



**City Commission Agenda**  
**Civic Center 2 Park Drive South, Great Falls, MT**  
**Commission Chambers Room 206**  
**June 6, 2017**

**CALL TO ORDER 7:00 p.m.**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**AGENDA APPROVAL**

**PROCLAMATIONS**

Men's Health Month  
National Senior Health & Fitness Day

**SWEARING IN**

Neighborhood Council 7 Representative - Troy D. Lane

**PRESENTATION**

Welcome to Great Falls - Delegates of the Country of Ukraine.

**PETITIONS AND COMMUNICATIONS**

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

1. Miscellaneous reports and announcements.

**NEIGHBORHOOD COUNCILS**

2. Miscellaneous reports and announcements from Neighborhood Councils.

**BOARDS AND COMMISSIONS**

3. Miscellaneous reports and announcements from Boards and Commissions.
4. Appointment, Golf Advisory Board
5. Appointment, Housing Authority Board of Commissioners

**CITY MANAGER**

6. Miscellaneous reports and announcements from the City Manager.

## CONSENT AGENDA

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

7. Minutes, May 16, 2017, City Commission Meeting.
8. Total Expenditures of \$5,370,431 for the period of April 29, 2017 through May 24, 2017, to include claims over \$5,000, in the amount of \$4,913,984.
9. Contracts list.
10. Grants list.
11. Approve change Order 1 in the amount of \$80,000.00 to Phillips Construction LLC. for the 18th Street Storm Drain Improvements Phase 2A – 1st Alley South to 4th Avenue and authorize the City Manager to execute the agreements.

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

## PUBLIC HEARINGS

12. Res. 10174, 10175, 10176, 10177, 10178, and 10179 to allow the phased annexation of 60 "self help" constructed homes within Thaniel Addition. Action: Conduct public hearing and adopt or deny each Resolution (10174 through 10179). ***(Presented by Craig Raymond)***
13. Res. 10191 Intent to Create City of Great Falls Park District Number 1. Action: Conduct public hearing and adopt or deny Res. 10191. ***(Presented by Patty Rearden)***

## OLD BUSINESS

14. 2017/2018 HUD Annual Action Plan. Action: Adopt or not adopt the 2017/2018 Annual Action Plan detailing the use of the 2017/2018 Community Development Block Grant funds and 2017/2018 HOME Program funds as recommended, and authorize or not authorize the submittal to the U.S. Department of Housing and Urban Development (HUD). ***(Presented by Craig Raymond)***

## NEW BUSINESS

## ORDINANCES/RESOLUTIONS

15. Ord. 3160, An Ordinance repealing and replacing Title 6 of the Official Code of the City of Great Falls (OCCGF) pertaining to animals. Action: accept or not accept Ordinance 3160 on first reading and set the public hearing for June 20, 2017. ***(Presented by Joseph Cik)***

## CITY COMMISSION

16. Miscellaneous reports and announcements from the City Commission.
17. Legislative Initiatives.
18. Commission Initiatives.

## ADJOURNMENT

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



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**Item:** Appointment, Golf Advisory Board  
**From:** City Manager's Office  
**Initiated By:** City Commission  
**Presented By:** City Commission  
**Action Requested:** Appoint one member to the Golf Advisory Board as the Men's Association Representative.

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**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission appoint \_\_\_\_\_ as the Men's Association Representative on the Golf Advisory Board for a three-year term beginning June 6, 2017 through March 31, 2020.”

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

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**Staff Recommendation:**

It is recommended that the City Commission appoint one member as the Men's Association representative to the Golf Advisory Board.

**Summary:**

The term of Kelly Gilligan expired on March 31, 2017. Mr. Gilligan has served on the Board since April 2014 is not seeking reappointment. A notice of the opening was sent to the local media and posted on the City's website. Four applications were received.

Purpose

The Golf Advisory Board is comprised of five members with representation from the City Men's Golf Association, City Women's Golf Association, Malmstrom Golf Association, and two non-league golfers. The Board advises the City Commission regarding the operation of municipal golf courses. Members must reside within the City limits.

Evaluation and Selection Process

Advertising was done through the local media and on the City of Great Falls Website.

Continuing members of this board are:

Jackie Lohman –Women's Association 4/1/16 – 3/31/19  
Lori Muzzona–Malmstrom 3/4/14 – 3/31/20  
Mark Johnson – Non-league 10/1/13 – 3/31/20  
Roy Aafedt – Non-league 4/7/16 – 3/31/19

Citizens interested in serving on this board are:

Roger Curtiss  
Don Ryan

Keern Haslem  
Dave Nordel

**Concurrences:**

At its May 22, 2017, meeting, the Golf Advisory Board recommended the appointment of Roger Curtiss.

ATTACHMENTS:

- Applications for Golf Advisory Board



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


RECEIVED

APR 26 2017

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

CITY MANAGER

Board/Commission Applying For: <b>GOLF ADVISORY BOARD</b>		Date of Application: <b>4-24-17</b>
Name: <b>ROGER A. CURTISS</b>		
Home Address: <b>1600 2<sup>ND</sup> AVE S.</b>		Email address: <b>rac1@brenan</b>
Home Phone: <b>406-453-1549</b>	Work Phone: <b>N/A</b>	Cell Phone: <b>406-868-3446</b>
Occupation: <b>RETIRED CEO</b>	Employer: <b>N/A RETIRED</b>	
Would your work schedule conflict with meeting dates? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> (If yes, please explain)		
Related experiences or background: <b>PLEASE SEE COVER LETTER AND RESUME</b>		
Educational Background: <b>PLEASE SEE RESUME</b>		
<b>IF NECESSARY, ATTACH A SEPARATE SHEET FOR YOUR ANSWERS TO THE FOLLOWING:</b>		
Previous and current service activities: <b>PLEASE SEE ATTACHED</b>		
Previous and current public experience (elective or appointive): <b>PLEASE SEE ATTACHED</b>		
Membership in other community organizations: <b>PLEASE SEE ATTACHED</b>		

Have you ever worked for or are you currently working for the City of Great Falls? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, where and when?	
Do you have any relatives working or serving in any official capacity for the City of Great Falls? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, who, which department, and relationship?	
Have you ever served on a City or County board? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If yes, what board and when did you serve? <i>NEIGHBORHOOD COUNCIL #9 2002-2003</i>	
Are you currently serving on a Board? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, which board?	
Please describe your interest in serving on this board/commission? <i>Please see attached cover letter and resume</i>	
Please describe your experience and/or background which you believe qualifies you for service on this board/commission? <i>Please see attached cover letter and resume</i>	
Additional comments: <i>I look forward to any questions the commissioners may have. Thank you</i>	
Signature 	Date: <i>4-24-17</i>

If you are not selected for the current opening, your application may be kept active for up to one year by contacting the City Manager's office. Should a board/commission vacancy occur within 30 days from the last City Commission appointment, a replacement member may be selected from citizen interest forms submitted from the last advertisement. For more information, contact the City Manager's office at 455-8450.

**Return this form to:**  
City Manager's Office  
P.O. Box 5021  
Great Falls, MT 59403

Fax:  
(406) 727-0005

Email:  
kartis@greatfallsmt.net

Great Falls City Commissioners

April 24, 2017

P.O. Box 5021

Great Falls, MT 59403

RE: Golf Advisory Board Position

Mr. Mayor and City Commissioners;

Recently, it was brought to my attention that a member of the Golf Advisory Board has term limited out of that position and I am interested in joining that Board.

It is my intention in this cover letter to outline the reasons I would be the outstanding candidate for the Golf Advisory Board and answer questions from the Board and Citizens Interest Form.

My resume is attached to further answer any questions that you may have concerning my past participation on boards and committees, as well as personal skills that I would bring to a board.


Over the years, since moving to Great Falls in 2001 and I retiring in 2008, I have become a very active user of our municipal golf courses, to the tune of over 175 rounds some years. During that time, I joined and became very active with three different leagues and have met many new friends and playing partners. During all these opportunities, I have also met many staff members and became very familiar with our very qualified golf course superintendents, while playing both summer and winter golf.

Over the last year, I have attended Great Falls City Commission meetings, Great Falls City Master Plan meetings, Park and Recreation Foundation Board meetings and I have attended several Golf Advisory Board meetings. It was during these meeting and listening to the great opportunities our recreation department and the City of Great Falls has to offer its citizens, that I was convinced I would like to become involved with the Golf Advisory Board and its future for the golfers and citizens of Great Falls.

Let me point out here, that I DO NOT have a particular agenda, except that my priority would be to work hard to facilitate, promote and support the very best facilities and access for recreational golfers, young and old, as well as for future golfers, and for those interested in a great golf outing.

I have attempted to answer the questions from the Citizens Interest Form and I thank you for your consideration for me to become a member of the Great Falls Golf Advisory Board.

Sincerely,

  
[Redacted Signature]

1600 2<sup>nd</sup> Avenue S.

Great Falls, MT 59405

406-453-1549/rac1@bresnan.net

# ROGER A. CURTISS

1600 2<sup>nd</sup> Avenue South  
Great Falls, MT 59405

Cell-406-868-3446

Home 406-453-1549  
rac1@bresnan.net

## POSITION OBJECTIVES

Provide the management and leadership that will enhance the effectiveness, efficiency and credibility of an addiction focused organization and its mission and goals.

## PROFESSIONAL EXPERIENCE

### **CHIEF EXECUTIVE OFFICER**

Walker Center  
605 11<sup>th</sup> Ave. East  
Gooding, Idaho 83330  
208-934-8461

*Oct 2007 – Dec 2008  
Retired*

### **CLINICAL MANAGER**

Gateway Community Services  
401 Third Avenue South  
Great Falls, MT 59401  
406-727-2512

*Mar 2005 – Oct 2007*

### **EXECUTIVE DIRECTOR**

Alcohol & Drug Services  
118 East 7<sup>th</sup> Street, 2E  
Anaconda, MT 59711  
406-563-6601

*Sep 2002 – Mar 2005*

### **EXECUTIVE DIRECTOR**

Rocky Mountain Treatment Center  
920 Fourth Avenue North  
Great Falls, Montana 59401  
406-727-8832

*Jun 2001 – Jul 2002*

### **EXECUTIVE DIRECTOR**

Alcohol & Drug Services of Gallatin County  
502 So. 19<sup>th</sup> Suite 302  
Bozeman, Montana 59718  
406-586-5493

*Jul 1996 – Sep 2001*

### **DIRECTOR**

Powder River Chemical Dependency, Inc.  
Gillette, Wyoming 82717  
307-686-1189

*May 1991 – Jun 1996*

### **LEAD COUNSELOR**

Blue Bay Healing Center  
The Confederated Salish and Kootenai Tribes  
Ronan, Montana 59864  
406-982-3308

*Jan 1991 – May 1991*

### **DIRECTOR OF TREATMENT/MARKETING PROGRAM MANAGER**

**INPATIENT COUNSELOR I and II**  
Northern Montana Chemical Dependency, Inc.  
Havre, Montana 59501-0750  
406-265-9665

*Jul 1989 – Dec 1990  
Aug 1987 – Dec 1989  
Apr 1986 – Aug 1987*



**DIRECT SERVICE COORDINATOR  
COUNSELOR I & II**

Chemical Dependency Services, Inc.  
Miles City, Montana 59301  
406-232-6542

*Aug 1984 – Apr 1986  
Mar 1982 – Aug 1984*

**ALCOHOL AND DRUG COUNSELOR  
RECOVERY HOUSE MANAGER**

Butte Indian Alcoholism Program  
Butte, Montana 59701  
406-782-0461

*Aug 1981 – Mar 1982  
Dec 1979 – Aug 1981*

**EDUCATION/LEADERSHIP/MANAGEMENT**

United States Senate, 2006 Senators' National Town Hall on Meth Awareness and Prevention  
University of Nevada, Reno, The National Council of Juvenile & Family Court Judges  
Montana Community Incentive Program Facilitator Training  
Western Governors Association (WGA) Drug Policy Sum  
Disney Leadership Institute  
World Wide Lessons on Leadership  
NAADAC Leadership Institute  
Rapport Leadership Institute  
Fruehauf Trailer Corporation, Advanced Management Training  
Western Auto Management School  
R.H. Macy's Executive Training Program  
Eastern Montana College (Montana State Billings)  
Miles Community College  
Georgetown University Medical Center (1995 & 1998)  
Management Training, Leadership of the 90's, Northern Mt Hospital, Inc.

Washington, D.C.

Reno, NV  
Helena, MT  
NE/CO/ID  
Billings, MT  
Helena, MT  
Orlando, FL  
Sheridan, WY  
Scottsdale, AZ  
Stockton, CA  
Newark, NJ  
Billings, MT  
Miles City, MT  
Washington, D.C.  
Havre, MT

**AFFILIATIONS/MEMBERSHIPS**

Secretary, NAADAC, The Association for Addiction Professionals 2010-2012  
Member, Advisory Board, Idaho Meth Project, Boise, ID 2008  
Participant, Joint Commission Strategic Peer Group, Oakbrook Terrace, IL 2008  
Member, Regional Advisory Committee, Region 4, Dept of Health, Idaho 2007 – 2008  
Committee Chair, NAADAC Membership Committee 2008 - Present  
Committee Chair, NAADAC Leadership Retention Committee 2006 - Present  
Committee Member, NAADAC Political Action Ad Hoc Committee 2006 - Present  
Past President, NAADAC, The Association for Addiction Professionals 2004 – 2006  
President, NAADAC, The Association for Addiction Professionals 2002 – 2004  
Chairperson, NAADAC Personnel Committee 2002 – 2004  
Chairperson, NAADAC Finance Committee 2002 – 2004  
Chairperson, NAADAC Leadership Committee 2002 – 2004  
President Elect, NAADAC, The Association for Addiction Professionals 2002 – 2002  
Treasurer, NAADAC, The Association for Addiction Professionals 1998 – 2002  
Northwest Regional Vice President, NAADAC, The National Association for Alcoholism & Drug Counselors 1995 – 1998

Member, NAADAC, The Association for Addiction Professionals	1991-Present
Member, MAADAC, Montana Association of Alcoholism & Drug Abuse Counselors	1995 – Present
Member, MADD, Mothers Against Drunk Drivers	2003 – 2006
Participant, National Medical Leaders, Washington, DC	2004
Participant, Train the Trainer, Co-Occurring Disorders, Helena, MT	2004
Contributor, Alcohol and Drug Abuse Weekly, Manisses Group	2002 – 2004
Columnist, The Addiction Professional Magazine, Manisses Group	2002 – 2009
Contributor, The Prevention Connection Newsletter (Parity)	2003
Member, Neighborhood Council #9, Great Falls, MT	2002 – 2003
Member, Mental Health Local Advisory Board, Gallatin County, MT	2000 – 2001
Director, Montana/Big Sky All-American Soap Box Derby, Bozeman, MT	2001
Board Trustee, CARF, The Rehabilitation Accreditation Commission	96/98 - 02/03
Notary Public, State of Montana	1997 – 2001
Member, Montana Addictions Service Providers (MASP)	1996 – 2007
Licensed Addiction Counselor (LAC) State of Montana (#161)	1983 – Present
Certified Addiction Specialist III, State of Wyoming	1991 – 1997
National Certified Addiction Counselor (NCACII) (#011005)	1996 – Present
President, Wyoming Substance Abuse Directors Association	1995 – 1996
Member, Wyoming Corrections Association	1992 – 1996
Member, Department of Health, Behavioral Health Advisory Council, WY	1994 – 1996
Board Member, Wyoming Association of Addiction Specialists (CAS III)	1992 – 1996
Board Member, Campbell County Corrections Board, Gillette, WY	1994 – 1996
Member, Hill County 4Year County Plan Task Force, Havre, MT	1991
Speaker, 26 <sup>th</sup> Annual Illinois Spring Roundup, Bloomington, IL (A.A.)	1989
Member, The Red Ribbon Committee of Montana, Great Falls, MT	1989
Member, Hill County AIDS Task Force, Havre, MT	1989
Member, Health & Wellness Committee, Northern MT Hospital, Havre MT	1989
Member, Havre H.E.L.P. Program, Havre, MT	1987 – 1990
Vice President, Havre H.E.L.P. Program, Havre, MT	1989 – 1990
Session Leader, Guest Relations Program, Northern MT Hospital, Havre MT	1987 – 1988
Member, Child Protection Team, Miles City, MT	1985 – 1986
Trainer of Trainer, Office of Public Instruction, State of Montana	1983 – 1984
Member, Kiwanis, Miles City, MT, Gillette, WY & Bozeman, MT	1983 – 2001
Guest Lecturer, Montana United Indian Association Highway Construction	1982
Native American Training Program, Twin Bridges, MT.	1982
Member, ADAD Training Task Force, Helena, MT	1982
Director, Humane Society Educational Programs, Butte, MT	1981 – 1982
Board Member, AREA II, Employment and Training Advisory Council, MT	1980 – 1984
Participant, World of Work, CETA/CEP, Job Service, Butte, MT	1980
Volunteer, Native American Youth Group & Dance Group, BIAP, Butte	1980 – 1982
Advocate, Displaced Homemakers, Christian Community Center, Butte, MT	1980 – 1981
Lecturer, CETA/CEP Program, Job Service, Butte, MT	1980 – 1981
Certified Energy Auditor, Butte – Silver Bow Government, Butte, MT	1980 – 1981

**AWARDS/CERTIFICATES**

“NAADAC, Honorary Lifetime Achievement Member, Alexandria, VA	2012
“NAADAC’s Outstanding Leader Award”, Helena, MT	2010
“In Recognition and Appreciation for Your Service to the State of Idaho”, Office of Drug Policy, Boise, ID	2009
“In Honor of Your Accomplishment”, Counselors Delegation to South Africa, People to People Ambassador Programs	2005
“Certificate of Recognition”, Co-Occurring Change Agent, DPHHS	2004
“Grateful Acknowledgement”, Katrina Relief	2004
“Businessman of the Year Award Winner”, NRCC Business Council	2004
“Certificate of Merit”, Participation and Support of TAAP Conference	2003
“Presidents Award, ICAADA (Indiana)	2003
“2004 Ronald Reagan Republican Gold Medal”, NRCC	2003
"In Admiration", Gallatin Valley Communities That Care Coalition	2002
"Certificate of Merit", SPECTRUM XXX, Houston Chapter of NAADAC	2001
“Appreciation Award”, All-American Soap Box Derby, Akron, OH	2000
"Certificate of Proficiency", WE CARD National Training	2000
“Certificate of Appreciation”, Detention Center Evaluation Committee, Gallatin County Commissioners	2000
“Breadwinner Award”, Wheat Montana Farms, Three Forks, MT	1999
“Founder Award” Gallatin County Drug Treatment Court, Bozeman, MT	1999
“President’s Award”, Montana Association of Alcohol and Drug Abuse Counselors (MAADAC)	1998
“Advancement of the Substance Abuse Profession Award”, Montana Association of Alcohol & Drug Abuse Counselors (MAADAC)	1997
“Appreciation Award”, Mental Health Services of Gallatin County	1996
“Appreciation Award”, Wyoming Association of Addiction Specialist	1996
"1996 Senior Showcase Academy Award Winner", TV Series for Senior’s	1992
"Certificate of Great Achievement", Syner-Ki Goal Setting, Gillette, WY	1992
“Boss of The Year” Professional Secretaries International, Gillette, WY	1992
“Substance Abuse Director of the Year”, Wyoming Association of Addiction Specialist and the Substance Abuse Directors Association	1992
"Certificate of Appreciation" F.I.P.S. E. Grant, Northern Montana College	1987
“Certificate of Award” Honorary Member Cowboy/Cowgirl Coaching Staff	1983
"Certificate of Recognition" Indian Health Service, Butte, MT	1983

**PROJECTS**

South Africa People to People Program (Leader)	2003
Neighborhood Council # 9 (Member) (Great Falls)	2002
Cascade County Detention Center Safety Committee (Member)	2001 – 2002
1 <sup>st</sup> Annual Montana/Big Sky All-American Soap Box Derby (Director)	2001 – 2002
Gallatin County Drug Treatment Court (Founder)	1997 – 2001
Gallatin Valley Communities That Care Coalition (Lead Agency)	1998 – 2001
Community Incentive Program (CIP) Grant (Recipient)	1998 – 2001
Gallatin County Detention Center Project Team (Member)	2000 – 2001
Gallatin County Detention Center Evaluation Committee (Member)	1999 – 2000
Founder/President/Coach, Miles City Soccer Association, Miles City, MT	1984 – 1985
Coach, Boys 5 <sup>th</sup> & 6 <sup>th</sup> Grade Basketball, Miles City, MT	1986
Coach, Girls 5 <sup>th</sup> & 6 <sup>th</sup> Grade Basketball, Miles City, MT	1984 – 1985
Coach, Boys 6 <sup>th</sup> Grade Basketball, Havre, MT	1987
Coach, Girls Softball, Havre, MT	1998



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


RECEIVED

MAY 1 2017

CITY MANAGER

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

Board/Commission Applying For: <i>Golf Advisory Board</i>		Date of Application: <i>5/1/2017</i>	
Name: <i>Don Ryan</i>			
Home Address: <i>2101 7th Ave South</i>		Email address: <i>senator-donryw@msn.com</i>	
Home Phone: <i>761-3261</i>	Work Phone:	Cell Phone: <i>231-4049</i>	
Occupation: <i>Retired</i>		Employer:	
Would your work schedule conflict with meeting dates? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> (If yes, please explain)			
Related experiences or background: <i>Golfer Course Volunteer</i>			
Educational Background: <i>B.A. Education U.M</i>			
<b>IF NECESSARY, ATTACH A SEPARATE SHEET FOR YOUR ANSWERS TO THE FOLLOWING:</b>			
Previous and current service activities:			
Previous and current public experience (elective or appointive): <i>Great Falls Public School Board, Montana legislature</i>			
Membership in other community organizations: <i>Lifetime Member Eagle Falls Men's Golf Association</i>			

Have you ever worked for or are you currently working for the City of Great Falls? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If yes, where and when? <i>Eagle Falls Golf Course 2014 (4 months)</i>	
Do you have any relatives working or serving in any official capacity for the City of Great Falls? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, who, which department, and relationship?	
Have you ever served on a City or County board? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, what board and when did you serve?	
Are you currently serving on a Board? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If yes, which board? <i>JFPS trustee</i>	
Please describe your interest in serving on this board/commission?  <i>I want to explore ways to improve our courses.</i>	
Please describe your experience and/or background which you believe qualifies you for service on this board/commission? <i>I have experience and background of serving as a public representative to governmental entities and understand the responsibility</i>	
Additional comments: <i>I have been asked by the Eagle Falls Men's Association if I would serve as their member on the Golf Advisory Board</i>	
Signature 	Date: <i>5/1/17</i>

If you are not selected for the current opening, your application may be kept active for up to one year by contacting the City Manager's office. Should a board/commission vacancy occur within 30 days from the last City Commission appointment, a replacement member may be selected from citizen interest forms submitted from the last advertisement. For more information, contact the City Manager's office at 455-8450.

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BOARDS AND COMMISSIONS  
CITIZEN INTEREST FORM  
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APR 17 2017

CITY MANAGER

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

Board/Commission Applying For: <i>Golf Advisory Board</i>		Date of Application: <i>4/17/17</i>	
Name: <i>Keern Haslem</i>			
Home Address: <i>3803 Poker Flats Rd</i>		Email address: <i>keernz@live.com</i>	
Home Phone: <i>(916)798-4479</i>	Work Phone: <i>(406)727-8255</i>	Cell Phone: <i>(916)798-4479</i>	
Occupation: <i>Project Coordinator</i>		Employer: <i>Paris Gibson Square</i>	
Would your work schedule conflict with meeting dates?		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> (If yes, please explain)	
Related experiences or background: <i>Twenty-four years experience as a golfer. Author of two golf books. Past employee at four courses.</i>			
Educational Background: <i>Bachelors in Sociology from UGF credits towards Masters from Concordia College of New York</i>			
IF NECESSARY, ATTACH A SEPARATE SHEET FOR YOUR ANSWERS TO THE FOLLOWING:			
Previous and current service activities: <i>Former Board Chair Mansfield events advisory board. Currently treasurer of Mansfield Theater Foundation and President KGR Board.</i>			
Previous and current public experience (elective or appointive): <i>Please see above.</i>			
Membership in other community organizations:			

Have you ever worked for or are you currently working for the City of Great Falls? Yes  No  If yes, where and when? *Mansfield theater and Convention center events ON-call from August 2010 to present plus city courses 2012-2015*

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

Have you ever served on a City or County board? Yes  No  If yes, what board and when did you serve? *Mansfield events advisory Board 2012-2016*

Are you currently serving on a Board? Yes  No  If yes, which board? *Mansfield Theatre Foundation and K&PR board*

Please describe your interest in serving on this board/commission?  
*As a long time competitor and lover of the game of golf I take great interest in it's ongoing success.*

Please describe your experience and/or background which you believe qualifies you for service on this board/commission?  
*Experience in a wide range of golf competitions, and with golfers around the world (through my author ship connections) as well as local ties.*

Additional comments:

Signature		Date:	<i>4/17/17</i>
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If you are not selected for the current opening, your application may be kept active for up to one year by contacting the City Manager's office. Should a board/commission vacancy occur within 30 days from the last City Commission appointment, a replacement member may be selected from citizen interest forms submitted from the last advertisement. For more information, contact the City Manager's office at 455-8450.

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BOARDS AND COMMISSIONS  
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MAY 11 2017

CITY MANAGER

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

Board/Commission Applying For: Golf board		Date of Application: 11 May 2017	
Name: Dave Nordel			
Home Address: 908 Northview Ave 59404		Email address: dnordel30@gmail.com	
Home Phone: 406-403-3620	Work Phone: 406-403-3620	Cell Phone: 406-403-3620	
Occupation: Emergency Manager		Employer: City of Great Falls	
Would your work schedule conflict with meeting dates? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> (If yes, please explain)			
Related experiences or background: 30+ yrs retired military			
Educational Background: BS Nursing MS Emergency & Disaster management			
IF NECESSARY, ATTACH A SEPARATE SHEET FOR YOUR ANSWERS TO THE FOLLOWING:			
Previous and current service activities: USAF 30 years			
Previous and current public experience (elective or appointive): N/A			
Membership in other community organizations: Country Club, Exchange Club, meadowlark			



Have you ever worked for or are you currently working for the City of Great Falls? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If yes, where and when? <i>Emergency Mgmt</i>	
Do you have any relatives working or serving in any official capacity for the City of Great Falls? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, who, which department, and relationship?	
Have you ever served on a City or County board? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, what board and when did you serve?	
Are you currently serving on a Board? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, which board?	
Please describe your interest in serving on this board/commission? <i>was requested by DEP city manager, build golf etc</i>	
Please describe your experience and/or background which you believe qualifies you for service on this board/commission? <i>Extensive management/leadership background critical thinking @ national level Dept of Defense Programs</i>	
Additional comments:	
Signature 	Date: <i>05/11/2017</i>

If you are not selected for the current opening, your application may be kept active for up to one year by contacting the City Manager's office. Should a board/commission vacancy occur within 30 days from the last City Commission appointment, a replacement member may be selected from citizen interest forms submitted from the last advertisement. For more information, contact the City Manager's office at 455-8450.

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City Manager's Office  
P.O. Box 5021  
Great Falls, MT 59403

Fax:  
(406) 727-0005

Email:  
kartis@greatfallsmt.net



**Item:** Appointment, Housing Authority Board of Commissioners  
**From:** City Manager's Office  
**Initiated By:** City Commission  
**Presented By:** City Commission  
**Action Requested:** Appoint one tenant member to the Great Falls Housing Authority Board of Commissioners for the remainder of a two-year term through June 30, 2018.

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**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission appoint \_\_\_\_\_ for the remainder of a two year term through June 30, 2018 to the Great Falls Housing Authority Board of Commissioners.”

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

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**Staff Recommendation:**

It is recommended that the City Commission appoint Ashley Gates for the remainder of a two year term through June 30, 2018.

**Summary:**

Marquita Ogawa was appointed as a tenant member for the Great Falls Housing Authority Board of Commissioners on August 19, 2008 and was appointed to her fifth term on June 7, 2016. Ms. Ogawa submitted a letter of resignation on March 17, 2017. She is moving out of a unit in the Housing Authority properties and is no longer eligible to be a Board member.

Advertisement was done through the local media and also posted on the City's Website. Three applications were received and forwarded to the Housing Authority Board of Commissioners for review and consideration.

Purpose

The Great Falls Housing Authority Board consists of seven commissioners appointed by the City Commission. Two commissioners must be residents of the Housing Authority properties. The Board is an independent authority responsible for setting policy for the operation and management of public housing properties, HUD Section 8 program and other affordable housing programs. The Board also serves as the loan committee for the City's Housing Rehabilitation Program. The Board is also responsible for providing safe, decent, sanitary, and affordable housing for the community's low-income residents.

Tenant terms are two years and regular members are five years. The maximum uninterrupted length of service for tenant members shall be five consecutive terms; regular members are eligible to serve two consecutive terms.

Continuing members of the board are:

Cal Gilbert  
Michael McCleary  
Joe Boyle  
Timothy McKittrick  
Kristy Lynn Vandenberg  
Jim Weber

Citizens interested in serving:

Dorthea Butler  
Terri Sullivan  
Ashley Gates

**Concurrences:**

At its May 18, 2017 meeting, the Great Falls Housing Authority Board of Commissioners recommended the appointment of Ashley Gates to replace Marquita Ogawa for the remainder of a two year term.

**ATTACHMENTS:**

- ▣ Applications for Housing Authority Board
- ▣ Letter of Recommendation



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


RECEIVED

APR 4 2017

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

CITY MANAGER

Board/Commission Applying For: <i>G.F.H.A</i>		Date of Application: <i>3/31/17</i>
Name: <i>Dorthea Butler</i>		
Home Address: <i>P.O. Box 2694, Great Falls, MT 59403</i>		Email address: <i>butlerdr@ou.edu</i>
Home Phone:	Work Phone:	Cell Phone: <i>(406) 468-5822</i>
Occupation: <i>N/A</i>		Employer: <i>N/A</i>
Would your work schedule conflict with meeting dates? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> (If yes, please explain)		
Related experiences or background: <i>Been a tenant of Housing Authorities for many years.</i>		
Educational Background: <i>Senior Anthropology / Sociology Administrative &amp; Attorney Assistant MSU</i>		
<b>IF NECESSARY, ATTACH A SEPARATE SHEET FOR YOUR ANSWERS TO THE FOLLOWING:</b>		
Previous and current service activities:		
Previous and current public experience (elective or appointive): <i>Have foster parented in the past. Volunteered for Sheriff's office records and Victim's Witness G.F.P.D.</i>		
Membership in other community organizations: <i>Attend church &amp; Bible studies all over.</i>		

Have you ever worked for or are you currently working for the City of Great Falls? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, where and when?	
Do you have any relatives working or serving in any official capacity for the City of Great Falls? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, who, which department, and relationship?	
Have you ever served on a City or County board? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, what board and when did you serve?	
Are you currently serving on a Board? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, which board?	
Please describe your interest in serving on this board/commission? <i>I wish to serve the public and assist others who have the same interests. Housing for everyone is very important to me.</i>	
Please describe your experience and/or background which you believe qualifies you for service on this board/commission? <i>Have been a H.A. and/or Med. Rehab. client for many years. Family oriented.</i>	
Additional comments:	
Signature 	Date: <i>3/31/2017</i>

If you are not selected for the current opening, your application may be kept active for up to one year by contacting the City Manager's office. Should a board/commission vacancy occur within 30 days from the last City Commission appointment, a replacement member may be selected from citizen interest forms submitted from the last advertisement. For more information, contact the City Manager's office at 455-8450.

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kartis@greatfallsmt.net



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


**RECEIVED**

APR 19 2017

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

**CITY MANAGER**

Board/Commission Applying For: <i>Tenant Commissioner</i>		Date of Application: <i>4/20/17</i>
Name: <i>Terri Sullivan</i>		
Home Address: <i>1628 5<sup>th</sup> Ave. So., Gt Falls, MT 59405</i>		Email address: <i>sulli1962@hotmail.com</i>
Home Phone: <i>n/a</i>	Work Phone: <i>n/a</i>	Cell Phone: <i>406-403-5401</i>
Occupation: <i>Disabled</i>	Employer: <i>n/a</i>	
Would your work schedule conflict with meeting dates? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> (If yes, please explain)		
Related experiences or background: <i>See next page</i>		
Educational Background: <i>GED, some college</i>		
<b>IF NECESSARY, ATTACH A SEPARATE SHEET FOR YOUR ANSWERS TO THE FOLLOWING:</b>		
Previous and current service activities: <i>Currently a Cascade County Election Judge.</i>		
Previous and current public experience (elective or appointive): <i>none</i>		
Membership in other community organizations: <i>none</i>		

Have you ever worked for or are you currently working for the City of Great Falls? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, where and when?	
Do you have any relatives working or serving in any official capacity for the City of Great Falls? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, who, which department, and relationship?	
Have you ever served on a City or County board? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, what board and when did you serve?	
Are you currently serving on a Board? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, which board?	
Please describe your interest in serving on this board/commission? <i>I am looking for more opportunities to get more involved in my community and feel being a tenant board member would be a good place to start. also being a tenant of public housing I am interested in how Public Housing works.</i>	
Please describe your experience and/or background which you believe qualifies you for service on this board/commission? <i>previous book keeping Senior accounting Clerk for Great Falls North American Van Lines familiar with Contractor bids while working for a small plumbing company</i>	
Additional comments: <i>I am impartial, objective but have empathy in certain situations, I have common sense, logic and I am rational, honest and responsible.</i>	
Signature 	Date: <i>4/20/17</i>

If you are not selected for the current opening, your application may be kept active for up to one year by contacting the City Manager's office. Should a board/commission vacancy occur within 30 days from the last City Commission appointment, a replacement member may be selected from citizen interest forms submitted from the last advertisement. For more information, contact the City Manager's office at 455-8450.

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

APR 25 '17 AM 8:31


RECEIVED

APR 26 2017

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

Board/Commission Applying For: Great Falls Housing		Date of Application: 4-24-17
Name: Ashley Gates		
Home Address: 3319 D 11 <sup>th</sup> Ave S Great Falls MT 59405		Email address: abgates2@gmail.com
Home Phone:	Work Phone:	Cell Phone: (406) 899-3791
Occupation: Student		Employer:
Would your work schedule conflict with meeting dates? Yes <del>X</del> No <input checked="" type="checkbox"/> (If yes, please explain) maybe, I have school, but should not conflict		
Related experiences or background:		
Educational Background: currently enrolled at GFCMAU, going for my Associates in Science for RN.		
<b>IF NECESSARY, ATTACH A SEPARATE SHEET FOR YOUR ANSWERS TO THE FOLLOWING:</b>		
Previous and current service activities:		
Previous and current public experience (elective or appointive):		
Membership in other community organizations:		



Have you ever worked for or are you currently working for the City of Great Falls? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, where and when?	
Do you have any relatives working or serving in any official capacity for the City of Great Falls? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, who, which department, and relationship?	
Have you ever served on a City or County board? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, what board and when did you serve?	
Are you currently serving on a Board? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, which board?	
Please describe your interest in serving on this board/commission? My interest in serving on this board is to give back to the community.	
Please describe your experience and/or background which you believe qualifies you for service on this board/commission? I am honest and loyal, and it is an interest of mine to begin a journey where I can help others.	
Additional comments: I want to become a volunteer. I don't have any experience with boards, but I would be honored at the opportunity.	
Signature 	Date: 4-24-17

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1500 Chowen Springs Loop  
Great Falls, MT 59405-2564  
Office: 406-453-4311  
Fax: 406-727-5566  
TDD: 406-453-6327  
e-mail: [gfa@gfhousing.org](mailto:gfa@gfhousing.org)  
Website: [www.gfhousing.org](http://www.gfhousing.org)

May 22, 2017

To: Honorable Mayor and City Commission

From: Mike McCleary, Chairman

Great Falls Housing Authority Board of Commissioners

Re: GFHA Board Appointment Recommendation

At its May 18, 2017 meeting, the Great Falls Housing Authority Board of Commissioners reviewed applications from three interested persons for an open position on the Board for a Tenant Commissioner. The position has been vacated by Commissioner Marquita Ogawa.

The GFHA Board of Commissioners would like to recommend to the City Commission that **Ashley Gates** be appointed to replace Commissioner Marquita Ogawa.

Mrs. Gates has been a tenant of the Great Falls Housing Authority since May, 2013. Commissioners felt that the perspective Mrs. Gates could offer on behalf of the tenants of the Great Falls Housing Authority would be very beneficial. Commissioner Tim McKittrick made a motion to recommend the appointment of Ashley Gates to the GFHA Board of Commissioners for the position of Tenant Commissioner. Commissioner Joseph Boyle seconded the motion with unanimous voice approval.



**Item:** Minutes, May 16, 2017, City Commission Meeting  
**From:** Lisa Kunz, City Clerk  
**Initiated By:**  
**Presented By:** City Commission  
**Action Requested:**

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ATTACHMENTS:

- ▢ May 16, 2017 - - City Commission Meeting Minutes

**Regular City Commission Meeting****Mayor Kelly presiding****Call to Order: 7:00 PM****Commission Chambers Room 206****PLEDGE OF ALLEGIANCE**

**ROLL CALL/STAFF INTRODUCTIONS:** City Commission members present: Bob Kelly, Bob Jones, Tracy Houck, Bill Bronson and Fred Burow. Also present were City Manager Greg Doyon and Deputy City Manager Chuck Anderson; City Clerk Lisa Kunz; Public Works Director Jim Rearden; Planning and Community Development Director Craig Raymond; Park and Recreation Interim Director Patty Rearden; Fiscal Services Director Melissa Kinzler; City Attorney Sara Sexe; and, Police Chief Dave Bowen.

**AGENDA APPROVAL:** City Manager Greg Doyon noted the addition of a proclamation titled "Kids to Parks Day." He further noted that, due to an advertising error, the requested action for Agenda Item 11, Lease of the Visitor Center, is to vacate the May 16<sup>th</sup> public hearing and reset public hearing for June 20, 2017. No additional changes were suggested by the City Manager or City Commission. The agenda, as revised, was approved.

**PROCLAMATIONS:** Commissioner Houck read a proclamation for Bison Week, and Mayor Kelly read a proclamation for Kids to Parks Day.

**PRESENTATION:** Sheila Rice, NeighborWorks Great Falls, presented Mayor Kelly and Manager Doyon an Award from the Montana Housing Partnership.

**PETITIONS AND COMMUNICATIONS****1. Miscellaneous reports and announcements.**

**Daniel Hartzell**, 2325 14<sup>th</sup> Avenue South, proposed a youth bill that would require amnesty for youths charged with drug offenses provided they go through a one year probation period and turn in their drug dealers. He also encouraged citizens to attend the May 22<sup>nd</sup> School Board meeting.

City Attorney Sara Sexe noted that, on a statewide basis, Mr. Hartzell would contact local legislators regarding his proposed youth bill; or, with regard to a more local basis, that direction would come from the City Commission.

**John Hubbard**, 717 7<sup>th</sup> Avenue South, commented the City Commission is in violation for recently changing the zoning code at Fox Farm.

**Brett Doney**, Great Falls Development Authority, 300 Central Avenue, discussed his and Director Raymond's attendance at a recent development conference in Idaho.

**Ron Gessaman**, 1006 36<sup>th</sup> Avenue NE, expressed concern about the ponds on 18<sup>th</sup> Avenue North attracting mosquitoes. He also suggested that a fence be put up around the burned building behind the Holman building.

Public Works Director Jim Rearden and Brett Doney clarified that the ponds are retention ponds required by the City.

### **NEIGHBORHOOD COUNCILS**

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

Shyla Patera, NC 2, reported that the council met last week and discussed crime and gang activity. The next meeting of the council will be in September.

### **BOARDS AND COMMISSIONS**

#### **3. Miscellaneous reports and announcements from Boards and Commissions.**

There were no miscellaneous reports or announcements from members of Boards and Commissions.

### **CITY MANAGER**

#### **4. Miscellaneous reports and announcements from the City Manager.**

City Manager Greg Doyon reported that he continues to work through the FY 18 budget process with department heads and supervisors, and will present the budget to the Commission in June.

Manager Doyon announced the promotions of Great Falls Police Department staff: Brian Smail to Sergeant, and Aaron Frick and Adam Price to Master Patrol Officer.

He also announced that Animal Shelter Operations Manager Lynn Formell recently graduated from Park University with a bachelors of science in information technology.

Manager Doyon also reported on his “government 101” session with the Mission Support group leadership team at the Montana Air National Guard.

He announced that Housing Authority Executive Director Kevin Hager received a lifetime achievement award from the Montana Housing Partnership for 40 years of service.

Manager Doyon further announced that the Park District town hall meeting will be held Monday, May 22, 2017, at 6:30 p.m.

**CONSENT AGENDA**

5. Minutes, May 2, 2017, Commission Meeting.
6. Contracts list.
7. Total Expenditures of \$3,052,452 for the period of April 14, 2017 through May 3, 2017, to include claims over \$5,000, in the amount of \$2,774,430.
8. Approve the bid award to supply asphaltic concrete material to Great Falls Sand & Gravel, Inc., of Great Falls for \$714,750.
9. Award a contract in the amount of \$207,870.90 to NWESTCO, LLC. for Public Works fuel tank purchase and installation, and authorize the City Manager to execute the construction contract documents. **OF 1455.9**
10. Award a contract in the amount of \$87,473 to Phillips Construction, LLC for the Waste Water Treatment Plant Storm Drain Water Demonstration projects, and authorize the City Manager to execute the construction contract documents. **OF 1633.6**

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

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

Commissioner Burow inquired about Item 6C, Great Falls Police Department towing contract.

Police Chief Dave Bowen clarified that the contract is for towing services for seized and abandoned vehicles, or anything the Police Department would require tow services for.

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

**Ron Gessaman**, 1006 36<sup>th</sup> Avenue NE, inquired if the fuel tanks set forth in Item 9 contained reflective coating and low pressure valves, and he expressed concern about evaporation without a protective cover.

Public Works Director Jim Rearden responded that the trend is above ground tanks. The tanks have double walls for self containment. He will check on the valves and reflective coating.

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

Motion carried 5-0.

**PUBLIC HEARINGS****11. Lease of Visitor Center.**

Mayor Kelly noted that this is the item Manager Doyon reported had an advertising deficiency and a different proposed motion.

**Commissioner Bronson moved, seconded by Commissioners Burow and Houck, that the City Commission vacate the May 16<sup>th</sup> public hearing and reset public hearing for June 20, 2017, for consideration of a month to month lease of City-owned property, the Visitor Center located at 15 Overlook Drive, with the Convention and Visitors Bureau (CVB).**

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

Motion carried 5-0.

**12. 2017/2018 HUD Annual Action Plan.**

Planning and Community Development Director Craig Raymond reported that the requested action is that the Commission conduct a public hearing in order to receive testimony from interested citizens regarding this year's annual action plan for allocation of 2017/2018 CDBG and HOME funding.

The Annual Action Plan is essentially what the City plans on funding with the CDBG allocation for the coming year. Staff is estimating that the City may receive \$710,000 in federal CDBG funds.

The funding percentages the City Commission asked the Community Development Council (CDC) to follow are: Administration 20%, Public Services 12.5%, Economic Development 7.5%, Affordable Housing 30%, and Public Facility Improvements 30%.

The CDC met several times to hear presentations by each of the applicants and discussed the merits of each. After all the presentations had been made by each applicant, City staff received a formal complaint from one of the applicants who alleged a potential conflict of interest with one of the CDC members. After investigation of the complaint, staff determined that it was appropriate to rehear all of the Public Facilities presentations and to re-score each application. It was difficult to make tough recommendations as there is not enough funding to go around to all of the well deserving applicants. In the end, the recommendations before the Commission are the final product of much discussion and debate.

The requested action is to conduct the public hearing on the Annual Action Plan and set final action for June 6, 2017.

Mayor Kelly declared the public hearing open.

**Brett Doney**, Great Falls Development Authority, 300 Central Avenue, commented that 15 years ago Great Falls' average annual wage was 67% of the national average. The last quarter of 2016 it reached 75% of the national average and, at the same time, the cost of living was kept below the national average. He expressed appreciation for the support of economic development.

**Shyla Patera**, North Central Independent Living, residing at 1013 7<sup>th</sup> Avenue NW, encouraged support for Public Works and Housing applicants taking into account accessibility.

**Heidi Gibson**, Paris Gibson Square Museum of Art, residing at 25 Watson Lane, spoke in support of CDBG funding for the ADA restroom upgrade at the Paris Gibson Square Museum of Art. The last restroom upgrade was done 19 years ago.

**Sheila Rice**, NeighborWorks Great Falls, residing at 913 3<sup>rd</sup> Avenue North, spoke in support of the housing component within the Community Development and HOME Action Plan. It is essential to the work NeighborWorks does for the community.

**Nancy Zadick**, 1901 Whispering Ridge Drive, spoke in support of the CDBG grant award to Paris Gibson Square. She supports accessibility to the arts education that the Square provides. She also noted that she has been a board member of Paris Gibson Square for about 10 years.

**Ron Gessaman**, 1006 36<sup>th</sup> Avenue NE, expressed disappointment that the Great Falls Senior Citizens Center did not receive an allocation.

Director Raymond responded that the Senior Center received an allocation during the timeliness funding process.

**Kevin Mursewski**, 2820 7<sup>th</sup> Avenue North, commented that it was his understanding that, of the \$98 million dollars voted on by the voters for Great Falls Public Schools, \$3.4 million dollars was going to Paris Gibson Square as part of an infrastructure project.

Commissioner Houck explained that the non-profit she is Executive Director for is named Paris Gibson Square located on 1<sup>st</sup> Avenue North. The Great Falls Public Schools opened a new school on Central Avenue called Paris Gibson Education Center. They are not the same facility. The \$3 million dollar investment will take place at 2400 Central Avenue under the management of the Great Falls Public Schools.

Written correspondence in support of CDBG funding for Paris Gibson Square was received from Heidi Gibson, B.J. Buckley and Kristi Scott.

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

**Commissioner Jones moved, seconded by Commissioner Bronson, that the City Commission schedule final action on the 2017/2018 Annual Action Plan for June 6, 2017.**

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

Motion carried 4-0-1 (Commissioner Houck abstained).



13. **Ordinance 3155, an Ordinance Amending Title 17, Chapters 32 and 36 of the Official Code of the City of Great Falls (OCCGF), pertaining to driveways and off-street parking.**

Planning and Community Development Director Craig Raymond reported this item is a public hearing regarding residential parking areas and surfacing on private property. City staff began discussions in 2016 regarding the amount of recreational and auxiliary vehicles being parked on public rights of way within the incorporated City limits. Planning and Legal staff began to explore options to cure this problem.

Based on the problem of accessory vehicles like RVs being parked on City rights of way and the large number of complaints of gravel and grass parking violations, City Planning, Legal, and Engineering staff began a committed effort to provide workable revisions to the City Code that would improve these problems. The concern and debate during that process was trying to find the balance between City beautification policy and the realities of living in a vastly rural state where citizens place a high value on outdoor recreation and where alternative parking for additional vehicles is needed.

The Planning Advisory Board/Zoning Commission held a public hearing on February 14, 2017, to review the ordinance proposal presented by City staff. Although the action was tabled at the hearing, the Board was very supportive of the code changes and directed staff to make some minor modifications to the proposal. Specifically, they directed staff to delete a provision that would have required gravel parking areas to have a two foot setback against side property lines, provide that more maneuvering room be allowed to pull in larger recreational vehicles onto the gravel parking areas, and that larger gravel areas be allowed for properties over one acre. These changes have been added to the proposed ordinance.

Staff originally planned to take the minor revisions of the ordinance to a second Planning Board meeting prior to City Commission. However, staff was not able to get a quorum of Planning Board members to hold a hearing in a timely fashion. As a result, the ordinance is being sent to City Commission with the minor changes requested by the Planning Board.

Mayor Kelly declared the public hearing open.

Speaking in support of Ordinance 3155 were:

**Dale Padgett**, 2702 Dawn Drive, commented that he purchased a home that had a gravel area for a recreational vehicle in 2005. For almost 12 years he has been parking his RV on this gravel area until recently when he received a call saying it was illegal. He urged the Commission to allow gravel as it is less expensive than concrete.

**Cheryl Higgins**, 1517 3<sup>rd</sup> Avenue SW, suggested that asphalt millings also be allowed.

Director Raymond responded that he suspects the City Engineer will include asphalt millings in his administrative policy.

Speaking in opposition to Ordinance 3155 was:

**John Hubbard**, 717 7<sup>th</sup> Avenue South, commented that people have the right to own and possess their property and should be able to park anything they want on it.

There being no one further to address the Commission, Mayor Kelly closed the public hearing, and asked the will of the Commission.

**Commissioner Jones moved, seconded by Commissioners Bronson and Burow, that the City Commission adopt Ordinance 3155.**

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

Motion carried 5-0.

**OLD BUSINESS**

**NEW BUSINESS**

**ORDINANCES/RESOLUTIONS**

**14. Resolution 10191, Intent to Create City of Great Falls Park District Number 1.**

Park and Recreation Interim Director Patty Rearden reported that staff requests that the Commission consider a Resolution declaring it to be the intention of the City Commission to create a special park district as authorized by Title 7, Chapter 11, Part 10, MCA, entitled "City of Great Falls Park District Number 1," to provide for a method of assessments for the purpose of funding costs associated with deferred maintenance, operations and capital improvements for City parks, Park and Recreation facilities, trails and public trees.

The Park and Recreation Master Plan was adopted by the City Commission on November 15, 2016. The plan included an intensive public process to ensure a complete understanding of the community's priorities, including town meetings, 84 focus group meetings, a statistically accurate survey, and an on-line survey open to the entire community. The Park and Recreation Master Plan identified the following needs: \$12 million in deferred maintenance with a recommended completion in one to five years, \$1.15 million for sustainable projects, and \$20.2 million for visionary projects. The Master Plan also identified staffing needs. The Parks Division currently has 23.5 full time equivalent employees (FTE's). The recommended level under the Master Plan is 39 FTE's; the addition of 12 positions within 3 years. In the Forestry Division, the industry standard for trimming trees is every 4-7 years. The current schedule is 30-35 years. Lack of inspections and pruning creates safety hazards and potential property damage; is detrimental to the health of the trees/urban forest; and, substantially increases the cost/time to trim each individual tree. The Master Plan recommended hiring three Forestry staff within 3 years.

The City's general fund cannot adequately fund parks and recreation. The Park and Recreation Master Plan recommended the creation of a City-wide Park District to supplement current funding and create a sustainable funding source for the purpose of providing the park and recreation system services.

Park District funds may be used for parks, forestry and trails for capital improvements, staff, and operations. Funds may also be used for maintenance/improvements to recreation and aquatics facilities. The funds may not be used for programming.

The proposed amount to be generated is \$2.2+ million annually for the first three years. The assessment would be based on taxable value. On a \$100,000 property the average assessment would be \$43.28 per year. The assessment can be adjusted annually and must be set by Resolution of the City Commission.

Creation of the Park District would help fund the deferred maintenance, may prevent removal/closure of amenities, and fund some of the sustainable projects. Proposed improvements over a three year period include but are not limited to:

1. Rest Room Improvements for Gibson, Oddfellows, and Lions Parks
2. Picnic Pavilions and Tables
3. Play Equipment
4. Resurface sports courts (basketball, tennis/pickleball)
5. ADA sidewalks to play structures;
6. Improvements to Electric City Water Park Bath House;
7. Replacement of Gibson Park and Elks Riverside Trails
8. Improvements to River's Edge Trail & Multi Sports Softball Complex (match money)
9. New dog park
10. New asphalt park trail
11. Feasibility study for a recreation/aquatics facility
12. Mature tree trimming and tree replacement
13. Operations/Equipment/Irrigation Upgrades/Labor/Staff/Contracted Services

Presentations were made on the Park District at the City Commission work session on April 4, 2017. Subsequent to that meeting a committee met to further consider all operations for creating a park district. She further provided an update at the City Commission budget retreat on April 17, 2017, as well as a presentation on the final plan at this evening's work session. Staff is now prepared to move forward with the creation of a park district for a period of 20 years.

At its May 8, 2017, meeting, the Park and Recreation Advisory Board recommended that the City Commission set a public hearing for the Resolution of Intent to Create City of Great Falls Park District Number 1, and to adopt the Resolution of Intent at the June 6, 2017, Commission meeting.

The People's Park and Recreation Foundation also made the same recommendation at its May 9<sup>th</sup> meeting.

Park and Recreation will host a town hall meeting on Monday, May 22, 2017, at 6:30 p.m. in the Missouri Room to provide the community with detailed information on the proposed park district.

**Commissioner Houck moved, seconded by Commissioner Burow, that the City Commission set a public hearing on Resolution 10191 Intent to Create Great Falls Park District Number 1 for June 6, 2017.**

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

Motion carried 5-0.

### **CITY COMMISSION**

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

Mayor Kelly reported that he spent last week at Maxwell Air Force Base in Montgomery, Alabama, along with 140 other civic and community leaders from around the country to attend the final week of a program being undertaken by 245 men and women completing a year's study towards a masters degree. Basically, it was a liberal arts approach at the Air War College to strategic thinking and initiatives in today's world. He left there with a renewed excitement about our armed services and particularly the Air Force. He is proud of the work of the Air National Guard and Malmstrom Air Force Base.

Commissioner Burow announced that the Fish, Wildlife and Parks is conducting an auction of statewide confiscated and trophy items at Giant Springs this Saturday. The funds go back into the general fund for the State of Montana.

Commissioner Houck announced that she attended the graduation ceremony of the College of Great Falls MSU. Nine students graduated with dual credits. Two gentlemen graduated with an Associates Degree prior to their high school graduation.

#### **16. Legislative Initiatives.**

Mayor Kelly thanked the Governor for vetoing the cell phone limitations and restoring local control to municipalities.

#### **17. Commission Initiatives.**

Commissioner Bronson provided follow up information pertaining to the Fox Farm rezone. Staff is working on traffic plan options to present to the Commission. He also met and discussed same

with Jim Helgeson, Manager of the Transit District. Mr. Helgeson indicated the Transit District is more than happy to participate in those discussions in the hopes of improving that corridor.

Commissioner Bronson further commented that the impacts in that area are probably going to be felt much greater as a result of the improvements that are now underway on Fox Farm Road going out as far as the Big Bend Subdivision. As a result of that, it may drive more residential development in the City and County. Along with that will come enhanced transportation issues. By beginning the discussion now, it may go a long way of mitigating some of the problems and avoid some future problems.

**ADJOURNMENT**

There being no further business to come before the Commission, **Commissioner Jones moved, seconded by Commissioner Bronson, to adjourn the regular meeting of May 16, 2017, at 8:24 p.m.**

Motion carried 5-0.

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Mayor Bob Kelly

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City Clerk Lisa Kunz

Minutes Approved: June 6, 2017



**Item:** Total Expenditures of \$5,370,431 for the period of April 29, 2017 through May 24, 2017, to include claims over \$5,000, in the amount of \$4,913,984.

**From:** Fiscal Services

**Initiated By:** City Commission

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

**Action Requested:**

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ATTACHMENTS:

- ▢ 5000 Report



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

**PRESENTED BY:** Fiscal Services Director

**ACTION REQUESTED:** Approval with Consent Agenda

**LISTING OF ALL ACCOUNTS PAYABLE CHECKS ISSUED AVAILABLE ONLINE AT**  
**[www.greatfallsmt.net/fiscalservices/check-register-fund](http://www.greatfallsmt.net/fiscalservices/check-register-fund)**

**TOTAL CHECKS ISSUED AND WIRE TRANSFERS MADE ARE NOTED BELOW WITH AN  
 ITEMIZED LISTING OF ALL TRANSACTIONS GREATER THAN \$5000:**

ACCOUNTS PAYABLE CHECK RUNS FROM MAY 4, 2017 - MAY 24, 2017	5,319,293.16
MUNICIPAL COURT ACCOUNT CHECK RUN FOR APRIL 29, 2017 - MAY 15, 2017	51,137.39
<b>TOTAL: \$</b>	<b><u>5,370,430.55</u></b>

**GENERAL FUND**

**POLICE**

DIS TECHNOLOGIES	MICROFICHE RECORDS 2006 FILES	9,089.25
DOUGLAS CRAIG STEVEN	CLOSE QUARTERS TRAINING	5,000.00
PROFORCE LAW ENFORCEMENT	RIFLES FOR GPPD	9,472.30

**SPECIAL REVENUE FUND**

**SUPPORT & INNOVATION**

GREAT FALLS BUSINESS IMPROVEMENT DISTRICT	TAX DISTRIBUTION FOR MARCH 2017	7,952.79
GREAT FALLS TOURISM BUSINESS IMPROVEMENT DISTRICT	TAX DISTRIBUTION FOR MARCH 2017	5,524.32

**POLICE SPECIAL REVENUE**

TIFFIN METAL PRODUCTS	LOCKERS FOR EVIDENCE ROOM	21,134.00
GUY TOBACCO CONSTRUCTION	RECONSTRUCTION OF EVIDENCE AREA	15,055.92

**STREET DISTRICT**

ENNIS PAINT INC	TRAFFIC PAINT & GLASS BEADS	13,872.50
UNITED MATERIALS OF GREAT FALLS	OF 1622.2 36TH AVE NE IMP PH 2 (SPLIT AMONG FUNDS)	62,728.53

**LIBRARY**

EBSCO	ANNUAL MAGAZINE SUBSCRIPTIONS (SPLIT AMONG FUNDS)	5,230.91
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**SPECIAL REVENUE FUND (CONTINUED)**

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**LIBRARY FOUNDATION**

EBSCO	ANNUAL MAGAZINE SUBSCRIPTIONS (SPLIT AMONG FUNDS)	112.00
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**PARK & RECREATION SPECIAL REVENUE**

WILLIAMSON FENCING	MULTI SPORTS FIELD 3 BACKSTOP DUGOUT	24,035.00
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**FEDERAL BLOCK GRANTS**

MRTE INC	OF 1700.2 2016 CDBG SIDEWALK REPLACEMENT	29,700.00
KUGLIN CONSTRUCTION	OF 1700.1 2016 CDBG ADA HANDICAP RAMPS	65,883.43
CONCRETE STABILIZATION TECH.	OF 1393.6 NATATORIUM FLOOR STABILIZATION	28,314.00
B R CONSTRUCTION	DUNN-BROWN 316 CENTRAL AVE 5 APARTMENT REMODELS	10,113.00

**ENTERPRISE FUNDS**

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**WATER**

UNITED MATERIALS OF GREAT FALLS	OF 1716 8TH AVE N WATER MAIN REPLACEMENT	29,163.59
SLETTEN CONSTRUCTION COMPANY	OF 1519.6 WTP IMP PH1 CONSTRUCTION	2,201,293.34
BLACK & VEATCH CORP	OF 1519.6 WTP IMP PH1 CONSTRUCTION	98,726.74
HACH CO	IN-LINE TURBIDITY METERS	19,255.06
INDUSTRIAL AUTOMATION CONSULTING	OF 1519.9 WTP FILTER BLDG/HILL 57	7,388.65
UNITED MATERIALS OF GREAT FALLS	OF 1622.2 36TH AVE NE IMP PH 2 (SPLIT AMONG FUNDS)	5,925.15

**SEWER**

HDR ENGINEERING INC	OF 1633.0 WWTP PERMIT REQUIRED UPGRADES	9,513.67
STATE OF MONTANA	1% WITHHOLDING FOR SLETTEN ON OF 1519.6	22,235.29
RDO EQUIPMENT CO	CAT POWERED FINAL TIER 4 COMPRESSOR	20,250.00
UNITED MATERIALS OF GREAT FALLS	OF 1622.2 36TH AVE NE IMP PH 2 (SPLIT AMONG FUNDS)	22,951.49

**STORM DRAIN**

PHILLIPS CONSTRUCTION LLC	OF 1462.2 18TH ST S STORM DRAIN IMPROVEMENTS PHASE 2A	611,827.40
STATE OF MONTANA	1% WITHHOLDING FOR PHILLIPS	6,180.07
WATER & ENVIRONMENTAL TECHNOLOGIES	OF 1361.2 MS4 COMPLIANCE & PERMIT	15,659.91
WILLIAMS CIVIL CONSTRUCTION	OF 1554.2 SOUTH GF SD IMPROVEMENT MISSOURI RIVER TO 6TH ST S POND	389,793.05

**911 DISPATCH CENTER**

CENTURYLINK	DISPATCH MONTHLY LINE CHARGES	5,840.08
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**ENTERPRISE FUNDS (CONTINUED)**

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**GOLF COURSES**

GRANITE PEAK PUMP SERVICE INC	EAGLE FALLS RETROFIT	10,375.00
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**CIVIC CENTER EVENTS**

GREAT FALLS COMMUNITY CONCERT ASSOCIATION	17-28 AMERICA'S ROOTS OF POP CASH-OUT	6,928.80
GREAT FALLS SYMPHONY ASSOC	17-57 THE ILLUSIONISTS; 17-56 MARK TWAIN TONIGHT PAYOUT	17,309.03

**INTERNAL SERVICES FUND**

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**INSURANCE & SAFETY**

MONTANA MUNICIPAL INTERLOCAL AUTHORITY	APRIL DEDUCTIBLE RECOVERY BILLING	8,143.45
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**INFORMATION TECHNOLOGY**

MOBILE WIRELESS LLC	1 YEAR NET MOTION MAINTENANCE	5,185.00
ZUERCHER TECHNOLOGIES	PUBLIC SAFETY ENTERPRISE SOFTWARE	204,807.50

**CENTRAL GARAGE**

TRACTOR & EQUIPMENT CO	COLD PLANER REPAIRS	63,780.10
MOUNTAIN VIEW CO-OP	FUEL	27,838.73

**TRUST AND AGENCY**

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**COURT TRUST MUNICIPAL COURT**

CITY OF GREAT FALLS	FINES & FORFEITURES COLLECTIONS	46,330.34
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**PAYROLL CLEARING**

STATE TREASURER	MONTANA TAXES	43,225.00
ICMA RETIREMENT TRUST	EMPLOYEE CONTRIBUTIONS	
FIREFIGHTER RETIREMENT	FIREFIGHTER RETIREMENT EMPLOYEE & EMPLOYER CONTRIBUTIONS	50,414.63
STATEWIDE POLICE RESERVE FUND	POLICE RETIREMENT EMPLOYEE & EMPLOYER CONTRIBUTIONS	63,564.61
PUBLIC EMPLOYEE RETIREMENT	PUBLIC EMPLOYEE RETIREMENT EMPLOYEE & EMPLOYER CONTRIBUTIONS	125,211.64
POLICE SAVINGS & LOAN	EMPLOYEE CONTRIBUTIONS	13,760.00
US BANK	FEDERAL TAXES, FICA & MEDICARE	205,641.67
AFLAC	EMPLOYEE CONTRIBUTIONS	11,376.47
LABORERS INTERNATIONAL UNION	EMPLOYEE CONTRIBUTIONS	5,065.00
NATIONWIDE RETIREMENT SOLUTIONS	EMPLOYEE CONTRIBUTIONS	12,900.49
MONTANA VEBA HRA	EMPLOYEE CONTRIBUTIONS	26,804.60

**UTILITY BILLS**

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TALLEN TREASURE STATE	APRIL 2017 ELECTRICITY CHARGES	73,601.00
ENERGY WEST RESOURCES INC	APRIL 2017 MONTHLY CHARGES	28,652.72
MONTANA WASTE SYSTEMS INC	APRIL 2017 MONTHLY CHARGES	70,572.21
NORTHWESTERN ENERGY	MARCH 2017 TRANSMISSION CHARGES	13,274.19

**CLAIMS OVER \$5000 TOTAL:** \$ 4,913,983.62



**Item:** Contracts List  
**From:** Lisa Kunz, City Clerk  
**Initiated By:** Various Departments  
**Presented By:** City Commission  
**Action Requested:**

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ATTACHMENTS:

- ▢ Contracts List Updated after original posting

**CITY OF GREAT FALLS, MONTANA**

**AGENDA: 9**

**COMMUNICATION TO THE CITY COMMISSION**

**DATE: June 6, 2017**

**ITEM:** CONTRACTS LIST  
Itemizing contracts not otherwise approved or ratified by City Commission Action  
(Listed contracts are available for inspection in the City Clerk’s Office.)

**PRESENTED BY:** Lisa Kunz, City Clerk

**ACTION REQUESTED:** Ratification of Contracts through the Consent Agenda

**MAYOR’ S SIGNATURE:** \_\_\_\_\_

**CONTRACTS LIST**

	<b>DEPARTMENT</b>	<b>OTHER PARTY (PERSON OR ENTITY)</b>	<b>PERIOD</b>	<b>AMOUNT</b>	<b>PURPOSE</b>
<b>A</b>	Information Technology (IT)	High Point Networks	06/2017 – 06/2020	\$19,372.83	Fire Station phone upgrade to City’s ShoreTel system including hardware/software, miscellaneous equipment and ShoreTel support for three years, and Master Services Agreement
<b>B</b>	Information Technology (IT)	High Point Networks	06/2017 – 06/2020	\$7,732/yr	Shore Tel Support Renewal services for City phone system (except Fire Station upgrade) and Master Services Agreement

<b>C</b>	Great Falls Police Department	AT Klemens	07/01/2017 – 06/30/2020	\$1,810/yr	Professional Services Agreement to provide materials and labor to service to the air conditioner roof top units at the Great Falls Police Department
<b>D</b>	Public Works – Engineering	Great Falls Public Schools (GFPS)	07/2017 – 08/2017	N/A	Memorandum of Understanding regarding design, bidding and funding for a curb ramp project to provide an ADA accessible route from 6 <sup>th</sup> Avenue S to Great Falls High School property at 1900 2 <sup>nd</sup> Avenue South, Great Falls Tenth Addition, S07, T20N, R04E, Block 733, GF3 BK 399-400, GF10BK, 733, 734, 735, 745 & Huy BK 1 & 8, Vac Streets & Alleys <b>OF 1679.6</b>
<b>E</b>	Park and Recreation	Montana Entertainment & Fireworks, LLC d/b/a Big Sky Fireworks	07/04/2017	\$18,000	Contract Agreement for Pyrotechnic Display 4 <sup>th</sup> of July (paid for by People's Park & Recreation Foundation)
<b>F</b>	Public Works – Engineering	Wadsworth Builders Company, Inc.	06/06/2017 – 09/30/2017	\$39,500	Public Works Construction Agreement to install 10 new interior doors, 12 new interior door frames, 2 new exterior doors, and 2 exterior frames at the Natatorium <b>OF 1393.5</b> (CR: 040516.9J and 010317.10)
<b>G</b>	Public Works – Engineering	David J. Stanton and Sherrie F. Stanton	Permanent	Recording Fees	Easement for secondary ingress and egress across City property to allow the property owners to access the backside of Lot 5, Block 1 of the Skyline Addition to Great Falls <b>OF 1708</b>



**Item:** Grants List  
**From:** Lisa Kunz, City Clerk  
**Initiated By:**  
**Presented By:** City Commission  
**Action Requested:**

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ATTACHMENTS:

- ▣ Grants List

**CITY OF GREAT FALLS, MONTANA  
COMMUNICATION TO THE CITY COMMISSION**

**AGENDA: 10  
DATE: June 6, 2017**

**ITEM:** GRANTS 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>	Great Falls Fire Rescue	Town Pump Charitable Foundation	2017	\$5,000	N/A	2017 Firefighter Grant Program for Firefighting Protection Needs and Equipment - Wildland/Rescue Protective Gear



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**Item:** Change Order 1: 18th Street Storm Drain Improvements Phase 2A - 1st Alley South to 4th Avenue, O.F.1462.2  
**From:** Engineering Division  
**Initiated By:** Public Works Department  
**Presented By:** Jim Rearden, Public Works Director  
**Action Requested:** Approve Change Order 1

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**Suggested Motion:**

1. Commissioner moves:

“I move the City Commission (approve / not approve) Change Order 1 in the amount of \$80,000.00 to Phillips Construction LLC. for the 18th Street Storm Drain Improvements Phase 2A – 1st Alley South to 4th Avenue and authorize the City Manager to execute the agreements.”

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

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**Staff Recommendation:**

Staff recommends the City Commission approve Change Order 1.

**Background:**

Significant Impacts

This Change Order to the 18th Street Storm Drain Improvements Phase 2A contract will provide funding to account for an error in the storm drain pipe bid quantity, as well as fund additional surface reconstruction work that was not planned as part of the original project. An estimate of \$80,000 above the original contract value is provided to cover these items. The final construction costs will not be available until all of the surface restoration work is complete.

Due to an error in the bid quantity prepared by the City’s engineering consultant, the quantity listed for the large (10 feet by 4 feet) storm drain box culvert pipe on bid alternative number two was incorrectly listed as 132 linear feet, while the actual plan and field quantity needed to complete the project was 197 linear feet. This resulted in the installation of an additional 65 linear feet of pipe that was not included on the bid form. The additional cost associated with this work was \$56,875.00. The project was bid as a base bid of three blocks of storm drain with two additional blocks included as bid alternatives one and two. The error in the pipe quantity was on bid alternative two and only recognized as the project was installing the final sections of pipe in early May. The bid price for pipe installation on this final block was less than the bid prices for the same size pipe installed as part of the base bid and bid alternative one. The City’s engineering consultant has also provided a credit to the City for future services to assist in mitigating any additional costs to the City on this item.

The remaining \$23,125.00 included in this Change Order is an estimate of the additional costs associated with



paving, sidewalk, and curb and gutter needed to complete the project. The surface restoration quantities ran over on the project due to poor existing soil conditions on site. The City's plan was to tie back into existing street and concrete, but as pipe was installed in deeper areas, the surrounding street, curb and gutter, and sidewalk fell into the trench due to poor soils. When reconstructing the street, much of the older weathered curb and gutter was replaced to provide a complete new street section on 18th Street South between 2nd Avenue South and Central Avenue.

#### Workload Impacts

City Utility and Engineering Staff are performing construction inspection and administration duties.

#### Evaluation and Selection Process

Four bids were received on July 6, 2016, with the base bids ranging between \$1,559,008.00 and \$2,402,429.50. Phillips Construction, located in Great Falls, MT, submitted the low base bid. Phillips also provided the lowest bid for each bid alternative. Bid Alternative 1 bids ranged from \$517,613.00 to \$793,207.26, and Bid Alternative 2 bids ranged from \$441,364.00 to \$689,272.75.

#### Commission Award Date

The City Commission awarded the contract to Phillips on July 19, 2016.

#### Conclusion

City staff recommends approving the Change Order for the 18th Street Storm Drain Improvements Phase 2A – 1st Alley South to 4th Avenue, O.F. 1462.2 to Phillips Construction LLC in the amount of \$80,000.00. The value of the contract will increase from \$2,517,985.00 to \$2,597,985.00.

#### **Alternatives:**

The City Commission could vote to deny Change Order 1

#### ATTACHMENTS:

- 1462.2 Change Order 1

# Change Order

No. 1

Date of Issuance: 5-24-2017 Effective Date: 6-6-2017

18 <sup>th</sup> Street Storm Drain Improvements Phase 2A – 1 <sup>st</sup> Alley South to 4 <sup>th</sup> Avenue (O.F. 1462.2)	Owner: City of Great Falls	Owner's Contract No. : O.F. 1462.2
Contractor: Phillips Construction LLC		Date of Contract: July 19, 2016
Address: 2607 9 <sup>th</sup> Ave NW, Great Falls, MT 59404		Project Number.: PW361501

**The Contract Documents are modified as follows upon execution of this Change Order:**  
This Change Order allows for the addition of 65 feet of large (10' x 4') pipe to the bid schedule. This item was incorrect when bid, though the plans had the correct length of pipe to complete the project. The Change also includes funding for additional street, sidewalk, and curb and gutter replacement where the existing surface was in too poor of condition to tie back into.

Attachments: (List documents supporting change):

<u>CHANGE IN CONTRACT PRICE:</u>	<u>CHANGE IN CONTRACT TIMES:</u>
Original Contract Price:  \$ <u>2,517,985.00</u>  [Increase] [Decrease] from previously approved Change Orders No. <u>0</u> to No. _____:  \$ _____  Contract Price prior to this Change Order:  \$ <u>2,517,985.00</u>  [Increase] [Decrease] of this Change Order:  \$ <u>+80,000.00</u>  Contract Price incorporating this Change Order:  \$ <u>2,597,985.00</u>	Original Contract Times:  <input type="checkbox"/> Working days <input checked="" type="checkbox"/> Calendar days Substantial completion (days or date): _____ Ready for final payment (days or date): _____  [Increase] [Decrease] from previously approved Change Orders No. <u>0</u> to No. _____: Substantial completion (days): _____ Ready for final payment (days): _____  Contract Times prior to this Change Order: Substantial completion (days or date): <u>124</u> Ready for final payment (days or date): _____  [Increase] [Decrease] of this Change Order: Substantial completion (days or date): <u>+30</u> Ready for final payment (days or date): _____  Contract Times with all approved Change Orders: Substantial completion (days or date): <u>154</u> Ready for final payment (days or date): _____

RECOMMENDED: By: <u><i>Conroy Lynch</i></u> Engineer (Authorized Signature) Date: <u>5/24/17</u>	ACCEPTED: By: _____ Owner (Authorized Signature) Date: _____	ACCEPTED: By: <u><i>[Signature]</i></u> Contractor (Authorized Signature) Date: <u>5/24/17</u>
Approved by Funding Agency (if applicable): _____		Date: _____



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**Item:** Annexation of 13.471 acres of unincorporated lots within Thaniel Addition, Phase 1  
**From:** Planning and Community Development Department  
**Initiated By:** NeighborWorks of Great Falls  
**Presented By:** Craig Raymond, Director  
**Action Requested:** City Commission conduct public hearing and adopt Resolutions 10174, 10175, 10176, 10177, 10178, and 10179 to allow the phased annexation of 60 "self help" constructed homes within Thaniel Addition.

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**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) Resolution 10174, (adopt/deny) Resolution 10175, (adopt/deny) Resolution 10176, (adopt/deny) Resolution 10177, (adopt/deny) Resolution 10178 and (adopt/deny) Resolution 10179, to allow the phased annexation of ±13.471 acres as each 10-home buildout is completed (60 total lots), in the vicinity of Division Road, between 37th Avenue Northeast and 41st Avenue Northeast, subject to the conditions of approval."

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

**Staff Recommendation:**

At the conclusion of a public hearing held on May 9, 2017, the Planning Advisory Board recommended that the City Commission approve the phased annexation of ±13.471 acres as each 10-home buildout is completed (60 total lots), in the vicinity of Division Road, between 37th Avenue Northeast and 41st Avenue Northeast, subject to the following conditions:

Conditions of Approval for Annexation:

1. **General Code Compliance.** The proposed single-family dwellings shall be developed and consistent with prior agreements for Thaniel Addition, Phase 1, conditions in this report, and all codes and ordinances of the City of Great Falls, the State of Montana, and all other applicable regulatory agencies.
2. **Land Use & Zoning.** Except as provided herein, development of the properties shall be consistent with allowed uses and specific development standards for the building of the self-help single-family residences as approved by the City Building Official.

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

**Summary:**

Similar to the phased annexations of Castle Pines Additions, Phases 2 thru 9, NeighborWorks of Great Falls, Self-Help program will construct single-family dwellings in phases (typically ten per phase), and upon completion of the construction, the homes will be annexed into the City with the filing of a Resolution to annex that is associated with that phase of construction. The first ten homes of the development have already been constructed, with home occupancy occurring in November of 2016. However, future phases will have their annexations done in advance of the homes being occupied.

**Background:**

During a Public Hearing held July 21, 2015, the City Commission approved the final plat of Thaniel Addition, Phase 1 and simultaneously annexed ±142.199 acres into the City of Great Falls. This left a remainder area of 13.471 acres that was platted but not yet annexed into the City. The 13.471 acres is made up of 60 lots in the vicinity of Division Road, between 37th Avenue Northeast and 41st Avenue Northeast. NeighborWorks of Great Falls acquired these remaining lots to accommodate construction of "Self-Help" program homes. For additional information, please refer to the attached Vicinity/Zoning Map.

All of the utility mains, paved streets, and curb and gutter have been installed by the developer of Thaniel Addition, Phase 1 and accepted by the City Public Works Department. City standard sidewalks and driveway curb cuts will be installed as a part of the construction of the single-family residences.

The subject property is located west of West Ridge Addition, and to the north of Tyndall Addition, which have already been annexed and developed with single-family residential subdivisions. The remaining large undeveloped lot west of the proposed annexation area was annexed into the City and will remain used for agriculture purposes until future development plans are proposed and approved by the City Commission.

Annexation of subject property will enhance health, safety and welfare through application of City Codes and provision of municipal services. It is anticipated that the existing and planned single-family residential use of the properties will be compatible with neighboring uses. The City zoning of R-3 Single-family high-density district was assigned to the subject property as a part of Ordinance 3132, approved on July 21, 2015.

**Fiscal Impact:**

Providing services is expected to be an additional cost to the City. Part of the increased costs may be covered by increased tax revenues from improved properties; however, the developer and future property owners will be required to participate in the larger costs as outlined in the Annexation Improvement Agreement for Thaniel Addition.

**Alternatives:**

If there are justifiable reasons to do so, the City Commission could deny the requested action to the extent allowed in City Codes and State Statute.

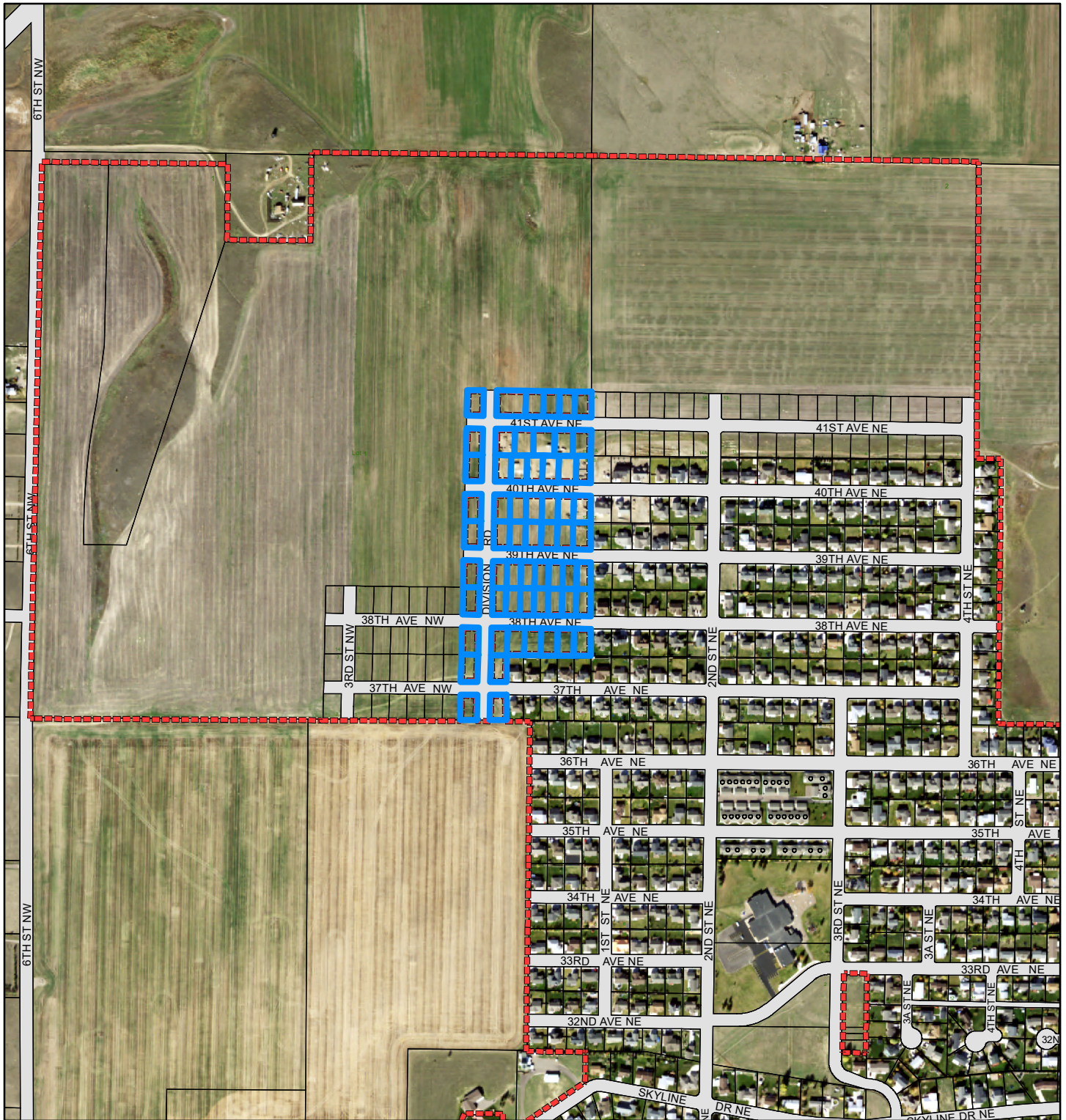
**Concurrences:**

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

ATTACHMENTS:

- Vicinity Map
- Attachment "A"
- Basis of Decision and Findings of Fact
- Resolution 10174
- Resolution 10175
- Resolution 10176
- Resolution 10177
- Resolution 10178
- Resolution 10179

# VICINITY MAP

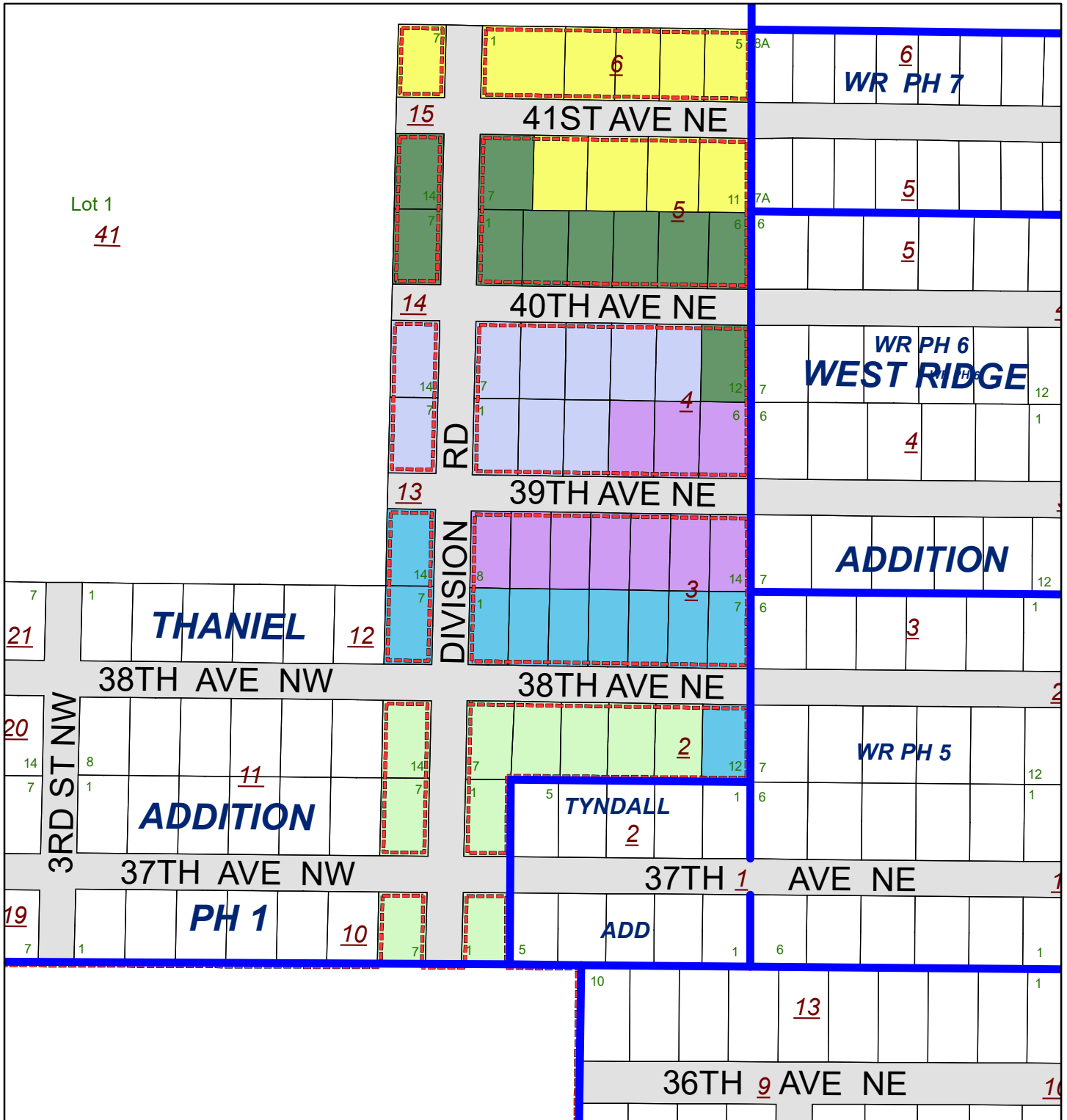


- NeighborWorks Build Lots
- City Limits
- Tracts of Land
- Right-of-Way



Thanie Addition Major Subdivision Phase 1  
13.47 Acres to be Annexed in Phases

# Attachment "A"



- Subdivision Line
- - - City Limits
- Tracts of Land
- Right-of-Way
- Phase 1 Build-Resolution 10174
- Phase 2 Build-Resolution 10175
- Phase 3 Build-Resolution 10176
- Phase 4 Build-Resolution 10177
- Phase 5 Build-Resolution 10178
- Phase 6 Build-Resolution 10179

175 87.5 0 175 Feet



Thanie Addition Major Subdivision Phase 1  
Phased Annexations

## ANNEXATION BY PETITION - BASIS OF DECISION AND FINDINGS OF FACT

### 1. The subject property is contiguous to the existing City limits.

The property is contiguous to existing City limits and the first ten homes already receive City and water and sewer services. There is annexed property surrounding the lots.

### 2. The proposed annexation is consistent with the City's growth policy.

The proposed project is consistent with the overall intent and purpose of the 2013 City Growth Policy Update. The project specifically supports the policies by providing a variety of housing choices in the community.

### 3. The proposed annexation is consistent with applicable neighborhood plans, if any.

No neighborhood plans have been adopted for this area.

### 4. The proposed annexation is consistent with other planning documents adopted by the City Commission, including a river corridor plan, transportation plan, and sub-area plans.

The subject property does not lie within any adopted plans or sub-area plans, except for the Great Falls Area Long Range Transportation Plan, which does not have any specifications for roadways adjacent to the property.

### 5. The City has, or will have, the capacity to provide public services to the subject property.

The City has the capacity to provide public services to the property. Water and sewer are already being provided for the first ten lot phase of development.

### 6. The subject property has been or will be improved to City standards.

All City improvements have been made.

### 7. The owner(s) of the subject property will bear all of the cost of improving the property to City standards and or/the owner(s) has signed an agreement waiving the right of protest to the creation of a special improvement district created to pay, in whole or in part, any necessary improvement.

The owners, will pay for all improvements or share in its proportional share of same.

### 8. The subject property has been or will be surveyed and officially recorded with the County Clerk and Recorder.

The subject lots have been surveyed and platted as a part of Thaniel Addition, Phase 1, Cascade County, Montana and on file at the County Clerk and Recorder.

### 9. The City will provide both water and sewer service to the subject property that may require potable water and waste water treatment and disposal.

Public water and sewer have been installed in Phase I and have been planned for extension into future phases.

### 10. The subject property is not located in an area the City Commission has designated as unsuitable for annexation.

The property is not located in an unsuitable location for annexation.

### 11. The subject property is not located in another city or town. (See: 7-2-4608 (1), MCA)

The Subject Property is unincorporated.

### 12. The subject property is not used in whole or in part for agriculture, mining, smelting, refining, transportation, or any other industrial or manufacturing purpose or any purpose incidental thereto. (See: 7-2 -4608 (2), MCA)

The owners of the subject properties have signed partition to annex into the City jurisdiction.



RESOLUTION 10174

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, TO EXTEND THE BOUNDARIES OF SAID CITY TO INCLUDE LOT 12, BLOCK 4, LOTS 1-7, BLOCK 5, LOT 14, BLOCK 14, AND LOT 14, BLOCK 14, THANIEL ADDITION MAJOR SUBDIVISION PHASE 1 OF THE TYNDALL MINOR COUNTY SUBDIVISION TRACT #2, LOCATED IN THE SW ¼ SECTION 26, TOWNSHIP 21 NORTH, RANGE 3 EAST, CASCADE COUNTY, MONTANA, IN ACCORDANCE WITH THE PROVISION OF SECTION 7-2-4601, MONTANA CODE ANNOTATED; ALL AS SHOWN ON THE MAP ATTACHED HERETO MARKED ATTACHMENT "A" AND BY THIS REFERENCE MADE A PART HEREOF.

\* \* \* \* \*

WHEREAS, the City of Great Falls is a city incorporated under the laws of the State of Montana, and having a population of more than ten thousand (10,000) is a city of the first class; and,

WHEREAS, there is contiguous to said City, but without the boundaries thereof, certain tracts or parcels of land situated in the County of Cascade, State of Montana, and described as follows:

LOT 12, BLOCK 4, LOTS 1-7, BLOCK 5, LOT 14, BLOCK 14, AND LOT 14, BLOCK 14, THANIEL ADDITION MAJOR SUBDIVISION PHASE 1 of the Tyndall Minor County Subdivision Tract #2, located in the SW ¼ Section 26, Township 21 North, Range 3 East, Cascade County, Montana, and consisting of ± 2.29 acres,

all as shown on the map attached hereto marked Attachment "A" and by this reference made a part hereof and according to the final plat of Thaniel Addition Major Subdivision Phase 1; and,

WHEREAS, Section 7-2-4601, Montana Code Annotated, provides that whenever the owners of real property contiguous to any incorporated city of the first class petition to have said property made a part of the municipal corporation, such lands may be embraced within the corporate limits thereof and the boundaries of such city of the first class extended so as to include the same; and,

WHEREAS, the owner of the hereinabove described property has submitted a petition to have said property annexed to the City of Great Falls; and

WHEREAS, the City Commission finds that it is to the best interest of the City of Great Falls and its inhabitants to proceed with the incorporation of said territory into the City of Great Falls; and,

WHEREAS, all of the proceedings herein have been conducted in strict compliance with and in conformity to the laws of the Montana Code Annotated, Title 7, Chapter 2, Part 46. Annexation by Petition, and all conditions, acts, and things required to be done precedent to and in the passage and adoption of this resolution have been properly and legally done, and performed.

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

That the boundaries of the City of Great Falls, Montana, be and the same are hereby extended so as to embrace and include within the corporate limits of said city all of the land hereinabove described, included as: LOT 12, BLOCK 4, LOTS 1-7, BLOCK 5, LOT 14, BLOCK 14, AND LOT 14, BLOCK 14, THANIEL ADDITION MAJOR SUBDIVISION PHASE 1 of the Tyndall Minor County Subdivision Tract #2, located in the SW ¼ Section 26, Township 21 North, Range 3 East, Cascade County, Montana.

BE IT FURTHER RESOLVED BY THE COMMISSION OF THE CITY OF GREAT FALLS, MONTANA:

That the Cascade County Clerk and Recorder is hereby authorized and directed to change the appropriate district boundaries of the City of Great Falls, Montana, to include said tract of land; and,

That this Resolution shall become effective from and after the date of the filing of said document in the office of the Cascade County Clerk and Recorder.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on this 6th day of June, 2017.

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

ATTEST:

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

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

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Sara R. Sexe, City Attorney

RESOLUTION 10175

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, TO EXTEND THE BOUNDARIES OF SAID CITY TO INCLUDE LOTS 8-11, BLOCK 5, LOTS 1-5, BLOCK 6, AND LOT 7, BLOCK 15, THANIEL ADDITION MAJOR SUBDIVISION PHASE 1 OF THE TYNDALL MINOR COUNTY SUBDIVISION TRACT #2, LOCATED IN THE SW ¼ SECTION 26, TOWNSHIP 21 NORTH, RANGE 3 EAST, CASCADE COUNTY, MONTANA, IN ACCORDANCE WITH THE PROVISION OF SECTION 7-2-4601, MONTANA CODE ANNOTATED; ALL AS SHOWN ON THE MAP ATTACHED HERETO MARKED ATTACHMENT "A" AND BY THIS REFERENCE MADE A PART HEREOF.

\* \* \* \* \*

WHEREAS, the City of Great Falls is a city incorporated under the laws of the State of Montana, and having a population of more than ten thousand (10,000) is a city of the first class; and,

WHEREAS, there is contiguous to said City, but without the boundaries thereof, certain tracts or parcels of land situated in the County of Cascade, State of Montana, and described as follows:

LOTS 8-11, BLOCK 5, LOTS 1-5, BLOCK 6, AND LOT 7, BLOCK 15, THANIEL ADDITION MAJOR SUBDIVISION PHASE 1 of the Tyndall Minor County Subdivision Tract #2, located in the SW ¼ Section 26, Township 21 North, Range 3 East, Cascade County, Montana, and consisting of ± 2.5 acres,

all as shown on the map attached hereto marked Attachment "A" and by this reference made a part hereof and according to the final plat of Thaniel Addition Major Subdivision Phase 1; and,

WHEREAS, Section 7-2-4601, Montana Code Annotated, provides that whenever the owners of real property contiguous to any incorporated city of the first class petition to have said property made a part of the municipal corporation, such lands may be embraced within the corporate limits thereof and the boundaries of such city of the first class extended so as to include the same; and,

WHEREAS, the owner of the hereinabove described property has submitted a petition to have said property annexed to the City of Great Falls; and

WHEREAS, the City Commission finds that it is to the best interest of the City of Great Falls and its inhabitants to proceed with the incorporation of said territory into the City of Great Falls; and,

WHEREAS, all of the proceedings herein have been conducted in strict compliance with and in conformity to the laws of the Montana Code Annotated, Title 7, Chapter 2, Part 46. Annexation by Petition, and all conditions, acts, and things required to be done precedent to and in the passage and adoption of this resolution have been properly and legally done, and performed.

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

That the boundaries of the City of Great Falls, Montana, be and the same are hereby extended so as to embrace and include within the corporate limits of said city all of the land hereinabove described, included as: LOTS 8-11, BLOCK 5, LOTS 1-5, BLOCK 6, AND LOT 7, BLOCK 15, THANIEL ADDITION MAJOR SUBDIVISION PHASE 1 of the Tyndall Minor County Subdivision Tract #2, located in the SW ¼ Section 26, Township 21 North, Range 3 East, Cascade County, Montana.

BE IT FURTHER RESOLVED BY THE COMMISSION OF THE CITY OF GREAT FALLS, MONTANA:

That the Cascade County Clerk and Recorder is hereby authorized and directed to change the appropriate district boundaries of the City of Great Falls, Montana, to include said tract of land; and,

That this Resolution shall become effective from and after the date of the filing of said document in the office of the Cascade County Clerk and Recorder.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on this 6th day of June, 2017.

---

Bob Kelly, Mayor

ATTEST:

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Lisa Kunz, City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

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Sara R. Sexe, City Attorney

RESOLUTION 10176

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, TO EXTEND THE BOUNDARIES OF SAID CITY TO INCLUDE LOTS 1-3, & 7-11, BLOCK 4, AND LOT 7 & 14, BLOCK 13, THANIEL ADDITION MAJOR SUBDIVISION PHASE 1 OF THE TYNDALL MINOR COUNTY SUBDIVISION TRACT #2, LOCATED IN THE SW ¼ SECTION 26, TOWNSHIP 21 NORTH, RANGE 3 EAST, CASCADE COUNTY, MONTANA, IN ACCORDANCE WITH THE PROVISION OF SECTION 7-2-4601, MONTANA CODE ANNOTATED; ALL AS SHOWN ON THE MAP ATTACHED HERETO MARKED ATTACHMENT "A" AND BY THIS REFERENCE MADE A PART HEREOF.

\* \* \* \* \*

WHEREAS, the City of Great Falls is a city incorporated under the laws of the State of Montana, and having a population of more than ten thousand (10,000) is a city of the first class; and,

WHEREAS, there is contiguous to said City, but without the boundaries thereof, certain tracts or parcels of land situated in the County of Cascade, State of Montana, and described as follows:

LOTS 1-3, & 7-11, BLOCK 4, AND LOT 7 & 14, BLOCK 13, THANIEL ADDITION MAJOR SUBDIVISION PHASE 1 of the Tyndall Minor County Subdivision Tract #2, located in the SW ¼ Section 26, Township 21 North, Range 3 East, Cascade County, Montana, and consisting of ± 2.23 acres,

all as shown on the map attached hereto marked Attachment "A" and by this reference made a part hereof and according to the final plat of Thaniel Addition Major Subdivision Phase 1; and,

WHEREAS, Section 7-2-4601, Montana Code Annotated, provides that whenever the owners of real property contiguous to any incorporated city of the first class petition to have said property made a part of the municipal corporation, such lands may be embraced within the corporate limits thereof and the boundaries of such city of the first class extended so as to include the same; and,

WHEREAS, the owner of the hereinabove described property has submitted a petition to have said property annexed to the City of Great Falls; and

WHEREAS, the City Commission finds that it is to the best interest of the City of Great Falls and its inhabitants to proceed with the incorporation of said territory into the City of Great Falls; and,

WHEREAS, all of the proceedings herein have been conducted in strict compliance with and in conformity to the laws of the Montana Code Annotated, Title 7, Chapter 2, Part 46. Annexation by Petition, and all conditions, acts, and things required to be done precedent to and in the passage and adoption of this resolution have been properly and legally done, and performed.

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

That the boundaries of the City of Great Falls, Montana, be and the same are hereby extended so as to embrace and include within the corporate limits of said city all of the land hereinabove described, included as: LOTS 1-3, & 7-11, BLOCK 4, AND LOT 7 & 14, BLOCK 13, THANIEL ADDITION MAJOR SUBDIVISION PHASE 1 of the Tyndall Minor County Subdivision Tract #2, located in the SW ¼ Section 26, Township 21 North, Range 3 East, Cascade County, Montana.

BE IT FURTHER RESOLVED BY THE COMMISSION OF THE CITY OF GREAT FALLS, MONTANA:

That the Cascade County Clerk and Recorder is hereby authorized and directed to change the appropriate district boundaries of the City of Great Falls, Montana, to include said tract of land; and,

That this Resolution shall become effective from and after the date of the filing of said document in the office of the Cascade County Clerk and Recorder.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on this 6th day of June, 2017.

---

Bob Kelly, Mayor

ATTEST:

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Lisa Kunz, City Clerk

(SEAL OF CITY)



APPROVED FOR LEGAL CONTENT:

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Sara R. Sexe, City Attorney

RESOLUTION 10177

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, TO EXTEND THE BOUNDARIES OF SAID CITY TO INCLUDE LOTS 8-14, BLOCK 3, AND LOT 4-6, BLOCK 4, THANIEL ADDITION MAJOR SUBDIVISION PHASE 1 OF THE TYNDALL MINOR COUNTY SUBDIVISION TRACT #2, LOCATED IN THE SW ¼ SECTION 26, TOWNSHIP 21 NORTH, RANGE 3 EAST, CASCADE COUNTY, MONTANA, IN ACCORDANCE WITH THE PROVISION OF SECTION 7-2-4601, MONTANA CODE ANNOTATED; ALL AS SHOWN ON THE MAP ATTACHED HERETO MARKED ATTACHMENT "A" AND BY THIS REFERENCE MADE A PART HEREOF.

\* \* \* \* \*

WHEREAS, the City of Great Falls is a city incorporated under the laws of the State of Montana, and having a population of more than ten thousand (10,000) is a city of the first class; and,

WHEREAS, there is contiguous to said City, but without the boundaries thereof, certain tracts or parcels of land situated in the County of Cascade, State of Montana, and described as follows:

LOTS 8-14, BLOCK 3, AND LOT 4-6, BLOCK 4, THANIEL ADDITION MAJOR SUBDIVISION PHASE 1 of the Tyndall Minor County Subdivision Tract #2, located in the SW ¼ Section 26, Township 21 North, Range 3 East, Cascade County, Montana, and consisting of ± 2.06 acres,

all as shown on the map attached hereto marked Attachment "A" and by this reference made a part hereof and according to the final plat of Thaniel Addition Major Subdivision Phase 1; and,

WHEREAS, Section 7-2-4601, Montana Code Annotated, provides that whenever the owners of real property contiguous to any incorporated city of the first class petition to have said property made a part of the municipal corporation, such lands may be embraced within the corporate limits thereof and the boundaries of such city of the first class extended so as to include the same; and,

WHEREAS, the owner of the hereinabove described property has submitted a petition to have said property annexed to the City of Great Falls; and

WHEREAS, the City Commission finds that it is to the best interest of the City of Great Falls and its inhabitants to proceed with the incorporation of said territory into the City of Great Falls; and,

WHEREAS, all of the proceedings herein have been conducted in strict compliance with and in conformity to the laws of the Montana Code Annotated, Title 7, Chapter 2, Part 46. Annexation by Petition, and all conditions, acts, and things required to be done precedent to and in the passage and adoption of this resolution have been properly and legally done, and performed.

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

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BE IT FURTHER RESOLVED BY THE COMMISSION OF THE CITY OF GREAT FALLS, MONTANA:

That the Cascade County Clerk and Recorder is hereby authorized and directed to change the appropriate district boundaries of the City of Great Falls, Montana, to include said tract of land; and,

That this Resolution shall become effective from and after the date of the filing of said document in the office of the Cascade County Clerk and Recorder.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on this 6th day of June, 2017.

---

Bob Kelly, Mayor

ATTEST:

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Lisa Kunz, City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

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Sara R. Sexe, City Attorney

RESOLUTION 10178

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, TO EXTEND THE BOUNDARIES OF SAID CITY TO INCLUDE LOT 12, BLOCK 2, LOTS 1-7, BLOCK 3, AND LOTS 7 & 14, BLOCK 12, THANIEL ADDITION MAJOR SUBDIVISION PHASE 1 OF THE TYNDALL MINOR COUNTY SUBDIVISION TRACT #2, LOCATED IN THE SW ¼ SECTION 26, TOWNSHIP 21 NORTH, RANGE 3 EAST, CASCADE COUNTY, MONTANA, IN ACCORDANCE WITH THE PROVISION OF SECTION 7-2-4601, MONTANA CODE ANNOTATED; ALL AS SHOWN ON THE MAP ATTACHED HERETO MARKED ATTACHMENT "A" AND BY THIS REFERENCE MADE A PART HEREOF.

\*\*\*\*\*

WHEREAS, the City of Great Falls is a city incorporated under the laws of the State of Montana, and having a population of more than ten thousand (10,000) is a city of the first class; and,

WHEREAS, there is contiguous to said City, but without the boundaries thereof, certain tracts or parcels of land situated in the County of Cascade, State of Montana, and described as follows:

LOT 12, BLOCK 2, LOTS 1-7, BLOCK 3, AND LOTS 7 & 14, BLOCK 12, THANIEL ADDITION MAJOR SUBDIVISION PHASE 1 of the Tyndall Minor County Subdivision Tract #2, located in the SW ¼ Section 26, Township 21 North, Range 3 East, Cascade County, Montana, and consisting of ± 2.09 acres,

all as shown on the map attached hereto marked Attachment "A" and by this reference made a part hereof and according to the final plat of Thaniel Addition Major Subdivision Phase 1; and,

WHEREAS, Section 7-2-4601, Montana Code Annotated, provides that whenever the owners of real property contiguous to any incorporated city of the first class petition to have said property made a part of the municipal corporation, such lands may be embraced within the corporate limits thereof and the boundaries of such city of the first class extended so as to include the same; and,

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WHEREAS, the City Commission finds that it is to the best interest of the City of Great Falls and its inhabitants to proceed with the incorporation of said territory into the City of Great Falls; and,

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BE IT FURTHER RESOLVED BY THE COMMISSION OF THE CITY OF GREAT FALLS, MONTANA:

That the Cascade County Clerk and Recorder is hereby authorized and directed to change the appropriate district boundaries of the City of Great Falls, Montana, to include said tract of land; and,

That this Resolution shall become effective from and after the date of the filing of said document in the office of the Cascade County Clerk and Recorder.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on this 6th day of June, 2017.

---

Bob Kelly, Mayor

ATTEST:

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Lisa Kunz, City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

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Sara R. Sexe, City Attorney

RESOLUTION 10179

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, TO EXTEND THE BOUNDARIES OF SAID CITY TO INCLUDE LOT 1, BLOCK 1, LOTS 1, 7-11, BLOCK 2, LOT 7, BLOCK 10, AND LOTS 7 & 14, BLOCK 11, THANIEL ADDITION MAJOR SUBDIVISION PHASE 1 OF THE TYNDALL MINOR COUNTY SUBDIVISION TRACT #2, LOCATED IN THE SW ¼ SECTION 26, TOWNSHIP 21 NORTH, RANGE 3 EAST, CASCADE COUNTY, MONTANA, IN ACCORDANCE WITH THE PROVISION OF SECTION 7-2-4601, MONTANA CODE ANNOTATED; ALL AS SHOWN ON THE MAP ATTACHED HERETO MARKED ATTACHMENT "A" AND BY THIS REFERENCE MADE A PART HEREOF.

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WHEREAS, the City of Great Falls is a city incorporated under the laws of the State of Montana, and having a population of more than ten thousand (10,000) is a city of the first class; and,

WHEREAS, there is contiguous to said City, but without the boundaries thereof, certain tracts or parcels of land situated in the County of Cascade, State of Montana, and described as follows:

LOT 1, BLOCK 1, LOTS 1, 7-11, BLOCK 2, LOT 7, BLOCK 10, AND LOTS 7 & 14, BLOCK 11, THANIEL ADDITION MAJOR SUBDIVISION PHASE 1 of the Tyndall Minor County Subdivision Tract #2, located in the SW ¼ Section 26, Township 21 North, Range 3 East, Cascade County, Montana, and consisting of ± 2.3 acres,

all as shown on the map attached hereto marked Attachment "A" and by this reference made a part hereof and according to the final plat of Thaniel Addition Major Subdivision Phase 1; and,

WHEREAS, Section 7-2-4601, Montana Code Annotated, provides that whenever the owners of real property contiguous to any incorporated city of the first class petition to have said property made a part of the municipal corporation, such lands may be embraced within the corporate limits thereof and the boundaries of such city of the first class extended so as to include the same; and,



WHEREAS, the owner of the hereinabove described property has submitted a petition to have said property annexed to the City of Great Falls; and

WHEREAS, the City Commission finds that it is to the best interest of the City of Great Falls and its inhabitants to proceed with the incorporation of said territory into the City of Great Falls; and,

WHEREAS, all of the proceedings herein have been conducted in strict compliance with and in conformity to the laws of the Montana Code Annotated, Title 7, Chapter 2, Part 46. Annexation by Petition, and all conditions, acts, and things required to be done precedent to and in the passage and adoption of this resolution have been properly and legally done, and performed.

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

That the boundaries of the City of Great Falls, Montana, be and the same are hereby extended so as to embrace and include within the corporate limits of said city all of the land hereinabove described, included as: LOT 1, BLOCK 1, LOTS 1, 7-11, BLOCK 2, LOT 7, BLOCK 10, AND LOTS 7 & 14, BLOCK 11, THANIEL ADDITION MAJOR SUBDIVISION PHASE 1 of the Tyndall Minor County Subdivision Tract #2, located in the SW ¼ Section 26, Township 21 North, Range 3 East, Cascade County, Montana.

BE IT FURTHER RESOLVED BY THE COMMISSION OF THE CITY OF GREAT FALLS, MONTANA:

That the Cascade County Clerk and Recorder is hereby authorized and directed to change the appropriate district boundaries of the City of Great Falls, Montana, to include said tract of land; and,

That this Resolution shall become effective from and after the date of the filing of said document in the office of the Cascade County Clerk and Recorder.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on this 6th day of June, 2017.

---

Bob Kelly, Mayor

ATTEST:

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Lisa Kunz, City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

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Sara R. Sexe, City Attorney



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**Item:** Resolution #10191 Intent to Create City of Great Falls Park District Number 1  
**From:** Park & Recreation  
**Initiated By:** Patty Rearden, Interim Park & Recreation Director  
**Presented By:** Patty Rearden, Interim Park & Recreation Director  
**Action Requested:** Adopt Resolution 10191 Intent to Create City of Great Falls Park District Number 1

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**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) Resolution 10191 Intent to Create City of Great Falls Park District Number 1.”

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

**Staff Recommendation:**

Staff recommends the City Commission adopt Resolution #10191 Intent to Create City of Great Falls Park District Number 1.

**Summary:**

Staff recommends that the Commission adopt a Resolution declaring the intention of the City Commission of the City of Great Falls, Montana, to create a special park district as authorized by Title 7, Chapter 11, Part 10 MCA, more specifically a City-wide park district entitled “City of Great Falls Park District Number 1,” to establish an annual assessment and a method of assessments for the purposes of funding and/or financing costs associated with providing services including, but not limited to:

- (1) maintenance, repair, replacement, upkeep, installation, improvement, operational enhancement, construction, reconstruction, acquisition of land;
- (2) implementation of measures required to maintain public health and safety or meet legal or regulatory requirements;
- (3) purchasing, replacing, and/or maintaining equipment, tools or vehicles used to carry out the functions described herein; and/or
- (4) any other functions, labor, supplies and/or materials necessary for management and maintenance of City-owned facilities, lands and equipment under the responsibility and care of the City of Great Falls Parks and Recreation Department including, but not limited to: public parks and park areas (as described in the City of Great Falls Park and Recreation Master Plan), recreation facilities, trails,

open space, urban forest, medians, boulevards, pathways, sidewalks, public easements and other facilities located in the city and/or owned by the City; and providing for other matters properly relating thereto.

If adopted, the effective duration of the City of Great Falls Park District Number 1 would be for a period of 20 years from the date of the adoption of Resolution #10192, Creation of the City of Great Falls Park District Number 1.

**Background:**

The Park and Recreation Master Plan was adopted by the City Commission on November 15, 2016. The plan included an intensive public process to ensure a complete understanding of the community's priorities; including town meetings, 84 focus group meetings, a statistically accurate survey, and an on-line survey open to the entire community. The Park and Recreation Master Plan identified \$12,000,000 in deferred maintenance (critical projects), \$1,150,000 for sustainable projects, and \$20,250,000 for visionary projects. The \$12,000,000 in deferred maintenance does not include unfunded staffing and daily operational needs. Without funding to address deferred maintenance that \$12,000,000 number will continue to grow, and amenities will have to be removed or closed. The Master Plan recommended completion of the deferred maintenance projects in 1-5 years. Current funding does not allow for adequate maintenance of facilities and parks. There has been no funding for capital improvements or major repairs. In fiscal year (FY) 2017, the City's Capital Improvement Plan recommended \$438,676; however, no dollars were funded.

The Master Plan identified other unfunded needs in staffing and operations. The Parks Division currently has 23.5 full time equivalent employees (FTE's). The recommended level under the Master Plan is 39 FTE's. The addition of 12 positions within 3 years is recommended. In Forestry, the industry standard for trimming trees is every 4-7 years. The current schedule is 30-35 years. Lack of inspections and pruning may create safety hazards and potential property damage, is detrimental to the health of the trees/urban forest, and substantially increases the cost and time to trim each individual tree. The Master Plan recommended three Forestry staff additions within 3 years.

The City's general fund cannot adequately fund parks and recreation. The Parks and Recreation Master Plan recommends the Creation of a City-wide Parks District to supplement current funding and create a sustainable funding to provide the park and recreation system services.

Park District funds may be used for parks, forestry and trails for capital improvements, staff, and operations. Funds may also be used for maintenance and improvements to recreation and aquatics facilities. The funds may not be used for programming.

Great Falls has had a long history of creating designated park areas within developed housing areas. The amenities provided in the park areas and other City owned facilities have enriched our community's livability, beautification, physical fitness, and overall well-being.

A committee comprised of members of the Park Board, City Staff, and Park & Recreation Staff has been meeting to consider options for creating a Special Park District. Interim Park and Recreation Director, Patty Rearden, gave a presentation at the City Commission Work Sessions on April 4, 2017, and May 16, 2017, as well as an update at the City Commission Retreat on April 17, 2017. The committee is now prepared to move forward with a recommendation to proceed with creation of the park district for a period of 20 years, in the estimated amount of \$2,267,796 million per year, and develop a projects and spending plan to be completed over a three year period, with assessments determined annually based on taxable value of properties within the City.

Creation of the Park District would help fund the deferred maintenance, may prevent removal or closure of amenities, and fund some of the sustainable projects. Proposed improvements over a three year period include, but are not limited to:

1. Rest Room Improvements for Gibson, Oddfellows, and Lions Parks;

2. Picnic Pavilions and Tables;
3. Play Equipment;
4. Resurface sports courts (basketball, tennis/pickleball);
5. ADA sidewalks to play structures;
6. Improvements to Electric City Water Park Bath House;
7. Replacement of Gibson Park and Elks Riverside Trails;
8. Improvements to River's Edge Trail & Multi Sports Softball Complex (match money);
9. New dog park;
10. New asphalt park trail;
11. Feasibility study for a recreation/aquatics facility;
12. Mature tree trimming and tree replacement; and
13. Operations, equipment, irrigation upgrades, labor, staff, and contracted services.

**Fiscal Impact:**

The proposed amount is for \$2,267,796 annually for the first three years. The assessment would be based on taxable value, and, on average, the assessment for a \$100,000 property would be \$43.28 per year. The assessment can be adjusted annually and must be set by City Commission Resolution.

**Alternatives:**

The Commission could choose to not adopt Resolution 10191 Intent to Create Great Falls Park District Number 1. This is not recommended because the City would be faced with finding an alternative funding source for deferred maintenance and needed improvements to the park system including facilities and the urban forest. Maintenance will not improve and facilities will deteriorate or close; or

The Commission could pass a Resolution to conduct a special referendum election for the creation of City of Great Falls Special Park District Number 1.

**Concurrences:**

At its May 8, 2017, monthly meeting, the Park and Recreation Advisory Board recommended that the City Commission adopt the Resolution of Intent to Create City of Great Falls Park District Number 1 at the June 6, 2017 Commission Meeting. The People's Park and Recreation Foundation made the same recommendation at their monthly meeting on May 9th. City and Park and Recreation staff are also in support of the creation of a Park District.

ATTACHMENTS:

- ▢ Resolution 10191
- ▢ Exhibit "A" Proposed Boundary Map
- ▢ Exhibit "B" District Boundary Defined
- ▢ Exhibit "C" Notice of Public Hearing
- ▢ Exhibit "D" Notice of Public Hearing

**RESOLUTION NO. 10191**

**A RESOLUTION DECLARING IT TO BE THE INTENTION OF THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, TO CREATE A SPECIAL PARK DISTRICT AS AUTHORIZED BY TITLE 7, CHAPTER 11, PART 10 MCA, MORE SPECIFICALLY A CITY-WIDE PARK DISTRICT ENTITLED “CITY OF GREAT FALLS PARK DISTRICT NUMBER 1,” TO ESTABLISH AN ANNUAL ASSESSMENT AND PROVIDE FOR A METHOD OF ASSESSMENTS FOR THE PURPOSES OF FUNDING AND/OR FINANCING COSTS ASSOCIATED WITH PROVIDING SERVICES INCLUDING BUT NOT LIMITED TO: (1) MAINTENANCE, REPAIR, REPLACEMENT, UPKEEP, INSTALLATION, IMPROVEMENT, OPERATIONAL ENHANCEMENT, CONSTRUCTION, RECONSTRUCTION, ACQUISITION OF LAND, AND/OR (2) IMPLEMENTATION OF MEASURES REQUIRED TO MAINTAIN PUBLIC HEALTH AND SAFETY OR MEET LEGAL OR REGULATORY REQUIREMENTS, AND/OR (3) PURCHASING, REPLACING, AND/OR MAINTAINING EQUIPMENT, TOOLS OR VEHICLES USED TO CARRY OUT THE FUNCTIONS DESCRIBED HEREIN, AND/OR (4) ANY OTHER FUNCTIONS, LABOR, SUPPLIES AND/OR MATERIALS NECESSARY FOR MANAGEMENT AND MAINTENANCE OF CITY-OWNED FACILITIES, LANDS AND EQUIPMENT UNDER THE RESPONSIBILITY AND CARE OF THE CITY OF GREAT FALLS PARKS AND RECREATION DEPARTMENT INCLUDING BUT NOT LIMITED TO: PUBLIC PARKS AND PARK AREAS (AS DESCRIBED IN THE CITY OF GREAT FALLS PARK AND RECREATION MASTER PLAN), RECREATION FACILITIES, TRAILS, OPEN SPACE, URBAN FOREST, MEDIANS, BOULEVARDS, PATHWAYS, SIDEWALKS, PUBLIC EASEMENTS AND OTHER FACILITIES LOCATED IN THE CITY AND/OR OWNED BY THE CITY; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.**

**WHEREAS**, the City of Great Falls, Montana (the “City”) is a municipality duly organized and existing under and by virtue of the constitution and laws of the State of Montana; and

**WHEREAS**, the City Commission (the “Commission”) is authorized by Montana Code Annotated (MCA), Part 7, Chapter 11, Part 10, to create special districts to serve the inhabitants of the special district; and

**WHEREAS**, the City Commission has made the determination to initiate the creation of a special district; and

**WHEREAS**, the City Commission finds that the creation of a special park district is necessary to provide funding for the effective implementation of the Great Falls Park and Recreation Master Plan; and

**WHEREAS**, in accordance with MCA Section 7-11-1007, the City Commission has conducted a public hearing on June 6, 2017, at the Civic Center, 2 Park Drive South, Commission Chambers Room 206, Great Falls, Montana, at 7:00 p.m., prior to the passage of this Resolution of Intention to create a special district in the form of a City-wide park district.

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

**Section 1. Proposed Services; Intention to Create District.** It is the intention of the Commission to create and establish in the City a special district pursuant to MCA, Title 7, Chapter 11, Part 10, specifically a park district called the City of Great Falls Park District Number 1 (the "District") for the benefit of inhabitants of the District. The City proposes to establish the District for the purpose of providing services including but not limited to: (1) maintenance, repair, replacement, upkeep, installation, improvement, operational enhancement, construction, reconstruction, acquisition of land, and/or (2) implementation of measures required to maintain public health and safety or meet legal or regulatory requirements; and/or (3) purchasing, replacing, and/or maintaining equipment, tools or vehicles used to carry out the functions described herein, and/or (4) any other functions, labor, supplies and/or materials necessary for management and maintenance of City-owned facilities, lands and equipment under the responsibility and care of the City of Great Falls Park and Recreation Department including but not limited to: public parks and park areas (as described in the City of Great Falls Park and Recreation Master Plan), recreation facilities, trails, open space, urban forest, medians, boulevards, pathways, sidewalks, public easements and other facilities which are located in the city limits and/or are owned by the City. The Commission hereby determines that it is necessary to create the District in order to properly accomplish the purposes set forth in this Section 1.

**Section 2. Number of District.** The District, if created and established, shall be known and designated as the City of Great Falls Park District Number 1.

**Section 3. Boundaries of District.** It is hereby declared to be the judgment of the City that the boundaries of the District are the current incorporated limits of the City as well as all properties later annexed thereto. In accordance with MCA Section 7-11-1006 (1) and (3), the current boundaries of the City are depicted on a map attached hereto as Exhibit "A" (which is incorporated herein and made a part hereof by reference), which boundaries are designated and confirmed as the boundaries of the District. In accordance with MCA Section 7-11-1006 (2) and (3), the Commission will cause a legal description of the boundaries of the proposed District to be prepared in consultation with a professional land surveyor prior to the approval of the District.

**Section 4. Benefited Property.** It is hereby declared to be the judgment of the Commission that the territory included within the boundaries of the District described in Section 3 of this Resolution and as shown on Exhibits "A" and "B" is hereby declared to be the territory which will be benefited by the maintenance of the existing improvements and future public area improvements proposed for the District and will be assessed for a portion of the costs of performing such services as described in Section 1 of this Resolution.

**Section 5. General Character of the Items to be Maintained/Improved.** The general character of the items to be maintained/improved includes but is not limited to: native and turf grasses, trees, shrubs, and other vegetation, lighting, restrooms, irrigation systems, irrigation system water services, drainage ways, groundwater drains, storm water facilities, weed and pest control, equipment, tools, vehicles, fences, recreation facilities and equipment, parking lots, support facilities, signage, trails, pathways, sidewalks, public amenities, public easements and/or other public improvements maintained and/or under the responsibility of the City Park and Recreation Department.

**Section 6. Method of Governing the District.** The District shall be governed by the City Commission pursuant to the general respective exercise of their duties, responsibilities and powers as respectively set forth in the City Charter, the Official Code of the City of Great Falls, and the Montana Code Annotated.

**Section 7. Assessment Methods; Property to be Assessed.** All eligible properties located in the District are to be assessed for a portion of the cost of services listed in Section 1. In accordance with MCA Section 7-11-1024, the costs to provide services in the District shall be assessed against each lot or parcel of land, including the improvements on the lot or parcel, for that part of the cost of the District that its taxable valuation bears to the total taxable valuation of the property in the District. Taxable value shall be determined by the Montana Department of Revenue. Such taxable valuation shall be based upon the last-completed assessment roll for state, city, county and school district taxes.

**Section 8. Estimated Cost of District and Method of Financing.** In fiscal year 2017, the Commission estimates the cost of the services to be performed in the District to total \$2,267,296. On average, the assessment for a \$100,000 property would be \$43.28 per year.

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

**Section 9. Payment of Assessments.** The special assessments for the costs of providing services in the District shall be payable as provided in MCA Sections 7-11-1024 through 7-11-1028.

**Section 10. List of Properties Available.** In accordance with MCA Section 7-11-1007(3)(b), the Commission hereby declares the official list of those properties subject to potential assessment, fees or taxation under the creation of the District is on file and available for public inspection in the City Clerk's Office, and further that such list is the last completed property tax record maintained by the Department of Revenue for the county, within the boundaries of the District provided in Section 3. The list may not be distributed or sold for use as a mailing list in accordance with MCA Section 2-6-1017.

**Section 11. Public Hearing; Protests:** MCA Section 7-11-1008 provides for a 60-day period from the date of the first publication of the notice of passage and approval of this Resolution of Intention to make written protest against the proposed program or improvements. At any time prior to 5:00 p.m., Mountain Time, on August 9, 2017, any owner of real property within the District subject to assessment and taxation for the costs of the services proposed hereunder may make and file with the City Clerk written protest against the creation of the District. At its regular meeting on August 15, 2017, at 7:00 p.m., Mountain Time, Civic Center, 2 Park Drive South, Commission Chambers Room 206, Great Falls, Montana, the Commission will proceed to hear and determine all such protests so made and filed.



**Section 12. Duration.** The District shall exist for a period of 20 years beginning on adoption of the Resolution to Create the District approved by the Commission. The District may be dissolved if it is considered to be in the best interest of the City, and approved by the Commission, as prescribed in MCA Section 7-11-1029.

**Section 13. Public Hearing Notifications.** As prescribed by MCA Section 7-11-1107, the City is required to hold a public hearing of a proposed special district prior to passage of a resolution of intention to create the special district (Exhibit “C” attached hereto). Further, the governing body shall publish notice of passage of the resolution of intention to create a special district and creation of the special district (Exhibit “D” attached hereto).

The City Clerk is hereby authorized and directed to publish, or cause to be published, a copy of Exhibit “C” in the *Great Falls Tribune*, a newspaper of general circulation in Cascade County on May 21, 2017, and May 28, 2017, as applicable in the form and manner prescribed by MCA Section 7-1-4127.

The City Clerk is also authorized and directed to publish, or cause to be published, a copy of Exhibit “D” in the *Great Falls Tribune*, on June 9, 2017, and June 16, 2017. As required in MCA Section 7-11-1007 (3) (a) and (c), Notice of Passage of the Resolution of Intention shall be mailed to each owner, or purchaser under contract for deed, of the property included in the creation of the proposed special district based on the current property tax record maintained by the Department of Revenue for the county at his or her last-known address, in the form and manner prescribed by MCA Section 7-1-4129.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, this 6<sup>th</sup> day of June, 2017.

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Bob Kelly, Mayor

ATTEST:

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Lisa Kunz, City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

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Sara 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, Resolution 10191 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

(CITY SEAL)

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



## **EXHIBIT “B”**

The District boundary is described as the incorporated boundary of the City of Great Falls in accordance with City Commission municipal annexation resolutions and municipal annexation ordinances filed in the City of Great Falls City Clerk’s public records as well as all properties later annexed thereto. Parcels within the boundary are the current parcels subject to the City of Great Falls property taxes as shown in the tax rolls of the Montana Department of Revenue and inclusive of those parcels that are exempt from property taxes.

## EXHIBIT “C”

### NOTICE OF PUBLIC HEARING

The City Commission of the City of Great Falls, Montana (the “Commission”) will hold a public hearing and take action on a Resolution of Intent to Create No. 10191 (the “Resolution”) to create a City-Wide Park District designated as the “City of Great Falls Park District Number 1” (the “District”).

The City Commission will hold a public hearing on the Resolution of Intent to Create the District at its regular meeting on June 6, 2017, at 7:00 p.m., Mountain Time, Civic Center, 2 Park Drive South, Commission Chambers Room 206, Great Falls, Montana. Copies of the Resolution and more information are available at <https://greatfallsmt.net/cityclerk>, or in the office of the City Clerk, Lisa Kunz, (406) 455-8451, Civic Center Room 204. The Resolution describes the District’s nature, boundaries, location, the improvements or maintenance that can be funded and other particulars. Additional information may also be obtained from Patty Rearden, Park and Recreation, (406) 771-1265, 1700 River Drive North.

In fiscal year 2017, the Commission estimates the cost of the services to be performed in the District to total \$2,267,296. On average, the assessment for a \$100,000 home would be \$43.28/year.

Any interested person may appear and speak for or against said Resolution or submit in writing any comments to the City Clerk prior to or during the Commission meeting.

*Great Falls Tribune*

Publish:        May 21, 2017  
                      May 28, 2017

## EXHIBIT “D”

### NOTICE OF PUBLIC HEARING

The City Commission of the City of Great Falls, Montana (the “Commission”) passed a Resolution of Intent to Create No. 10191, intending to create a City-Wide Park District designated as the “City of Great Falls Park District Number 1” (the “District), and is therefore required to conduct a public hearing on creation of the District, Resolution to Create No. 10192 (the “Resolution”).

The City Commission will hold a public hearing on Resolution to Create No. 10192, creating the City of Great Falls Park District Number 1, at its regularly scheduled meeting on August 15, 2017, at 7:00 p.m., Mountain Time, Civic Center, 2 Park Drive South, Commission Chambers Room 206, Great Falls, Montana. Copies of the Resolution and more information are available at <https://greatfallsmt.net/cityclerk>, or in the office of the City Clerk, Lisa Kunz, (406) 455-8451, Civic Center Room 204. The Resolution describes the District’s nature, boundaries, location, the improvements or maintenance that can be funded and other particulars. Additional information may also be obtained from Patty Rearden, Park and Recreation, (406) 771-1265, 1700 River Drive North.

In fiscal year 2017, the Commission estimates the cost of the services to be performed in the District to total \$2,267,296. On average, the assessment for a \$100,000 home would be \$43.28/year.

Written protests against the District must be signed by majority of the property owners, identified by either its street address or legal description, and delivered to the City Clerk, 2 Park Drive South, Room 204, Great Falls MT 59401 by August 9, 2017, 5:00 p.m., Mountain Time.

#### *Great Falls Tribune*

Publish:        June 9, 2017  
                      June 16, 2017



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**Item:** Annual Action Plan Including Use of 2017/2018 CDBG & HOME Funds  
**From:** Craig Raymond, Director, Planning and Community Development  
**Initiated By:** Maria Porter, CDBG/HOME Administrator, Planning and Community Development Department  
**Presented By:** Craig Raymond, Director, Planning and Community Development  
**Action Requested:** Adoption of the 2017/2018 Annual Action Plan including the use of 2017/2018 CDBG & HOME funds and authorization of its submittal to the U. S. Department of Housing and Urban Development (HUD).

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**Suggested Motion:**

1. Commissioner moves:

"I move that the City Commission (adopt/not adopt) the proposed 2017/2018 Annual Action Plan for submission to Housing and Urban Development (HUD), as submitted and reaffirm the April 18, 2017 award of funds for Public Services and Affordable Housing Projects, for the 2017/2018 Community Development Block Grant Program (CDBG)."

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

AND

2. Commissioner moves:

"I move that the City Commission (affirm/not affirm) the proposed Economic Development Project, for the 2017/2018 Community Development Block Grant Program (CDBG) for inclusion in the 2017/2018 Annual Action Plan."

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

AND

3. Commissioner moves:

"I move that the City Commission (affirm/not affirm) the proposed Public Facilities Projects, for the 2017/2018 Community Development Block Grant Program (CDBG) for inclusion in the 2017/2018 Annual Action Plan."

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

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**Staff Recommendation:**

The Staff recommends that the City Commission adopt the Annual Action Plan including the use of the 2017/2018 Community Development Block Grant (CDBG) funds and the use of the 2017/2018 HOME Investment Partnership Program funds, and authorize submittal to the U.S. Department of Housing and Urban Development.

**Summary:**

At the end of the 30-day comment period, the City Commission must adopt as recommended, or amend and adopt, the final Annual Action Plan for submittal to HUD in order for the City to continue to receive CDBG and HOME program funds. HUD must receive the Annual Action Plan electronically by August 16, 2017.

**Background:**

CDBG and HOME programs are federal programs administered by the US Department of Housing and Urban Development (HUD) to help fund local community development programs including affordable housing, public service agencies, economic development and public infrastructure projects. The primary goal of these programs is to assist low and moderate income (LMI) persons in their respective communities. State and local governments receive funding from HUD based on a formula derived from population and housing statistics.

In order to receive HUD funding, a jurisdiction must submit a five year Consolidated Plan that is updated annually with an Action Plan containing the proposed use of Community Development Block Grant (CDBG) and HOME Program (HOME) funds. On June 2, 2015, the City Commission approved the 2015-2019 HUD Consolidated Plan. The Annual Action Plan is developed through the Community Development Council's funding recommendations as approved by the City Commission on April 18, 2017. The recommendations take into consideration community needs and funding priority percentages as set by the City Commission. Information regarding community needs is garnered from a HUD required annual Community Needs Hearing which was most recently held by the Commission on January 3, 2017.

Citizen Participation

The Proposed Annual Action Plan was made available to the citizens of Great Falls for review and comment for a 30-day period from April 28, 2017 through May 30, 2017. The public is also encouraged to comment on the City's overall CDBG & HOME program performance and policies. A copy of the proposed Annual Action Plan is available for review in the Planning and Community Development Office, the Great Falls Public Library, and on the web at <http://www.greatfallsmt.net/planning/consolidated-plan-annual-action-plan>.

Evaluation and Selection Process

Additionally, in consideration of community concerns and Commission discussion, the Staff also recommends that the City establish a policy starting with the 2018/2019 Grant Year, stating in effect that the CDBG/HOME decision making process will not include any applicants for CDBG/HOME funding. This policy will be drafted to protect the continued integrity and transparency of the process to ensure there are no appearance of, or actual, conflicts of interest by precluding all non-profit/for-profit agencies which are directly connected to a City Commissioner or Community Development Council member from being able to apply for CDBG/HOME funds. Staff proposes that such a policy be developed and voted on at the beginning of the next grant cycle, when CDBG Policies and Procedures are typically reviewed. For the benefit of the public, the Conflict of Interest regulation utilized by HUD is noted below.

Title 24 → Subtitle B → Chapter V → Subchapter C → Part 570  
570.611 Conflict of interest.

b) *Conflicts prohibited.* The general rule is that no persons described in paragraph (c) of this section who exercise or have exercised any functions or responsibilities with respect to CDBG activities assisted under this part, or who are in a position to participate in a decisionmaking process or gain inside information with regard to such activities, may obtain a financial interest or benefit from a CDBG-assisted activity, or have a financial interest in any contract, subcontract, or agreement with respect to a CDBG-assisted activity, or with respect to the proceeds of the CDBG-assisted activity, either for themselves or those with whom they have business or immediate family ties, during their tenure or for one year thereafter. For the UDAG program, the above restrictions shall apply to



all activities that are a part of the UDAG project, and shall cover any such financial interest or benefit during, or at any time after, such person's tenure.

(c) *Persons covered.* The conflict of interest provisions of paragraph (b) of this section apply to any person who is an employee, agent, consultant, officer, or elected official or appointed official of the recipient, or of any designated public agencies, or of subrecipients that are receiving funds under this part.

[https://www.ecfr.gov/cgi-bin/text-idx?](https://www.ecfr.gov/cgi-bin/text-idx?SID=0c8c2cf0ac06a381572149f8c0b8acbd&mc=true&node=se24.3.570_1611&rgn=div8)

[SID=0c8c2cf0ac06a381572149f8c0b8acbd&mc=true&node=se24.3.570\\_1611&rgn=div8](https://www.ecfr.gov/cgi-bin/text-idx?SID=0c8c2cf0ac06a381572149f8c0b8acbd&mc=true&node=se24.3.570_1611&rgn=div8)

The final Annual Action Plan will be on file in the City Clerk's office.

**Fiscal Impact:**

The City of Great Falls is expecting to receive \$710,110 of CDBG funds and \$185,583 of HOME funds from HUD in the coming year.

**Alternatives:**

The City Commission may choose to amend the 2017/2018 Annual Action Plan.

**Concurrences:**

The CDC reviewed grant applications and made funding recommendations to the City Commission on April 18th, 2017.

**ATTACHMENTS:**

- ▣ CDBG Funding Proposal
- ▣ AAP Public Comments

**2017/2018 USE OF FEDERAL GRANT FUNDS  
COMMUNITY DEVELOPMENT BLOCK GRANT**

**Affordable Housing**

	<u>Requested</u>	<u>Recommended</u>
<p><b>GREAT FALLS CITY PLANNING &amp; COMMUNITY DEVELOPMENT- CODE ENFORCEMENT</b> Provide services to preserve and enhance public health and safety and reduce slums and blight by enforcing international and city codes related to maintenance of property and buildings.</p>	\$25,097	\$25,097
<p><b>GREAT FALLS CITY PLANNING &amp; COMMUNITY DEVELOPMENT- REVOLVING LOAN FUND SERVICING</b> Provide servicing for rehab counseling, loan processing, inspections and construction monitoring for all CDBG-funded City revolving loan housing programs for low income people.</p>	\$50,000	\$40,000
<p><b>HABITAT FOR HUMANITY</b> Infrastructure improvements for two including concrete work, sidewalks, site excavation, and water/sewer connections Habitat for Humanity homes located within the city limits and remainder to towards the purchase of lots to build future homes.</p>	\$124,400	\$65,000
<p><b>NEIGHBORHOOD HOUSING SERVICES, INC.</b> Construct high school homes with Great Falls HS and CM Russell HS - New construction/purchase, demolition, and/or rehabilitation of houses to address neighborhood revitalization activities in their CBDO-designated neighborhoods.</p>	\$150,000	\$82,903

**Economic Development**

<p><b>GREAT FALLS DEVELOPMENT AUTHORITY</b> Expand revolving loan fund to provide gap financing to existing and start-up businesses to create new jobs for persons from LMI households, agency located at 300 Central Avenue</p>	\$200,000	\$40,000
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**Public Facility Improvements**

<p><b>Opportunities Inc.</b> For repair and replacement of the roof at the Opportunities, Inc. Head Start Prenatal to 5 Annex Building</p>	\$95,870	\$86,177
<p><b>Paris Gibson Square</b> ADA restroom renovation for LMI intergenerational students</p>	\$38,000	\$27,927

April 4, 2017

	<u>Requested</u>	<u>Recommended</u>
<b>YWCA</b> Seal and replace the asbestos flooring located on the 2 <sup>nd</sup> floor of the YWCA, which houses the Emergency Housing Shelter	\$38,307	\$19,937
<b>Family Promise</b> Purchase supplies, equipment, and furniture, including portable AC's, for homeless families participating in the Family Promise program	\$11,276	\$0
<b>Quality Life Concepts</b> Seal and replace the asbestos flooring of South Park Group Home	\$32,653	\$20,877
<b>GREAT FALLS CITY PUBLIC WORKS</b> Grant program to provide assistance to low income homeowners to remove and replace hazardous sidewalks within the city limits and replacement of existing intersections with ADA accessible ramps	\$118,200	\$29,177
<b>GREAT FALLS CITY PARK &amp; RECREATION – COMMUNITY RECREATION CENTER – ADA BATHROOM and LOCKER ROOM</b> Update the basement bathroom and locker room to be ADA accessible for the community recreation center located at 801 2 <sup>nd</sup> Avenue North	\$81,100	\$27,177
<b>GREAT FALLS CITY PARK &amp; RECREATION – GIBSON PARK</b> Purchase and install handicap accessible play structure and play area border at Gibson Park	\$80,000	\$0
<b>GREAT FALLS CITY PARK &amp; RECREATION – PARK SIDEWALKS</b> Install ADA compliant sidewalks to play structures at multiple City Parks: Rhodes, Elks Riverside	\$41,470	\$14,978
<b>CENTER FOR MENTAL HEALTH</b> Provide external repairs, including exterior paint, for Passages Group Home located at 704 5 <sup>th</sup> Ave N	\$40,249	\$10,000
<b><u>Public Service Activities</u></b>		
<b>FAMILY CONNECTIONS MT</b> Ready, Set, Read to Succeed Program; to give books and a developmentally appropriate activity to LMI Families.	\$11,174	\$0
<b>INGENIUM</b> Purchase gaming equipment, training materials, and scholarships for LMI youth to participate in Game Development and	\$21,950	\$0

April 4, 2017

Technology Curriculum

<b>RURAL DYNAMICS, INC.</b>	\$11,250	\$11,250
Rent Reporting Program, provide grants to assist renters in raising their credit scores through rent reporting, financial coaching, and education		
<b>GREAT FALLS SENIOR CITIZENS CENTER</b>	\$10,000	\$0
Purchase food and supplies for on-site meal program for the elderly administered in elderly facility located at 1004 Central Avenue		
<b>GREAT FALLS CITY PARK &amp; RECREATION— MORONY NATATORIUM &amp; COMMUNITY RECREATION CENTER</b>	\$10,000	\$10,000
Provide scholarships for disabled adults to participate in special needs water activities at community indoor pool facility located at 111 12 <sup>th</sup> Street North; provide scholarships for children from low income families for after school programs and summer camp programs at community center located at 801 2 <sup>nd</sup> Avenue North		
<b>AREA VIII AGENCY ON AGING-MEALS ON WHEELS</b>	\$25,000	\$25,000
Purchase food for Meals on Wheels, a citywide home delivery meal program for low/moderate income elderly who are handicapped or unable to prepare meals		
<b>YOUNG PARENTS EDUCATION CENTER</b>	\$20,000	\$10,000
Provide day care scholarships for very low to low income teen or young adult parents completing high school or GED programs, programs		
<b>BOYS &amp; GIRLS CLUB OF CASCADE COUNTY</b>	\$30,000	\$22,500
Provide scholarships for summer day camps for children from low income families, programs located at Great Falls Housing Authority (1722 Chowen Springs Loop) and Boys & Girls Club (600 1 <sup>st</sup> Avenue Southwest)		

***Administration***

	<u>Requested</u>	<u>Recommended</u>
<b>CDBG PROGRAM ADMINISTRATION</b>	\$142,110	\$142,110
General oversight, promotion, financial accountability, monitoring, reporting, and coordination of the CDBG program including activities to further fair housing and the Continuum of Care for Homelessness		
<b>TOTAL 2017/2018 CDBG FUNDING REQUESTED</b>	<b>\$1,265,996</b>	
<b>2017/2018 CDBG ALLOCATION</b>		<b>\$710,110</b>
<b>TOTAL AVAILABLE CDBG GRANT FUNDS</b>		<b>\$710,110</b>

April 4, 2017

Planning and Community Development Director Craig Raymond requested that the Commission conduct a public hearing regarding this year's Annual Action Plan for allocation of 2017/2018 CDBG and HOME funding. The Annual Action Plan is essentially what the City plans on funding with the CDBG allocation for the coming year. This year the City of Great Falls is expected to receive \$710,110 in federal CDBG funds. The Annual Action Plan is specific as to what projects the Community Development Council recommends the City Commission approve funding for. Staff requests that the City Commission take final action on the Annual Action Plan on June 6, 2017, after the 30-day comment period has expired. The request this evening is simply to conduct the public hearing and for the Commission to take into consideration public comments.

As required, public hearing notices were published in the Great Falls Tribune on April 30<sup>th</sup>, May 2<sup>nd</sup>, and May 6<sup>th</sup>, 2017. Specific funding recommendations were outlined in detail at the City Commission meeting held on April 18<sup>th</sup>, 2017. The City Commission accepted those recommendations and scheduled this public hearing on May 16, 2017.

Mayor Kelly declared the public hearing open.

**Brett Doney**, Great Falls Development Authority, 300 Central Avenue, commented that 15 years ago Great Falls' average annual wage was 67% of the national average. The last quarter of 2016 it reached 75% of the national average and, at the same time, the cost of living was kept below the national average. He expressed appreciation for the support of economic development.

**Shyla Patera**, North Central Independent Living, residing at 1013 7<sup>th</sup> Avenue NW, encouraged support for Public Works and Housing applicants taking into account accessibility.

**Heidi Gibson**, Paris Gibson Square Museum of Art, residing at 25 Watson Lane, spoke in support of CDBG funding for the ADA restroom upgrade at the Paris Gibson Square Museum of Art. The last restroom upgrade was done 19 years ago.

**Sheila Rice**, NeighborWorks Great Falls, residing at 913 3<sup>rd</sup> Avenue North, spoke in support of the housing component within the Community Development and HOME Action Plan. It is essential to the work NeighborWorks does for the community.

**Nancy Zadick**, 1901 Whispering Ridge Drive, spoke in support of the CDBG grant award to Paris Gibson Square. She supports accessibility to the arts education that the Square provides. She also noted that she has been a board member of Paris Gibson Square for about 10 years.

**Ron Gessaman**, 1006 36<sup>th</sup> Avenue NE, expressed disappointment that the Great Falls Senior Citizens Center did not receive an allocation.

Director Raymond responded that the Senior Center received an allocation during the timeliness funding process.

**Kevin Mursewski**, 2820 7<sup>th</sup> Avenue North, commented that it was his understanding that, of the \$98 million dollars voted on by the voters for Great Falls Public Schools, \$3.4 million dollars was going to Paris Gibson Square as part of an infrastructure project.

Commissioner Houck explained that the non-profit she is Executive Director for is named Paris Gibson Square located on 1<sup>st</sup> Avenue North. The Great Falls Public Schools opened a new school on Central Avenue called Paris Gibson Education Center. They are not the same facility. The \$3 million dollar investment will take place at 2400 Central Avenue under the management of the Great Falls Public Schools.

Written correspondence in support of CDBG funding for Paris Gibson Square was received from Heidi Gibson, B.J. Buckley and Kristi Scott.

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

**Commissioner Jones moved, seconded by Commissioner Bronson, that the City Commission schedule final action on the 2017/2018 Annual Action Plan for June 6, 2017.**

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

Motion carried 4-0-1 (Commissioner Houck abstained).

#### Submitted Comments

In addition to the public hearing, the attached written comments were submitted.

*City of*  
**Great Falls**  
 MONTANA

## Check the Status of Your Ticket

Ticket ID

21315011

Update Ticket/Add Comment

Apply

### CDGB Funding for Wheelchair-Accessible Restroom at Paris Gibson Square Museum of Art

**Status:** Closed

**Email:** [bjbuckley@earthlink.net](mailto:bjbuckley@earthlink.net)

**Assigned To:** lkunz (City Commission)

**Name:** B. J. Buckley

**Ticket ID:** 21315011

**Phone Number:** 406-467-2986

Dear Commissioners:

I am writing in favor of approving CDGB funding for a handicapped and wheelchair-accessible restroom in the lower level Education Department at Paris Gibson Square Museum of Art. For the past several years I have been an art instructor at PGSMOA, teaching VSA Adult Multi-Media Art, Senior Citizen Paper Arts, and a number of preschool and grade school art classes. I have also conducted tours and workshops for visually and hearing-impaired students from the Montana School for the Deaf and Blind; clients of the Center for Mental Health; and visiting school groups from both within and outside the Great Falls School District. A significant number of my VSA students have cognitive as well as physical disabilities, and in every class I have taught I have had had students in wheelchairs and/or walkers. Since Montana Schools have inclusive classrooms, visiting groups often have students in wheelchairs as part of their groups.

The current lower-level toilets are quite old, and lower to the ground than modern standard, creating difficulty for senior citizens as well as those with physical handicaps; the stalls are too narrow to permit wheelchair access, as well as too narrow for a safe turning radius for those who use walkers. My VSA students are not always able to give adequate advance notice of their sanitary needs to allow their aides to get them down the hall, into the elevator to the first floor, down the hall again, and into the accessible first-floor restrooms in time. I am a former CNA, and have on several occasions assisted aides in getting students out of their chairs and into the downstairs toilet in situations where immediate toilet needs cannot be ignored. The accidents that have inevitably occurred necessitate the students return to their facility where they can be helped with cleaning themselves, and get clean clothes, missing the remainder of a class that validates their many talents and abilities. Whether children or adults, any accidents leave these most vulnerable people feeling upset and humiliated, despite reassurance from aides, myself, and their fellow students that "It's okay, accidents happen."

CDBG funding for an accessible restroom on the Education Level -- the most high-traffic area of the museum -- means such accidents and humiliations never have to happen again; and if despite everything they do, it would provide space and facilities for cleaning up with privacy and dignity, on site, and in a relatively short period of time, so that the student could return to the class and continue their activity. Needless to say, preschool, grade school, and senior citizen students also occasionally have immediate personal sanitary needs; a close accessible restroom would allow them to avoid accidents and have the same privacy and dignity. I sincerely hope that in considering this application, you will agree with me that politics has absolutely no place here; this request for funding is entirely about the wonderful and vibrant people who take my classes having the same safe restroom access as you or I do at the museum, everywhere we go. I ask for your "Yes" vote approving funding.

Thank you for taking the time to read and consider my comments.  
Sincerely, B.J. Buckley, Instructor, VSA / Seniors/ Children at PGSMOA

## Ticket History





Closed

**Updated By:** Ikunz

**Assigned To:** Ikunz (City Commission)

Hi B.J. - thank you for using this ticketing system to communicate with the Commission. Your comments have been forwarded, and hard copies will be provided, to the City Commission and appropriate City staff for consideration at tonight's Commission meeting on Agenda Item 12.

Lisa Kunz, City Clerk

Open

**Updated By:** Ikunz

**Assigned To:** Ikunz (City Commission)

Good Morning B.J. - your comments have been shared with the City Commission and appropriate City staff for consideration. Thank you for submitting your comments via this ticket system to correspond with the City Commission.

Lisa Kunz, City Clerk

05/15/2017 - 8:41am

New

**Assigned To:**

Citizen request/question created.

05/11/2017 - 4:55pm

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## **Maria Porter**

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**From:** Connie Tryon  
**Sent:** Monday, May 15, 2017 8:57 AM  
**To:** Lisa C. Kunz; Maria Porter  
**Subject:** FW: New Ticket: 21619560 - CDBG Funding

Hi ladies,

Received this on Friday. Forwarding to you for your files. I have another one I will be sending, but it looks like a duplicate with a different ticket number. I will respond on the web saying I have forwarded this to appropriate staff so that they may print it and give to the Commissioners.

Let me know if you need me to do or say anything different.

Thanks!

### **Connie Tryon**

Sr. Administrative Assistant  
City of Great Falls  
Planning and Community Development  
(406) 455-8438  
[ctryon@greatfallsmt.net](mailto:ctryon@greatfallsmt.net)

---

**From:** Web Master  
**Sent:** Friday, May 12, 2017 2:29 PM  
**To:** Connie Tryon  
**Subject:** New Ticket: 21619560 - CDBG Funding

Ticket ID: 21619560

Ticket Node ID: 145701

Ticket Topic: CDBG Funding

Department: Planning and Community Development

Department default assignee: ctryon

Details:

Dear Commissioners:

I am writing in favor of Paris Gibson Square's proposal for CDGB funding for a much needed handicapped and wheelchair-accessible restroom in the Education Department in the basement of our public building. The Education Department caters to classes designed for the young and old, the able bodied and also those in wheel chairs and other mobility assisting implements. Currently the aging toilet is very small, low to the ground and inefficient in the

basement. The stall door to the single toilet on the entire floor, is very narrow; denying access for those in wheelchairs and restricting movement for those that rely on walkers. In order to use a handicap accessible restroom patrons have to traverse the long hallway from the east to the west end of the building, take the elevator up one floor and then traverse the 2nd floor hallway again to the bathroom at the very east end!

Funding for a bathroom on the lower level of The Square, where all of our classrooms are, warrants CDGB support. I am the Curator of Art for The Square and know first-hand how important it is to allow for access and basic comforts to our visitors with special needs. In exhibitions I accommodate a diverse audience by having larger print font available, hanging art at a medium of 56", a height that allows adults, small children and those in wheel chairs alike the access to participate through experience. An accessible restroom is fundamental for all patrons that visit or attend classes at The Square. Further, our organization houses a Very Special Arts (VSA) program that partners with Easter Seals-Good Will and local retirement communities to offer student with special considerations an opportunity to take art classes. Some of these VSA students are in wheelchairs and attend classes in our public building on a weekly basis. It is critical that we offer a convenient restroom for these mobility impaired visitors in our low to moderate income area and I ask that you move forward with supporting this important project.

Sincerely,  
Kristi Scott

Please do not respond to this email. To update the ticket or respond to the citizen use the link below.

[https://greatfallsmt.net//ticket\\_status?id=21619560](https://greatfallsmt.net//ticket_status?id=21619560)



## Check the Status of Your Ticket

Ticket ID

22011ac8

Update Ticket/Add Comment

Apply

### CDBG testimony

**Status:** Closed

**Email:** dev@the-square.org

**Assigned To:** lkunz (City Commission)

**Name:** Heidi Gibson

**Ticket ID:** 22011ac8

**Phone Number:** 4067278255

My name is Heidi Gibson, and I am writing in support for Paris Gibson Square's request for CDBG funding. The restroom needing ADA accessibility upgrades is located in the Education Department on the lower level. This restroom is used by the most visitors on a daily basis, yet it is not accessible by wheelchair. The Square's motto is "Art is for Everyone," yet the restroom accessibility issue makes it difficult for those with physical limitations, many of which are enrolled in the Vision, Strength, Access, formerly known as the Very Special Arts (VSA) program. Last year, the number of participants almost doubled with a total of 452 students. The next Picasso could be the hands of a person in a wheelchair wearing a helmet. If we do not provide appropriate access for this person, we may never know the talents that lie inside. I have seen talented artists without hands who paint with their feet or their teeth. If we can make art education available to all, we can help cultivate the talents of all people, not just the ones who can make the best of the facility as it was built in 1895 during a time when people with

disabilities were often sent away to large government funded institutions. Art therapy is one of the many ways that human services programs help people develop their talents.

Previous projects funded by CDBG dollars include the following:

2014-15 ADA Accessibility Building Improvement \$8,300.00

2011-12 Education Department Supplies & Equipment \$4,150.00

2010-11 Art is for Everyone – VSA Montana \$3,500.00

2007-08 Art is for Everyone – VSA Montana \$14,382.23

1997-98 Restroom Renovation – ADA Improvements \$18,368.00

1981-82 Electronic Control for Boiler Ignition System \$2,000.00

1977-78 Parking lot, curbs, walkways and exterior cleaning \$15,000.00

I am very grateful to see a history of funding for the arts in our community, particular for this very special program called VSA. I am grateful to live in a community that supports the arts, for when I visit other communities where artists thrive ... it is usually the reflection of a thriving community. Let's encourage our up and coming artists so we may all thrive.

### Ticket History

Closed

**Updated By:** lkunz

**Assigned To:** lkunz (City Commission)

Hi Heidi - thank you for using this ticketing system to communicate with the Commission. Your comments have been forwarded, and hard copies will be provided, to the City Commission and appropriate City staff for consideration at tonight's Commission meeting on Agenda Item 12.

Lisa Kunz, City Clerk

05/16/2017 - 10:56am

New

**Assigned To:**

Citizen request/question created.

05/16/2017 - 9:14am

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## Comment on 2017-18 Community Development Block Grant allocations for City of Great Falls

To: CDBG Administrator Maria Porter  
Planning & Community Development  
City of Great Falls MT

May 24, 2017

Great Falls city commissioner Tracy Houck has been a city commissioner since January 2016. She is also the paid executive director of the Paris Gibson Square Museum (PGS). PGS is a non-profit organization that regularly applies for Community Development Block Grant funds and so Commissioner Houck is aware of the allocation process and the city's Community Development Council.

It was not until Paris Gibson Square Museum was not recommended to receive any Public Facilities funds in the CDC process of selecting applicants for Community Development Block Grant funds for 2017-18 that suddenly Commissioner Houck revealed a conflict with a member of the Council and intervened in the allocation process. It appears that she was acting both as city commissioner and also as executive director of PGS when she intervened. Subsequently, per the City's review of the matter, the CDC reconvened, went through the process again of scoring organizations for allocation dollars, and PGS was recommended to receive money.

The appearance of a conflict of interest to the public is obvious in this situation. Additionally, Houck publicly commented as both a city commissioner and a representative of the PGS in a work session of the city commission on March 20, 2017:

"I was one of the ones that was very concerned about the process, some of it as a city commissioner but somebody also who represents the public nonprofits in the community....The organization I work with had an environmental review that was not addressed."

After the Director of Planning and Community Development questioned her on that comment, Commissioner Houck stated that, "The Square had a Brownfields grant done."

Commissioner Houck should have recused herself from that part of the discussion about CDBG funding allocations due to her conflict of interest as executive director of PGS.

Due to Commissioner Houck's conflicts of interest in being both executive director of PGS and a city commissioner, and also due to the fact that she intervened in the CDC process only after PGS was not recommended for any CDBG Public Facilities allocation dollars, I believe PGS should be denied funding in 2017-18 under the CDBG Public Facilities allocations.

I am also of the opinion that city commissioner Bill Bronson should abstain/recuse himself for voting on any CDBG/HOME funds being allocated to NeighborWorks Great Falls because his wife is an employee of that organization. Additionally, his son works for Paris Gibson Square Museum and he should abstain/recuse himself from voting on any funding for that organization. In my understanding, HUD



suggests that any real or apparent conflict of interest exists when a representative of the city has an immediate family member employed in an organization that is applying for CDBG/HOME funds (24 C.F.R. Part 84 and 85 – HUD document, Conflicts of Interest CDBG and HOME Programs).

Members of the public in the past have gone on record to suggest Commissioner Bronson recuse himself or abstain from voting on funding for NWGF for that very reason, but he openly states he does not need to do so (example: City Commission minutes Jan. 20, 2016).

Phyllis Tryon  
2709 1st Ave N  
Great Falls MT 59401

May 29, 2017

Public Comment on the proposed Community Development Block Grant funding allocations and Annual Action Plan for 2017-18

To: CDBG Administrator Maria Porter  
Planning & Community Development  
City of Great Falls, MT

Regarding the upcoming Community Development Block Grant (CDBG) funding allocations and acceptance of the Annual Action Plan vote before the Great Falls city commission on June 6, 2017, Commissioner Bill Bronson should recuse himself or abstain from voting on any item involving any organization in which members of his immediate family work.

It seems that HUD regulations indicate that a person in the position of city commissioner who has immediate family members working in organizations that request CDBG/HOME funds should abstain from voting or recuse themselves due to either real or apparent conflicts of interest (24 C.F.R. Part 84 and 85 – HUD document, Conflicts of Interest CDBG and HOME Programs). Any reasonable person would follow HUD rules on this matter.

Commissioner Bronson has immediate family members that are paid employees of NeighborWorks Great Falls and Paris Gibson Square Museum, both of which are recommended to receive CDBG/HOME funds for 2017-18.

In addition, because of Commissioner Tracy Houck's dual roles as a city commissioner and as the paid executive director of Paris Gibson Square Museum, the PGS Museum should forego any CDBG funding under the Public Facilities portion of the program for 2017-18. It appears that Commissioner Houck leveraged her position as a city commissioner to effect a Community Development Council do-over on the scoring for Public Facilities, for which she received a written reprimand from the city attorney for conflict of interest. PGS Museum had not been recommended by the CDC to receive any funds until after Houck intervened and the CDC was reconvened and began the scoring process over.

Furthermore, Commissioner Houck has an immediate family member who is also a paid employee of the PGS Museum.

I wonder if either Commissioner Houck or Commissioner Bronson have disclosed in writing to HUD their potential conflicts of interest in this matter, as HUD requires.

Rick Tryon  
2709 1<sup>st</sup> Ave North  
Great Falls MT 59401

## Maria Porter

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**From:** Maria Porter  
**Sent:** Thursday, June 01, 2017 10:48 AM  
**To:** 'Sharon Odden'  
**Subject:** RE: CDBG

Good Morning Sharon,

After reviewing our Public Comment packet, I realized that I did not include the 2<sup>nd</sup> procedural error that initiated the reconvening of the CDC for the CDBG Public Facility Applicants. The 2<sup>nd</sup> procedural error was that a public citizen participated in the CDC discussion regarding the applications. I apologize for not including this in my response below. Please let me know if you have any further questions or concerns.

Sincerely,

Maria Porter, CPS  
CDBG/HOME Administrator  
Planning & Community Development  
City of Great Falls  
406-455-8407

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**From:** Maria Porter  
**Sent:** Thursday, May 18, 2017 3:40 PM  
**To:** 'Sharon Odden'  
**Subject:** RE: CDBG

Good Afternoon Sharon,

Thank you for reaching out to me and sharing your concerns. I hope I am able to shed some light on the situation to help address your questions.

I did not notify the applicants if they were awarded because it was not yet approved by the City Commission. Until it is approved at a City Commission meeting, the funding allocations may change. The CDC meetings and recommendations are public knowledge, therefore as you request the information I am happy to share it with you.

We completely understand your frustrations with the process this year but please know that your time was not wasted, all Public Facility applicants were asked to return to present a 2<sup>nd</sup> time to the CDC. All Public Facility applicants had an equal chance of being funded. The CDC reconvened with a blank slate for the Public Facility allocation. The CDC was instructed to score solely on the 2<sup>nd</sup> Presentation with no information shared to give any particular Public Facility applicant an unfair advantage.

The procedural conflict was an alleged conflict of interest for one of the CDC members. It was requested to remove their input in the process of Public Facility allocations. This led to the City Manager's office requesting to reconvene the CDC and all Public Facility applicants to redo the process with the removal of the CDC member.

Thank you for your time and please let me know if you have any further questions or concerns. Although the City Commission already held the public hearing for the CDBG process, they will take final action on June 6th and you are always free to come and express your feelings at any time to the City Commission. We encourage you to do so.

Sincerely,

Maria Porter, CPS  
CDBG/HOME Administrator  
Planning & Community Development  
City of Great Falls  
406-455-8407

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**From:** Sharon Odden [<mailto:sharon@familypromisegf.org>]  
**Sent:** Tuesday, May 16, 2017 2:32 PM  
**To:** Maria Porter  
**Subject:** CDBG

Good Afternoon, Maria,

I have been stewing about this issue for quite some time and decided that the best way to deal with it is to let you know about my concern.

A while back nine of the applicants for CDBG funding were asked to return to deliver our oral presentations again on the basis of a procedural error. This gave me, and I am sure others, hope that we may be successful on our second try. I never have heard from anyone about our success or lack of success either time.

Now I understand that we were called back because a City Commissioner who also leads a nonprofit had complained about not being funded. So some us returned to present and her organization was granted \$25,000. I'm thinking that we had no chance of getting any approved in the first place. We had our hopes raised and our time was wasted.

I too had serious questions about why we were not funded and I think the reasons I was given were weak. But I certainly respected the decision and did not make a fuss.

So now I am wondering, what was the procedural error was made that brought us back to present? On what basis did you determine who would represent?

Thank you for hearing me out, Maria! And thank you for the information about the HOME program that could help many homeless folks in our community!

Sincerely,

Sharon

Sharon Odden, M.Ed., L.P.A.

Executive Director

Family Promise of Great Falls

P.O. Box 455

1019 Central Avenue

Great Falls, MT 59403

[sharon@familypromisegf.org](mailto:sharon@familypromisegf.org)

familypromisegf.org

facebook.com/Family-Promise-Great-Falls



**Item:** Ordinance 3160, “AN ORDINANCE REPEALING AND REPLACING TITLE 6, OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF), PERTAINING TO ANIMALS.”

**From:** Joseph Cik, Assistant City Attorney

**Initiated By:** Sara Sexe, City Attorney

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

**Action Requested:** Accept Ordinance 3160 on first reading and set public hearing for June 20, 2017.

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**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission (accept/not accept) Ordinance 3160 on first reading and set the public hearing for June 20, 2017.”

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

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**Staff Recommendation:**

Staff recommends that the City Commission accept Ordinance 3160 on first reading and set the public hearing for June 20, 2017.

**Background:**

Members of the City Commission and Staff have examined numerous sections of the OCCGF and have noticed various types of deficiencies throughout numerous sections of the code. The deficiencies vary from typographical errors, to conflicts with State and Federal law. Additionally, the OCCGF conflicts in various places with itself. In an effort to cure these issues, City staff has assembled input from the different departments to begin a comprehensive revision of the deficiencies mentioned.

Title 6 of the OCCGF will be repealed and replaced by the Ordinance under consideration. Title 6 is the animal control code of the OCCGF. The revisions to this Title began in 2014 by Great Falls Animal Control Officer Alisa-Bett Etheridge. Since that time, multiple members of City Staff, City Commission, and representatives from the City-County Health Department have contributed to proposed changes.

As with previous OCCGF revisions, a number of the proposed changes are organizational and not substantive. These changes include formatting and correcting typographical errors.

The proposed substantive changes include a much larger and detailed definition section. Changes would also include revising OCCGF provisions regarding rabies exposure. Rabies control regulations change regularly at

both the federal and state levels. Because of these frequent changes, the code, if amended, would incorporate references to the Administrative Rules of Montana (ARM) to allow for updating consistent with federal and state regulations.

Other proposed changes include changing terminology regarding the Great Falls Animal Shelter. These include removing any reference to "Animal Control Agency," and "impound" of animals. Further, consistent with current policy, the Animal Shelter will also no longer euthanize owned animals at the owner's request. Additionally, the amended code will correctly designate the tasks of the various agencies that process and care for animals.

The amended code would also change Animal Control investigative procedure. Animal Control complaints will be made in writing, or a complaining citizen will be required to provide his or her name and contact information to the investigating officer. This will assist in the future investigation and maintain a proper record for litigation purposes.

OCCGF Title 6 does not currently designate, or regulate animals that display potentially dangerous behavior. If Amended, the code would designate potentially dangerous animal behavior as any of the following behaviors:

1. Without provocation, chasing or approaching a person in either a menacing fashion or having an apparent attitude of attack while the animal is off the premises of its owner;
2. Attempting to attack a person or domestic animal while off the premises of its owner;
3. While off the property of its owner, engaging in any behavior when unprovoked that reasonably would have required a person to take defensive action to prevent bodily injury; or
4. Engaging in other comparable conduct.

The code would make it a misdemeanor offense to own or harbor an animal displaying such behavior.

Finally, if amended, OCCGF Title 6 would give the Great Falls Municipal Court additional alternative remedies for animal related violations. These include, but are not limited to, animal forfeiture, animal restrictions, and Court ordered euthanasia.

These proposed revisions were presented to the City Commission, for input, at the May 2, 2017, Commission Work Session. The proposed revisions have also been presented to the various City Departments for comment and suggestions. Exhibit "A", attached to this report, is the proposed Title 6 which will replace Exhibit "B", the current code, in its entirety. Exhibit "C" illustrates the changes between the current and proposed code.

**Alternatives:**

1. The Commission could maintain the current version of OCCGF. However, staff does not recommend this alternative; or
2. The Commission could suggest alternative or additional revisions of Title 6, which would be considered.

**Concurrences:**

Animal Control Officers  
Cascade City County Health Department representatives  
City Prosecutors  
Great Falls Animal Shelter  
City Manager's Office

ATTACHMENTS:

- ▣ Ordinance 3160
- ▣ Ord. 3160 Exhibit "A"
- ▣ Ord. 3160 Exhibit "B"
  
- ▣ Ord. 3160 Exhibit "C"



**ORDINANCE 3160**

**AN ORDINANCE REPEALING AND REPLACING TITLE 6, OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF), PERTAINING TO ANIMALS**

**WHEREAS**, the City Commission established Title 6 of the OCCGF regulating Animals within the incorporated boundaries of the City of Great Falls; and

**WHEREAS**, the City Commission has recognized deficiencies throughout the entirety of OCCGF Title 6, including but not limited to, typographical, grammatical, formatting and referencing deficiencies, and

**WHEREAS**, the City Commission wishes to cure the deficiencies contained in OCCGF Title 6, and

**WHEREAS**, the City Commission wishes to substantively change policies related to the Great Falls Animal Shelter, Animal Control investigative procedures, the regulation of dangerous or potentially dangerous animals, and rabies control regulations.

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

Section 1. The entirety of OCCGF Title 6 pertaining to Animals will be replace as depicted in Exhibit “A” attached hereto, repealing the entirety of Title 6 depicted in Exhibit “B” attached hereto, which incorporates all changes depicted in Exhibit “C”, attached hereto; and,

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

APPROVED by the City Commission on first reading June 6, 2017.

ADOPTED by the City Commission of the City of Great Falls, Montana on second reading June 20, 2017.

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

ATTEST:

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

(CITY SEAL)

APPROVED FOR LEGAL CONTENT:

---

Sara Sexe, City Attorney

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

I, Darcy Dea, Deputy City Clerk of the City of Great Falls, Montana, do certify that I did post as required by law and as prescribed and directed by the Commission, Ordinance 3160 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

(CITY SEAL)

---

Darcy Dea, Deputy City Clerk

## Exhibit "A"

### Title 6 - ANIMALS

## Title 6 ANIMALS

### Chapter 1 ANIMALS

#### Sections:

#### 6.1.010 Definitions.

As used in this chapter, unless the context otherwise indicates, the following terms shall have the meaning ascribed to each:

- A. "Abandon" means to forsake, desert, or absolutely give up an animal previously under the custody, or possession, of a person without having secured another owner or custodian by failing to provide one or more of the elements of adequate care for a period of twenty-four (24) or more consecutive hours.
- B. "Adequate care" means the reasonable practice of good animal husbandry, production, management, confinement, feeding, watering, protection, shelter, transportation, treatment, and, when necessary, euthanasia. This practice must be appropriate for the age, species, condition, size, and type of animal. Adequate care additionally includes the provision of veterinary care to prevent suffering, disease, or the impairment of health.
- C. "Adequate feed" means the provision of access to food that is:
  - 1. Of sufficient quantity and nutritive value to maintain each animal in good health;
  - 2. Accessible to each animal without duress or competition;
  - 3. Prepared so as to permit ease of consumption for the age, species, condition, size and type of each animal;
  - 4. Provided in a clean and sanitary manner;
  - 5. Placed so as to minimize contamination by excrement and pests; and
  - 6. Provided at suitable intervals for the species, age, and condition of the animal, but at least once daily, except as prescribed by a veterinarian or as dictated by naturally occurring states of hibernation or fasting for the normal species.
- D. "Adequate shelter" means the provision of, and access to, shelter that:
  - 1. Is suitable for the species, age, condition, size, and type of each animal;
  - 2. Provides adequate space for each animal;
  - 3. Is safe and protects each animal from injury, rain, sleet, snow, hail, direct sunlight, the adverse effects of heat or cold, physical suffering, and impairment of health;
  - 4. Is properly cleaned to include:
    - i. clean of carcasses, debris, food waste and excrement with sufficient frequency to minimize the animal's contact with those contaminants;



## Exhibit "A"

### Title 6 - ANIMALS

3. When an animal is tethered, to engage in the above actions and is:
  - i. Appropriate to the age and size of the animal;
  - ii. Attached to the animal by a properly fitted collar, halter, or harness configured so as to protect the animal from injury and to prevent the animal or tether from becoming entangled with other objects or animals or from extending over an object or edge that could result in the strangulation or injury of the animal; and
  - iii. Is at least three times the length of the animal, as measured from the tip of the nose to the base of the tail, except when the animal is being walked on a leash or is attached by a tether to a lead line. When freedom of movement would endanger the animal, temporarily and appropriately restricting movement of the animal according to accepted veterinary standards for the species is considered provision of adequate space, provided, however, that no animal shall be tethered for more than a reasonable period.
  
- F. "Adequate veterinary care" means provision of medical care to alleviate suffering, prevent disease and disease transmission, and maintain health through accepted practice by the American Veterinary Medical Association for the age, species, condition, size, and type of each animal.
  
- G. "Adequate water" means the provision of and access to clean, fresh, potable water of a drinkable temperature which is provided in a suitable manner, in sufficient volume, and suitable intervals to maintain normal hydration for the age, species, condition, size, and type of each animal, except as prescribed by a veterinarian or as dictated by naturally occurring states of hibernation or fasting normal for the species. Such water shall be provided in clean, durable receptacles that are accessible to each animal and placed so as to minimize contamination of the water by excrement or pests. Alternatively, provision of an alternate source of hydration consistent with generally accepted husbandry practices may be provided.
  
- H. "Adoption" means the transfer of ownership of an animal from a releasing agency to an individual.
  
- I. "Animal" means any living vertebrate creature, other than human beings, whether wild or domestic, including but not limited to all livestock and any domestic pet.
  
- J. "Animal Control Officer" means any person charged with the duty of enforcement of the City's animal control ordinances. Animal Control Officers shall be peace officers for the limited purpose of animal control.
  
- K. "Animal hoarder" means any person who possesses a large number of animals, and who;
  1. Keeps animals in severely overcrowded conditions where they are unable to be in a state of good health;
  2. Displays the inability to recognize or understand the nature of, or has reckless disregard for, the conditions of the animals; or
  3. Lives in unsanitary, unhealthy or potentially dangerous conditions and fails to or is unable to provide the animals with adequate care as defined in this chapter.

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- L. "Animal Shelter" means any premise provided for intaking and caring for domestic animals. References in this Title to "Animal Shelter" shall mean the Great Falls Animal Shelter unless specifically stated otherwise.
- M. "ARM" means the Administrative Rules of Montana.
- N. "At large" means off the premises of the owner and not under the immediate, continuous and effective control of its owner or some other competent person.
- O. "Collar" means a well fitted device that:
1. Encircles an animal's neck or torso in such a way as to avert trauma or injury to the animal;
  2. Allows two fingers to be inserted between the neck and collar;
  3. Is appropriate to the age and size of the animal; and
  4. Is constructed of nylon, leather, metal, or similar material.
- P. "Commercial kennel/cattery" means any building, structure, or premise which is used for the business of charging fees for boarding, training, or breeding of domestic animals, exclusive of medical or surgical care, or for quarantine purposes.
- Q. "Companion Animal" means any domestic animal that works, provides assistance, or performs tasks for the benefit of a person with a disability, or provides emotional support that alleviates one or more identified symptoms or effects of a person's disability, the need for which is documented by a health care provider.
- R. "Dangerous Animal" means any animal that displays any of the following behaviors:
1. inflicting bodily injury upon or has caused the death of a person or domestic animal; or
  2. demonstrating tendencies that would cause a reasonable person to believe that the animal may inflict injury upon or cause the death of any person or domestic animal, including but not limited to the following behaviors:
    - i. attacking, without provocation, requiring defensive action by any person to prevent bodily injury and/or property damage in a place where such person is conducting himself peaceably and lawfully;
    - ii. attacking, without provocation, resulting in an injury to a person in a place where such person is conducting himself peaceably and lawfully;
    - iii. attacking, without provocation, resulting in injury or death to other animals unless the other animal is trespassing on the attacking animal owner's property, or injuring or attempting to injure the person, family or property of the owner; or
  3. engaging in or been trained for animal fighting.
- S. "Domestic animal" means any animal that may be legally possessed by a person and is commonly kept in or around a residence, outbuildings or business.
- T. "Euthanasia" means the humane destruction of an animal accomplished by a method that involves instantaneous unconsciousness and immediate death or by a method that involves anesthesia, produced by an agent that causes painless loss of consciousness, and death during such loss of consciousness.
- U. "Excrement" means waste from the bowels or bladders of animals.

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- V. "Feral cat" means any cat that is a descendant of a domesticated cat that has returned to the wild.
- W. "Foster home" means a private residential dwelling and its surrounding grounds where care and/or rehabilitation are provided to domestic animals through an affiliation with the Great Falls Animal Shelter.
- X. "Fowl" means any of various birds of the order alloforms, including chickens, roosters, ducks, geese, turkeys, and pheasants, or any bird that is used for food or hunted as game.
- Y. "Hybrid animal" means an animal resulting from the crossbreeding between two (2) different species of animals. These may include, but are not limited to, crosses between wild animal species such as lions, tigers, and wolves. For the purpose of this chapter, a hybrid animal will be considered a wild animal.
- Z. "Intake" means the taking into custody of an animal either wild or domestic by Animal Control Officers or the Great Falls Animal Shelter.
- AA. "Leash" means a cord, rope, chain, or strap attached to the collar or harness of an animal, and used to lead it or hold it in check.
- BB. "Licensing authority" means any designated representative of the City or Animal Shelter charged with administering the issuance and/or revocation of permits and pet registrations under the provisions of this chapter.
- CC. "Livestock" means domestic animals traditionally raised in an agricultural setting to produce commodities such as food, fiber, or labor. These may include, but are not limited to, cattle, sheep, swine including domestic pot-bellied pigs, poultry, fowl, ostriches, emus, goats, horses, mules and llamas.
- DD. "Microchip Implant" means a passive electronic device that is injected into an animal by means of a pre-packaged sterilized implanting device for purposes of identification.
- EE. "Multiple Animal Permit" means a permit authorizing a household, individual or family unit to keep, harbor or maintain more than the limited number of dogs and cats permitted by this Chapter.
- FF. "Neglect" occurs when the owner or keeper of an animal does any of the following:
1. Fails to provide an animal with adequate care as defined in this chapter;
  2. Fails to sufficiently and properly care for an animal to the extent that the animal's health is jeopardized;
  3. Keeps any animal under conditions which increase the probability of the transmission of disease;
  4. Allows any animal, including one who is aged, diseased, maimed, hopelessly sick, disabled, or not ambulatory, to suffer unnecessary pain; or
  5. Meets the definition of an animal hoarder as defined in this chapter.
- GG. "Nuisance animal" means any animal or group of animals that behaves in a disruptive or destructive manner, including but not limited to, the following, habitually:
1. Steals, damages, soils, or defiles community or neighborhoods private property or public property;

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2. Turns over garbage containers, rummages through or scattering garbage or rubbish, or damages flower or vegetable gardens;
  3. Causes unsanitary or offensive conditions;
  4. Chases vehicles or bicycles on public streets, ways or parks, or impedes the safety of pedestrians, bicyclists, or motorists;
  5. Is inside a public area which is designated as one prohibiting animals, except for an animal that has been duly and properly trained and registered as a Service Animal as described in Section 6.1.010, or a Companion Animal as defined in this Title, may be allowed in such an area when acting in that capacity; or
  6. Barks, howls, whines, bays, or makes any noise common to its species, so continuously or incessantly as to unreasonably disturb the peace, comfort, tranquility of life or property of one or more persons occupying property in the community or neighborhood, within reasonable proximity to the premises where the animal or animals are kept. The noise must be continuously or intermittently audible for thirty (30) minutes within one (1) hour period, however, the provisions of this section shall not apply to any commercial kennel permitted by zoning laws.
  7. Is allowed by any person having ownership, possession, charge, custody or control of the animal to be at large during its estrous period or when in heat. During this period, the owner or person having possession of the animal must restrain the animal in a proper enclosure in such a manner that will prevent the animal from coming in contact with a male of its species. Any such animal not so confined may be taken in by Animal Control Officers or the Animal Shelter. This section shall not be construed to prohibit the intentional breeding of animals on the premises of the owners of the animals involved.
- HH. "Owner" means any person, or group of persons, corporation, organization, or association (excluding the Great Falls Animal Shelter, any non-profit releasing agency, feral cat caretaker, or veterinarian) that:
1. Has a property right in an animal;
  2. Keeps or harbors an animal;
  3. Has an animal in his or her care or acts as a custodian of an animal for ten (10) or more consecutive days when the true owner of the animal is unknown to such person; or
  4. Has an animal in his or her care or acts as a caretaker or custodian of an animal by agreement with or without permission of the true owner of the animal.
- II. "Pet animal" means any animal sold or kept for the purpose of being kept or domesticated as a household pet. Pet animal includes but is not limited to dogs, cats, birds, rabbits, ferrets, hamsters, guinea pigs, gerbils, rats, mice, non-poisonous arachnids, non-poisonous insects, non-venomous snakes and fish.
- JJ. "Potentially Dangerous Animal Behavior" means any of the following behaviors:
1. Without provocation, chasing or approaching a person in either a menacing fashion or having an apparent attitude of attack while the animal is off the premises of its owner;



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2. Attempting to attack a person or domestic animal while off the premises of its owner;
  3. While off the property of its owner, engaging in any behavior when unprovoked that reasonably would have required a person to take defensive action to prevent bodily injury; or
  4. Engaging in other comparable conduct.
- KK. "Premises" means a building, group of buildings and/or contiguous parcels of land under the control of a single person and used for a single purpose. Continuous parcels of land separated by a public road are considered to be separate premises. Separate buildings and adjoining buildings in a group of buildings, which are directly accessible to the public and function independently from the others, are separate premises.
- LL. "Proof of ownership" means documentation in support of a property right in an animal that includes, but is not limited to, veterinary records, rabies inoculation certificates, licenses, photographs, bills of sale, breed registries, written transfers of ownership, and verbal or written third-party verifications.
- MM. "Proper enclosure" means a place in which an animal is securely confined indoors or in a securely enclosed and locked pen or structure suitable to prevent the entry of children under the age of twelve and designed to prevent the animal from escaping. Such enclosure shall have secure sides and a secure top to prevent the animal from escaping and shall also provide protection for the animal from the elements. The enclosure shall be of suitable size for the animal.
- NN. "Properly restrained" means an animal that is:
1. Kept within a proper enclosure;
  2. Controlled by a competent person by means of a leash not to exceed six (6) feet in length or other device; or
  3. Secured within or upon a vehicle being driven or parked. Properly restrained within or upon a vehicle does not include restraint or confinement that would allow an animal to fall from or otherwise escape the confines of a vehicle or that would allow an animal to have access to persons outside the vehicle.
- OO. "Provoke" means to goad, inflame, instigate, or stimulate an aggressive or defensive response by an animal, but does not include any reasonable actions by an individual that are intended to defend against the animal.
- PP. "Releasing agency" means an animal shelter, humane society, animal welfare organization, society for the prevention of cruelty to animals, or other similar entity that releases animals for adoption.
- QQ. "Relinquish or Surrender" means giving up all rights to an animal, thereby making it the property of the City of Great Falls.
- RR. "Sanitary conditions" means space free from health hazards, including excessive animal waste, overcrowding of animals, or other conditions that endanger the animal's health.

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This definition does not include any condition resulting from a customary and reasonable practice pursuant to farming or animal husbandry.

- SS. "Service Animal" Is defined by the United States Department of Justice 28 C.F.R. § 36.104, hereby incorporated by reference.
- TT. "Stray or stray animal" means any animal that:
1. Is at large;
  2. Appears to be lost, unwanted, or abandoned; and
  3. Whose owner is unknown or not readily available. Feral cats and community cats shall not be considered Stray animals for the purposes of this chapter.
- UU. "State of good health" means freedom from disease and illness and in a condition of proper body weight and temperature for the age and species of the animal, unless the animal is undergoing appropriate veterinary treatment.
- VV. "Tether" means a leash or similar device, attached to a well-fitted collar or harness of an animal, and of sufficient strength to restrain and control that animal to which it is attached.
- WW. "Use of force" is justified by a person against an animal as allowed by Montana Code Annotated Title 49, Chapter 1.
- XX. "Vaccination" means the inoculation of a dog, cat, ferret, horse or other animal with anti-rabies vaccine administered under the direction of a licensed veterinarian or with any other vaccine approved by the public health officer and the state veterinarian. "Current vaccination" means the inoculation of a dog, cat, ferret, horse or other animal with anti-rabies vaccine. Animals vaccinated initially will receive a booster shot one (1) year after the initial vaccination and thereafter according to manufacturers' recommendations.
- YY. "Wild Animal" means any living vertebrate animal normally found in the wild state and for which there is no USDA approved anti-rabies vaccination. These include, but are not limited to, bears, skunks, raccoons, deer, bobcats, mountain lions, and any type of "hybrid animal."

#### **6.1.020 Conflict of laws.**

In all instances where Montana State Law (as evidenced by the Montana Code Annotated, applicable case law or otherwise) mandates standards, or requirements, that conflict with the provisions of this Chapter, the Montana Code Annotated shall govern and the same shall be incorporated by this reference as a part of this Chapter.

#### **6.1.030 Canine unit exemption.**

Trained police dogs utilized by an official law enforcement agency as assigned to a sworn peace officer as part of a canine team/unit shall be exempt from all provisions of this chapter.

#### **6.1.040 Vaccination required.**

It is unlawful for any person to keep, maintain or harbor any dog, cat, ferret, horse, or other animal, over four (4) months of age unless it has had a current vaccination, as defined in Section 6.1.010(XX.). A

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person found guilty of a violation of this section is guilty of a misdemeanor punishable by a maximum fine of five hundred dollars (\$500.00).

#### 6.1.050 Dog and cat registration.

- A. Any person keeping or harboring any dog over four (4) months of age must register such animal as provided for in this section. A keeper of a domestic cat over four (4) months of age must register such cat by paying a registration fee as established in this section.
- B. Registrations shall be issued by the Great Falls Animal Shelter, or its designee, upon payment of a registration fee. Registration fees shall be established by resolution of the City Commission. No refunds shall be made on any pet registration fee because of the death of the pet or owner leaving the City before the expiration of the registration period. Registration fees are not transferable.
- C. Registrations for Service Animals, Companion Animals, and governmental police dogs shall be furnished without charge.
- D. Registrations shall not be issued to any person under the age of eighteen (18) years unless a parent or guardian signs the application as co-owner. The provisions of this section shall not apply to nonresidents having animals under restraint within the City less than thirty (30) days.
- E. A person found guilty of a violation of this section is guilty of a misdemeanor punishable by a maximum fine of two hundred fifty dollars (\$250.00).

#### 6.1.060 Number of Cats and Dogs.

It is unlawful for any person, persons, or family to keep, harbor, or maintain in or on the same premises a total of more than two (2) cats and two (2) dogs of four (4) months of age or older, without first obtaining a multiple animal permit as provided in OCCGF §6.1.090.

#### 6.1.070 Tag—collar.

The following provisions shall apply to tagging and collaring of domestic Animals:

- A. Upon receipt of a proper application and the pet registration fee, the Animal Shelter shall issue to the applicant a pet registration certificate and metallic tag. The tag shall have stamped thereon a number to correspond with the number of the certificate issued to the applicant.
- B. Every owner is required to provide each dog or cat with a substantial collar or harness, to which the registration tag or other identification tag shall be affixed at all times.
- C. In the event a registration tag is lost or destroyed, another tag shall be issued by the Animal Shelter upon presentation of an affidavit to that effect, a receipt or duplicate receipt showing payment of the pet registration fee for the current year, and the payment of a fee for such duplicate.
- D. If a dog or cat has a Microchip implant, registered with the appropriate company so that the owner's information can be obtained, no tag is required to be worn, however the animal is still required to be registered pursuant to the provisions of this Title. All microchips shall comply with MCA Title 7, Chapter 23.

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- E. Any dog or cat found off the owner's premises without a registration tag, Microchip Implant registered with the appropriate company so that the owner's information can be obtained, shall be deemed to be not registered, even though a registration has been issued for such animal.
- F. It is unlawful for any person to cause or permit a pet registration tag to be placed upon an animal for which it was not issued. Pet registration tags are not transferable from one animal to another and any animal found with a registration tag issued for another pet animal shall be deemed to be not registered.
- G. A person found guilty of a violation of this section is guilty of a misdemeanor punishable by a maximum fine of two hundred fifty dollars (\$250.00).

#### **6.1.080 Rental property owner authority.**

Owners of rental properties may establish policies that may place further restrictions on the number of animals allowed on their properties.

#### **6.1.090 Multiple-animal permit/multiple animal hobby breeder permit.**

A Multiple Animal Permit is required for any person, family, or household owning or harboring any more than the number of domestic dogs and cats permitted by Section 6.1.060 for more than thirty (30) days. A Multiple Animal Hobby Breeder Permit is required for any person, family, or household owning or harboring any more than the number of dogs and cats permitted by Section 6.1.060 who intends to breed their animals. The holder of a regular Multiple Animal Permit or a person holding no Multiple Animal Permit must apply for a Multiple Animal Hobby Breeder Permit within ten (10) days of the birth of a litter. Application for these permits shall be made with the Animal Shelter. The intended facilities are subject to inspection by an Animal Control Officer. The permit shall be issued upon the following conditions:

- A. All dogs and cats must be registered, collared, or Microchipped;
- B. There must be adequate shelter and secure enclosure for animals on the premises;
- C. The owner uses suitable means of cleaning and/or disposing of animal excrement so that it does not become a nuisance or a health hazard;
- D. That in the investigating Animal Control Officer's opinion, the animals receive proper care, food, water, shelter, and humane treatment;
- E. Cat Hobby Breeders are allowed to have a maximum of four (4) litters per year. Other than any animals intended to be kept as pets by the breeder, kittens must be sold or given away within four (4) months of birth. Dog Hobby Breeders are allowed to have maximum of two (2) litters per year, and other than any animals intended to be kept as pets by the breeder, puppies must be removed within four (4) months.
- F. For a Hobby Breeder Permit, the puppies and kittens can only be sold, given as a gift or other transfer or conveyance from the location listed on the Hobby Breeder Permit.
- G. The Hobby Breeder Permit shall list the maximum number of animals over the age of four (4) months allowed on the premises and if the holder of the permit exceeds that number, it shall be grounds for revocation of all permits for that location.
- H. Animal Control Officers shall contact the persons residing in the adjoining premises to inquire their opinion regarding the application. The investigating Animal Control Officer

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shall consider this information in making their recommendation regarding the application; however, this information is not dispositive, only a factor in consideration of approval.

- I. The Animal Shelter shall approve or deny the application based on the information submitted by the applicant and on the recommendation of the investigating officer. The Animal Shelter may issue a conditional permit, but must state the permit conditions on the document and ensure that the applicant is advised of the conditions;
- J. After receiving notification of the Animal Control Officer's approval, the applicant must pay the Animal Shelter an application fee which shall be established by resolution of the City Commission;
- K. All premises for which a multiple animal permit is issued may be subject to annual inspections by the Animal Control Officer. The inspections may also be instigated if a complaint is filed. The Animal Control Officer, on determining that such premises are not being maintained or the conditions of the permit are not met, may recommend a revocation or denial of the permit, if it is deemed necessary. The permittee shall be given a thirty-day written notice of the Animal Control Officer's recommendation, revocation, or denial;
- L. A permit authorized by the Animal Shelter must contain the following information:
  - 1. Name and address of the person to whom the permit is granted;
  - 2. The number of domestic dogs or cats for which the permit is granted;
  - 3. Any special conditions required by the Animal Control Officer;
  - 4. A Hobby Breeder Permit must state whether it is for dogs or cats or both; and
  - 5. Identifying information for the domestic dogs or cats for which the permit is granted.
- M. If the holder of a Multiple-Animal permit or a Multiple Animal Hobby Breeder permit moves, he or she must provide written notice of their new address if it is within the city limits of Great Falls within thirty (30) days of moving. The Animal Shelter will then conduct an inspection and take appropriate action under this section based on any changes at the permit holder's new residence, including but not limited to amending or revoking the Multiple Animal Permit.
- N. Upon denial, amendment, or revocation of a Multiple Animal Permit, the applicant/permittee shall be given written notice of the Animal Control Officer's recommendation and the appeal procedure.
- O. The applicant or permittee may appeal the denial or revocation of a permit by filing a written request for reconsideration with the Deputy City Manager. The written appeal must state the applicant's name and address and should clearly outline the applicant's rebuttal to the reason(s) stated for denial and should include any additional information which may be pertinent to the applicants request for a permit. The appeal shall be heard by the Deputy City Manager. The applicant or permittee may appeal an affirmation of the denial of a permit to the City Manager in the same manner as the appeal to the Deputy City Manager. Finally, the applicant or permittee may appeal an affirmation of denial by the City Manager to the City Commission by filing an appropriate written request, which shall review the application in a public meeting and uphold, reverse, or revise the decision on the application. The applicant or permittee shall have the burden of proving by clear and convincing evidence he or she is entitled to a permit.

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#### 6.1.100 Commercial kennel.

- A. A commercial kennel license shall be required for any person, persons, family, or entity who, for compensation, wishes to engage in the boarding and/or breeding of domestic dogs, cats, reptiles, or any other animal allowed within the City, shall be obtained through application from the Planning and Community Development Department and shall be subject to the following:
1. Inspection. The intended facilities must be inspected by an Animal Control Officer, such inspection to include the physical facilities as well as the effect on the neighborhood.
  2. Recommendation. Following the inspection, the Animal Control Officer will recommend to the licensing authority either approval or disapproval of the application.
  3. Fee. The annual commercial kennel fee shall be established by resolution of the City Commission.
  4. Zoning. Commercial kennels will be permitted only in areas of the City zoned for such usage as defined in Title 17 OCCGF. A zoning permit and safety inspection certificate must be obtained prior to applying for a commercial kennel license.
  5. Renewals. Licenses must be renewed within sixty (60) days of the expiration date or the application will be treated as a new application.
  6. License Revocation. All kennel licenses will expire one (1) year from the date of issuance unless sooner revoked. The Animal Control Officer will investigate all complaints concerning licensing or improperly operated kennels and may recommend revocation of the license if it is deemed necessary. The licensee will be given at least five (5) days' written notice of such recommendation during which time the licensee may appeal the Animal Control Officer's recommendation to the Animal Shelter. The licensing authority will then take action as required.
  7. The applicant or licensee may appeal the denial or revocation of a Commercial Kennel License to the Board of Adjustment pursuant to 17.16.34.010.
- B. Exclusions. No fee may be required of any veterinary hospital, animal shelter, or government zoological park.
1. Separate Facilities. Every facility regulated by this section shall be considered a separate enterprise and shall have an individual license.
  2. Penalty. Failure to obtain a license before opening any facility covered in this section shall result in a fine of five hundred dollars (\$500.00).

#### 6.1.110 Removal of excrement.

- A. It is unlawful for any person in control of an animal to cause or permit such animal to be on any property, public or private, not owned or possessed by such person, to fail to remove feces left by the animal. When accompanying the animal outside his or her property, the owner shall have on his or her person suitable means for the removal of such feces, which then must be placed in a double bag or fly proof container and then in an approved refuse container for sanitary removal.

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- B. The provisions of Section (A.) shall not apply to the ownership or use of Service Animals, dogs when used in law enforcement activities, or tracking dogs when used by or with the permission of the City.
- C. The accumulation of animal feces on any private property is hereby declared a nuisance. Every person who is the owner or occupant of private property or the agent in charge of such property is charged with the duty of keeping such property free of any accumulation of feces.
- D. "Accumulation" for purposes of this section shall mean:
  - 1. Any quantity that constitutes a hazard to the health, safety, or convenience of persons other than the owner of the animal; or
  - 2. Any quantity that interferes with the use or enjoyment of any neighboring property as the result of odors, visual blight, or attraction of insects or pests.
- E. Each owner, occupant, or agent having charge of such property who is notified in accordance with the provisions set forth herein by the Animal Control Officer to remove such feces shall be charged with the duty of removing such feces and satisfactorily disposing of the same within forty-eight (48) hours of the effective date/hour of the notice to do so.
- F. Notice of violation shall set forth in writing the date of inspection, the address of the property found in violation and the fact that an accumulation of feces was observed. Notice may be served either personally by leaving a copy with an occupant of the premises, or by posting notice in a conspicuous place upon the property.
- G. If the premises where an accumulation of feces is found contains only a single-family dwelling, then notice shall be directed to the occupant of such premises whether such occupant be the owner or lessee. If the premises where the accumulation of feces is found contains more than one (1) dwelling unit, then notice shall be directed to the record owner of such premises or the agent in charge of the premises.
- H. Any owner, occupant or agent in charge of such property who violates this section is guilty of a misdemeanor punishable by a maximum fine of five hundred dollars (\$500.00) and shall be ordered to remove the excrement within a reasonable time and may also be subject to the other penalties specified in OCCGF 6.1.300. A premises where a violation of this section is present is declared a Nuisance as defined by OCCGF 8.49.010.

#### 6.1.120 Rabies—exposure.

##### Animal contacts shall be subject to the following provisions:

- A. Any non-vaccinated or not currently vaccinated domestic animal that has been exposed to a confirmed rabid, or suspected rabid, animal shall be administered according to the provisions of the Administrative Rules of Montana (ARM) Title 32, Chapter 3.
- B. Any currently vaccinated domestic animal that has been exposed to a confirmed rabid, or suspected rabid, animal shall be administered according to the provisions of ARM, Title 32, Chapter 3.
- C. Any person having knowledge of an animal known to have or suspected of having rabies shall report an accurate description immediately to the state veterinarian or to a deputy state veterinarian.

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- D. The Animal Control Officer shall notify the City/County Health Department and the Department of Livestock of the exposure including the bite and bitten animal. The Department of Livestock may further investigate the incident and take appropriate action including, but not limited to, destruction or further quarantines as required by this part.

#### **Human exposure shall be subject to the following provisions:**

- E. Upon consideration of the discretion and advice of the Local Health Officer any domestic animal, regardless of vaccination status that bites or otherwise exposes a person to the possibility of rabies must be confined and observed in accordance with ARM Title 32.
- F. If any sign of illness develops in the isolated animal, it is to be evaluated by a licensed veterinarian in accordance with ARM Title 32.
- G. Any domestic animal confined and observed pursuant to this part may be vaccinated during the ten (10) day confinement period.
- H. Animal rabies exposure procedures include:
1. If the owner of the animal is identified, the animal shall be quarantined at a veterinarian hospital at the owner's expense for a period of at least ten (10) days after the day of exposure. In the event an owner cannot be identified, the animal shall be taken and quarantined at the Animal Shelter. In the event an owner will not voluntarily release the animal for quarantine, the Animal Control authority or law enforcement officer shall obtain a court order to seize the animal and place it in quarantine at the veterinarian hospital of the authority's choice, at the owner's expense.
  2. If the animal is a stray and no owner is identified within twenty-four (24) hours, the animal may be euthanized and tested for rabies.
  3. The aforesaid procedure shall be suspended on order of the City/County Health Department where an animal exhibits symptoms of rabies.
- I. Human exposure to a confirmed rabid, or suspected rabid, animal shall be administered according to applicable Montana State law and regulations, including but not limited to, MCA Titles 37, and 50, and ARM Title 32.
- J. A person found guilty of a violation of this section is guilty of a misdemeanor punishable by a maximum fine of five hundred dollars (\$500.00) and may also be subject to the other penalties specified in 6.1.300.

#### **6.1.130 Rabies—emergency control.**

Upon the positive diagnosis of rabies infection of any animal in the City, the public health officer shall notify the City Manager, or designee, who may issue a citywide quarantine order providing for the summary destruction of all animals known to have been exposed to rabies, or all unconfined animals, or may make such other orders as it deems necessary or expedient for the protection of the public. All orders issued by the City Manager, or designee, under this section shall have the same force and effect as any City law. All isolation of animals diagnosed of rabies infection shall comply with ARM Title 32.

#### **6.1.140 Contagious disease.**

Upon the positive diagnosis of a contagious communicable disease in any animal in the City which poses a community health risk, the diagnosing veterinarian shall notify the City County Health Department



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Director, or designee, who may issue a city-wide alert. Any animal displaying symptoms of the disease must be quarantined and confined either upon the premises of the owner or at a licensed veterinary hospital. All isolation shall comply with ARM 32.3.1203.

#### 6.1.150 Animals running at-large.

- A. It is unlawful for any person, or the parents or guardians of a person under the age of eighteen (18), who owns or harbors an animal to allow such animal to run at large within the corporate limits of the City. All animals not confined within a secure enclosure (as defined in Section 6.1.010 shall be kept on a leash (as defined in Section 6.1.010 not more than ten (10) feet long. Cats are not required to be on a leash, but they must be confined to the owner's property or be under the physical control of the owner. Any animal which has been duly and properly trained and registered as a Service Animal as described in Section 6.1.010 is exempt from this section.
- B. Any animal found at large more than once in any six (6) month period may be in taken by an Animal Control Officer or the Animal Shelter.
  - 1. Prior to release of the animal, a Municipal Court hearing may be held to determine whether the animal should be altered, micro-chipped, removed from the City, or any other action deemed necessary and appropriate given the circumstances. The owner of such animal shall be responsible for the expenses of the actions ordered by the Municipal Court.
- C. It is unlawful for a person to keep, harbor, or maintain livestock within the corporate limits at any time, with the exception of suburban districts, as defined in OCCGF Title 17. In suburban districts livestock must be kept within fences or secured in such a manner which prevents them from running at large.
- D. It is unlawful for an owner or keeper of animal to permit them to run at large upon any street, alley, avenue, boulevard or public park or to trespass upon the premises of another person within the City; except, that such animals owned and/or maintained by the City in the City parks are exempt from this provision.
- E. Any person may take up any animal running at large in the City, or tethered therein contrary to the provisions of this chapter, and take the animal to the Animal Control Officer or Animal Shelter. Neither compensation nor reward shall be paid directly or indirectly for such taking and delivery.
- F. It is unlawful for any person to take or drive any animal out of any enclosure, stable or other building against the wishes of the animal owner or with the intent that such animal shall be in taken.
- G. It is unlawful for any person to open gates or doors or otherwise cause or permit any animal to escape confinement against the wishes of the owner.
- H. It is unlawful for any person to break open, or in any manner directly or indirectly, aid or assist in, or counsel or advise the breaking open of the Animal Shelter.
- I. It is unlawful for any person to hinder, delay or obstruct any person while engaged in taking to the Animal Shelter any animal liable to be in taken under the provisions of this chapter.
- J. A person found guilty of a violation of this section is guilty of a misdemeanor punishable by a maximum fine of five hundred dollars (\$500.00). If the animal is unaltered the minimum fine shall be two hundred dollars (\$200.00).

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#### 6.1.160 Tethering dogs and other animals.

It shall be unlawful for any person to tie or tether a dog or other animal to a stationary object under circumstances that create an unhealthy condition for the animal, a potentially dangerous condition for a pedestrian, or nuisance to neighbors as determined by an Animal Control Officer.

#### 6.1.170 Nuisance animal.

It is unlawful to own, harbor, possess, or maintain a nuisance animal as defined by 6.1.010(GG). The City Commission establishes a procedure for enforcement of this section provided as follows:

- A. To file a complaint, the complainant must call or submit a written complaint to the Great Falls Police Department which includes the following:
  1. Complainant's name;
  2. Address;
  3. Telephone number;
  4. Address of the nuisance animal;
  5. Description nuisance behavior;
  6. Documentation supporting the complaint, including but not limited to:
    - i. A completed bark log for not less than three (3) days;
    - ii. Audio and/or video recordings;
    - iii. Written affirmation by two (2) separate residents within reasonable proximity to the nuisance animal; or
    - iv. Verification of the complaint by an Animal Control Officer or appropriate designee; and
  7. Complainant's signature.
- B. Once complaints have been received, the Animal Control Officer shall review each complaint and determine whether to investigate further. If investigated further, the Animal Control Officer may require additional documentation from the complainant to assist in the investigation.
- C. If a complainant chooses to remain anonymous and the complaint cannot be independently corroborated, the complaint may not be further investigated.
- D. The Animal Control Officer may, at his or her discretion, investigate any complaint;
- E. Once complaints have been reviewed, the following actions may be taken;
  1. First complaint;
    - i. Animal Control shall issue a written notice to the owner of the dog or dogs advising that person of the noise complaint and requesting immediate abatement of any excessive noise.
  2. Additional Complaints;
    - i. If within fifteen (15) days from the issuance of the written notice pursuant to subsection (a) above, further complaints are received and are verified, an Animal Control Officer may issue a citation for nuisance animal.

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- ii. If further complaints are received after the fifteen (15) day notice period, Animal Control Officers may review complaints and take appropriate action including, but not limited to, additional warnings and or citations.
- F. A conviction for violation of this section is a misdemeanor punishable by a fine of not more than five hundred dollars (\$500.00). Additional penalties may include those specified in OCCGF §6.1.300. If the animal is unaltered the minimum fine shall be two hundred dollars. (\$200.00).

#### **6.1.180 Potentially dangerous animal and dangerous animal.**

- A. It is unlawful for any person to own or harbor an animal who engages in Dangerous Animal Behavior or potentially Dangerous Animal Behavior.
- B. Citation, hearing, designation, and imposition of conditions for Potentially Dangerous Animal or Dangerous Animal:
  - 1. If an Animal Control Officer or law enforcement officer has investigated and determined that there is probable cause to believe that an animal has engaged in Dangerous Animal Behavior or Potentially Dangerous Animal Behavior, a citation shall be issued for the owner to appear in Great Falls Municipal Court to appear on the charge. Additionally, the City may request a hearing to determine whether the animal in question should be designated as a Potentially Dangerous Animal or Dangerous Animal.
  - 2. The Court may designate an animal as a "Potentially Dangerous Animal," if the Court finds by a preponderance of the evidence that the animal:
    - i. has, without provocation, chased or approached a person in either a menacing fashion or with an apparent attitude of attack while the dog was off the premises of its owner;
    - ii. attempted to attack a person or domestic animal while off the premises of its owner;
    - iii. while off the property of its owner, engaged in any behavior when unprovoked that reasonably would have required a person to take defensive action to prevent bodily injury; or
    - iv. has engaged in other comparable conduct.
  - 3. The Court may designate an animal as a "Dangerous Animal," if the Court finds by a preponderance of the evidence that the animal:
    - i. has, without provocation, chased or approached a person in either a menacing fashion or with an apparent attitude of attack on two (2) or more occasions with the prior twelve (12) month period while the animal was off the premises of its owner;
    - ii. attacked or attempted to attack a person or domestic animal on two (2) or more occasions within the prior twelve (12) month period while the animal was on or off the premises of its owner;

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- iii. without provocation, bitten a person or a domestic animal causing injury while off the premises of its owner; or
  - iv. is currently designated a Potentially Dangerous Animal but has not been kept in compliance with the restrictions that a court of competent jurisdiction has placed on the owner of the animal, and said animal has engaged in Dangerous Animal Behavior and/or Potentially Dangerous Animal Behavior.
4. No Animal may be declared a "Potentially Dangerous Animal" or a "Dangerous Animal," if at the time of the injury or damage:
- i. the victim was trespassing upon premises occupied by the owner or keeper of the attacking animal;
  - ii. the victim was teasing, tormenting, abusing, or assaulting the attacking animal;
  - iii. the victim was committing or attempting to commit a crime;
  - iv. the attacking animal was protecting or defending a person within the immediate vicinity of the attacking animal from an unjustified attack;
  - v. the injury or damage was sustained by a domestic animal while the attacking animal was working as a hunting animal, herding, animal, or predator control animal on the premises of, or under control of, its owner, and the damage or injury was appropriate to the work of the animal; or
  - vi. the injury to a person or domestic animal occurs while the attacking animal is being used by a law enforcement officer to carry out the officer's official duties.
5. Upon designating an animal as a Potentially Dangerous Animal, or a Dangerous Animal, the Great Falls Municipal Court is authorized to impose on the owner of said animal the restrictions set forth in this article and to impose such additional restrictions on said owner as the Court finds appropriate under the circumstances. The Court shall reduce such restrictions to writing and provide a copy to the owner. If the owner is absent from the hearing, he or she shall be notified by the Court in writing, by first-class mail, postage prepaid, of the decision of the Court and of any requirements and/or restrictions imposed upon that person. If an animal is declared to be a "Potentially Dangerous Animal," of a "Dangerous Animal," the owner or keeper shall comply with all the restrictions imposed by this article and by the Court.
6. Requirements and restrictions for Potentially Dangerous Animals. The Court may impose any or all of the following restrictions:
- i. The animal must be kept indoors or confined on the owner's premises by a proper enclosure;
  - ii. The owner must allow inspection of the animal and its enclosure by Animal Control and must produce, upon demand, proof of compliance with all Court-imposed requirements and restrictions;
  - iii. The animal shall wear a collar and/or tag that visually identifies the animal as potentially dangerous;

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- iv. The owner and animal must attend and complete commonly accepted animal obedience methods approved by the Court;
  - v. The animal must be altered;
  - vi. An identification microchip must be implanted in the animal, and must be replaced with the appropriate company so that the owner's information can be obtained, with the serial number of the microchip supplied to the Animal Shelter;
  - vii. The owner of the animal shall maintain and update, annually, a record with the Animal Shelter that contains:
    - a. contact information for the animal's owner(s) or agent, emergency contact persons, veterinarian, and landlord and/or property owner;
    - b. the animal's vaccination records and license numbers;
    - c. a current photo of the animal taken by the Animal Shelter or its designee; and
    - d. any other information deemed necessary by the Animal Shelter; or
  - viii. Any other requirement or restriction that the Court deems necessary and/or appropriate.
7. Requirements and restrictions for Dangerous Animal. The Court may impose any or all of the following restrictions:
- i. The Animal must be kept in a proper enclosure if the animal is maintained unattended out-of-doors. Such proper enclosure must be enclosed within an outer fence, and the outer perimeter of the proper enclosure must be no less than five (5) feet from the outer fence;
  - ii. The Animal must be kept in a proper enclosure if the animal is maintained unattended out-of-doors. Such proper enclosure must be enclosed within an outer fence, and the outer perimeter of the proper enclosure must be no less than five (5) feet from the outer fence;
  - iii. The animal shall wear a collar and/or tag that visually identifies the animal as being dangerous;
  - iv. The owner and animal must attend and complete a training class and/or behavior modification course approved by the Court that is designed to teach the owner how to deal with, correct, manage, and/or alter the problem behavior;
  - v. A sign having reflective letters and backing, with letters measuring at least 1.5 inches in width and 1.5 inches in height and reading "Beware of Animal" shall be posted in a conspicuous place at all entrances to the premises on or within which such animal is kept;
  - vi. A Dangerous Animal may never, even with the owner present, be allowed to be unrestrained on property that allows the animal direct access to the public;
  - vii. The animal must be altered;

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- viii. An identification microchip must be implanted in the animal, and must be registered with the appropriate company so that the owner's information can be obtained, with the serial number of the microchip supplied to the Animal Shelter;
  - ix. The owner of the animal or owner of the premises on which the animal is kept shall be required to obtain and maintain liability insurance in the amount of one hundred thousand dollars (\$100,000.00) and to furnish a certificate of insurance to the Animal Shelter;
  - x. The owner of the animal shall maintain and update, annually, a record with the Animal Shelter that contains:
    - a. contact information for the animal's owner(s) or agent, emergency contact persons, veterinarian, and landlord and /or property owner;
    - b. the animal's vaccination records and license numbers;
    - c. a current photo of the animal taken by the Animal Shelter;
  - xi. The owner shall submit to the Animal Shelter, in writing, the location of the animal's residence, temporary or permanent, and shall notify the Animal Shelter, in writing, in advance of any change of residence of the Dangerous Animal; or
  - xii. Any other requirements or restrictions the Court deems necessary and/or appropriate.
8. The cost of all requirements or restrictions identified in this section shall be paid by the owner.
9. It shall be unlawful for any person who has been served with a citation to appear in Great Falls Municipal Court for the charge of harboring a Dangerous Animal or Potentially Dangerous Animal, or who has been notified of the City's request for a hearing for the purpose of determining whether such person's animal should be designated as a Potentially Dangerous Animal or Dangerous Animal to transfer ownership of such animal until after the City Court has issued a ruling on the currently pending matters or issues an order allowing transfer of ownership.
- C. Intake and disposition of Potentially Dangerous or Dangerous Animal:
- 1. If upon investigation and Animal Control Officer or law enforcement officer determines that probable cause exists to believe that an animal poses an immediate threat to public safety, then the Animal Control Officer or law enforcement officer may immediately seize and intake the animal pending a hearing pursuant to this chapter. At the time of the intake or as soon as practicable thereafter, the officer shall serve upon the owner of the animal a citation and notice to appear in the Great Falls Municipal Court.
  - 2. An Animal Control Officer or law enforcement officer may intake any Potentially Dangerous Animal or Dangerous Animal, if the officer has reasonable cause to believe that any of the requirements or restrictions upon such failure to follow the requirements or restrictions would likely result in a threat to public safety. The owner of such Potentially Dangerous Animal or Dangerous Animal shall

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surrender the animal to an Animal Control Officer or law enforcement officer upon demand, and the officer shall promptly serve a citation upon the owner of such animal for violation of the provisions of this chapter.

3. No animal that has been designated by the Court as a Potentially Dangerous Animal or a Dangerous Animal may be released by the Great Falls Animal Shelter until the owner has paid the Great Falls Animal Shelter all fees and costs that are normally charged to an owner prior to the redemption of the animal. If the owner fails to pay such fees and costs and take possession of the animal within ten (10) days of the owner's notice of the animal's designation as Potentially Dangerous Animal or Dangerous Animal, the animal shall be deemed abandoned and may be disposed of by the Great Falls Animal Shelter. Euthanasia or surrender to the Great Falls Animal Shelter of such animal does not free the owner of responsibility for all costs incurred up to and including the date of the euthanasia or surrender.

D. Possession unlawful without proper restraint; failure to comply with restrictions:

1. It shall be unlawful for a person to have custody of, own, or possess a Potentially Dangerous Animal or a Dangerous Animal unless such person is in full compliance with all restrictions placed upon such person by the Court that has designated such animal as a Potentially Dangerous Animal or Dangerous Animal.

E. Removal of designation:

1. The designation of Dangerous Animal and the requirements and/or restrictions imposed on such animal remain in effect for the life of the animal. A Dangerous Animal designation shall not be removed.
2. The designation of Potentially Dangerous Animal may be removed upon the written request of the owner if there are no additional instances of the behavior within twelve (12) months of the date of designation as a Potentially Dangerous Animal. The animal may be, but is not required to be, removed from the list of Potentially Dangerous Animals prior to the expiration of the twelve (12) month period if:
  - i. the owner or keeper of the animal demonstrates to Animal Control, and the Animal Control Officer confirms, that changes in circumstances or measures taken by the owner, such as training of the dog or confinement, mitigated the risk to the public safety; and
  - ii. the owner, or the Animal Control Officer, petitions the Great Falls Municipal Court to remove said designation, and the Court agrees to do so.

F. Change of ownership, custody, or location of animal; death of animal:

1. The owner of a Potentially Dangerous Animal or Dangerous Animal who moves or sells the animal, or otherwise transfers the ownership, custody or location of the animal, shall, at least fifteen (15) days prior to the actual transfer or removal of the animal, notify Animal Control, in writing of the name, address, and

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telephone number of the proposed new owner or custodian, the proposed new location of the animal, and the name and description of the animal.

2. In addition to the requirements in subsection (a) above, the owner or custodian shall notify any new owner or custodian of Potentially Dangerous Animal or Dangerous Animal, in writing, regarding the details of the animal's record and the requirements and/or restrictions imposed by the Court.
3. Prior to the transfer of ownership, the owner of the Potentially Dangerous Animal or Dangerous Animal and the new owner shall meet with an Animal Control Officer or their designee to verify that the new owner has been advised of all requirements and/or restrictions placed upon the animal and to ensure that the new owner understands and is prepared to comply with all the requirements and/or restrictions.

#### G. Escape or death of Potentially Dangerous Animal or Dangerous Animal:

1. If a Potentially Dangerous Animal or Dangerous Animal escapes, the owner shall immediately notify the Animal Control Officers and make every reasonable effort to recapture the escaped animal to prevent injury and/or death to humans or domestic animals.
2. If a Potentially Dangerous Animal or Dangerous Animal dies, the owner shall notify the Animal Control Officers no later than twenty-four (24) hours thereafter and, upon request from the Animal Control Officers, shall produce verification or evidence of the animal's death that is satisfactory to the Officers.

#### H. Animals designated outside City as potentially dangerous or dangerous:

1. The owner of an animal designated as a Potentially Dangerous Animal, a Dangerous Animal, or any similar designation by another lawful body is subject to the restrictions set forth in this chapter while said animal is located within the city limits of Great Falls.
2. The following persons must notify the Animal Control Officers when relocating an animal to the City of Great Falls, even on a temporary basis:
  - i. the owner of a Potentially Dangerous Animal, Dangerous Animal, or any similar designation by another lawful body other than the City of Great Falls; and
  - ii. the owner of an animal that has had special restrictions placed on it by any humane society, governmental entity or agency other than the City of Great Falls based upon the behavior of the animal.
3. No such designation as Potentially Dangerous Animal, Dangerous Animal, or any other similar such designation shall be recognized by the City of Great Falls, if such designation is based solely on the breed of the animal.

### 6.1.190 Cruelty to animals.

- A. A person commits the offense of cruelty to animals if:



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1. The person's conduct is in violation of Montana Code Annotated § 45-8-211; or
  2. The person has tied or tethered a dog or other animal to a stationary object under circumstances so as to create an unhealthy situation for the animal, a potentially dangerous situation for a pedestrian, or a nuisance to neighbors as determined by an Animal Control Officer.
- B. A conviction for a violation of this section is punishable by a fine an amount not to exceed \$1,000 or be imprisoned in the county jail for a term not to exceed 1 year, or both.

#### **6.1.200 Provoking animals.**

It is unlawful for any person to provoke, tease or in any way disturb a dog or other animal with the intent to harass the dog or other animal, cause it to bark, or attack any person (or other animal). Any person convicted of a violation this section is guilty of a misdemeanor punishable by a maximum fine of five hundred dollars (\$500.00) and/or up to six (6) months in jail.

#### **6.1.210 Animal abandonment.**

It is unlawful for any person to abandon any animal within the City. After providing notice, the Animal Control Officers have the authority to seize and intake any animal that appears to be abandoned. A conviction for a violation this section is a misdemeanor punishable by a maximum fine of five hundred dollars (\$500.00), and the defendant shall bear all expenses incurred by the Animal Shelter in caring for said animal and shall reimburse the Animal Shelter all said costs as determined by the Animal Shelter.

#### **6.1.220 Duty of driver upon striking a pet animal.**

Every operator of a self-propelled vehicle upon the ways of this State open to the public who knows, or should have known, that he or she injured or struck a pet animal, shall give aid to said animal or shall immediately upon injuring or striking a pet-animal shall give aid to such animal or immediately notify the Animal Control Officer or police officer, furnishing sufficient facts relative to such injury. A conviction for violating this section is punishable by a maximum fine of five hundred dollars (\$500.00).

#### **6.1.230 Wild animals.**

- A. It is prohibited to own, harbor, or maintain a Wild Animal within the incorporated City limits.
- B. The provisions of this section shall not prohibit the keeping or maintaining of animals as allowed by the Montana Code Annotated.
- C. A conviction for a violation of this section is a misdemeanor punishable by a fine of not less than three hundred dollars (\$300) or more than one thousand dollars (\$1,000.00), or a term of not more than six (6) months in jail or both.

#### **6.1.240 Steel jaw traps or snares.**

It is unlawful for any person to set any steel jaw traps or snares within the City limits of Great Falls. A conviction for a violation of this section is a misdemeanor punishable by a minimum fine of three hundred dollars (\$300.00) and a maximum fine of one thousand dollars (\$1,000.00) and/or up to six (6) months in jail.

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#### 6.1.250 Unattended animal in a motor vehicle.

- A. It is unlawful for any person to leave an animal unattended in a standing or parked motor vehicle in a manner that endangers the health or safety of the animal.
- B. A person may use reasonable force to remove from a motor vehicle an animal left in the vehicle in violation of subsection (A) if the person is:
  - 1. an Animal Control Officer;
  - 2. a law enforcement officer; or
  - 3. a professional fire and/or rescue service person.

#### 6.1.260 Livestock.

- A. It is unlawful to keep livestock, as defined by 6.1.010(CC), within the incorporated City limits, except as follows:
  - 1. to bring the same to market for commercial or exhibition purposes, and when brought therein for that purpose the same shall be kept and cared for by the owner, or person in charge thereof;
  - 2. at such place as directed by the Chief of Police; or
  - 3. in suburban districts as defined by OCCGF Title 17.
- B. In suburban districts, as defined in OCCGF Title 17, livestock must be kept within fences or secured in such a manner which prevents them from running at large.
- C. Veterinarian's premises are exempt from this provision.

#### 6.1.270 Animal Control Officer duties.

In addition to the duties of the Animal Control Officer otherwise prescribed, the officer shall:

- A. Carry out and enforce all of the provisions of this chapter and amendments thereto.
- B. Enforce the licensing and control of all animals in the City as provided in this chapter.
- C. Seize and take up all animals violating the terms of this chapter and deliver the same in a suitable and humane manner to the Animal Shelter.
- D. Where this chapter requires that an animal be put to death, the officer shall accomplish this in a humane manner.
- E. Be empowered to pursue upon private property any animal violating any provision of this chapter in their presence or when acting under a court order, warrant, affidavit of a dangerous animal, or when attempting to seize any animal suspected of having been exposed to rabies.
- F. File complaints in the Municipal Court for violations of this chapter and attend and testify in court when required.
- G. Make an immediate notification to the City/County Health Department regarding bite reports submitted to Animal Control.
- H. Maintain regular hours as assigned during which the Animal Shelter shall be open and post the hours in a conspicuous place at the Animal Shelter.

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- I. Assist the City-County Health Department with locating and quarantining animals involved in exposing humans to the potential of rabies.

#### 6.1.280 Investigative authority.

- A. For the purpose of discharging the duties imposed by this chapter and enforcing its provisions, the Animal Control Officer, or any City of Great Falls Law Enforcement Officer, is empowered to demand from the occupants of any premises upon or in which a dog or other animal is kept or harbored the exhibition of such dog or other animal and the registrations and permits for such dog and/or other animals. The Animal Control Officer may make such a demand at the premises where any animal is kept in a reportedly cruel or inhumane manner and examine such animal and take possession of the animal, when it requires humane treatment.
- B. For the purposes of investigating complaints of unsanitary conditions and/or inhumane treatment of animals, Animal Control Officers or any City of Great Falls Law Enforcement Officers shall have the right to inspect any premises where animals are kept at any reasonable time. This includes removing animals from vehicles if the animal's health is endangered by such confinement in hot or cold weather.
- C. On refusal of entry, the Animal Control Officer or any City of Great Falls Law Enforcement Officer may obtain a search warrant.

#### 6.1.290 Interference prohibited.

- A. It is unlawful for any person to hinder or interfere with the Animal Control Officer or any City of Great Falls Law Enforcement Officer in the performance of any duty or power imposed on by this chapter, or to release, or attempt to release, any animal in the custody of the Animal Control Officer or any City of Great Falls Law Enforcement Officer, except as provided in this chapter.
- B. It shall be unlawful for any person to remove, alter, damage, or otherwise tamper with any approved traps or equipment lawfully set under the authority of Animal Control Officers, any City of Great Falls Law Enforcement Officer, or Animal Shelter for the purpose of capturing dogs, cats, or any other animals or wildlife that may be deemed at large or a public nuisance.
- C. A person found guilty of a violation of this section is guilty of a misdemeanor punishable by a maximum fine of five hundred dollars (\$500.00) and/or six (6) months jail and may also be subject to the other penalties specified in 6.1.300.

#### 6.1.300 Violation—other penalties.

- A. Violations of this chapter may result in immediate intake of the subject animal(s).
- B. Violation of any provision of this chapter may result in revocation of any license(s) or permit(s).
- C. In addition to any penalties specified in this Chapter, the Court, in its discretion may order any of the following conditions:
  1. The Court may order relinquishment of any animal deemed to be a public safety risk and/or a repetitive nuisance that has not been abated or an animal that is a victim of cruelty, neglect, or abandonment to the Animal Shelter for disposition.

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2. Upon finding of violation under the sections pertaining to animal fighting, a dangerous animal jeopardizing public safety, and animal cruelty or neglect (including provoking, poisoning, or abandonment of an animal), the court may order no animal ownership for a determinate period.
3. The Court may, in its discretion, order any animals on the premises be spayed or neutered.
4. The Court may order the animal be designated a Dangerous Animal or Potentially Dangerous Animal.
5. Any other condition deemed necessary and appropriate given the circumstances.

#### **6.1.310 Persons responsible for violation – transfer of registration.**

In all prosecutions for violations of this chapter, the person who applied for and obtained the registration for the animal in question shall be deemed the person responsible for the violation unless there has been a transfer of ownership prior to the violation. In the event the animal is not registered, then the person deemed responsible for the violation is the person who owns, maintains, or harbors the animal. Any transfer of ownership must be evidenced by a new registration issued by the licensing authority.

#### **6.1.320 In taken animal redemption.**

- A. The owner of any animal which has been in taken, upon proving ownership thereof, may redeem the animal from the Animal Shelter upon payment of the following:
  1. Registration fee (for unregistered animals);
  2. An intake fee established by the Animal Shelter;
  3. A fee for rabies vaccination, if the pet is not vaccinated; and
  4. Any veterinary fees incurred.
- B. If any animal is in taken, the owner shall redeem it within seventy-two (72) hours (Sundays and holidays excluded), or it shall be subject to adoption or disposal by the Animal Shelter as provided in this chapter. If such in taken animal has a registration tag or microchip, the animal will be held for ninety-six (96) hours (Sundays and holidays excluded) before being subject to adoption or disposal. In addition, the Animal Shelter will attempt to contact the owner by phone and/or in writing. If the animal carries a designation as a Service Animal together with the phone number or address of the owner, the Animal Shelter will attempt to return the animal to the owner. The Animal Control Officer may issue a citation to the person redeeming an in taken animal for violation of any provision of this chapter.
- C. The owner of any animal which has been in taken, upon proving ownership thereof, may redeem the animal from the shelter upon satisfying the following conditions, and payment of the following fees:
  1. The Animal is legally allowed by the Montana Code Annotated and within the incorporated City limits;
  2. Proof of compliance that the animal has all required Federal, State, or local permits;

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3. An intake fee established by the Animal Shelter for each day, or part thereof, that the animal has been held in the Animal Shelter; and
  4. Any veterinary fees incurred.
- D. A conviction for a violation of this section is guilty of a misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00) and may also be subject to the other penalties specified in 6.1.300.

#### 6.1.330 Surrender/crematory fee — dogs and cats.

- A. The Animal Shelter will dispose of dead dogs or dead cats for a fee to be established by City Commission Resolution, if the animal is transported to the Animal Shelter by the owner.
- B. The Animal Shelter shall dispose of dogs and cats for an owner who is responsible for the payment of fees established by established by City Commission Resolution.
- C. These Fees do not apply to persons or agencies covered by a written contract with the Animal Shelter; in such case the terms of the contract shall apply.

#### 6.1.340 Animal Shelter Policies

The Great Falls Animal Shelter may create, revise and enforce policies which are consistent with this Title, for the maintenance of day-to-day operations.

(Ord. 3160, 2017; Ord. 2933, 2007; Ord 2705, 1997; Ord. 2656, 1992; Ord. 2573, 1990; Ord. 2534 §2(Exh. B(part), 1989; Ord. 2394 (part), 1985)

## Chapter 2 BEES

Sections:

#### 6.2.010 Definitions.

"Hive" means the bee colony and all equipment used in connection with the bee colony.

#### 6.2.020 Maintaining unlawful.

It is unlawful for any person, firm, or corporation to maintain honeybees, (*apis mellifera*) without licensing each hive with Animal Control. All hives shall be registered with Animal Control prior to April 1, of each year. A one-time fee shall be assessed on initial registration and established by City Commission resolution.

#### 6.2.030 Bee hive limitations.

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- A. Bee hives shall be maintained on the parcel of property upon which the bee owner resides. The bee owner shall maintain no more than five (5) hives of honeybees for each one-quarter (¼) acre of property.
- B. Bee hives shall not be maintained on premises where any adjoining property resident has a medically diagnosed allergic reaction to honeybee stings.

#### 6.2.040 Distance required.

All hives must be maintained at least fifteen (15) feet from the boundary lines of the lot on which such hives are located, unless a six-foot hedge, or fence, is erected between the hive(s) and the adjoining lots.

#### 6.2.050 Water supply.

No honey bee hive shall be maintained unless an adequate supply of water is furnished by the beekeeper at all times between April 15, and October 15, of each year.

#### 6.2.060 Moveable framed hives.

All bee hive colonies shall be maintained in moveable framed hives, with adequate space in the hive to prevent overcrowding and swarming.

#### 6.2.070 Colonies.

Colonies of bees shall be re-queened or united with another hive following any swarming or aggressive behavior.

#### 6.2.080 Hive restrictions.

Non-moveable frame hives or feral honeybee colonies (honeybees which live in trees, sides of houses, etc.) are prohibited within the City limits.

#### 6.2.090 Night manipulation prohibited.

Bee hives may not be manipulated between sunset and sunrise unless the hives are being moved to or from another location.

#### 6.2.100 Penalties.

- A. Any violation of this chapter shall be punishable by a fine not to exceed five hundred dollars (\$500.00).
- B. The Court, within its discretion, may order the bee hive owner to remove any hive found to be in violation of this Chapter.

(Ord. 3160, 2017; Ord. 2705, 1997; Ord. 2394 (part), 1985)

**Exhibit "A"**

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### **Sections:**

#### **6.8.005 Definitions.**

As used in this chapter, unless the context otherwise indicates, the following terms shall have the meaning ascribed to each:

"Adequate shelter" means a structure designed specifically to shelter an animal, with a roof and three (3) sides free of leaks or openings to the wind and rain, and a fourth side allowing access that is protected from the elements. The structure must be physically located in a dry area allowing the animal dry keeping and access outside the structure to dry ground that is mud free.

"Animal" means any living vertebrate creature, other than human beings, whether wild or domestic including but not limited to all livestock and any domestic pet.

"Animal Control Officer" means any person charged with the duty of enforcement of the City's animal control ordinances. Animal Control Officers shall be peace officers for the limited purpose of animal control.

(Ord. 2656, 1992).

"Animal Shelter" means any premise provided for impounding and caring for dogs and other animals.

(Ord. 2656, 1992).

"Animal Control Agency" means the agency designated by the City to administer and enforce this Ordinance, the animal shelter and animal control services;

"At large" means off the premises of the owner and not under the immediate, continuous and effective control of its owner or some other competent person.

"Collar" means a restraining or identifying band of leather, metal, nylon, or plastic placed around the neck of an animal.

"Commercial kennel/cattery" means any building, structure, or premise which is used for the business of charging fees for boarding, training, or breeding of animals, exclusive of medical or surgical care, or for quarantine purposes.

"Dangerous Animal" means any animal that:



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- A. Has inflicted bodily injury upon or has caused the death of a person or domestic animal; and/or
- B. Has demonstrated tendencies that would cause a reasonable person to believe that the animal may inflict injury upon or cause the death of any person or domestic animal, including but not limited to the following behaviors;
  - 1. Attacked, without provocation, requiring defensive action by any person to prevent bodily injury and/or property damage in a place where such person is conducting himself peaceably and lawfully;
  - 2. Attacked, without provocation, resulting in an injury to a person in a place where such person is conducting himself peaceably and lawfully;
  - 3. Attacked, without provocation, resulting in injury or death to other animals unless the other animal is trespassing on the attacking animal owner's property, or injuring or attempting to injure the person, family or property of the owner.
- C. Has engaged in or been trained for animal fighting.

"Hybrid animal" means an animal resulting from the crossbreeding between two (2) different species of animals. These may include, but are not limited to, crosses between wild animal species such as lions, tigers, and wolves. For the purpose of this chapter, a hybrid animal will be considered a wild animal.

"Leash" means a cord, rope, chain, or strap attached to the collar or harness of an animal, and used to lead it or hold it in check.

"License Certificate" for the purpose of this chapter means a certificate issued to an individual who intends to keep or maintain a wild animal on their premises but is not a business.

"Licensing authority" means any designated representative of the City or Animal Control Agency charged with administering the issuance and/or revocation of permits and pet registrations under the provisions of this chapter.

"Livestock" means cattle, sheep, swine, poultry, ostriches, emus, goats, horses, mules and llamas.

"Microchip Implant" means a passive electronic device that is injected into an animal by means of a pre-packaged sterilized implanting device for purposes of identification.

"Multiple Animal Permit" means a permit authorizing a household, individual or family unit to keep, harbor or maintain more than the limited number of dogs and cats permitted by this Chapter.

"Owner" means any person owning or harboring a dog or other animal, who is presumed to be the adult head of the household owning or harboring an animal.

"Pet animal" means any animal sold or kept for the purpose of being kept or domesticated as a household pet. Pet animal includes but is not limited to dogs, cats, birds, rabbits, ferrets, hamsters, guinea pigs, gerbils, rats, mice, non-poisonous arachnids, non-poisonous insects, non-venomous snakes and fish.

"Premises" means a building, group of buildings and/or contiguous parcels of land under the control of a single person and used for a single purpose. Continuous parcels of land separated by a public road are considered to be separate premises. Separate buildings and adjoining buildings in a group of buildings, which are directly accessible to the public and function independently from the others, are separate premises.

"Secure enclosure" means a fence or structure designed to confine an animal in a humane manner.

"Service Animal" means an animal that is individually trained to do work or perform tasks for the benefit of a person with a disability.

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"Tether" means a leash or similar device, attached to a well-fitted collar or harness of an animal, and of sufficient strength to restrain and control that animal to which it is attached.

"Vaccination" means the inoculation of a dog, cat, ferret, or horse with anti-rabies vaccine administered under the direction of the public health officer by a licensed veterinarian or with any other vaccine approved by the public health officer and the state veterinarian. "Current vaccination" means the inoculation of a dog, cat, ferret or horse with anti-rabies vaccine. Animals vaccinated initially will receive a booster shot one (1) year after the initial vaccination and thereafter according to manufacturers' recommendations.

(Ord. 2534 §2(Exh. B(part)), 1989).

"Wild Animal" means any living vertebrate animal normally found in the wild state and for which there is no FDA approved anti-rabies vaccination

**6.8.010 Conflict of laws.**

In all instances where Montana State Law (as evidenced by the Montana Code Annotated, applicable case law or otherwise) mandates standards or requirements that conflict with the provisions of this Chapter, Montana State law shall govern and the same shall be incorporated by this reference as a part of this Chapter. For purposes of this Chapter, a conflict shall exist where, upon a particular matter, Montana Law addresses the matter in a manner that is more strict than the provisions of this Chapter, where the provision of Montana Law are specifically referenced in this Chapter as providing for criminal penalties or where a matter is addressed by Montana Law that is not addressed by this Chapter. In these two (2) situations, Montana Law shall control. In situations where this Chapter addresses a matter in a manner that is stricter than that of Montana Law, the provisions of this Chapter shall control.

(Ord. 2933, 2007)

**6.8.020 Canine unit exemption.**

Trained police dogs utilized by an official law enforcement agency as assigned to a sworn peace officer as part of a canine team/unit shall be exempt from all provisions of this chapter.

(Ord. 2933, 2007)

**6.8.030 Vaccination required.**

It is unlawful for any person to keep, maintain or harbor any dog, cat, ferret or horse over six (6) months of age unless it has had a current vaccination, as defined in Section 6.8.005. A person found guilty of a violation of this section is guilty of a misdemeanor punishable by a maximum fine of five hundred dollars (\$500.00).

(Ord. 2933, 2007; Ord. 2534 §2(Exh. B(part)), 1989).

**6.8.040 Dog and cat registration.**

- A. Any person keeping or harboring any dog over six (6) months of age must register such animal as provided for in this section. A keeper of a domestic cat over six (6) months of age must register such cat by paying a registration fee as established in this section.
- B. Registrations shall be issued by duly appointed registration agents upon payment of a registration fee. Registration fees shall be established by resolution of the City Commission.
- C. Registrations for service animals and governmental police dogs shall be furnished without charge.
- D. Registrations shall not be issued to any person under the age of eighteen (18) years unless a parent or guardian signs the application as co-owner. The provisions of this section shall not apply to nonresidents having animals under restraint within the City less than sixty (60) days.
- E. A person found guilty of a violation of this section is guilty of a misdemeanor punishable by a maximum fine of two hundred fifty dollars (\$250.00).

(Ord. 2933, 2007; Ord. 2534 §(Exh. B(part)), 1989).

**6.8.050 Pet registration, agents, reimbursement.**

Registration agents shall receive partial reimbursement at a level to be established by resolution of the City Commission. A copy of the Animal Control Agency's action related to reimbursement rates shall be available to anyone who requests it at the Animal Shelter.

(Ord. 2933, 2007; Ord. 2656, 1992).

**6.8.060 Tag—collar.**

- A. Upon receipt of a proper application and the pet registration fee, the registration agent shall issue to the applicant a pet registration certificate and metallic tag. The tag shall have stamped thereon a number to correspond with the number of the certificate issued to the applicant.
- B. Every owner is required to provide each dog or cat with a substantial collar or harness, to which the registration tag or other identification tag shall be affixed at all times. In the event a registration tag is lost or destroyed, another tag shall be issued by the Animal Control Agency upon presentation of an affidavit to that effect, a receipt or duplicate receipt showing payment of the pet registration fee for the current year, and the payment of a fee for such duplicate. No refunds shall be made on any pet registration fee because of the death of the pet or the owner leaving the City before the expiration of the registration period. If a dog or cat has a Microchip Implant, no collar or tag is required to be worn, however the animal is still required to be registered pursuant to the provisions of this Title.
- C. Any pet animal found off the owner's premises without a registration tag, or without a Microchip Implant, shall be deemed to be not registered, even though a registration has been issued for such animal. Pet registration tags are not transferable from one (1) animal to another and any animal found with a registration tag issued for another pet animal shall be deemed to be not registered.
- D. It is unlawful for any person to cause or permit a pet registration tag to be placed upon an animal for which it was not issued.
- E. A person found guilty of a violation of this section is guilty of a misdemeanor punishable by a maximum fine of two hundred fifty dollars (\$250.00).

(Ord. 2933, 2007; Ord. 2573, 1990; Ord. 2534 §2(Exh. B(part)), 1989).

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**6.8.070 Number of dogs/cats.**

- A. It is unlawful for any person, persons, or family to keep, harbor or maintain in or on the same premises a total of more two (2) dogs over six (6) months of age and two (2) cats over six (6) months of age without first obtaining a multiple animal permit as provided in Section 6.8.080.

(Ord. 2933, 2007; Ord. 2534 §2(Exh. B(part)), 1989).

- B. Owners of rental properties can establish policies that may place further restrictions on the number of animals allowed on their properties.
- C. A person found guilty of a violation of this section is guilty of a misdemeanor punishable by a maximum fine of five hundred dollars (\$500.00) and may also be subject to the other penalties specified in 6.8.310.

**6.8.080 Multiple-animal permit/multiple animal hobby breeder permit.**

A Multiple Animal Permit is required for any person, family, or household owning or harboring any more than the number of dogs and cats permitted by Section 6.08.070 for more than thirty (30) days. A Multiple Animal Hobby Breeder Permit is required for any person, family, or household owning or harboring any more than the number of dogs and cats permitted by Section 6.08.070 who intends to breed their animals. The holder of a regular Multiple Animal Permit or a person holding no Multiple Animal Permit must apply for a Multiple Animal Hobby Breeder Permit within ten (10) days of the birth of a litter. Application for these permits shall be made with the Animal Control Agency. The intended facilities are subject to inspection by an Animal Control Officer. The permit shall be issued upon the following conditions:

- A. All dogs must be registered;
- B. Cats must be registered or micro-chipped;
- C. There must be adequate shelter and secure enclosure for animals on the premises;
- D. The owner uses suitable means of disposing of animal feces so that it does not become a nuisance or a health hazard;
- E. That in the investigating officer's opinion, the animals receive proper care, food, water, shelter and humane treatment;
- F. Cat breeders are allowed to have a maximum of four (4) litters per year. Other than any animals intended to be kept as pets by the breeder, kittens must be sold or given away within four (4) months of birth. Dog breeders are allowed to have maximum of two (2) litters per year, and other than any animals intended to be kept as pets by the breeder, puppies must be removed within four (4) months.
- G. For a Hobby Breeder Permit, the puppies and kittens can only be sold, given as a gift or other transfer or conveyance from the location listed on the Hobby Breeder Permit.
- H. The Hobby Breeder Permit shall list the maximum number of animals over the age of six (6) months allowed on the premises and if the holder of the permit exceeds that number, it shall be grounds for revocation of all permits for that location.
- I. The Animal Control Agency shall approve or deny the application based on the information submitted by the applicant and on the recommendation of the investigating officer. The Animal Control Agency may issue a conditional permit, but must state the permit conditions on the document and ensure that the applicant is advised of the conditions;

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- J. After receiving notification of the Animal Control Agency's approval, the applicant must pay the Animal Control Agency an application fee which shall be established by resolution of the City Commission;
- K. All premises for which a multiple animal permit is issued may be subject to annual inspections by the Animal Control Officer. The inspections may also be instigated if a complaint is filed. The Animal Control Agency, on determining that such premises are not being maintained and/or the conditions of the permit are not met, may recommend a revocation or denial of the permit if it is deemed necessary. The permittee shall be given a thirty-day written notice of the Animal Control Agency's recommendation/revocation/denial;
- L. A permit authorized by the Animal Control Agency must contain the following information:
  - 1. Name and address of the person to whom the permit is granted;
  - 2. The number of dogs and cats for which the permit is granted; and
  - 3. Any special conditions required by the Animal Control Agency.
  - 4. A Hobby Breeder Permit must state whether it is for dogs or cats or both
- M. If the holder of a Multiple-Animal permit or a Multiple Animal Hobby Breeder permit moves, he or she must provide written notice of their new address if it is within the city limits of Great Falls within thirty (30) days of moving. The Animal Control Agency will then conduct an inspection and take appropriate action under this section based on any changes at the permit holder's new residence.
- N. The applicant may appeal the denial or revocation of a permit by filing a written request for reconsideration with the Neighborhood Council Coordinator. The written appeal must state the applicant's name and address and should clearly outline the applicant's rebuttal to the reason(s) stated for denial and should include any additional information which may be pertinent to the applicants request for a permit. The appeal shall be heard by the Neighborhood Council for the district which includes the location of the requested permit. The Neighborhood Council shall set the matter for hearing at either the Council's next regularly scheduled meeting or a special session set at the Council's discretion. The Neighborhood Council Coordinator shall provide written notice to the person filing the appeal as well as the Animal Control Agency of the date and time of the hearing. After hearing testimony and reviewing the written appeal, the Council shall either affirm or reverse the permit decision.
- O. If the applicant is not satisfied with the decision of the Neighborhood Council, they may file an appeal to the Clerk of Municipal Court within thirty (30) days of the date on the written denial provided by the Neighborhood Council. The written appeal must state the applicant's name and address and should clearly outline the applicant's rebuttal to the reason(s) stated for denial and should include any additional information which may be pertinent to the applicants request for a permit. The Court shall set the matter for hearing and either affirm or reverse the permit decision.

(Ord. 2933, 2007)

#### **6.8.090 Commercial kennel.**

- A. A commercial kennel permit shall be required for any person, persons, or family who wish to engage in the boarding and/or breeding of dogs, cats, reptiles, or any other pet animal for compensation.
  - 1. Inspection. The intended facilities must be inspected by an Animal Control Officer, such inspection to include the physical facilities as well as the effect on the neighborhood.

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2. Recommendation. Following the inspection, the Animal Control Officer will recommend to the licensing authority either approval or disapproval of the application.
3. Fee. The annual commercial kennel fee shall be established by resolution of the City Commission.
4. Zoning. Commercial kennels will be permitted only in areas of the City zoned for such usage as defined in Title 17 OCCGF. A zoning permit and safety inspection certificate must be obtained prior to applying for a commercial kennel license.
5. Renewals. Licenses must be renewed within sixty (60) days of the expiration date or the application will be treated as a new application.
6. License Revocation. All kennel licenses will expire one (1) year from the date of issuance unless sooner revoked. The Animal Control Officer will investigate all complaints concerning licensing or improperly operated kennels and may recommend revocation of the license if it is deemed necessary. The licensee will be given at least five (5) days' written notice of such recommendation during which time the licensee may appeal the Animal Control Officer's recommendation to the Animal Control Agency. The licensing authority will then take action as required.

(Ord. 2534 §2(Exh. B(part)), 1989).

- B. Exclusions. No fee may be required of any veterinary hospital, animal shelter or government zoological park.
  1. Separate Facilities. Every facility regulated by this section shall be considered a separate enterprise and shall have an individual license.
  2. Penalty. Failure to obtain a license before opening any facility covered in this section shall result in a fine of five hundred dollars (\$500.00).

(Ord. 2933, 2007)

**6.8.100 Removal of excrement.**

- A. It is unlawful for any person in control of an animal to cause or permit such animal to be on any property, public or private, not owned or possessed by such person, to fail to remove feces left by the animal. When accompanying the animal outside his or her property, the owner shall have on his or her person suitable means for the removal of such feces, which then must be placed in a double bag or fly proof container and then in an approved refuse container for sanitary removal. (see also OCCGF 8.32.310)
- B. The provisions of Section A shall not apply to the ownership or use of Seeing Eye dogs by blind persons, dogs when used in law enforcement activities, or tracking dogs when used by or with the permission of the City.
- C. The accumulation of animal feces on any private property is hereby declared a nuisance. Every person who is the owner or occupant of private property or the agent in charge of such property is charged with the duty of keeping such property free of any accumulation of feces.
- D. "Accumulation" for purposes of this section shall mean:
  1. Any quantity that constitutes a hazard to the health, safety, or convenience of persons other than the owner of the animal; or

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2. Any quantity that interferes with the use or enjoyment of any neighboring property as the result of odors, visual blight, or attraction of insects or pests.
- E. Each owner, occupant, or agent having charge of such property who is notified in accordance with the provisions set forth herein by the Animal Control Officer to remove such feces shall be charged with the duty of removing such feces and satisfactorily disposing of the same within forty-eight (48) hours of the effective date/hour of the notice to do so.
- F. Notice of violation shall set forth in writing the date of inspection, the address of the property found in violation and the fact that an accumulation of feces was observed. Notice may be served either personally by leaving a copy with an occupant of the premises, or by posting notice in a conspicuous place upon the property.
- G. If the premises where an accumulation of feces is found contains only a single-family dwelling, then notice shall be directed to the occupant of such premises whether such occupant be the owner or lessee. If the premises where the accumulation of feces is found contains more than one (1) dwelling unit, then notice shall be directed to the record owner of such premises or the agent in charge of the premises.
- H. Any owner, occupant or agent in charge of such property who violates this section is guilty of a misdemeanor punishable by a maximum fine of five hundred dollars (\$500.00) and shall be ordered to remove the excrement within a reasonable time and may also be subject to the other penalties specified in 6.8.310.

(Ord. 2933, 2007)

**6.8.110 Rabies—exposure.**

- A. Every pet animal, dog, cat or ferret which has been bitten by, or exposed to any animal suspected to have been infected with rabies shall be:
  1. Revaccinated with an appropriate vaccine and released if the animal has a current vaccination history. The animal must be kept under the owner's control and observed for 45 days. Any illness in the animal must be reported to the City/County Health Department.
  2. Seized and taken up by the Animal Control Officer or any law enforcement officer and securely and separately impounded if the bitten animal has not been vaccinated or if the vaccination history is obscure. Seized animals shall be quarantined at a licensed veterinary hospital, at the owner's expense, within the City for a period of six (6) months or euthanized and tested for rabies. It shall be the duty of the Animal Control Officer to notify the public health officer of every such animal impounded. If, after observation, such animal is adjudged free of rabies, the animal must then be vaccinated and held in quarantine for an additional ten (10) days after which the owner may reclaim the animal upon payment of the regular keeping fees and upon compliance with registration requirements. In the event that the animal under quarantine is diagnosed as being rabid, it shall be disposed of only under the orders of the public health officer in absolute discretion.
- B. Any pet animal which bites or otherwise exposes a person or animal to rabies shall:
  1. If not currently vaccinated be quarantined at a veterinarian hospital at the owner's expense for a period of at least ten (10) days after the day of exposure. The owner of such animal shall have twenty-four (24) hours from the time of exposure to provide proof of current vaccination to the Animal Control authority or release the animal to a veterinarian for quarantine. In the event an owner will not voluntarily release the animal for quarantine, the Animal Control authority or law enforcement officer shall obtain a court order to seize the animal and place it in quarantine at the veterinarian hospital of the authority's choice, at the owner's expense. The order, if the owner cannot be found at his/her place of residence, may be served by leaving it with a person

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of suitable age and discretion or by placing it in a prominent place at the front door of such residence.

2. If the animal is currently vaccinated the animal may at the discretion of the Animal Control authority be quarantined at the owner's home. If at any time the animal is known to run at large during the quarantine period the animal shall be impounded by the Animal Control authority and shall remain at a veterinary hospital for the remainder of the quarantine period at the owner's expense.
3. If the animal is a stray and no owner is identified within seventy-two (72) hours, the animal shall be euthanized and tested for rabies.
4. The aforesaid procedure shall be suspended on order of the City/County Health Department where an animal exhibits symptoms of rabies.

(Ord. 2534 §2(Exh. B(part)), 1989).

- C. Any hybrid-type animal or any other animal other than those included in Item A of this section which bites or otherwise exposes a person or animal to rabies shall, at the discretion of the City/County Health Department, be quarantined or destroyed and tested for rabies:
  1. If the animal is quarantined, the animal shall be placed at a veterinarian hospital at the owner's expense for a period of at least ten (10) days after the day of exposure. In the event an owner will not voluntarily release the animal for quarantine, the Animal Control authority or law enforcement officer shall obtain a court order to seize the animal and place it in quarantine at the veterinarian hospital of the authority's choice, at the owner's expense.
  2. If the animal is a stray and no owner is identified within twenty-four (24) hours, the animal may be euthanized and tested for rabies.
  3. The aforesaid procedure shall be suspended on order of the City/County Health Department where an animal exhibits symptoms of rabies.
- D. A person found guilty of a violation of this section is guilty of a misdemeanor punishable by a maximum fine of five hundred dollars (\$500.00) and may also be subject to the other penalties specified in 6.08.310.

(Ord. 2933, 2007; Ord. 2534 §2(Exh. B(part)),1989).

**6.8.120 Rabies—emergency control.**

Upon the positive diagnosis of rabies infection of any animal in the City, the public health officer shall notify the City Manager, or designee, who may issue a citywide quarantine order providing for the summary destruction of all animals known to have been exposed to rabies, or all unconfined animals, or may make such other orders as it deems necessary or expedient for the protection of the public. All orders issued by the City Manager, or designee, under this section shall have the same force and effect as any City law.

(Ord. 2534 §2(Exh. B(part)), 1989).

**6.8.130 Contagious disease.**

Upon the positive diagnosis of a contagious communicable disease in any animal in the City which poses a community health risk, the diagnosing veterinarian shall notify the City County Health Department



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Director, or designee, who may issue a city-wide alert. Any animal displaying symptoms of the disease must be quarantined and confined either upon the premises of the owner or at a licensed veterinary hospital. The location of quarantine shall be determined by the Animal Control authority.

(Ord. 2933, 2007; Ord. 2534 §2(Exh. B(part)), 1989).

**6.8.140 Animals running at-large.**

- A. It is unlawful for any person who owns or harbors a cat or dog, or the parents or guardians of a person under the age of eighteen (18), to allow such animal to run at large within the corporate limits of the City. All animals not confined within a secure enclosure (as defined in Section 6.08.005) shall be kept on a leash (as defined in Section 6.08.005) not more than ten (10) feet long. Cats are not required to be on a leash, but they must be confined to the owner's property or be under the physical control of the owner. Any animal which has been duly and properly trained and registered as a service animal as described in Section 6.08.005 is exempt from this section
  - 1. When a chain, rope, or other restraint is used to tether an animal, it shall be so placed or attached that it cannot become tangled with the chain of any other animal or with any other object, and will permit the animal to move freely and make all normal body movements in a comfortable, normal position. It shall be affixed by means of a well-fitted collar, and shall be at least ten (10) feet in length and shall allow the animal convenient access to food, water, and shelter adequate to protect the animal from the elements. Such tethering shall be located so as not to allow the animal to trespass on public or private property, nor in such a manner as to cause harm or danger to persons or animals.
- B. It is unlawful for any firm, person or corporation owning or having control of any goats, cattle, swine, or sheep to keep the same within the corporate limits of the City, except to bring the same to market for commercial or exhibition purposes, and when brought therein for that purpose the same shall be kept and cared for by the owner or person in charge thereof at such place as directed by the Chief of Police. It is unlawful to keep livestock, as defined in Section 6.08.005, within the corporate limits of the City with the exception of suburban districts, as defined in Title 17. In suburban districts livestock must be kept within fences or secured in such a manner which prevents them from running at large. Veterinarian's premises are exempt from this provision.
- C. It is unlawful to allow livestock to run at large within the corporate limits at any time.
- D. It is unlawful for an owner or keeper of any fowl or rabbits to permit them to run at large upon any street, alley, avenue, boulevard or public park or to trespass upon the premises of another person within the City; except, that such animals owned and/or maintained by the City in the City parks are exempt from this provision.
- E. Any person may take up any animal running at large in the City, or tethered therein contrary to the provisions of this chapter, and take the animal to the Animal Control Officer. Neither compensation nor reward shall be paid directly or indirectly for such taking and delivery.

(Ord. 2534 §2(Exh. B(part)),1989).

- F. It is unlawful for any person to take or drive any animal out of any enclosure, stable or other building with the intent that such animal shall be impounded.
- G. It is unlawful for any person to open gates or doors or otherwise cause or permit any animal to escape confinement against the wishes of the owner.

(Ord. 2534 §2(Exh. B(part)), 1989).

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- H. It is unlawful for any person to break open, or in any manner directly or indirectly, aid or assist in, or counsel or advise the breaking open of the Animal Shelter.
- I. It is unlawful for any person to hinder, delay or obstruct any person while engaged in taking to the Animal Shelter any animal liable to be impounded under the provisions of this chapter.

(Ord. 2534 §2(Exh. B(part)), 1989).

- J. A person found guilty of a violation of this section is guilty of a misdemeanor punishable by a maximum fine of five hundred dollars (\$500.00). If the animal is unaltered the minimum fine shall be two hundred dollars (\$200.00).

(Ord. 2933, 2007)

**6.8.150 Nuisance animal.**

Any person owning or harboring an animal shall ensure it does not engage in any of the following nuisance behavior:

A. Animal Noise.

- 1. No person shall allow an animal to bark, howl, or make sounds common to its species in excess, taken to be continuous noise for a period of fifteen (15) or more minutes or intermittent noise for a period of thirty (30) or more minutes, although animal control may investigate any complaint in its sole discretion. Evidence of violation of this section can be served by any of the following:
  - a. Written affirmation from at least two (2) persons having separate residences within a one-block area; and/or
  - b. Videotapes and/or written documentation (such as barking logs); and/or
  - c. Dates, times, and duration of nuisance animal noise as documented by an Animal Control Officer on the scene.
- 2. The reasonable man standard shall be applied in all cases. "Reasonable man" is defined as the 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. 2534 §2(Exh. B(part)), 1989).

B. Nuisance Behavior.

- 1. Persons who own or harbor an animal must prevent such animal from engaging in any of the following acts:
  - a. Chasing vehicles or bicycles in public streets, ways, or parks;
  - b. Stealing or causing damage to private or public property;
  - c. Chasing persons who are not at the time trespassing on the property of the owner, nor injuring or attempting to injure the owner, his family or property;
  - d. Rummaging through or scattering garbage or rubbish;

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- e. Defecating on land over which the person does not have the right to possession, without cleaning up and disposing of the waste immediately;
  - f. Being inside a public area which is designated as prohibiting animals. Any animal which has been duly and properly trained and registered as a service animal as described in Section 6.08.005 may be allowed in such an area when acting in that capacity.
- C. Female in Estrus. Any person owning, possessing or harboring any female animal in heat (estrus) must keep such female animal in a secure and enclosed area not accessible to male animals running at large.
- D. A person found guilty of a violation of this section is guilty of a misdemeanor punishable by a maximum fine of five hundred dollars (\$500.00) and may also be subject to the other penalties specified in 6.08.310. In addition if the animal is unaltered the minimum fine shall be two hundred dollars (\$200.00).

(Ord. 2933, 2007)

**6.8.160 Dangerous animal.**

It is unlawful for any person to own or harbor a dangerous animal as defined in Section 6.8.005.

- A. Any dangerous animal may be immediately taken up and impounded by the Animal Control Officer. Upon a second or subsequent conviction under this chapter or in a single instance where the facts indicate that such action is necessary for the safety of the citizens of this community or their property, the dangerous animal shall be seized by an Animal Control Officer. A court hearing will then determine if the animal is to be ordered spayed or neutered, euthanized or permanently removed from the City.
- B. Lawful Presence. For the purposes of this section, a person is peaceably and lawfully upon the private property of an owner when in the performance of any duty imposed by the laws of this state or any city or county, or by the laws or postal regulations of the United States, or when on such property upon invitation, express or implied.
- C. Any person may protect their pets, their property, their person, or the person of any other human being by reasonable force against the dangerous animal.
- D. Impounded animals may be redeemed by the owner after compliance with all registration and vaccination requirements if the animal is not being held for a court hearing. If the owner wishes to appeal the seizure of the animal the owner may file a petition in Court for the return of the animal.
- E. A person found guilty of a violation of this section is guilty of a misdemeanor punishable by a minimum fine of three hundred dollars (\$300.00) and a maximum fine of one thousand dollars (\$1,000.00). If a person has purposely, knowingly or negligently violated this section, up to twelve (12) months in jail may be imposed. The person may also be subject to the other penalties specified in 6.08.310. In addition if the animal is unaltered, the minimum fine shall be five hundred dollars (\$500.00).

(Ord. 2933, 2007)

**6.8.170 Impounded animals—redemption—disposition.**

- A. The owner of any pet animal which has been impounded, upon proving ownership thereof, may redeem the pet from the Animal Control Agency upon payment of the following:
  - 1. Registration fee (for unregistered pet animals); and
  - 2. An impound fee established by the Animal Control Agency for each day that the animal has been held in the Animal Shelter; and
  - 3. A fee for rabies vaccination if the pet is not vaccinated; and
  - 4. Any veterinary fees incurred.
- B. If any unregistered dog or other animal is impounded, the owner shall redeem it within seventy-two (72) hours (Sundays and holidays excluded), or it shall be subject to adoption or disposal by the Animal Control Agency as provided in this chapter. If such impounded animal has a registration tag or microchip, the animal will be held for ninety-six (96) hours (Sundays and holidays excluded) before being subject to adoption or disposal. In addition, the Animal Control Officer will attempt to contact the owner by phone and/or in writing. If the animal carries a designation as a service animal together with the phone number or address of the owner, the Animal Control Officer will make an attempt to return the animal. The Animal Control Officer may issue a citation to the person redeeming an impounded animal for violation of any provision of this chapter.
- C. The owner of any animal other than a pet animal (dog or cat) which has been impounded, upon proving ownership thereof, may redeem the animal from the shelter upon satisfying the following conditions and payment of the following:
  - 1. The animal is legally allowed within the incorporated limits;
  - 2. Proof of compliance that the animal has all required Federal, State or Local permits.
  - 3. An impound fee established by the Animal Control Agency for each day, or part thereof, that the animal has been held in the Animal Shelter; and
  - 4. Any veterinary fees incurred.

(Ord. 2534 §2(Exh. B(part)), 1989).

- D. A person found guilty of a violation of this section is guilty of a misdemeanor punishable by a maximum fine of five hundred dollars (\$500.00) and may also be subject to the other penalties specified in 6.08.310.

(Ord. 2933, 2007)

**6.8.180 Adoption of animals.**

If an animal is not redeemed by the owner within the prescribed time limit, the owner thereof forfeits all right, title and interest therein, and the Animal Control Agency may offer the same for sale to the public.

- A. A person may adopt an animal pursuant to the requirements set by the Animal Control Agency.
- B. It is unlawful for any person to adopt an animal from the animal shelter and fail to comply with the stipulations in the adoption contract. Such violation may result in forfeiture of the animal and a fine of up to five hundred dollars (\$500.00).
- C. No animal suffering from an infectious disease will be released unless the public health officer shall so order.

(Ord. 2933, 2007; Ord. 2534 §2(Exh. B(part)), 1989).

**6.8.190 Surrender/crematory fee—dogs and cats.**

- A. The Animal Control Agency will dispose of dead dogs or dead cats for a fee to be established by the Animal Control Agency if the animal is transported to the Animal Shelter by the owner.
- B. The Animal Control Agency will euthanize and dispose of dogs and cats for an owner who is a resident of the City for unwanted cats and dogs brought to the Animal Shelter by the owner. The resident surrender fee shall be established by the Animal Control Agency and charged to the owner.
- C. The Animal Control Agency will euthanize and dispose of dogs and cats for an owner who is a non-resident of the City for unwanted cats and dogs brought to the Animal Shelter by the owner. The non-resident surrender fee shall be established by the Animal Control Agency and charged to the owner.
- D. These fees do not apply to persons or agencies covered by a contract with the Animal Control Agency or the City for disposal.

(Ord. 2933, 2007)

**6.8.200 Cruelty to animals.**

Please refer to Montana Code § 45-8-211.

**6.8.210 Provoking animals.**

It is unlawful for any person to provoke, tease or in any way disturb a dog or other animal with the intent to harass the dog or other animal, cause it to bark, or attack any person (or other animal). Any person violating this section is guilty of a misdemeanor punishable by a maximum fine of five hundred dollars (\$500.00) and/or up to six (6) months in jail.

(Ord. 2933, 2007; Ord.2534 §2(Exh. B(part)), 1989).

**6.8.220 Abandonment.**

It is unlawful for any person to abandon any animal within the City. Any person violating this section is guilty of a misdemeanor punishable by a maximum fine of five hundred dollars (\$500.00) and shall bear all expenses incurred by the Animal Control Agency in caring for said animal and shall reimburse the Animal Control Agency all said costs as determined by the Animal Control Agency.

(Ord. 2933, 2007; Ord. 2534 §2(Exh. B (part)), 1989; Ord. 2656, 1992).

**6.8.230 Duty of driver upon striking a pet animal.**

Every operator of a self-propelled vehicle upon the ways of this State open to the public shall immediately upon injuring or striking a pet-animal shall give aid to such animal or immediately notify the Animal Control Officer or police officer, furnishing sufficient facts relative to such injury. Any person violating this section is guilty of a misdemeanor punishable by a maximum fine of five hundred dollars (\$500.00).

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(Ord. 2933, 2007; Ord. 2534 §2(Exh. B(part)), 1989).

**6.8.240 Wild animals.**

- A. It is unlawful for any person to allow a wild animal in their possession to be in or upon any public place, including but not limited to public parks and public buildings.
- B. It is unlawful for any person to keep or maintain, or cause to be kept or maintained, any wild animal without first applying for and receiving a License Certificate from the Animal Control Agency. The fee for this license shall be established by resolution of the City Commission. Any animal(s) illegally possessed may be immediately seized by Animal Control with all costs of seizure charged to the person in possession of the wild animal.
- C. The Animal Control Agency shall set written policies as to what animals are exempted from licensing; however no License Certificate may be issued where the purpose is to breed wild animals. "Game farms" as defined in Montana Code Annotated 87-4-406 are not permitted in the City.
- D. The provisions of this section shall not prohibit the keeping or maintaining of animals under the following conditions:
  - 1. Any wild animals which are kept confined in publicly funded zoos, museums, or any other place approved by the Police Department where they are kept as live specimens for the public to view;
  - 2. Any wild animals which are kept confined and placed on exhibit in a circus, carnival, fairground or a sponsored academic exhibit.
  - 3. Wild animals in bona fide, licensed veterinary hospitals for treatment.

(Ord. 2534 §2(Exh. B(part)), 1989).

- 4. Any wild animals placed on exhibit by a commercial business possessing a Safety Inspection Certificate for wild animals. All applicable Federal, State and Local permits must be obtained prior to bringing the wild animals into the City.

(Ord. 2705; 1996)

- E. Any person violating this section is guilty of a misdemeanor punishable by a maximum fine of five hundred dollars (\$500.00).

**6.8.250 Wild animals—license certificate.**

- A. A Wild Animal License Certificate shall be required for any person, persons, or family who wish to keep or harbor a wild animal. The Animal Control Agency shall issue License Certificates based upon the following:
  - 1. Inspection. The intended location must be inspected by an Animal Control Officer, such inspection to include the physical facilities as well as the effect on the neighborhood.
  - 2. Recommendation. Following the inspection, the Animal Control Officer will recommend to the licensing authority either approval or disapproval of the application.
  - 3. Fee. The annual License Certificate fee shall be established by resolution of the City Commission.

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4. Consent. Anyone wishing to harbor wild animals must obtain the written consent of at least seventy-five (75) percent of the adjoining neighbors within two hundred (200) feet east and west and one hundred fifty (150) feet north and south, excluding public right-of-way.
5. Renewals. Licenses must be renewed within sixty (60) days of the expiration date or the application will be treated as a new application.
6. License Revocation. All License Certificates will expire one (1) year from the date of issuance unless sooner revoked. The Animal Control Officer will investigate all complaints concerning licensing or complaints related to the wild animal and may recommend revocation of the license if it is deemed necessary. The licensee will be given at least five (5) days written notice of such recommendation during which time the licensee may appeal the Animal Control Officer's recommendation to the Animal Control Agency. The licensing authority will then take action as required.

(Ord. 2534 §2(Exh. B(part)), 1989).

- B. Exclusions. No fee may be required of any veterinary hospital, animal shelter or government zoological park.
- C. Penalty. Failure to obtain a license before harboring any wild animal shall result in a maximum fine of five hundred dollars (\$500.00).

**6.8.260 Steel jaw traps or snares.**

It is unlawful for any person to set any steel jaw traps or snares within the City limits of Great Falls. A person found guilty of a violation of this section is guilty of a misdemeanor punishable by a minimum fine of three hundred dollars (\$300.00) and a maximum fine of one thousand dollars (\$1,000.00) and/or up to six (6) months in jail.

(Ord. 2933, 2007; Ord. 2534 §2(Exh. B(part)), 1989).

**6.8.270 Animal control officer—duties.**

In addition to the duties and powers of the Animal Control Officer otherwise prescribed, the officer shall:

- A. Keep and maintain adequate records of all animals impounded and of all actions taken in the course of their duties. These records shall be public records and available for viewing at the Animal Control Agency.
- B. Carry out and enforce all of the provisions of this chapter and amendments thereto.
- C. Enforce the licensing and control of all animals in the City as provided in this chapter.
- D. Seize and take up all animals violating the terms of this chapter and maintain the same in a suitable and humane manner at the Animal Shelter.
- E. Where this chapter requires that an animal be put to death, the officer shall accomplish this in a humane manner.
- F. Be empowered to pursue upon private property any animal violating any provision of this chapter in their presence or when acting under a court order, warrant, affidavit of a dangerous animal, or when attempting to seize any animal suspected of having been exposed to rabies.
- G. File complaints in the Municipal Court for violations of this chapter and attend and testify in court when required.

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- H. Make a timely notification to the City/County Health Department regarding bite reports submitted to Animal Control.
- I. Maintain regular hours as assigned during which the Animal Shelter shall be open and post the hours in a conspicuous place at the Animal Shelter.

(Ord. 2933, 2007; Ord. 2534 §2(Exh. B(part)), 1989).

**6.8.280 Animal control officer—investigative authority.**

- A. For the purpose of discharging the duties imposed by this chapter and enforcing its provisions, the Animal Control Officer or any Police Officer is empowered to demand from the occupants of any premises upon or in which a dog or other animal is kept or harbored the exhibition of such dog or other animal and the registrations and permits for such dog and/or other animals. The Animal Control Officer may make such a demand at the premises where any animal is kept in a reportedly cruel or inhumane manner and examine such animal and take possession of the animal, when it requires humane treatment.
- B. For the purposes of investigating complaints of unsanitary conditions and/or inhumane treatment of animals, Animal Control Officers shall have the right to inspect any premises where animals are kept at any reasonable time. This includes removing animals from vehicles if the animal's health is endangered by such confinement in hot or cold weather.
- C. On refusal of entry, the Animal Control Officer may obtain a search warrant.

(Ord. 2933, 2007; Ord. 2534 §2(Exh. B(part)), 1989).

**6.8.290 Animal control officer—interference prohibited.**

- A. It is unlawful for any person to hinder or interfere with the Animal Control Officer or any police officer in the performance of any duty or power imposed on by this chapter, or to release, or attempt to release, any animal in the custody of the Animal Control Officer, except as provided in this chapter.

(Ord. 2534 §2(Exh. B(part)), 1989).

- B. It shall be unlawful for any person to remove, alter, damage, or otherwise tamper with any approved traps or equipment lawfully set for the purpose of capturing dogs, cats, or any other animals or wildlife that may be deemed at large or a public nuisance.
- C. A person found guilty of a violation of this section is guilty of a misdemeanor punishable by a maximum fine of five hundred dollars (\$500.00) and/or six (6) months jail and may also be subject to the other penalties specified in 6.8.310.

**6.8.300 Copies of regulations.**

An abbreviated copy of City code applicable to the control of animals shall be available to all persons adopting or reclaiming an animal. A complete copy of Title 6, Chapter 6.08 shall be from the Animal Control Agency for a fee established by resolution of the City Commission.

(Ord. 2534 §2(Exh. B(part)), 1989).



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**6.8.310 Violation—other penalties.**

In addition to any penalties specified in this Chapter, the Court in its discretion may Order any of the following conditions;

- A. The Court may order relinquishment of an animal(s) deemed to be a public safety risk and/or a repetitive nuisance that has not been abated or an animal that is a victim of cruelty, neglect or abandonment to the Animal Shelter for disposition.
- B. Upon finding of violation under sections pertaining to animal fighting, a dangerous animal jeopardizing public safety, and animal cruelty or neglect (including provoking, poisoning, abandonment of an animal), the court may order no animal ownership for a determinate period.
- C. Violations of this chapter may result in immediate impoundment of the animal(s).
- D. Violation of any provision of this chapter may result in revocation of any license(s) or permit(s).
- E. The Court may in its discretion order any animals on the premises be spayed or neutered.

(Ord. 2933, 2007)

**6.8.320 Persons responsible for violation—transfer of registration.**

In all prosecutions for violations of this chapter, the person who applied for and obtained the registration for the pet animal in question shall be deemed the person responsible for the violation unless there has been a transfer of ownership prior to the violation. In the event the pet animal is not registered, then the person deemed responsible for the violation is the person who owns, maintains or harbors the animal. Any transfer of ownership must be evidenced by a new registration issued by the licensing authority.

(Ord. 2933, 2007; Ord. 2534 §2(Exh. B(part)), 1989).

**Chapter 10 BEES**

Sections:

**6.10.010 Definitions.**

"Hive" means the bee colony and all equipment used in connection with the bee colony.

(Ord. 2394 (part), 1985).

**6.10.020 Maintaining unlawful.**

It is unlawful for any person, firm, or corporation to maintain honeybees, (*apis mellifera*) on its property without licensing each hive with Animal Control. All hives shall be registered with Animal Control prior to April 1st of each year. A one-time fee shall be assessed on initial registration and established by City Commission resolution.

(Ord. 2705, 1997; Ord. 2394 (part), 1985).

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**6.10.030 Limit of hives.**

The keeping of bees shall be limited to the parcel of property upon which the owner of bees resides. No more than five (5) hives of honeybees for each one-quarter (¼) acre of property or less shall be maintained on any lot.

(Ord. 2394 (part), 1985).

**6.10.040 Distance requirement.**

All hives must be maintained fifteen (15) feet from the boundary lines of the lot on which such hives are located, unless a six-foot hedge or fence is erected between the hive(s) and the adjoining lots.

(Ord. 2394 (part), 1985).

**6.10.050 Supply of water.**

No hive of honey bees shall be maintained unless an adequate supply of water shall be furnished by the beekeeper on the lot within twenty (20) feet of said hive(s) at all times between April 15th and October 15th of each year.

(Ord. 2394 (part), 1985).

**6.10.060 Moveable framed hives.**

All beehive colonies shall be maintained in moveable framed hives, with adequate space in the hive to prevent overcrowding and swarming.

(Ord. 2394 (part) 1985).

**6.10.070 Colonies.**

Colonies of bees shall be re-queened or united with another hive following any swarming or aggressive behavior.

(Ord. 2394 (part), 1985).

**6.10.080 Hive restrictions.**

Non-moveable frame hives or feral honeybee colonies (honeybees which live in trees, sides of houses, etc.) are prohibited within the City limits.

(Ord. 2394 (part), 1985).

**6.10.090 Hours.**

The hives of bees may not be manipulated between the hours of sunset and sunrise unless the hives are being moved to or from another location.

(Ord. 2394 (part), 1985).

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**6.10.100 Adjoining property owners' written authorization.**

Any person, firm or corporation maintaining honeybees on its property shall obtain written permission to maintain such hives from persons owning and/or residing on the adjoining properties if those persons have a medically diagnosed allergic reaction to honeybee stings.

(Ord. 2705, 1997; Ord. 2394 (part) 1985).

**6.10.110 Penalties.**

- A. Any violation of this chapter shall be punishable pursuant to Section 1.4.070 of this Code. No jail sentence shall be imposed.
- B. On conviction of any violation of this chapter, it shall be the duty of the court before whom the conviction is had to order the defendant to abate such violation and/or remove such hives which are in violation, and if the same is not done by such defendant within three (3) days, the same shall be abated and/or removed.

(Ord. 2394 (part), 1985).

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**Chapter**

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**Sections:**

**6.8.0051.010 Definitions.**

As used in this chapter, unless the context otherwise indicates, the following terms shall have the meaning ascribed to each:

- A. "Adequate shelter"~~"Abandon"~~ means a structure designed specifically to shelter~~for~~for~~sake,~~  
desert, or absolutely give up an animal, with a roof and three (3) sides free previously  
under the custody, or possession, of ~~leaks or openings~~a person without having secured  
another owner or custodian by failing ~~to the wind and rain, and a fourth side allowing~~  
access that is protected from ~~provide one or more of the elements. The structure must be~~  
physically located in a dry area allowing ~~of adequate care for a period of twenty-four (24)~~  
or more consecutive hours.
- B. "Adequate care" means the reasonable practice of good animal dry keeping~~husbandry,~~  
production, management, confinement, feeding, watering, protection, shelter,  
transportation, treatment, and, when necessary, euthanasia. This practice must be  
appropriate for the age, species, condition, size, and type of animal. Adequate care  
additionally includes the provision of veterinary care to prevent suffering, disease, or the  
impairment of health.
- C. "Adequate feed" means the provision of access to food that is:
1. Of sufficient quantity and nutritive value to maintain each animal in good health;
  2. Accessible to each animal without duress or competition;
  3. Prepared so as to permit ease of consumption for the age, species, condition,  
size and type of each animal;
  4. Provided in a clean and sanitary manner;
  5. Placed so as to minimize contamination by excrement and pests; and
  6. Provided at suitable intervals for the species, age, and condition of the animal,  
but at least once daily, except as prescribed by a veterinarian or as dictated by  
naturally occurring states of hibernation or fasting for the normal species.

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D. "Adequate shelter" means the provision of, and access outside the structure to dry ground to, shelter that:

1. Is suitable for the species, age, condition, size, and type of each animal;
2. Provides adequate space for each animal;
3. Is safe and protects each animal from injury, rain, sleet, snow, hail, direct sunlight, the adverse effects of heat or cold, physical suffering, and impairment of health;
4. Is properly cleaned to include:
  - i. clean of carcasses, debris, food waste and excrement with sufficient frequency to minimize the animal's contact with those contaminants;
  - ii. sanitized with sufficient frequency to minimize odors and the hazard of disease; and
  - iii. cleaned to prevent the animals confined therein from being directly or indirectly sprayed with a stream of water or exposed to hazardous chemicals or disinfectants.
5. Enables each animal to be clean and dry, except when detrimental to the species.
6. For dogs and cats, provides a solid surface, resting platform, pad, floor mat, or similar device that is ~~mud free~~ large enough for the animal to lie on in a normal manner and can be maintained in a sanitary manner.
7. A shelter with wire, grid, or slat floors which do not sag under the animal's weight, do not permit the animal's feet to pass through the openings, or which otherwise protect the animal's feet or toes from injury.
8. With respect to outdoor facilities for animals, the provision of one or more shelter structures that are accessible to each animal in each outdoor facility and that are large enough to allow each animal in the shelter structure to sit, stand, and lie in a normal manner and to turn about freely. In addition to the shelter structures, one or more separate outside areas of shade must be provided, large enough to contain all the animals at one time and protect them from the direct rays of the sun. Shelters in outdoor facilities for animals must:
  - i. Contain a roof and be fully enclosed with an opening to allow animal access;
  - ii. Provide the animals with adequate protection and shelter from the cold and heat, provided that no animal may be maintained in any outdoor location where the ambient temperature is under thirty-five (35) degrees Fahrenheit or higher than one hundred (100) degrees Fahrenheit or any indoor location where the ambient temperature is under forty-five (45) degrees Fahrenheit or exceeds eighty-five (85) degrees Fahrenheit;
  - iii. Provide a wind break at the entrance;
  - iv. For building surfaces in contact with animals in outdoor housing facilities, be impervious to moisture;
  - v. Not be made of metal barrels, cans, refrigerators or freezers, and similar materials; and

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vi. Have floors which are maintained on a regular basis and made of compacted earth, absorbent bedding, sand, gravel, or grass, which must be replaced if there are any prevalent odors, diseases, insects, pests, or venom. Surfaces of outdoor housing facilities. that cannot be readily cleaned and sanitized must be replaced when worn or soiled.

E. "Adequate space" means sufficient space to allow each animal:

1. To easily stand, sit, lie, turn about and make all other normal body movement in a comfortable, normal position for the animal;
2. To interact safely with other animals in the enclosure. Outside dog runs must be a least ten (10) feet long and thirty-six (36) inches wide for dogs weighing up to forty-five (45) pounds, and at least ten (10) feet long and forty-eight (48) inches wide for dogs weighing forty-five (45) pounds or more;
3. When an animal is tethered, to engage in the above actions and is:
  - i. Appropriate to the age and size of the animal;
  - ii. Attached to the animal by a properly fitted collar, halter, or harness configured so as to protect the animal from injury and to prevent the animal or tether from becoming entangled with other objects or animals or from extending over an object or edge that could result in the strangulation or injury of the animal; and
  - iii. Is at least three times the length of the animal, as measured from the tip of the nose to the base of the tail, except when the animal is being walked on a leash or is attached by a tether to a lead line. When freedom of movement would endanger the animal, temporarily and appropriately restricting movement of the animal according to accepted veterinary standards for the species is considered provision of adequate space, provided, however, that no animal shall be tethered for more than a reasonable period.

F. "Adequate veterinary care" means provision of medical care to alleviate suffering, prevent disease and disease transmission, and maintain health through accepted practice by the American Veterinary Medical Association for the age, species, condition, size, and type of each animal.

G. "Adequate water" means the provision of and access to clean, fresh, potable water of a drinkable temperature which is provided in a suitable manner, in sufficient volume, and suitable intervals to maintain normal hydration for the age, species, condition, size, and type of each animal, except as prescribed by a veterinarian or as dictated by naturally occurring states of hibernation or fasting normal for the species. Such water shall be provided in clean, durable receptacles that are accessible to each animal and placed so as to minimize contamination of the water by excrement or pests. Alternatively, provision of an alternate source of hydration consistent with generally accepted husbandry practices may be provided.

H. "Adoption" means the transfer of ownership of an animal from a releasing agency to an individual.

I. "Animal" means any living vertebrate creature, other than human beings, whether wild or domestic, including but not limited to all livestock and any domestic pet.

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J. "Animal Control Officer" means any person charged with the duty of enforcement of the City's animal control ordinances. Animal Control Officers shall be peace officers for the limited purpose of animal control.

(Ord. 2656, 1992).

K. "Animal hoarder" means any person who possesses a large number of animals, and who:

1. Keeps animals in severely overcrowded conditions where they are unable to be in a state of good health;
2. Displays the inability to recognize or understand the nature of, or has reckless disregard for, the conditions of the animals; or
3. Lives in unsanitary, unhealthy or potentially dangerous conditions and fails to or is unable to provide the animals with adequate care as defined in this chapter.

L. "Animal Shelter" means any premise provided for ~~impounding~~ intaking and caring for ~~dogs and other animals~~ domestic animals. References in this Title to "Animal Shelter" shall mean the Great Falls Animal Shelter unless specifically stated otherwise.

(Ord. 2656, 1992)-)

~~"Animal Control Agency" means the agency designated by the City to administer and enforce this Ordinance, the animal shelter and animal control services;~~

M. "ARM" means the Administrative Rules of Montana.

N. "At large" means off the premises of the owner and not under the immediate, continuous and effective control of its owner or some other competent person.

O. "Collar" means a ~~restraining~~ well fitted device that:

1. Encircles an animal's neck or ~~identifying band~~ torso in such a way as to avert trauma or injury to the animal;
2. Allows two fingers to be inserted between the neck and collar;
3. Is appropriate to the age and size of the animal; and
4. Is constructed of nylon, leather, metal, nylon, or plastic placed around the neck of an animal, or similar material.

P. "Commercial kennel/cattery" means any building, structure, or premise which is used for the business of charging fees for boarding, training, or breeding of domestic animals, exclusive of medical or surgical care, or for quarantine purposes.

Q. "Companion Animal" means any domestic animal that works, provides assistance, or performs tasks for the benefit of a person with a disability, or provides emotional support that alleviates one or more identified symptoms or effects of a person's disability, the need for which is documented by a health care provider.

R. "Dangerous Animal" means any animal that displays any of the following behaviors:

- A. ~~Has inflicted~~ 1. inflicting bodily injury upon or has caused the death of a person or domestic animal; ~~and~~ or
- B. ~~Has demonstrated~~ 2. demonstrating tendencies that would cause a reasonable person to believe that the animal may inflict injury upon or cause the

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death of any person or domestic animal, including but not limited to the following behaviors;

- ~~1. Attackedi. attacking~~, without provocation, requiring defensive action by any person to prevent bodily injury and/or property damage in a place where such person is conducting himself peaceably and lawfully;
- ~~2. Attackedii. attacking~~, without provocation, resulting in an injury to a person in a place where such person is conducting himself peaceably and lawfully;
- ~~3. Attackediii. attacking~~, without provocation, resulting in injury or death to other animals unless the other animal is trespassing on the attacking animal owner's property, or injuring or attempting to injure the person, family or property of the owner.; or

~~C. Has engaged~~3. engaging in or been trained for animal fighting.

S. "Domestic animal" means any animal that may be legally possessed by a person and is commonly kept in or around a residence, outbuildings or business.

T. "Euthanasia" means the humane destruction of an animal accomplished by a method that involves instantaneous unconsciousness and immediate death or by a method that involves anesthesia, produced by an agent that causes painless loss of consciousness, and death during such loss of consciousness.

U. "Excrement" means waste from the bowels or bladders of animals.

V. "Feral cat" means any cat that is a descendant of a domesticated cat that has returned to the wild.

W. "Foster home" means a private residential dwelling and its surrounding grounds where care and/or rehabilitation are provided to domestic animals through an affiliation with the Great Falls Animal Shelter.

X. "Fowl" means any of various birds of the order alloforms, including chickens, roosters, ducks, geese, turkeys, and pheasants, or any bird that is used for food or hunted as game.

Y. "Hybrid animal" means an animal resulting from the crossbreeding between two (2) different species of animals. These may include, but are not limited to, crosses between wild animal species such as lions, tigers, and wolves. For the purpose of this chapter, a hybrid animal will be considered a wild animal.

Z. "Intake" means the taking into custody of an animal either wild or domestic by Animal Control Officers or the Great Falls Animal Shelter.

AA. "Leash" means a cord, rope, chain, or strap attached to the collar or harness of an animal, and used to lead it or hold it in check.

~~"License Certificate" for the purpose of this chapter means a certificate issued to an individual who intends to keep or maintain a wild animal on their premises but is not a business.~~

BB. "Licensing authority" means any designated representative of the City or Animal Control Agency Shelter charged with administering the issuance and/or revocation of permits and pet registrations under the provisions of this chapter.

CC. "Livestock" means domestic animals traditionally raised in an agricultural setting to produce commodities such as food, fiber, or labor. These may include, but are not



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limited to, cattle, sheep, swine including domestic pot-bellied pigs, poultry, fowl, ostriches, emus, goats, horses, mules and llamas.

DD. "Microchip Implant" means a passive electronic device that is injected into an animal by means of a pre-packaged sterilized implanting device for purposes of identification.

EE. "Multiple Animal Permit" means a permit authorizing a household, individual or family unit to keep, harbor or maintain more than the limited number of dogs and cats permitted by this Chapter.

~~"Owner" means any person owning or harboring a dog or other animal, who is presumed to be the adult head of the household owning or harboring an animal.~~

FF. "Neglect" occurs when the owner or keeper of an animal does any of the following:

1. Fails to provide an animal with adequate care as defined in this chapter;
2. Fails to sufficiently and properly care for an animal to the extent that the animal's health is jeopardized;
3. Keeps any animal under conditions which increase the probability of the transmission of disease;
4. Allows any animal, including one who is aged, diseased, maimed, hopelessly sick, disabled, or not ambulatory, to suffer unnecessary pain; or
5. Meets the definition of an animal hoarder as defined in this chapter.

GG. "Nuisance animal" means any animal or group of animals that behaves in a disruptive or destructive manner, including but not limited to, the following, habitually:

1. Steals, damages, soils, or defiles community or neighborhoods private property or public property;
2. Turns over garbage containers, rummages through or scattering garbage or rubbish, or damages flower or vegetable gardens;
3. Causes unsanitary or offensive conditions;
4. Chases vehicles or bicycles on public streets, ways or parks, or impedes the safety of pedestrians, bicyclists, or motorists;
5. Is inside a public area which is designated as one prohibiting animals, except for an animal that has been duly and properly trained and registered as a Service Animal as described in Section 6.1.010, or a Companion Animal as defined in this Title, may be allowed in such an area when acting in that capacity; or
6. Barks, howls, whines, bays, or makes any noise common to its species, so continuously or incessantly as to unreasonably disturb the peace, comfort, tranquility of life or property of one or more persons occupying property in the community or neighborhood, within reasonable proximity to the premises where the animal or animals are kept. The noise must be continuously or intermittently audible for thirty (30) minutes within one (1) hour period, however, the provisions of this section shall not apply to any commercial kennel permitted by zoning laws.
7. Is allowed by any person having ownership, possession, charge, custody or control of the animal to be at large during its estrous period or when in heat. During this period, the owner or person having possession of the animal must restrain the animal in a proper enclosure in such a manner that will prevent the

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animal from coming in contact with a male of its species. Any such animal not so confined may be taken in by Animal Control Officers or the Animal Shelter. This section shall not be construed to prohibit the intentional breeding of animals on the premises of the owners of the animals involved.

HH. "Owner" means any person, or group of persons, corporation, organization, or association (excluding the Great Falls Animal Shelter, any non-profit releasing agency, feral cat caretaker, or veterinarian) that:

1. Has a property right in an animal;
2. Keeps or harbors an animal;
3. Has an animal in his or her care or acts as a custodian of an animal for ten (10) or more consecutive days when the true owner of the animal is unknown to such person; or
4. Has an animal in his or her care or acts as a caretaker or custodian of an animal by agreement with or without permission of the true owner of the animal.

II. "Pet animal" means any animal sold or kept for the purpose of being kept or domesticated as a household pet. Pet animal includes but is not limited to dogs, cats, birds, rabbits, ferrets, hamsters, guinea pigs, gerbils, rats, mice, non-poisonous arachnids, non-poisonous insects, non-venomous snakes and fish.

JJ. "Potentially Dangerous Animal Behavior" means any of the following behaviors:

1. Without provocation, chasing or approaching a person in either a menacing fashion or having an apparent attitude of attack while the animal is off the premises of its owner;
2. Attempting to attack a person or domestic animal while off the premises of its owner;
3. While off the property of its owner, engaging in any behavior when unprovoked that reasonably would have required a person to take defensive action to prevent bodily injury; or
4. Engaging in other comparable conduct.

KK. "Premises" means a building, group of buildings and/or contiguous parcels of land under the control of a single person and used for a single purpose. Continuous parcels of land separated by a public road are considered to be separate premises. Separate buildings and adjoining buildings in a group of buildings, which are directly accessible to the public and function independently from the others, are separate premises.

~~"Secure enclosure" means a fence or structure designed to confine an animal in a humane manner.~~

~~"Service Animal" means an animal that is individually trained to do work or perform tasks for the benefit of a person with a disability.~~

LL. "Proof of ownership" means documentation in support of a property right in an animal that includes, but is not limited to, veterinary records, rabies inoculation certificates, licenses, photographs, bills of sale, breed registries, written transfers of ownership, and verbal or written third-party verifications.

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MM. "Proper enclosure" means a place in which an animal is securely confined indoors or in a securely enclosed and locked pen or structure suitable to prevent the entry of children under the age of twelve and designed to prevent the animal from escaping. Such enclosure shall have secure sides and a secure top to prevent the animal from escaping and shall also provide protection for the animal from the elements. The enclosure shall be of suitable size for the animal.

NN. "Properly restrained" means an animal that is:

1. Kept within a proper enclosure;
2. Controlled by a competent person by means of a leash not to exceed six (6) feet in length or other device; or
3. Secured within or upon a vehicle being driven or parked. Properly restrained within or upon a vehicle does not include restraint or confinement that would allow an animal to fall from or otherwise escape the confines of a vehicle or that would allow an animal to have access to persons outside the vehicle.

OO. "Provoke" means to goad, inflame, instigate, or stimulate an aggressive or defensive response by an animal, but does not include any reasonable actions by an individual that are intended to defend against the animal.

PP. "Releasing agency" means an animal shelter, humane society, animal welfare organization, society for the prevention of cruelty to animals, or other similar entity that releases animals for adoption.

QQ. "Relinquish or Surrender" means giving up all rights to an animal, thereby making it the property of the City of Great Falls.

RR. "Sanitary conditions" means space free from health hazards, including excessive animal waste, overcrowding of animals, or other conditions that endanger the animal's health. This definition does not include any condition resulting from a customary and reasonable practice pursuant to farming or animal husbandry.

SS. "Service Animal" Is defined by the United States Department of Justice 28 C.F.R. § 36.104, hereby incorporated by reference.

TT. "Stray or stray animal" means any animal that:

1. Is at large;
2. Appears to be lost, unwanted, or abandoned; and
3. Whose owner is unknown or not readily available. Feral cats and community cats shall not be considered Stray animals for the purposes of this chapter.

UU. "State of good health" means freedom from disease and illness and in a condition of proper body weight and temperature for the age and species of the animal, unless the animal is undergoing appropriate veterinary treatment.

VV. "Tether" means a leash or similar device, attached to a well-fitted collar or harness of an animal, and of sufficient strength to restrain and control that animal to which it is attached.

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WW. "Use of force" is justified by a person against an animal as allowed by Montana Code Annotated Title 49, Chapter 1.

XX. "Vaccination" means the inoculation of a dog, cat, ferret, horse or horseother animal with anti-rabies vaccine administered under the direction of ~~the public health officer~~ by a licensed veterinarian or with any other vaccine approved by the public health officer and the state veterinarian. "Current vaccination" means the inoculation of a dog, cat, ferret ~~or,~~ horse or other animal with anti-rabies vaccine. Animals vaccinated initially will receive a booster shot one (1) year after the initial vaccination and thereafter according to manufacturers' recommendations.

(Ord. 2534 §2(Exh. B(part)), 1989).

YY. "Wild Animal" means any living vertebrate animal normally found in the wild state and for which there is no FDAUSDA approved anti-rabies vaccination. These include, but are not limited to, bears, skunks, raccoons, deer, bobcats, mountain lions, and any type of "hybrid animal."

**6.8.0101.020 Conflict of laws.**

In all instances where Montana State Law (as evidenced by the Montana Code Annotated, applicable case law or otherwise) mandates standards, or requirements, that conflict with the provisions of this Chapter, the Montana State Law Code Annotated shall govern and the same shall be incorporated by this reference as a part of this Chapter. ~~For purposes of this Chapter, a conflict shall exist where, upon a particular matter, Montana Law addresses the matter in a manner that is more strict than the provisions of this Chapter, where the provision of Montana Law are specifically referenced in this Chapter as providing for criminal penalties or where a matter is addressed by Montana Law that is not addressed by this Chapter. In these two (2) situations, Montana Law shall control. In situations where this Chapter addresses a matter in a manner that is stricter than that of Montana Law, the provisions of this Chapter shall control.~~

(Ord. 2933, 2007)

**6.8.0201.030 Canine unit exemption.**

Trained police dogs utilized by an official law enforcement agency as assigned to a sworn peace officer as part of a canine team/unit shall be exempt from all provisions of this chapter.

(Ord. 2933, 2007)

**6.8.0301.040 Vaccination required.**

It is unlawful for any person to keep, maintain or harbor any dog, cat, ferret ~~or,~~ horse, or other animal, over ~~six (6)~~ four (4) months of age unless it has had a current vaccination, as defined in Section ~~6.8.005-1.010(WW).~~ A person found guilty of a violation of this section is guilty of a misdemeanor punishable by a maximum fine of five hundred dollars (\$500.00).

(Ord. 2933, 2007; Ord. 2534 §2(Exh. B(part)), 1989).

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**6.8-0401.050 Dog and cat registration.**

- A. Any person keeping or harboring any dog over ~~six (6)~~four (4) months of age must register such animal as provided for in this section. A keeper of a domestic cat over ~~six (6)~~four (4) months of age must register such cat by paying a registration fee as established in this section.
- B. Registrations shall be issued by ~~duly appointed registration agents~~the Great Falls Animal Shelter, or its designee, upon payment of a registration fee. Registration fees shall be established by resolution of the City Commission. No refunds shall be made on any pet registration fee because of the death of the pet or owner leaving the City before the expiration of the registration period. Registration fees are not transferable.
- C. Registrations for ~~service animals~~Service Animals, Companion Animals, and governmental police dogs shall be furnished without charge.
- D. Registrations shall not be issued to any person under the age of eighteen (18) years unless a parent or guardian signs the application as co-owner. The provisions of this section shall not apply to nonresidents having animals under restraint within the City less than ~~sixty (60)~~thirty (30) days.
- E. A person found guilty of a violation of this section is guilty of a misdemeanor punishable by a maximum fine of two hundred fifty dollars (\$250.00).

(Ord. 2933, 2007; Ord. 2534 §(Exh. B(part)), 1989).

**6.8.050—~~Pet registration, agents, reimbursement.~~**

~~Registration agents shall receive partial reimbursement at a level to be established by resolution of the City Commission. A copy of the Animal Control Agency's action related to reimbursement rates shall be available to anyone who requests it at the Animal Shelter.~~

**6.1.060 Number of Cats and Dogs.**

It is unlawful for any person, persons, or family to keep, harbor, or maintain in or on the same premises a total of more than two (2) cats and two (2) dogs of four (4) months of age or older, without first obtaining a multiple animal permit as provided in OCCGF §6.1.090.

(Ord. 2933, 2007; Ord. ~~2656, 1992~~2534§2(Exh B.(part)), 1989).

**6.8-0601.070 Tag—collar.**

**A.—The following provisions shall apply to tagging and collaring of domestic Animals:**

- A. Upon receipt of a proper application and the pet registration fee, the ~~registration agent~~Animal Shelter shall issue to the applicant a pet registration certificate and metallic tag. The tag shall have stamped thereon a number to correspond with the number of the certificate issued to the applicant.

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- ~~B.~~ ~~B.~~ Every owner is required to provide each dog or cat with a substantial collar or harness, to which the registration tag or other identification tag shall be affixed at all times.
- ~~C.~~ In the event a registration tag is lost or destroyed, another tag shall be issued by the Animal ~~Control Agency Shelter~~ upon presentation of an affidavit to that effect, a receipt or duplicate receipt showing payment of the pet registration fee for the current year, and the payment of a fee for such duplicate. ~~No refunds shall be made on any pet registration fee because of the death of the pet or the owner leaving the City before the expiration of the registration period.~~
- ~~D.~~ If a dog or cat has a Microchip ~~implant~~ implant, registered with the appropriate company so that the owner's information can be obtained, no ~~collar or~~ tag is required to be worn, however the animal is still required to be registered pursuant to the provisions of this Title. ~~All microchips shall comply with MCA Title 7, Chapter 23.~~
- ~~CE.~~ Any ~~pet animal dog or cat~~ found off the ~~owner's~~ owner's premises without a registration tag, ~~or without a Microchip Implant registered with the appropriate company so that the owner's information can be obtained~~, shall be deemed to be not registered, even though a registration has been issued for such animal.
- ~~F.~~ It is unlawful for any person to cause or permit a pet registration tag to be placed upon an animal for which it was not issued. Pet registration tags are not transferable from one ~~(4)~~ animal to another and any animal found with a registration tag issued for another pet animal shall be deemed to be not registered.

~~D.~~ ~~It is unlawful for any person to cause or permit a pet registration tag to be placed upon an animal for which it was not issued.~~

- ~~EG.~~ A person found guilty of a violation of this section is guilty of a misdemeanor punishable by a maximum fine of two hundred fifty dollars (\$250.00).

(Ord. 2933, 2007; Ord. 2573, 1990; Ord. 2534 §2(Exh. B(part)), 1989).

~~6.8.070 — Number of dogs/cats.~~

~~A.~~ ~~It is unlawful for any person, persons, or family to keep, harbor or maintain in or on the same premises a total of more two (2) dogs over six (6) months of age and two (2) cats over six (6) months of age without first obtaining a multiple animal permit as provided in Section 6.81.080.~~ Rental property owner authority.

~~(Ord. 2933, 2007; Ord. 2534 §2(Exh. B(part)), 1989).~~

~~B.~~ Owners of rental properties ~~can~~ may establish policies that may place further restrictions on the number of animals allowed on their properties.

~~C.~~ ~~A person found guilty of a violation of this section is guilty of a misdemeanor punishable by a maximum fine of five hundred dollars (\$500.00) and may also be subject to the other penalties specified in 6.8.310.~~

~~6.8.080~~

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**6.1.090 Multiple-animal permit/multiple animal hobby breeder permit.**

A Multiple Animal Permit is required for any person, family, or household owning or harboring any more than the number of domestic dogs and cats permitted by Section 6.~~08-0701.060~~ for more than thirty (30) days. A Multiple Animal Hobby Breeder Permit is required for any person, family, or household owning or harboring any more than the number of dogs and cats permitted by Section 6.~~08-0701.060~~ who intends to breed their animals. The holder of a regular Multiple Animal Permit or a person holding no Multiple Animal Permit must apply for a Multiple Animal Hobby Breeder Permit within ten (10) days of the birth of a litter. Application for these permits shall be made with the Animal ~~Control Agency Shelter~~. The intended facilities are subject to inspection by an Animal Control Officer. The permit shall be issued upon the following conditions:

A.

All dogs and cats must be registered;

A. ~~B.~~ Cats must be registered, collared, or micro-chippedMicrochipped;

B. ~~C.~~ There must be adequate shelter and secure enclosure for animals on the premises;

C. ~~D.~~ The owner uses suitable means of cleaning and/or disposing of animal ~~fees~~excrement so that it does not become a nuisance or a health hazard;

D. ~~E.~~ That in the investigating ~~officer's~~Animal Control Officer's opinion, the animals receive proper care, food, water, shelter, and humane treatment;

E. ~~F.~~ Cat ~~breeders~~Hobby Breeders are allowed to have a maximum of four (4) litters per year. Other than any animals intended to be kept as pets by the breeder, kittens must be sold or given away within four (4) months of birth. Dog ~~breeders~~Hobby Breeders are allowed to have maximum of two (2) litters per year, and other than any animals intended to be kept as pets by the breeder, puppies must be removed within four (4) months.

F. ~~G.~~ For a Hobby Breeder Permit, the puppies and kittens can only be sold, given as a gift or other transfer or conveyance from the location listed on the Hobby Breeder Permit.

G. ~~H.~~ The Hobby Breeder Permit shall list the maximum number of animals over the age of ~~six (6)~~four (4) months allowed on the premises and if the holder of the permit exceeds that number, it shall be grounds for revocation of all permits for that location.

H. ~~I.~~ The Animal Control AgencyAnimal Control Officers shall contact the persons residing in the adjoining premises to inquire their opinion regarding the application . The investigating Animal Control Officer shall consider this information in making their recommendation regarding the application; however, this information is not dispositive, only a factor in consideration of approval.

I. The Animal Shelter shall approve or deny the application based on the information submitted by the applicant and on the recommendation of the investigating officer. The Animal ~~Control Agency Shelter~~ may issue a conditional permit, but must state the permit conditions on the document and ensure that the applicant is advised of the conditions;

J. ~~J.~~ After receiving notification of the Animal Control ~~Agency's~~Officer's approval, the applicant must pay the Animal ~~Control Agency Shelter~~ an application fee which shall be established by resolution of the City Commission;

K. ~~K.~~ All premises for which a multiple animal permit is issued may be subject to annual inspections by the Animal Control Officer. The inspections may also be instigated if a complaint is filed. The Animal Control ~~Agency~~Officer, on determining that such

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premises are not being maintained ~~and~~/or the conditions of the permit are not met, may recommend a revocation or denial of the permit, if it is deemed necessary. The permittee shall be given a thirty-day written notice of the Animal Control ~~Agency's~~Officer's recommendation, ~~revocation,~~ or denial;

- L. A permit authorized by the Animal ~~Control Agency~~Shelter must contain the following information:
1. Name and address of the person to whom the permit is granted;
  2. The number of domestic dogs ~~and/or~~ cats for which the permit is granted; ~~and~~
  3. Any special conditions required by the Animal Control ~~Agency~~Officer;
  4. A Hobby Breeder Permit must state whether it is for dogs or cats or both; ~~and~~
  5. Identifying information for the domestic dogs or cats for which the permit is granted.
- M. If the holder of a Multiple-Animal permit or a Multiple Animal Hobby Breeder permit moves, he or she must provide written notice of their new address if it is within the city limits of Great Falls within thirty (30) days of moving. The Animal ~~Control Agency~~Shelter will then conduct an inspection and take appropriate action under this section based on any changes at the permit holder's new residence, including but not limited to amending or revoking the Multiple Animal Permit.
- ~~N. The applicant~~N. Upon denial, amendment, or revocation of a Multiple Animal Permit, the applicant/permittee shall be given written notice of the Animal Control Officer's recommendation and the appeal procedure.
- O. The applicant or permittee may appeal the denial or revocation of a permit by filing a written request for reconsideration with the ~~Neighborhood Council Coordinator~~Deputy City Manager. The written appeal must state the applicant's name and address and should clearly outline the applicant's rebuttal to the reason(s) stated for denial and should include any additional information which may be pertinent to the applicants request for a permit. The appeal shall be heard by the ~~Neighborhood Council for the district which includes the location of the requested permit. The Neighborhood Council shall set the matter for hearing at either the Council's next regularly scheduled meeting or a special session set at the Council's discretion. The Neighborhood Council Coordinator shall provide written notice to the person filing the appeal as well as the Animal Control Agency of the date and time of the hearing. After hearing testimony and reviewing the written appeal, the Council shall either affirm or reverse the permit decision.~~ Deputy City Manager. The applicant or permittee may appeal an affirmation of the denial of a permit to the City Manager in the same manner as the appeal to the Deputy City Manager. Finally, the applicant or permittee may appeal an affirmation of denial by the City Manager to the City Commission by filing an appropriate written request, which shall review the application in a public meeting and uphold, reverse, or revise the decision on the application. The applicant or permittee shall have the burden of proving by clear and convincing evidence he or she is entitled to a permit.
- ~~O. If the applicant is not satisfied with the decision of the Neighborhood Council, they may file an appeal to the Clerk of Municipal Court within thirty (30) days of the date on the written denial provided by the Neighborhood Council. The written appeal must state the applicant's name and address and should clearly outline the applicant's rebuttal to the reason(s) stated for denial and should include any additional information which may be pertinent to the applicants request for a permit. The Court shall set the matter for hearing and either affirm or reverse the permit decision.~~



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(Ord. 2933, 2007).

**6.8.0901.100 Commercial kennel.**

A. A commercial kennel permittlicense shall be required for any person, persons, ~~or family,~~ or entity who ~~wish, for compensation, wishes~~ to engage in the boarding and/or breeding of domestic dogs, cats, reptiles, or any other ~~pet~~ animal for compensation allowed within the City, shall be obtained through application from the Planning and Community Development Department and shall be subject to the following:

1. Inspection. The intended facilities must be inspected by an Animal Control Officer, such inspection to include the physical facilities as well as the effect on the neighborhood.
2. Recommendation. Following the inspection, the Animal Control Officer will recommend to the licensing authority either approval or disapproval of the application.
3. Fee. The annual commercial kennel fee shall be established by resolution of the City Commission.
4. Zoning. Commercial kennels will be permitted only in areas of the City zoned for such usage as defined in Title 17 OCCGF. A zoning permit and safety inspection certificate must be obtained prior to applying for a commercial kennel license.
5. Renewals. Licenses must be renewed within sixty (60) days of the expiration date or the application will be treated as a new application.
6. License Revocation. All kennel licenses will expire one (1) year from the date of issuance unless sooner revoked. The Animal Control Officer will investigate all complaints concerning licensing or improperly operated kennels and may recommend revocation of the license if it is deemed necessary. The licensee will be given at least five (5) days' written notice of such recommendation during which time the licensee may appeal the Animal Control Officer's recommendation to the Animal Control Agency Shelter. The licensing authority will then take action as required.
7. The applicant or licensee may appeal the denial or revocation of a Commercial Kennel License to the Board of Adjustment pursuant to 17.16.34.010.

(Ord. 2534 §2(Exh. B(part)), 1989).

- B. Exclusions. No fee may be required of any veterinary hospital, animal shelter, or government zoological park.
1. Separate Facilities. Every facility regulated by this section shall be considered a separate enterprise and shall have an individual license.
  2. Penalty. Failure to obtain a license before opening any facility covered in this section shall result in a fine of five hundred dollars (\$500.00).

(Ord. 2933, 2007).

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**6.8.1001.110 Removal of excrement.**

- A. It is unlawful for any person in control of an animal to cause or permit such animal to be on any property, public or private, not owned or possessed by such person, to fail to remove feces left by the animal. When accompanying the animal outside his or her property, the owner shall have on his or her person suitable means for the removal of such feces, which then must be placed in a double bag or fly proof container and then in an approved refuse container for sanitary removal. (see also OCCGF 8.32.310)
- B. The provisions of Section (A.) shall not apply to the ownership or use of Seeing Eye dogs by blind personsService Animals, dogs when used in law enforcement activities, or tracking dogs when used by or with the permission of the City.
- C. The accumulation of animal feces on any private property is hereby declared a nuisance. Every person who is the owner or occupant of private property or the agent in charge of such property is charged with the duty of keeping such property free of any accumulation of feces.
- D. "Accumulation" for purposes of this section shall mean:
1. Any quantity that constitutes a hazard to the health, safety, or convenience of persons other than the owner of the animal; or
  2. Any quantity that interferes with the use or enjoyment of any neighboring property as the result of odors, visual blight, or attraction of insects or pests.
- E. ~~E.~~—Each owner, occupant, or agent having charge of such property who is notified in accordance with the provisions set forth herein by the Animal Control Officer to remove such feces shall be charged with the duty of removing such feces and satisfactorily disposing of the same within forty-eight (48) hours of the effective date/hour of the notice to do so.
- F. ~~F.~~—Notice of violation shall set forth in writing the date of inspection, the address of the property found in violation and the fact that an accumulation of feces was observed. Notice may be served either personally by leaving a copy with an occupant of the premises, or by posting notice in a conspicuous place upon the property.
- G. ~~G.~~—If the premises where an accumulation of feces is found contains only a single-family dwelling, then notice shall be directed to the occupant of such premises whether such occupant be the owner or lessee. If the premises where the accumulation of feces is found contains more than one (1) dwelling unit, then notice shall be directed to the record owner of such premises or the agent in charge of the premises.
- H. Any owner, occupant or agent in charge of such property who violates this section is guilty of a misdemeanor punishable by a maximum fine of five hundred dollars (\$500.00) and shall be ordered to remove the excrement within a reasonable time and may also be subject to the other penalties specified in 6.8.310-OCCGF 6.1.300. A premises where a violation of this section is present is declared a Nuisance as defined by OCCGF 8.49.010.

(Ord. 2933, 2007)).

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**6.8.1101.120 Rabies—exposure.**

**A. Every pet Animal contacts shall be subject to the following provisions:**

- A. Any non-vaccinated or not currently vaccinated domestic animal, dog, cat or ferret which that has been bitten by, or exposed to any animal a confirmed rabid, or suspected to have rabid, animal shall be administered according to the provisions of the Administrative Rules of Montana (ARM) Title 32, Chapter 3.
- B. Any currently vaccinated domestic animal that has been infected with exposed to a confirmed rabid, or suspected rabid, animal shall be administered according to the provisions of ARM, Title 32, Chapter 3.
- C. Any person having knowledge of an animal known to have or suspected of having rabies shall be report an accurate description immediately to the state veterinarian or to a deputy state veterinarian.
- 1. Revaccinated with an-D. The Animal Control Officer shall notify the City/County Health Department and the Department of Livestock of the exposure including the bite and bitten animal. The Department of Livestock may further investigate the incident and take appropriate vaccine and released if the animal has a current action including, but not limited to, destruction or further quarantines as required by this part.

**Human exposure shall be subject to the following provisions:**

- E. Upon consideration of the discretion and advice of the Local Health Officer any domestic animal, regardless of vaccination history. The animal status that bites or otherwise exposes a person to the possibility of rabies must be kept under the owner's control confined and observed for 45 days. Any in accordance with ARM Title 32.
- F. If any sign of illness develops in the isolated animal must be reported, it is to the City/County Health Department. be evaluated by a licensed veterinarian in accordance with ARM Title 32.
- 2. Seized and taken up by the Animal Control Officer or any law enforcement officer and securely and separately impounded if the bitten animal has not been vaccinated or if the vaccination history is obscure. Seized animals shall be quarantined at a licensed veterinary hospital, at the owner's expense, within the City for a period of six (6) months or euthanized and tested for rabies. It shall be the duty of the Animal Control Officer to notify the public health officer of every such animal impounded. If, after observation, such animal is adjudged free of rabies, the animal must then be vaccinated and held in quarantine for an additional ten (10) days after which the owner may reclaim the animal upon payment of the regular keeping fees and upon compliance with registration requirements. In the event that the animal under quarantine is diagnosed as being rabid, it shall be disposed of only under the orders of the public health officer in absolute discretion.

**B. Any pet animal which bites or otherwise exposes a person or animal to rabies shall:**

- 1. If not currently vaccinated be quarantined at a veterinarian hospital at the owner's expense for a period of at least ten (10) days after the day of exposure. The owner of such animal shall have twenty-four (24) hours from the time of exposure to provide proof of current vaccination to the Animal Control authority or release the animal to a veterinarian for quarantine. In the event an owner will not voluntarily release the animal for quarantine, the Animal Control authority or law enforcement officer shall obtain a court order to seize the animal and place it in quarantine at the veterinarian hospital of the authority's choice, at the owner's expense. The order, if the

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~~owner cannot be found at his/her place of residence, may be served by leaving it with a person of suitable age and discretion or by placing it in a prominent place at the front door of such residence.~~

- ~~2. If the animal is currently vaccinated the animal may at the discretion of the Animal Control authority be quarantined at the owner's home. If at any time the animal is known to run at large during the quarantine period the animal shall be impounded by the Animal Control authority and shall remain at a veterinary hospital for the remainder of the quarantine period at the owner's expense.~~
- ~~3. If the animal is a stray and no owner is identified within seventy-two (72) hours, the animal shall be euthanized and tested for rabies.~~
- ~~4. The aforesaid procedure shall be suspended on order of the City/County Health Department where an animal exhibits symptoms of rabies.~~

G. Any domestic animal confined and observed pursuant to this part may be vaccinated during the ten (10) day confinement period.

(Ord. 2534 §2(Exh. B(part)), 1989).

~~C. Any hybrid-type animal or any other animal other than those included in Item A of this section which bites or otherwise exposes a person or animal to rabies shall, at the discretion of the City/County Health Department, be quarantined or destroyed and tested for rabies:~~

~~1. If the animal is quarantined, the animal shall be placed H. Animal rabies exposure procedures include:~~

~~1. If the owner of the animal is identified, the animal shall be quarantined at a veterinarian hospital at the owner's expense for a period of at least ten (10) days after the day of exposure. In the event an owner cannot be identified, the animal shall be in taken and quarantined at the Animal Shelter. In the event an owner will not voluntarily release the animal for quarantine, the Animal Control authority or law enforcement officer shall obtain a court order to seize the animal and place it in quarantine at the veterinarian hospital of the authority's choice, at the owner's expense.~~

~~2. If the animal is a stray and no owner is identified within twenty-four (24) hours, the animal may be euthanized and tested for rabies.~~

~~3. The aforesaid procedure shall be suspended on order of the City/County Health Department where an animal exhibits symptoms of rabies.~~

~~D. Human exposure to a confirmed rabid, or suspected rabid, animal shall be administered according to applicable Montana State law and regulations, including but not limited to, MCA Titles 37, and 50, and ARM Title 32.~~

~~J. A person found guilty of a violation of this section is guilty of a misdemeanor punishable by a maximum fine of five hundred dollars (\$500.00) and may also be subject to the other penalties specified in 6.08.3401.300.~~

(Ord. 2933, 2007; Ord. 2534 §2(Exh. B(part)),1989).

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**6.8-1201.130 Rabies—emergency control.**

Upon the positive diagnosis of rabies infection of any animal in the City, the public health officer shall notify the City Manager, or designee, who may issue a citywide quarantine order providing for the summary destruction of all animals known to have been exposed to rabies, or all unconfined animals, or may make such other orders as it deems necessary or expedient for the protection of the public. All orders issued by the City Manager, or designee, under this section shall have the same force and effect as any City law. All isolation of animals diagnosed of rabies infection shall comply with ARM Title 32.

(Ord. 2534 §2(Exh. B(part)), 1989).

**6.8-1301.140 Contagious disease.**

Upon the positive diagnosis of a contagious communicable disease in any animal in the City which poses a community health risk, the diagnosing veterinarian shall notify the City County Health Department Director, or designee, who may issue a city-wide alert. Any animal displaying symptoms of the disease must be quarantined and confined either upon the premises of the owner or at a licensed veterinary hospital. The location of quarantine shall be determined by the Animal Control authority. All isolation shall comply with ARM 32.3.1203.

(Ord. 2933, 2007; Ord. 2534 §2(Exh. B(part)), 1989).

**6.8-1401.150 Animals running at-large.**

- A. It is unlawful for any person ~~who owns or harbors a cat or dog~~, or the parents or guardians of a person under the age of eighteen (18), who owns or harbors an animal to allow such animal to run at large within the corporate limits of the City. All animals not confined within a secure enclosure (as defined in Section 6.~~08-005~~1.010) shall be kept on a leash (as defined in Section 6.~~08-005~~1.010) not more than ten (10) feet long. Cats are not required to be on a leash, but they must be confined to the owner's property or be under the physical control of the owner. Any animal which has been duly and properly trained and registered as a ~~service animal~~Service Animal as described in Section 6.~~08-005~~1.010 is exempt from this section.

~~1. When a chain, rope, or other restraint is used to tether an animal, it shall be so placed or attached that it cannot become tangled with the chain of any other animal or with any other object, and will permit the animal to move freely and make all normal body movements in a comfortable, normal position. It shall be affixed by means of a well-fitted collar, and shall be at least ten (10) feet in length and shall allow the animal convenient access to food, water, and shelter adequate to protect the animal from the elements. Such tethering shall be located so as not to allow the animal to trespass on public or private property, nor in such a manner as to cause harm or danger to persons or animals.~~

- ~~B.~~ B. Any animal found at large more than once in any six (6) month period may be in taken by an Animal Control Officer or the Animal Shelter.

1. Prior to release of the animal, a Municipal Court hearing may be held to determine whether the animal should be altered, micro-chipped, removed from the City, or any other action deemed necessary and appropriate given the circumstances. The owner of such animal shall be responsible for the expenses of the actions ordered by the Municipal Court.

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~~C. It is unlawful for any firm, a person or corporation owning or having control of any goats, cattle, swine, or sheep to keep the same, harbor, or maintain livestock within the corporate limits of the City, except to bring the same to market for commercial or exhibition purposes, and when brought therein for that purpose the same shall be kept and cared for by the owner or person in charge thereof at such place as directed by the Chief of Police. It is unlawful to keep livestock, as defined in Section 6.08.005, within the corporate limits of the City any time, with the exception of suburban districts, as defined in OCCGF Title 17. In suburban districts livestock must be kept within fences or secured in such a manner which prevents them from running at large. Veterinarian's premises are exempt from this provision.~~

~~C. It is unlawful to allow livestock to run at large within the corporate limits at any time.~~

~~D. D. It is unlawful for an owner or keeper of any fowl or rabbits animal to permit them to run at large upon any street, alley, avenue, boulevard or public park or to trespass upon the premises of another person within the City; except, that such animals owned and/or maintained by the City in the City parks are exempt from this provision.~~

E. Any person may take up any animal running at large in the City, or tethered therein contrary to the provisions of this chapter, and take the animal to the Animal Control Officer, or Animal Shelter. Neither compensation nor reward shall be paid directly or indirectly for such taking and delivery.

(Ord. 2534 §2(Exh. B(part)), 1989).

~~F. F. It is unlawful for any person to take or drive any animal out of any enclosure, stable or other building against the wishes of the animal owner or with the intent that such animal shall be impounded in taken.~~

G. It is unlawful for any person to open gates or doors or otherwise cause or permit any animal to escape confinement against the wishes of the owner.

(Ord. 2534 §2(Exh. B(part)), 1989).

H. It is unlawful for any person to break open, or in any manner directly or indirectly, aid or assist in, or counsel or advise the breaking open of the Animal Shelter.

I. It is unlawful for any person to hinder, delay or obstruct any person while engaged in taking to the Animal Shelter any animal liable to be impounded in taken under the provisions of this chapter.

(Ord. 2534 §2(Exh. B(part)), 1989).

J. A person found guilty of a violation of this section is guilty of a misdemeanor punishable by a maximum fine of five hundred dollars (\$500.00). If the animal is unaltered the minimum fine shall be two hundred dollars (\$200.00).

(Ord. 2933, 2007).

**6.8-1501.160 Tethering dogs and other animals.**

It shall be unlawful for any person to tie or tether a dog or other animal to a stationary object under circumstances that create an unhealthy condition for the animal, a potentially dangerous condition for a pedestrian, or nuisance to neighbors as determined by an Animal Control Officer.

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**6.1.170 Nuisance animal.**

~~Any person owning or harboring an animal shall ensure it does not engage in any of~~ It is unlawful to own, harbor, possess, or maintain a nuisance animal as defined by 6.1.010(EE). The City Commission establishes a procedure for enforcement of this section provided as follows:

A. To file a complaint, the complainant must call or submit a written complaint to the Great Falls Police Department which includes the following:

1. Complainant's name;
2. Address;
3. Telephone number;
4. Address of the nuisance animal;
5. Description nuisance behavior-;

~~A. Animal Noise.~~

~~1. No person shall allow an animal to bark, howl, or make sounds common to its species in excess, taken to be continuous noise for a period of fifteen (15) or more minutes or intermittent noise for a period of thirty (30) or more minutes, although animal control may investigate any complaint in its sole discretion. Evidence of violation of this section can be served by any of the following:~~

~~6. a. Documentation supporting the complaint, including but not limited to:~~

~~i. A completed bark log for not less than three (3) days;~~

~~ii. Audio and/or video recordings;~~

~~iii. Written affirmation from at least by two (2) persons having separate residences/residents within a one-block area; and/or reasonable proximity to the nuisance animal; or~~

~~b. Videotapes and/or written documentation (such as barking logs); and/or~~

~~iv. c. Dates, times, and duration of nuisance animal noise as documented/Verification of the complaint by an Animal Control Officer on the scene or appropriate designee; and~~

~~2. The reasonable man standard shall be applied in all cases. "Reasonable man" is defined as the 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. 2534 §2(Exh. B(part)), 1989).~~

~~B. Nuisance Behavior.~~

~~1. Persons who own or harbor an animal must prevent such animal from engaging in any of the following acts:~~

~~a. Chasing vehicles or bicycles in public streets, ways, or parks;~~

~~b. Stealing or causing damage to private or public property;~~

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- ~~c. Chasing persons who are not at the time trespassing on the property of the owner, nor injuring or attempting to injure the owner, his family or property;~~
- ~~d. Rummaging through or scattering garbage or rubbish;~~
- ~~e. Defecating on land over which the person does not have the right to possession, without cleaning up and disposing of the waste immediately;~~
- ~~f. Being inside a public area which is designated as prohibiting animals. Any animal which has been duly and properly trained and registered as a service animal as described in Section 6.08.005 may be allowed in such an area when acting in that capacity.~~
- ~~C. Female in Estrus. Any person owning, possessing or harboring any female animal in heat (estrus) must keep such female animal in a secure and enclosed area not accessible to male animals running at large.~~
- ~~7. D. Complainant's signature.~~
- B. Once complaints have been received, the Animal Control Officer shall review each complaint and determine whether to investigate further. If investigated further, the Animal Control Officer may require additional documentation from the complainant to assist in the investigation.
- C. If a complainant chooses to remain anonymous and the complaint cannot be independently corroborated, the complaint may not be further investigated.
- D. The Animal Control Officer may, at his or her discretion, investigate any complaint;
- E. Once complaints have been reviewed, the following actions may be taken:
  - 1. First complaint;
    - i. Animal Control shall issue a written notice to the owner of the dog or dogs advising that person of the noise complaint and requesting immediate abatement of any excessive noise.
  - 2. Additional Complaints;
    - i. If within fifteen (15) days from the issuance of the written notice pursuant to subsection (a) above, further complaints are received and are verified, an Animal Control Officer may issue a citation for nuisance animal.
    - ii. If further complaints are received after the fifteen (15) day notice period, Animal Control Officers may review complaints and take appropriate action including, but not limited to, additional warnings and or citations.
- F. A person found guilty of a conviction for violation of this section is guilty of a misdemeanor punishable by a ~~maximum~~ fine of not more than five hundred dollars (\$500.00) ~~and may also be subject to the other~~. Additional penalties may include those specified in OCCGF §6.08.310. In addition if 1,300. If the animal is unaltered the minimum fine shall be two hundred dollars. (\$200.00).

(Ord. 2933, 2007); Ord. 2534 §2(Exh. B(part)), 1989.



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**6.8.160 — ~~Dangerous~~ 1.180 Potentially dangerous animal- and dangerous animal.**

~~A. It is unlawful for any person to own or harbor a dangerous animal as defined in Section 6.8.005.~~

~~A. Any dangerous animal may be immediately taken up and impounded by the Animal Control Officer. Upon a second who engages in Dangerous Animal Behavior or subsequent conviction under this chapter or in a single instance where the facts indicate that such action is necessary for the safety of the citizens of this community or their property, the dangerous animal shall be seized by an Animal Control Officer. A court hearing will then determine if the animal is to be ordered spayed or neutered, euthanized or permanently removed from the City. potentially Dangerous Animal Behavior.~~

~~B. Lawful Presence. For the purposes of this section, a person is peaceably and lawfully upon the private property of an owner when in the performance of any duty imposed by the laws of this state or any city or county, or by the laws or postal regulations of the United States, or when on such property upon invitation, express or implied.~~

~~C. Any person may protect their pets, their property, their person, or the person of any other human being by reasonable force against the dangerous animal.~~

~~D. Impounded animals may be redeemed by the owner after compliance with all registration and vaccination requirements if the animal is not being held for a court hearing. If the owner wishes to appeal the seizure of the animal the owner may file a petition in Court for the return of the animal.~~

~~E. A person found guilty of a violation of this section is guilty of a misdemeanor punishable by a minimum fine of three hundred dollars (\$300.00) and a maximum fine of one thousand dollars (\$1,000.00). If a person has purposely, knowingly or negligently violated this section, up to twelve (12) months in jail may be imposed. The person may also be subject to the other penalties specified in 6.08.310. In addition if the animal is unaltered, the minimum fine shall be five hundred dollars (\$500.00).~~

(Ord. 2933, 2007)

**6.8.170 — ~~Impounded animals — redemption — disposition.~~**

~~A. The owner of any pet animal which has been impounded, upon proving ownership thereof, may redeem the pet from the Animal Control Agency upon payment of the following:~~

~~1. Registration fee (for unregistered pet animals); and~~

~~2. An impound fee established by the Animal Control Agency for each day that the animal has been held in the Animal Shelter; and~~

~~3. A fee for rabies vaccination if the pet is not vaccinated; and~~

~~4. Any veterinary fees incurred.~~

~~B. If any unregistered dog or other animal is impounded, the owner shall redeem it within seventy-two (72) hours (Sundays and holidays excluded), or it shall be subject to adoption or disposal by the Animal Control Agency as provided in this chapter. If such impounded animal has a registration tag or microchip, the animal will be held for ninety-six (96) hours (Sundays and holidays excluded)~~

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~~before being subject to adoption or disposal. In addition, the Animal Control Officer will attempt to contact the owner by phone and/or in writing. If the animal carries a designation as a service animal together with the phone number or address of the owner, the Animal Control Officer will make an attempt to return the animal. The Animal Control Officer may issue a citation to the person redeeming an impounded animal for violation of any provision of this chapter.~~

~~C. The owner of any animal other than a pet animal (dog or cat) which has been impounded, upon proving ownership thereof, may redeem the animal from the shelter upon satisfying the following conditions and payment of the following:~~

~~1. The animal is legally allowed within the incorporated limits;~~

~~B. 2. Proof of compliance Citation, hearing, designation, and imposition of conditions for Potentially Dangerous Animal or Dangerous Animal:~~

~~1. If an Animal Control Officer or law enforcement officer has investigated and determined that there is probable cause to believe that an animal has engaged in Dangerous Animal Behavior or Potentially Dangerous Animal Behavior, a citation shall be issued for the owner to appear in Great Falls Municipal Court to appear on the charge. Additionally, the City may request a hearing to determine whether the animal in question should be designated as a Potentially Dangerous Animal or Dangerous Animal.~~

~~2. The Court may designate an animal as a "Potentially Dangerous Animal," if the Court finds by a preponderance of the evidence that the animal has all:~~

~~i. has, without provocation, chased or approached a person in either a menacing fashion or with an apparent attitude of attack while the dog was off the premises of its owner;~~

~~ii. attempted to attack a person or domestic animal while off the premises of its owner;~~

~~iii. while off the property of its owner, engaged in any behavior when unprovoked that reasonably would have required Federal, State or Local permits a person to take defensive action to prevent bodily injury; or~~

~~iv. 3. An impound fee established by the Animal Control Agency for each day, or part thereof, has engaged in other comparable conduct.~~

~~3. The Court may designate an animal as a "Dangerous Animal," if the Court finds by a preponderance of the evidence that the animal has:~~

~~i. has, without provocation, chased or approached a person in either a menacing fashion or with an apparent attitude of attack on two (2) or more occasions with the prior twelve (12) month period while the animal was off the premises of its owner;~~

~~ii. attacked or attempted to attack a person or domestic animal on two (2) or more occasions within the prior twelve (12) month period while the animal was on or off the premises of its owner;~~

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- iii. without provocation, bitten a person or a domestic animal causing injury while off the premises of its owner; or
  - iv. is currently designated a Potentially Dangerous Animal but has not been held in-kept in compliance with the restrictions that a court of competent jurisdiction has placed on the owner of the animal, and said animal has engaged in Dangerous Animal Behavior and/or Potentially Dangerous Animal Behavior.
4. No Animal may be declared a "Potentially Dangerous Animal" or a "Dangerous Animal," if at the time of the injury or damage:
- i. the victim was trespassing upon premises occupied by the owner or keeper of the attacking animal;
  - ii. the victim was teasing, tormenting, abusing, or assaulting the attacking animal;
  - iii. the victim was committing or attempting to commit a crime;
  - iv. the attacking animal was protecting or defending a person within the immediate vicinity of the attacking animal from an unjustified attack;
  - v. the injury or damage was sustained by a domestic animal while the attacking animal was working as a hunting animal, herding, animal, or predator control animal on the premises of, or under control of, its owner, and the damage or injury was appropriate to the work of the animal; or
  - vi. the injury to a person or domestic animal occurs while the attacking animal is being used by a law enforcement officer to carry out the officer's official duties.
5. Upon designating an animal as a Potentially Dangerous Animal, or a Dangerous Animal, the Great Falls Municipal Court is authorized to impose on the owner of said animal the restrictions set forth in this article and to impose such additional restrictions on said owner as the Court finds appropriate under the circumstances. The Court shall reduce such restrictions to writing and provide a copy to the owner. If the owner is absent from the hearing, he or she shall be notified by the Court in writing, by first-class mail, postage prepaid, of the decision of the Court and of any requirements and/or restrictions imposed upon that person. If an animal is declared to be a "Potentially Dangerous Animal," of a "Dangerous Animal," the owner or keeper shall comply with all the restrictions imposed by this article and by the Court.
6. Requirements and restrictions for Potentially Dangerous Animals. The Court may impose any or all of the following restrictions:
- i. The animal must be kept indoors or confined on the owner's premises by a proper enclosure;
  - ii. The owner must allow inspection of the animal and its enclosure by Animal Control and must produce, upon demand, proof of compliance with all Court-imposed requirements and restrictions;

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- iii. The animal shall wear a collar and/or tag that visually identifies the animal as potentially dangerous;
- iv. The owner and animal must attend and complete commonly accepted animal obedience methods approved by the Court;
- v. The animal must be altered;
- vi. An identification microchip must be implanted in the animal, and must be replaced with the appropriate company so that the owner's information can be obtained, with the serial number of the microchip supplied to the Animal Shelter; ~~and~~
- vii. ~~4.~~—The owner of the animal shall maintain and update, annually, a record with the Animal Shelter that contains:
  - a. contact information for the animal's owner(s) or agent, emergency contact persons, veterinarian, and landlord and/or property owner;
  - b. the animal's vaccination records and license numbers;
  - c. a current photo of the animal taken by the Animal Shelter or its designee; and
  - d. any other information deemed necessary by the Animal Shelter; or
- viii. Any ~~veterinary~~ other requirement or restriction that the Court deems necessary and/or appropriate.

7. Requirements and restrictions for Dangerous Animal. The Court may impose any or all of the following restrictions:

- i. The Animal must be kept in a proper enclosure if the animal is maintained unattended out-of-doors. Such proper enclosure must be enclosed within an outer fence, and the outer perimeter of the proper enclosure must be no less than five (5) feet from the outer fence;
- ii. The Animal must be kept in a proper enclosure if the animal is maintained unattended out-of-doors. Such proper enclosure must be enclosed within an outer fence, and the outer perimeter of the proper enclosure must be no less than five (5) feet from the outer fence;
- iii. The animal shall wear a collar and/or tag that visually identifies the animal as being dangerous;
- iv. The owner and animal must attend and complete a training class and/or behavior modification course approved by the Court that is designed to teach the owner how to deal with, correct, manage, and/or alter the problem behavior;
- v. A sign having reflective letters and backing, with letters measuring at least 1.5 inches in width and 1.5 inches in height and reading "Beware of Animal" shall be posted in a conspicuous place at all entrances to the premises on or within which such animal is kept;

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- vi. A Dangerous Animal may never, even with the owner present, be allowed to be unrestrained on property that allows the animal direct access to the public;
  - vii. The animal must be altered;
  - viii. An identification microchip must be implanted in the animal, and must be registered with the appropriate company so that the owner's information can be obtained, with the serial number of the microchip supplied to the Animal Shelter;
  - ix. The owner of the animal or owner of the premises on which the animal is kept shall be required to obtain and maintain liability insurance in the amount of one hundred thousand dollars (\$100,000.00) and to furnish a certificate of insurance to the Animal Shelter;
  - x. The owner of the animal shall maintain and update, annually, a record with the Animal Shelter that contains:
    - a. contact information for the animal's owner(s) or agent, emergency contact persons, veterinarian, and landlord and /or property owner;
    - b. the animal's vaccination records and license numbers;
    - c. a current photo of the animal taken by the Animal Shelter;
  - xi. The owner shall submit to the Animal Shelter, in writing, the location of the animal's residence, temporary or permanent, and shall notify the Animal Shelter, in writing, in advance of any change of residence of the Dangerous Animal; or
  - xii. Any other requirements or restrictions the Court deems necessary and/or appropriate.
8. The cost of all requirements or restrictions identified in this section shall be paid by the owner.
9. It shall be unlawful for any person who has been served with a citation to appear in Great Falls Municipal Court for the charge of harboring a Dangerous Animal or Potentially Dangerous Animal, or who has been notified of the City's request for a hearing for the purpose of determining whether such person's animal should be designated as a Potentially Dangerous Animal or Dangerous Animal to transfer ownership of such animal until after the City Court has issued a ruling on the currently pending matters or issues an order allowing transfer of ownership.

C. Intake and disposition of Potentially Dangerous or Dangerous Animal:

- 1. If upon investigation and Animal Control Officer or law enforcement officer determines that probable cause exists to believe that an animal poses an immediate threat to public safety, then the Animal Control Officer or law enforcement officer may immediately seize and intake the animal pending a hearing pursuant to this chapter. At the time of the intake or as soon as practicable thereafter, the officer shall serve upon the owner of the animal a citation and notice to appear in the Great Falls Municipal Court.

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2. An Animal Control Officer or law enforcement officer may intake any Potentially Dangerous Animal or Dangerous Animal, if the officer has reasonable cause to believe that any of the requirements or restrictions upon such failure to follow the requirements or restrictions would likely result in a threat to public safety. The owner of such Potentially Dangerous Animal or Dangerous Animal shall surrender the animal to an Animal Control Officer or law enforcement officer upon demand, and the officer shall promptly serve a citation upon the owner of such animal for violation of the provisions of this chapter.
3. No animal that has been designated by the Court as a Potentially Dangerous Animal or a Dangerous Animal may be released by the Great Falls Animal Shelter until the owner has paid the Great Falls Animal Shelter all fees and costs that are normally charged to an owner prior to the redemption of the animal. If the owner fails to pay such fees and costs and take possession of the animal within ten (10) days of the owner's notice of the animal's designation as Potentially Dangerous Animal or Dangerous Animal, the animal shall be deemed abandoned and may be disposed of by the Great Falls Animal Shelter. Euthanasia or surrender to the Great Falls Animal Shelter of such animal does not free the owner of responsibility for all costs incurred up to and including the date of the euthanasia or surrender.

D. (Possession unlawful without proper restraint; failure to comply with restrictions:

1. It shall be unlawful for a person to have custody of, own, or possess a Potentially Dangerous Animal or a Dangerous Animal unless such person is in full compliance with all restrictions placed upon such person by the Court that has designated such animal as a Potentially Dangerous Animal or Dangerous Animal.

E. Removal of designation:

1. The designation of Dangerous Animal and the requirements and/or restrictions imposed on such animal remain in effect for the life of the animal. A Dangerous Animal designation shall not be removed.
2. The designation of Potentially Dangerous Animal may be removed upon the written request of the owner if there are no additional instances of the behavior with in twelve (12) months of the date of designation as a Potentially Dangerous Animal. The animal may be, but is not required to be, removed from the list of Potentially Dangerous Animals prior to the expiration of the twelve (12) month period if:
  - i. the owner or keeper of the animal demonstrates to Animal Control, and the Animal Control Officer confirms, that changes in circumstances or measures taken by the owner, such as training of the dog or confinement, mitigated the risk to the public safety; and
  - ii. the owner, or the Animal Control Officer, petitions the Great Falls Municipal Court to remove said designation, and the Court agrees to do so.

F. Change of ownership, custody, or location of animal; death of animal:

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1. The owner of a Potentially Dangerous Animal or Dangerous Animal who moves or sells the animal, or otherwise transfers the ownership, custody or location of the animal, shall, at least fifteen (15) days prior to the actual transfer or removal of the animal, notify Animal Control, in writing of the name, address, and telephone number of the proposed new owner or custodian, the proposed new location of the animal, and the name and description of the animal.
2. In addition to the requirements in subsection (a) above, the owner or custodian shall notify any new owner or custodian of Potentially Dangerous Animal or Dangerous Animal, in writing, regarding the details of the animal's record and the requirements and/or restrictions imposed by the Court.
3. Prior to the transfer of ownership, the owner of the Potentially Dangerous Animal or Dangerous Animal and the new owner shall meet with an Animal Control Officer or their designee to verify that the new owner has been advised of all requirements and/or restrictions placed upon the animal and to ensure that the new owner understands and is prepared to comply with all the requirements and/or restrictions.

G. Escape or death of Potentially Dangerous Animal or Dangerous Animal:

1. If a Potentially Dangerous Animal or Dangerous Animal escapes, the owner shall immediately notify the Animal Control Officers and make every reasonable effort to recapture the escaped animal to prevent injury and/or death to humans or domestic animals.
2. If a Potentially Dangerous Animal or Dangerous Animal dies, the owner shall notify the Animal Control Officers no later than twenty-four (24) hours thereafter and, upon request from the Animal Control Officers, shall produce verification or evidence of the animal's death that is satisfactory to the Officers.

H. Animals designated outside City as potentially dangerous or dangerous:

1. The owner of an animal designated as a Potentially Dangerous Animal, a Dangerous Animal, or any similar designation by another lawful body is subject to the restrictions set forth in this chapter while said animal is located within the city limits of Great Falls.
2. The following persons must notify the Animal Control Officers when relocating an animal to the City of Great Falls, even on a temporary basis:
  - i. the owner of a Potentially Dangerous Animal, Dangerous Animal, or any similar designation by another lawful body other than the City of Great Falls; and
  - ii. the owner of an animal that has had special restrictions placed on it by any humane society, governmental entity or agency other than the City of Great Falls based upon the behavior of the animal.
3. No such designation as Potentially Dangerous Animal, Dangerous Animal, or any other similar such designation shall be recognized by the City of Great Falls, if such designation is based solely on the breed of the animal.

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(Ord. 2933, 2007).

**6.1.190 Cruelty to animals.**

A. A person commits the offense of cruelty to animals if:

1. The person's conduct is in violation of Montana Code Annotated § 45-8-211; or
2. The person has tied or tethered a dog or other animal to a stationary object under circumstances so as to create an unhealthy situation for the animal, a potentially dangerous situation for a pedestrian, or a nuisance to neighbors as determined by an Animal Control Officer.

B. A conviction for a violation of this section is punishable by a fine an amount not to exceed \$1,000 or be imprisoned in the county jail for a term not to exceed 1 year, or both.

(Ord. 2933, 2007; Ord. 2534 §2(Exh. B(part)), 1989).

~~D. A person found guilty of a violation of this section is guilty of a misdemeanor punishable by a maximum fine of five hundred dollars (\$500.00) and may also be subject to the other penalties specified in 6.08.310.~~

(Ord. 2933, 2007)

**6.8.180 Adoption of animals.**

~~If an animal is not redeemed by the owner within the prescribed time limit, the owner thereof forfeits all right, title and interest therein, and the Animal Control Agency may offer the same for sale to the public.~~

- ~~A. A person may adopt an animal pursuant to the requirements set by the Animal Control Agency.~~
- ~~B. It is unlawful for any person to adopt an animal from the animal shelter and fail to comply with the stipulations in the adoption contract. Such violation may result in forfeiture of the animal and a fine of up to five hundred dollars (\$500.00).~~
- ~~C. No animal suffering from an infectious disease will be released unless the public health officer shall so order.~~

(Ord. 2933, 2007; Ord. 2534 §2(Exh. B(part)), 1989).

**6.8.190 Surrender/crematory fee dogs and cats.**

- ~~A. The Animal Control Agency will dispose of dead dogs or dead cats for a fee to be established by the Animal Control Agency if the animal is transported to the Animal Shelter by the owner.~~
- ~~B. The Animal Control Agency will euthanize and dispose of dogs and cats for an owner who is a resident of the City for unwanted cats and dogs brought to the Animal Shelter by the owner. The resident surrender fee shall be established by the Animal Control Agency and charged to the owner.~~
- ~~C. The Animal Control Agency will euthanize and dispose of dogs and cats for an owner who is a non-resident of the City for unwanted cats and dogs brought to the Animal Shelter by the owner. The non-resident surrender fee shall be established by the Animal Control Agency and charged to the owner.~~



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~~D. These fees do not apply to persons or agencies covered by a contract with the Animal Control Agency or the City for disposal.~~

~~(Ord. 2933, 2007)~~

~~6.86.1.200—Cruelty to animals.~~

~~Please refer to Montana Code § 45-8-211.~~

**6.8-210 Provoking animals.**

It is unlawful for any person to provoke, tease or in any way disturb a dog or other animal with the intent to harass the dog or other animal, cause it to bark, or attack any person (or other animal). Any person ~~violating~~convicted of a violation this section is guilty of a misdemeanor punishable by a maximum fine of five hundred dollars (\$500.00) and/or up to six (6) months in jail.

(Ord. 2933, 2007; Ord. 2534 §2(Exh. B(part)), 1989).

~~6.8-220—Abandonment~~**1.210 Animal abandonment.**

It is unlawful for any person to abandon any animal within the City. ~~Any person violating~~After providing notice, the Animal Control Officers have the authority to seize and intake any animal that appears to be abandoned. A conviction for a violation this section is ~~guilty of~~ a misdemeanor punishable by a maximum fine of five hundred dollars (\$500.00), and ~~the defendant~~ shall bear all expenses incurred by the Animal ~~Control Agency~~Shelter in caring for said animal and shall reimburse the Animal ~~Control Agency~~Shelter all said costs as determined by the Animal ~~Control Agency~~Shelter.

(Ord. 2933, 2007; Ord. 2534 §2(Exh.-B (part)), 1989; Ord. 2656, 1992).

~~6.8-230~~**1.220 Duty of driver upon striking a pet animal.**

Every operator of a self-propelled vehicle upon the ways of this State open to the public ~~who knows, or should have known, that he or she injured or struck a pet animal, shall give aid to said animal or~~ shall immediately upon injuring or striking a pet-animal shall give aid to such animal or immediately notify the Animal Control Officer or police officer, furnishing sufficient facts relative to such injury. ~~Any person~~A conviction for violating this section is ~~guilty of a misdemeanor~~ punishable by a maximum fine of five hundred dollars (\$500.00).

(Ord. 2933, 2007; Ord.-2534 §2(Exh. B(part)), 1989).

~~6.8-240~~**1.230 Wild animals.**

~~A. It is unlawful for any person prohibited to allow a wild animal in their possession to be in or upon any public place, including but not limited to public parks and public buildings.~~

~~A. B. It is unlawful for any person to keepown, harbor, or maintain, or cause to be kept or maintained, any wild animal without first applying for and receiving a License Certificate from the a Wild Animal Control Agency. The fee for this license shall be established by resolution of the City Commission. Any animal(s) illegally possessed may~~

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~~be immediately seized by Animal Control with all costs of seizure charged to the person in possession of the wild animal, within the incorporated City limits.~~

~~C. The Animal Control Agency shall set written policies as to what animals are exempted from licensing; however no License Certificate may be issued where the purpose is to breed wild animals. "Game farms" as defined in Montana Code Annotated 87-4-406 are not permitted in the City.~~

~~B. D. The provisions of this section shall not prohibit the keeping or maintaining of animals under the following conditions: as allowed by the Montana Code Annotated.~~

- ~~1. Any wild animals which are kept confined in publicly funded zoos, museums, or any other place approved by the Police Department where they are kept as live specimens for the public to view;~~
- ~~2. Any wild animals which are kept confined and placed on exhibit in a circus, carnival, fairground or a sponsored academic exhibit.~~
- ~~3. Wild animals in bona fide, licensed veterinary hospitals for treatment.~~

~~(Ord. 2534 §2(Exh. B(part)), 1989).~~

- ~~4. Any wild animals placed on exhibit by a commercial business possessing a Safety Inspection Certificate for wild animals. All applicable Federal, State and Local permits must be obtained prior to bringing the wild animals into the City.~~

~~(Ord. 2705; 1996)~~

~~E. Any person violating this section is guilty of a conviction for a violation of this section is a misdemeanor punishable by a maximum fine of five not less than three hundred dollars (\$500.00).~~

~~**6.8.250 Wild animals—license certificate.**~~

~~A. A Wild Animal License Certificate shall be required for any person, persons, or family who wish to keep or harbor a wild animal. The Animal Control Agency shall issue License Certificates based upon the following:~~

- ~~1. Inspection. The intended location must be inspected by an Animal Control Officer, such inspection to include the physical facilities as well as the effect on the neighborhood.~~
- ~~2. Recommendation. Following the inspection, the Animal Control Officer will recommend to the licensing authority either approval or disapproval of the application.~~
- ~~3. Fee. The annual License Certificate fee shall be established by resolution of the City Commission.~~
- ~~4. Consent. Anyone wishing to harbor wild animals must obtain the written consent of at least seventy five (75) percent of the adjoining neighbors within two hundred (200) feet east and west and 300 or more than one hundred fifty (150) feet north and south, excluding public right-of-way.~~
- ~~5. Renewals. Licenses must be renewed within sixty (60) days of the expiration date or the application will be treated as a new application.~~
- ~~6. License Revocation. All License Certificates will expire one (1) year from the date of issuance unless sooner revoked. The Animal Control Officer will investigate all complaints concerning~~

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~~licensing or complaints related to the wild animal and may recommend revocation of the license if it is deemed necessary. The licensee will be given at least five (5) days written notice of such recommendation during which time the licensee may appeal the Animal Control Officer's recommendation to the Animal Control Agency. The licensing authority will then take action as required.~~

~~(Ord. 2534 §2(Exh. B(part)), 1989).~~

~~B. Exclusions. No fee may be required of any veterinary hospital, animal shelter or government zoological park.~~

~~C. C. Penalty. Failure to obtain a license before harboring any wild animal shall result in a maximum fine of five hundred thousand dollars (\$500.00)-1,000.00), or a term of not more than six (6) months in jail or both.~~

~~(Ord. 2933, 2007; Ord. 2534 §2(Exh. B (part), 1989; Ord. 2656, 1992).~~

**6.8.2601.240 Steel jaw traps or snares.**

It is unlawful for any person to set any steel jaw traps or snares within the City limits of Great Falls. A ~~person found guilty of conviction for~~ a violation of this section is ~~guilty of~~ a misdemeanor punishable by a minimum fine of three hundred dollars (\$300.00) and a maximum fine of one thousand dollars (\$1,000.00) and/or up to six (6) months in jail.

(Ord. 2933, 2007; Ord. 2534 §2(Exh. B(part)), 1989).

**6.81.250 Unattended animal in a motor vehicle.**

~~A. It is unlawful for any person to leave an animal unattended in a standing or parked motor vehicle in a manner that endangers the health or safety of the animal.~~

~~B. A person may use reasonable force to remove from a motor vehicle an animal left in the vehicle in violation of subsection (A) if the person is:~~

- ~~1. an Animal Control Officer;~~
- ~~2. a law enforcement officer; or~~
- ~~3. a professional fire and/or rescue service person.~~

**6.1.260 Livestock.**

~~A. It is unlawful to keep livestock, as defined by 6.1.010(CC), within the incorporated City limits, except as follows:~~

- ~~1. to bring the same to market for commercial or exhibition purposes, and when brought therein for that purpose the same shall be kept and cared for by the owner, or person in charge thereof;~~
- ~~2. at such place as directed by the Chief of Police; or~~
- ~~3. in suburban districts as defined by OCCGF Title 17.~~

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B. In suburban districts, as defined in OCCGF Title 17, livestock must be kept within fences or secured in such a manner which prevents them from running at large.

C. Veterinarian's premises are exempt from this provision.

**6.1.270 Animal ~~control officer~~—Control Officer duties.**

In addition to the duties ~~and powers~~ of the Animal Control Officer otherwise prescribed, the officer shall:

~~A. Keep and maintain adequate records of all animals impounded and of all actions taken in the course of their duties. These records shall be public records and available for viewing at the Animal Control Agency.~~

~~A.~~ B. Carry out and enforce all of the provisions of this chapter and amendments thereto.

~~B.~~ C. Enforce the licensing and control of all animals in the City as provided in this chapter.

~~C.~~ D. Seize and take up all animals violating the terms of this chapter and ~~maintain~~deliver the same in a suitable and humane manner ~~at~~to the Animal Shelter.

~~D.~~ E. Where this chapter requires that an animal be put to death, the officer shall accomplish this in a humane manner.

~~E.~~ F. Be empowered to pursue upon private property any animal violating any provision of this chapter in their presence or when acting under a court order, warrant, affidavit of a dangerous animal, or when attempting to seize any animal suspected of having been exposed to rabies.

~~F.~~ G. File complaints in the Municipal Court for violations of this chapter and attend and testify in court when required.

~~G.~~ H. Make ~~a timely~~an immediate notification to the City/County Health Department regarding bite reports submitted to Animal Control.

~~H.~~ I. Maintain regular hours as assigned during which the Animal Shelter shall be open and post the hours in a conspicuous place at the Animal Shelter.

I. Assist the City-County Health Department with locating and quarantining animals involved in exposing humans to the potential of rabies.

(Ord. 2933, 2007; Ord. 2534 §2(Exh. B(part)), 1989).

**6.81.280 Animal ~~control officer~~—investigative ~~Investigative~~ authority.**

A. For the purpose of discharging the duties imposed by this chapter and enforcing its provisions, the Animal Control Officer, or any PoliceCity of Great Falls Law Enforcement Officer, is empowered to demand from the occupants of any premises upon or in which a dog or other animal is kept or harbored the exhibition of such dog or other animal and the registrations and permits for such dog and/or other animals. The Animal Control Officer may make such a demand at the premises where any animal is kept in a reportedly cruel or inhumane manner and examine such animal and take possession of the animal, when it requires humane treatment.

B. B. For the purposes of investigating complaints of unsanitary conditions and/or inhumane treatment of animals, Animal Control Officers or any City of Great Falls Law

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Enforcement Officers shall have the right to inspect any premises where animals are kept at any reasonable time. This includes removing animals from vehicles if the animal's health is endangered by such confinement in hot or cold weather.

- C. On refusal of entry, the Animal Control Officer or any City of Great Falls Law Enforcement Officer may obtain a search warrant.

(Ord. 2933, 2007; Ord. 2534 §2(Exh. B(part)), 1989).

**6.81.290** ~~Animal control officer—interference~~Interference prohibited.

- A. ~~A.~~—It is unlawful for any person to hinder or interfere with the Animal Control Officer or any ~~police officer~~City of Great Falls Law Enforcement Officer in the performance of any duty or power imposed on by this chapter, or to release, or attempt to release, any animal in the custody of the Animal Control Officer or any City of Great Falls Law Enforcement Officer, except as provided in this chapter.

(Ord. 2534 §2(Exh.-B(part)), 1989).

- B. ~~B.~~—It shall be unlawful for any person to remove, alter, damage, or otherwise tamper with any approved traps or equipment lawfully set under the authority of Animal Control Officers, any City of Great Falls Law Enforcement Officer, or Animal Shelter for the purpose of capturing dogs, cats, or any other animals or wildlife that may be deemed at large or a public nuisance.

- C. A person found guilty of a violation of this section is guilty of a misdemeanor punishable by a maximum fine of five hundred dollars (\$500.00) and/or six (6) months jail and may also be subject to the other penalties specified in ~~6.8.310~~.

~~6.81.300—Copies of regulations.~~

~~An abbreviated copy of City code applicable to the control of animals shall be available to all persons adopting or reclaiming an animal. A complete copy of Title 6, Chapter 6.08 shall be from the Animal Control Agency for a fee established by resolution of the City Commission.~~

~~(Ord. 2534 §2(Exh. B(part)), 1989).~~

**6.8.310**~~6.8.310~~1.300 Violation—other penalties.

- A. Violations of this chapter may result in immediate intake of the subject animal(s).
- B. Violation of any provision of this chapter may result in revocation of any license(s) or permit(s).
- C. In addition to any penalties specified in this Chapter, the Court, in its discretion may ~~Order~~order any of the following conditions:
- A1. The Court may order relinquishment of ~~any~~any animal~~(s)~~ deemed to be a public safety risk and/or a repetitive nuisance that has not been abated or an animal that is a victim of cruelty, neglect, or abandonment to the Animal Shelter for disposition.
- B2. Upon finding of violation under the sections pertaining to animal fighting, a dangerous animal jeopardizing public safety, and animal cruelty or neglect

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(including provoking, poisoning, or abandonment of an animal), the court may order no animal ownership for a determinate period.

~~C. Violations of this chapter may result in immediate impoundment of the animal(s).~~

~~D. Violation of any provision of this chapter may result in revocation of any license(s) or permit(s).~~

3. The Court may, in its discretion, order any animals on the premises be spayed or neutered.

4. The Court may order the animal be designated a Dangerous Animal or Potentially Dangerous Animal.

5. Any other condition deemed necessary and appropriate given the circumstances.

(Ord. 2933, 2007).

**6.8.3201.310 Persons responsible for violation—— transfer of registration.**

In all prosecutions for violations of this chapter, the person who applied for and obtained the registration for the ~~pet~~ animal in question shall be deemed the person responsible for the violation unless there has been a transfer of ownership prior to the violation. In the event the ~~pet~~ animal is not registered, then the person deemed responsible for the violation is the person who owns, maintains, or harbors the animal. Any transfer of ownership must be evidenced by a new registration issued by the licensing authority.

(Ord. 2933, 2007; Ord. 2534 §2(Exh. B(part)), 1989).

**6.1.320 In taken animal redemption.**

A. The owner of any animal which has been in taken, upon proving ownership thereof, may redeem the animal from the Animal Shelter upon payment of the following:

1. Registration fee (for unregistered animals);

2. An intake fee established by the Animal Shelter;

3. A fee for rabies vaccination, if the pet is not vaccinated; and

4. Any veterinary fees incurred.

B. If any animal is in taken, the owner shall redeem it within seventy-two (72) hours (Sundays and holidays excluded), or it shall be subject to adoption or disposal by the Animal Shelter as provided in this chapter. If such in taken animal has a registration tag or microchip, the animal will be held for ninety-six (96) hours (Sundays and holidays excluded) before being subject to adoption or disposal. In addition, the Animal Shelter will attempt to contact the owner by phone and/or in writing. If the animal carries a designation as a Service Animal together with the phone number or address of the owner, the Animal Shelter will attempt to return the animal to the owner. The Animal Control Officer may issue a citation to the person redeeming an in taken animal for violation of any provision of this chapter.

C. The owner of any animal which has been in taken, upon proving ownership thereof, may redeem the animal from the shelter upon satisfying the following conditions, and payment of the following fees:

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1. The Animal is legally allowed by the Montana Code Annotated and within the incorporated City limits;
  2. Proof of compliance that the animal has all required Federal, State, or local permits;
  3. An intake fee established by the Animal Shelter for each day, or part thereof, that the animal has been held in the Animal Shelter; and
  4. Any veterinary fees incurred.
- D. A conviction for a violation of this section is guilty of a misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00) and may also be subject to the other penalties specified in 6.1.300.

**6.1.330 Surrender/crematory fee — dogs and cats.**

- A. The Animal Shelter will dispose of dead dogs or dead cats for a fee to be established by City Commission Resolution, if the animal is transported to the Animal Shelter by the owner.
- B. The Animal Shelter shall dispose of dogs and cats for an owner who is responsible for the payment of fees established by established by City Commission Resolution.
- C. These Fees do not apply to persons or agencies covered by a written contract with the Animal Shelter; in such case the terms of the contract shall apply.

**6.1.340 Animal Shelter Policies**

The Great Falls Animal Shelter may create, revise and enforce policies which are consistent with this Title, for the maintenance of day-to-day operations.

**Chapter ~~402~~ BEES**

Sections:

**6.402.010 Definitions.**

"Hive" means the bee colony and all equipment used in connection with the bee colony.

(Ord. 2394 (part), 1985).

**6.402.020 Maintaining unlawful.**

It is unlawful for any person, firm, or corporation to maintain honeybees, (apis mellifera) ~~on its property~~ without licensing each hive with Animal Control. All hives shall be registered with Animal Control prior to

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April ~~4st~~1, of each year. A one-time fee shall be assessed on initial registration and established by City Commission resolution.

(Ord. 2705, 1997; Ord. 2394 (part), 1985).

6.~~402~~030 ~~Limit of~~Bee hive limitations.

A. Bee hives.

~~The keeping of bees~~ shall be ~~limited to~~maintained on the parcel of property upon which the bee owner ~~of bees~~ resides. ~~No~~The bee owner shall maintain no more than five (5) hives of honeybees for each one-quarter (¼) acre of property ~~or less.~~

B. Bee hives shall not be maintained on premises where any ~~lot- adjoining property resident~~ has a medically diagnosed allergic reaction to honeybee stings.

(Ord. 2394 (part), 1985).

6.~~402~~040 Distance ~~requirement~~required.

All hives must be maintained at least fifteen (15) feet from the boundary lines of the lot on which such hives are located, unless a six-foot hedge<sub>1</sub> or fence<sub>1</sub> is erected between the hive(s) and the adjoining lots.

(Ord. 2394 (part), 1985).

6.~~402~~050 ~~Supply of water~~Water supply.

No ~~hive of~~ honey ~~bees~~bee hive shall be maintained unless an adequate supply of water ~~shall be~~is furnished by the beekeeper on the lot within twenty (20) feet of said hive(s) at all times between April ~~15th~~15, and October ~~15th~~15, of each year.

(Ord. 2394 (part), 1985).

6.~~402~~060 Moveable framed hives.

All ~~bee hive~~bee hive colonies shall be maintained in moveable framed hives, with adequate space in the hive to prevent overcrowding and swarming.

(Ord. 2394 (part) 1985).

6.~~402~~070 Colonies.

Colonies of bees shall be re-queened or united with another hive following any swarming or aggressive behavior.

(Ord. 2394 (part), 1985).



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6.102.080 Hive restrictions.

Non-moveable frame hives or feral honeybee colonies (honeybees which live in trees, sides of houses, etc.) are prohibited within the City limits.

(Ord. 2394 (part), 1985).

6.102.090 Hours~~Night~~ manipulation prohibited.

~~The~~Bee hives ~~of bees~~ may not be manipulated between ~~the hours of~~ sunset and sunrise unless the hives are being moved to or from another location.

~~(Ord. 2394 (part), 1985).~~

~~6.102.100~~ Adjoining property owners' written authorization.

~~Any person, firm or corporation maintaining honeybees on its property shall obtain written permission to maintain such hives from persons owning and/or residing on the adjoining properties if those persons have a medically diagnosed allergic reaction to honeybee stings.~~

~~(Ord. 2705, 1997; Ord. 2394 (part) 1985).~~

~~6.10.110~~ — Penalties.

A. Any violation of this chapter shall be punishable ~~pursuant to Section 1.4.070 of this Code. No jail sentence shall be imposed.~~ by a fine not to exceed five hundred dollars (\$500.00).

~~B. — On conviction of any violation of this chapter, it shall be the duty of the court before whom the conviction is had to order the defendant to abate such violation and/or remove such hives which are in violation, and if the same is not done by such defendant within three (3) days, the same shall be abated and/or removed.~~

~~B. —~~ The Court, within its discretion, may order the bee hive owner to remove any hive found to be in violation of this Chapter.

(Ord. 2394 (part), 1985).