

ORDINANCE 3161

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS AMENDING TITLE 1, OF THE OFFICIAL CODE OD THE CITY OF GREAT FALLS (OCCGF), PERTAINING TO GENERAL OCCGF PROVISIONS

* * * * *

WHEREAS, the City Commission established Title 1 of the OCCGF outlining the General Provisions pertaining to the OCCGF; and

WHEREAS, the City Commission has recognized deficiencies throughout OCCGF Title 1, 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 1; and

WHEREAS, the City Commission wishes to establish a codified description of the “City Logo” and establish procedures for administrative proceedings not otherwise established by the OCCGF.

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

Section 1. OCCGF Title 1 pertaining to the General Provisions be amended as depicted in Exhibit “A” attached hereto, which removes any language indicated by a ~~strike out~~ and inserts any language that is **bolded**; and

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

ACCEPTED by the City Commission of the City of Great Falls, Montana on first reading August 15, 2017.

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

Bob Kelly, Mayor

ATTEST:

Lisa Kunz, City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

Sara Sexe, City Attorney

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

I, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do certify that I did post as required by law and as prescribed and directed by the City Commission, Ordinance 3161 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)

Title 1 - GENERAL PROVISIONS

Chapter 1 CODE ADOPTION

Sections:

1.1.010 Adoption.

There is hereby adopted the "Official Code of the City of Great Falls" (OCCGF) as hereinafter published.

(Ord. 2642 §(part), 1993; Ord. 1994 §1, 1977).

1.1.020 Amendment.

Any Ordinance amending this Code shall set forth, in full, the section or sections of the Code being amended.

(Ord. 3161, 2017; Ord. 2642 § (part), 1993; Ord. 1901 §2(part), 1976).

1.1.030 Severability.

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

(Ord. 3161, 2017; Ord. 2642 § (part), 1993; Ord. 1994 §9, 1977).

Chapter 42 GENERAL PROVISIONS

Sections:

1.42.010 Form of government.

The form of government is "commission-manager" established by charter with self-governing powers.

(Ord. 3161, 2017; Ord. 2642 §(part), 1993).

Exhibit "A"

Title 1 - GENERAL PROVISIONS

1.42.020 Definitions.

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

- A. "Board of Appeals" hereinafter referred to as the Board of Adjustment.
- B. "City" means the City of Great Falls, Montana, or the area within the territorial limits of the City of Great Falls, Montana, and such territory outside of the City over which the City has jurisdiction or control by virtue of any constitutional or statutory provision.
- C. **"City Logo" means a banner with the words, "City of Great Falls"; depicting Lewis and Clark, the falls, buffalo skull representing Charlie Russell, the sky, the smoke stack, and the word Montana.**
- D. "Computation of time" means the time within which an act is to be done. It shall be computed by excluding the first day and including the last day; and if the last day is a Sunday or a legal holiday, that day shall be excluded.
- E. "Commission" means the City Commission of the City of Great Falls, Montana. "All its members" or "all Commissioners" means the total number of Commissioners provided by the general laws of the State of Montana.
- F. "County" means ~~the Cascade County of Cascade~~, Montana.
- G. "Law" denotes applicable federal law, the ~~e~~Constitution and ~~s~~Statutes of the State of Montana, the Ordinances of the City of Great Falls, and when appropriate, any and all rules and regulations which may be promulgated thereunder.
- H. "Manager" means City Manager.
- I. "May" is permissive.
- J. "Month" means a calendar month.
- K. "Must" and "shall" are mandatory.

Exhibit "A"

Title 1 - GENERAL PROVISIONS

- L. "Oath" shall be construed to include an affirmation or declaration in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."
- M. "Ordinance" means a law of the City; provided that a temporary or special law, administrative action, order, or directive, may be in the form of a resolution.
- N. "Owner" applied to a building, or land, includes any single owner, joint owner or tenant in common, of the whole or a part of such building or land.
- O. "Person" means natural person, **manager, lessee, agent, or officer of any** joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization., ~~or the manager, lessee, agent, servant, officer or employee of any of them.~~
- P. "Personal property" includes money, goods, chattels, things in action, and evidences of debt.
- Q. "Preceding" and "following" mean next before and next after, respectively.
- R. "Property" includes real and personal property.
- S. "Real property" includes lands, tenements, and hereditament.
- T. "Sidewalk" means that portion of a street between the curb-line and the adjacent property line intended for the use of pedestrians.
- U. "State" means the State of Montana.
- V. "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.
- W. "Tenant" and "occupant," applied to a building or land, includes any person who occupies whole or a part of such building or land, whether alone or with others.

Exhibit "A"

Title 1 - GENERAL PROVISIONS

- X. "Title of Office." Use of the title of any officer, employee, department, board, or commission means that officer, employee, department, board, or commission of the City.
- Y. "Written" includes printed, typewritten, mimeographed or multi-graphed.
- Z. "Year" means a calendar year.
- AA. All words and phrases shall be construed and understood according to the common and approved usage of the language; but technical words and phrases, and such others as may have acquired a peculiar and appropriate meaning in the law, shall be construed and understood according to such peculiar and appropriate meaning.

(Ord. 3161, 2017; Ord. 2642 §(part), 1993).

1.42.030 City limits.

The corporate limits of the City shall be as shown on the official City map, ~~which map~~ **which** -shall be on file in the Department of Public Works at all times.

(Ord. 3161, 2017; Ord. 2642 § (part), 1993; Prior code §1-3-1).

1.2.040 Montana Administrative Procedure Act.

Unless otherwise specified in this Code, or by stipulation of the parties, all administrative proceedings, pursuant to this Code, will be governed by the Montana Administrative Procedure Act, Mont. Code Ann. Title 2, Chapter 4.

(Ord. 3161, 2017).

Chapter 3 SEALS, SYMBOLS, AND DEDICATIONS

Sections:

1.43.0410 City seal.

The corporate seal of the City shall be **designed as follows:**

Exhibit "A"

Title 1 - GENERAL PROVISIONS

- A. circular in form with inner and outer circles of rope design. The outer circle shall be one and three-fourths (1¾) inches in diameter, and the inner circle shall be one and one-fourth (1¼) inches in diameter;-
- B. It shall bear upon the upper portion of the space between the inner and outer circles the words, "City of Great Falls" and upon the lower portion of the space the word, "Montana-";
- C. Upon the upper portion of the space within the inner circle shall be the word, "Seal" and upon the lower portion of the space the inscription, "Incorporated 1888-"; **and**
- D. All lettering shall be in gothic style type. Within the inner circle shall also be a replica of a waterfall.

(Ord. 3161, 2017; Ord. 2642 §(part), 1993; Prior code §1-4-1).

1.43.04250 City flag.

- A. **Official Flag.** The flag hereafter described is adopted as the Official Flag of the City of Great Falls for the purpose of display in the Commission Chambers. Replicas of the Official Flag of the City of Great Falls may be used by elected officials and City staff for representing and publicizing purposes in City-related events.
- B. **Description.** On the background of white shall appear the **City** logo ~~of the City of Great Falls~~ surrounded by a blue border.

(Ord. 3161, 2017; Ord. No. 3064, § 1, 2-1-2011).

1.43.0530 Official flower.

The "iris" is designated and shall be the official flower of the City.

(Ord. 3161, 2017; Ord. 2642 §(part), 1993; Prior code §1-12-1).

1.43.05450 Naming and renaming City parks.

- A. **Naming a park.** To name a City park the following procedure shall be used.:
 - 1. Each park shall be named upon adoption of a resolution by the City Commission. The City Commission shall conduct a public hearing prior to the consideration of the park naming resolution.

Exhibit "A"

Title 1 - GENERAL PROVISIONS

2. When developing names for a park, the Neighborhood Council in the district where the park is located may review a list of options submitted by the Park and Recreation staff in order to make a recommendation to the Park and Recreation Board. The Park and Recreation Board may use the input of the Neighborhood Council, and any interested citizens, when making a recommendation to the City Commission.

B. Changing the name of park. To change a name of a park the following procedure shall be used:

1. A written request for a park name change shall be submitted to the Park and Recreation Director;-
2. The Park and Recreation Director shall meet with the appropriate Neighborhood Council **and any interested citizens** to discuss the requested name change and receive a recommendation from them to take to the Park and Recreation Board;-
3. The Park and Recreation Board shall make a recommendation to the City Commission based on, but not limited to, the following:
 - ai. Justification/rationale for change;
 - bii. Appropriateness of the proposed name; **and**
 - eiii. Amount of support for the change;
4. The park name may be changed upon adoption of a resolution by the City Commission. The City Commission shall conduct a public hearing on the resolution changing the name of the park.

C. Park names in memory, dedication or in honor of an individual or group. Parks named in memory, dedication, or in honor of an individual will only be done, if that person has made a significant contribution toward the development of that specific park, or in some way has made a notable contribution to the City, State, or Nation. In order for a park to be named after a group, club, or organization, that entity must have made a major financial or service contribution toward the development of that specific park.

(Ord. 3161, 2017; Ord. 2770, 2000).

Title 1 - GENERAL PROVISIONS

Chapter 4 ORDINANCE POSTING AND PENALTY

Sections:

1.4.010 (Renumbered)

1.4.020 (Renumbered)

1.4.030 (Renumbered)

1.4.040 (Renumbered)

1.4.050 (Renumbered)

1.4.060 Posting of ordinances.

Except as otherwise specified, an ordinance shall contain only one (1) comprehensive subject clearly expressed in its title and shall be posted **on the Great Falls Civic Center posting board and the Great Falls City website**. ~~in three (3) conspicuous places within the City, as the governing body shall direct and prescribe.~~

(Ord. 3161, 2017; Ord. 2642 § (part), 1993; Ord. 1903 §2(part), 1976).

1.4.070 General penalty.

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

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

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

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

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

Exhibit "A"

Title 1 - GENERAL PROVISIONS

(Ord. 3148, 2017).

Title 1 - GENERAL PROVISIONS

Chapter 1 CODE ADOPTION

Sections:

1.1.010 Adoption.

There is hereby adopted the "Official Code of the City of Great Falls" (OCCGF) as hereinafter published.

(Ord. 2642 §(part), 1993; Ord. 1994 §1, 1977).

1.1.020 Amendment.

Any Ordinance amending this Code shall set forth, in full, the section or sections of the Code being amended.

(Ord. 3161, 2017; Ord. 2642 § (part), 1993; Ord. 1901 §2(part), 1976).

1.1.030 Severability.

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

(Ord. 3161, 2017; Ord. 2642 § (part), 1993; Ord. 1994 §9, 1977).

Chapter 2 GENERAL PROVISIONS

Sections:

1.2.010 Form of government.

The form of government is "commission-manager" established by charter with self-governing powers.

(Ord. 3161, 2017; Ord. 2642 §(part), 1993).

Exhibit "B"

Title 1 - GENERAL PROVISIONS

1.2.020 Definitions.

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

- A. "Board of Appeals" hereinafter referred to as the Board of Adjustment.
- B. "City" means the City of Great Falls, Montana, or the area within the territorial limits of the City of Great Falls, Montana, and such territory outside of the City over which the City has jurisdiction or control by virtue of any constitutional or statutory provision.
- C. "City Logo" means a banner with the words, "City of Great Falls"; depicting Lewis and Clark, the falls, buffalo skull representing Charlie Russell, the sky, the smoke stack, and the word Montana.
- D. "Computation of time" means the time within which an act is to be done. It shall be computed by excluding the first day and including the last day; and if the last day is a Sunday or a legal holiday, that day shall be excluded.
- E. "Commission" means the City Commission of the City of Great Falls, Montana. "All its members" or "all Commissioners" means the total number of Commissioners provided by the general laws of the State of Montana.
- F. "County" means Cascade County, Montana.
- G. "Law" denotes applicable federal law, the Constitution and Statutes of the State of Montana, the Ordinances of the City of Great Falls, and when appropriate, any and all rules and regulations which may be promulgated thereunder.
- H. "Manager" means City Manager.
- I. "May" is permissive.
- J. "Month" means a calendar month.
- K. "Must" and "shall" are mandatory.

Exhibit "B"

Title 1 - GENERAL PROVISIONS

- L. "Oath" shall be construed to include an affirmation or declaration in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."
- M. "Ordinance" means a law of the City; provided that a temporary or special law, administrative action, order, or directive may be in the form of a resolution.
- N. "Owner" applied to a building, or land, includes any single owner, joint owner or tenant in common, of the whole or a part of such building or land.
- O. "Person" means natural person, manager, lessee, agent, or officer of any joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization.
- P. "Personal property" includes money, goods, chattels, things in action, and evidences of debt.
- Q. "Preceding" and "following" mean next before and next after, respectively.
- R. "Property" includes real and personal property.
- S. "Real property" includes lands, tenements, and hereditament.
- T. "Sidewalk" means that portion of a street between the curb-line and the adjacent property line intended for the use of pedestrians.
- U. "State" means the State of Montana.
- V. "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.
- W. "Tenant" and "occupant," applied to a building or land, includes any person who occupies whole or a part of such building or land, whether alone or with others.
- X. "Title of Office." Use of the title of any officer, employee, department, board, or commission means that officer, employee, department, board, or commission of the City.

Exhibit "B"

Title 1 - GENERAL PROVISIONS

- Y. "Written" includes printed, typewritten, mimeographed or multi-graphed.
- Z. "Year" means a calendar year.
- AA. All words and phrases shall be construed and understood according to the common and approved usage of the language; but technical words and phrases, and such others as may have acquired a peculiar and appropriate meaning in the law, shall be construed and understood according to such peculiar and appropriate meaning.

(Ord. 3161, 2017; Ord. 2642 §(part), 1993).

1.2.030 City limits.

The corporate limits of the City shall be as shown on the official City map which shall be on file in the Department of Public Works at all times.

(Ord. 3161, 2017; Ord. 2642 § (part), 1993; Prior code §1-3-1).

1.2.040 Montana Administrative Procedure Act.

Unless otherwise specified in this Code, or by stipulation of the parties, all administrative proceedings, pursuant to this Code, will be governed by the Montana Administrative Procedure Act, Mont. Code Ann. Title 2, Chapter 4.

(Ord. 3161, 2017).

Chapter 3 SEALS, SYMBOLS, AND DEDICATIONS

Sections:

1.3.010 City seal.

The corporate seal of the City shall be designed as follows:

- A. circular in form with inner and outer circles of rope design. The outer circle shall be one and three-fourths ($1\frac{3}{4}$) inches in diameter, and the inner circle shall be one and one-fourth ($1\frac{1}{4}$) inches in diameter;

Exhibit "B"

Title 1 - GENERAL PROVISIONS

- B. It shall bear upon the upper portion of the space between the inner and outer circles the words, "City of Great Falls" and upon the lower portion of the space the word, "Montana";
- C. Upon the upper portion of the space within the inner circle shall be the word, "Seal" and upon the lower portion of the space the inscription, "Incorporated 1888"; and
- D. All lettering shall be in gothic style type. Within the inner circle shall also be a replica of a waterfall.

(Ord. 3161, 2017; Ord. 2642 §(part), 1993; Prior code §1-4-1).

1.3.020 City flag.

- A. **Official Flag.** The flag hereafter described is adopted as the Official Flag of the City of Great Falls for the purpose of display in the Commission Chambers. Replicas of the Official Flag of the City of Great Falls may be used by elected officials and City staff for representing and publicizing purposes in City-related events.
- B. **Description.** On the background of white shall appear the City logo surrounded by a blue border.

(Ord. 3161, 2017; Ord. No. 3064, § 1, 2-1-2011).

1.3.030 Official flower.

The "iris" is designated and shall be the official flower of the City.

(Ord. 3161, 2017; Ord. 2642 §(part), 1993; Prior code §1-12-1).

1.3.040 Naming and renaming City parks.

- A. **Naming a park.** To name a City park the following procedure shall be used.:
 1. Each park shall be named upon adoption of a resolution by the City Commission. The City Commission shall conduct a public hearing prior to the consideration of the park naming resolution.
 2. When developing names for a park, the Neighborhood Council in the district where the park is located may review a list of options submitted by the Park and Recreation staff in order to make a recommendation to the Park and Recreation Board. The Park and Recreation Board may use the input of the Neighborhood Council, and any interested citizens, when making a recommendation to the City Commission.

Exhibit "B"

Title 1 - GENERAL PROVISIONS

- B. **Changing the name of park.** To change a name of a park the following procedure shall be used:
1. A written request for a park name change shall be submitted to the Park and Recreation Director;
 2. The Park and Recreation Director shall meet with the appropriate Neighborhood Council and any interested citizens to discuss the requested name change and receive a recommendation from them to take to the Park and Recreation Board;
 3. The Park and Recreation Board shall make a recommendation to the City Commission based on, but not limited to, the following:
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 - ii. Appropriateness of the proposed name; and
 - iii. Amount of support for the change;
 4. The park name may be changed upon adoption of a resolution by the City Commission. The City Commission shall conduct a public hearing on the resolution changing the name of the park.
- C. **Park names in memory, dedication or in honor of an individual or group.** Parks named in memory, dedication, or in honor of an individual will only be done, if that person has made a significant contribution toward the development of that specific park, or in some way has made a notable contribution to the City, State, or Nation. In order for a park to be named after a group, club, or organization, that entity must have made a major financial or service contribution toward the development of that specific park.

(Ord. 3161, 2017; Ord. 2770, 2000).

Title 1 - GENERAL PROVISIONS

Chapter 4 ORDINANCE POSTING AND PENALTY

Sections:

1.4.010 (Renumbered)

1.4.020 (Renumbered)

1.4.030 (Renumbered)

1.4.040 (Renumbered)

1.4.050 (Renumbered)

1.4.060 Posting of ordinances.

Except as otherwise specified, an ordinance shall contain only one (1) comprehensive subject clearly expressed in its title and shall be posted on the Great Falls Civic Center posting board and the Great Falls City website.

(Ord. 3161, 2017; Ord. 2642 § (part), 1993; Ord. 1903 §2(part), 1976).

1.4.070 General penalty.

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

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

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

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

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

(Ord. 3148, 2017).

Exhibit "B"

Title 1 - GENERAL PROVISIONS