

ORDINANCE 3057

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

* * * * *

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

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

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

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

WHEREAS, certain definitions in Title 8, Chapter 56, "Noise", OCCGF, include zoning districts that were superseded in 2007 with the adoption of Title 17, "Land Development Code", OCCGF; and,

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

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

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

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

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

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

Michael J. Winters, Mayor

ATTEST:

Lisa Kunz, City Clerk

(CITY SEAL)

APPROVED FOR LEGAL CONTENT:

James W. Santoro, City Attorney

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

I, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do certify that I did post as required by law and as prescribed and directed by the Commission, Ordinance 3057 in three conspicuous places within the limits of said City to-wit:

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

Lisa Kunz, City Clerk

(CITY SEAL)

EXHIBIT “A”

TO

ORDINANCE 3057

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TITLES 2, 5, 8, 9, 10, 12, 13 AND 15 OF THE
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Title 2
ADMINISTRATION AND PERSONNEL

Chapter

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

Chapter 4
CITY COMMISSION

Sections:

- 2.4.010 Established
- 2.4.015 Salary

2.4.010 Established

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

2.4.015 Salary

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

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

2.8.010 Appointment - generally

2.8.010 Appointment - generally

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

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

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

2.14.010 Established

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

2.14.020 Appeal to district court

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

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

2.14.030 Municipal Court Judge

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

2.14.040 Municipal Court Clerk

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

Chapter 16
ADMINISTRATIVE DEPARTMENTS

Sections:

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

2.16.010 Established

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

2.16.015 ~~Assistant Deputy~~ City Manager

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

2.16.020 City Clerk

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

2.16.030 Legal Department

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

2.16.045 Fiscal Services Department

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

2.16.050 Public Works Department

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

2.16.060 Fire Department

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

2.16.070 Police Department

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

2.16.080 Planning and Community Development Department

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

2.16.090 Park and Recreation Department

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

~~**2.16.100 Planning Department**~~

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

**Chapter 18
EMPLOYEE HOLIDAYS**

Sections:

2.18.010 Holidays listed

2.18.010 Holidays listed

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

**Chapter 20
OFFICER’S BONDS**

Sections:

2.20.010 Required-amount
 2.20.020 Form
 2.20.030 Conditions

2.20.010 Required—amount

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

2.20.020 Form

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

2.20.030 Conditions

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

Chapter 22

ADVISORY COMMISSION ON INTERNATIONAL RELATIONSHIPS

Sections:

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

2.22.010 Creation

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

2.22.020 Purpose

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

2.22.030 Members

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

2.22.040 Duties

It shall be the duty of the Advisory Commission to:

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

Chapter 26

MANSFIELD CENTER FOR THE PERFORMING ARTS ADVISORY BOARD

Sections:

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

2.26.010 Creation

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

2.26.020 Purpose

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

2.26.030 Membership--appointment—compensation

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

2.26.040 Terms

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

2.26.050 Duties

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

2.26.060 Reporting

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

**Chapter 28
BOARD OF ADJUSTMENT**

Sections:

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

**Chapter 30
DESIGN REVIEW BOARD**

Sections:

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

**Chapter 32
PARK AND RECREATION BOARD**

Sections:

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

2.32.010 Creation

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

2.32.020 Purpose

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

2.32.030 Membership--appointment—compensation

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

2.32.040 Term of office

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

2.32.050 Duties

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

**Chapter 36
GOLF ADVISORY BOARD**

Sections:

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

2.36.010 Creation

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

2.36.020 Purpose

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

2.36.030 Memberships

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

2.36.040 Terms

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

2.36.050 Duties

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

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

Chapter 40
HISTORIC PRESERVATION ADVISORY COMMISSION

Sections:

Repealed

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

Chapter 44
LOAN ADVISORY BOARD

Sections:

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

2.44.010 Creation

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

2.44.020 Purpose

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

2.44.030 Members

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

2.44.040 Duties

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

Chapter 46
PLANNING ADVISORY BOARD

Sections:

Repealed.

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

Chapter 47
ZONING COMMISSION

Sections:

Repealed.

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

Chapter 48
PARKING ADVISORY COMMISSION

Sections:

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

2.48.010 Creation

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

2.48.020 Purpose

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

2.48.030 Members

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

2.48.040 Duties

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

**Chapter 50
NEIGHBORHOOD COUNCILS**

Sections:

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

2.50.010 Establishment

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

2.50.020 Purpose

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

2.50.030 District boundaries

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

2.50.040 Council elections

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

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

2.50.050 Duties and powers

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

2.50.060 Organization

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

2.50.070 By-Laws

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

2.50.080 Open meetings and public records

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

2.50.090 Great Falls Citizen's Council

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

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

2.50.100 City resources

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

**Chapter 52
CODE OF ETHICS**

Sections:

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

2.52.010 Title

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

2.52.020 Findings

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

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

2.52.030 Purpose and authority

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

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

2.52.040 Definitions

As used in this section:

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

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

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

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

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

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

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

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

2.52.050 Ethical standards

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

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

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

2.52.060 Nepotism

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

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

2.52.070 Distribution

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

**Chapter 54
INDEMNIFICATION**

Sections:

2.54.010 Indemnification

2.54.010 Indemnification

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

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

Sections:

2.56.010 Scope

2.56.020 Removal of members of boards, commissions and councils

2.56.010 Scope

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

2.56.020 Removal of members of boards, commissions and councils

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

Title 5
BUSINESS LICENSE AND SAFETY INSPECTION CERTIFICATE

Chapter

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

Chapter 1
BUSINESS LICENSE AND SAFETY INSPECTION
CERTIFICATE PROCEDURE

Sections:

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

5.1.010 Definitions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5.1.020 Application of regulations

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

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

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

5.1.030 Authority

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

5.1.040 Procedure for issuance of safety inspection certificate or special licenses

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

5.1.050 Safety inspection certificate and special business license fees

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

5.1.060 Safety inspection certificate and special business license duration – renewal

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

5.1.070 Late charge

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

5.1.080 Duties of licensee or certificate holder

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

5.1.090 Certificate or special license - revocation or suspension

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

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

5.1.100 Appeal

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

5.1.110 Severability

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

Chapter 2 SAFETY INSPECTION CERTIFICATE

Sections:

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

5.2.100 Safety inspection certificate

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

5.2.200 Home occupation certificate

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

5.2.210 Issuance - revocation of certificate

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

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

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

5.2.220 Home occupation requirements

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

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

**Chapter 3
SPECIAL BUSINESS LICENSE**

Articles:

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

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

Sections:

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

5.3.1.100 Purpose

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

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

5.3.1.110 Coin-operated devices depicting sexual activities

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

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

“Specified Anatomical Areas”

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

“Specified Sexual Activities”

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

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

5.3.1.120 License required

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

Article 2 COMMERCIAL GARBAGE LICENSE

Sections:

5.3.2.200 Commercial garbage license

5.3.2.200 Commercial garbage license

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

Article 3 PAWNSHOPS AND SECONDHAND STORES

Sections:

5.3.3.300 Definitions

5.3.3.310 Register required

5.3.3.300 Definitions

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

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

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

5.3.3.310 Register required

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

Article 4

ALCOHOLIC BEVERAGES

Sections:

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

5.3.4.400 Definitions

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

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

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

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

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

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

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

5.3.4.410 Alcoholic beverage license required

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

5.3.4.420 Special alcoholic beverage license required

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

5.3.4.430 Catering license required

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

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

5.3.4.440 Teen night license

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

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

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

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

Article 5

NON-RESIDENT VENDOR LICENSE

Sections:

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

5.3.5.500 Non-resident vendor license required

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

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

5.3.5.510 Non-resident merchant special business license required

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

5.3.5.520 Non-resident service contractor special business license required

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

**Article 6
FALSE ALARMS**

Sections:

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

5.3.6.600 Definitions

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

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

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

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

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

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

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

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

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

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

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

5.3.6.610 Audible alarm requirements

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

5.3.6.620 Agent permit required

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

5.3.6.630 Exemptions

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

5.3.6.640 Penalty

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

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

Article 7

EMERGENCY MEDICAL SERVICES LICENSES

Sections

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

5.3.7.700 Definitions

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

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

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

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

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

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

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

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

5.3.7.710 License required

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

5.3.7.720 Criteria for license

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

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

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

5.3.7.730 Cancellation of license

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

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

5.3.7.740 Notice and hearing required

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

5.3.7.750 Existing services

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

5.3.7.760 Exemptions

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

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

Chapter 16 CATV REGULATIONS

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

Sections:

5.16.010 Purpose

5.16.150 Telecommunication facilities - co-located and

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

5.16.010 Purpose

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

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

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

5.16.020 Definitions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5.16.030 General requirements

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

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

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

5.16.040 Registration of telecommunications carriers and providers

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

5.16.050 Use agreement

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

5.16.060 Non-exclusive grant

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

5.16.070 Rights granted

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

5.16.075 Exempt facilities - basic requirements

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

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

5.16.080 Telecommunications facilities - minimum application requirements

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

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

5.16.090 Telecommunications facilities - standard agreements required

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

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

5.16.100 Telecommunications facilities - life permits

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

5.16.110 Telecommunication facilities - structural requirements

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

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

5.16.120 Telecommunications facilities - basic tower and building design

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

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

5.16.130 Telecommunication facilities - location

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

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

5.16.140 Telecommunication facilities - height determination

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

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

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

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

5.16.160 Telecommunications facilities - lighting

All telecommunication facilities shall be unlit except for the following:

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

5.16.170 Telecommunications facilities - roads and parking

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

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

5.16.180 Telecommunications facilities - vegetation protection and facility screening

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

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

5.16.190 Telecommunication facilities - fire prevention

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

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

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

5.16.200 Telecommunication facilities - environmental resource protection

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

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

5.16.210 Telecommunications - noise and traffic

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

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

5.16.220 Telecommunication facilities - visual compatibility

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

5.16.230 Telecommunications facilities - NIER exposure

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

5.16.240 Telecommunication facilities – exemptions

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

5.16.250 Telecommunication facilities - public notice

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

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

5.16.260 Ambiguity

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

5.16.270 Appeal

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

5.16.280 Statutory severability

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

Chapter 20
ESTABLISH AND OPERATE AN ELECTRIC UTILITY

Sections:

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

5.20.010 Findings, determinations and declarations

The City Commission hereby finds, determines and declares that:

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

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

5.20.020 Definitions

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

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

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

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

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

“Municipal Electric Utility” shall mean:

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

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

“Services” shall mean electric power and energy in the form of generation services, transmission services, distribution services, sale services or marketing services within and/or outside the boundaries of the City.

“Tax-Exempt Obligations” shall mean revenue bonds, the interest on which is excludable from the gross income of the holder pursuant to Section 103 of the Internal Revenue Code. (Ord. 2925, 2005; Ord. 2861, 2003)

5.20.030 Establishment of municipal electric utility

In the exercise of the self-governing powers contained in its Charter and pursuant to applicable law, the City does hereby establish a municipal electric utility for the purpose of securing and providing reliable and economic long term supplies of electricity to the City, its residents and electric consumers. (Ord. 2925, 2005; Ord. 2861, 2003)

5.20.040 Organization of Electric City Power, Inc.

The organization and incorporation of the Corporation pursuant to the Nonprofit Act is hereby authorized and approved. The Articles of Incorporation and the Bylaws of the Corporation shall be approved by resolution of the City Commission, and shall be placed on file with the City Clerk. The City Manager is hereby authorized and directed to take all actions necessary to complete the incorporation of the Corporation pursuant to the Nonprofit Act. (Ord. 2925, 2005; Ord. 2861, 2003)

5.20.050 Purpose of the corporation

The Corporation shall own, operate and manage the municipal electric utility and shall operate for the primary purpose of securing and providing reliable, long-term supplies of electricity to the City, its residents and electric consumers. In furtherance of such purpose, the Corporation may acquire or construct electrical facilities, participate with others in the acquisition or construction of electrical facilities, may enter into contracts to secure supplies of electricity and related services and, in order to achieve economies of scale and other benefits, may own, acquire,

construct or contract for long-term sources of electricity that are in excess of the present requirements of the City, its residents and consumers and may enter into contracts for the sale of electricity to any consumer outside of the City or any investor-owned, cooperative or municipal utility or other purchaser. (Ord. 2925, 2005; Ord. 2861, 2003)

5.20.060 Powers of the corporation; limitations

The Corporation shall have and exercise all powers conferred pursuant to the Nonprofit Act and its Articles of Incorporation that are necessary or desirable for the accomplishment of its purposes. Notwithstanding the foregoing,

- A. the Corporation shall not issue or incur any bonds, notes or other evidences of indebtedness without the prior approval of the City Commission, and
- B. the Corporation shall have no power to bind or create obligations of the City, and each bond, note or other evidence of indebtedness of the Corporation shall contain a statement to the effect that
 1. neither the City, the State, any agency, authority or instrumentality of the State or any municipality or local governmental unit is obligated to pay the principal thereof or interest thereon; and
 2. neither the faith and credit nor the taxing power of the City, the State, any agency, authority or instrumentality of the State or any municipality or local governmental unit is pledged or in any way obligated to pay the principal thereof or interest thereon. (Ord. 2925, 2005; Ord. 2861, 2003)

5.20.070 Rates

The Board of Directors of the Corporation shall from time to time consider and recommend rates and charges for electricity supply and other services provided by the Corporation. Such rates and charges shall be designed to enable the Corporation to operate on a self-sufficient and self-sustaining basis and to produce revenues at all times sufficient to pay all operating, maintenance, debt service, repair and replacement costs of the Corporation and to provide reserves necessary or desirable for working capital, capital improvements and replacements and rate stabilization purposes. All rates and charges recommended by the Board of Directors of the Corporation shall be subject to the approval of the City Commission, by resolution adopted subsequent to notice and public hearing as required by Title 69, Chapter 7, Part 1, Montana Code Annotated, as amended. (Ord. 2925, 2005; Ord. 2861, 2003)

5.20.080 Rules of operation

The Board of Directors of the Corporation shall from time to time consider and recommend rules for operation of the municipal electric utility which shall contain, at a minimum, those requirements of good practice which can be normally expected for the operation of an electrical utility as required by Title 69, Chapter 7, Part 2, Montana Code Annotated, as amended. All rules of operation recommended by the Board of Directors shall be subject to approval by resolution of the City Commission. (Ord. 2925, 2005; Ord. 2861, 2003)

5.20.090 Availability of rules and schedule of rates, charges and classifications

A schedule of rates, charges or classifications imposed upon or otherwise payable by the customers served by the municipal electric utility and a copy of the rules established for the operation of the municipal electric utility shall be kept and maintained at the principal office of the Corporation and in the City Clerk's Office and the same shall be made available to public inspection at any time during regular office hours. (Ord. 2925, 2005; Ord. 2861, 2003)

5.20.100 Revenue bonds; tax-exempt obligations

The City Commission may from time to time authorize the issuance of revenue bonds by the Corporation on behalf of the City to acquire or construct electric facilities. By enactment of this ordinance, the City has approved the creation and organization of the Corporation, the purposes and activities of the Corporation, and in general, the issuance of revenue bonds by the Corporation to acquire and construct electric facilities. However, no revenue bonds shall be issued by the Corporation unless the City Commission shall first adopt (within one year prior to the issuance of such revenue bonds) a resolution approving the issuance of such revenue bonds and the purposes for which such revenue bonds are to be issued. In the event that such revenue bonds are to be issued as tax exempt obligations, the City and the Corporation shall comply with the requirements of Revenue Procedure 82-26, 1982-1 C.B. 476, or any successor thereto, and all such tax-exempt obligations shall comply with the following requirements:

- A. All of the original proceeds and investment proceeds of the tax-exempt obligations, except for a *de minimis* amount of less than \$5,000 that is included in the issue solely for the purpose of rounding the dollar amount of the issue, shall be used to provide tangible real or tangible personal property. Notwithstanding any other provision of this ordinance to the contrary, the Corporation may not finance the acquisition or construction of electric facilities with the proceeds of a tax-exempt obligation unless such electric facilities are located within the geographic boundaries of, or have a substantial connection with, the City.
- B. Before tax-exempt obligations may be issued to acquire or construct electric facilities, the City shall first adopt a resolution stating that it will accept title to the electric facilities financed by such tax-exempt obligations, including

any additions to such electric facilities, when the tax-exempt obligations financing such electric facilities are discharged.

- C. The tax-exempt obligations of the Corporation are issued on behalf of the City and unencumbered fee title to the electric facilities (including any additions to such electric facilities) and exclusive possession and use of the electric facilities (including any additions to such electric facilities) shall vest solely in the City without demand or further action on the City's part when the tax-exempt obligations financing such electric facilities are discharged. Tax-exempt obligations are discharged when
1. cash is available at the place of payment on the date that the tax-exempt obligations are due (whether at maturity or upon prior call for redemption) and
 2. interest ceases to accrue on the tax-exempt obligations.
- D. The City shall have the right at any time to obtain unencumbered fee title and exclusive possession of all electric facilities financed by the tax-exempt obligations, and any additions to such electric facilities, by
1. placing into escrow an amount that will be sufficient to defease the tax exempt obligations financing such electric facilities, and
 2. paying reasonable costs incident to the defeasance. However, the City, at any time before it defeases such tax-exempt obligations, shall not agree or otherwise be obligated to convey any interest in the financed electric facilities to any person (including the United States of America or its agencies or instrumentalities) for any period extending beyond or beginning after the City defeases such tax-exempt obligations. In addition, except as may be provided in an ordinance approving a particular issue of tax-exempt obligations, the City shall not agree or otherwise be obligated to convey a fee interest in the electric facilities financed with any tax-exempt obligation issued by the Corporation to any person before the defeasance or within 90 days after the City defeases the tax-exempt obligations financing such electric facilities. (Ord. 2925, 2005; Ord. 2861, 2003)

5.20.110 Transitional provisions

The City Manager (or designee) is hereby authorized and directed to assign and transfer to the Corporation (insofar as is practicable and at such time and in such manner as he shall determine) all licenses, permits, contracts, agreements and other instruments heretofore entered into by the City in connection with or relating to the municipal electric utility. (Ord. 2925, 2005; Ord. 2861, 2003)

5.20.120 Removal of directors; sale or dissolution of corporation

A vote of four-fifths of the members of the City Commission shall be required in order to:

- A. Remove any Director of the Corporation;
- B. Approve the dissolution of the Corporation;
- C. Approve the sale of all or a substantial portion of the assets of the Corporation; or
- D. Approve an amendment to this Chapter that reduces the aforesaid number of members of the City Commission required for vote to take any of the actions described in 1 through 3 of this Section. (Ord. 2925, 2005)

Title 8
HEALTH AND SAFETY

Chapter

4	General Health Definitions
6	General Health Regulations
7	Smoking in Indoor and Public Places
8	Hotels and Motels
12	Food Service
16	Food Manufacturing Establishments
32	Garbage and Refuse
36	Garbage and Refuse – Disposal Areas
40	Swimming Pools
44	Weeds
49	Nuisances
50	Public Nuisances
51	Maintenance and Sanitation of Premises
52	Abatement of Diseased Trees
56	Noise
60	Appliance Safety Precautions

Chapter 4
GENERAL HEALTH DEFINITIONS

Sections:

8.4.010 Definitions

8.4.010 Definitions

"Health Authority" means the legally designated Health Officer or designated authority. (Ord. 2803, 2001)

"Health Department" means the legally designated Great Falls and Cascade County City-County Health Department. (Ord. 2803, 2001; Prior code §8-3-1).

"Administrative hearing" means an informal hearing before the Health Officer, Supervising Sanitarian and Inspecting Registered Sanitarian concerning a permit suspension. (Ord. 2803, 2001)

"Board" means the legally designated City-County Board of Health provided for in M.C.A. 50-2-106.

“Critical item” means a provision of Title 37, Chapter 110, subchapter 2 and Title 16, Chapter 10, subchapter 3 of the Administrative Rules of Montana for Food Service Establishments that if violated is more likely than other violations to contribute to food contamination, illness or environmental degradation. (Ord. 2803, 2001)

“Health Officer” means a physician or person with a Master’s Degree in Public Health, or equivalent, appointed by the Board, as provided in M.C.A. 50-2-116. (Ord. 2614 §2(Exh. B), 1991).

“Food Manufacturing Establishment” means a commercial establishment and buildings or structures in connection with it, used to manufacture or prepare food for sale for human consumption but does not include milk producers’ facilities, milk pasteurization facilities, milk product manufacturing plants, slaughterhouses or meat packing plants; a food manufacturing establishment does not provide food directly to a consumer, and does not include a food service establishment as defined in this chapter. (Ord. 2803, 2001; Ord. 2728, 1997; Prior code §8-1-1).

“Food Service Establishment” means an operation as defined in 50-50-102(8) M.C.A., and includes an operation that stores, prepares, packages, serves, vends or otherwise provides food for human consumption in a mobile, stationary, temporary semi-permanent or permanent facility or location; where consumption is on or off the premises and regardless of whether there is a charge for the food. Food service establishment does not include:

- A. An establishment, vendor or vending machine that sells or serves only non-perishable foods;
- B. An establishment that offers only prepackaged foods that are not potentially hazardous;
- C. A produce stand that only offers whole, uncut fresh fruits and vegetables;
- D. A food manufacturing establishment;
- E. A kitchen in a private home if the food is prepared for sale or service at a function such as a religious or charitable organization’s bake sale;
- F. A private home that receives catered or home-delivered food; or
- G. A private organization serving food to only its members.

“Short Term Food Permit” means a permit issued by the Health Authority within the Health Department that allows for persons or organizations to serve approved food items to the public at events that do not exceed two days.

“Farmer’s Market Short Term Food Permit” means a permit issued by the Health Authority within the Health Department allowing persons or organizations to serve approved food items to the public for the duration of the designated Farmer’s Market season. (Ord. 2803, 2001; Ord. 2728, 1997; Prior code §8-1-1)

Chapter 6
GENERAL HEALTH REGULATIONS

Sections:

- 8.6.010 Drinking facilities
- 8.6.020 Health authority--duties--inspections
- 8.6.030 Short-term food function certificates

8.6.010 Drinking facilities

All public halls, stores, depots, hotel lobbies and other public places must be provided with sanitary cups or sanitary drinking fountains, and the common cup or glass for the use of the public in such places is prohibited. (Ord. 2728, 1997; Prior code §8-3-4; 8.04.070).

8.6.020 Health authority--duties—inspections

- A. The Health Authority shall have the power to enter and inspect any place where meat, game, poultry, fish, milk, groceries or other food products are prepared, handled, or stored, for public use and to inspect any vehicle transporting such products from one point to another or throughout the City.
- B. Any person who in any manner interferes or attempts to interfere with the Health Authority in the discharge of duties or any person being the owner, agent or manager of any place where food is prepared, handled, or stored who refuses to permit the Health Authority to have full access to such premises, or who attempts to conceal or remove any animals supposed to be diseased, or any food products that the Health Authority desires to inspect, is guilty of a violation of this chapter.
- C. It is the duty of the Health Authority to inspect any place where food is prepared, handled, or stored for public use at least once in every year unless otherwise provided for, or as often as is deemed necessary by the Health Authority

to maintain proper sanitation standards. Written record of such inspections will be provided to the owner, agent or manager of such establishments. (Ord. 2728, 1997; Prior codes §8-3-10; 8.04.100).

8.6.030 Short-term food function certificates

All persons or organizations serving or selling food to the public that do not fall under the other provisions of this chapter (i.e. church dinners, private organizations fund raising dinners) shall obtain a short-term function certificate from the City/County Health Department. (Ord. 2728, 1997; Prior codes §8-3-12; 8.04.120).

Chapter 7

SMOKING IN INDOOR AND PUBLIC PLACES

Sections:

- 8.7.010 Definitions
- 8.7.020 Reasonable distance

8.7.010 Definitions

“Public place” means any enclosed area to which the public is invited or in which the public is permitted or generally that is open to the public regardless of whether such building is owned in whole or in part by a private person or entities or by the City of Great Falls or other public entity, and regardless whether a fee is charged for admission to the place. (Ord. 2956, 2006; Ord. 2763, 1999)

8.7.020 Reasonable distance

The Montana “Smoking in Public Places” statute (MCA 50-40) requires all public places to be smoke free. It does not specify the distance designated smoking areas should be from a public place. This section is meant to augment state law by prohibiting smoking within presumptively reasonable minimum distance of twenty feet from entrances, exits, windows that open, and ventilation intakes that serve an enclosed area where smoking is prohibited so as to ensure that tobacco smoke does not enter the area through entrances, exits, open windows or other means. (Ord. 2956, 2006; Ord. 2753, 1999)

Chapter 8

HOTELS AND MOTELS

Sections:

- 8.8.010 Defined
- 8.8.020 State rule adopted

8.8.010 Defined

“Hotel” or “Motel” means and includes any building or structure kept, used, or maintained as, or advertised as, or held out to the public as a hotel, motel, inn, motor court, tourist court, public lodging house or place where sleeping accommodations are furnished for a fee to transient guests, with or without meals. (Ord. 2728, 1997; Prior code §8-2-1).

8.8.020 State rule adopted

The City adopts by reference the Montana Department of Public Health and Human Services rule for Hotels, Motels, Tourist Homes, Rooming Houses/Retirement Homes, Title 16, Chapter 10, Subchapter 6, dated November 11, 1994. A copy of the regulations shall be filed with the City Clerk as the official hotel-motel code. (Ord. 2728, 1997; Prior code §8-2-2).

Chapter 12

FOOD SERVICE

Sections:

- 8.12.010 State rule adopted
- 8.12.030 Permit--required
- 8.12.040 Permit--suspension
- 8.12.050 Permit--suspended--reinstatement
- 8.12.060 Permit--revocation
- 8.12.070 Hearings

- 8.12.080 Inspection of food service establishments
- 8.12.090 Knowledge of food protection practices
- 8.12.100 Short term food permit
- 8.12.110 Farmer’s Market short term food permit

8.12.010 State rule adopted

The City adopts, by reference, the Montana Department of Public Health and Human Services requirements, dated November 23, 2000, for compliance with Chapter 110, Subchapter 2, Food Service Establishments of Title 37, Administrative Rules and Montana, and its definition of food service establishments. A copy of the regulation shall be filed with the City Clerk as the official food service code. (Ord. 2803, 2001; Ord. 2728, 1997; Ord. 2614 §2(Exh. B), 1991).

8.12.030 Permit—required

Each person, new owner, or operator of a food service establishment shall make an application for a City-County Health Department Food Establishment permit prior to operation of such an establishment. This application shall be made in writing and signed by the owner, manager, or authorized agent of the establishment. The Health Officer or his/her authorized representative shall approve the permit provided that the establishment meets the minimum requirements of State and local health laws and regulations, and requirements of this *City Code*. No food service establishment will be allowed to operate without a valid City-County Health Department Food Establishment permit. (Ord. 2803, 2001; Ord. 2614 §2(Exh. B), 1991).

8.12.040 Permit—suspension

- A. Permits may be suspended temporarily by the Health Authority for failure of the holder to comply with the requirements of this chapter. Whenever a permit holder or operator has failed to comply with any notice issued under the provisions of this chapter, the permit holder or operator shall be notified in writing of the specified violations causing the suspension, that the permit is, upon service of the notice, immediately suspended, and that an opportunity for an Administrative hearing will be provided if a written request for such is filed with the Health Department by the permit holder.
- B. Justifications for permit suspension are as follows:
 - 1. Whenever the Health Authority finds unsanitary or other conditions in the operation of the food service establishment which, in their judgment, constitute a substantial hazard to the public health, the Health Authority may temporarily suspend the permit.
 - 2. Whenever, upon written notice to the owner, manager, or authorized agent of a food service establishment, an inspection reveals unsanitary conditions and health-related problems exist within the establishment, and the subsequent inspection of the establishment reveals that the problems and conditions still exist, the Health Officer may temporarily suspend the permit.
 - 3. Continued violation of critical item(s), as outlined in red on the official Montana Department of Public Health and Human Services food service establishment inspection report form. (Ord. 2803, 2001; Ord. 2614 §2(Exh. B), 1991).

8.12.050 Permit--suspended—reinstatement

Any person whose permit has been suspended may, at any time, make application to the Health Department for a re-inspection for the purpose of reinstatement of the permit. Within ten days following the receipt of a written request, including a statement signed by the applicant that, in the applicant’s opinion, the conditions causing suspension of the permit have been corrected, the Health Authority shall make a re-inspection. If the applicant is found to be in compliance with the requirements of this chapter, the permit shall be reinstated. (Ord. 2803, 2001; Ord. 2614 §2(Exh. B), 1991).

8.12.060 Permit—revocation

For serious or repeated violation of any of the requirements of this chapter, or for interference with the Health Authority in the performance of their duties, the permit may be permanently revoked after an opportunity for a hearing has been provided by the Board of Health. Prior to such action, the Health Department shall notify the permit holder, in writing, stating the reasons for which the permit is subject to revocation, and advising that the permit shall be permanently revoked at the end of five days following service of such notice unless the permit holder files within five days a request for a hearing before the Board. A permit may be suspended for cause pending its revocation or a hearing relative thereto. (Ord. 2803, 2001; Ord. 2614 §2(Exh. B), 1991).

8.12.070 Hearings

The hearings provided for in this section shall be conducted by the Board at a time and place designated by the board chair. Based upon the record of such hearing, the Board shall make a finding and shall sustain, modify, or rescind any official notice or order considered in the hearing. A written report of the Board's decision shall be furnished to the permit holder by the Health Officer. (Ord. 2803, 2001; Ord. 2614 §2(Exh. B), 1991).

8.12.080 Inspection of food service establishments

- A. At least once every year, the Health Authority shall inspect each food service establishment located in the City of Great Falls and shall make any additional inspections and re-inspections as are necessary for the enforcement of this Chapter. The Health Authority shall have the power to enter and inspect anyplace where meat, game, poultry, fish, milk, groceries, or any other food products are prepared, handled, stored for public use and to inspect any vehicle transporting such products. Any person who in any manner interferes or attempts to interfere with the Health Authority in the discharge of duties, or any person being owner, agent, or manager or any place food is prepared, handled, or stored, who refuses to permit the Health Authority to have full access to the premises, or any food products that the Health Authority desires to inspect, is guilty of a violation of this Chapter.
- B. The Health Authority shall be permitted to examine the records of the establishment to obtain pertinent information pertaining to food and supplies purchased, received, or used, an persons employed, during operation hours, or at any other time when food preparation is being conducted.
- C. A written record of any inspections will be provided to the owner, agent, or manager of each establishment. (Ord. 2728, 1997; Ord. 2614 §2(Exh. B), 1991).

8.12.090 Knowledge of food protection practices

The owner, operator, manager and employees of any food service establishment may, at any time, be required by the Health Authority of the City/County Health Department to show sufficient knowledge of food protection practices, sanitation practices and regulation requirements necessary to protect the public from food borne illness. At the option of the Health Authority, owners, operators, managers, and key food preparation personnel, may be required to participate in a food safety training course and/or may be tested on their knowledge of food protection practices prior to the opening of any new food establishment or at any time there is a change of ownership/management of an existing food establishment or if there is a pattern of critical item violations within an existing establishment. (Ord. 2803, 2001; Ord. 2728, 1997; Ord. 2614 §2(Exh. B), 1991).

8.12.100 Short term food permit

All persons or organizations serving or selling food to the public that do not fall under the provisions of this chapter (i.e., private church dinners, private organizations serving members only) shall obtain a short-term food permit from the City-County Health Department. Only 5 short term food permits will be issued per organization per year. Organizations wishing to operate more than 5 times per year shall be required to obtain a State of Montana, Department of Public Health and Human Services Food Purveyors License. (Ord. 2803, 2001; Ord. 2728, 1997; Ord. 2614 §2(Exh. B), 1991).

8.12.110 Farmer’s Market short term food permit

All persons or organizations serving or selling food to the public at farmer’s market locations shall obtain a Farmer’s Market short term food permit unless exempt pursuant to MCA 50.50.103. (Ord. 2803, 2001)

**Chapter 16
FOOD MANUFACTURING ESTABLISHMENTS**

Sections:

- 8.16.020 State rule adopted
- 8.16.030 Permit--required
- 8.16.040 Permit--suspension
- 8.16.050 Permit--suspended--reinstatement
- 8.16.060 Permit--revocation
- 8.16.070 Hearings
- 8.16.080 Inspection of food manufacturing establishments
- 8.16.090 Knowledge of food protection practices

8.16.020 State rule adopted

The City adopts by reference the Montana Department of Public Health and Human Services Sanitary Rule for Food Manufacturing Establishments, Title 16, Chapter 10, Subchapter 3, dated November 11, 1994. A copy of the regulation shall be filed with the City Clerk as the official food-manufacturing code. (Ord. 2728, 1997; Prior code §8-1-2).

8.16.030 Permit—required

Each person, new owner or operator of an establishment shall make an application for a Health Department Permit prior to operation of such an establishment. This application shall be made in writing and signed by the owner, manager or authorized agent of the establishment. The Health Officer or authorized representative shall approve the permit provided that the establishment meets the minimum requirements of State and local health laws and regulations and requirements of this Code. No Food-manufacturing establishment will be allowed to operate without a valid Cascade County City/County Health Department Permit. (Prior code §8-1-3).

8.16.040 Permit—suspension

- A. Permits may be suspended temporarily by the Health Authority for failure of the holder to comply with the requirements of this chapter. Whenever a permit holder or operator has failed to comply with any notice issued under the provisions of this chapter, the permit holder or operator shall be notified in writing of the specified violations causing the suspension, that the permit is, upon service of the notice, immediately suspended, and that an opportunity for hearing will be provided if a written request for a hearing is filed with the Health Officer by the permit holder.
- B. Justifications for permit suspension are as follows:
1. Whenever the Health Authority finds unsanitary or other conditions in the operation of the Food-manufacturing establishment which, in their judgment, constitute a substantial hazard to the public health, the Health Officer may temporarily suspend the permit.
 2. Whenever, upon written notice to the owner, manager, or authorized agent of a Food-manufacturing establishment, an inspection reveals unsanitary conditions and health related problems exist within the establishment and the subsequent inspection of the establishment reveals that the problems and conditions still exist, the Health Authority may temporarily suspend the permit. (Ord. 2803, 2001; Prior code §8-1-4).

8.16.050 Permit--suspended—reinstatement

Any person whose permit has been suspended may, at any time, make application to the Health Department for a re-inspection for the purpose of reinstatement of the permit. Within ten days following the receipt of a written request, including a statement signed by the applicant that in the applicant's opinion the conditions causing suspension of the permit have been corrected, the Health Authority shall make a re-inspection. If the applicant is found to be in compliance with the requirements of this chapter the permit shall be reinstated. (Ord. 2803, 2001; Prior code §8-1-5).

8.16.060 Permit—revocation

For serious or repeated violations of any of the requirements of this chapter, or for interference with the Health Authority in the performance of his/her duties, the permit may be permanently revoked after an opportunity for a hearing has been provided by the Health Department. Prior to such action, the Health Officer shall notify the permit holder in writing, stating the reasons for which the permit is subject to revocation and advising that the permit shall be permanently revoked at the end of five days following service of such notice, unless the permit holder files within the five days a request for a hearing before the Board of Health. A permit may be suspended for cause pending its revocation or a hearing relative thereto. (Ord. 2803, 2001; Prior code §8-1-6).

8.16.070 Hearings

The hearings provided for in this section shall be conducted by the Board of Health at a time and place designated by the Board Chair. Based upon the record of such hearing, the Board of Health shall make a finding and shall sustain, modify, or rescind any official notice or order considered in the hearing. A written report of the Board's hearing decision shall be furnished to the permit holder by the Board Health. (Ord. 2803, 2001; Prior code §8-1-7).

8.16.080 Inspection of food-manufacturing establishments

- A. At least once every year, the Health Authority shall inspect each food manufacturing establishment located in the City of Great Falls and shall make any additional inspections and re-inspections as are necessary for the enforcement of this chapter. The Health Authority shall have the power to enter and inspect anyplace where meat, game, poultry, fish, milk, groceries, or any other food products are prepared, handled, stored for public use and to inspect any vehicle transporting such products. Any person who in any manner interferes or attempts to interfere with the Health Authority in the discharge of duties, or any person being owner, agent, or manager or any place food is prepared, handled, or stored, who refuses to permit the Health Authority to have full access to the premises, or any food products that the Health Authority desires to inspect, is guilty of a violation of this chapter.
- B. The Health Authority shall be permitted to examine the records of the establishment to obtain pertinent information pertaining to food and supplies purchased, received, or used, an persons employed, during operation hours, or at any other time when food preparation is being conducted.

C. A written record of any inspections will be provided to the owner, agent, or manager of each establishment. (Ord. 2803, 2001; Ord. 2728, 1997; Ord. 2614 §2(Exh. B), 1991; Prior code §8-1-8)

8.16.090 Knowledge of food protection practices

The owner, operator, manager, and employees of any food manufacturing establishment may, at any time, be required by the Health Authority of Cascade County City-County Health Department to show sufficient knowledge of food protection practices, sanitation practices, and regulation requirements necessary to protect the public from foodborne illness. At the option of the Health Authority, owners, operators, managers, and key food preparation personnel may be required to participate in a food safety training course and/or may be tested on their knowledge of food protection prior to the opening of any new food processing establishment or any time there is a change of ownership/management of an existing food processing establishment or if there is a pattern of critical item violations within an existing establishment. (Ord. 2803, 2001; Ord. 2728, 1997)

**Chapter 32
GARBAGE AND REFUSE**

Sections:

- | | |
|-----------------------------------------------------------------|-----------------------------------------------------------------|
| 8.32.010 Definitions | 8.32.200 Alley maintenance |
| 8.32.020 Containers--accumulation of refuse—standards generally | 8.32.220 Premises – container placement—parks and public areas |
| 8.32.030 Containers—future use of underground can prohibited | 8.32.240 Premises-collection--authorized |
| 8.32.040 Containers--refuse--placement for collection | 8.32.270 Burning |
| 8.32.050 Containers—refuse—placement for alley collection | 8.32.280 Construction-waste removal regulations |
| 8.32.070 Containers-refuse-garbage wrapping requirements | 8.32.290 Salvaging prohibited—exception with contract or permit |
| 8.32.080 Combustible rubbish storage | 8.32.310 Manure accumulations |
| 8.32.090 Containers—rubbish accumulation | 8.32.331 Billing charges |
| 8.32.100 Bulk handling--refuse storage | 8.32.332 Assessing delinquent charges |
| 8.32.120 Containers--bulk--multifamily dwellings | 8.32.350 Sanitation rates resolution |
| 8.32.150 Collector--littering prohibited | 8.32.380 Special services rate |
| 8.32.160 Private persons transporting | 8.32.420 Exemption from service prohibited |
| 8.32.190 Premises maintenance—violation | 8.32.430 Contractual collection—license required |

8.32.010 Definitions

The following definitions of terms shall apply unless the context clearly indicates another meaning or unless elsewhere expressly stated for specific application:

"City-owned container" means any container supplied to residential or commercial refuse generators by the City.

"Compost" means the product resulting from the decomposition of leaves, straw, grasses and other such vegetable matter mixed or unmixed with well-rotted manure, and mixed or unmixed with inorganic materials ordinarily forming a part of the soil, such as sand or lime, loam, and used, and usable or intended to be used as fertilizer and soil conditioner.

"Contract collection" means engagement by the City of a private company or companies under formal agreement and definite specifications to collect and haul municipal refuse for which the contractors are paid from general public revenues or service fees collected by the City.

"Disposal area" means any site, location, tract of land, area, building, structure or premises used or intended to be used for refuse disposal.

"Garbage" means every accumulation of animal, vegetable or other matter that attends the preparation, consumption, decay, dealing in or storage of meats, fish, fowl, birds, fruit or vegetables, including the cans, containers, or wrappers wasted along with such materials.

"Manure" means the accumulation of animal or fowl droppings with or without added decomposable materials such as straw, grasses or leaves, and exclusive of human excrement.

"Municipal collection" means performance of collection operations under direction of a regular municipal department or official.

"Owner/occupant" means the person occupying a dwelling or unit, or the person owning, operating, managing or keeping any hotel, apartment house, rental unit, mobile home, boardinghouse, trailer camp, auto court, food establishment, industrial establishment, commercial establishment, business establishment, school, church, or institution or premises wherein or whereon refuse accumulates or is likely to accumulate.

"Private collection" means collection by licensed individuals or companies of refuse materials from private properties, pursuant to arrangements made directly between the owner or occupant of the premises and the collector.

"Rack" means any type of support which will hold refuse containers upright and protect the contents from being scattered by animals or the wind.

"Refuse" means any waste products solid or having the character of solids rather than liquid in that it will not flow readily without additional liquid and which is composed wholly or partly of such materials as garbage cleanings, trash, rubbish, litter, industrial solid wastes or domestic solid wastes; organic wastes or residue of animals sold as meat, fruit or other vegetables or animal matter from kitchens, dining rooms, markets, food establishments or any places dealing in or handling meat, fowl, fruits, grain or vegetables, offal, animal excreta or the carcasses of animals, brick, plaster or other waste matter resulting from the demolition, alteration or construction of buildings or structures; accumulated waste material, cans, containers, tires, junk, or other such substances which may become a nuisance.

"Refuse collector" means the person, firm, agency or public body or employee or agent thereof who is or intends to be engaged in the collection and/or transportation of refuse in any part of the City.

"Refuse container" means any container supplied to refuse generators by an authorized collector which are approved by the Director of Public Works.

"Refuse disposal" means the complete process required for the disposal of any refuse and includes all tools, equipment, treatment spaces, buildings, structures, appurtenances and materials required to take refuse from a refuse collector and bury, incinerate, destroy or otherwise dispose of such refuse.

"Rubbish" means wood, leaves, trimmings from shrubs, dead trees or branches, shavings, sawdust, excelsior, woodenware, dodgers, printed matter, paper, paperboard, pasteboard, packing crates and pasteboard boxes, grass, roots, straw, wearing apparel, soil, earth, sand, clay, gravel, loam, stone, bricks, plaster, crockery, glass, glassware, ashes, cinders, shell, metals, and all other materials not included under the term "garbage."

"Salvage operation" means any operation carried on by a person, firm or corporation for the express purpose of reclaiming for value a portion of a substance, material, or goods prior to or as a part of the refuse disposal process by sorting, segregation, or other manual or mechanical means.

"Transportation of refuse" means the hauling in bulk or in refuse containers to the designated disposal area or transfer station. (Ord. 2449 §1(part), 1987).

"Commercial collection" means collection from businesses and multifamily units containing two or more separate dwellings.

"Residential collection" means collection from all single family dwellings.

"Yard Waste" means grass clippings, leaves, trimmings from shrubs and trees, and vegetable and flower garden plants. (Ord. 2728, 1997)

8.32.020 Containers--accumulation or refuse--standards generally

The standards and requirements set out in Sections 8.32.030 through 8.32.120 are established as a minimum for the accumulation and storage of refuse pending collection. (Ord. 2449 §1(part), 1987).

8.32.030 Containers--future use of underground cans prohibited

From and after November 1, 1972, underground containers shall not be used; provided, however, such containers in use at that time may continue to be used until changed by occupant. (Ord. 2449 §1(part), 1987).

8.32.040 Containers--refuse--placement for collection

Residential refuse and garbage generators equipped with City-owned rollout containers shall place refuse and garbage containers on the scheduled collection days at the curblin in front of their residences. Containers shall not be placed for collection before six p.m. on the day preceding the day of collection, and after the containers are emptied they shall be removed from the curblin on the day of collection. It shall be the duty of the owner/occupant to provide and maintain accessibility to any and all containers. (Ord. 2449 §1(part), 1987).

8.32.050 Containers--refuse--placement for alley collection

City-owned containers shall be distributed and positioned as approved by the director of public works. Containers serving more than one residence shall be positioned along the rear or side alley in a manner to facilitate efficient collection and accessibility for refuse and garbage generators and City refuse and garbage collection. It shall be the duty of the owner/occupant to provide and maintain accessibility to any and all containers. (Ord. 2449 §1(part), 1987).

8.32.070 Containers--refuse--garbage wrapping requirements

All garbage placed in residential refuse containers shall be wrapped with paper or plastic. It is prohibited to place the following materials in a City-owned container:

- A. Large limbs or trimmings that do not allow the container lid to close;
- B. Liquids;
- C. Large construction, demolition or remodeling debris;
- D. Concrete, dirt or plaster;
- E. Appliances or other furniture that will not allow the lid to close;
- F. Hot ashes;
- G. Dead animals or parts thereof;
- H. Yard waste including grass clippings. (Ord. 2449 §1(part), 1987).

8.32.080 Combustible rubbish storage

Whenever combustible rubbish is held and stored within any industrial, commercial, or business structure, it must be stored in a manner acceptable to the Fire Marshall. (Ord. 2449 §1(part), 1987).

8.32.090 Containers--rubbish accumulation

Ordinary accumulations of rubbish between collections may be placed at the designated collection place in any container of size and shape easily lifted, secured against the wind, and handled without spillage by the collector. Extraordinary accumulations of rubbish shall be placed for collection in appropriate containers. Tree trimmings may be placed for collection outside of a container provided such trimmings are secured in bundles of convenient size and weight and do not exceed four feet in length. Grass clippings shall be placed in substantial containers that can be collected without spillage. Wetted down ashes shall be placed only in easily lifted metal containers with covers. Other waste material shall be in sturdy, well-built containers which will not break, fall apart, rip or tear while being handled by the collector, or shall be secured in neat bundles, easily handled by the collector and shall not exceed four feet in length. (Ord. 2449 §1(part), 1987).

8.32.100 Bulk handling--refuse storage

Bulk handling or storage of refuse of any character shall be subject to review by the City, and the owner or occupant of any industrial, commercial or business establishment shall make such provisions as required for the sanitary and safe storage and collection of such refuse as may be produced in bulk. (Ord. 2449 §1(part), 1987).

8.32.120 Containers--bulk--multifamily dwelling

For multifamily dwellings containing four or more separate dwelling units, bulk containers of a minimum one-cubic-yard capacity shall be required. For commercial or industrial establishments, bulk containers shall generally be required unless the amount of refuse generated warrants special consideration by the City. Bulk containers shall be supplied and shall be in accordance with requirements outlined in Sections 8.32.040 through 8.32.050. (Ord. 2449 §1(part), 1987).

8.32.150 Collector--littering prohibited

The collector shall not litter any premises or public property while making collections of refuse, nor shall any refuse be allowed to blow or fall from collection vehicles; however, if in spite of normal precautions against spillage, litter is made on any premises or public property, the collector shall immediately remove same and clear up the area of spillage. The collector shall not be responsible to clear up the area of spillage when refuse has been carelessly spilled by the owner/occupant. City Sanitation Officer shall be notified to enforce correct litter accumulation requirements. (Ord. 2449 §1(part), 1987).

8.32.160 Private persons transporting

Private persons who transport any refuse or yard waste shall take action to prevent any spillage. Should any spillage accidentally occur, the transporter will immediately clean the area. (Ord. 2728, 1997; Ord. 2449 §1(part), 1987).

8.32.190 Premises maintenance—violation

It shall be the duty of every owner/occupant to maintain the premises, equipment, containers, and disposal areas owned or used in compliance with all the requirements of this chapter and all of the applicable provisions of this Code and violation is a public nuisance. (Ord. 2728, 1997; Ord. 2449 §1(part), 1987).

8.32.200 Alley maintenance

All persons owning, occupying or being in control of property fronting on any alley of this City shall keep the portion of the alley between the centerline thereof and the property line of such property and fronting on such property, free from garbage, rubbish, weeds, or any other combustible material. (Ord. 2728, 1997; Ord. 2449 §1(part), 1987).

8.32.220 Premises--container placement--parks and public areas

Containers shall be placed by the owner/occupant in a place or manner approved by the Sanitation Division. The Sanitation Division may also place containers in parks, recreation areas, places of public assembly, and along public rights-of-way as may be required or desirable. (Ord. 2449 §1(part), 1987).

8.32.240 Premises--collection—authorized

Every tenant, lessee, occupant, keeper or owner of the places or occupancies referred to in this chapter shall be responsible for the regular collection of garbage from the places of occupancy by authorized collectors. No person shall permit the removal of any refuse except in an approved manner or by an authorized collector. (Ord. 2449 §1(part), 1987).

8.32.270 Burning

The burning of refuse is prohibited. (Ord. 2449 §1(part), 1987).

8.32.280 Construction--waste removal regulations

Each person, building contractor, construction contractor, or subcontractor, engaged in the construction or repair or demolition of any building or structure or part thereof, shall take measures to prevent waste matter or rubbish from accumulating on any street, alley, gutter, park, sidewalk curbing, curb space, any public way or any privately owned premises. Any refuse, waste matter or rubbish shall be cleaned up, and removed from a work site, and disposed of in a sanitary manner. (Ord. 2728, 1997; Ord. 2449 §1(part), 1987).

8.32.290 Salvaging prohibited--exception with contract or permit

No person may pick over, sort, segregate or salvage any refuse deposited in an authorized disposal area, refuse container or refuse pile except as authorized by contract or permit. (Ord. 2449 §1(part), 1987).

8.32.310 Manure accumulations

All manure resulting from keeping of any animal, fowl, livestock or game in the City shall be accumulated in sanitary flyproof containers and collected and disposed of in an approved manner. (Ord. 2728, 1997; Ord. 2449 §1(part), 1987).

8.32.331 Billing charges

- A. The City may make monthly billings for the costs of sanitation service. The cost of sanitation services including collection, refuse reduction or shredding and disposal of garbage from the streets, alleys, and private premises of the City shall be charged to the owner of the property from which such garbage is removed.
- B. Payment shall be made at the Fiscal Control office within fifteen days after the billing date. If payment is not made, such costs may be assessed against the property. (Ord. 2728, 1997; Ord. 2506 §1, 1988).

8.32.332 Assessing delinquent charges

The City may include sanitation charges as part of the annual resolution assessing delinquent accounts. The resolution shall provide property owners name; property owners mailing address; street address; legal description; and parcel number of the property in question. (Ord. 2728, 1997)

8.32.350 Sanitation rates resolution

- A. The City Commission shall, following a public hearing, adopt a resolution establishing sanitation rates as they determine necessary to defray the cost of sanitation services for the fiscal year.

B. It shall be the duty of the Fiscal Control Department before the passage of the resolution fixing the sanitation rates to publish in the official paper of the City a notice of public hearing on the rate resolution. The notice shall include the time and place the resolution will come up for hearing. (Ord. 2728, 1997; Ord. 2449 §1(part), 1987).

8.32.380 Special services rate

A special services rate will be established each year to recover the costs of handling garbage outside of containers. These costs are to be billed monthly to each owner/occupant on the basis of additional time spent at the pickup site. No charges will be made for special services requiring less than three minutes provided, acceptable refuse containers are in use. Where inadequate containers are provided, as determined by the Sanitation Division, the three-minute exception will not apply. (Ord. 2728, 1997; Ord. 2449 §1(part), 1987).

8.32.420 Exemption from service prohibited

It is declared that it is in the interest of good health and sanitation that all premises in the City should receive sanitation service. No service exemption shall be made. Owner/occupants receiving private collection under a City license or permit shall be exempt from City collection charges unless such owner/occupant uses a City container in which case the owner/occupant shall be charged for so long as such use continues. Charges for refuse disposal shall be made against all lots wherein or whereon refuse accumulates or is likely to accumulate. (Ord. 2507 §1, 1988; Ord. 2449 §1(part), 1987).

8.32.430 Contractual --license required

- A. No person shall engage in the business of collecting and removing refuse from any business establishment or private dwelling in the City without first obtaining a City license or applicable certificate.
- B. No owner/occupant or private individual not in the business of collecting and removing refuse shall cause same to be removed from a business establishment or private dwelling in the City except by licensed collector. (Ord. 2728, 1997; Ord. 2449 §1(part), 1987).

**Chapter 36
GARBAGE AND REFUSE--DISPOSAL AREAS¹**

Sections:

- 8.36.010 Standards
- 8.36.020 Scavenging or salvaging--authorization required
- 8.36.030 Disposing in unauthorized areas prohibited
- 8.36.040 Fees

8.36.010 Standards

The ultimate means of disposal of all refuse shall be by landfilling. All disposal operations shall conform to current and accepted principles for the operation as approved or adopted by federal, State and local regulatory agencies. (Ord. 2728, 1997; Ord. 2450 §1(part), 1987: prior code §8-6-1).

8.36.020 Scavenging or salvaging--authorization required

No person shall remove or take away from any City disposal area any soil, manure, refuse or material of any nature whatsoever unless specific authorization in writing to do so is obtained from the appropriate department. (Ord. 2728, 1997; Ord. 2450 §1(part), 1987: prior code §8-6-2).

8.36.030 Disposing in unauthorized areas prohibited

It is unlawful for any person to dispose of any manure, garbage, refuse or other material on property within the City other than disposal areas established to receive that particular substance. (Ord. 2728, 1997; Ord. 2450 §1(part), 1987: prior code §8-6-3).

8.36.040 Fees

There shall be charged fees as defined in this section for disposal of refuse on any designated disposal area:

- A. Any person, firm or corporation shall be entitled to dispose of refuse on any disposal area owned by the City and so designated for public use upon payment of fees to the City as shall from time to time be established.
- B. The appropriate Department shall from time to time determine the costs encountered in handling refuse at City disposal site. The City Commission shall enact by resolution such disposal fees as they may determine necessary to

¹For provisions on refuse collector licensing, see Ch. 5.01 of this Code.

recover such disposal costs as provided in 8.32.350. (Ord. 2728, 1997; Ord. 2450 §1(part), 1987: prior code §8-6-5).

**Chapter 40
SWIMMING POOLS**

Sections:

- 8.40.010 Definitions
- 8.40.020 Protective barrier--required
- 8.40.040 Protective barrier--inspection of swimming pools
- 8.40.055 Adopted by reference--swimming pool & spa closure policy

8.40.010 Definitions

A. For the purpose of this chapter the following terms shall be construed to have the meanings given them in this section:

"Private swimming pool" includes all artificially constructed pools which are used in connection with and appurtenant to a single-family residence and available only to the family of the householder or his private guests.

"Semiprivate pool" includes all artificially constructed pools which are used in connection with multiple family or cooperative groups (such as apartments, motels, or subdivisions) and available only to such groups and their private guests but not available to the general public.

"Swimming pool" means an artificial pool of water, including all appurtenances to its use, and used for swimming or recreational bathing.

B. Other terms shall be construed in their normal and ordinary use and sense. Technical terms shall be construed with the meaning accorded them by the Health Department of this and other cities concerning swimming pools. (Prior code §4-12-1).

8.40.020 Protective barrier—required

The pool area shall be enclosed by a substantial protective barrier which shall be adequate and sufficient to prevent persons, children, or animals from danger or harm and shall be equipped with a self-closing, self-latching lock gate. (Prior code §4-12-2(part)).

8.40.040 Protective barrier--inspection of swimming pools

The building inspector is herewith empowered with the authority to inspect any and all swimming pools within the City to determine whether or not there is a good and sufficient barrier as defined in Section 8.40.020. (Prior code §4-12-2(B)).

8.40.055 Adopted by reference--swimming pool and spa closure policy

The City adopts, by reference, the City-County Health Department Swimming Pool and Spa Closure Policy. A copy of the policy shall be filed with the City Clerk. (Ord. 2728, 1997)

**Chapter 44
WEEDS**

Sections:

- 8.44.010 Nuisance weeds--defined
- 8.44.020 Nuisance weeds--deemed a nuisance
- 8.44.040 Violation--Public Works Director to serve notice
- 8.44.050 Violation--Notice procedure
- 8.44.060 Assessing delinquent charges

8.44.010 Nuisance weeds—defined

"Nuisance weeds" are all weeds, grass and uncared for vegetation growing to a height in excess of eight inches on premises located within the City. (Ord. 2432 (part), 1986: Ord. 1857 §2(part), 1975: prior code §9-9-1).

8.44.020 Nuisance weeds--deemed a nuisance

It is a public offense punishable under the general penalty provided in Chapter 1.4.070, and it is a nuisance, for any person, firm or corporation to maintain, cause, permit or suffer any growth of nuisance weeds as defined in Section 8.44.010 to exist in or upon any premises in the City owned by such person, firm, or corporation, or upon the

boulevards or the one-half of any public roads, streets, or alleys adjacent thereto. (Ord. 2432 (part), 1986: Ord. 1857 §2(part), 1975: prior code §9-9-2).

8.44.040 Violation--Public Works Director to serve notice

- A. It shall be the duty of the Public Works Director or authorized representative to enforce the provisions of this chapter, and upon a determination that a violation of this chapter exists, shall ascertain the name and mailing address of the owner of the premises and the description of the premises where the violation exists. The name and mailing address of the owner may be obtained from the current assessment list maintained by the office of the Cascade County assessor. Written notice of violation shall be served upon the owner directing that the nuisance weeds shall be cut and removed from the premises within seven days or the following action will be taken: The City will cause the nuisance weeds to be removed, with the cost thereof to be charged against the owner.
- B. Payment shall be made at the Fiscal Services Department within fifteen days after the billing date. If payment is not made, such costs can be assessed against the property. (Ord. 2728, 1997; Ord. 2432 (part), 1986: Ord. 1857 §2(part), 1975: prior code §9-9-3).

8.44.050 Violation--notice procedure

Notice of violation shall be made by either:

- A. Posting a copy of the notice on the premises; or
- B. Mailing a copy of the notice to the owner by first-class United States mail. The notice shall be deemed complete on the day the notice is posted or mailed. (Ord. 2432 (part), 1986: Ord. 1857 §2(part), 1975: prior code §9-9-4).

8.44.060 Assessing delinquent charges

The City may include weed removal as part of the annual resolution assessing delinquent accounts. The resolution shall provide the property owners name; property owners mailing address; street address; legal description; and parcel number of the property in question. (Ord. 2728, 1997)

**Chapter 49
NUISANCES**

Sections:

- 8.49.010 Nuisance defined
- 8.49.020 Summary abatement--lien procedure
- 8.49.030 Lien procedure for abatement of nuisance
- 8.49.040 Notice of hearing before City Commission
- 8.49.050 Hearing by City Commission --finding of nuisance
- 8.49.060 Abatement
- 8.49.070 Hearing by City Commission --statement of expense
- 8.49.080 Recordation of certificate--when nuisance is abated
- 8.49.090 Violation--penalty

8.49.010 Nuisance defined

Anything which is injurious to health, or is indecent or offensive to the senses, or is an obstruction to the free use of another's property, so as to interfere with the comfortable enjoyment of life or property of another; or including but not limited to placement and/or maintenance of any motor vehicle, motorcycle, trailer, camp trailer or mobile home on any property in the City in violation of any zoning regulation or other City ordinance; or all any residential structure (including all appurtenant structures) to remain vacant for more than one year where its condition constitutes a hazard or its appearance is a blight to the community or where the property is maintained so as to obstruct the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin, or any public park, square, street, or highway, is defined to be a "nuisance."

This declaration of nuisance by the City Commission is made pursuant to Sections 7-5-4104 and its self-governmental powers under the Charter. (Ord. 2500 §1(part), 1988).

8.49.020 Summary abatement--lien procedure

The City Commission declares that it is in the public interest to establish a summary abatement procedure utilizing a lien process to abate any nuisance as defined in Section 8.49.010. The expense of abatement of nuisances shall be a lien against the property on which it is maintained and a personal obligation shall exist as against the property owner. (Ord. 2500 §1(part), 1988).

8.49.030 Lien procedure for abatement of nuisance

- A. The **Planning and** Community Development Director, Chief of Police, Fire Chief, Public Works Director or other authorized City personnel, shall examine or cause to be examined whether any property or thing has been maintained so as to constitute a nuisance as defined in Section 8.49.010. With owner's consent, City personnel may enter upon private premises at any reasonable time to perform an inspection or if such consent cannot be obtained, resort to other legal process inclusive of a search warrant.
- B. If City personnel find that a nuisance does exist, they shall obtain a preliminary title report on the real property where the nuisance exists, which shall identify all owners of record, lessees of record, holders of mortgages, deed of trust or other liens and encumbrances of record. They shall serve upon each such person by personal service or by certified mail, postage prepaid, return receipt requested, a written notice stating the nature of the nuisance and requiring the owner to commence either the required repairs, demolition, removal or other appropriate action within ten days and to complete such work within thirty days from the date of notice. Such notice shall also contain the office, address, phone number of City personnel empowered to review the subject matter and the days and hours the same may be contacted. The notice shall be sent to each such person at his address as it appears on the last equalized assessment roll of the County or as known to City personnel. If no address of any such person so appears, then a copy of the notice shall be mailed, and addressed to such person, at the address of the real property where the nuisance is found to exist.
1. The service by certified mail shall be effective on the date of mailing. City personnel shall cause at least one copy of the notice to be posted conspicuously on the building, structure, or on the real property or thing alleged to be a nuisance.
 2. Proof of service notices shall be certified to at the time of service by written declaration executed by the person effecting service, declaring the time, date and manner in which service was made. The declaration, together with any receipt card, returned acknowledgment of receipt by certified mail, shall be affixed with a copy of the notice and order retained by City personnel. (Ord. 2500 §1(part), 1988).

8.49.040 Notice of hearing before City Commission

If the property owner does not comply with the notice prescribed by Section 8.49.030, by commencing the required work within the time allowed, or makes such other arrangement as may be satisfactory, City personnel shall thereupon send a notice, by certified mail, postage prepaid, return receipt requested, to the owner, mortgage holder, deed of trust holder, or holder of any other lien, encumbrance, estate or legal interest of record as disclosed by the preliminary title report obtained pursuant to Section 8.49.030. The cost of said title report shall be charged to the owner. (Ord. 2728, 1997)

8.49.050 Hearing by City Commission --finding of nuisance

- A. At the time fixed on the notice, the City Commission shall proceed to hear the testimony of the City personnel and the testimony of any other interested party who may be present and desire to testify respecting the condition of the property or thing, the estimated cost of repair, demolition, removal or other appropriate action.
- B. Upon the conclusion of the hearing, the City Commission will by resolution, declare its findings and in the event it so concludes, it may declare the property or thing to be a nuisance and direct the owner to obtain the proper permits and physically commence abatement of the nuisance within ten days, and to complete said abatement within thirty days by having the property repaired, demolished, removed or other appropriate act necessary to cure the nuisance.
- C. Such resolution shall further notify the owner of the property that if the nuisance is not abated, the property will be the subject of repair, demolition, removal, or other appropriate act, as the case may be, by the City and the expenses thereof shall remain a lien on the property.
- D. The City personnel shall send copies of the resolution to the person owning the property or thing, as such person's name and address appear on the last equalized assessment roll or as known to the City personnel, and to each lessee, mortgage holder, deed of trust holder, or other holder of any other lien, encumbrance, estate, or legal interest of record as shown on the preliminary title report obtained pursuant to this section, at the last known address of each such person.
- E. The City Clerk shall file a certified copy of any resolution declaring real property a nuisance with the Cascade County Clerk and Recorder.
- F. The City Commission will consider any extension of the time limits set by resolution, if the owner posts a cash deposit, in an amount fixed by the City Commission, within three days from the date of the grant of the extension request. (Ord. 2500 §1(part), 1988).

8.49.060 Abatement

- A. In the event the owner does not commence the abatement of the nuisance located on the real property within ten days prescribed, City personnel are authorized to undertake the appropriate action such as demolition, repair or

removal necessary to cure the nuisance in accordance with the resolution of the City Commission or have the work done pursuant to purchase order or contract.

- B. City personnel shall keep an itemized account of all expenses involved in the repair, demolition, removal or other appropriate act necessary to cure the nuisance.
- C. City personnel shall mail a copy of the statement to the property owner and to any holder of any interest of record, along with a notice of time and place when and where the statement shall be submitted to the City Commission for approval and confirmation. (Ord. 2500 §1(part), 1988).

8.49.070 Hearing by City Commission --statement of expense

- A. At the time fixed for the hearing of the statement of expense, the City Commission shall consider the statement together with any objection or protest which may be raised by any of the property owners liable to be assessed for the work and any other interested person and the same shall be confirmed as stated, revised, corrected or modified by the City Commission.
- B. Payment of Expenses. If said statement is not paid within five days of the adoption of the resolution, it shall constitute a lien upon the real property and shall be collected as a special assessment against the real property. (Ord. 2500 §1(part), 1988).

8.49.080 Recordation of certificate--when nuisance is abated

When the City Commission has by resolution declared that such property or thing is being maintained as a nuisance, and such resolution has been recorded and thereafter such nuisance is abated, City personnel shall prepare and file with the Clerk and Recorder of the County a certificate stating that such nuisance has been abated and indicating the method of abatement. (Ord. 2500 §1(part), 1988).

8.49.090 Violation—penalty

Any person violating any provision of this chapter is guilty of a misdemeanor pursuant to the general penalty chapter of this Code, Chapter 1.04.070. (Ord. 2500 §1(part), 1988).

**Chapter 50
PUBLIC NUISANCES**

Sections:

- 8.50.010 Public nuisance defined
- 8.50.020 Offense designated
- 8.50.030 Extent of nuisance not limiting
- 8.50.035 Barbed wire and electric fences
- 8.50.040 Violation--penalty

8.50.010 Public nuisance defined

"Public Nuisance" means:

- A. A condition which endangers safety or health, is offensive to the senses, or obstructs the free use of property so as to interfere with the comfortable enjoyment of life or property by an entire community or neighborhood or by any considerable number of persons;
- B. Any premises where persons gather for the purpose of engaging in unlawful conduct; or
- C. Any condition which renders dangerous for passage any public highway or right-of-way or waters used by the public. (Ord. 2728, 1997; Ord. 2603 (part), 1991).

8.50.020 Offense designated

A person commits the offense of maintaining a public nuisance if he knowingly creates, conducts, or maintains a public nuisance. (Ord. 2603 (part), 1991).

8.50.030 Extent of nuisance not limiting

Any act which affects an entire community or neighborhood or any considerable number of persons is no less a nuisance because the extent of the annoyance or damage inflicted upon individuals is unequal. (Ord. 2603 (part), 1991).

8.50.035 Barbed wire and electric fences

- A. It is a public nuisance for any person to have, maintain or erect or allow to have, maintain or erect a barbed wire fence or an electric fence upon any premises in the City owned or occupied by such person or upon the boulevards or in any public roads, streets and alleys except as provided in subsection B of this section. "Electric fence" means

any conductive material encompassing a property or partial property and having an electrical potential to earth ground.

B. Exceptions.

1. A fence wherein the barbs are at least six feet above grade and located on top of a security fence.
2. A barbed wire fence in a suburban residential use district as designated in Title 17 of this Code. (Ord. 2728, 1997; Ord. 2417 (part), 1986).

C. If the person fails to remove the barbed wire or electric fence within the time specified in a written notice of violation, the **Planning and** Community Development Director shall cause the fence to be removed from the premises and shall bill the cost thereof, together with a reasonable charge for administration and supervision, to the owner or occupant of the property. (Ord. 2728, 1997; Ord. 2417 (part), 1986).

8.50.040 Violation—penalty

A person convicted of maintaining a nuisance shall be fined not less than two hundred fifty dollars nor more than five hundred dollars or imprisoned in the County jail for a term not to exceed six months, or both. Each day of such conduct constitutes a separate offense. (Ord. 2603 (part), 1991).

**Chapter 51
MAINTENANCE AND SANITATION OF PREMISES**

Sections:

- 8.51.010 Definitions
- 8.51.020 Maintenance duty of controlling owner/agent
- 8.51.030 Conditions prohibited on premises
- 8.51.040 Conditions prohibited on right-of-way
- 8.51.040 Violation

8.51.010 Definitions

For the purposes of this chapter, unless otherwise apparent from the context, certain words and phrases used in this chapter are defined as follows:

“Premises” shall mean any lot or parcel of land or property, including any building or portion thereof, improved or unimproved.

“Public right-of-way” shall mean any area or parcel of land granted, deeded, dedicated to, or otherwise acquired by the City or the public at large for any public purpose, including, but not limited to, alleys, roadways, parkways, pedestrian ways, sidewalks, public streets, water or waterways, and uses for storm drains and drainage, sanitary sewers, water pipes, electric and telephone conduits, electronic services, overhead wires, and supporting structures. (Ord. 2695, 1995).

8.51.020 Maintenance duty of controlling owner/agent

Any person owning, leasing, occupying, or having charge or possession of any premises in the City, and the agent thereof, shall keep and maintain such premises and the right-of-way abutting such premises in a safe, clean, orderly, sanitary and aesthetic condition. (Ord. 2695, 1995).

8.51.030 Conditions prohibited on premises

The following conditions do not comport with a safe, clean, orderly, sanitary, aesthetic condition and are prohibited:

- A. Buildings which are abandoned, boarded up, partially destroyed, or partially constructed or uncompleted buildings after building permits have expired;
- B. Buildings with deteriorating or peeling paint which allows the exterior building coverings to deteriorate or allows the effects of sun or water penetration so as to cause decay, dry rot, warping, or cracking;
- C. Broken windows, doors attic vents, or underfloor vents;
- D. Improperly maintained landscaping which is visible from streets, including, but not limited to:
 1. Lawns with grasses in excess of eight (8") inches in height;
 2. Untrimmed hedges;
 3. Dying trees, shrubbery, lawns, and other desired plant life from lack of water or other necessary maintenance; and
 4. Trees and shrubbery growing uncontrolled without proper pruning;
- E. Overgrown vegetation which is unsightly and likely to harbor rats or vermin;
- F. Dead, decayed, or diseased trees, weeds, and other vegetation;

- G. Trash, garbage, or refuse cans, bins, boxes, or other such containers stored in front or side yards visible from public streets and rear yards;
- H. Lumber, junk, trash, debris, or salvage materials maintained upon any premises which are visible from a public street, alley, or adjoining property;
- I. Abandoned, discarded, or unused furniture, stoves, sinks, toilets, cabinets, or other household fixtures or equipment stored so as to be visible at ground level from a public alley, street, or adjoining premises;
- J. Premises having a topography, geology, or configuration which, as a result of grading operations or improvements to the land, causes erosion, subsidence, unstable soil conditions, or surface or subsurface drainage problems or potentially injurious to adjacent premises;
- K. Abandoned, wrecked, dismantled, or inoperative automobiles, trailers, campers, boats, and other motor vehicles which are accumulated or stored in yard areas;
- L. The accumulation of dirt, litter, or debris in vestibules, doorways on the premises, or adjoining walkways;
- M. Mounds of soil, dry grass, weeds, dead trees, tin cans, abandoned asphalt or concrete, rubbish, refuse, or waste or other unsanitary material of any kind;
- N. Building exteriors, walls fences driveways, or walkways which are broken, defective, deteriorated, in disrepair, or defaced due to any writing, inscription, scratch, or other marking commonly referred to as “graffiti”;
 - 1. It shall be the duty of the owner or tenant or agent thereof to remove graffiti from such premises within seventy-two hours after graffiti appears. (Ord. 2920, 2005)
- O. Any unsightly, partly completed or partly destroyed buildings, structures, or improvements in the City which endanger or injure neighboring properties or the public health, safety, or general welfare;
- P. Any tree which overhangs a street, alley, or sidewalk in such a manner as to cause an obstruction to any person using such street, alley, or sidewalk;
- Q. Any other condition which is or may reasonably become infested or inhabited by rodents, vermin or wild animals or may furnish a breeding place for mosquitoes, or threatens or endangers the public health, welfare, and safety or may reasonably cause disease, adversely affects and impairs the economic welfare or adjacent property, is offensive to the senses, or obstructs the free use of property so as to interfere with the comfortable enjoyment of life or property by an entire community or neighborhood or by any considerable number of persons. (Ord. 2695, 1995).

8.51.040 Conditions prohibited on right-of-way

The following conditions do not comport with a safe, clean, orderly, and sanitary conditions on any public right-of-way and are prohibited by Section 8.51.020.

- A. Any dirt, litter, debris, rubbish, weeds, or any other kind of waste or unsanitary material of any kind;
- B. Any curb cut or driveway approach, or a portion thereof, which is no longer needed or which no longer provides vehicular access to the adjacent premises;
- C. Any curb, sidewalk, parkway, or driveway which is cracked, broken, or otherwise in need of repair, replacement, or maintenance. (Ord. 2695, 1995).

8.51.050 Violation – penalty

Any person convicted of violating this chapter shall be fined not less than two-hundred fifty (\$250) dollars nor more than five-hundred (\$500) dollars or imprisoned in the county jail for a term not to exceed six months, or both. Each day of such conduct constitutes a separate offense. (Ord. 2695, 1995).

**Chapter 52
ABATEMENT OF DISEASED TREES**

Sections:

- 8.52.010 Nuisance declared
- 8.52.020 Maintaining nuisances unlawful
- 8.52.030 Inspection and investigation
- 8.52.040 Abatement of nuisances on public property
- 8.52.050 Abatement of nuisances on private or governmental property
- 8.52.055 Specific procedure for abatement of Dutch Elm disease
- 8.52.060 Spraying
- 8.52.070 Notice of operations
- 8.52.080 Transporting Elm wood prohibited
- 8.52.090 Interference prohibitive
- 8.52.100 Cost of abatement

8.52.010 Nuisance declared

The following conditions shall be declared to be public nuisances whenever found to exist within the City and shall be abated as provided herein:

- A. Any living or standing tree or shrub or part thereof infected to any degree with any disease, fungus, or insect which is, in the judgment of the Park and Recreation Department, harmful to said tree;
- B. Any dead tree or part thereof, including logs, branches, stumps, firewood or any portion of any diseased tree which has not been disposed of in accordance with the regulations of the Park and Recreation Department. (Ord. 2491 §2(Exh. B(part)), 1988).

8.52.020 Maintaining nuisances unlawful

It is unlawful for any person to willfully permit any public nuisance as defined in Section 8.52.010 hereof, to remain on any property controlled by any person within the City. (Ord. §2(Exh. B(part)), 1988).

8.52.030 Inspection and investigation

- A. The Park Superintendent, or such other person as may be designated by the City Manager, shall inspect all premises and places within the City as often as practical to determine the existence of such nuisances.
- B. The Park Superintendent or such other person as may be designated by the City Manager may with the consent of the owner enter upon private premises at any reasonable time for the purpose of carrying out an inspection of the premises of the collection of appropriate specimens or samples for diagnosis. If such consent cannot be obtained, the authorized representative shall have resources to other legal process inclusive of a search warrant to secure entry.
- C. The Park Superintendent or such other person as may be designated by the City Manager shall, with reasonable cause to believe that a tree is diseased, immediately obtain and furnish appropriate specimens or samples to a qualified plant diagnostician for diagnosis. No action to remove such trees or wood shall be taken until a reasonably certain diagnosis of the disease has been made.
- D. Within five days of receipt of the diagnosis, the owner of the property from which the specimen or sample was obtained shall be notified by the Park and Recreation Department of the results by certified mail or personal delivery. (Ord. 2491 §2(Exh. B(part)), 1988).

8.52.040 Abatement of nuisances on public property

In abating the nuisance of public streets, alleys, boulevards or public ways as defined in Section 8.52.010 hereof, the Park Superintendent shall cause the infected tree or wood to be removed or otherwise effectively treated so as to destroy and prevent as fully as possible any tree disease, fungus or harmful insect. (Ord. 2491 §2(Exh. B(part)), 1988).

8.52.050 Abatement of nuisances of private or governmental property

Whenever the Park Superintendent or such other person as may be designated by the City Manager finds with reasonable certainty that any tree disease, fungus or harmful insect exists in any tree, shrub or wood located on private property outside any public way in the City, or upon property owned and controlled by a governmental unit other than the City, the owner or person in control of such property shall be notified in writing by certified mail, or by personal delivery the existence of the nuisance and direct that the nuisance be removed, burned, buried or otherwise effectively treated in the approved manner within twenty days after mailing of such notice. The notice shall state that if such nuisance shall not be abated by the owner within the time provided, the Park and Recreation Department shall proceed to have such nuisance properly abated or eliminated. The notice shall further contain:

- A. The address or other description sufficient to identify the premises where such nuisance is located;
- B. A statement that certain vegetation or other property has been found to be a nuisance as herein defined and a description of the conditions constituting such nuisance;
- C. A statement of the action to be taken as determined by the Park Superintendent;
- D. The office, address, phone number of an authorized representative of the City empowered to review the order of the Park Superintendent and the days and hours the same may be contacted:
 1. Such requests for review must be made within ten days of the date of notice or further review will thereafter be barred;
- E. A statement that if the owner does not effect the order of the Park Superintendent within twenty days of the date of such notice, the Park and Recreation Department shall have the nuisance abated and the costs shall be levied as a special assessment lien of the premises. (Ord. 2491 §2(Exh. B(part)), 1988).

8.52.055 Specific procedure for abatement of Dutch Elm disease

- A. No action to remove, destroy and dispose of wood infected with Dutch Elm fungus shall be taken until a reasonably certain diagnosis of the disease has been made. When such diagnosis has been made, the infected tree or wood shall be removed, destroyed and disposed of in a manner which will effectively destroy and prevent as fully as possible the spread of the Dutch Elm disease fungus.

- B. When the presence of elm bark beetles has been discovered in or upon any living elm tree but the presence of Dutch Elm disease fungus is not then or thereafter diagnosed, the tree shall be treated in a manner which will effectively destroy and prevent as fully as possible the spread of the elm bark beetle. If such treatment is not, or, because of the extent of infestation, cannot be effective, the tree shall be removed, destroyed and disposed of.
- C. Standing dead elm trees, elm logs, branches, stumps, firewood or other raw elm material from which the bark has not been removed and which are not infected with Dutch Elm disease fungus, shall have the bark removed, destroyed and disposed of or shall be treated in a manner which will effectively destroy and prevent as fully as possible the spread of the elm bark beetle. If such treatment is not effective, or, because of the extent of infestation, cannot be effective, the trees, logs, branches, stumps, firewood or other raw elm material shall be removed, destroyed and disposed of.
- D. Specifications and procedures for the removal, destruction and disposal of trees and wood infected with Dutch Elm disease fungus, for treating live elm trees infested with elm bark beetles, and for removing, destroying and disposing of elm bark and treating dead elm trees, logs, branches, stumps, firewood and other raw material shall be established by the Director of Park and Recreation. (Ord. 2491 §2(Exh. B(part)), 1988).

8.52.060 Spraying

Whenever the Park Superintendent shall determine that any tree or part thereof is infected with any tree disease, fungus or harmful insect, and is in a weakened condition, he may cause all such trees within a specified radius thereof to be treated with an effective concentrate as may be recommended by the State Forester. (Ord. 2491 §2(Exh. B(part)), 1988).

8.52.070 Notice of operations

- A. When trees on private property are to be treated, the Park Superintendent shall notify the owner of such property and proceed in accordance with the requirements of this chapter.
- B. In order to facilitate the work and minimize the inconvenience to the public of any treating operations conducted under this chapter, the park supervisor shall cause to be given advance public notice of such operations by newspaper, radio, television, public service announcements or other effective means and shall also cause the posting of appropriate warning notices in the areas and along the streets where trees to be treated at least twenty-four hours in advance.
- C. When appropriate warning notices have been given and posted, the City shall not allow any claim for damages to any vehicle or other property resulting from such treating operations. (Ord. 2491 §2(Exh. B(part)), 1988).

8.52.080 Transporting Elm wood prohibited

It is unlawful for any person to transport within the City any bark bearing elm wood without having obtained a permit therefore from the Director of Park and Recreation. The Director of Park and Recreation shall grant such permits only when the purpose of this chapter shall be served thereby and may impose such restrictions as deemed necessary. (Ord. 2491 §2(Exh. B(part)), 1988).

8.52.090 Interference prohibitive

It is unlawful for any person, firm or corporation to prevent, delay or interfere with the Park Superintendent, employees, or agents while they are engaged in the performance of the duties imposed by this chapter. (Ord. 2491 §2(Exh. B(part)), 1988).

8.52.100 Cost of abatement

The cost of abatement of any nuisance incurred by the City and not reimbursed by the owner on or before the September 15th of each year shall be reported by the Director of Park and Recreation to the City Commission. The City Commission shall assess the levy and cause the same to be collected as a special assessment lien against the subject premises. (Ord. 2491 §2(Exh. B(part)), 1988).

**Chapter 56
NOISE**

Sections:

- 8.56.010 Definitions
- 8.56.020 Loud noises prohibited
- 8.56.030 Prohibited acts
- 8.56.040 Noise levels—Limitations for structures and open Spaces--dB(A) criteria--Table I
- 8.56.050 Noise levels--maximum permissible for motorized vehicle--Table II
- 8.56.060 Noise levels--exemptions
- 8.56.070 Noise--measurement

- 8.56.080 Relief permit
- 8.56.090 Enforcement
- 8.56.100 Violations--from moving noise source or sources
- 8.56.120 Violations--penalties
- 8.56.130 Violation--additional remedy--injunction

8.56.010 Definitions

As used in this chapter, unless the context otherwise requires, the following words and phrases shall have the meanings ascribed to them in this section:

"Ambient noise" is the noise which exists at a point of measurement in the absence of the sound emitted by the source being measured, being the total effect of all other sounds coming from near and far.

"dB(A)" means sound levels in decibels measured on an "A" scale of a standard sound level meter having characteristics defined by the American National Standards Institute, publication S 4-1970.

"Decibel" means the sound pressure level, in decibels, in a logarithmic unit used to express the magnitude of sound pressure with respect to a reference sound pressure. It is defined as twenty times the logarithm to the base ten of the ratio of the sound pressure to the reference sound pressure. By international standards, the reference sound pressure is 2 x 10⁻⁵ newtons/meter squared. For example, a doubling of sound pressure, at any magnitude, will result in a six decibel increase in sound pressure level; a tenfold increase will result in a twenty-decibel increase in sound pressure level.

"Emergency work" is work made necessary to restore property to a safe condition following a public calamity or work required to protect persons or property from exposure to danger or potential danger.

"Health" is defined as an optimal State of physical, mental and emotional well being and not merely the absence of disease.

"Motor Vehicle" means a vehicle propelled by its own power and designed or used to transport persons or property upon the highways of the state. (Ord. 2790, 2000)

"Reasonable Person" is a normal, healthy person of ordinary habits and sensibilities who is entitled to enjoy ordinary comfort of human existence and not the extra-sensitive or fastidious person or the hardened individual inured to such irritation or annoyance. (Ord. 2790, 2000)

"Person" means any person, person's firm association, co-partnership, joint venture, corporation or any entity, public or private in nature.

"Zoning" for the purpose of this chapter, includes the following:

1. "Residential area"
 - a. ~~Residential rural R-1~~ **Single-family suburban;**
 - b. ~~Residential suburban R-2~~ **Single-family medium density;**
 - c. ~~Residential suburban trailer R-3~~ **Single-family high density;**
 - d. ~~Residential one family R-5~~ **Multi-family residential medium density;**
 - e. ~~Residential one family, restricted R-6~~ **Multi-family residential high density;**
 - f. ~~Residential two family R-10~~ **Mobile home park;**
 - g. ~~Residential multiple family POS~~ **Parks and open space;**
 - h. ~~Residential Professional PUD~~ **Planned unit development..**
2. "Light commercial" includes:
 - a. ~~Commercial limited C-1~~ **Neighborhood commercial.**
3. "Heavy commercial" includes:
 - a. ~~Commercial highway C-2~~ **General commercial;**
 - b. ~~Commercial general C-3~~ **Highway commercial;**
 - c. ~~Commercial central C-4~~ **Central business core;**
 - d. ~~C-5~~ **Central business periphery;**
 - e. ~~M-1~~ **Mixed-use;**
 - f. ~~M-2~~ **Mixed-use transitional;**
 - g. ~~PLI~~ **Public lands and institutional**

- 4. "Industrial" includes:
 - a. ~~Industrial~~ light **I-1 Light industrial;**
 - b. ~~Industrial~~ heavy- **I-2 Heavy industrial;** (Prior code §6-1-11(A)).
 - c. **GFIA Great Falls International Airport.**

8.56.020 Loud noises prohibited

It is unlawful for any person to make or cause to be made any excessive or unusually loud noise or any noise measured or unmeasured which either annoys, disturbs, injures, or endangers the comfort, repose, health, peace or safety of any reasonable person of normal sensitivity within the limits of the City. (Prior code §6-1-11(B)).

8.56.030 Prohibited acts

It is unlawful to perform any of the following acts within the City:

- A. Horns and Signaling Devices. Sounding any horn or signaling device on any truck, automobile, motorcycle, or other vehicle on any street or public place of the *City* except as a warning signal;
- B. Sound Amplifying Equipment. Using, operating, or permitting the use of any radio receiving set, musical instrument, television, phonograph, or other machine or device for the production or reproduction of sound in such a manner as to disturb the quiet, comfort, or repose of any normally sensitive and reasonable person, or the operation of any such sets, instruments, television, phonographs, machine or device in such a manner as to be in violation of this chapter;
- C. Operation of Sound Producing or Reproducing Equipment in or from a motor vehicle, either parked or in transport. The use or operation of any radio, compact disc or tape player, musical instrument, loud speaker, or any other device used to amplify any type of sound, or which causes a vibration at a level where the sound or vibration can be heard or felt at a distance greater than 50 feet from the exterior of the vehicle from which the device is being operated. Violation of this section shall be punishable by a graduated fine schedule starting with a minimum of a written warning and a maximum of \$500. The following fine schedule is associated with violations of this subsection.

1 st offense	Written warning tracked by the court
2 nd offense	\$30
3 rd offense	\$70
4 th offense	\$150
5 th offense	\$500 (Ord. 2790, 2000)
- D. Loud Speakers and Amplifiers for Commercial Purposes. Installing, using operating within the *City* a loudspeaker or sound amplifying equipment at levels in excess of those specified in Section 8.56.040 in a fixed or movable position or mounted upon any sound truck for the purpose of giving instructions, directions, talks, addresses, lectures, or transmitting music to any persons or assemblages, of persons in or upon any street, alley, sidewalk, park, place, or public property without first obtaining a permit;
- E. Yelling and Shouting. Yelling, shouting, hooting, or whistling on the public streets, alleys, or parks at any time as to annoy or disturb the quiet, comfort, or repose of any normally sensitive and reasonable person;
- F. Animals. Owning, keeping, having in possession or harboring any animals which, by frequent or habitual howling, barking, meowing, squawking, or any other noise as to disturb the quiet, comfort, or repose of any normally sensitive and reasonable person;
- G. Exhausts. Discharging into the open air the exhaust of any steam engine, stationary internal combustion engine, motorboat, or motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive noises there from;
- H. Defect in Vehicle or Load. Operating any truck, trailer, automobile, motorcycle, or vehicle so out of repair or so loaded in such a manner as to create loud and unnecessary grating, grinding, rattling or other noises;
- I. Loading, Unloading and Opening Containers. Loading, unloading, opening or other handling of boxes, crates, containers, garbage containers, or other objects in such a manner as to disturb the quiet, comfort or repose of any normally sensitive and reasonable person;
- J. Construction Projects or Repair of Buildings. Operating equipment or performing any construction or repair work between the hours of eight p.m. and seven a.m. on buildings, structures or projects or operating any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist or other construction-type device in such a manner as to disturb the quiet, comfort or repose of any normally sensitive and reasonable person;
- K. Exemption Clause. Any of the above acts performed for emergency work for the safety, welfare, and public health of the citizens of Great Falls and to the extent that the noise thereby created is reasonably necessary for the public benefit will not be construed to be in violation of this chapter. (Prior code §6-1-11(C)).

8.56.040 Noise levels--Limitations for structures and open spaces--dB(A) criteria--Table I

- A. Maximum permissible decibel limits on noise emitting from source or sources not on a public right-of-way in residential, commercial, and industrial districts are as set out in this section.
- B. Noise will be measured at a distance of twenty-five feet from the source or at the boundary of the lot, whichever is the greater distance. Noise radiating from properties or buildings in excess of the dB(A) established for the districts and times in Table I of this section shall constitute prima facie evidence that such noise is a public nuisance. This includes noise from such activities as production, processing, cleaning, servicing, testing and repair of vehicles, material, goods or products. Noises caused by home or building repair or grounds maintenance are excluded as provided in Section 8.56.060.

TABLE I

Limitations

Districts	8 a.m. to 8 p.m.	8 p.m. to 8 a.m.
Residential	55 dB(A)	50 dB(A)
Light commercial	65 dB(A)	60 dB(A)
Heavy commercial	70 dB(A)	65 dB(A)
Industrial	80 dB(A)	75 dB(A)

- A. At boundaries between zones, the lower of the dB(A) level shall be applicable.
- B. To be in violation, the source of sources of noise must be identifiable and the levels without regard to the ambient must exceed the limitations in Table I.
- C. Periodic or impulsive noises are in violation when such noises are at a noise level of five dB(A) less than those listed in this section.
- D. Construction projects shall be subject to the maximum permissible noise levels specified for industrial districts pursuant to any applicable construction permit issued by the building inspector, or if no time limitation is imposed, then for a reasonable period of time for completion of the project.
- E. All railroad rights-of-way shall be considered as industrial districts for the purpose of this chapter, and the operation of trains shall be subject to the maximum noise levels specified for such district. (Prior code §6-1-11(D)).

8.56.050 Noise levels--maximum permissible for motorized vehicles--Table II

- A. It is unlawful to operate a motorized vehicle within the *City* limits which emits noise, with the exception of sound producing equipment as defined in OCCGF.8.56.030(C) in excess of the limits specified in Table II below. (Ord. 2790, 2000)
- B. Noise from a noise source within a public right-of-way shall be measured at a distance of at least twenty-five feet from the center of the nearest traffic lane on a sound level meter of standard design and operated on the "A" weight scale.

TABLE II

Maximum Permissible Noise Levels For Motor Vehicles

1. Trucks and Buses.
 - a. Over 10,000 pounds:
 - 82 dB(A) measured at 50 feet
 - 88 dB(A) measured at 25 feet
 - b. Under 10,000 pounds:
 - 74 dB(A) measured at 50 feet
 - 80 dB(A) measured at 25 feet
2. Passenger Cars.
 - a. 74 dB(A) measured at 50 feet
 - b. 80 dB(A) measured at 25 feet
3. Motorcycles, Snowmobiles, Minibikes, and Other Self-propelled Vehicles.
 - a. 74 dB(A) measured at 50 feet
 - b. 80 dB(A) measured at 25 feet.

(Prior code §6-1-11(E)).

8.56.060 Noise levels—exemptions

The following uses and activities shall be exempt from noise level regulations:

- A. Noise of safety signals and warning devices;
- B. Noise resulting from any authorized emergency vehicle, when responding to an emergency call or acting in time of emergency;
- C. Noise resulting from emergency work or noise for which a special permit has been granted, as provided for in Section 8.56.080;
- D. Noise resulting from the operating of motorized lawnmowers fitted with equipment-type mufflers between the hours of eight a.m. and eight p.m.;
- E. Noise caused by home or building repair or grounds maintenance between the hours of eight a.m. and eight p.m.;
- F. Athletic events held in stadiums or parks;
- G. Noise resulting from marching bands and drum and bugle corps while practicing or parading, in accordance with the provisions of Section 10.39.060. (Ord. 2246, 1981; Prior code §6-1-11(F)).

8.56.070 Noise—measurement

For the purpose of determining and classifying any noise as excessive or unusually loud as prohibited by this chapter, the following test measurements and requirements may be applied; but a violation of Section 8.56.020 may occur without the following measurements:

- A. The noise shall be measured on a sound level meter meeting current American National Standards Institute standards, operated on the "A" weighted scale;
- B. In all sound level measurements, the ambient noise shall be at least ten dB(A) below the specific noise source being measured; or
- C. In all sound level measurements, consideration shall be given to the effect of the ambient noise level created by the encompassing noise of the environment from all sources at the time of the sound level measurement. (Prior code §6-1-11(G)).

8.56.080 Relief permit

Applications for a permit for relief from the noise level designated in this chapter on the basis of undue hardship may be made to the chief of police. Any permit granted by the Chief of Police shall contain all conditions upon which the permit has been granted and shall specify a reasonable time that the permit shall be effective. The Chief of Police may grant the permit applied for if he finds that:

- A. The additional time is necessary for the applicant to alter or modify the activity or operation to comply with this chapter;
- B. The activity, operation or noise source will be of temporary duration, and cannot be performed in the manner that would comply with other sections of this chapter;
- C. No other reasonable alternative is available to the applicant;
- D. The Chief of Police may prescribe any conditions or requirements deemed necessary to minimize adverse effects upon the community or surrounding neighborhood. (Prior code §6-1-11(H)).

8.56.090 Enforcement

The Chief of Police shall assign duties of enforcement to personnel trained in noise control techniques and procedures and equipped with sound level meters of a standard design. Enforcement of OCCGF 8.56.030(C) rests solely with the police officer responding to the call or hearing the violation. Officers have discretion in considering options available, including issuing a warning, a notice to appear, or arresting the violator. (Ord. 2790, 2000; Prior code §6-1-11(N)).

8.56.100 Violations--from moving noise source or sources

Violations of this chapter in which the noise source is a truck, bus, passenger car, motorcycle, snowmobile, minibike, or other self-propelled vehicle shall be cause for summons and warrant to issue forthwith. Machines or devices not customarily used or designed for transportation are excluded from this section. (Prior code §6-1-11(L)).

8.56.120 Violations—penalties

Whenever in any section of this chapter or rule or regulation promulgated under this chapter, the doing of any act is required, prohibited or declared to be unlawful and no definite fine or penalty is provided for a violation thereof, any person who is convicted of a violation of any such section shall, for each offense, be fined in a sum of not more than three hundred dollars or imprisoned not to exceed ninety days, or both so fined or imprisoned. Each day such violation is committed or permitted to continue shall constitute a separate offense. (Prior code §6-1-11(I)).

8.56.130 Violation--additional remedy—injunction

As an additional remedy, the operation or maintenance of any noise source in violation of any provision of this chapter and which causes discomfort and annoyance to any reasonable person of normal sensitivity or which endangers the

comfort, repose, health or peace of residents in the area shall be a public nuisance and may be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction. (Prior code §6-1-11(J)).

Chapter 60

APPLIANCE SAFETY PRECAUTIONS

Sections:

8.60.010 Appliance safety precautions.

8.60.010 Appliance safety precautions

All refrigerators and similar appliances shall be housed inside secure buildings irrespective of use. Any refrigerator or similar appliance which is used for other than perishable storage, abandoned, unattended or discarded shall have the door removed or the locking mechanism removed and an auxiliary hasp and padlock installed. (Ord. 2430 §2, 1986: prior code §6-4-1).

Title 9
PUBLIC PEACE, MORALS AND WELFARE

Chapter

- 1 Offenses By or Against Public Officers and Government
- 2 Offenses Against the Person
- 3 Offenses Against Public Decency
- 4 Offenses Against Public Peace
- 5 Offenses Against Property
- 6 Consumer Protection
- 7 Offenses By or Against Minors
- 8 Weapons
- 9 Fireworks

Chapter 1
OFFENSES BY OR AGAINST PUBLIC OFFICERS AND GOVERNMENT

Articles:

- 1 Dialing Devices
- 6 Arrest Jurisdiction

Article 1
DIALING DEVICES

Sections:

- 9.1.1.010 Defined
- 9.1.1.020 Improper use
- 9.1.1.030 Violation

9.1.1.010 Defined

Dialing devices, for the purpose of this chapter, are those devices of any description of nature, either electronic or mechanical, that may be attached to or programmed into telephones which by an abbreviated process dial telephone numbers or provide a prerecorded message or both. (Ord. 2454 (part), 1987).

9.1.1.020 Improper use

It is unlawful for any person to program or in any way cause any dialing device, automatic or otherwise, to automatically dial any number, emergency or otherwise, in the City Communication Center or to program or cause any prerecorded taped message to be played to any number, emergency or otherwise, in the City Communication Center. (Ord. 2454 (part), 1987).

9.1.1.030 Violation

Should the City officials, employees or agents discover that any dialing device has been programmed into the City Communication Center in violation of this chapter, the person shall be notified in writing of that fact and shall be allowed three days within which to disconnect or deprogram the dialing device. After notice, violations of this chapter shall be punishable as misdemeanors in accordance with Chapter 1.4.070 of this code. (Ord. 2454 (part), 1987).

**Article 6
ARREST JURISDICTION**

Sections:

9.1.6.010 Arrest jurisdiction

9.1.6.010 Arrest jurisdiction

Pursuant to 7-32-4301 MCA, the arrest jurisdiction of the Great Falls City Police is extended within a five-mile perimeter of the boundaries of the City. (Ord. 2560, 1990).

**Chapter 2
OFFENSES AGAINST THE PERSON**

(RESERVED)

**Chapter 3
OFFENSES AGAINST PUBLIC DECENCY**

Articles:

10 City Park Rules

13 Display or Dissemination of Obscene Material to Minors

**Article 10
CITY PARK RULES**

Sections:

9.3.10.010 Park rules and regulations

9.3.10.020 Skate park rules and regulations

9.3.10.010 Park rules and regulations

It is unlawful for any person to violate any of the following rules and regulations while within any City park:

- A. Parks are closed to vehicles and people from dusk to daylight.
- B. Motorized vehicles may not be operated in excess of 10 mph and only upon designated road.
- C. Parking in front of or within a designated entry or driveway which hinders the use of the park property is prohibited.
- D. Destruction, defacement or dismantling of any park equipment; park furnishings; trees, flowers or other planting and facilities on park property is prohibited.
- E. Active games around designated flower/shrub beds or young trees is prohibited.
 - 1. Practicing or play golf is prohibited except at designated golf courses.
 - 2. Snowmobiling on or within park land is prohibited (See also 10.66.020).
- F. Organized athletic activities or group functions are allowed upon written permission from the Park and Recreation Director.
- G. Littering or dumping debris on or within park land is prohibited.
- H. No erection, construction or maintenance shall be made above or below ground, across or beneath park land without written permission from the Park and Recreation Director.
- I. Selling, advertising or solicitation of products/services within park land is prohibited unless written permission is received from the Park and Recreation Director.
- J. Metal detectors are authorized only through permit issued by the Park and Recreation Director.
- K. All pets must be on a leash and shall be restricted to areas such as sidewalks, roads, trails, or such designated pet walking areas. (See also 6.08.909 and 6.08.120).
- L. Large animals such as horses, cows, and mules, which may damage the turf, are prohibited except in designated riding areas.
- M. Discharging, possession of or selling of fireworks is prohibited in all dedicated park areas, including golf courses.
- N. Use of park land other than its intended use must be approved in writing by the Park and Recreation Director.
- O. Except as provided in 9.20.030, public drinking and public display and exhibition of beer, wine or liquor are prohibited. (See also 9.20.020 and 9.20.030). (Ord. 2647 (part), 1994).

9.3.10.020 Skate park rules and regulations

It is unlawful for any person to violate any of the following rules and regulations while at the skate park:

- A. All participants must wear appropriate safety gear: CSA approved helmets and footwear are mandatory. Helmets must fit properly with straps fastened. Pads, gloves and guards are strongly recommended.
- B. Enter at your own risk. Be alert, flying objects are not uncommon.
- C. Use of the facility is only allowed during park hours – (daylight to dusk). After hours use or use when closed will result in a trespass citation.
- D. This is a skate park, not a bike park. Bicycles, scooters, motorized vehicles are not allowed. Only Skateboards and rollerblades are allowed. Violations will result in trespass citations and possible seizure of equipment.
- E. Do not skate if the surface is wet or icy. Extremely dangerous.
- F. Know your abilities and skate within them. Exercise common sense and courtesy to others.
- G. No spectators inside the seating area. Watch from outside the skating area for your safety.
- H. Alcohol, tobacco products and drugs are prohibited.
- I. No obstacles, other material, glass, food or drink is allowed in the skate park.
- J. Trash containers must be used to keep the park clean and safe.
- K. The City of Great Falls reserves the right to revoke the use of the skate park for those individuals that do not obey the rules. In addition, all city ordinances and park rules will be enforced. (Ord. 2878, 2004).

Article 13
DISPLAY OR DISSEMINATION OF OBSCENE MATERIAL TO MINORS

Sections

- 9.3.13.010 Definitions
- 9.3.13.020 Offenses
- 9.3.13.030 Defenses
- 9.3.13.040 Penalties
- 9.3.13.050 Severability

9.3.13.010 Definitions

The following definitions apply in this chapter:

"Harmful to minors" means that quality of any description, exhibition, presentation or representation, in whatever form, of nudity, sexual conduct, sexual excitement, or sadomasochistic abuse when the material or performance, taken as a whole, has the following characteristics:

- A. The average adult person applying contemporary community standards would find that the material or performance has a predominant tendency to appeal to a prurient interest in sex to minors; and
- B. The average adult person applying contemporary community standards would find that the material or performance depicts or describes nudity, sexual conduct, sexual excitement or sadomasochistic abuse in a manner that is patently offensive to prevailing standards in the adult community with respect to what is suitable for minors; and
- C. The material or performance lacks serious literary, scientific, artistic, or political value for minors.

"Knowingly" means having general knowledge of:

- A. The character and content of any material or performance which is reasonably susceptible of examination by the defendant; and
- B. The age of the minor; however, an honest mistake shall constitute an excuse from liability hereunder if the defendant made a reasonable bona fide attempt to ascertain the true age of such minor.

"Material" means any book, magazine, newspaper, pamphlet, poster, print, picture, figure, image, description, motion picture film, record, recording tape, or video tape.

"Minor" means any unmarried person under the age of eighteen years.

"Nudity" means the showing of the human male or female genitals, pubic area, or buttocks with less than a full opaque covering; the showing of the female breast with less than a full opaque covering of any portion thereof below the top of the nipple; or the depiction of covered male genitals in a discernible turgid state.

"Performance" means any motion picture film, video tape, played record, phonograph or tape, preview, trailer, play, show, skit, dance, or other exhibition performed or presented to or before an audience of one or more, with or without consideration.

"Person" means any individual, partnership, association, corporation, or other legal entity of any kind.

"Prurient" means a lustful, lascivious, erotic, shameful, or morbid interest in sexual conduct, sexually explicit nudity, sadomasochistic sexual abuse, or lewd exhibition of the genitals. Materials or performances may be deemed to appeal to the prurient interest when they are pandered, designed, marketed, prompted, or disseminated to cater or appeal to such an interest. Where the material or performance is designed for and primarily disseminated or promoted to a clearly defined, deviant sexual group, rather than the public at large, the prurient - appeal requirement is satisfied if the dominant theme of the material or performance, taken as a whole, appeals to the prurient interest in sex of the members to that intended and probable recipient group.

"Sadomasochistic abuse" means flagellation or torture by or upon a person clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed.

"Sexual conduct" means acts of masturbation, homosexuality, sexual intercourse or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or, if such person be a female, breast.

"Sexual excitement" means the condition of human male or female genitals when in a state of sexual stimulation or arousal.

"A reasonable bona fide attempt" means an attempt to ascertain the true age of the minor by requiring production of a driver's license, marriage license, birth certificate or other governmental or educational identification card or paper and not relying solely on the oral allegations or apparent age of the minor. (Ord. 2558 (part), 1990).

9.3.13.020 Offenses

No person having custody, control or supervision of any commercial establishment shall knowingly:

- A. Display material which is harmful to minors in such a way that minors, as a part of the invited general public, will be exposed to view such material provided; however, a person shall be deemed not to have "displayed" material harmful to minors if the material is kept behind the counter or is otherwise located so that it is not accessible nor more than the title portion of the material is visible to minors;
- B. Sell, furnish, present, distribute, allow to view, or otherwise disseminate to a minor, with or without consideration, any material which is harmful to minors; or
- C. Present to a minor or participate in presenting to a minor, with or without consideration, any performance which is harmful to a minor. (Ord. 2558 (part), 1990).

9.3.13.030 Defenses

It shall be an affirmative defense to any prosecution under this chapter that the material or performance involved was displayed, presented or disseminated to a minor at a recognized and established school, church, museum, licensed medical clinic, hospital, public library, governmental agency, quasi-governmental agency and person acting in their capacity as employees or agents of such persons or organizations, and which institution displays, presents or disseminates such material or performance for a bona fide governmental, educational or scientific purpose. (Ord. 2558 (part), 1990).

9.3.13.040 Penalties

Any person who shall be convicted of violating any provision of this chapter is guilty of a misdemeanor and shall be fined a sum not less than five hundred dollars or more than one thousand dollars or imprisoned in the county jail for a term not to exceed six months or both. Each day that any violation of this section occurs or continues shall constitute a separate offense and shall be punishable as a separate violation. Every act, thing, or transaction prohibited by this section shall constitute a separate offense as to each item, issue or title involved and shall be punishable as such. For the purpose of this section, multiple copies of the same identical title, monthly issue, volume and number issue or other such identical material shall constitute a single offense. (Ord. 2558 (part), 1990).

9.3.13.050 Severability

If any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions thereof. The City Commission declares that it would have passed this chapter, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases had been declared invalid or unconstitutional. (Ord. 2558 (part), 1990).

**Chapter 4
OFFENSES AGAINST PUBLIC PEACE**

Articles:

20 Intoxicating Beverages

**Article 20
INTOXICATING BEVERAGES**

Sections:

- 9.4.20.010 Definitions
- 9.4.20.020 Unlawful within City limits
- 9.4.20.030 Exception--public facilities
- 9.4.20.040 Requirements of special permit
- 9.4.20.050 Permit denial - appeal
- 9.4.20.080 Violation--penalty

9.4.20.010 Definitions

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

"Beer" means any beverage obtained by alcoholic fermentation of an infusion or decoction of barley, malt, hops or any similar products, containing not more than four percent of alcohol by weight.

"Liquor" means any alcoholic, spirituous, vinous, fermented, malt or other liquor which contains more than one percent of alcohol by weight.

"Public display or exhibition of beer, wine, or liquor" means the carrying and exhibiting of open cans or bottles of beer or the carrying and exhibition of glasses or other types of containers for beer, wine, or liquor, even though empty, on or within any public place as defined herein or on or within any vehicle that is upon a public place as defined herein. This definition does not include carrying or transporting beer, wine, or liquor from retail or wholesale liquor or beer establishments in sacks, cases, boxes, cartons, or other similar containers if the seal for the alcoholic beverage container is unbroken; nor does this definition include those situations wherein the alcoholic beverage container is being transported or carried to a recycling center or garbage disposal site; nor does this definition include transportation of alcoholic containers in a compartment of the vehicle that is outside the passenger area of the vehicle and which area is not accessible to the driver and passenger of the vehicle from the passenger area while the vehicle is in operation.

"Public drinking" means the drinking or consuming of beer, wine or liquor within or upon any vehicle that is upon a public place as defined herein or upon any public place in the City.

"Public places" means all streets, avenues, alleys, eligible publicly owned parking lots and privately owned parking lots open to the public for parking in the City, approved City-owned facilities, and the following City parks: Odd Fellows, Sight and Sound, Elks-Riverside, West Bank, Margaret, Whittier, Gibson, Lions and West Kiwanis. This definition does not include the premises licensed for the sale of liquor or beer at retail by the Liquor Division of the Montana Department of Revenue. For purposes of this definition the term "premises" shall have the same meaning attributed to that term by the Department of Revenue pursuant to its administrative regulations, which term is defined as follows: the building or any specific portion of any building in which the liquor and/or beer business is conducted and those areas in which the licensee operates a sidewalk cafe, open-air restaurant or tavern outside and adjacent to the license building and to which patrons are permitted free access from said building. (Ord. 2949, 2006; Ord. 2854, 2003)

"Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a public highway.

"Wine" means an alcoholic beverage made from the normal alcoholic fermentation of the juice of sound, ripe fruit or other agricultural products without addition or abstraction, except as may occur in the usual cellar treatment of clarifying and aging, and that contains not less than seven percent or more than twenty-four percent of alcohol by volume. Other alcoholic beverages made in the manner of wine and labeled and sold as wine in accordance with federal regulations are also wine. (Ord. 2342 §2(part), 1983).

9.4.20.020 Unlawful within City limits

Except as provided in 9.4.20.030, public drinking and public display and exhibition of beer, wine or liquor as defined in this chapter are prohibited. Except as provided for herein, it is unlawful for any person to engage in public drinking, public display or exhibition of beer or liquor within the City limits. (Ord. 2949, 2006; Ord. 2525 §1, 1988; Ord. 2453 §1(part), 1987; Ord. 2342 §2(part), 1983).

9.4.20.030 Exception – public places

- A. Individuals, members of groups or organizations who wish to consume, sell or give away alcoholic beverages in public places as defined in 9.4.20.010 may do so provided they obtain a special event permit as specified in 9.4.20.040 or are otherwise excluded from that requirement.
- B. A fee to cover administrative costs for such permit shall be charged and set by Commission resolution.
- C. Organizers for special events held in city parks must clean up the park to a state at least as clean as when they arrived and permit holder shall be solely responsible for the immediate and timely picking up and removal or proper disposal of garbage at the location where the permit is issued within the park. (Ord. 2647 (part), 1994).
- D. A special event may require closure of a public parking lot or temporary closure of a street. For such an event a sign designating the street closure and removal of vehicles will be prominently posted no less than 4 hours in advance of the event. Parking in an area that has been designated and blocked off for a special event is a misdemeanor and such vehicle may be impounded and towed. The owner will be responsible for all towing and impounding fees.
- E. The Civic Center and designated areas of the "State Fair" grounds shall be exempt from the prohibition of Section 9.4.20.020. (Ord. 2949, 2006; Ord. 2854, 2003; Ord. 2525 §2, 1988; Ord. 2453 §1(part), 1987; Ord. 2399 §1, 1985; Ord. 2342 §2(part), 1983).

9.4.20.040 Requirements of a special event permit

- A. The application for a special event permit shall be obtained from the City Manager's office and shall contain the name and contact information of the person or entity requesting the permit, the location of the proposed event, the anticipated number attending the event, and the day(s), times(s) and duration of the event. Applications must be turned in for review a minimum of fourteen (14) days prior to the event. (Ord. 2949, 2006; Ord. 2854, 2003)
- B. The applicant must demonstrate that all state and local liquor control regulations pertaining to the sale and consumption of alcohol have been complied with and provide copies of all applicable state and local liquor permits. (Ord. 2949, 2006)
- C. If the event involves more than 75 people, the person or organization must provide liability insurance, including liquor liability if applicable, providing coverage for their organization and naming the City as an additional insured. To the extent reasonably possible, liability insurance coverage shall be in the minimum amounts of \$750,000 per claimant and \$1,500,000 per occurrence. The City Manager, or designee, has the authority to waive this requirement or due to the type of event, require insurance for events with fewer than 75 people should he determine it necessary due to the type of event. (Ord. 2949, 2006)
- D. Applicants for a special event permit shall agree in writing to defend, hold the City and its employees harmless and indemnify the City for any and all claims, lawsuits or liability including attorneys' fees and costs allegedly arising out of loss, damage or injury to person or person's property occurring during the course of or pertaining to the special event caused by the conduct of employees or agents of applicants. (Ord. 2949, 2006)
- E. The Police Department may revoke the special event permit should those in attendance become unruly, property is damaged or for other reasons that adversely affect the public health, safety and welfare of those attending the event and the citizens of Great Falls. (Ord. 2949, 2006)

9.4.20.050 Permit denial – appeal

If an applicant is denied a special event permit under 9.20.040, the applicant may appeal the decision to the City Commission who shall review the application in a public meeting and may direct the City Manager's office to issue said permit based upon their review. (Ord. 2949, 2006)

9.4.20.080 Violation—penalty

Any person violating any of the provisions of this chapter is guilty of a misdemeanor and upon conviction thereof shall be as specified in 1.4.070. (Ord. 2949, 2006; Ord. 2854, 2003; Ord. 2342 §2(part), 1983).

Chapter 5 OFFENSES AGAINST PROPERTY

Articles:

28 Smoking

36 Posting Advertising Material

**Article 28
SMOKING**

Sections:

- 9.5.28.010 Negligent smoking so as to endanger property prohibited
- 9.5.28.020 Notice--posting

9.5.28.010 Negligent smoking so as to endanger property prohibited

Any person who by smoking or attempting to light or to smoke cigarettes, cigars, pipes or tobacco in any manner in which lighters or matches are employed who in any careless, negligent or reckless manner whatsoever, whether willfully or wantonly or not, sets fire to any building, furniture, curtain, drapes, house or any household fittings, or furnishings whatsoever so as to endanger life or property in any way or to any extent is guilty of violating this chapter. (Prior code §6-1-2(C)(part)).

9.5.28.020 Notice—posting

A plainly printed notice shall be posted in a conspicuous place in each sleeping room of all hotels, rooming houses, lodging houses and other places of public abode, advising tenants of the provisions of this chapter and the penalty therefore. (Prior code §6-1-2(C) (part)).

**Article 36
POSTING OF ADVERTISING MATTER**

Sections:

- 9.5.36.010 Unlawful where

9.5.36.010 Unlawful where

It is unlawful for any person, firm or corporation to tack, nail or otherwise attach any placard, poster, picture, printed matter or any type of literature or advertising to any public utility poles, or to any City property, including but not limited to trees, shrubs, fixtures, or structures of the City, within the City limits of the City. (Prior code §6-1-3(G)).

**Chapter 6
CONSUMER PROTECTION**

(RESERVED)

**Chapter 7
OFFENSES BY OR AGAINST MINORS**

Article:

- 64 Curfew

**Article 64
CURFEW**

Sections:

- 9.7.64.010 Established
- 9.7.64.020 Hours designated--generally
- 9.7.64.030 Hours designated

9.7.64.010 Established

It is unlawful for any minor under the age of eighteen years to remain away from home at late and unusual hours of the nighttime, unless in the company of the parent, guardian or other responsible adult companion. (Ord. 2370 §2(part), 1984).

9.7.64.020 Hours designated—generally

Subject to the provisions of Section 9.64.010 and to serve as a guide for parents and minors in observing this chapter, the hours set out in Section 9.64.030 shall be presumed late and unreasonable and any arrest based thereon shall be lawful. (Ord. 2370 §2(part), 1984).

9.7.64.030 Hours designated

- A. It is unlawful for a person less than eighteen years of age to be present at or upon any public assembly, building, place, street or highway at the following times unless accompanied and supervised by a parent, legal guardian or other responsible adult companion at least eighteen years of age approved by a parent or legal guardian or unless engaged in a business or occupation which the laws of this state authorize a person less than eighteen years of age to perform:
 - 1. Between 12:01 a.m. and six a.m. Saturday;
 - 2. Between 12:01 a.m. and six a.m. Sunday; and
 - 3. Between eleven p.m. on Sunday to Thursday, inclusive, and six a.m. on the following day.
- B. It is unlawful for a parent, legal guardian or other adult person to knowingly permit a minor under the age of eighteen in their custody or control to violate subsection A of this section, and such violation shall constitute a misdemeanor.
- C. Any minor under the age of eighteen years who is apprehended for a violation of this chapter shall be dealt with in accordance with the provisions of Title 41, Chapter 5, Montana Codes Annotated, concerning juvenile courts and proceedings against juvenile delinquents. (Ord. 2370 §2(part), 1984).

**Chapter 8
WEAPONS**

Article:
65 Weapons

**Article 65
WEAPONS**

- Sections:**
- 9.8.65.010 Weapons - use prohibited
 - 9.8.65.020 Prohibiting and suppressing the possession of weapons

9.8.65.010 Weapons - use of prohibited

It is unlawful for any person to discharge or cause to be discharged, any weapon, be it a pellet or b-b projectile, either compressed air or gas operated, cross bow or bow, slingshot or wrist rocket, unless it is discharged in a reasonable and responsible manner or at an indoor or outdoor range approved by the City Manager, within the corporate limits of the City of Great Falls. (Ord. 2647 (part), 1994).

9.8.65.020 Prohibiting and suppressing the possession of weapons

- A. The carrying of concealed or unconcealed weapons (MCA 45-2-101 (76) (1997), and as such statute may hereafter be amended) to, on, or at a public assembly, publicly owned building, park under City jurisdiction, or school is hereby prohibited.
- B. Exceptions are as otherwise provided by MCA 45-8-351(2)(b)(1997) which allows for display of firearms at shows or other public occasions by collectors and others, and MCA 45-8-317(1997) which states what persons are allowed to carry weapons, and as such statutes may hereafter be amended. (Ord. 2732, 1997).

**Chapter 9
FIREWORKS**

Article:
90 Fireworks

**Article 90
FIREWORKS**

- Sections:**
- 9.90.010 Selling and discharging dates and times
 - 9.90.020 Possession illegal

- 9.90.030 Permissible fireworks
- 9.90.035 Littering - illegal
- 9.90.040 Enforcement
- 9.90.060 Fireworks prohibited on all public property
- 9.90.070 Fireworks stands operator requirements and permit fees

9.90.010 Selling and discharging dates and times

- A. The selling and discharging of fireworks within the incorporated limits of Great Falls shall be July 2 through July 4 from 8 am to midnight. (Ord. 2965, 2007; Ord. 2664, 1994).
- B. Fireworks may be discharged on December 31 from 10 pm to 12:30 am January 1. Fireworks may not be sold within the incorporated city limits except as provided in 9.90.010 (A).
- C. The Fire Chief, or designee, shall determine if there are special circumstances that warrant the discharge of fireworks not provided for in 9.90.010 A and B, and authorize such use if the circumstance is community wide and of national, state and local significance.
- D. Professional Fireworks Displays using display fireworks. Public displays of fireworks by a licensed, bonded pyrotechnic operator are exempt from 9.90.010A-C. Permits for any public display by a licensed bonded pyrotechnic operator from the Fire Department are required to conduct a public fireworks display. "Display fireworks" means an aerial shell, salute, flash shell, comet, sky battle, mine, and any similar 1.3g (display fireworks) and 1.4g (consumer fireworks) explosive as defined by the U.S. Department of Transportation in Part 173, Title 49, Code of Federal Regulations. (Ord. 2965, 2007; Ord. 2664, 1994).

9.90.020 Possession illegal

- A. Possession of fireworks not allowed to be sold or discharged by the State of Montana shall be illegal. (Ord. 2965, 2007; Ord. 2664, 1994).
- B. It shall be unlawful for any parent, guardian, or custodian of any child, the child being age seven (7) or younger, to permit or consent to the possession or discharge by the child of any fireworks as defined herein, unless that parent, guardian or custodian be in direct supervision of the child at the time of discharge. For purposes of 9.20.020(B) "direct supervision" means the overall direction and control of an individual and requires the individual furnishing direct supervision to be present and immediately available to furnish assistance while he or she is I possession of or is discharging any and all fireworks. Direct supervision also requires the individual directly supervising to control the application of flame or other means of discharge of the firework and must be no greater than 10 feet away form the individual being directly supervised at time of the firework’s discharge. (Ord. 2965, 2007)

9.90.030 Permissible fireworks

Shall be the same as those authorized by the State of Montana. (Ord. 2965, 2007)

9.90.035 Littering illegal

It shall be illegal for anyone to leave debris from discharged fireworks on any public place including but not limited to parks, sidewalks, streets, and alleys, or on private property not owned by the individual discharging the fireworks. (Ord. 2965, 2007)

9.90.040 Enforcement

- A. City Police Officers and Firefighters shall enforce these rules and regulations.
- B. Any official charged with enforcing these rules and regulations may;
 - 1. Issue a Notice to Appear to Great Falls Municipal Court for violations of this Chapter.
 - 2. Seize illegal fireworks that are offered for sale, sold, or in the possession of any individual in violations of this chapter.
 - 3. Recommend to the **Planning and** Community Development Department that any wholesaler/retailer found in violation of this chapter have his/her license revoked.
- C. Any person who violates these rules and regulations shall be guilty of a misdemeanor and subject to the following fines. (Ord. 2664, 1994).
 - 1st Offense - \$100
 - 2nd Offense - \$200
 - 3rd Offense - \$300
 - 4th and higher - \$1000

9.90.060 Fireworks prohibited on all public property

Fireworks may not be discharged in any city park or on any public sidewalk, street, public right-of-way, public easement or alley. (Ord. 2965, 2007; Ord. 2664, 1994).

9.90.070 Fireworks stands and permit fees

- A. Anyone, group or organization wishing to sell fireworks within the incorporated boundaries of the City of Great Falls shall obtain a special permit. The fees collected from the permit shall cover the costs to issue said permit; to inspect the fireworks stands; and costs of enforcement.
- B. Operators of fireworks stands shall educate all patrons on the
 - 1. legal, safe use of fireworks
 - 2. the dates and times allowed for fireworks to be discharged, and
 - 3. the requirement to clean up all debris left from discharged fireworks.
- C. Fireworks stand permit fees are based upon square footage as follows: (Ord. 2965, 2007; Ord. 2664, 1994).

SIZE	FEES
0 – 300 sq. ft.	\$125
301 – 1,000 sq. ft.	\$375
1,001 – 2,000 sq. ft.	\$625
2,001 – 3,000 sq. ft.	\$875
3,001 sq. ft. or larger	\$1125

Title 10
VEHICLES AND TRAFFIC

Chapter

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Chapter 3
DEFINITIONS

Section:

10.3.010 Definitions

10.3.010 Definitions

Unless otherwise specified or a different meaning is plainly intended, the following definitions apply throughout this chapter:

"Alley" means any public right-of-way or public thoroughfare twenty feet or less in width. (Prior code §0-2-1(M)(part)).

"Central business district" means all streets and portions of streets within the area described as follows: All that area bounded by the west line of Park Drive, thence in an easterly direction on a line with south line of Second Avenue South to east line of Ninth Street, thence north to the north line of Second Avenue North thence west to point of origin. (Prior code §10-2-1(M)(part)).

"Curb-loading zone" means a space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers and/or freight and materials. (Prior code §10-2-1(M)(part)).

Whenever certain hours are named in this title, they mean standard time or daylight-savings time as may be in current use in this City. (Prior code §10-2-1 (M)(part)).

"Parking meter" means any mechanical device or meter, not inconsistent with this chapter, placed or erected for the regulation of parking by the authority of this chapter. Each parking meter installed shall indicate by proper legend the legal parking time established by the City and when operated, shall at all times indicate the balance of legal parking time, and at the expiration of such period shall indicate illegal or overtime parking. (Prior code §10-2-1(M)(part)).

"Parking meter space" means any space within a parking meter zone and adjacent to a legally placed parking meter. (Prior code §0-2-1(M)(part)).

"Parking meter zone" means any restricted street upon which parking meters are installed and in operation. (Prior code §10-2-1(M)(part)).

"Passenger curb-loading zone" means a place adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers. (Prior code §10-2-1(M)(part)).

"Bicycle" means a non-motorized vehicle consisting of a metal frame on two wheels and having handlebars and a seat. (Ord. 2646 §part), 1994)

**Chapter 9
APPLICABILITY**

Sections:

- 10.9.010 Pushcarts and animals
- 10.9.020 Toy vehicles and devices--restrictions--exception

10.9.010 Pushcarts and animals

Every person propelling any pushcart or riding an animal upon a roadway and every person driving any animal-drawn vehicle shall be subject to the provisions of this title. (Ord. 2646 § (part), 1994; Prior code §10-2-2(D)).

10.9.020 Toy vehicles and devices--restrictions—exception

It is unlawful for any person upon roller skates or riding in or by means of any coaster, toy vehicle or similar device to be upon any roadway except while crossing a street on a crosswalk, and when so crossing such person shall be granted all of the rights and shall be subject to all the duties applicable to pedestrians. (Ord. 2646 §(part), 1994; Prior code §10-2-2(E)).

**Chapter 21
TRAFFIC CONTROL DEVICES AND PARKING METERS**

Sections:

- 10.21.010 Installation—traffic control devices--parking meters
- 10.21.020 Obedience required
- 10.21.030 Interference with signals
- 10.21.040 Crosswalks, traffic lanes and parking spaces--designation authority
- 10.21.050 Standards and specifications
- 10.21.060 No-passing zones--establishment authority

10.21.070 Lane designation signs--erection

10.21.010 Installation—traffic control devices--parking meters

- A. The Public Works Department, with the approval of the City Commission, shall place and maintain traffic and parking control signs, signals and devices when and as required under the traffic laws of this City, and per recommendations of the Manual on Traffic Control Devices, to make effective the provisions of the laws, and may place and maintain such additional traffic-control devices as necessary to regulate traffic under the traffic laws of this City or under State law, or to guide or warn traffic.
- B. Parking Meters. In parking meter zones to be established as provided in Chapter 10.48, the **Planning and Community Development Director**, or designee, shall cause parking meters to be installed upon the curb or sidewalk immediately adjacent to the parking spaces. The **Planning and Community Development Director** shall be responsible for the regulation, control, operation, maintenance and use of such parking meters. Upon the expiration of the lawful time limit, the right of such vehicle to occupy such space ceases and the operator, owner, possessor or manager thereof, shall be subject to the penalties provided in Chapter 10.87.

10.21.020 Obedience required

The driver of any vehicle shall obey the instruction of any official traffic-control device applicable thereto placed in accordance with the traffic laws of this City, unless otherwise directed by a Police Officer, subject to the exceptions granted the driver of an authorized emergency vehicle. (Ord. 2646 § (part), 1994; Prior code §10-2-3(C)).

10.21.030 Interference with signals

It is unlawful for any person without lawful authority to attempt to or in fact alter, deface, injure, knock down or remove any official traffic-control device or any railroad sign or signal or any inscription, shield, or insignia thereon or any other part thereof, nor shall such person deposit or cause to be deposited in any parking meter any slugs, device or metal substance or other substitute for lawful coins or approved tokens. (Ord. 2646 §(part), 1994; Prior code §10-2-3(I)).

10.21.040 Crosswalks, traffic lanes and parking spaces--designation authority

The Public Works Department is authorized, with the approval of the City Commission, to:

- A. Install and maintain by appropriate devices, marks or lines upon the surface of the roadway, crosswalks at intersections where there is particular danger to pedestrians crossing the roadway and at such other places as deemed necessary;
- B. Mark lanes for traffic on street pavements at such places as he may deem advisable, consistent with the traffic laws of this City.

10.21.050 Standards and specifications

All traffic control signs, signals and devices shall conform to the standards and guidelines set forth by the manual on Uniform Traffic Control Devices. (Ord. 2646 §(part), 1994)

10.21.060 No-passing zones--establishment authority

The Public Works Department is authorized to determine those portions of any roadway where overtaking and passing or driving to the left of the roadway would be especially hazardous and may, by appropriate signs and markings on the roadway, indicate the beginning and end of such zones and when such signs or markings are in place and clearly visible to an ordinarily observant person, every driver of a vehicle shall obey the directions thereof. (Ord. 2646 §(part), 1994; Prior code §10-2-20(A)).

10.21.070 Lane designation signs—erection

Official signs may be erected directing traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway, and drivers of vehicles shall obey the directions of every such sign. (Ord. 2646 § (part), 1994; Prior code §0-2-20(B)).

**Chapter 27
STOP INTERSECTIONS**

Sections:

10.27.010 Designated

10.27.020 Stop sign erection--authority

10.27.010 Designated

The following streets and parts of streets so described are through and preferential streets for the purpose of this chapter:

- A. Second Avenue North from Park Drive to east City limits;
- B. Park Drive from Second Avenue South to Eighth Avenue North;
- C. First Avenue North from Thirty-Seventh Street to west end of First Avenue North Bridge;
- D. Central Avenue West from west end of First Avenue North Bridge to west City limits;
- E. Sixth Street Southwest from Central Avenue West to south City limits;
- F. Third Street Northwest and Smelter Avenue from Central Avenue West to northeast City limits;
- G. Tenth Avenue South from west City limits to east City limits;
- H. Ninth Street from Tenth Avenue South to River Drive North;
- I. Fourteenth and Fifteenth Streets couplet from Tenth Avenue South to River Drive North;
- J. Central Avenue from Ninth Streets to Forth-sixth Street;
- K. Second Street from Tenth Avenue South to First Avenue South;
- L. River Drive all inside of City limits;
- M. Twenty-fifth and Twenty-sixth Streets couplet from Tenth Avenue South to River Drive North;
- N. Twenty-sixth Street South from Tenth Avenue South to the south City limits;
- O. Fifth and Sixth Street couplets from Central Avenue to Tenth Avenue South;
- P. Second Avenue South from Second Street to Fifteenth Street;
- Q. First Avenue South from Park Drive to Fifteenth Street.
- R. Thirteenth Avenue South from Fourth Street to Twentieth Street;
- S. Thirty-second Street South from Central Avenue to Tenth Avenue South;
- T. Thirteenth Street South from Tenth Avenue South to south City limits;
- U. Fox Farm Road from Tenth Avenue South to south City limits;
- V. Upper River Road from River Road loop to south City limits. (Prior code §10-2-8(A)).

10.27.020 Stop sign erection—authority

Whenever any law of this City designates and describes a through or preferential street, it shall be the duty of the Public Works Department to place and maintain a stop sign on each and every street intersecting such through or preferential street or intersection that portion thereof described and designated as such by any law of this City. (Ord. 2646 § (part), 1994; Prior code §10-2-8(B)).

**Chapter 30
ONE WAY STREETS AND ALLEYS**

Sections:

- 10.30.010 Sign placement and maintenance
- 10.30.020 Direction designated

10.30.010 Sign placement and maintenance

Whenever any laws of this City designate any one-way street or alley, the Public Works Department shall place and maintain signs giving notice thereof, and no such regulation shall be effective unless such signs are in place. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited. (Ord. 2646 § (part), 1994; Prior code §10-2-7(A)).

10.30.020 Direction designated

- A. Upon those streets and parts of streets and in those alleys described in subsection B of this section, vehicular traffic shall move only in the indicated direction when signs indicating the direction of traffic are erected and maintained at every intersection where movement in the opposite direction is prohibited.
- B. In accordance with Section 10.30.010 and when proper signs are posted, traffic shall move only in the direction indicated upon the following streets or avenues. (Ord, 2867, 2004)

Street, Avenue or Alley

Permitted direction

First Avenue North
Park Drive to Thirty-seventh Street (Ord. 1217, 1956)

Eastbound

First Avenue South

Park Drive to Fifteenth Street (Ord. 1217, 1956)	Westbound
Second Avenue South Second Street to Fifteenth Street (Ord. 1217, 1956)	Eastbound
Second Avenue North Park Drive to Thirty-seventh Street (Ord. 1217, 1956)	Westbound
Fifth Street Eighth Avenue North to Tenth Avenue South (Ord. 1471, 1964)	Southbound
Sixth Street Eighth Avenue North to Tenth Avenue South (Ord. 1471, 1964)	Northbound
Fourteenth Street Twelfth Avenue North to Tenth Avenue South (Ord. 1454,1963)	Southbound
Fifteenth Street Twelfth Avenue North to Tenth Avenue South (Ord. 1454, 1963)	Northbound
Twenty-fifth Street Tenth Avenue South to Eighth Avenue North (Ord. 1627, 1969)	Southbound
Twenty-sixth Street Tenth Avenue South to Eighth Avenue North (Ord. 1627, 1969)	Northbound
Park Drive First Avenue South to Second Street (Ord. 2867, 2004; Ord. 2646 §(part), 1994; Prior code §10-2-7(B)).	Southbound

Chapter 33
FOUR LANE STREETS AND ROADWAYS

Sections:

10.33.010 Designated--marking--regulations

10.33.010 Designated--marking—regulations

A. The following streets and avenues or portions thereof, located within the City limits, are designated as four-lane streets and roadways:

Central Avenue

From the east line of Ninth Street to the west line of Fifteenth Street

Tenth Avenue South

From the west City limits to the east City limits

Central Avenue West

From the west abutment of the First Avenue North Bridge to west line of Interstate 15

Fourteenth and Fifteenth Streets North

From the south line of Twelfth Avenue North to the south abutment of the Fifteenth Street North Bridge

First Avenue North

From west abutment of First Avenue North Bridge to west line of Park Drive

Park Drive

From south line of First Avenue North to north line of First Avenue South

Sixth Street SW

From Central Avenue West, south to City limit

Northwest Bypass

From Third Street Northwest, west to City limits

Third Street Northwest/Smelter Avenue

From Central Avenue West, northeast to City limits

Ninth Street North

From 8th Avenue North to south abutment of Tenth Street North Bridge

Tenth Street North

From north abutment of Tenth Street North Bridge, north to City limits

Fox Farm Road

From Tenth Avenue South to Alder Drive

River Drive

From Tenth Street North to Fifteenth Street North

- B. The Public Works Department is directed to mark appropriately all such four-lane streets or roadways and to keep the same properly marked and laned for four-lane traffic.
- C. All vehicles proceeding on any four-lane street or roadway must be driven wholly within a single lane and the driving of any vehicle so as to straddle two lanes of traffic, except in passing from one lane to the other, is prohibited. (Ord. 2646 § (part), 1994; Prior code §10-2-7(C)(2--4)).

**Chapter 36
SPEED RESTRICTIONS**

Sections:

- 10.36.010 Established--specific streets
- 10.36.020 Established - alleys

10.36.010 Established--specific streets

In accordance with Section 61-8-306, MCA, and when signs are erected giving notice thereof, no person shall drive a motor vehicle at a speed greater than or less than the speed as set forth in the following schedule on the street or parts of streets as follows:

<u>Street and Avenue</u>	<u>Minimum</u> <u>Maximum</u>
	<u>M.P.H.</u> <u>M.P.H.</u>
Central Avenue Ninth Street to Fifteenth Street	25
Central Avenue Fifteenth Street to Thirty-eighth Street	30
First Avenue South Ninth Street to Fifteenth Street	30
Second Avenue South Ninth Street to Fifteenth Street	30
Second Street South Tenth Avenue South to south line of First Avenue South	30
Park Drive First Avenue North to Eighth Avenue North	30

Parkdale Housing

All streets within the following boundaries:

Bounded on the north by the north line of Fifth Avenue South; on the east by the west line of Eighteenth Street and Chowen Park; on the south by the north line of Eighth Avenue South and Chowen Park; and on the west by the east line of Fifteenth Street (Ord. 2633, 1992) 15

Eighth Avenue North
 Park Drive to Twenty-fifth Street
 All trucks only 20
 All other vehicles 25
 (Ord. 2646 §(part), 1994; Ord. 2446 §2, 1987; Prior code §10-2-5(B)).

10.36.020 Established – alleys

The limit for all alleys within the City limits shall be 15 miles per hour. (Ord. 2802, 2001; Ord 2446, 1987; prior code §10 2 5(A)).

**Chapter 39
 MISCELLANEOUS DRIVING RULES**

Sections:

- 10.39.055 Loud noises - prohibited
- 10.39.060 Processions--parades--permits required when
- 10.39.070 Driving on sidewalk prohibited--exception
- 10.39.080 Boarding or alighting from moving vehicles prohibited
- 10.39.090 Passenger regulations
- 10.39.100 Violation--misdemeanor--penalty

10.39.055 Loud noises—prohibited

Refer to OCCGF 8.56.030(C). (Ord. 2790, 2000; Ord. 2640 § (part), 1994).

10.39.060 Processions--parades--permits required when

No funeral procession or parade containing two hundred or more persons or fifty or more vehicles or any marching band and drum and bugle corps, except the forces of the United States Army or Navy, the military forces of this State, or the forces of the Police and Fire Departments shall occupy, march or proceed along any street unless application is made and approved by the City administration and a permit issued by the Park & Recreation Department. Such application must meet the requirements of the City Parade policy and such other regulations as are set forth in this chapter which may apply. (Ord. 2245, 1981; Prior code §10-2-9(F)).

10.39.070 Driving on sidewalk prohibited—exception

The driver of a vehicle shall not drive upon any sidewalk area except at a permanent driveway. (Prior code §10-2-9(G)).

10.39.080 Boarding or alighting from moving vehicles prohibited

It is unlawful for any person to board or alight from any vehicle while such vehicle is in motion. (Ord. 2646 § (part), 1994; Prior code §10-2-9(L)).

10.39.090 Passenger regulations

It is unlawful for any person to ride on any vehicle or portion thereof not designed or intended for the use of passengers. This provision shall not apply to an employee engaged in the necessary discharge of a duty or to persons riding within truck bodies in the space intended for merchandise. (Ord. 2646 § (part), 1994; Prior code §10-2-9(M)).

10.39.100 Violation--misdemeanor—penalty

Every person convicted of a misdemeanor for the violation of any provisions of this chapter shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than six months or by both such fine and imprisonment. (Ord. 2646 § (part), 1994; Prior code §10-2-9(Z)).

**Chapter 48
 STOPPING, STANDING AND PARKING**

Sections:

10.48.010 Stopping, standing or parking close to curb	10.48.180 Permits for special use zones
10.48.040 Lights on parked vehicles	10.48.190 Fees for permits for special use zones
10.48.050 Operation of parking meters	10.48.200 Use of special use zones
10.48.060 Stopping, standing or parking on trafficways	10.48.220 Bus zone
1048.070 Parking in alleys	10.48.230 Passenger loading zone
10.48.080 Parking for certain purposes prohibited	10.48.240 Freight loading zone
10.48.090 Parking of commercial vehicles	10.48.250 Delivery zone
10.48.100 Signs required	10.48.260 Daily use zone – meter bags
10.48.110 Parking controlled adjacent to schools	10.48.270 Residential zone
10.48.120 Parking controlled on narrow trafficways	10.48.280 Parking meter district defined
10.48.130 Parking controlled during certain hours of the day and/or days of the week	10.48.290 Parking meter enforcement periods and time periods
10.48.150 Stopping, standing or parking controlled in hazardous or congested places	10.48.291 Courtesy parking provided by property owner(s) within parking district
10.48.160 Stopping, standing or parking along arterial and collector trafficways	10.48.300 Unauthorized parking in off-street parking facilities prohibited
10.48.170 Special use zones	10.48.310 Rates charged on City owned/operated off-street parking lots and garages

10.48.010 Stopping, standing or parking close to curb

It is unlawful for any person to stop, stand or park a vehicle in a traffic way other than parallel with the edge of the traffic way headed in the direction of the lawful traffic movement for the lane in which it is stopped, standing or parked and with the wheels of the vehicle within eighteen inches of the curb or edge of the traffic way except as otherwise provided in Sections 10.48.040 and 10.48.050. (Ord. 1987 2(part), 1976: prior code 10-2-12(A)).

10.48.040 Lights on parked vehicles

Any lighted headlamps upon a parked vehicle shall be depressed or dimmed. (Ord. 1987 §2(part), 1976: prior code §10-2-12(D)).

10.48.050 Operation of parking meters

Except for an emergency as determined by an officer of the Fire or Police Department or in compliance with the direction of a Police Officer or traffic-control device, when any vehicle is parked in any parking space adjacent to a parking meter, the driver of such vehicle shall park within the space and at the angle designated by the curb markings, and in the event such markings are obscured, where angle parking prevails, the vehicle shall be parked left side to or right side to the appropriate meter; where parallel parking prevails, the vehicle shall be parked front end to or rear end to the appropriate meter. Upon entering the meter space, a driver shall immediately deposit or cause to be deposited in the meter such proper coin of United States or legal token required for such parking meter. The driver of such vehicle, after the deposit of the proper coin(s) or legal token(s), shall also set in operation the timing mechanism on such meter. Any person placing a vehicle in a parking meter space adjacent to a meter which indicates that unused time has been left in the meter by the previous occupant of the space shall not be required to deposit a coin or token so long the occupancy of the space does not exceed the indicated unused parking time. If the vehicle remains parked in any such parking space, and if the meter indicates such illegal parking, it shall be deemed a violation of this chapter. (Ord. 1987 §2(part), 1976: prior code §10-2-12(E)).

10.48.060 Stopping, standing or parking on trafficways

It is unlawful for any person to stop or park (temporarily or otherwise) a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a Police Officer or traffic-control devices, in any of the following places. (Ord. 2676 §(part), 1995; Ord. 2646 §(part), 1994; Ord. 2353 §1, 1984; Ord. 1987 §2(part), 1976: prior code §10-2-13(A)).

- A. In front of or within five feet of a public or private driveway or alley or as otherwise designated.
- B. Within a properly signed and marked fire hydrant zone or, if not signed and marked, within ten feet of the fire hydrant.
- C. Within thirty feet upon the approach to any crosswalk (marked or unmarked) at an intersection (end zone).
- D. Within twenty feet upon the departure from any crosswalk (marked or unmarked) at an intersection (end zone).
- E. Within thirty feet upon the approach or to twenty feet upon the departure from any mid-block crosswalk (end zone).
- F. Upon the paved or main traveled part of the traffic-way when it is practical to stop, stand or park or so leave such vehicle off part of the traffic-way.

- G. In a traffic lane for the purpose of discharging or receiving passengers. Both the driver of such vehicle and such passenger or such pedestrian shall be equally guilty of violations of this section.
- H. At any place where official signs prohibit parking in a fire lane. (Ord. 2676 § (part), 1995; Ord. 2646 §(part), 1994; Ord. 2353 §1, 1984; Ord. 1987 §2(part), 1976: prior code §10-2-13(A)).

10.48.070 Parking in alleys

- A. It is unlawful to stop, stand or park any vehicle or trailer in any alley unless the same shall be parallel to and within eighteen inches of the alley line and leaving at least ten feet of roadway for movement of through traffic.
- B. It is unlawful to stop, stand or park any vehicle or trailer in any alley so as to block entry to any private driveway, entrance to a building, or at any location which will prevent or hinder garbage collection.
- C. It is unlawful to stop, stand or park any vehicle or trailer in any alley at any time in the area which may from time to time be designated central business district; save and excepting only commercial vehicles which are attended or in the process of loading or unloading. Such alleys shall be properly signed and marked by the Public Works Department.
- D. It is unlawful to stop, stand or park any vehicle or trailer in any one-way alley, except upon the right-hand side of the alley and heading in the proper direction of designated traffic flow. (Ord. 1987 §2(part), 1976: prior code §10-2-13(B)).

10.48.080 Parking for certain purposes prohibited

It is unlawful for any person to do any of the following while a vehicle is parked upon any traffic way of the City:

- A. Display more than one vehicle for sale or advertising of such vehicle on the vehicle itself.
- B. Grease, paint or repair such vehicle, except repairs necessitated by an emergency. (Ord. 2283, 1981: Ord. 1987 §2(part), 1976; prior code §10-2-13(C)).

10.48.090 Parking of commercial vehicles

It is unlawful for any motor vehicle used for commercial purposes to park on any traffic way for any continuous period in excess of twenty-four hours, unless otherwise provided for herein. (Ord. 1987 §2(part), 1976: prior code §10-2-13(D)).

10.48.100 Signs required

When official signs controlling parking are erected upon such traffic ways as authorized herein, no person shall stop, stand or park a vehicle upon any such traffic way in violation of any such sign. (Ord. 1987 §2(part), 1976: prior code §10-2-14(part)).

10.48.110 Parking controlled adjacent to schools

The Public Works Department is authorized to install and maintain signs that control parking upon either side of any traffic way adjacent to any school property when such stopping, standing or parking would, in their opinion, interfere with traffic or create a hazardous situation. (Ord. 2646 § (part), 1994; Ord. 1987 §2(part), 1976: prior code §10-2-14(A)).

10.48.120 Parking controlled on narrow trafficways

The Public Works Department is authorized to install and maintain signs that control parking upon any traffic way when the width of the traffic way does not permit safe passage of traffic flow under existing conditions. (Ord. 2646 §(part), 1994; Ord. 1987 §2(part), 1976: prior code §10-2-14(B)).

10.48.130 Parking controlled during certain hours of the day and/or days of the week

The Public Works Department is authorized to install and maintain signs that control parking during certain hours of the day and/or days of the week upon any traffic way whenever it is deemed necessary. (Ord. 2646 §(part), 1994; Ord. 1987 §2(part), 1976: prior code §10-2-14(C)).

10.48.150 Stopping, standing or parking controlled in hazardous or congested places

The Public Works Department is authorized to install and maintain signs that control the stopping, standing or parking of vehicles that would create an especially hazardous condition or that would cause unusual delay to traffic along certain traffic ways. (Ord. 2646 §(part), 1994; Ord. 1987 §2(part), 1976: prior code §10-2-14(E)).

10.48.160 Stopping, standing or parking controlled along arterial and collector trafficways

The Public Works Department is authorized to install and maintain signs that control parking upon either side of any arterial or collector traffic way that may be hereafter designated as such by proper authority. (Ord. 2646 § (part), 1994; Ord. 1987 §2(part), 1976: prior code §10-2-14(F)).

10.48.170 Special use zones

The Public Works Department is authorized to install and maintain parking control signs for all special use zones within the City. A special use zone may be a freight loading zone, delivery zone, daily use zone, residential zone or handicap zone. Bus zones and Passenger Loading zones outside school areas are also included. (Ord. 2646 §(part), 1994; Ord. 2520 §1, 1989; Ord. 2021 §1, 1977; Ord. 1987 §2(part), 1976: prior code §10-2-14(G)(1)).

10.48.180 Permits for special use zones

The **Planning and** Community Development Department, upon written application to it for a special use zone permit, which application shall state the location of the desired zone, the type of zone and the number of parking stalls in such zone, shall approve or disapprove the request. If disapproved, the applicant shall be notified in writing with good cause and reason shown. If approved, the **Planning and** Community Development Department shall issue a permit upon payment by the applicant of the permit fee. All permits hereunder shall expire on June 30th of the fiscal year of issuance. Application for renewal must be made to the **Planning and** Community Development Department by June 15th prior to the renewal fiscal year. All renewal applications shall be reviewed and approved by the Public Works Department before the renewal permit is reissued. (Ord. 2646 §(part), 1994; Ord. 1987 §2(part), 1976: prior code §10-2-14(G)(2)).

10.48.190 Fees for permits for special use zones

The annual permit fee shall be set by City Commission resolution with guidelines as follows:

- A. Bus Zones, Passenger Loading Zones, Freight Loading Zones. For parking stalls within the parking meter district as defined in Section 10.48.280 the cost shall reflect the cost per meter hour and hours and days of normal meter enforcement. The charge for such special use zones in non-metered areas shall be the same amount City-wide per year per parking stall.
- B. Delivery Permit. To be set as a separate fee for each vehicle using same.
- C. Meter Bags. To be set as a separate fee for each day that the meter is out of regular service. Meter bags will be placed/removed by City of Great Falls or parking contractor personnel.
- D. Residential Zone, Handicap Zone. Shall be issued free of charge to persons meeting the established requirements. (Ord. 2646 § (part), 1994; 2443 §3, 1986; Ord. 2353 §3, 4, 1984; Ord. 2305 §1, 1982; Ord. 2021 §2, 1977; Ord. 1987 §2(part), 1976: prior code §10-2-14(G) (3)).

10.48.200 Use of special use zones

No vehicle shall stop, stand or park in any special zone at any time for any purpose except as herein provided and in addition to other penalties provided for in this chapter, upon proof to the **Planning and** Community Development Department of repeated violation of the limitation upon the use of the zone by the vehicle owned by or under the control of the applicant or any member of the family (or owned or controlled by any partner or principal officer of any corporation or a member of the family of any such partner or official in case the applicant is a partnership or corporation), such permit shall not be renewed at the end of the current fiscal year. (Ord. 2646 §(part), 1994; prior code §10-2-14(G) (4) (part)).

10.48.220 Bus zone

- A. The driver of a bus shall not park same upon any traffic way within that area herein defined as the parking meter district at any place other than at a bus zone, except a driver of any bus may temporarily stop in accordance with other stopping or parking regulations at any place for the purpose of and while actually engaged in loading or unloading passengers; provided, that it is unlawful for any bus to cruise in and upon any traffic way for the purpose of soliciting passengers. It is unlawful for any person to stop, stand or park a vehicle other than a bus in a bus zone when any such zone has been officially designated and appropriately signed.
- B. The only buses allowed in bus zones adjacent to schools are those authorized by the Great Falls School District.
- C. Bus zones adjacent to schools shall only be enforceable between 7 am and 5 pm when school is in session.
- D. Any violation of this section in a school bus zone shall be punished as a misdemeanor and shall be punished by a fine of not less than one-hundred dollars (\$100) or more than five-hundred dollars (\$500). (Ord. 2951, 2006)

10.48.230 Passenger loading zone

- A. It is unlawful for any person to stop, stand or park a vehicle for any purpose or period of time other than for the expeditious loading of passengers in a passenger zone when any such zone has been officially designated and appropriately signed and then only for a period not to exceed three minutes. A driver of a taxicab or bus may not stop, stand or park in a school passenger zone. In any other passenger zone a driver of a taxicab or bus may temporarily stop therein for the purpose of and while actually engaged in loading or unloading passengers when stopping does not interfere with any passenger vehicle waiting to enter or about to enter such zone. (Ord. 2951, 2006)

- B. School passenger loading zone means an appropriately signed passenger zone located adjacent to a school. (Ord. 2951, 2006).
- C. No special designation of passenger vehicles is required.
- D. The applicant for a passenger loading zone permit is herein defined as the owner(s)/lessee of the property(ies) that front the zone. (Ord. 1987 §2(part), 1976: prior code §10-2-14(G) (4) (part)).
- E. Passenger loading zones adjacent to schools shall only be enforceable between 7:30 a.m. to 5 p.m. when school is in session.
- F. Any violation of this section in a school bus zone shall be punished as a misdemeanor and shall be punished by a fine of not less than one-hundred dollars (\$100) or more than five-hundred (\$500) dollars. (Ord. 2951, 2006)

10.48.240 Freight loading zone

- A. It is unlawful for any person to stop, stand or park a vehicle for any purpose or period of time exclusive of loading and unloading of freight for a period not to exceed thirty minutes in a freight loading zone when such zone has been officially designated and appropriately signed except a driver of a taxicab, bus, or passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in loading or unloading passengers when stopping does not interfere with any freight vehicle waiting to enter or about to enter such zone.
- B. No special designation of freight vehicles is required.
- C. The applicant for a freight vehicle loading zone permit is herein defined as the owner(s) of the property(ies) that front the zone. (Ord. 1987 §2(part), 1976: prior code §10-2-14(G) (4) (part)).

10.48.250 Delivery zone

- A. It is unlawful for any person to stop, stand or park a vehicle for any purpose or period of time other than those vehicles displaying a valid delivery zone permit in any delivery zone when any such zone has been officially designated and appropriately signed and then only for a period not to exceed forty-five minutes
- B. Each delivery zone applicant shall display the permit issued by the City on the inside of the displaying vehicle on the right-hand side where it is clearly visible. Whenever such applicant transfers or assigns the interests in such vehicles, the permit shall be removed and immediately surrendered to the **Planning and** Community Development Department together with a notice of transfer of interest in such vehicle. If another vehicle is acquired by the applicant, a new permit shall be issued by the **Planning and** Community Development Department or designated representative.
- C. The applicant for delivery zone permit is herein defined as the owner/lessee of the vehicle that bears the permit and is a common conveyor of service agency and who submits satisfactory proof to the **Planning and** Community Development Department or designated representative that he is unable to have access to specific locations within the central business district other than through a delivery zone. (Ord. 2646 §(part), 1994; Ord. 1987 §2(part), 1976: prior code §10-2-14(G) (4) (part)).

10.48.260 Daily use zone - meter bags

- A. It is unlawful for any person to stop, stand or park a vehicle for any purpose or period of time other than the applicant, his vehicles and his equipment in a daily use zone when so permitted by the **Planning and** Community Development Department and when any such zone has been officially designated and appropriately signed or marked.
- B. Each daily use zone applicant may be required to display a temporary permit issued by the City conspicuously on each vehicle and piece of equipment. The **Planning and** Community Development Department, or designee, shall install temporary signs or meter bags designating the zone as a daily use zone. Where it becomes necessary to physically remove parking meters or signs because of a construction situation, the removal and replacement shall be done by the City and the responsible party shall reimburse the City in full for all reasonable expense thereof.
- C. The applicant for a daily use zone permit is hereby defined as any person or organization actively engaged in construction of any type or other activity necessitating the reservation of parking spaces.
- D. The policy of the City Commission is to designate daily use zones for the following applicants only:
 - 1. The business or property owner immediately adjacent to the proposed zone;
 - 2. A construction contractor, mover, etc. for an activity on the same block as the proposed zone. The designated zone shall be as close as practicable to the necessitating activity. Only vehicles and equipment necessary to the activity shall be parked in the daily use zone. Parking of employee's private vehicles in such zone is not authorized.

(Ord. 2646 § (part), 1994; Ord. 2572, 1990: Ord. 2520 §3, 1989: Ord. 2353 §5, 1984; Ord. 1987 §2(part), 1976: prior code §10--2-14(G) (4) (part)).

10.48.270 Residential zone

- A. It is unlawful for any person to stop, stand or park a vehicle for any purpose longer than the designated time other than those vehicles displaying a valid residential zone permit in any residential zone when any such zone has been

officially designated and appropriately signed, and then the vehicle must be parked within one block of the address on the permit.

- B. Each residential zone applicant will display the permit issued by the City where it is clearly visible. Whenever such applicant transfers or assigns his interest in such vehicles or residences, the permit shall be removed and immediately surrendered to the **Planning and** Community Development Department or his designated representative together with a notice of transfer of interest in such vehicle or residence. If another vehicle is acquired by the applicant, a new permit shall be issued by the City Manager or his designated representative.
- C. The applicant for a residential zone permit is defined as the owner/lessee of the vehicle and the place of residence within the residential zone.
- D. Residential zone permits are not valid within the parking meter district as defined in Section 10.48.280. (Ord. 2646 § (part), 1994; Ord. 2353 §6, 1984; Ord. 1987 §2(part), 1976: prior code §10-2-14(G) (4) (part)).

10.48.280 Parking meter district defined

The parking meter district to be established in the City shall consist of traffic ways or portions of traffic ways described and set forth within the following bounds:

At the point of beginning from the south line of Third Alley North projected to the west line of Park Drive, in a southerly direction along the west line of Park Drive to the south line of First Avenue South thence in an easterly direction to the west line of Second Street South thence in a southerly direction to the north line of Third Alley South thence in an easterly direction to the west line of Seventh Street South thence in a northerly direction to the north line of Second Alley South thence in an easterly direction to the east line of Ninth Street South thence in a northerly direction to the south line of Second Alley North thence in a westerly direction to the East line of Sixth Street North thence in the northerly direction to the north line of Second Avenue North thence in a westerly direction to the East line of Fifth Street North thence in a northerly direction to the north line of Third Avenue North thence in a westerly direction to the west line of Fourth Street North thence in a southerly direction to the south line of Third Avenue North thence in a westerly direction to the west line of Third Street North thence in a southerly direction to Third Alley North thence in a westerly direction to the point of beginning; Lots 1 through 7, Block 312; Lots 1 through 5, Block 315; Lots 11 through 14, Block 362; Lots 8, 9 and East one-half of 10, Block 365, Lots 8 and 9, Block 367, Lots 8 and 9, Block 370, all within Cascade County, Montana.

(Ord. 2189, 1980; Ord. 1987 §2(part), 1976: prior code §10-2-14(G) (5)).

10.48.290 Parking meter enforcement periods and time periods

- A. The rates for parking meters shall be established by City Commission resolution.
- B. Any type of meter may be located within the parking meter district at the discretion of the **Planning and** Community Development Director with recommendations from the Parking Commission.
- C. Parking meter requirements of this chapter shall be in effect from 9 a.m. to 5 p.m. on all days except Saturdays, Sundays and City holidays.
- D. No person shall stand or park a vehicle upon a street for a longer period of time than the limit that is sign-posted in either metered or un-metered areas. Meter spaces may be used without regard to the sign-posted time limit on Saturdays, Sundays and City holidays except where sign-posting specifically prohibits. An exception is granted to individuals as defined in 49-4-302 MCA, to use any metered space without regard to the sign-posted time limit. (Ord. 2646 § (part), 1994; Ord. 2520 §4, 1989; Ord. 2353 §9, 10, 1984; Ord. 2052 §1, 1979; Ord. 2021 §4, 1977; Ord. 1987 §2(part), 1976: prior code §10-2-14(G) (6)).

10.48.291 Courtesy parking provided by property owner(s) within parking district

Upon the request by the property owner(s) and the approval of the **Planning and** Community Development Department, metered spaces may be designated as courtesy parking thereby allowing the removal of the meters. The number and location of spaces thus designated will be determined by the **Planning and** Community Development Department. Only spaces immediately adjacent to the applicants' property shall be considered. The fee for designating spaces as courtesy parking shall be at a standard rate as approved by the City Commission. The fee shall be payable monthly. The City will continue to enforce the applicable time limit for area parking. (Ord. 2646 § (part), 1994; Ord. 2443 §1, 1986; Ord. 2353 §11, 1984).

10.48.300 Unauthorized parking in off-street parking facilities prohibited

- A. It is unlawful for any person to stop, stand or park a vehicle in any parking space in an off-street parking facility owned by the municipality unless such vehicle conspicuously displays a valid permit designating a rental of the use of the space for parking for a specific period. Sufficient currency or authorized tokens placed in the lot coin box shall also constitute a valid permit. Failure to display permit or deposit sufficient currency or authorized token(s)

within two hours after parking in the facility will constitute a violation of nonpayment at City lot. Each subsequent two-hour nonpayment lapse shall constitute a further violation.

- B. Parking spaces controlled by parking meters in off-street parking facilities owned or leased by the City shall be subject to control and enforcement as otherwise provided in this title relative to parking meters. (Ord. 2457 §1, 1987; Ord. 2383 §2, 1985; Ord. 2353 §12, 1984; Ord. 2188, 1980).

10.48.310 Rates charged on City owned/operated off-street parking lots and garages

The City Manager shall, on recommendation of the Parking Advisory Commission, make adjustments to the lease rates charged on any City owned/operated off-street lot or garage. (Ord. 2646 § (part), 1994; Ord. 2521, 1989).

**Chapter 50
VEHICLE IMMOBILIZATION**

Sections:

- 10.50.010 Authorization to use vehicle immobilizer
- 10.50.020 Procedure for vehicle immobilization
- 10.50.030 Removal of violation vehicle
- 10.50.040 Release to the owner
- 10.50.050 Hearing on immobilization
- 10.50.060 Cost liability

10.50.010 Authorization to use vehicle immobilizer

Members of the City Police Department are authorized to use a vehicle immobilizer (“boot”) to immobilize any vehicle that is parked in a city parking space located in the downtown residential district, the parking meter district or any city owned off-street pay-to-park facility/lot, and that has five (5) or more parking tickets unpaid/delinquent 30 days or more, provided that the **Planning and** Community Development Department’s Parking Division has either (a) mailed the registered owner of the vehicle a final notice for five or more of the unpaid/delinquent parking tickets or (b) has filed a complaint in court charging the registered owner with unpaid parking tickets on the vehicle and no individual has appeared for arraignment on the complaint. (Ord. 2815, 2002).

10.50.020 Procedure for vehicle immobilization

If parking officials, as defined in section 10.87.010, choose to immobilize a vehicle with a boot as allowed by section 10.50.010, then the on-site officers immobilizing the vehicle shall ensure that a written notice is conspicuously affixed to the vehicle. The written notice will inform the owner, driver or person in charge of such vehicle: that the vehicle has been immobilized by the city for violation of one or more provisions of Chapter 10.48; that release from such immobilization may be obtained at a designated place; that unless arrangements are made for the release of such vehicle within forty-eight (48) hours the vehicle will be impounded and towed as provided in section 10.50.030; and that removing or attempting to remove the immobilization device before a release is obtained is unlawful.

An immobilized vehicle shall not be released by the city until the immobilization fee is paid, together with payment of all outstanding parking fines, or posting of a bond as allowed by section 10.50.040.

If the vehicle has remained immobilized for a period of forty-eight (48) hours and a release has not been obtained, then the parking official shall have the vehicle impounded and towed as provided in section 10.50.030. (Ord. 2815, 2002).

10.50.030 Removal of violation vehicle

- A. The City is authorized to remove a vehicle or tow a vehicle from parking spaces located in the areas listed in section 10.50.010 to the designated tow site when a vehicle with an immobilization device attached remains immobilized for a period of forty-eight (48) hours and a release has not been obtained. (Ord. 2815, 2002).
- B. Whenever an officer removes a vehicle from a street or city parking space as authorized in this section and the officer knows or is able to ascertain from the registration records on the vehicle the name and address of the owner thereof, such officer shall give notice in writing to such owner of the fact of such removal and the reasons thereof and of the place to which such vehicle has been removed. If any such vehicle is stored at a designated tow site, a copy of such notice shall be given to the proprietor of such garage. Further, the party towing the vehicle shall immediately notify the police department dispatcher that a vehicle has been towed from a specific location and give the dispatcher a detailed description of the vehicle and the location to which it is being towed. (Ord. 2815, 2002).
- C. Whenever an officer removes a vehicle from a street under this section and does not know and is not able to ascertain the name of the owner, or for any other reason is unable to give the notice to the owner as hereinafter provided, and if the vehicle is not returned to the owner within a period of three (3) days, then the officer shall send or cause to be sent written reports of such removal by mail to the state department whose duty it is to register motor

vehicles, and shall file a copy of such notice with the proprietor of the designated tow site in which the vehicle may be stored. Such notice shall include a complete description of the vehicle, the date, time and place from which removed, the reasons for such removal and name of the garage or place where the vehicle is stored. (Ord. 2815, 2002).

- D. Any officer is authorized to take possession of any motor vehicle owned by any person that has violated, as to the vehicle, any of the provisions of Chapter 10.48, and has the authority to remove such vehicle from the streets and parking facilities in the areas designated in section 10.50.010, and to store and keep possession thereof until the owner of such vehicle appears and claims the same. The cost of towing or removing such vehicle and costs of storing the same shall be chargeable against the vehicle and shall be paid by the owner of the vehicle before the same shall be released. The vehicle will be stored in a designated tow site. The owner of a vehicle impounded and towed due to unpaid parking tickets must secure the release of the vehicle as required by section 10.50.040(B). (Ord. 2815, 2002).
- E. The taking of possession of a vehicle for violation of any parking ordinance or regulation shall not prohibit the filing of a complaint in connection with such violation(s). (Ord. 2815, 2002).

10.50.040 Release to the owner

- A. A vehicle immobilized for unpaid parking tickets shall be released to the registered owner or any other person legally entitled to claim possession of the vehicle, and the vehicle immobilization equipment removed, upon payment of all overdue and unpaid parking tickets and the immobilization fee. The fee may be paid in the form of a refundable bond pending the outcome of any hearing requested pursuant to section 10.50.050(D). (Ord. 2815, 2002).
- B. A vehicle impounded and towed for unpaid parking citations, and in accordance with section 10.50.030, can only be released pursuant to a written order from the Municipal Court that all penalties, fines, or forfeitures owed by the registered owner have been satisfied by full payment or the posting of a bond pending a hearing. (Ord. 2815, 2002).

10.50.050 Hearing on immobilization

- A. After a vehicle has been immobilized pursuant to this chapter, the registered owner, and any other person(s) who reasonably appear to have an interest in the vehicle, is entitled to have speedy hearing with the Parking Official or a designated representative to determine if the vehicle was immobilized in accordance with sections 10.50.010 and 10.50.020. (Ord. 2815, 2002).
- B. If the Parking Official finds that the immobilization was invalid or unjustified, he/she will order the vehicle to be immediately released, and the owner or any other person(s) who have an interest in the vehicle shall not be held liable for the immobilization fee. (Ord. 2815, 2002).
- C. If the Parking Official finds that the immobilization was valid and justified, he/she will order that the immobilization device remains on the vehicle until payment is received for the immobilization fee and all overdue and unpaid parking tickets. However, pursuant to section 10.50.030 A., when a vehicle with an immobilization device attached remains immobilized for a period of forty-eight (48) hours and a release has not been obtained, the vehicle will be towed and impounded. (Ord. 2815, 2002).
- D. The decision of the Parking Official shall be the final decision by the City. Any person aggrieved by a decision can request a hearing in Municipal Court. The court shall attempt to have the hearing as soon as all parties can be present, preferably on the day the immobilization or towing occurred; but in no instance shall the hearing be any later than three business days after towing has occurred. If the Municipal Court judge determines that the immobilization or towing was in violation of sections 10.50.010, 10.50.020 and/or 10.50.030, then the court may order the city to pay or reimburse the fees for immobilization or storage. (Ord. 2815, 2002).

10.50.060 Cost liability

The cost of removal and storage of any vehicle moved or towed pursuant to this chapter shall be paid by the owner or operator of the vehicle unless the Great Falls Municipal Court orders otherwise. (Ord. 2815, 2002).

**Chapter 57
COMMERCIAL VEHICLES**

Sections:

- 10.57.010 Definitions
- 10.57.020 Trucks--prohibited where
- 10.57.040 Trucks--parking prohibited where—exception
- 10.57.050 Restriction of vehicles--determined by City Commission--signs to be erected

10.57.010 Definitions

"Truck" and other "commercial vehicles" include motor buses. (Ord. 1974 §1(part), 1976: prior code §10-2-27(A)).

10.57.020 Trucks--prohibited where

- A. It is unlawful and constitutes a public offense for any person to drive or operate or for the owner to cause or knowingly permit to be driven or operated any truck, not involved in local service as defined in subsection B of this Section, upon the streets and avenues of the City except upon the truck routes designated as follows:
 1. Tenth Avenue South from the west City limits to the east City limits;
 2. The Northeast Bypass from the intersection at Fifty-seventh Street and Tenth Avenue South, north and then westerly to the Tenth Street Bridge;
 3. River Drive from its connection with Tenth Avenue South at or near the Warden Bridge to the First Avenue North Bridge; First Avenue North from Park Drive westerly through the First Avenue North Bridge; Central Avenue West from the west end of the First Avenue North Bridge to the west City limits on the Vaughn Highway;
 4. Third Street Northwest and Smelter Avenue from Central Avenue West to the northeasterly City limits;
 5. Second Street from the Tenth Avenue South approaches north to First Avenue South;
 6. First Avenue South from Second Street, west to Park Drive; Park Drive from First Avenue South to First Avenue North;
 7. Sixth Street Southwest from Central Avenue West to Tenth Avenue South;
 8. River Drive from First Avenue North to the Tenth Street Bridge;
- B. For the purpose of this section, the following definitions and terms shall apply:

"Truck" means any motor vehicle designed, used or maintained primarily for the transportation of property, which has a gross vehicle weight of over ten thousand pounds.

"Local service" means limiting the authorized use of City streets or avenues to those trucks which have either point of origin or destination for immediate business purposes within the corporate limits of the City.

- C. In any hearing in Municipal Court, unless credible evidence is produced demonstrating such immediate business purposes such as a bill of lading or routing schedule, the operation of such truck on a prohibited street or avenue shall be prima facie evidence of violation of 10.57.020. (Ord. 2646 § (part), 1994; Ord. 1974 §1(part), 1976: prior code §10-2-27(B) (part); Ord. 2219 1980).

10.57.040 Trucks--parking prohibited where—exception

It is unlawful and constitutes a public offense for any person to park a truck (as defined in Section 10.57.020) on any street or avenue within the City, and outside of that area which may from time to time by the City ordinance be designated as the central business district, except for an emergency or for loading and unloading purposes. (Ord. 1974 §1(part), 1976: prior code §10-2-27(D)).

10.57.050 Restriction of vehicles--determined by City Commission--signs to be erected

- A. The City Commission may, by law or resolution, prohibit the operation of vehicles upon any such streets, avenues, or highways, or impose restrictions as to the weight of vehicles to be operated upon any such street, whenever any street by reason of deterioration, rain, snow or other climate conditions will be seriously damaged or destroyed unless the use of vehicles thereon is prohibited or the permissible weights thereof reduced.
- B. The City Commission, in enacting any such law or resolution, shall erect or cause to be erected and maintained signs designating the provisions of the law or resolution at each end of that portion of any street affected thereby, and the law or resolution shall not be effective unless and until such signs are erected and maintained. (Prior code §10-2-28).

**Chapter 60
ABANDONED AND JUNKED VEHICLES MACHINERY, TRAILERS AND PARTS**

Sections:

- | | |
|------------------------------------------|------------------------------------------|
| 10.60.010 Purpose | 10.60.080 Appeal |
| 10.60.020 Definitions | 10.60.090 Abatement and removal |
| 10.60.030 Exemptions | 10.60.100 Illegal off-street parking |
| 10.60.040 Junk vehicle deemed nuisance | 10.60.110 Continuing notice |
| 10.60.050 Administration and enforcement | 10.60.120 Penalty |
| 10.60.060 Administration costs | 10.60.130 Nonexclusively of this chapter |

10.60.070 Notices of intention to abate and remove;
mailing; form of notices

10.60.010 Purpose

The City Commission of the City of Great Falls hereby makes, finds and declares that the accumulation and storage of abandoned, wrecked, dismantled, or inoperative vehicles, machinery, trailers, or parts thereof, on public property or illegally parked on private property is hereby found to create a condition tending to reduce the value of private property, to promote blight and deterioration, to invite plundering, to create fire hazards, to constitute an attractive nuisance creating a hazard to the health and safety of minors, to create a harbor for rodents and insects, and to be injurious to the health, safety and general welfare. Therefore, the presence of an abandoned, wrecked, or dismantled or inoperative vehicle, or part thereof, on public property or illegally parked on private property, except as expressly hereinafter permitted, is hereby declared to constitute a public nuisance, which may be abated as such in accordance with the provisions of this chapter. (Ord. 2819, 2002)

10.60.020 Definitions

For the purpose of this chapter the following definitions shall apply:

“Vehicle” means any device by which any person or property may be propelled, moved, or drawn upon a street, except a device which is designed to be exclusively moved by human power or used exclusively upon stationary rails or tracks. The term vehicle shall include, but is not limited to, an automobile, truck, van, sports utility vehicle, recreational vehicle, camper, motorcycle, trailer, watercraft, boat, canoe, jet skis, snowmobiles, ATV’s or aircraft.

“Machinery” is synonymous with and means the same as “machine” as defined by the current edition of Webster’s New Collegiate Dictionary.

“Trailer” means any vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle.

“Parts” means any mechanical, structural, body or decorative part of any vehicle, machinery or trailer.

“Junk vehicle” means any vehicle, machinery, trailer, or parts thereof, located on public property or illegally parked on private property within the corporate limits of the City of Great Falls, which, as to a vehicle or trailer, does not properly display license plates or stickers indicating current registration and/or, as to any vehicle, machinery, trailer, or parts thereof, which has any one or more of the following characteristics:

- A. Lacks an engine, wheel, tire, properly installed battery or other structural parts which renders the vehicle inoperable for use as designed by the manufacturer; provided, that if there is more than one vehicle on the real property, there shall be the necessary number of engines, wheels, tires, batteries and other structural parts for each respective vehicle;
- B. Has a broken or missing fender, door, bumper, hood, exterior door handle, running board, steering wheel, trunk top, trunk handle, tail pipe, muffler, driver’s seat, fuel tank, driveshaft, differential, generator, alternator or other structural piece;
- C. Has become or the potential to become the breeding ground or habitat of rats, mice, snakes, mosquitoes or other vermin, rodents or insects, or is otherwise used for the storage, harbor, caging or dwelling for an animal of any kind;
- D. Has heavy growth of weeds or other noxious vegetation over eight inches in height under or immediately next to it.
- E. Has become a point of collection for stagnant water;
- F. Has junk, garbage, refuse, gasoline or fuel other than in its fuel tank, paper, cardboard, wood or other combustible materials, solid waste or other hazardous material present in it or which is primarily used for storage of any materials;
- G. Has become a source of danger for children through entrapment in areas of confinement that cannot be opened from inside, through a danger of the vehicle falling or turning over, or through possible injury from exposed surfaces of metal, glass or other rigid materials;
- H. Has become a potential source of contamination of the soil from petroleum products or other toxic liquids being discharged or leaking from the vehicle;
- I. Has become illegal to operate on the public streets because it is missing one or more parts required by law;
- J. Is an abandoned vehicle; or

K. Because of its defective, deteriorated or obsolete condition in any other way constitutes a nuisance or a threat to the public's health or safety.

“Abandoned vehicle” means any of the following. For the purposes of this subsection, the word “vehicle” includes a vehicle, machinery, trailer or parts thereof:

- A. A vehicle that has been left unattended on public property for more than forty-eight hours and lacks current registration, plates, or one or more wheels/tires or other parts which renders the vehicle totally inoperable;
- B. A vehicle that has remained illegally parked on public property for more than forty-eight hours;
- C. A vehicle that has been unlawfully parked on private real property or has been placed on private property without the consent of the real property owner or person in control of the property for more than forty-eight hours;
- D. A vehicle that has been legally impounded by order of a law enforcement authority and has not been reclaimed for a period of five days. However, a law enforcement authority may declare the vehicle abandoned within the five-day period by commencing the notification process in Mont. Code Annotated Title 61 Chapter 8 (2001).
- E. Any vehicle parked on a street determined by a law enforcement authority to create a hazard to other vehicle traffic.

“Law enforcement authority” means a peace officer or any city, state or federal department or agency operating with arrest authority in Great Falls, Montana.

“Responsible parties if ascertainable, the last known registered owner of the junk vehicle as indicated in the official records of the State of Montana Department of Motor Vehicles or a sister state division of transportation or motor vehicles.

10.60.030 Exemptions

This chapter shall not apply to the following:

- A. When such storage or parking is necessary to the operation of a lawfully conducted business or commercial enterprise on land which such business or enterprise is authorized by the city's zoning regulations;
- B. A vehicle which was recently involved in a collision, duly documented by a timely report filed with the appropriate law enforcement agency or the state department of transportation, or its equivalent in a sister state, shall not be deemed a junk vehicle unless the owner/operator of said vehicle fails to repair the same within a reasonable period of time after said collision.
- C. Nothing in this chapter shall authorize the maintenance of a public or private nuisance as defined under provisions of law. (See Title 8 regarding Criminal Nuisances.)
- D. Nothing in the chapter and none of these exemptions alter any zoning regulations for the land on which the vehicle is located. (See Title 17 for zoning regulations)

10.60.040 Junk vehicle deemed nuisance

The keeping, maintaining or allowing a junk vehicle to be on public or illegally parked on private property, except as provided by Section 10.60.030 above, shall constitute a nuisance. The owner of a junk vehicle shall be responsible for the maintaining or keeping of a nuisance.

10.60.050 Administration and enforcement

Except as otherwise provided in this chapter, the provisions of this chapter shall be administered and enforced by the **Planning and** Community Development Director and/or the Police Chief, or their respective designees, hereinafter collectively referred to as “enforcement officer.” The enforcement officer and any person designated by the enforcement officer to abate the nuisance pursuant to this code or court order, are hereby authorized access to any property upon which a junk vehicle is located for the purpose of carrying out any and all actions necessary to enforce this chapter.

10.60.060 Administration costs

The City Commission shall determine and fix the administrative fee, an amount to be assessed as administrative costs under this chapter. Said administrative fee shall be in addition to the actual costs incurred regarding towing, storage and disposal of the vehicle. The administrative fee shall be set by resolution.

10.60.070 Notices of intention to abate and remove; mailing; form of notices

- A. A ten-day notice (exclusive of weekends or federally mandated holidays) of intention to abate and remove the vehicle or parts thereof as a public nuisance shall be given to the owner of the land and/or to the owner of the vehicle, if known. The notices of intention shall be in a form promulgated by the **Planning and Community Development Director**, and shall provide the following information at a minimum:
1. A description of the vehicle or parts which constitute(s) a nuisance under the provisions of the Great Falls Municipal Code;
 2. That the nuisance must be abated within ten-days, (exclusive of weekends and federally mandated holidays) to-wit: the junk vehicle must be either
 - i. Brought into a condition that it no longer is defined as a junk vehicle,
 - ii. Placed in a proper enclosure, or
 - iii. Removed from the property and properly disposed of or removed from the City; and
 3. Failure to properly abate said nuisance as prescribed shall be sufficient cause for the removal of the junk vehicle by the enforcement authority or his/her duly designated agent as set forth by the municipal code.
- B. The notice required by this section shall be served in any one of the following manners:
1. Posting notice on or near the junk vehicle(s) in question and by certified mail, return receipt requested to the last registered-owner of said vehicle, if ascertainable, at the address listed in the state's records concerning ownership of the vehicle (for the purposes of this provision service shall be deemed to have been perfected the day after the notice is mailed); or
 2. If the last registered owner's name is not ascertainable, by posting notice on or near the junk vehicle(s) in (for the purposes of this provision, service shall be deemed to have been perfected the day the notice is posted on or near the junk vehicle).

10.60.080 Appeal

Any interested party may appeal the decision of the enforcement officer by filing a written notice of appeal with the **Planning and Community Development Director** ten-days (exclusive of weekends and federally mandated holidays) days after service of notice as required by Section 10.60.070 above. Such appeal shall be heard by the Municipal Court Judge which may affirm, amend or reverse the notice/order or take other action deemed appropriate. The Clerk of Municipal Court shall give at least five-day written notice of the time and place of the hearing to the appellant by first-class mail or personal service.

10.60.090 Abatement and removal

- A. The responsible party, after service of notice is perfected, shall abate the nuisance within ten-days (exclusive of weekends and federally mandated holidays) days of service being perfected. Abatement shall consist of:
1. Providing for the current registration of each and every vehicle including the affixing the registration plate or current sticker to the vehicle;
 2. Repairing any and all conditions which cause such vehicle(s) to be a nuisance under the provisions of the municipal code; and
 3. Having all of the required equipment and parts for each vehicle which was described in the notice; or
 4. Removing the junk vehicle or causing the junk vehicle to be removed to a licensed dismantler, salvage yard, licensed vehicle dealer, a junk dealer, an auto body shop or to any other location provided the same complies with all applicable provisions of the municipal code.
- B. If the responsible parties fail to abate the nuisance as prescribed, or after such abatement has been affirmed by the Court on appeal, the city, through the enforcement officer, may abate such nuisance by causing the junk vehicle(s) to be removed, impounded and sold or disposed of as provided for abandoned vehicles under the laws of the State of Montana. All costs of such abatement and the administrative fee provided by this chapter shall be charged to the responsible parties, jointly and severally.

10.60.100 Illegal off-street parking

- A. No person shall park a vehicle onto or upon privately owned real property or area developed as an off-street parking facility without the consent of the owner, lessee or person in charge of said property or facility.
- B. No person shall park a vehicle onto or upon publicly owned real property or area developed as an off-street parking facility, if said property is not properly designated and signed for parking of private vehicles; contrary to any signs set forth upon said property or facility; or contrary to the laws of the state of Montana, county of Cascade or the City of Great Falls without proper consent of said state, county or city.
- C. Any vehicle parked in violation of this section shall be deemed an abandoned vehicle.

10.60.110 Continuing notice

A notice issued as provided in Section 10.60.070 above shall be deemed a continuing notice regarding the vehicle(s) described in the notice for a period of one year from the date of service and is valid for all locations within the City of Great Falls. No further notice by an enforcement officer or ten-day period to abate is necessary to abate a nuisance created by said vehicle(s) within the one-year period.

10.60.120 Penalty

Any person found guilty of a violation of any of the provisions of this chapter shall, upon conviction, be subject to the penalty provisions of this code. Each day that a violation is allowed to continue shall constitute a separate and distinct violation.

10.60.130 Non-exclusively of this chapter

This chapter is not the exclusive regulation of abandoned, wrecked, dismantled or inoperative vehicles within the City of Great Falls. It shall supplement and be in addition to the other regulatory codes, statutes, and ordinances heretofore or hereafter enacted by the city, the state, or any other legal entity or agency having jurisdiction.

**Chapter 61
ABANDONED, WRECKED, JUNKED OR DISMANTLED
VEHICLES ON PRIVATE PROPERTY**

Sections:

10.61.010	Definitions
10.61.020	Enforcement
10.61.030	Prohibited
10.61.040	Permitted in a building
10.61.050	Repair
10.61.060	Person responsible
10.61.070	Notice
10.61.080	Violation and penalty

10.61.010 Definitions

The following definitions shall apply in the interpretation and enforcement of this chapter unless otherwise noted:

When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number and words in the singular number include the plural number.

"Vehicle" means every device in, upon, or by which any person or property may be transported or drawn upon a public highway or upon p property, including trailers, semi-trailers, travel or camp trailers, as well as machinery used in farming, logging, excavating, but not including mobile homes presently utilized for human habitation. "Vehicle" shall not include a bicycle, but shall include motorbikes, motorcycles, motor-scooters, tractors, go-carts and golf carts.

"Abandoned, wrecked, junked or dismantled motor vehicles" means any motor vehicle described in 61-1-102, MCA, which does not have lawfully affixed thereto both an unexpired license plate or plates and the condition of which is wrecked, dismantled, inoperative, abandoned or discarded.

"Abandoned, wrecked, junked or dismantled vehicle" means any vehicle described in Subsection B of this section which is not being utilized for its manufactured or intended purpose and has been discarded, abandoned, wrecked, junked, dismantled or partially dismantled, including parts thereof.

"Person" means any person, firm, partnership, association, corporation, company or organization of any kind.

"Private property" means any real property within the City which is privately owned. (Ord. 2646 §(part), 1994; Ord. 2442 §2 Ex. B(part), 1986).

10.61.020 Enforcement

A. Authority. The **Planning and** Community Development Director or duly authorized representative, is authorized and directed to enforce all the provisions of this chapter, and all enforcement agencies of the City shall cooperate in this regard.

B. Right of entry. The **Planning and** Community Development Director or a duly authorized representative's right of entry in the enforcement of this chapter shall be in accordance with Section 17.16.46.020B.4 and 17.16.46.080 of this Code. (Ord. 2442 §2 Ex. B(part), 1986).

10.61.030 Prohibited

No person shall park, store, keep, place, leave or permit the same, any abandoned, wrecked, junked or dismantled motor vehicle or vehicle upon any private property within the City limits for a period in excess of seventy-two hours. The presence of any abandoned, wrecked, junked or dismantled vehicle or motor vehicle, or parts thereof, upon private property as specified in this chapter, is declared a public nuisance which shall be abated as such in accordance with the provisions of this chapter. This section shall not apply to any vehicles enclosed within a building, or covered by a fabric cover specifically designed for covering vehicles or motor vehicles or to any vehicle held in connection with a business enterprise lawfully licensed and properly operated in an appropriate zone, pursuant to the zoning laws of the City or a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the City or to any vehicle or motor vehicle validly and properly retained by the owner thereof for antique collection purposes, pursuant to 61-3-411, M.C.A. Any motor vehicle whether in operable or inoperable condition designed, adapted or used for dragstrip racing or raceway racing shall be covered, as set forth in this chapter, or placed within a building. (Ord. 2442 §2 Ex. B(part), 1986).

10.61.040 Permitted in a building

Storage, service, restoration and repair of an abandoned, wrecked, junked or dismantled vehicle or motor vehicle which is conducted within the confines of a building shall be permitted provided that such vehicle or motor vehicle is the property of the owner or occupier of the lot and provided that the storage service, service, restoration or repair is not a commercial use of the property. (Ord. 2442 §2 Ex. B(part), 1986).

10.61.050 Repair

This chapter shall not be construed to prevent any occupant of premises within the City limits from repairing his own motor vehicles or vehicle or machinery on his premises even though exposed to public view, so long as the person pursues the work to completion with reasonable diligence; provided, however, that any vehicle which remains out of running condition with any wheel, tire, engine, body or other major part removed there from for a period in excess of twenty days, while remaining exposed to public view, shall be deemed to be prima facie evidence that the vehicle or motor vehicle is not being diligently repaired and constitutes a violation of this chapter. (Ord. 2442 §2 Ex. B(part), 1986).

10.61.060 Person responsible

The owner of any private property within the City limits shall be absolutely responsible for any violation of the chapter. (Ord. 2646 §(part), 1994; Ord. 2442 §2 Ex. B(part), 1986).

10.61.070 Notice

Whenever it comes to the attention of the **Planning and** Community Development Director that a nuisance exists within the City limits due to the maintenance or presence of abandoned, wrecked, junked or dismantled motor vehicles or vehicles upon private property within the City limits, a notice in writing shall be served upon the occupant of the land where the nuisance exists, or in the case there is no such occupant, then upon the person being the owner of the property, notifying them of the existence of the nuisance and ordering its removal in the time specified in this chapter.

A. Notice shall be given by United States mail, postage prepaid, addressed to the occupant or the person who is the owner at the last known address as exists upon the records of City. An alternative notice may be served in the same manner as other legal process is served in the State.

B. The **Planning and** Community Development Director shall give the notice for the removal of the items which constitute the nuisance at least fourteen days before the time of compliance with the notice. The notice shall specify clearly the abandoned, wrecked, junked or dismantled motor vehicles or vehicles, or parts thereof upon the private property, which constitutes the nuisance and shall order the removal of the same as specified within this chapter. The notice shall advise that failure to remove or cover as specified in the notice shall render the person so served subject to prosecution for violation of this chapter and the penalty therefore as set forth in this chapter. The notice shall contain the name, address and telephone number of the **Planning and** Community Development Department for contact by the occupant or owner. (Ord. 2442 §2 Ex. B(part), 1986).

10.61.080 Violation and penalty

A. Failure of the person or persons responsible for the removal or covering of abandoned, wrecked, junked or dismantled motor vehicles or vehicles or parts thereof to remove or cover the same within the time specified in the notice, after the same has been served as provided in this chapter, constitutes a violation of the chapter which shall

be punishable by a fine not to exceed five hundred dollars. It is specifically provided that each day a violation continues after the time for removal or covering specified in the notice, constitutes a separate offense, thereby subjecting the person or persons in violation thereof to a daily fine until the abandoned, wrecked, junked or dismantled motor vehicles or vehicles or parts thereof are removed from the private property, or covered, as provided in the notice.

- B. In any action or proceeding brought for the violation of this chapter, as defined in this chapter, the reasonable cost and expense to City in connection with the mailing or serving of notice and the inspection of the private property in question, shall be awarded to City as part of the court's sentence. (Ord. 2442 §2 Ex. B(part), 1986).

**Chapter 66
SNOWMOBILES¹**

Sections:

- 10.66.010 Definitions
- 10.66.020 Prohibited where

10.66.010 Definitions

"Operator" includes every person who operates or is in actual physical control of the operation of the snowmobile.

"Person" includes any individual, partnership, association or corporation, or any other body or groups of persons, whether incorporated or not, and regardless of the degree of formal organization.

"Snowmobile" includes any self-propelled vehicle designed primarily for travel on the snow or ice or natural terrain, which may be steered by wheels, skis or runners, and which is not otherwise registered or licensed under the laws of the State. (Prior code §10-2-30(A)).

10.66.020 Prohibited where

It is unlawful for any person or operator to drive any snowmobile upon any public streets, avenues, highways, roadways, alleys or sidewalks within the City, or upon any public parks or public grounds within the City. (Prior code §10-2-30(B)).

**Chapter 69
MOTORCYCLES**

Section:

- 10.69.020 Driving on sidewalks and in public parks or grounds prohibited

10.69.020 Driving on sidewalks and in public parks or grounds prohibited

It is unlawful for any person or operator to drive any motorcycle or other power driven two-wheel vehicle upon the sidewalks within the City or upon that portion of any public park or public grounds where no roadway is provided. (Ord. 2646 § (part), 1994; Prior code §10-2-10 (2)).

**Chapter 71
HANDICAP ZONE**

Section:

- 10.71.020 Handicap zone

10.71.010 Handicap zone

¹For statutory provisions regarding snowmobiles, see RCM 53-1012 et seq.

- A. No person shall park a motor vehicle in a parking space designated and reserved for the physically handicapped, unless:
 - 1. Such person is physically handicapped in a manner rendering it difficult and burdensome for such person to walk, or such person was operating the vehicle under the direction of such a physically handicapped person; and
 - 2. The vehicle visibly bears or contains the certificate or insignia issued to physically handicapped persons by the City or visibly bears or contains a special handicapped license plate or permit issued to physically handicapped persons by any State or City.
- B. Notice of such designation of handicapped parking spaces shall be given by posting appropriate signs.
- C. In any prosecution charging a violation of the above provisions, the owner or person or corporation in whose name said vehicle is registered shall be held absolutely responsible for said violation and subject to the penalty therefore.
- D. A violation of this section shall constitute a misdemeanor. Vehicles in violation may be removed, impounded, and kept in custody at the direction of the Chief of Police. (Ord. 2676, 1995; Ord. 2646, 1994; Ord 2353, 1984; Ord. 2031, 1977).

**Chapter 72
BICYCLES**

Section:

10.72.010 Riding on sidewalks--prohibited where--regulation

10.72.010 Riding on sidewalks--prohibited where—regulation

- A. It is unlawful for any person to ride a bicycle upon a sidewalk within the central business district east of the west line of Park Drive.
- B. Whenever any person is riding a bicycle upon a sidewalk, such person shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing such pedestrian. (Ord. 2646 § (part), 1994; Prior code §10-1-19).
- C. Bicycles operated as part of the City bike patrol program are exempt from 10.72.010(A). (Ord. 2708; 1996)

**Chapter 73
TRAILERS**

Section:

10.73.010 Occupancy regulations

10.73.010 Occupancy regulations

No trailer as defined in Section 10.15.010, subsection 32-2105, or motor vehicle as defined in Section 10.15.010, subsection 32-2101 (b), shall be occupied either permanently or temporarily as a dwelling place, or living abode while parked on any street, avenue, alley or highway, or other public place unless otherwise authorized by law. (Ord. 1984, 1976: prior code §10-2-33).

**Chapter 75
TOLL LOCATIONS**

Sections:

10.75.010 Prohibited

10.75.020 Exception

10.75.010 Prohibited

It is unlawful for any person, firm, corporation or organization, charitable or otherwise, to occupy, stand in and/or use any portion of any public street, highway or bridge for the purpose of establishing a toll location through which vehicular traffic must pass in order to collect funds or make any other contact or solicitation from the driver or occupant of any vehicle using the public street, highway or bridge within the City. (Prior code §10-2-11).

10.75.020 Exception

The City Manager may approve a toll request provided that:

- A. The requesters are sworn public safety officers trained in emergency scene management, accident prevention, traffic control, personnel and public safety, advanced medical training, and are experienced in the appropriate methods to set up and operate a safe tolling exercise. (Ord. 2757, 1999).
- B. The requesters submit a traffic plan which includes the date, time and location for the tolling activity, traffic control descriptions for each location, and a \$1 million general liability policy naming the City as additional insured.
- C. No more than one toll will be granted per calendar year.

Chapter 78
LIABILITY FOR STREET DAMAGE

Sections:

- 10.78.010 Applicability
- 10.78.020 Owner and driver of vehicle jointly liable
- 10.78.030 Civil action

10.78.010 Applicability

Any person driving any vehicle, object or contrivance upon any street or street structure shall be liable for all damage which the street or structure may sustain as a result of any illegal operation, driving or moving of such vehicle, object or contrivance, or as a result of operating, driving or moving any vehicle, object or contrivance weighing in excess of the maximum weight in this title except Chapters 10.51 and 10.72 but is authorized by a special permit issued as provided in this title except Chapters 10.51 and 10.72. (Prior code §10-2-29(A)).

10.78.020 Owner and driver of vehicle jointly liable

Whenever such driver is not the owner of such vehicle, object or contrivance, but is so operating, driving or moving the same with the express or implied permission of the owner, then the owner and driver shall be jointly and severally liable for any such damage. (Prior code §10-2-29(B)).

10.78.030 Civil action

Such damage may be recovered in a civil action brought by the authorities in control of such streets or street structure. (Prior code §10-2-29(C)).

Chapter 84
EXCESS SIZE AND WEIGHT PERMITS

Sections:

- 10.84.010 Issuance--conditions
- 10.84.020 Display--violation--penalty

10.84.010 Issuance—conditions

The City Engineer is authorized to issue or withhold such special permit at his discretion, or if such permit is issued, to limit the number of trips, or to establish seasonal or other time limitations within which the vehicle described may be operated on the public streets indicated, or otherwise to limit or prescribe conditions of operation of such vehicle or vehicles when necessary to assure against damage to the road foundation, surfaces or structures or safety or traffic and may require such undertaking or other security as may be deemed necessary to compensate for injury to any street or road structure. (Ord. 2646 § (part), 1994; Prior code §10-2-26(A))

10.84.020 Display--violation—penalty

- A. Any person who knowingly and willfully misrepresents the size or weight of any load in obtaining a special permit or does not follow the requirement and conditions of the special permit or who operates any vehicle, the gross weight of which is in excess of the maximum for such vehicle may be eligible for license, without first obtaining a special permit, is guilty of a misdemeanor.
- B. Every special permit issued under this chapter shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by the Police Officer.
- C. A complaint filed and a summons or notice to appear issued pertaining to a violation of the gross weight regulations in this chapter shall specify the amount of the over-weight which the defendant is allowed to have had upon the vehicle or combination of vehicles. (Ord. 2646 § (part), 1994; Ord. 2186, 1980)

Chapter 87 VIOLATION PENALTY

Sections:

10.87.010	Definitions
10.87.030	Illegally parked vehicle--notice--procedure
10.87.040	Illegally parked vehicle--notice--failure to comply
10.87.050	Illegally parking vehicle--presumption
10.87.060	Illegally parked vehicle--warrant issued when
10.87.070	Disposition of fines and parking meter revenue
10.87.080	Fines and forfeitures--official misuse
10.87.090	Penalty

10.87.010 Definitions

"Parking official" for purposes of Title 10, Chapter 87 means: peace officers, and other persons designated by the City Commission. (Ord. 2646 § (part), 1994)

10.87.030 Illegally parked vehicle--notice—procedure

Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions imposed by the laws of this City or by State law, the Parking Official finding such vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its owner and shall conspicuously affix to such vehicle a notice in writing on a form provided by the clerk for the owner to answer to the charge against the driver within five days, during the hours and at a place specified in the notice. (Ord. 2646 § (part), 1994)

10.87.040 Illegally parked vehicle--notice--failure to comply

If a violator of the restrictions on stopping, standing or parking under the traffic laws does not appear in response to a notice affixed to such motor vehicle within a period of five days, the Clerk of the Municipal Court or other person authorized by the proper magistrate shall send to the owner of the vehicle a written notice informing the driver of the violation and warning the driver that in the event such written notice is disregarded for a period of ten days a warrant of arrest will be issued. (Ord. 2646 § (part), 1994; Prior code §10-2-16(F))

10.87.050 Illegally parked vehicle—presumption

If any vehicle is found stopped, standing or parked in any manner violative of the provisions of Title 10 of this code, the owner, person, or corporation in whose name said vehicle is registered shall be held absolutely responsible for said violation and subject to the penalty therefore. (Ord. 2321 §1, 1983)

10.87.060 Illegally parked vehicle--warrant issued when

In the event any person fails to comply with a notice so given to the person or attached to a vehicle or fails to make appearance pursuant to a summons directing an appearance in the municipal court, or if any person fails or refuses to deposit bail as required and within the time permitted by law, the proper magistrate shall, in their discretion, issue a warrant of arrest. (Prior code §10-2-16(H))

10.87.070 Disposition of fines and parking meter revenue

- A. All fines or forfeitures collected upon conviction or upon the forfeiture of bail of any person charged with a violation of any of the provisions of this Title except Chapter 10.72 shall be paid to the **Planning and** Community Development Department and deposited in the general fund, to be expended to defray the expense of proper regulation of traffic and parking upon the public streets of the City, to provide for the cost of supervision, regulation, and control of parking vehicles and to cover the cost of purchase, supervision, operation, maintenance, control and use of parking meters.
- B. All revenue obtained from and through the use of parking meters shall be appropriated by the City to pay for the operation and maintenance of on street and off street parking facilities. (Ord. 2646 § (part), 1994; Prior Code §10-2-16(I))

10.87.080 Fines and forfeitures--official misuse

Failure, refusal, or neglect on the part of any judicial or other officer or employee receiving or having custody of any such fine or forfeiture, either before or after a deposit in the fund, to comply with the foregoing provisions of this chapter, shall constitute misconduct in office and shall be grounds for removal therefrom. (Prior code §10-2-16(J))

10.87.090 Penalty

The penalty for violation of the two hour parking limit in the parking meter district shall be ten dollars for each offence. The penalty for meter or overtime violations (other than the two-hour time limit) or non-payment at off-street parking facilities shall be three dollars for each offense. The penalty for all other standing or parking violations including, but not limited to, hydrant zone, crosswalk, end zone, double parking, bus or passenger zones, driveway, alley and fire lane shall be ten dollars for each offense. In the event that citations issued for violations of any of the provisions of this chapter, except Chapter 10.72, are disregarded for a period of 30 days, the City may charge an administrative fee to recover the costs of processing the violations. (Ord. 2707, 1996; Ord. 2646 § (part), 1994; Ord. 2469 §1, 1987: Ord. 2456 §1, 1987: Ord. 2443 §2, 1986: Ord. 2321 §2, 1983).

Title 12
STREETS AND SIDEWALKS

Chapter

4	Boulevards
6	Discovery Gallery
8	Obstructions in Streets and Public Places
12	Excavations
14	Parades, Processions, Fun Runs and Street Closures
16	Street Maintenance
18	Vehicle Removal
20	Right-of-Way Vacation Fees
24	Street Names
28	Sidewalks and Curbs
32	Sidewalk Maintenance
33	Emergency Snow Route
36	Private Driveways and Crosswalks
40	Trees and Shrubbery
44	Tree Removal

**Chapter 4
BOULEVARDS**

Sections:

12.4.010	Definitions and responsibility
12.4.020	Clear vision triangle--defined—responsibility
12.4.030	Vehicle parking--prohibited where--exception
12.4.040	Boulevard encroachment permit--issuance conditions
12.4.060	Violation--penalty

12.4.010 Definitions and responsibility

A. Definitions

"Boulevard" within the City is that area within any street, avenue or highway right-of-way not occupied by street paving, curb and gutter, and sidewalks. An "inside boulevard" is the boulevard area on the property line side of the sidewalk. An "outside boulevard" is the boulevard area on the street side of the sidewalk. Except as permitted under Section 12.04.050, no boulevard area may be encumbered by any obstacle whatsoever.

"Obstacle" means any strung wire or netting, any fence or railing, or any barrier or structure of any kind whatsoever, but does not include trees, ornamental lamp-posts, telephone or electric light poles, United States government mailboxes, signage for structures on the National Historical Register provided by the Montana Historical society, or other structures erected by permit to aid owners in caring for the boulevards adjoining their property. The Director of

Public Works may grant a special permit for a temporary barrier to protect newly sown grass on boulevard areas if such barrier will not endanger passers-by. (Ord. 2785, 2000)

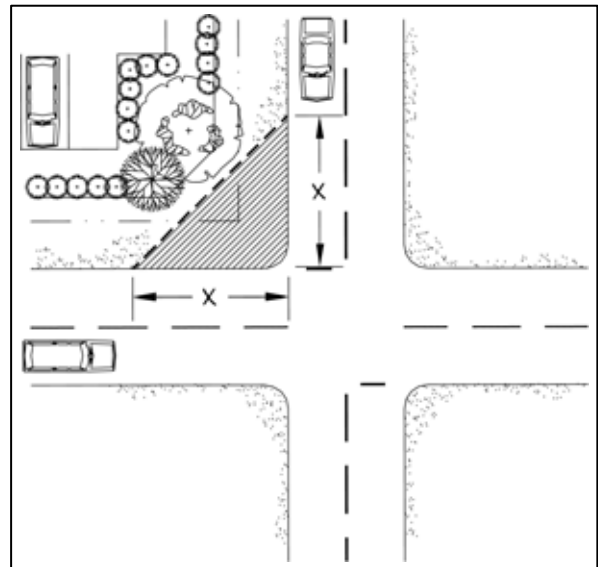
- B. Adjoining Owners Responsibility. It shall be the duty of the owners and tenants of any premises within the limits of the City to maintain the boulevard section in front of and adjoining their premises in safe and substantial condition. Any portion of the right-of-way which is not occupied by roadway section, curb and gutter, driveway, sidewalk or crosswalk shall be maintained as required by Chapter 12.41 Landscape Design Standards. It is also the responsibility of corner lot owners/tenants to maintain the clear vision triangle as described in Section 12.04.030. (Ord. 2549 §1(part), 1989).

12.4.020 Clear vision triangle--defined—responsibility

The clear vision triangle is the isosceles triangle having sides of forty-five feet as measured along the back of the curb section of each intersecting roadway. The triangle thus begins at the point where the intersecting back of each curb line would meet, thence forty-five feet along the back of each curb and diagonally across connecting the curb lines. See drawing.

- A. Any signs, fences, plant material, or other items placed in this area shall provide an unobstructed cross-visibility at a level between three feet and eight feet above street surface elevation. Trees having over eight feet of clear trunk as measured from the surface elevation with limbs and foliage trimmed in such a manner as not to extend into the cross-visibility are permitted in the clear vision triangle.
- B. It is the responsibility of the owner or tenant of a corner lot to maintain the clear vision triangle by trimming or removing the cause of any sight obstruction within the area described above.
- C. No obstruction to cross-visibility shall be exempted or excluded from the application of this section because of the obstruction's existence at the time of the adoption hereof. (Ord. 2549 §1(part), 1989).

Exhibit 12.4.020 Clear visibility triangle



12.4.030 Vehicle parking--prohibited where—exception

No vehicle shall be parked upon any boulevard area in the City except in the following instances:

- A. Upon any lawfully constructed driveway, although no vehicle may be parked upon any sidewalk or sidewalk area;
- B. Upon any boulevard area in a residential area if the boulevard area has no curbing or has a curb cut access to the boulevard area;
- C. By permit issued under Section 12.04.040, boulevard use permit. (Ord. 2549 §1(part), 1989).

12.4.040 Boulevard encroachment permit--issuance conditions

A temporary and revocable permit to allow encroachments upon any inside boulevard area within any area of the City may be granted to the owner or lessee of the adjoining property by the City Manager or designee. Any such Boulevard Encroachment permit must comply with the following conditions:

- A. The encroachment as proposed must not be detrimental to the health, safety, or welfare of the public as a whole.
- B. Payment to the City of a one time application fee to defray administrative costs. The fee shall be established by City Commission resolution.
- C. Payment to the City of an annual encroachment rental fee based upon the square footage of encroachment. The annual rental fee shall be established by City Commission resolution.
- D. No encroachment permit may be granted to allow parking necessary to fulfill the requirements of the off-street parking code as set forth in Chapter 17.81.
- E. In all locations where the sidewalk is constructed adjacent to the street curbing and in all locations where no sidewalk has been constructed, no permit may be granted for any encroachment within seven feet from the back of the curb except in cases where artwork has been approved by the City and placed within the Business Improvement District as part of the Discovery Gallery. (Ord. 2766; 2000)
- F. Parking blocks shall be placed in the boulevard area for any permit issued for vehicle parking under this section, and must be placed sufficiently back from the sidewalk area to keep parked vehicles at least two feet from the sidewalk or beyond the seven-foot sidewalk area provided in subsection E of this section.

- G. The Boulevard Encroachment permit may be issued by the City Manager or designee, at the permit holder's risk upon receipt of a completed application and the processing fee. Should the City deem it necessary, the Boulevard Encroachment permit may be revoked upon giving thirty days notice in writing to the permit.
- H. The City Manager or designee shall have authority to deny or immediately revoke any such permit wherever the public safety may be jeopardized or other traffic, utility or other concerns are paramount.
- I. Any permits issued for fencing part of the boulevard area shall ensure that no fence is installed within two feet of any sidewalk or where a sidewalk does not exist, within seven feet of the back curb section.
- J. The requirements of Section 12.04.020, clear vision triangle must be met for any permit involving a corner lot.
- K. Any violation of the terms of this permit shall be cause for immediate revocation at the time of the violation. If the permit holder chooses to reapply for a new permit, the entire permit process including any charges, must be repeated.
- L. Upon notice of revocation of a Boulevard Encroachment permit, the permit holder shall remove or correct any encroachments affected by the revocation within 10 days. The City shall not be held liable for any costs as a result of the revocation, removal, or corrections.
- M. Once a permit has been revoked, should the responsible party fail to remove or correct the situation, the City shall have the structure removed and the cost of the removal assessed to the permit holder.
- N In any case where it is contended that the decision of the City Manager or designee, regarding an application was unfair, inequitable or unreasonable, the party objecting thereto may appeal in writing to the Board of Adjustment and submitted for review by the City Commission. (Ord. 2549 §1(part), 1989).

12.4.060 Violation—penalty

Any violation of the provisions of this chapter shall be considered a public offense punishable under the general penalty of the official code of the City set forth in Chapter 1.4.070 of this Code. (Ord. 2549 §1(part), 1989).

**Chapter 6
DISCOVERY GALLERY**

Sections:

- 12.6.010 Intent
- 12.6.020 Responsibilities
- 12.6.030 Allowable boundaries--placement--approval process
- 12.6.040 Clear vision triangle--comply with

12.6.010 Intent

The designation of a sidewalk gallery to display art works in downtown Great Falls is a continuation of the City's recognition and support of the Arts as a major economic and social base in the community. In addition, the involvement of the Business Improvement District in developing the proposal and project guidelines reflects their own efforts to enhance the downtown as a vital community and commercial center.

12.6.020 Responsibilities

- A. The artwork accepted by the City for placement in the Discovery Gallery may become the property of the City and will be positioned, relocated, or removed at the City's discretion. In some instances, the artist will be permitted to retain ownership of the artwork. Regardless of ownership, the City shall approve all plans to affix and place each piece of art. Nothing in this chapter shall diminish or be considered an exception to the principles of public safety and access as defined in Title 12.
- B. The City shall be responsible for the repair and maintenance of the artwork unless ownership of the artwork is retained by the artist. In that event, the artist shall be responsible for the repair and maintenance of their art.
- C. The artwork will be durable in order to minimize the threat of vandalism and the amount of maintenance.
- D. The Business Improvement District shall develop guidelines for the Discovery Gallery. At a minimum the guidelines shall address:
 - 1. size of the art objects
 - 2. materials
 - 3. construction
 - 4. spacing
 - 5. textures and sounds
 - 6. mechanical and other powered devices
 - 7. general accessibility to the art
 - 8. themes

9. sight lines to commercial property
 10. right-of-ways
 11. costs, fees insurance
 12. application process and review
- E. The Business Improvement District shall also establish a review panel consisting of at least one member of the Business Improvement District Board, on downtown retailer, one artist, City staff and one architect/engineer.

12.6.030 Allowable boundaries--placement--approval process

- A. The Discovery Gallery shall be within the boundaries of the Business Improvement District.
- B. The Discovery Gallery's width will be from the back of the curb to a maximum of seven feet in-ward. The Discovery Gallery shall extend to the second parking space at each end of the block or one space away at alleys.
- C. The Business Improvement District shall appoint a committee as described in 12.6.020.D to review all proposals submitted for the artwork which shall include a process for public comment. Said Committee shall forward a recommendation for the City Commission to accept or not-accept the proposed artwork. The Commission may hold a public hearing on the artwork proposals submitted for consideration.

12.6.040 Clear Vision Triangle--comply with

All artwork in the Discovery Gallery shall meet the requirements of OCCGF 12.4.020, the clear vision triangle.

Chapter 8

OBSTRUCTIONS IN STREETS AND PUBLIC PLACES

1

Section:

12.8.010 Prohibited--applicability

12.8.010 Prohibited—applicability

- A. Except as provided in subsection C of this section, it is unlawful for any person or persons or corporations to erect, place, or locate, or cause to be erected, placed or located, any building, fence or obstruction of any kind whatsoever, in whole or in part, upon any street, avenue, alley or other public grounds within the City. Any person or persons or corporation who is convicted of a violation of any of the provisions of this chapter, shall be deemed guilty of a separate violation of this chapter for every twenty-four hours the same remains un-removed.
- B. In the interest of the public health, welfare and safety, the City may remove such obstruction and assess the costs of removal to the property owner; or where circumstances permit and the public interest is not greatly jeopardized, notice may be given to the violator for removal of the obstruction.
 1. Such notice shall provide the time allowed for removal, include the Public Works Director's address and telephone number for information or hearing thereon, briefly describe the nature of the violation and the possible sanctions.
 2. The City's costs of removal shall be assessed against the property.
- C. Exceptions.
 1. Transit shelters as approved by the City Commission and located so as to not unduly interfere with vehicle or pedestrian traffic and access to utilities and abutting properties in the immediate vicinity.
 - a. A transit shelter shall be defined as a structure occupying no more than one hundred twenty square feet in floor area and designed for the temporary shelter of transit passengers.
 2. Pushcarts or any other non-motorized wheeled device may be moved or used on the City sidewalks under the following conditions:
 - a. No pushcart or other device shall exceed thirty-six inches in width, five feet in length and seven feet in height.
 - b. No vendor selling from a pushcart or such device shall conduct business in such a way as would restrict or interfere with the ingress or egress of abutting property owners or tenants or create or become a public nuisance, increase traffic or pedestrian congestion, or delay or constitute a hazard to traffic, pedestrians or property or obstruct adequate access for fire or police.
 3. Statuary as approved by the City Commission upon review of a traffic study and located in accordance therewith so as not to unduly interfere with vehicular or pedestrian traffic and access to utilities and abutting property in the immediate vicinity.
 4. As permitted under Section 12.4.050, boulevard use permit and Section 12.4.020, permitted structures. (Ord. 2549 §1(part), 1989).

¹ Prior ordinance history: Prior code §§6-1-3(B) and (F) and Ordinances 2314, 2338, 2409 and 2460.

Chapter 12 EXCAVATIONS

Sections:

12.12.010	Application--required
12.12.020	Application--fee
12.12.030	Application--refusal--issuance
12.12.040	Bond
12.12.050	Insurance required
12.12.060	Permittee responsibility
12.12.070	License--suspension--revocation--limitation

12.12.010 Application—required

Excepting where such person is operating under a contract with the City involving the opening of a public way, any person desiring to excavate in or cut through or tear open the surface of any street, avenue, alley, sidewalk, or other public way within the City shall first file written application with the Director of Public Works. The application shall state the object sought, the purpose for which the public way is to be excavated in, cut through, or broken open, the proposed area of such opening and the exact location thereof. (Prior code §9-10-1).

12.12.020 Application—fee

The application shall be accompanied by the applicable following fee payable to the City:

- A. For an opening not exceeding one hundred square feet, there shall be and is a minimum fee of twenty dollars.
- B. For an opening greater than one hundred square feet, the fee shall be twenty dollars plus ten cents per square foot in excess of one hundred square feet. (Ord. 2485 §1, 1987; Ord. 2462 §2, 1987).

12.12.030 Application--refusal—issuance

The Director of Public Works may, in his/her discretion, grant or refuse to grant such application. The refusal of the director to grant any such application is subject to review by the City Commission. Where the application is granted, whether by the Director or the City Commission, the applicant shall accomplish the proposed work within the time allowed by the Director and under the Director's supervision; and, in accordance with rules, regulations and specifications on file in the Department of Public Works, shall thoroughly backfill any such excavation or opening and restore the surface thereof to the condition it was prior to such excavation or opening except the City will replace all asphaltic surfacing in paved streets. (Ord. 2476, 1987: prior code §9-10-3).

12.12.040 Bond

Any applicant for permission to excavate in, cut through, or tear open any City street, avenue, alley, sidewalk, boulevard, or any other public way must file with the City Clerk a bond in the penal sum that shall be established by City Commission resolution, payable to the City and the state as their interests appear with respect to the expenditure of funds toward the construction of the street, avenue, alley, sidewalk, boulevard, or public way within the City, conditioned for the protection of the City or state from and against any liability of any kind or character whatsoever which may arise as a result of the applicant's excavating in, cutting through, or opening up any such street, avenue, alley, sidewalk, boulevard, or other public way or which may in anyway or manner be connected with or related thereto, and further conditioned that the permittee shall properly backfill and restore the surface of any and all excavations, openings, or cuttings made or dug in the public ways of the City, and shall do and complete all work in connection therewith in a good, competent, and workmanlike manner and in compliance with the specifications required therefore by the City or state; provided, that where any applicant has at the time of the application for permit under the terms of this chapter, on file with the City Clerk, and in force, a water service line layer's license bond under the provisions of Chapter 13.04 of this code, or a drain layer's license bond under the provisions of Chapter 13.20 of this code, and the conditions of either of such bonds is amended by endorsement to protect the state as set forth above and to include the condition as required in this section, then such drain layer's license bonds or water service line layer's license bond shall stand in lieu of the bond required in this section. (Ord. 2801, 2001; Prior code §9-10-4).

12.12.050 Insurance required

Before any application to open any public way is granted, such applicant shall furnish satisfactory evidence that there has been issued to the applicant, and is in full force and effect, liability insurance, auto insurance and workers' compensation insurance in an amount that shall be set by City Commission resolution. (Ord. 2801, 2001; Prior code §9-10-5).

12.12.060 Permitee responsibility

- A. The permittee, in accepting and acting under a street opening permit granted under the provisions of this section, agrees to assume full responsibility for injury to persons or losses or damage to property incurred by reason of or arising out of any act or omission of such permittee in making such excavation, cut, or opening or in failing to properly barricade, guard and warn the public of such excavation or trench, and further agrees to assume full responsibility for injury to persons and losses or damage to property incurred by reason of or arising out of any settlement of a restored area occurring within two years of the date of completion of the permanent resurfacing.
- B. If any settlement in a restored area occurs within two years of the date of completion of the permanent surfacing, it shall be considered as conclusive evidence of defective backfill. Upon failure or refusal of such permittee to correct such settlement within five days after notice by the Director of Public Works to do so, any expense incurred by the City in correcting such settlement shall be paid by the permittee. (Prior code §9-10-6).

12.12.070 License--suspension--revocation—limitation

The provisions of this chapter are in no way intended, nor shall they be construed so as to limit or in any way repeal any of the provisions of Chapters 13.04 and 13.20 of this code with respect to the right of the City Commission to suspend or revoke the licenses, provided for in Chapters 13.04 and 13.20, upon failure or refusal of any such licensee to refill properly any trench or excavation and to restore the surface thereof. (Prior code §9-10-7).

**Chapter 14
PARADES, PROCESSIONS, FUN RUNS AND STREET CLOSURES**

Sections:

- 12.14.010 Definitions
- 12.14.020 Established and designated parade routes
- 12.14.030 Public conduct during parades, processions and fun runs
- 12.14.040 Participants’ conduct during parades, processions and fun runs
- 12.14.050 Application-contents
- 12.14.060 Street closure permits for public events and block parties

12.14.010 Definitions

The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them.

“Parade” means any march or procession consisting of people, animals or vehicles, or combination thereof, except funeral processions, upon any public street, sidewalk or alley, which does not comply with normal and usual traffic regulations and controls and is expressly designed for the enjoyment of the public as well as the participants.

“Motorcade” means an organized procession containing twenty-five (25) or more vehicles, except funeral processions, upon any public street, sidewalk or alley.

“Parade Route” means the route of travel of any parade, motorcade or fun run to include the assembly, staging and disbanding areas.

“Street” includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs, or other public ways in this City which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of the State. (Ord. 2734, 1998).

12.14.020 Established and designated parade routes

- A. Parade to stage on Park Drive South and proceed north past the east side of the Police Department onto 1st Avenue South, then east to Park Drive, then North to Central, then east to 8th Street, disbanding on the north and/or south side of Central Avenue.
- B. Parade to stage on the north and/or south side of Central Avenue at 8th Street and proceed west on Central Avenue to Park Drive, then south to 1st Avenue South, then west until disbanding. Any alternate route must be approved by the City.
- C. Routes for other parades, processions or fun runs not requiring street closures can be designated at the discretion of the City. (Ord. 2734, 1998).

12.14.030 Public conduct during parades, processions and fun runs

- A. Joining the parade. No person knowingly shall join or participate in any parade, procession or fun run conducted in violation of any of the terms of the permit, nor knowingly join or participate in any permitted parade or procession

without the consent and over the objection of the permittee, nor in any manner interfere with its progress or orderly conduct.

- B. Interference. No person shall hamper, obstruct, impede, or interfere with any parade or procession or with any person, vehicle or animal participation or used in a parade or procession.
- C. Driving through parades or processions. No driver of a vehicle shall drive between the vehicles or persons comprising a parade or motorcade when such vehicles or persons are in motion and are conspicuously designated as a parade or procession. Nothing in this section shall prohibit an emergency vehicle from interrupting a parade or procession for the purpose of responding to an emergency.
- D. Viewing the Parade or Procession. No person shall view, watch or observe the parade or procession from the street or beyond the sidewalk curb or beyond the imaginary curb line that, if it existed, would extend through the intersection from corner to corner of any street perpendicular to the parade route.
- E. Parking on parade route.
 - 1. No vehicle larger than an automobile or pickup truck shall park along the parade route during the parade.
 - 2. The City Manager, or designee, shall have the authority, when reasonably necessary, to prohibit parking of vehicles along a parade route. Signs shall be posted to such effect and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof. (Ord. 2734, 1998).

12.14.040 Participants' conduct during parades, processions and fun runs

- A. It is unlawful for any persons in a parade or procession to deviate from the established or approved parade route.
- B. No participant in a parade or procession shall throw, cast, or drop candy, trinkets, or any other articles. A violation of this provision shall be a misdemeanor punishable by a fine; as set forth OCCGF 1.04.070. This does not prohibit a parade participant from handing the candy or other articles directly to the spectators providing the parade participant is walking.
- C. No participant in a parade or procession shall entice or lure, or attempt to entice or lure, any spectator to leave the designated viewing area.
- D. No participant in a parade or procession shall operate any vehicle in a careless manner so as to endanger the safety and welfare of other parade participants or spectators.
- E. Each permittee shall provide a person or a horse with a rider to walk or a person in a small motorized vehicle, such as a golf car, on both sides of any parade vehicle larger than an automobile or pickup as a condition to the permit.
- F. Any person operating a motor vehicle in a parade or procession shall be a licensed driver. All applicable seat belt and/or helmet laws must be complied with by all participants.

12.14.050 Application - contents

- A. Any person who wants to conduct a parade, procession, band practice, or fun run, shall apply to the Park and Recreation Department for a permit at least one month in advance of the event date. The application shall designate the intended route, date and time of the event.
- B. Following approval from the City, the requesting organization will be responsible for notifying news media in order to inform the public of the date, time and parade route.
- C. The organization sponsoring the parade will designate a person who can be contacted by the City to coordinate plans for the parade or band practice.
- D. The parade or band practice shall not deviate from the designated route, time or date approved in the permit. If, for any reason, the event is postponed, or canceled, the City shall immediately be notified.
- E. Parades shall be scheduled between the hours of 9:00 a.m. and noon. When parades cannot be held in the mornings and during this time period, special requests will be considered provided arrangements can be made which will not impede normal traffic conditions or inhibit business in the downtown area.
- F. Organizations sponsoring parades will be responsible for placing and removing barricades on the parade route side of the nearest designated alleys/streets no earlier than thirty minutes prior to the start of the parade and, in no case, longer than fifteen minutes following the end of the parade. Barricades are available at the Park and Recreation Department. It will be the responsibility of the sponsoring organization to pick up from and return to the Park and Recreation Department all barricades used and to contact the Park Supervisor at least two weeks in advance to discuss a barricading plan acceptable to the City.
- G. No sales/solicitations will be permitted by parade participants without proper licensing.
- H. Organizations sponsoring parades or band practices will be required to remove all trash, paper and litter from the streets and sidewalks. Street cleaning arrangements must be made with the Public Works Street Division within two weeks of the event date.
- I. The Police Department will provide one vehicle to escort the parade. All other traffic and crowd control must be provided by the sponsoring organizations and, in no case, be less than two people for each block of parade or band practice length.

- J. Sponsoring organizations will hold the City harmless from any and all claims, damages, losses and expenses arising from the parade or band practice or created by any of the participants. The sponsoring organization shall be required to carry insurance for comprehensive general liability, automobile liability and designated premises in the amount of \$1,000,000 per occurrence and \$1,000,000 aggregate, and list the City as an additional insured.
- K. If determined necessary due to the type, length, time or date of the parade or band practice, the City may require additional provisions and safeguards deemed in the public interest.
- L. Failure to comply with these and other permit requirements will be cause for rejection of future parade or band practice permits requested by the sponsoring organizations.
- M. Any organization requesting a permit for other events such as motorcades, processions or fun runs will comply with any and all specific rules and requirements promulgated by the City. (Ord. 2734, 1998).
- N. The parade organizer must submit with the permit request information as to how property owners, tenants, and or business owners along the parade route were notified of parade, procession, band practice or fun run.

12.14.060 Street closure permits for public events and block parties

- A. Events encouraging community and neighborhood involvement are encouraged and may require the temporary closure of city streets.
- B. Organizers of an event that require the temporary closure of a public street must obtain a street closure permit. The application for the permit shall contain the name and contact information of the person or entity requesting the permit, the location of the proposed event, the day(s), times(s) and duration of the event. Applications must be turned in for review a minimum of fourteen (14) days prior to the event.
- C. During the review, city staff will develop a street closure plan the applicant must follow. Staff will also make available the necessary street closure equipment and charge a fee set by Commission resolution.
- D. If the event involves the sale, possession and/or consumption of alcohol, the event organizer must also obtain a special event permit as stipulated in 9.20.040.
- E. The City Manager, or designee, shall review, approve or deny the permit application and has the authority to require additional information from the applicant.
- F. The event organizer must submit with the permit application information as to how property owners, business owners and tenants adjacent to the temporary street closure were notified of special event or activity that required a temporary street closure.
- G. A fee for the street closure permit shall be set by Commission resolution to cover administrative time and any additional costs incurred by the City to ensure the event is safe and the area returned back into the same condition it was prior to the event.
- H. If the event involves more than 75 people, the person or organization must provide liability insurance, including liquor liability if applicable, providing coverage for their organization and naming the City as an additional insured. To the extent reasonably possible, liability insurance coverage shall be in the minimum amounts of \$750,000 per claimant and \$1,500,000 per occurrence. The City Manager has the authority to waive this requirement or due to the type of event, require insurance for events with fewer than 75 people should he determine it necessary due to the type of event.
- I. Applicants for a temporary street closure permit shall agree in writing to defend, hold the City and its employees harmless and indemnify the City for any and all claims, lawsuits or liability including attorneys' fees and costs allegedly arising out of loss, damage or injury to person or person's property occurring during the course of or pertaining to the special event caused by the conduct of employees or agents of applicants.
- J. Permit Denial – Appeal. If an applicant is denied a temporary street closure permit, the applicant may appeal to the City Commission.

**Chapter 16
STREET MAINTENANCE²**

Sections:

- 12.16.010 District designation authority
- 12.16.020 Cost--assessment
- 12.16.030 Cost--assessment--levy--resolution

12.16.010 District designation authority

²Prior history: Prior code Sections 9-14-1 through 9-14-4, Ord. 2301.

Whenever any portion of the City has been designated as a street maintenance district, the streets, avenues and alleys may be maintained for such time and in such manner as the City Commission may direct under the supervision of the Public Works Director. (Ord. 2584 (part), 1991).

12.16.020 Cost—assessment

The cost assessed for maintaining streets, avenues, and alleys shall be charged to the property bordering on the streets and avenues so maintained by one or a combination of the following methods: each lot or parcel of land bearing its share of the cost according to the part of the whole cost which its area bears to the area of the entire district; or, by that part of the whole cost which each lot or parcel's street frontage bears to the street frontage of the entire district; or, if the City Commission determines that the benefits derived from the maintenance by each lot or parcel are substantially equivalent, the cost may be assessed equally to each lot or parcel located within the district without regard to the assessable area of the lot or parcel; or, each lot or parcel of land, including the improvements thereon, may be assessed for that part of the cost of the district which its taxable valuation bears to the total taxable valuation of the property of the district. The assessment for the same shall be certified by the City Clerk to the Fiscal Services Director, to be extended on the tax roll in the same manner as other special assessments. (Ord. 2584 (part), 1991).

12.16.030 Cost--assessment--levy—resolution

Not later than the second Monday in August of each year the Public Works Director shall estimate the annual maintenance cost and the City Commission shall pass and finally adopt a resolution levying and assessing all the property within the street maintenance district with an amount equal to not less than seventy-five percent of the entire cost of the work. (Ord. 2584 (part) 1991).

**Chapter 18
VEHICLE REMOVAL**

Sections:

- 12.18.010 Notification of designated areas
- 12.18.020 Vehicle parking restrictions
- 12.18.030 Vehicle removal

12.18.010 Notification of designated areas

- A. The Public Works Director or designated representatives are authorized to prohibit parking in areas where street cleaning operations are scheduled.
- B. Notice of such street cleaning shall be given to local radio, television and to the news press. In addition, streets to be swept will be posted twenty-four hours in advance of street cleaning operations. (Ord. 2393 (part), 1985).

12.18.020 Vehicle parking restrictions

- A. Upon notification of street cleaning operations, a designated area pursuant to Section 12.18.010(B), it shall be unlawful for any person to stop, stand, park or leave unattended any motor vehicle or trailer between the hours of eight a.m. and four p.m. or until such time as designated street cleaning is completed.
- B. This provision shall not prohibit the stopping of commercial passenger vehicles for periods sufficient to load or discharge passengers from vehicles. (Ord. 2393 (part), 1985).

12.18.030 Vehicle removal

Whenever a motor vehicle or trailer has been stopped, parked or left unattended after notification of street cleaning operation pursuant to subsection 12.18.010(B), such vehicle shall be declared a public nuisance and the Director of Public Works or designee shall order it to be removed at the owner's expense. (Ord. 2393 (part), 1985).

**Chapter 20
RIGHT-OF-WAY VACATION FEES**

Section:

- 12.20.010 Schedule of costs

12.20.010 Schedule of costs

Any person petitioning for a right-of-way vacation shall, prior to the passage of the resolution of intention to vacate, pay to the City fees according to the following schedule:

- A. Administrative costs including the preparation of the resolution of intention to vacate, legal publication in a newspaper, the preparation of the vacation ordinance(s) material review by the City Attorney, placement of material on the commissions agenda, and filing and recording legal documents shall be two hundred dollars.
- B. Preparation and service of notice to property owners abutting the right-of-way to be vacated shall be twenty-five dollars per notice served by the Great Falls Police Department; and thirty-five dollars per notice served by authority other than the Great Falls Police Department.
- C. Compensation to the Public Works Department and other departments for review and examination of existing or proposed utility and transportation or other facilities affected by the proposed right-of-way vacation including the preparation of any necessary easements shall be based upon the existing prevailing man-hour costs plus fifty percent.

In the event the right-of-way requested to be vacated was originally established by an official subdivision plat and the City determines it is appropriate and necessary to formulate an amended plat or replat in accordance with the State Subdivision and Platting Act, then the petitioner shall incur all costs associated with the preparation and review of the amended plat or replat. (Prior code §9-15-1).

**Chapter 24
STREET NAMES**

Section:

12.24.010 Renaming

12.24.010 Renaming

In order to eliminate the duplication of street names and addresses within the City and to provide for uniformity to alleviate the presently existing situation in these areas, the street names as designated on the plats of the following named additions shall be changed as follows:

A. North Riverview Terrace Addition.

From 18th Avenue N.E.	to 21st Avenue N.E.
From 19th Avenue N.E.	to 22nd Avenue N.E.
From 20th Avenue N.E.	to 23rd Avenue N.E.
From 6 "A" Street Northeast	to 6th Street Northeast
From 7 "A" Street Northeast	to 7th Street Northeast
From 34 "A" Street Northeast	to 34th Avenue Northeast
From Riverview 1 West	to Riverview "A"

B. Twilite Terrace Addition.

From 21st Avenue N.E.	to 24th Avenue N.E.
From 22nd Avenue N.E.	to 25th Avenue N.E.
From 23rd Avenue N.E.	to 26th Avenue N.E.

C. Montana Addition.

From Gosman Drive	to Treasure State Drive (north to Aronson Drive)
From Gosman Drive	to 10th Street S.W. (south of Aronson Drive)
From Aronson Drive	to Treasure State Drive
From Hinman Avenue	to 17th Avenue Southwest
From Montana Avenue	to 18th Avenue Southwest
From 13 A Street S.W.	connecting Treasure State Drive and 24th Avenue S.W. to Sundance Drive

D. Lincoln Height Addition.

From Wilson Avenue	to 11th Avenue South
From Washington Avenue	to 12th Avenue South
From Madison Avenue	to 13th Avenue South

E. Sunrise Terrace Addition.

From 4th Avenue South	to Carol Drive
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F. Tynes Addition

From 3rd Street South	to 2 "A" Street South
From 3 "A" Street South	to 2 "B" Street South

G. Horizon Addition.

- From Grandview Road to 3rd Street Northwest
- H. Yeoman-Tynes Addition.
From Cactus Court to Palm Court
- I. BN Car Shop Addition.
From Burlington Northern Bay Drive to Bay Drive
- J. Bel-View Palisade Addition.
From Ivy Drive (portion located in Centennial Ridge PUD) to Centennial Court
- K. Valeria Way
From ½ Avenue South
- L. Chowen Springs Loop
From Parkdale

(Ord. 2798, 2001; Ord. 2564 §1, 1990; Ord. 2489 §1, 1988; Ord. 2435 §1, 1986; Ord. 2022, §1, 1977; prior code §9-11-1).

**Chapter 28
SIDEWALKS AND CURBS**

Sections:

- 12.28.010 Improvements--permit required-appeal
- 12.28.020 Construction--compliance with City specifications
- 12.28.030 Construction--grade conformance required
- 12.28.040 Construction--width and slope designations
- 12.28.050 Construction--materials
- 12.28.060 Construction--order--notice to owner
- 12.28.070 Construction--failure to perform--notice--cost assessment
- 12.28.080 Construction--notice--form
- 12.28.090 Construction--annual contract--bid
- 12.28.100 Construction--cost--assessment--payment
- 12.28.110 Construction--payment--delinquency
- 12.28.120 Condemnation
- 12.28.130 Repair--owner's duty
- 12.28.140 Repairs required when--enforcement--injunction
- 12.28.150 Special fund created

12.28.010 Improvements--permit required—appeal

- A. No improvement mentioned in this chapter shall be made without a permit first having been obtained from the **Planning and** Community Development Director by the person actually performing the construction. All applications therefore shall be made in duplicate on the form prepared by the **Planning and** Community Development Director who shall fix a reasonable schedule of fees for services provided by the City.
- B. Any applicant deeming himself aggrieved may appeal the decision of the Department of **Planning and** Community Development to the City Commission. However, the applicant shall do no such work pending the appeal, except in strict accordance with the directions of the **Planning and** Community Development Director. (Ord. 2549 §1 (part), 1989: code §9-1-2).

12.28.020 Construction--compliance with City specifications

It is unlawful for any person to build or construct any sidewalk, private work, or curb in any street, avenue, alley or boulevard or to build or construct any parking or any improvement of any nature whatsoever in any street, avenue, alley or boulevard unless the same is constructed strictly in accordance with the current standard specifications and plans for such work and under the supervision of the **Planning and** Community Development Director. (Ord. 2549 §1(part), 1989: code §9-1-1).

12.28.030 Construction--grade conformance required

Sidewalk construction on improved or graded streets must conform with the established grade and sidewalk line; on all other streets, sidewalks must be laid to the proper sidewalk line, and otherwise to the satisfaction of the Director of Public Works. Driveway crossings into private grounds shall be of form and construction as specified by the Director of Public Works. (Ord. 2549 §1(part), 1989: code §9-1-3).

12.28.040 Construction--width and slope designations

- A. All sidewalks hereafter to be built or constructed in the City shall be of the following width except where otherwise ordered by the governing body: on First Avenue North from Park Drive East to Ninth Street, fifteen

feet; on Central Avenue, from Park Drive East to Ninth Street, fifteen feet; on First Avenue South from Park Drive East to Sixth Street, fifteen feet; on Second Avenue South from Second Street East to Fifth Street, fifteen feet; on the east side of Park Drive from First Avenue North to First Avenue South, fifteen feet; on Second Street from Second Avenue North to First Avenue South and on the east side from First Avenue South to Second Avenue South, fifteen feet; on Third Street from Second Avenue North to Second Avenue South, fifteen feet; on Fourth Street from Second Avenue North to Second Avenue South, fifteen feet; on Fifth Street from Second Alley North to First Avenue South, fifteen feet; on Sixth Street from First Avenue North to First Avenue South, fifteen feet. Sidewalks on all other streets and avenues shall be five feet wide, and in alleys a two-foot walk may be constructed and laid in such manner that it will not interfere with traffic of any kind or be injured thereby.

- B. All sidewalks shall rise one-fourth inch to the foot from the curb grade to the property line. (Prior code §9-1-4).

12.28.050 Construction—materials

- A. Hereafter all sidewalks shall be constructed only of solid cement concrete, or upon permission from the Director of Public Works may be constructed of a dense clay brick with a non-slip surface and having an average saturation coefficient of 0.78 or less and meeting ASTM specifications C216 and C62 grade SW placed on a concrete base and grouted with a portland cement grout all conforming to current specifications established by the Director of Public Works; provided, that the governing body may order temporary sidewalks of other material to be constructed.
- B. Hereafter all curbing shall be constructed only of solid cement provided that the governing body may order temporary curbing of other material. (Prior code §9-1-5).

12.28.060 Construction--order--notice to owner

- A. Whenever the governing body orders any sidewalk or curb to be constructed, it shall be the duty of the City Clerk to enter such order upon the minutes of the governing body and shall name the street along which the sidewalk or curb is to be constructed.
- B. Whenever the governing body orders any sidewalk or curb to be constructed and after the making of such order, it shall be the duty of the City Clerk to give written notice thereof to the owner or agent of such property in front of which lot or parcel of land the governing body orders the sidewalk or curb to be constructed, which written notice must be published for five days in a daily newspaper published in the City and by mailing a copy of such notice to every person or the agent of such person having property in front of which such sidewalk or curb is to be constructed at their last known address upon the same day such notice is first published; the service of such notice to construct such sidewalk or curb to be constructed shall be deemed complete on the date of first publication and mailing. (Prior code §9-1-9).

12.28.070 Construction--failure to perform--notice--cost assessment

If the owner or agent of such lot or parcel of land fails or neglects for a period of thirty days after the date of the service of such notice to construct or cause such sidewalk or curb to be constructed, the City shall construct or cause such sidewalk or curb to be constructed and shall assess the cost thereof against the property in front of which the same are constructed. (Prior code §9-1-10).

12.28.080 Construction--notice—form

The written notice to be so published and mailed shall be in substantially the following form:

NOTICE FOR CONCRETE SIDEWALK AND CURB CONSTRUCTION	
Department of Public Works	Great Falls, Montana
<p>"Notice is hereby given that the Governing Body of the City of Great Falls, Montana, at its regular meeting on _____, ordered concrete sidewalk and curb to be constructed as follows:</p> <p>"The names of the streets along which said sidewalk and curb is ordered constructed appears upon the minutes of the Governing Body of the above date to which reference is hereby made.</p> <p>"All walk and curb remaining un-built at the expiration of thirty (30) days will be built by the City and all costs assessed as a special tax to the abutting property in accordance with the provisions of City law.</p> <p style="text-align: right;">Director of Public Works</p>	
<p>First publication _____" (Prior code §9-1-11).</p>	

12.28.090 Construction--annual contract—bid

- A. The governing body shall annually let to the lowest responsible bidder a contract for the construction of all cement or concrete sidewalks in accordance with the specifications prepared therefore by the Director of Public Works and approved by the governing body, which specifications shall provide for the method of construction and the material contemplated during the period of such contract.
- B. The governing body shall, at the same time when it lets its contract as provided for in subsection A for the construction of concrete cement sidewalks, also let its contract for the construction of concrete cement curbs, and the contract for the concrete sidewalks and concrete cement curbs shall be let at the same time and for the same period to the same contractor. (Prior code §9-1-12).

12.28.100 Construction--cost--assessment—payment

- A. The total cost of all cement or concrete sidewalks constructed by the City cement or concrete sidewalk contractor in accordance with the orders of the governing body which total costs shall include that of the sidewalk proper as well as that of any notice, grading, hand-railing, private crossing and all other necessary expenses, shall be assessed as a special assessment against the property in front of which such cement or concrete sidewalk is built or constructed. The property occupying street corners shall be assessed for that part of such sidewalk thereon which is within the street intersection.
- B. Such special assessments shall be payable in installments extending over a period of eight years, and the governing body for such sidewalk improvements may issue special improvement warrants and levy and collect assessments to pay the same. When any such installment payment becomes delinquent, that installment payment, plus the interest due thereon, shall become a lien against the property subject to such assessment, and the property shall be subject to sale for delinquent payment of such special assessment the same as other property is sold for delinquent special assessments. (Prior code §9-1-13).

12.28.110 Construction--payment—delinquency

Upon the payments after the first, the Controller shall collect simple interest per annum at the maximum rate allowed on judgments under state law (§25-9-205, MCA) from the date when the first payment becomes delinquent, and shall receive payment in full and give receipts therefore for the entire special assessment of any property with interest to the date of payment, at any time the same may be tendered by the owner or agent. (Ord. 2312 §1, 1982: prior code §9-1-14).

12.28.120 Condemnation

Any sidewalks, which are now, or which may, by reason of natural deterioration or decay, or by reason of unevenness, steps, rapid slopes or from any cause whatsoever, become dangerous to the public safety, may be condemned by the

street commissioner or Director of Public Works, and may be immediately removed, remodeled, rebuilt, repaired or newly built, as may be most expedient, and the cost thereof shall be a lien upon the lot abutting upon such sidewalk and may be enforced or the amount may be recovered against the owner by a suit before any court of competent jurisdiction or may be assessed and collected as a special tax against such lot. (Prior code §9-1-7).

12.28.130 Repair--owner's duty

It shall be the duty of the owners and tenants of any premises within the limits of the City to keep the sidewalk in front of and adjoining their premises in good, safe and substantial condition, and the owners shall see that all breaks or unsoundness of any character resulting from natural deterioration, or from any cause whatsoever, is repaired with all possible dispatch and when by reason of the construction or repairs of sidewalks from any cause whatsoever any sidewalk or section thereof is removed or rendered dangerous or impassable to the public, such spaces or openings shall be securely fenced, and from dark until sunrise red lights shall be maintained thereon, while such dangerous condition exists, and a plank walk not less than two inches in thickness and not less than three feet in width shall be constructed around such construction or dangerous walk, the same to extend from sidewalk to sidewalk on each side of the opening or obstruction. (Prior code §9-1-6).

12.28.140 Repairs required when--enforcement—injunction

It shall be the duty of the Chief of Police and members of the Police Department to enforce the provisions of this chapter, and Police Officers shall immediately report any broken, defective or unsafe sidewalk to the owner of the premises in front of which such defect exists and shall notify the *owner* to repair the same forthwith. Police Officers shall also report all such defective walks and crossings as well as the particulars of any accidents that may occur, the names of witnesses, and persons injured thereby, to the Chief of Police, specifying the hour at which the owner as aforesaid was notified to repair the walk, and the Chief of Police shall in turn notify the street commissioner or Director of Public Works thereof. Upon the refusal or neglect of the owner of any premises to remove obstructions from or to make necessary repairs to the walks in front of the same, and when in the opinion of the street commissioner or Director immediate repairs or removal of the obstructions is necessary to prevent accidents, the street commissioner or Director may forthwith proceed with same, and the full costs of the repairs or the removal of such obstructions shall be collected or assessed as provided in Section 12.28.120. Absence of notice to owners to repair or remedy a dangerous walk or to remove obstructions therefrom shall not constitute a valid excuse against the payment of any fine or damages by such owners or occupants, and nothing contained in any of the preceding sections shall be so construed as to release the owners or occupants of real estate from the duty of keeping the sidewalks in front or adjoining their respective premises at all times in a safe and passable condition, and in good and thorough state of repair, but such duty is hereby expressly enjoined and imposed upon all such owners and occupants. (Prior code §9-1-8).

12.28.150 Special fund created

- A. There is created a fund to be known as the "special sidewalk and curb fund." All monies hereafter collected from assessments made for the construction of sidewalks and curbs ordered by the governing body shall be placed to the credit of the special sidewalk and curb fund.
- B. Warrant Form. When any sidewalk or curb is constructed by or under the direction of the governing body, payment for the construction thereof shall be made by special warrants, which shall be in substantially the following form (regular City warrant form to be used):

"THE TREASURER OF THE CITY OF GREAT FALLS, MONTANA No.				
DATE	WILL PAY TO	FUND	WARRANT NO.	AMOUNT
\$				
			Mayor	
			Clerk	

- C. Denomination. The special sidewalk and curb warrants shall be issued in a denomination of no more than one thousand dollars each. (Prior code §9-1-15).

Chapter 32 SIDEWALK MAINTENANCE

Sections:

12.32.010	Obstruction--defined--prohibited
12.32.020	Sidewalk--restricted use
12.32.030	Snow and ice removal--owner's duty
12.32.040	Snow and ice removal--hours designated for completion
12.32.050	Snow and ice removal--depository prohibited where
12.32.060	Sanding required when--owner's duty
12.32.070	Wet cement--trespassing prohibited
12.32.080	Failure to comply--City performs work--cost--assessment
12.32.090	Violation--penalty

12.32.010 Obstruction--defined—prohibited

- A. "Obstruction," as used in this chapter, is intended to mean clothing, fruit or any kind of merchandise, boxes, crates, trunks, racks and stands of every nature and description.
- B. It is unlawful for any person or persons, firm or corporation to place, cause to be placed or to permit any obstruction to be placed or remain upon any of the sidewalks of the City, except in cases where artwork has been approved by the City and placed within the Business Improvement District as part of the Discovery Gallery. (Ord. 2766, 2000; Prior code §9-3-1).

12.32.020 Sidewalk--restricted use

It is unlawful hereafter for any person or persons to ride or drive any horse, mule or other animal, buggy, wagon, bicycle or other vehicle along, over or on any of the sidewalks within the City, or to push any pushcart or wheelbarrow thereon or do damage in any way to the sidewalks. (Prior code §9-3-2).

12.32.030 Snow and ice removal--owner's duty

It shall be the duty of the owner and tenant of any premises within the limits of the City to keep the sidewalk in front of and adjoining the premises free from obstructions subject to the special conditions set out in Sections 12.32.040 through 12.32.060. (Prior code §9-3-3(part)).

12.32.040 Snow and ice removal--hours designated for completion

Snow, ice, and similar material that has accumulated during the preceding hours shall be removed from sidewalks in commercial areas before eleven a.m. each day and shall be removed from residential areas within twenty-four hours after the snowfall. Once cleared, all sidewalks shall be kept clear of snow, ice, and similar material. (Prior code §9-3-3(A)).

12.32.050 Snow and ice removal--depository prohibited where

Snow, ice, and similar material removed from sidewalks in commercial areas shall not be deposited on the adjoining streets, avenues or alleys within two feet of the curbline. (Prior code §9-3-3(B)).

12.32.060 Sanding required when--owner's duty

Polish or smoothness resulting from any cause which renders a sidewalk dangerous and unsafe shall be sanded and where there is permanent polish or smoothness on a sidewalk, the surface of the sidewalk shall be repaired in accordance with the directions of the Director of Public Works. (Prior code §9-3-3(C)).

12.32.070 Wet cement--trespassing prohibited

It is unlawful for any person to tramp, step or trespass unnecessarily upon any cement or concrete sidewalk in course of construction before such sidewalk becomes set and firm. (Prior code §9-3-4).

12.32.080 Failure to comply--City performs work--cost—assessment

If the owners or tenants of property adjoining a sidewalk fail to comply with the provisions of this chapter, the City shall cause any and all obstructions to be removed and shall bill the cost thereof, together with a reasonable charge for the administration and supervision, to the parties. If the charges are not paid within sixty days, the commission shall pass a resolution assessing the charges as a special tax against the premises. (Prior code §9-3-3-(D)).

12.32.090 Violation—penalty

Violation of this chapter shall be deemed a misdemeanor and any person violating the provisions of this chapter may be fined in an amount not exceeding five hundred dollars or imprisonment not to exceed six months for any one offense. (Prior code §9-3-3(E)).

Chapter 33
EMERGENCY SNOW ROUTE

Sections:

- 12.33.010 Declaration of snow emergency
- 12.33.020 Emergency snow routes--designation
- 12.33.030 Emergency snow routes--signing
- 12.33.040 Removal--vehicles
- 12.33.050 Snow emergency--notice

12.33.010 Declaration of snow emergency

The City Manager or designated representative are authorized to declare a snow emergency when in their opinion an emergency exists in the City or in a section or sections thereof because of snow, freezing rain, sleet, snow drifts or other natural phenomenon which create or are likely to create hazardous road conditions or impede the free movement of fire, health, police, emergency or other vehicular traffic or otherwise endangers the safety and welfare of the community and shall remain in effect until the snow has been plowed to the curb lines or removed from the street. (Ord. 2526 §1(part), 1989).

12.33.020 Emergency snow routes—designation

To facilitate the removal and to assure the regular flow of traffic during a snow emergency, the following streets and public thoroughfares are designated as emergency snow routes:

Central Avenue	9th Street to 46th Street
Central Avenue West	20th Street SW to 29th Street SW
Division Road	28th Avenue NW to Smelter Avenue
Fox Farm Road	10th Avenue South to East Fiesta
Park Garden Road	Riverview Court to Ivy Drive
Smelter Avenue	3rd Street NW to 9th Street NW
1st Westhill Drive	3rd Westhill Drive to Sun River Road
3rd Avenue South	38th Street South to 57th Street South
4th Street South	10th Avenue South to 17th Avenue South
6th Street NW	Smelter Avenue to Central Avenue West
8th Avenue North	Park Drive to 38th Street North
8th Street NE	Smelter Avenue to Skyline Drive
9th Street	River Drive to 17th Avenue South
9th Street NW	Smelter Avenue to Central Avenue West
9th Street NE	Skyline Drive to 36th Avenue N.E.
17th Avenue South	4th Street South to 9th Street South
20th Street SW	Central Avenue to 5th Avenue SW
25th Street	River Drive North to 13th Avenue South
26th Street	8th Avenue North to 16th Avenue South
33rd Street South	10th Avenue South to 17th Avenue South
38th Street	River Drive North to 10th Avenue South

(Ord. 2526 §1(part), 1989).

12.33.030 Emergency snow routes—signing

When signs have been erected giving notice thereof, it shall be unlawful for any person to stop, stand, park or leave unattended any motor vehicle upon a designated snow route within the City, during a snow emergency. Parking may be resumed on individual streets as soon as the snow has been plowed or removed. This provision shall not prohibit the stopping or commercial passenger vehicles for periods sufficient to load or discharge passengers from such vehicles. (Ord. 2526 §1 (part), 1989).

12.33.040 Removal—vehicles

Whenever a motor vehicle has been stopped, parked or left unattended after the inception of a snow emergency, upon a designated emergency snow route within the City, said vehicle is declared to be a traffic hazard and the Chief of Police shall order said motor vehicle removed at the owner's expense. (Ord. 2526 §1(part), 1989).

12.33.050 Snow emergency—notice

Notice of such emergency shall be given by press, radio and television and the news media shall be requested to cooperate with City officials and, when given, such notice shall constitute due and proper notice. (Ord. 2526 §1(part), 1989: Ord. 2187, 1980).

**Chapter 36
PRIVATE DRIVEWAYS AND CROSSWALKS**

Sections:

- 12.36.010 Construction--supervision
- 12.36.020 Construction--permit--application--fee
- 12.36.030 Construction--barricades required
- 12.36.040 Construction--sidewalk--materials
- 12.36.050 Construction--driveway--location
- 12.36.060 Construction--driveway--frontages
- 12.36.070 Construction--driveway--drainage structures
- 12.36.071 Construction--driveway--transition design
- 12.36.080 Construction--driveway--width limitations
- 12.36.090 Construction--driveway--adjoining
- 12.36.100 Construction--right-of-way distances
- 12.36.110 Construction--intersection clearances
- 12.36.120 Construction--conformance with national regulations
- 12.36.130 Use discontinuance--sidewalk restoration

12.36.010 Construction—supervision

The construction of concrete driveways and concrete crosswalks used for private purposes, within the street lines of the City, shall be under the supervision and direction of the Director of **Planning and** Community Development, authorized assistant or duly appointed inspector. The design and concrete mixture shall conform to standard specifications on file in the Department of Public Works office of the City for concrete sidewalks and concrete crossings. (Ord. 2568 §1(part), 1990: prior code §9-2-1).

12.36.020 Construction--permit--application—fee

- A. All applications for permits for concrete driveways or concrete crosswalks must give a description of the property to be served and such other information as may be required by the director, for the proper direction of the work, and must be signed by the owner or authorized agent.
- B. Before commencing the construction, modification or repair of any concrete driveway or concrete crosswalk, the contractor shall first obtain a written permit from the Department of **Planning and** Community Development, and such permit shall be upon the ground at all times during the progress of the work and must be shown to any office in authority, on demand.
- C. For each and every permit a fee will be charged and collected by the director. (Ord. 2568 §1(part), 1990: prior code §9-2-2).

12.36.030 Construction--barricades required

Excavations in streets and avenues shall be made in such manner as to impede travel as little as possible, and the time that such excavation is open may be limited by the director, his assistant or inspector. Efficient barricades shall be erected by the contractor around all trenches or embankments made within the limits of any street or avenue, and red lights shall be maintained thereon from dark to daylight until the street or avenue has been restored to a safe and passable condition. At no time during the progress of the work shall sidewalks be unnecessarily blocked to travel. (Prior code §9-2-3).

12.36.040 Construction--sidewalk—materials

After the governing body orders any cement or concrete sidewalk to be built in any boulevard district no private walk shall be built therein from the curblin to the property line or from the sidewalk to either line unless the same is made of cement or concrete. Cement or concrete private walks shall be of uniform width and shall be built upon the established grade from the curblin to the property line, and shall be not less than thirty-six inches in width or more than forty-eight

inches in width; provided, that in front of churches, schoolhouses, the court house and other public buildings, the cement or concrete private walks may be of greater width than above mentioned. (Prior code §9-2-4(A)).

12.36.050 Construction--driveway—location

Driveways shall be so located at the discretion of and by the approval of the Director of Public Works as to result in no undue interference with or hazard to the free movement of normal traffic or interfere with the placement and proper functioning of highway signs, signals, lighting, or other devices that affect traffic operation. (Prior code §9-2-4(B)).

12.36.060 Construction--driveway—frontages

Frontages of fifty feet or less shall be limited to one driveway, with not more than two driveways to be provided to any single property tract or business establishment, except where the property frontage exceeds six hundred feet. (Prior code §9-2-4(C)).

12.36.070 Construction--driveway--drainage structures

All driveways shall be so constructed so as not to impair drainage within the street or highway right-of-way nor alter the stability of the roadway sub-grade and at the same time not impair or materially alter drainage of the adjacent areas. All drainage structures required within the public right-of-way and under the driveways as a result of the property being developed shall be installed in accordance with the standards of the Director of Public Works. (Prior code §9-2-4(D)).

12.36.071 Construction--driveway--transition design

All driveways shall have the back of curb dropped a minimum of four inches for the width of the driveway. The minimum driveway transition distance shall be from the back of the curb to the property line and shall occur in a uniform manner. Curb fillets constructed by filling in the curb and gutter are prohibited as a means of transition from the street to the driveway. This prohibition of curb fillets is retroactive to all existing curb fillets within the City and all future annexations to the City. Exceptions for cause must be approved by the Director of Public Works. (Ord. 2490, 1988).

12.36.080 Construction--driveway--width limitations

Residential use driveway width as measured parallel with the edge of the traveled way, shall be limited to ten feet per garage stall or parking pad to a maximum of three. For commercial uses, driveway width shall be limited to forty-five feet. (Ord. 2543 §1, 1989; prior code §9-2-4(E)).

12.36.090 Construction--driveway—adjoining

The distance between two adjacent driveways to the same frontage shall be not less than thirty feet. (Prior code §9-2-4(F)).

12.36.100 Construction--right-of-way distances

Gasoline pump islands or other installations with parking parallel to the right-of-way line shall be at least ten feet outside of the right-of-way line. Buildings or other installations with an angle of ninety degrees parking between it and the right-of-way line shall be at least thirty feet outside the right-of-way line. (Prior code §9-2-4(G)).

12.36.110 Construction--intersection clearances

At an intersecting street or highway, the dimension measured along the edge of the traveled way to provide adequate corner clearance shall be measured a minimum distance of ten feet from the intersecting property line except at intersections where there are traffic signals, the nearside clearance shall be two or more times this distance. (Prior code §9-2-4(H)).

12.36.120 Construction--conformance with national regulations

Specific controls not defined in this chapter shall be in accordance with the standards for private driveway regulations established by the American Association of State Highway Officials and as applied by the discretion of the Director of Public Works. (Prior code §9-2-4(I)).

12.36.130 Use discontinuance--sidewalk restoration

Whenever the use of any existing or future driveway is discontinued by reason of change in the use or design of the private property served thereby, the owner of the private property shall remove that portion of the driveway located within the City right-of-way, and shall restore the sidewalk and curbing affected by the driveway to their normal levels, all under the direction, supervision and standards required by the Director of Public Works. This section shall be applicable to any existing driveway, the use of which is presently discontinued. Upon the failure or refusal

of the owner to restore the sidewalk and curbing as provided in this section, the City Commission may order the restoration of the sidewalk and curbing under the provision of Sections 12.28.060 through 12.28.110 and 12.28.150. (Prior code §9-2-4(J)).

**Chapter 40
TREES AND SHRUBBERY**

Sections:

- 12.40.010 Trimming required
- 12.40.020 Hedge and shrubbery maintenance
- 12.40.030 Injuring trees and shrubbery unlawful

12.40.010 Trimming required

Any owner or occupant of any real property shall trim all trees on property owned or occupied by him/her, overhanging any public thoroughfare, so that the branches thereon will not interfere with pedestrians or public travel. (Prior code §9-4-1).

12.40.020 Hedge and shrubbery maintenance

Any owner or occupant of any real property shall maintain all hedges and shrubbery adjacent to public sidewalks so that no part of the hedges and/or shrubbery shall extend over any part of a public sidewalk in the municipality. (Prior code §9-4-2).

12.40.030 Injuring trees and shrubbery unlawful

It is unlawful for any person, not the owner thereof, or without lawful authority to do so, to injure willfully, deface, disfigure or destroy any tree or shrub, or to injure, destroy, cut or pick any flower or plant located either on private ground or on any public place or thoroughfare. (Prior code §9-4-3).

**Chapter 44
TREE REMOVAL³**

Sections:

- 12.44.010 Application
- 12.44.020 New location
- 12.44.030 Construction--obstruction to growth--prohibited
- 12.44.040 City Forester to remove or supervise

12.44.010 Application

Any person, firm or corporation desiring to cut down any of the trees located upon the boulevards of the City, shall submit an application to the City park and recreation department for its review. The application shall state the lot, block and street number adjacent to the affected boulevard area; the reason for the request; a plan showing the location of the tree or trees; the distance the tree or trees will be moved; or the tree or trees to be cut down. The park and recreation department shall review the application and within ten days of the receipt thereof, submit its recommendation to the City Manager. Whereupon the City Manager shall approve or reject the application and immediately notify the applicant of the decision.

The applicant may appeal the decision of the City Manager by filing a written notice of appeal with the office of the City Clerk within ten days of the receipt of the decision. The appeal shall be heard at the next regularly scheduled meeting of the City Commission. (Ord. 2065 (Part 1), 1979; prior code §6-1-3(E)).

12.44.020 New location

No tree or trees shall be moved to a place where the conditions will hinder their growth or the growth of others, and the new location must conform as nearly as possible to the regular spacing and alignment of the trees in the locality to which it is moved. (Prior code §6-1-3 (E-1)).

12.44.030 Construction--obstruction to growth—prohibited

³For provisions on damage to property, see Ch. 9.32 of this code.

It is unlawful for any person, firm or corporation to build or construct anything around the base or about any part of a tree that may hinder its growth or disfigure its appearance. (Prior code §6-1-3 (E-2)).

12.44.040 City Forester to remove or supervise

Upon the permission of the City Manager, the City Forester may cut down or remove any tree or trees which have been petitioned to be cut down or removed from the public boulevards of the City, provided, however, that all expenses of cutting or removal and transplant shall be paid by the petitioning party and such cutting, removal and transplanting shall be supervised by the City Forester. (Ord. 2065 (Part 2), 1979; prior code §6-1-3 (E-3)).

Title 13

WATER AND SEWER AND STORM DRAINAGE**Chapter**

2	General Provisions – Water, Sewer and Storm Drainage
4	Water – General Rules and Regulations
6	Water Service Lines
8	Water Service Contract
10	Water Meters
12	Sewer General Rules and Regulations
14	General Discharge Prohibitions
16	Building Sewer – General Regulations
18	Wastewater Customer Classification and Rates
20	Administration of Industrial Discharges
22	Industrial Wastewater Enforcement/Penalties
24	Storm Drainage Utility – General Rules and Regulations
26	Storm Drainage Rates and Charges

Chapter 2**GENERAL PROVISIONS – WATER, SEWER AND STORM DRAINAGE****Sections:**

13.2.010	Title
13.2.020	Applicability of code
13.2.030	Purpose
13.2.040	Rates--general
13.0.050	Rates--complaint--procedure
13.2.060	Billings--payments
13.2.070	Service area
13.2.075	Annexation requirements
13.2.080	Private water or sewer systems
13.2.090	Destruction or vandalism to utility facilities
13.2.100	Usage--violation--charge
13.2.110	Right of entry
13.2.120	Violation--penalty
13.2.130	Enforcement of rules and regulations

13.2.010 Title

This chapter shall be known as the Great Falls Water, Sewer and Storm Drainage Code, may be cited as such, and will be referred to in this chapter as "this code." (Ord. 2645, 1993).

13.2.020 Applicability of code

The rules and regulations of the City set out in Title 13 are made a part of the contract with every individual, firm or corporation who takes water or connects to the City water/sewer system, and every such individual, firm or corporation agrees, in making an application for water, sewer or storm drainage to be bound thereby.

In all cases wherein by the rules set out in this chapter any discretion is vested in City personnel, such discretion shall be subject to the control of the Great Falls City Commission. (Ord. 2645, 1993; Ord. 2529 (part), 1989 § 13.28.010 and 13.28.020; Ord. 2386 Exh. A (part), 1985 § 13.20.360; Ord. 2356 Exh. B (part), 1984 § 13.08.010, 13.08.270, 13.08.350).

13.2.030 Purpose

The purpose of Title 13 is to provide standards to safeguard life, health, property and public welfare of the inhabitants of the City and for the purpose of controlling the use of the water, sewer and storm drain systems by regulating and managing the design, quality of materials, construction, location and maintenance; to charge and collect service fees upon all lots, lands, property and premises served or benefited by the said systems. The purpose of the rates and charges shall be to generate sufficient revenue to pay all costs for the operation and maintenance, administration and routine functions of the existing and such future facilities as may be established within, or without the service area. The water, sewer and storm drain systems and facilities consist of all pipelines, conduits, manholes, clean outs, water/sewer mains, storm drains, intercepting sewers, outfall sewers, lift stations, pumps, structures, mechanical equipment and facilities for the treatment and or disposal of water and sewage or sewage by products. (Ord. 2645, 1993; Ord. 2529 [part], 1989, prior code § 13.24.010, 13.28.010; Ord. 2386, Exh. A (part), 1985, prior code § 13.20.010, 13.20.350, 13.20.540).

13.2.040 Rates – general

All rates or fees for use of the utility systems or for permits, licenses, connections or inspections shall be defined by resolution and approved by the City Commission. The City reserves the right to develop and implement separate rate schedules for classes of users not specified elsewhere in this title. (Ord 2645, 1993 (part); Ord. 2532 §2, 1989, prior code § 13.20.481).

13.2.050 Rates--complaint—procedure

The rates, charges and rentals specified in Title 13 shall be deemed prima facie fair, reasonable, and equitable. In any case where any contention is made that the rates are unfair, inequitable or unreasonable, the party objecting thereto shall apply to the City, stating the facts and grounds of complaint, and the City shall investigate and report with recommendations to the City Commission. (Ord. 2645, 1993; Ord. 2386 Exh. A [part], 1985, prior code §13.20.530 (part)).

13.2.060 Billings—payments

Billings for utility services will be made monthly. Payments shall be made at the Fiscal Services Department within ten days after the billing date. If not paid before the fifteenth day after the billing date, the right is reserved to discontinue the service after a reasonable written notice. (Ord. 2645, 1993; Ord. 2356 Exh. B (part), 1984, §13.08.260 (part)).

13.2.070 Service area

The utility system service area shall be:

- A. Inclusive of all premises annexed to the City and bounded by the incorporated City limits, as such limits may be adjusted by the City Commission; and
- B. Restricted to those premises abutting a public right-of-way or easement and directly adjacent to a sanitary sewer or water main location therein. The sole exception thereto shall be those buildings and service lines in place and legally existing prior to the adoption of the ordinance codified in this section. (Ord. 2645, 1993; Ord. 2529 (part), 1989), §13.24.040 (part); Ord. 2386 Exh. A (part), 1985, prior code §13.20.160 (part); Ord. 2356 Exh. B (part), 1984, prior code §13.08.020 (part)).
- C. Notwithstanding the limitation of the service area described in paragraph A and B, the service area may be extended beyond the corporate City limits by a contract for utility and all other City services until an election satisfies the requirements of Article VIII, Section 17, of the Montana Constitution, whereupon, the extended area of service must be annexed to the City. Paragraph C, hereof, shall expire and be of no effect should Article VIII, Section 17, of the Montana Constitution be held unconstitutional or otherwise abrogated. (Ord. 2749, 1999)

(Codifiers Note: 13.2.070 is commonly referred to as “Virtual Annexation.”)

13.2.075 Annexation requirements

Property owners of parcels located outside the city limits receiving city water and/or sewer service must consent to annexation into the city of such parcels as a condition of continuation of city water and/or sewer service. Failure of the property owners to consent to such annexation into the city will result termination of water and/or sewer services to such parcels located outside the city limits. (Ord. 2930, 2006)

13.2.080 Private water or sewer systems

There shall be no physical connection between any private water supply system and the Great Falls municipal water system on any premises served by the Great Falls municipal water system. Private sewage disposal systems will not be installed within the municipality of Great Falls. (Ord. 2645, 1993; Ord. 2356 Exh. B (part), 1984, §13.04.120).

13.2.090 Destruction or vandalism to utility facilities

No person(s) shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is a part of the Utility facilities of the Public Works Department. Any person(s) violating this provision shall be guilty of a misdemeanor.

It is an offense punishable pursuant to the general penalty provided in Chapter 1.4.070 of this Code for any person to do any of the following acts:

- A. To open, close, turn or interfere with, or attach to, or connect to a fire hydrant, stop valve or stop cock belonging to the Utility Division, without proper permit;
- B. To throw any deleterious matter into the river within three thousand feet of the inlet pipes to the water treatment plant pumping works;
- C. To bathe in the river within five hundred feet of the inlet pipes to the water treatment plant pumping works;
- D. For any person to fill any tank or container having a capacity of more than five gallons and used for the transportation of chemical or solutions of chemicals of any kind whatsoever with water obtained directly from any water source connected with the City water system including, but not limited to, public, private, or domestic standpipes, hydrants, taps, pipes, or hoses, unless the same have been equipped with a backflow preventive device approved and inspected by the City. The foregoing shall not prohibit any person from filling such containers with water obtained indirectly from the City water system by means of a second or intermediate container, or at water sources in the City specifically designated and approved by the City for the filling of containers used for the transportation of chemicals or solutions of chemicals. (Ord. 2645, 1993; Ord. 2386, Exh. A (part), 1985, §13.20.310 (part); Ord. 2356 Exh. B (part), 1984, §13.08.340 (part)).

13.2.100 Usage rates--violation—charge

The rates will cover the use of the utility systems in accordance with this chapter. Overtime will be charged for work done other than during normal working hours. If a consumer uses the utilities for purposes other than those he/she is paying for, it is a violation of his/her contract, and the consumer offending, after reasonable notice, may have the water shut off and service discontinued until such time as the additional service furnished has been paid for, together with the actual additional expense incurred in shutting off and turning on the water. (Ord. 2645, 1993; Ord. 2386 Exh. A (part), 1985, §13.20.410).

13.2.110 Right of entry

City employees bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing pertinent to water quality or discharge into the community system or repair and maintenance of any portion of the utility system/facilities in accordance with the provisions of this chapter. Where the property entered is an easement, all work shall be done in accordance with the terms of the easement agreement. (Ord. 2645, 1993; Ord. 2386, Exh. B (part), 1985, § 13.20.320, 13.20.330, 13.20.340 (part); Ord. 2356 Exh. B (part), 1984, § 13.08.110, 13.08.120 (part)).

13.02.120 Violation—penalty

Violation of any of the terms of Title 13 is a misdemeanor and is punishable pursuant to the general penalty provided by this Code. In addition to the foregoing penalty, upon receiving notification from an authorized official of a violation of any part of Title 13, the Public Works Director shall immediately cause the municipal water supply to be shut off from the premises where such violation is found. The municipal water service shall not be restored until such violation is corrected and has been duly inspected by the authorized official. (Ord. 2645, 1993; Ord. 2356 Exh. B (part), 1984, §13.04.130).

13.2.130 Enforcement of rules and regulations

It shall be the duty of the Police and Fire Departments of the City to give vigilant aid to the City in the enforcement of its rules and regulations, and to this end they shall report to the office of the City Manager all violations thereof which come to their knowledge. See Section 13.06.040. (Ord. 2645, 1993; Ord. 2356 Exh. B (part), 1984, § 13.08.370).

Chapter 4

WATER – GENERAL RULES AND REGULATIONS

Sections:

13.4.010	Definitions--water
13.4.020	Water service - emergency discontinuance
13.4.030	Restriction of water use--authorization
13.4.040	Restriction of water use--violation--misdemeanor
13.4.050	Water service--violation--penalty
13.04.060	Water service--owner responsibilities

13.4.010 Definitions—water

Unless the context specifically indicates otherwise, the meaning of terms used in this title shall be as follows:

"Authority" means the state or local government entity enacting and enforcing this chapter.

"Bathe" means to immerse and wet oneself or wash oneself.

"City Manager" means the city manager of the City or authorized deputy, agent or representative.

"Connection Fee" is a fee for service extension to new buildings, or for extension to new buildings for larger diameter lines.

"Curb" shall mean the vertical member along the edge of a street to form part of the gutter.

"Curb Box" is a cast iron or plastic tube-like device to provide easy access to curb valves which are located underground.

"Curb Valve" is a valve installed in the water service line and accessible for operation from the surface of the ground for routinely interrupting flow through the service line.

"Dedicated Right-of-Way" means a legal right to the land used by a public utility for water or sewer lines.

"Easement" means an acquired legal right for the specific use of land owned by others.

"Motel" and "Hotel" means a building or group of buildings on the same premises either detached or in connected rows; containing sleeping or dwelling units, and designed for, or occupied with an ordinary rental period not exceeding two weeks.

"Family Residence" is a dwelling structure having not more than two living units.

"Fire Lines" shall mean lines which provide water to private fire alarm systems.

"General Plumbing Permit" is a permit issued when any water service piping is repaired, altered or installed.

"Mobile Home" shall mean a trailer that is used as a permanent dwelling, is connected to utilities and designed without a permanent foundation.

"Montana Public Works Standard Specifications" is a manual establishing maximum uniformity of engineering and construction practices among Montana public works projects.

"Multi-unit Dwelling" means a building containing a unit or combination of units with individual bath and kitchen facilities. This definition includes apartments, condominiums, townhouses. A seasonal multi-unit dwelling is an individual unit of a multi-unit dwelling which is occupied on an intermittent basis and is not utilized as a primary residence.

"MUTCD" means Manual of Uniform Traffic Control Devices.

"O & M" means operation and maintenance.

"Private Water Supply System" means any assemblage of pipes, hose, conduits, pumps, tanks, siphons, etc., whereby water is obtained from any well, spring, pond, digging, river, or lake, to be used on or above the ground for any purpose.

"Remote" means the outside receptacle used to read the water meter consumption.

"Residential Building" means and includes only the types of buildings and structures: single-family residential, duplexes, triplexes, apartment houses, motels, hotels, trailer courts and multi-unit dwellings.

"Residential Customer" means any single family residence occupied by one family.

"Right-of-Way Permit" is a permit issued for any excavation in a dedicated right-of-way.

"Service Area" See Section 13.02.060

"Service Connection" is the point at which the building water or sewer connects to the public water or sewer.

"Shall" is mandatory (see "may").

"Single Family Service" shall mean that one meter is supplied for service to one dwelling unit.

"Single Family Residence" means a building designed for and used exclusively for residence purposes by one family. This definition shall include a single mobile home not located in a trailer court.

"Sprinkler Line" shall mean lines providing water to underground lawn sprinkling systems.

"Tapping Fee" is a fee charged for any new or replacement tap being made on a water main.

"Trailer Court or Mobile Home Park" means any area or site or land upon which two or more mobile homes are placed and maintained for dwelling purposes, either on a permanent or semi-permanent basis.

"Trailer House" is the same as "mobile home."

"Utility" means a service (water, sewer, storm drain) or the department of Public Works that provides such service.

"Watercourse" means a natural or artificial channel for the passage of water either continuously or intermittently.

"Water Meter" shall be referred to as "meter."

"Water Service" shall mean any utility water that is provided to a location.

"Water Service Line" is the line that carries the water to the requested location

"Water, Sewer, Sanitation, Storm Drain and Fire Hydrant Consumer Contract" shall mean the contract made between the City of Great Falls and the customer. (Ord. 2645, 1993; Ord. 2356 Exh. B (part), 1984, § 13.04.100 (part)).

13.4.020 Water service--emergency discontinuance

Notice will be given, whenever practicable, prior to shutting off the water, but consumers are warned that owing to unavoidable accidents or emergencies their water supply may be shut off at any time. Any temporary failure on the part of the City to supply service by reason of an accident or otherwise shall not render the City liable beyond a pro rata abatement of service charges during such interruption. (Ord. 2645, 1993; Ord. 2356 Exh. B (part), 1984, §13.08.100 (part), 13.08.150).

13.4.030 Restriction of water use—authorization

- A. The City reserves the right in the case of shortage of water, or for any other cause, to make an order, rule or regulation forbidding or suspending the use of City water for sprinkling, irrigating or watering any lawn or garden, or other uses deemed necessary.
- B. The City Manager is authorized and empowered, when in his/her opinion the amount of water being pumped reaches such volume that, unless restricted, the public health, safety and general welfare might be endangered, to establish the times and hours when City water be used for irrigating, sprinkling or watering lawns and gardens, and may set and fix times when no water may be used for such purposes by giving notice through the City's official newspaper and local radio stations. (Ord. 2645, 1993; Ord. 2356 Exh. B (part), 1984, §13.08.370).

13.4.040 Restriction of water use--violation—misdemeanor

Any person violating the restrictions as imposed by the City or who wastes water by letting it run in avenues, streets, alleys or roadways shall be guilty of a misdemeanor. (Ord. 2645, 1993; Ord. 2356 Exh. B (part), 1984, §13.08.380).

13.4.050 Water service--violation—penalty

- A. For violation of any of the rules set out in Sections 13.04 through 13.10 or for nonpayment of water rent, for either domestic, sprinkling or other purposes, the City has the right to turn off the water without further notice, and after it has been turned off from any service pipe on account of nonpayment or violation of the rules, the same shall not be turned on again until back rents and the cost to turn the water on are paid. The charge for turning the water on shall be determined by City resolution.
- B. The City agrees to furnish water, sewer and storm drainage services for certain specified users for a certain specified sum. If, therefore, a consumer furnishes other people with water without permission from the City or uses it for other purposes than those he/she is paying for, it is a violation of his/her contract, and the consumer offending, after reasonable notice, may have his/her water shut off and service discontinued until such time as the cost of additional service furnished and the cost to turn the water on are paid. The charge for turning the water on shall be determined by City resolution. (Ord. 2645, 1993; Ord. 2356 Exh. B (part), 1984, §13.08.130 (part)).

13.4.060 Water service--owner responsibilities

Owners of property must keep their fixtures and service pipes in good order at their own expense, and all water ways closed when not in use. Leaky fixtures must be repaired at once without waiting for a notice from the City, and if not repaired after reasonable notice is given the water will be shut off by the Public Works Department. (Ord. 2645, 1993; Ord. 2356 Exh. B (part), 1984, §13.08.060 (part)).

Chapter 6

WATER SERVICE LINES

Sections:

- 13.6.010 Water: service line--general regulations
- 13.6.020 Water: license--application--fee
- 13.6.030 Water: license--conditions
- 13.6.040 Water service line--permits--inspection--fees
- 13.6.050 Excavations--general regulations
- 13.6.060 Excavations--streets or alleys
- 13.6.070 Excavations--refilling
- 13.6.080 Water service--razed buildings--regulations

13.6.010 Water: service line--general regulations

- A. Every person, firm, corporation, or licensee under this chapter wishing to install, repair, extend, alter, relocate, replace, or otherwise modify any water service line or pipe, or wishing to excavate any trench for the purpose of laying or repairing any water service line or pipe, shall obtain a proper license for such work from the **Planning and Community Development Department**. All the expense of laying and maintaining the service pipes from the mains to the consumer's premises must be borne by the consumer. (Ord. 2645, 1993; Ord. 2356 Exh B (part), 1984, §13.04.040).
- B. No plumber or other person will be allowed to make a connection with any conduit, pipe or other fixture connecting therewith, or to connect pipes when they have been disconnected, or to turn water off or on, on any premises without permission from the Public Works Department. (Ord. 2645, 1993; Ord. 2356 Ex. B (part), 1984, §13.08.070).
- C. Service pipes shall be so arranged that each separate building and/or house shall be supplied by a separate service line from the City main. A valve or curb stop (with box) shall be installed in each service line so that the supply may be controlled from the street side of the property line, under rules established by the City or civil authorities.

- This curb valve and box must be kept in repair and easily accessible to City utility crews. (Ord. 2645, 1993; Ord. 2356 Exh. B (part), 1984, §13.08.080 #A and 13.08.040 (part)).
- D. At no time will it be allowed to extend a water service which is intended to supply water to a property facing one avenue or street to another property facing another avenue or street if said water service has to cross a public right-of-way such as an avenue, street or alley. (Ord. 2645, 1993).
- E. Where water is now supplied through one service to several houses, families, or persons, the City Manager may either decline to furnish water until separate services are provided, or may continue the supply on the condition that one person shall pay for all on the same service, and assume full responsibility for the maintenance and repair of the entire service line. (Ord. 2645, 1993; Ord. 2356 Exh. B (part), 1984, §13.08.080 #B).
- F. When the owner fails to properly maintain the curb valve and box and it becomes necessary for the City to shut off the water, necessary repairs or restoration will be made by the City, or if the service line fails between the City main and the curb shut off and the owner does not take prompt action for its repair, the City will shut the service line off at the corporation cock (connection to the main) but will not repair or replace the service line. In both of the foregoing instances reasonable written notice will be given the owner regarding the action to be taken by the City. The entire cost of time and materials will be charged to the owner. This charge shall be paid before the water service is restored. (Ord. 2645, 1993; Ord. 2356 Exh. B (part), 1984, §13.08.080 #C).
- G. Water will not be turned on at any new building until all water used during construction has been paid for. (Ord. 2645, 1993; Ord. 2356 Exh. B (part), 1984, §13.08.110 (part)).
- H.
1. Water services 3/4 inch through two (2) inches shall be of Type K soft copper from the corporation stop (connection to the main) to the entrance valve in the building or residence. Water services less than one hundred (100) feet in length from the curb stop to the building or residence shall be Type K soft Copper from the curb stop to the entrance valve inside the building or residence. From the entrance valve to a point a minimum of one foot past the meter setting, the service material shall be of Type M of L hard copper pipe. Water services greater than one hundred (100) feet in length from the curb stop to the building or residence shall be Type K soft copper or HDPE, 200 psig meeting AWWA C-901 Standards. When HDPE, 200 psig is used a meter pit approved by the City shall be installed two feet from the curb stop on the property side of the curb stop at the property owner's expense. Type K soft copper shall connect the curb stop and the meter pit. Pipe from the meter pit to the entrance valve inside the building or residence can be HDPE, 200 psig. Fittings used to connect the copper pipe to HDPE, 200 psig shall be all brass similar to Mueller "Insta Tight" fittings. When HDPE, 200 psig is used #14 THNN copper tracer wire shall be installed from the curb stop to the house in the trench with the service line. (Ord. 2946, 2006)
 2. Fire lines and domestic lines over 2 inches in diameter shall be of C900 Class 200 PVC or ductile or iron. When C900 Class 200 pipe is used, it can run to a point ten feet outside the building foundation. From that point the material used shall be of ductile iron the remainder of the way into the building up to the water meter or fire system apparatus. (Ord. 2714, 1996; Ord. 2645, 1993; Ord 2356 Exh. B(part), 1984, §13.08.040(part)).
- I. The service pipe must be laid below final street grade and on the consumer's premises, at a standard depth (no less than six feet) as designated by the City to prevent freezing. If shallower at the water main, insulation, shall be used to protect the service pipe from freezing until the standard depth is obtained. (Ord. 2714, 1996).
- J. Within two feet of the point of service entrance to a building, and from one to three feet above the floor, an approved valve of good quality and good hydraulic characteristics must be placed so that the water can be readily shut off from the building. Full way gate valves or rotary valves, which include ball, cone and plug types are recommended. However, better quality compression stops or globe valves are permissible. The inlet side of any entrance valve shall be mechanically joined to copper service lines three-fourths-inch through two-inches by means of copper flare connections. If inlet side of any entrance valve on service lines larger than two-inches diameter shall be mechanically joined to the service pipe and property supported and restrained against movement in accordance with Public Works Department specifications. (Ord. 2714, 1996; Ord. 2645, 1993; Ord. 2356 Exh. B(part), 1984, §13.08.050(A)).
- K. No branch connection shall be made to a service line between the main and the entrance valve. Where a meter is required no branch connection shall be made between the main and the meter. (Ord. 2645, 1993; Ord. 2356 Exh. B (part), 1984, §13.08.050 #B).
- L. In areas where water service lines have been stubbed to properties with established property lines and said properties are replatted in order to enlarge lot size, only one service line shall be used to supply the replatted property with water. (Ord. 2645, 1993).
- M. All other service lines shall be abandoned at the City main. Excavating shall be done by a properly licensed and bonded person or firm. All cost for such work shall be charged to the property owner. (Ord. 2645, 1993).

The application for a license for running water service pipes shall be endorsed by the Building Official, who shall be satisfied as to the responsibility and ability of the applicant for doing such work. The annual fee for this license shall be in accordance with City resolution, payable in advance, except to those paying the plumbers' annual license fee in accordance with City resolution. (Ord. 2645, 1993; Ord. 2356 Exh. B (part), 1984, §13.04.010(B and C)).

13.6.030 Water: license—conditions

Upon the granting of such a license and before the same has been issued, the licensee shall file with the **Planning and Community Development Department** a general liability policy or a written certificate of the same with bodily injury limits in the amount of three hundred thousand dollars (\$300,000) per claimant, and property damage limits of three hundred thousand dollars (\$300,000) per claimant and one million dollars (\$1,000,000) per occurrence which shall protect the City against all losses or damages which may occur on account of such license, or the carelessness or negligence of the licensee or employees during the time for which such a license is in force; and further conditioned that the licensee shall properly refill any and all trench or trenches made in the streets of the City, and shall keep and maintain the same in a safe and passable condition, level and even with the street surface for a period of two years from and after the time the same has been refilled. (Ord. 2645, 1993; Ord. 2356 Exh. B (part), 1984, §13.04.020).

13.6.040 Water service line--permit--inspection—fees

For any such water service line, the person, firm, corporation, or licensee under this chapter shall obtain from the **Planning and Community Development Department** a water service line permit, which will give the location, nature, and purpose of the proposed work. This permit must be available at the site of the work at all times during the progress of the work and must be shown to any officer of the City upon demand. Permits and inspections are as shown in the subsections below. Fees shall be as established by City resolution.

A. Permit Requirements and Fees.

1. Permit requirements shall be based on the type and nature of the work anticipated and may include one or all of the following:
 - a. Right-of-Way Permit. This permit shall be issued prior to any excavation in a dedicated right-of-way.
 - b. Fire Line Permit. This permit shall be issued prior to the repair or installation of any water service line to be used as a dedicated fire line.
 - c. Curb Permit. This permit shall be issued prior to any excavation, removal, replacement of concrete curb or gutter in a dedicated right-of-way.
 - d. Sidewalk Permit. This permit shall be issued prior to any excavation, removal, and replacement of concrete sidewalk in a dedicated right-of-way.
2. Two-inch and smaller diameters. Size of service to be stated on permit.
3. Over two-inch diameter. Plans shall be submitted containing the following:
 - a. Plot plan showing the exact location and depth of the entire line being installed; all fitting and valve locations; all with dimensions from property line and existing and proposed building improvements.
 - b. A complete list of proposed materials by type and brand name, all of which must comply with the Public Works Department standard specifications as outlined in the Montana Public Works Standard Specification, current edition, or other applicable rules and regulations of the City, for water mains and appurtenances.
4. General Plumbing Permit. This permit shall be issued when any water service piping is repaired, altered or installed. (For lines two inches and smaller, fee schedules shall be as per the Uniform Plumbing Code or by City resolution. For lines larger than two inches, fees for this inspection permit shall be as per City resolution).
 - a. Connection Fee. This fee shall be added to at the time of water service extension from the curb box to the building. The connection fee is not applicable to fire lines.

B. Inspection. The Building Official, or authorized representative, shall inspect and approve all water service work for water service pipes two-inches diameter and smaller.

1. For two-inch and smaller diameter pipes, all materials and installation shall conform to the Uniform Plumbing Code, State law and this title. Before any trench containing such water service is filled, or pipes covered, all pressure tests shall be conducted satisfactorily.
2. For fire lines and domestic lines larger than two inches in diameter, pressure, leakage, and bacteriological tests shall be conducted in accordance with the Public Works Department standard specifications, and in the Montana Public Works Standard Specifications, current edition, before acceptance Section 13.06.010(H)(2) the Director of Public Works, or authorized representative, shall inspect, and improve all water service or fire line work for lines larger than two-inches diameter from the water main to the building entrance valve. The Building Official, or authorized representative, shall inspect and approve all piping beyond the entrance valve.
3. The Director of Public Works, or authorized representative, shall inspect, and approve all replacement of pavement, right-of-way landscaping, concrete curb, curb and gutter, and sidewalk removed for the construction or maintenance of water service or fire lines.

- C. Tapping Fee Conditions: This fee shall be issued for any new or replacement tap being made on a water main.
 - 1. Test Taps: The permittee shall pay by direct billing for all test taps, testing equipment, overtime and chemicals used in making tests.
 - 2. Lines larger than two inches: The permittee shall pay by direct billing for all test taps, testing equipment, overtime and chemicals used in making tests. The fees for inspection of these lines shall be as per City resolution. All time and materials furnished by the City for services greater than two inches in diameter will be billed separately to the permittee directly by the Fiscal Services Department.
 - 3. Lines two inches and under: The fee includes installation of corporation cock on the main, and furnishing of corporation, curb valve and curb box. Saddles, clamps and other extraneous fittings are not included in this fee and will be billed extra by the Fiscal Services Department.
 - 4. To obtain a reduced fee for multiple taps, the conditions are:
 - a. Greater than five taps required.
 - b. All excavations shall be ready for tapping crews at the same time.
 - c. The maximum distance between taps shall be one thousand feet.
 - d. Lost crew time due to unsafe or incomplete excavations shall be billed directly to the permittee in addition to permit fees.
 - 5. Whenever a tap is made through which regular service is not immediately desired, the applicant will bear the entire expense of tapping, subject to a refund whenever regular service is begun. (Ord. 2714, 1996; Ord. 2645, 1993; Ord. 2356 Exh. B (part), 1984, §13.04.050 and 13.08.120 (part)).

13.6.050 Excavations--general regulations

- A. No water pipe shall be placed in a sewer trench.
- B. Utility separations shall meet State health requirements. (Ord. 2645, 1993; Ord. 2356 Exh. B (part), 1984, §13.04.060 (part)).

13.6.060 Excavations--streets or alleys

Excavations in public streets or alleys shall not unnecessarily impede travel.

- A. When it is necessary to excavate entirely across a street, barricades or distinctly legible signs shall be placed at each end of the block per MUTCD and the most current edition of Montana Public Works Standards Specifications.
- B. At all times, reflective or lighted barricades shall be placed around the excavation. (Ord. 2645, 1993; Ord. 2356 Exh. B (part), 1984, §13.04.070, 13.04.080).

13.6.070 Excavations—refilling

Trenches for water pipes shall be excavated to give the pipe an even bed of solid earth. Trenches shall be backfilled to meet ninety-five percent of maximum dry density as determined by AASHTO T-99 Specifications. All materials, pavement, and adjacent improvements shall be restored and replaced in-kind. The trench shall be guaranteed against settlement for two years by the permittee, under terms of the street opening bond as provided in Section 13.06.030. (Ord. 2645, 1993; Ord. 2356 Exh. B (part), 1984, §13.04.060 (part), 13.04.090).

13. 6.080 Water service—razed buildings—regulations

Water service lines supplying water to a building or buildings that are to be razed shall be plugged at the City water main if they are not copper. If the service line is copper from the curb stop to the City water main, it shall be physically disconnected from the building side of the controlling curb stop. The curb box shall be reset over curb stops for live water services remaining.

All excavating in City right-of-ways shall be done by the contractor razing the building or a subcontractor who is properly licensed. Service lines will be inspected for material type by a City inspector. Service lines being plugged at the City main will be plugged by City personnel after the main is exposed by the contractor or sub-contractor. (Ord. 2645, 1993)

**Chapter 8
WATER SERVICE CONTRACT**

Sections:

- 13.8.010 Property owners contract with City--deposit
- 13.8.020 Rates
- 13.8.030 Incorrect recordation of water consumption
- 13.8.040 Meter accuracy
- 13.8.050 Water/Sewer service--discontinuance

13.8.010 Property owners contract with City—deposit

The City contracts with the owners of property, the authorized agents or with tenants. The City, at the discretion of the Fiscal Services Director, or designee, may require a deposit from anyone contracting with it equal to twice the estimated amount of the monthly or billing period bill. Deposits shall be mandatory in instances where water service was terminated due to delinquent payment of bills and in instances of habitual delinquency in paying bills. Application for the use of water must be made at the Fiscal Services office. Service will be furnished to any consumer who fully and truly sets forth all the purposes for which water may be required and who agrees to and conforms with all the rules and regulations governing the service; provided the purposes set forth comply with all the City's rules, and that the system of mains and pipes extends to the point where service is desired, and is adequate to supply the service applied for. (Ord. 2645, 1993; Ord. 2356 Exh. B (part), 1984 §13.08.030).

13.8.020 Rates

Residential rates shall be charged for dwelling structures having not more than two living units serviced by one water service, on a single lot. Where more than two living units, on a single lot, are serviced by a common water service and said service has only one curb stop which controls the water to all the living units a commercial rate shall be charged. All rates are established by City Resolution. (Ord. 2645, 1993)

13.8.030 Incorrect recordation of water consumption

In case a meter is found stopped for any reason, so that it is not correctly recording the consumption of water, the City may average the amount due for the current month. (Ord. 2645, 1993; Ord. 2356 Exh. B (part), 1984 §13.08.220).

13.8.040 Meter accuracy

In case of a dispute as to the accuracy of a meter, the consumer, upon depositing the estimated cost of making a test, may demand that the meter be removed and tested as to accuracy, in the consumer's presence. The standard of acceptable accuracy shall be the American Water Works Association Standard #C-700.

- A. In case the meter is found to be registering correctly, the cost of such testing and replacing of the meter shall be paid by the consumer.
- B. In case the meter is found to be recording incorrectly, the amount deposited by the consumer will be refunded and a reasonable adjustment made for overcharges, for a period not exceeding sixty days previous to the demand of the consumer for a test to be made. (Ord. 2645, 1993; Ord. 2356 Exh. B (part), 1984 §13.08.210 (part)).

13.8.050 Water/Sewer service—discontinuance

Should the consumer request to temporarily discontinue the use of the water/sewer, or should the premises become vacant, the City, when notified in writing, will shut off the water at the curb. If water service is turned off at the request of the customer, and turned on again, the charge for turning the water on shall be as per City resolution. No deduction in bills will be made for the time any service pipes may be frozen. The City will charge the customer for the labor required to shut off or turn on the water on the basis of actual cost. Overtime will be charged for work done other than during normal working hours. (Ord. 2645, 1993; Ord. 2356 Exh. B (part), 1984 §13.08.090 (part)).

**Chapter 10
WATER METERS**

Sections:

- 13.10.010 All water to pass through meter
- 13.10.020 Selection of meters
- 13.10.030 Installation of meters
- 13.10.040 Meter maintenance
- 13.10.050 Mobile homes--meters
- 13.10.060 Additional meters
- 13.10.070 Interference with meter
- 13.10.080 Temporary meters for construction sites

13.10.010 All Water to pass through meter

All water service shall be metered (except for fire fighting). Customers who refuse to convert to the metering system will have their water service terminated. (Ord. 2645, 1993; Ord. 2356 Exh. B (part), 1984 §13.08.280).

13.10.020 Selection of meters

Selection of meters for customer applications shall be made by the City. The City may replace any meter at such time as it may see fit and shall be the judge of the size and make of any meter installed. (Ord. 2645, 1993; Ord. 2356 Exh. B (part), 1984 §13.08.171, Part A).

13.10.030 Installation of meters

- A. Meters are owned and installed by the City except for new construction where the permittee shall fully install the meter and appurtenances.
- B. Remote receptacles shall be installed on or near the front of the house or structure.
 1. Remote receptacles shall not be placed behind or within two feet of any shrub or vegetation. In the event any fences or structures are built after the remote receptacle is installed and said fence or structure blocks direct access to the remote system, the City may relocate the remote system outside of the fenced area or structure.
 2. The City shall determine the height of the remote receptacle above the ground, but not less than 30 inches above ground level.
- C. Remote meter systems otherwise installed, that do not comply with this section, shall be removed and the City shall install the appropriate unit.
- D. The removal and replacement of any obstruction which interferes with the installation of the water meter is the responsibility of the property owner.
- E. A leaking or otherwise defective water shut-off valve must be replaced in order to facilitate meter installation. The City or property owner may replace this valve with the cost of valve and installation charge to the property owner. Curb box locations and shut-off services to accommodate valve replacement will be provided by the City at no charge.
- F. Every meter setting shall include approved valves at both the inlet and discharge sides of the meter thereby enabling service or replacement without back flooding. Where backflow preventers are installed immediately downstream from meter settings, no valve is required on the discharge side of the meter.
- G. Settings for meters three inches or larger shall include valved bypass lines thereby enabling repair or regular testing without interruption of customer service. Only the City shall operate meter bypass valves which shall remain sealed in the "off" position when not in use.
- H. When insufficient space is available in existing water piping to accept a proper meter installation, the cost of plumbing modifications or special meter setting equipment shall be charged to the property owner.
- I. For new construction, the permittee shall fully install the meter and appurtenances. The meter shall be furnished by the City.
- J. Every displacement meter, compound meter, turbo meter, detector check and fire main meter shall be installed level in a horizontal plane with register or registers facing upward. (Ord. 2645, 1993; Ord. 2356 Exh. B (part), 1984 § 13.08.170, 13.08.171 (part)).

13.10.040 Meter maintenance

The consumer must furnish proper protection from freezing or other damage, and the meter must be located where it is easily accessible for reading purposes and repairs. Where proper protection is not furnished and meter damage occurs from freezing or other means, the consumer will be charged for labor and materials required to rebuild the meter. If the meter is damaged beyond repair, the consumer will be charged for a new meter to replace the damaged meter. (Ord. 2645, 1993; Ord. 2356 Exh. B (part), 1984 §13.08.190).

13.10.050 Mobile homes—meters

- A. All existing mobile home services shall be metered, either under or inside the home ahead of any branch lines coming off the main service line. If the City determines the water meter cannot be installed, a meter pit will be installed in the boulevard area at the City's expense. If the mobile home owner refuses to have a meter installed either under or inside the home when the City maintains it is possible, the owner will pay for labor, equipment and materials required to install a meter pit.
- B. All new mobile home services shall be required to have meter pits located in the boulevard area. The City shall furnish proper pits (concrete, plastic, fiberglass or equal) to be installed in its proper location by the contractor installing the water service. Costs for the pit and all labor shall be charged to the property owner.
- C. Remote readers shall be located within a reasonable distance of the meter and shall be mounted on a 4x4 redwood post set four feet in the ground. Distance from ground to the remote shall be forty-four inches.
- D. An individual water connection will be provided at an appropriate location for each mobile home connection. The connection will consist of a riser terminating at least four inches above the ground surface, with two three-quarter-inch valved outlets. The outlets shall be threaded enabling connection to the home's water piping system with one outlet and the other for use as a hose connection. The ground surface around the riser pipe shall be graded to divert surface drainage away from the connection and the mobile home. The riser pipe shall be encased in insulating

material in a six-inch pipe. An insulated cover shall encase both valve outlets enabling connection to the mobile home at all times. (Ord. 2645, 1993; Ord. 2356 Exh. B (part), 1984 §13.08.191, (part)).

13.10.060 Additional meters

In no case will the City furnish water from one meter to two or more houses, mobile homes or any combination thereof, whether the same are owned by one person or not. Mobile home trailer parks, multi-unit dwellings, campuses, public building complexes, and medical complexes may be excepted. (Ord. 2645, 1993; Ord. 2356 Exh. B (part), 1984 §13.08.240, 13.08.200).

13.10.070 Interference with meter

Water consumers are not permitted to interfere in any way with the meter and appurtenances thereto after it is set in place. In case the meter seal is broken or the working parts of the meter have been tampered with or the meter damaged, the City may render a bill for the current month, based on an average of the previous quarter or the same quarter of the previous year, if available, whichever the City determines more accurately reflects water usage for the inaccurate period, together with the full cost of such damage as has been done to the meter, and may refuse to furnish water until account is paid in full. (Ord. 2645, 1993; Ord. 2356 Exh. B (part), 1984 §13.08.230).

13.10.080 Temporary meters for construction sites

Water for construction purposes will be furnished through temporary meters and paid for at the regular meter rates. In addition to the cost of the water, the customer will be required to pay the actual cost of setting and removing the temporary meter. In case it is not possible or practical to set a temporary meter, the cost will be determined by applying the regular meter rates to a quantity of water estimated by the City. (Ord. 2645, 1993; Ord. 2356 Exh. B (part), 1984 § 13.08.320).

**Chapter 12
SEWER GENERAL RULES AND REGULATIONS**

Sections:

- 13.12.010 Sewer--objectives
- 13.12.020 Sewer--definitions
- 13.12.030 Sewer--required when--authority--failure deemed misdemeanor
- 13.12.040 Depositing excrement
- 13.12.050 Septic tanks and cesspools
- 13.12.060 Installation of toilets required when
- 13.12.070 Private wastewater disposal--connection
- 13.12.080 Grease, oil and sand interceptors
- 13.12.090 Industrial wastewater monitoring facility requirements
- 13.12.100 Requirement for pretreatment facilities
- 13.12.110 Maintenance of pretreatment facilities
- 13.12.120 Wastewater analysis standards
- 13.12.130 Special agreements and requirements

13.12.010 Sewer—objectives

The objectives of Chapters 13.12 through 13.24 are:

- A. To prevent the introduction of pollutants into the City wastewater system which will interfere with the normal operation of the system or contaminate the resulting sludge;
- B. To prevent the introduction of pollutants into the City wastewater system which do not receive adequate treatment in the POTW, and which will pass through the system into receiving waters or the atmosphere or otherwise be incompatible with the system;
- C. To improve the opportunity to recycle and reclaim wastewater and sludge from the system. These chapters provide for the regulation of discharges into the City wastewater system through the enforcement of administrative regulations. (Ord. 2645, 1993; Ord. 2386 Exh. A (part), 1985, § 13.20.010 (part)).

13.12.020 Sewer—definitions

Unless the context specifically indicates otherwise, the meaning of terms used in Chapters 13.12 through 13.24 shall be as follows:

"Act" means the Clean Water Act (33 U.S.C. 1251 et seq.), as amended.

"Authority" means the state or local government entity enacting and enforcing this chapter.

"Applicable pretreatment standards" means local/State or Federal standards, whichever are more stringent.

"Biochemical oxygen demand (BOD)" means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at twenty degrees centigrade, expressed in milligrams per liter.

"Building drain" means that part of the lowest piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning two (2) feet (.6 meters) outside the building wall.

"Building sewer" is part of the horizontal piping of a drainage system which extends from the end of the building drain and which receives the discharge of the building drain and conveys it to a public sewer, private sewer, individual sewage disposal system or other point of disposal.

"Bypass" means the intentional diversion of waste streams from any portion of an industrial user's treatment facility.

"Categorical Pretreatment Standards" means the National Pretreatment Standards specifying quantities or concentrations of pollutants or pollutant properties which may be discharged or introduced into a POTW (see definition) by specific industrial discharges.

"Combined sewer" means a sewer intended to receive both wastewater and storm or surface water.

"Discharger/industrial discharger" means any nonresidential user who discharges an effluent into a POTW by means of pipes, conduits, pumping stations, force mains, constructed drainage ditches, surface water intercepting ditches, and all constructed devices and appliances appurtenant thereto.

"Easement" means an acquired legal right for the specific use of land owned by others.

"Floatable oil" is oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable oil if it is properly pretreated and the wastewater does not interfere with the collection system.

"Garbage" means the animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods.

"Hauled wastes" means any sewage or wastewater contained in a tank or similar apparatus and which is transportable by vehicle, rail car or other mode.

"Indirect discharge" means the discharge or the introduction of non-domestic pollutants from a source regulated under Section 307(b) or (c) of the Act, into a POTW.

"Industrial wastes" means the solid, liquid or gaseous wastes resulting from any industrial manufacturing, trade, or business processes or from the development, recovery or processing of natural resources.

"Interference" means an inhibition or disruption of the POTW, its treatment processes or operations, or its sludge processes, use or disposal which is a cause of or significantly contributes to either a violation of any requirement of the POTW's MPDES permit (including an increase in the magnitude or duration of a violation) or to the prevention of sewage sludge use or disposal by the POTW in accordance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II more commonly referred to as the Resource Conservation and Recovery Act (RCRA) and including state regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA), the Clean Air Act, and the Toxic Substances Control Act. An industrial user significantly contributes to such a permit violation or prevention of sludge use or disposal in accordance with the above-cited authorities whenever such user:

1. Discharges a daily pollutant loading in excess of that allowed by contract with the POTW or by Federal, State, or local law;
2. Discharges wastewater which substantially differs in nature or constituents from the user's average discharge; or

3. Knows or has reason to know that its discharge, alone or in conjunction with discharges from other sources, would result in a POTW permit violation or prevent sewage sludge use or disposal in accordance with the above-cited authorities as they apply to the POTW's selected method of sludge management.

"Motel and Hotel" means a building or group of buildings on the same premises either detached or in connected rows; containing sleeping or dwelling units, and designed for, or occupied with an ordinary rental period not exceeding two weeks.

"Multi-unit dwelling" means a building containing a unit or combination of units with individual bath and kitchen facilities. This definition includes apartments, condominiums, townhouses, and duplexes, triplexes, etc. A seasonal multi-unit dwelling is an individual unit of a multi-unit dwelling which is occupied on an intermittent basis and is not utilized as a primary residence.

"Natural outlet" means any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

"New source discharger" means any new industrial discharger to the City's wastewater system subject to the provisions of this chapter.

"O&M" means operation and maintenance.

"Other wastes" means decayed wood, sawdust, shavings, bark, lime, refuse, ashes, garbage, offal, oil, tar, chemicals and all other substances except sewage and industrial wastes.

"Pass through" means a discharge which exits the POTW into waters of Montana in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's Montana Pollutant Discharge Elimination System (MPDES) Permit (including an increase in the magnitude or duration of a violation).

"Person" means any individual, firm, company, association, society, corporation or group.

"Ph" means the logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution. Neutral water, for example, has a Ph value of seven and a hydrogen ion concentration of ten to the power of minus seven.

"Pollutant" means any substance discharged into a POTW or its collection system, including the EPA List of 126 Priority Pollutants; and substances which create a fire or explosion hazard, cause corrosive structural damage, solid or viscous substances which could cause obstruction to flow in sewers, substances released in such volume or strength as to cause interference in the treatment plant, heat in amounts which will inhibit biological activity at the treatment plant, and heavy metals and similar toxic substances which could cause upset treatment plant operations.

"POTW" means publicly owned treatment works and includes any sewage treatment works and the sewers and conveyance appurtenances discharging thereto, owned and operated by the authority.

"Pretreatment" means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW.

"Properly shredded garbage" means the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater and one-half inch (1.27 centimeters) in any dimension.

"Public sewer" means a sewer in which all owners of abutting properties have equal rights, and which is controlled by a public authority.

"Residential building" means and includes only the following types of buildings and structures: single-family residential, duplexes, triplexes, apartment houses, motels, hotels, trailer courts, and multi-unit dwellings.

"Sanitary sewer" means a sewer which carries sewage from residences, commercial buildings, industrial plants, and institutions and to which ground, storm and surface waters are not intentionally admitted.

"Service connection" is the point at which the building sewer connects to the public sewer.

"Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

"Sewage" is water-carried human wastes or a combination of the water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with such ground, storm, and surface waters as may be present.

"Sewage treatment plant" means any arrangement of devices and structures used for treating sewage.

"Sewer" means any pipe, conduit, ditch, or other device used to collect and transport sewage, wastewater or stormwater from the generating sources.

"Sewer user" is any individual, firm, company, association, society, corporation, or group who has connected to the sewer system.

"Shall" is mandatory. (See "may".)

"Significant industrial discharger" is any industrial user of the City's wastewater disposal system who:

1. Is subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, subchapter N;
2. Has wastes any priority toxic pollutants or other prohibited pollutants;
3. Has wastes toxic pollutants as defined pursuant to Section 307 of the Act;
4. Has a discharge flow per average day of twenty-five thousand gallons or more of process wastewater to the POTW (excluding sanitary, non-contact cooling and boiler blowdown wastewater);
5. Contributes a process waste stream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant;
6. Is determined by the City to have a significant impact or potential for significant impact, either singly or in combination with other contributing industries, on the wastewater treatment system, the quality of sludge, the systems effluent quality, or air emissions generated by the system; or
7. Has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

"Single-family residence" means a building designed for and used exclusively for residence purposes by one family. This definition shall include a single mobile home not located in a mobile home court.

"Slug load" means any pollutant (including biochemical oxygen demand) released in a discharge at a flow rate or concentration which will cause a violation of the discharge prohibitions in Section 13.14.040 or which adversely affects the collection system and/or performance of the wastewater treatment works.

"Storm drain" (sometimes termed "storm sewer") means a drain or sewer for conveying stormwater, groundwater, subsurface water, or unpolluted water from any source.

"Suspended solids" means total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater" and referred to as nonfilterable residue.

"Toxic pollutants" includes but is not limited to those substances and chemical compounds listed in EPA's list of 126 Priority Pollutants, as amended.

"Trailer court or mobile home park" means any area or site or land upon which two or more trailers are placed and maintained for dwelling purposes, either on a permanent or semi-permanent basis.

"Unpolluted water" is water of a quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefitted by discharge to the sanitary sewers and wastewater treatment facilities provided.

"Upset" means an exceptional incident in which a treatment works is unintentionally and temporarily in a state of noncompliance with the discharge standards due to substances introduced into the treatment works and excluding noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation thereof.

"Wastewater" means industrial wastes and/or sewage or any other waste including that which may be combined with any groundwater, surface water, and stormwater, that may be discharged to the POTW.

"Wastewater facilities" means the structures, equipment, and processes required to collect, convey and treat wastewater and dispose of the effluent and sludge.

"Wastewater treatment works" means an arrangement of devices and structures treating wastewater and sludge. It is sometimes used synonymously with "waste treatment plant" or "wastewater treatment plant" or "water pollution control plant" or "POTW".

"Watercourse" means a natural or artificial channel for the passage of water either continuously or intermittently.

Any other term not herein defined shall be defined as presented in the "Glossary -- Water and Sewage Control Engineering," A.P.H.A., A.S.C.E. and W.P.C.F., latest edition. (Ord. 2645, 1993; Ord. 2601, 1991, §13.20.011; Ord. 2551 §§ 2, 3, 1989; Ord. 2532 §3, 1989; Ord. 2531 §§1, 2, 1989, Ord. 2386 Exh. A (part), 1985).

13.12.030 Sewer--required when--authority--failure deemed misdemeanor

- A. The City Commission or the Director of Public Works shall have the power to order the owner or owners or agent of any owner or owners of any house upon any street or part of a street in the City to make a connection with the sewer, and it shall hereafter be the duty of every owner or agent of owner of any house situated upon any lot upon the line of any sewer in the City, after being ordered to do so as aforesaid, and notice thereof given, to make connections with the sewer nearest to such house. When any such connection has been so ordered, it shall be the duty of the person or body issuing the order, or the duty of the Chief of Police upon the request of any of the foregoing to give notice of such order to the owner or owners of such house or to his or their agent or agents.
- B. If any owner or owners or agent of any owner or owners of such houses fails to make such sewer connections within thirty days after having received such notice, the owner(s), shall be deemed guilty of maintaining and fostering a nuisance; and after being notified of such order for the second time, and a failure to make such connection for ten days, such person or persons to whom such notice has been given, as aforesaid, shall be deemed guilty of a separate violation of this chapter for each twenty-four hours such failure continues to exist. (Ord. 2645, 1993; Ord. 2334, Exh. B (part), 1984, §13.16.010).

13.12.040 Depositing excrement

It is unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City or in any area under the jurisdiction of the City, any human or animal excrement, garbage, or objectionable waste. (Ord. 2645, 1993; Ord. 2386 Exh. A (part), 1985, §13.20.020).

13.12.050 Septic tanks and cesspools

Except as provided in Section 13.12.070, it is unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater. (Ord. 2645, 1993; Ord. 2386 Exh. A (part), 1985, §13.20.040).

13.12.060 Installation of toilets required when

The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the City and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the City, is required at the owner's(s') expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within ninety days after the date of an official notice to do so, provided the City determines that a service line can reasonably be connected to the public sewer. (Ord. 2645, 1993; Ord. 2386 Exh. A (part), 1985, §13.20.050).

13.12.070 Private wastewater disposal—connection

Where a public sanitary or combined sewer is not available under the provisions of Section 13.12.060, the building sewer shall be connected to a private wastewater disposal system complying with the regulations of the City-County Board of Health. (Ord. 2645, 1993; Ord. 2386 Exh. A (part), 1985, §13.20.150).

13.12.080 Grease, oil and sand interceptors

Grease, oil, and sand interceptors shall be provided when, in the opinion of the City, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the City, and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates, and the means of disposal which are subject to review by the City. Any removal and hauling of the collected materials not performed by owner's(s') personnel must be performed by currently licensed waste disposal firms. (Ord. 2645, 1993; Ord. 2386 Exh. A (part), 1985, prior code section 13.20.110).

13.12.090 Industrial wastewater monitoring facility requirements

When required by the City, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure, control manhole or monitoring facility together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes by the owner and the City. Such structure, when required, shall be constructed in accordance with plans approved by the City, shall be installed by the owner at the owner's expense, and shall be maintained by the owner so as to be safe, accessible and in proper operating conditions at all times. (Ord. 2386 Exh. A (part), 1985, §13.20.130).

13.12.100 Requirement for pretreatment facilities

Any property owner, or sewer user violating the provisions of this section shall, upon notice by the City, immediately install such pretreatment facilities through separators, traps, and/or chemical, physical, or biochemical processes as will make and assure that the sewage contributed from such property or premises will meet the requirements of this chapter. (Ord. 2645, 1993; Ord. 2386 Exh. A (part), 1985, §13.20.142).

13.12.110 Maintenance of pretreatment facilities

Where pretreatment or flow-equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner(s) at the owner's expense. (Ord. 2645, 1993; Ord. 2386 Exh. A (part), 1985, §13.20.120).

13.12.120 Wastewater analysis standards

All analyses shall be performed in accordance with procedures established by the EPA pursuant to Section 304(h) of the Act and contained in 40 CFR part 136 and amendments thereto or with any other test procedures approved by the EPA. Sampling shall be performed in accordance with the techniques approved by EPA. Where 40 CFR Part 136 does not include sampling or analytical techniques for the pollutants in question, or where EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed using validated analytical methods or any other sampling and analytical procedures, including procedures suggested by the City or other parties, approved by EPA. Samples shall be taken at the monitoring facility provided. (Ord. 2645, 1993; Ord. 2386 Exh. A (part), 1985, §13.20.140).

13.12.130 Special agreements and requirements

No statement contained in this chapter shall be construed as preventing any special agreement or arrangement between the City and any industrial user whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefore by the industrial user, except that no agreement will relieve the industrial user of obligation under pretreatment regulations 40 CFR Part 403 or any promulgated categorical pretreatment standards. (Ord. 2645, 1993; Ord. 2386 Exh. A (part), 1985, §13.20.141).

Chapter 14

GENERAL DISCHARGE PROHIBITIONS

Sections:

- 13.14.010 Discharging wastewater into natural outlet
- 13.14.020 Discharging stormwaters and groundwaters into sanitary sewers prohibited
- 13.14.030 Stormwater to be discharged into designated sewers
- 13.14.040 Materials unlawful to discharge into sewer
- 13.14.050 Mass limitations prohibitions and amendments
- 13.14.060 Treatment of materials discharged to the POTW

- 13.14.070 Accidental discharge prohibitions
- 13.14.080 Disposal of hauled wastes
- 13.14.090 Control of slug discharges

13.14.010 Discharging wastewater into natural outlet

It is unlawful to discharge into any natural outlet within the City, or in any area under the jurisdiction of the City, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter. (Ord. 2645, 1993; Ord. 2386 Exh. A (part), 1985, §13.20.030).

13.14.020 Discharging stormwaters and groundwaters into sanitary sewers

No person(s) shall discharge or cause to be discharged any unpolluted waters such as storm water, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters into any sanitary sewer. (Ord. 2645, 1993; Ord. 2386 Exh. A (part), 1985, §13.20.060).

13.14.030 Stormwater to be discharged into designated sewers

Storm water and all other unpolluted drainage shall be discharged to sewers that are specifically designated as storm sewers or to a natural outlet approved by the City, provided all applicable State of Montana, Department of Health and Environmental Sciences and Environmental Protection Agency regulatory requirements are satisfied. (Ord. 2645, 1993; Ord. 2386 Exh. A (part), 1985, §13.20.070).

13.14.040 Materials unlawful to discharge into sewer

No discharger shall discharge or cause to be discharged any of the following described substances, waters or wastes into any public sewer or the wastewater disposal system:

- A. Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion hazard, or be injurious in any other way to the POTW or to the operation of the POTW. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system), be more than five percent nor any single reading over ten percent of the lower explosive limit (LEL) of the meter. Prohibited materials include, but are not limited to: gasoline, kerosene, naphtha, benzene, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, sulfides, any substance with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees centigrade as determined using the test methods specified in 40 CFR 261.21 and any other substances which are a fire hazard or a hazard to the system.
- B. Any waters or wastes containing toxic or poisonous solids, liquids, or gases, in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters.
- C. Any waters or wastes having a Ph lower than 5.5 or higher than 9.0 or having any other corrosive property which reasonably could be hazardous to structures, equipment, or personnel of the City, such as, but not limited to, battery or plating acids and wastes, copper sulfate, chromium salts and compounds, or salt brine. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not, shall be prohibited from discharge to the wastewater treatment plant.
- D. Solid or viscous substances capable of causing obstruction to flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, spent lime, stone or marble dust, grass clippings, spent grains, spent hops, wastepaper, asphalt residues, residues from refining or processing of fuel or lubricating oil, glass grinding or polishing wastes, animal hides, feathers, tar, plastics, wood, underground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, disposable diapers, etc. either whole or ground by garbage grinders. The following limits and restrictions shall also apply:
 - 1. Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two degrees Fahrenheit or zero degrees centigrade and one hundred fifty degrees Fahrenheit or sixty-five degrees centigrade.
 - 2. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower (0.76 hp metric) or greater shall be subject to review and approval by the City. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.
- E. Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, or to exceed the limitation promulgated in the EPA Categorical Pretreatment Standards (40 CFR, Subchapter N, Parts 400-471). A toxic pollutant shall include, but not be limited to, any toxic pollutant identified in the EPA List of 126 Priority Pollutants.

- F. Any water or wastes which, either singly or by interaction, may result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
- G. Any substance which may cause the POTW's effluent or treatment residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. (In no case, shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use and disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, Resource Conservation and Recovery Act, or State standards applicable to the sludge management method.)
- H. Any liquid or vapor having a temperature higher than one hundred fifty degrees Fahrenheit (sixty-five degrees centigrade) or containing heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature of the wastewater influent at the treatment plant exceeds one hundred four degrees Fahrenheit (forty degrees centigrade). If, in the opinion of the City, lower temperatures of such wastes could harm either the sewers, sewage treatment process, or equipment; have an adverse effect on the receiving streams or otherwise endanger life, health, or property; or constitute a nuisance, the City may prohibit such discharges.
- I. Wastewater containing more than twenty-five milligrams per liter of petroleum oil, non-biodegradable cutting oils, or product of mineral oil origin.
- J. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting any excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the City for such materials.
- K. Any waters or wastes containing phenols or other taste or odor-producing substances, in such concentrations exceeding limits which may be established by the City as necessary, after treatment of the composite sewage, to meet the requirements of the State, federal, or other public agencies of jurisdiction for such discharge to the receiving waters.
- L. Any waters, wastes, or materials which exert or cause excessive or objectionable discoloration, such as, but not limited to, dye wastes and vegetable tanning solutions.
- M. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the City in compliance with applicable State or federal regulations.
- N. Any unusual volume of flow or concentrations of wastes defined as slug loads or other pollutants (including oxygen-demanding pollutants - BOD, etc.) released in a single extraordinary discharge episode of such volume or strength as to cause interference to the POTW. The following limits shall not be exceeded:
 - 1. Wastes containing standard five-day biochemical oxygen demand greater than one hundred pounds in any one day unless otherwise approved by the City;
 - 2. Wastes containing more than one hundred pounds of suspended solids in any one day unless otherwise approved by the City;
 - 3. A flow of twenty-five thousand gallons or more per average work day unless otherwise approved by the City;
 - 4. Chlorine demand of more than twenty mg/l unless otherwise approved by the City;
 - 5. Wastewater at a flow rate and/or pollutant discharge rate which is excessive over relatively short time periods so that there is a treatment process upset and subsequent loss of treatment efficiency.
- O. Waters or wastes which, alone or in combination with other waters or wastes, are a cause of interference or pass through as defined elsewhere in this chapter.
- P. Any water or wastes which, either singly or by interaction with other water or wastes, release obnoxious gases, form suspended solids which interfere with the collection system, create a condition deleterious to structures and treatment processes, cause a hazard to human life or create a public nuisance. (Ord. 2645, 1993; Ord. 2601 §§ 2, 3, 1991, §13.20.080; Ord. 2531 §§ 3--5, 1989; Ord. 2386 Exh. A (part)1985).

13.14.050 Mass limitations, prohibitions and amendments

The City may impose mass limitations on discharges which are using dilution to meet the pretreatment standards or requirements of this chapter, or in other cases where imposition of mass limitations is deemed appropriate by the City. No discharger shall increase the use of potable or process water in any way for the purpose of diluting a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the standards set forth in this chapter. The City reserves the right to amend this chapter to provide for more stringent limitations or requirements on dischargers to the POTW where deemed necessary to comply with the objectives set forth in this chapter, or is required by changes in the local, State or Federal discharge standards, whichever is more stringent. (Ord. 2645, 1993; Ord. 2386 Exh. A (part), 1985, §13.20.090).

13.14.060 Treatment of materials discharged to the POTW

If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which exceed or violate the limitations of this section, the City may:

- A. Reject the wastes;
- B. Require pretreatment to an acceptable condition for discharge to the public sewers;
- C. Require control over the quantities and rates of discharge;
- D. Require payment to cover added cost of handling and treating the wastes not covered by existing taxes or sewer charges. If the City permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the City and subject to the requirements of all applicable codes, ordinances, and laws; and/or
- E. Seek enforcement and legal remedies contained in this chapter for violations of the limitations and provisions of this chapter. (Ord. 2645, 1993; Ord. 2386 Exh. A (part), 1985, §13.20.100).

13.14.070 Accidental discharge prohibitions

Each discharger shall provide protection from accidental discharge of prohibited or regulated materials or substances established by this chapter. Where necessary, facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the discharger's cost and expense. As required by the City, detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the City for review, and shall be approved by the City before construction of the facility. As required by the City, each existing discharger shall complete its plan and submit same to the City within thirty days after formal adoption of the ordinance codified in this chapter. No discharger who discharges to the POTW after the aforesaid date shall be permitted to introduce pollutants into the system until accidental discharge protection procedures have been approved by the City. Review and approval of such plans and operating procedures by the City shall not relieve the discharger from the responsibility to modify its facility as necessary to meet the requirements of this chapter.

Dischargers shall notify the City immediately, followed by a written report within five days, upon the occurrence of a slug load or accidental discharge of substances prohibited by this chapter. The notification shall include location of discharge, date and time thereof, type of waste, concentration and volume, and corrective actions. Any discharger who discharges slug loads of prohibited materials shall be liable for any expense, loss or damage to the POTW, in addition to the amount of any fines imposed on the City on account thereof under State or Federal law.

Signs shall be permanently posted in conspicuous places on discharger's premises, advising employees whom to call in the event of a slug load or accidental discharge. Employers shall instruct all employees who may cause or discover such a discharge with respect to emergency notification procedure. (Ord. 2645, 1993; Ord. 2386 Exh. A (part), 1985, §13.20.143).

13.14.080 Disposal of hauled wastes

Any person wishing to dispose of hauled wastes shall utilize facilities specifically designated for this purpose. Unless express permission is otherwise granted, disposal shall take place at facilities located at the municipal wastewater treatment plant. The discharging of these wastes shall take place only under supervision of City personnel or their agents, unless otherwise approved by the City. Persons disposing of wastes in this manner shall disclose to the City upon demand the nature of the waste and its origin. Prior to acceptance of the waste, the City has the right to sample and analyze the waste and inspect the location of its origin, including all industrial processes which may reasonably have contributed pollutants to the waste. The City has the right to reject any wastes which are prohibited by any section of this chapter. (Ord. 2645, 1993; Ord. 2532 §1, 1989, §13.20.144).

13.14.090 Control of slug discharges

The City may evaluate each industrial user to determine the need for the discharger to control slug discharges. For the purpose of this section a slug discharge of a non-routine, episodic nature, including, but not limited to, an accidental spill or a non-customary batch discharge. If the City decides that a slug control plan is needed, the plan shall contain, at a minimum, the following elements:

- A. Description of discharge practices, including non-routine batch discharges;
- B. Description of stored chemicals;
- C. Procedures for immediately notifying the City of slug discharges, including any discharge that would violate a prohibition under Section 13.12.110, with procedures for follow-up written notification within five days;
- D. If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response. (Ord. 2645, 1993; Ord. 2601 §4, 1991, §13.20.145).

Chapter 16
BUILDING SEWER - GENERAL REGULATIONS

Sections:

- | | |
|-----------------------------------------------------------------------------|------------------------------------------------------|
| 13.16.010 Sewer connection--license--application--fee | 13.16.100 Building sewer--pipe size |
| 13.16.020 Sewer connection--license--issuance | 13.16.110 Building sewer--construction materials |
| 13.16.030 Building sewer--permits--classification | 13.16.120 Building sewer--required when |
| 13.16.040 Building sewer--permit--fees | 13.16.130 Building sewer--use of old sewer |
| 13.16.050 Building sewer--connection--costs | 13.16.140 Building sewer—elevation |
| 13.16.060 Building sewer-maintenance, repair or replacement--responsibility | 13.16.150 Building sewer--connections prohibited |
| 13.16.070 Building sewer--collapsed or plugged | 13.16.160 Building sewer--connection to public sewer |
| 13.16.080 Building sewer—building demolition | 13.16.170 Building sewer--inspection--supervision |
| 13.16.090 Building sewer--trench refilling | 13.16.180 Building sewer--excavation regulations |

13.16.010 Sewer connection--license--application—fee

- A. No person shall excavate for or construct any sewer, drain or cesspool or make a connection thereto or modify or repair the same without holding a proper license for such work from the **Planning and** Community Development Department, except that any person shall have the right to excavate a trench or ditch upon his/her own premises for water pipes, drains, or sewers; provided the laying of water pipes or drains therein shall be done by a licensed plumber or drain layer.
- B. The annual license fee for the license shall be set by City resolution and the **Planning and** Community Development Department shall take applications for and issue the license upon receipt of the annual license fee, and after having first provided satisfactory evidence of the competency and ability of the applicant to carry on the business of drain laying.
- C. No person engaged in the business of drain laying, or sewer connecting, shall allow his/her name to be used by any person, directly or indirectly, either to obtain a permit or to do any work under this license. (Ord. 2645, 1993; Ord. 2386 Exh. A (part), 1985, §13.20.161).

13.16.020 Sewer connection--license—issuance

Upon the granting of a sewer connection license, and before the same has been issued, the applicant shall file with the **Planning and** Community Development Department a general liability policy or a written certificate of the same with bodily injury limits in the amount of three hundred thousand dollars (\$300,000) per claimant, and property damage limits of three hundred thousand dollars (\$300,000) per claimant and one million dollars (\$1,000,000) per occurrence. (Ord. 2645, 1993; Ord. 2406 §1, 1985; Ord. 2386 Exh. A (part), 1985, §13.20.170).

13.16.030 Building sewer--permits—classification

There shall be two classes of building sewer permits:

- A. For residential and commercial service, and
- B. No unauthorized person shall uncover, make any connections with opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the **Planning and** Community Development Department for service to establishments producing industrial waste. In either case, the owner(s) or agent shall make an application on a special form furnished by the **Planning and** Community Development Department. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent by the City. (Ord. 2645, 1993; Ord. 2386 Exh. A (part), 1985, §13.20.180).

13.16.040 Building sewer--permit—fees

The sewer permit shall be established by City resolution. (Ord. 2645, 1993; Ord. 2465 §2, 1987, §13.20.190).

13.16.050 Building sewer--connection—costs

All costs and expenses incidental to the installation and connections for the building sewer shall be paid by the owner(s). The owner(s) shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. (Ord. 2645, 1993; Ord. 2386 Exh. A (part), 1985, §13.20.200).

13.16.060 Building sewer-maintenance, repair or replacement--person responsible

It is the responsibility of the owner of the property being served by a building sewer to maintain, in working order, the building sewer from the building drain to the public sewer. Repair and replacement of building sewer shall be the property owner's responsibility. All repair and replacement must be performed by a properly licensed plumber or drain

layer. All costs and expenses incidental to maintenance, repair or replacement of the building sewer shall be paid by owner(s). (Ord. 2645, 1993)

13.16.070 Building sewer--collapsed or plugged

If a building sewer is collapsed or plugged causing sewage to come to the surface of the ground, the City may at its discretion, shut off water service to said property until repairs are made to the line. (Ord. 2645, 1993)

13.16.080 Building sewer--building demolition

Building sewers serving property where a building is to be razed shall be severed at the property line. The end of the sewer service pipe which drains to the City sewer main shall be properly plugged. The excavation required for this to be done and the installation of the plug shall be performed by the contractor razing the building or a properly licensed sub-contractor. A City inspector will inspect this work. (Ord. 2645, 1993)

13.16.090 Building sewer--trench refilling

Trenches within streets or alleys shall be compacted to meet ninety-five percent (95%) of maximum dry density as determined by A.A.S.H.T.O., T-99 specifications. Trenches in lawns and non-driven areas shall be compacted to meet eighty-five percent of the same specification. All surface improvements shall be restored in kind, including but not limited to gravel base, asphaltic or portland cement concrete, lawns, or landscaping. The site shall be left clean and free of extraneous materials. All work shall be warranted by the drain layer for one year against defects in materials and two years for defects in workmanship. Failure to comply with this section may result in penalties set forth elsewhere in this chapter. (Ord. 2645, 1993; Ord. 2386 Exh. A (part), 1985, §13.20.210).

13.16.100 Building sewer--pipe size

No drain or sewer pipe shall be less than four inches internal diameter, and all drains and sewers must be of a size adequate for its purpose and such as shall convey, and allow freely and entirely to pass whatever enters, or should enter the same. (Ord. 2645, 1993; Ord. 2386 Exh. A (part), 1985, §13.20.220).

13.16.110 Building sewer--construction materials

The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9 shall apply. Schedule 40 PVC or ductile iron pipe shall be used for any sewer within two feet of any building, cellar, vault, or areaway. All other service piping shall be a minimum of S.D.R. 35 P.V.C. manufactured in accordance with A.S.T.M. D3034.

Connections between existing service and new or repaired service piping shall be by use of stainless steel banded flexible couplings as approved by the City Engineer. (Ord. 2645, 1993; Ord. 2386 Exh. A (part), 1985, §13.20.230).

13.16.120 Building sewer--required when

A separate and independent building sewer shall be provided for every building; except where physically impossible, and only as approved by the City Engineer. (Ord. 2645, 1993; Ord. 2386 Exh. A (part), 1985, §13.20.240).

13.16.130 Building sewer--use of old sewer

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the City, to meet all requirements of this chapter. (Ord. 2645, 1993; Ord. 2386 Exh. A (part), 1985, §13.20.250).

13.16.140 Building sewer—elevation

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer. (Ord. 2645, 1993; Ord. 2386 Exh. A (part), 1985, §13.20.260).

13.16.150 Building sewer--connections prohibited

No person(s) shall make connection of roof downspouts, foundation drains, area-way drains, or other sources of surface runoff or groundwater to a building sewer or building drain which, in turn, is connected directly or indirectly to a public sanitary sewer. (Ord. 2645, 1993; Ord. 2386 Exh. A (part), 1985, §13.20.270).

13.16.160 Building sewer--connection to public sewer

The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City. All such connections shall be made gas-tight and water-tight and verified by proper testing. All taps for service piping shall be made in the upper quadrant of the City main.

- A. Connections of sewer service piping six inches and four inches in diameter to the main sewer shall be made solely by use of service saddles clamped or strapped using stainless steel bands as approved by the Department of Public Works. Taps into the City main shall be made by City Utility Division personnel after the City main has been exposed and made ready for tapping by a licensed drain layer. The drain layer shall be responsible for damages to the City main as a result of their own negligence. The drain layer will be charged, over and above the permit fee, for equipment, labor and saddle required to make the tap.
- B. Connections of sewer service piping eight inches in diameter or larger shall be made by use of manholes per specifications on file in the City Engineer's office. (Ord. 2645, 1993; Ord. 2386 Exh. A (part), 1985, §13.20.280).

13.16.170 Building sewer--inspection—supervision

The applicant for the building sewer permit shall notify the City when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the City. (Ord. 2645, 1993; Ord. 2386 Exh. A (part), 1985, §13.20.290).

13.16.180 Building sewer--excavation regulations

All excavations for building sewer installation shall conform to appropriate Federal, State, and local safety regulations, including adequate barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City. (Ord. 2645, 1993; Ord. 2386 Exh. A (part), 1985, § 13.20.300).

Chapter 18

WASTEWATER CUSTOMER CLASSIFICATION AND RATES

Sections:

- 13.18.010 Costs--purpose
- 13.18.020 Operation cost determination
- 13.18.030 Customer classification
- 13.18.040 Residential rates
- 13.18.050 Commercial rates
- 13.18.060 Industrial rates
- 13.18.070 Black Eagle and Malmstrom Air Force Base water districts
- 13.18.080 Wastewater discharges--charge basis
- 13.18.090 Charge for connection
- 13.18.100 Review of service charge

13.18.010 Costs—purpose

The purpose of this section shall be to generate sufficient revenue to pay all costs for the operation and maintenance of the complete wastewater system. The costs shall be distributed equitably to all users of the wastewater system. (Ord. 2645, 1993; Ord. 2386 Exh. A (part), 1985, §13.20.350).

13.18.020 Operation cost determination

The City, or its Director of Public Works, shall determine the total annual cost of operation and maintenance of the wastewater system. The total annual cost of operation and maintenance shall include, but need not be limited to, labor, repairs, equipment replacement, maintenance, necessary modifications, power, sampling, laboratory tests, and a reasonable contingency fund. (Ord. 2645, 1993; Ord. 2386 Exh. A (part), 1985, §13.20.400).

13.18.030 Customer classification

The classes of customers shall be residential, commercial, and industrial:

- A. A residential customer is a user in a dwelling structure having not more than two living units.
- B. A commercial customer is a user discharging primarily segregated domestic wastes or wastes from sanitary conveniences. These wastes must have concentrations equivalent to or less than the wastes from a residential user with respect to suspended solids and five-day twenty degrees centigrade biochemical oxygen demand.
- C. An industrial customer is a user discharging any wastes requiring more treatment than wastes from sanitary conveniences. Any waste with a higher concentration than from a residential user with respect to suspended solids

and five-day twenty degrees centigrade biochemical oxygen demand is classified as an industrial waste. (Ord. 2645, 1993; Ord. 2386 Exh. A (part), 1985, §13.20.430).

13.18.040 Residential rates

All residential customers of the City water system, discharging sewage into the sewer system, shall be charged a flat rate based upon a winter average for the months of December, January, February and March water meter reads. These fees will change annually in May. The exact rates shall be determined by resolution. (Ord. 2645, 1993; Ord. 2548 (part), 1989, §13.20.440; Ord. 2517 §1 (part), 1988; Ord. 2474 §1 (part), 1987; Ord. 2398 §2, 1985; Ord. 2386 Exh. A (part), 1985).

13.18.050 Commercial rates

- A. All commercial customers of the City water system, discharging sewage into the sewer system, shall be charged a fee based upon monthly water meter reads. The exact rates shall be determined by resolution.
- B. Commercial customers who choose not to install a separate meter to measure irrigation water and who have landscaped area of living plant material (inclusive of the boulevard area adjacent to their property) equivalent to twenty-five percent of the total square feet of their property area may apply to the City billing department for an averaged sewer rate. Areas covered by materials such as rock, gravel or bark and/or poly sheeting shall not be counted as landscaping. For those commercial customers who request the averaged sewer rate, the total annual volume of all sewage would be charged as a flat rate based upon a winter average for the months of December, January, February and March water meter reads. These fees will change annually in May. The exact rates shall be defined in City resolution.
- C. For users having a water service line larger than three-fourths of an inch, the minimum monthly charge will be per City resolution. (Ord. 2645, 1993; Ord. 2548 (part), 1989, §13.20.450; Ord. 2517 §1 (part), 1988; Ord. 2474 §1 (part), 1987; Ord. 2398 §3, 1985; Ord. 2386 Exh. A (part), 1985).

13.18.060 Industrial rates

All industrial customers will be charged the same rates for volume usage as the commercial customers. The industrial users will be charged for the processing of extra strength sewage which the City agrees to accept and treat. Extra strength sewage is any sewage having an excess of two hundred ppm biochemical oxygen demand and/or two hundred fifty ppm suspended solids. The additional charges shall be defined by City resolution. (Ord. 2645, 1993; Ord. 2548 (part), 1989, §13.20.460; Ord. 2517 §1 (part), 1988; Ord. 2474 §1 (part), 1987; Ord. 2398 §4, 1985; Ord. 2386 Exh. A (part), 1985).

13.18.070 Black Eagle and Malmstrom Air Force Base water districts

The charges for the community of Black Eagle and Malmstrom Air Force Base shall be set by City resolution. (Ord. 2645, 1993; Ord. 2548 (part), 1989, §13.20.470; Ord. 2517 §1 (part), 1988; Ord. 2474 §1 (part), 1987; Ord. 2398 §4, 1985; Ord. 2386 Exh. A (part), 1985).

13.18.080 Wastewater discharges--charge basis

Any wastewater discharges into the City sewerage system from a source other than a City water tap shall be added to the sewerage charge based on a test flow for volume monitored by the City. The minimum monthly charge will not be less than three-fourths-inch size for a single-family unit or equivalent commercial use. (Ord. 2645, 1993; Ord. 2386 Exh. A (part), 1985, §13.20.490).

13.18.090 Charge for connection

Charges for connection of service line to sewer line, which does not include installation costs, are per City resolution. If one meter serves one multi-purpose development, either mobile home, local business, commercial, industrial, residential use zones, or variance, the connection charge will be based on the size of the water tap. If there is no water tap, the charges will be based on the sewage being discharged on the same ratio as for other sewer connections. If a tap is replaced and the tap size changed, only the difference in the fee between the existing tap and the new tap size will be charged. (Ord. 2645, 1993; Ord. 2386 Exh. A (part), 1985, §13.20.500 (part)).

13.18.100 Review of service charge

The City shall review the total annual cost of operation and maintenance, the financial plan and cost of service on an annual basis to assure equity of the service charge system established in the chapter. If a significant user, such as an industry, has completed in-plant modifications which could change the user's wastewater charges, the user can present to the City, in writing, such factual information to determine if the charges are to be changed. The City shall notify the user of its findings following action on the request. (Ord. 2645, 1993; Ord. 2386 Exh. A (part), 1985, §13.20.520).

Chapter 20

ADMINISTRATION OF INDUSTRIAL DISCHARGES

Sections:

13.20.010	General provisions
13.20.020	Wastewater discharge data disclosure
13.20.030	Industrial wastewater acceptance form--permit
13.20.040	Industrial pretreatment program amendments
13.20.050	Reporting requirements for dischargers
13.20.060	Limits on discharge of selected pollutants
13.20.070	Notification of hazardous waste discharge
13.20.080	Inspection and sampling
13.20.090	Confidential information

13.20.010 General provisions

It shall be unlawful to discharge sewage, industrial wastes, or other wastes to any sewer within the jurisdiction of the City, and/or to the POTW without having first complied with the terms of this chapter. (Ord. 2645, 1993; Ord. 3486 Exh. A (part), 1985, §13.20.540).

13.20.020 Wastewater discharge data disclosure

All significant industrial dischargers proposing to connect to the wastewater system and discharge sewage, industrial wastes and other wastes to the POTW shall comply with all terms of this chapter within ninety days after the effective date of the chapter.

Significant industrial dischargers shall complete and file with the City a disclosure declaration in the form prescribed by the City, accompanied by the appropriate fee. Existing significant industrial dischargers shall file disclosure forms within thirty days after the effective date of this chapter, and proposed new dischargers shall file their disclosure forms at least ninety days prior to connecting to the POTW. The disclosure to be made by the discharger shall be made on written forms provided by the City and shall cover:

- A. Disclosure of name, address, and location of the discharger.
- B. Disclosure of standard industrial classification (SIC) number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended.
- C. Disclosure of wastewater constituents and characteristics including, but not limited to, those mentioned in this chapter as determined by bona fide chemical and biological analyses. Sampling and analysis shall be performed in accordance with procedures established by the U.S. EPA and contained in 40 CFR Part 136, as amended.
- D. Disclosure of time and duration of discharges.
- E. Disclosures of average daily and instantaneous peak wastewater flow rates, in gallons per day. All flows shall be measured unless other verifiable techniques are approved by the City due to cost or nonfeasibility.
- F. Disclosure of site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, inspection manholes, sampling chambers and appurtenances by size, location and elevation.
- G. Description of activities, facilities and plant processes on the premises including all materials which are or may be discharged to the sewers or works of the City.
- H. Disclosure of the nature and concentration of any pollutants or materials prohibited by this chapter in the discharge, together with a statement regarding whether or not compliance is being achieved with this chapter on a consistent basis and if not, whether additional operation is required for the discharger to comply with this chapter.
- I. Where additional pretreatment and/or operation and maintenance activities will be required to comply with this chapter, the discharger shall provide a declaration of the shortest schedule by which the discharger will provide such additional pretreatment and/or implementation of additional operational and maintenance activities.
 1. The schedule shall contain milestone dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the discharger to comply with the requirements of this chapter including, but not limited to, dates relating to hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, executing contract for major construction, and all other acts necessary to achieve compliance with this chapter.
 2. Under no circumstances shall the City permit a time increment for any single step directed toward compliance which exceeds nine months.
 3. Not later than fourteen days following each milestone date in the schedule and the final date for compliance, the discharger shall submit a progress report to the City, including no less than a statement as to whether or not it complied with the increment of progress represented by that milestone date, and if not, the date on which it

expects to comply with this increment of progress, the reason for delay, and the steps being taken by the discharger to return the construction to the approved schedule. In no event shall more than nine months elapse between such progress reports to the City.

- J. Disclosure of each product produced by type, amount, process or processes, and rate of production.
- K. Disclosure of the type and amount of raw materials utilized (average and maximum per day).
- L. All disclosure forms shall be signed by a principal executive officer of the discharger, and qualified engineer.
- M. All sewers shall have an inspection and sampling manhole or structure with an opening of no less than twenty-four inches diameter and an internal diameter of no less than forty-eight inches containing flow measuring, recording and sampling equipment as required by the City to assure compliance with this chapter.

The City will evaluate the complete disclosure form and data furnished by the discharger and may require additional information. Within thirty days after full evaluation and acceptance of the data furnished, the City shall notify the discharger of the City's acceptance thereof through issuance of an industrial wastewater acceptance form. (Ord. 2645, 1993; Ord. 2386 Exh. A (part), 1985, §13.20.550).

13.20.030 Industrial wastewater acceptance form—permit

The City shall issue to the discharger an industrial wastewater acceptance form, which will be based on information in the disclosure form and include:

- A. Any fees and charges to be paid upon initial issuance;
- B. Limits on the average and maximum wastewater constituents and characteristics;
- C. Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;
- D. Requirements for installation and maintenance of inspection and sampling facilities;
- E. Special conditions as the City may reasonably require under particular circumstances of a given discharge, including sampling locations, frequency of sampling, number, types, and standards for tests and reporting schedule;
- F. Compliance schedules;
- G. Requirements for submission of special technical reports or discharge reports where same differs from those prescribed by this chapter;
- H. Any special agreements the City chooses to continue or develop between the City and a discharger. (Ord. 2645, 1993; Ord. 2386 Exh. A (part), 1985, §13.20.560).

13.20.040 Industrial pretreatment program amendments

The City reserves the right to amend this chapter and the terms and conditions hereof in order to assure compliance by the authority with applicable laws and regulations. Where a discharger, subject to a National Categorical Pretreatment Standard, has not previously submitted a disclosure form as required by Section 13.20.020, the discharger shall file a disclosure form with the City within one hundred eighty days after the promulgation of the applicable National Categorical Pretreatment Standard by the U.S. EPA. In addition, any discharger operating on the basis of a previous filing of a disclosure statement shall submit to the authority within one hundred eighty days after the promulgation of an applicable National Categorical Pretreatment Standard, the additional information required by subsections H and I of Section 13.18.550. The discharger shall be informed of any proposed changes in the chapter at least thirty days prior to the effective date of change. Any changes or new conditions in the chapter shall include a reasonable time schedule for compliance. (Ord. 2645, 1993; Ord. 2386 Exh. A (part), 1985, §13.20.570).

13.20.050 Reporting requirements for dischargers

- A. Any non-complying discharger subject to a compliance schedule is subject to milestone dates for the commencement or completion of major events leading to the construction or operation of pretreatment facilities shall be required to submit periodic compliance schedule progress reports as required in subsection I of Section 13.20.020.
- B. Within ninety days following the date for final compliance by existing dischargers with applicable pretreatment standards set forth in this chapter or ninety days following commencement of discharge of wastewater into the POTW by a new discharger, any discharger subject to this chapter shall submit to the City a report containing the information described in the Code of Federal Regulations Title 40 Part 403.12 paragraphs (b), (4) and (5). For industrial users subject to equivalent mass or concentration limits established by the City, this report shall contain a reasonable measure of the user's long term production rate. For all other industrial users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional O&M and/or pretreatment is necessary to bring the discharger into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the discharger, and certified by a qualified engineer licensed to practice in the State of Montana.

- C. Any discharger subject to a pretreatment standard set forth in this chapter, after the compliance date of such pretreatment standard, or, in the case of a new discharger, after commencement of the discharge to the wastewater system, shall submit to the City during the months of June and December, unless required more frequently by the City, a self-monitoring report indicating the nature and concentration, of prohibited or regulated substances in the effluent which are limited by the pretreatment standards hereof. In addition, this report shall include a record of all measured or estimated average and maximum daily flows during the report period reported in subsection B of this section. Flows shall be reported on the basis of actual measurement; provided, however, where cost or feasibility considerations justify, the City may accept reports of average and maximum flows estimated by verifiable techniques. The City, for good cause shown considering such factors as local high or low flow rates, holidays, budget cycles, or other extenuating factors may authorize the submission of said reports on months other than those specified above. Reports of dischargers shall contain all results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where required by the City. All analyses shall be performed in accordance with 40 CFR Part 136 and amendments thereto.
- D. Any discharger required to implement an accidental spill prevention plan will be required to submit that plan to the City as a requirement of the industrial wastewater acceptance form, or as required upon notification from the City if an industrial wastewater acceptance form is not required of a discharger. Upon approval of the plan by the City, the affected user will be required to implement the plan. Should an accidental spill occur, the discharger will be required to notify the City immediately upon the occurrence of such spill to the wastewater system. The notification shall include location of discharge, date, time, type of waste, concentration, volume, and corrective actions. The notification shall be followed by a written report to the City within five days.
- E. If sampling performed by an industrial user indicates a violation, the user shall notify the City within twenty-four hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the City within thirty days after becoming aware of the violation.
- F. All industrial users shall promptly notify the City in advance of any substantial change in the volume or character of pollutants in their discharge. (Ord. 2645, 1993; Ord. 2551 §§ 5, 6, 7, 1989; Ord. 2531 § 6, 1989 §13.20.580; Ord. 2386, Exh. A (part), 1985).

13.20.060 Limits on discharge of selected pollutants

- A. In addition to discharge limits stated elsewhere in this chapter discharges of industrial wastewater shall limit output of certain pollutants to the following maximum values:

Arsenic	--	1.36 milligrams per liter
Cadmium	--	5.00 milligrams per liter
Chromium	--	16.72 milligrams per liter
Copper	--	15.13 milligrams per liter
Lead	--	2.63 milligrams per liter
Mercury	--	0.06 milligrams per liter
Nickel	--	15.57 milligrams per liter
Silver	--	0.70 milligrams per liter
Zinc	--	0.51 milligrams per liter
- B. The City has the right to review and amend these limits as it determines necessary.
- C. The dilution of discharged wastes with uncontaminated or lesser contaminated wastes or waters shall not be an acceptable method of complying with the limitations outlined in this section. (Ord. 2645, 1993; Ord. 2533, 1989; §13.20.581).

13.20.070 Notification of hazardous waste discharge

Industrial users shall notify the City Public Works Director, the EPA Regional Waste Management Division Director, and Chief of the Solid and Hazardous Waste Bureau, State of Montana in writing of any discharge into the POTW of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. The notification, as outlined in 40 CFR Part 403.12(p) shall take place no later than one hundred eighty (180) days after the discharge occurs. In the case of new regulations identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, notification shall take place within ninety days of the effective date of such regulations. (Ord. 2645, 1993; Ord. 2601 §5, 1991; §13.20.582).

13.20.080 Inspection and sampling

The City may inspect the monitoring facilities of any discharger to determine compliance with the requirements of this chapter. The discharger shall allow the City or its representatives to enter upon the premises of the discharger at all reasonable hours, for the purposes of inspection, sampling, record copying, or records examination. The City shall have the right to set up on the discharger's property such devices as are necessary to conduct verification sampling,

inspection, compliance monitoring and/or metering operations. (Ord. 2645, 1993; Ord. 2386 Exh. A (part), 1985; §13.20.590).

13.20.090 Confidential information

Information and data furnished to the City with respect to the nature and frequency of discharge shall be available to the public or other governmental agency without restriction unless the discharger specifically requests and is able to demonstrate to the satisfaction of the City that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets or proprietary information of the discharger.

When requested by a discharger furnishing a report, the portions of a report which may disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this chapter, the Montana Pollutant Discharge Elimination System (MPDES) permit, and/or the pretreatment program; provided, however, that such portions of a report shall be available for use by the State or any State agency in judicial review or enforcement proceedings involving the discharger furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information. (Ord. 2645, 1993; Ord. 2531 §7, 1989, §13.20.600; Ord. 2386, Exh. A (part), 1985).

**Chapter 22
INDUSTRIAL WASTEWATER ENFORCEMENT/PENALTIES**

Sections:

- 13.22.010 Emergency suspension of service and industrial wastewater acceptance
- 13.22.020 Termination of treatment service
- 13.22.030 Notification of violation--administrative adjustment
- 13.22.040 Show cause hearing
- 13.22.050 Judicial proceedings
- 13.22.060 Significant violations--annual publication
- 13.22.070 Interpretations
- 13.22.080 Temporary state of non-compliance
- 13.22.090 Bypass
- 13.22.100 Civil penalties
- 13.22.110 Recovery of costs incurred by the City
- 13.22.120 Falsifying information
- 13.22.130 Records retention

13.22.010 Emergency suspension of service and industrial wastewater acceptance

The City may, without advance notice, order the suspension of the wastewater treatment service and the industrial wastewater acceptance form to a discharger when it appears to the City that an actual or threatened discharge:

- A. Presents or threatens an imminent or substantial danger to the health or welfare of persons or substantial danger to the environment, or
- B. Threatens to interfere with the operation of the POTW, or to violate any pretreatment limits imposed by this chapter. Any discharger notified of the City's suspension order shall immediately cease all discharges.

In the event of failure of the discharger to comply with the suspension order, the City may commence judicial proceedings immediately thereafter to compel the discharger's specific compliance with such order and/or to recover civil penalties. The City shall reinstate the industrial wastewater acceptance form and/or the wastewater treatment service upon proof by the discharger of the elimination of the noncomplying discharge or conditions creating the threat as set forth above. (Ord. 2645, 1993; Ord. 2386 Exh. A (part), 1985, §13.20.610).

13.22.020 Termination of treatment service

A discharger shall not:

- A. Fail to factually report accurately the wastewater constituents and characteristics of its discharge;
- B. Fail to report significant changes in wastewater constituents or characteristics;
- C. Refuse reasonable access to the discharger's premises by representatives of the City for the purpose of inspection or monitoring; or
- D. Violate the provisions of this chapter, or any order of the City with respect thereto. The City may terminate wastewater treatment services to any discharger who violates any of the foregoing prohibitions. (Ord. 2645, 1993; Ord. 2386 Exh. A (part), 1985, §13.20.620).

13.22.030 Notification of violation--administrative adjustment

Whenever the City finds that any discharger has violated the prohibitions in Section 13.22.020, the City shall cause to be served upon such discharger a written notice (either personally or by certified or registered mail, return receipt requested) stating the nature of the alleged violation. Within thirty days of the date of receipt of the notice, the discharger shall respond personally or in writing or by certified or registered mail, return receipt requested, to the City, advising of its position with respect to the allegations. Thereafter, the discharger shall be given the opportunity to meet with a duly authorized City representative to ascertain the veracity of the allegations and establish a plan for the satisfactory correction of the violations and preclusion of a recurrence thereof. (Ord. 2645, 1993; Ord. 2386 Exh. A(part), 1985, §13.20.630).

13.22.040 Show cause hearing

Where the violation of Section 13.22.020 is not corrected by timely compliance by means described in Section 13.22.020, the City may order any discharger which suffers or permits a violation of Section 13.22.020 to show cause before the City or its duly authorized representative why the proposed service termination action should not be taken. A written notice shall be served on the discharger by personal service, certified or registered mail, return receipt requested, specifying the time and place of a hearing to be held by an ad hoc committee appointed by the City Manager regarding the violation, the reasons why the enforcement action is to be taken, the proposed enforcement action, and directing the discharger to show cause before such committee why the proposed enforcement action should not be taken. The notice of the hearing shall be served no less than ten days before the hearing. Service may be made on any agent, officer, or authorized representative of a discharger. The proceedings at the hearing shall be considered by such committee, which shall then enter appropriate orders with respect to the alleged violations of the discharger. (Ord. 2645, 1993; Ord. 2386 Exh. A (part), 1985, §13.20.640).

13.22.050 Judicial proceedings

Following the entry of any order by the City with respect to the violation by a discharger of Section 13.22.020, the City may commence an action for appropriate legal and/or equitable relief in the appropriate local court. (Ord. 2645, 1993; Ord. 2386 Exh. A (part), 1985, §13.20.650).

13.22.060 Significant violations--annual publication

A list of dischargers who were significantly violating the terms of this chapter during the previous twelve months shall be annually published by the City in the official newspaper of the City. For the purposes of this section, an industrial user is in significant noncompliance if its violation meets one or more of the following criteria:

- A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;
- B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent or more of all the measurements for each pollutant parameter of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except Ph).
- C. Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the control authority determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);
- D. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under Section 13.22.020 to halt or prevent such a discharge;
- E. Failure to meet, within ninety days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction or attaining final compliance;
- F. Failure to provide, within thirty days after the due date, required reports such as baseline monitoring reports, ninety-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- G. Failure to accurately report noncompliance;
- H. Any other violation or group of violations which the City determines will adversely affect the operation or implementation of the local pretreatment program. (Ord. 2645, 1993; Ord. 2601 §6, 1991, §13.20.660: Ord. 2386 Exh. A (part), 1985).

13.22.070 Interpretations

Any discharger or any interested party shall have the right to request in writing an interpretation or ruling by the City on any matter covered by this chapter and shall be entitled to a prompt written reply. In the event that such inquiry is by a

discharger and deals with matters of performance of compliance with this chapter for which enforcement activity relating to an alleged violation is the subject, receipt of a discharger's request shall not stay enforcement proceedings pending. Appeal of any final judicial order entered pursuant to this chapter may be taken in accordance with local and State law. (Ord. 2645, 1993; Ord. 2386 Exh. A (part), 1985, §13.20.670).

13.22.080 Temporary state of non-compliance

Any discharger which experiences an upset in operations which places the discharger in a temporary state of noncompliance with this chapter shall inform the City thereof within twenty-four hours of first awareness of the commencement of the upset. Where such information is given orally, a written follow-up report thereof shall be filed by the discharger with the City within five days. The report shall specify:

- A. Description of the upset, the cause thereof and the upset's impact on the discharger's compliance status;
- B. Duration of noncompliance, including exact dates and times of noncompliance, and if the noncompliance continues, the time by which compliance is reasonably expected to occur;
- C. All steps taken or to be taken to reduce, eliminate and prevent recurrence of such an upset or other conditions of noncompliance.

A documented and verified bona fide operating upset shall be an affirmative defense to any enforcement action brought by the City against the discharger for any noncompliance with the chapter which arises out of violations alleged to have occurred during the period of the upset. (Ord. 2645, 1993; Ord. 2386 Exh. A (part), 1985, §13.20.680).

13.22.090 Bypass

- A. Bypass is prohibited, and the control authority may take enforcement action against an industrial user for a bypass, unless:
 1. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 2. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and
 3. The industrial user submitted notices as required under paragraph B of this section.
- B. If an industrial user knows in advance of the need for a bypass, it shall submit prior notice to the City, if possible at least ten days before the date of the bypass.
- C. An industrial user shall submit oral notice of an unanticipated bypass that exceeds applicable pretreatment standards to the City within twenty-four hours from the time the industrial user becomes aware of the bypass. A written submission shall also be provided within five days of the time the industrial user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The City may waive the written report on a case-by-case basis if the oral report has been received within twenty-four hours.
- D. The City may approve an anticipated bypass, after considering its adverse effects, if the City determines that it will meet the three conditions listed in paragraph (A) of this section.
- E. An industrial user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. (Ord. 2645, 1993; Ord. 2551 §4, 1989; §13.20.685).

13.22.100 Civil penalties

Any discharger who violates an order of the City, or who fails to comply with:

- A. Any provision of this chapter, or
- B. Any regulation, rule or permit of the City, issued pursuant to the chapter, shall be liable to the City for a civil penalty. The amount of such civil penalty shall be not less than one thousand dollars per violation. Each day upon which a violation occurs or continues shall constitute a separate violation. Such penalties may be recovered by judicial actions and/or, to the extent permissible by State law, by administrative procedures. (Ord. 2645, 1993; Ord. 2551 §1, 1989; Ord. 2531 §8, 1989 §13.20.690; Ord. 2386 Exh. A (part), 1985, prior code section 13.20.690).

13.22.110 Recovery of costs incurred by the City

Any discharger violating any of the provisions of this chapter who discharges or causes a discharge producing a deposit or obstruction or causes damage to or impairs the City's wastewater disposal system shall be liable to the City for any expense, loss, or damage caused by such violation of discharge. The City shall, by order, bill the discharger for the cost incurred by the City for any cleaning, repair, or replacement work caused by the violation or discharge. Refusal to pay

the assessed costs shall constitute a violation of this chapter, enforceable under the provisions of this chapter. Any costs incurred by the City to enforce the provisions of this chapter, including, but not limited to, verification sampling and analysis, special administrative procedures, site inspections and plan evaluation, which are directly and reasonably attributable to any specific discharger, shall be billed to that discharger.

General administrative costs to implement and maintain the industrial pretreatment program shall be a part of the operation costs of the wastewater system. (Ord. 2645, 1993; Ord. 2386 Exh. A (part), 1985, §13.20.700).

13.22 120 Falsifying information

Any person who knowingly makes any false statement, representation, or certification in any application, record, report, and plan or other document filed or required to be maintained pursuant to this chapter, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter, shall, in addition to civil and/or criminal penalties provided by State law, be guilty of a gross misdemeanor and shall be prosecuted and punished accordingly. (Ord. 2645, 1993; Ord. 2386 Exh. A (part), 1985, §13.20.710).

13.22.130 Records retention

All dischargers subject to this chapter shall retain and preserve for no less than three years, any records, books, documents, memoranda, reports, correspondence and any and all summaries thereof, relating to monitoring, sampling and chemical analyses made by or in behalf of a discharger in connection with its discharge. All records which pertain to matters which are the subject of administrative adjustment or any other enforcement or litigation activities brought by the City pursuant hereto shall be retained and preserved by the discharger until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired. (Ord. 2645, 1993; Ord. 2386 Exh. A (part), 1985, §13.20.730).

Chapter 24

STORM DRAINAGE UTILITY – GENERAL RULES AND REGULATIONS

Sections:

- 13.24.010 Declaration of purpose
- 13.24.020 Flood insurance
- 13.24.030 Property owners to provide storm drainage facilities
- 13.24.040 Storm drainage utility service area
- 13.24.050 Cooperation with Cascade County
- 13.24.060 Coordination with Montana Department of Transportation
- 13.24.070 Storm drainage master plan
- 13.24.080 Submission of a drainage plan
- 13.24.090 Contents of a drainage plan
- 13.24.100 Review and approval of the drainage plan
- 13.24.110 Credit for construction of drainage improvements
- 13.24.120 Responsibility for accepted facilities
- 13.24.130 Applicability to governmental entities
- 13.24.140 Violations--penalties

13.24.010 Declaration of purpose

The City Commission finds that this chapter and Chapter 13.26 are necessary in order to promote sound development policies and construction procedures to preserve the historic, natural or constructed watercourses; to minimize water quality degradation and control the sedimentation of rivers, streams, ponds, lakes and other water bodies; to minimize adverse impacts on property owners adjacent to developing and developed land from increased runoff; to preserve and enhance the aesthetic quality of the waters; to maintain and protect valuable groundwater resources; to minimize adverse effects of alterations on groundwater quantities, locations and flow patterns; to ensure the safety of public roads and rights-of-way; and to decrease drainage-related damage to public and private property. (Ord. 2645, 1993; Ord. 2529 (part), 1989, §13.24.010).

13.24.020 Flood insurance

Floods from storm drainage may occasionally occur which exceed the capacity of storm drainage facilities constructed and maintained using funds made available under this Code. This Code does not imply that property liable for the rates and charges established in this Code will always be free from storm drainage flooding or flood damage. This Code does

not purport to reduce the need or the necessity for the owner obtaining flood insurance and protecting his/her property from storm drainage. (Ord. 2645, 1993; Ord. 2529 (part), 1989, §13.24.020).

13.24.030 Property owners to provide storm drainage facilities

The City Commission further finds, determines and declares under all attendant circumstances that the owners of property within storm drainage basins in the City service area shall provide the storm drainage facilities necessary for the drainage and control of floodwaters and surface waters within storm drainage basins and shall provide the facilities required to convey such waters from the storm drainage basin to major drainage ways. Therefore, the cost of installing storm drainage facilities in the service area shall be charged in whole or in part against the lands in the service area. The City Commission further finds, determines and declares that all real property within a service area will be benefited by the installation of storm drainage facilities within the area since the development of elevated lands increases the runoff of storm drainage from such lands, causing increased amounts of storm drainage to flow onto adjoining lands of lower elevation. The owner of such elevated land shall share in the cost of improvements to reduce the possibility of such increased runoff from doing damage to other lands. To the extent possible, the rates charged by the storm drainage utility shall take into account the amount of storm drainage which will run off such lands. (Ord. 2645, 1993; Ord. 2529 (part), 1989, §13.24.030).

13.24.040 Storm drainage utility service area

A. See Title 13, Section 13.02.080.

B. The City reserves the right to plan for drainage improvements outside the service area. The City may also construct storm drain improvements out of the service area, when needed as an integral part of the storm drain facilities located within the service area. (Ord. 2645, 1993; Ord. 2529 (part), 1989, §13.24.040).

13.24.050 Cooperation with Cascade County

The City shall, in all ways and within the limits of its powers, solicit Cascade County to cooperate in providing drainage facilities in storm drainage basins, or parts thereof, extending outside the City and in general to carry out the drainage plan developed therein. Maps showing all storm drainage basins and proposed facilities shall be furnished to the Cascade County Commission for use in this matter. (Ord. 2645, 1993; Ord. 2529 (part), 1989, § 13.24.060).

13.24.060 Coordination with Montana Department of Transportation

The City shall solicit the Department of Transportation's financial participation in all storm drainage improvements constructed on or impacted by federal aid routes within the City limits. This solicitation shall be in accordance with the current City-State Storm Drainage Agreement. (Ord. 2645, 1993)

13.24.070 Storm drainage master plan

The storm drainage master plan, dated February 1989, and prepared by Thomas, Dean & Hoskins, Inc. of Great Falls, MT, is adopted by reference and declared to be a part of this Code. The plan is on file in the office of the City Clerk. The City may adopt additional master drainage plans by reference and declare them to be a part of this Code and copies of such master drainage plans shall be on file in the office of the City Clerk. Modifications to the plans may be initiated by the Public Works Director and submitted to the City Commission for approval. Approved modifications shall be filed in the office of the City Clerk. (Ord. 2645, 1993; Ord. 2529 (part), 1989; §13.24.070)).

13.24.080 Submission of a drainage plan

A. All developers applying for any of the following permits and/or approvals shall submit for approval a drainage plan prepared by a professional engineer with their application and/or request:

1. Major subdivision plat approval;
2. Minor subdivision plat approval;
3. Zone change applications to accommodate multi-family, business or industrial use;
4. Conditional use permits;
5. Building permits where the permit relates to fifteen thousand or more square feet of development coverage within the property, or where development is in a critical area as determined by the City Engineer;
6. Planned (unit) Development (PUD).

B. Commencement of construction work under any of the above permits or applications shall not begin until such time as final approval of the drainage plan is obtained in accordance with the ordinance codified in this chapter.

C. The same plan submitted during one permit/approval process may be subsequently submitted with further required applications. The plan shall be supplemented with such additional information as may be requested by the Director of Public Works.

- D. The plan requirement established in this section will apply except when the developer demonstrates to the satisfaction of the Director of Public Works and/or ~~City County~~ **Planning Advisory Board** that the proposed activity or development:
1. Will neither seriously nor adversely impact the water quality conditions of any affected receiving bodies of water; and
 2. Will not alter the surface discharge location, alter the drainage pattern on adjoining properties, alter drainage patterns, increase the discharge, nor cause any other adverse effects in the drainage; and
 3. Will not alter the subsurface drainage patterns, flow rates, and discharge points, nor result in any significant adverse effects to property or residents. (Ord. 2645, 1993; Ord. 2529(part), 1989, §13.24.080).

13.24.090 Contents of a drainage plan

Drainage plans shall be prepared in accordance with the City of Great Falls Storm drainage Design Criteria Manual - 1990 and shall be consistent with the criteria set forth in this chapter. (Ord. 2645, 1993; Ord. 2529 (part), 1989, §13.24.090).

13.24.100 Review and approval of the drainage plan

- A. All storm drainage plans prepared in connection with any of the permits and/or approvals listed in Section 13.24.070 shall be submitted for review by and approval of the Director of Public Works.
- B. At the time of approval of the drainage plan for the subject property, a schedule for inspection of construction and facilities will be established by the Director of Public Works. (Ord. 2645, 1993; Ord. 2529 (part), 1989, §13.24.100).

13.24.110 Credit for construction of drainage improvements

- A. If the storm drainage utility requires a developer to construct storm drainage facilities that serve more than that development and are identified in the storm drain master plan, a portion of the actual costs incurred may be eligible for reimbursement from the storm drainage fund. To be eligible for reimbursement, prior to final approval of the development agreement, the developer must submit to the storm drainage utility a report detailing the proposed improvements and obtain the City's approval of the report. The report must identify all elements of the project eligible for reimbursement and include a detailed project description, a project bid form with estimated quantities, units prices, engineering design and construction management costs. The report must also provide an accurate quantity and cost delineation between the proposed storm drainage improvements necessary to meet the standard requirements of the development.
- B. The books and records of the developer relating to the storm drainage facilities for which the utility is providing reimbursement shall be open to the City at all reasonable times for the purpose of audit and/or verification of costs. The Director of Public Works will recommend inclusion of the cost of improvements eligible for reimbursement in the next available budget submittal to the City Commission. Upon approval and appropriation by the City Commission, such costs will be reimbursed from the storm drainage fund. (Ord. 2645, 1993; Ord. 2529 (part), 1989, §13.24.110).

13.24.120 Responsibility for accepted facilities

All storm drainage facilities constructed, installed or provided hereunder within public right-of-way shall, upon acceptance by the City, become the property of the City, and the City thereafter shall be responsible for the operation and maintenance of the facilities. The City shall maintain all accepted public storm drainage facilities located within City-owned land, City rights-of-way and City easements. The City has the option to maintain other accepted public storm drainage facilities located within or adjacent to the City. Such public facilities include, but are not limited to, open drainage ways and piped drainage ways constructed, expressly for use by the general public and as a part of the City storm drainage facilities, bridges, roadside drainage ditches and gutters, flood control facilities, including detention and retention basins, dikes, overflow channels, pump stations, etc., that have been designed and constructed expressly for use by the public. Such public storm drainage facilities exclude facilities not accepted by the City for maintenance. (Ord. 2645, 1993; Ord. 2529 (part), 1989, §13.24.120).

13.24.130 Applicability to governmental entities

- A. All governmental entities shall be required to submit a drainage plan and comply with the terms of the ordinance codified in this chapter when developing and/or improving land including, but not limited to, road construction and reconstruction, and other improvements that can affect storm drainage within the City.
- B. It is recognized that county, state and federal permit conditions may apply to the proposed action and that compliance with the provisions of the ordinance codified in this chapter does not constitute compliance with such requirements. (Ord. 2645, 1993; Ord. 2529 (part), 1989, §13.24.130).

13.24.140 Violations—penalties

Violations of the ordinance codified in this chapter shall subject the violator to a fine in any sum not to exceed five hundred dollars, or imprisonment in the Cascade County Detention Center for a period not to exceed thirty days, or both such fine and imprisonment. As an alternative method of enforcement, the City may initiate an action to enjoin any development undertaken in violation of the ordinance codified in this chapter by making application for an injunction in any court of competent jurisdiction, and also may commence a civil action in any court of competent jurisdiction to recover any penalty provided for in the ordinance codified in this chapter. (Ord. 2645, 1993; Ord. 2529 (part), 1989, §13.24.140).

Chapter 26**STORM DRAINAGE RATES AND CHARGES****Sections:**

13.26.010	Costs--purpose
13.26.020	Operation cost determination
13.26.040	Billing--payment--delinquency—penalty
13.26.060	Delinquent charges – lien upon land

13.26.010 Costs—purpose

The purpose of the rates and charges shall be to generate sufficient revenue to pay all costs for the operation, maintenance, administration and routine functions of the existing City storm drainage facilities and the operation, maintenance and administration of such future storm drainage facilities as may be established within, or without, the service area and to pay for the review of drainage plans, and the design, right-of-way acquisition and construction or reconstruction of storm drainage facilities. All of the proceeds are deemed to be in payment for use of the City storm drainage system. Rates are defined by City resolution. (Ord. 2645, 1993; Ord. 2529 (part), 1989, §13.28.010).

13.26.020 Operation cost determination

The City, or the Director of Public Works, shall determine the total annual cost of operation and maintenance of the storm drainage system. The total annual cost of operation and maintenance shall include, but need not be limited to, labor, repairs, equipment replacement, maintenance, necessary modifications, power, sampling, laboratory tests and a reasonable contingency fund. (Ord. 2645, 1993; Ord. 2529 (part), 1989; §13.28.050).

13.26.040 Billing--payment--delinquency—penalty

The City shall submit to each user a monthly storm drainage service charge billing. Should any user fail to pay the user storm drainage service charge within two months of the due date, the City reserves the right to stop water service to the property. Payment shall be made to the Fiscal Services Department within fifteen days after the billing date. (Ord. 2645, 1993; Ord. 2529 (part), 1989, §13.28.060).

13.26.060 Delinquent charges - lien upon land

- A. Delinquent storm drainage charges shall become a lien on the land against which such charges have been billed and shall be collected in the manner provided for the enforcement and collection of real property taxes, in accordance with provisions of this section and the laws of the State.
- B. On or before July 15 of each year, notice shall be given by the Fiscal Services Department to the owners of all lots or parcels of land in the storm drainage service area who are delinquent in the payment of storm drainage charges billed prior to July 1. Said notice shall specify the assessment owing and in arrears at the time of giving such notice. Such notice shall be in writing and shall state the amount of such arrearage and that unless the same is paid by August 15 thereafter, the same will be levied as a tax against the lot or parcel of real estate against which the storm drainage charge was assessed and for which payment is delinquent. The notice shall also state that the City may be suit collect past-due assessments, interest, penalties, as a debt owing the City, in any court or competent jurisdiction including the Municipal Court. Such notice may be delivered to such owner personally or by letter addressed to such owner at the post-office address of such owner as recorded in the office of the County Assessor.
- C. On or about September 1, the Fiscal Services Director shall certify and file with the County Assessor a list of all lots or parcels of real estate, giving the legal description thereof, to the owners of which notices of arrearage in payments were given and which arrearage still remains unpaid and stating the amount of such arrearage, including any penalty and interest. The County Assessor shall insert the same as a tax against such lot or parcel of real estate. (Ord. 2660; 1993).

Title 15
BUILDING AND CONSTRUCTION

Chapter

- 1 Code Adoption
- 5 International Property Maintenance Code
- 10 Mobile Homes
- 15 International Energy Conservation Code
- 20 International Existing Building Code
- 25 Mechanical Code
- 30 Plumbing Code
- 35 International Fuel Gas Code
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**Chapter 1
CODE ADOPTION**

Sections:

- 15.1.010 Adoption
- 15.1.020 Design Review Board
- 15.1.030 Commission report
- 15.1.040 House moving license
- 15.1.041 Insurance and bond
- 15.1.050 Moving buildings, permit, supervision
- 15.1.060 Moving buildings, permit fee
- 15.1.070 Special inspector
- 15.1.080 Relocated structures
- 15.1.090 Asbestos in building construction

15.1.10 Adoption

The Building code shall be the same edition as adopted by the State. The Building Code is adopted by administrative action per Section 24.301.202 of the Administrative Rules of Montana. The Building Code currently being enforced by the City of Great Falls is on file in the ~~office of~~ **Planning and Community Development Department**. Copies of each are available for inspection. Copies may be obtained from the Department of Labor & Industry, Building Standards Division, Building Codes Bureau, P.O. Box 200517, Helena, MT 59620, at cost plus postage; or the International Code Council (ICC), 4051 West Flossmoor Road, Country Club Hills, IL 60478, www.iccsafe.org. (Ord. 2874, 2004; Ord. 2810, (Exh. A) 2001)

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

24.301.905.

15.1.020 Design Review Board

OCCGF 17.28 establishes the Design Review Board and sets forth its purpose, authority, membership and the process to review Board decisions. The Board will review and approve development proposals for new commercial and multifamily buildings of eight units or more (excluding Planned Unit Developments and Townhouses). (Ord. 2722, 1997)

15.1.030 Commission report

The Building Official shall keep or cause to be kept a record of the number, description, type, occupancy, size and valuation of every building or structure erected in the City during his/her term of office for which certificates or permits are issued. The Building Official shall also make a monthly report on or before the tenth day of each month, of the number of permits and certificates issued and the valuation of structures erected within the corporate limits of the City and of fees collected during the preceding month. (Ord. 2541 §2(Exh. B(part)), 1989).

15.1.040 House moving license

Any person, firm or corporation desiring to move, or engage in the business of moving any house or structure into, out of, or within the City limits shall first obtain a house mover's license, the annual fee for which shall be set by City Commission resolution. (Ord. 2541 §2(Exh. B(part)), 1989).

15.1.041 Insurance and bond

Any person, firm or corporation desiring to obtain a house mover's license shall make application to the **Planning and Community Development Department** and shall supply a commercial general liability insurance policy and license bond as specified by City Commission resolution. Upon approval of the application and payment of the annual fee the license will be issued. (Ord. 2801, 2001; Ord. 2541 §2(Exh. B(part)), 1989).

15.1.050 Moving buildings, permit, supervision

Before any house or structure may be moved into, out of, or within the City, such licensed house movers shall make application for a permit for the moving of each separate house or structure to the Building Official and said Building Official shall inspect the same and the route upon which house or structure is proposed to be moved. All house moving shall be under the supervision of the Building Official of the City; and the Building Official may demand any precaution deemed advisable for the protection of the streets. Any mover shall make their own arrangements with all public utilities, Fire Department, Police Department, Park Department and Montana Department of Highways, either by agreement or under provisions of the State for such moving and shall furnish proof of such agreement on forms supplied by the Building Official. Each application shall furnish proof of compliance with all Montana regulations for such moving. (Ord. 2541 §2(Exh. B(part)), 1989).

15.1.060 Moving buildings, permit fee

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

15.1.070 Special inspector

If the Building Official determines any structure over forty tons requires the services of an inspector while the building is in transit, an additional inspection fee shall be paid for all the time spent on inspection. (Ord. 2541 §2(Exh. B(part)), 1989).

15.1.080 Relocated structures

Whenever said moved structure is to be relocated within the jurisdiction of the City, permits required by this code shall be obtained for such work as is necessary to locate, support, anchor, and supply utilities to the structure. Foundation and/or framing work at the relocated site shall be inspected and approved by the Building Official prior to such structure being placed upon the lot. Buildings or structures moved into or within the City shall comply with the provisions of this

code for new buildings or structures. Demolition of foundation and utility abandonment on the original site shall be as required by razing guidelines. (Ord. 2541. §2(Exh. B(part)), 1989).

15.1.090 Asbestos in building construction

- A. Building Demolitions. All buildings scheduled for demolition which contain asbestos insulation or fireproofing must follow the safeguards listed in Title 50, Chapter 64, Montana Codes Annotated. Periodic inspection with Title 50, Chapter 64, MCA and this section.
- B. Asbestos-Containing Spray Products.
 - 1. "Asbestos-containing spray products" means any fibrated product or compound which is applied to a surface utilizing a spray or pneumatic means of applications, for whatever purpose. "Friable asbestos material" means any material that contains more than one percent asbestos by weight and that can be crumbled, pulverized or reduced to powder, when dry, by hand pressure.
 - 2. The use of asbestos-containing spray products, other than those in which the asbestos fibers are encapsulated with a bituminous or resinous binder and which are not friable after drying, for whatever purpose, in the construction, remodeling, renovation, alteration of a building or structure is prohibited. (Ord. 2541 §2(Exh. B(part)), 1989).

Chapter 5

INTERNATIONAL PROPERTY MAINTENANCE CODE

Section:

15.5.010 Adoption

15.5.010 Adoption

The International Property Maintenance Code, 2003 Edition, is adopted and incorporated by reference with the following amendments: Copies of the code are on file in the office of the City Clerk and are available for inspection. Copies may be obtained from the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478 or their web site www.iccsafe.org.

- A. Subsection 101.1 Title. These regulations shall be known as the International Property Maintenance Code of The City of Great Falls, hereinafter referred to as "this code."
- B. Subsection 102.3 Application of other codes. Amended to read as follows: Strike the title "International Zoning Code" and insert "City of Great Falls' zoning ordinance."
- C. Subsection 103.5 Fees. Strike the words "indicated in the following schedule" and replace with "set by City Commission resolution."
- D. Subsection 110.4 Salvage Materials. Deleted.
- E. Subsection 201.3 Terms defined in other codes. Shall read as follows: "Where terms are not defined in this code and are defined in the International Building Code, Uniform Fire Code, Uniform Plumbing Code, International Mechanical Code, International Existing Building Code or the National Electrical Code, such terms shall have the meanings ascribed to them as in those codes".
- F. Subsection 302.4 Weeds. Shall read as follows: "All premises and exterior property shall be maintained free from weeds or plant growth in excess of eight (8") inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens." Second paragraph is deleted.
- G. Subsection 302.8 Motor Vehicles. Deleted.
- H. Subsection 304.14 Insect Screens. Specify time period of May 1st to October 1st.
- I. Subsection 505.1 General. Strike reference to the "International Plumbing Code" and replace with "Uniform Plumbing Code."
- J. Subsection 602.2 Residential occupancies. Shall read as follows: Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.
- K. Subsection 602.3 Heat supply. Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guestroom on terms, either expressed or implied, to furnish heat to the

occupants thereof shall supply heat to maintain a temperature of not less than 68°F (20°C) in all habitable rooms, bathrooms, and toilet rooms. Exception #1 is deleted. (Ord. 2874, 2004; Ord. 2864, 2003; Ord. 2748, 1998; Ord. 2710 Exh. A), 1996; Ord. 2651 (Exh. B), 1993; Ord. 2627 §1(Exh B) 1992; Ord. 2538 §2(Exh. B), 1989).

**Chapter 10
MOBILE HOMES¹**

Sections:

- 15.10.010 Purpose
- 15.10.040 Unsafe structures and utilities--designated
- 15.10.050 Unsafe structures and utilities--abatement--notice
- 15.10.060 Building official--decision
- 15.10.070 Appurtenances--installation
- 15.10.080 Footing
- 15.10.090 Pier
- 15.10.100 Cap
- 15.10.110 Shim
- 15.10.120 Foundations and piers--use approval
- 15.10.150 Skirting requirements
- 15.10.160 Permit--fees

15.10.010 Purpose

The purpose of this regulation is to provide minimum standards to safeguard life and limb, health, property and public welfare by regulating and controlling use and occupancy of all mobile homes, trailer homes, trailers or any similarly named structure within the City. (Ord. 2874, 2004; Prior code §4-7-1); Ord. 2651 (Exh. B), 1993).

15.10.040 Unsafe structures and utilities—designated

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

- A. Unsafe Structure. An unsafe structure is one which constitutes a fire hazard or hazard to life, health, property or public welfare by reason of use, inadequate maintenance or dilapidation or abandonment. However, without limitations of the foregoing, any structure in which any one or more of the following conditions exists shall be deemed conclusively to be an unsafe structure:
 - 1. Those which show damage or deterioration of the non-supporting enclosing or outside walls or covering to such an extent that they will not resist the wind pressure or lateral forces all in accordance with the standards adopted in this chapter;
 - 2. Those in which the loads upon the floors or roof exceed the maximum design limits;
 - 3. Those in which parts thereof are so attached that they may fall and cause injury to persons or personal property.
- B. Unsafe Utility. An unsafe utility is one which constitutes a fire hazard or hazard to life, health, property or public welfare by reason of use, construction, quality of material or inadequate maintenance or dilapidation. However, without limitation of the foregoing, any utility in which any one or more of the following conditions exists shall be deemed to be an unsafe utility:
 - 1. Gas fired, oil fired or solid fuel fired appliances, devices or other apparatus which have any of the following defects:
 - a. Broken or cracked heat exchangers,
 - b. Defective or deteriorated vents, venting or flues which permit leakage of the flue gas through the walls,
 - c. Defective fuel supply lines,
 - d. Insufficient air supply for combustion of the fuel,
 - e. Defective or improperly installed and/or adjusted controls and appurtenances or a lack of such required controls,

¹For provisions on mobile home parks, see ~~Ch. Title 17.87~~ of this Code.

- f. Equipment locations which constitute a fire or explosive hazard,
- g. Defective or improperly -installed equipment.

15.10.050 Unsafe structures and utilities--abatement--notice

- A. If after inspection of the structure it is determined to be unsafe, it is a nuisance and shall be abated by removal, upon written notice by the Building Official or duly authorized representative to the person or persons having a record title therein.
- B. If the owner of any unsafe structure fails to carry out removal required to be carried out by the written notice within ninety days after receipt of the notice, the Building Official or authorized agent shall cause to be posted upon the structure a warning notice declaring the structure to be unsafe for human occupancy, and he/she shall order all utilities disconnected until such unsafe condition has been abated.
- C. Failure to comply with the abatement of the unsafe structure shall constitute a violation of this chapter, and the owner shall be subject to the penalties of Chapter 1.04.070. (Ord. 2874, 2004; Prior code §5-7-3 (B)).

15.10.060 Building official—decision

Any decision or order issued by the Building Official may be appealed to the Board of Appeals. If such order of the Building Official is sustained or modified by the Board of Appeals, such decision shall be deemed final. (Ord. 2874, 2004; Prior code §4-7-3(C)).

15.10.070 Appurtenances—installation

- A. Footings, piers, caps and shims shall be installed directly under the main frame or chassis of the mobile home according to the manufacturer's recommendations so long as those recommendations meet the minimum standards set out in this section and Sections 15.10.080 through 15.10.120.
- B. All footings, piers, caps and shims shall be located under both frame rails and shall be installed so the longest dimension of each piece of material used for the construction of a pier and of each footing, cap and shim is parallel with the ground and perpendicular to the frame rail. Those nearest each end of the mobile home shall be within five feet from the end of the home, and shall have a maximum spacing of ten feet on the centers.
- C. All grass and organic material shall be removed from beneath the footings. (Ord. 2874, 2004; Prior code §4-7-4(part)).

15.10.080 Footing

- A. A footing is that portion of the blocking between the ground and the frame rail which spreads and transmits loads directly to the soil.
- B. All footings shall be of a material impervious to rot which has a minimum weight bearing ability equal to or greater than a solid piece of wood having minimum nominal dimensions of 2" x 12" x 18".
- C. Each footing may be constructed from more than one piece of material, provided that each piece of material has minimum nominal dimensions of not less than 2" x 12" x 18", unless smaller dimensions are approved by the section prior to use.
- D. All footings shall be at least four inches longer and four inches wider than the pier resting upon it, unless smaller dimensions are approved by the section prior to use. (Ord. 2874, 2004; Prior code §4-7-4(part)).

15.10.090 Pier

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

- E. A pier more than eight inches in height may be constructed of more than one piece of material having minimum nominal dimensions of eight inches wide, eight inches high, and sixteen inches long, provided that the pieces fit flush, one to another. (Ord. 2874, 2004; Prior code §4-7-4 (part)).

15.10.100 Cap

- A. A cap is a covering structure that is placed between the pier and shim to provide a surface on which the shims may rest so as to transmit the mobile home load uniformly to the pier bearing surface.
- B. All piers shall be topped with a cap not more than four inches in height and not less than eight nominal inches wide and sixteen inches long.
- C. Each cap shall be constructed of the same material throughout and may be constructed of more than one piece of material each having minimum nominal dimensions of 1" x 8" x 16". (Ord. 2874, 2004; Prior code §4-7-4(part)).

15.10.110 Shim

- A. A shim is a thin tapered slip of wood or metal used to fill in between the cap and mobile home chassis for the purpose of leveling the mobile home.
- B. All shims shall be four inches or less in thickness and wide enough to provide bearing over the width of the cap.
- C. The shims shall be driven tight between the cap and the frame rail to provide uniform bearing and leveling. (Ord. 2874, 2004; Prior code §4-7-4(part)).

15.10.120 Foundations and piers--use approval

Other types of piers and foundations, including heavy metal adjustable screw columns, of equal performance and weight bearing ability may be used when approved by the administrative authority. Tie-downs shall be provided to resist overturning caused by seismic or wind loadings. (Ord. 2874, 2004; Ord. 2335, 1983: prior code §4-7-4(part)).

15.10.150 Skirting requirements

All mobile homes placed upon mobile home zoned lots shall have the space below the mobile home skirted by weatherproof materials compatible with the exterior design of the mobile home. When such skirting is placed around a mobile home that has combustion air for the furnace and hot water tank taken from beneath the unit, provision shall be taken to louvre the air intake to outside of the skirt. A proper louvre shall be placed over the intake to prevent the entrance of birds and rodents. (Ord. 2874, 2004; Prior code §4-7-7).

15.10.160 Permit—fees

A fee for each permit to place a mobile home on a lot outside of a licensed trailer court shall be paid to the ~~Department of Planning and Community Development~~ **Department of Planning and Community Development** and the fee therefore shall be as set by City Commission resolution. (Ord. 2874, 2004; Ord. 2280 §1, 1981: prior code §4-7-8).

Chapter 15 INTERNATIONAL ENERGY CONSERVATION CODE

Section:

15.15.010 Adoption

15.15.010 Adoption

The International Energy Conservation Code shall be the same edition as adopted by the State. The International Energy Conservation Code is adopted by administrative action per section 24.301.202 of the Administrative Rules of Montana. The International Energy Conservation Code currently being enforced by the City of Great Falls is on file in the ~~office of Planning and Community Development~~ **Department of Planning and Community Development**. Copies of each are available for inspection. Copies may be obtained from the Department of Labor & Industry, Building Standards Division, Building Codes Bureau, P.O. Box 200517, Helena, MT 59620, at cost plus postage; or the International Code Council (ICC), 4051 West Fossmoor Road, Country Club Hills, IL 60478, www.iccsafe.org. (Ord. 2887, 2004; Ord. 2874, 2004; Ord. 2818, 2002; Ord. 2810, (Exh. A), 2001).

Chapter 20
INTERNATIONAL EXISTING BUILDING CODE

Section:

15.20.010 Adoption

15.20.010 Adoption

The International Existing Building Code shall be the same edition as adopted by the State. The International Existing Building Code is adopted by administrative action per Section 24.301.202 of the Administrative Rules of Montana. The International Existing Building Code currently being enforced by the City of Great Falls is on file in the ~~office of~~ **Planning and Community Development Department**. Copies of each are available for inspection. Copies may be obtained from the Department of Labor & Industry, Building Standards Division, Building Codes Bureau, P.O. Box 200517, Helena, MT 59620, at cost plus postage; or the International Code Council (ICC), 4051 West Flossmoor Road, Country Club Hills, Ill 60478, www.iccsafe.org. (Ord. 2874, 2004; Ord. 2818, 2002; Ord. 2779, 2000; Ord. 2748, 1998; Ord. 2710, 1996; Ord. 2651, 1993; Ord 2626, 1992; Ord. 2591, 1991)

Chapter 25
MECHANICAL CODE

Section:

15.25.010 Adoption

15.25.010 Adoption

The Mechanical Code shall be the same edition as adopted by the State. The Mechanical Code is adopted by administrative action per Section 24.301.202 of the Administrative Rules of Montana. The Mechanical Code currently being enforced by the City of Great Falls is on file in the ~~office of~~ **Planning and Community Development Department**. Copies of each are available for inspection. Copies may be obtained from the Department of Labor & Industry, Building Standards Division, Building Codes Bureau, P.O. Box 200517, Helena, MT 59620, at cost plus postage; or the International Code Council (ICC), 4051 West Flossmoor Road, Country Club Hills, IL 60478, www.iccsafe.org. (Ord. 2874, 2004; Ord. 2810, 2001; Ord. 2748, 1998; Ord. 2723, 1997; Ord. 2710, 1996; Ord. 2651, 1993; Ord. 2625, 1991; Ord. 2589, 1991; Ord. 2536, 1989).

Chapter 30
PLUMBING CODE

Sections:

15.30.010	Adoption	15.30.031	Fee--plumber's license
15.30.012	Definition	15.30.050	Homeowner's permit
15.30.016	Permit Fees	15.30.051	Medical gas requirements
15.30.020	Plumbing requirements	15.30.052	Contractor licensing
15.30.021	Contractor licensing	15.30.053	Application
15.30.022	Application	15.30.054	Insurance and bond
15.30.023	Insurance and bond	15.30.055	Fee
15.30.024	License term	15.30.056	Medical gas systems licensing
15.30.025	Fee	15.30.057	Fee--medical gas systems Licensing
15.30.026	Permit issuance	15.30.060	Violation--penalty
15.30.030	Plumbers' licensing		

15.30.010 Adoption

The Plumbing Code shall be the same edition as adopted by the State. The Plumbing Code is adopted by administrative action per Section 24.301.202 of the Administrative Rules of Montana. The Plumbing Code currently being enforced by the City of Great Falls is on file in the ~~office of~~ **Planning and Community Development Department**. Copies of

each are available for inspection. Copies may be obtained from the Department of Labor & Industry, Building Standards Division, Building Codes Bureau, P.O. Box 200517, Helena, MT 59620, at cost plus postage; or the International Association of Plumbing and Mechanical Officials (IAPMO), 20001 Walnut Drive South, Walnut, CA 91789-2825. (Ord. 2874, 2004; Ord. 2818, 2002; Ord. 2810, 2001; Ord. 2781, 2000; Ord. 2748, 1998; Ord. 2711, 1996; Ord. 2651, 1993; Ord. 2624, 1992; Ord. 2540, 1989).

15.30.012 Definition

Authority having jurisdiction referred to in this code shall be the Building Official as defined in the International Building Code. (Ord. 2874, 2004; Ord. 2540 §2(Exh. B(part)), 1989).

15.30.016 Permit fees

Section 103.4 Fees: Shall be as specified by City Commission resolution. (Ord. 2874, 2004; Ord. 2818, 2002).

15.30.020 Plumbing requirements

For purposes of definition plumbing shall involve all sections of the Uniform Plumbing Code, except Chapter 12, Fuel gas piping. (Ord. 2874, 2004; Ord. 2540 §2(Exh. B(part)), 1989).

15.30.021 Contractor licensing

Any person, firm or corporation who engages in the business of installation, alteration, maintenance or repair of plumbing and drainage systems is required to have a plumbing contractor's license. (Ord. 2874, 2004; Ord. 2540, 1989).

15.30.022 Application

An applicant for a plumbing contractor's license shall show evidence that the applicant, or at least one member of the firm or corporation, is the holder of a current master plumber's license issued by the State of Montana. (Ord. 2874, 2004; Ord. 2540 §2(Exh. B(part)), 1989).

15.30.023 Insurance and bond

All applicants for licensing shall file with the **Planning and** Community Development Department a commercial general liability insurance policy issued by an insurance carrier authorized to do business in the State, with limits established by City Commission resolution. Additionally, a license bond in the amount established by City Commission resolution shall be supplied to guarantee compliance with all laws and regulations applicable relative to the license and permits issued. (Ord. 2874, 2004; Ord. 2801; 2001; Ord. 2711 (Exh. A), 1996; Ord. 2540 §2(Exh. B(part)), 1989).

15.30.024 License term

All licenses issued under the provisions of this chapter shall be for the calendar year beginning January 1st and expiring on December 31st. Renewals or new applicants applying after the expiration date shall pay fees as specified for the full year. Exception: Applications after December 1st will receive licenses valid for the remainder of the year plus the next calendar year. (Ord. 2874, 2004; Ord. 2540 §2(Exh. B(part)), 1989).

15.30.025 Fee

The fee for issuance of a plumbing contractor's license shall be as set by City Commission resolution for the term specified in Section 15.30.024. (Ord. 2874, 2004; Ord. 2711 (Exh. A), 1996; Ord. 2540 §2(Exh. B(part)), 1989).

15.30.026 Permit issuance

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

15.30.030 Plumber's licensing

Any person engaged in the trade or calling of journeyman plumber in the City is required to have a plumber's certificate. (Ord. 2874, 2004; Ord. 2540 §2(Exh. B(part)), 1989).

15.30.031 Fee--plumber's license

A fee as set by City Commission resolution shall be paid for each initial certificate upon evidence of a current journeyman plumber's license issued by the State. The fee for each renewal shall be as set by City Commission resolution. Such license shall be valid as per Section 15.30.024. (Ord. 2874, 2004; Ord. 2711 (Exh. A), 1996; Ord. 2566 §2, 1990; Ord. 2540 §2(Exh. B(part)), 1989).

15.30.050 Homeowner's permit

An owner of a single-family residence used exclusively for personal use, may install all sanitary plumbing or potable water supply piping. The standard fee schedule applies to all permits obtained under this article of the Code. (Ord. 2874, 2004; Ord. 2711 (Exh. A), 1996; Ord. 2540 §2(Exh. B(part)), 1989).

15.30.051 Medical gas requirements

For purposes of definition medical gas systems shall involve only NFPA 99C Gas and Vacuum Systems current edition. (Ord. 2926, 2006; Ord. 2874, 2004; Ord. 2761, 1999)

15.30.052 Contractor licensing

Any person, firm or corporation who engages in the business of installation, alteration, maintenance or repair of medical gas systems is required to have a medical gas systems contractors license. (Ord. 2874, 2004; Ord. 2761, 1999)

15.30.053 Application

An applicant for a medical gas systems contractors license shall show evidence that the applicant, or at least one member of the firm or corporation, is the holder of a current medical gas certificate. (Ord. 2874, 2004; Ord. 2761, 1999)

15.30.054 Insurance and bond

An applicant for a medical gas systems contractor's license shall meet the requirements of Section 15.30.023. (Ord. 2874, 2004; Ord. 2761, 1999)

15.30.055 Fee

The fee for issuance of a medical gas systems contractor's license shall be as set by City Commission resolution. (Ord. 2874, 2004; Ord. 2761, 1999)

15.30.056 Medical gas systems licensing

Any person engaged in the installation, alteration, maintenance or repair of medical gas systems in the City is required to have a medical gas certificate. (Ord. 2874, 2004; Ord. 2761, 1999)

15.30.057 Fee--medical gas systems licensing

A fee as set by City Commission resolution shall be paid for each initial certificate upon evidence of a current medical gas endorsement issued by the State. The fee for each renewal shall be as set by City Commission resolution. Such certificate shall be valid as per section 15.30.024. (Ord. 2874, 2004; Ord. 2761, 1999)

15.30.060 Violation—penalty

Any person, firm or corporation found guilty of violating any of the applicable provisions of this chapter shall be liable to penalty as prescribed by Chapter 1.4.070 of this Code. (Ord. 2874, 2004; Ord. 2540 §2(Exh. B(part)), 1989).

**Chapter 35
INTERNATIONAL FUEL GAS CODE**

Sections:

15.35.010	Adoption	15.35.030	Fee
15.35.012	Definition	15.35.031	Gas fitters licensing
15.35.020	Permit Fees	15.35.040	Application
15.35.021	Fuel gas piping requirements	15.35.041	Fee—gas fitters license
15.35.022	Contractor licensing	15.35.042	License term
15.35.023	Application	15.35.050	Permit issuance
15.35.024	Insurance and bond	15.35.060	Violation--penalty

15.35.010 Adoption

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

15.35.012 Definition

The code official referred to in this code shall be the Building Official as defined in the International Building Code. (Ord. 2874, 2004)

15.35.020 Permit fees

Section 106.5.2 Fee schedule. Shall be as specified by City Commission resolution. (Ord. 2874, 2004)

15.35.021 Fuel Gas piping requirements

For purposes of definition fuel gas piping shall involve only the International Fuel Gas Code. (Ord. 2874, 2004)

15.35.022 Contractor licensing

Any person, firm or corporation who engages in the business of installation, alteration, maintenance or repair of gas piping systems is required to have a gas fitting contractor’s license. (Ord. 2874, 2004; Ord. 2569 §2(Exh. B(part)), 1990).

15.35.023 Application

An applicant for a gas fitting contractor's license shall show evidence that the applicant, or at least one member of the firm or corporation, is the holder of a current gas fitters certificate. (Ord. 2874, 2004; Ord. 2569 §1(Exh. B(part)), 1990).

15.35.024 Insurance and bond

An applicant for a gas fitting contractor’s license shall meet the requirements of Section 15.30.023. (Ord. 2874, 2004; Ord. 2801, 2001; Ord. 2592 §2(part), 1991)

15.35.030 Fee

The fee for issuance of a gas fitting contractor's license shall be as set by City Commission resolution. (Ord. 2874, 2004; Ord. 2711 (Exh. A), 1996; Ord. 2569 §2(Exh. B(part)), 1990).

15.35.031 Gas fitters licensing

Any person engaged in the trade or calling of gas fitter in the City is required to have a gas fitters certificate. (Ord. 2874, 2004; Ord. 2569 §2(Exh. B(part)), 1990).

15.35.040 Application

A person desiring a gas fitting license shall make application to the Building Official to schedule a time and place for an appropriate examination to determine the qualifications of the applicant. A fee of twenty dollars shall be paid for each examination. The examination shall be administered by the person responsible for gas installation inspections, who will certify the results to the Building Official. Examination is required for each initial application and is not required for renewal of the license, unless the license has been expired for more than thirty calendar days. Adequate proof of experience in the field of gas fitting or related trades shall be submitted prior to the date of examination. Proof of experience shall include affidavits from previous employers themselves in the business of plumbing, pipe fitting or gas fitting totaling a minimum of two years. (Ord. 2874, 2004; Ord. 2569 §1(Exh. B(part)), 1990).

15.35.041 Fee--gas fitters license

Upon successful completion of the examination, an initial certificate shall be issued. The fee shall be as set by City Commission resolution for each renewal. Such license shall be valid as per Section 15.30.024. (Ord. 2874, 2004; Ord. 2711 (Exh. A), 1996; Ord. 2569 §2(Exh. B(part)), 1990).

15.35.042 License term

All licenses issued under the provisions of this chapter shall be for the calendar year beginning January 1st and expiring on December 31st. Renewals or new applicants applying after the expiration date shall pay fees as specified for the full year. (Ord. 2874, 2004; Ord. 2569 §2(Exh. B(part)), 1990).

15.35.050 Permit issuance

Only a gas fitting contractor licensed under this chapter shall be eligible to obtain a permit for fuel gas piping systems. (Ord. 2874, 2004; Ord. 2569 §2(Exh. B(part)), 1990).

15.35.060 Violation—penalty

Any person, firm or corporation found guilty of violating any of the provisions of this chapter shall be liable to penalty as prescribed by Chapter 1.4.070 of this Code. (Ord. 2874, 2004; Ord. 2592 §2(part), 1991).

**Chapter 40
ELECTRICAL CODE**

Sections:

- 15.40.010 Adoption
- 15.40.020 Electrical contractor's license
- 15.40.021 Application for City electrical contractor's license
- 15.40.022 Insurance and bond
- 15.40.023 License term
- 15.40.024 Fee
- 15.40.030 Homeowner electrical permit
- 15.40.031 Application--homeowner's permit
- 15.40.040 Individual Wiring Certificate
- 15.40.041 Application--individual wiring certificate
- 15.40.042 Fee--individual wiring certificate
- 15.40.050 Electrical permit issuance
- 15.40.051 Permit fees
- 15.40.060 Violation—penalty

15.40.010 Adoption

The Electrical Code shall be the same edition as adopted by the State. The Electrical Code is adopted by administrative action per Section 24.301.202 of the Administrative Rules of Montana. The Electrical Code currently being enforced by the City of Great Falls is on file in the ~~office of~~ **Planning and Community Development Department**. Copies are available for inspection. Copies may be obtained from the Department of Labor & Industry, Building Standards Division, Building codes Bureau, P.O. Box 200517, Helena, MT 59620, at cost plus postage; or the National Fire Protection Association, Inc., #1 Battery march Park, Quincy, Massachusetts, 02269, www.necdirect.org. (Ord. 2874, 2004; Ord. 2818, 2002; Ord. 2810 (Exh. A), 2001; Ord. 2723, 1997; Ord 2666, 1994; Ord. 2651, 1993; Ord. 2592, 1991).

15.40.020 Electrical contractor's license

Any person, firm, or corporation engaging in the business or installation, alteration, maintenance or repair of electrical equipment in the City is required to have a City Electrical Contractor's License. This does not apply to the installation, alteration, or repair of electrical signal or communications equipment owned or operated by a public utility or the City. (Ord. 2874, 2004; Ord 2592 §2(part), 1991).

15.40.021 Application for City electrical contractor's license

- A. An applicant for an electrical contractor's license shall apply to the Building Official, and shall show evidence that:
 - (1) all work is under the direction, control, and supervision of a licensed master electrician, or (2) under the direction, control and supervision of a journeyman electrician for residential construction consisting of less than five living units in a single structure. Journeyman, master and residential electricians are as defined and licensed under authority of Montana Codes Annotated 37-68 and hold a current contractor's license issued by the State.
- B. The applicant shall also file an insurance policy or certificate as required by Section 15.40.022. (Ord. 2874, 2004; Ord. 2592 §2(part), 1991).

15.40.022 Insurance and bond

- A. All applicants for licensing shall file with the **Planning and Community Development Department** a commercial general liability insurance policy or certificate of same, issued by an insurance carrier authorized to do business in the State, with limits established by City Commission resolution. Such limits shall be minimums and shall be in force through the term of the license.
- B. All new electrical contractors will be required to post a license bond in an amount established by City Commission resolution to guarantee compliance with all laws and regulations relative to the license and permits issued for the first two years of business. If performance under the bond is satisfactory, the Board of Appeals may release the contractor from further posting of the bond. Additionally, if an electrical contractor is not performing satisfactory work and has no license bond, the Board of Appeals shall conduct a hearing to determine if a license bond shall be required to be posted and determine the period of the posting. (Ord. 2874, 2004; Ord. 2801, 2001; Ord. 2592 §2(part), 1991).

15.40.023 License term

All licenses issued under the provisions of this chapter shall be for the calendar year beginning January 1st and expiring on December 31st. Renewals or new applicants applying after the expiration date shall pay fees as specified for the full year.

Exception: Applications after December 1st will receive licenses valid for the remainder of the year plus the next calendar year. (Ord. 2874, 2004; Ord. 2592 §2(part), 1991).

15.40.024 Fee

The fee for issuance of an electrical contractor's license shall be set by City Commission resolution. (Ord. 2874, 2004; Ord. 2592 §2(part), 1991).

15.40.030 Homeowner electrical permit

An individual may obtain an electrical permit for doing electrical work on his own property or residence; provided, that said property or residence is maintained for his own use. The electrical work shall be done by the owner or a member of the family residing at the same address. Any other individual(s) performing work under the electrical permit are in violation of this Code. (Ord. 2874, 2004; Ord. 2592 §2(part), 1991).

15.40.031 Application--homeowner's permit

Every person desiring a homeowner's permit under the provisions of Section 15.40.030 shall first file an application for registration, which application shall set forth the location of the building where the work is proposed to be done, state that the applicant is the owner of said building, and attest to understanding applicable provisions of this chapter and electrical codes. Permit fees shall be established by City Commission resolution. (Ord. 2874, 2004; Ord. 2592 §2(part), 1991).

15.40.040 Individual wiring certificate

Any person who is or in the future may become engaged in the trade or calling of a journeyman or residential electrician in the installation or repair of electrical equipment in the City is required to have an individual wiring certificate. (Ord. 2874, 2004; Ord. 2592 §2(part), 1991).

15.40.041 Application--individual wiring certificate

An applicant for an individual wiring certificate shall submit evidence that such person is the holder of a current license issued by the State to engage in the trade or calling of residential electrician, journeyman electrician, or master electrician, as defined by Chapter 37, Montana Codes Annotated. (Ord. 2874, 2004; Ord. 2592 §2(part), 1991).

15.40.042 Fee--individual wiring certificate

The fee shall be established by resolution of the City Commission. (Ord. 2874, 2004; Ord. 2592 §2(part), 1991).

15.40.050 Electrical permit issuance

Electrical permits may be issued only to a person, firm or corporation qualified or licensed under Chapter 68, Montana Codes Annotated and this chapter or to individuals qualifying as homeowners in Section 15.40.030. (Ord. 2874, 2004; Ord. 2592 §2(part), 1991).

15.40.051 Permit fees

Electrical permit fees shall be collected as set by City Commission resolution. (Ord. 2874, 2004)

15.40.060 Violation—penalty

Any person, firm or corporation found guilty of violating any of the provisions of this chapter shall be liable to penalty as prescribed by Chapter 1.4.070 of this Code. (Ord. 2874, 2004; Ord. 2592 §2(part), 1991).

**Chapter 50
FIRE CODE**

Sections:

- 15.50.010 Uniform Fire Code--adoption
- 15.50.040 Definitions
- 15.50.060 Bureau of Fire Prevention--established--duties
- 15.50.080 Uniform Fire Code--amendments
- 15.50.100 Pipes thawed with torch prohibited
- 15.50.140 Violation--penalty

15.50.010 Uniform Fire Code—adoption

A. There is for the purpose of prescribing regulations governing conditions hazardous to life and property from fire, hazardous materials or explosion that certain Code and Standards known as the National Fire Protection Association

1 Uniform Fire Code 2003 edition (2003 NFPA 1/UFC), including Annexes thereof, save and except such portions as are hereinafter deleted, modified or amended by Section 15.50.080.

B. A copy of such Code has been and is now filed in the office of the City Clerk.

C. Copies of the 2003 NFPA 1/UFC may be obtained from the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02169. Information is available upon request from the State Fire Marshal Bureau, Department of Justice, 303 North Roberts, Helena, Montana, 59620. (Ord. 2905, 2005; Ord. 2874, 2004; Ord. 2794, 2001; Ord. 2651 (Exh. B), 1993; Ord. 2455 (part), 1987; Ord. 2429 §2 (part), 1986).

15.50.040 Definitions

Whenever the following words are used in the 2003 NFPA 1/UFC, the following definitions shall apply:

"Chief of the Bureau of Fire Prevention" means the Fire Marshal of the City.

"Corporation counsel" means the City Attorney.

"Jurisdiction" means the City.

"Removal" in relation to storage tanks includes vents and fill pipes and all other incidental hardware. (Ord. 2874, 2004; Ord. 2455 (part), 1987; Ord. 2429 §2(part), 1986).

15.50.060 Bureau of Fire Prevention--established—duties

The 2003 NFPA 1/UFC shall be enforced by the Bureau of Fire Prevention in the Fire Department of the City, which is established and which shall be operated under the supervision of the Fire Chief. (Ord. 2874, 2004)

15.50.080 Uniform Fire Code—amendments

The 2003 NFPA 1/UFC is amended and changed in the following respects:

A. Chapter 1 of the 2003 NFPA 1/UFC is adopted with the following exceptions, additions and amendments:

- a. Section 1.10 Board of Appeals is not adopted; and
- b. 1.12 Permits and Approvals and any other sections of the 2003 NFPA 1/UFC referring to permits is not adopted. This section applies on to 2003 NFPA 1/UFC permitting requirements, not to permitting requirements contained in Montana law. Fees shall be set by Commission resolution.

B. Chapter 10 through 19 of the 2003 NFPA 1/UFC are adopted with the following exceptions, additions and amendments:

- a. Section 10.18 Parade Floats (including all subsections) is not adopted;
- b. Section 10.7.3 False Alarms is not adopted
- c. Section 10.15.1 is not adopted; and
- d. 10.15.9.5 Christmas trees shall be properly treated with an approved flame retardant. The chief may, however, waive this requirement when the tree is fresh (recently harvested) and all other provisions of section 10.15.9 are met. Consideration should also be given to humidity, temperature and the dryness of the tree at the time of setup.
- e. Section 14.15.3 Fire escapes: Existing fire escapes which in the opinion of the chief comply with (1) may be used as one of the required means of egress. The location and anchorage of fire escapes shall be of approved design and construction. 1. Fire escapes shall comply with the following:
 - i. Access from a corridor shall not be through an intervening room;
 - ii. All openings within 10 feet shall be protected by three-fourths-hour fire assemblies;
 - iii. When located within a recess or vestibule, adjacent enclosure walls shall not be less than one hour fire-resistive construction;
 - iv. Egress from the building shall be by a clear opening having a minimum dimension of not less than 29 inches in both height and width. Such openings shall be openable from the inside without the use of a key or special knowledge or effort. The sill of the opening giving access shall not be more than 30 inches above the floor of the building or balcony;
 - v. Fire escape stairways and balconies shall comply with the following requirements:
 1. fire escape stairways and balconies shall support the dead load plus a live load of not less than 100 pounds per square foot and shall be provided with a top and intermediate handrail on each side;
 2. the pitch of the stairway shall not exceed 60 degrees with a minimum width of 18 inches;
 3. treads shall not be less than four inches in width and the rise between treads shall not exceed 10 inches;
 4. all stair and balcony railings shall support a horizontal force of not less than 50 pounds per lineal foot of railing;

5. balconies shall not be less than 44 inches in width with no floor opening other than the stairway opening greater than 5/8 inch in width;
 6. stairway openings in such balconies shall not be less than 22 inches by 44 inches; and
 7. the balustrade of each balcony shall not be less than 36 inches high with not more than nine inches between balusters;
- vi. Fire escapes shall extend to the roof or provide an approved gooseneck ladder between the top floor landing and the roof when serving buildings four or more stories in height having roofs with less than four units in vertical in 12 units horizontal (33.3% slope);
 - vii. Fire escape ladders shall be designed and connected to the building to withstand a horizontal force of 100 pounds per lineal foot; each rung shall support a concentrated load of 500 pounds placed anywhere on the rung. All ladders shall be at least 15 inches wide, located within 12 inches of the building and shall be placed flat wise relative to the face of the building. Ladder rungs shall be ¾ inch in diameter and shall be located 12 inches on center. Openings for roof access ladders through cornices and similar projections shall have minimum dimensions of 30 inches by 33 inches;
 - viii. The lowest balcony shall not be more than 18 feet from the ground;
 - ix. Fire escapes shall extend to the ground or be provided with counterbalanced stairs reaching the ground;
 - x. Fire escapes shall be kept clear and unobstructed at all times and maintained in good working order.
- f. 19.2.1.4 Rubbish within Dumpsters. Dumpsters and containers with an individual capacity of 1.5 yd³ or more shall not be stored in buildings or placed within five feet of combustible wall, openings or combustible roof eave lines.
 - g. 19.2.1.4.2 Structures of Types I and II fire resistive construction used for dumpster or container storage shall be located not less than five feet from openings and other buildings.
- C. Chapters 60 through 73 of 2003 NFPA 1/UFC are adopted with the following exceptions, additions and amendments:
- a. Section 65.9 Storage. The maximum quantities, storage conditions, and fire-protection requirements for gunpowder and ammunition stored in a building shall be as follows:
 - i. Smokeless powder –in accordance with 50-61-120 and 50-61-121, MCA.
 - ii. Commercial manufactured sporting black powder: 25 pounds in a separate, portable Type 4 magazine.
 - iii. Small arms primers or percussion caps: In accordance with 50-61-120 and 50-61-121, MCA.
 - b. Section 65.11 Sale, Handling, and Storage of Consumer Fireworks is not adopted.

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

Annex A Explanatory Material;

A. Annex D Hazardous Materials Management Plans and Hazardous Materials Inventory Statements;

B. Annex G Ozone Gas-Generating Equipment;

C. Annex H Fire Flow requirements of Buildings; and

D. Annex E Fire Hydrant Location and Distribution.

The design and construction requirements in NFPA 1/UFC that apply to public buildings or places of employment are not included in this adoption. The Building Code adopted by the *City* controls design and construction in the City of Great Falls. If there is any conflict between the construction standards in the NFPA 1/UFC and the construction standards set forth in the Building Code, the provisions of the Building Code control. NFPA 1/UFC construction codes only apply if no comparable construction code exists.

The following NFPA 1/UFC sections are modified as shown to be in accordance with the Building Code regarding design and construction requirements:

A. Chapter 1

1. Section 1.3 Application. This code shall apply to: New construction as required in the building code, and existing conditions. Existing buildings shall be maintained in accordance with the Building Code in effect at the time of construction. However, where existing conditions or buildings pose an imminent hazard or risk to public health and safety are not, therefore, within the purview of the building code, the Bureau of Fire Prevention may take corrective action pursuant to the provisions of 50-61-101, Montana Code Annotated (MCA) et seq. and 50-61-101, MCA, et seq.
2. Section 1.3.8 Repairs, renovations, alteration, reconstruction, change of occupancy and additions to buildings shall conform with the Fire Code and the Building Code.
3. Section 2.1 General. The documents or [portions thereof listed in this chapter are referenced within this code and shall be considered part of the requirements of this document.
4. Section 2.2 NFPA publications is not adopted.

- 5. Section 10.1.1 Every existing building or structure shall be arranged, equipped, maintained and operated in accordance with this code so as to provide a reasonable level of life safety, property protection and public welfare from the actual and potential hazards created by fire, explosion, and other hazardous conditions.
- 6. Section 10.1.2 is not adopted.
- 7. Section 10.1.3 Building Code. All new construction shall comply with the Building Code.
- 8. Section 14.1 Applications. Means of egress in new and existing buildings shall comply with the Building Code in effect at the time of construction.

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

15.50.100 Pipes thawed with torch prohibited

It is unlawful to use any torch or other flame-producing device for the purpose of thawing out any pipe in or under any house, building or structure in the City. Any person, who in consequence of violating the provisions of this section causes a fire, shall, in addition to the penalties prescribed in this section, be liable to the City in damage to the extent of the costs to the Fire Department for answering a fire alarm and services in extinguishing such fire, such penalty to be recovered by a civil action. (Ord. 2874, 2004; Ord. 2455 (part), 1987; Ord. 2429 §2(part), 1986).

15.50.140 Violation—penalty

- A. Any person who violates any of the provisions of the Uniform Fire Code adopted in Section 15.12.010 of this chapter or fails to comply therewith is guilty of a misdemeanor, punishable by a fine of not less than ten dollars nor more than five hundred dollars or by imprisonment for not more than six months, or by both such fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.
- B. The application of the above penalty shall not be held to prevent the enforced removal or prohibited conditions. (Ord. 2874, 2004; Ord. 2455 (part), 1987; Ord. 2429 §2(part), 1986).

Other pertinent OCCGF Codes:

8.7	Smoking in Public Places	9.90	Fireworks Policy
8.60.010	Abandoned Refrigerators	10.48.060(B)	Hydrant Codes
9.28.010	Negligent Smoking	13.14.010	Unlawful Materials in Sewer
9.10.010(M)	Discharging Fireworks in Parks		

**Chapter 55
SCREENING**

Sections:

15.55.010	Title
15.55.020	Purpose
15.55.030	Enforcement
15.55.040	Definitions
15.55.050	Screening--required
15.55.060	Nonconforming uses
15.55.070	Violations and penalties

15.55.010 Title

This chapter shall be known as the Great Falls Screening Code may be cited as such and will be referred to in this chapter as "this code." (Ord. 2874, 2004; Ord. 2651 (Exh. B), 1993; Ord. 2405 (Exh. A (part)), 1985).

15.55.020 Purpose

The purpose of this code is to provide a standard to enhance life, health, property and public welfare by requiring the screening of salvage establishments. The intent is to present a visually attractive appearance, allowing only standard fencing materials or landscaping methods. (Ord. 2874, 2004; Ord. 2405 (Exh. A (part)), 1985).

15.55.030 Enforcement

The **Planning and** Community Development Director or a duly authorized representative is authorized and directed to enforce this code. (Ord. 2874, 2004; Ord. 2405 (Exh. A (part)), 1985).

15.55.040 Definitions

"Public view" means a point six feet above the surface of the center of any adjacent public right-of-way including but not limited to avenues, streets and alleys.

"Salvage" or "scrap" means fragments of material discarded as waste in manufacturing operations, or machines, tools, equipment or parts of these, no longer in serviceable condition, or such items and materials no longer used for their original intent or purpose or such items or materials which are valuable only as raw material for reprocessing. Classes of scrap include but are not limited to metal, rubber, textiles, rope, paper, leather, lumber, plastics and equipment made of these.

"Salvage" or "scrap dealer" means any place of business which is maintained, operated or used for storing, keeping or selling salvage. This excludes a motor vehicle graveyard or garbage dump or sanitary landfill which are regulated by other codes. (Ord. 2874, 2004; Ord. 2405 (Exh. A (part)), 1985).

15.55.050 Screening—required

- A. All salvage or scrap material accumulating, disposing of or storing salvage or scrap within the City, when the accumulating, disposing or storing thereof is outside a building or not entirely enclosed by a building hereafter so deposited, stored or accumulated shall enclose the lot or place of deposit where the salvage or scrap is stored within a visually attractive screening sufficient to enclose the salvage or scrap from public view from the outside of the enclosure.
- B. Screening refers to fencing or other manmade barriers to conceal a facility from public view. It also refers to natural barriers. Any screening barrier must conform to all local zoning, planning, building and protective covenant provisions and any other legal restrictions that may be in effect for each site.
- C. If a fence is used, the boards may be spaced and/or slanted to reduce wind load. The space which can be seen from a broadside view will not be more than one and one-half inches wide when viewed at any angle from forty-five degrees to ninety degrees to the fence. The interval between spaces will not be less than seven and one-half inches. Chain-link metal fences with standard fiberglass or other inserts are acceptable, provided the gap between adjacent slats does not exceed one and one-half inches. The breaks in the fence may be vertical or at any angle; they cannot be horizontal. Screening with shrubs and trees, while not subject to precise measurements, is to

provide a similar degree of screening at all times of the year. A berm may be constructed of any solid material, including stumps, demolition debris, etc. The slopes of the berm are to be covered and graded smooth, with not less than three inches of topsoil and seeded with an adequate seeding formula.

- D. Any screening must be of sufficient height that none of the salvage or scrap on the premises is visible from public view. This is not intended to require that permanent buildings, other structures, utility poles, cranes or derricks or similar structures be screened.
- E. Fences are to be constructed of sound building materials. Rough dimensional lumber or better is acceptable. Slabs are not considered rough dimensional lumber. Plastics or other materials that are placed over the salvage or scrap are not acceptable. Trees and shrubs can best be used in conjunction with other screening materials to improve the appearance of the salvage or scrap facility. Chain-link type metal fence with slats inserted is acceptable. Other screening than the two types of fencing specifically approved above (metal and wood) but of equivalent permanence, attractiveness, and screening qualities are also acceptable if approved by the Board of Adjustment as provided for in Title 17 of this Municipal Code.
- F. No more than one of the approved screening materials is to be used on one side of the facility. Trees and shrubs may be placed on the outside of the screening material. Other sides may use different approved materials.
- G. The screening is to be maintained by the facility operator in a neat and workmanlike manner. It is to be replaced where necessary by the operator. Damage by vandals or other causes is the risk of the operator and is not to be reason for not maintaining the screening.
- H. Signage on the screening must comply with Title 17, Chapter 60 of this code book. (Ord. 2874, 2004; Ord. 2405 (Exh. A (part)), 1985).

15.55.060 Nonconforming uses

Salvage material dealers in operation at the time of the enactment of this Code and which are not conforming to the provisions, shall be regarded as nonconforming. All non-conformance salvage material dealers shall be screened so as to fall under compliance with this Code within one year of the enactment of this Code. (Ord. 2405 (Exh. A (part)), 1985).

15.55.070 Violations and penalties

It shall be unlawful for any salvage or scrap dealer to operate contrary to or in violation of this Code. Any person violating this Code shall be guilty of a misdemeanor, and upon conviction of any such violation, such person shall be punishable by a fine of not more than five hundred dollars or by imprisonment for not more than six months or by both such fine and imprisonment. (Ord. 2874, 2004; Ord. 2405 (Exh. A (part))), 1985).

**Chapter 57
DESIGN PROFESSIONALS**

Section:

15.57.010 Requirement for design professionals

15.57.010 Requirement for design professionals

Where structural integrity or mechanical, electrical, or plumbing complexity, or any other applicable code provision necessitates, the Building Official may require plans, computations, and specifications to be prepared and designed by an engineer or architect licensed by the State to practice as such even if not required by State law. (Ord. 2875, 2004

**Chapter 60
APPLICABILITY**

Sections:

15.60.010 Applicability
15.60.020 Appeals

15.60.010 Applicability

These codes are applicable to all buildings within the building code enforcement area of City of Great Falls, including but not limited to, residential buildings, containing less than five dwelling units or their attached-to structures, any farm

or ranch building, and any private garage or private storage structure used only for the owner's own use as provided by §50-60-102(1)(a), MCA. (Ord. 2874, 2004; Ord. 2748, 1998)

15.60.020 Appeals

Appeals may be filed to any order, requirement, permit decision, refusal or determination of the Building Official in accordance with Title 17, Chapter 12, Article 5. (Ord. 2874, 2004; Ord. 2748, 1998).