

## ORDINANCE 3158

### AN ORDINANCE AMENDING TITLE 9 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF) PERTAINING TO PUBLIC PEACE, MORALS AND WELFARE

**WHEREAS**, the City Commission established Title 9 of the OCCGF regulating the Public Peace Morals and Welfare within the incorporated boundaries of the City of Great Falls; and

**WHEREAS**, the City Commission has recognized deficiencies throughout the entirety of OCCGF Title 9, including but not limited to, typographical, grammatical, formatting and referencing deficiencies; and

**WHEREAS**, the City Commission wishes to cure the deficiencies contained in OCCGF Title 9, and

**WHEREAS**, the City Commission also wishes to substantively change policies related to fireworks, park rules and regulations, special event permitting, and issues related to curfew for minors.

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

Section 1. The entirety of OCCGF Title 9 pertaining to Public Peace, Morals and Welfare, shall be amended as depicted in Exhibit "A" attached hereto, which removes any language indicated by a ~~strike-through~~; and adds any language which is **bolded**, and

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

APPROVED by the City Commission on first reading March 21, 2017.

ADOPTED by the City Commission of the City of Great Falls, Montana on second reading April 4, 2017.

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Bob Kelly, Mayor

ATTEST:

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Darcy Dea, Deputy City Clerk

(CITY SEAL)

APPROVED FOR LEGAL CONTENT:

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Sara R. Sexe, City Attorney

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

I, Darcy Dea, Deputy City Clerk of the City of Great Falls, Montana, do certify that I did post as required by law and as prescribed and directed by the Commission, Ordinance 3158 in three conspicuous places within the limits of said City to-wit:

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

(CITY SEAL)

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Darcy Dea, Deputy City Clerk

Title 9 PUBLIC PEACE, MORALS AND WELFARE

**Title 9 PUBLIC PEACE, MORALS AND WELFARE**

**Chapter**

Chapter 1 - OFFENSES BY OR AGAINST PUBLIC OFFICERS AND GOVERNMENT

Chapter 2 - OFFENSES AGAINST THE PERSON(REERVED)

Chapter 3 - OFFENSES AGAINST PUBLIC DECENCY

Chapter 4 - OFFENSES AGAINST PUBLIC PEACE

Chapter 5 - OFFENSES AGAINST PROPERTY

Chapter 6 - CONSUMER PROTECTION(REERVED)

Chapter 7 - OFFENSES BY OR AGAINST MINORS

Chapter 8 - WEAPONS

Chapter 9 - FIREWORKS

Chapter 10 - SOCIAL HOST

**Chapter 11 - PENALTY**

**Chapter 1 OFFENSES BY OR AGAINST PUBLIC OFFICERS AND GOVERNMENT**

**Articles:**

Article 1 - DIALING DEVICES

Article ~~6-2~~ - ARREST JURISDICTION

**Article 1 DIALING DEVICES**

**Sections:**

## EXHIBIT "A"

### Title 9 PUBLIC PEACE, MORALS AND WELFARE

#### 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 messages or both.

(Ord. 3158, 2017; 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~~**Emergency Communications** Center or to program or cause any prerecorded taped message to be played to any number, emergency or otherwise, in the City **Emergency** Communication Center.

(Ord. 3158, 2017; 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 **Emergency** Communication Center in violation of this chapter, the person shall be notified in writing of that fact and shall be allowed three (3) 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 ~~Section~~ 1.4.070 of this code.

(Ord. 3158, 2017; Ord. 2454 (part), 1987).

### Article 6-2 ARREST JURISDICTION

#### Sections:

#### 9.1.62.010 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. 3158, 2017; Ord. 2560, 1990).

## Chapter 2 OFFENSES AGAINST THE PERSON (RESERVED)

Title 9 PUBLIC PEACE, MORALS AND WELFARE

**Chapter 3 OFFENSES AGAINST PUBLIC DECENCY**

**Articles:**

Article ~~101~~ - CITY PARK RULES

Article ~~132~~ - DISPLAY OR DISSEMINATION OF OBSCENE MATERIAL TO MINORS

**Article 10 CITY PARK RULES AND REGULATIONS**

**Sections:**

**9.3.10.010 Park rules and regulations.**

~~It is unlawful for any person to violate any of the~~ The following rules and regulations **must be adhered to** while within any City park:

- A. Parks are closed to vehicles and people from dusk to daylight, **except during a Park and Recreation approved special event.**
- B. Motorized vehicles may not be operated in excess of ten (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~~**are** prohibited.
- ~~4F.~~ Practicing or playing golf is prohibited except at designated golf courses.
- ~~2G.~~ Snowmobiling on or within park land is prohibited (See also 10.66.020).
- ~~FH.~~ Organized athletic activities, or group functions, are allowed upon written permission from the Park and Recreation Director.
- ~~GI.~~ Littering or dumping debris on or within park land is prohibited.

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- JH.** 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.
- KI.** Selling, advertising, or solicitation of products/services within park land is prohibited unless written permission is received from the Park and Recreation Director.
- LJ.** Metal detectors are authorized only through permits issued by the Park and Recreation Director.
- MK.** 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 6.8.120).
- NL.** Large animals such as horses, cows, and mules, which may damage the turf, are prohibited except in designated riding areas.
- OM.** **Subject to the exceptions provided in 9.9.010(C),** ~~D~~discharging, possession of or selling of fireworks is prohibited in all dedicated park areas, including golf courses.
- PN.** Use of park land other than its intended use must be approved in writing by the Park and Recreation Director.
- QQ.** Except as provided in ~~9.4.20-030~~, public drinking and public display and exhibition of beer, wine or liquor are prohibited. (See also ~~9.4.20-020~~ and ~~9.4.20-030~~).
- R.** No person shall make use of any slingshot, cross bow or similar device, or discharge or propel any dart, pellet, BB, rock, bolt, arrow or any other projectile from any air rifle, air pistol, BB gun, pellet gun, slingshot, robber sling, crossbow or other instrument or device by means of which missiles of any kind or description are hurled, shot or projected.
1. The prohibition set forth in 9.3.1.030(R) shall not apply to the following:
    - i. The use of bows or crossbows at archery and crossbow ranges within the City. Bows and crossbows shall be used, with permission from the Park and Recreation Director, at ranges in a manner that will not endanger the public health, safety and general welfare.
    - ii. Ranges in compliance with 9.8.010(C).

(Ord. 3158, 2017; Ord. 2647 (part), 1994).

**9.3.10.020** Reserved.

**Editor's note**— Ord. No. 3079, § 1, adopted July 19, 2011, repealed § 9.3.10.020 which pertained to skate park rules and regulations. See also the Code Comparative Table.

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#### Article 132 DISPLAY OR DISSEMINATION OF OBSCENE MATERIAL TO MINORS Sections:

##### 9.3.132.010 Definitions.

The following definitions apply in this chapter:

- A. "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:
  - A1. 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
  - B2. 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
  - C3. The material or performance lacks serious literary, scientific, artistic, or political value for minors.
- B. "Knowingly" means having general knowledge of:
  - A1. The character and content of any material or performance which is reasonably susceptible of examination by the defendant; and
  - B2. The age of the minor; however, an honest mistake shall constitute an ~~excuse~~ **defense** from liability hereunder, if the defendant made a reasonable bona fide attempt to ascertain the true age of such minor. **The defendant shall be required to prove this defense by clear and convincing evidence.**
- C. "Material" means any book, magazine, newspaper, pamphlet, poster, print, picture, figure, image, description, motion picture film, record, recording tape, or video tape.
- D. "Minor" means any unmarried person under the age of eighteen (18) years.
- E. "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.

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- F. "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 (1) or more, with or without consideration.
- G. "Person" means any individual, partnership, association, corporation, or other legal entity of any kind.
- H. "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.
- I. "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.
- J. "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.
- K. "Sexual excitement" means the condition of human male or female genitals when in a state of sexual stimulation or arousal.
- L. "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. 3158, 2017; Ord. 2558 (part), 1990).

#### 9.3.432.020 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



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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. 3158, 2017; Ord. 2558 (part), 1990).

#### 9.3.432.030 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. 3158, 2017; Ord. 2558 (part), 1990).

#### 9.3.432.040 Penalties.

Any person who shall be convicted of violating any provision of this chapter is guilty of a misdemeanor and shall be punishable by a fine not less than five hundred dollars (\$500.00) or more than one thousand dollars (1,000.00) or imprisoned in the county jail for a term not to exceed six (6) 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. 3158, 2017; Ord. 2558 (part), 1990).

#### 9.3.432.050 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 (1) or more sections, subsections, sentences, clauses or phrases had been declared invalid or unconstitutional.

(Ord. 3158, 2017; Ord. 2558 (part), 1990).

Title 9 PUBLIC PEACE, MORALS AND WELFARE

**Chapter 4 OFFENSES AGAINST PUBLIC PEACE**

**Articles:**

~~Article 20—INTOXICATING BEVERAGES~~

~~Article 20—INTOXICATING BEVERAGES~~

**Sections:**

**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:

- A. "Alcohol" means ethyl alcohol, also called ethanol, or the hydrated oxide of ethyl.
- B. "Alcoholic Beverage" means a compound produced and sold for human consumption as a drink that contains more than one-half of one (0.5) percent of alcohol by volume;
- C. "Malt Beverage" means an alcoholic beverage made by the fermentation of an infusion or decoction, or a combination of both, in potable brewing water, of malted barley with or without hops or their parts or their products and with or without other malted cereals and with or without the addition of un-malted or prepared cereals, other carbohydrates, or products prepared from carbohydrates and with or without other wholesome products suitable for human food consumption.
- D. "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 (4) percent of alcohol by weight.~~
  - 1. An alcoholic malt beverage containing not more than 8.75% of alcohol by volume; or
  - 2. an alcoholic beverage containing not more than 14% alcohol by volume:
    - i. that is made by the alcoholic fermentation of an infusion or decoction, or a combination of both, in potable brewing water, of malted cereal grain; and
    - ii. in which the sugars used for fermentation of the alcoholic beverage are at least 75% derived from malted cereal grain measured as a percentage of the total dry weight of the fermentable ingredients.
  - ~~(ii) an alcoholic beverage containing not more than 14% alcohol by volume;~~

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- E. "Hard cider" means an alcoholic beverage that is made from the alcoholic fermentation of the juices of apples or pears and that contains not less than 0.5% of alcohol by volume and not more than 6.9% of alcohol by volume, including but not limited to flavored, sparkling, or carbonated cider. ~~"Hard Cider" means an alcoholic beverage that is made from the alcoholic fermentation of the juices of apples or pears and that contains not less than one-half of one (0.5) percent alcohol by volume and not more than six and nine tenths (6.9) percent alcohol by volume, including but not limited to flavored, sparkling, or carbonated cider.~~

- F. "Liquor" means an alcoholic beverage except beer and wine. The term includes a caffeinated or stimulant-enhanced malt beverage.

~~means any alcoholic, spirituous, vinous, fermented, malt or other liquor which contains more than one (1) percent of alcohol by weight.~~

- G. "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.

- H. "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.

- I. "Public places" means all streets, **sidewalks**, 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 **including but not limited to**, the following City parks: Odd Fellows, Sight and Sound, Elks-Riverside, West Bank, Margaret, Whittier, Gibson, Lions, and West Kiwanis, **and Park Island**. This definition does not include the premises licensed for the **retail** 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~~

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~~restaurant or tavern outside and adjacent to the license building and to which patrons are permitted free access from said building.~~

(Ord. 3158, 2017; Ord. 2949, 2006; Ord. 2854, 2003)

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

- K. **"Wine" means wine that contains not more than 16% of alcohol by volume and includes cider.** ~~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 (7) percent or more than twenty-four (24) 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. 3158, 2017; 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 **malt beverage**, beer, wine, **hard cider**, 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. 3158, 2017; 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 **and must be paid by the permittee no less than 48 hours prior to the event.**
- C. Organizers for special events held **on any public places** ~~in city parks~~ must clean up the **park property** to a state at least as clean as when they arrived. ~~and p~~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. 3158, 2017; Ord. 2647 (part), 1994).

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### Title 9 PUBLIC PEACE, MORALS AND WELFARE

- D. A special event may require closure of a ~~public~~ parking lot **open to the public** or temporary closure of a street. For such an event, **the event organizers must follow the provisions of 9.4.040.** ~~a sign designating the street closure and removal of vehicles will be prominently posted no less than four (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, Centene Stadium, Eagle Falls Golf Club, Anaconda Hills Golf Course, and designated areas of the Montana Expo Park and the Multi-Sports Complex grounds shall be exempt from the prohibition of Section 9.4.020.** ~~The Civic Center and designated areas of the "State Fair" grounds shall be exempt from the prohibition of Section 9.4.20.020.~~

(Ord. 3158, 2017; 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. Events encouraging community and neighborhood involvement are encouraged and may require the temporary closure of city streets, parks or other public property.
- B. Applications for a procession must comply with the provisions of Title 12, Chapter 14. Organizers of an event, other than a procession, that require the temporary closure of a public property must obtain a special event 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 for closures of public property other than parks, must be turned in a minimum of fourteen (14) days prior to the event to the City Manager's office for review; applications for temporary closure of park land, must be turned in a minimum of fourteen (14) days prior to the event to the Park and Recreation Director.
- C. The City may approve, revise, or deny the application, in consideration of the following factors:
1. Promotion of the community as a whole;
  2. Provision of positive civic and economic benefit;
  3. Impact on neighboring business and properties;
  4. Impact on public uses and services;
  5. Consideration of frequency of closures;
  6. Consideration of the event's financial impact; and
  7. The applicant's performance under prior issued permits; and
  8. Impact on public safety, including but not limited to, emergency response time.
- D. For events which require a temporary closure of a street closure or parking lot open to the public, the event organizer must submit with the permit application,



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information as to how property owners, business owners and tenants adjacent to the temporary street closure will be notified of special event or activity. For such an event, the applicant or permit holder must prominently post a sign designating the street or parking lot closure and removal of vehicles, no less than four (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 or person in control of the vehicle will be responsible for all towing and impounding fees.

- E. During the review of the application, city staff will develop a permit conditions that the applicant must follow. Staff will attempt to make available the necessary street closure equipment and charge a fee set by Commission resolution. If the equipment is not available through the City, the applicant will be required to supply the equipment at the applicant's expense.
- F. A fee for the special event permit shall be set by Commission resolution to cover administrative time and any additional costs incurred by the City to ensure promote the event is safety and to ensure the area is returned back into the same condition it was prior to the event. The fee must be paid no less than 48 hours prior to the event.
- G. If the event involves more than seventy-five (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 named insured under the policy. The liability insurance coverage shall be in the minimum amounts one million dollars (\$1,000,000.00) per occurrence and two million dollars (\$2,000,000.00) aggregate. The City Manager has the authority to waive this requirement or, require insurance for events with fewer than seventy-five (75) people should he determine it necessary due to the type of event. The insurance documentation must be provided to the City no less than 72 hours prior to the event.
- H. Applicants for a special event permit shall agree in writing to indemnify, defend, hold harmless the City and its employees and agents for any and all claims, damage or injury to person or property, lawsuits or liability including attorneys' fees and costs arising out of loss, occurring during the course of or pertaining to the special event which are caused by the conduct of the Applicant and/or its employees or agents.
- I. The City Manager, or designee, shall review, revise, approve with or without conditions, or deny the permit application and has the authority to require additional information from the applicant.
- 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)

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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 seventy-five (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 seven hundred fifty thousand dollars (\$750,000.00) per claimant and one million five hundred thousand dollars (\$1,500,000.00) 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 seventy-five (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)~~

EJ. The Police Department may revoke the special event permit should those in attendance become unruly~~disorderly~~, 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. 3158, 2017; Ord. 2949, 2006)

#### 9.4.20.050 Permit denial— appeal.

If an applicant is denied a special event permit under 9.4.20.040, the applicant may appeal the decision to the City Commission ~~whewhich~~ shall review the application in a public meeting and **uphold, reverse, or revise the decision on the application.** ~~may direct the City Manager's office to issue said permit based upon their review.~~

(Ord. 3158, 2017; 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. 3158, 2017; Ord. 2949, 2006; Ord. 2854, 2003; Ord. 2342 §2(part), 1983).

Title 9 PUBLIC PEACE, MORALS AND WELFARE

**Chapter 5    OFFENSES AGAINST PROPERTY**

**Articles:**

Article 281 - SMOKING

Article 362 - POSTING OF ADVERTISING MATTER

**Article 281    SMOKING**

**Sections:**

**9.5.. 281.010    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, negligently or recklessly 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 **or fixtures contained therein, or appurtenant to, is guilty of a misdemeanor.**

(Ord. 3158, 2017; Prior code §6-1-2(C)(part)).

**9.5.. 281.020    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.

(Ord. 3158, 2017; Prior code §6-1-2(C) (part)).

**Article 362    POSTING OF ADVERTISING MATTER**

**Sections:**

**9.5.. 362.010    Unlawful where.**

It is unlawful for any person, firm, or corporation, ~~or other agent or entity representative~~ to tack, nail, or otherwise attach any placard, poster, picture, printed matter, or any type of literature or advertising to any



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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.

(Ord. 3158, 2017; Prior code §6-1-3(G)).

## Chapter 6 CONSUMER PROTECTIONPROTECTION (RESERVED)

## Chapter 7 OFFENSES BY OR AGAINST MINORS

### Article:

Article 64—CURFEW

### Article 64—CURFEW

### Sections:

#### 9.7.64.010 Established.

It is unlawful for any minor under the age of eighteen (18) years, to remain away from home at late and unusual hours of the night during the hours designated in 9.7.030, unless in the company of the parent, guardian, or other responsible adult companion.

(Ord. 3158, 2017; Ord. 2370 §2(part), 1984).

#### 9.7.64.020 Hours designated—generally.

Subject to the provisions of Section 9.647.010 and to serve as a guide for parents and minors in observing this chapter, the hours set out in Section 9.647.030 shall be presumed late and unreasonable and any arrest based thereon shall be lawful. **A minor remaining away from the home during the hours designated in 9.7.030 without supervision of a parent, legal guardian, or responsible adult shall be presumed in violation of curfew, and law enforcement may detain the minor until such the earliest possible opportunity to release the minor to a parent or legal guardian.**

(Ord. 3158, 2017; Ord. 2370 §2(part), 1984).

#### 9.7.64.030 Hours designated.

- A. It is unlawful for a person less than eighteen (18) 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

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companion at least eighteen (18) 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 (18) years of age to perform:

1. Between 12:01 a.m. and 6:00 a.m. Saturday;
2. Between 12:01 a.m. and 6:00 a.m. Sunday; and
3. Between 11:00 p.m. on Sunday ~~to~~**through** Thursday, inclusive, and 6:00 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 (18) in their custody, or control, to violate subsection A of this ~~section~~**section** and such violation shall constitute a misdemeanor.
- C. Any minor under the age of eighteen (18) years who is ~~apprehended~~**detained** for a violation of this chapter ~~shall may be dealt with~~**subject to intervention** in accordance with the provisions of Title 41, Chapter 5, Montana Codes Annotated, concerning juvenile courts and proceedings against juvenile delinquents.

(Ord. 3158, 2017; Ord. 2370 §2(part), 1984).

## Chapter 8 WEAPONS

### Article:

Article 65 ~~WEAPONS~~

### Article 65 ~~WEAPONS~~

#### Sections:

#### 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 **within the City subject to the following exceptions:**

- A. ~~unless it is discharged in a reasonable and~~**Weapons may be discharged in a responsible manner on property owned or legally possessed by that the person discharging the weapon, and only if the projectile from such weapon remains on that property;**
- B. ~~or~~**In defense of persons; or**

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- C. ~~a~~At an indoor or outdoor range approved by the City Manager, within the corporate limits of the City of Great Falls.

(Ord. 3158, 2017; 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. 3158, 2017; Ord. 2732, 1997).

## Chapter 9 FIREWORKS

### Article:

Article 90—FIREWORKS

### Article 90—FIREWORKS

#### Sections:

#### **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 8:00 a.m. to ~~midnight~~ **12:00 a.m.**

(Ord. 3158, 2017; Ord. 2965, 2007; Ord. 2664, 1994).

- B. Fireworks may be discharged on December 31, from 10:00 p.m. to 12:30 a.m. 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 **which are** not provided for in 9.90.010-(A) and (B), and authorize such use if the circumstance ~~is~~ **benefits the community wide** and ~~is~~ of national, state and local significance.

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- D. Professional Fireworks Displays using display fireworks. Public displays of fireworks by a licensed, bonded pyrotechnic operator are exempt from 9.90.010(A)-(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. 3158, 2017; 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. 3158, 2017; Ord. 2965, 2007; Ord. 2664, 1994).

- B. It shall be unlawful for any parent, guardian, or custodian of any child, **who is less than ten (10) years of age, to allow said** ~~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 9.209.020(B) "direct supervision" means the overall direction and control of an individual and requires the individual furnishing direct supervision to be present and immediately available to furnish assistance while he or she is ~~in~~ possession of, or is discharging, any and all fireworks. Direct supervision also requires the individual directly supervising to control the application of flame or other means of discharge of the firework and must be no greater than ten (10) feet away ~~from~~ the individual being directly supervised at time of the firework's discharge.

(Ord., 3158, 2017; Ord. 2965, 2007)

#### 9.90.030 Permissible fireworks.

Shall be the same as those authorized by the State of Montana.

(Ord. 3158, 2017; Ord. 2965, 2007)

#### 9.90.03540 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. 3158, 2017; Ord. 2965, 2007)

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#### 9.90.0450 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 eChapter-; **and**
  - 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. 3158, 2017; Ord. 2664, 1994).

- 1. 1st Offense—One hundred dollars (\$100.00).
- 2. 2nd Offense—Two hundred dollars (\$200.00).
- 3. 3rd Offense—Three hundred dollars (\$300.00).
- 4. 4th and higher—One thousand dollars (\$1,000.00).

(Ord. 3158, 2017; Ord. No. 3057, § 1, 8-17-2010)

#### 9.90.060 Fireworks prohibited on all public property.

**Subject to the exceptions provided in 9.9.010(C),** Fireworks may not be discharged in any city park or on any public sidewalk, street, public right-of-way, public easement or alley.

(Ord. 3158, 2017; Ord. 2965, 2007; Ord. 2664, 1994).

#### 9.90.070 Fireworks stands and permit fees.

- A. ~~Anyone~~**Persons**, groups, or organizations 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.

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C. Fireworks stand permit fees are based upon square footage as follows:

(Ord. 3158, 2017; Ord. 2965, 2007; Ord. 2664, 1994).

SIZE	FEES
0—300 sq. ft.	\$125.00
301—1,000 sq. ft.	\$375.00
1,001—2,000 sq. ft.	\$625.00
2,001—3,000 sq. ft.	\$875.00
3,001 sq. ft. or larger	\$1,125.00

## Chapter 10 SOCIAL HOST

### Sections:

#### 9.10.010 Purpose, findings.

**The Commission finds** Consumption of alcoholic beverages by minors at parties, or gatherings where minors consume alcoholic beverages, presents numerous problems for the City of Great Falls, Montana, minors, and law enforcement. Specifically:

- Montana teens report one (1) of the highest binge drinking (heavy episodic—defined as five (5) or more drinks in one (1) sitting) rates in the nation, thirty-four and four tenths (34.4) percent of Montana Youth admit to binge drinking episodes. This is the highest in the United States.
- Great Falls' teens report a higher binge drinking rate than the Montana average. In Cascade County, thirty-eight and nine tenths (38.9) percent of youth admit to binge drinking. This is one (1) of the highest rates in the state.
- In Great Falls, the Municipal Court, the Youth Court, the Great Falls Police Department, and the Cascade County Sheriff's Office have dealt with or issued 2,066 Minor in Possession of Alcohol violations in the City of Great Falls since January 1, 2006. Due to alcohol abuse problems, in 2005 alone, six thousand six hundred eighty-nine (6,689) persons were admitted to alcohol treatment programs in Montana.

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- ~~• The Great Falls Police Department has expended countless man-hours and countless resources on enforcement of underage drinking laws which has detracted from their ability to tend to violent crime and other necessary law enforcement activities. Recent reports state that Montana spends an average of forty-nine point one (49.1) million dollars annually on alcohol related criminal offenses.~~
- ~~• Due to the severity of the problem in Cascade County, and especially the City of Great Falls, the Great Falls Police Department has written a grant for and received over one million dollars (\$1,000,000.00) in federal grant funds to be used solely for combating underage drinking and alcohol related crimes in the community. Despite this funding and the efforts of law enforcement and community groups, the problem of underage drinking in Great Falls continues to grow.~~
- A. Alcohol abuse is also linked to numerous other health and life issues for our youth, including, but certainly not limited to, sexual assault, unprotected sexual activity, teenage pregnancy, sexually transmitted diseases, physical assault, and academic difficulties.
- B. The Commissioners of the City of Great Falls, Montana, **further finds and declares** that the purpose of the ordinance is:
  - 1). to protect public health, safety, and general welfare;
  - 2). to enforce laws prohibiting the consumption of alcohol by minors;
  - 3). to reduce the cost of providing police services to parties, gatherings, or events that call for a response by requiring that social hosts ensure minors are not consuming alcoholic beverages; and, under Montana Code Annotated §§ 7-1-4123 and 7-1-4124, the City of Great Falls **City Commission** has the legislative power, subject to the provisions of state law, to adopt, amend, and repeal ordinances and resolutions required to:
    - ai). preserve the peace and order and secure freedom from dangerous and noxious activities; and,
    - bii). secure and promote the general public health and welfare.
- C. Further, Montana Code Annotated § 7-32-4302 provides, in pertinent part, that the City of Great Falls has the power to prevent and punish intoxication, loud noises, disorderly conduct, and acts or conduct calculated to disturb the public peace or which are offensive to public morals within its limits.

(Ord. 3158, 2017; Ord. No. 3044, § 1, 9-15-2009)

#### 9.10.020 Definitions.

**For the purposes of this Chapter the following definitions shall apply:**

- (1A.) "Alcohol" means ~~ethyl alcohol, also called ethanol, or the hydrated oxide of ethylis~~ defined by 9.4.010(A).



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- (2)B. ~~"Alcoholic Beverage" means a compound produced and sold for human consumption as a drink that contains more than one-half of one (0.5) percent of alcohol by volume~~**defined by 9.4.010(B).**; the term also includes, but is not limited to, Beer, Hard Cider, Liquor, Malt Beverage, Table Wine, and Wine.
- C. "Beer" means **a malt alcoholic beverage meeting the definition provided in 9.4.010(AD).**  
~~means a malt beverage containing not more than seven (7) percent of alcohol by weight.~~
- (4)D. "Gathering" means a party or event where a group of three (3) or more persons has assembled or is assembling for a social occasion or social activity.
- (5)E. "Hard Cider" means an alcoholic beverage that is made from the alcoholic fermentation of the juices of apples or pears and that contains not less than one-half of one (0.5) percent alcohol by volume and not more than six and nine tenths (6.9) percent alcohol by volume, including but not limited to flavored, sparkling, or carbonated cider**meeting the definition provided in 9.4.010(E).**
- (6)F. "Liquor" means an alcoholic beverage ~~except beer and table wine~~**an alcoholic beverage meeting the definition provided in 9.4.010(F).**
- (7)G. "Malt Beverage" means an alcoholic beverage made by the fermentation of an infusion or decoction, or a combination of both, in potable brewing water, of malted barley with or without hops or their parts or their products and with or without other malted cereals and with or without the addition of unmalted or prepared cereals, other carbohydrates, or products prepared from carbohydrates and with or without other wholesome products suitable for human food consumption**meeting the definition provided in 9.4.010(C).**
- (8) ~~"Table Wine" means wine that contains not more than sixteen (16) percent alcohol by volume and includes cider.~~
- (9)H. "Wine" means an 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 one-half of one (0.5) percent but not more than twenty-four (24) percent 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 subsection but made in the manner of wine and labeled and sold as wine in accordance with federal regulations are also wine**meeting the definition provided in 9.4.010(K).**
- (10)I. "City" means:  
(a) ~~the~~ the area within the incorporated city boundaries of the City of Great Falls.



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- (11) — "Immediate family" means a spouse, dependent child or children, or dependent parents.
- (12)J. "Person" means any individual, business association, partnership, corporation, or other legal entity and an individual acting or purporting to act for or on behalf of a joint-stock company, unincorporated association or society, ~~or other corporation,~~ **or other entity** of any character whatsoever as defined in ~~Montana Code Annotated §§~~ 45-2-101 and 27-8-104.
- (13) — "Parent" means ~~any person having legal custody of a juvenile, including a natural parent, adoptive parent, step-parent, legal guardian, person to whom a court order has given temporary or permanent legal custody.~~
- (14)K. "Premises" means any home, yard, farm, field, land, apartment, condominium, hotel or motel room, or other dwelling unit, hall or meeting room, park, pavilion, or any other place of assembly, public or private, whether occupied on a temporary or permanent basis, whether occupied as a dwelling or specifically for a party, gathering, or other social function, and whether owned, leased, rented, or used with or without permission or compensation.
- (15)L. "Social Host" means any person who conducts, allows, organizes, supervises, controls, permits or aids another in conducting, allowing, organizing, supervising, controlling, or permitting a party, event, or gathering of any number of individuals. The term shall include, but is not limited to the following:
- (a)1. Any person or persons who own, rent, lease, or otherwise control the premises where an event, a gathering, activity, or party takes place;
  - (b)2. The person or persons in charge of or responsible for the premises; **or**
  - (c)3. The person or persons who organized the activity, event, gathering, or party.
- (i) The term shall not include a property owner, or parent, who does not have knowledge that the activity, event, gathering, or party, whether or not the activity, event, gathering, or party was permitted or allowed, would result in an underage person being in possession of or consuming an alcoholic beverage.
- (16)M. "Underage Person" means any person ~~younger than twenty-one~~**less than** (21) years of age.
- (17)N. "Emergency Responders" means law enforcement officers, firefighters, emergency medical service personnel, and any other person having emergency response duties.
- (18)O. "Enforcement Services or Response Costs" means the monetary cost of salaries and benefits of emergency responders for the amount of time spent responding to, or remaining at, ~~an event, gathering, or party and other~~ administrative costs attributable to the incident;**gathering**; the costs for medical treatment for any injured emergency responder; and the costs of repairing any damage to emergency responder equipment or vehicles; and ~~or~~ the cost of use of such equipment or vehicle.

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(Ord. 3158, 2017; Ord. No. 3044, § 1, 9-15-2009)

#### 9.10.030 Prohibited acts.

- (1)A. A person violates this chapter when, as a social host, a person knows or reasonably should have known, that an underage person is in possession of, is consuming, or has consumed, an alcoholic beverage on a premises within the City, and fails to take reasonable steps, including, but not limited to, notifying law enforcement to prevent the ~~underage alcohol~~ consumption or possession by the underage person. The social host does not have to be present or on the premises at the time the prohibited act occurs.
- (2)B. Nothing in this chapter shall be construed to supersede the prohibitions or exceptions set forth in §-16-6-305, MCA.

(Ord. 3158, 2017; Ord. No. 3044, § 1, 9-15-2009)

#### 9.10.040 Penalties.

- (1)A. A person convicted of violating this eChapter shall be guilty of a criminal misdemeanor ~~and shall be punished as follows~~**punishable by:**
- (a1). ~~for the first offense, shall be~~**A** fined not less than two hundred fifty dollars (\$250.00) or more than five hundred dollars (\$500.00), plus court costs;
- (b2). ~~for the~~**A** second or subsequent offense **lifetime**, shall be ~~fin~~**ed** ~~punishable by a~~**fine not less than** five hundred dollars (\$500.00), plus court costs, and ~~imprisonment for a period of~~ not more than six (6) months;
3. ~~except that if at the time of the offense one (1) or more underage persons found to have been in possession of or consumed an alcoholic beverage was sixteen (16) years of age or under~~**younger**, the ~~person convicted of violating this chapter~~**conviction** shall be ~~punished~~**able** by imprisonment of not less than five (5) days **and not more than (6) months**, which may not be served on home arrest.
- (2) ~~The imposition or execution of the first two (2) days of any sentence of jail may not be suspended and the court may not defer imposition of sentence.~~
- (3)B. Notwithstanding the penalties listed above, a person convicted of violating this eChapter shall be responsible for reimbursing the cost of enforcement services, or ~~the~~ response costs to the agencies furnishing emergency responders. Any claims for restitution, including, but not limited to, those for enforcement services or response costs, must be filed with the Court within ninety (90) days of a conviction under this chapter.

- (4)C. A ~~p~~**Prosecution and any sentence** for a violation of this eChapter may not be deferred.

(Ord. 3158, 2017; ~~No.~~ 3044, § 1, 9-15-2009)

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**Chapter 11 PENALTY.**

**Sections:**

**9.11.010 Penalty.**

Unless otherwise stated in this Title, violations of the provisions of this Title are misdemeanors subject to the penalties set forth in 1.4.070.

(Ord. 3158, 2017)