a) by the later of the second Monday in August or within 45 calendar days after receiving certified taxable values;
  - (b) after the approval and adoption of the final budget; and
  - (c) at levels that will balance the budgets as provided in 7-6-4034.
- (2) Each levy:
  - (a) must be made in the manner provided by 15-10-201; and
  - (b) except for a judgment levy under 2-9-316 or 7-6-4015, is subject to 15-10-420.

**Concurrences:** The Fiscal Year 2011 Budget was adopted August 3, 2010, with the 2.202% increase in property tax included. Setting the mill levy for Tax Year 2010 (Fiscal Year 2011) is the last step in the adoption of the Fiscal Year 2011 City of Great Falls Budget.

**Fiscal Impact:** The fiscal impact of the proposed increases for inflation and the permissive mill levy for a residential home with a taxable market value of \$100,000 would be approximately \$4.97 for the inflation factor and \$4.61 for permissive mill levy for a total of \$9.58 a year. The General Fund had an estimated increase of \$300,000 for newly taxable property in the adopted Fiscal Year 2011 Budget. The Montana Department of Revenue’s value of newly taxable property was \$2,931,771, which translates into \$448,379 of revenue. The collection rate of all taxable property is approximately 90%.

**Alternatives:** State law requires that the City adopt a Fiscal Year 2011 Budget which includes setting the annual mill levy amounts on or before the 2<sup>nd</sup> Monday in August or 45 days after receiving taxable valuation from the Montana Department of Revenue.

**Attachments/Exhibits:**

- Tax Levy Resolution 9882 with Appendix A showing the tax calculation worksheet.
- Taxable Valuation History, showing the ten year history of taxable value, newly taxable property and specific General Fund Revenue increases.
- 2010 Certified Taxable Valuation Information (Montana Department of Revenue)

### Taxable Valuation History

Tax Levy Year	Fiscal Year	Total Taxable Value**	Tax Increment Districts					Net Taxable Value	% increase (decrease) prior year net taxable value	New Property Value	% increase (decrease) prior year newly taxable property	Levy in Mills	Net Property Taxes
			Downtown	Pasta MT/ General Mills	International Malting Co.	West Bank Urban Renewal Plan	Gt Falls Int'l Airport						
2001	FY 2002	\$ 65,437,840	\$ 4,511,569	\$ 552,276	NA	NA	NA	\$ 60,373,995	0.33%	\$ 1,011,770	-47.79%	111.32	\$ 6,720,833
2002	FY 2003	\$ 65,117,051	\$ 4,364,549	\$ 595,357	NA	NA	NA	\$ 60,157,145	-0.36%	\$ 1,302,597	28.74%	119.00	\$ 7,158,700
2003	FY 2004	\$ 65,328,553	\$ 4,102,725	\$ 700,009	NA	NA	NA	\$ 60,525,819	0.61%	\$ 1,041,336	-20.06%	124.33	\$ 7,525,175
2004	FY2005	\$ 66,377,650	\$ 3,343,580	NA	NA	NA	NA	\$ 63,034,070	4.14%	\$ 2,030,124	94.95%	131.64	\$ 8,297,805
2005	FY2006	\$ 68,609,562	\$ 3,402,127	NA	NA	NA	NA	\$ 65,207,435	3.45%	\$ 2,748,377	35.38%	138.27	\$ 9,486,705
2006	FY2007	\$ 70,990,415	\$ 3,832,568	NA	\$ 141,345	NA	NA	\$ 67,016,502	2.77%	\$ 2,873,541	4.55%	140.94	\$ 10,005,084
2007	FY2008	\$ 73,776,332	\$ 4,064,883	NA	\$ 225,476	NA	NA	\$ 69,485,973	3.68%	\$ 2,387,436	-16.92%	158.21	\$ 10,993,029
2008	FY2009	\$ 76,405,690	\$ 4,107,804	NA	\$ 294,210	\$ 30,733	NA	\$ 71,972,943	3.58%	\$ 2,138,961	-10.41%	162.68	\$ 11,708,306
2009	FY2010	\$ 76,862,700	NA	NA	\$ 309,168	\$ 205,857	NA	\$ 76,347,675	6.08%	\$ 6,947,574	224.81%	169.04	\$ 12,905,335
2010	FY 2011	\$ 78,275,702	NA	NA	\$ 195,477	\$ 574,725	\$ 728	\$ 77,504,772	1.52%	\$ 2,931,771	-57.80%	174.76	\$ 13,544,572

**Note 1:** Starting in 1999 mill levies were "floated" in order to achieve the statutorily limited tax revenues.  
 Voters approved a 2 mill increase for the Library in November, 2000.  
 Voters approved a \$2.5 million general obligation bond for a soccer park November 4, 2003.  
 Voters approved a \$2.27 million general obligation bond for repair and improvement of city pool facilities November 7, 2006.

\*\*Total taxable value at time of certification

#### General Fund Increases with Newly Taxable Property, Inflation, and Entitlement Payments

Fiscal Year	Total \$ Increase in mill levy due to newly taxable property	Taxable value of new property	Total \$ increase in mill levy due to inflationary factor	% increase of inflationary factor	% of Entitlement increases	Entitlement Dollar increase per year	Entitlement payment*	Total Increases
2002	\$ 112,656	\$ 1,011,770	\$ 90,165	1.280%	3.00%	New	\$ 4,597,248	
2003	\$ 151,148	\$ 1,302,597	\$ 92,513	1.270%	3.00%	\$ 144,453	\$ 4,741,701	\$ 388,114
2004	\$ 124,223	\$ 1,041,336	\$ 92,154	1.220%	3.38%	\$ 155,130	\$ 4,896,831	\$ 371,507
2005	\$ 249,121	\$ 2,030,124	\$ 75,618	0.960%	3.47%	\$ 173,569	\$ 5,070,400	\$ 498,308
2006	\$ 355,678	\$ 2,748,377	\$ 101,905	1.251%	3.23%	\$ 165,426	\$ 5,235,826	\$ 623,009
2007	\$ 370,273	\$ 2,873,541	\$ 122,878	1.420%	3.40%	\$ 85,338	\$ 5,321,164	\$ 578,489
2008	\$ 331,540	\$ 2,387,436	\$ 140,415	1.535%	4.23%	\$ 225,000	\$ 5,546,164	\$ 696,955
2009	\$ 301,276	\$ 2,138,981	\$ 161,337	1.672%	4.22%	\$ 233,836	\$ 5,780,000	\$ 696,449
2010	\$ 1,026,130	\$ 6,947,574	\$ 112,728	1.112%	5.00%	\$ 289,000	\$ 6,069,000	\$ 1,427,858
2011	\$ 448,379	\$ 2,931,771	\$ 128,775	1.142%	5.14%	\$ 311,000	\$ 6,380,947	\$ 888,154
<b>Total</b>	<b>\$ 3,022,045</b>		<b>\$ 1,118,488</b>			<b>\$ 1,182,752</b>		

\*General Funds share of Entitlement Payment



COPY

MONTANA  
Form AB-72T  
Rev. 6-10

**2010 Certified Taxable Valuation Information**  
(Pursuant to 15-10-202, MCA)

County of Cascade

Taxing Jurisdiction: CITY OF GREAT FALLS

1. 2010 Total Market Value.....	\$	<u>2,621,315,660</u>
2. 2010 Total Taxable Value.....	\$	<u>78,275,702</u>
3. 2010 Taxable Value of Newly Taxable Property.....	\$	<u>2,931,771</u>
4. 2010 Taxable Value less Incremental Taxable Value*	\$	<u>77,504,772</u>
5. 2010 Taxable Value of Net and Gross Proceeds (Class 1 and Class 2 properties).....	\$	<u>0</u>

<u>Tax Increment District Name</u>	<u>Current Taxable Value</u>	<u>Base Taxable Value</u>	<u>Incremental Value</u>
Great Falls Downtown	<u>0</u>	<u>0</u>	<u>0</u>
International Malting Co.	<u>543,160</u>	<u>347,683</u>	<u>195,477</u>
Great Falls West Bank Urban Renewal Plan	<u>866,975</u>	<u>292,250</u>	<u>574,725</u>
Gt Falls Int'l Airport	<u>107,877</u>	<u>107,149</u>	<u>728</u>

6. [REDACTED] Total Incremental Value 770,930

Preparer [REDACTED] Date 7-30-10

\*Note: This value is the taxing jurisdiction's taxable value less total incremental value of all tax increment financing districts.

**For Information Purposes Only**

2010 taxable value of centrally assessed property having a market value of \$1 million or more, which has transferred to a different ownership in compliance with 15-10-202(2), MCA.

- I. Value included in "newly taxable" property \$ 0
- II. Total value exclusive of "newly taxable" property \$ 0

**RESOLUTION NO. 9882**  
**RESOLUTION TO FIX ANNUAL TAX LEVY**

A RESOLUTION PROVIDING FOR THE ANNUAL TAX  
LEVY IN MILLS FOR THE FISCAL YEAR BEGINNING  
JULY 1, 2010 AND ENDING JUNE 30, 2011

**WHEREAS,** Montana Code Annotated (MCA), 7-1-114, states "(1) A local government with self-governing powers is subject to ... (g) except as provided in subsection (3), any law regulating the budget, finance, or borrowing procedures and powers of local governments... (3) (b) The provisions of 15-10-420 apply to self-governing local government units.

**WHEREAS,** The City of Great Falls, Montana adopted a self-governing charter in 1986. Article I, Section 3 of the Charter of the City of Great Falls, Montana states: "The total mill levy shall not exceed that allowed to general powers cities of the first class by Montana Law."

**WHEREAS,** Section 7-6-4036, MCA, required the City Commission to fix the tax levy for each taxing jurisdiction by the later of the second Monday in August or within 45 calendar days after receiving certified taxable values. Certified taxable values were received July 30, 2010.

**WHEREAS,** Section 15-10-420, MCA provides:

- (1)(a) Subject to the provisions of this section, a governmental entity that is authorized to impose mills may impose a mill levy sufficient to generate the amount of property taxes actually assessed in the prior year plus one-half of the average rate of inflation for the prior 3 years. The maximum number of mills that a governmental entity may impose is established by calculating the number of mills required to generate the amount of property tax actually assessed in the governmental unit in the prior year based on the current year taxable value, less the current year's value of newly taxable property plus one-half the average rate of inflation for the prior 3 years...
- (2) ... plus any additional levies authorized by the voters ...
- (7) In determining the maximum number of mills in subsection (1)(a), the governmental entity may increase the number of mills to account for a decrease in



reimbursements.

(9) (a) The provisions of subsection (1) do not prevent or restrict:...(vi) the portion that is the amount in excess of the base contribution of a governmental entity's property tax levy for contributions for group benefits excluded under 2-9-212 or 2-18-703.

**WHEREAS,** Section 15-10-201, MCA, requires the City Commission to fix its tax levy in mills and tenths and hundredths of mills.

**WHEREAS,** The Department of Revenue's certified taxable value for the City of Great Falls is \$78,275,702 which equates to \$78,276 per mill; when the incremental value of the tax increment finance district is removed the value is \$77,505 per mill. This includes \$2,931,771, or \$2,932 per mill, of newly taxable property.

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

**Section 1. - Determination of Mill Levy Limit**

- Appendix A shows the determination of the total mill levy limit of 152.94 mills.
- An additional 15.54 "Permissive Medical Levy" is allowed under 15-10-420(9)(a)(v) for increased health insurance premiums not included in the Appendix A calculation.
- An additional 2.45 mills is allowed under 15-10-420(2) for additional voter supported mills. On November 4, 2003, a \$2.5 million general obligation bond was approved by voters for construction of a soccer park. It has been determined that 2.45 mills for soccer park debt service payments is needed for Fiscal Year 2011.
- Lastly, an additional 3.83 mills is allowed under 15-10-420(2) for additional voter supported mills. On November 7, 2006, a \$2.27 million general obligation bond was approved by voters for repair and improvement of city pool facilities. It has been determined that 3.83 mills for swimming pool debt service payments is needed for Fiscal Year 2011.

**Section 2. - Tax Levy Amounts**

A 174.76 mill levy will generate:

- a. \$ 11,405,035 from the \$74,573 certified value per mill for Previously Taxable Property;
- b. \$ 448,379 from the \$2,932 certified value per mill for Newly Taxable Property;
- c. \$ 1,204,427 from the \$77,505 certified value per mill for increased Health Insurance premiums "Permissive Medical Levy", (increase for FY 2011) and,
- d. \$ 189,887 from the \$77,505 certified value per mill for soccer park debt service payments.
- e. \$ 296,844 from the \$77,505 certified value per mill for swimming pool debt service payments.

f. \$13,544,572 in total City tax for 2010 from the \$77,505 total certified value per mill.

This does not reflect delinquent collections or tax increments withheld.

**Section 3. - Tax Levy Required and Set**

- a. The City Commission has determined a \$11,853,414 tax levy, requiring a 152.94 mill levy, is necessary to balance the General Fund Budget.
- b. The City Commission has determined a \$1,204,427 “Permissive Medical Levy”, requiring a 15.54 mill levy, is necessary for increased health premium costs to balance the General Fund Budget. This is up from 14.21 in FY 2010.
- c. The City Commission has determined a \$189,887 tax levy, requiring a 2.45 mill levy, is necessary for the soccer park debt service payment.
- d. The City Commission has determined a \$296,844 tax levy, requiring a 3.83 mill levy, is necessary for the swimming pool debt service payment.
- e. The City Commission of the City of Great Falls, Montana hereby fixes the tax levy for the fiscal year July 1, 2010 through June 30, 2011 at 174.76 mills.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana,  
August 17, 2010.

\_\_\_\_\_  
Michael J. Winters, Mayor

ATTEST:

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

(Seal of the City)

APPROVED FOR LEGAL CONTENT:

---

James W. Santoro, City Attorney

**Resolution 9882 Appendix A.  
DETERMINATION OF TAX REVENUE AND MILL LEVY LIMITATIONS UNDER SECTION 15-10-420, MCA**

FYE JUNE 30, 2011

**CITY OF GREAT FALLS, MONTANA**

**MAXIMUM PROPERTY TAXES AUTHORIZED:** (Note that appropriate statutes are referenced)

Ad valorem tax revenue authorized to be assessed prior year		<u>11,276,260</u>
Add: FISCAL YEAR 2011 INFLATION ADJUSTMENT @ 1.142% (Section 15-10-420(1a)(1c), MCA)	<u>128,775</u>	<u>128,775</u>
Less: Property taxes authorized to be assessed in the prior year for Class 1 and 2 property (net and gross proceeds, county only) (Section 15-10-420(6), MCA (enter as negative number))	<u>                    </u>	<u>0</u>
Adjusted ad valorem tax revenue		<u>11,405,035</u>

**CURRENT YEAR LEVY COMPUTATION:**

Taxable value per mill		<u>78,276</u>
Less per mill incremental value of tax increment financing district (TIF) (enter as negative)	<u>(771)</u>	
Adjusted taxable value (adjusted for removal of TIF per mill incremental district value)		<u>77,505</u>
Less: Newly taxable property per mill value, (enter as negative)	<u>(2,932)</u>	
Taxable value per mill of net and gross proceeds (county only) (enter as negative)	<u>                    </u>	<u>(2,932)</u>
Adjusted Taxable value per mill		<u>74,573</u>
Authorized mill levy under Section 15-10-420, MCA (includes floating mills)		<u>152.94</u>
Adjusted taxable value per mill		<u>74,573</u>
Add: Newly taxable property per mill value	<u>2932</u>	
Taxable value per mill of net and gross proceeds (county only)	<u>0</u>	<u>2,932</u>
Taxable value per mill (including newly taxable property but excluding TIF per mill incremental value)		<u>77,505</u>
Authorized mill levy under Section 15-10-420, MCA (includes floating mills)		<u>152.94</u>
Current property tax revenue authorized limitation		<u>11,853,414</u>

**RECAPITULATION:**

Adjusted ad valorem tax revenue		11,405,035
Amount attributable to newly taxable property and net/gross proceeds		<u>448,379</u>
Current property tax revenue authorized limitation		<u>11,853,414</u>



**Item:** Resolution 9884, Remodel Tax Benefit, 1011 Broadwater Drive, TR A COS 4633, OM EE/4, SEC 14, TWN 20, R3E, Mark 26

**From:** Mike Haynes, AICP, Director of Planning and Community Development

**Initiated By:** Double Bogey LLC

**Presented By:** Mike Haynes, AICP, Director of Planning and Community Development

**Action Requested:** City Commission to consider adoption of Resolution 9884, for a Remodeling Tax Benefit for Double Bogey LLC, 1011 Broadwater Drive

---

**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission (adopt/deny) Resolution 9884.”

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

---

**Staff Recommendation:** Staff requests consideration of Resolution 9884, for a Remodeling Tax Benefit for Double Bogey LLC, 1011 Broadwater Drive, TR A COS 4633, OM EE/4, Section 14, Township 20, Range 3 East, Mark 26, Great Falls, Cascade County.

**Background:** The property owner, Double Bogey LLC, is reconstructing the building at 1011 Broadwater Drive. The building permit was issued April 26, 2010, and the project will be completed in October/November 2010 at an estimated cost of \$2,217,478. The applicant is requesting approval of the tax benefits and Resolution 9884 has been prepared to comply with the requirement that all applications be approved by resolution. Approval of the application will allow the property owner the benefit of paying reduced property taxes for the first five years on the additional value generated by the reconstruction at the following rates:

Construction period	0%
First year following construction	20%
Second year following construction	40%
Third year following construction	60%
Fourth year following construction	80%
Fifth year following construction	100%
Following years	100%

Section 15-24-1502, MCA, provides local government the option of giving Tax Benefits for the Remodeling, Reconstruction or Expansion of Existing Buildings or Structures. Section 15-24-1502, MCA reads:

**15-24-1502. Tax exemption and abatement for remodeling, reconstruction, or expansion of certain commercial property -- approval.** (1) (a) Subject to the conditions of this section, remodeling, reconstruction, or expansion of an existing commercial building or structure that increases its taxable value by at least 5%, as determined by the department, may receive a property tax exemption during the construction period, not to exceed 12 months, and for up to 5 years following completion of construction. The property tax exemption is limited to 100% of the increase in taxable value caused by remodeling, reconstruction, or expansion.

The law governing this incentive was amended in 1985 requiring that each local governing body (City and County) may approve the Tax Benefit on a project by project basis. If one local government body approves the tax benefit and the other does not, the benefit will apply only to the mills levied by the approving governing body. In addition, tax benefits do not include any relief from state-wide levies and local government approval of the application must be by resolution.

City Commission policy regarding the approval of remodeling tax benefits was established by Resolution 9004, approved January 19, 1999, and requires that all property taxes on all property owned by the applicant be current and the applicant be allowed to take advantage of only one City program available to provide local development assistance. This policy came about as a result of concern that certain developers were taking advantage of extremely low interest rates, City sponsored new construction or rehabilitation loan programs designed to improve building conditions, improve blighted areas and expand the tax base, and also applying for the reduction in property taxes, which had the net effect of canceling some of the benefit the City was supposed to derive from making the original loan.

In applying this policy to the application received from the current owners, we find that all property taxes are current and that the applicants have not received financial assistance from other City programs.

**Concurrences:** Not applicable.

**Fiscal Impact:** Approval of the application will allow the new taxes generated from the expansion to be added to the property owner's existing taxes over a five-year period in increments of 20% each year.

**Alternatives:** The City Commission may or may not adopt Resolution 9884.

**Attachments/Exhibits:** Resolution 9884

Application (Not available online; on file in City Clerk's Office.)

cc: Double Bogey LLC, 300 Main Street, Shelby, MT 59474

RESOLUTION 9884

A RESOLUTION APPROVING THE APPLICATION FOR  
TAX BENEFITS FOR THE REMODELING, RECONSTRUCTION,  
OR EXPANSION OF EXISTING BUILDINGS OR STRUCTURES FOR  
DOUBLE BOGEY LLC, 1011 BROADWATER DRIVE,  
TR A COS 4633, OM EE/4, SEC 14, TWN 20, R3E, MARK 26,  
CASCADE COUNTY, GREAT FALLS, MONTANA

\* \* \* \* \*

WHEREAS, State Statutes (15-24-1501, MCA), as amended provide the opportunity for local governing bodies to give Tax Benefits for the Remodeling, Reconstruction or Expansion of Existing Buildings or Structures; and

WHEREAS, the local governing body must review each application and determine if it is to be approved or denied; and

WHEREAS, a copy of the processed application form, reflecting the governing body's decision, must be mailed to the Department of Revenue before April 1 of the tax year for which the benefits are sought; and

WHEREAS, Double Bogey LLC has submitted an application for reconstruction of a building located at 1011 Broadwater Drive, TR A COS 4633, OM EE/4, Section 14, Township 20, Range 3 East, Mark 26, Great Falls, Montana.

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

That the City Commission of the City of Great Falls does hereby approve said application for remodeling tax benefit as submitted.

PASSED by the Commission of the City of Great Falls, Montana, on this 17<sup>th</sup> day of August, 2010.

---

Michael J. Winters, Mayor

ATTEST:

---

Lisa Kunz, City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

---

James W. Santoro, City Attorney





**Item:** Resolution 9894, New or Expanding Industry Tax Benefit, 1408 52<sup>nd</sup> Street North, Tract 2 of C.O.S. 4591, located NE¼ Sec. 4, T20N, R4E, Cascade County, Montana, Parcel 2616800, Geo Code 3016-04-1-02-21-0000

**From:** Mike Haynes, AICP, Director of Planning and Community Development

**Initiated By:** Steel Etc. Holding Company

**Presented By:** Mike Haynes, AICP, Director of Planning and Community Development

**Action Requested:** City Commission to consider adoption of Resolution 9894, for a New or Expanding Industry Tax Benefit for Steel Etc., 1408 52<sup>nd</sup> Street North

---

**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission (adopt/deny) Resolution 9894.”

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

---

**Staff Recommendation:** Pursuant to current Montana Law, Sections 15-24-1401 and 15-24-1402, Montana Code Annotated (2009), Staff request the City Commission adopt Resolution 9894 granting a tax benefit to Steel Etc. Holding Company, 1408 52<sup>nd</sup> Street North, Tract 2 of C.O.S. 4591, located in the NE¼ Sec. 4, T20N, R4E, Cascade County, Montana.

**Background:** The property owner, Steel Etc. Holding Company, has redeveloped the previously occupied contractor yard of McIntyre Construction for their scrap recycling and steel sales business operation, including the construction of a new business office building, steel sales building, scrap and recycling building and installation of City utilities. The building permits for these structures were issued in March of 2009, by the State of Montana Department of Labor and Industry, Building Codes Bureau, as they had jurisdiction at the time of construction. Construction and improvements were completed in the fall of 2009 at an estimated cost of \$3,249,750. The applicant is requesting approval of the tax benefits and Resolution 9894 which has been prepared to comply with the requirements of Sections 15-24-1401 and 15-24-1402, MCA (2009), that the application be approved by resolution following due notice as defined in Section 76-15-103, MCA. Section 15-24-1402, MCA reads:

**15-24-1402. New or expanding industry -- assessment -- notification.** (1) In the first 5 years after a construction permit is issued, qualifying improvements or modernized

processes that represent new industry or expansion of an existing industry, as designated in the approving resolution, must be taxed at 50% of their taxable value. Subject to [15-10-420](#), each year thereafter, the percentage must be increased by equal percentages until the full taxable value is attained in the 10th year. In subsequent years, the property must be taxed at 100% of its taxable value.

Thus, approval of the application will allow the applicant the benefit of being taxed at 50% of their taxable value each year for the first 5 years after the construction permit, and thereafter the percentage must be increased by equal percentages each year as outlined in the following schedule:

Construction period	0%
First year following construction	50%
Second year following construction	50%
Third year following construction	50%
Fourth year following construction	50%
Fifth year following construction	50%
Sixth year following construction	60%
Seventh year following construction	70%
Eighth year following construction	80%
Ninth year following construction	90%
Tenth year following construction	100%
Subsequent years	100%

The City Commission passed Resolution 8967 on 21<sup>st</sup> day of July 1998, setting policy for approving projects requesting new or expanding industry tax benefit pursuant to Sections 15-24-1401 and 15-24-1402, MCA. These sections of Code have changed only slightly to the present and list the same four key criteria in the following list.

- (1) "Expansion" means that the industry has added after July 1, 1987, at least \$50,000 worth of qualifying improvements or modernized processes to its property within the same jurisdiction either in the first tax year in which the benefits provided for in 15-24-1402 are to be received or in the preceding tax year.
- (2) "Industry" includes but is not limited to a firm that:
  - (a) engages in the mechanical or chemical transformation of materials or substances into products in the manner defined as manufacturing in the North American Industry Classification System Manual prepared by the United States office of management and budget;
  - (b) engages in the extraction or harvesting of minerals, ore, or forestry products;
  - (c) engages in the processing of Montana raw materials such as minerals, ore, agricultural products, and forestry products;
  - (d) engages in the transportation, warehousing, or distribution of commercial products or materials if 50% or more of the industry's gross sales or receipts are earned from outside the state;
  - (e) earns 50% or more of its annual gross income from out-of-state sales; or
  - (f) engages in the production of electrical energy in an amount of 1 megawatt or more by means of an alternative renewable energy source as defined in 15-6-225.

- (3) "New" means that the firm is new to the jurisdiction approving the resolution provided for in 15-24-1402(2) and has invested after July 1, 1987, at least \$125,000 worth of qualifying improvements or modernized processes in the jurisdiction either in the first tax year in which the benefits provided for in 15-24-1402 are to be received or in the preceding tax year. New industry does not include property treated as new industrial property under 15-6-135.
- (4) "Qualifying" means meeting all the terms, conditions, and requirements for a reduction in taxable value under 15-24-1402 and this section.

**Concurrences:** Not applicable.

**Fiscal Impact:** The City will only receive 50% of the taxable value each year for the first 5 years after the construction permit, and thereafter the percentage must be increased by equal percentages each year until the full taxable value is attained in the 10th year. In subsequent years, the property will be taxed at 100% of its taxable value. Approval of the application will provide tax benefit to the applicant but the fiscal impact of the new development is increased tax revenues to the City.

**Alternatives:** The City Commission may or may not adopt Resolution 9894.

**Attachments/Exhibits:** Resolution 9894 and application from Steel Etc. Holding Co.  
(Application not available online; on file in the City Clerk's Office.)

cc: Department of Revenue, Brenda Ivers, 300 Central Ave, Great Falls, MT 59401  
Cascade County Commission,  
Steel Etc. Holding Company, 1408 52<sup>nd</sup> St N, Great Falls, MT 59403

RESOLUTION 9894

A RESOLUTION APPROVING THE APPLICATION FOR TAX BENEFITS FOR THE NEW OR EXPANDING INDUSTRY TAX BENEFIT STEEL ETC. HOLDING COMPANY, 1408 52<sup>ND</sup> STREET NORTH, TRACT 2 OF C.O.S. 4591, LOCATED NE¼ SEC. 4, T20N, R4E, CASCADE COUNTY, MONTANA, AS PURSUIT TO SECTIONS 15-24-1401 AND 15-24-1402 MONTANA CODE ANNOTATED (2009)

\* \* \* \* \*

WHEREAS, the State of Montana has provided enabling legislation to encourage new industry or expansion of existing industry, and;

WHEREAS, said encouragement allows for new or expanding industries to be taxed at 50% of their taxable value for the first five years, and;

WHEREAS, in years six through ten, the taxes will increase by equal percentages until the full taxable value is attained in the tenth year, and;

WHEREAS, Sections 15-24-1401 and 15-24-1402, MCA, as amended provides the opportunity for local governing bodies to give Tax Benefits for the Remodeling, Reconstruction or Expansion of Existing Buildings or Structures; and

WHEREAS, The City Commission passed Resolution 8967 on 21<sup>st</sup> day of July 1998, providing policy for approving projects requesting new or expanding industry tax benefit pursuant to Sections 15-24-1401 and 15-24-1402 MCA (1998), and;

WHEREAS, In order for a taxpayer to receive the tax benefits the City Commission, having jurisdiction, must approved by separate resolution for each project, following due notice as defined in Section 76-15-103 MCA and a public hearing; and

WHEREAS, Steel Etc. Holding Company, 1408 52<sup>nd</sup> Street North, Tract 2 of C.O.S. 4591, located NE¼ Sec. 4, T20N, R4E, Cascade County, Montana has submitted an application for new or expanding industry tax benefit pursuant to Sections 15-24-1401 and 15-24-1402 MCA.

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

That the City Commission of the City of Great Falls does hereby approve said application for new or expanding industry tax benefit pursuant to Sections 15-24-1401 and 15-24-1402 MCA amended.

PASSED by the Commission of the City of Great Falls, Montana, on this 17<sup>th</sup> day of August, 2010.

---

Michael J. Winters, Mayor

ATTEST:

---

Lisa Kunz, City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

---

James W. Santoro, City Attorney



**Item:** Resolution No. 9900, Terminating A \$100,000 Financial Assurance Reserve Fund In The Electric Utility Fund And Authorizing The Return Of \$100,000 To The General Fund

**From:** Coleen Balzarini, Fiscal Services Director

**Initiated By:** Electric City Power Board

**Presented By:** Coleen Balzarini, Fiscal Services Director

**Action Requested:** Adopt Resolution No. 9900

---

**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission adopt Resolution No. 9900”

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

---

**Staff Recommendation:** Adopt Resolution No. 9900 which will terminate the requirement for a \$100,000 Financial Assurance Reserve in the Electric Utility Fund and authorize the return of the \$100,000 to the General Fund.

**Background:**

In May of 2006, the Commission adopted Resolution No. 9568, approving the establishment of a Financial Assurance Reserve Fund in compliance with Montana Code and Public Service Commission Administrative Rules. Resolution No. 9568 also authorized the use of General Fund cash to establish the Reserve.

The Reserve was required by the Public Service Commission prior to approving Electric City Power, Inc.’s application to serve residential and small commercial customers via its “Pilot Program”. In March of 2008, the relevant sections of Montana Code (69-8-404(4)) and Administrative Rules (38.5.8002) were repealed.

At this time, it is the desire of the Electric City Power Board to take actions necessary to terminate the “Pilot Program” and return the \$100,000 to the General Fund.

It should be noted that City cash in excess of \$600,000 is on deposit with the Electric Utility Fund's energy supplier, Southern Montana. This cash serves a similar purpose to the intent of the Financial Assurance Reserve Fund proposed for termination.

**Concurrences:** Fiscal Services and City Attorney Staff concur that the reserve fund is no longer required due to the repeal of Montana Codes and Public Service Commission Administrative Rules.

**Fiscal Impact:** The Fiscal Impact is minimal in nature as the cash was never used during the entire period the Reserve was in effect. The cash will now be classified as unrestricted and reported in the cash balances of the General Fund, rather than classified as restricted and reported in the cash balances of the Electric Utility Fund.

**Alternatives:** Deny Resolution No. 9900 and provide direction to Staff for taking an alternative action.

**Attachments/Exhibits:**

Resolution No 9900

Link to Resolution No 9568 <http://www.greatfallsmt.net/records/resolutions/res9568.pdf>

RESOLUTION NO. 9900

RESOLUTION TERMINATING A \$100,000 FINANCIAL ASSURANCE RESERVE FUND IN THE ELECTRIC UTILITY FUND AND AUTHORIZING THAT THE \$100,000 BE RETURNED TO THE GENERAL FUND.

WHEREAS, on May 16, 2006, Resolution No. 9568 was adopted to establish a Financial Assurance Reserve Fund (the "Reserve") in compliance with Montana law. Resolution No. 9568 also authorized the use of General Fund cash to establish the Reserve; and

WHEREAS, the Reserve was required by the Public Service Commission ("PSC"), pursuant to §69-8-404(4), M.C.A. and §38.5.8002, MAR, prior to PSC approving Electric City Power, Inc.'s ("ECPI") application to serve residential and small commercial customers through ECPI's Pilot Program ; and

WHEREAS, in March of 2008, the applicable laws (§69-8-404(4), M.C.A. and §38.5.8002, MAR) were repealed; and

WHEREAS, on June 30, 2011, the contractual obligations and contractual terms between ECPI and ECPI's Pilot Program customers ended; and

WHEREAS, PSC's chief counsel confirmed that PSC no longer required the Reserve.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, that the \$100,000 Reserve in the Electric Utility Fund be discontinued and that the \$100,000 be returned to the General Fund as provided for in Resolution No. 9568.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, October 18, 2011.

\_\_\_\_\_  
Michael J. Winters, Mayor

ATTEST:

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

(Seal of the City)

APPROVED FOR LEGAL CONTENT:

\_\_\_\_\_  
James W. Santoro, City Attorney



CERTIFICATE AS TO RESOLUTION AND ADOPTING VOTE

I, the undersigned, being the duly qualified and acting recording officer of the City of Great Falls, Montana (the "City"), hereby certify that the attached resolution is a true copy of a Resolution entitled: "RESOLUTION RELATING TO ELECTRIC CITY POWER, INC. (ECPI), ESTABLISHING A FINANCIAL ASSURANCE RESERVE FUND AND DETERMINING THE USE OF SUCH FUND" (the "Resolution"), on file in the original records of the City in my legal custody; that the Resolution was duly adopted by the City Commission of the City at a regular meeting on May 16, 2006, and that the meeting was duly held by the City Commission and was attended throughout by a quorum, pursuant to call and notice of such meeting given as required by law; and that the Resolution has not as of the date hereof been amended or repealed.

I further certify that, upon vote being taken on the Resolution at said meeting, the following Commissioners voted in favor thereof: \_\_\_\_\_; voted against the same: \_\_\_\_\_; abstained from voting thereon: \_\_\_\_\_; or were absent: \_\_\_\_\_.

WITNESS my hand officially this \_\_\_\_\_ day of May, 2006.

\_\_\_\_\_  
Peggy J. Bourne, City Clerk

RESOLUTION NO. 9568

RESOLUTION RELATING TO ELECTRIC CITY POWER, INC. (ECPI),  
ESTABLISHING A FINANCIAL ASSURANCE RESERVE FUND AND  
DETERMINING THE USE OF SUCH FUND

BE IT RESOLVED by the City Commission (the “Commission”) of the City of Great Falls, Montana (the “City”), as follows:

Section 1. Recitals.

1.01. The City of Great Falls (the “City”) adopted a Charter on July 1, 1986 with plenary self-governing powers not prohibited by the Constitution or statutes of the State of Montana (the “State”).

1.02. The continued growth, economic development and prosperity of the City and its residents requires the availability of secure, reliable and economic supplies of electricity at stable, cost-based rates for all residential, commercial, industrial and other electric consumers within the City.

1.03. The City has previously been licensed by the Montana Public Service Commission (the “PSC”) as an “electricity supplier” under the Electric Utility Industry Restructuring and Customer Choice Act, Title 69, Chapter 8, Montana Code Annotated, as amended (the “Restructuring Act”), with the authority to provide electricity supply services to certain classes of consumers within NorthWestern Energy’s electric utility service territory.

1.04. The City Commission has previously enacted Title 5, Chapter 20, OCCGF, authorizing the City to establish and operate an electric utility and to provide electric supply services.

1.05. The City Commission has by Ordinance No. 2925, adopted on November 1, 2005, amended Title 5, Chapter 20, OCCGF, to provide for creation and organization of a nonprofit corporation to be known as “Electric City Power, Inc.” (“ECPI”) to own, operate and take all other actions necessary or desirable in connection with the municipal electric utility of the City, including the provision of electricity supply services to consumers and others located within or outside of the City.

1.06. ECPI has requested that the Public Service Commission grant it an electricity supplier license. Once ECPI has obtained a license, the City intends to transfer its supply contracts to ECPI in accordance with the applicable contract terms and Public Service Commission regulations.

1.07. As a condition thereto, the Public Service Commission has, pursuant to 69-8-404(4), M.C.A., required a showing of financial integrity by or on behalf of ECPI.

1.08. The purpose of this Resolution is to establish a Financial Assurance Fund on behalf of ECPI to meet the requirements of the Public Service Commission.

Section 2. Financial Assurance Reserve Fund.

2.01. Establishment of ECPI Electric City Power Reserve Fund. The City hereby establishes an Electric City Power Reserve Fund (the “Financial Assurance Fund”) on its books which shall be maintained as a separate account to be used for the purposes and in the manner provided in this Resolution.

2.02. Purpose. Mont. Adm. R.38.5.8002 (1)(k) requires that prior to executing contracts with residential and commercial (under 300 kW) customers, an applicant must demonstrate its financial integrity through one of the following:

(i) a long term bond (or other senior debt) rating of BBB-, or equivalent debt or credit rating, obtained in one of the following ways:

(A) the rating must be determined by Standard and Poors, Dunn and Bradstreet Information Services, or another recognized U.S. or Canadian debt or credit rating service, or

(B) the applicant may, at its own expense, obtain a private rating from a recognized debt rating service, or request that an independent accountant or financial advisor, mutually acceptable to the commission and the applicant, prepare an equivalent evaluation based on the financial rating methodology, criteria, and ratios for the industry as published by the above rating agencies from time to time;

(ii) two years of audited financial statements; or

(iii) a \$ 100,000 performance bond;

The City, pursuant to this Resolution, is providing a cash deposit of the \$100,000 into the Financial Assurance Fund in lieu of a performance bond to satisfy this requirement.

2.03. Funding. When required by the Public Service Commission, the City shall deposit \$100,000 in the Financial Assurance Fund (the “Fund Requirement”). On or before January 1 of each year, the City shall deposit such additional amounts as may be required to restore the Financial Assurance Fund to the Fund Requirement.

2.04. Maintenance of the Fund.

(a) The City shall maintain the Financial Assurance Fund at the Fund Requirement until ECPI can provide the Public Service Commission adequate financial integrity on its own.

(b) The City will notify the Public Service Commission of any withdrawal of funds or payments in excess of \$10,000.

(c) The City will cause ECPI to include with its annual report required by Mont. Adm. R.38.5.8004 a status report of the Financial Assurance Fund, including the amount on hand, the amounts paid out and for what purposes.

(d) Upon satisfaction of the Public Service Commission's financial integrity requirement by ECPI, the City may transfer any amounts in the Financial Assurance Fund to its General Fund. To the extent the City has advanced funds or made payments from the Financial Assurance Fund, ECPI shall be obligated to repay the City from excess ECPI funds that may arise in the future.

Section 3. Use of Fund.

3.01. Use. The fund shall be used solely to pay claims against ECPI arising from its ownership and operation of the municipal electrical utility, that may not be covered by revenues and other funds of ECPI.

3.02. Claims. Claims approved by the Board of ECPI, claims ordered to be paid by the Public Service Commission, and claims ordered to be paid by a court of competent jurisdiction shall be submitted to the City Finance Director. Upon approval by the City Manager and the City Finance Director, the claims shall be paid from the Financial Assurance Fund.

Section 4. Obligation of ECPI. The Board of ECPI, in establishing rates and charges and classifications for customers, shall ensure that they will be sufficient to establish and maintain responsible reserves as may be required for the sound operation of the Utility and to provide assurance of its financial integrity as soon as reasonably possible.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, this 16th day of May, 2006.

---

Dona R. Stebbins, Mayor

Attest:

---

Peggy J. Bourne, City Clerk

Approved for Legal Content

---

Dave Gliko, City Attorney

Regular City Commission Meeting

Mayor Winters presiding

**CALL TO ORDER:** 7:00 PM

**PLEDGE OF ALLEGIANCE**

**MOMENT OF SILENCE**

**ROLL CALL:** City Commissioners present: Michael J. Winters, Robert Jones, Bill Bronson, Fred Burow and Mary Jolley. Also present were the City Manager, City Attorney, Directors of Fiscal Services, Park and Recreation, Planning and Community Development, Public Works, the Executive Director of the Housing Authority, Administrative Assistant to the Library Director, Fire Chief, Police Operations Captain and the City Clerk.

**PROCLAMATION:** Mayor Winters read a Proclamation for Tough Enough to Wear Pink Day.

### **NEIGHBORHOOD COUNCILS**

#### **1. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

There were no miscellaneous reports and announcements from neighborhood council representatives.

### **BOARDS & COMMISSIONS**

#### **2. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

##### **Board of Health.**

**Alicia Thompson**, Health Officer for the City-County Health Department, reported that there has been a national movement towards public health accreditation. The City-County Health Department was one of seven pilot projects in Montana that received grant funding from HB 173. The City-County Health Department fared well in a recent standards review self-assessment.

### **PUBLIC HEARINGS**

##### **Tourism Business Improvement District (TBID) 2010/2011 Budget and Work Plan. Accepted.**

#### **3. TOURISM BUSINESS IMPROVEMENT DISTRICT 2010/2011 BUDGET AND WORK PLAN.**

On behalf of Tourism Business Improvement District (TBID) Board member Deryk Copperwheat, City Manager Greg Doyon reported that the City Commission was provided with the TBID's budget and work plan at a recent work session. The Commission is now being asked to approve the TBID's budget and work plan.

**Commissioner Bronson moved, seconded by Commissioner Jones, that the City Commission accept the 2010/2011 Tourism Business**

**Improvement District Budget and Work Plan.**

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

Motion carried 5-0.

**Business Improvement District (BID) 2010/2011 Budget and Work Plan. Accepted.**

**4. BUSINESS IMPROVEMENT DISTRICT 2010/2011 BUDGET AND WORK PLAN.**

Alison Fried, owner of Dragonfly Dry Goods, 504 Central Avenue, reported that on a yearly basis the Business Improvement District (BID) presents a work plan and a budget to the Commission. The BID consists of property owners in the downtown area that self imposed a tax to provide additional income to renovate the area. Ms. Fried reviewed the services the BID will provide pursuant to its 2010-2011 work plan.

**Commissioner Burow moved, seconded by Commissioner Jones, that the City Commission accept the 2010/2011 Business Improvement District Budget and Work Plan.**

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

Motion carried 5-0.

**Res. 9888. Adopted as amended.**

**5. RESOLUTION 9888 TO LEVY AND ASSESS SPECIAL IMPROVEMENT GENERAL BOULEVARD MAINTENANCE DISTRICT NO. 3570.**

Fiscal Services Director Coleen Balzarini reported that assessments are allocated to properties within the General Boulevard District and provide the funds necessary to maintain 15,517 trees currently located within the General Boulevard District. Services include pruning, removal, planting, leaf pickup and streetscape design. This year the City Commission is being asked to approve an assessment amount of \$318,823, which is a 10% increase.

The average cost to trim one tree is \$400. The increase in the assessment is related to an increase in boulevard maintenance expenses, an increase in capital expense for tree replacement, as well as payment of the insurance deductible to replace ash trees damaged by a spring freeze in April of 2008.

Ms. Balzarini concluded that the average assessment for a typical 7,500 square foot lot will increase by \$6.13 per year for a total average assessment of \$67.39.

Mayor Winters declared the public hearing open.

**Cyndi Baker**, 500 Montana Avenue NW, asked how the \$400 cost per tree was calculated and how many trees could be trimmed per day. Park and Recreation Director Marty Basta responded that the cost was estimated by the City Forester and that some of the larger, more mature Elm trees could take most of one day to bring down in a residential area.

No one spoke in favor of Resolution 9888.

Mayor Winters closed the public hearing.

Commissioner Bronson noted a date error in the fourth “whereas” clause in the text of Resolution 9888.

**Commissioner Bronson moved, seconded by Commissioner Jones, that the City Commission adopt Resolution 9888, as amended to reflect the fourth “whereas” clause date change to August 3, 2010.**

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

Commissioner Jolley inquired if she heard correctly that the last increase was in 2001. Ms. Balzarini responded that the last increase for the Boulevard District was in 2002.

Motion carried 5-0.

**Res. 9889. Adopted with technical amendment.**

**6. RESOLUTION 9889 TO LEVY AND ASSESS SPECIAL IMPROVEMENT PORTAGE MEADOWS MAINTENANCE DISTRICT NO. 1195.**

Fiscal Services Director Coleen Balzarini reported that assessments are allocated to properties within the Portage Meadows Maintenance District and provide the funds necessary to maintain the turf, trees, irrigation system and provide snow removal in the green belt area of the Portage Meadows Addition. This year the City Commission is being asked to approve an assessment amount of \$46,992, which is a 116% increase from 2010. The increase in the assessment is related to the depletion of reserves in the Portage Meadows fund.

Staff was asked to look at all expenses paid from the General Fund to determine if the expenses were being properly assigned to the appropriate areas within the City budget. Assessments were adequate to cover the direct costs pertaining to the Portage Meadows District, such as the summer caretaker, mowing crews and the irrigation water. However, there were non-scheduled costs related to repair of the irrigation systems and other maintenance calls that were not charged or assessed to the district and were being paid from the general fund.

On July 22, 2010, Assistant Park and Recreation Director Patty Rearden, Park Maintenance Supervisor Giles Salyer and Ms. Balzarini presented information to Neighborhood Council 4, including residents of Portage Meadows. By the end of the meeting the residents had a much better understanding of the district, maintenance costs and assessments. It was suggested by some property owners to consider turning the greenbelt area over to the property owners. There were some owners that were satisfied with the services provided by the City park crews and were not in favor of taking over ownership. There were also a number of owners that indicated the greenbelt area should be considered a public park. The greenbelt area weaves in and out of the private properties within Portage Meadows.

Ms. Balzarini presented two options to the Commission for consideration. One was to keep the assessment at the same level, but service to the area would be decreased to keep costs in line with the assessment. The second option was to approve the assessment increase, which would provide adequate funds to maintain the current level of service. It would not, however, provide adequate funding to build up a capital replacement reserve.

She further reported that there are 186 parcels within the Portage Meadows Maintenance District. There have been a great number of inquiries regarding the need for the increase, but the City Clerk has received only three emails from residents in opposition to Resolution 9889.

Ms. Balzarini concluded that the assessment for an average Portage Meadows lot will increase from \$117 per year to \$253 per year.

Park and Recreation Director Marty Basta added that this matter came to light after being directed to review funds to determine if adequate compensation was being received for the services provided.

Mayor Winters declared the public hearing open. He noted an objection he received via email from Joshua Campbell.

Speaking in opposition to Resolution 9889 was **Dave Kloppel**, 616 Pineridge Court. Mr. Kloppel believes the property was deeded to the City in the late 1970's. He requested that the City investigate returning the property to the Portage Meadows Maintenance District property owners or reduce the frequency of mowing.

Mr. Basta responded that the maintenance budget could be reduced by mowing less frequently, but the residents should expect that the greenbelt area will not be in the same condition as it is currently being maintained.

Mayor Winters inquired if residents in the greenbelt area could help by doing some of the mowing. Mr. Kloppel responded that he couldn't speak for others, but he would have no trouble mowing an extra 20 or 30 feet from his property line. He understands the technical aspect due to the zig-zagged property lines. But, he compared it to paying rent and believes it would be a



better investment if the City turned the property back to the property owners.

Mr. Doyon reminded the Commission the core issue was the agreement when the development was approved that the City would maintain that area as a greenbelt. He expressed the desire to work with the residents, but that it would be difficult to put together a plan without an organized entity and everybody on board. As staff reported after the Neighborhood Council meeting, the majority in attendance understood that it wasn't just about mowing, but tree trimming, landscaping and snow removal. His goal in recommending the increase to the Commission was for the City to recoup its costs.

**Sandra Guynn**, Chair NC 4, reiterated that NC 4 did have a good meeting. It served its purpose as far as educating those in attendance about the Portage Meadows development. She encouraged the residents to meet to decide what they wanted to present to the Commission. Ms. Guynn noted that if the City wanted to pursue something more, as Chair of NC 4 she would be happy to help in that area.

The City Clerk received emails expressing opposition to Resolution 9889 from:

**Pat and Jen Doyle**, 414 Sweetgrass Court, **Joshua Campbell**, no address provided, and **Judy Kloppel**, 414 Sweetgrass Court.

No one spoke in favor of Resolution 9889.

Mayor Winters closed the public hearing.

**Commissioner Jolley moved, seconded by Commissioner Jones, that the City Commission adopt Resolution 9889.**

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

Commissioner Bronson noted the same date error in the text of Resolution 9889. He requested that the technical error be corrected should the motion pass. Commissioner Bronson would like to see a concerted effort to re-explore how this area was set up. He discussed similar areas in Billings. He offered to help staff identify those areas to make inquiries. Even with the increase, he believes the Commission will be addressing this issue again because the long term financial issues have not been addressed. If there is a majority, he would like staff directed to explore options, work with the homeowners and take Ms. Guynn up on her offer.

Mayor Winters reported that the comments he has received were that the residents felt they were being double taxed. He, also, supported exploring options.

Mr. Doyon reiterated that it is his desire to engage the residents. However, there needs to be an entity by which the City knows there is a majority sentiment in one direction or another.

Commissioner Jolley commented that she is in favor of the increase to deal with the immediate situation. For many years the costs haven't been covered by the assessment. She also encouraged the neighbors to meet to see what the will of the neighbors are.

Motion carried 5-0.

**Res. 9890. Adopted as amended.**

**7. RESOLUTION 9890 TO LEVY AND ASSESS STREET MAINTENANCE DISTRICT.**

Fiscal Services Director Coleen Balzarini reported that the Street Maintenance District provides the funds necessary to maintain over 372 miles of streets and alleys within the City. This year the City Commission is being asked to approve an assessment amount of \$3,657,556, which is a 10% increase in assessments collected. Part of the increase is attributable to newly annexed property. Existing property owners will see a 5% increase.

The average assessment for a typical 7,500 square foot lot will increase by \$4.27 per year, for a total average assessment amount of \$89.51.

Public Works Director Jim Rearden reported that there are 286 total street miles within the City exclusive of alley miles. Of those miles, about 193 miles are in need of some form of maintenance – overlay, chipseal or reconstruction. Mr. Rearden discussed increased expenses in asphalt, chip seal oil and wages, increased revenue due to 5% street maintenance assessment and new assessments. The net impact essentially allows the same level of service. Another factor that has impacted the street budget has been the decrease in funds received the from State Gas Tax revenue causing increased assessments locally.

Mayor Winters declared the public hearing open.

Speaking in opposition to Resolution 9890 were:

**John Hubbard**, 615 7<sup>th</sup> Avenue South, expressed concerns and opposition to any and all tax increases in this economy.

**Charlie Overking**, 402½ 2<sup>nd</sup> Avenue South, believes it is good public policy to impose taxes. Property owners have the right to challenge the tax.

Speaking in support of Resolution 9890 was **Cyndi Baker**, 500 Montana Avenue NW, who commented that it is a responsible thing to do if costs have gone up resulting in a shortfall. Ms. Baker inquired about the decrease in the gas tax revenue and the shortfall from the previous year. She asked about the \$4.27 increase and total cost of the assessment. Mr. Rearden responded that the \$4.27 would be the additional cost per property for an

average size lot of 7,500. Ms. Baker also expressed concerns about all the different tax increases in this economy.

Mayor Winters closed the public hearing.

**Commissioner Bronson moved, seconded by Commissioner Jones, that the City Commission adopt Resolution 9890, as amended to reflect the fourth “whereas” clause date change to August 3, 2010.**

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

Commissioner Burow inquired if the Street Department was subsidized by the general fund. Mr. Rearden responded that it is funded through the Street Maintenance District assessments, State Gas Tax, and charges for services performed for City departments.

Motion carried 5-0.

**Res. 9893. Adopted.**

**8. RESOLUTION 9893, ESTABLISHING SANITATION SERVICE RATES EFFECTIVE AUGUST 9, 2010.**

Public Works Director Jim Rearden reported that the sanitation division services 1,649 commercial customers and 14,780 residential customers. The Convenience Center varies between 14,000 and 20,000 customer transactions per year. The proposed 3% rate increase for residential customers will provide approximately \$49,000 additional revenue. The residential bill will increase \$0.29 per month. The last residential rate increase occurred in 2007. No change in the commercial rate is being proposed. Also being proposed is transferring the commercial cardboard service from the Convenience Center to a commercial division because it is a direct service to the commercial customers.

Mr. Rearden also reviewed the Convenience Center financial trends. There has been a steady decrease in the amount of loss at the facility since 2008. The anticipated loss for 2010 is about \$30,000. The City Convenience Center serves primarily two functions – a transfer station as well as a recycling drop off center. Changes being proposed at the City Convenience Center are a 50% increase to all dumping fees at the transfer station, a reduction in hours of operation on Sundays and relocating all recycling containers from the Albertson’s locations and Sam’s Club to the Convenience Center. An RFP will go out for servicing the recyclable containers at the Convenience Center.

Mr. Rearden reviewed the proposed rate increases at the Convenience Center compared to the landfill rates. He also reviewed and compared statewide residential rates. Great Falls’ residential rates are still the lowest in the state even with the 3% proposed increase.

Mayor Winters declared the public hearing open.

Speaking in opposition to Resolution 9893 were:

**Cyndi Baker**, 500 Montana Avenue NW, pointed out that Montana Waste rates were less and inquired if the department considered privatizing. Mr. Rearden responded that privatizing has been proposed over the years. The City has about 79% of the customer base and he feels that is because the City provides a higher level of service than the competition.

**Ron Gessaman**, 1006 36<sup>th</sup> Avenue NE, pointed out that he is a Montana Waste customer and it has been 11 years since Montana Waste increased its rates. He doesn't feel City sanitation staff is efficient and, therefore, is opposed to a rate increase. Mr. Rearden disagreed with Mr. Gessaman in that the numbers prove otherwise. Efficiency has been increased and costs have been reduced substantially at the Convenience Center. Also increased over the past year are the amount of dollars put aside for reserves for residential and commercial accounts.

**John Hubbard**, 615 7<sup>th</sup> Avenue South, discussed all the new tax increases being imposed. He expressed that it is tough to make ends meet.

**Cyndi Baker**, 500 Montana Avenue NW, in response to Mr. Gessaman, Ms. Baker defended the honor of the City garbage men. As a single mother with a large lot, she noted that they have gone above and beyond the call of duty.

No one spoke in support of Resolution 9893.

Mayor Winters closed the public hearing.

**Commissioner Jones moved, seconded by Commissioner Bronson, that the City Commission adopt Resolution 9893 establishing sanitation service rates effective ~~April~~ August 9, 2010.**

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

Commissioner Jolley also gave praise to the Sanitation Department. She explained that there are separate routes for pick-up of trash containers and bags or containers of leaves or branches. Customers can also call to request a pick-up.

Mayor Winters also complimented City firemen, policemen and sanitation drivers.

Motion carried 5-0.

**OLD BUSINESS**

**Res. 9881. Adopted with an amendment. 9. RESOLUTION 9881, ANNUAL BUDGET RESOLUTION.**

City Manager Greg Doyon reported that Resolution 9881 is the annual budget resolution being recommended for adoption. In summary, staff has been working on the budget since February. There were several meetings held with the Commission. At the June 15, 2010, work session, the Commission was provided an overview of the budget and was asked for direction with regard to the permissive mill levy and the inflationary factor, which there seemed to be agreement to move forward to keep services consistent with last year and to move forward with the proposed increases. On July 20, 2010, a public hearing on the budget was held and closed. The topic discussed at last evening's meeting may play into the Commission's deliberations tonight.

**Commissioner Jolley moved, seconded by Commissioner Jones, that the City Commission adopt Resolution 9881, with an amendment to the Electric City Power fund projected revenue estimate of 13.9% be changed to a 2% increase.**

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

Commissioner Bronson noted that the amendment was the recommendation of this body sitting as the Electric City Power Board at last night's meeting. He opposed that amendment and continues to oppose that amendment, but is not opposed to adopting the budget resolution.

Commissioner Bronson proposed continuing with the \$1,000 expenditure for the Urban Art Project from a line item in the parking fund. That expenditure would not require an amendment per se to Resolution 9881, but would require direction from a majority of this body. He explained that they are about to embark on a new downtown master plan which will get into issues about urban art, as has been the trend around the country. The City has had the Urban Art Project now for several years and it has performed that role admirably. Mr. Bronson wants to continue that program especially going into a revitalization plan that will raise the subject again. He also noted that an unintended consequence if the Commission no longer supports the project would be that if there are a lot of empty glass spaces in the South Parking Garage, experience tends to show that is more attractive to vandalism. A further concern is that if public dollars are needed to clean up that vandalism, at some point more money would be spent on that than the \$1,000 expenditure to the Urban Art program.

Commissioner Bronson further suggested the City fostering the creation of some type of a fund that could receive private dollars to continue supporting these types of projects.

Mayor Winters repeated the motion to adopt Resolution 9881 and called for the vote.

**Motion carried 4-1** (Mayor Winters dissenting; Commissioner Bronson opposed the amendment only to Resolution 9881).

With regard to providing direction to the City Manager to continue with the \$1,000 expenditure for the Urban Art Project, Mayor Winters and Commissioners Bronson, Winters and Jones expressed their support, and Commissioners Jolley and Burow expressed their opposition.

**NEW BUSINESS**

**International Association of Fire Fighters, Local 8, Labor Agreement. Approved.**

**10. LABOR AGREEMENT, INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS, LOCAL 8.**

City Manager Greg Doyon reported that City staff commenced negotiations with Local 8 in January. There were several negotiation sessions that were unsuccessful. The parties agreed to have a mediator explore the differences and to try to work to reach an agreement. It was recommended by the mediator that, in order to advance in the discussions, the last economic proposal from Local 8 be presented to the Commission for direction. On July 6, 2010, the Commission voted to accept that proposal. Before the Commission this evening is a ratified agreement with the union. Mr. Doyon reviewed the major changes made to the terms of this agreement as well as Addendum 1 in Schedule A.

**Commissioner Bronson moved, seconded by Commissioner Jolley, that the City Commission approve the labor agreement between the City of Great Falls and the International Association of Fire Fighters, Local 8.**

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

Commissioner Burow inquired if the 1.5% increase and 2.13% market adjustment was in addition to the 8% increase for the battalion chief. Mr. Doyon responded that there is a differential that occurs between the ranks.

Mayor Winters asked if there were any inquiries from the public.

**Ron Gessaman**, 1006 36<sup>th</sup> Avenue NE, commented that he received a call about this agreement from an upset citizen expressing concern that firefighters that live outside of the City limits do not pay City taxes. Mr. Gessaman inquired how many Fire Department employees were currently taking advantage of the Article 36 provision.

Fire Chief McCamley responded that a resolution has been in effect since 1999 that required all new hires reside within the City limits. The employees hired prior to that time were not subject to that restriction. He estimated 25% but noted the number changes all the time when employees move within or out of the City limits depending on whether they were

subject to the restriction.

Mr. Doyon added that during the negotiating process the timeframe was determined to be feasible.

Mr. Gessaman inquired and was informed that traffic was considered when the parties discussed the 30 minute timeframe.

There being no one else to address the Commission, Mayor Winters called for the vote.

Motion carried 5-0.

**Agreement with U.S. Customs and Border Protection allowing use of the Great Falls Fire Rescue Training Facility. Approved.**

**11. AGREEMENT WITH U.S. CUSTOMS AND BORDER PROTECTION ALLOWING USE OF THE GREAT FALLS FIRE RESCUE TRAINING FACILITY.**

Fire Chief Randy McCamley reported this is a cooperative agreement between the U.S. Customs and Border Protection and the City of Great Falls. It sets forth the terms and conditions which will allow U.S. Customs and Border Patrol to utilize the training tower located at the Great Falls Fire Rescue Training Center to practice quick repel training. The City of Great Falls enjoys a positive and productive working relationship with the federal public safety officials. He looks forward to increasing the level of partnership through this agreement.

**Commissioner Burow moved, seconded by Commissioner Jones, that the City Commission authorize the City Manager to sign the Cooperative Agreement with the U.S. Customs and Border Protection to allow them use of the City Fire Training Facility.**

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

Commissioner Bronson noted typographical errors on page 1, paragraph 3, and page 2, paragraph 5.

Mayor Winters asked if there was any other discussion. Hearing none, Mayor Winters called for the vote.

Motion carried 5-0.

**ORDINANCES/RESOLUTIONS**

**Ord. 3050. Adopted.**

**12. ORDINANCE 3050, AMENDING TITLE 13 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS.**

Public Works Director Jim Rearden reported that Ordinance 3050 amends the sanitary sewer codes related to the Industrial Pre-Treatment Program of Title 13 of the City Code. These amendments were done to comply with federal regulations. First reading of the ordinance came before the Commission on March 16, 2010. The Environmental Protection Agency (EPA) published the code modifications for a 30 day public comment period on May 21, 2010. The City received confirmation from the EPA on July 1, 2010, that the comment period was over, no public comment was received, and that the modifications were approved. Now that the EPA has completed the public noticing process, staff is recommending approval of Ordinance 3050.

**Commissioner Bronson moved, seconded by Commissioner Burow, that the City Commission adopt Ordinance 3050.**

Mayor Winters asked if there was any discussion amongst the Commissioners. No one responded.

Mayor Winters asked if there were any inquiries from the public.

**Ron Gessaman**, 1006 36<sup>th</sup> Avenue NE, commented that it is his belief this ordinance was prompted by inadequate pre-treatment of sewage from the Malt Plant and the enforcement action being taken against the City by the EPA. Mr. Gessaman read the “right of entry” section 13.2.210 and expressed he didn’t believe City employees have the right to enter homes.

Commissioner Bronson responded that it was his understanding that this right of entry clause has been part of the ordinance for many years and it has been standard procedure. Mr. Rearden agreed adding that the provision is also part of the sewer and water agreements signed by every property owner.

In response to Mr. Gessaman’s comments about what prompted this ordinance, Mr. Rearden commented that this was a culmination of many years of working in the industrial pre-treatment program and seeing the need to make it better and to match federal regulation. It was not driven specifically by issues at the Malt Plant.

**Jerry Taylor**, 3417 4<sup>th</sup> Avenue South, asked if the City was in violation of the MPDES permit for the sewage treatment plant, or if the City received any notifications from the Department of Environmental Quality (DEQ) to cease and desist or to make changes because of the pre-treatment program.

Mr. Rearden responded that there are some specific issues but none that say to cease and desist.

City Attorney Jim Santoro added that the City is in the process of working with DEQ to update those permits.



Motion carried 5-0.

**Consent Agenda.  
Approved.**

**CONSENT AGENDA**

13. Minutes, July 20, 2010, Commission meeting.
14. Total expenditures of \$2,022,810 for the period of July 9-28, 2010, to include claims over \$5,000, in the amount of \$1,748,618.
15. Contracts list.
16. Award construction contract for the Great Falls Police Department re-roof project to Metal Works of Montana, Inc. in the amount of \$145,535. **OF 1529.2**
17. Award construction contract for the West Interceptor Trenchless Rehabilitation to Planned and Engineered Construction, Inc. in the amount of \$188,750. **OF 1566.6**
18. Award construction contract for the Sanitary Sewer Trenchless Rehabilitation, Phase 14, to Planned and Engineered Construction, Inc. in the amount of \$128,630. **OF 1566.1.**

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

Mayor Winters asked if there was any discussion amongst the Commissioners. No one responded.

Mayor Winters asked if there were any inquiries from the public.

**Ron Gessaman**, 1006 36<sup>th</sup> Avenue NE, referred to agenda item 14, Enterprise Funds, and inquired if the City would have to pay more money for the deposit due to the rate increases from the supplier.

Fiscal Services Director Coleen Balzarini responded that at this point the amount of the deposit remains the same.

Motion carried 5-0.

**PETITIONS AND COMMUNICATIONS**

**19. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

Mayor Winters opened the meeting to Petitions and Communications.

**Budget, taxes.**

**19A. Cyndi Baker**, 500 Montana Avenue NW, suggested that the budget not be set for adoption during State Fair week. Mayor Winters responded that the budget has a specific time frame, it is well publicized and this meeting is open to everybody. Ms. Baker also expressed disappointment that the Commission approved several tax increases tonight, but did not save the taxpayers \$1,000 for something as discretionary as the Urban Art Project.

**Public policy.**

**19B. Charles Overking**, 402½ 2<sup>nd</sup> Avenue South, believes it to be good policy for stores to have public restrooms for customers.

**Building permits,  
Montana Specialty Mills.**

**19C. Brett Doney**, Great Falls Development Authority, residing at 3048 Delmar Drive, complimented Mike Haynes, Terre Gift and Greg Doyon for the recent explanations, communications and educating the public regarding building permits. Mr. Doney also reported that the Development Authority Board has allocated a \$234,000 grant for Montana Specialty Mills' rail improvements should they designate a location within Cascade County by the end of the year.

**DEQ.**

**19D. John Hubbard**, 615 7<sup>th</sup> Avenue South, believes the EPA has not done its job with regard to the coal plant and the Weissman property. Planning and Community Development Director Mike Haynes again advised that DEQ has informed him that until there is some type of development or redevelopment at the site, it has no way to require clean up.

**Chambers, ECP Board  
meeting, SME,  
California city officials.**

**19E. Ron Gessaman**, 1006 36<sup>th</sup> Avenue NE, commented on the different chair arrangement in the chambers. Mayor Winters explained the reason he asked staff to remove the chairs from the back of the room. Mr. Gessaman continued that some members of the public were appreciative of the action taken at last night's ECP Board meeting. He provided a copy of Cascade County's letter regarding revoking the location performance permit issued to SME. Mr. Gessaman also discussed and provided an article regarding salaries of city leaders in Bell, California. He commented that he has no idea how much money the City Manager or top 10 City officials make in Great Falls.

**Information request.**

**19F. Cyndi Baker**, 500 Montana Avenue NW, in response to Mr. Gessaman's comments, Ms. Baker reported that during the school levy, she contacted City Manager Greg Doyon inquiring about his salary to compare with the Superintendent of Public Schools. She reported that Mr. Doyon was very forthcoming and provided every figure.

Commissioner Bronson added that all that information is public record.

**CITY MANAGER**

**20. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

City Manager Greg Doyon commented that, as with most requests that Mr. Gessaman makes during the meeting, he is welcome to come in at any time during the business week to ask and get the information instead of playing to the audience that there seems to be some corruption going on

Mr. Doyon thanked Melissa Kinzler, Krista Artis and Coleen Balzarini for their direct assistance with the budget process this year, as well as the department head team and the Commission.

Mr. Doyon also reported that he felt privileged to be part of the Omaha Trophy award presentation to the 341<sup>st</sup> Missile Wing at Malmstrom Air Force Base for their performance in Strategic Command for the third year. There was also recognition by the MAFB leadership for the community support of the base.

The Montana Air National Guard has been listed as a candidate for a new C27 transport aircraft mission. The Central Montana Defense Alliance has been working with MANG leadership at the state and federal level to try to secure another mission. They are an important component to our community and there is an economic value of having them here. He encouraged the Commissioners to express their support via connections with the federal and state delegations.

Mr. Doyon also reported that he will be out of the office for an Association of Defense Communities Conference in California relating to what he just discussed and will provide a report upon his return. City Attorney Jim Santoro will act in his stead.

Mr. Doyon also noted that new microphones were purchased for the podium and Commissioners in an attempt to improve the sound in the chambers.

Mr. Doyon concluded that City employee wages are adopted as part of the budget which is a public process. What the Bell, California folks did was an insult to those in the profession.

### **CITY COMMISSION**

#### **21. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

Commissioner Jolley asked and was informed that the City did receive the taxable valuation from the Department of Revenue that will be provided in the weekly review.

Commissioner Burow thanked Ron Gessaman for mentioning that article and noted that the State's attorney was looking at possible criminal charges against those particular Bell, California, elected officials. Pursuant to Montana's open meeting laws, the public is entitled to those types of documents. He had asked Human Resources for and received a listing of all City employees' wages and benefit packages.

**ADJOURNMENT**

**Adjourn.**

There being no further business to come before the regular Commission meeting, **Commissioner Bronson moved, seconded by Commissioner Jones, that the regular meeting of August 3, 2010, be adjourned at 9:17 p.m.**

Motion carried 5-0.

\_\_\_\_\_  
Mayor Winters

\_\_\_\_\_  
City Clerk

Minutes Approved: August 17, 2010



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

**PRESENTED BY:** Fiscal Services Director

**ACTION REQUESTED:** Approval with Consent Agenda

**LISTING OF ALL ACCOUNTS PAYABLE CHECKS ISSUED AVAILABLE ONLINE AT**  
**[www.greatfallsmt.net/people\\_offices/fiscal/checkregister.php](http://www.greatfallsmt.net/people_offices/fiscal/checkregister.php)**

**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 JULY 29, 2010 - AUGUST 11, 2010	2,575,706.73
MUNICIPAL COURT ACCOUNT CHECK RUN FOR JULY 24 - JULY 30, 2010	64,460.00
MUNICIPAL COURT ACCOUNT CHECK RUN FOR JULY 31 - AUGUST 6, 2010	1,650.00
WIRE TRANSFERS FROM JULY 29, 2010 - AUGUST 4, 2010	1,861,638.98
WIRE TRANSFERS FROM AUGUST 5, 2010 - AUGUST 11, 2010	<u>904,118.91</u>
<b>TOTAL: \$</b>	<b><u><u>5,407,574.62</u></u></b>

**GENERAL FUND**

**OTHER ADMIN**

CITY COUNTY HEALTH DEPARTMENT	FIRST HALF ANNUAL CONTRIBUTION FOR 2010-2011	125,000.00
GF DEVELOPMENT AUTHORITY	SUPPORT PMT GFDA FY 2010-2011	100,000.00

**SPECIAL REVENUE FUND**

**CTEP PROJECT**

JAMES TALCOTT CONSTRUCTION INC	PMT 1 OF 1126.9 BAY DR TRAIL PHASE II	129,443.98
--------------------------------	---------------------------------------	------------

**LIGHTING DISTRICT**

CARTEGRAPH SYSTEMS	CARTEFLEX MAINTENANCE RENEWAL (SPLIT AMONG FUNDS)	1,148.33
--------------------	---	----------

**STREET DISTRICT**

UNITED MATERIALS OF GREAT FALLS	ASPHALT	65,987.90
CARTEGRAPH SYSTEMS	CARTEFLEX MAINTENANCE RENEWAL (SPLIT AMONG FUNDS)	4,880.39
DAVID W KUGLIN	PMT 4 OF 1573 NORTHERN LIGHTS RECON OF STREET, GUTTER, & CURB	44,957.17

**PARK & RECREATION SPECIAL REVENUE**

QUALITY URETHANE INC	ASBESTOS REMOVAL SEATING AREA AT CENTENE STADIUM	28,000.00
----------------------	--	-----------

**DEBT SERVICE**

---

**SID BONDS**

WELLS FARGO BANK MN NA	CITY OF GREAT FALLS MT SID NO #1275	10,000.00
	BOND SERIES 1997 10-97 BE	
US BANK NA	CITY OF GF MT SPECIAL IMPROVEMENT	64,903.75
	DISTRICT NO 1301 BONDS SERIES 2005	

**CAPITAL PROJECTS**

---

**GENERAL CAPITAL**

GREAT PLAINS INSULATION	PMT 2 INSULATION OF PARK & REC COMPLEX BUILDINGS	6,878.52
-------------------------	---	----------

**ENTERPRISE FUNDS**

---

**WATER**

US BANK NA	CITY OF GREAT FALLS MT WATER SYSTEM REV REFUNDING BONDS SERIES 2002A	762,070.00
DANA KEPNER COMPANY INC	1000-3/4" ECR/DM 100CF METERS, 150-1" ECR/DM 100CF METERS, 100-3/4" PMM ECR 100CF METERS & 50-1" PMM ECR 100CF METERS	158,450.00
CARTEGRAPH SYSTEMS	CARTEFLEX MAINTENANCE RENEWAL (SPLIT AMONG FUNDS)	4,736.85

**SEWER**

US BANK NA	CITY OF GREAT FALLS MT SANITARY SEWERAGE SYSTEM REV REFUNDING BONDS SERIES 2002A	745,915.00
US BANK NA	CITY OF GREAT FALLS MT SEWERAGE SYSTEM REV BONDS SERIES 2005	253,515.00
CARTEGRAPH SYSTEMS	CARTEFLEX MAINTENANCE RENEWAL (SPLIT AMONG FUNDS)	2,583.74
INSITUFORM TECHNOLOGIES INC	FINAL OF1425.9 SANITARY SEWER MAIN REHABILITATION	15,634.25

**STORM DRAIN**

CENTRAL PLUMBING & HEATING	FINAL OF1520 GRANDE VISTA STORM DRAINAGE IMPROVEMENTS	13,377.98
----------------------------	--	-----------

**ELECTRIC**

SOUTHERN DORSEY & WHITNEY LLP	PMT OF ENERGY SUPPLY EXPENSE JUL 10 PMT #9 OF 24 BOND COUNSEL SERVICES INCURRED PRIOR TO OCT 2007 NOW DUE	650,000.00 6,581.02
----------------------------------	---	------------------------

**GOLF COURSES**

K & M INC	PAY OUT CONCESSIONS CC JUL 13-31,2010	5,557.35
-----------	---------------------------------------	----------

**INTERNAL SERVICES FUND**

---

**HEALTH & BENEFITS**

BLUE CROSS/BLUE SHIELD	HEALTH INS CLAIMS JULY 27 - AUG 2, 2010	17,459.13
BLUE CROSS/BLUE SHIELD	HEALTH INS CLAIMS AUG 3-9, 2010	254,118.91

**INSURANCE & SAFETY**

MONTANA MUNICIPAL INTERLOCAL	2010-2011 GENERAL LIABILITY INSURANCE	740,468.90
MONTANA MUNICIPAL INTERLOCAL	JULY 2010 DEDUCTIBLE RECOVERY	8,249.53

**INFORMATION TECHNOLOGY**

DELL MARKETING LP	25 OPTIPLEX & LATITUDE E5500 FOR ERS	22,983.62
-------------------	--------------------------------------	-----------

**CENTRAL GARAGE**

HCL TRUCK EQUIPMENT INC	2010 TENCO SNOW BLOWER	85,345.00
MOUNTAIN VIEW CO-OP	FUEL	42,329.75
NORTHWEST FUEL SYSTEMS INC	BRING FIRE STATION FUEL SITE INTO COMPLIANCE W/DEQ	5,940.00

**PUBLIC WORKS ADMINISTRATION**

CARTEGRAPH SYSTEMS	CARTEFLEX MAINTENANCE RENEWAL (SPLIT AMONG FUNDS)	1,004.79
--------------------	---	----------

**TRUST AND AGENCY**

---

**COURT TRUST MUNICIPAL COURT**

CITY OF GREAT FALLS	FINES & FORFEITURES COLLECTIONS	48,788.00
CASCADE COUNTY TREASURER	FINES & FORFEITURES COLLECTIONS	8,885.00

**PAYROLL CLEARING**

STATE TREASURER	MONTANA TAXES	38,164.00
ICMA RETIREMENT TRUST	EMPLOYEE CONTRIBUTIONS	11,162.05
FIREFIGHTER RETIREMENT	FIREFIGHTER RETIREMENT EMPLOYEE & EMPLOYER CONTRIBUTIONS	41,719.44
STATEWIDE POLICE RESERVE FUND	POLICE RETIREMENT EMPLOYEE & EMPLOYER CONTRIBUTIONS	51,735.83
PUBLIC EMPLOYEE RETIREMENT	PUBLIC EMPLOYEE RETIREMENT EMPLOYEE & EMPLOYER CONTRIBUTIONS	96,383.10
1ST INTERSTATE BANK	FEDERAL TAXES, FICA & MEDICARE	180,570.39
AFLAC	EMPLOYEE CONTRIBUTIONS	12,413.36
LABORERS INTERNATIONAL UNION	EMPLOYEE CONTRIBUTIONS	19,092.68
WESTERN CONF OF TEAMSTERS	EMPLOYEE CONTRIBUTIONS	15,004.03
MONTANA OE - CI TRUST FUND	EMPLOYEE CONTRIBUTIONS	15,558.91
MONTANA VEBA HRA	EMPLOYEE CONTRIBUTIONS	16,439.30

**UTILITY BILLS**

---

MONTANA WASTE SYSTEMS	JUNE 2010 SANITATION CHARGES	105,894.41
NORTHWESTERN ENERGY	JULY 2010 SLD CHARGES	69,049.47
NORTHWESTERN ENERGY	JUNE 2010 CHARGES	22,137.98
ENERGY WEST RESOURCES	JULY 2010 CHARGES	19,867.15

**CLAIMS OVER \$5000 TOTAL:** \$ 5,150,385.96

Selection Criteria:

From Date . . . . : 07/29/2010

To Date . . . . . : 08/11/2010

\*or\*

From Period . . . . :

To Period . . . . . :

Bank Code . . . . . : 01

Page Break by Fund: Y

Include Vendor No.: Y

Print Recap Only .: N



CITY OF GREAT FALLS  
 CHECK REGISTER BY FUND

CHECK DATE	CHECK NUMBER	VENDOR#	NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
08/04/2010	207644	30	SHOPKO LLC	OPERATING SUPPLIES	100-2123-522.22-96		8/2010	4.50
							Total	4.50
08/04/2010	207658	82	NORTHWESTERN ENERGY	June 2010 Charges	100-6433-562.34-12		8/2010	7.43
				June 2010 Charges	100-2111-522.34-12		8/2010	7.96
				June 2010 Charges	100-6433-562.34-12		8/2010	115.05
				June 2010 Charges	100-6433-562.34-12		8/2010	50.98
				June 2010 Charges	100-6433-562.34-12		8/2010	8.54
				June 2010 Charges	100-6433-562.34-12		8/2010	17.05
				June 2010 Charges	100-6433-562.34-12		8/2010	6.69
				June 2010 Charges	100-6433-562.34-12		8/2010	23.37
				June 2010 Charges	100-6433-562.34-12		8/2010	17.05
				June 2010 Charges	100-6433-562.34-12		8/2010	17.05
				June 2010 Charges	100-6433-562.34-12		8/2010	6.69
				June 2010 Charges	100-6433-562.34-12		8/2010	20.16
				June 2010 Charges	100-6433-562.34-12		8/2010	8.54
				June 2010 Charges	100-6433-562.34-12		8/2010	51.66
				June 2010 Charges	100-6433-562.34-12		8/2010	17.05
				June 2010 Charges	100-6433-562.34-12		8/2010	57.34
				June 2010 Charges	100-6433-562.34-12		8/2010	10.70
							Total	443.31
08/04/2010	207661	121	UNITED MATERIALS OF GRE	OPERATING SUPPLIES	100-6433-562.22-99		8/2010	57.74
				OPERATING SUPPLIES	100-6433-562.22-99		8/2010	80.20
							Total	137.94
08/04/2010	207664	162	ASSOCIATED VETERINARY S	RABIES CERT # 81947	100-0000-268.90-01		8/2010	15.00
							Total	15.00
08/04/2010	207666	195	2M COMPANY INC (RD RR9)	OPERATING SUPPLIES	100-6433-562.22-64		8/2010	2,222.82
							Total	2,222.82
08/04/2010	207670	293	DAVIS BUSINESS MACHINES	BASE RATE FOR 7/9-8/8/201	100-1361-511.36-91		8/2010	98.00
							Total	98.00
08/04/2010	207672	312	CITY COUNTY HEALTH DEPA	INSTITUTION GRANTS/SUBS	100-1511-511.57-12		8/2010	125,000.00
							Total	125,000.00
08/04/2010	207675	380	REARDEN JIM	APWA Expo & Congr Boston	100-0000-129.10-00		8/2010	1,157.10
							Total	1,157.10
08/04/2010	207676	388	NATIONAL LAUNDRY	REPAIR & MAINT SERVICES	100-2114-522.36-12		8/2010	128.12
							Total	128.12
08/04/2010	207679	506	ANIMAL MEDICAL CLINIC	PROFESSIONAL SERVICES	100-2141-522.35-99		8/2010	25.00
				PROFESSIONAL SERVICES	100-2141-522.35-99		8/2010	177.00
				PROFESSIONAL SERVICES	100-2141-522.35-99		8/2010	75.00
				PROFESSIONAL SERVICES	100-2141-522.35-99		8/2010	25.00
				PROFESSIONAL SERVICES	100-2141-522.35-99		8/2010	15.00
				PROFESSIONAL SERVICES	100-2141-522.35-99		8/2010	25.00
				PROFESSIONAL SERVICES	100-2141-522.35-99		8/2010	210.00
				PROFESSIONAL SERVICES	100-2141-522.35-99		8/2010	206.50
				PROFESSIONAL SERVICES	100-2141-522.35-99		8/2010	75.00

CHECK DATE	CHECK NUMBER	VENDOR#	NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
08/04/2010	207679	506	ANIMAL MEDICAL CLINIC	PROFESSIONAL SERVICES	100-2141-522.35-99		8/2010	25.00
				PROFESSIONAL SERVICES	100-2141-522.35-99		8/2010	75.00
				PROFESSIONAL SERVICES	100-2141-522.35-99		8/2010	119.00
				PROFESSIONAL SERVICES	100-2141-522.35-99		8/2010	112.50
				PROFESSIONAL SERVICES	100-2141-522.35-99		8/2010	30.00
							Total	1,195.00
08/04/2010	207680	621	PROPERTY & SUPPLY BUREA	15 CASES OF WHITE COPIER	100-1361-511.21-11		8/2010	514.50
							Total	514.50
08/04/2010	207681	638	EXPRESS SERVICES INC	PROFESSIONAL SERVICES	100-2411-522.35-99		8/2010	541.20
							Total	541.20
08/04/2010	207682	731	FAGENSTROM CO (THE)	OPERATING SUPPLIES	100-6433-562.22-99		8/2010	142.50
							Total	142.50
08/04/2010	207698	2095	HOVEN EQUIPMENT COMPANY	REPAIR & MAINT SUPPLIES	100-6433-562.23-17		8/2010	61.56
							Total	61.56
08/04/2010	207701	2286	HEIMAN FIRE EQUIPMENT I	REPAIR & MAINT SUPPLIES	100-2411-522.23-99		8/2010	106.05
							Total	106.05
08/04/2010	207703	2763	TREASURE STATE SEED INC	OPERATING SUPPLIES	100-6433-562.22-99		8/2010	1,040.00
							Total	1,040.00
08/04/2010	207707	3314	GREAT FALLS DEVELOPMENT	DEBT SERV & OTHER EXPENSE	100-1511-511.57-16		8/2010	100,000.00
							Total	100,000.00
08/04/2010	207711	4362	GREAT FALLS MUNICIPAL B	INSTITUTION GRANTS/SUBS	100-1511-511.57-34		8/2010	4,500.00
							Total	4,500.00
08/04/2010	207717	6478	OTTO DOUGLAS	Firearms Trng Semr Helena	100-0000-129.10-00		8/2010	162.93
							Total	162.93
08/04/2010	207719	6589	LAWSON PRODUCTS INC	OPERATING SUPPLIES	100-6433-562.22-99		8/2010	380.66
							Total	380.66
08/04/2010	207721	6731	DOORS & HARDWARE UNLIMI	REPAIR & MAINT SUPPLIES	100-6433-562.23-72		8/2010	20.00
							Total	20.00
08/04/2010	207726	7664	FASTENAL COMPANY	OPERATING SUPPLIES	100-6433-562.22-99		8/2010	27.21
							Total	27.21
08/04/2010	207730	8270	MASTERCARD PROCESSING C	SAMS/CAT LITTER	100-2141-522.22-99		8/2010	212.76
				OFFICE SUPPLIES	100-6411-561.21-99		8/2010	24.94
				REPAIR & MAINT SUPPLIES	100-2411-522.23-17		8/2010	802.24
				REPAIR & MAINT SUPPLIES	100-2411-522.23-99		8/2010	40.76
							Total	1,080.70
08/04/2010	207733	8467	MONTANA WASTE SYSTEMS I	MONTANA WASTE	100-6433-562.34-17		8/2010	86.29
							Total	86.29
08/04/2010	207738	9117	BEST FRIENDS ANIMAL HOS	PROFESSIONAL SERVICES	100-2122-522.35-18		8/2010	552.95

CHECK DATE	CHECK NUMBER	VENDOR#	NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
08/04/2010	207738	9117	BEST FRIENDS ANIMAL HOS	PROFESSIONAL SERVICES	100-2122-522.35-18		8/2010	229.76-
							Total	323.19
08/04/2010	207739	9248	SELSTAD'S SOD FARM	OPERATING SUPPLIES	100-6433-562.22-99		8/2010	616.00
				OPERATING SUPPLIES	100-6433-562.22-99		8/2010	56.00-
							Total	560.00
08/04/2010	207740	9283	MUNICIPAL SERVICES BURE	PROFESSIONAL SERVICES	100-1361-511.35-93		8/2010	1,292.67
							Total	1,292.67
08/04/2010	207754	10435	BUG DOCTOR	PROFESSIONAL SERVICES	100-6411-561.35-99		8/2010	42.00
				PROFESSIONAL SERVICES	100-6433-562.35-99		8/2010	36.00
							Total	78.00
08/04/2010	207769	11443	SUTTON MEGHAN	1.5 HRS ON 7/23/10	100-1363-512.35-11		8/2010	120.00
							Total	120.00
08/04/2010	207776	12408	BELTER PAT	MERCHANDISE RESALE VISITO	100-1493-511.25-99		8/2010	16.00
							Total	16.00
08/04/2010	207779	12646	CONOCO PHILLIPS CO.	PARK RENTAL REFUND	100-0000-268.64-00		8/2010	35.00
							Total	35.00
08/04/2010	207780	12646	JULIE TRONES	REFUND OF ALCOHOL DEPOSIT	100-0000-268.64-00		8/2010	35.00
							Total	35.00
08/04/2010	207783	12647	ACTION TARGET SEMINARS	FIREARMS TRAINING/081010-	100-2124-522.37-19		8/2010	200.00
							Total	200.00
08/04/2010	207787	12707	MELISSA ZENT	SPAY CERT # 09 1188	100-0000-268.90-03		8/2010	100.00
							Total	100.00
08/04/2010	207788	12707	BRANDI LANGDON	SPAY CERT # 09 1078	100-0000-268.90-03		8/2010	200.00
							Total	200.00
08/04/2010	207789	12707	JIM WELLS	RABIES CERT # 81949	100-0000-268.90-01		8/2010	15.00
							Total	15.00
08/04/2010	207790	12707	CHRIS CRISMAN	RABIES CERT # 81973	100-0000-268.90-01		8/2010	15.00
							Total	15.00
08/04/2010	207793	12966	COUNTRY HAVEN VETERINAR	RABIES CERT # 81868	100-0000-268.90-01		8/2010	15.00
							Total	15.00
08/04/2010	207806	13408	MANNING KATIE	TRAVEL, CONFERENCES&SCHOOL	100-6433-562.37-15		8/2010	120.50
							Total	120.50
08/04/2010	207807	13409	BOLAND ELLEN	TRAVEL, CONFERENCES&SCHOOL	100-6433-562.37-15		8/2010	102.50
							Total	102.50
08/04/2010	207808	13410	MCCAFFERTY HALLIE	TRAVEL, CONFERENCES&SCHOOL	100-6433-562.37-15		8/2010	95.00
							Total	95.00

CHECK DATE	CHECK NUMBER	VENDOR#	NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
08/04/2010	207812	13425	LOCH BRIAN	TRAVEL, CONFERENCES & SCHOOL	100-6433-562.37-15		8/2010	69.00
							Total	69.00
08/11/2010	207817	9	JOHNSON MADISON LUMBER	REPAIR & MAINT SUPPLIES	100-6433-562.23-72		8/2010	209.13
				EQUIP, FURN, FIXTURES	100-6433-562.24-11		8/2010	10.25
				OPERATING SUPPLIES	100-6433-562.22-99		8/2010	33.91
				EQUIP, FURN, FIXTURES	100-6433-562.24-11		8/2010	24.95
							Total	278.24
08/11/2010	207820	25	PROBUILD (FORMERLY POUL	REPAIR & MAINT SUPPLIES	100-2114-522.23-99		8/2010	42.50
							Total	42.50
08/11/2010	207821	34	TC GLASS DISTRIBUTOR IN	OPERATING SUPPLIES	100-6433-562.22-99		8/2010	19.78
							Total	19.78
08/11/2010	207825	52	CONSOLIDATED ELECTRICAL	OPERATING SUPPLIES	100-6433-562.22-99		8/2010	7.11
							Total	7.11
08/11/2010	207831	70	UNIVERSAL ATHLETIC SERV	OPERATING SUPPLIES	100-6433-562.22-99		8/2010	74.19
							Total	74.19
08/11/2010	207832	81	QWEST	COMMUNICATION SERVICES	100-6411-561.31-99		8/2010	38.65
				VIC PHONE JUN/JULY 2010	100-1493-511.31-31		8/2010	138.41
				COMMUNICATION SERVICES	100-6411-561.31-99		8/2010	249.84
							Total	426.90
08/11/2010	207833	82	NORTHWESTERN ENERGY	June 2010 charges	100-6411-561.34-12		8/2010	251.06
				June 2010 charges	100-2411-522.34-12		8/2010	212.66
				June 2010 charges	100-2111-522.34-12		8/2010	700.15
				June 2010 charges	100-2411-522.34-12		8/2010	103.70
				June 2010 charges	100-2411-522.34-12		8/2010	108.82
				June 2010 charges	100-2411-522.34-12		8/2010	74.89
				June 2010 charges	100-2411-522.34-12		8/2010	82.90
				June 2010 charges	100-6433-562.34-12		8/2010	67.10
				June 2010 charges	100-6411-561.34-12		8/2010	20.12
				June 2010 charges	100-6433-562.34-12		8/2010	15.30
				June 2010 charges	100-6433-562.34-12		8/2010	9.24
				June 2010 charges	100-6433-562.34-12		8/2010	7.25
				June 2010 charges	100-6433-562.34-12		8/2010	8.70
				June 2010 charges	100-6433-562.34-12		8/2010	7.39
				June 2010 charges	100-1493-511.34-12		8/2010	61.13
				June 2010 charges	100-6433-562.34-12		8/2010	11.94
				June 2010 charges	100-6433-562.34-12		8/2010	307.39
				June 2010 charges	100-6433-562.34-12		8/2010	7.25
				June 2010 charges	100-2141-522.34-12		8/2010	160.39
				June 2010 charges	100-2123-522.34-12		8/2010	7.86
				June 2010 charges	100-6433-562.34-12		8/2010	7.25
				June 2010 charges	100-6433-562.34-12		8/2010	7.91
				June 2010 charges	100-6433-562.34-12		8/2010	12.81
							Total	2,253.21
08/11/2010	207834	83	ENERGY WEST RESOURCES I	July 2010 charges	100-2411-522.34-15		8/2010	330.32
				July 2010 charges	100-2411-522.34-15		8/2010	251.74

CHECK DATE	CHECK NUMBER	VENDOR#	NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
08/11/2010	207834	83	ENERGY WEST RESOURCES I	July 2010 charges	100-1493-511.34-15		8/2010	34.11
				July 2010 charges	100-6433-562.34-15		8/2010	85.45
				July 2010 charges	100-6411-561.34-15		8/2010	68.38
				July 2010 charges	100-6411-561.34-15		8/2010	224.20
				July 2010 charges	100-6433-562.34-15		8/2010	17.00
				July 2010 charges	100-2141-522.34-15		8/2010	1,171.62
				July 2010 charges	100-2411-522.34-15		8/2010	222.30
				July 2010 charges	100-6433-562.34-15		8/2010	17.00
				July 2010 charges	100-6433-562.34-15		8/2010	61.50
				July 2010 charges	100-6433-562.34-15		8/2010	50.36
				July 2010 charges	100-2111-522.34-15		8/2010	541.50
				July 2010 charges	100-6433-562.34-15		8/2010	17.00
				July 2010 charges	100-6433-562.34-15		8/2010	26.42
				July 2010 charges	100-2411-522.34-15		8/2010	121.26
				July 2010 charges	100-2411-522.34-15		8/2010	833.39
							Total	4,073.55
08/11/2010	207838	127	FEDERAL EXPRESS CORPORA	COMMUNICATION SERVICES	100-2111-522.31-11		8/2010	49.73
							Total	49.73
08/11/2010	207842	142	NORTHWEST PIPE FITTINGS	REPAIR & MAINT SUPPLIES	100-6433-562.23-72		8/2010	62.63
				OPERATING SUPPLIES	100-6433-562.22-64		8/2010	36.74
				OPERATING SUPPLIES	100-6433-562.22-64		8/2010	26.34
							Total	125.71
08/11/2010	207844	173	ALLEGRA PRINT & IMAGING	WARNING NOTICE, 4.25X11 W	100-2141-522.21-11		8/2010	30.74
							Total	30.74
08/11/2010	207845	177	ALARM SERVICE INC	PROFESSIONAL SERVICES	100-6433-562.35-99		8/2010	50.00
							Total	50.00
08/11/2010	207847	198	MASCO JANITORIAL SUPPLY	OPERATING SUPPLIES	100-6433-562.22-94		8/2010	194.53
				OPERATING SUPPLIES	100-6433-562.22-94		8/2010	2.40
				OPERATING SUPPLIES	100-6433-562.22-94		8/2010	11.99
				OPERATING SUPPLIES	100-2111-522.22-99		8/2010	39.99
				OPERATING SUPPLIES	100-2114-522.22-94		8/2010	196.03
				OPERATING SUPPLIES	100-6433-562.22-94		8/2010	184.07
				OPERATING SUPPLIES	100-6433-562.22-94		8/2010	4.03-
				OPERATING SUPPLIES	100-6433-562.22-94		8/2010	2.28-
				OPERATING SUPPLIES	100-1493-511.22-99		8/2010	46.00
							Total	668.70
08/11/2010	207852	293	DAVIS BUSINESS MACHINES	RENTALS	100-1111-511.53-32		8/2010	36.75
				RENTALS	100-1411-511.53-32		8/2010	36.74
				RENTALS	100-1414-511.53-32		8/2010	36.74
							Total	110.23
08/11/2010	207854	367	PICKWICK'S OFFICE WORKS	OFFICE SUPPLIES	100-1471-511.21-99		8/2010	133.43
				OFFICE SUPPLIES	100-1471-511.21-99		8/2010	15.00
				OFFICE SUPPLIES	100-1471-511.21-99		8/2010	209.96
				OFFICE SUPPLIES	100-6411-561.21-99		8/2010	35.03
				OFFICE SUPPLIES	100-2141-522.21-99		8/2010	23.75
				OFFICE SUPPLIES	100-1414-511.21-99		8/2010	68.28

CHECK DATE	CHECK NUMBER	VENDOR#	NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
08/11/2010	207854	367	PICKWICK'S OFFICE WORKS	OFFICE SUPPLIES	100-1471-511.21-99		8/2010	10.97
							Total	496.42
08/11/2010	207867	1332	CARPS DRAIN CLEANING IN	CLEAN FLOOR DRAIN LINE IN	100-2141-522.35-99		8/2010	160.00
							Total	160.00
08/11/2010	207871	1732	MT LEAGUE OF CITIES AND	TRAVEL, CONFERENCES & SCHOOL	100-1411-511.37-99		8/2010	300.00
							Total	300.00
08/11/2010	207879	2499	OFFICE CENTER INC (THE)	RENTALS	100-6411-561.53-32		8/2010	103.50
				OFFICE SUPPLIES	100-6411-561.21-99		8/2010	54.00
							Total	157.50
08/11/2010	207886	3264	BOYD COFFEE COMPANY	OPERATING SUPPLIES	100-1411-511.22-99		8/2010	129.51
							Total	129.51
08/11/2010	207888	3702	SHAUN HEINERT	TK20103706 Restitution	100-0000-341.10-05		8/2010	25.00
							Total	25.00
08/11/2010	207889	3805	CENTRAL LOCK & KEY PLUS	OPERATING SUPPLIES	100-2114-522.22-99		8/2010	6.00
							Total	6.00
08/11/2010	207894	4654	MT MUNICIPAL CLERKS TRE	REF, PUBLICITY, TAXES, DUES	100-1414-511.33-51		8/2010	50.00
							Total	50.00
08/11/2010	207906	8197	POWER PRO	REPAIR & MAINT SUPPLIES	100-6433-562.23-17		8/2010	117.50
							Total	117.50
08/11/2010	207907	8270	MASTERCARD PROCESSING C	TRAVEL, CONFERENCES & SCHOOL	100-1111-511.37-99		8/2010	25.00
				TRAVEL, CONFERENCES & SCHOOL	100-1411-511.33-51		8/2010	25.00
							Total	50.00
08/11/2010	207909	8464	NEWTON JEFF	EUDL conf Anaheim CA	100-0000-129.10-00		8/2010	1,050.00
							Total	1,050.00
08/11/2010	207913	8916	MDHHS MT DEAF & HARD OF	PROFESSIONAL SERVICES	100-2112-522.35-18		8/2010	250.00
				PROFESSIONAL SERVICES	100-2112-522.35-18		8/2010	50.00
							Total	300.00
08/11/2010	207915	9117	BEST FRIENDS ANIMAL HOS	OPERATING SUPPLIES	100-2122-522.22-99		8/2010	53.69
							Total	53.69
08/11/2010	207918	9879	PROSPERIE KYLE	OFFICE SUPPLIES	100-2411-522.21-32		8/2010	13.54
				TRAVEL, CONFERENCES & SCHOOL	100-2411-522.37-59		8/2010	23.88
							Total	37.42
08/11/2010	207927	10858	VERIZON WIRELESS	COMMUNICATION SERVICES	100-2111-522.31-32		8/2010	31.89
				COMMUNICATION SERVICES	100-2112-522.31-32		8/2010	165.30
				COMMUNICATION SERVICES	100-2114-522.31-32		8/2010	128.77
				COMMUNICATION SERVICES	100-2115-522.31-32		8/2010	544.42
				COMMUNICATION SERVICES	100-2124-522.31-32		8/2010	34.05
				COMMUNICATION SERVICES	100-2125-522.31-32		8/2010	64.16
				COMMUNICATION SERVICES	100-2141-522.31-99		8/2010	161.39

CHECK DATE	CHECK NUMBER	VENDOR#	NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
08/11/2010	207927	10858	VERIZON WIRELESS	COMMUNICATION SERVICES	100-1411-511.31-32		8/2010	87.66
				COMMUNICATION SERVICES	100-1471-511.31-32		8/2010	72.42
				COMMUNICATION SERVICES	100-6433-562.31-32		8/2010	132.68
				COMMUNICATION SERVICES	100-6433-562.31-32		8/2010	161.53
				COMMUNICATION SERVICES	100-6433-562.31-32		8/2010	133.13
							Total	1,717.40
08/11/2010	207930	11037	EMERGENCY PHYSICIANS PC	PROFESSIONAL SERVICES	100-2112-522.35-18		8/2010	315.00
				PROFESSIONAL SERVICES	100-2112-522.35-18		8/2010	208.00
							Total	523.00
08/11/2010	207931	11148	BIRDTAIL ELECTRIC COMPA	REPAIR & MAINT SERVICES	100-6433-562.36-12		8/2010	460.00
							Total	460.00
08/11/2010	207938	11994	BIG SKY MAGIC	VISITOR CENTER MERCHANDIS	100-1493-511.25-99		8/2010	147.00
							Total	147.00
08/11/2010	207939	12040	SCOTT NOAH	REPLACE ASP EXPANDABLE BA	100-2111-522.22-95		8/2010	69.00
							Total	69.00
08/11/2010	207944	12096	MAHLUM DOUG	Bloodstain Analyst AmesIA	100-0000-129.10-00		8/2010	374.00
							Total	374.00
08/11/2010	207945	12306	PATTE ROY	PROFESSIONAL SERVICES	100-6433-562.35-99		8/2010	400.00
							Total	400.00
08/11/2010	207949	12646	JOHNSON DISTRIBUTORS	SHIPPING/HANDLING	100-6433-562.23-72		8/2010	175.07
							Total	175.07
08/11/2010	207950	12646	CAMPBELL FOWLER	REFUND ODDFELLOWS PARK FO	100-0000-268.64-00		8/2010	35.00
							Total	35.00
08/11/2010	207952	12646	GORDAN MITCHELL	JAYLYNN MITCHELL BB CAMP	100-0000-268.64-00		8/2010	25.00
							Total	25.00
08/11/2010	207953	12646	JUDY RIESENBERG	ELKS RIVERSIDE WADDELL/RE	100-0000-268.64-00		8/2010	35.00
							Total	35.00
08/11/2010	207954	12646	KARIE ALBERT	REFUND POOL RENTAL - LIFE	100-0000-268.64-00		8/2010	120.00
							Total	120.00
08/11/2010	207962	13073	KIESTER GARY	TRAVEL, CONFERENCES&SCHOOL	100-6433-562.37-15		8/2010	13.75
							Total	13.75
08/11/2010	207963	13091	CAPITAL COMMUNICATIONS	REPAIR & MAINT SERVICES	100-2114-522.36-59		8/2010	145.00
				REPAIR & MAINT SERVICES	100-2114-522.36-59		8/2010	82.50
							Total	227.50
08/11/2010	207967	13247	ADVANCED MULTIMEDIA SOL	WEB SITE HOSTING USA0013.	100-2191-522.35-99	211003	8/2010	49.95
							Total	49.95
08/11/2010	207968	13273	GREAT FALLS TRIBUNE -SU	REF,PUBLICITY,TAXES,DUES	100-1414-511.33-99		8/2010	222.71
							Total	222.71

Prepared: 08/11/2010, 8:28:51  
Program: GM179L  
Bank: 01 HTE SUB-SYS AND MASTER

CITY OF GREAT FALLS  
CHECK REGISTER BY FUND

CHECK DATE	CHECK NUMBER	VENDOR#	NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
08/11/2010	207972	13408	MANNING KATIE	TRAVEL, CONFERENCES&SCHOOL	100-6433-562.37-15		8/2010	123.00
							Total	123.00
08/11/2010	207973	13409	BOLAND ELLEN	TRAVEL, CONFERENCES&SCHOOL	100-6433-562.37-15		8/2010	81.00
							Total	81.00
08/11/2010	207974	13410	MCCAFFERTY HALLIE	TRAVEL, CONFERENCES&SCHOOL	100-6433-562.37-15		8/2010	67.00
							Total	67.00
08/11/2010	207975	13425	LOCH BRIAN	TRAVEL, CONFERENCES&SCHOOL	100-6433-562.37-15		8/2010	62.00
							Total	62.00
90 Checks ** Fund Total								258,528.26



Prepared: 08/11/2010, 8:28:51  
Program: GM179L  
Bank: 01 HTE SUB-SYS AND MASTER

CITY OF GREAT FALLS  
CHECK REGISTER BY FUND

CHECK DATE	CHECK NUMBER	VENDOR#	NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
08/04/2010	207657	81	QWEST	MONTHLY SERVICE 07/13/10-	213-1811-512.31-31		8/2010	44.26
							Total	44.26
08/04/2010	207716	6030	WICKS DOUG	PROFESSIONAL SERVICES	213-1811-512.35-99		8/2010	2,000.00
							Total	2,000.00
				2 Checks	** Fund Total			2,044.26

Prepared: 08/11/2010, 8:28:51  
Program: GM179L  
Bank: 01 HTE SUB-SYS AND MASTER

CITY OF GREAT FALLS  
CHECK REGISTER BY FUND

CHECK DATE	CHECK NUMBER	VENDOR#	NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
08/04/2010	207662	136	MT DEPT OF REVENUE	1% IMPROVE OTHER THAN BLDGS	214-1812-515.93-99	180503	8/2010	1,307.51
							Total	1,307.51
08/04/2010	207704	2836	JAMES TALCOTT CONSTRUCT	IMPROVE OTHER THAN BLDGS	214-1812-515.93-99	180503	8/2010	129,443.98
							Total	129,443.98
				2 Checks	** Fund Total			130,751.49

Prepared: 08/11/2010, 8:28:51  
Program: GM179L  
Bank: 01 HTE SUB-SYS AND MASTER

CITY OF GREAT FALLS  
CHECK REGISTER BY FUND

CHECK DATE	CHECK NUMBER	VENDOR#	NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
08/11/2010	207858	502	GREAT FALLS BUSINESS	2010 TAX DISTRIBUTION FOR	219-1511-511.81-09		8/2010	1,094.79
							Total	1,094.79
				1 Checks	** Fund Total			1,094.79

Prepared: 08/11/2010, 8:28:51  
Program: GM179L  
Bank: 01 HTE SUB-SYS AND MASTER

CITY OF GREAT FALLS  
CHECK REGISTER BY FUND

CHECK DATE	CHECK NUMBER	VENDOR#	NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
08/11/2010	207832	81	QWEST	TEST TRUNK FOR 911 PHONE	221-2113-522.35-99	221001	8/2010	686.44
							Total	686.44
08/11/2010	207948	12586	GRABAR VOICE & DATA	ASSIST WITH PHONE SYS CUT	221-2113-522.35-99	221001	8/2010	60.00
							Total	60.00
08/11/2010	207963	13091	CAPITAL COMMUNICATIONS	PROFESSIONAL SERVICES	221-2113-522.35-99	221001	8/2010	120.00
							Total	120.00
				3 Checks	** Fund Total			866.44

Prepared: 08/11/2010, 8:28:51  
 Program: GM179L  
 Bank: 01 HTE SUB-SYS AND MASTER

CITY OF GREAT FALLS  
 CHECK REGISTER BY FUND

CHECK DATE	CHECK NUMBER	VENDOR#	NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
08/04/2010	207709	3805	CENTRAL LOCK & KEY PLUS	EQUIP, FURN, FIXTURES	222-2191-525.24-99	211009	8/2010	248.00
							Total	248.00
08/11/2010	207927	10858	VERIZON WIRELESS	OTHER PURCHASED SERVICES	222-2118-522.31-32	211012	8/2010	190.39
				PROFESSIONAL SERVICES	222-2191-525.35-99	211007	8/2010	947.08
				JULY GPS AND ORION BILL	222-2118-522.31-32	211012	8/2010	80.57
							Total	1,218.04
08/11/2010	207937	11888	HAMPTON INN BILLINGS	PROJ. SAFE NEIGHBORHOODS	222-2191-522.37-99	210904	8/2010	151.80
							Total	151.80
3 Checks ** Fund Total								1,617.84

CHECK DATE	CHECK NUMBER	VENDOR#	NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
08/04/2010	207642	15	NORMONT EQUIPMENT CO	OPERATING SUPPLIES	237-3131-532.22-99		8/2010	270.00
				OPERATING SUPPLIES	237-3131-532.22-99		8/2010	152.00
							Total	422.00
08/04/2010	207648	40	BIG R STORES (CSWW INC)	OPERATING SUPPLIES	237-3131-532.22-99		8/2010	60.40
							Total	60.40
08/04/2010	207651	64	FLEET SUPPLY COMPANY	OPERATING SUPPLIES	237-3131-532.22-11		8/2010	20.95
							Total	20.95
08/04/2010	207657	81	QWEST	PHONE SERVICE PW HILL 57	237-3136-532.31-31		8/2010	46.04
							Total	46.04
08/04/2010	207658	82	NORTHWESTERN ENERGY	June 2010 Charges	237-3131-532.34-12		8/2010	7.20
				June 2010 Charges	237-3131-532.34-12		8/2010	19.39
				June 2010 Charges	237-3131-532.34-12		8/2010	4.26
				June 2010 Charges	237-3131-532.34-12		8/2010	58.16
				June 2010 Charges	237-3131-532.34-12		8/2010	208.89
				June 2010 Charges	237-3131-532.34-12		8/2010	71.10
				June 2010 Charges	237-3131-532.34-12		8/2010	17.28
				July 2010 Charges	237-3131-532.34-12		8/2010	63.18
							Total	449.46
08/04/2010	207661	121	UNITED MATERIALS OF GRE	MAINT SUPPLIES & MATERIAL	237-3131-532.27-99		8/2010	8,795.20
							Total	8,795.20
08/04/2010	207662	136	MT DEPT OF REVENUE	1% IMPROVE OTHER THAN BLDGS	237-3131-535.93-19	350906	8/2010	454.30
							Total	454.30
08/04/2010	207724	7415	CARTEGRAPH SYSTEMS	OFFICE SUPPLIES	237-3131-532.21-59		8/2010	2,153.11
				OFFICE SUPPLIES	237-3136-532.21-59		8/2010	2,727.28
							Total	4,880.39
08/04/2010	207734	8547	KUGLIN DAVID W	IMPROVE OTHER THAN BLDGS	237-3131-535.93-19	350906	8/2010	44,957.17
							Total	44,957.17
08/04/2010	207750	10034	DUSTBUSTERS INC	MAINT SUPPLIES & MATERIAL	237-3131-532.27-99		8/2010	4,285.37
							Total	4,285.37
08/04/2010	207753	10408	BREEN OIL & TIRE CO	OPERATING SUPPLIES	237-3131-532.22-99		8/2010	12.00
							Total	12.00
08/04/2010	207755	10508	CONCRETE DOCTOR INC	IMPROVE OTHER THAN BLDGS	237-3131-535.93-17	311001	8/2010	2,740.92
							Total	2,740.92
08/11/2010	207818	15	NORMONT EQUIPMENT CO	OPERATING SUPPLIES	237-3131-532.22-99		8/2010	114.00
				OPERATING SUPPLIES	237-3136-532.22-99		8/2010	592.00
							Total	706.00
08/11/2010	207832	81	QWEST	COMMUNICATION SERVICES	237-3131-532.31-31		8/2010	101.46
							Total	101.46
08/11/2010	207833	82	NORTHWESTERN ENERGY	June 2010 charges	237-3131-532.34-12		8/2010	17.06

CITY OF GREAT FALLS  
 CHECK REGISTER BY FUND

CHECK DATE	CHECK NUMBER	VENDOR#	NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
08/11/2010	207833	82	NORTHWESTERN ENERGY	June 2010 charges	237-3131-532.34-12		8/2010	17.75
				June 2010 charges	237-3136-532.34-12		8/2010	57.51
				June 2010 charges	237-3136-532.34-12		8/2010	9.93
				June 2010 charges	237-3136-532.34-12		8/2010	64.60
				June 2010 charges	237-3136-532.34-12		8/2010	39.36
							Total	206.21
08/11/2010	207835	104	INDUSTRIAL TOWEL & COVE	July Charges	237-3136-532.22-99		8/2010	12.08
							Total	12.08
08/11/2010	207837	121	UNITED MATERIALS OF GRE	MAINT SUPPLIES & MATERIAL	237-3131-532.27-99		8/2010	11,615.40
				MAINT SUPPLIES & MATERIAL	237-3131-532.27-99		8/2010	126.25
				MAINT SUPPLIES & MATERIAL	237-3131-532.27-99		8/2010	16,347.60
				MAINT SUPPLIES & MATERIAL	237-3131-532.27-99		8/2010	2,832.15
				MAINT SUPPLIES & MATERIAL	237-3131-532.27-99		8/2010	4,051.05
				3/4" PLANT MIX AIRPORT	237-3131-532.27-99		8/2010	549.20
				MAINT SUPPLIES & MATERIAL	237-3131-532.27-99		8/2010	742.83
				MAINT SUPPLIES & MATERIAL	237-3131-532.27-99		8/2010	15,439.40
				MAINT SUPPLIES & MATERIAL	237-3131-532.27-99		8/2010	13,790.30
							Total	65,494.18
08/11/2010	207839	130	CLERK & RECORDER	Recording Fees Lein Relea	237-3131-532.35-99		8/2010	7.00
							Total	7.00
08/11/2010	207854	367	PICKWICK'S OFFICE WORKS	REPAIR & MAINT SERVICES	237-3131-532.36-91		8/2010	54.92
				REPAIR & MAINT SERVICES	237-3136-532.36-91		8/2010	54.92
				OFFICE SUPPLIES	237-3131-532.21-99		8/2010	8.07
				OFFICE SUPPLIES	237-3136-532.21-99		8/2010	8.06
							Total	125.97
08/11/2010	207869	1486	GREAT FALLS ICE COMPANY	FREIGHT	237-3131-532.22-99		8/2010	24.10
							Total	24.10
08/11/2010	207892	4465	VULCAN INC	GREEN 30" X 50 YD GREEN S	237-3136-532.26-11		8/2010	488.95
							Total	488.95
08/11/2010	207927	10858	VERIZON WIRELESS	COMMUNICATION SERVICES	237-3131-532.31-32		8/2010	183.50
				COMMUNICATION SERVICES	237-3136-532.31-32		8/2010	122.18
				COMMUNICATION SERVICES	237-3131-532.31-32		8/2010	15.21
							Total	320.89
22 Checks ** Fund Total								134,611.04

CHECK DATE	CHECK NUMBER	VENDOR#	NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
08/04/2010	207658	82	NORTHWESTERN ENERGY	June 2010 Charges	251-6111-561.34-12		8/2010 Total	32.09 32.09
08/11/2010	207821	34	TC GLASS DISTRIBUTOR	EQUIP, FURN, FIXTURES	251-6111-561.24-19		8/2010 Total	240.90 240.90
08/11/2010	207823	47	AMSAN	REPAIR & MAINT SUPPLIES	251-6111-561.23-99		8/2010 Total	150.07 150.07
08/11/2010	207832	81	QWEST	JULY PHONE CHARGES	251-6111-561.31-31		8/2010 Total	355.32 355.32
08/11/2010	207833	82	NORTHWESTERN ENERGY	June 2010 charges	251-6111-561.34-12		8/2010 Total	1,100.60 1,100.60
08/11/2010	207834	83	ENERGY WEST RESOURCES I	July 2010 charges	251-6111-561.34-15		8/2010 Total	787.63 787.63
08/11/2010	207847	198	MASCO JANITORIAL SUPPLY	REPAIR & MAINT SUPPLIES REPAIR & MAINT SUPPLIES	251-6111-561.23-99 251-6111-561.23-99		8/2010 8/2010 Total	244.67 93.00 337.67
08/11/2010	207852	293	DAVIS BUSINESS MACHINES	REPAIR & MAINT SERVICES	251-6111-561.36-91		8/2010 Total	217.00 217.00
08/11/2010	207861	621	PROPERTY & SUPPLY BUREA	OFFICE SUPPLIES OFFICE SUPPLIES OFFICE SUPPLIES	251-6111-561.21-59 251-6111-561.21-99 251-6111-561.21-59		8/2010 8/2010 8/2010 Total	128.22 4.49 222.13 354.84
08/11/2010	207887	3426	KELLY'S SIGNS	PRINTING & PUBLISHING	251-6111-561.32-99		8/2010 Total	60.00 60.00
08/11/2010	207891	3969	TROPHIES EXPRESS INC	PRINTING & PUBLISHING	251-6111-561.32-99		8/2010 Total	238.57 238.57
08/11/2010	207910	8487	CONCEPTS UNLIMITED INC	OFFICE SUPPLIES	251-6111-561.21-11		8/2010 Total	373.00 373.00
08/11/2010	207958	12978	ECOLAB EQUIPMENT CARE	HAND DRYER PART	251-6111-561.23-99		8/2010 Total	109.98 109.98
13 Checks ** Fund Total								4,357.67



Prepared: 08/11/2010, 8:28:51  
 Program: GM179L  
 Bank: 01 HTE SUB-SYS AND MASTER

CITY OF GREAT FALLS  
 CHECK REGISTER BY FUND

CHECK DATE	CHECK NUMBER	VENDOR#	NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
08/04/2010	207661	121	UNITED MATERIALS OF GRE	IMPROVE OTHER THAN BLDGS	261-6411-561.93-99	411001	8/2010	216.02-
							Total	216.02-
08/04/2010	207700	2201	QUALITY URETHANE INC	IMPROVE OTHER THAN BLDGS	261-6411-561.93-99	411001	8/2010	28,000.00
							Total	28,000.00
08/11/2010	207881	2771	MOUNTAIN TITLE COMPANY	RECONVEYANCE FEE SALVATIO	261-6411-561.35-99		8/2010	32.00
							Total	32.00
08/11/2010	207884	2986	L'HEUREUX PAGE WERNER P	IMPROVE OTHER THAN BLDGS	261-6411-561.93-16	611005	8/2010	1,828.57
							Total	1,828.57
4 Checks ** Fund Total								29,644.55

CHECK DATE	CHECK NUMBER	VENDOR#	NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
08/04/2010	207640	9	JOHNSON MADISON LUMBER	OPERATING SUPPLIES	267-6434-562.22-99		8/2010	15.48
				OPERATING SUPPLIES	267-6436-562.22-99		8/2010	15.48
							Total	30.96
08/04/2010	207648	40	BIG R STORES (CSWW INC)	OPERATING SUPPLIES	267-6434-562.22-99		8/2010	29.98
							Total	29.98
08/04/2010	207651	64	FLEET SUPPLY COMPANY	OPERATING SUPPLIES	267-6434-562.22-99		8/2010	3.00
				OPERATING SUPPLIES	267-6436-562.22-99		8/2010	3.00
							Total	6.00
08/04/2010	207712	4876	ACE HARDWARE	OPERATING SUPPLIES	267-6434-562.22-99		8/2010	21.99
							Total	21.99
08/04/2010	207728	8197	POWER PRO	OPERATING SUPPLIES	267-6434-562.22-99		8/2010	28.00
				OPERATING SUPPLIES	267-6436-562.22-99		8/2010	28.00
							Total	56.00
08/04/2010	207733	8467	MONTANA WASTE SYSTEMS I	MONTANA WASTE	267-6434-562.34-17		8/2010	91.29
							Total	91.29
08/11/2010	207817	9	JOHNSON MADISON LUMBER	EQUIP, FURN, FIXTURES	267-6434-562.24-99		8/2010	.45
							Total	.45
08/11/2010	207824	50	COLUMBIA PAINT & COATIN	GUARD RAC	267-6434-562.24-99		8/2010	11.20
				GUARD RAC	267-6436-562.24-99		8/2010	11.19
				FORESTRY WALL	267-6434-562.24-99		8/2010	312.40
				FORESTRY WALL	267-6436-562.24-99		8/2010	312.39
							Total	647.18
08/11/2010	207827	64	FLEET SUPPLY COMPANY	OPERATING SUPPLIES	267-6436-562.22-62		8/2010	4.70
							Total	4.70
08/11/2010	207899	6589	LAWSON PRODUCTS INC	STRIPE PAINT	267-6434-562.22-62		8/2010	67.65
				STRIPE PAINT	267-6436-562.22-62		8/2010	67.64
							Total	135.29
08/11/2010	207903	7214	RESPOND SYSTEMS	KLONDIKE GREY READER	267-6434-562.22-99		8/2010	19.90
				KLONDIKE CLEAR READER	267-6436-562.22-99		8/2010	19.90
							Total	39.80
08/11/2010	207906	8197	POWER PRO	OPERATING SUPPLIES	267-6434-562.22-99		8/2010	89.20
				OPERATING SUPPLIES	267-6436-562.22-99		8/2010	89.20
				OPERATING SUPPLIES	267-6434-562.22-99		8/2010	15.62
				OPERATING SUPPLIES	267-6436-562.22-99		8/2010	15.63
				OPERATING SUPPLIES	267-6434-562.22-99		8/2010	8.00
				OPERATING SUPPLIES	267-6436-562.22-99		8/2010	8.00
				REPAIR & MAINT SUPPLIES	267-6434-562.23-17		8/2010	90.25
				REPAIR & MAINT SUPPLIES	267-6436-562.23-17		8/2010	90.25
							Total	406.15
08/11/2010	207959	12984	RON DOOLEY	1301 1ST AVE NORTH TREE P	267-6418-562.22-61		8/2010	67.50
							Total	67.50

Prepared: 08/11/2010, 8:28:51  
Program: GM179L  
Bank: 01 HTE SUB-SYS AND MASTER

CITY OF GREAT FALLS  
CHECK REGISTER BY FUND

CHECK DATE	CHECK NUMBER	VENDOR#	NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
-----								
				13 Checks	** Fund Total			1,537.29

Prepared: 08/11/2010, 8:28:51  
Program: GM179L  
Bank: 01 HTE SUB-SYS AND MASTER

CITY OF GREAT FALLS  
CHECK REGISTER BY FUND

CHECK DATE	CHECK NUMBER	VENDOR#	NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
08/11/2010	207825	52	CONSOLIDATED	ELECTRICAL OPERATING SUPPLIES	268-6435-562.22-99		8/2010	36.94
							Total	36.94
				1 Checks	** Fund Total			36.94

Prepared: 08/11/2010, 8:28:51  
 Program: GM179L  
 Bank: 01 HTE SUB-SYS AND MASTER

CITY OF GREAT FALLS  
 CHECK REGISTER BY FUND

CHECK DATE	CHECK NUMBER	VENDOR#	NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
08/04/2010	207756	10726	ELECTRIC CITY KITCHENS	PROFESSIONAL SERVICES	272-7142-571.35-99	731101	8/2010	4,442.50
							Total	4,442.50
08/04/2010	207775	12393	US TREASURY	Interest Housign RehabRLF	272-0000-391.10-01		7/2010	841.29
							Total	841.29
08/04/2010	207804	13355	NORTHERN HEATING	PROFESSIONAL SERVICES	272-7142-571.35-99	731003	8/2010	1,650.00
							Total	1,650.00
08/11/2010	207839	130	CLERK & RECORDER	recording fees	272-7142-571.35-99	731000	8/2010	11.00
				recording fees	272-7142-571.35-99	731000	8/2010	21.00
				Recording Fees	272-7142-571.35-99	751000	8/2010	7.00
							Total	39.00
08/11/2010	207927	10858	VERIZON WIRELESS	COMMUNICATION SERVICES	272-7141-571.31-32		8/2010	47.04
							Total	47.04
5 Checks ** Fund Total								7,019.83

Prepared: 08/11/2010, 8:28:51  
Program: GM179L  
Bank: 01 HTE SUB-SYS AND MASTER

CITY OF GREAT FALLS  
CHECK REGISTER BY FUND

CHECK DATE	CHECK NUMBER	VENDOR#	NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
08/04/2010	207658	82	NORTHWESTERN ENERGY	June 2010 Charges	279-7161-573.34-12		8/2010	154.98
							Total	154.98
08/11/2010	207834	83	ENERGY WEST RESOURCES I	July 2010 charges	279-7161-573.34-15		8/2010	17.00
							Total	17.00
				2 Checks	** Fund Total			171.98

Prepared: 08/11/2010, 8:28:51  
 Program: GM179L  
 Bank: 01 HTE SUB-SYS AND MASTER

CITY OF GREAT FALLS  
 CHECK REGISTER BY FUND

CHECK DATE	CHECK NUMBER	VENDOR#	NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
08/04/2010	207644	30	SHOPKO LLC	EQUIP, FURN, FIXTURES	281-7128-571.24-99		8/2010 Total	110.61 110.61
08/04/2010	207792	12726	RICK JOHNSON	Permt 10-2061 Partial Ref	281-0000-323.70-11		7/2010 Total	52.31 52.31
08/04/2010	207803	13340	GIFT TERRENCE	ICC MT Chapter Billings	281-7128-571.37-99		8/2010 Total	53.87 53.87
08/11/2010	207907	8270	MASTERCARD PROCESSING C	ICC CERTIFICATION RENEWAL	281-7128-571.33-99		8/2010 Total	120.00 120.00
08/11/2010	207927	10858	VERIZON WIRELESS	COMMUNICATION SERVICES COMMUNICATION SERVICES	281-7128-571.31-32 281-7128-571.31-32		8/2010 8/2010 Total	314.49 249.43 563.92
08/11/2010	207969	13274	CUSHMAN LAW OFFICE PC	STEVEN FORBES CASE	281-7128-571.35-99		8/2010 Total	844.92 844.92
6 Checks							** Fund Total	1,745.63

Prepared: 08/11/2010, 8:28:51  
Program: GM179L  
Bank: 01 HTE SUB-SYS AND MASTER

CITY OF GREAT FALLS  
CHECK REGISTER BY FUND

CHECK DATE	CHECK NUMBER	VENDOR#	NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
08/04/2010	207707	3314	GREAT FALLS DEVELOPMENT	PROFESSIONAL SERVICES	293-1495-515.35-99		8/2010	3,800.85
							Total	3,800.85
				1 Checks	** Fund Total			3,800.85



Prepared: 08/11/2010, 8:28:51  
Program: GM179L  
Bank: 01 HTE SUB-SYS AND MASTER

CITY OF GREAT FALLS  
CHECK REGISTER BY FUND

CHECK DATE	CHECK NUMBER	VENDOR#	NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
08/04/2010	207662	136	MT DEPT OF REVENUE	1% IMPROVE OTHER THAN BLDGS	411-6411-565.93-99	271005	8/2010	69.48
							Total	69.48
08/04/2010	207760	11047	GREAT PLAINS INSULATION	IMPROVE OTHER THAN BLDGS	411-6411-565.93-99	271005	8/2010	6,878.52
							Total	6,878.52
				2 Checks	** Fund Total			6,948.00

Prepared: 08/11/2010, 8:28:51  
Program: GM179L  
Bank: 01 HTE SUB-SYS AND MASTER

CITY OF GREAT FALLS  
CHECK REGISTER BY FUND

CHECK DATE	CHECK NUMBER	VENDOR#	NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
08/11/2010	207838	127	FEDERAL EXPRESS CORPORA	ASBESTOS SAMPLES FROM SET	451-7121-572.35-99		8/2010	26.03
							Total	26.03
				1 Checks	** Fund Total			26.03

CHECK DATE	CHECK NUMBER	VENDOR#	NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
08/04/2010	207640	9	JOHNSON MADISON LUMBER	OPERATING SUPPLIES	511-3155-532.22-99		8/2010 Total	20.67 20.67
08/04/2010	207641	10	K-MART 3094	OPERATING SUPPLIES	511-3153-532.22-99		8/2010 Total	21.45 21.45
08/04/2010	207643	25	PROBUILD (FORMERLY POUL	OPERATING SUPPLIES OPERATING SUPPLIES	511-3155-532.22-99 511-3155-532.22-99		8/2010 8/2010 Total	5.79 9.88 15.67
08/04/2010	207650	52	CONSOLIDATED ELECTRICAL	OPERATING SUPPLIES	511-3155-532.22-99		8/2010 Total	12.34 12.34
08/04/2010	207655	68	NAPA AUTO PARTS OF GREA	OPERATING SUPPLIES	511-3155-532.22-99		8/2010 Total	8.77 8.77
08/04/2010	207660	118	MOSCH ELECTRIC MOTORS I	REPAIR & MAINT SUPPLIES	511-3155-532.23-72		8/2010 Total	50.00 50.00
08/04/2010	207663	142	NORTHWEST PIPE FITTINGS	REPAIR & MAINT SUPPLIES OPERATING SUPPLIES OPERATING SUPPLIES UTILITIES SUPPLIES & MAT	511-3155-532.23-72 511-3156-532.22-99 511-3155-532.22-99 511-3156-532.28-99		8/2010 8/2010 8/2010 8/2010 Total	450.00 252.74 10.76 207.06 920.56
08/04/2010	207671	301	DPC INDUSTRIES INC	UTILITIES SUPPLIES & MAT	511-3155-532.28-11		8/2010 Total	3,526.80 3,526.80
08/04/2010	207678	405	CRESCENT ELECTRIC SUPPL	REPAIR & MAINT SUPPLIES	511-3155-532.23-72		8/2010 Total	66.24 66.24
08/04/2010	207683	813	ENERGY LABORATORIES INC	PROFESSIONAL SERVICES PROFESSIONAL SERVICES PROFESSIONAL SERVICES	511-3153-532.35-99 511-3153-532.35-99 511-3153-532.35-99		8/2010 8/2010 8/2010 Total	80.00 95.00 170.00 345.00
08/04/2010	207688	1679	BIRKY, KIB HOMES/KARL	MANUAL CREDIT REFUND	511-0000-268.70-00		7/2010 Total	30.83 30.83
08/04/2010	207689	1679	HAGEN, FAITH	MANUAL CREDIT REFUND	511-0000-268.70-00		7/2010 Total	30.09 30.09
08/04/2010	207690	1679	HELMAN, JIM & LORA	MANUAL CREDIT REFUND	511-0000-268.70-00		7/2010 Total	30.99 30.99
08/04/2010	207691	1679	FRATES, ANN M	MANUAL CREDIT REFUND	511-0000-268.70-00		7/2010 Total	20.87 20.87
08/04/2010	207692	1679	GREAT FALLS AIRPORT AUT	MANUAL CREDIT REFUND	511-0000-268.70-00		7/2010 Total	32.13 32.13
08/04/2010	207693	1679	FRANDSEN, TARA & ERICK	MANUAL CREDIT REFUND	511-0000-268.70-00		7/2010 Total	77.22 77.22

CHECK DATE	CHECK NUMBER	VENDOR#	NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
08/04/2010	207694	1679	BOHARSKI, DAVID C	MANUAL CREDIT REFUND	511-0000-268.70-00		7/2010 Total	104.16 104.16
08/04/2010	207695	1679	TRONSON, ROY	FINAL BILLING CR REFUND	511-0000-268.70-00		7/2010 Total	13.35 13.35
08/04/2010	207697	2003	THATCHER COMPANY OF MON	UTILITIES SUPPLIES & MAT UTILITIES SUPPLIES & MAT	511-3155-532.28-11 511-3155-532.28-11		8/2010 8/2010 Total	4,687.76 4,519.56 9,207.32
08/04/2010	207698	2095	HOVEN EQUIPMENT COMPANY	OPERATING SUPPLIES OPERATING SUPPLIES	511-3155-532.22-99 511-3155-532.22-99		8/2010 8/2010 Total	285.10 24.54 309.64
08/04/2010	207705	2886	TOOL BOX INC	OPERATING SUPPLIES	511-3155-532.22-99		8/2010 Total	30.64 30.64
08/04/2010	207708	3566	UTILITIES UNDERGROUND L	COMMUNICATION SERVICES	511-3156-532.31-99		8/2010 Total	640.10 640.10
08/04/2010	207714	4982	DANA KEPNER COMPANY INC	UTIL MACH&EQUIP CAP OTLAY UTIL MACH&EQUIP CAP OTLAY UTIL MACH&EQUIP CAP OTLAY UTILITIES SUPPLIES & MAT	511-3156-532.96-94 511-3156-532.96-94 511-3156-532.96-94 511-3156-532.28-36		8/2010 8/2010 8/2010 8/2010 Total	116,330.00 42,120.00 1,070.00 152.10 159,672.10
08/04/2010	207718	6565	MT DEPT OF ENVIRONMENTA	IMPROVE OTHER THAN BLDGS	511-3156-535.93-19	351002	8/2010 Total	2,332.50 2,332.50
08/04/2010	207720	6715	HAWKINS INC	UTILITIES SUPPLIES & MAT	511-3155-532.28-11		8/2010 Total	1,792.00 1,792.00
08/04/2010	207722	6767	SHINING MOUNTAIN IMAGES	EQUIP, FURN, FIXTURES	511-3156-532.24-17		8/2010 Total	102.90 102.90
08/04/2010	207724	7415	CARTEGRAPH SYSTEMS	OFFICE SUPPLIES	511-3156-532.21-59		8/2010 Total	4,736.85 4,736.85
08/04/2010	207725	7497	KENCO ENTERPRISES INC	REPAIR & MAINT SERVICES REPAIR & MAINT SERVICES REPAIR & MAINT SERVICES REPAIR & MAINT SERVICES REPAIR & MAINT SERVICES	511-3155-532.36-99 511-3155-532.36-99 511-3155-532.36-99 511-3155-532.36-99 511-3155-532.36-99		8/2010 8/2010 8/2010 8/2010 8/2010 Total	41.50 41.50 41.50 41.50 24.00 190.00
08/04/2010	207730	8270	MASTERCARD PROCESSING C	REF,PUBLICITY,TAXES,DUES	511-3155-532.33-52		8/2010 Total	160.00 160.00
08/04/2010	207737	8700	ENVIRONMENTAL RESOURCE	REF,PUBLICITY,TAXES,DUES	511-3153-532.33-52		8/2010 Total	458.10 458.10
08/04/2010	207741	9419	IBS INC	OPERATING SUPPLIES	511-3155-532.22-99		8/2010 Total	28.88 28.88

CHECK DATE	CHECK NUMBER	VENDOR#	NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
08/04/2010	207751	10091	HD SUPPLY WATERWORKS LT	UTILITIES SUPPLIES & MAT	511-3156-532.28-99		8/2010	743.70
				UTILITIES SUPPLIES & MAT	511-3156-532.28-99		8/2010	1,082.19
				UTILITIES SUPPLIES & MAT	511-3156-532.28-99		8/2010	401.70-
							Total	1,424.19
08/04/2010	207752	10384	GASES PLUS NORCO LLC	OPERATING SUPPLIES	511-3155-532.22-99		8/2010	458.15
				REPAIR & MAINT SUPPLIES	511-3155-532.23-17		8/2010	621.48
							Total	1,079.63
08/04/2010	207802	13324	PBS&J	PROFESSIONAL SERVICES	511-3155-531.35-99	131001	8/2010	1,555.00
							Total	1,555.00
08/04/2010	207810	13421	MT WATERWORKS	UTILITIES SUPPLIES & MAT	511-3156-532.28-99		8/2010	355.80
							Total	355.80
08/11/2010	207820	25	PROBUILD (FORMERLY POUL	REPAIR & MAINT SUPPLIES	511-3155-532.23-72		8/2010	49.06
							Total	49.06
08/11/2010	207822	40	BIG R STORES (CSWW INC)	EQUIP, FURN, FIXTURES	511-3156-532.24-11		8/2010	71.94
							Total	71.94
08/11/2010	207826	62	FASTENERS INC	OPERATING SUPPLIES	511-3155-532.22-99		8/2010	25.52
				EQUIP, FURN, FIXTURES	511-3156-532.24-17		8/2010	55.96
							Total	81.48
08/11/2010	207827	64	FLEET SUPPLY COMPANY	OPERATING SUPPLIES	511-3155-532.22-99		8/2010	5.18
							Total	5.18
08/11/2010	207828	65	GENERAL DISTRIBUTING CO	REPAIR & MAINT SUPPLIES	511-3156-532.23-99		8/2010	58.18
				OPERATING SUPPLIES	511-3156-532.22-99		8/2010	251.97
							Total	310.15
08/11/2010	207829	67	GLACIER STATE ELECTRIC	MAINT SUPPLIES & MATERIAL	511-3156-532.27-14		8/2010	50.00
				REPAIR & MAINT SUPPLIES	511-3155-532.23-17		8/2010	136.83
							Total	186.83
08/11/2010	207830	68	NAPA AUTO PARTS OF GREA	EQUIP, FURN, FIXTURES	511-3155-532.24-19	430810	8/2010	26.80
							Total	26.80
08/11/2010	207833	82	NORTHWESTERN ENERGY	June 2010 charges	511-3155-532.34-12		8/2010	429.39
				June 2010 charges	511-3155-532.34-12		8/2010	1,821.83
				June 2010 charges	511-3155-532.34-12		8/2010	508.81
				June 2010 charges	511-3155-532.34-12		8/2010	12,726.26
				June 2010 charges	511-3155-532.34-12		8/2010	25.97
				June 2010 charges	511-3155-532.34-12		8/2010	8.59
				June 2010 charges	511-3155-532.34-12		8/2010	18.83
							Total	15,539.68
08/11/2010	207834	83	ENERGY WEST RESOURCES I	July 2010 charges	511-3155-532.34-15		8/2010	29.86
				July 2010 charges	511-3155-532.34-15		8/2010	23.83
				July 2010 charges	511-3155-532.34-15		8/2010	23.82
				July 2010 charges	511-3155-532.34-15		8/2010	23.82
				July 2010 charges	511-3155-532.34-15		8/2010	681.94

CHECK DATE	CHECK NUMBER	VENDOR#	NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
08/11/2010	207834	83	ENERGY WEST RESOURCES I	July 2010 charges	511-3155-532.34-15		8/2010	172.74
				July 2010 charges	511-3155-532.34-15		8/2010	976.85
				July 2010 charges	511-3155-532.34-15		8/2010	45.25
							Total	1,978.11
08/11/2010	207835	104	INDUSTRIAL TOWEL & COVE	July Charges	511-3156-532.22-99		8/2010	30.05
				July Charges	511-3155-532.22-99		8/2010	22.26
				July Charges	511-3156-532.22-99		8/2010	90.74
				July Charges	511-3156-532.22-99		8/2010	30.05
							Total	173.10
08/11/2010	207842	142	NORTHWEST PIPE FITTINGS	OPERATING SUPPLIES	511-3155-532.22-99		8/2010	95.00
				UTILITIES SUPPLIES & MAT	511-3156-532.28-99		8/2010	32.52
							Total	127.52
08/11/2010	207854	367	PICKWICK'S OFFICE WORKS	OFFICE SUPPLIES	511-3155-532.21-99		8/2010	110.60
							Total	110.60
08/11/2010	207856	388	NATIONAL LAUNDRY	OPERATING SUPPLIES	511-3155-532.22-99		8/2010	119.97
							Total	119.97
08/11/2010	207857	405	CRESCENT ELECTRIC SUPPL	OPERATING SUPPLIES	511-3156-532.22-99		8/2010	31.93
							Total	31.93
08/11/2010	207863	813	ENERGY LABORATORIES INC	PROFESSIONAL SERVICES	511-3153-532.35-99		8/2010	80.00
							Total	80.00
08/11/2010	207870	1679	MCKEE, JAMES & MICHELLE	MANUAL CREDIT REFUND	511-0000-268.70-00		8/2010	50.00
							Total	50.00
08/11/2010	207874	2003	THATCHER COMPANY OF MON	UTILITIES SUPPLIES & MAT	511-3155-532.28-11		8/2010	4,645.69
				UTILITIES SUPPLIES & MAT	511-3155-532.28-11		8/2010	4,603.66
				UTILITIES SUPPLIES & MAT	511-3155-532.28-11		8/2010	4,622.32
							Total	13,871.67
08/11/2010	207879	2499	OFFICE CENTER INC (THE)	REPAIR & MAINT SERVICES	511-3155-532.36-99		8/2010	55.54
							Total	55.54
08/11/2010	207882	2886	TOOL BOX INC	OPERATING SUPPLIES	511-3155-532.22-99		8/2010	17.17
							Total	17.17
08/11/2010	207897	5940	PETTY CASH/AUSTIN PATTY	OPERATING SUPPLIES	511-3155-532.22-99		8/2010	15.95
							Total	15.95
08/11/2010	207900	6715	HAWKINS INC	UTILITIES SUPPLIES & MAT	511-3155-532.28-11		8/2010	1,792.00
							Total	1,792.00
08/11/2010	207904	7664	FASTENAL COMPANY	OPERATING SUPPLIES	511-3155-532.22-99		8/2010	2.45
				REPAIR & MAINT SUPPLIES	511-3155-532.23-17		8/2010	2.86
				OPERATING SUPPLIES	511-3156-532.22-99		8/2010	13.32
							Total	18.63
08/11/2010	207916	9522	STEEL ETC	REPAIR & MAINT SUPPLIES	511-3155-532.23-72		8/2010	8.13

CHECK DATE	CHECK NUMBER	VENDOR#	NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
08/11/2010	207916	9522	STEEL ETC	OPERATING SUPPLIES	511-3155-532.22-99		8/2010	9.11
							Total	17.24
08/11/2010	207927	10858	VERIZON WIRELESS	COMMUNICATION SERVICES	511-3155-532.31-32		8/2010	135.69
				COMMUNICATION SERVICES	511-3156-532.31-32		8/2010	106.96
							Total	242.65
08/11/2010	207932	11168	BIG SKY HYDRAULICS & MA	UTILITIES SUPPLIES & MAT	511-3156-532.28-99		8/2010	8.50
				UTILITIES SUPPLIES & MAT	511-3156-532.28-99		8/2010	13.02
							Total	21.52
08/11/2010	207947	12375	LARSON DATA COMMUNICATI	EQUIP, FURN, FIXTURES	511-3155-532.24-19	430810	8/2010	1,870.00
							Total	1,870.00
08/11/2010	207976	13432	ADVANCED ENGINEERING &	OTHER PURCHASED SERVICES	511-3155-532.39-99		8/2010	1,476.00
							Total	1,476.00
62 Checks    ** Fund Total								227,743.51

CHECK DATE	CHECK NUMBER	VENDOR#	NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
08/04/2010	207647	37	BEARING SALES INC	REPAIR & MAINT SUPPLIES	513-3165-532.23-17		8/2010 Total	64.20 64.20
08/04/2010	207722	6767	SHINING MOUNTAIN IMAGES	EQUIP, FURN, FIXTURES	513-3165-532.24-17		8/2010 Total	102.90 102.90
08/04/2010	207724	7415	CARTEGRAPH SYSTEMS	OFFICE SUPPLIES	513-3165-532.21-59		8/2010 Total	2,583.74 2,583.74
08/11/2010	207827	64	FLEET SUPPLY COMPANY	REPAIR & MAINT SUPPLIES	513-3165-532.23-17		8/2010 Total	8.40 8.40
08/11/2010	207830	68	NAPA AUTO PARTS OF GREA	REPAIR & MAINT SUPPLIES	513-3165-532.23-17		8/2010 Total	56.38 56.38
08/11/2010	207839	130	CLERK & RECORDER	Recording Fees Lein Relea	513-3165-532.35-99		8/2010 Total	14.00 14.00
08/11/2010	207841	136	MT DEPT OF REVENUE	1% IMPROVE OTHER THAN BLDGS	513-3165-535.93-19	390702	8/2010 Total	157.92 157.92
08/11/2010	207842	142	NORTHWEST PIPE FITTINGS	REPAIR & MAINT SUPPLIES	513-3165-532.23-99		8/2010 Total	14.53 14.53
08/11/2010	207882	2886	TOOL BOX INC	REPAIR & MAINT SUPPLIES	513-3165-532.23-17		8/2010 Total	84.90 84.90
08/11/2010	207927	10858	VERIZON WIRELESS	COMMUNICATION SERVICES	513-3165-532.31-32		8/2010 Total	128.68 128.68
08/11/2010	207932	11168	BIG SKY HYDRAULICS & MA	REPAIR & MAINT SERVICES REPAIR & MAINT SERVICES	513-3165-532.36-99 513-3165-532.36-99		8/2010 8/2010 Total	16.46 178.36 194.82
08/11/2010	207961	13054	INSITUFORM TECHNOLOGIES	IMPROVE OTHER THAN BLDGS	513-3165-535.93-19	390702	8/2010 Total	15,634.25 15,634.25
12 Checks ** Fund Total								19,044.72



Prepared: 08/11/2010, 8:28:51  
 Program: GM179L  
 Bank: 01 HTE SUB-SYS AND MASTER

CITY OF GREAT FALLS  
 CHECK REGISTER BY FUND

CHECK DATE	CHECK NUMBER	VENDOR#	NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
08/11/2010	207841	136	MT DEPT OF REVENUE	1% IMPROVE OTHER THAN BLDGS	515-3175-535.93-19	390715	8/2010	135.13
							Total	135.13
08/11/2010	207859	511	MORRISON-MAIERLE INC	IMPROVE OTHER THAN BLDGS	515-3175-535.93-16	390605	8/2010	682.77
							Total	682.77
08/11/2010	207864	839	CENTRAL PLUMBING & HEAT	IMPROVE OTHER THAN BLDGS	515-3175-535.93-19	390715	8/2010	13,377.98
							Total	13,377.98
08/11/2010	207928	10970	HDR ENGINEERING INC	PROFESSIONAL SERVICES	515-3175-532.35-99	331003	8/2010	1,262.46
							Total	1,262.46
				4 Checks	** Fund Total			15,458.34

CHECK DATE	CHECK NUMBER	VENDOR#	NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
08/04/2010	207651	64	FLEET SUPPLY COMPANY	OPERATING SUPPLIES	517-3188-532.22-99		8/2010	20.93
							Total	20.93
08/04/2010	207733	8467	MONTANA WASTE SYSTEMS I	MONTANA WASTE	517-3184-532.34-18		8/2010	37,838.44
				MONTANA WASTE	517-3185-532.34-18		8/2010	58,495.26
				MONTANA WASTE	517-3188-532.34-18		8/2010	9,383.13
							Total	105,716.83
08/04/2010	207796	13135	BIG SKY CIVIL & ENVIRON	IMPROVE OTHER THAN BLDGS	517-3188-535.93-16	370806	8/2010	3,733.50
							Total	3,733.50
08/11/2010	207832	81	QWEST	COMMUNICATION SERVICES	517-3184-532.31-31		8/2010	50.73
				COMMUNICATION SERVICES	517-3185-532.31-31		8/2010	50.73
							Total	101.46
08/11/2010	207833	82	NORTHWESTERN ENERGY	June 2010 charges	517-3188-532.34-12		8/2010	106.93
							Total	106.93
08/11/2010	207834	83	ENERGY WEST RESOURCES I	July 2010 charges	517-3188-532.34-15		8/2010	116.16
							Total	116.16
08/11/2010	207854	367	PICKWICK'S OFFICE WORKS	REPAIR & MAINT SERVICES	517-3184-532.36-91		8/2010	54.92
				REPAIR & MAINT SERVICES	517-3185-532.36-91		8/2010	54.92
				OFFICE SUPPLIES	517-3184-532.21-99		8/2010	8.06
				OFFICE SUPPLIES	517-3185-532.21-99		8/2010	8.06
							Total	125.96
08/11/2010	207924	10770	HOLTZ INDUSTRIES INC	DRIVE CAP 1/2"	517-3184-532.23-99		8/2010	46.10
							Total	46.10
08/11/2010	207927	10858	VERIZON WIRELESS	COMMUNICATION SERVICES	517-3184-532.31-32		8/2010	59.64
				COMMUNICATION SERVICES	517-3185-532.31-32		8/2010	59.66
				COMMUNICATION SERVICES	517-3188-532.31-32		8/2010	35.89
							Total	155.19
9 Checks ** Fund Total								110,123.06

Prepared: 08/11/2010, 8:28:51  
Program: GM179L  
Bank: 01 HTE SUB-SYS AND MASTER

CITY OF GREAT FALLS  
CHECK REGISTER BY FUND

CHECK DATE	CHECK NUMBER	VENDOR#	NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
08/11/2010	207885	3104	DORSEY & WHITNEY LLP	(M DEBT SERV & OTHER EXPENSE	519-1551-516.61-52		8/2010	6,581.02
							Total	6,581.02
				1 Checks	** Fund Total			6,581.02

Prepared: 08/11/2010, 8:28:51  
 Program: GM179L  
 Bank: 01 HTE SUB-SYS AND MASTER

CITY OF GREAT FALLS  
 CHECK REGISTER BY FUND

CHECK DATE	CHECK NUMBER	VENDOR#	NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
08/04/2010	207658	82	NORTHWESTERN ENERGY	June 2010 Charges	522-2113-522.34-12		8/2010 Total	1.99 1.99
08/11/2010	207833	82	NORTHWESTERN ENERGY	June 2010 charges	522-2113-522.34-12		8/2010 Total	175.04 175.04
08/11/2010	207834	83	ENERGY WEST RESOURCES I	July 2010 charges	522-2113-522.34-15		8/2010 Total	135.37 135.37
08/11/2010	207868	1343	3 RIVERS COMMUNICATIONS	COMMUNICATION SERVICES	522-2113-522.31-34		8/2010	343.95
				COMMUNICATION SERVICES	522-2113-522.31-34		8/2010	93.74
				COMMUNICATION SERVICES	522-2113-522.31-34		8/2010	93.74
				COMMUNICATION SERVICES	522-2113-522.31-34		8/2010	140.00
							Total	671.43
08/11/2010	207927	10858	VERIZON WIRELESS	COMMUNICATION SERVICES	522-2113-522.31-32		8/2010 Total	31.89 31.89
5 Checks ** Fund Total								1,015.72

CHECK DATE	CHECK NUMBER	VENDOR#	NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
08/04/2010	207649	47	AMSAN	OPERATING SUPPLIES	551-7125-571.22-99		8/2010 Total	19.50 19.50
08/04/2010	207658	82	NORTHWESTERN ENERGY	June 2010 Charges	551-7125-571.34-12		8/2010 Total	30.09 30.09
08/11/2010	207823	47	AMSAN	OPERATING SUPPLIES	551-7125-571.22-99		8/2010 Total	88.40 88.40
08/11/2010	207833	82	NORTHWESTERN ENERGY	June 2010 charges June 2010 charges	551-7125-571.34-12 551-7125-571.34-12		8/2010 8/2010 Total	414.66 425.71 840.37
08/11/2010	207855	374	APCOA/STANDARD PARKING	SEE ATTACHED INVOICE & ME	551-7125-571.32-99		8/2010 Total	800.26 800.26
08/11/2010	207872	1849	A TO Z LOCK & KEY	REPAIR & MAINT SERVICES	551-7125-571.36-99		8/2010 Total	65.00 65.00
08/11/2010	207878	2370	ENTERPRISE ELECTRIC INC	FOUND LOOSE POWER CONNECT	551-7125-571.36-99		8/2010 Total	69.00 69.00
08/11/2010	207893	4590	PARIS GIBSON SQUARE INC	PRINTING & PUBLISHING	551-7125-571.32-99		8/2010 Total	1,000.00 1,000.00
08/11/2010	207923	10742	SKYLINE SERVICES INC	REMOVED NETTING IN NW & N	551-7125-571.36-12		8/2010 Total	565.00 565.00
08/11/2010	207933	11268	GREENUP LAWN AND SPRINK	SERVICE CALL FOR RAMPS &	551-7125-571.36-99		8/2010 Total	551.75 551.75
10 Checks    ** Fund Total								4,029.37

CHECK DATE	CHECK NUMBER	VENDOR#	NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
08/04/2010	207648	40	BIG R STORES (CSWW INC)	OPERATING SUPPLIES	561-6452-563.22-64		8/2010	6.58
							Total	6.58
08/04/2010	207651	64	FLEET SUPPLY COMPANY	REPAIR & MAINT SUPPLIES	561-6452-563.23-17		8/2010	31.95
							Total	31.95
08/04/2010	207658	82	NORTHWESTERN ENERGY	June 2010 Charges	561-6451-563.34-12		8/2010	7.58
							Total	7.58
08/04/2010	207660	118	MOSCH ELECTRIC MOTORS I	REPAIR & MAINT SUPPLIES	561-6451-563.23-17		8/2010	92.00
							Total	92.00
08/04/2010	207663	142	NORTHWEST PIPE FITTINGS	OPERATING SUPPLIES	561-6452-563.22-64		8/2010	9.69
							Total	9.69
08/04/2010	207677	392	B & B HEATING - AIR CON	REPAIR & MAINT SUPPLIES	561-6451-562.23-72		8/2010	150.20
				REPAIR & MAINT SUPPLIES	561-6452-562.23-72		8/2010	110.50
							Total	260.70
08/04/2010	207684	972	MOUNTAIN VIEW CO-OP	OTHER PURCHASED SERVICES	561-6451-562.39-99		8/2010	2.98
							Total	2.98
08/04/2010	207687	1652	WILBUR-ELLIS COMPANY	OPERATING SUPPLIES	561-6451-563.22-63		8/2010	2,009.00
							Total	2,009.00
08/04/2010	207712	4876	ACE HARDWARE	OPERATING SUPPLIES	561-6452-563.22-64		8/2010	19.98
				OPERATING SUPPLIES	561-6452-563.22-64		8/2010	23.98
				OPERATING SUPPLIES	561-6451-562.22-99		8/2010	30.90
				OPERATING SUPPLIES	561-6452-562.22-99		8/2010	30.89
							Total	105.75
08/04/2010	207731	8380	LAMAR COMPANIES (THE)	PRINTING & PUBLISHING	561-6451-562.32-99		8/2010	250.00
				PRINTING & PUBLISHING	561-6452-562.32-99		8/2010	250.00
							Total	500.00
08/04/2010	207754	10435	BUG DOCTOR	REPAIR & MAINT SERVICES	561-6451-563.36-12		8/2010	35.00
				REPAIR & MAINT SERVICES	561-6452-562.36-12		8/2010	50.00
							Total	85.00
08/04/2010	207757	10824	TRIANGLE TURF FARMS INC	OPERATING SUPPLIES	561-6451-563.22-69		8/2010	480.00
							Total	480.00
08/04/2010	207784	12664	FOOTJOY	GOLF PRO SHOP MERCHANDISE	561-0000-152.90-99		8/2010	692.60
							Total	692.60
08/11/2010	207820	25	PROBUILD (FORMERLY POUL	OPERATING SUPPLIES	561-6452-563.22-64		8/2010	98.21
							Total	98.21
08/11/2010	207825	52	CONSOLIDATED ELECTRICAL	REPAIR & MAINT SUPPLIES	561-6452-562.23-72		8/2010	35.40
							Total	35.40
08/11/2010	207832	81	QWEST	COMMUNICATION SERVICES	561-6452-562.31-31		8/2010	206.88
				COMMUNICATION SERVICES	561-6451-562.31-31		8/2010	174.10

CHECK DATE	CHECK NUMBER	VENDOR#	NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
							Total	380.98
08/11/2010	207833	82	NORTHWESTERN ENERGY	June 2010 charges	561-6452-563.34-12		8/2010	279.99
				June 2010 charges	561-6452-563.34-12		8/2010	98.07
				June 2010 charges	561-6451-563.34-12		8/2010	1,278.17
				June 2010 charges	561-6451-563.34-12		8/2010	364.79
				June 2010 charges	561-6452-563.34-12		8/2010	660.66
				June 2010 charges	561-6451-563.34-12		8/2010	249.39
				June 2010 charges	561-6452-563.34-12		8/2010	24.06
				June 2010 charges	561-6452-563.34-12		8/2010	968.51
				June 2010 charges	561-6451-563.34-12		8/2010	24.93
				June 2010 charges	561-6452-563.34-12		8/2010	7.25
							Total	3,955.82
08/11/2010	207834	83	ENERGY WEST RESOURCES I	July 2010 charges	561-6451-563.34-15		8/2010	22.10
				July 2010 charges	561-6451-563.34-15		8/2010	26.40
				July 2010 charges	561-6451-562.34-15		8/2010	21.31
				July 2010 charges	561-6452-562.34-15		8/2010	54.64
							Total	124.45
08/11/2010	207842	142	NORTHWEST PIPE FITTINGS	REPAIR & MAINT SUPPLIES	561-6452-562.23-72		8/2010	48.90
							Total	48.90
08/11/2010	207843	150	CRAMER CAOUCETTE CONNIE	MILEAGE REIMBURSEMENT 5/1	561-6451-562.37-15		8/2010	114.63
				MILEAGE REIMBURSEMENT 5/1	561-6452-562.37-15		8/2010	114.64
							Total	229.27
08/11/2010	207845	177	ALARM SERVICE INC	COMMUNICATION SERVICES	561-6452-562.31-33		8/2010	50.00
				COMMUNICATION SERVICES	561-6451-562.31-33		8/2010	50.00
							Total	100.00
08/11/2010	207847	198	MASCO JANITORIAL SUPPLY	OPERATING SUPPLIES	561-6451-562.22-94		8/2010	61.00
				OPERATING SUPPLIES	561-6452-562.22-94		8/2010	53.62
				OPERATING SUPPLIES	561-6452-562.22-94		8/2010	119.86
				OPERATING SUPPLIES	561-6452-562.22-94		8/2010	50.68
				OPERATING SUPPLIES	561-6451-562.22-94		8/2010	46.00
							Total	331.16
08/11/2010	207857	405	CRESCENT ELECTRIC SUPPL	REPAIR & MAINT SUPPLIES	561-6452-562.23-72		8/2010	57.18
							Total	57.18
08/11/2010	207920	10376	WESTERN GOLF INC	OPERATING SUPPLIES	561-6451-562.22-99		8/2010	255.61
				OPERATING SUPPLIES	561-6452-562.22-99		8/2010	255.61
				OPERATING SUPPLIES	561-6451-562.22-99		8/2010	281.13
				OPERATING SUPPLIES	561-6452-562.22-99		8/2010	281.13
							Total	1,073.48
24 Checks    ** Fund Total								10,718.68

CHECK DATE	CHECK NUMBER	VENDOR#	NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
08/04/2010	207652	65	GENERAL DISTRIBUTING CO	UTILITIES SUPPLIES & MAT	563-6471-562.28-11		8/2010 Total	80.12 80.12
08/04/2010	207665	178	PEPSI COLA OF GREAT FAL	CONCESSIONS	563-6471-562.25-59		8/2010	183.00
				CONCESSIONS	563-6471-562.25-59		8/2010 Total	422.87 605.87
08/04/2010	207667	198	MASCO JANITORIAL SUPPLY	REPAIR & MAINT SUPPLIES	563-6471-562.23-72		8/2010	50.00
				REPAIR & MAINT SUPPLIES	563-6471-562.23-72		8/2010 Total	46.00 96.00
08/04/2010	207674	367	PICKWICK'S OFFICE WORKS	OPERATING SUPPLIES	563-6471-562.22-99		8/2010	10.35
				OPERATING SUPPLIES	563-6475-562.22-99		8/2010 Total	10.35 20.70
08/04/2010	207702	2321	CHEMICAL MONTANA COMPAN	CHEMICALS	563-6471-562.28-11		8/2010	597.50
				CHEMICALS	563-6471-562.28-11		8/2010	6.67
				CHEMICALS	563-6473-562.28-11		8/2010	6.67
				CHEMICALS	563-6475-562.28-11		8/2010 Total	6.66 617.50
08/04/2010	207706	3008	WATCO POOLS	CHEMICALS	563-6471-562.28-11		8/2010	2,294.55
				CHEMICALS	563-6475-562.28-11		8/2010 Total	1,394.54 3,689.09
08/04/2010	207712	4876	ACE HARDWARE	REPAIR & MAINT SUPPLIES	563-6471-562.23-72		8/2010	14.97
				REPAIR & MAINT SUPPLIES	563-6471-562.23-72		8/2010 Total	20.46 35.43
08/04/2010	207713	4909	SAMS CLUB	CONCESSIONS	563-6471-562.25-59		8/2010	67.08
				OPERATING SUPPLIES	563-6471-562.22-99		8/2010	33.92
				CONCESSIONS	563-6475-562.25-59		8/2010	152.22
				CONCESSIONS	563-6475-562.25-59		8/2010 Total	218.26 471.48
08/04/2010	207720	6715	HAWKINS INC	TEST KITS	563-6471-562.28-11		8/2010	31.10
				TEST KITS	563-6473-562.28-11		8/2010	31.11
				TEST KITS	563-6475-562.28-11		8/2010 Total	31.11 93.32
08/04/2010	207721	6731	DOORS & HARDWARE UNLIMI	OPERATING SUPPLIES	563-6475-562.22-99		8/2010	10.30
							Total	10.30
08/04/2010	207730	8270	MASTERCARD PROCESSING C	OPERATING SUPPLIES	563-6471-562.22-99		8/2010	375.00-
							Total	375.00-
08/04/2010	207731	8380	LAMAR COMPANIES (THE)	PRINTING & PUBLISHING	563-6471-562.33-39		8/2010	500.00
				REF,PUBLICITY,TAXES,DUES	563-6471-562.33-39		8/2010	550.00
							Total	1,050.00
08/04/2010	207732	8447	MONTANA VENDING INC	CONCESSIONS	563-6471-562.25-59		8/2010	604.58
				CONCESSIONS	563-6471-562.25-59		8/2010	179.55
							Total	784.13



CHECK DATE	CHECK NUMBER	VENDOR#	NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
08/04/2010	207742	9482	ZEBEC OF NORTH AMERICA	30 TUBES W/S& H	563-6471-562.22-99		8/2010	458.50
							Total	458.50
08/04/2010	207753	10408	BREEN OIL & TIRE CO	SUPPLIES FOR RESALE	563-6471-562.25-59		8/2010	11.00
							Total	11.00
08/04/2010	207754	10435	BUG DOCTOR	REPAIR & MAINT SERVICES	563-6473-562.36-11		8/2010	42.00
							Total	42.00
08/04/2010	207773	12310	SCHEERS WHOLESALE INC	CONCESSIONS	563-6471-562.25-59		8/2010	320.20
							Total	320.20
08/04/2010	207794	13044	UDDER DISTRIBUTING INC	CONCESSIONS	563-6471-562.25-59		8/2010	691.05
				CONCESSIONS	563-6471-562.25-59		8/2010	502.88
				CONCESSIONS	563-6475-562.25-59		8/2010	297.88
				CONCESSIONS	563-6475-562.25-59		8/2010	257.04
							Total	1,748.85
08/04/2010	207811	13422	WAVE HOUSE INTERNATIONAL	OPERATING SUPPLIES	563-6471-562.22-99		8/2010	3,136.00
							Total	3,136.00
08/11/2010	207820	25	PROBUILD (FORMERLY POUL	UTILITIES SUPPLIES & MAT	563-6471-562.28-11		8/2010	48.51
							Total	48.51
08/11/2010	207822	40	BIG R STORES (CSWW INC)	REPAIR & MAINT SUPPLIES	563-6471-562.23-72		8/2010	9.99
							Total	9.99
08/11/2010	207833	82	NORTHWESTERN ENERGY	June 2010 charges	563-6473-562.34-12		8/2010	358.57
				June 2010 charges	563-6475-562.34-12		8/2010	318.41
				June 2010 charges	563-6471-562.34-12		8/2010	1,008.46
							Total	1,685.44
08/11/2010	207834	83	ENERGY WEST RESOURCES I	July 2010 charges	563-6471-562.34-15		8/2010	3,583.68
				July 2010 charges	563-6475-562.34-15		8/2010	1,229.93
				July 2010 charges	563-6475-562.34-15		8/2010	1,364.85
				July 2010 charges	563-6471-562.34-15		8/2010	1,932.82
				July 2010 charges	563-6473-562.34-15		8/2010	2,737.96
				July 2010 charges	563-6471-562.34-15		8/2010	727.97
							Total	11,577.21
08/11/2010	207842	142	NORTHWEST PIPE FITTINGS	REPAIR & MAINT SUPPLIES	563-6475-562.23-72		8/2010	78.72
							Total	78.72
08/11/2010	207846	178	PEPSI COLA OF GREAT FAL	RESALE MERCHANDISE CONCES	563-6471-562.25-59		8/2010	515.06
				ECWP CONCESSIONS RESALE	563-6471-562.25-59		8/2010	486.43
							Total	1,001.49
08/11/2010	207847	198	MASCO JANITORIAL SUPPLY	REPAIR & MAINT SUPPLIES	563-6473-562.23-72		8/2010	25.59
				REPAIR & MAINT SUPPLIES	563-6471-562.23-72		8/2010	14.64
				REPAIR & MAINT SUPPLIES	563-6475-562.23-72		8/2010	14.64
				REPAIR & MAINT SUPPLIES	563-6475-562.23-72		8/2010	54.00
				REPAIR & MAINT SUPPLIES	563-6475-562.23-72		8/2010	54.00
				REPAIR & MAINT SUPPLIES	563-6475-562.23-72		8/2010	82.80

CHECK DATE	CHECK NUMBER	VENDOR#	NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
08/11/2010	207847	198	MASCO JANITORIAL SUPPLY	REPAIR & MAINT SUPPLIES	563-6473-562.23-72		8/2010	76.70
							Total	214.37
08/11/2010	207883	2922	ALL SEASONS SPAS & STOV	SULFURIC ACID	563-6475-562.28-11		8/2010	9.90
							Total	9.90
08/11/2010	207895	4876	ACE HARDWARE	REPAIR & MAINT SUPPLIES	563-6471-562.23-72		8/2010	4.98
				UTILITIES SUPPLIES & MAT	563-6475-562.28-11		8/2010	35.94
				MAINT SUPPLIES & MATERIAL	563-6471-562.27-99		8/2010	8.00
				REPAIR & MAINT SUPPLIES	563-6471-562.23-72		8/2010	35.51
				REPAIR & MAINT SUPPLIES	563-6471-562.23-72		8/2010	14.57
							Total	99.00
08/11/2010	207896	4909	SAMS CLUB	ECWP CONCESSIONS RESALE	563-6471-562.25-59		8/2010	33.34
				PLATES FOR CONCESSIONS	563-6471-562.25-59		8/2010	15.62
				CONCESSIONS RESALE - WATE	563-6475-562.25-59		8/2010	304.09
							Total	353.05
08/11/2010	207902	6967	BIG SPRING WATER PRODUC	WATER	563-6475-562.22-99		8/2010	33.20
				WATER	563-6475-562.22-99		8/2010	13.60
							Total	46.80
08/11/2010	207908	8447	MONTANA VENDING INC	ECWP CONCESSIONS RESALE	563-6471-562.25-59		8/2010	428.57
				ECWP CONCESSIONS RESALE	563-6471-562.25-59		8/2010	280.82
							Total	709.39
08/11/2010	207921	10408	BREEN OIL & TIRE CO	SUPPLIES FOR RESALE	563-6471-562.25-59		8/2010	12.00
				SUPPLIES FOR RESALE	563-6471-562.25-59		8/2010	24.00
							Total	36.00
08/11/2010	207946	12310	SCHEERS WHOLESALE INC	ECWP CONCESSIONS RESALE	563-6471-562.25-59		8/2010	270.30
				ECWP CONCESSIONS RESALE	563-6471-562.25-59		8/2010	639.50
							Total	909.80
08/11/2010	207955	12671	CHAFIN SHARON	MILEAGE JUNE 26-JULY 31 E	563-6471-562.37-15		8/2010	24.18
							Total	24.18
08/11/2010	207960	13044	UDDER DISTRIBUTING INC	FOOD RESALE ITEMS	563-6471-562.25-59		8/2010	461.67
				ECWP CONCESSION RESALE	563-6471-562.25-59		8/2010	965.04
				CONCESSIONS RESALE	563-6475-562.25-59		8/2010	151.80
				ECWP CONCESSIONS RESALE	563-6471-562.25-59		8/2010	349.45
				ECWP CONCESSIONS RESALE	563-6471-562.25-59		8/2010	328.27
							Total	2,256.23
35 Checks ** Fund Total								31,955.57

CHECK DATE	CHECK NUMBER	VENDOR#	NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
08/04/2010	207641	10	K-MART 3094	OPERATING SUPPLIES	564-6462-562.22-99		8/2010	47.86
				OPERATING SUPPLIES	564-6462-562.22-99		8/2010	67.88
							Total	115.74
08/04/2010	207656	70	UNIVERSAL ATHLETIC SERV	OPERATING SUPPLIES	564-6462-562.22-99		8/2010	77.96
							Total	77.96
08/04/2010	207658	82	NORTHWESTERN ENERGY	June 2010 Charges	564-6462-562.34-12		8/2010	27.42
							Total	27.42
08/04/2010	207663	142	NORTHWEST PIPE FITTINGS	REPAIR & MAINT SUPPLIES	564-6462-562.23-79		8/2010	14.12
							Total	14.12
08/04/2010	207667	198	MASCO JANITORIAL SUPPLY	REPAIR & MAINT SUPPLIES	564-6462-562.23-79		8/2010	12.00
				OPERATING SUPPLIES	564-6462-562.22-94		8/2010	70.00
							Total	82.00
08/04/2010	207676	388	NATIONAL LAUNDRY	OPERATING SUPPLIES	564-6462-562.22-94		8/2010	121.17
				OPERATING SUPPLIES	564-6462-562.22-94		8/2010	28.22
				OPERATING SUPPLIES	564-6462-562.22-94		8/2010	18.90
							Total	168.29
08/04/2010	207710	3969	TROPHIES EXPRESS INC	PROFESSIONAL SERVICES	564-6461-562.35-99		8/2010	60.00
							Total	60.00
08/04/2010	207713	4909	SAMS CLUB	YOGI BEAR PICNIC JUDGES	564-6461-562.35-99		8/2010	40.01
							Total	40.01
08/04/2010	207730	8270	MASTERCARD PROCESSING C	GYM EQUIPMENT	564-6462-562.24-99		8/2010	345.88
				YOGI BEAR PICNIC FOR JUDG	564-6461-562.35-99		8/2010	18.86
				REPAIR & MAINT SUPPLIES	564-6462-562.23-79		8/2010	469.94
							Total	834.68
08/04/2010	207748	9924	PRESTON MICHELLE	VOLLEYBALL CAMP 27 YOUTH	564-6462-562.35-99		8/2010	540.00
							Total	540.00
08/04/2010	207749	10012	FITNESS PLUS	MARTIAL ARTS CAMP	564-6462-562.35-99		8/2010	325.00
							Total	325.00
08/04/2010	207754	10435	BUG DOCTOR	PROFESSIONAL SERVICES	564-6462-562.35-99		8/2010	30.00
							Total	30.00
08/04/2010	207771	12077	HAUERS SKATING CENTER	57 YOUTH SKATING @ 2.00 E	564-6462-562.35-99		8/2010	114.00
							Total	114.00
08/04/2010	207774	12364	GETTEN CHAD A	2 WEEK CAMP 42 YOUTH	564-6462-562.35-99		8/2010	714.00
							Total	714.00
08/04/2010	207778	12544	GRAHAM, JEFFREY	2 WEEK CAMP 42 YOUTH	564-6462-562.35-99		8/2010	714.00
							Total	714.00
08/04/2010	207781	12646	GFHS POOL	OUT DOOR CAMP	564-6462-562.35-99		8/2010	18.00
							Total	18.00

CHECK DATE	CHECK NUMBER	VENDOR#	NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
08/04/2010	207782	12646	GREAT FALLS GLADIATOR	SUMMER CAMP GLADIATOR TIC	564-6462-562.35-99		8/2010 Total	100.00 100.00
08/04/2010	207801	13280	BULL RUN GUEST RANCH	WILD WEST CAMP 56 YOUTH	564-6462-562.35-99		8/2010 Total	1,400.00 1,400.00
08/11/2010	207817	9	JOHNSON MADISON LUMBER	REPAIR & MAINT SUPPLIES	564-6462-562.23-79		8/2010 Total	7.10 7.10
08/11/2010	207829	67	GLACIER STATE ELECTRIC	REPAIR & MAINT SUPPLIES REPAIR & MAINT SUPPLIES	564-6462-562.23-79 564-6462-562.23-79		8/2010 8/2010 Total	31.74 7.68 39.42
08/11/2010	207833	82	NORTHWESTERN ENERGY	June 2010 charges	564-6462-562.34-12		8/2010 Total	631.07 631.07
08/11/2010	207834	83	ENERGY WEST RESOURCES I	July 2010 charges July 2010 charges	564-6462-562.34-15 564-6462-562.34-15		8/2010 8/2010 Total	109.16 160.32 269.48
08/11/2010	207842	142	NORTHWEST PIPE FITTINGS	REPAIR & MAINT SUPPLIES	564-6462-562.23-19		8/2010 Total	32.71 32.71
08/11/2010	207845	177	ALARM SERVICE INC	PROFESSIONAL SERVICES	564-6462-562.35-99		8/2010 Total	50.00 50.00
08/11/2010	207882	2886	TOOL BOX INC	REPAIR & MAINT SUPPLIES	564-6462-562.23-19		8/2010 Total	5.90 5.90
08/11/2010	207896	4909	SAMS CLUB	SUPPLIES FOR CAMPS	564-6462-562.22-99		8/2010 Total	107.02 107.02
08/11/2010	207919	9894	BIG SKY MINI GOLF	MINI GOLF JULY 26, 2010	564-6462-562.35-99		8/2010 Total	41.00 41.00
08/11/2010	207925	10777	REFRIGERATION SUPPLIES	REPAIR & MAINT SUPPLIES	564-6462-562.23-19		8/2010 Total	29.52 29.52
08/11/2010	207934	11288	BIG SKY BUS LINES INC	BUS TRANSPORTATION JULY 2	564-6462-562.35-99		8/2010 Total	2,970.00 2,970.00
08/11/2010	207941	12077	HAUERS SKATING CENTER	CAMP PROGRAM - SKATING DA	564-6462-562.35-99		8/2010 Total	28.00 28.00
08/11/2010	207951	12646	AMERICAN CAMP ASSOCIATI	1 YEAR SUBSCRIPTION TO CA	564-6462-562.33-11		8/2010 Total	29.95 29.95
31 Checks    ** Fund Total								9,616.39

CHECK DATE	CHECK NUMBER	VENDOR#	NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
08/04/2010	207656	70	UNIVERSAL ATHLETIC SERV	OPERATING SUPPLIES	566-6446-562.22-99		8/2010	485.40
							Total	485.40
08/04/2010	207668	204	GUSTO DISTRIBUTING CO	CONCESSIONS	566-6446-562.25-59		8/2010	96.00
							Total	96.00
08/04/2010	207699	2134	LEWIS LARRY	PROFESSIONAL SERVICES	566-6446-562.35-99		8/2010	18.00
							Total	18.00
08/04/2010	207715	5170	HARRISON JAMES	PROFESSIONAL SERVICES	566-6446-562.35-99		8/2010	90.00
							Total	90.00
08/04/2010	207729	8223	PORTER GERALD	PROFESSIONAL SERVICES	566-6446-562.35-99		8/2010	306.00
							Total	306.00
08/04/2010	207744	9635	NARDINGER MYLES	PROFESSIONAL SERVICES	566-6446-562.35-99		8/2010	216.00
							Total	216.00
08/04/2010	207762	11210	DODDS JANICE	PROFESSIONAL SERVICES	566-6446-562.35-99		8/2010	400.00
				PROFESSIONAL SERVICES	566-6446-562.35-99		8/2010	324.00
							Total	724.00
08/04/2010	207763	11212	JACKSON RANDY	PROFESSIONAL SERVICES	566-6446-562.35-99		8/2010	234.00
							Total	234.00
08/04/2010	207764	11214	RAYL ROCK	PROFESSIONAL SERVICES	566-6446-562.35-99		8/2010	216.00
							Total	216.00
08/04/2010	207765	11215	SAMSEL ROBERT JR	PROFESSIONAL SERVICES	566-6446-562.35-99		8/2010	270.00
							Total	270.00
08/04/2010	207766	11225	BROUGHTON DONALD	PROFESSIONAL SERVICES	566-6446-562.35-99		8/2010	108.00
							Total	108.00
08/04/2010	207768	11404	KUMM PHILIP E	PROFESSIONAL SERVICES	566-6446-562.35-99		8/2010	144.00
							Total	144.00
08/04/2010	207773	12310	SCHEERS WHOLESALE INC	CONCESSIONS	566-6446-562.25-59		8/2010	103.00
							Total	103.00
08/04/2010	207785	12683	WAGNER JERRY	PROFESSIONAL SERVICES	566-6446-562.35-99		8/2010	72.00
							Total	72.00
08/04/2010	207786	12684	LEWIS JARROD	PROFESSIONAL SERVICES	566-6446-562.35-99		8/2010	72.00
							Total	72.00
08/04/2010	207791	12722	NEFZGER RANDY	PROFESSIONAL SERVICES	566-6446-562.35-99		8/2010	72.00
							Total	72.00
08/04/2010	207794	13044	UDDER DISTRIBUTING INC	CONCESSIONS	566-6446-562.25-59		8/2010	259.30
							Total	259.30
08/04/2010	207795	13133	WRAY ROBERT O III	PROFESSIONAL SERVICES	566-6446-562.35-99		8/2010	144.00

CHECK DATE	CHECK NUMBER	VENDOR#	NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT	
							Total	144.00	
08/04/2010	207798	13245	PEPOS CHASE	PROFESSIONAL SERVICES	566-6446-562.35-99		8/2010	72.00	
							Total	72.00	
08/04/2010	207809	13415	GUMENBERG BRISHEN	PROFESSIONAL SERVICES	566-6446-562.35-99		8/2010	54.00	
							Total	54.00	
08/04/2010	207813	13429	OLSON JANIS K	PROFESSIONAL SERVICES	566-6446-562.35-99		8/2010	144.00	
							Total	144.00	
08/11/2010	207833	82	NORTHWESTERN ENERGY	June 2010 charges	566-6446-562.34-12		8/2010	25.33	
								8/2010	8.42
								8/2010	97.88
								8/2010	105.97
							Total	237.60	
08/11/2010	207842	142	NORTHWEST PIPE FITTINGS	OPERATING SUPPLIES	566-6446-562.22-99		8/2010	178.30	
							Total	178.30	
08/11/2010	207848	204	GUSTO DISTRIBUTING CO	MULTI SPORTS CONCESSION R	566-6446-562.25-59		8/2010	132.00	
							Total	132.00	
08/11/2010	207955	12671	CHAFIN SHARON	MILEAGE JUNE 25-JULY 31 M	566-6446-562.37-15		8/2010	24.18	
							Total	24.18	
08/11/2010	207964	13097	EAGLE BEVERAGE	MULTI SPORTS CONCESSIONS	566-6446-562.25-59		8/2010	274.80	
							Total	274.80	
26 Checks							** Fund Total		4,746.58

Prepared: 08/11/2010, 8:28:51  
 Program: GM179L  
 Bank: 01 HTE SUB-SYS AND MASTER

CITY OF GREAT FALLS  
 CHECK REGISTER BY FUND

CHECK DATE	CHECK NUMBER	VENDOR#	NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
08/02/2010	207610	13438	MESLER INC CORP	11-40 TRAVIS TRITT	571-0000-268.90-00		8/2010 Total	4,213.30 4,213.30
08/04/2010	207676	388	NATIONAL LAUNDRY	OTHER PURCHASED SERVICES	571-6273-562.39-71		8/2010 Total	344.28 344.28
08/04/2010	207696	1849	A TO Z LOCK & KEY	OPERATING SUPPLIES	571-6271-562.22-99		8/2010 Total	33.00 33.00
08/04/2010	207759	10858	VERIZON WIRELESS	CREDIT BALANCE	571-6271-562.31-32		8/2010 Total	35.86 35.86
08/04/2010	207815	12731	KAYLA GROSSMAN	10-80 REFUND DEP LESS EXP	571-0000-261.40-00		8/2010 Total	255.75 255.75
08/11/2010	207817	9	JOHNSON MADISON LUMBER	OPERATING SUPPLIES	571-6271-562.22-99		8/2010 Total	11.87 11.87
08/11/2010	207873	1959	GREAT FALLS ADVERTISING KERI LANGILLE/MANSFIELD B		571-6271-562.33-51		8/2010 Total	250.00 250.00
08/11/2010	207956	12731	SARAH PECK	11-18 PECK REFUND LESS EX	571-0000-261.40-00		8/2010 Total	123.25 123.25
08/11/2010	207957	12731	MOLLY FREDENBERG	11-43 FREDENBERG REFUND D	571-0000-261.40-00		8/2010 Total	160.00 160.00
9 Checks ** Fund Total								5,427.31

Prepared: 08/11/2010, 8:28:51  
Program: GM179L  
Bank: 01 HTE SUB-SYS AND MASTER

CITY OF GREAT FALLS  
CHECK REGISTER BY FUND

CHECK DATE	CHECK NUMBER	VENDOR#	NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
08/11/2010	207852	293	DAVIS	BUSINESS MACHINES RENTALS	611-1481-511.53-32		8/2010	36.74
							Total	36.74
08/11/2010	207854	367	PICKWICK'S	OFFICE WORKS OFFICE SUPPLIES	611-1481-511.21-99		8/2010	19.99
							Total	19.99
08/11/2010	207876	2260	SHRM - SOC	FOR HUMAN RE REF,PUBLICITY,TAXES,DUES	611-1481-511.33-51		8/2010	160.00
							Total	160.00
				3 Checks	** Fund Total			216.73



Prepared: 08/11/2010, 8:28:51  
Program: GM179L  
Bank: 01 HTE SUB-SYS AND MASTER

CITY OF GREAT FALLS  
CHECK REGISTER BY FUND

CHECK DATE	CHECK NUMBER	VENDOR#	NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
08/04/2010	207747	9903	QWEST	COMMUNICATION SERVICES	612-2151-512.31-31		8/2010	353.05
							Total	353.05
				1 Checks	** Fund Total			353.05

Prepared: 08/11/2010, 8:28:51  
 Program: GM179L  
 Bank: 01 HTE SUB-SYS AND MASTER

CITY OF GREAT FALLS  
 CHECK REGISTER BY FUND

CHECK DATE	CHECK NUMBER	VENDOR#	NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
08/04/2010	207673	316	MONTANA MUNICIPAL INTER	INSURANCE	614-1566-511.51-11		8/2010 Total	740,468.90 740,468.90
08/04/2010	207674	367	PICKWICK'S OFFICE WORKS	OFFICE SUPPLIES	614-1566-511.21-99		8/2010 Total	2.43 2.43
08/04/2010	207680	621	PROPERTY & SUPPLY BUREA	COPIER PAPER	614-1566-511.21-11		8/2010 Total	24.70 24.70
08/11/2010	207852	293	DAVIS BUSINESS MACHINES	REPAIR & MAINT SERVICES	614-1566-511.36-91		8/2010 Total	10.66 10.66
08/11/2010	207853	316	MONTANA MUNICIPAL INTER	MISCELLANEOUS COSTS	614-1566-511.52-11		8/2010 Total	8,249.53 8,249.53
08/11/2010	207854	367	PICKWICK'S OFFICE WORKS	OFFICE SUPPLIES	614-1566-511.21-99		8/2010 Total	1.13 1.13
08/11/2010	207871	1732	MT LEAGUE OF CITIES AND	MLCT CONFERENCE REGISTRAT	614-1566-511.37-32		8/2010 Total	100.00 100.00
7 Checks    ** Fund Total								748,857.35

CHECK DATE	CHECK NUMBER	VENDOR#	NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
08/04/2010	207657	81	QWEST	FAX LINE CHARGES FOR FISC	615-1511-511.31-31		8/2010	44.26
							Total	44.26
08/04/2010	207674	367	PICKWICK'S OFFICE WORKS	OFFICE SUPPLIES	615-1511-511.21-99		8/2010	7.23
				OFFICE SUPPLIES	615-1561-511.21-99		8/2010	12.04
				OFFICE SUPPLIES	615-1562-511.21-99		8/2010	2.43
				OFFICE SUPPLIES	615-1563-511.21-99		8/2010	4.81
				OFFICE SUPPLIES	615-1564-511.21-99		8/2010	21.65
							Total	48.16
08/04/2010	207680	621	PROPERTY & SUPPLY BUREA	COPIER PAPER	615-1511-511.21-11		8/2010	73.57
				COPIER PAPER	615-1561-511.21-11		8/2010	122.45
				COPIER PAPER	615-1562-511.21-11		8/2010	24.70
				COPIER PAPER	615-1563-511.21-11		8/2010	48.88
				COPIER PAPER	615-1564-511.21-11		8/2010	220.20
							Total	489.80
08/04/2010	207727	7796	INNOVATIVE POSTAL SERVI	COMMUNICATION SERVICES	615-1568-511.31-11		8/2010	98.29
				COMMUNICATION SERVICES	615-1568-511.31-11		8/2010	158.20
				COMMUNICATION SERVICES	615-1568-511.31-11		8/2010	171.67
				COMMUNICATION SERVICES	615-1568-511.31-11		8/2010	93.62
				COMMUNICATION SERVICES	615-1568-511.31-11		8/2010	171.98
				COMMUNICATION SERVICES	615-1564-511.31-11		8/2010	1.51
				PRINTING & PUBLISHING	615-1564-511.32-11		8/2010	.85
				COMMUNICATION SERVICES	615-1564-511.31-11		8/2010	17.57
				PRINTING & PUBLISHING	615-1564-511.32-11		8/2010	3.81
							Total	717.50
08/04/2010	207730	8270	MASTERCARD PROCESSING C	GASB STATEMENT #59	615-1511-511.33-11		8/2010	25.50
							Total	25.50
08/04/2010	207735	8619	AMERICAN PAYROLL ASSOCI	2010 MEMBERSHIP FOR LORA	615-1562-511.33-51		8/2010	219.00
							Total	219.00
08/11/2010	207852	293	DAVIS BUSINESS MACHINES	REPAIR & MAINT SERVICES	615-1511-511.36-91		8/2010	26.64
				REPAIR & MAINT SERVICES	615-1561-511.36-91		8/2010	26.64
				REPAIR & MAINT SERVICES	615-1562-511.36-91		8/2010	10.65
				REPAIR & MAINT SERVICES	615-1563-511.36-91		8/2010	10.65
				REPAIR & MAINT SERVICES	615-1564-511.36-91		8/2010	21.31
							Total	95.89
08/11/2010	207854	367	PICKWICK'S OFFICE WORKS	OFFICE SUPPLIES	615-1511-511.21-99		8/2010	3.38
				OFFICE SUPPLIES	615-1561-511.21-99		8/2010	5.62
				OFFICE SUPPLIES	615-1562-511.21-99		8/2010	1.13
				OFFICE SUPPLIES	615-1563-511.21-99		8/2010	2.24
				OFFICE SUPPLIES	615-1564-511.21-99		8/2010	10.13
							Total	22.50
08/11/2010	207905	7796	INNOVATIVE POSTAL SERVI	COMMUNICATION SERVICES	615-1568-511.31-11		8/2010	123.82
				COMMUNICATION SERVICES	615-1568-511.31-11		8/2010	116.08
				COMMUNICATION SERVICES	615-1568-511.31-11		8/2010	243.90
				COMMUNICATION SERVICES	615-1568-511.31-11		8/2010	65.30
				COMMUNICATION SERVICES	615-1568-511.31-11		8/2010	89.55

CHECK DATE	CHECK NUMBER	VENDOR#	NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
08/11/2010	207905	7796	INNOVATIVE POSTAL SERVI	COMMUNICATION SERVICES	615-1564-511.31-11		8/2010	4.00
				PRINTING & PUBLISHING	615-1564-511.32-11		8/2010	3.25
				COMMUNICATION SERVICES	615-1564-511.31-11		8/2010	15.73
				PRINTING & PUBLISHING	615-1564-511.32-11		8/2010	4.57
				POSTAGE FOR UTILITY STATE	615-1564-511.31-11		8/2010	2,383.27
				STATEMENT PROCESSING FOR	615-1564-511.32-11		8/2010	592.86
				COMMUNICATION SERVICES	615-1564-511.31-11		8/2010	9.55
				PRINTING & PUBLISHING	615-1564-511.32-11		8/2010	2.14
				COMMUNICATION SERVICES	615-1568-511.31-11		8/2010	67.37
				PRINTING & PUBLISHING	615-1568-511.32-11		8/2010	15.28
							Total	3,736.67
08/11/2010	207907	8270	MASTERCARD PROCESSING C	MICR BLANK CHECKSTOCK GMB	615-1561-511.21-11		8/2010	425.00
				MICR BLANK CHECKSTOCK PAY	615-1562-511.21-11		8/2010	425.00
				ENGAGING ELECT OFFICIALS	615-1511-511.37-99		8/2010	255.00
				DEVEL SKILLS FOR PERFORMA	615-1563-511.37-99		8/2010	85.00
							Total	1,190.00
08/11/2010	207970	13373	RICK'S DELIVERY LLC	PROFESSIONAL SERVICES	615-1568-511.35-99		8/2010	836.40
							Total	836.40
				11 Checks	** Fund Total			7,425.68

Prepared: 08/11/2010, 8:28:51  
 Program: GM179L  
 Bank: 01 HTE SUB-SYS AND MASTER

CITY OF GREAT FALLS  
 CHECK REGISTER BY FUND

CHECK DATE	CHECK NUMBER	VENDOR#	NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
08/04/2010	207772	12222	DELL MARKETING LP	EQUIP, FURN, FIXTURES	617-1582-514.24-18		8/2010	6,223.62
				EQUIP, FURN, FIXTURES	617-1582-514.24-18		8/2010	16,760.00
							Total	22,983.62
08/11/2010	207907	8270	MASTERCARD PROCESSING C	EQUIP, FURN, FIXTURES	617-1512-512.24-18		8/2010	99.99
							Total	99.99
08/11/2010	207922	10740	BRESNAN COMMUNICATIONS	COMMUNICATION SERVICES	617-1512-512.31-99		8/2010	677.40
							Total	677.40
08/11/2010	207927	10858	VERIZON WIRELESS	COMMUNICATION SERVICES	617-1512-512.31-32		8/2010	115.46
				COMMUNICATION SERVICES	617-1513-512.31-32		8/2010	20.99
							Total	136.45
				4 Checks	** Fund Total			23,897.46

CHECK DATE	CHECK NUMBER	VENDOR#	NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
08/04/2010	207639	2	HCL TRUCK EQUIPMENT INC	MACH & EQUIP CAP OUTLAY	631-1613-532.94-13		8/2010	85,345.00
							Total	85,345.00
08/04/2010	207646	34	TC GLASS DISTRIBUTOR IN	SHEET POLY PLEXGLASS	631-3113-532.23-11		8/2010	150.60
							Total	150.60
08/04/2010	207647	37	BEARING SALES INC	REPAIR & MAINT SUPPLIES	631-3113-532.23-11		8/2010	1.50
				REPAIR & MAINT SUPPLIES	631-3113-532.23-11		8/2010	29.75
				REPAIR & MAINT SUPPLIES	631-3113-532.23-11		8/2010	19.06
				REPAIR & MAINT SUPPLIES	631-3113-532.23-11		8/2010	10.00
							Total	60.31
08/04/2010	207650	52	CONSOLIDATED ELECTRICAL	REPAIR & MAINT SERVICES	631-3113-532.36-12		8/2010	6.51
							Total	6.51
08/04/2010	207651	64	FLEET SUPPLY COMPANY	REPAIR & MAINT SUPPLIES	631-3113-532.23-11		8/2010	2.95
				REPAIR & MAINT SUPPLIES	631-3113-532.23-11		8/2010	2.67
							Total	5.62
08/04/2010	207652	65	GENERAL DISTRIBUTING CO	OPERATING SUPPLIES	631-3113-532.22-99		8/2010	59.74
							Total	59.74
08/04/2010	207653	66	GERBERS OF MONTANA INC	REPAIR & MAINT SUPPLIES	631-3113-532.23-11		8/2010	37.43
							Total	37.43
08/04/2010	207654	67	GLACIER STATE ELECTRIC	OPERATING SUPPLIES	631-3113-532.22-99		8/2010	30.60
							Total	30.60
08/04/2010	207655	68	NAPA AUTO PARTS OF GREA	AUTO &TRUCK MAINT.INVENT	631-0000-151.90-00		8/2010	201.90
				REPAIR & MAINT SUPPLIES	631-3113-532.23-11		8/2010	3.44
				OPERATING SUPPLIES	631-3113-532.22-99		8/2010	80.79
				REPAIR & MAINT SUPPLIES	631-3113-532.23-11		8/2010	134.92
				REPAIR & MAINT SUPPLIES	631-3113-532.23-11		8/2010	54.98
				REPAIR & MAINT SUPPLIES	631-3113-532.23-11		8/2010	165.28
				REPAIR & MAINT SUPPLIES	631-3113-532.23-11		8/2010	34.43
							Total	345.18
08/04/2010	207669	267	CITY MOTOR CO INC	REPAIR & MAINT SUPPLIES	631-3113-532.23-11		8/2010	52.93
							Total	52.93
08/04/2010	207684	972	MOUNTAIN VIEW CO-OP	AUTO &TRUCK MAINT.INVENT	631-0000-152.90-02		8/2010	6,579.04
				AUTO &TRUCK MAINT.INVENT	631-0000-152.90-02		8/2010	14,618.85
							Total	21,197.89
08/04/2010	207685	1239	CASCADE COUNTY TREASURE	TITLE FEE FOR VEHICLE	631-3113-532.33-52		8/2010	12.00
							Total	12.00
08/04/2010	207686	1239	CASCADE COUNTY TREASURE	TITLE & PLATE FEE FOR FIR	631-3113-532.33-52		8/2010	20.00
							Total	20.00
08/04/2010	207705	2886	TOOL BOX INC	EQUIP, FURN, FIXTURES	631-3113-532.24-11		8/2010	51.95
							Total	51.95

CHECK DATE	CHECK NUMBER	VENDOR#	NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
08/04/2010	207712	4876	ACE HARDWARE	OPERATING SUPPLIES	631-3113-532.22-99		8/2010 Total	23.07 23.07
08/04/2010	207723	6969	SOLID WASTE SYSTEMS INC	GRAB ARMS SPRINGS FOR UNI	631-3113-532.23-11		8/2010 Total	401.78 401.78
08/04/2010	207736	8656	MOODIE IMPLEMENT (FARM	DUEL POWER BELT FOR UNIT	631-3113-532.23-11		8/2010 Total	115.00 115.00
08/04/2010	207743	9522	STEEL ETC	REPAIR & MAINT SUPPLIES	631-3113-532.23-11		8/2010 Total	11.75 11.75
08/04/2010	207745	9846	ROCKY MOUNTAIN TRUCK SE	AIR COMPRESSOR FOR UNIT 9	631-3113-532.23-11		8/2010 Total	801.42 801.42
08/04/2010	207746	9864	TIRE FACTORY	REPAIR & MAINT SERVICES REPAIR & MAINT SUPPLIES	631-3113-532.36-51 631-3113-532.23-11		8/2010 8/2010 Total	15.00 77.00 92.00
08/04/2010	207758	10829	SUPERIOR TIRE INC	AUTO &TRUCK MAINT.INVENT REPAIR & MAINT SERVICES REPAIR & MAINT SERVICES	631-0000-151.90-00 631-3113-532.36-51 631-3113-532.36-51		8/2010 8/2010 8/2010 Total	2,098.40 110.30 108.20 2,316.90
08/04/2010	207761	11168	BIG SKY HYDRAULICS & MA	REPAIR & MAINT SUPPLIES REPAIR & MAINT SUPPLIES REPAIR & MAINT SUPPLIES	631-3113-532.23-11 631-3113-532.23-11 631-3113-532.23-11		8/2010 8/2010 8/2010 Total	44.28 47.63 8.09 100.00
08/04/2010	207767	11353	I STATE TRUCK CENTER IN	REPAIR & MAINT SUPPLIES	631-3113-532.23-11		8/2010 Total	70.21 70.21
08/04/2010	207770	12052	OREILLY AUTO PARTS	AUTO &TRUCK MAINT.INVENT OPERATING SUPPLIES	631-0000-151.90-00 631-3113-532.22-99		8/2010 8/2010 Total	16.28 45.27 61.55
08/04/2010	207797	13156	DIRECT AUTOMOTIVE DISTR	REPAIR & MAINT SUPPLIES	631-3113-532.23-11		8/2010 Total	198.84 198.84
08/04/2010	207799	13264	NATIONAL COATINGS & SUP	FUSER FOR UNIT PD28 FUSER CREDIT FOR UNIT PD2 FUSER & RED POWER MIXERS PAINT & HARDNER FOR CONTA	631-3113-532.23-11 631-3113-532.23-11 631-3113-532.23-11 631-3113-532.23-11		8/2010 8/2010 8/2010 8/2010 Total	43.99 43.99- 44.08 70.20 114.28
08/04/2010	207800	13275	ACTION AIR	AC COMPRESSOR, MANIFOLD F	631-3113-532.23-11		8/2010 Total	232.15 232.15
08/04/2010	207805	13380	AUTO ADDITIONS INC	EQUIP, FURN, FIXTURES EQUIP, FURN, FIXTURES	631-1613-532.24-19 631-1613-532.24-19		8/2010 8/2010 Total	848.43 4,271.77 5,120.20
08/11/2010	207819	22	PACIFIC STEEL	REPAIR & MAINT SUPPLIES	631-3113-532.23-11		8/2010	37.05

CHECK DATE	CHECK NUMBER	VENDOR#	NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
							Total	37.05
08/11/2010	207826	62	FASTENERS INC	OPERATING SUPPLIES	631-3113-532.22-99		8/2010	100.08
							Total	100.08
08/11/2010	207827	64	FLEET SUPPLY COMPANY	REPAIR & MAINT SUPPLIES	631-3113-532.23-11		8/2010	5.40
				REPAIR & MAINT SUPPLIES	631-3113-532.23-11		8/2010	29.80
				REPAIR & MAINT SUPPLIES	631-3113-532.23-11		8/2010	12.10
							Total	47.30
08/11/2010	207828	65	GENERAL DISTRIBUTING CO	OPERATING SUPPLIES	631-3113-532.22-99		8/2010	154.14
				OPERATING SUPPLIES	631-3113-532.22-99		8/2010	108.61
				OPERATING SUPPLIES	631-3113-532.22-99		8/2010	16.80
							Total	279.55
08/11/2010	207830	68	NAPA AUTO PARTS OF GREA	REPAIR & MAINT SUPPLIES	631-3113-532.23-11		8/2010	6.53
				REPAIR & MAINT SUPPLIES	631-3113-532.23-11		8/2010	24.46
				REPAIR & MAINT SUPPLIES	631-3113-532.23-11		8/2010	24.35
				REPAIR & MAINT SUPPLIES	631-3113-532.23-11		8/2010	3.83
				REPAIR & MAINT SUPPLIES	631-3113-532.23-11		8/2010	6.31
				AUTO &TRUCK MAINT.INVENT	631-0000-151.90-00		8/2010	172.77
				REPAIR & MAINT SUPPLIES	631-3113-532.23-11		8/2010	9.99
				AUTO &TRUCK MAINT.INVENT	631-0000-151.90-00		8/2010	460.04
				REPAIR & MAINT SUPPLIES	631-3113-532.23-11		8/2010	24.46
				REPAIR & MAINT SUPPLIES	631-3113-532.23-11		8/2010	16.67
				REPAIR & MAINT SUPPLIES	631-3113-532.23-11		8/2010	24.35
				REPAIR & MAINT SUPPLIES	631-3113-532.23-11		8/2010	12.63
							Total	737.69
08/11/2010	207832	81	QWEST	COMMUNICATION SERVICES	631-3113-532.31-31		8/2010	101.46
							Total	101.46
08/11/2010	207836	106	MIDLAND IMPLEMENT COMPA	AUTO &TRUCK MAINT.INVENT	631-0000-151.90-00		8/2010	89.25
				REPAIR & MAINT SUPPLIES	631-3113-532.23-11		8/2010	213.71
				REPAIR & MAINT SUPPLIES	631-3113-532.23-11		8/2010	674.13
				REPAIR & MAINT SUPPLIES	631-3113-532.23-11		8/2010	122.97
							Total	1,100.06
08/11/2010	207840	134	ELECTRIC CITY BRAKE	ALIGN FRONT END FOR UNIT	631-3113-532.23-11		8/2010	59.95
				RESURFACE ROTOR FOR UNIT	631-3113-532.36-51		8/2010	90.00
							Total	149.95
08/11/2010	207849	266	TRI STATE TRUCK & EQUIP	REPAIR & MAINT SUPPLIES	631-3113-532.23-11		8/2010	177.18
				REPAIR & MAINT SUPPLIES	631-3113-532.23-11		8/2010	54.63
							Total	231.81
08/11/2010	207850	267	CITY MOTOR CO INC	REPAIR & MAINT SUPPLIES	631-3113-532.23-11		8/2010	5.99
				REPAIR & MAINT SUPPLIES	631-3113-532.23-11		8/2010	132.02
				REPAIR & MAINT SUPPLIES	631-3113-532.23-11		8/2010	94.29
				REPAIR & MAINT SUPPLIES	631-3113-532.23-11		8/2010	13.05
				REPAIR & MAINT SUPPLIES	631-3113-532.23-11		8/2010	9.23
							Total	242.60



CHECK DATE	CHECK NUMBER	VENDOR#	NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
08/11/2010	207851	290	BIG SKY POWER	REPAIR & MAINT SUPPLIES	631-3113-532.23-11		8/2010	292.19
							Total	292.19
08/11/2010	207854	367	PICKWICK'S OFFICE WORKS	REPAIR & MAINT SERVICES	631-3113-532.36-91		8/2010	109.84
				OFFICE SUPPLIES	631-3113-532.21-99		8/2010	12.47
							Total	122.31
08/11/2010	207856	388	NATIONAL LAUNDRY	RENTALS	631-3113-532.53-99		8/2010	73.78
				RENTALS	631-3113-532.53-99		8/2010	56.75
				RENTALS	631-3113-532.53-99		8/2010	51.68
				RENTALS	631-3113-532.53-99		8/2010	73.78
							Total	255.99
08/11/2010	207857	405	CRESCENT ELECTRIC SUPPL	AUTO &TRUCK MAINT.INVENT	631-0000-151.90-00		8/2010	23.04
							Total	23.04
08/11/2010	207862	643	KOIS BROTHERS EQUIPMENT	REPAIR & MAINT SUPPLIES	631-3113-532.23-11		8/2010	47.63
				REPAIR & MAINT SUPPLIES	631-3113-532.23-11		8/2010	199.78
				REPAIR & MAINT SUPPLIES	631-3113-532.23-11		8/2010	134.97
							Total	382.38
08/11/2010	207865	972	MOUNTAIN VIEW CO-OP	AUTO &TRUCK MAINT.INVENT	631-0000-152.90-02		8/2010	21,131.86
							Total	21,131.86
08/11/2010	207880	2727	TERRITORIAL SUPPLIES IN	PLUG IN FLASHER FOR UNIT	631-3113-532.23-11		8/2010	95.20
							Total	95.20
08/11/2010	207882	2886	TOOL BOX INC	REPAIR & MAINT SUPPLIES	631-3113-532.23-11		8/2010	11.75
							Total	11.75
08/11/2010	207890	3858	WHELEN ENGINEERING COMP	AUTO &TRUCK MAINT.INVENT	631-0000-151.90-00		8/2010	519.60
				AUTO &TRUCK MAINT.INVENT	631-0000-151.90-00		8/2010	202.80
							Total	722.40
08/11/2010	207895	4876	ACE HARDWARE	REPAIR & MAINT SUPPLIES	631-3113-532.23-11		8/2010	1.79
							Total	1.79
08/11/2010	207898	6169	UNITED PARCEL SERVICE I	SHIPPING CHARGE FOR UNIT	631-3113-532.23-11		8/2010	10.28
							Total	10.28
08/11/2010	207904	7664	FASTENAL COMPANY	OPERATING SUPPLIES	631-3113-532.22-99		8/2010	26.98
				REPAIR & MAINT SUPPLIES	631-3113-532.23-11		8/2010	5.60
							Total	32.58
08/11/2010	207906	8197	POWER PRO	REPAIR & MAINT SUPPLIES	631-3113-532.23-11		8/2010	40.45
							Total	40.45
08/11/2010	207907	8270	MASTERCARD PROCESSING C	9 PIN CONNECTOR FOR UNIT	631-3113-532.23-11		8/2010	37.15
				PINS FOR UNIT 639	631-3113-532.23-11		8/2010	6.30
							Total	43.45
08/11/2010	207912	8656	MOODIE IMPLEMENT (FARM	POWER BELT FOR UNIT 846	631-3113-532.23-11		8/2010	115.00
				FAN BLADE FOR UNIT 868	631-3113-532.23-11		8/2010	125.86

CHECK DATE	CHECK NUMBER	VENDOR#	NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
							Total	240.86
08/11/2010	207914	9078	WESSPUR TREE EQUIPMENT	SPRING FEED ROLL FOR UNIT	631-3113-532.23-11		8/2010	126.54
							Total	126.54
08/11/2010	207917	9588	NORTHWEST FUEL SYSTEMS	IMPROVE OTHER THAN BLDGS	631-3113-535.93-19		8/2010	5,940.00
							Total	5,940.00
08/11/2010	207926	10829	SUPERIOR TIRE INC	TIRES FOR UNITS 315 & 308	631-3113-532.23-11		8/2010	1,484.48
				REPAIR & MAINT SUPPLIES	631-3113-532.23-11		8/2010	247.00
				REPAIR & MAINT SERVICES	631-3113-532.36-51		8/2010	150.00
				REPAIR & MAINT SUPPLIES	631-3113-532.23-11		8/2010	695.68
							Total	2,577.16
08/11/2010	207927	10858	VERIZON WIRELESS	COMMUNICATION SERVICES	631-3113-532.31-32		8/2010	106.72
							Total	106.72
08/11/2010	207929	11012	BARNES DISTRIBUTION	CABLE TIE	631-3113-532.22-99		8/2010	60.90
							Total	60.90
08/11/2010	207932	11168	BIG SKY HYDRAULICS & MA	REPAIR & MAINT SUPPLIES	631-3113-532.23-11		8/2010	67.38
				REPAIR & MAINT SUPPLIES	631-3113-532.23-11		8/2010	55.31
							Total	122.69
08/11/2010	207935	11353	I STATE TRUCK CENTER IN	REPAIR & MAINT SUPPLIES	631-3113-532.23-11		8/2010	157.11
				AUTO &TRUCK MAINT.INVENT	631-0000-151.90-00		8/2010	68.52
				REPAIR & MAINT SUPPLIES	631-3113-532.23-11		8/2010	67.26
				REPAIR & MAINT SUPPLIES	631-3113-532.23-11		8/2010	67.26-
				REPAIR & MAINT SUPPLIES	631-3113-532.23-11		8/2010	4.70
							Total	230.33
08/11/2010	207936	11378	LITHIA OF GREAT FALLS I	REPAIR & MAINT SUPPLIES	631-3113-532.23-11		8/2010	43.80-
				AUTO &TRUCK MAINT.INVENT	631-0000-151.90-00		8/2010	134.55
				REPAIR & MAINT SUPPLIES	631-3113-532.23-11		8/2010	43.80
				REPAIR & MAINT SUPPLIES	631-3113-532.23-11		8/2010	34.84
							Total	169.39
08/11/2010	207940	12052	OREILLY AUTO PARTS	REPAIR & MAINT SUPPLIES	631-3113-532.23-11		8/2010	42.22
				REPAIR & MAINT SUPPLIES	631-3113-532.23-11		8/2010	8.49
				AUTO &TRUCK MAINT.INVENT	631-0000-151.90-00		8/2010	15.18
				AUTO &TRUCK MAINT.INVENT	631-0000-151.90-00		8/2010	40.78
				REPAIR & MAINT SUPPLIES	631-3113-532.23-11		8/2010	245.34
				REPAIR & MAINT SUPPLIES	631-3113-532.23-11		8/2010	141.16-
				AUTO &TRUCK MAINT.INVENT	631-0000-151.90-00		8/2010	131.55
							Total	342.40
08/11/2010	207942	12089	TNT SPRINGS INC / TNT T	REPAIR & MAINT SUPPLIES	631-3113-532.23-11		8/2010	203.85
							Total	203.85
08/11/2010	207943	12095	SNAP ON TOOLS	REPLACEMENT BULBS FOR SHO	631-3113-532.24-11		8/2010	21.10
							Total	21.10
08/11/2010	207965	13156	DIRECT AUTOMOTIVE DISTR	REPAIR & MAINT SUPPLIES	631-3113-532.23-11		8/2010	225.99-

Prepared: 08/11/2010, 8:28:51  
 Program: GM179L  
 Bank: 01 HTE SUB-SYS AND MASTER

CITY OF GREAT FALLS  
 CHECK REGISTER BY FUND

CHECK DATE	CHECK NUMBER	VENDOR#	NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
08/11/2010	207965	13156	DIRECT AUTOMOTIVE DISTR	OPERATING SUPPLIES	631-3113-532.22-99		8/2010	27.38
				AUTO &TRUCK MAINT.INVENT	631-0000-151.90-00		8/2010	102.48
				REPAIR & MAINT SUPPLIES	631-3113-532.23-11		8/2010	225.99
				REPAIR & MAINT SUPPLIES	631-3113-532.23-11		8/2010	44.79
				REPAIR & MAINT SUPPLIES	631-3113-532.23-11		8/2010	19.39
				REPAIR & MAINT SUPPLIES	631-3113-532.23-11		8/2010	45.59
				REPAIR & MAINT SUPPLIES	631-3113-532.23-11		8/2010	66.99
				REPAIR & MAINT SUPPLIES	631-3113-532.23-11		8/2010	127.98
							Total	434.60
08/11/2010	207966	13240	ADAMSON INDUSTRIES CORP	PURSUIT LIGHT FOR LIGHT B	631-3113-532.23-11		8/2010	89.95
							Total	89.95
08/11/2010	207971	13380	AUTO ADDITIONS INC	LIGHT BAR CONTROLLER FOR	631-3113-532.23-11		8/2010	232.95
							Total	232.95
67 Checks ** Fund Total								154,127.57

CHECK DATE	CHECK NUMBER	VENDOR#	NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
08/04/2010	207645	32	STROBELS RENTALS INC	REPAIR & MAINT SERVICES	638-3121-532.36-91		8/2010 Total	60.00 60.00
08/04/2010	207659	84	A T KLEMENS INC	IMPROVE OTHER THAN BLDGS	638-3121-532.93-19	320903	8/2010 Total	1,380.00 1,380.00
08/04/2010	207670	293	DAVIS BUSINESS MACHINES	REPAIR & MAINT SERVICES	638-3121-532.36-91		8/2010	190.00
				REPAIR & MAINT SERVICES	638-3121-532.36-91		8/2010 Total	104.29 294.29
08/04/2010	207674	367	PICKWICK'S OFFICE WORKS	OFFICE SUPPLIES	638-3121-532.21-99		8/2010	14.99
				OFFICE SUPPLIES	638-3121-532.21-99		8/2010	17.99
				OFFICE SUPPLIES	638-3121-532.21-99		8/2010	56.42
				OFFICE SUPPLIES	638-3121-532.21-99		8/2010 Total	4.55 93.95
08/04/2010	207709	3805	CENTRAL LOCK & KEY PLUS	EQUIP, FURN, FIXTURES	638-3121-532.24-99		8/2010	20.00
				EQUIP, FURN, FIXTURES	638-3121-532.24-99		8/2010 Total	24.00 44.00
08/04/2010	207730	8270	MASTERCARD PROCESSING C	OFFICE SUPPLIES	638-3121-532.21-59		8/2010	392.96
				EQUIP, FURN, FIXTURES	638-3121-532.24-99		8/2010 Total	290.60 683.56
08/04/2010	207777	12447	STAPLES CREDIT PLAN-922	OFFICE SUPPLIES	638-3121-532.21-59		8/2010	162.97
				OFFICE SUPPLIES	638-3121-532.21-99		8/2010 Total	16.99 179.96
08/04/2010	207814	13435	GEO R PIERCE	IMPROVE OTHER THAN BLDGS	638-3121-532.93-19	320903	8/2010 Total	2,850.00 2,850.00
08/11/2010	207832	81	QWEST	COMMUNICATION SERVICES	638-3121-532.31-31		8/2010	43.04
				COMMUNICATION SERVICES	638-3121-532.31-31		8/2010 Total	156.99 200.03
08/11/2010	207854	367	PICKWICK'S OFFICE WORKS	REPAIR & MAINT SERVICES	638-3121-532.36-91		8/2010	33.86
				OFFICE SUPPLIES	638-3121-532.21-99		8/2010	8.65
				OFFICE SUPPLIES	638-3121-532.21-99		8/2010	1.59
				REPAIR & MAINT SERVICES	638-3121-532.36-91		8/2010	11.25
				OFFICE SUPPLIES	638-3121-532.21-99		8/2010	4.55
				OFFICE SUPPLIES	638-3121-532.21-99		8/2010	44.22
				OFFICE SUPPLIES	638-3121-532.21-99		8/2010 Total	134.78 238.90
08/11/2010	207866	1065	MOUNTAIN CHIME TELEPHON	IMPROVE OTHER THAN BLDGS	638-3121-532.93-19	320903	8/2010 Total	2,508.40 2,508.40
08/11/2010	207875	2193	CULLIGAN WATER CONDITIO	EQUIP, FURN, FIXTURES	638-3121-532.24-99		8/2010	81.85
							Total	81.85
08/11/2010	207889	3805	CENTRAL LOCK & KEY PLUS	EQUIP, FURN, FIXTURES	638-3121-532.24-99		8/2010 Total	4.40 4.40

Prepared: 08/11/2010, 8:28:51  
Program: GM179L  
Bank: 01 HTE SUB-SYS AND MASTER

CITY OF GREAT FALLS  
CHECK REGISTER BY FUND

CHECK DATE	CHECK NUMBER	VENDOR#	NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
08/11/2010	207901	6767	SHINING MOUNTAIN IMAGES	EQUIP, FURN, FIXTURES	638-3121-532.24-99		8/2010	313.00
							Total	313.00
08/11/2010	207927	10858	VERIZON WIRELESS	COMMUNICATION SERVICES	638-3121-532.31-32		8/2010	212.39
				COMMUNICATION SERVICES	638-3121-532.31-32		8/2010	80.54
							Total	292.93
				15 Checks	** Fund Total			9,225.27

Prepared: 08/11/2010, 8:28:51  
 Program: GM179L  
 Bank: 01 HTE SUB-SYS AND MASTER

CITY OF GREAT FALLS  
 CHECK REGISTER BY FUND

CHECK DATE	CHECK NUMBER	VENDOR#	NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
08/04/2010	207658	82	NORTHWESTERN ENERGY	June 2010 Charges	639-3111-531.34-12		8/2010	354.57
							Total	354.57
08/04/2010	207663	142	NORTHWEST PIPE FITTINGS	OPERATING SUPPLIES	639-3111-531.22-69		8/2010	46.59
							Total	46.59
08/04/2010	207724	7415	CARTEGRAPH SYSTEMS	OFFICE SUPPLIES	639-3111-531.36-99		8/2010	1,004.79
							Total	1,004.79
08/04/2010	207725	7497	KENCO ENTERPRISES INC	PROFESSIONAL SERVICES	639-3111-531.35-99		8/2010	29.00
				PROFESSIONAL SERVICES	639-3111-531.35-99		8/2010	29.00
				PROFESSIONAL SERVICES	639-3111-531.35-99		8/2010	29.00
							Total	87.00
08/11/2010	207833	82	NORTHWESTERN ENERGY	June 2010 charges	639-3111-531.34-12		8/2010	780.49
				June 2010 charges	639-3111-531.34-12		8/2010	11.19
							Total	791.68
08/11/2010	207834	83	ENERGY WEST RESOURCES I	July 2010 charges	639-3111-531.34-15		8/2010	447.69
				July 2010 charges	639-3111-531.34-15		8/2010	24.68
				July 2010 charges	639-3111-531.34-15		8/2010	20.45
							Total	492.82
08/11/2010	207927	10858	VERIZON WIRELESS	COMMUNICATION SERVICES	639-3111-531.31-32		8/2010	61.61
							Total	61.61
7 Checks ** Fund Total								2,839.06

CHECK DATE	CHECK NUMBER	VENDOR#	NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
08/04/2010	207644	30	SHOPKO LLC	EQUIP, FURN, FIXTURES	671-7161-572.24-19		8/2010	85.98
							Total	85.98
08/04/2010	207658	82	NORTHWESTERN ENERGY	June 2010 Charges	671-7161-572.34-12		8/2010	66.14
				June 2010 Charges	671-7161-572.34-12		8/2010	15.11
							Total	81.25
08/04/2010	207667	198	MASCO JANITORIAL SUPPLY	EQUIP, FURN, FIXTURES	671-7161-572.24-19		8/2010	5.80
				EQUIP, FURN, FIXTURES	671-7161-572.24-11		8/2010	9.07
				OPERATING SUPPLIES	671-7161-572.22-94		8/2010	78.30
							Total	93.17
08/04/2010	207712	4876	ACE HARDWARE	OPERATING SUPPLIES	671-7161-572.22-99		8/2010	77.91
				OPERATING SUPPLIES	671-7161-572.22-99		8/2010	27.76
							Total	105.67
08/11/2010	207833	82	NORTHWESTERN ENERGY	June 2010 charges	671-7161-572.34-12		8/2010	1,483.05
				June 2010 charges	671-7161-572.34-12		8/2010	20.46
				June 2010 charges	671-7161-572.34-12		8/2010	24.95
							Total	1,528.46
08/11/2010	207834	83	ENERGY WEST RESOURCES I	July 2010 charges	671-7161-572.34-15		8/2010	295.37
							Total	295.37
08/11/2010	207842	142	NORTHWEST PIPE FITTINGS	REPAIR & MAINT SUPPLIES	671-7161-572.23-72		8/2010	40.02
							Total	40.02
08/11/2010	207847	198	MASCO JANITORIAL SUPPLY	OPERATING SUPPLIES	671-7161-572.22-99		8/2010	14.10
							Total	14.10
08/11/2010	207860	549	GREAT FALLS PAPER & SUP	REPAIR & MAINT SUPPLIES	671-7161-572.23-72		8/2010	24.15
							Total	24.15
08/11/2010	207877	2317	SMITH EQUIPMENT CO	OPERATING SUPPLIES	671-7161-572.22-99		8/2010	25.00
							Total	25.00
08/11/2010	207895	4876	ACE HARDWARE	OPERATING SUPPLIES	671-7161-572.22-99		8/2010	26.95
							Total	26.95
08/11/2010	207911	8610	CTA ARCHITECTS ENGINEER	IMPROVE OTHER THAN BLDGS	671-7161-575.93-99	140903	8/2010	1,153.42
							Total	1,153.42
08/11/2010	207925	10777	REFRIGERATION SUPPLIES	REPAIR & MAINT SUPPLIES	671-7161-572.23-72		8/2010	16.02
				REPAIR & MAINT SUPPLIES	671-7161-572.23-72		8/2010	3.18
							Total	19.20
08/11/2010	207927	10858	VERIZON WIRELESS	COMMUNICATION SERVICES	671-7161-572.31-32		8/2010	22.19
							Total	22.19
08/11/2010	207977	13439	HUSTON CONTRUCTION	IMPROVE OTHER THAN BLDGS	671-7161-575.93-99	140903	8/2010	985.00
							Total	985.00

15 Checks \*\* Fund Total

4,499.93

CHECK DATE	CHECK NUMBER	VENDOR#	NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
08/03/2010	207611	4237	PLUMBERS & FITTERS LOCA	PAYROLL SUMMARY	771-0000-214.10-01		7/2010	567.50
				PAYROLL SUMMARY	771-0000-214.10-01		8/2010	362.92
							Total	930.42
08/03/2010	207612	4239	PPNPF PLUMBERS & PIPEF	PAYROLL SUMMARY	771-0000-212.70-01		7/2010	1,716.00
				PAYROLL SUMMARY	771-0000-212.70-01		8/2010	1,716.00
							Total	3,432.00
08/03/2010	207613	4242	LIUNA LOCAL 1686	PAYROLL SUMMARY	771-0000-214.10-02		8/2010	295.00
							Total	295.00
08/03/2010	207614	4244	STATE TREASURER	PAYROLL SUMMARY	771-0000-212.50-00		8/2010	38,164.00
							Total	38,164.00
08/03/2010	207615	4245	ICMA RETIREMENT TRUST-4	PAYROLL SUMMARY	771-0000-213.20-00		8/2010	11,162.05
							Total	11,162.05
08/03/2010	207616	4247	PAINTERS LOCAL 260	PAYROLL SUMMARY	771-0000-214.10-03		7/2010	66.34
							Total	66.34
08/03/2010	207617	4248	LIUNA NATIONAL (INDUSTR	PAYROLL SUMMARY	771-0000-212.70-03		7/2010	9,511.95
				PAYROLL SUMMARY	771-0000-212.70-03		8/2010	9,580.73
							Total	19,092.68
08/03/2010	207618	4249	IAM & AW LOCAL #88	PAYROLL SUMMARY	771-0000-214.10-04		8/2010	185.00
							Total	185.00
08/03/2010	207619	4251	IBEW LOCAL 233	PAYROLL SUMMARY	771-0000-214.10-06		7/2010	336.10
				PAYROLL SUMMARY	771-0000-214.10-06		8/2010	156.62
							Total	492.72
08/03/2010	207620	4254	WESTERN CONF OF TEAMSTE	PAYROLL SUMMARY	771-0000-212.70-04		7/2010	7,385.76
				PAYROLL SUMMARY	771-0000-212.70-04		8/2010	7,618.27
							Total	15,004.03
08/03/2010	207621	4255	MONTANA CHAPTER NECA IN	PAYROLL SUMMARY	771-0000-212.70-05		7/2010	312.19
				PAYROLL SUMMARY	771-0000-212.70-05		8/2010	313.23
							Total	625.42
08/03/2010	207622	4256	8TH DISTRICT ELECTRICAL	PAYROLL SUMMARY	771-0000-212.70-06		7/2010	698.88
				PAYROLL SUMMARY	771-0000-212.70-06		8/2010	700.44
							Total	1,399.32
08/03/2010	207623	4257	MONTANA OE - CI TRUST F	PAYROLL SUMMARY	771-0000-212.70-07		7/2010	7,348.01
				PAYROLL SUMMARY	771-0000-212.70-07		8/2010	8,210.90
							Total	15,558.91
08/03/2010	207624	4258	MONTANA POLICE PROTECTI	PAYROLL SUMMARY	771-0000-214.30-00		8/2010	2,733.75
							Total	2,733.75
08/03/2010	207625	4259	INT'L BROTHERHOOD TEAMS	PAYROLL SUMMARY	771-0000-214.10-07		8/2010	50.00
							Total	50.00



CHECK DATE	CHECK NUMBER	VENDOR#	NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
08/03/2010	207626	4264	UNITED FUND	PAYROLL SUMMARY	771-0000-212.90-00		8/2010 Total	450.20 450.20
08/03/2010	207627	4265	MONTANA SHARES	PAYROLL SUMMARY	771-0000-212.90-00		8/2010 Total	61.50 61.50
08/03/2010	207628	4269	IBPAT PENSION FUND	PAYROLL SUMMARY PAYROLL SUMMARY	771-0000-212.70-08 771-0000-212.70-08		7/2010 8/2010 Total	176.00 228.80 404.80
08/03/2010	207629	4271	FIREFIGHTER RETIREMENT	PAYROLL SUMMARY	771-0000-212.40-00		8/2010 Total	41,719.44 41,719.44
08/03/2010	207630	4272	STATEWIDE POLICE RESERV	PAYROLL SUMMARY	771-0000-212.80-00		8/2010 Total	51,735.83 51,735.83
08/03/2010	207631	4273	PUBLIC EMPLOYEE RETIREM	PAYROLL SUMMARY	771-0000-212.60-00		8/2010 Total	96,383.10 96,383.10
08/03/2010	207632	4299	IAFF LOCAL #8 INT'L AS	PAYROLL SUMMARY	771-0000-214.10-10		8/2010 Total	1,860.50 1,860.50
08/03/2010	207633	5320	1ST INTERSTATE BANK	PAYROLL SUMMARY PAYROLL SUMMARY	771-0000-212.20-00 771-0000-212.30-00		8/2010 8/2010 Total	74,564.47 106,005.92 180,570.39
08/03/2010	207635	9514	IAM NATIONAL PENSION FU	PAYROLL SUMMARY PAYROLL SUMMARY	771-0000-212.70-14 771-0000-212.70-14		7/2010 8/2010 Total	563.20 633.60 1,196.80
08/03/2010	207636	11479	LINCOLN NATIONAL LIFE I	PAYROLL SUMMARY PAYROLL SUMMARY	771-0000-213.40-00 771-0000-213.40-00		7/2010 8/2010 Total	661.49 1,646.14 2,307.63
08/03/2010	207637	13159	MONTANA VEBA HRA	PAYROLL SUMMARY	771-0000-212.70-16		8/2010 Total	16,439.30 16,439.30
08/03/2010	207638	13276	NATIONWIDE RETIREMENT S	PAYROLL SUMMARY	771-0000-213.20-01		8/2010 Total	3,235.15 3,235.15
08/10/2010	207816	6735	AFLAC	PAYROLL SUMMARY PAYROLL SUMMARY PAYROLL SUMMARY PAYROLL SUMMARY	771-0000-214.50-01 771-0000-214.50-02 771-0000-214.50-05 771-0000-214.50-06		8/2010 8/2010 8/2010 8/2010 Total	4,991.95 5,933.51 375.34 1,112.56 12,413.36

28 Checks \*\* Fund Total 517,969.64

Prepared: 08/11/2010, 8:28:51  
Program: GM179L  
Bank: 01 HTE SUB-SYS AND MASTER

CITY OF GREAT FALLS  
CHECK REGISTER BY FUND

CHECK DATE	CHECK NUMBER	VENDOR#	NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
08/04/2010	207658	82	NORTHWESTERN ENERGY	July 2010 Charges	902-1556-512.34-12		8/2010	154.65
							Total	154.65
				1 Checks	** Fund Total			154.65

Prepared: 08/11/2010, 8:28:51  
Program: GM179L  
Bank: 01 HTE SUB-SYS AND MASTER

CITY OF GREAT FALLS  
CHECK REGISTER BY FUND

CHECK DATE	CHECK NUMBER	VENDOR#	NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
08/04/2010	207658	82	NORTHWESTERN ENERGY	July 2010 Charges	903-1556-512.34-12		8/2010	241.10
							Total	241.10
				1 Checks	** Fund Total			241.10

Prepared: 08/11/2010, 8:28:51  
Program: GM179L  
Bank: 01 HTE SUB-SYS AND MASTER

CITY OF GREAT FALLS  
CHECK REGISTER BY FUND

CHECK DATE	CHECK NUMBER	VENDOR#	NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
08/04/2010	207658	82	NORTHWESTERN ENERGY	July 2010 Charges	904-1556-512.34-12		8/2010	60.39
				July 2010 Charges	904-1556-512.34-12		8/2010	14.03
							Total	74.42
				1 Checks	** Fund Total			74.42

Prepared: 08/11/2010, 8:28:51  
Program: GM179L  
Bank: 01 HTE SUB-SYS AND MASTER

CITY OF GREAT FALLS  
CHECK REGISTER BY FUND

CHECK DATE	CHECK NUMBER	VENDOR#	NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
08/04/2010	207658	82	NORTHWESTERN ENERGY	July 2010 Charges	907-1556-512.34-12		8/2010	814.97
							Total	814.97
				1 Checks	** Fund Total			814.97

Prepared: 08/11/2010, 8:28:51  
Program: GM179L  
Bank: 01 HTE SUB-SYS AND MASTER

CITY OF GREAT FALLS  
CHECK REGISTER BY FUND

CHECK DATE	CHECK NUMBER	VENDOR#	NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
08/04/2010	207658	82	NORTHWESTERN ENERGY	July 2010 Charges	909-1556-512.34-12		8/2010	4.15
							Total	4.15
				1 Checks	** Fund Total			4.15

Prepared: 08/11/2010, 8:28:51  
Program: GM179L  
Bank: 01 HTE SUB-SYS AND MASTER

CITY OF GREAT FALLS  
CHECK REGISTER BY FUND

CHECK DATE	CHECK NUMBER	VENDOR#	NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
08/04/2010	207658	82	NORTHWESTERN ENERGY	July 2010 Charges	913-1556-512.34-12		8/2010	276.13
							Total	276.13
				1 Checks	** Fund Total			276.13

Prepared: 08/11/2010, 8:28:51  
Program: GM179L  
Bank: 01 HTE SUB-SYS AND MASTER

CITY OF GREAT FALLS  
CHECK REGISTER BY FUND

CHECK DATE	CHECK NUMBER	VENDOR#	NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
08/04/2010	207658	82	NORTHWESTERN ENERGY	July 2010 Charges	915-1556-512.34-12		8/2010	223.26
							Total	223.26
				1 Checks	** Fund Total			223.26



Prepared: 08/11/2010, 8:28:51  
Program: GM179L  
Bank: 01 HTE SUB-SYS AND MASTER

CITY OF GREAT FALLS  
CHECK REGISTER BY FUND

CHECK DATE	CHECK NUMBER	VENDOR#	NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
08/04/2010	207658	82	NORTHWESTERN ENERGY	July 2010 Charges	922-1556-512.34-12		8/2010	9.86
							Total	9.86
				1 Checks	** Fund Total			9.86

Prepared: 08/11/2010, 8:28:51  
Program: GM179L  
Bank: 01 HTE SUB-SYS AND MASTER

CITY OF GREAT FALLS  
CHECK REGISTER BY FUND

CHECK DATE	CHECK NUMBER	VENDOR#	NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
08/04/2010	207658	82	NORTHWESTERN ENERGY	July 2010 Charges	927-1556-512.34-12		8/2010	19.73
							Total	19.73
				1 Checks	** Fund Total			19.73

Prepared: 08/11/2010, 8:28:51  
Program: GM179L  
Bank: 01 HTE SUB-SYS AND MASTER

CITY OF GREAT FALLS  
CHECK REGISTER BY FUND

CHECK DATE	CHECK NUMBER	VENDOR#	NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
08/04/2010	207658	82	NORTHWESTERN ENERGY	July 2010 Charges	932-1556-512.34-12		8/2010	205.16
							Total	205.16
				1 Checks	** Fund Total			205.16

Prepared: 08/11/2010, 8:28:51  
Program: GM179L  
Bank: 01 HTE SUB-SYS AND MASTER

CITY OF GREAT FALLS  
CHECK REGISTER BY FUND

CHECK DATE	CHECK NUMBER	VENDOR#	NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
08/04/2010	207658	82	NORTHWESTERN ENERGY	July 2010 Charges	938-1556-512.34-12		8/2010 Total	632.79 632.79
08/11/2010	207857	405	CRESCENT ELECTRIC SUPPL	REPAIR & MAINT SUPPLIES	938-3136-532.23-99		8/2010 Total	86.85 86.85
08/11/2010	207878	2370	ENTERPRISE ELECTRIC INC	REPAIR & MAINT SERVICES	938-3136-532.36-99		8/2010 Total	124.80 124.80
				3 Checks	** Fund Total			844.44

Prepared: 08/11/2010, 8:28:51  
Program: GM179L  
Bank: 01 HTE SUB-SYS AND MASTER

CITY OF GREAT FALLS  
CHECK REGISTER BY FUND

CHECK DATE	CHECK NUMBER	VENDOR#	NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
08/04/2010	207658	82	NORTHWESTERN ENERGY	July 2010 Charges	939-1556-512.34-12		8/2010	247.70
							Total	247.70
				1 Checks	** Fund Total			247.70

Prepared: 08/11/2010, 8:28:51  
Program: GM179L  
Bank: 01 HTE SUB-SYS AND MASTER

CITY OF GREAT FALLS  
CHECK REGISTER BY FUND

CHECK DATE	CHECK NUMBER	VENDOR#	NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
08/04/2010	207658	82	NORTHWESTERN ENERGY	July 2010 Charges	947-1556-512.34-12		8/2010	765.91
							Total	765.91
				1 Checks	** Fund Total			765.91

Prepared: 08/11/2010, 8:28:51  
Program: GM179L  
Bank: 01 HTE SUB-SYS AND MASTER

CITY OF GREAT FALLS  
CHECK REGISTER BY FUND

CHECK DATE	CHECK NUMBER	VENDOR#	NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
08/04/2010	207658	82	NORTHWESTERN ENERGY	July 2010 Charges	948-1556-512.34-12		8/2010	68.42
							Total	68.42
				1 Checks	** Fund Total			68.42

Prepared: 08/11/2010, 8:28:51  
 Program: GM179L  
 Bank: 01 HTE SUB-SYS AND MASTER

CITY OF GREAT FALLS  
 CHECK REGISTER BY FUND

CHECK DATE	CHECK NUMBER	VENDOR#	NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
08/04/2010	207658	82	NORTHWESTERN ENERGY	July 2010 charges	961-1556-512.34-12		7/2010	30.45
				July 2010 Charges	961-1556-512.34-12		8/2010	14.34
				July 2010 Charges	961-1556-512.34-12		8/2010	5,186.87
				July 2010 Charges	961-1556-512.34-12		8/2010	19.73
				July 2010 Charges	961-1556-512.34-12		8/2010	9.86
				July 2010 Charges	961-1556-512.34-12		8/2010	9.86
				July 2010 Charges	961-1556-512.34-12		8/2010	438.83
				July 2010 Charges	961-1556-512.34-12		8/2010	2,100.36
				July 2010 Charges	961-1556-512.34-12		8/2010	9.86
				July 2010 Charges	961-1556-512.34-12		8/2010	9.86
				July 2010 Charges	961-1556-512.34-12		8/2010	9.86
							Total	7,839.88
08/04/2010	207724	7415	CARTEGRAPH SYSTEMS	OFFICE SUPPLIES	961-3136-532.36-99		8/2010	172.25
							Total	172.25
				2 Checks	** Fund Total			8,012.13



Prepared: 08/11/2010, 8:28:51  
Program: GM179L  
Bank: 01 HTE SUB-SYS AND MASTER

CITY OF GREAT FALLS  
CHECK REGISTER BY FUND

CHECK DATE	CHECK NUMBER	VENDOR#	NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
08/04/2010	207658	82	NORTHWESTERN ENERGY	July 2010 Charges	962-1556-512.34-12		8/2010	1,262.49
							Total	1,262.49
				1 Checks	** Fund Total			1,262.49

Prepared: 08/11/2010, 8:28:51  
Program: GM179L  
Bank: 01 HTE SUB-SYS AND MASTER

CITY OF GREAT FALLS  
CHECK REGISTER BY FUND

CHECK DATE	CHECK NUMBER	VENDOR#	NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
08/04/2010	207658	82	NORTHWESTERN ENERGY	July 2010 Charges	963-1556-512.34-12		8/2010	189.73
				July 2010 Charges	963-1556-512.34-12		8/2010	346.04
				July 2010 Charges	963-1556-512.34-12		8/2010	785.42
				July 2010 Charges	963-1556-512.34-12		8/2010	1,005.24
				July 2010 Charges	963-1556-512.34-12		8/2010	136.75
				July 2010 Charges	963-1556-512.34-12		8/2010	156.17
				July 2010 Charges	963-1556-512.34-12		8/2010	599.07
							Total	3,218.42
				1 Checks	** Fund Total			3,218.42

CHECK DATE	CHECK NUMBER	VENDOR#	NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
08/04/2010	207658	82	NORTHWESTERN ENERGY	July 2010 Charges	965-1556-512.34-12		8/2010	110.20
				July 2010 Charges	965-1556-512.34-12		8/2010	110.20
				July 2010 Charges	965-1556-512.34-12		8/2010	4.86
				July 2010 Charges	965-1556-512.34-12		8/2010	367.37
				July 2010 Charges	965-1556-512.34-12		8/2010	275.52
				July 2010 Charges	965-1556-512.34-12		8/2010	76.77
				July 2010 Charges	965-1556-512.34-12		8/2010	41,294.00
				July 2010 Charges	965-1556-512.34-12		8/2010	2,005.80
				July 2010 Charges	965-1556-512.34-12		8/2010	901.68
				July 2010 Charges	965-1556-512.34-12		8/2010	155.59
				July 2010 Charges	965-1556-512.34-12		8/2010	300.58
				July 2010 Charges	965-1556-512.34-12		8/2010	789.03
				July 2010 Charges	965-1556-512.34-12		8/2010	5,270.28
				July 2010 Charges	965-1556-512.34-12		8/2010	488.45
				July 2010 Charges	965-1556-512.34-12		8/2010	49.43
				July 2010 Charges	965-1556-512.34-12		8/2010	91.93
				July 2010 Charges	965-1556-512.34-12		8/2010	3.59
				July 2010 Charges	965-1556-512.34-12		8/2010	7.20
				July 2010 Charges	965-1556-512.34-12		8/2010	1,653.24
				July 2010 Charges	965-1556-512.34-12		8/2010	187.87
				July 2010 Charges	965-1556-512.34-12		8/2010	1,214.27
				July 2010 Charges	965-1556-512.34-12		8/2010	695.09
				July 2010 Charges	965-1556-512.34-12		8/2010	123.17
				July 2010 charges	965-1556-512.34-12		7/2010	182.93
							Total	56,359.05
08/04/2010	207724	7415	CARTEGRAPH SYSTEMS	OFFICE SUPPLIES	965-3136-532.36-99		8/2010	976.08
							Total	976.08
				2 Checks	** Fund Total			57,335.13

Prepared: 08/11/2010, 8:28:51  
 Program: GM179L  
 Bank: 01 HTE SUB-SYS AND MASTER

CITY OF GREAT FALLS  
 CHECK REGISTER BY FUND

CHECK DATE	CHECK NUMBER	VENDOR#	NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
08/04/2010	207658	82	NORTHWESTERN ENERGY	July 2010 Charges	967-1556-512.34-12		8/2010	723.74
				July 2010 Charges	967-1556-512.34-12		8/2010	122.69
				July 2010 Charges	967-1556-512.34-12		8/2010	183.72
				July 2010 Charges	967-1556-512.34-12		8/2010	58.71
							Total	1,088.86
				1 Checks	** Fund Total			1,088.86

Prepared: 08/11/2010, 8:28:51  
Program: GM179L  
Bank: 01 HTE SUB-SYS AND MASTER

CITY OF GREAT FALLS  
CHECK REGISTER BY FUND

CHECK DATE	CHECK NUMBER	VENDOR#	NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
08/04/2010	207658	82	NORTHWESTERN ENERGY	July 2010 charges	971-1556-512.34-12		7/2010	13.67
							Total	13.67
				1 Checks	** Fund Total			13.67

Prepared: 08/11/2010, 8:28:51  
Program: GM179L  
Bank: 01 HTE SUB-SYS AND MASTER

CITY OF GREAT FALLS  
CHECK REGISTER BY FUND

CHECK DATE	CHECK NUMBER	VENDOR#	NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
08/04/2010	207658	82	NORTHWESTERN ENERGY	July 2010 charges	972-1556-512.34-12		7/2010	22.91
				July 2010 charges	972-1556-512.34-12		7/2010	28.56
							Total	51.47
				1 Checks	** Fund Total			51.47

Prepared: 08/11/2010, 8:28:51  
Program: GM179L  
Bank: 01 HTE SUB-SYS AND MASTER

CITY OF GREAT FALLS  
CHECK REGISTER BY FUND

CHECK DATE	CHECK NUMBER	VENDOR#	NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
08/04/2010	207658	82	NORTHWESTERN ENERGY	July 2010 charges	973-1556-512.34-12		7/2010	13.66
							Total	13.66
				1 Checks	** Fund Total			13.66

Prepared: 08/11/2010, 8:28:51  
Program: GM179L  
Bank: 01 HTE SUB-SYS AND MASTER

CITY OF GREAT FALLS  
CHECK REGISTER BY FUND

CHECK DATE	CHECK NUMBER	VENDOR#	NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
08/04/2010	207658	82	NORTHWESTERN ENERGY	July 2010 charges	974-1556-512.34-12		7/2010	24.34
				July 2010 charges	974-1556-512.34-12		7/2010	19.33
							Total	43.67
				1 Checks	** Fund Total			43.67



Prepared: 08/11/2010, 8:28:51  
Program: GM179L  
Bank: 01 HTE SUB-SYS AND MASTER

CITY OF GREAT FALLS  
CHECK REGISTER BY FUND

CHECK DATE	CHECK NUMBER	VENDOR#	NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
08/04/2010	207658	82	NORTHWESTERN ENERGY	July 2010 charges	975-1556-512.34-12		7/2010	33.57
							Total	33.57
				1 Checks	** Fund Total			33.57

Prepared: 08/11/2010, 8:28:51  
Program: GM179L  
Bank: 01 HTE SUB-SYS AND MASTER

CITY OF GREAT FALLS  
CHECK REGISTER BY FUND

CHECK DATE	CHECK NUMBER	VENDOR#	NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
08/04/2010	207658	82	NORTHWESTERN ENERGY	July 2010 charges	976-1556-512.34-12		7/2010	4.85
							Total	4.85
				1 Checks	** Fund Total			4.85

Prepared: 08/11/2010, 8:28:51  
Program: GM179L  
Bank: 01 HTE SUB-SYS AND MASTER

CITY OF GREAT FALLS  
CHECK REGISTER BY FUND

CHECK DATE	CHECK NUMBER	VENDOR#	NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
08/04/2010	207658	82	NORTHWESTERN ENERGY	July 2010 charges	977-1556-512.34-12		7/2010	4.01
							Total	4.01
				1 Checks	** Fund Total			4.01
				587 Checks	** Bank Total			2,575,706.73
				587 Checks	*** Grand Total			2,575,706.73

BANK	NAME	FUND	AMOUNT
01	HTE SUB-SYS AND MASTER	100 GENERAL FUND	258,528.26
		213 PLANNING FUND	2,044.26
		214 CTEP PROJECTS FUND	130,751.49
		219 SUPPORT & INNOVATION FUND	1,094.79
		221 911 SPECIAL REVENUE FUND	866.44
		222 POLICE SPECIAL REVENUE	1,617.84
		237 STREET DISTRICT FUND	134,611.04
		251 LIBRARY FUND	4,357.67
		261 P&R SPECIAL REVENUE	29,644.55
		267 NATURAL RESOURCES FUND	1,537.29
		268 PORTAGE MEADOWS FUND	36.94
		272 FEDERAL BLOCK GRANTS FUND	7,019.83
		279 ECONOMIC REVOLVING FUND	171.98
		281 PERMITS FUND	1,745.63
		293 AG TECH PARK	3,800.85
		411 GEN'RL CAPITAL PROJS FUND	6,948.00
		451 HAZARD REMOVAL FUND	26.03
		511 WATER FUND	227,743.51
		513 SEWER FUND	19,044.72
		515 STORM DRAIN FUND	15,458.34
		517 SANITATION FUND	110,123.06
		519 ELECTRIC FUND	6,581.02
		522 SAFETY SERVICES FUND	1,015.72
		551 PARKING FUND	4,029.37
		561 GOLF COURSES FUND	10,718.68
		563 SWIM POOLS FUND	31,955.57
		564 RECREATION	9,616.39
		566 MULTI-SPORTS	4,746.58

BANK	NAME	FUND	AMOUNT
01		571 CIVIC CENTER EVENTS FUND	5,427.31
		611 HUMAN RESOURCES	216.73
		612 CENTRAL COMMUNICATIONS	353.05
		614 INSURANCE & SAFETY FUND	748,857.35
		615 FISCAL SERVICES FUND	7,425.68
		617 INFORMATION TECH FUND	23,897.46
		631 CENTRAL GARAGE FUND	154,127.57
		638 ENGINEERING FUND	9,225.27
		639 PUBLIC WORKS ADMIN FUND	2,839.06
		671 CC FACILITY SERVICES FUND	4,499.93
		771 PAYROLL FUND	517,969.64
		902 SLD 18	154.65
		903 SLD 650	241.10
		904 SLD 651	74.42
		907 SLD 912	814.97
		909 SLD 973	4.15
		913 SLD 1067A	276.13
		915 SLD 1105	223.26
		922 SLD 1230	9.86
		927 SLD 1255	19.73
		932 SLD 1261	205.16
		938 SLD 1269	844.44
		939 SLD 1270	247.70
		947 SLD 1289	765.91
		948 SLD 1290	68.42
		961 SLD 1294 ALLEY CONSOLIDAT	8,012.13
		962 SLD 1298 INDUSTRIAL LTG	1,262.49
		963 SLD 1295 COMMERCIAL	3,218.42

BANK	NAME	FUND	AMOUNT
01		965 SLD 1213,1296 RESIDENTIAL	57,335.13
		967 SLD 1297 TRILATERAL	1,088.86
		971 SMLD 1302 MEADOWLARK 2-3	13.67
		972 SMLD 1304 EAGLES CROSS 1	51.47
		973 SMLD 1306 MEADOWLARK 4	13.66
		974 SMLD 1308 EAGLE CROSS 2,3	43.67
		975 SMLD 1310 MEADOWLARK #5	33.57
		976 SMLD 1303 BOOTLEGGER ADD	4.85
		977 SMLD 1305 WATR TOWER PK	4.01
		Total	2,575,706.73 *

**CITY OF GREAT FALLS, MONTANA**

**AGENDA: 14**

**COMMUNICATION TO THE CITY COMMISSION**

**DATE: August 17, 2010**

**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:** \_\_\_\_\_

**CONTRACT LIST**

	<b>DEPARTMENT</b>	<b>OTHER PARTY (PERSON OR ENTITY)</b>	<b>PERIOD</b>	<b>FUND</b>	<b>AMOUNT</b>	<b>PURPOSE</b>
<b>A</b>	Planning and Community Development Department	Whittier Parent Teacher Association	07/01/2010 – 06/30/2011	272	\$11,000	2010/2011 CDBG Agreement, re: Phase II ADA Playground Project.
<b>B</b>	Planning and Community Development Department	Family Connections	07/01/2010 – 06/30/2011	272	\$15,000	2010/2011 CDBG Agreement, re: Child Care Scholarships.

<b>C</b>	Planning and Community Development Department	Park and Recreation Department	07/01/2010 – 06/30/2011	272	\$7,500 \$21,500 \$7,900	2010/2011 CDBG Agreement, re: Eagle Falls ADA bathroom. Natatorium asbestos abatement. Student Scholarships.
<b>D</b>	Public Works Engineering	CTA Architects Engineers	08/2010 - 12/2010	PW Admin. and Water Utility plus Stimulus Funds	\$6,500	Design of replacement boiler and air conditioning unit for the Administration and Utilities building. <b>OF 1455.4</b>
<b>E</b>	Park and Recreation	Wadsworth Plumbing and Heating	08/10/2010 – 08/30/2010	411-6411-565-9399	\$20,625	Design/build irrigation system – Broadwater Bay. <b>OF 1609</b>
<b>F</b>	Park and Recreation	Rocky Mountain Tree Care Specialists, Inc.	08/16/2010 – 09/30/2010	411-6411-565-9399	\$3,200	Remove and plant White Poplar at Broadwater Bay. <b>OF 1609</b>
<b>G</b>	Park and Recreation	Rocky Mountain Tree Care Specialists, Inc.	08/16/2010 – 09/30/2010	211-1511-515-3251	\$24,600	Trim 82 trees.
<b>H</b>	Police Department	Metal Works of Montana, Inc.	08/17/2010 – 11/30/2010	411	\$145,535	Re-roof Police Department building. <b>OF 1529.2</b> (Contract awarded 08/03/10 – Item 16)



**CITY OF GREAT FALLS, MONTANA  
COMMUNICATION TO THE CITY COMMISSION**

**AGENDA: 15  
DATE: August 17, 2010**

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

**PRESENTED BY:** Lisa Kunz, City Clerk

**ACTION REQUESTED:** Ratification of Grants through the Consent Agenda

**MAYOR’S SIGNATURE:** \_\_\_\_\_

**GRANTS**

	<b>DEPARTMENT</b>	<b>OTHER PARTY (PERSON OR ENTITY)</b>	<b>PERIOD</b>	<b>GRANT AMOUNT REQUESTED</b>	<b>CITY MATCH (INCLUDE FUND MATCH TO BE PAID OUT OF)</b>	<b>PURPOSE</b>
<b>A</b>	Mansfield Events Office	Montana Office of Tourism, P.O. Box 200533, Helena, MT 59620-0533	11/2010 – 01/2011	\$101,233	\$52,116	Mansfield Theatre Sound System and LCD Projector



**Item:** Set Public Hearing for Resolution 9892 to Levy and Assess Properties within Special Improvement Lighting Districts

**From:** Martha Capps, Operations Supervisor

**Initiated By:** Annual Assessment Process

**Presented By:** Coleen Balzarini, Fiscal Services Director

**Action Requested:** City Commission set public hearing date for Resolution 9892 to levy and assess properties within Special Improvement Lighting Districts

---

**Suggested Motion:**

1. Commissioner moves:

“I move the City Commission set a public hearing date on Resolution 9892 for September 21, 2010 at 7:00 p.m. to levy and assess properties within Special Improvement Lighting Districts.”

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

---

**Staff Recommendation:** Staff recommends the City Commission set a public hearing date for September 21, 2010.

**Background:** There are currently 26 Special Improvement Lighting Districts (SLD’s) with approximately 9,420 roadway lights, lighting over 76% of the city. The Special Improvement Lighting District Funds are administered by the Fiscal Services Department. The purpose of the fund is to maintain and furnish electrical current for the Lighting Districts throughout the year.

The budget development process begins in January of each year when the Fiscal Services Department receives their midyear financial reports. The midyear reports are used to determine the current financial position of the Special Improvement Lighting District Funds, which is the basis for projecting future earnings and expenditures. Each lighting district’s assessed cost is based upon existing rates, cash balance and proposed increases. Information is gathered regarding the actual and anticipated expenses, goals and objectives of the lighting district. After determining financial factors pertinent to the operation of the Lighting District an assessment amount for the next fiscal year is calculated, proposed and presented to the City Commissioners for approval.

**Concurrences:** Fiscal Services staff is responsible for the operational expenses, along with assessing and collecting the revenues necessary for the operations; Public Works is responsible for the maintenance of the Districts.

**Fiscal Impact:** Adoption of Resolution 9892 will allow the City to fund the operational and maintenance costs required to be made each year in the Special Improvement Lighting Districts.

**ASSESSMENT ANTICIPATED**

The anticipated assessment amount for Special Improvement Lighting District funds for the next fiscal year is the amount projected through the Budget Development Process. The maintenance and administrative fee equal to 10% of the estimated costs for the districts as presented in the annual budget will remain the same. The ONE MILLION FIVE HUNDRED NINETY-FIVE THOUSAND NINE HUNDRED EIGHTY-TWO DOLLARS (\$1,595,982) estimated assessment for Fiscal Year 10/11 projects charges based on actual billings for the district and adjustments for cash balances from prior fiscal years.

A comparison of Special Improvement Lighting District annual assessments since 2007 is provided:

<u>BUDGETED</u>	<u>FISCAL YEAR</u>
<u>TOTAL ASSESSMENT</u>	
\$1,165,547	06/07 (19 Districts) <sup>1</sup>
\$1,180,235	07/08 (22 Districts) <sup>2</sup>
\$1,277,587	08/09 (24 Districts) <sup>3</sup>
\$1,390,777	09/10 (26 Districts)
\$1,595,981	10/11 (26 Districts)

- <sup>1</sup> Three new City-owned Residential Lighting Districts were created in FY 06/07 – Special Improvement Lighting Districts No. 1302, No. 1304 and No. 1306.
- <sup>2</sup> Two new City-owned Residential Lighting Districts were created in FY 07/08 – Special Improvement Lighting Districts No. 1308 and No. 1310.
- <sup>3</sup> Two new City-owned Residential Lighting Districts were created in FY 08/09 – Special Improvement Lighting Districts No. 1303 and No. 1305. Minor modifications to Special Improvement Lighting District 1295 – Commercial Lighting District (SLD-C) – two lights were removed and Special Improvement Lighting District 1269 – four new period lights were added to the district.

The 10/11 assessment per district is indicated on the projection summary sheet attached to the Resolution.

**Alternatives:** The City Commission could choose to not set the public hearing and thereby deny the adoption of Resolution 9892; however, the reduction in services to the community could be hazardous to the safety and welfare of the general public.

**Attachments/Exhibits:** SLD Projection Summary Sheet  
 SLD’s Boundary Map  
 Legal Notice  
 Resolution 9892 - DRAFT

## **RESOLUTION 9892**

A RESOLUTION LEVYING AND ASSESSING THE COST OF MAINTAINING SPECIAL LIGHTING DISTRICTS NUMBERED 18, 650, 651, 912, 973, 1067A, 1105, 1230, 1255, 1261, 1269, 1270, 1289, 1290, 1294, 1295, 1296, 1297, 1298, 1302, 1304, 1306, 1308 AND 1310 IN THE CITY OF GREAT FALLS, MONTANA FOR THE FISCAL YEAR BEGINNING JULY 1, 2010 AND ENDING JUNE 30, 2011.

WHEREAS, the City Commission of the City of Great Falls declares the lighting systems were installed and the City Commission intends to continue maintenance of such lighting systems in said SLD's;

WHEREAS, the City Commission of the City of Great Falls declares that each lot or parcel of land contained in each of said SLD's will continue to be benefited by such lighting in the same manner as determined in the creation of each district;

WHEREAS, on July 20, 2010, the Commission of the City of Great Falls adopted its annual budget resolution in which the estimated costs of such lighting system maintenance within said SLD's at a total of ONE MILLION FIVE HUNDRED NINETY-FIVE THOUSAND NINE HUNDRED EIGHTY-TWO DOLLARS (\$1,595,982)

WHEREAS, the properties in said SLD's are to be assessed for the ongoing annual maintenance costs of said improvements in proportion to which its area bears to the area of the district improved, as determined by the square foot method,

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

### Section 1 – Continued Maintenance

The City of Great Falls continue maintenance of lighting systems in said special improvement lighting districts (SLD's).

### Section 2 – Maintenance Costs Assessed

The estimated cost of said lighting system maintenance in the SLD's totaling ONE MILLION FIVE

HUNDRED NINETY-FIVE THOUSAND NINE HUNDRED EIGHTY-TWO DOLLARS (\$1,595,982) is hereby assessed upon the property in said SLD's.

Section 3 – Assessment Method

Each lot and parcel within each SLD is hereby assessed a proportion of the maintenance costs attributed to the SLD in the proportion to which its assessable area (individual square feet) bears to the area of the whole improvement district (total square feet), exclusive of streets, avenues, alleys and public places. An assessment projection summary of each district, describing total cost, is attached hereto and by this reference incorporated herein as set forth in full. The description of each lot or parcel of land within each SLD and the respective assessments are set forth in the records of the Fiscal Services Office of the City of Great Falls, Montana and by this reference is also incorporated herein as if set forth in full.

Section 4 – Assessments Due Date

The ongoing annual maintenance assessments are payable in two payments and will become delinquent at 5:00 o'clock p.m. on November 30, 2010 and May 31, 2011.

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

THAT, the City Commission did meet and hear objections to the final adoption of this resolution at 7:00 o'clock p.m., September 21, 2010 in the Commission Chambers of the Civic Center Building, Great Falls, Montana.

THAT, this Resolution, together with the attached assessment lists, shall be kept on file in the office of the City Clerk of the City of Great Falls.

THAT, said City Clerk authorized and directed, to publish twice, with at least 6 days separating each publication in a newspaper published in the City of Great Falls, Montana, a notice signed by said City Clerk stating that this Resolution, levying the special assessments to defray the cost of maintenance of said SLD's, is subject to inspection in the Clerk's office, 2 Park Drive, Great Falls, Montana. Said notice shall state the time and place at which objections to the final adoption of this Resolution will be heard by the City Commission.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the above-entitled and foregoing Resolution be, and the same is hereby adopted, and the special assessments therein provided for, and the same are hereby levied and assessed accordingly.

PASSED by the Commission of the City of Great Falls, Montana, on this 21<sup>st</sup> day of September, 2010.

---

Michael J. Winters, Mayor

Attest:

---

Lisa Kunz, City Clerk

(SEAL OF CITY)

---

Approved for Legal Content:  
James W. Santoro  
City Attorney

DRAFT

CITY OF GREAT FALLS

STREET LIGHT MAINTENANCE DISTRICTS

APPROVED - Coleen Balzarini

\*\*\*DATA ENTRY ON ITEMS IN BLUE ONLY!

\*\*\*NEW DISTRICT INFORMATION IN GREEN

\*\*\*DATA COPIED FROM PRIOR YEAR IN ORANGE

PREPARED - Martha Capps

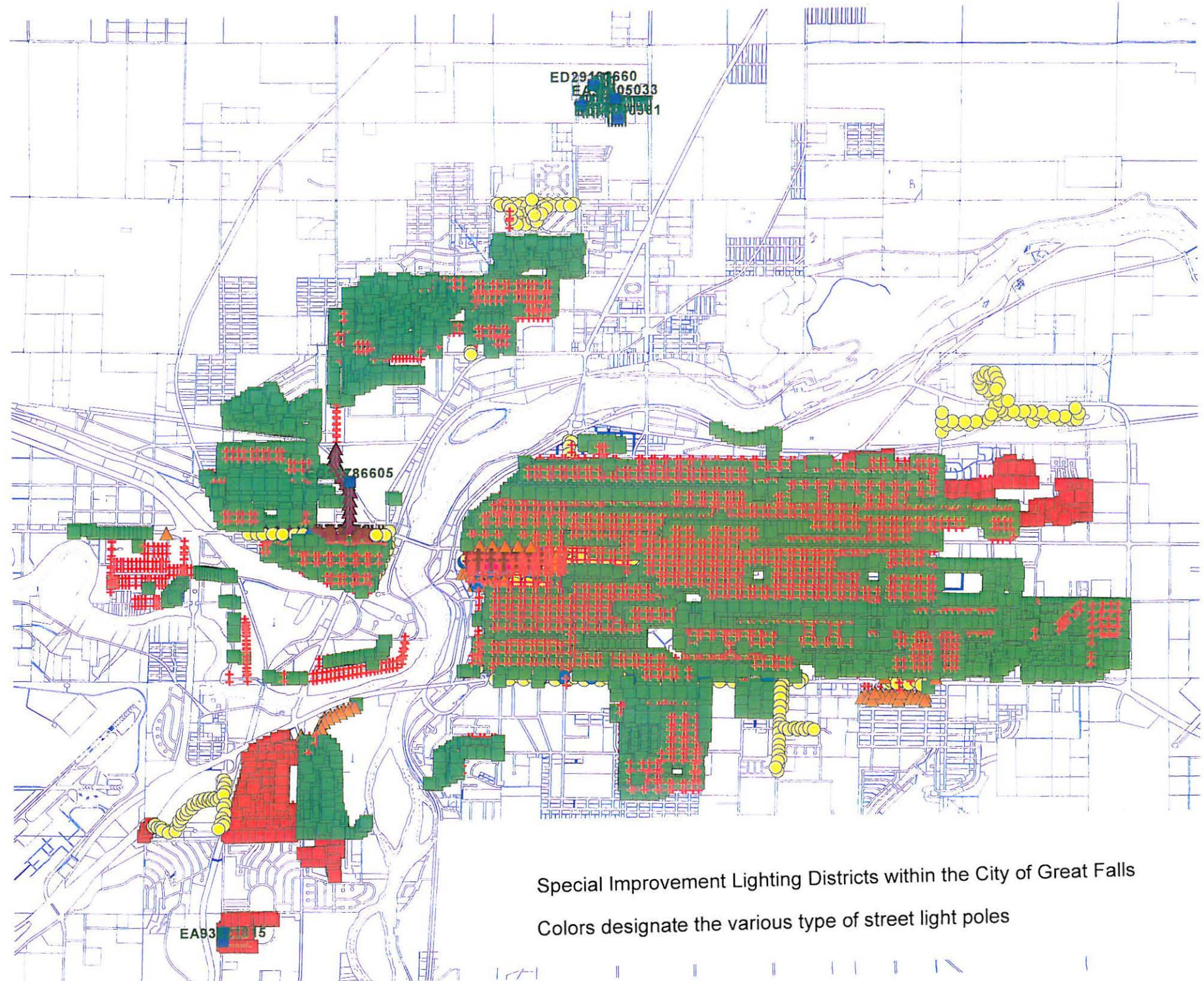
COST ASSESSMENTS PROJECTIONS

TAX YEAR 2010

7/19/2010

DATE

Res 9892 Street Maintenance Assessment					2009 DISTRICT ASSESSMENTS	ASSESSMENT CHANGE		DISTRICT SQUARE FEET		SQUARE FEET DIFFERENCE	ASSESSMENT FACTORS	
DISTRICT NUMBER	FUND #	TARGET ASSESSMENT	ACTUAL AMT BILLED	DIFF. AFTER CHG	AMOUNT	PERCENT	2009	2010		2009	2010	
18	902	2,751		2,751	2,751.50	-0.50	-0.02%	1,604,276	1,606,323	2,047	0.001715	0.001713
650	903	19,935		19,935	15,948.68	3,986.32	24.99%	500,107	500,107	0	0.031890	0.039861
651	904	2,688		2,688	2,688.12	-0.12	0.00%	546,204	546,204	0	0.004921	0.004921
912	907	15,580		15,580	15,657.96	-77.96	-0.50%	7,008,272	7,017,882	9,610	0.002234	0.002220
973	909	483		483	484.62	-1.62	-0.33%	5,325,022	5,027,275	-297,747	0.000091	0.000096
1105	915	4,013		4,013	4,013.16	-0.16	0.00%	1,987,411	1,986,605	-806	0.002019	0.002020
1230	922	237		237	237.72	-0.72	-0.30%	105,045	105,045	0	0.002262	0.002256
1255	927	483		483	483.00	0.00	0.00%	235,098	235,098	0	0.002054	0.002054
1261	932	5,950		5,950	5,581.14	368.86	6.61%	340,475	340,475	0	0.016392	0.017476
1269	938	26,295		26,295	18,048.64	8,246.36	45.69%	659,823	659,823	0	0.027354	0.039852
1270	939	11,917		11,917	11,917.30	-0.30	0.00%	224,990	224,990	0	0.052968	0.052967
1289	947	15,330		15,330	15,331.68	-1.68	-0.01%	3,328,593	3,328,593	0	0.004606	0.004606
1290	948	1,091		1,091	1,091.18	-0.18	-0.02%	278,694	278,694	0	0.003915	0.003915
1067A	913	5,541		5,541	5,540.88	0.12	0.00%	1,505,647	1,505,636	-11	0.003680	0.003680
ML02	971	5,100		5,100	3,772.98	1,327.02	35.17%	189,158	189,158	0	0.019946	0.026962
ML03	976	3,878		3,878	3,882.06	-4.06	-0.10%	231,889	231,889	0	0.016741	0.016724
ML04	972	7,898		7,898	5,850.10	2,047.90	35.01%	843,150	843,150	0	0.006938	0.009367
ML05	977	2,691		2,691	2,692.96	-1.96	-0.07%	216,649	216,649	0	0.012430	0.012421
ML06	973	1,836		1,836	1,836.22	-0.22	-0.01%	188,910	188,910	0	0.009720	0.009719
ML08	974	4,409		4,409	4,409.12	-0.12	0.00%	451,932	451,932	0	0.009756	0.009756
ML10	975	2,850		2,850	2,478.22	371.78	15.00%	212,186	212,186	0	0.011679	0.013432
SLDA	961	139,208		139,208	139,229.46	-21.46	-0.02%	83,002,123	83,009,113	6,990	0.001677	0.001677
SLDC	963	65,371		65,371	65,367.30	3.70	0.01%	3,980,835	4,029,111	48,276	0.016420	0.016225
SLDI	962	21,099		21,099	21,097.24	1.76	0.01%	5,109,456	5,109,456	0	0.004129	0.004129
SLDR	965	1,191,960		1,191,960	1,010,028.94	181,931.06	18.01%	130,422,099	130,269,276	-152,823	0.007744	0.009150
SLDT	967	37,388		37,388	37,384.76	3.24	0.01%	2,653,423	2,660,072	6,649	0.014089	0.014055
<b>TOTAL</b>		1,595,982	0.00	1,595,982	1,397,804.94	198,177	7%	251,151,467	250,773,652	-377,815	average inc	12%



Special Improvement Lighting Districts within the City of Great Falls  
Colors designate the various type of street light poles



**NOTICE**

**PUBLIC NOTICE – LEVY AND ASSESS THE COST OF  
MAINTAINING SPECIAL LIGHTING DISTRICTS**

NOTICE IS HEREBY GIVEN that the City Commission will hold a public hearing on Resolution 9892 which pertains to levying and assessing properties within Special Improvement Lighting Districts.

A RESOLUTION LEVYING AND ASSESSING THE COST OF MAINTAINING  
SPECIAL LIGHTING DISTRICTS NUMBERED 18, 650, 651, 912, 973, 1067A, 1105,  
1230, 1255, 1261, 1269, 1270, 1289, 1290, 1294, 1295, 1296, 1297, 1298, 1302, 1303, 1304,  
1305, 1306, 1308 AND 1310 IN THE CITY OF GREAT FALLS, MONTANA FOR THE  
FISCAL YEAR BEGINNING JULY 1, 2010 AND ENDING JUNE 30, 2011.

The above-designated Resolution 9892 and the assessment list therein mentioned are on file in the office of the City Clerk, Lisa Kunz, (406) 455-8451, in the Civic Center Building, 2 Park Drive, Great Falls, MT 59401 and are subject to inspection up to a period of five days before the public hearing. The City Commission will hear objections to the final adoption of said Resolution 9892 or any part thereof and the assessments therein provided for when convened in special session in the Commission Chambers on September 21, 2010, at 7:00 o'clock p.m., at which time and place the City Commission will consider Resolution 9892 for final adoption.

s/ Lisa Kunz, City Clerk

Publication Date: August 27, 2010 and September 10, 2010



**Item:** Set Public Hearing for Resolution 9895 to Levy and Assess Properties for Unpaid Utility Services

**From:** Martha Capps, Operations Supervisor

**Initiated By:** Annual Assessment Process

**Presented By:** Coleen Balzarini, Fiscal Services Director

**Action Requested:** City Commission set public hearing date for Resolution 9895 to levy and assess properties for unpaid utility services

---

**Suggested Motion:**

1. Commissioner moves:

“I move the City Commission set a public hearing date on Resolution 9895 for September 7, 2010 at 7:00 p.m. to levy and assess properties for unpaid utility services.”

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

---

**Staff Recommendation:** Staff recommends the City Commission set a public hearing date for September 7, 2010.

**Background:** Sections 7-12-4611 and 4612, Section 7-13-128, Section 7-13-4309, M.C.A., and City of Great Falls Municipal Codes 8.32.332 and 13.26.060 authorize the City Commission to assess lienable charges against a property to which utility services were furnished and for which payment is delinquent. Properties in the City of Great Falls which had utility services provided to them prior to June 30, 2010, but remain unpaid, are subject to the City’s right to assess the property for the amount owed. The Fiscal Services Department reviews the accounts annually and notifies property owners of the delinquent charges and the right to assess the property. The legal owners of the properties, as listed on Exhibit A of the Resolution, were last notified in a letter dated July 7, 2010 that unless these charges were paid within 30 days, they would be levied as a tax against the lot or parcel. These properties also receive the normal monthly billing statements. A final letter stating the date and time of the Public Hearing will be sent to the Owners of the property remaining unpaid on August 18, 2010. This assessment will appear on the property tax bill received from Cascade County.

**Concurrences:** Public Works is responsible for the operation of the Utility System. Fiscal Services Staff are responsible for billing and collecting the revenues necessary to carry out the

operations. Payments made prior to the public hearing date will be applied accordingly to avoid placing the assessment on the property owners' tax bill.

**Fiscal Impact:** Adoption of Resolution 9895 will allow the City to collect delinquent utility service charges in the amount of \$19,645.05. Any payments received prior to the charges being forwarded to the Cascade County Treasurer will be removed from the assessment listing.

**Alternatives:** The City Commission could choose to not set the public hearing and thereby deny the adoption of Resolution 9895; however, as stated in OCCCGF 13.2.030 all users of City services are expected to pay their share of the costs incurred to provide those services. The proposed assessments enable the collection of revenues necessary to recover costs to provide the services.

**Attachments/Exhibits:**       Legal Notice  
  Resolution 9895 - Draft

**RESOLUTION 9895**

**A RESOLUTION TO LEVY AND ASSESS PROPERTIES FOR UNPAID UTILITY SERVICES IN THE CITY OF GREAT FALLS, MONTANA.**

**WHEREAS:**

- A. The properties listed on the attached Exhibit A were issued a notice of delinquent amounts; and
- B. After due notice and review, the accounts have not been paid and are outstanding to the City.

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

1. The costs of said charges are hereby assessed upon the aforementioned properties in accordance with Montana Code Annotated Sections 7-12-4611, 4612, Sections 7-13-128, and Section 7-13-4309, and City of Great Falls Municipal Code 8.32.332 and 13.26.060.
2. The description of each lot or parcel of land which is hereby levied upon and assessed, with the name of the owner, the amount of each assessment to be made, is as set out in the assessment list, attached as Exhibit A, which said list is incorporated herein and made a part of this resolution by reference;

PASSED by the Commission of the City of Great Falls, Montana, on this 7<sup>th</sup> day of September, 2010.

\_\_\_\_\_  
Michael J. Winters, Mayor

Attest:

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

SEAL OF CITY)

---

Approved for Legal Content:  
James W. Santoro  
City Attorney

DRAFT

**UNPAID UTILITES SERVICES  
ASSESSMENTS FY 2011  
RESOLUTION #9895- EXHIBIT "A"  
DRAFT**

<b>PARCEL NO.</b>	<b>PROPERTY OWNER</b>	<b>SUB DIV</b>	<b>LOT</b>	<b>BLOCK</b>	<b>ASSESSMENT AMOUNT</b>
1	7150 HETLAND, GLEN	GF1	9	84	417.84
2	7850 TRINITY RENTALS LLP	GF1	13	85	23.64
1	25050 SECRETARY OF HOUSING & URBAN DEVELOPMENT	GF4	1	114	33.56
2	28810 KNOTT, JAMES D	GF3	7B	118	530.99
3	29400 LAJOIE KYLE R & NATALIE	GF3	4	119	723.57
4	30400 HINRICHSEN MERLIN F & MARY I	GF3	9	120	294.71
5	34900 GREYN JENNIFER L	GF1	13	125	227.50
6	41200 FRATES LARRY E	GFO	9	133	72.30
7	41350 MADILL JUSTIN JEFFREY	GFO	12	133	135.72
8	46050 SECRETARY OF HOUSING & URBAN DEVELOPMENT	GF1	8A	138	18.51
9	52050 LEONARD GLENN M	GF3	11	146	84.13
10	55150 WILSON ELIZABETH	GF4	6	150	23.17
11	65550 FRATES LARRY	GF4	2	170	75.50
12	78650 FRATES LARRY E	GFO	7	186	47.46
13	78650 FRATES LARRY E	GFO	7	186	47.46
14	100800 HATLER PAT R	GF12	9	221	42.07
15	114550 SECRETARY OF HUD	GF1	7	240	50.80
16	120750 SZABO CHRISTINE L	GFO	4	251	63.31
17	124000 RIEGLER PAMELA	GFO	4A	257	242.73
18	143150 LESSOR JOHN R	GF11	9	286	352.45
19	144300 THOMPSON WILLIAM C & JENNIFER A	GF11	3	288	303.36
20	151200 FRATES LARRY E	GF3	1	297	43.62
21	151200 FRATES LARRY E	GF3	1	297	43.62
22	162300 SET FREE CHRISTIAN FELLOWSHIP	GFO	14	317	673.19
23	171400 HORTON WALTER E II & REBECCA REAHANNE	GF4	2	333	295.40
24	186950 ARROTTA CALLIE E ETAL	GF1	11	357	1,044.06
25	195000 CARTER, DANIEL D	GFO	3	373	485.56
26	198250 BROWN, JANE N	GF1	10	377	444.45
27	215900 WALTERS ROBERT WAYNE	GF3	13	403	63.03
28	221050 US DEPARTMENT OF HOUSING & URBAN DEV	GFO	5	411	59.68
29	225650 STOCKINGER GAIL	GFO	3	420	42.06
30	238900 HUBBARD, MITCH	GFO	5	451	196.88
31	250650 CONROY JAMES A & BRENDA J	GFO	11	470	27.10
32	251450 SALES COURTNEY L	GFO	11	471	95.82
33	251650 KNUDSON DAVID K	GFO	14	471	487.53
34	253600 RICHARDSON, GAIL L	GFO	4	474	105.85
35	262850 ROCKWELL, PAUL	GF1	1	488	932.72
36	267600 SECRETARY OF HOUSING & URBAN DEVELOPMENT	GFO	3	496	151.78
37	270700 JENKS HILMA E ETAL	GFO	2	500	54.17
38	276500 SODOMKA FREDERICK J	GFO	7	510	216.99

**DRAFT**

<b>PARCEL NO.</b>	<b>PROPERTY OWNER</b>	<b>SUB DIV</b>	<b>LOT</b>	<b>BLOCK</b>	<b>ASSESSMENT AMOUNT</b>
39	284550 WENDT DONNA M	GF6	4	553	302.54
40	287050 FRAIRE REINA VELASQUEZ	GF6	9	556	81.30
41	288750 HEPPNER, RUDY C	GF6	10	558	27.58
42	309400 SECRETARY OF HOUSING & URBAN DEVELOPMENT	GF5	11	596	39.36
43	334600 SECRETARY OF HOUSING & URBAN DEVELOPMENT	GF16	5	779	12.72
44	336750 COLLINS, CHANNON	GF11	4	784	106.60
45	347150 FACCENDA, REMULDO M & ELEANOR I	GF11	8A	803	176.10
46	369800 WELLS FARGO HOME EQUITY TRUST 2005-3	BEF	8	9	215.59
47	373800 HELDT RITA F	BEF	5	12	72.30
48	429856 HIGHTOWER WILLIAM D	BEP	3	23	36.58
49	451100 SECRETARY OF HOUSING & URBAN DEVELOPMENT	BO1	23	9	33.42
50	474300 COOPER JACK SR	BOS	13	10	408.08
51	478100 KUGLIN LINDA L	BOS	11	13	72.30
52	508920 STEELE PATRICIA L	BOS	10	36	234.57
53	524500 BENNETT, HAROLD & RACHAEL	BOS	2	51	356.47
54	597300 MARNEY LAITEN G	COM	15	6	241.88
55	613300 SCOTT CALVIN B	COM			429.85
56	675518 MONTANA PRIDE BUILDERS LLC	SPC			361.85
57	740650 DOWSON JOHN D JR	EC2	8	12	26.55
58	740654 MONTANA PRIDE BUILDERS LLC	EC2	10	12	280.35
59	786200 KATZENBERGER, DILLON & KYLEEN	FAV	1	11	1,273.87
60	789200 SECRETARY OF HOUSING & URBAN DEVELOPMENT	FAV	3	13	103.95
61	796200 CHRISTOPOULOS GEORGE	FAV	13	18	305.81
62	797900 WILLIAMS, MARTY & DEBORAH	FAV	1	20	100.19
63	1007600 KOLSTAD, JAMES A	HUY	10	18	150.37
64	1040900 ULSH KIMBERLY N EETAL	LC3	17	2	213.31
65	1111900 SECRETARY OF HOUSING & URBAN DEVELOPMENT	MNT	15	15	322.94
66	1252800 KOPPY, GENE & KARRIE	PR2	81		159.19
67	1322700 STUFF WILLIAM ROBERT	NIA	43	2	200.18
68	1468400 WELLS FARGO BANK NA	NR6	27	14	289.74
69	1488120 CASTRO RICHARD M	SK7	2	3	225.04
70	1488475 TD LAND DEVELOPMENT LLC	WPK	14	2	80.40
71	1488775 BURROW C PRESTON & CAROLLE L	SKG	1	3	116.45
72	1638000 FORREST HARVEY B	ST2	3	20	609.08
73	1661100 EGAN, RICHARD D	S33	15	6	302.83
74	1747000 ALTMAN JERALD W & PAMELA A	VV1	19	4	99.09
75	1806300 BURNETT TIFFANY	WGF	7	13	55.43
76	1814800 KRAUSE, ANGELINE MARIE	WGF	15	19	368.64
77	1819700 KUBLIN JAMES J & CHARLENE A	WGF	9	22	1,167.94
78	1824400 SPRAGUE DENNIS J	WGF	4	26	71.93
79	1826500 SECRETARY OF HUD	WGF	10	27	43.63
80	1831900 MASON KEVIN D	WGF	16	33	33.00
81	1894800 BARBOUR TIMOTHY C		13	20	36.44

**DRAFT**

---

---

<b>PARCEL NO.</b>	<b>PROPERTY OWNER</b>	<b>SUB DIV</b>	<b>LOT</b>	<b>BLOCK</b>	<b>ASSESSMENT AMOUNT</b>
82	1894800 BARBOUR TIMOTHY C		13	20	36.44
83	1965800 BUCKLES, KATHLEEN A	BEE	32		97.01
84	2107800 BORDNER GREGORY HAFEN ETAL	MCL	27A		49.15
85	2174800 TYLER KEN D JR & MICHELLE M	PEA	5	1	247.74
86	2177500 MABERRY DAVID LOREN & BOBBIE RAE	PEA	20	2	84.13
87	2181650 GONSER GRANT S & AMBER L	PEA	10A	4	10.85
					<b>19,645.05</b>

---

---



## **NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that on the 7<sup>th</sup> day of September, 2010 at 7:00 p.m., the City Commission will hold a public hearing in the Commission Chambers of the Civic Center for Resolution 9895, To Levy and Assess Properties For Unpaid Utility Services on various properties in the total amount of \$19,645.05.

Any person interested or affected by the proposed charge may file a written protest or objections, containing the description of the property and the grounds for such protest or objections, with the Clerk's office, Civic Center, Room 202 prior to the time set for the hearing. Any questions may be directed to Martha Capps, Operations Supervisor, Fiscal Services, City of Great Falls at 406-455-8484 or at the Civic Center, Room 104.

BY ORDER OF THE CITY COMMISSION  
Lisa Kunz, City Clerk

OFFICE USE ONLY  
Publication August 20 and 27, 2010



**Item:** Change Order No. 1 and Final Payment – 23<sup>rd</sup> Street South Sidewalk, O. F. 1508.2

**From:** Engineering Division & Planning and Community Development Department

**Initiated By:** Public Works Department

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

**Action Requested:** Approve Change Order No. 1 and Final Pay Request

---

**Suggested Motion:**

1. Commissioner moves:

"I move the City Commission approve Change Order No. 1 in the amount of \$1,975.25 and Final Payment for the 23<sup>rd</sup> Street South Sidewalk, O. F. 1508.2, in the amount of \$2,710.74 to Electric City Concrete, LLC and \$27.38 to the State Miscellaneous Tax Fund and authorize the City Manager to make the payments."

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

---

**Staff Recommendation:** Approve Change Order No. 1 and Final Payment Request.

**Background:**

Significant Impacts

This change order involves adding an additional handicap ramp on the corner adjacent to the project. The McLaughlin Research Institute, located at 1520 23<sup>rd</sup> Street South, applied for and was awarded a Community Transportation Enhancement Program (CTEP) grant to install sidewalk along the east side of their property. This grant comes out of the allocation the City of Great Falls receives annually through the Montana Department of Transportation (MDT) CTEP program. MDT was in concurrence to award the contract to Electric City Concrete, LLC, and approved Change Order No. 1.

Workload Impacts

City Engineering Staff completed the project design and performed construction inspection and contract administration duties. City Planning & Community Development Department Staff administered the CTEP program and assisted with project administration duties.

### Purpose / Project Work Scope

Approximately 3,000 square feet of 4 and 6-inch concrete sidewalk was installed along the McLaughlin Research Institute's eastern property line adjacent to 23<sup>rd</sup> Street South. New handicap ramps were installed on the northwest and southwest corners of 23<sup>rd</sup> Street South and 16<sup>th</sup> Avenue South. These ramps are compliant with American with Disabilities Act (ADA) requirements.

### Evaluation and Selection Process

Seven bids were received and opened for this project on March 24, 2010. Electric City Concrete, LLC submitted the low bid of \$17,274.00 and the City Commission awarded the contract on April 6, 2010. Change Order No. 1 will increase the final contract value to \$19,249.25.

### Conclusion

City staff recommends approving Change Order No. 1 to Electric City Concrete, LLC in the amount of \$1,975.25 and making the Final Payments. City staff has verified that Electric City Concrete, LLC has completed all work and punch-list items in accordance with the plans and contract. The project was completed within the contract time. The two year warranty period started at the time of substantial completion which was June 9, 2010.

### **Fiscal Impact:**

The additional funding of \$1,975.25 will come from CTEP funds and a match by the Street Maintenance fund in the amount of \$265.08. CTEP funds and a match by the McLaughlin Research Institute funded the original contract work.

### **Alternatives:**

The City Commission could vote to deny Change Order No. 1 and Final Payment.

### **Attachments/Exhibits:**

1. Change Order No. 1 and Application for Final Pay is attached.  
(Not available online; on file in City Clerk's Office.)



**Item:** Change Order 1 – Bay Drive Bike/Ped Path Phase II Construction Contract

**From:** Andrew Finch, Senior Planner, Planning & Community Development

**Initiated By:** Planning & Community Development Department

**Presented By:** Mike Haynes, Planning & Community Development Director

**Action Requested:** Approve Change Order 1 to James Talcott Construction

---

**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission approve Change Order 1 to James Talcott Construction in the amount of \$15,268.04 for the Bay Drive Bike/Ped Path Phase II Project, and authorize the City Manager to execute the necessary documents.”

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

---

**Staff Recommendation:** Approve Change Order 1.

**Background:** The City Commission awarded a construction contract to James Talcott Construction on March 16, 2010, for construction of a new trail segment along Bay Drive and replacement of deteriorating asphalt trail north of Central Avenue West at the south end of West Bank Park. The project is partially funded with American Recovery and Reinvestment Act (ARRA) funds, with the majority of the remaining funds coming from the Community Transportation Enhancement Program (CTEP).

A nearby project, Bay Drive Bike/Ped Path Phase I, was fully funded with ARRA funds and is now in the process of being closed. \$15,269.04 remains unexpended in that project budget. In order to fully take advantage of the ARRA grant monies, staff recommends transferring the funds to the Phase II project and replacing additional asphalt trail.

Scope of Change

The change would authorize replacement of an additional 1,908 square feet of deteriorating asphalt trail with concrete. The additional trail would be replaced at the unit bid price of \$8/sf.

The project has also been delayed due to inclement weather and high water. As a result, and to also accommodate the additional work, the Change Order also includes a 30-day extension of contract time. The new Contract Time would be 150 days.

#### Significant Impacts

The Change Order would provide for replacement of deteriorating asphalt bicycle/pedestrian trail at the south end of West Bank Park with longer lasting concrete, reducing future maintenance costs to the City and continuing to improve both the visual appeal of West Bank Park and the functionality of River's Edge Trail.

#### Workload Impacts

There would be no additional workload impacts to city staff as a result of the Change Order.

**Concurrences:** Representatives from the Trails Working Group, Park & Recreation Department, the Montana Department of Transportation, the Federal Highway Administration and the project engineer, Thomas Dean & Hoskins, concur in the Change Order.

**Fiscal Impact:** The adjusted contract amount, as adjusted by Change Order 1, would be as follows:

Original Contract Amount: \$788,009

Change Order 1 Amount: \$15,268.04 (increase)

Final Contract Amount with Change Order 1: \$803,277.04

There would be no fiscal impact to the City of Great Falls as the Change Order would be fully funded (100%) with ARRA funds.

**Alternatives:** The City Commission could vote to deny Change Order 1. However, this will result in the loss of \$15,268.04 in ARRA funds.

**Attachments/Exhibits:** Change Order 1

Cc: Marty Basta, Park & Recreation Dept.  
John Juras, TD&H

# Change Order

No. 1

Date of Issuance: \_\_\_\_\_ Effective Date: \_\_\_\_\_

Project: Bay Drive Bike/PED Path Phase 2	Owner: City of Great Falls	Owner's Contract No.: ARRA 5299(87)
Contract: Bay Drive Bike/PED Path Phase 2.		Date of Contract :16 March 2010
Contractor: James Talcot Construction .		Engineer's Project No.: 07-149

**The Contract Documents are modified as follows upon execution of this Change Order:**

**Description**

Extend the planned trail replacement to add the segment between station 5+50 to station 7+40.85. Work will be completed at the contract unit price bid for Item 202, Sta 5+50 to 9+00 R/R Trail, which is \$8.00/SF. Detailed description of the work to be completed is in specification Section 01011, Measurement and Payment. Additional contract time of 30 days shall be added as required for the additional work and for work delays to date caused by inclement weather and high river levels.

Attachments: (List documents supporting change): None

**CHANGE IN CONTRACT PRICE:**

**CHANGE IN CONTRACT TIMES:**

Original Contract Price: \_\_\_\_\_

Original Contract Times:  Working days  Calendar days

\$ 788,009.00

Substantial completion (days or date): 120 Days

Ready for final payment (days or date): \_\_\_\_\_

[Increase] [Decrease] from previously approved Change Orders No. \_\_\_\_\_ to No. \_\_\_\_\_ :

[Increase] [Decrease] from previously approved Change Orders No. \_\_\_\_\_ to \_\_\_\_\_ :

\$ 0.00

Substantial completion (days): 0 Days

Ready for final payment (days): \_\_\_\_\_

Contract Price prior to this Change Order:

Contract times prior to this Change Order:

\$ 788,009.00

Substantial completion (days or date): 120 Days

Ready for final payment (days or date): \_\_\_\_\_

[Increase] [Decrease] of this Change Order:

[Increase] [Decrease] of this Change Order:

\$ 15,268.04

Substantial completion (days or date): 30 Days

Ready for final payment (days or date): \_\_\_\_\_

Contract Price prior to this Change Order:

Contract times prior to this Change Order:

\$ 803,277.04

Substantial completion (days or date): 150 Days

Ready for final payment (days or date): \_\_\_\_\_

RECOMMENDED:  
By: \_\_\_\_\_  
Engineer (Authorized Signature)  
Date: July 29, 2010

ACCEPTED:  
By: \_\_\_\_\_  
Owner (Authorized Signature)  
Date: \_\_\_\_\_

ACCEPTED:  
By: \_\_\_\_\_  
Contractor (Authorized Signature)  
Date: 29 JUL 10

# Change Order Instructions

---

## **A. GENERAL INFORMATION**

This document was developed to provide a uniform format for handling contract changes that affect Contract Price or Contract Times. Changes that have been initiated by a Work Change Directive must be incorporated into a subsequent Change Order if they affect Price or Times.

Changes that affect Contract Price or Contract Times should be promptly covered by a Change Order. The practice of accumulating Change Orders to reduce the administrative burden may lead to unnecessary disputes.

If Milestones have been listed in the Agreement, any effect of a Change Order thereon should be addressed.

For supplemental instructions and minor changes not involving a change in the Contract Price or Contract Times, a Field Order should be used.

## **B. COMPLETING THE CHANGE ORDER FORM**

Engineer normally initiates the form, including a description of the changes involved and attachments based upon documents and proposals submitted by Contractor, or requests from Owner, or both.

Once Engineer has completed and signed the form, all copies should be sent to Owner or Contractor for approval, depending on whether the Change Order is a true order to the Contractor or the formalization of a negotiated agreement for a previously performed change. After approval by one contracting party, all copies should be sent to the other party for approval. Engineer should make distribution of executed copies after approval by both parties.

If a change only applies to price or to times, cross out the part of the tabulation that does not apply.



**Item:** Construction Contract Award: Portage Meadows Storm Drain Extension  
4<sup>th</sup> Avenue North – 7<sup>th</sup> Avenue North - O. F. 1590

**From:** Engineering Division

**Initiated By:** Public Works Department

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

**Action Requested:** Postpone Contract Award

---

**Suggested Motion:**

1. Commissioner moves:

"I move the City Commission postpone action on the contract for the Portage Meadows Storm Drain Extension 4<sup>th</sup> Avenue North – 7<sup>th</sup> Avenue North - O. F. 1590 until the City Commission meeting on September 21, 2010."

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

---

**Staff Recommendation:** Postpone construction contract award.

**Background:**

Conclusion

Bids for the Portage Meadows Storm Drain Extension project were opened on August 4, 2010. There are concerns regarding the moist/swampy soil conditions in the affected greenbelt site where the improvements are to be constructed. The irrigation system will be turned off and monitored by the Park and Recreation Department to allow the affected soils to dry. This will make the restoration process easier, and return the grass to its preconstruction condition in a shorter period of time.

Pursuant to current Montana law, the City Commission must act on all bids at the next meeting following the bid opening. Action may be to award, reject, or postponed consideration of the bids. The contract documents allow a delay of up to 60 days in the consideration of the bids.





**Item:** Final Payment – Phase II – 7<sup>th</sup> and 8<sup>th</sup> Avenues South Water Main Replacement, O. F. 1515.1

**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 the City Commission approve Final Payment for the Phase II – 7<sup>th</sup> and 8<sup>th</sup> Avenues South Water Main Replacement, O. F. 1515.1, in the amount of \$43,110.80 to United Materials of Great Falls, Inc., and \$435.86 to the State Miscellaneous Tax Fund and authorize the City Manager to make the payments."

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

---

**Staff Recommendation:** Approve final payment request.

**Background:**

Significant Impacts

This project replaced portions of the water system located in 8<sup>th</sup> Avenue South, 7<sup>th</sup> Avenue South, 6<sup>th</sup> Avenue South, 4<sup>th</sup> Avenue South, and 2<sup>nd</sup> Avenue South. Most of these water mains were installed in the 1980's through 1990, except for the 6<sup>th</sup> Avenue South main which was installed in the 1890's and 4<sup>th</sup> Avenue South which was installed in 1903.

Citizen Participation

This project was completed in cooperation with the Department of Environmental Quality (DEQ), using Federal Stimulus Funds administered through DEQ.

Workload Impacts

City engineering staff designed the project, and performed construction inspection and contract administration duties. Utilities Division personnel operated valves, provided locates, taps, and tests for water purity. Fiscal Services worked with DEQ and financial organizations to get Federal Stimulus Funds set in place and processed payments for this project.

### Purpose

The project replaced water mains that have been failing and have damaged roadways and disrupted water service to local residences and businesses. The breaks are primarily due to corrosive soils, age, and the type of pipe material used.

### Project Work Scope

This project replaced 6,390 lineal feet of 6-, 8- and 12-inch water main, 12 fire hydrants and 209 water service connections.

The mains are located in 8<sup>th</sup> Avenue South from 4<sup>th</sup> Street to 9<sup>th</sup> Street; 7<sup>th</sup> Avenue South from 4<sup>th</sup> Street to 9<sup>th</sup> Street; 6<sup>th</sup> Avenue South from 4<sup>th</sup> Street to 5<sup>th</sup> Street; 4<sup>th</sup> Avenue South from 6<sup>th</sup> Street to 7<sup>th</sup> Street; and 2<sup>nd</sup> Avenue South from 5<sup>th</sup> Street to 7<sup>th</sup> Street.

### Evaluation and Selection Process

Four bids were received and opened for this project on September 23, 2009. The bids ranged from \$886,516.25 to \$1,170,825.00. United Materials of Great Falls, Inc. submitted the low bid.

### Conclusion

City staff has verified that United Materials has completed all work and punch list items in accordance with the plans and contract. The City can accept the project and execute the Final Payment. The project was completed within the contract time. The two year warranty period started at the time of substantial completion which was June 29, 2010.

### **Fiscal Impact:**

Replacement of these mains will save on maintenance due to man hours and resources necessary for repairs to broken water mains, streets, and surrounding property (both private and public).

The final project cost is \$842,411.00, which is \$44,105.25 under the amount awarded and approved. There are a few factors which contributed to the lower final contract amount such as the lack of copper service replacement, lack of import backfill material used, and very little miscellaneous work.

The American Recovery and Reinvestment Act (ARRA) provided Federal Stimulus funds to State agencies. These funds, which are administered by the Drinking Water State Revolving Fund (DWSRF), provided \$52,810.53 for this project. The remaining balance, \$789,600.47, was paid for with funds received through a loan the City currently has with the DWSRF.

### **Alternatives:**

The City Commission could vote to deny final payment.

### **Attachments/Exhibits:**

1. Application for Final Payment is attached. (Not available online; on file in City Clerk's Office.)



**Item:** Final Payment – 4<sup>th</sup> Avenue South Street Reconstruction, O. F. 1573.8

**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 the City Commission approve Final Payment for the 4<sup>th</sup> Avenue South Street Reconstruction, O. F. 1573.8 in the amount of \$35,732.15 to United Materials of Great Falls, Inc., and \$360.93 to the State Miscellaneous Tax Fund and authorize the City Manager to make the payments.”

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

---

**Staff Recommendation:** Approve final payment request.

**Background:**

Significant Impacts

This project reconstructed the roadway section on 4<sup>th</sup> Avenue South from 6<sup>th</sup> Street to 7<sup>th</sup> Street.

Workload Impacts

City engineering staff designed the project and performed construction inspection and contract administration duties.

Purpose

This block of street had begun to deteriorate due to settlement and traffic load. This deterioration had caused the asphalt to rut and develop potholes that degraded the rideability for vehicles and limited the ability of storm water to drain off the streets. This project replaced the existing road section and reinforced it with a geogrid along with a thicker base course. The new road section will better withstand traffic loads and limit settlement caused by poor subbase conditions.

### Project Work Scope

Approximately 1,250 square yards of asphalt was removed and replaced, along with 720 linear feet of curb and gutter. Geogrid fabric was installed in the new road section under 12-inches of gravel road base.

### Evaluation and Selection Process

Four bids were received and opened for this project on May 5, 2010. United Materials of Great Falls, Inc. submitted the low bid of \$68,400.00. The City Commission awarded the contract to United Materials on May 18, 2010.

### Conclusion

City staff has verified that United Materials has completed all work and punch list items in accordance with the plans and contract. The City can accept the project and execute the Final Payment. The project was completed within the contract time with substantial completion being achieved July 15, 2010.

### **Fiscal Impact:**

The final cost of the project is \$64,655.68 which is \$3,744.52 less than the original contract. The majority of this difference came from a pay deduction of \$2,424.60 due to curb and gutter that was installed out of specifications. Fewer areas of unsuitable subbase were also discovered requiring less replacement than initially estimated, which lowered the cost of the project. Funding for this project came from the Street Maintenance Fund.

### **Alternatives:**

The City Commission could vote to deny the Final Payment

### **Attachments/Exhibits:**

1. Application for Final Payment is attached. (Not available online; on file in City Clerk's Office.)



**Item:** Contract Planting for Right of Way Trees  
**From:** Park & Recreation Department  
**Prepared By:** Todd Seymanski, City Forester  
**Presented By:** Marty Basta, Park & Recreation Director  
**Action Requested:** Consider Bids and Award Contract

---

**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission award/deny a contract in the amount of \$152,940 to Forde Nursery, Inc. for the Contract Planting for Right of Way Trees project and authorize the City Manager to execute the agreements.”

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

---

**Staff Recommendation:** Staff recommends that the City Commission approve the Contract Planting for Right of Way Trees.

**Background:**

The Park & Recreation Department solicited bids to plant 780 right of way trees to replace Green Ash trees killed by frost in April of 2008. The “Advertisement for Bids” was published in the Great Falls Tribune on July 18 and 25, 2010. The bid opening was scheduled for August 4, 2010. Four bids were received. Forde Nursery, Inc. was the low bidder.

The referenced trees were part of the Forestry Division’s inventory, and therefore are covered by the City of Great Falls property insurance. The insurance will pay for removal, disposal and replacement of the Green Ash trees.

**Fiscal Impact:**

The attached bid tabulation summarizes bids that were received. This project will be funded through the City of Great Falls Property Insurance Carrier.

**Alternatives:**

The City Commission could vote to deny award of the contract.

**Attachments/Exhibits:**

1. Bid tabulation





**Item:** Elk's Riverside Tennis Courts  
**From:** Park & Recreation Department  
**Presented By:** Marty Basta, Park & Recreation Director  
**Action Requested:** Postpone Bid Award

---

**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission postpone the bid award for the renovation of the Elk's Riverside tennis courts.”

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

---

**Staff Recommendation:**

Staff recommends that the City Commission postpone the bid award for the renovation of the Elk's Riverside tennis courts.”

**Background:**

A request for bids for the renovation of the Elk's Riverside tennis courts was advertised two times in the Great Falls Tribune. Plans and specifications were provided to five prospective bidders and provided to two plan exchanges. An addendum was created by the consultant retained for the project, L'Heureux Page Werner, to clarify some details of the post-tensioned concrete process. Bids were opened on August 4, 2010 with three bids received. The low bid of \$286,298 received by Tennis & Track Co. exceeds the available funding \$247,020 for the project leaving a cash shortfall of \$39,278.

Staff is requesting additional time to explore additional funding options for the project with the Great Falls Tennis Association.

**Fiscal Impact:**

The attached bid tabulation summarizes the bids that were received. Funding for the project was provided for by the Park Trust fund \$150,000 and the Great Falls School District \$150,000 based on an estimate provided by the Great Falls Tennis Association which included \$50,000 to resurface the CMR tennis courts and \$250,000 for the renovation of the Elk's Riverside tennis courts. Expenses to date include \$36,750 to resurface the CMR tennis courts and \$16,230 in

consultant fees leaving an available balance for the project of \$247,020, \$39,278 short of the lowest bid price.

**Alternatives:**

The City Commission could deny the request to postpone the bid award and reject the bids for the Elk's Riverside tennis courts.

**Attachments/Exhibits:**

1. Bid tabulation



CITY OF GREAT FALLS  
 PO BOX 5021  
 GREAT FALLS MT 59403

ELK'S RIVERSIDE PARK TENNIS COURTS

Project Number  
 Bids Taken at Civic Center  
 Date: August 4, 2010  
 Tabulated By: Kelly Audet  
 Page 1 of 1

NAME & ADDRESS OF BIDDER	United Materials PO Box 1690 Great Falls MT 59403	Renner Sports Surfaces 775 Cansoa Street Denver CO 80204	Tennis & Track Co. PO Box 651477 Salt Lake City UT 84165		
Bid Security	BB 10%	BB 10%	BB 10%		
Cert. of Compliance w/Ins. Requirements	√	√	√		
Cert. of Non-Segregated Facilities	√	√	√		
Affidavit of Non-Collusion	√	√	√		
Certified Tennis Court Builder Certificate	√	√	√		
Post Tensioning Institute Certificate	Just received a letter speaking to the Certificate	√	√		
Acknowledge Addendum #1	√	√	√		
Schedule of Items "A"	\$365,900.00	\$289,900.00	\$286,298.00		
Schedule of Items "B"	\$467,150.00	\$409,170.00	\$401,946.00		