



Item: Ordinance 3148, “AN ORDINANCE AMENDING THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF), AMENDING TITLE 1, CHAPTER 4, PERTAINING TO THE OCCGF GENERAL PENALTY PROVISION.”

From: Sara Sexe, City Attorney

Initiated By: Kathy Mora, Director, Great Falls Public Library

Presented By: Sara Sexe, City Attorney

Action Requested: Accept Ordinance 3148 on first reading and set public hearing for February 7, 2017.

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (accept/ not accept) Ordinance 3148 on first reading and set the public hearing for February 7, 2017.”

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

Background/Recommendation:

Recently, there has been an increase in the number of individuals behaving in a disorderly or abusive manner at the Great Falls Public Library. This behavior has included an assault on library staff. City staff began work on an ordinance change to address these issues, and expanded it to apply to all public facilities. The City of Great Falls has a public duty to protect residents from this type of behavior particularly on Great Falls owned public property.

In order for the City to fulfill its duty to protect residents, employees, and others, this ordinance was drafted to allow the City to ban individuals from City public property for a period not to exceed one year when individuals are disorderly or abusive. This provides a mechanism, by which, staff can maintain public order and safety, while still providing public accommodations and services like the Great Falls Public Library.

Fiscal Impact: None

Staff Recommendation: City staff recommends the Commission vote to accept Ordinance 3148 on first reading and set the public hearing for February 7, 2017.

Alternatives:

1. The Commission could maintain the current version of OCCGF pertaining to the General penalty provision OCCGF §1.4.070. However, staff does not recommend this alternative; or
2. The Commission could suggest revisions of the proposed code revision, which would be considered for input.

Attachments/Exhibits:

Ordinance 3148 & Exhibit A

ORDINANCE 3148

**AN ORDINANCE AMENDING TITLE 1, CHAPTER 4, SECTION 070 OF
THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF),
PERTAINING TO THE GENERAL PENALTY PROVISION**

WHEREAS, the governing body of an incorporated city may adopt code violation penalty provisions; and

WHEREAS, the City Commission adopted Ordinances 1902 and 2642 in 1976 and 1993 establishing a general penalty provision OCCGF §1.4.070; and

WHEREAS, the City Commission wishes to amend OCCGF §1.4.070 to allow for violators to be banned from entering or remaining upon City property for a period not to exceed one year.

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

Section 1. Title 1, Chapter 4, Section 070, of the OCCGF, pertaining to the General Penalty provision shall be amended as depicted in Exhibit "A" attached hereto, which adds any language which is **bolded**; and

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 January 17, 2017.

ADOPTED by the City Commission of the City of Great Falls, Montana on second reading February 7, 2017.

Bob Kelly, Mayor

ATTEST:

Lisa Kunz, City Clerk

(CITY SEAL)

APPROVED FOR LEGAL CONTENT:

Sara R. Sexe, City Attorney

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

I, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do certify that I did post as required by law and as prescribed and directed by the Commission, Ordinance 3148 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 Courthouse;
On the Bulletin Board, Great Falls Public Library

Lisa Kunz, City Clerk

(CITY SEAL)

Exhibit "A"

Title 1 - GENERAL PROVISIONS

Chapter 4 GENERAL PROVISIONS

Chapter 4 GENERAL PROVISIONS

Sections:

1.4.070 General penalty.

1.4.070 General penalty.

A. Except as otherwise specified, any person convicted of a violation of any section of this Code shall be fined a sum not to exceed five hundred dollars (\$500.00) or incarcerated for a period not to exceed six (6) months, or both.

(Ord. 2642 § (part), 1993; Ord. 1902 §2(part), 1976).

B. Any person convicted of a violation of any section of this Code, where any duty is prescribed or obligation imposed, shall be deemed guilty of a misdemeanor. A separate offense shall be deemed committed upon each day such duty or obligation remains unperformed or such act continues, unless otherwise specifically provided in this Code.

(Ord. 2642 § (part), 1993; Ord. 1902 §2(part), 1976).

C. Any person convicted of a violation of this Code, the Montana Code Annotated, or is determined by the City Manager, or his designee, to be behaving in a disorderly or abusive manner, on the property of the City of Great Falls may be banned from entering, or remaining upon, said property for a period not to exceed one year.

(Ord. 3148, 2017; Ord. 2642 § (part), 1993; Ord. 1902 §2(part), 1976; Ord. 3148, 2-7-2017).