



**City Commission Agenda**  
**Civic Center 2 Park Drive South, Great Falls, MT**  
**Commission Chambers Room 206**  
**June 20, 2017**

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

**PLEDGE OF ALLEGIANCE**

**ROLL CALL/STAFF INTRODUCTIONS**

**AGENDA APPROVAL**

**PETITIONS AND COMMUNICATIONS**

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

1. Miscellaneous reports and announcements.

**NEIGHBORHOOD COUNCILS**

2. Miscellaneous reports and announcements from Neighborhood Councils.

**BOARDS AND COMMISSIONS**

3. Reappointment, Tourism Business Improvement District.
4. Reappointment, Police Commission.
5. Appointment, Great Falls Planning Advisory Board.
6. Miscellaneous reports and announcements from Boards and Commissions.

**CITY MANAGER**

7. 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.*

8. Minutes, June 6, 2017, Commission Meeting.
9. Total Expenditures of \$2,786,868 for the period of May 16, 2017 through June 7, 2017, to include claims over \$5,000, in the amount of \$2,514,916.
10. Contracts List.
11. Approve Final Payment in the amount of \$25,112.13 to United Materials of Great Falls, Inc. and \$253.66 to the State Miscellaneous Tax Fund for the Downtown Streetscape Expansion project, and authorize the City Manager to make the payments.
12. Reject a contract for the Beech Drive and Cherry Drive Water Main Replacement, O. F. 1718.
13. Award a contract in the amount of \$198,310.00 to David Kuglin Construction for the 3rd Avenue South (46th St. S. to 57th St. S.) Handicap Ramps Phase II, and authorize the City Manager to execute the construction contract documents.
14. Award a contract in the amount of \$277,961.00 to Ed Boland Construction for the Gore Hill Water Tower – Water Main Extension, and authorize the City Manager to execute the construction contract documents.
15. Approve the bid award for 250 tons of liquid asphalt to Calumet Montana Refining Company of Great Falls for \$91,250.

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

## PUBLIC HEARINGS

16. Lease of Visitor Center. Action: Conduct a public hearing and approve or not approve a month to month lease of city-owned property, the Visitor Center (15 Overlook Drive), to the Convention and Visitors Bureau (CVB). ***(Presented by Greg Doyon)***
17. Ordinance 3160, An Ordinance repealing and replacing Title 6, of the Official Code of the City of Great Falls (OCCGF), Pertaining to Animals. Action: Conduct public hearing and adopt or deny Ord. 3160. ***(Presented by Joseph Cik)***

## OLD BUSINESS

18. 2017/2018 Community Development Block Grant Program (CDBG) for inclusion in the 2017/2018 Annual Action Plan. Action: Rescind the affirmation of the proposed Public Facilities Projects, for the purpose of a re-vote on the matter. If rescinded; then (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. ***(Presented by Sara Sexe)***

## NEW BUSINESS

## ORDINANCES/RESOLUTIONS

19. Ord. 3162, An Ordinance of the City Commission of the City of Great Falls providing that the Charter of the City of Great Falls be amended to cure typographical errors and legal inconsistencies and submitting the proposed amendment to the Electors of the City as provided by law. Action: accept or not accept Ord. 3162 on first reading and set the public hearing for July 5, 2017. ***(Presented by Joseph Cik)***

## **CITY COMMISSION**

- 20. Miscellaneous reports and announcements from the City Commission.
- 21. Legislative Initiatives.
- 22. 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.*



---

**Item:** Reappointment, Tourism Business Improvement District  
**From:** City Manager's Office  
**Initiated By:** City Commission  
**Presented By:** City Commission  
**Action Requested:** Reappoint one member to the Tourism Business Improvement District Board of Trustees

---

**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission reappoint Malissa Hollan to the Tourism Business Improvement District Board of Trustees to a four-year term through June 30, 2021.

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

---

**Staff Recommendation:**

It is recommended that the City Commission reappoint Malissa Hollan to the Tourism Business Improvement District Board of Trustees to a four-year term through June 30, 2021.

**Summary:**

The terms of Sandra Johnson-Thares and Malissa Hollan will expire on June 30, 2017. Ms. Johnson-Thares was appointed to the Board on December 16, 2008 and has served two-four year terms. She is not eligible for reappointment. Ms. Hollan was appointed to fill the remainder of a four year term on December 1, 2009 and reappointed to her first full term on June 4, 2013. Ms. Hollan is eligible for and is interested in reappointment.

Executive Director for Great Falls Tourism, Rebecca Engum sent out letters announcing the openings to the members within the Tourism Business Improvement District and did not receive any applications. Advertising will continue until the position can be filled. Ms. Johnson-Thares is willing to continue serving on the Board until a successor can be appointed. Great Falls Tourism and the City of Great Falls will continue to advertise to fill the position.

**Background:**

The Tourism Business Improvement District (TBID) was established by Resolution 9792 on December 2, 2008. Its overall purpose is to utilize tax dollars through the TBID assessment and direct those monies to be used for the purpose of promoting tourism, conventions, trade shows, and travel to the City of Great Falls. Trustees must be an owner of property within the TBID or their assignee.

**Alternatives:**

Continue to seek applications for both openings.



**Concurrences:**

During the May 25, 2017 Tourism Business Improvement District Board meeting, the Board recommended reappointment of Malissa Hollan.



---

**Item:** Reappointment, Police Commission  
**From:** City Manager's Office  
**Initiated By:** City Commission  
**Presented By:** City Commission  
**Action Requested:** Reappoint one member to the Police Commission for a three year term

---

**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission reappoint Kevin Heffernan to the Police Commission for a three-year term through June 30, 2020.”

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

---

**Staff Recommendation:**

It is recommended that the City Commission reappoint Kevin Heffernan to the Police Commission for a three-year term through June 30, 2020.

**Summary:**

Kevin Heffernan was appointed to the Police Commission for his first three year term on June 17, 2017. Mr. Heffernan is eligible and interested in serving another three year term. This term will be from July 1, 2017 through June 30, 2020.

The Police Commission reviews all Police Department applicants for police officer positions and hears disciplinary appeals for the Police Department. The Commission is composed of three members appointed by the City Commission.

Continuing members of this board are:

Ted Barnes	12/15/09 -- 6/30/18
Ken Thompson	6/18/13 -- 6/30/19

**Alternatives:**

Seek other applicants.



---

**Item:** Appointment, Great Falls Planning Advisory Board  
**From:** City Manager's Office  
**Initiated By:** City Commission  
**Presented By:** City Commission  
**Action Requested:** Appoint one member to the Great Falls Planning Advisory Board

---

**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission appoint Charles E. Pankratz to the remainder of a three-year term ending on December 31, 2019, to the Great Falls Planning Advisory Board.”

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

---

**Staff Recommendation:**

It is recommended that the City Commission appoint one member for a partial three-year term ending on December 31, 2019, to the Great Falls Planning Advisory Board.

**Summary:**

Currently the Planning Advisory Board has three openings. Mark Striepe was appointed to the Board in December 2012 and was reappointed in February 2016 for a second three year term through December 31, 2018. Mr. Striepe has tendered his resignation effective January 26, 2017. Keith Nelson was appointed to the Board on September 1, 2015 and unfortunately has since passed way. Cheryl Patton was appointed on January 1, 2011 and has served two full terms on the Planning Advisory Board. In accordance with Resolution 10059, the maximum uninterrupted length of service on any single board or commission shall be two consecutive terms.

Advertisement to fill vacancies has been ongoing since January 2017 through the local media and the City's website. An application from Charles E. Pankratz was received on May 26, 2017. The City will continue to advertise for the other vacancies.

Several Planning Advisory Board meetings have been cancelled due to lack of a quorum resulting in projects being delayed and public notices needing to be re-advertised. Staff has reviewed the application from Mr. Pankratz and is recommending appointment rather than waiting for a Planning Board meeting to assist with expediting the process of appointment.

**Purpose:** The Great Falls Planning Advisory Board was created in lieu of the Great Falls City-County Planning Board. Further, the advisory board has jurisdiction within the City limits; consists of nine citizen members appointed by the City Commission; and, performs and provides the duties, services and functions specified in Ordinance No. 2913, generally involving growth policies, subdivision applications and plats, annexation

applications, zoning and rezoning petitions, conditional use permits, long range planning, transportation planning, Community Transportation Enhancement Program administration, historic preservation services, etc. Members must reside within the city limits. City employees and elected officials are not eligible for appointment.

**Alternatives:**

Advertise to seek other citizen interest.

**Concurrences:**

Continuing members of this board are:

	Terms
Scot Davis	11/1/11 – 12/31/18
Anthony Houtz	1/21/14 – 12/31/19
Sophia Sparklin	12/18/12 – 12/31/18
Michael Wedekind	10/7/15 – 12/31/19
Peter Fontana	4/ 7/15 – 12/31/17
Nathan (Nate) Weisenburger	11/1/11 – 12/31/17

**ATTACHMENTS:**

- ▢ Application



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



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: PLANNING Advisory Bd / Zoning Comm		Date of Application: 5-26-2017
Name: CHARLES E Pankratz		
Home Address: 320 Riverview 4 W GF 59404		Email address: cepankratze@aol.com
Home Phone: (406) 868-4339	Work Phone:	Cell Phone: (406) 868-4339
Occupation: Residential Appraiser		Employer: Self-Employed
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: Worked for over 30 years with Montana Dept. of Revenue Appraising property for tax purposes & managing multiple offices in N. Cent. MT.		
Educational Background: Bachelor of Tech in Business Mgmt. from Northern MT College in Anaconda, now MSU Northern		
IF NECESSARY, ATTACH A SEPARATE SHEET FOR YOUR ANSWERS TO THE FOLLOWING:		
Previous and current service activities: Currently volunteer @ Harvest Springs Church 2-3 hours per week		
Previous and current public experience (elective or appointive): 30 years with Montana Dept. of Revenue - now retired. Currently member of Cascade County Tax Appeal Board.		
Membership in other community organizations: None other than those above.		



Have you ever worked for or are you currently working for the City of Great Falls? Yes ☐ No ☒ If yes, where and when?

**TIOS & S YAM**

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?

*Currently on Cascade County Tax Appeal Board - Art Dickhoff, Chairman*

Are you currently serving on a Board? Yes ☒ No ☐ If yes, which board?

*See above*

Please describe your interest in serving on this board/commission?

*I am interested in serving the public. I've discussed the job responsibilities w/ Pete Fantawa, and the work sounds interesting. I have worked with the taxpaying public for most of my career.*

Please describe your experience and/or background which you believe qualifies you for service on this board/commission?

*Appraisal focuses on Highest & Best use, which is closely related to zoning, especially within city limits. Worked with legal descriptions in my previous & current careers.*

Additional comments:

*None*

Signature



Date:

*5-26-2017*

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



*Agenda #8.*  
*Commission Meeting Date: June 20, 2017*  
**City of Great Falls**  
**Commission Agenda Report**

---

**Item:** Minutes, June 6, 2017, Commission Meeting.  
**From:** Darcy Dea, Deputy City Clerk  
**Initiated By:** Darcy Dea, Deputy City Clerk  
**Presented By:** Darcy Dea, Deputy City Clerk  
**Action Requested:**

---

ATTACHMENTS:

- June 6, 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 and Fred Burow. Commissioner Bronson was excused. Also present were City Manager Greg Doyon; City Clerk Lisa Kunz; Public Works Director Jim Rearden; Planning and Community Development Director Craig Raymond; Fire Chief Steve Hester; Park and Recreation Interim Director Patty Rearden; Fiscal Services Director Melissa Kinzler; City Attorney Sara Sexe and Assistant City Attorney Joe Cik; and, Police Chief Dave Bowen.

Mayor Kelly reported that Commissioner Bronson was attending a legislative tax increment financing (TIF) committee meeting in Butte.

**AGENDA APPROVAL:** City Clerk Lisa Kunz noted that an easement was added to the contracts list after original posting – item 9G. No changes were suggested by the City Manager or City Commission. The agenda as presented was approved.

**PROCLAMATIONS:** Commissioner Jones read a proclamation for Men's Health Month and Commissioner Burow read a proclamation for National Senior Health & Fitness Day.

**SWEARING IN:** Mayor Kelly performed the swearing in ceremony for Neighborhood Council 7 representative Troy D. Lane.

**PRESENTATION:** Mayor Kelly introduced delegates from the Country of Ukraine: Andrii Fedorovych Sliusar - Measurement and reduction of emissions from combustion power plants; Iryna Fedorivna Barulina - Renewables, energy audits, environmental advocacy; Roman Oleksandrovykh Posmitnyi - Environmental law and policy, permitting of subsoil use (minerals, gas and oil) to businesses; Tetiana Leonidivna Tevkun - Waste management policy, how laws are drafted and enacted, public access to information on the state of the environment; and Rostyslav Orestovych Zhuravchak - Director of large nature reserve, responsible for research and education, interest in threatened species, birds and wetlands.

The Commission presented the delegates with a formal written Welcome to the City of Great Falls.

Mayor Kelly announced that the Ukraine delegation will be presenting on June 8<sup>th</sup> at the Great Falls Public Library at 7:00 p.m.

On behalf of the delegation, Rostyslav Orestovych Zhuravchak extended warm greetings to the citizens of Great Falls and discussed activities during their visit. He presented the City with a painting of the capitol of Ukraine by artist Tetiana Leonidivna Tevkun. He thanked the citizens for their hospitality.



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

**Daniel Hartzell**, 2325 14<sup>th</sup> Street South, commented on a youth bill he wants to propose. Mayor Kelly instructed Mr. Hartzell to present his proposal to the Commission for review and determination if it has merit to move forward.

Mr. Hartzell also noted that he spoke with a member of the Board of Education about the use of proper English in the school district, as well as the music director about a youth band choir.

**Gordon McKay**, 52 35<sup>th</sup> Avenue NE, commented that Ms. Houck holds two positions – City Commissioner and the paid position as Executive Director of Paris Gibson Square. He discussed the 10 member CDC's original vote to deny CDBG funds to Paris Gibson Square, Ms. Houck making public a traumatic experience CDC member Ms. Wolfe had when employed at Paris Gibson Square, and the CDC's subsequent vote approving CDBG funds to Paris Gibson Square. Mr. McKay suggested a conflict of interest exists, and that the Commission vote on the CDC's original recommendations. He suggested that Ms. Houck step down from her position at Paris Gibson Square.

Mayor Kelly responded that Ms. Houck has recused herself at the appropriate times from voting. The initial concern was certainly with people's reputation in this community and fairness being done. There are certainly opportunities to look back and say it could have been handled differently. We all agree to some degree that is the case. The Commission will learn from those situations and move forward and do the best it can.

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

Kathy Gessaman, NC 3, thanked the City and Burlington Northern for its quick reaction after the train derailment on May 25<sup>th</sup> behind Pacific Steel and Recycling. NC Chair Terry Thompson wants to work with the City to set up an emergency preparedness class for citizens.

Fire Chief Steve Hester responded that BNSF brought in experts to put the train back on the track. Because of their speedy recovery and the assistance of the Great Falls Police Department, the inconvenience to people in the area was limited to only a couple of hours.

Casey Furr, 1228 Buena Drive, resident of NC 1, discussed her fund raising efforts for park equipment at Grande Vista Park. The goal is \$350,000. She urged grant writers willing to help to contact the council.

**BOARDS AND COMMISSIONS**

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

Mayor Kelly commented that there is a lot of volunteer time by a wide variety of people serving important functions on the City's various boards and commissions. One of the most important boards is the Planning Advisory Board. These member professionals vote on whether to move projects forward, projects that have limited windows of opportunity for permits, construction, financing, etc. He reported that this board has had a problem obtaining a quorum.

Planning and Community Development Director Craig Raymond added that there are three current openings on the Planning Advisory Board/Zoning Commission. Service on this board is a key position to keep projects moving forward. He also noted that there are openings on the Parking Advisory Commission that is focused primarily on downtown parking.

**4. Appointment, Golf Advisory Board.**

**Commissioner Jones moved, seconded by Commissioner Houck, that the City Commission appoint Roger Curtiss as the Men's Association Representative on the Golf Advisory Board for a three-year term beginning June 6, 2017, through March 31, 2020.**

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

Commissioner Jones commented that he appreciated applicant Don Ryan's comments during this evening's work session.

Mayor Kelly noted that a total of four applications were received and will be kept on file.

Mayor Kelly asked if there were any comments from the public. Hearing none, Mayor Kelly called for the vote.

Motion carried 4-0.

**5. Appointment, Housing Authority Board of Commissioners.**

**Commissioner Houck moved, seconded by Commissioners Burow and Jones, that the City Commission appoint Ashley Gates for the remainder of a two year term through June 30, 2018, to the Great Falls Housing Authority Board of Commissioners.**

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

Commissioner Houck noted her appreciation for those people that have served and active people stepping up.

Mayor Kelly asked if there were any comments from the public. Hearing none, Mayor Kelly called for the vote.

Motion carried 4-0.

**CITY MANAGER****6. Miscellaneous reports and announcements from the City Manager.**

City Manager Greg Doyon announced that Chief Prosecutor Neil Anthon and Police Officer McAdam received recognition from the Cascade County DUI Task Force at a ceremony last Tuesday for contributions related to enforcement of DUI violators.

The City Prosecutor's Office started training law enforcement for the implementation of Marsy's law.

He reported that the Human Resources Department sponsored an Employee Benefit Fair that was a "one stop shop" for all of the benefits available to employees.

Manager Doyon further announced that he and Mayor Kelly attended a change of command ceremony at MANG last weekend. The ceremony recognized outgoing Colonel Lee Smith and incoming Colonel Dixon. He reported that after completing the transition from F-15s to C-130s, Montana aircrews set numerous records at their deployed locations.

The Air Force is pushing the "total force concept" (active Air Force, Reserve/Guard and Community). The City of Great Falls has a unique opportunity to become a world class training area for C-130s, with its unique attributes for landings and drop zones. Manager Doyon commented that we will have an opportunity in the future to help strengthen that mission, protect it, and highlight the Air National Guard and what they do not only for Montana but the nation.

He announced that the City Manager's budget transmittal will be presented at a work session on June 28<sup>th</sup>.

Manager Doyon encouraged citizens to look at the City's website for vacancies on the City's various boards and commissions.

He concluded that he will also be in Butte tomorrow to participate in the TIF workshop in preparation of the next legislative session.

Mayor Kelly added that the TIF's in this community have been done the right way. The rest of the state is looking to model the TIF's going forward after the examples set here.

**CONSENT AGENDA**

7. Minutes, May 16, 2017, 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 to Phillips Construction LLC for the 18<sup>th</sup> Street Storm Drain Improvements Phase 2A – 1<sup>st</sup> Alley South to 4<sup>th</sup> Avenue and authorize the City Manager to execute the agreements. **OF 1462.2**

**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 or comments from the public. Hearing none, Mayor Kelly called for the vote.

Motion carried 4-0.

### **PUBLIC HEARINGS**

12. **Resolutions 10174, 10175, 10176, 10177, 10178 and 10179 to allow the phased annexation of 60 “self help” constructed homes within Thaniel Addition.**

Planning and Community Development Director Craig Raymond reported that this item is a request to conduct a public hearing to consider Resolutions 10174 through 10179 that would provide for the phased annexation of lots into the City of Great Falls.

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 37<sup>th</sup> Avenue NE and 41<sup>st</sup> Avenue NE. NeighborWorks of Great Falls acquired these remaining lots to accommodate construction of "Self-Help" program homes.

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 the 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, adopted July 21, 2015.

Although the request is to adopt each resolution tonight, staff will only record Resolution 10174 at this time. As the phases progress, staff will record the adopted resolutions. In other words, once the next ten houses are constructed and completed, the corresponding resolution will be recorded and so on until the project is totally complete.

Mayor Kelly declared the public hearing open.

No one spoke in opposition to Resolutions 10174 through 10179.

Speaking in support of Resolutions 10174 through 10179 was:

**Neil Fortier**, 509 1<sup>st</sup> Avenue South, thanked Planning staff for putting this package together. He commented that Phase 2 is almost complete and Phase 3 will be starting in July.

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 Commissioner Burow, that the City Commission adopt Resolutions 10174, 10175, 10176, 10177, 10178 and 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 37<sup>th</sup> Avenue NE and 41<sup>st</sup> Avenue NE, (Thaniel Addition), subject to the conditions of approval.**

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

Motion carried 4-0.

**13. Resolution 10191 Intention to Create City of Great Falls Park District Number 1.**

Park and Recreation Interim Director Patty Rearden reported that this item is a request to conduct a public hearing for consideration of Resolution 10191, the Intent to Create Park District Number 1, as authorized by Title 7, Chapter 11, Part 10, MCA, 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 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.

At its May 8, 2017, 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.

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

Mayor Kelly asked Interim Director Rearden to review what the Intent Resolution does going forward.

Interim Director Rearden explained that, if the Commission adopts the Intent to Create Resolution, the Park District will go into a 60 day protest period. Protest letters will be mailed out on June 9<sup>th</sup> to every property owner in the City of Great Falls. Owners have 60 days to send the form back in support of or opposition to the Park District. If the City receives over 50% protesting the Park District the Commission can do nothing for at least 12 months. If between 10% and 50% protests are received, the Commission has the option to do nothing or send it to a public vote. If under 10% protests are received, the Commission has the ability to pass a resolution in August to create the Park District.

Mayor Kelly declared the public hearing open.

Speaking in opposition to Resolution 10191 were:

**Montana White**, 915 1<sup>st</sup> Avenue NW, spoke in opposition due to already increasing property taxes, school levy, as well as water rate and gas price increases. She inquired who to protest to regarding her property taxes. She suggested the City sell some of its property.

City Attorney Sara Sexe responded that Cascade County has a protest form procedure.

Commissioner Burow requested that she provide her phone number to him and he would follow up with her.

**Terry Thall**, 249 17<sup>th</sup> Avenue NW, commented she is a user of the parks and trails, but not the pools and golf courses. She appreciates the improvements along the River's Edge Trail. She expressed concern about the deferred maintenance, and increased taxes with the recent school bond issue. She inquired if a smaller levy could be looked at, such as \$500,000 or the difference between the requested \$2.2 million and the \$1.8 million support from the general fund.

Mayor Kelly clarified that the requested \$2.2 million is in addition to the \$1.8 million from the general fund.

**Ron Gessaman**, 1006 36<sup>th</sup> Avenue NE, commented this item gives him heartburn because the school district bond issue has not yet hit the taxpayers. He referred to a June 4<sup>th</sup> *Tribune* story that reported the \$2.2 million would replace approximately \$1.8 million now allocated from the City's general fund.

Mayor Kelly commented that the author of that story is sitting behind him and agrees that information was incorrect.

Mr. Gessaman commented that there are needs and there are wants. He doesn't believe everyone has the same wants based on their own budgets. He would like to see this matter go to a vote of the people.

**Mike Witsoe**, 510 11<sup>th</sup> Street South, commented that he is on a Social Security fixed income and opposes any increases. He suggested that the someone from Montana be hired for the Park and Recreation Director position. Mr. Witsoe opined that kids cannot afford swimming pool fees, and it's less expensive for golfers to go out of town to golf.

Speaking in favor of Resolution 10191 were:

**Kim Dunlap**, 2812 6<sup>th</sup> Avenue South, commented she is in the Pickleball club, and she hopes new Pickleball courts will be installed with approval of the Park District. She commented that everyone in the community raises their children in the parks. She supports the Park District for the maintenance, upkeep and new visions for the parks. She wants to see all generations have good parks and facilities to keep active in.

**Kim Skornogoski**, 124 Marillyn Drive, commented that Get Fit Great Falls unanimously voted to support the Park District. It is critical to their mission to reduce obesity and that mission is critical to the health of the community. A significant cost in our society is healthcare. Reducing obesity is one of the most preventable ways of reducing healthcare costs. Parks are critical to the work they do. She reported that the Parks Pal Program is very important to low income kids. There are 57 parks in the community. She commented that Cascade County has the second highest percentage of people living within a half mile of a park.

Ms. Skornogoski commented that she works for United Way of Great Falls and for the last six years United Way has organized park cleanups. In April 126 volunteers cleaned up 15 parks in the community. From that experience she learned that the maintenance that is required to keep parks in a condition for everyone to enjoy cannot be done by volunteers and cannot be done by the current Park Department staff.

Ms. Skornogoski concluded that parks are one of the only resources that will be appreciated by every person in the community regardless of age.

**June Sprout**, 217 Skyline Drive NE, commented that she is a three year member of the Park and Recreation Advisory Board. The Park Maintenance District is one of the most positive and constructive items that has come before the Board. The Board supported and participated in the year long development of the Master Plan. The Park Maintenance District is a product of and a necessary part of that Master Plan. It allows the City to successfully respond to the needs of the stakeholders as was expressed in the Master Plan. As a property owner in the City, her property assessment would be investing in the City's improved safety, aesthetics, environment, health and economy. When these properties are maintained it will also improve the market value of her property. For the cost of two fill ups in her car the circle of investment in our city is unbroken.

**Shyla Patera**, 1013 7<sup>th</sup> Avenue NW, commented that her employer, Northcentral Independent Living, was a vital partner in the Park Master Plan process and hopes to continue that process. She commented that the Master Plan process brought a lot of stakeholders together in the community that wanted to see various recreational options happen. She believes this debate needs to move forward and include accessibility options.

**Kathy Gessaman**, 1006 36<sup>th</sup> Avenue NE, agreed with previous speakers' comments in support. The delayed maintenance needs to be caught up on. Parks are critical to everyone's health. This is a matter of allocating priorities. She does not want to see this Park District replace the \$1.8 million general fund support.

**Casey Furr**, 1228 Beuna Drive, is passionate about Grande Vista Park. Dilapidated park equipment was removed 25 years ago and hasn't been replaced. She is in support of keeping our parks beautiful.

**Shane Etzweiler**, Great Falls Area Chamber of Commerce, 100 1<sup>st</sup> Avenue North, thanked the Park and Recreation Department for starting the focus groups that took the time to meet with citizens and groups to get feedback on the direction citizens wanted the parks to go. Parks are a great community gathering place. The Chamber voted in support of the Park District. He



expressed concern about the deferred maintenance. He also noted that Great Falls has been designated as Tree City USA for 35 years by the National Arbor Foundation.

**David Murray**, *Great Falls Tribune*, 205 River Drive South, commented there is confusion about the funding for the Park District. He requested elaboration on public involvement in this process.

Interim Director Rearden again explained that, if the Commission adopts the Intent to Create Resolution this evening, it will go into a 60 day protest period. Protest letters will be mailed out on June 9<sup>th</sup> to every property owner in the City of Great Falls. Owners have 60 days to send the form back in support of or opposition to the Park District to the City Clerk's Office. If 50% of the property owners oppose the Park District the Commission can do nothing for at least 12 months. If between 10% and 50% protests are received, the Commission has the option to do nothing or send it to a public vote. If the protests are under 10%, the Commission has the ability to pass a resolution in August to create the Park District.

**Nola Bingham**, 25 Spring Ridge Drive, commented that she is passionate about fitness. She commented about drugs in the community and believes it is essential that kids be involved in parks in the community.

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

**Commissioner Burow moved, seconded by Commissioner Houck, that the City Commission adopt Resolution 10191 Intent to Create City of Great Falls Park District Number 1.**

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

Commissioner Burow commented he would like to see this matter go to a vote of the people. He pointed out that if the City doesn't start maintaining its property it could lose some of its parks and facilities. He also suggested that the number of City-owned parks could be reduced.

Commissioner Houck commended the Skornogoski family for attending 57 parks. She is excited about this prospect and to put forth what the community has already spoken on during the Master Plan process.

Commissioner Jones commented that the Master Plan was a very open, public process and this matter was a recommendation from the Master Plan. He believes it is appropriate to adopt the Resolution to let the people make a decision.

Mayor Kelly looks forward to the next 60 days.

Motion carried 4-0.

Mayor Kelly called for a recess at 8:47 p.m., and he called the meeting back to order at 8:55 p.m.

**OLD BUSINESS**

**14. 2017/2018 HUD Annual Action Plan.**

Planning and Community Development Director Craig Raymond reported that this item is the final action on the Annual Action Plan and allocation of 2017/2018 CDBG and HOME funds.

The Annual Action Plan is essentially what the City plans on doing with its CDBG allocation for the coming year. It's very specific as to what projects the City Commission approves funding for as well as describes the process for public engagement and participation. The funds are allocated into Affordable Housing, Economic Development, Public Facility Improvement, and Public Service activities.

The total funds being recommended for allocation for the coming year is projected to be \$710,110. This is assuming the same level of funding from HUD as last year. Staff has been notified by HUD that final allocation amounts will not be provided until July.

The HOME funds allocation this year is expected to be \$185,000. There are no detailed, specific projects or recommendations for spending the HOME funds at this point in time. However, staff is in discussions with a potential applicant who appears interested in spending this and last year's allocation. Staff will continue to vet that project with the developer and report back to the City Commission when and if the project is deemed worthy of consideration.

Prior City Commission action on this year's schedule, include:

- The Community Needs Hearing was held on January 3rd 2017;
- City Staff provided the City Commission with a status report on CDBG funding and funding recommendations at the March 7<sup>th</sup> Work Session;
- Funding allocations were established and CDC recommendations were accepted by the Commission on April 18<sup>th</sup>;
- The Public Hearing was set on April 18<sup>th</sup> (after CDC reviewed applications, heard presentations from applicants for CDBG funds, prioritized needs and made final recommendations);
- The Public Hearing was held on May 16, 2017;
- The Public Comment Period ended on May 30, 2017.

There has been increasing concern regarding real and perceived conflicts of interest throughout the process. Staff and the public are concerned about the integrity of the process. This too must be addressed.

**Commissioner Jones moved, seconded by Commissioner Burow, that the City Commission 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 (CDBG) Program.**

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

**Sheila Rice**, 913 3<sup>rd</sup> Avenue North, thanked the City for its support of housing.

**Jolene Schalper**, Great Falls Development Authority, 300 Central Avenue, thanked the City for prioritizing economic development, job creation and growth as a need and subsequent funding. She suggested City staff look at different models and what other communities are doing for best practices.

**Mike Witsoe**, 510 11<sup>th</sup> Street South, commented he was in support of public housing.

**Patrick Sullivan**, no address provided, thanked the Commission for all that they do. Mr. Sullivan also commented that adults looking at leaders and judging how they do work without knowing all of the pieces of the puzzle should ask questions rather than jumping to bullying.

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

Motion carried 3-0-1 (Commissioner Houck abstained).

**Commissioner Jones moved, seconded by Commissioner Burow, that the City Commission affirm the proposed Economic Development Project, for the 2017/2018 Community Development Block Grant (CDBG) Program for inclusion in the 2017/2018 Annual Action Plan.**

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 3-0-1 (Commissioner Houck abstaining).

**Commissioner Jones moved, seconded by Commissioner Burow, that the City Commission affirm the proposed Public Facilities Projects, for the 2017/2018 Community Development Block Grant (CDBG) Program for inclusion in the 2017/2018 Annual Action Plan.**

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

**Nancy Zadick**, 1901 Whispering Ridge Drive, commented that she is a board member of Paris Gibson Square. Paris Gibson Square was built in 1896. In 1988 the building was turned into a cultural and art museum. CDBG funds have been allocated to Paris Gibson Square since 1977. She urged the Commission to look above the controversy and to support the ADA accessible bathroom allocation for Paris Gibson Square.

**Anita Fisher**, 605 Beth Drive, commented that she is also on the Board of Directors for Paris Gibson Square. She has previously served on the Community Development Council (CDC) and appreciates all the efforts that go into the CDBG funding. She noted that there was an incorrect

comment that the area where the ADA bathroom is needed is an area that is not utilized. She commented that Paris Gibson Square has been sponsored by the Kennedy Center for Performing Arts to offer vision, strength and access programming for people with disabilities. There are 450 participants in that program, and there are also other programs conducted on that floor. She urged the Commission's support of this matter and the final recommendations of the CDC.

**John Gass**, 736 32<sup>nd</sup> Avenue NE, commented he is in favor of the bathroom upgrade at Paris Gibson Square. Mr. Gass referred to a *Tribune* article regarding Ms. Houck and Ms. Harmony Wolfe. Harmony Wolfe is his step-daughter. He urged Commissioner Houck to make amends with Ms. Wolfe.

**Mike Witsoe**, 510 11<sup>th</sup> Street South, commented he is not opposed to funding for Paris Gibson Square's project. He suggested that the sound system be upgraded in the Commission chambers to include an FM loop.

There being no one further to address the Commission, Mayor Kelly asked if there was any discussion amongst the Commissioners.

Commissioner Burow commented that he has heartburn about this matter. He doesn't have an issue with the procedural problem. He discussed the ethical standards members of the Commission are held to.

Commissioner Jones commented that the City Attorney Sexe talked with the parties involved and came up with solutions. There is an absent Commissioner and a Commissioner abstaining. He wants to move forward with the public facilities projects. The issues have been resolved this year, and the process will be looked at next year.

Mayor Kelly commented that mistakes were made. He doesn't believe there is an ethical issue. Everyone acted in good faith. Prior to this year's allocations there were bumps along the way. What was learned is that this community is small enough where everyone has a vested interest in the outcome of the funds that are spent for their particular projects. Members of the Commission are volunteer officials. Sometimes things get in the way and members may make a bad choice or a misjudgment. He doesn't think that infers anyone on the Commission is criminal or unethical. Mistakes were made and the Commission will learn from those mistakes. The Planning and Community Development Director was instructed to review the entire process and make revisions.

Mayor Kelly called for the vote.

Motion received affirmative majority vote of quorum 2-1-1 (Commissioner Burow dissenting and Commissioner Houck abstaining). [Clerk's Note: Invalid Vote – See Item 18, June 20, 2017, City Commission Meeting Agenda.]

## **NEW BUSINESS**

## **ORDINANCES/RESOLUTIONS**

**15. Ordinance 3160, An Ordinance Repealing and Replacing Title 6 of the Official Code of the City of Great Falls (OCCGF) Pertaining to Animals.**

Assistant City Attorney Joe Cik reported that 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.

**Commissioner Houck moved, seconded by Commissioner Burow, that the City Commission accept Ordinance 3160 on first reading and set the public hearing for June 20, 2017.**

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

Commissioner Houck gave credit to City Attorney Sexe, Assistant City Attorney Cik and Commissioner Bronson for their work on this ordinance.

Mayor asked if there were any comments from the public.

**Brian Rogers**, 3529 Fern Drive, discussed the Montana beekeepers organization on Facebook, representing over 750 bee keepers in the area that is a resource available to City staff. Mr. Rogers commented that the beekeepers want to volunteer their expert opinions by extending the opportunity for the City Attorney's Office to engage with them to make the document read better before the public hearing.

**Kathy Gessaman**, 1006 36<sup>th</sup> Avenue NE, facetiously inquired how many companion chickens are allowed, adding "you wouldn't want your companion to be lonely, they do better in a flock."

City Attorney Sexe responded that, with regard to companion animals, the intent is to insure that people with medically documented reasons for companion animals that are the historic domestic animals are taken care of and there is no discrimination.

**Keith King**, 1001 15<sup>th</sup> Street NW, commented he is a beekeeper and pet owner. He supports setting the public hearing, but suggested more information about beekeeping in the ordinance, including definitions, and how to register hives. He commented that the information regarding neighbor's medical allergy condition calls HIPPA into question and whether you could compel a resident to disclose a medical condition in order to satisfy the registering of hives. The procedure outlined for dog complaints is better.

**Anitra Hall**, 3508 14<sup>th</sup> Avenue South, suggested that the word fowl be removed in the livestock definition and be classified as companion pets.

**Mike Witsoe**, 510 11<sup>th</sup> Street South, commented he hasn't read the ordinance yet and will be requesting a copy.

**Ron Gessaman**, 1006 36<sup>th</sup> Avenue NE, suggested adding the definition of a community cat in the ordinance. He is sure the issue of chickens will come up on June 20<sup>th</sup>.

**Erika Park**, 605 Carol Drive, commented that she and her family are new to Great Falls. She commented that a great component of gardens is chicken poop, and people with chickens don't have bug problems. She suggested that urban chickens be added into the ordinance as pets, and to add rules about it.

**Tristan Park and Christopher Park**, 605 Carol Drive, requested that pet hens be added to the new animal ordinance. Hens are good pets because they provide eggs, are friendly to kids, and kids will learn how to take care of chickens and learn about their life cycles. A few hens per yard that are well kept are not smelly. Chickens are quieter than dogs.

**Rachel Dubielczyk**, 1009 3<sup>rd</sup> Avenue South, commented she is a bee keeper and supports having chickens and other livestock considered animals in the city limits.

**Coya Williams**, 1725 31<sup>st</sup> Avenue South, commented she resides outside of the City limits. Chickens provide food, entertainment, teach children responsibility, and provide compost. She concluded that chickens eat ticks, mice and other pests.

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

Motion carried 4-0.

### **CITY COMMISSION**

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

There were no miscellaneous reports and announcements from the City Commission.

**17. Legislative Initiatives.**

Mayor Kelly noted that Commissioner Bronson and Manager Doyon will be attending a TIF meeting.

**18. Commission Initiatives.**

There were no Commission initiatives.

**ADJOURNMENT**

There being no further business to come before the Commission, **Commissioner Burow moved, seconded by Commissioner Houck, to adjourn the regular meeting of June 6, 2017, at 9:54 p.m.**

Motion carried 4-0.

---

Mayor Bob Kelly

---

City Clerk Lisa Kunz

Minutes Approved: June 20, 2017





*Agenda #9.*  
*Commission Meeting Date: June 20, 2017*  
**City of Great Falls**  
**Commission Agenda Report**

---

**Item:** Total Expenditures of \$2,786,868 for the period of May 16, 2017 through June 7, 2017, to include claims over \$5,000, in the amount of \$2,514,916.  
**From:** Fiscal Services  
**Initiated By:** City Commission  
**Presented By:** Melissa Kinzler, Fiscal Services Director  
**Action Requested:**

---

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 25, 2017 - JUNE 7, 2017	2,728,200.47
MUNICIPAL COURT ACCOUNT CHECK RUN FOR MAY 16, 2017 - MAY 31, 2017	58,667.61
<b>TOTAL: \$</b>	<b><u>2,786,868.08</u></b>

**GENERAL FUND**

**POLICE**

BRATTLEBORO RETREAT	MEDICAL SERVICES	5,314.00
---------------------	------------------	----------

**SPECIAL REVENUE FUND**

**STREET DISTRICT**

GREAT FALLS SAND & GRAVEL INC	ASPHALTIC CONCRETE	30,954.42
PHILLIPS CONSTRUCTION LLC	OF 1462.2 18TH ST S STORM DRAIN IMPROVEMENTS PHASE 2A (SPLIT AMONG FUNDS)	78,152.63

**PLANNING & COMMUNITY DEVELOPMENT**

GREAT FALLS TRANSIT DISTRICT	REIMBURSEMENT FROM UPWP FUNDS RECEIVED	24,646.62
------------------------------	---	-----------

**ENTERPRISE FUNDS**

**WATER**

ADVANCED ENGINEERING & ENVIRONMENTAL SERVICES INC	OF 1625.0 WATER STORAGE TANK EVALUATION PHASE 1	33,980.14
FISHER SCIENTIFIC CO	TABLE TOP AUTOCLAVE (LAB)	5,949.60

**ENTERPRISE FUNDS (CONTINUED)**

---

**SEWER**

VEOLIA WATER NORTH AMERICA	MONTHLY WWTP OPERATION CONTRACT	233,851.99
VEOLIA WATER NORTH AMERICA	MONTHLY CONTRACTED CAPITAL IMPROVEMENTS	12,500.00

**STORM DRAIN**

CITY OF BILLINGS	MS4 CONSULTANT PER MOU	46,182.00
PHILLIPS CONSTRUCTION LLC	OF 1462.2 18TH ST S STORM DRAIN IMPROVEMENTS PHASE 2A (SPLIT AMONG FUNDS)	211,762.84

**SANITATION**

OLYMPIC SALES, INC.	20 & 30 YD ROLL- OFF CONTAINERS	21,900.00
---------------------	---------------------------------	-----------

**PARKING**

STANDARD PARKING CORP	MARCH & APRIL 2017 COMPENSATION	67,046.19
-----------------------	---------------------------------	-----------

**GOLF COURSES**

JOHNSON DISTRIBUTING	2017 GOLF CART FLEET	75,750.00
----------------------	----------------------	-----------

**ICE BREAKER RUN**

AA SPORTS LTD	AA SPORTS FINISH LINE SERVICE FOR 2017 ICE BREAKER	11,070.80
---------------	--	-----------

**INTERNAL SERVICES FUND**

---

**HEALTH & BENEFITS**

MONTANA MUNICIPAL INTERLOCAL AUTHORITY	HEALTH INSURANCE PREMIUM FOR JUNE 2017	698,263.75
--	--	------------

**CENTRAL GARAGE**

MOUNTAIN VIEW CO-OP	DIESEL-FUEL	29,735.35
NORMONT EQUIPMENT CO	FORESTRY WATER TANK	8,560.00
NORMONT EQUIPMENT CO	LOW BOY TRAILER	59,574.88

**TRUST AND AGENCY**

---

**COURT TRUST MUNICIPAL COURT**

CITY OF GREAT FALLS	FINES & FORFEITURES COLLECTIONS	43,154.50
CASCADE COUNTY TREASURER	FINES & FORFEITURES COLLECTIONS	5,979.00

**TRUST AND AGENCY (CONTINUED)**

---

**PAYROLL CLEARING**

STATE TREASURER	MONTANA TAXES	47,055.00
ICMA RETIREMENT TRUST	EMPLOYEE CONTRIBUTIONS	
FIREFIGHTER RETIREMENT	FIREFIGHTER RETIREMENT EMPLOYEE & EMPLOYER CONTRIBUTIONS	50,301.67
STATEWIDE POLICE RESERVE FUND	POLICE RETIREMENT EMPLOYEE & EMPLOYER CONTRIBUTIONS	63,036.06
PUBLIC EMPLOYEE RETIREMENT	PUBLIC EMPLOYEE RETIREMENT EMPLOYEE & EMPLOYER CONTRIBUTIONS	130,292.96
US BANK	FEDERAL TAXES, FICA & MEDICARE	225,718.09
AFLAC	EMPLOYEE CONTRIBUTIONS	11,294.39
LABORERS INTERNATIONAL UNION	EMPLOYEE CONTRIBUTIONS	26,902.82
WESTERN CONF OF TEAMSTERS	EMPLOYEE CONTRIBUTIONS	16,665.18
MONTANA OE - CI TRUST FUND	EMPLOYEE CONTRIBUTIONS	24,451.81
NATIONWIDE RETIREMENT SOLUTIONS	EMPLOYEE CONTRIBUTIONS	13,103.02

**UTILITY BILLS**

---

NORTHWESTERN ENERGY	MAY 2017 SLD CHARGES	82,134.87
NORTHWESTERN ENERGY	APRIL 2017 WATER PLANT CHARGES	8,930.88
ENERGY WEST RESOURCES	MAY 2017 MONTHLY CHARGES	18,741.77
TALEN TREASURE STATE	MAY 2017 ELECTRICITY CHARGES	91,958.40

**CLAIMS OVER \$5000 TOTAL:** \$ 2,514,915.63



*Agenda # 10.*  
*Commission Meeting Date: June 20, 2017*  
**City of Great Falls**  
**Commission Agenda Report**

---

**Item:** Contracts List.  
**From:** Darcy Dea, Deputy City Clerk  
**Initiated By:** Various City Staff  
**Presented By:** Darcy Dea, Deputy City Clerk  
**Action Requested:**

---

ATTACHMENTS:

- ▣ Contracts List

**CITY OF GREAT FALLS, MONTANA**

**AGENDA: 10**

**COMMUNICATION TO THE CITY COMMISSION**

**DATE: June 20, 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:** Darcy Dea, Deputy City Clerk

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

**MAYOR' S SIGNATURE:** \_\_\_\_\_

**CONTRACTS LIST**

	DEPARTMENT	OTHER PARTY (PERSON OR ENTITY)	PERIOD	AMOUNT	PURPOSE
<b>A</b>	Park and Recreation	Tree Amigos Tree Service	06/20/2017-08/31/2017	\$18,500.00	Agreement for tree trimming a total of 29 trees on the west side of 17 <sup>th</sup> Avenue North
<b>B</b>	Fiscal Services	New World	06/20/2017-06/30/2021	\$11,000 one time \$1,980 annually	Unlimited user licenses for all New World Business & financial software
<b>C</b>	Public Works – Engineering	M.R.T.E.	07/10/2017-08/30/2017	\$48,320.00	Public Works Construction agreement to complete handicap curb ramps to provide access from 6 <sup>th</sup> Avenue South to Great Falls High School <b>OF 1679.4</b>
<b>D</b>	Planning &	NeighborWorks Great Falls	07/01/2017-	40,000	Amendment Number 2 to Professional

	Community Development		06/30/2018		Services Agreement Subrecipient Agreement with NeighborWorks Great Falls – extends the term of the agreement one year. (CR 011916.15) & (051716.9D)
<b>E</b>	Public Works Engineering	Beartooth Environmental, Inc.	Summer 2017	\$7,136.75	Professional Services Agreement for the disposal of miscellaneous collected wastes from the City Public Works Complex <b>OF 1728.0</b>



---

**Item:** Final Payment: Downtown Streetscape Expansion CTEP Project - O.F. 1508.3  
**From:** Planning & Community Development Department  
**Initiated By:** Business Improvement District  
**Presented By:** Craig Raymond, P&CD Director  
**Action Requested:** Approve Final Payment Request.

---

**Suggested Motion:**

1. Commissioner moves:

"I move the City Commission (approve/not approve) Final Payment in the amount of \$25,112.13 to United Materials of Great Falls, Inc. and \$253.66 to the State Miscellaneous Tax Fund for the Downtown Streetscape Expansion project, and authorize the City Manager to make the payments."

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

---

**Staff Recommendation:**

Approve Final Payment Request.

**Summary:**

The contract for construction was awarded to United Materials on March 2, 2016, in the amount of \$857,878.70. The project is now complete, and final payment can be made. After final quantities were measured, the final contract amount was \$845,526.25.

Although the project was substantially complete in the Fall of 2016, Final Payment was delayed until this Spring when final punch list items could be performed.

**Background:**

Funded by the Montana Department of Transportation's Community Transportation Enhancement Program (CTEP) and matched by the Business Improvement District and the Downtown Tax Increment Financing District, the project included sidewalk replacement, patterned concrete, period lighting and street trees, continuing the streetscape south and east of the main core of downtown.

A 2013 study titled "Downtown Access, Circulation and Streetscape Plan" identified priority areas for expansion of the streetscape, radiating from the core streetscape of Central Avenue. As Priority 1, the Plan noted the following: *"The side streets spurring from Central Avenue have the locational advantage to build off the momentum and success already occurring on Great Falls' primary downtown street. The first block north and south of Central on each of these streets offer the potential to incorporate streetscape design strategies to encourage increased activity in the downtown core that can radiate progress to the east and west streets over time."*



For the same reasons, Priority 2 is an extension of Central Avenue eastward from 7<sup>th</sup> Street, with Priority 3 being the east-west retail avenues.

Based upon the recommendations in the Plan, this contract expanded the streetscape along the block faces shown on the attached Exhibit A.

**Fiscal Impact:**

There is no fiscal impact to the City of Great Falls. The contract was paid through CTEP funding from the Montana Department of Transportation (86.58%) and the matching dollars of 13.42% were paid by the Business Improvement District and the Downtown Tax Increment Financing District.

**Alternatives:**

The City Commission could vote to deny Final Payment.

**Concurrences:**

The Engineering Division concurs in making the Final Payment.

**ATTACHMENTS:**

- Exhibit A - Streetscape Improvements Locations



EXHIBIT A



Revisions	By	Date

File No. —	Job No. 1407
Date 12/18/15	Scale AS SHOWN

Professional Seal




Engineers  
Environmental Specialists  
Planners  
Designers  
Surveyors

**NCI**  
Engineering

4509 North Star Boulevard  
P.O. Box 6350  
Great Falls, MT 59406  
Phone 406-453-5478  
Fax 406-453-2009

Owner



O.F. # 1508.3

Project Title

**Downtown  
Streetscape  
Expansion**

Sheet Title

**Project  
Vicinity  
Map**

Sheet <b>3</b>	Of <b>18</b>
Copyright © 2014 NCI, All Rights Reserved	
File # 110.528	





---

<b>Item:</b>	Construction Contract Award: Beech Drive and Cherry Drive Water Main Replacement, O. F. 1718
<b>From:</b>	Engineering Division
<b>Initiated By:</b>	Public Works Department
<b>Presented By:</b>	Jim Rearden, Public Works Director
<b>Action Requested:</b>	Reject bids and not enter into a construction contract.

---

**Suggested Motion:**

1. Commissioner moves:

“I move the City Commission (reject/award) a contract for the Beech Drive and Cherry Drive Water Main Replacement.”

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

---

**Staff Recommendation:**

Reject bids and not enter into a construction contract. Staff recommends rebidding the project.

Two bids were received and opened for this project on June 7, 2017. The bids for this project were \$465,860.50 and \$922,500.00. The concerns are that the low bid by Johnston Excavating is far too low to satisfactorily complete this project and the high bid by Williams Civil is too high. Furthermore, Williams Civil has yet to complete a water main replacement project from 2016.

The low bid is approximately \$400,000 under the project cost estimate and the high bid is approximately \$65,000 over the project cost estimate.

**Summary:**

This project will replace water main located within an easement along back property lines between Beech Drive and Cherry Drive from Forest Avenue to Juniper Avenue.

The project is being completed in cooperation with the Montana Department of Environmental Quality (DEQ), and the Local Floodplain Administrator.

**Background:**

This project will replace a water main located within an easement along back property lines between Beech Drive and Cherry Drive from Forest Avenue to Juniper Avenue. The new water main location will be moved into the roadways in Beech Drive and Cherry Drive. The water main breaks are primarily due to corrosive soils, age and type of pipe material used. The water main was installed in 1950.

This project is being completed in cooperation with the Montana Department of Environmental Quality (DEQ), and the Local Floodplain Administrator.

City engineering staff, in conjunction with utility staff, designed the project and will perform construction inspection and contract administration duties.

Three alternatives were evaluated for this project: 1) Continue to use and repair the existing water main; 2) Line or pipe burst the existing water main located within an easement along back property lines; or 3) Install new water main in the roadway.

Alternative three (3) was selected because the existing main is located within a highly congested easement. Also located in the easement are a sanitary sewer main, gas main, mature trees, and overhead utilities such as power, cable TV, and telephone. Over the years residents have placed sheds over the easement, built fences, and block walls along their property lines. These obstructions make it more difficult and costly to get the required equipment onto the site to make the needed repairs, and would make replacing the main in place extremely expensive.

This project will replace approximately 2,400 lineal feet of 6-inch cast iron water main with 8-inch PVC water main; replace 1 fire hydrant and install 6 new fire hydrants; 24 water service connections; 3,700 lineal feet of copper service line; 2,300 square yards of gravel; and 2,750 square yards of asphalt pavement. The project locations include:

- Beech Drive from Juniper Avenue to Forest Avenue.
- Cherry Drive from Juniper Avenue to Forest Avenue.
- Approximately 175 lineal feet on Juniper Avenue between Beech Drive and Cherry Drive.

City staff recommends rejecting the bids and not entering into a contract at this time and rebidding the project. The City will hire a consultant to conduct geotechnical investigation to give Contractors a better indication of soil type and groundwater depth. By rebidding the project and supplying the geotechnical information we hope to draw an increased number of bidders for this project.

**Fiscal Impact:**

This project is being funded through the Water Capital Improvement fund.

**Alternatives:**

The City Commission could vote to award the construction contract, or reject bids and not rebid the project repairing breaks as they occur in the future.

**Concurrences:**

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

**ATTACHMENTS:**

- Bid Tab

CITY OF GREAT FALLS ENGINEERING  
P.O. BOX 5021  
GREAT FALLS, MT 59403

BID TABULATION SUMMARY  
  
OFFICE FILE 1718  
BEECH DRIVE / CHERRY DRIVE WMR

BIDS TAKEN AT CIVIC CENTER  
DATE: 7-JUN-17  
TABULATED BY: KARI WAMBACH

	NAME & ADDRESS OF BIDDER	ACKNOWLEDGE ADD. #1	ACKNOWLEDGE ADD. #2	10% BID SECURITY	CERTIFICATE OF NON-SEGREGATED FACILITIES	CERTIFICATE OF COMPLIANCE WITH INSURANCE REQ.	TOTAL BID
1	PHILLIPS CONSTRUCTION 2607 9TH AVENUE NW GREAT FALLS, MT 59404						DID NOT BID
2	BOLAND CONST. 4601 7TH AVE. SO. GREAT FALLS, MT 59405						DID NOT BID
3	FALLS CONSTRUCTION 1001 RIVER DRIVE GREAT FALLS, MT 59401						DID NOT BID
4	JOHNSTON EXCAVATING 805 BLACKMORE PLACE BOZEMAN, MT 59715	✓	N/A	✓	✓	✓	\$465,860.50
5	WILLIAMS CIVIL CONST. PO BOX 1152 BOZEMAN, MT 59771	✓	N/A	✓	✓	✓	\$922,500.00
6							
7							
8							
9							
10							



---

**Item:** Construction Contract Award: 3rd Avenue South (46th St. S. to 57th St. S.) Handicap Ramps Phase II, Office File 1697.2  
**From:** Engineering Division  
**Initiated By:** Public Works Department  
**Presented By:** Jim Rearden, Public Works Director  
**Action Requested:** Consider Bids and Approve Contract for Office File 1697.2

---

**Suggested Motion:**

1. Commissioner moves:

"I move that the City Commission (award/not award) a contract in the amount of \$198,310.00 to David Kuglin Construction for the 3rd Avenue South (46th St. S. to 57th St. S.) Handicap Ramps Phase II, and authorize the City Manager to execute the construction contract documents."

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

---

**Staff Recommendation:**

Approve construction contract award.

**Summary:**

This project was initiated to install ADA compliant sidewalk ramps prior to the proposed mill and overlay project scheduled for this summer. The project begins at the corner of 3rd Avenue South and 46th Street South and continues east to the intersection of 3rd Avenue South and 57th Street South. Additionally, the project includes replacing curb and gutter, alley apron, and storm drain inlets within the project limits along 3rd Avenue South.

**Background:**

Citizen Participation:

The construction activity will require temporary closure of 3rd Avenue South between 52nd Street South and 53rd Street South. Construction activity will also require temporary closure of the sidewalks at the intersections under construction along 3rd Avenue South. Access to residences and businesses adjacent to construction zones will be maintained.

Workload Impacts:

Design phase engineering and plans and specifications were completed by the City Engineering staff with assistance from the City Street Division and Utilities. City Engineering staff will provide construction phase engineering services and project inspection.

Purpose:

The primary objective of this project is to install sidewalk ramps at six intersections along 3rd Avenue South.

These ramps will be compliant with Americans with Disabilities Act (ADA) requirements. In addition to the sidewalk ramp installations, one alley apron and nine storm drain inlets will be replaced as a part of this project. Following these installations, this portion of 3rd Avenue South will be milled and overlaid by the City Street Division.

**Project Work Scope:**

This project consists of replacing approximately 720 lineal feet of integral concrete curb and gutter, 1,400 square feet of four (4)-inch concrete sidewalk, 2,600 square feet of six (6)-inch reinforced concrete, 18 truncated domes, 9 type I curb inlets with concrete aprons, 2,500 square feet of sod replacement, and 500 square feet of seeding. The project is scheduled for substantial completion in 40 calendar days, with the overlay completed before the start of the school year.

**Evaluation and Selection Process:**

The specifications were advertised two times in the Great Falls Tribune. Two (2) bids were received on June 7, 2017 with the bids of \$198,310.00 and \$215,770.00. David Kuglin Construction submitted the low bid.

**Conclusion:**

City staff recommends awarding the contract to David Kuglin Construction in the amount of \$198,310.00.

**Fiscal Impact:**

The attached bid tabulation summarizes bids that were received. City fuel tax and storm drain funding are programmed to fund this project.

**Alternatives:**

The City Commission could vote to deny award of the construction contract and re-bid or cancel the project.

**ATTACHMENTS:**

- ▢ Bid Tab

CITY OF GREAT FALLS ENGINEERING  
P.O. BOX 5021  
GREAT FALLS, MT 59403

BID TABULATION SUMMARY  
OFFICE FILE 1697.2  
3RD AVE S HANDICAP RAMPS PH II

BIDS TAKEN AT CIVIC CENTER  
DATE: 7-JUN-17  
TABULATED BY: KARI WAMBACH

	NAME & ADDRESS OF BIDDER	ACKNOWLEDGE ADD. #1	ACKNOWLEDGE ADD. #2	10% BID SECURITY	CERTIFICATE OF NON-SEGREGATED FACILITIES	CERTIFICATE OF COMPLIANCE WITH INSURANCE REQ.	TOTAL BID
1	UNITED MATERIALS, INC. P.O. BOX 1690 GREAT FALLS, MT 59403	✓ ✓	✓ ✓	✓	✓	✓	\$ 215,770.00
2	KUGLIN CONSTRUCTION P.O. BOX 491 BLACK EAGLE, MT 59414	✓ ✓	✓ ✓	✓	✓	✓	\$ 198,310.00
3							
4							
5							
6							
7							
8							
9							
10							





---

**Item:** Construction Contract Award: Gore Hill Water Tower - Water Main Extension, O. F. 1625.2  
**From:** Engineering Division  
**Initiated By:** Public Works Department  
**Presented By:** Jim Rearden, Public Works Director  
**Action Requested:** Consider Bids and Approve Contract for Office File 1625.2

---

**Suggested Motion:**

1. Commissioner moves:

"I move the City Commission (award/not award) a contract in the amount of \$277,961.00 to Ed Boland Construction for the Gore Hill Water Tower – Water Main Extension, and authorize the City Manager to execute the construction contract documents."

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

---

**Staff Recommendation:**

Approve construction contract award.

**Summary:**

This project will install a new water main to service the new Gore Hill Water Tower which is anticipated to be constructed during the 2017 and 2018 construction season. The new water main will create a looped system by connecting to existing water mains located near the northeast corner of the Crystal Inn's property and at the intersection of 38th Avenue Southwest and 29th Street Southwest. The new water main will run north of the Flying J property on land that the City purchased for the new water tower. The water main will also run in an existing utility easement located on the eastern edge of the Flying J property. The new water main will be a 16-inch diameter transmission main providing capacity for future extensions should property around this location develop and annex into the City. The project is scheduled to start on or before July 17, 2017 and the contractor will have 56 calendar days to complete the project.

**Background:**

Significant Impacts

The installation of the new water main is integral to the construction of the new water tower on Gore Hill. The existing Gore Hill Water Tower has approximately 22 plugged holes. When a hole develops that cannot be plugged, the water tower will need to be taken off line. With the tower off line, the Gore Hill Pump Station will run constantly to maintain pressure in the Gore Hill portion of the water distribution system. This will result in power bills that are 2 to 3 times higher than normal and a loss of capacity in the system. Furthermore, the 2006 Water Master Plan prepared by Thomas, Dean, and Hoskins (TD&H) and Black & Veatch Corporation recommended relocating the Gore Hill Water Tower further away from the Airport and constructing it taller than the current tank. The installation of this water main extension will facilitate the construction of the new water tower, which will be further away from the Airport and taller than the existing water tower.

#### Citizen Participation

The construction activity will require temporarily shutting off the water to the Crystal Inn, the Flying J Travel Plaza, and the Great Falls Ice Plex while cut-in gate valves are installed. It is anticipated that the water outage will be less than four (4) hours. Staff has contacted the Crystal Inn. This contract requires the water outage to occur during the least disruptive times as identified by the Crystal Inn representative. The location of the construction activities should not interfere with access to these businesses. The contractor will also be required to maintain access to the residential properties to the east of the site.

#### Workload Impacts

The City has a Professional Services Agreement with Advanced Engineering and Environmental Services (AE2S) that provided the design and construction documents for this project. AE2S is also designing and providing the construction documents for the new Gore Hill Water Tower. City engineering staff will perform construction inspection and contract administration duties for the water main extension improvements. Public Works staff will be responsible for maintaining the improvements once the construction is complete.

#### Purpose

The purpose of this project is to extend a new water main to the location of the future Gore Hill Water Tower.

#### Project Work Scope

This project will install approximately 1,450 lineal feet of 12-inch and 16-inch C900 PVC water main pipe; install two (2) new fire hydrants; install 10 new valves; and stub out the water main piping for connecting to the future water tower.

#### Evaluation and Selection Process

Seven (7) bids were received and opened for this project on June 8, 2017. The bids for this project ranged from \$486,248.00 to \$277,961.00. Ed Boland Construction submitted the low bid and executed all of the necessary documents. Ed Boland Construction is an established responsible contractor and has done a number of projects within the City over the years.

#### Conclusion

City staff recommends awarding the contract to Ed Boland Construction in the amount of \$277,961.00.

#### **Fiscal Impact:**

The attached bid tabulation summarizes the bids that were received. Funding for this project is through the Water Capital Improvement fund.

#### **Alternatives:**

The City Commission could vote to deny award of the construction contract and re-bid the project or do nothing and direct Staff to continue repairing the existing water tower until such time that the water tower is required to be taken off line.

#### **Concurrences:**

The purchase of this property for constructing the new Gore Hill Water Tower was approved by the City Commission on October 4, 2016 and the City purchased the property in April of 2017.

#### ATTACHMENTS:

- OF 1625.2 Bid Tabulation

CITY OF GREAT FALLS ENGINEERING  
P.O. BOX 5021  
GREAT FALLS, MT 59403

BID TABULATION SUMMARY  
OFFICE FILE 1625.2  
GORE HILL WATER TOWER WM EXTENSION

BIDS TAKEN AT CIVIC CENTER  
DATE: 8-JUN-17  
TABULATED BY: KARI WAMBACH

	NAME & ADDRESS OF BIDDER	ACKNOWLEDGE ADD. #1	ACKNOWLEDGE ADD. #2	10% BID SECURITY	CERTIFICATE OF NON-SEGREGATED FACILITIES	CERTIFICATE OF COMPLIANCE WITH INSURANCE REQ.	TOTAL BID
1	PHILLIPS CONSTRUCTION 2607 9TH AVENUE NW GREAT FALLS, MT 59404	N/A	N/A	√	√	√	\$324,845.00
2	BOLAND CONST. 4601 7TH AVE. SO. GREAT FALLS, MT 59405	N/A	N/A	√	√	√	\$277,961.00
3	FALLS CONSTRUCTION 1001 RIVER DRIVE GREAT FALLS, MT 59401	N/A	N/A	√	√	√	\$282,950.00
4	KUGLIN CONSTRUCTION P.O. BOX 491 BLACK EAGLE, MT 59414	N/A	N/A	√	√	√	\$486,248.00
5	CENTRAL EXCAVATION 3701 RIVER DRIVE NORTH GREAT FALLS, MT 59405	N/A	N/A	√	√	√	\$482,141.78
6	WILLIAMS CIVIL CONST. PO BOX 1152 BOZEMAN, MT 59771	N/A	N/A				DID NOT BID
7	M & D CONSTRUCTION P.O. BOX 2728 GREAT FALLS, MT 59403	N/A	N/A	√	√	√	\$287,995.00
8	UNITED MATERIALS, INC. P.O. BOX 1690 GREAT FALLS, MT 59403	N/A	N/A	√	√	√	\$287,492.75
9							
10							



---

**Item:** Liquid Asphalt CRS-2P  
**From:** Kenny Jorgensen, Street Supervisor  
**Initiated By:** Public Works Department  
**Presented By:** Jim Rearden, Public Works Director  
**Action Requested:** Award Bid

---

**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission (approve/reject) the bid award for 250 tons of liquid asphalt to Calumet Montana Refining Company of Great Falls for \$91,250.”

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

---

**Staff Recommendation:**

Staff recommends that the City Commission approve the bid award for 250 tons of liquid asphalt to Calumet Montana Refining Company of Great Falls for \$91,250.

**Background:**

Purpose

This asphalt emulsion requested will be used by the Street Division in the street chip sealing program.

Evaluation and Selection Process

The specifications were advertised two times in the Great Falls Tribune, mailed to three prospective bidders and advertised on the City of Great Falls website. The bids were opened on June 7, 2017, with one bidder responding.

Conclusion

The bid by Calumet Montana Refining Company of Great Falls meets specifications for the liquid asphalt.

**Fiscal Impact:**

The bid received in 2017 of \$365 per ton is \$1,250 higher than the bid received in 2016 of \$360 per ton. Funding for this year's purchase of liquid asphalt is in the proposed FY 2018 Street Maintenance Budget.

**Alternatives:**

The City Commission could vote to reject the bid award for liquid asphalt.

ATTACHMENTS:

- ▣ Bid Tab 2017 - Liquid Asphalt CRS-2P
- ▣ Bid List Liquid Asphalt

CITY OF GREAT FALLS  
PO BOX 5021  
GREAT FALLS MT 59403

**LIQUID ASPHALT CRS-2P**

Project Number  
Bids Taken at Civic Center  
Date: June 7, 2017  
Tabulated By: Debbie Kimball  
Page 1 of 1

NAME & ADDRESS OF BIDDER	Bid Security	Affidavit of Non- Collusion	Cost Per Ton	Total 250 Tons
Calumet Montana Refining Company	Bid Bond 10%	√	\$365.00	\$91,250.00

## LIQUID ASPHALT BID LIST

1. CALUMET MONTANA REFINING COMPANY  
1900 10<sup>TH</sup> ST NE  
GREAT FALLS, MT 59404
  
2. WESTERN EMULSION PLANT  
7315 MOSSMAIN LANE  
BILLINGS, MT 59106  
406-628-1401  
ATTN: SEAN OR PHYLLIS
  
3. CHS: ASPHALT DEPARTMENT  
PO BOX 909  
LAUREL, MT 59044  
406-628-5200  
ATTN: BILL STARR



---

**Item:** Lease of the Visitor Center located at 15 Overlook Drive.  
**From:** Greg Doyon, City Manager  
**Initiated By:** Great Falls Convention and Visitors Bureau (CVB)  
**Presented By:** Greg Doyon, City Manager  
**Action Requested:** Conduct Public Hearing for the Lease of city owned property located at 15 Overlook Drive for the purpose of a Visitor Center and approve or deny the lease agreement.

---

**Public Hearing:**

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 (approve/not approve) a month to month lease of city-owned property, the Visitor Center (15 Overlook Drive), to the Convention and Visitors Bureau (CVB).”

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

**Background:**

The Visitor Center was built by the City of Great Falls in 1993. Originally it was operated in partnership with the Great Falls Area Chamber of Commerce (Chamber). The Chamber proposed that if the City built a new Visitor Center, the Chamber would operate it. The City entered into an operating agreement/contract with the Great Falls Area Chamber of Commerce on December 21, 1993. For 11 years, the City and Chamber shared the costs of the Visitor Center.

The Chamber’s operating contract expired on September 1, 2004. In 2005 the Park and Recreation Department continued operating the Visitor Center due to a lack of interest by the Chamber to continue to fund operations. In July 2014, the CVB and Tourism Business Improvement District (TBID) as well as Great Falls Development Authority (GFDA) began operating the Visitors Center. The CVB is the lead agency.

The CVB recently decided to relocate the Visitor Center operations from 15 Overlook Dr, to the downtown tourism office location beginning October 1st. Since the current lease expires in on June 30, 2017, the CVB seeks a month to month lease until they relocate the Visitors Center by October 1, 2017. Staff will explore other



potential uses and lease options in the coming months. Unfortunately, visitations at the facility have significantly dropped.

City Code 3.04.030 states: Before final consideration by the City Commission of the sale, trade or lease of City property, the City Commission shall hold a public hearing thereon and allow at least fifteen (15) days' notice of the time and place of such hearing to be published in a paper of general circulation in the City.

**Fiscal Impact:**

Current lease is \$1.00 annually or .08 per month.

**Alternatives:**

- Terminate lease at expiration date of June 30, 2017.
- Waive .08 Monthly Lease Amount.

**Concurrences:**

CVB Board of Directors.

**ATTACHMENTS:**

- ▢ Lease Agreement
- ▢ Visitor Center Statistics
- ▢ Notice of Public Hearing

## **VISITOR CENTER LEASE AGREEMENT**

This Agreement, made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2017, by and between the CITY OF GREAT FALLS, a municipal corporation, P.O. Box 5021, Great Falls, Montana 59403-5021, hereinafter called "City" and GREAT FALLS CONVENTION AND VISITORS BUREAU, \_\_\_\_\_, hereinafter called "Lessee."

**WHEREAS**, Lessee desires to enter into a lease a portion of City property (hereafter Visitor Center) for the purpose of providing an information center for citizens and visitors to the City of Great Falls, a public purpose, and;

**WHEREAS**, the City deems it to be in the public interest and serving a public purpose to lease the Visitor Center under the conditions as hereinafter set forth, and;

**WHEREAS**, the parties do hereby covenant and agree as follows:

### **WITNESSETH:**

The City, for and in consideration of the lease amounts to be paid and the agreement to be performed by lessee, does hereby lease, and let unto the Lessee the building, contents and parking lot, (commonly identified herein as the Visitor Center), on property located at 15 Overlook Drive, Great Falls, Cascade County, Montana, Parcel Number 1896510. Other than the property identified herein to which this Agreement applies, the City shall retain the exclusive use of the remainder of the property identified above, without interference from Lessee.

### **TERM OF LEASE**

The Lease will start on July 1, 2017 and will continue as a month-to-month tenancy. To terminate tenancy the City or Lessee must give the other party a written 30 day notice of Lease non-renewal. The Lessee may only terminate their Lease on the last day of any month and the City must receive a written notification of non-renewal at least 15 days prior to the last day of that month.

Notwithstanding the above term of lease, this lease is terminated if the Lessee's use of the Visitor Center ceases to be for a public purpose, in such event, the use of the Visitor Center immediately reverts to the City of Great Falls.

### **RENTAL**

In consideration therefore, the Lessee agrees to pay to the City the sum of eight cents per month and other valuable consideration, commencing on the effective date of this agreement, payable on or before the 1st day of each month during the term of the lease. If an extension to this agreement is granted, the City has the right to increase the monthly rental amount for the period of the extension by an amount based upon the Consumers Price Index-Urban for the immediate previous calendar year.

## **ACCEPTANCE OF CONDITION**

Lessee acknowledges familiarity with the condition of said Visitor Center states that no representation, statement or warranty, expressed or implied, has been made by or on behalf of the City as to such condition. In no event shall the City be liable for any defect in such property or for any limitation on its use. The taking of possession of the Visitor Center shall be conclusive evidence that Lessee accepts the same "as is" and that the Visitor Center was in good condition at the time possession took place. Lessee agrees to accept the Visitor Center in the condition in which it exists at the date of taking possession, without representation or warranty, express or implied, in fact or by law, by the City, and without recourse to the City as to the nature, condition or unsuitability thereof, or as to the uses to which the premises may be put.

## **COVENANTS OF THE LESSEE**

The Lessee hereby covenants and agrees that the Lessee will:

1. Use and occupy said Visitor Center in a careful and proper manner and not commit any waste therein;
2. Not use or occupy said Visitor Center for any unlawful purpose, and will conform to and obey all present and future laws, ordinances, and all rules and regulations of all governmental authorities or agencies, respecting the use and occupation of the premises;
3. Not use the Visitor Center for any purpose other than for providing a visitor's center and other Convention and Visitors Bureau purposes for the Great Falls area and for vehicle parking, without written consent of Landlord;
4. Provide routine maintenance of the flower pots near the entry of the building;
5. Not assign the lease, nor sublet said Visitor Center, nor any part thereof, without the written consent of the City;
6. Not use or occupy said Visitor Center, or permit the same to be used or occupied, for any purpose deemed extra hazardous on account of fire or otherwise;
7. To not make any alterations, changes, remodeling or capital improvements to the Visitor Center, without prior written permission signed by the City Manager, and in addition thereto, shall make such changes in compliance with the law and shall obtain all permits required for such work under City ordinance. Approval for such proposed work shall not be unreasonably withheld. Any such alterations or additions shall be the sole responsibility of the Lessee, inclusive of any and all financial, material, or labor considerations and will become the property of the City upon termination of this or any subsequent lease with the exception of trade fixtures not affixed to the building, which shall remain the property of the Lessee;
8. Permit the City to enter upon the said premises at all reasonable times and with 24-hour notice (except in case of emergent or safety reasons) to examine the condition of same;
9. Ensure that routine janitorial, trash removal, and cleaning is effectively accomplished;
10. Pay all utilities, including electricity, water, gas, or other utilities servicing the Visitor Center in a timely manner;
11. Provide the Lessor the opportunity to reclaim any and all personal property which is in the building at the time of the initiation of the lease term, if Lessee intends to discard or not use such property;

12. Independently arrange with the Retired Senior Volunteer Program, any continuation of assignment of volunteer workers in the Visitor's Center building;
13. Be responsible for all damage to property, public or private, that may be caused by this operation in the performance of this agreement; and
14. Leave Visitor Center at the expiration or prior to termination of this lease and any extension thereof in as good condition as received, except for reasonable wear and tear.

## **REPAIRS AND MAINTENANCE**

1. **Lessee Maintenance of Leased Premises.** Subject to a limitation of \$1,000.00 per occurrence in actual costs with a \$3,000.00 per year maximum, Lessee shall, throughout the term of this Lease Agreement, and at its own cost and without any expense to Lessor, keep and maintain the leased premises, including the building and improvements, and all appurtenances thereto, excepting sidewalks adjacent thereto and parking lots, in good condition and repair by conducting ordinary day-to-day maintenance and repair, including but not limited to, timely removal of rubbish and trash. Lessee shall maintain the Visitor Center in a functional condition, inspect premises on a regular basis to determine any hazardous conditions which may exist, and take immediate action to correct such conditions if they exist.

For items less than \$1,000.00 per occurrence in which the \$3,000.00 per year maximum has not been met, Lessor shall not be obligated to make any repairs, replacements or renewals of any kind, nature or description whatsoever to the leased premises or any improvements thereon; PROVIDED further that Lessor shall not be responsible for repairs or maintenance resulting from the negligence of Lessee, its employees, agents, or invitees, which shall be the sole responsibility of Lessee.

For items more than \$1,000.00 per occurrence or after the \$3,000.00 maximum maintenance amount by Lessee has been reached, Lessor shall be obligated to make reasonable repairs, replacements or renewals of any kind, nature or description whatsoever to the leased premises or any improvements thereon; PROVIDED further that Lessor shall not be responsible for repairs or maintenance resulting from the negligence of Lessee, its employees, agents, or invitees, nor will Lessor be responsible for remodeling costs or expenses undertaken by Lessee, which shall be the sole responsibility of Lessee.

2. **Maintenance by Lessor.** Notwithstanding the paragraph above, Lessor agrees to maintain the foundation of the building, all structural components, concrete slabs, exterior walls and façade, roof, ceiling and all utility lines serving the premises regardless of the cost of repairs. Lessor also agrees to provide maintenance, repair and snow removal of the parking lot, sidewalks, and remaining parkland surrounding the leased premises.
3. **Entry by Lessor for Maintenance.** Should Lessee at any time fail, neglect or refuse to fulfill this obligation to repair and maintain after receiving written notice of such default and a minimum of 30 days to correct such default,

Lessor may, but need not, enter the leased premises and make such repairs or alternations as in its opinion it may deem necessary, and may charge the costs of the same to Lessee to be paid upon the first day of the following month as part of the rental, and should said costs not be so paid, this Lease Agreement shall be considered in default.

### **MUTUAL COVENANTS:**

It is mutually agreed by and between the City and Lessee that:

1. If the Lessee pays the rental as herein provided, and keeps, observes and performs all of the other covenants of this lease, the Lessee may, peaceably and quietly, have, hold and enjoy the said premises for the term aforesaid;
2. That all merchandise stored or displayed in the Visitor Center at the Lease initiation date shall become the property of Lessee;
3. This lease and all the covenants and provisions herein contained shall inure to the benefit of and be binding upon the successors and assigns of the parties and the public hereto; provided, however, that no assignment by, from, through or under the Lessee in violation of any of the provisions hereof shall vest in the assigns any right, title or interest whatsoever;
4. The City is not and never shall be liable to any creditor of Lessee or any claimant against the estate or property of Lessee for any debt, loss, contract or other obligation of Lessee. The relationship between the City and Lessee is solely that of landlord and tenant, and does not and never shall be deemed a partnership or joint venture.
5. Lessor's interest in and to said leased premises shall not be subject to or permitted to become subject to any lien or claims from or arising out of the use and occupation of the leased premises by Lessee. If and in the event such liens or claims arise or occur, Lessee shall promptly and forthwith cause the same to be released or discharged to the extent that the interest of the City is encumbered thereby.

### **INSURANCE REQUIREMENTS**

During the term of the Lease and its extensions the Lessee agrees to carry Commercial General Liability insurance in at least the following amounts: \$1,000,000 per occurrence; \$2,000,000 annual aggregate.

The insurance policy or policies must be issued by a company licensed to do business in the State of Montana and having at least an "A" rating in the current A.M. Best's Manual. All such policies will be written on an occurrence basis. The policy must include the City as a named insured and primary with no right of subrogation against the City. The Lessee shall furnish to the Parks and Recreation Director on or before possession and thereafter on or before July 1 of each year, the certificate of insurance including a copy of the Additional Insured Endorsement. Claims-made policies are not acceptable and do not constitute compliance with the Lessee's obligation under this paragraph.

Lessee shall comply with the applicable requirements of the Workers' Compensation Act, Title 39, Chapter 71, MCA, and the Occupational Disease Act of Montana, Title 39, Chapter 71,

MCA. Lessee shall maintain workers' compensation coverage for all members, employees and volunteers of Lessee's business, except for those members who are exempted as independent contractors under the provisions of §39-71-401, MCA.

Lessee shall furnish Lessor with a certificate of insurance for workers' compensation coverage by an insurer licensed and authorized to provide workers' compensation insurance in the State of Montana.

Should the Lessee fail to maintain this coverage or to provide such certificate(s) or make other arrangements as required by this Lease, this failure constitutes a breach of this Lease.

### **INDEMNIFICATION**

The Lessee agrees to defend, indemnify, and hold the City harmless against claims, demands, suits, damages, losses, and expenses connected therewith that may be asserted or claimed against, recovered from or suffered by the City by reason of any injury or loss, including but not limited to, personal injury, including bodily injury or death, property damage, occasioned by, growing out of, or in any way arising or resulting from Lessee's use of the premises, including use by his agents, assigns, renters, employees and others using the Visitor Center.

### **NONDISCRIMINATION**

Lessee agrees that in the use of this Visitor Center Lessee will not discriminate on the basis of race, color, religion, creed, political ideas, sex, age, marital status, physical or mental disability, or national origin, or any other classification protected under the law.

### **DEFAULT AND TERMINATION**

If either party fails to comply with any condition of this Agreement at the time or in the manner provided for, the other party, at its option, may terminate this Agreement and be released from all obligations if the default is not cured within thirty (30) days after written notice is provided to the defaulting party. Said notice shall set forth the items to be cured. Additionally, the non-defaulting party may bring suit for damages, specific performance, and any other remedy provided by law. These remedies are cumulative and not exclusive. Use of one remedy does not preclude use of the others. Notices shall be provided in writing and hand-delivered or mailed to the parties at the addresses set forth in the first paragraph of this Agreement.

### **ENFORCEMENT**

In the event either party resorts to judicial proceedings to enforce any rights under this Lease or to obtain relief for the breach of any covenant hereof, the party ultimately prevailing in such proceedings shall be entitled to recover from the defaulting party the costs of such proceedings, including reasonable attorneys' (including city attorneys') fees and costs.

### **INVALIDITY**

The invalidity or ineffectiveness, for any reason, of any portion of this Lease Agreement shall in no way affect the validity or enforceability of the remaining portion thereof and any invalid or unenforceable provisions shall be deemed severed from the remainder of the Lease Agreement.

### **WAIVER**

The waiver by the City of, or the failure of the City to take action with respect to, any breach of any term, covenant or condition herein contained shall not be deemed to be a waiver of such term, covenant or condition, or subsequent breach of same, or any other term, covenant or condition herein contained.

### **EFFECT OF LESSEE'S HOLDING OVER**

Any holding over after the expiration of the term of this Lease Agreement with the consent of the City shall be construed to be a tenancy from month to month, at the same monthly rental as required pursuant to the terms of this Lease Agreement, and shall otherwise be on the terms and conditions herein specified so far as applicable.

### **BINDING EFFECT**

It is mutually understood and agreed that each and every provision of this Lease Agreement shall bind and inure to the benefit of the heirs, executors, administrators, successors and assigns of the respective parties hereto. Masculine pronouns shall be construed as feminine or neuter pronouns and singular pronouns and verbs shall be construed as plural in any place in which the context may require such construction.

### **NOTICE**

Any notice required to be given under this lease shall be in writing and may be served on either of the parties by mailing same in a sealed, postpaid envelope addressed to the City Manager at the Civic Center, Great Falls, Montana, and to the Lessee at address above stated, and by depositing such notice in any United States Post Office or letter receptacle, and which notice shall be deemed to have been made upon the date of mailing.

### **ENTIRE AGREEMENT**

There are no conditions to the lease, either subsequent or precedent, except as set forth herein. This Lease constitutes the entire agreement between the parties and no representations or warranties have been made by the City to the Lessee save those contained herein.

## APPLICABILITY

This Lease and any extensions hereof shall be governed and construed in accordance with the laws of the State of Montana.

**CITY OF GREAT FALLS, Lessor**

\_\_\_\_\_  
(printed name)

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

Title or Office

\_\_\_\_\_  
Gregory T. Doyon, City Manager

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

(signature)

ATTEST:

\_\_\_\_\_  
(printed name)

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

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

Title or Office

(SEAL OF THE CITY)

APPROVED FOR LEGAL CONTENT:

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

**CONVENTION AND VISITORS  
BUREAU, Lessee**

By: \_\_\_\_\_  
(signature)



**Great Falls Montana Visitors\***Source: <http://www.itrr.umt.edu/interactive-data/default.php>

		Spent at Least One Night					Drove Through					% who stayed
		Q1	Q2	Q3	Q4	Total	Q1	Q2	Q3	Q4	Total	
	2012	76,202	161,091	335,326	127,216	699,835	222,483	349,218	993,076	283,273	1,848,050	38%
	2013	76,567	186,173	411,143	151,455	825,338	143,520	328,927	865,813	300,659	1,638,919	50%
	2014	87,864	237,539	388,504	158,002	871,909	193,390	499,698	960,881	320,761	1,974,730	44%
	2015	90,218	276,622	349,866	150,751	867,457	154,072	664,226	772,680	335,920	1,926,898	45%
	2016	101,397	351,780	504,184	155,819	1,113,180	224,983	810,200	1,289,154	316,886	2,641,223	42%
	2017					0					0	
	2018					0					0	
	2019					0					0	
	2020					0					0	

\*Sample Size Small on Quarterly Data. Use Data with Caution. Totals of Quarterly Data will differ from Annual Totals

**Visitors Who Spent at Least One Night**Source: <http://www.itrr.umt.edu/interactive-data/default.php>

	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Great Falls	744,518	589,027	706,200	822,069	898,730	861,685	1,107,690				
Helena	469,385	518,702	477,263	552,641	487,364	610,719	758,968				
Kalispell	525,569	512,740	464,393	681,766	792,098	719,456	803,645				
Bozeman	1,015,259	1,244,073	1,433,478	1,316,837	1,282,396	1,515,520	1,724,621				
Billings	1,542,640	1,700,218	1,652,112	1,273,241	1,218,146	1,258,530	1,291,669				
Missoula	1,150,093	1,303,847	1,487,481	1,163,602	1,393,901	1,402,949	1,456,409				
Whitefish	474,220	322,001	411,948	558,105	613,243	604,238	620,420				
Glacier National Park	375,167	467,732	342,583	315,593	384,271	386,585	2,963,844				
Yellowstone National Park	271,934	310,097	383,510	361,910	297,125	401,478	4,085,517				
Cheyenne WY											
Bismark ND											
Montana						11,729,000	12,334,000				

**Glacier National Park Visitation**Source: <http://www.itrr.umt.edu/interactive-data/default.php>

		Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	TOTAL
7/1/2012 - 6/30/2013	FY13	630,092	601,339	355,254	54,127	16,158	9,862	10,836	11,388	15,758	20,922	108,998	343,560	2,178,294
7/1/2013 - 6/30/2014	FY14	645,514	626,556	355,471	25,965	14,924	10,482	12,111	10,242	13,214	28,667	112,187	334,074	2,189,407
7/1/2014 - 6/30/2015	FY15	699,650	675,119	353,497	72,694	15,706	11,367	12,087	14,530	18,139	48,270	134,741	414,671	2,470,471
7/1/2015 - 6/30/2016	FY16	689,064	579,007	337,005	71,297	19,505	13,357	15,674	13,500	21,257	39,947	178,218	429,909	2,407,740
7/1/2016 - 6/30/2017	FY17	818,481	736,868	468,802	75,797	30,823	12,877							2,143,648
7/1/2017 - 6/30/2018	FY18													0
7/1/2018 - 6/30/2019	FY19													0
7/1/2019 - 6/30/2020	FY20													0

**Yellowstone National Park Visitation**Source: <http://www.itrr.umt.edu/interactive-data/default.php>

		Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	TOTAL
7/1/2012 - 6/30/2013	FY13	886,335	780,286	527,610	177,069	14,058	18,471	24,699	31,053	18,613	24,606	293,250	624,429	3,420,479
7/1/2013 - 6/30/2014	FY14	812,212	725,136	557,925	47,560	11,169	17,378	26,778	28,233	18,788	31,356	310,039	669,642	3,256,216
7/1/2014 - 6/30/2015	FY15	858,856	773,357	571,764	194,804	11,537	18,340	28,091	34,389	22,989	46,600	386,064	780,768	3,727,559
7/1/2015 - 6/30/2016	FY16	980,702	854,409	680,213	252,013	11,049	20,470	30,621	36,327	22,924	59,253	444,630	838,316	4,230,927
7/1/2016 - 6/30/2017	FY17	1,070,371	701,754	701,754	242,004	24,710	19,685							2,760,278
7/1/2017 - 6/30/2018	FY18													0
7/1/2018 - 6/30/2019	FY19													0
7/1/2019 - 6/30/2020	FY20													0

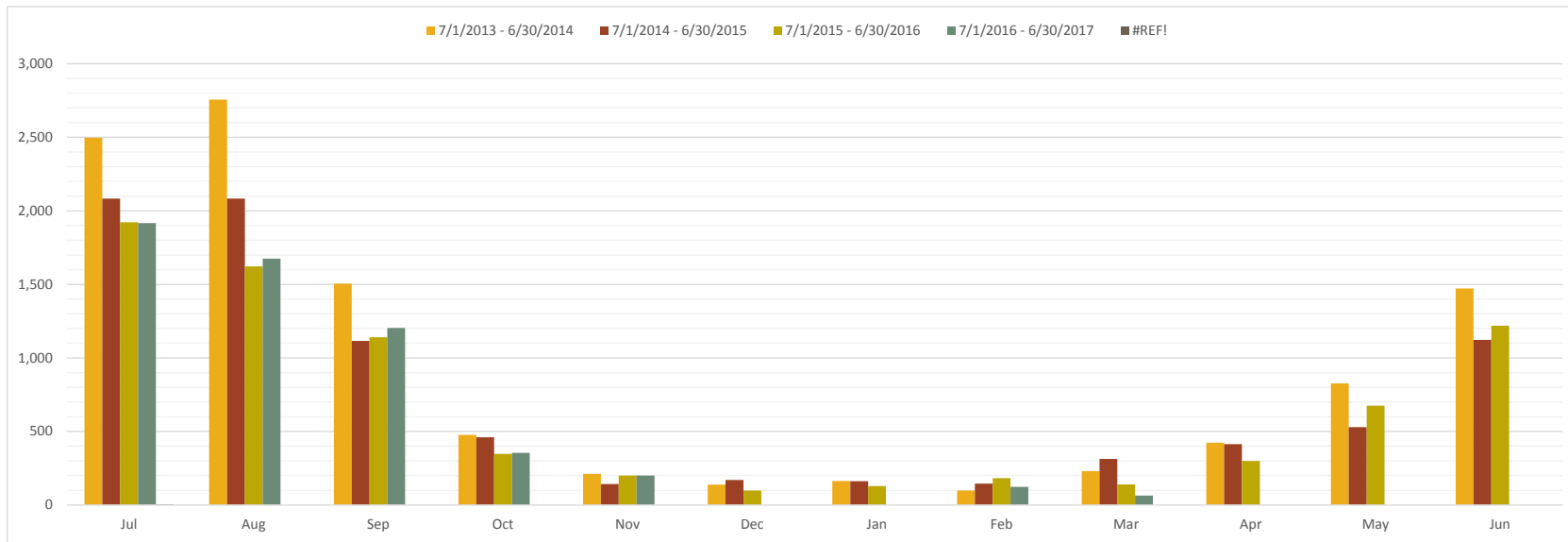
2/28/2017

### Visitor Center Monthly Guest Numbers

Source: Visitor Center Guest Book

		Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total	Growth
7/1/2013 - 6/30/2014	FY14	2,497	2,757	1,505	477	211	138	164	99	231	424	827	1,472	10,802	
7/1/2014 - 6/30/2015	FY15	2,084	2,084	1,116	461	143	170	162	145	313	414	529	1,123	8,744	-19%
7/1/2015 - 6/30/2016	FY16	1,922	1,622	1,141	348	200	99	129	182	140	300	676	1,219	7,978	-9%
7/1/2016 - 6/30/2017	FY17	1,917	1,674	1,204	354	200	0	0	123	64	0	0	0	5,536	-31%
7/1/2017 - 6/30/2018	FY18														
7/1/2018 - 6/30/2019	FY19														
7/1/2019 - 6/30/2020	FY20														

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total	Growth
2014	164	99	231	424	827	1,472	2,084	2,084	1,116	461	143	170	9,275	
2015	162	145	313	414	529	1,123	1,922	1,622	1,141	348	200	99	8,018	-14%
2016	129	182	140	300	676	1,219	1,917	1,674	1,204	354	200	2	7,997	0%
2017	0	123	64	0	0	0								
2018														
2019														
2020														



## NOTICE OF PUBLIC HEARING

Notice is hereby given that the City Commission of the City of Great Falls will conduct a public hearing on June 20, 2017, at 7:00 o'clock p.m. in the Commission Chambers Room 206, Civic Center Building, 2 Park Drive South, Great Falls, Montana, for the purpose of considering a month to month Lease Agreement for use of city-owned property (Visitor Center) located at 15 Overlook Drive with the Convention and Visitors Bureau (CVB). Any interested person may provide public comment at the public hearing or may provide written comment prior to or during said Commission meeting by addressing said comments to the City Clerk, City of Great Falls, P.O. Box 5021, Great Falls, MT 59403.

/s/ Lisa Kunz  
City Clerk

---

DO NOT PUBLISH BELOW THIS LINE:

Publication dates: June 4, 2017



---

**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:** Conduct a public hearing and adopt or deny Ordinance 3160.

---

**Public Hearing:**

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

**Suggested Motion:**

1. Commissioner moves:  
  
"I move that the City Commission (adopt/deny) Ordinance 3160."
2. Mayor calls for a second to the motion, Commission discussion, and calls for the vote.

---

**Staff Recommendation:**

Staff recommends that the City Commission conduct the public hearing and adopt Ordinance 3160.

**Background:**

Members of the City Commission and Staff continue to examine and change sections of the OCCGF. The changes 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 prepare a comprehensive revision of the Code.

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.

During public comment on first reading, there were two bee keepers that provided comment. The bee keepers wanted to have the opportunity to provide input in the development of proposed Chapter 2, pertaining to bees. On June 8, 2017, City Staff representatives met with members of the local bee keeping community to address questions, concerns, and code revision options.

Seven speakers, including one non-city resident and two children, provided public comment in favor of allowing domestic chickens within the incorporated city limits. Staff received no guidance from the Commission to change the Code which disallows the keeping of domestic chickens within the incorporated city limits.

A speaker at the podium admitted to not having read the proposed code revisions but commented that the proposed code needed to be "tweaked." Another speaker at the podium, who also admitted to not reading the proposed code wanted a definition of "community cat."

The substantive public input to the proposed code, including changes to definitions and formatting, were considered by staff and many were incorporated into the proposed code changes.

**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



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" (Amended from June 6, 2017)

### Title 6 - ANIMALS

- 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 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
  - 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;

## Exhibit "A" (Amended from June 6, 2017)

### 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.

(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.

**Exhibit "A" (Amended from June 6, 2017)**

**Title 6 - ANIMALS**

- 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.  
(Ord. 2656, 1992)
- 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.

## Exhibit "A" (Amended from June 6, 2017)

### Title 6 - ANIMALS

- 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.
- 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;

## Exhibit "A" (Amended from June 6, 2017)

### Title 6 - ANIMALS

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;

## Exhibit "A" (Amended from June 6, 2017)

### Title 6 - ANIMALS

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.

## Exhibit "A" (Amended from June 6, 2017)

### Title 6 - ANIMALS

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.
- (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 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.

(Ord. 2933, 2007)

#### 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.

(Ord. 2933, 2007)



## **Exhibit "A" (Amended from June 6, 2017)**

### **Title 6 - ANIMALS**

#### **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(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).

#### **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).

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

#### **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. 2534§2(Exh B.(part)), 1989).

#### **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.

## **Exhibit "A" (Amended from June 6, 2017)**

### **Title 6 - ANIMALS**

- 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.
- 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).

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

#### **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.

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

#### **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;

**Exhibit "A" (Amended from June 6, 2017)**

**Title 6 - ANIMALS**

- 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 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.

## **Exhibit "A" (Amended from June 6, 2017)**

### **Title 6 - ANIMALS**

- 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.

(Ord. 2933, 2007).

#### **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.

## **Exhibit "A" (Amended from June 6, 2017)**

### **Title 6 - ANIMALS**

(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).

#### **6.1.110 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.
- 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.

**Exhibit "A" (Amended from June 6, 2017)**

**Title 6 - ANIMALS**

- 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.

(Ord. 2933, 2007).

**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.
- 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.

(Ord. 2534 §2(Exh. B(part)), 1989).

- 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.

## **Exhibit "A" (Amended from June 6, 2017)**

### **Title 6 - ANIMALS**

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.

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

#### **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.

(Ord. 2534 §2(Exh. B(part)), 1989).

#### **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 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, Title 32.

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

#### **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.

## **Exhibit "A" (Amended from June 6, 2017)**

### **Title 6 - ANIMALS**

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.  
(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 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.  
(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 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).

#### **6.1.160 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.



## Exhibit "A" (Amended from June 6, 2017)

### Title 6 - ANIMALS

#### 6.1.170 Nuisance animal.

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;
  - 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.
    - 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

## **Exhibit "A" (Amended from June 6, 2017)**

### **Title 6 - ANIMALS**

specified in OCCGF §6.1.300. 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).

#### **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;
    - iii. without provocation, bitten a person or a domestic animal causing injury while off the premises of its owner; or

## Exhibit "A" (Amended from June 6, 2017)

### Title 6 - ANIMALS

- 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;
  - iv. The owner and animal must attend and complete commonly accepted animal obedience methods approved by the Court;

## **Exhibit "A" (Amended from June 6, 2017)**

### **Title 6 - ANIMALS**

- 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;
  - 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

## **Exhibit "A" (Amended from June 6, 2017)**

### **Title 6 - ANIMALS**

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 surrender the animal to an Animal Control Officer or law enforcement officer

## **Exhibit "A" (Amended from June 6, 2017)**

### **Title 6 - ANIMALS**

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

## Exhibit "A" (Amended from June 6, 2017)

### Title 6 - ANIMALS

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.

( Ord. 2933, 2007).

## **Exhibit "A" (Amended from June 6, 2017)**

### **Title 6 - ANIMALS**

#### **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).

#### **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.

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

#### **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.

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

#### **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).

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

#### **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.



## **Exhibit "A" (Amended from June 6, 2017)**

### **Title 6 - ANIMALS**

- 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.

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

#### **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.

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

#### **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.

## **Exhibit "A" (Amended from June 6, 2017)**

### **Title 6 - ANIMALS**

- 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.
- 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).

#### **6.1.280 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.

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

#### **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.

## **Exhibit "A" (Amended from June 6, 2017)**

### **Title 6 - ANIMALS**

(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 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.
  - 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.

(Ord. 2933, 2007).

#### **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.

(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:

## **Exhibit "A" (Amended from June 6, 2017)**

### **Title 6 - ANIMALS**

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;
  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 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.

## **Exhibit "A" (Amended from June 6, 2017)**

### **Title 6 - ANIMALS**

#### **Chapter 2 BEES**

##### **Sections:**

##### **6.2.010 Definitions.**

- A. "Colony" means bees and their hive(s) combined and all equipment used in connection with the hive(s).
- B. "Hive" means a frame hive, box hive, box, barrel, log gum, skep, or other receptacle or container, natural or artificial, used as a domicile for bees.
- C. All other terms in this Chapter shall have the meaning designated by MCA Title 80, Chapter 6, Part 1.

(Ord. 2394 (part), 1985).

##### **6.2.020 Maintaining unlawful.**

- A. It is unlawful for any person, firm, or corporation to maintain honeybees, (*apis mellifera*) without licensing and registering each hive with the Animal Shelter.
- B. All hives shall be registered with Animal Shelter prior to April 1, of each year, or within 30 calendar days after the establishment of a colony, after April 1, and each hive will be assessed an annual license fee established by Commission resolution.
- C. A one-time beekeeping permit fee shall be assessed on initial registration and established by City Commission resolution.
- D. Animal Control shall inspect a hive to be registered and surrounding location, and shall have the authority to re-inspect any registered hive and surrounding location, upon complaint of violation of any provision of this Chapter.
- E. Animal Control may seek consultation or opinions from third parties selected as appropriate in the City's discretion while inspecting hives, or investigating alleged violations of this Chapter.

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

##### **6.2.030 Bee hive limitations.**

- A. Bee hives shall be maintained on the parcel of property upon which the bee owner resides or controls. The bee owner shall maintain no more than five (5) hives of honeybees for each one-quarter (¼) acre of property.

**Exhibit "A" (Amended from June 6, 2017)**

**Title 6 - ANIMALS**

- B. Bee hives shall not be maintained on premises where any adjoining property resident has a known medically diagnosed allergic reaction to honeybee stings.

(Ord. 2394 (part), 1985).

**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, fence, or other barrier is erected between the hive(s) and the adjoining lots, with the intent of lifting bee flight patterns above six feet.

(Ord. 2394 (part), 1985).

**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 from April 15 to October 15 of each year.

(Ord. 2394 (part), 1985).

**6.2.060 Moveable framed hives.**

- A. All bee hive colonies shall be maintained in hives with movable frames.
- B. All hives shall be entirely moveable.
- C. All hives shall be maintained to have adequate space in the hive to reduce overcrowding and swarming.

(Ord. 2394 (part) 1985).

**6.2.070 Colonies.**

- A. Colonies shall be maintained by the resident beekeeper.
- B. Colonies of bees shall be re-queened, united with another hive, split, removed, or other such appropriate action, following any swarming or aggressive behavior.

(Ord. 2394 (part), 1985).

**6.2.080 Hive restrictions.**

- A. Non-moveable frame hives or unmanaged hives (honeybees which live in, sides of houses, attics, decks, sheds etc.) are prohibited within the City limits.
- B. Feral honeybees may occupy tree cavities, if they do not constitute a public nuisance as defined by OCCGF Title 8.

**Exhibit "A" (Amended from June 6, 2017)**

**Title 6 - ANIMALS**

(Ord. 2394 (part), 1985).

**6.2.090 Night manipulation prohibited.**

Bee hives may not be manipulated later than one hour after sunset and earlier than one hour before sunrise, unless the hives are being moved to or from another location.

(Ord. 2394 (part), 1985).

**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 abate the violation, or remove any hive found to be in violation of this Chapter.

(Ord. 2394 (part), 1985).

## **Title 6    ANIMALS**

### **Chapter**

---

## **Chapter 8    ANIMALS**

### **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:



## Title 6 - ANIMALS

### Chapter 8 ANIMALS

- 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.

## Title 6 - ANIMALS

### Chapter 8 ANIMALS

"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).

**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;

## Title 6 - ANIMALS

### Chapter 8 ANIMALS

- 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.

## Title 6 - ANIMALS

### Chapter 8 ANIMALS

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

## Title 6 - ANIMALS

### Chapter 8 ANIMALS

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

## Title 6 - ANIMALS

### Chapter 8 ANIMALS

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



## Title 6 - ANIMALS

### Chapter 8 ANIMALS

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).

## Title 6 - ANIMALS

### Chapter 8 ANIMALS

- 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;

## Title 6 - ANIMALS

### Chapter 8 ANIMALS

- 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).

## Title 6 - ANIMALS

### Chapter 8 ANIMALS

(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.

## Title 6 - ANIMALS

### Chapter 8 ANIMALS

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.

## Title 6 - ANIMALS

### Chapter 8 ANIMALS

- 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).



## Title 6 - ANIMALS

### Chapter 8 ANIMALS

#### **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).

## Title 6 - ANIMALS

### Chapter 8 ANIMALS

#### **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 ( $\frac{1}{4}$ ) 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).

## Title 6 - ANIMALS

### Chapter 8 ANIMALS

#### **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).

Title 6 - ANIMALS

~~Chapter 8~~ ANIMALS

**Title 6    ANIMALS**

**Chapter**

---

**~~Chapter 8~~1    ANIMALS**

**Sections:**

**~~6.8.005~~1.010    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~~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.

**Exhibit "C" (Amended from June 6, 2017)**

Title 6 - ANIMALS

**Chapter 8 ANIMALS**

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, cars, refrigerators or freezers, and similar materials; and

**Exhibit "C" (Amended from June 6, 2017)**

**Title 6 - ANIMALS**

**Chapter 8 ANIMALS**

- 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.

Exhibit "C" (Amended from June 6, 2017)

Title 6 - ANIMALS

~~Chapter 8 ANIMALS~~

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)-~~2~~

~~"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

Exhibit "C" (Amended from June 6, 2017)

Title 6 - ANIMALS

~~Chapter 8~~ ANIMALS

death of any person or domestic animal, including but not limited to the following behaviors;

- ~~1. Attacked~~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;
- ~~2. Attacked~~ii. attacking, without provocation, resulting in an injury to a person in a place where such person is conducting himself peaceably and lawfully;
- ~~3. Attacked~~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

~~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 ~~cattle, sheep, swine, poultry~~ domestic animals traditionally raised in an agricultural setting to produce commodities such as food, fiber, or labor. These may



**Exhibit "C" (Amended from June 6, 2017)**

Title 6 - ANIMALS

**Chapter 8 ANIMALS**

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.

~~"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

**Exhibit "C" (Amended from June 6, 2017)**

Title 6 - ANIMALS

~~Chapter 8 ANIMALS~~

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.

**Exhibit "C" (Amended from June 6, 2017)**

Title 6 - ANIMALS

**Chapter 8 ANIMALS**

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.

**Exhibit "C" (Amended from June 6, 2017)**

Title 6 - ANIMALS

**Chapter 8 ANIMALS**

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 ~~horse~~other 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 ~~FDA~~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."~~

**~~6.8.010~~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 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)

**~~6.8.020~~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.

(Ord. 2933, 2007)

**~~6.8.030~~1.040 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).

**Exhibit "C" (Amended from June 6, 2017)**

Title 6 - ANIMALS

**Chapter 8 ANIMALS**

**~~6.8.040~~1.050 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).

**~~6.8.060~~1.070 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.

Exhibit "C" (Amended from June 6, 2017)

Title 6 - ANIMALS

~~Chapter 8 ANIMALS~~

- ~~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.~~
- ~~GE.~~ E. 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 (+) 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.~~ E.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).

(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 6.8.1.080.~~ Rental property owner authority.

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

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

Title 6 - ANIMALS

~~Chapter 8~~ ANIMALS

**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.~~08-070~~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.~~08-070~~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 ~~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-chipped~~Microchipped;

~~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 ~~feces~~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 Agency~~Animal 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



Exhibit "C" (Amended from June 6, 2017)

Title 6 - ANIMALS

~~Chapter 8 ANIMALS~~

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.~~



**Exhibit "C" (Amended from June 6, 2017)**

Title 6 - ANIMALS

**Chapter 8 ANIMALS**

(Ord. 2933, 2007).

**6.8.0901.100 Commercial kennel.**

- A. A commercial kennel ~~permit~~license 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).

Title 6 - ANIMALS

~~Chapter 8 ANIMALS~~

~~6.8.100~~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. ~~(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~~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. ~~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)).

Title 6 - ANIMALS

Chapter 8 ANIMALS

~~6.8.110~~1.120 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~~

**Exhibit "C" (Amended from June 6, 2017)**

**Title 6 - ANIMALS**

**Chapter 8 ANIMALS**

~~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.~~ 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.~~08-310~~1.300.

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

Title 6 - ANIMALS

~~Chapter 8~~ ANIMALS

~~6.8.120~~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.

(Ord. 2534 §2(Exh. B(part)), 1989).

~~6.8.130~~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 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, Title 32.

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

~~6.8.140~~1.150 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.

**Exhibit "C" (Amended from June 6, 2017)**

Title 6 - ANIMALS

**Chapter 8 ANIMALS**

**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.

**Exhibit "C" (Amended from June 6, 2017)**

Title 6 - ANIMALS

**Chapter 8 ANIMALS**

**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. e. 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;~~



**Exhibit "C" (Amended from June 6, 2017)**

Title 6 - ANIMALS

**Chapter 8 ANIMALS**

- ~~e. 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.



Title 6 - ANIMALS

Chapter 8 ANIMALS

~~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~~ an 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)~~

**Exhibit "C" (Amended from June 6, 2017)**

Title 6 - ANIMALS

**Chapter 8 ANIMALS**

~~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;~~

**Exhibit "C" (Amended from June 6, 2017)**

Title 6 - ANIMALS

**Chapter 8 ANIMALS**

- 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;

**Exhibit "C" (Amended from June 6, 2017)**

Title 6 - ANIMALS

**Chapter 8 ANIMALS**

- 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;

**Exhibit "C" (Amended from June 6, 2017)**

Title 6 - ANIMALS

**Chapter 8 ANIMALS**

- 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.

**Exhibit "C" (Amended from June 6, 2017)**

Title 6 - ANIMALS

**Chapter 8 ANIMALS**

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 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:

**Exhibit "C" (Amended from June 6, 2017)**

Title 6 - ANIMALS

**Chapter 8 ANIMALS**

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.

Title 6 - ANIMALS

Chapter 8 ANIMALS

(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.~~



Title 6 - ANIMALS

~~Chapter 8~~ ANIMALS

~~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)~~

~~6.8.1.200~~ **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

Title 6 - ANIMALS

Chapter 8 ANIMALS

~~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~~

**Exhibit "C" (Amended from June 6, 2017)**

**Title 6 - ANIMALS**

**Chapter 8 ANIMALS**

~~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).

**6.8.1.250 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.

**Exhibit "C" (Amended from June 6, 2017)**

Title 6 - ANIMALS

~~Chapter 8~~ ANIMALS

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.~~ 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 ~~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 ~~Police~~ 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. ~~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

**Exhibit "C" (Amended from June 6, 2017)**

Title 6 - ANIMALS

**Chapter 8 ANIMALS**

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).

**6.8.1.290 ~~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 ~~6.8.310-1.300~~.

**6.8.1.300 ~~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—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 ~~an~~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.

**Exhibit "C" (Amended from June 6, 2017)**

Title 6 - ANIMALS

**Chapter 8 ANIMALS**

- B2.** 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.

~~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).~~

- ~~E3.~~ 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:

**Exhibit "C" (Amended from June 6, 2017)**

Title 6 - ANIMALS

**Chapter 8 ANIMALS**

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 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"~~A. "Colony" means ~~the bee colony~~bees and their hive(s) combined and all equipment used in connection with the ~~bee colony~~hive(s).
- B. "Hive" means a frame hive, box hive, box, barrel, log gum, skep, or other receptacle or container, natural or artificial, used as a domicile for bees.
- C. All other terms in this Chapter shall have the meaning designated by MCA Title 80, Chapter 6, Part 1.

Exhibit "C" (Amended from June 6, 2017)

Title 6 - ANIMALS

~~Chapter 8~~ ANIMALS

(Ord. 2394 (part), 1985).

6.~~402~~.020 Maintaining unlawful.

- A. It is unlawful for any person, firm, or corporation to maintain honeybees, (apis mellifera) ~~on its property~~ without licensing and registering each hive with the Animal Control Shelter.
- B. All hives shall be registered with Animal ~~Control~~Shelter prior to April ~~1st~~1, of each year~~-,~~ or within 30 calendar days after the establishment of a colony, after April 1, and each hive will be assessed an annual license fee established by Commission resolution.
- C. A one-time beekeeping permit fee shall be assessed on initial registration and established by City Commission resolution.
- D. Animal Control shall inspect a hive to be registered and surrounding location, and shall have the authority to re-inspect any registered hive and surrounding location, upon complaint of violation of any provision of this Chapter.
- E. Animal Control may seek consultation or opinions from third parties selected as appropriate in the City's discretion while inspecting hives, or investigating alleged violations of this Chapter.

(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 or controls. The bee owner shall maintain no~~ more than five (5) hives of honeybees for each one-quarter (1/4) acre of property ~~or less.~~

- B. Bee hives shall not be maintained on premises where any ~~lot-adjoning property resident~~ has a known 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~~-or,~~ fence, or other barrier is erected between the hive(s) and the adjoining lots, with the intent of lifting bee flight patterns above six feet.

(Ord. 2394 (part), 1985).



Exhibit "C" (Amended from June 6, 2017)

Title 6 - ANIMALS

Chapter 8 ANIMALS

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~~ from April ~~15th and 15 to~~ October ~~15th~~ 15 of each year.

(Ord. 2394 (part), 1985).

6.402.060 Moveable framed hives.

A. All ~~beehive~~ bee hive colonies shall be maintained in ~~moveable framed~~ hives, with movable frames.

B. All hives shall be entirely moveable.

C. All hives shall be maintained to have adequate space in the hive to ~~prevent~~ reduce overcrowding and swarming.

(Ord. 2394 (part), 1985).

6.402.070 Colonies.

A. Colonies shall be maintained by the resident beekeeper.

B. Colonies of bees shall be re-queened ~~or~~ united with another hive, split, removed, or other such appropriate action, following any swarming or aggressive behavior.

(Ord. 2394 (part), 1985).

6.402.080 Hive restrictions.

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

B. Feral honeybees may occupy tree cavities, if they do not constitute a public nuisance as defined by OCCGF Title 8.

(Ord. 2394 (part), 1985).

6.402.090 ~~Hours~~ Night manipulation prohibited.

~~The~~ Bee hives ~~of bees~~ may not be manipulated ~~between the hours of~~ later than one hour after sunset and earlier than one hour before sunrise, unless the hives are being moved to or from another location.

\_(Ord. 2394 (part), 1985).

Title 6 - ANIMALS

Chapter 8 ANIMALS

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~~ The Court, within its discretion, may order the ~~defendant~~ bee hive owner to abate ~~such~~ the violation ~~and/or~~ or remove ~~such hives which are~~ any hive found to be in violation, and if the same is not done by such defendant within three (3) days, the same shall be abated ~~and/or removed~~ of this Chapter.

(Ord. 2394 (part), 1985).



---

**Item:** Motion to rescind the City Commission June 6, 2017, vote affirming the proposed Public Facilities Projects, for the 2017/2018 Community Development Block Grant Program (CDBG) for inclusion in the 2017/2018 Annual Action Plan, for the purpose of a re-vote on the matter and conduct a vote on the item.

**From:** Sara Sexe, City Attorney

**Initiated By:** Lisa Kunz, City Clerk

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

**Action Requested:** The Commission move to rescind the City Commission June 6, 2017 vote affirming the proposed Public Facilities Projects, for the 2017/2018 Community Development Block Grant Program (CDBG) for inclusion in the 2017/2018 Annual Action Plan, for the purpose of a re-vote on the matter; and vote again on the item.

---

**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission rescind the affirmation of the proposed Public Facilities Projects, for the 2017/2018 Community Development Block Grant Program (CDBG) for inclusion in the 2017/2018 Annual Action Plan, for the purpose of a re-vote on the matter.”

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

If the Commission votes to rescind:

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.”

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

---

**Staff Recommendation:**

Staff recommends that the City Commission vote to rescind the June 6, 2017, vote that the City Commission affirming the proposed Public Facilities Projects, for the 2017/2018 Community Development Block Grant Program (CDBG) for inclusion in the 2017/2018 Annual Action Plan; and if the rescission is made, then conduct another vote on the issue.

**Background:**

On June 6, 2017, two City Commission members voted to 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; one Commissioner voted no. The vote on this item followed two others on the same agenda item. The previous votes were:

1. that the City Commission 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); and
2. that the City Commission affirm the proposed Economic Development Project for the 2017/2018 Community Development Block Grant Program (CDBG) for the inclusion in the 2017/2018 Annual Action Plan.

Pursuant to Mont. Code Ann. §7-3-4323, a quorum of the Commission was present for the June 6, meeting and a quorum was present for the above stated votes. Commissioner Bill Bronson was excused from the meeting and Commissioner Tracy Houck abstained from all of the above listed votes.

Under applicable law the adoption of the Annual Action Plan and affirmation of the Public Services and Affordable Housing Projects and the Economic Development Project were properly affirmed by three members of the Commission, Mayor Bob Kelly, Commissioner Bob Jones, and Commissioner Fred Burow. However, prior to the vote regarding the affirmation of the proposed Public Facilities Projects, the City Attorney was inquired as to whether all three voting Commissioners would need to vote in the affirmative on that motion and incorrectly informed the Commission that only a simple majority of the votes cast was needed to be affirmative, based rules of parliamentary procedure. The vote resulted in Mayor Bob Kelly and Commissioner Bob Jones voting to affirm the Public Facilities Projects inclusion in the Annual Action Plan. Commissioner Fred Burow voted in opposition to said affirmation and inclusion. The Mayor then proclaimed that the motion for affirmation passed. While the motion had a simple majority, unfortunately it did not comply with more specific regulation.

Great Falls City Resolution No. 7058, adopted December 20, 1977, states, "the passage of any resolution requires the affirmative vote of three or more members of the Commission." This Resolution is consistent with Mont. Code Ann. §7-3-4323. Because the vote was two "yes" and one "no", the motion and vote was not legally sufficient as it did not comply with Resolution 7058 or §7-3-4323.

City Clerk Lisa Kunz brought the error to the attention of the City Attorney, and a decision was made to correct the voting and seek a re-vote on the item with a full Commission present. The City Attorney's office apologizes for erroneous representation to the Mayor and Commission, and recommends that the Commission take action to rescind the prior vote and re-vote on that item. If not corrected, the process by which the CDBG funds were allocated will not be legally supported. In such case, the following Public Facility Improvements allocations, as previously considered by the Commission, will not be awarded by HUD unless another vote is conducted by the full Commission:

	Requested	Recommended
<b>Opportunities Inc.</b> For repair and replacement of the roof at the Opportunities, Inc. Head Start Prenatal to 5 Annex Building	\$95,870	\$86,177
<b>Paris Gibson Square</b> ADA restroom renovation for LMI intergenerational students	\$38,000	\$27,927
<b>YWCA</b>	\$38,307	\$19,937

Seal and replace the asbestos flooring located on the 2nd floor of the YWCA, which houses the Emergency Housing Shelter

<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 5th Ave N	\$40,249	\$10,000

The Commission looks to *Robert's Rules of Order* for guidance as to parliamentary process. *Robert's Rules of Order* provides for a motion to rescind as is proposed here:

By means of motions to *Rescind* and to *Amend Something Previously Adopted* . . . the assembly can change an action previously taken or ordered . . . The effect of a motion to *Rescind* is to strike out an entire main motion, resolution, order, or rule that has previously been adopted at a previous time.

*Robert's Rules of Order*, Newly Revised, 11<sup>th</sup> Edition, Chapter IX, Section 35, page 305.

Motions to rescind that are properly noticed require a majority vote of the assembly, do not take precedence over any other votes or discussions, must be seconded, and are debatable. *Id.*

The City Commission has taken this type of action previously. On July 21, 2015, the City Commission voted to rescind a July 7, 2015, decision on Resolution 10112, reopen discussion on Resolution 10112, and present sufficient Findings of Fact and vote on Resolution 10112 and Ordinance 3132.

In this case, a properly formed motion to rescind the subject vote would allow for the Commission to reconsider the matter with a full Commission and allow for another vote in compliance with §7-3-4323 and Resolution No. 7058. If this action is not taken, the subject affirmation will remain statutorily invalid, and CDBG financial allocations will not be made for the Public Facilities Projects listed above.

**Alternatives:**

1. The City Commission could vote not to rescind the affirmation of the proposed Public Facilities Projects, for the 2017/2018 Community Development Block Grant Program (CDBG) for inclusion in the 2017/2018 Annual Action Plan, for the purpose of a re-vote on the matter. Staff does not recommend this alternative, because the subject affirmation will remain legally invalid and the CDBG financial allocations will not be made for Public Facilities Projects which are listed above; or

2. The City Commission has the discretion to amend the Annual Action Plan if it deems necessary to gain the required minimum three votes to pass a funding proposal for the Public Facilities Projects.

**Concurrences:**

City Manager  
Planning and Community Development  
City Clerk

**ATTACHMENTS:**

▢ June 6, 2017 City Commission Agenda Item #14



---

**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).

---

**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.

---

**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>
<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.	\$25,097	\$25,097
<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.	\$50,000	\$40,000
<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.	\$124,400	\$65,000
<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.	\$150,000	\$82,903

### *Economic Development*

<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	\$200,000	\$40,000
--	-----------	----------

### *Public Facility Improvements*

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

### **Public Service Activities**

<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> Rent Reporting Program, provide grants to assist renters in raising their credit scores through rent reporting, financial coaching, and education	\$11,250	\$11,250
<b>GREAT FALLS SENIOR CITIZENS CENTER</b> Purchase food and supplies for on-site meal program for the elderly administered in elderly facility located at 1004 Central Avenue	\$10,000	\$0
<b>GREAT FALLS CITY PARK &amp; RECREATION— MORONY NATATORIUM &amp; COMMUNITY RECREATION CENTER</b> 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	\$10,000	\$10,000
<b>AREA VIII AGENCY ON AGING-MEALS ON WHEELS</b> 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	\$25,000	\$25,000
<b>YOUNG PARENTS EDUCATION CENTER</b> Provide day care scholarships for very low to low income teen or young adult parents completing high school or GED programs, programs	\$20,000	\$10,000
<b>BOYS &amp; GIRLS CLUB OF CASCADE COUNTY</b> 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)	\$30,000	\$22,500

## Administration

	<u>Requested</u>	<u>Recommended</u>
<b>CDBG PROGRAM ADMINISTRATION</b> 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	\$142,110	\$142,110
<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

[Update Ticket/Add Comment](#)[Apply](#)

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

**Status:** Closed**Email:** [bjbuckley](#) **Assigned To:** Ikunz (City Commission)**Name:** B. J. Buckley**Ticket ID:** **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 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:** lkunz

**Assigned To:** lkunz (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:** lkunz

**Assigned To:** lkunz (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

## Disclosures

Certain messages sent through this form may constitute a public record and be subject to disclosure under state law.

Communications sent via the Internet or through this Web page shall in no way be deemed to constitute legal notice to the City or any of its

officers, agents, or employees, where notice to the City is required by any law, rule, regulation or contract.

City of Great Falls | P.O. Box 5021 | Great Falls, MT 59403

[Home](#) | [Acknowledgements](#) | [Disclaimer](#) | [Dashboard](#) | [Contact Us](#) | [Logout](#)

a municodeWEB design

## **Maria Porter**

---

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

**Ticket ID:** [REDACTED]

**Ticket Node ID:** [REDACTED]

**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/> [REDACTED]

*City of*  
**Great Falls**  
MONTANA

## Check the Status of Your Ticket

Ticket ID

### CDBG testimony

Status: Closed

Email: dev@the-square.org

Assigned To: Ikunz (City Commission)

Name: Heidi Gibson

Ticket ID: 

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

## Disclosures

Certain messages sent through this form may constitute a public record and be subject to disclosure under state law.

Communications sent via the Internet or through this Web page shall in no way be deemed to constitute legal notice to the City or any of its officers, agents, or employees, where notice to the City is required by any law, rule, regulation or contract.

City of Great Falls | P.O. Box 5021 | Great Falls, MT 59403

[Home](#) | [Acknowledgements](#) | [Disclaimer](#) | [Dashboard](#) | [Contact Us](#) | [Logout](#)

a municodeWEB design

**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**

---

**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

**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

**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 of 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 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 3162, "AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF GREAT FALLS PROVIDING THAT THE CHARTER OF THE CITY OF GREAT FALLS BE AMENDED TO CURE TYPOGRAPHICAL ERRORS AND LEGAL INCONSISTENCIES AND SUBMITTING THE PROPOSED AMENDMENT TO THE ELECTORS OF THE CITY AS PROVIDED BY LAW."

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

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

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

**Action Requested:** Accept Ordinance 3162 on first reading and set public hearing for July 5, 2017.

---

**Suggested Motion:**

1. Commissioner moves:

"I move that the City Commission (accept/not accept) Ordinance 3162 on first reading and set the public hearing for July 5, 2017."

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

---

**Staff Recommendation:**

Staff recommends that the City Commission accept Ordinance 3162 on first reading and set the public hearing for July 5, 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.

The ordinance under consideration would establish the proposed amendments to the Charter of The City of Great Falls. Specifically, Article II, Sections 2 and 3; Article III, Section 3; Article IV, Section 2; Article V; Article VI, Section 4; Article VII, Sections 2 and 4; Article VIII, Section 2, and Article IX, will be amended. The reasoning for the amendments is listed below. If the Commission accepts Ordinance 3162 on first reading, said ordinance will be accompanied by Resolution 10193 at public hearing on July 5, 2017, to refer the ordinance to the electors. The proposed revisions are illustrated in Exhibit "A" attached to this report and hereby incorporated in this report.



## **Article II, Section 2:**

The City Commission "Duties and Responsibilities" as the charter currently reads, includes adopting "as necessary an administrative and personnel code and/or policies." Article II, Section 2 (d). However, Article VI, Section 4, establishes the duties of the City Manager. Specifically:

The City Manager shall be the chief administrative and executive officer of the City and shall be responsible to the City Commission for the administration of all City affairs required by this charter, law, ordinance or resolution. The City Manager shall:

- a) Carry out policies established by the City Commission.
- b) Perform the duties required by this charter, law, ordinance, or resolution.
- c) Enforce laws, ordinances and resolutions.
- d) Administer the affairs of the City.**
- e) Direct, organize, supervise, and administer all departments, divisions, agencies, bureaus, and the offices of the City.**
- f) Make recommendations to the City Commission.
- g) Report to the City Commission on the fiscal affairs and the financial condition of the City.
- h) Prepare and present the budget to the City Commission.
- i) Execute bonds, notes, contracts, and written obligations of the City Commission and the City of Great Falls subject to the approval of the City Commission.
- j) Report to the City Commission on the affairs of the City as the City Commission may require.
- k) Attend City Commission meetings with the right to take part in the discussion but not to vote.
- l) Appoint and be administratively responsible for all City employees, including their suspension or removal.**
- m) Appoint with the approval of the City Commission a qualified acting City Manager to exercise the powers and perform the duties of the City Manager during temporary absences.
- n) Be responsible for the administration of an employee grievance appeals procedure as adopted by the City Commission.
- o) May, without notice, cause the affairs of any department, division, office, agency or other City administrative unit or employee to be examined.

(Emphasis added to original.) Further, Article II, Section 3 of the Charter states "Except for the purpose of inquiry, or investigation, the City Commission shall be involved with administrative and management operations solely through the City Manager." The provision requiring the City Commission to adopt administrative and personnel codes and/or policies is inconsistent with these other provisions of the Charter. Further, given the broad discretion and responsibility given to the City Manager regarding employee administration, it is appropriate that the City Manager have the authority to approve and adopt personnel conduct policies developed by Staff.

## **Article III, Section 3:**

This section contains a typographical error. The second sentence of the section currently states; "The City Commissioner [sic] shall elect from among themselves a Mayor Pro-Tempore no later than one month after taking office." The amendment proposed would correct the typographical error by replacing "Commissioner" with "Commission," and removing "themselves," replacing with "its members." The sentence would therefore state, "The City Commission shall elect from among its members a Mayor Pro-Tempore no later than one month after taking office."

## **Article IV, Section 2:**

This section defines the circumstances in which a vacancy occurs within the City Commission. Subsection a) states:

The office of City Commissioner or Mayor shall become vacant upon death, resignation, recall or forfeiture of office. Grounds for forfeiture of office shall be:

- (1) Loss of eligibility for election.
- (2) Violation of any express provision of this charter.

(3) Conviction of a felony.

This is inconsistent with MCA Title 2, Chapter 16, Part 5. Public officers may become vacant from their offices for other reasons than those listed above. These reasons include conviction of offenses involving moral turpitude or ethical violations, mental disease or defect, physical disease or defect, absence from regularly scheduled meetings, or simply refusing to perform the duties of the office.

With the proposed revision, the section would read as follows:

a) The office of City Commissioner or Mayor shall become vacant upon death, resignation, recall or forfeiture of office. Grounds for forfeiture of office shall be:

- (1) Loss of eligibility for election;
- (2) Violation of any express provision of this charter;
- (3) Conviction of a felony, or of any offense involving moral turpitude, or a violation of official duties or the City Code of Ethics, Title 2, Chapter 52, while serving on the Commission;
- (4) Absence from more than one-third (1/3) of the regular meetings in a calendar year without a health or medical excuse;
- (5) Inability to fulfill the duties of the office as a result of physical illness or mental disorder. A determination of whether the Commissioner or Mayor has a mental disorder shall be made pursuant to MCA Title 53, Chapter 21; or
- (6) Neglecting or refusing to discharge the Commissioner or Mayor's duties;

By adding these provisions, the Charter will be more consistent with the MCA. It will also be consistent with the OCCGF vacancy provisions for members of other City boards and commissions.

**Article V:**

As the Charter currently exists, it provides that Great Falls shall have a "City Court." Montana city courts are courts of limited jurisdiction. They are not required to be courts of record, and sitting judges are not required to be licensed attorneys. MCA Section 3-11-202. Municipal courts are required to be courts of record, and sitting judges must meet the same qualifications as district court judges. MCA Section 3-6-202.

Currently, Great Falls is operating as a Municipal Court. It is a Court of record. The current and previous sitting Judges are Montana State Bar licensed attorneys. By removing "City," and replacing with "Municipal," the charter will thereby accurately reflect the current status of the Great Falls Municipal Court. Additionally, given the volume and complexity of the current court calendar, it is appropriate to redesignate the status of the court in the charter.

**Article VI, Section 4:**

This section will be amended to reflect the changes listed in the proposed Article II, Section 2. Part of the proposed City Manager's duties will be "including adopting as necessary and administrative and personnel code and/or policies."

**Article VII, Section 2:**

A typographical error exists in this section. There is no conjunction in the first sentence of the section. The proposed revision to this section would cure said error.

**Article VII, Section 4:**

Neighborhood Councils, under the current Charter language, are required to organize officer appointments within thirty days of the election, most of which occur in November (except special elections). This does not make practical sense as thirty days expires before the Council members are even provided their oaths of office or are sworn into office in January. The proposed Charter language has therefore been amended to allow for the time necessary to have the members properly placed in their positions. The proposed revision would cure this impracticality, and Subsection c) will read as follows:



Organization: Each council shall select from its members a chairman, secretary, and an official delegate to attend City Commission meetings, and may appoint a Vice Chair or other officers as it deems necessary. The chairman must be one of the five elected council members. In the event of a vacancy on the council, the City Commission shall appoint a replacement. On or before January 30, after each election, or within thirty (30) days after new council member(s) elected in a special election receive the oath(s) of, and are sworn into office, each neighborhood council shall meet to organize as provided in the section. Each council shall adopt by-laws prescribing additional duties of the council, meeting criteria and times, and such other provisions as the council may deem appropriate and which are not inconsistent with the provisions of this charter and the laws of Montana. The City Commission may provide model by-laws for use by the councils in drafting their own by-laws.

Other changes were made in this Section to clarify selection of officers under (c) and removal of an outdated, unnecessary subsection g) which provides for a sunset provision regarding the retention of neighborhood councils. This provision will be repealed with the proposed revisions.

#### **Article VIII, Section 2:**

If the charter is amended as proposed, its effective date will change on the date of the election, November 7, 2017. This section would be amended to reflect the correct effective date.

#### **Article IX:**

The Transitional Provisions listed in Article IX are outdated and unnecessary. The City of Great Falls has already transitioned to a Commission-Manager form of government, and the Article itself dictates that it shall not be published as a regular part of the charter. Therefore, the Article itself no longer serves any purpose and would be repealed in its entirety with the proposed revisions.

#### **Fiscal Impact:**

Codification of the proposed revisions by MuniCode will cost approximately \$90.00. The City is already scheduled for a Commission election in November 2017. The total estimated cost of the election will be \$45,000. It is estimated that \$15,000 of that total cost will be attributed to the electoral vote on the proposed ordinance.

#### **Alternatives:**

1. The City Commission may deny Ordinance 3162 on first reading and not set a public hearing for July 5, 2017. City Staff does not recommend this alternative, because it may cause the City hold a special election to make any proposed revisions to the charter; or
2. The Commission may propose further revisions to be considered by City Staff.

#### **Concurrences:**

City Manager's Office  
City Attorney's Office  
City Clerk's Office  
Great Falls Municipal Court

#### **ATTACHMENTS:**

- ▢ Ordinance 3162
- ▢ Great Falls Charter Exhibit A-1 First Reading

## ORDINANCE NO. 3162

### AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF GREAT FALLS PROVIDING THAT THE CHARTER OF THE CITY OF GREAT FALLS BE AMENDED TO CURE TYPOGRAPHICAL ERRORS AND LEGAL INCONSISTENCIES AND SUBMITTING THE PROPOSED AMENDMENT TO THE ELECTORS OF THE CITY AS PROVIDED BY LAW

**WHEREAS**, the City of Great Falls, Montana, established a charter form of government with self-governing powers in accordance with Article XI, Section 5, of the Constitution of Montana in 1986; and

**WHEREAS**, the electors of the City of Great Falls approved a charter amendment on November 7, 2000, to increase the Library mill levy limit by two mills; and

**WHEREAS**, the charter contains typographical errors and provisions that are inconsistent with the Montana Code Annotated (MCA) and the Official Code of the City of Great Falls OCCGF; and

**WHEREAS**, the City Commission wishes to again amend the charter to cure those minor defects; and

**WHEREAS**, Mont. Code Ann. § 7-3-103 requires that any amendment to the Charter of the City of Great Falls be submitted and approved by the city electors during a regular election.

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

Section 1: That Article II, Sections 2 and 3; Article III, Section 3; Article IV, Section 2; Article V; Article VI, Section 4; Article VII, Sections 2 and 4; Article VIII, Section 2; and Article IX, of the Charter of the City of Great Falls, be amended as depicted in Exhibit "A-1" attached hereto, which removes any language indicated by a ~~strike out~~ and adds any language which is **bolded**; and,

Section 2: REFERRAL TO ELECTORS. This ordinance shall be referred to the electors of the City of Great Falls at the Municipal General Election by resolution duly and regularly adopted by the City Commission.

Section 3: EFFECTIVE DATE. This Ordinance shall be effective thirty (30) days after second reading and final adoption as provided by law, but the amendments to the Charter of the City of Great Falls shall not be effective until approved by the electors as provided by law.

APPROVED by the City Commission on first reading June 20, 2017.

ADOPTED by the City Commission of the City of Great Falls, Montana on second reading July 5, 2017.

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

ATTEST:

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

(CITY SEAL)

APPROVED FOR LEGAL CONTENT:

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

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

I, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do certify that I did post as required by law and as prescribed and directed by the Commission, Ordinance 3162 in three conspicuous places within the limits of said City to-wit:

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

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

(CITY SEAL)

CHARTER OF THE CITY OF GREAT FALLS

## CHARTER OF THE CITY OF GREAT FALLS [¶](#)

### Preamble

We, the people of Great Falls, Montana, grateful for our past, confident of our future, and having considered the form of government which will best serve our needs, do adopt this charter to establish our self-determination as a city.

[ Article I ] - - General Provisions of Charter Government

[ Article II ] - - City Commission

[ Article III ] - - The Office of the Mayor

[ Article IV ] - - Elections and Vacancies

[ Article V ] - - City Court

[ Article VI ] - - City Government Administration

[ Article VII ] - - Citizen Involvement in Government

[ Article VIII ] - - Amendment, Effective Date, and Severability

[ Article IX ] - - Transitional Provisions

---

FOOTNOTE(S):

---

--- () ---

As Amended by the voters November 7, 2000 Charter - 1 [\(Back\)](#)

### **Article I - General Provisions of Charter Government**

Section 1 - Charter Government

Section 2 - Powers of City Government.

Section 3 - Mill Levy Limit.

Section 4 - Exercise of Powers.

CHARTER OF THE CITY OF GREAT FALLS

**Section 1 - Charter Government**

The City of Great Falls, Montana, establishes this charter form of government in accordance with Article XI, Section 5, of the Constitution of Montana.

**Section 2 - Powers of City Government.**

- (a) The City of Great Falls shall have all the powers of a self-governing charter city not prohibited by the Montana Constitution, this charter, or specific provisions of Montana law.
- (b) The powers of the City of Great Falls shall be liberally construed. Every reasonable doubt as to the existence of a power or authority of the City of Great Falls shall be resolved in favor of the existence of that power or authority.

**Section 3 - Mill Levy Limit.**

The total mill levy shall not exceed that allowed to general powers cities of the first class by Montana law, except that the City Commission may levy not more than two (2) additional mills for the purpose of providing additional funds for the operation, maintenance and capital needs of the Great Falls Public Library.

**Section 4 - Exercise of Powers.**

All powers of the City of Great Falls are vested in and derived from the people of Great Falls. These powers shall be exercised by the City Commission unless otherwise provided for by this charter or by Montana law. Enumeration of powers, rights, or duties in this charter shall not be considered exclusive or restrictive.

**Article II - City Commission**

Section 1 - Composition.

Section 2 - Duties and Responsibilities.

Section 3 - Administrative Review.

**Section 1 - Composition.**

The City Commission shall be composed of five voting members: four City Commissioners and the Mayor. The City Commission shall be the legislative and policy-making body of the City of Great Falls.

**Section 2 - Duties and Responsibilities.**

The City Commission shall:

- a) Adopt policies and procedures and enact ordinances and resolutions as necessary for the proper execution of governmental functions and responsibilities.

CHARTER OF THE CITY OF GREAT FALLS

- b) Appoint and supervise, and may remove, the City Manager.
- c) Adopt an annual budget, levy taxes and special assessments, and may borrow money and issue bonds subject to Montana law. Appropriations, exclusive of bond and loan indebtedness, shall not exceed anticipated revenue.
- ~~d) Adopt as necessary an administrative and personnel code and/or policies.~~
- ~~e~~d) Adopt procedures for contracting with private and public agencies.
- ~~f~~e) Appoint citizens to boards, councils, committees or any other body or group pursuant to law.
- ~~g~~f) Set the salary of the City Commissioners and the Mayor by ordinance.

**Section 3 - Administrative Review.**

On a majority vote of the whole ~~number~~ of the City Commission, the City Commission may review, inquire, and investigate any operation, management decision, administrative function or other affairs of the City. The City Commission may compel the attendance and testimony of witnesses and the production of books and records by issuance of a subpoena.

Except for the purpose of inquiry, or investigation, the City Commission shall be involved with administrative and management operations solely through the City Manager.

**Article III - The Office of the Mayor**

Section 1 - Election of the Mayor.

Section 2 - Powers and Duties of the Mayor.

Section 3 - Office of the Mayor Pro Tempore.

**Section 1 - Election of the Mayor.**

- a) The City of Great Falls shall have a Mayor.
- b) The Mayor shall be elected for a term of two years.
- c) The Mayor shall meet all requirements and qualifications for election to the office of City Commission~~er~~.

**Section 2 - Powers and Duties of the Mayor.**

- a) The Mayor shall be recognized as the official head and representative of the City of Great Falls for the purpose of presiding at City Commission meetings and the performance of ceremonial functions. These functions of the Mayor shall not be construed as conferring upon the mayor executive, personnel, or administrative powers or functions.
- b) The Mayor shall serve as a member of the Commission with all the rights and privileges of City Commissioners. The Mayor shall possess no veto over actions taken by the City Commission.

CHARTER OF THE CITY OF GREAT FALLS

**Section 3 - Office of the Mayor Pro Tempore.**

The mayor pro tempore shall serve in the absence of the elected mayor. The City Commissioner~~er~~ shall elect from among ~~themselves~~ its members a Mayor Pro-Tempore no later than one month after taking office. The Mayor Pro-Tempore shall serve a term of two years, or until the City Commission has held an election. Any vacancy in this office shall be filled by a special election among the remaining City Commissioner~~s~~. Any person elected to fill such a vacancy shall serve the remaining portion of the term in which the vacancy occurred.

**Article IV - Elections and Vacancies**

Section 1 - Election of City Commissioners and the Mayor.

Section 2 - Vacancy in the Office of City Commission or Mayor.

**Section 1 - Election of City Commissioners and the Mayor.**

- a) City Commissioners and the Mayor shall be residents and qualified electors of the City of Great Falls.
- b) Elections for City Commissioners and for the Mayor shall be non-partisan.
- c) City Commissioners shall be elected for a term of four years and the Mayor shall be elected for a term of two years. Except in the case of a previous vacancy, two City Commissioners and the Mayor shall be elected every two years. City Commissioners and the Mayor shall take office the first Tuesday after January 1st in the year following the election.
- d) City Commissioners and the Mayor shall be nominated and elected at large.

**Section 2 - Vacancy in the Office of City Commission or Mayor.**

- a) The office of City Commissioner or Mayor shall become vacant upon death, resignation, recall or forfeiture of office. Grounds for forfeiture of office shall be:
  - (1) Loss of eligibility for election~~;~~
  - (2) Violation of any express provision of this charter~~;~~
  - (3) Conviction of a felony~~;~~ or of any offense involving moral turpitude, or a violation of official duties or the City Code of Ethics, Title 2, Chapter 52, while serving on the Commission;
  - (4) Absence from more than one-third (1/3) of the regular meetings in a calendar year without a health or medical excuse;
  - (5) Inability to fulfill the duties of the office as a result of physical illness or mental disorder. A determination of whether the Commissioner or Mayor has a mental disorder shall be made pursuant to MCA Title 53, Chapter 21; or
  - (6) Neglecting or refusing to discharge the Commissioner or Mayor's duties;
- b) A majority of the City Commission shall be the judge of the election and qualifications of its members and the grounds for forfeiture of their office. A City Commissioner or Mayor charged with conduct

CHARTER OF THE CITY OF GREAT FALLS

constituting grounds for forfeiture of office shall be entitled to notice in writing of such charges and a public hearing on demand before a majority of the City Commission.

- c) When a vacancy occurs, the City Commission, may, by majority vote of its remaining members, appoint a person, eligible to hold such office, to fill the vacancy of City Commissioner or Mayor until the next regular City election. The person elected at the next regular City election shall serve the unexpired term of the office in which the vacancy occurred.

**Article V - ~~City~~ Municipal Court**

There shall be a ~~city~~-municipal court and an elected ~~city~~-municipal judge as provided by Montana law.

**Article VI - City Government Administration**

Section 1 - Position of the City Manager.

Section 2 - Appointment and Removal of the City Manager.

Section 3 - Salary of the City Manager.

Section 4 - Duties of the City Manager.

Section 5 - Administrative Departments.

**Section 1 - Position of the City Manager.**

The City Commission shall employ a City Manager on the basis of merit.

**Section 2 - Appointment and Removal of the City Manager.**

The City Commission shall appoint or remove the City Manager by majority vote of the whole number of the Commission.

**Section 3 - Salary of the City Manager.**

The salary of the City Manager shall be set by the City Commission.

**Section 4 - Duties of the City Manager.**

The City Manager shall be the chief administrative and executive officer of the City and shall be responsible to the City Commission for the administration of all City affairs required by this charter, law, ordinance or resolution. The City Manager shall:

- a) Carry out policies established by the City Commission.
- b) Perform the duties required by this charter, law, ordinance, or resolution.
- c) Enforce laws, ordinances and resolutions.



CHARTER OF THE CITY OF GREAT FALLS

- d) Administer the affairs of the City.
- e) Direct, organize, supervise, and administer all departments, divisions, agencies, bureaus, and the offices of the City.
- f) Make recommendations to the City Commission.
- g) Report to the City Commission on the fiscal affairs and the financial condition of the City.
- h) Prepare and present the budget to the City Commission.
- i) Execute bonds, notes, contracts, and written obligations of the City Commission and the City of Great Falls subject to the approval of the City Commission.
- j) Report to the City Commission on the affairs of the City as the City Commission may require.
- k) Attend City Commission meetings with the right to take part in the discussion but not to vote.
- l) Appoint and be administratively responsible for all City employees, including their suspension or removal; including adopting as necessary an administrative and personnel code and/or policies.
- m) Appoint with the approval of the City Commission a qualified acting City Manager to exercise the powers and perform the duties of the City Manager during temporary absences.
- n) Be responsible for the administration of an employee grievance appeals procedure as adopted by the City Commission.
- o) May, without notice, cause the affairs of any department, division, office, agency or other City administrative unit or employee to be examined.

**Section 5 - Administrative Departments.**

Administrative departments, divisions, bureaus, agencies, offices, and other administrative entities shall be subject to the control and supervision of the City Manager and shall be established by ordinance.

**Article VII - Citizen Involvement in Government**

Section 1 - Initiative, Referendum, and Recall.

Section 2 - Open Government.

Section 3 - Citizen Involvement.

Section 4 - Neighborhood Councils.

**Section 1 - Initiative, Referendum, and Recall.**

The qualified electors of the City of Great Falls may exercise the powers of Initiative, Referendum, and Recall as provided by Montana law.

CHARTER OF THE CITY OF GREAT FALLS

**Section 2 - Open Government.**

All records of the City of Great Falls, including the City Commission and all boards, councils, [and](#) committees, shall be open to the public as provided by Montana law. All meetings of such bodies shall be publicly announced in advance and shall be open to the public as provided by Montana law.

**Section 3 - Citizen Involvement.**

The City Commission may establish and appoint persons to boards, councils, committees, commissions, and other bodies of an advisory or substantive nature to assist the commission in the exercise of its duties. The City of Great Falls encourages citizens to participate in these bodies by serving as members, attending meetings, and other similar methods.

**Section 4 - Neighborhood Councils.**

- a) Purpose: There shall be neighborhood councils. The councils shall act in an advisory capacity to the City Commission, the City Manager and to other City advisory bodies, and may contribute information, opinions, advice, suggestions and recommendations to the City Commission, City Manager and other City advisory bodies on all governmental affairs and services having an effect on the area the neighborhood council represents, including, but not limited to, public finance, public works, public safety, planning and zoning, and public health and sanitation.
- b) Provision of Neighborhood Districts; Composition of Councils; Election: The City Commission shall, by ordinance, divide the City of Great Falls into no less than nine (9) and no more than thirteen (13) neighborhood council districts. The residents of a district shall comprise the electorate for that district. Each district shall have a council comprised of five (5) members; elected to a two (2) year term at the election held in conjunction with the City general election. Nominees for election to a neighborhood council must be residents of their designated neighborhood district.
- c) Organization: Each council shall ~~organize with~~ [select from its members](#) a chairman, secretary, and an official delegate to attend City Commission meetings, [and may appoint a Vice Chair or other officers as it deems necessary](#). The chairman must be one of the five elected council members. In the event of a vacancy on the council, ~~the remaining members shall appoint a person eligible to hold the position to fill the vacancy until the next general election.~~ [the City Commission shall appoint a replacement. Within thirty \(30\) days](#) ~~On or before January 30,~~ after each election, [or within thirty \(30\) days after new council member\(s\) elected in a special election receive the oath\(s\) of, and are sworn into office,](#) each neighborhood council shall meet to organize as provided in the section. Each council shall adopt by-laws prescribing additional duties of the council, meeting criteria and times, and such other provisions as the council may deem appropriate and which are not inconsistent with the provisions of this charter and the laws of Montana. The City Commission may provide model by-laws for use by the councils in drafting their own by-laws.
- d) Open Meetings and Right to Know: All meetings of the neighborhood councils shall be open to the public. All records maintained by the council shall be available for public inspection.
- e) Organization of a Great Falls Citizen's Council: A majority of the neighborhood councils may provide for the creation of a Great Falls ~~C~~itizen's Council, consisting of one (1) member from each of the participating neighborhood councils. The Citizen's Council may determine its rules of organization and operation, except that no rules adopted shall be inconsistent with the provisions of this Charter or the laws of Montana. The City Commission may provide model by-laws for use by the Council in draft in its own by-laws. The purposes of the Citizen's Councils shall be set forth in paragraph (a) of this section.
- f) Obligations of the City Commission; City of Great Falls: Nothing in this section shall obligate the City Commission to appropriate funds to any council for its operation, or to the Great Falls Citizen's

## EXHIBIT "A"

### CHARTER OF THE CITY OF GREAT FALLS

Council authorized in paragraph (e). The City of Great Falls shall not be liable for any obligations incurred by the councils or the Citizen's Council during their existence except as provided for by the City Commission.

~~g) Sunset Provision and City Liability: At the general election currently set for November 2001, or in the event state election laws are changed than no later than the general election set for November 2002, the City electorate shall vote on the question whether to retain this section. The ballot presented by voters shall be in the following form:~~

~~FOR retaining neighborhood councils and the Citizen's Council as provided by Article VII, Section 4, of the Charter.~~

~~AGAINST retaining neighborhood councils and the Citizen's Council as provided in Article VII, Section 4 of the Charter.~~

~~In the event the majority of the City electorate voting in the general election vote against retention of the neighborhood councils, then the councils shall terminate on January 1st of the year immediately following the election. The councils shall be responsible for completing any unfinished business before that date.~~

## **Article VIII - Amendment, Effective Date, and Severability**

Section 1 - Amendment.

Section 2 - Effective Date.

Section 3 - Severability.

### **Section 1 - Amendment.**

This charter may be amended only as provided by Montana law. A majority of the qualified electors of the City of Great Falls voting on the question shall be required for passage of a charter amendment.

### **Section 2 - Effective Date.**

This charter shall become effective on July 1, 1986, and as amended and approved by the electors of the City of Great Falls November 7, 2000, and November 7, 2017.

### **Section 3 - Severability.**

If any provision of this charter is held invalid, the other provisions of this charter shall not be affected thereby. If the application of this charter, or any part of its provision, to any person or circumstances, is held invalid, the application of the charter and its provisions to other persons or circumstances shall not be affected thereby.

## **Article IX - Transitional Provisions**

~~Section 1 - General Transition.~~

~~Section 2 - Compliance of Ordinances.~~

CHARTER OF THE CITY OF GREAT FALLS

~~Section 3 – Election Transition.~~

~~**Section 1 – General Transition.**~~

~~Transition to this charter form of government shall be as prescribed by Montana law. The City Commission shall provide for such transition by ordinance, rule or resolution not inconsistent with Montana law. This transition article shall not be published as a regular part of this charter after the provisions have been implemented.~~

~~**Section 2 – Compliance of Ordinances.**~~

~~The City Commission shall review and where necessary revise or repeal all City ordinances to provide for their compliance and consistency with this charter by no later than June 30, 1987.~~

~~**Section 3 – Election Transition.**~~

- ~~a) The five members of the City Commission elected under the previous form of government, including the Mayor and Mayor elect elected under the previous form of government shall serve as City Commissioners in the charter form of government until the expiration of the term of office to which they were elected in the previous form of government.~~
- ~~b) In the primary and general elections to be held in September and November of 1987, the two City Commission seats that were up for election in 1983 shall be up for election.~~
- ~~c) In the primary and general elections to be held in September and November of 1989, there shall be two City Commissioner seats up for election. These shall be those last elected in 1985. The City Commission seat held by the Mayor selected under the previous form of government shall cease to exist on the first Tuesday after January 1, 1990, and shall not be up for election.~~
- ~~d) From the effective date of the charter until the first Tuesday after January 1, 1988, the Mayor selected under the previous form of government shall serve as Mayor of the charter government with all the powers and responsibilities accorded to the mayor in the Charter. On the first Tuesday after January 1, 1988, the Mayor elect selected under the previous form of government shall become Mayor of the charter government for a term of two years.~~
- ~~e) In the primary and general elections to be held in September and November of 1989, there shall be elected a Mayor, on a non-partisan City wide basis. The Mayor elect shall take office on the first Tuesday after January 1, 1990, and serve a term of two years, consistent with provisions contained in this charter.~~
- ~~f) This transitional article becomes effective on July 1, 1986, and expires as soon as the directly elected Mayor takes office.~~