

ORDINANCE 3168

AN ORDINANCE REPEALING AND REPLACING TITLE 5 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF), PERTAINING TO BUSINESS LICENSES, PERMITS, AND SAFETY INSPECTION CERTIFICATES PROVISIONS.

* * * * *

WHEREAS, the City Commission established Title 5 of the OCCGF outlining Provisions pertaining to Business License and Safety Inspection Certificate in the OCCGF; and

WHEREAS, the City Commission has recognized deficiencies throughout OCCGF Title 5, 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 5; and

WHEREAS, the City Commission wishes to repeal current OCCGF provisions establishing telecommunication facilities regulations, to be reassigned to a separate Title within the OCCGF; and

WHEREAS, the City Commission wishes to clarify language regarding businesses requiring Safety Inspection Certificates (SIC); and

WHEREAS, the City Commission wishes to incorporate all contracting and special business licensing into OCCGF Title 5; and

WHEREAS, the City Commission wishes to establish clear penalty provisions for businesses operating within the incorporated City limits without proper SIC's, permits, or licenses; and

WHEREAS, the City Commission wishes to establish consistency within the OCCGF, and where applicable the Montana Code Annotated.

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

Section 1. The revisions of OCCGF Title 5 are depicted in Exhibit "A" attached hereto, with deleted language identified by ~~strikeout~~ and inserted language **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.

ACCEPTED by the City Commission of the City of Great Falls, Montana on first reading October 3, 2017.

ADOPTED by the City Commission of the City of Great Falls, Montana on second reading October 17, 2017.

Bob Kelly, Mayor

ATTEST:

(CITY SEAL)

Lisa Kunz, City Clerk

APPROVED FOR LEGAL CONTENT:

Sara R. Sexe, City Attorney

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

I, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do certify that I did post as required by law and as prescribed and directed by the Commission, Ordinance 3168 on the Great Falls Civic Center posting board and the Great Falls City website.

Lisa Kunz, City Clerk

(CITY SEAL)

Exhibit "A"

Title 5 - BUSINESS LICENSES, PERMITS, AND SAFETY INSPECTION CERTIFICATES

Chapter 1 GENERAL BUSINESS LICENSE AND SAFETY INSPECTION CERTIFICATE PROCEDURE

Sections:

~~5.1.010 Definitions.~~

~~5.1.020 Application of regulations.~~

~~5.1.030 Authority.~~

~~5.1.040 Procedure for issuance of safety inspection certificate or special licenses.~~

~~5.1.050 Safety inspection certificate and special business license fees.~~

~~5.1.060 Safety inspection certificate and special business license duration — renewal.~~

~~5.1.070 Late charge.~~

~~5.1.080 Duties of licensee or certificate holder.~~

~~5.1.090 Certificate or special license — revocation or suspension.~~

~~5.1.100 Appeal.~~

~~5.1.110 Severability.~~

5.1.010 Definitions.

5.1.020 Application of regulations.

5.1.030 Authority and Appeals.

5.1.040 Procedure for issuance of certificates, permits or special licenses.

5.1.050 Certificate, Permit and special business license fees.

5.1.060 Certificate, permits and special business license duration — renewal.

5.1.070 Late charge.

5.1.080 Duties of license, permit or certificate holder.

5.1.090 Certificate, permit or special license — revocation or suspension.

5.1.100 Appeal.

5.1.110 Severability.

5.1.010 Definitions.

The following words and phrases when used in this ~~title~~**Title** shall have the following meanings:-

(Ord. 2672, 1995)

- A.** "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.

Exhibit "A"

Title 5 - BUSINESS LICENSES, PERMITS, AND SAFETY INSPECTION CERTIFICATES

~~(Ord. 2764, 2000)~~

- B. "Business" shall mean any occupation, trade, profession, commercial activity, social activity, fraternal activity, or religious activity located or meeting regularly in buildings or offices, **including multi-family dwelling units of four (4) or more units**, 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.
- C. **Unless specifically identified, in this Title, the term, "Certificate" shall include safety inspection certificates, home occupation certificates, or any other certificates or permits issued by the City of Great Falls' Planning and Community Development or Fire Rescue Departments.**
- D. "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 ~~rights~~ **rights** of neighboring residents to enjoy the peaceful occupancy of their ~~home~~ **homes**.
- E. **"Home Occupation Certificate" is a certificate, license, or permit issued by the Planning and Community Development Department under the terms and conditions of 5.2.020-5.2.040.**
- F. "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.
 - 1. 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 (1) location. The parking of a vehicle or other movable entity within three hundred (300) feet of the original location is considered one (1) location.~~
 - 2. 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).~~

- G. "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~~ **which is** recognized as such by the United States Internal Revenue Service ~~and/or~~ the Montana Department of Revenue.
- H. "Permanent Premises" means any buildings or structures, or any part of any ~~building~~ **buildings** or ~~structure~~ **structures**, situated on a permanent structural foundation that ~~meets~~ **meet** the engineering requirements in the Uniform Building Code and ~~is~~ **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.

Exhibit "A"

Title 5 - BUSINESS LICENSES, PERMITS, AND SAFETY INSPECTION CERTIFICATES

~~(Ord. 2764, 2000)~~

- I. "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~~ **designation**, appointment, or **otherwise** pursuant to law.
- J. "Premises" means ~~any~~ office, **property**, retail space ~~or~~, structure **or portion thereof** 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)~~

- K. "Safety Inspection Certificate" is a certificate for a ~~premises~~**business**, or occupation, at a specific ~~premise~~**premises** 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)~~

- L. "Property Manager" means a "person" who rents or leases rental units, **including but not limited to, multi-family dwellings**, excluding hotels or motels.
- M. "Square footage" is the total number of square feet contained within the exterior walls of a building, suite ~~or~~, office, **or premises** used in, **or available for**, the business operation ~~and open to the public~~.

~~(Ord. 2745, 1998)~~

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

~~(Ord. 2764, 2000)~~

- O. "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 month period.~~

~~(Ord. 2764, 2000; Ord. 2745, 1998)~~

Exhibit "A"

Title 5 - BUSINESS LICENSES, PERMITS, AND SAFETY INSPECTION CERTIFICATES

- P. "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)~~

- Q. "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)~~

- R. "Uniform Safety Codes" as used herein, shall mean the most recent version of the ~~Codes~~ **International Building Code, International Fire Code, International Property Maintenance Code, in whole or in part, which have been** adopted by the City of Great Falls and referenced in ~~Title~~ **OCCGF Titles 15, 16** 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, **multi-family dwellings of four (4) or more units, or any** 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 **and shall supply copies of applicable Montana State Licenses to the Great Falls Fire Rescue Department.**

~~(Ord. 2745, 1998; Ord. 2672, 1995).~~

- D. **All independently owned and operated businesses located within a single building, shall each obtain a Safety Inspection Certificate.**

Exhibit "A"

Title 5 - BUSINESS LICENSES, PERMITS, AND SAFETY INSPECTION CERTIFICATES

5.1.030 Authority and Appeals.

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).
- A. Unless otherwise specified in this Title, if an application for a license, certificate, or permit is denied or revised in a way which is unacceptable to the applicant, the applicant may appeal the decision to the City Manager in writing within fifteen (15) calendar days. The City Manager or designee shall review the application and uphold, reverse, or revise the decision on the application. If applicant makes no such appeal, the initial determination shall stand.**
 - B. If the City Manager upholds or revises the determination of the application for a license, certificate, or permit, the applicant may appeal the decision to the City Commission in writing within fifteen (15) calendar days. The Commission shall review the application in a public meeting and uphold, reverse or revise the decision on the application. If applicant makes no such appeal, the City Manager's determination will stand.**
 - C. Unless otherwise specified in this Title, appeals to the City Commission of the denial, revocation or suspension of Safety Inspection Certificates, Special Business licenses, Home Occupation Certificates, or other licenses or permits under this title shall comply with the provisions of 1.2.040.**

5.1.040 Procedure for issuance of safety inspection certificates, permits or special licenses.

- AA. Safety inspection certificates shall be issued by the Great Falls Fire Rescue Department pursuant to the provisions of this Title.**
 - B. Home Occupancy certificates, special licenses and other certificates, permits and licenses shall be issued by the Planning and Community Development Department pursuant to the provisions of this Title.**
 - C. Prior to issuing a certificate, permit, or special business license, the applicant shall:**
 - 1. Be in compliance with all Zoning, Building and Fire Uniform Safety 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-;**
 - B3. Be current in the payment of all City fees and assessments; and**
 - 4. Have no other outstanding obligations to the City.**
- D. The applicant may change location provided:**

Exhibit "A"

Title 5 - BUSINESS LICENSES, PERMITS, AND SAFETY INSPECTION CERTIFICATES

1. The applicant complies with all Zoning, ~~Building and Fire~~ **Uniform Safety** Codes; **and**
2. The applicant obtains a new certificate, **permit**, 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~~ **E. If a newly established business is determined by GFFR staff to require a safety inspection certificate, said business shall apply for a safety inspection certificate and complete all the procedures pursuant to this section within 60 days of that determination. Failure to do so shall constitute a violation of Section 5.2.010 of this Title.**

5.1.050 Certificate, Permit and special business license fees.

- A. All certificate, **permit** 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, **permit**, or special business license fee, or part thereof, shall be made.

~~(Ord. 2764, 2000; Ord. 2672, 1995)~~ **D. Offices or buildings that are owned and operated by the United States Government, The State of Montana, or Cascade County may be subject to**

~~5.1.060 — Safety inspection~~ **but are exempt from applicable fees under this Title. However, this exemption does not apply to privately owned businesses operating on exempt property.**

5.1.060 certificateCertificate, permits and special business license duration — renewal.

- A. All certificates, **permits** or special business licenses **issued pursuant to this Title** shall expire on December ~~31st~~**31** of the year in which such certificate, **permit** or special business license is issued, unless otherwise specified.

~~(Ord. 2764, 2000; Ord. 2672, 1995)~~

Exhibit "A"

Title 5 - BUSINESS LICENSES, PERMITS, AND SAFETY INSPECTION CERTIFICATES

~~5.1.070 Late charge.~~

- AB. Failure to renew ~~the~~ certificate, permit or special business license **and to remit all applicable fees within sixty (60) days after expiration** shall result in ~~a delinquent charge as determined by resolution. immediate revocation of said certificate, permit, or license.~~
- BC. Each day that any violation of this chapter occurs or continues may constitute a separate offense and may be punishable as a separate violation.

5.1.070 Late charge.

~~(Ord. 2764, 2000; Ord. 2672, 1995)~~

Failure to renew the safety inspection certificate or special business license by December 31 of the year in which such certificate, permit, or special business license is issued, shall result in a delinquent charge as determined by Commission resolution.

5.1.080 Duties of licensee, permit or certificate holder.

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

~~(Ord. 2672, 1995)~~

- C. **The certificate, permit, or license holder may transfer the certificate, permit or special business license to another business, operating at the same location, in accordance with established City procedures.**

5.1.090 Certificate, permit or special license — revocation or suspension.

- A. The certificate, permit, or special license may be revoked or suspended when the ~~licensee~~license, permit or certificate holder violates this ~~title~~Title.
- B. The following procedure will be followed in revoking or suspending a certificate or license:
 - 1. A written notice shall be ~~provided~~**mailed or personally delivered** to the ~~licensee~~license, permit, or certificate holder, **by the City staff**, at least fifteen (15) **calendar** days prior to revocation or suspension. ~~The notice shall state the reason(s) for the action.;~~
 - 2. The ~~licensee~~**notice shall state the reason(s) for the action;**

Exhibit "A"

Title 5 - BUSINESS LICENSES, PERMITS, AND SAFETY INSPECTION CERTIFICATES

3. **Within fifteen (15) calendar days of the date of the written notice, the license, permit, or certificate holder may request a review of the proposed action—within fifteen (15) days of the receipt of notice;**
 34. **When a review is requested, a meeting shall be set between City staff, the City Manager or designee, and the requesting party—license, permit, or certificate holder; and**
 5. **Following the review, the City Manager or designee will determine, in writing if a suspension or revocation is warranted.**
- C. If conditions are determined to cause an immediate threat to health or safety, the **City Manager or designee** 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.~~

Except as stated in this Title, all appeals of a suspension or revocation of a license, permit or certificate granted, shall be filed in writing by any license, permit, or certificate holder to the City Commission within fifteen (15) calendar days of the date of the written determination to suspend or revoke the certificate, permit or license.

5.1.110 Severability.

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

Chapter 2 SAFETY INSPECTION CERTIFICATE

Sections:

- 5.2.010 Safety inspection certificate.
- 5.2.020 Home occupation certificate.
- 5.2.030 Issuance — revocation of certificate.
- 5.2.040 Home occupation requirements.

Exhibit "A"

Title 5 - BUSINESS LICENSES, PERMITS, AND SAFETY INSPECTION CERTIFICATES

5.2.010 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.**
- B. A Safety Inspection Certificate fee is authorized.**
- C. In any multiple business, suite/office structure:
 - 1. Each independently owned and operated business with a separate business address, within said building or structure, shall be required to obtain a certificate; and**
 - 2. The building owner/agent shall obtain a certificate for indoor commonly accessed areas.****
- D. For multi-family dwelling units of four (4) or more units, only the indoor commonly accessed areas shall require a certificate.**
- E. It is unlawful for any person to operate a business within the incorporated City limits without a valid Safety Inspection Certificate. A violation of this section is punishable by a term not to exceed 6 months in jail, a fine of not more than \$500, or both. Additionally, the Court within its discretion, may order the business to cease all operation until it complies with this Title.**
- F. A business operating within the incorporated City limits without a valid Safety Inspection Certificate, is hereby declared a Nuisance pursuant to OCCGF Title 8, Chapter 49.**

5.2.020 Home occupation certificate.

The establishment of a Home Occupation shall require a certificate issued by the City of Great Falls through the Planning and Community Development Department.

5.2.030 Issuance — revocation of certificate.

- A. Applications for Home Occupation Certificates shall include:
 - 1. A site plan indicating what portion of the dwelling will be used for the business; and**
 - 2. A complete description of the type of business to be conducted.****
- B. The Home Occupation Certificate holder may appeal the denial or revocation of a Home Occupation Certificate to the Great Falls Board of Adjustment pursuant to Title 17 of this Code.**

Exhibit "A"

Title 5 - BUSINESS LICENSES, PERMITS, AND SAFETY INSPECTION CERTIFICATES

- C. **Review and/or revocation of the Home Occupation certificate shall occur:**
 - 1. Upon receipt of a written request for revocation from any two (2) adjacent property owners, 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; or
 - 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, violates the terms of the Home Occupation Certificate, the said Home Occupation Certificate shall be revoked.
- D. It is unlawful for any person to operate a business, in a dwelling, within the incorporated City limits of Great Falls without a valid Home Occupation Certificate. A violation of this section is punishable by a term not to exceed 6 months in jail, a fine of not more than \$500, or both.
- F. A business operating, within a dwelling, within the incorporated City limits and without a valid Home Occupation Certificate, is hereby declared a Nuisance pursuant to OCCGF Title 8, Chapter 49.

5.2.040 Home occupation requirements.

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

- 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 (1) resident of the dwelling unit. In addition, non-resident employees are permitted where the aggregate hours worked by those non-resident employees do not exceed forty (40) hours per week and when no more than two (2) employees are present at one (1) time.
- C. **Location.** For Home Occupations in which 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 (30) percent of the dwelling may be dedicated to the Home Occupation.
- F. **Exterior Use.** No exterior storage of material, equipment, or any variation from the residential character of the principal building shall be permitted.
- G. **Noise, etc.** No offensive noise, vibration, smoke, dust, odor, heat or glare shall be produced by the Home Occupation activities permitted by the Certificate.

Exhibit "A"

Title 5 - BUSINESS LICENSES, PERMITS, AND SAFETY INSPECTION CERTIFICATES

- 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 exceed the allowable floor loading of forty (40) 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 (1) ton rated capacity, shall not utilize on-street parking, and shall be parked on the premises identified in the Home Occupation Certificate.
- K. Sign.** No exterior sign or display shall be permitted, except for one (1) non-illuminated name plate, or Home Occupation sign. Signs for Home Occupations allowed in residential homes are allowed one (1) non-illuminated sign, no larger than six (6) square feet in area per face and six (6) feet in height. Signs must be placed a minimum of twelve (12) feet from the back of the curb, and in compliance with 17.32.160.
- L. Garage.** The Home Occupation cannot be conducted upon the area provided to fulfill the off-street parking requirements for the dwelling unit on the lot, including but not limited to garage space.

Chapter 3 SPECIAL BUSINESS AND CONSTRUCTION LICENSES, CERTIFICATES, AND PERMITS

Articles:

Article 1 - COIN-OPERATED DEVICES DEPICTING SEXUAL ACTIVITIES

Article 2 - COMMERCIAL GARBAGE LICENSE

Article 3 - PAWNSHOPS, SECONDHAND STORES AND VALUABLE ARTICLE DEALERS

Article 4 - ALCOHOLIC BEVERAGES

Article 5 - NON-RESIDENT VENDOR LICENSE

Article 6 - FALSE ALARMS

Article 7 - EMERGENCY MEDICAL SERVICES LICENSES

Article 8 – PLUMBING CONTRACTOR’S LICENSE

Article 9 – PLUMBER CERTIFICATE

Article 10 – MEDICAL GAS SYSTEMS

Exhibit "A"

Title 5 - BUSINESS LICENSES, PERMITS, AND SAFETY INSPECTION CERTIFICATES

Article 11 – FUEL GAS PIPING SYSTEMS

Article 12 – ELECTRICAL CONTRACTING

Article 1 MECHANICALLY-OPERATED DEVICES DEPICTING SEXUAL ACTIVITIES

Sections:

5.3.1.010 Purpose.

5.3.1.020 Mechanically-operated devices depicting sexual activities.

5.3.1.030 License required.

5.3.1.010 Purpose.

The purpose of this article is to recognize 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, justifying a higher license fee. No license will be issued pursuant to this chapter to any person, organization, or entity that has an outstanding obligation or debt to the City.

5.3.1.020 Mechanically-operated devices depicting sexual activities.

Definitions. The following words and phrases when used in this article shall have the following meanings:

- A. "Device" shall include any machine which, upon the insertion of payment of consideration, in any form, directly or indirectly depicts, displays, or projects pictures, photographs or other visual images of anatomical areas or specified sexual activities.**
- B. "Specified Anatomical Areas" include:**
 - 1. Less than completely and opaquely covered: human genitals, pubic region, buttock, or female breast below a point immediately above the top of areola; or**
 - 2. Human male genitals, even if completely and opaquely covered.**
- C. "Specified Sexual Activities" include:**
 - 1. Human genitals in a state of sexual stimulation or arousal;**
 - 2. Acts of human masturbation, sexual intercourse, sodomy; or,**
 - 3. Fondling of human genitals, pubic region, buttock, or female breast.**

Exhibit "A"

Title 5 - BUSINESS LICENSES, PERMITS, AND SAFETY INSPECTION CERTIFICATES

- D. 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.**

5.3.1.030 License required.

- A. It shall be unlawful for any business to have, or 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.**
- B. Any violation of this section is a misdemeanor punishable by a term of not more than six (6) months in jail, a fine not to exceed \$500, or both.**
- C. The Court, in its discretion may order the destruction of any device depicting sexual activities in violation of this section.**
- D. Any business that has or operates devices depicting sexual activities in violation of this section, is hereby by declared a Nuisance pursuant to OCCGF Title 8, Chapter 49.**

Article 2 COMMERCIAL GARBAGE LICENSE

Sections:

5.3.2.010 Commercial garbage license.

5.3.2.010 Commercial garbage license.

- A. No person, or business, shall engage in the business of collecting or removing garbage from any business or residence in the 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 Public Works Department, containing the following information:**
 - 1. The names and addresses of each residence served;**
 - 2. The names and addresses of each commercial establishment, including multifamily dwellings containing three (3) or more separate dwelling units;**

Exhibit "A"

Title 5 - BUSINESS LICENSES, PERMITS, AND SAFETY INSPECTION CERTIFICATES

3. The number and size of the containers at each commercial site;
 4. The number of times each container is picked up per week; and
 5. An estimate of the weekly volume of refuse removed from the site which is outside of regular containers.
- D. The City reserves the right to deny, or revoke, a commercial garbage license for just cause, upon written complaint, with regard to the conduct of the service provider, quality of services rendered, or business and/or marketing practices.

Article 3 PAWNSHOPS, SECONDHAND STORES AND VALUABLE ARTICLE DEALERS

Sections:

5.3.3.010 Definitions.

5.3.3.020 Register required.

5.3.3.030 Duration articles must be held.

5.3.3.040 Violation; penalty.

5.3.3.050 Extensions; exclusions.

5.3.3.010 Definitions.

The following words and phrases when used in this article shall have the following meanings:

- A. "Customer" means any person or entity who deposits, pledges, sells, trades, barter, consigns, or exchanges personal property, secondhand goods, wares, merchandise, or other valuable things to an operator as set forth in this section.
- B. The term "Operator" includes the following:
 1. "Pawnbroker" which means any person or entity who loans money on deposit, 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; and
 2. "Secondhand Dealer" or "Valuable Article Dealer" which means any person or entity who, within the City, as a business; engages in the purchase, sale, trade, barter, consignment, recycling, 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, recycled, or exchanged is defined as a secondhand dealer or valuable article 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

Exhibit "A"

Title 5 - BUSINESS LICENSES, PERMITS, AND SAFETY INSPECTION CERTIFICATES

merchandise or other goods where no cash is transferred or paid by the merchant.

5.3.3.020 Register required.

Any operator who engages in the activities set forth in 5.3.3.010 shall keep a legible written register, or record, of all property purchased or taken under that section, along with:

- A. A description of each article, including, but not limited to, identification number, serial number, model number, brand name, or other identification marks on such article; and a description by weight and design of precious and semi-precious metals or stones;
- B. The customer's name and date of birth;
- C. The customer's current address; and
- D. The customer's identification from one of the following:
 - 1. A valid state identification card;
 - 2. A valid state driver's license;
 - 3. A military identification card;
 - 4. A valid passport;
 - 5. An alien registration card; or
 - 6. An official identification document lawfully issued by a state or federal government.
- E. Records shall be retained for a period of two (2) years from the initial transaction. Such register shall be subject to examination by the Great Falls Police Department (GFPD), or other state or federal law enforcement agency, at any and all times.
- F. On a periodic basis, no later than 5:00 p.m. on Friday of each week's transactions, every operator shall file, upload, or record all registers or records of transactions, to an electronic database as designated by the Chief of Police or agent of the GFPD. If the transactions have not been entered into electronic database according to this section, the GFPD shall stop any further transactions by the operator, until the operator is in compliance.

5.3.3.030 Duration articles must be held.

For seven (7) days following the electronic filing of the register or record of a transaction into the GFPD database under this section, operators shall not dispose of the property purchased or taken, alter the property from the form in which it was received, or transfer the property to another location.

Exhibit "A"

Title 5 - BUSINESS LICENSES, PERMITS, AND SAFETY INSPECTION CERTIFICATES

5.3.3.040 Violation; penalty.

- A. Subject to subsection (B.) of this section, each operator who violates this chapter shall be fined one hundred dollars (\$100.00) for each item received by operator, that the customer illegally obtained, or did not have authority to deposit, pledge, sell, trade, barter, consign, or exchange, or otherwise provide to operator.
- B. This fine will be waived if the operator has properly and timely reported the item or items into the police database.
- C. All fines collected under this section will be directed to the Police Department for maintenance of the designated database.

5.3.3.050 Extensions; exclusions.

The Chief of Police, or designee, may for good cause shown, grant an operator a written extension to the deadlines herein, or an exclusion from these requirements based upon the type or value of property.

Article 4 ALCOHOLIC BEVERAGES

Sections:

5.3.4.010 Definitions.

5.3.4.020 Alcoholic beverage license required.

5.3.4.030 Special alcoholic beverage license required.

5.3.4.040 Catering license required.

5.3.4.050 Teen night license.

5.3.4.060 Sales within six hundred feet of a church or school.

5.3.4.010 Definitions.

The following words and phrases when used in this article shall have the following meanings:

- 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;

Exhibit "A"

Title 5 - BUSINESS LICENSES, PERMITS, AND SAFETY INSPECTION CERTIFICATES

- 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:
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.
- E. **"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.
- F. **"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 (2) or more bars located on the same premises and which have such intercommunication as will enable patrons to move freely from one (1) bar to another without leaving the premises, the various bars shall be regarded as but one (1) premises for which but one (1) license is required. In all other cases, licenses must be obtained for each bar even though operated in the same building with another bar.
- G. **"Liquor"** means an alcoholic beverage except beer and wine. The term includes a caffeinated or stimulant-enhanced malt beverage.
- H. **"Retailer"** means any person engaged in the sale and distribution of beer, either on draft or in bottles, to the public.
- I. **"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 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 section but made in the manner of wine and labeled and sold as wine in accordance with federal regulations are also wine.

Exhibit "A"

Title 5 - BUSINESS LICENSES, PERMITS, AND SAFETY INSPECTION CERTIFICATES

5.3.4.020 Alcoholic beverage license required.

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

5.3.4.030 Special event alcoholic beverage license required.

A Special Event Alcoholic Beverage License or Permit 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.

5.3.4.040 Catering license required.

Any person or business providing off-premises food or non-alcoholic beverages to third parties must obtain a City Catering license in addition to other permits or licenses required under this Title. This does not pertain to individuals' home food or non-alcoholic beverage preparation for personal consumption.

5.3.4.050 Additional Catering endorsement required.

- A. An Alcohol Beverage license, or a Special Event Alcoholic Beverage License, and a Catering License or Endorsement are required for the conduct of off-premise alcoholic beverage catering, in addition to other required permits or licenses;**
- B. Any alcoholic beverages licensee may obtain an Special Event Alcoholic Beverage License or Permit with a Catering Endorsement, as applicable, for all the catering and/or 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 and/or Special Event Alcoholic Beverage licensee, with an Alcoholic Catering Endorsement, shall at least seventy-two hours 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; and**

Exhibit "A"

Title 5 - BUSINESS LICENSES, PERMITS, AND SAFETY INSPECTION CERTIFICATES

- D. **Special Event Alcoholic and/or Catering Licensees will indemnify, defend and hold harmless the City from any and all claims, damages, losses and expenses arising from the event. The Licensee shall be required to carry insurance for comprehensive general liability, automobile liability and designated premises in the amount of one million dollars (\$1,000,000.00) per occurrence and two million dollars (\$2,000,000.00) aggregate, and list the City as an additional named insured under the policy. Documentation of such insurance must be provided to the City at least 72 hours prior to the event.**

5.3.4.060 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 Alcoholic Beverages on the premises have been stored away out of sight and shall remain locked and secured for so long as the premises are open as a teen night;**
- B. **All signs advertising or referencing alcohol shall be removed or covered when the premises is open as a teen night;**
- 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 and/or driver's license cards between 6:00 p.m. and thirty (30) minutes prior to curfew and anyone verifying their age over eighteen (18) after curfew on designated days of the week;**
- D. **Registration of the name, age, and address of the licensee's employees (a minimum of four (4)) who shall be responsible for security of the premises including parking lots to be patrolled a minimum of three (3) 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, Alcoholic Beverages, weapons, or any other dangerous substances are excluded from the premises except Alcoholic Beverages that may have otherwise been locked away and secured thereon.**
- E. **Anyone under the influence of 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 GFPD.**
- F. **For so long as the premises is open as a teen night, smoking of tobacco or vapor products as defined under the Montana Code Annotated, including Mont. Code Ann. §16-11-302, 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 may be revoked in accordance with licensing procedures.**

Exhibit "A"

Title 5 - BUSINESS LICENSES, PERMITS, AND SAFETY INSPECTION CERTIFICATES

Article 5 NON-RESIDENT VENDOR LICENSE

Sections:

5.3.5.010 Non-resident vendor license required.

5.3.5.020 Non-resident merchant special business license required.

5.3.5.030 Non-resident service contractor special business license required.

5.3.5.010 Non-resident vendor license required.

- A. Each individual engaging in Non-Resident Vendor business or commercial enterprise 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.**
- B. No vendor shall park a vehicle, or any other movable temporary device, on any public street, alley, or private lot for more than four (4) hours in any eight-hour period at one (1) location. The parking of a vehicle, or other moveable device within three hundred (300) feet of the original location is considered one (1) location.**
- C. The Non-resident Vendor License can be obtained from the Planning and Community Development Department during regular working hours.**
- D. A short-term Non-Resident Vendor License may be granted on a short-term basis and shall be good for one (1) week from the date of issuance. A long-term license is good from the issue date through December 31, of the same year, and may be renewed upon its expiration.**
- E. The City reserves the right to deny or revoke a license, upon receiving written citizen complaints regarding the vendor, merchandise, or practices.**

5.3.5.020 Non-resident merchant special business license required.

- A. Any individual or entity 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.**
- B. A Non-Resident Merchant may apply for a Non-Resident Merchant special business license from the Planning and Community Development Department during normal business hours.**
- C. The license is valid for a period of six (6) months and may be renewed once thereafter during in any twelve-month period.**
- D. The City reserves the right to deny or revoke, upon written complaint, a Non-Resident Merchant special business license for just cause with regard to the**

Exhibit "A"

Title 5 - BUSINESS LICENSES, PERMITS, AND SAFETY INSPECTION CERTIFICATES

conduct of the merchant, suitability of any merchandise, or business and/or marketing practices.

5.3.5.030 Non-resident service contractor special business license required.

- A. Any individual or entity 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.**
- B. A Non-Resident Service Contractor may apply for a Non-Resident Service Contractor special business license from the Planning and Community Development Department during normal business hours.**
- C. This Non-Resident Service Contractor special business license is valid from the date of issuance to December 31 and may be renewed upon its expiration.**
- D. The City reserves the right to deny, or revoke, a Non-Resident Service Contractor license for just cause, upon written complaint, with regard to the conduct of the service contractor, quality of services rendered, or business and/or marketing practices.**

Article 6 FALSE ALARMS

Sections:

5.3.6.010 Definitions.

5.3.6.020 Audible alarm requirements.

5.3.6.030 Agent permit required.

5.3.6.040 Exemptions.

5.3.6.050 Penalty.

5.3.6.010 Definitions.

Unless otherwise specified, the following words and phrases when used in this article shall have the following meanings:

- A. "Alarm agent" means any person who is directly or indirectly employed by an alarm business, 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.**
- B. "Alarm business" means any individual, partnership, corporation, or other entity engaged in selling, leasing, maintaining, servicing, repairing, altering, replacing,**

Exhibit "A"

Title 5 - BUSINESS LICENSES, PERMITS, AND SAFETY INSPECTION CERTIFICATES

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.

- C. "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. 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 a telephone or telecommunication company to protect company systems which might be damaged or disrupted by the use of an alarm system. Alarm systems include, but are not limited to:
 - 1. direct dial telephone devices; and
 - 2. audible alarms and proprietor alarms.
- D. "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.
- E. "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:
 - 1. alarms caused by repair of telephone or communication equipment or lines;
 - 2. alarms caused by earthquakes, flood, windstorm, thunder, and lightning;
 - 3. alarms caused by an attempted illegal entry or analogous causes of which there is visible evidence; and
 - 4. alarms caused by power outages.
- F. "Proprietor alarm" means an alarm which is not serviced by an alarm business.
- G. "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.

5.3.6.020 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 alarm is actuated.
- B. Whenever any change occurs relating to the required written information, the applicant shall give written notice thereof to the Great Falls Police Department of such change.

Exhibit "A"

Title 5 - BUSINESS LICENSES, PERMITS, AND SAFETY INSPECTION CERTIFICATES

5.3.6.030 Alarm Agent permit required.

- A. All persons engaged in 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 an Alarm Agent permit while engaged in alarm related business or activities.

5.3.6.040 Exemptions.

- A. The provisions of this chapter are not applicable to audible alarms affixed to automobiles.
- B. The provisions of this chapter 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.

5.3.6.050 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:

- A. False Alarms one (1) through three (3); written notice to permittee;
- B. A fourth or subsequent false alarm in a calendar year shall result in an assessed administrative fee of fifty dollars (\$50.00).

Article 7 EMERGENCY MEDICAL SERVICES LICENSES

Sections:

5.3.7.010 Definitions.

5.3.7.020 License required.

5.3.7.030 Criteria for license.

5.3.7.040 Cancellation of license.

5.3.7.050 Notice and hearing required.

5.3.7.060 Existing services.

5.3.7.070 Exemptions.

Exhibit "A"

Title 5 - BUSINESS LICENSES, PERMITS, AND SAFETY INSPECTION CERTIFICATES

5.3.7.010 Definitions.

Unless otherwise specified, the following words and phrases when used in this article shall have the following meanings:

- A. "Ambulance" means a privately or publicly owned motor vehicle, or aircraft that is maintained and used for the transportation of medical patients.
- B. "Emergency Medical Services" means a pre-hospital emergency medical transportation or treatment service provided by an ambulance or similar vehicle.
- C. "License Certificate" means the City Emergency Medical Services License issued, or renewed, to any person engaging in the ambulance service business. A new Emergency Medical Services license shall be issued only after a favorable determination of public convenience and necessity by the City Commission.
- D. "License Year" means a fiscal year from July 1 through June 30 of each calendar year.
- E. "Patient" means an individual who is sick, injured, wounded, or otherwise incapacitated. 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.
- F. "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.
- G. "Public Convenience and Necessity" means qualified, fit, able, and willing to perform and provide emergency medical 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 emergency medical service within the City.

5.3.7.020 License required.

- A. No person shall conduct or operate an emergency medical service within the City without first obtaining an Emergency Medical Services license as provided in this chapter.
- B. All Emergency Medical Services licenses shall be valid for a City license year, or for the remainder thereof. An Emergency Medical Services license 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 provide emergency medical services.
- C. No Emergency Medical Services license shall be issued under this chapter, to any new applicant, unless the City Commission shall, after conducting a public hearing and review, finds 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.

Exhibit "A"

Title 5 - BUSINESS LICENSES, PERMITS, AND SAFETY INSPECTION CERTIFICATES

- D. If the City Commission finds that another ambulance service would be in the public interest, the City Commission shall authorize the issuance of an Emergency Medical Services License certificate of public convenience and necessity stating the name and address of the applicant, the location of the emergency medical service and the date of the issuance. If the City Commission does not find that public convenience and necessity would benefit from another emergency medical service provider, the application shall be denied. Existing emergency medical services providers may continue to operate within the City, provided 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, or renewal of, an Emergency Medical Services license, a license fee that shall be set by City Commission resolution.**
- F. An Emergency Medical Services license is not transferable.**
- G. An Emergency Medical Services license is non-exclusive.**

5.3.7.030 Criteria for license.

Any person desiring to obtain an Emergency Medical Services license required by this chapter shall demonstrate the ability to meet the requirements of Title 8, Chapter 9 of this Code.

5.3.7.040 Revocation of license.

The City may revoke an Emergency Medical Services 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 Emergency Communications 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.**

5.3.7.050 Notice and hearing required.

- A. The City may deny or revoke an Emergency Medical Services license subject to:
 - 1. delivery to the applicant or licensee of a written statement of the grounds for denial or revocation of the subject license; and**
 - 2. the opportunity for the applicant or licensee to answer at a hearing before the City Commission to show cause, if any, why the license should not be denied or revoked.****

Exhibit "A"

Title 5 - BUSINESS LICENSES, PERMITS, AND SAFETY INSPECTION CERTIFICATES

- B. Within ten (10) days of the written statement of grounds for denial or revocation, any applicant or licensee desiring a hearing before the City Commission shall make written application to the City Clerk's office requesting a hearing and stating the reasons for the applicant or licensee's request.**

5.3.7.060 Exemptions.

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

- A. The Great Falls Fire Rescue Department, except as provided in Montana state licensing requirements from the State's Board of Medical Examiners and the Department of Health and Environmental Services;**
- 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; and**
- 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.**

Article 8 PLUMBING CONTRACTOR'S LICENSE

Sections:

- 5.3.8.010 Plumbing Contractor licensing.**
- 5.3.8.020 Licensing application.**
- 5.3.8.030 Insurance and bond.**
- 5.3.8.040 License term.**
- 5.3.8.050 License fee.**

5.3.8.010 Plumbing contractor licensing.

Any person, firm, corporation, or other entity 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.

5.3.8.020 Licensing application.

An applicant for a plumbing contractor's license shall show evidence that the applicant, or at least one (1) member of the firm or corporation, is the holder of a current master plumber's license issued by the State of Montana.

5.3.8.030 Insurance and bond.

Exhibit "A"

Title 5 - BUSINESS LICENSES, PERMITS, AND SAFETY INSPECTION CERTIFICATES

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.

5.3.8.040 License term.

- A. Except as provided in subsection (B.) of this part, all licenses issued under the provisions of this article shall be for the calendar year beginning January 1, and expiring on December 31. Renewals or new applicants applying after the expiration date shall pay fees as specified for the full year.
- B. Applications after December 1, will receive licenses valid for the remainder of the year plus the next calendar year.

5.3.8.050 License fee.

The fee for issuance of a plumbing contractor's license shall be as set by City Commission resolution.

Article 9 PLUMBER LICENSING

Sections:

5.3.9.010 Plumber certificate required.

5.3.9.020 Certificate fee.

5.3.9.010 Plumber certificate required.

Any person engaged in the trade or calling of journeyman plumber in the City is required to have a plumber's certificate issued by the Planning and Community Development Department. Certificates issued under the provisions of this article shall be for the calendar year beginning January 1, and expiring on December 31.

5.3.9.020 Certificate fee.

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.

Article 10 MEDICAL GAS SYSTEMS

Sections:

5.3.10.010 Contractor licensing.

5.3.10.020 Application.

Exhibit "A"

Title 5 - BUSINESS LICENSES, PERMITS, AND SAFETY INSPECTION CERTIFICATES

- 5.3.10.030 Insurance and bond.**
- 5.3.10.040 Medical gas contractor license fee.**
- 5.3.10.050 Medical gas systems certificate required.**
- 5.3.10.060 Medical gas contractor certificate fee.**

5.3.10.010 Contractor licensing.

Any person, firm, corporation, or other entity who engages in the business of installation, alteration, maintenance or repair of medical gas systems is required to have a medical gas systems contractor's license issued by the Planning and Community Development Department. Medical gas is defined by Title 15 of this Code. Licenses issued under the provisions of this article shall be for the calendar year beginning January 1, and expiring on December 31.

5.3.10.020 Application.

An applicant for a medical gas systems contractor's license shall show evidence that the applicant, or at least one (1) member of the firm or corporation, is the holder of a current medical gas certificate.

5.3.10.030 Insurance and bond.

An applicant for a medical gas systems contractor's license shall meet the requirements of 5.3.8.030.

5.3.10.040 Medical gas contractor license fee.

The fee for issuance of a medical gas systems contractor's license shall be as set by City Commission resolution.

5.3.10.050 Medical gas systems certificate required.

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.

5.3.10.060 Medical gas contractor certificate fee.

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

Exhibit "A"

Title 5 - BUSINESS LICENSES, PERMITS, AND SAFETY INSPECTION CERTIFICATES

by City Commission resolution. Certificates issued under the provisions of this article shall be for the calendar year beginning January 1, and expiring on December 31.

Article 11 FUEL GAS PIPING SYSTEMS

Sections:

- 5.3.11.010 Gas fitting contractor licensing.**
- 5.3.11.020 License application.**
- 5.3.11.030 Insurance and bond.**
- 5.3.11.040 Gas fitting contractor's license fee.**
- 5.3.11.050 Gas fitter's certificate.**
- 5.3.11.060 Certificate application.**
- 5.3.11.070 Gas fitting certificate fee.**

5.3.11.010 Gas fitting contractor licensing.

Any person, firm, corporation, or any other entity 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 issued by the Planning and Community Development Department. Licenses issued under the provisions of this article shall be for the calendar year beginning January 1, and expiring on December 31.

5.3.11.020 License application.

An applicant for a gas fitting contractor's license shall show evidence that the applicant, or at least one (1) member of the firm, corporation, or entity is the holder of a current gas fitters certificate.

5.3.11.030 Insurance and bond.

An applicant for a gas fitting contractor's license shall meet the requirements of 5.3.8.030.

5.3.11.040 Gas fitting contractor's license fee.

The fee for issuance of a gas fitting contractor's license shall be as set by City Commission resolution.

5.3.11.050 Gas fitter's certificate.

Exhibit "A"

Title 5 - BUSINESS LICENSES, PERMITS, AND SAFETY INSPECTION CERTIFICATES

Any person engaged in the trade or calling of gas fitter in the City is required to have a gas fitter's certificate. Certificates issued under the provisions of this article shall be for the calendar year beginning January 1, and expiring on December 31.

5.3.11.060 Certificate application.

- A. A person or entity 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.
- B. A fee of twenty dollars (\$20.00) shall be paid for each examination.
- C. The examination shall be administered by the person responsible for gas installation inspections, who will certify the results to the Building Official.
- D. 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 (30) calendar days. Adequate proof of experience in the field of gas fitting or related trades shall be submitted prior to the date of examination.
- E. 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 (2) years.

5.3.11.070 Gas fitting certificate fee.

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.

Article 12 ELECTRICAL CONTRACTING

Sections:

- 5.3.12.010 Electrical contractor's license.
- 5.3.12.020 Electrical contractor's license application.
- 5.3.12.030 Insurance and bond.
- 5.3.12.040 Electrical contractor's license fee.
- 5.3.12.050 Individual wiring certificate.
- 5.3.12.060 Individual wiring certificate application.
- 5.3.12.070 Individual wiring certificate fee.

Exhibit "A"

Title 5 - BUSINESS LICENSES, PERMITS, AND SAFETY INSPECTION CERTIFICATES

5.3.12.010 Electrical contractor's license.

Any person, firm, corporation, or other entity 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 issued by the Planning and Community Development Department. 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. Licenses and Certificates issued under the provisions of this article shall be for the calendar year beginning January 1, and expiring on December 31.

5.3.12.020 Electrical contractor's license application.

- 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 (5) living units in a single structure. Journeyman, master, and residential electricians are as defined and licensed under authority of the Mont Code Annotated 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 5.3.12.030.**

5.3.12.030 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 (2) years of business. If performance under the bond is satisfactory, the City may release the contractor from further posting of the bond.**
- C. Additionally, if an electrical contractor is not performing satisfactory work and has no license bond, the Board of Adjustment shall conduct a hearing to determine if a license bond shall be required to be posted and determine the period of the posting.**

Exhibit "A"

Title 5 - BUSINESS LICENSES, PERMITS, AND SAFETY INSPECTION CERTIFICATES

5.3.12.040 Electrical contractor's license fee.

The fee for issuance of an electrical contractor's license shall be set by City Commission resolution.

5.3.12.050 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 City is required to have an individual wiring certificate issued by the Planning and Community Development Department.

5.3.12.060 Individual wiring certificate application.

An applicant for an individual wiring certificate shall submit evidence to the Building Official 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 Mont. Code Ann. Title 37.

5.3.12.070 Individual wiring certificate fee.

The fee shall be established by resolution of the City Commission.

Chapter 16 CATV REGULATIONS

Sections:

Repealed.

Chapter 20 RESERVED

Editor's note— Ord. No. 3115, § 2, adopted Dec. 17, 2013, repealed Tit. 5, Chapter 20, which pertained to establishing and operating an electric utility and derived from Ord. 2861, 2003; and Ord. 2925, 2005.

(Ord. 3168, 2017; Ord. 3139, 2016; Ord. 3125, 2014; Ord. 3117, 2014; Ord. 3057, 2010; Ord. 2993, 2008; Ord. ~~2865, 2003~~; Ord. ~~2764, 2000~~; Ord. 2745, 1998; Ord. 2743, 1998; Ord. 2675, 1995; Ord. 2674, 1995; Ord. 2672, 1995; Ord. 2509, 1988; Ord. 2487, 1987; Ord. 2483, 1987; Ord. 2344, 1983; Ord. 2008, 1977; Ord. 1874, 1975; Prior Codes 5.11.1; 5.11.3; 5.16.1).

Title 5 - BUSINESS LICENSES, PERMITS, AND SAFETY INSPECTION CERTIFICATES

**Chapter 1 GENERAL BUSINESS LICENSE AND SAFETY INSPECTION
CERTIFICATE PROCEDURE**

Sections:

- 5.1.010 Definitions.
- 5.1.020 Application of regulations.
- 5.1.030 Authority and Appeals.
- 5.1.040 Procedure for issuance of certificates, permits or special licenses.
- 5.1.050 Certificate, Permit and special business license fees.
- 5.1.060 Certificate, permits and special business license duration — renewal.
- 5.1.070 Late charge.
- 5.1.080 Duties of license, permit or certificate holder.
- 5.1.090 Certificate, permit or special license — revocation or suspension.
- 5.1.100 Appeal.
- 5.1.110 Severability.

5.1.010 Definitions.

The following words and phrases when used in this Title shall have the following meanings:

- A. "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.
- B. "Business" shall mean any occupation, trade, profession, commercial activity, social activity, fraternal activity, or religious activity located or meeting regularly in buildings or offices, including multi-family dwelling units of four (4) or more units, 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.
- C. Unless specifically identified, in this Title, the term, "Certificate" shall include safety inspection certificates, home occupation certificates, or any other certificates or permits issued by the City of Great Falls' Planning and Community Development or Fire Rescue Departments.
- D. "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 rights of neighboring residents to enjoy the peaceful occupancy of their homes.

Exhibit "B"

Title 5 - BUSINESS LICENSES, PERMITS, AND SAFETY INSPECTION CERTIFICATES

- E. "Home Occupation Certificate" is a certificate, license, or permit issued by the Planning and Community Development Department under the terms and conditions of 5.2.020-5.2.040.
- F. "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.
 - 1. 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.
 - 2. 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.
- G. "Nonprofit organization" is any group or organization which is recognized as such by the United States Internal Revenue Service or the Montana Department of Revenue.
- H. "Permanent Premises" means any buildings or structures, or any part of any buildings or structures, situated on a permanent structural foundation that meet the engineering requirements in the Uniform Building Code and are 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.
- I. "Person" is meant to include individual natural persons, partnerships, joint ventures, societies, associations, clubs, trustees, trusts, or corporations; or any officers, agents, employees, or representatives thereof, in any capacity, acting either for him or herself, or for any other person, under designation, appointment, or otherwise pursuant to law.
- J. "Premises" means any office, property, retail space, structure or portion thereof occupied for business use, the facilities and appurtenances in the structure, and the grounds, areas and facilities held out for the use of business.
- K. "Safety Inspection Certificate" is a certificate for a business, or occupation, at a specific premises 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.
- L. "Property Manager" means a "person" who rents or leases rental units, including but not limited to, multi-family dwellings, excluding hotels or motels.
- M. "Square footage" is the total number of square feet contained within the exterior walls of a building, suite, office, or premises used in, or available for, the business operation.
- N. "Temporary premises" means any buildings, structure, vehicles, or other mobile structures temporarily occupied for business which are without a foundation and permanent connection to City water and sewer service. A temporary premises can exist for no more than ninety (90) calendar days in any twelve-month period. Temporary premises do not include sales booths, concession stands etc., which are operated in conjunction with a community sponsored event which is authorized by the City.

Exhibit "B"

Title 5 - BUSINESS LICENSES, PERMITS, AND SAFETY INSPECTION CERTIFICATES

- O. "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, offers to sell, or exhibits for sale, such stock of goods, wares, articles of merchandise, notions, or other articles of trade.
- P. "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 1 and ending December 31 of the same year.
- Q. "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.
- R. "Uniform Safety Codes" as used herein, shall mean the most recent version of the International Building Code, International Fire Code, International Property Maintenance Code, in whole or in part, which have been adopted by the City of Great Falls and referenced in OCCGF Titles 15, 16 and Title 17.

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, distributing plants, multi-family dwellings of four (4) or more units, or any 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.
- 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 and shall supply copies of applicable Montana State Licenses to the Great Falls Fire Rescue Department.
- D. All independently owned and operated businesses located within a single building, shall each obtain a Safety Inspection Certificate.

5.1.030 Authority and Appeals.

- A. Unless otherwise specified in this Title, if an application for a license, certificate, or permit is denied or revised in a way which is unacceptable to the applicant, the applicant may appeal the decision to the City Manager in writing within fifteen (15) calendar days. The City Manager or designee shall review the application and uphold, reverse, or revise the

Exhibit "B"

Title 5 - BUSINESS LICENSES, PERMITS, AND SAFETY INSPECTION CERTIFICATES

decision on the application. If applicant makes no such appeal, the initial determination shall stand.

- B. If the City Manager upholds or revises the determination of the application for a license, certificate, or permit, the applicant may appeal the decision to the City Commission in writing within fifteen (15) calendar days. The Commission shall review the application in a public meeting and uphold, reverse or revise the decision on the application. If applicant makes no such appeal, the City Manager's determination will stand.
- C. Unless otherwise specified in this Title, appeals to the City Commission of the denial, revocation or suspension of Safety Inspection Certificates, Special Business licenses, Home Occupation Certificates, or other licenses or permits under this title shall comply with the provisions of 1.2.040.

5.1.040 Procedure for issuance of certificates, permits or special licenses.

- A. Safety inspection certificates shall be issued by the Great Falls Fire Rescue Department pursuant to the provisions of this Title.
- B. Home Occupancy certificates, special licenses and other certificates, permits and licenses shall be issued by the Planning and Community Development Department pursuant to the provisions of this Title.
- C. Prior to issuing a certificate, permit, or special business license, the applicant shall:
 - 1. Be in compliance with all Zoning and Uniform Safety Codes and have permanent water and sewer service provided by the City (non-resident licenses exempted);
 - 2. Submit a completed application accompanied by the full amount of the applicable fee;
 - 3. Be current in the payment of all City fees and assessments; and
 - 4. Have no other outstanding obligations to the City.
- D. The applicant may change location provided:
 - 1. The applicant complies with all Zoning and Uniform Safety Codes; and
 - 2. The applicant obtains a new certificate, permit, or special business license for the change of location.
- E. If a newly established business is determined by GFFR staff to require a safety inspection certificate, said business shall apply for a safety inspection certificate and complete all the procedures pursuant to this section within 60 days of that determination. Failure to do so shall constitute a violation of Section 5.2.010 of this Title.

5.1.050 Certificate, Permit and special business license fees.

- A. All certificate, permit 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.

Exhibit "B"

Title 5 - BUSINESS LICENSES, PERMITS, AND SAFETY INSPECTION CERTIFICATES

- 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.
- C. No rebate or refund of any certificate, permit, or special business license fee, or part thereof, shall be made.
- D. Offices or buildings that are owned and operated by the United States Government, The State of Montana, or Cascade County may be subject to inspection but are exempt from applicable fees under this Title. However, this exemption does not apply to privately owned businesses operating on exempt property.

5.1.060 Certificate, permits and special business license duration — renewal.

- A. All certificates, permits or special business licenses issued pursuant to this Title shall expire on December 31 of the year in which such certificate, permit or special business license is issued, unless otherwise specified.
- B. Failure to renew a certificate, permit or special business license and to remit all applicable fees within sixty (60) days after expiration shall result in immediate revocation of said certificate, permit, or license.
- C. Each day that any violation of this chapter occurs or continues may constitute a separate offense and may be punishable as a separate violation.

5.1.070 Late charge.

Failure to renew the safety inspection certificate or special business license by December 31 of the year in which such certificate, permit, or special business license is issued, shall result in a delinquent charge as determined by Commission resolution.

5.1.080 Duties of license, permit or certificate holder.

- A. Every license, permit, 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, permit, or certificate holder under this Title shall post the certificate or special license on the premises or carried on the person where an individual license is required.
- C. The certificate, permit, or license holder may transfer the certificate, permit or special business license to another business, operating at the same location, in accordance with established City procedures.

Exhibit "B"

Title 5 - BUSINESS LICENSES, PERMITS, AND SAFETY INSPECTION CERTIFICATES

5.1.090 Certificate, permit or special license — revocation or suspension.

- A. The certificate, permit, or special license may be revoked or suspended when the license, permit 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 mailed or personally delivered to the license, permit, or certificate holder, by the City staff, at least fifteen (15) calendar days prior to revocation or suspension;
 - 2. The notice shall state the reason(s) for the action;
 - 3. Within fifteen (15) calendar days of the date of the written notice, the license, permit, or certificate holder may request a review of the proposed action;
 - 4. When a review is requested, a meeting shall be set between City staff, the City Manager or designee, and the requesting license, permit, or certificate holder; and
 - 5. Following the review, the City Manager or designee will determine, in writing if a suspension or revocation is warranted.
- C. If conditions are determined to cause an immediate threat to health or safety, the City Manager or designee shall immediately suspend the certificate or special business license until such condition is remedied.

5.1.100 Appeal.

Except as stated in this Title, all appeals of a suspension or revocation of a license, permit or certificate granted, shall be filed in writing by any license, permit, or certificate holder to the City Commission within fifteen (15) calendar days of the date of the written determination to suspend or revoke the certificate, permit or license.

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, or constitutionality of the remaining portions thereof.

Chapter 2 SAFETY INSPECTION CERTIFICATE

Sections:

- 5.2.010 Safety inspection certificate.
- 5.2.020 Home occupation certificate.
- 5.2.030 Issuance — revocation of certificate.
- 5.2.040 Home occupation requirements.

Exhibit "B"

Title 5 - BUSINESS LICENSES, PERMITS, AND SAFETY INSPECTION CERTIFICATES

5.2.010 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.
- B. A Safety Inspection Certificate fee is authorized.
- C. In any multiple business, suite/office structure:
 - 1. Each independently owned and operated business with a separate business address, within said building or structure, shall be required to obtain a certificate; and
 - 2. The building owner/agent shall obtain a certificate for indoor commonly accessed areas.
- D. For multi-family dwelling units of four (4) or more units, only the indoor commonly accessed areas shall require a certificate.
- E. It is unlawful for any person to operate a business within the incorporated City limits without a valid Safety Inspection Certificate. A violation of this section is punishable by a term not to exceed 6 months in jail, a fine of not more than \$500, or both. Additionally, the Court within its discretion, may order the business to cease all operation until it complies with this Title.
- F. A business operating within the incorporated City limits without a valid Safety Inspection Certificate, is hereby declared a Nuisance pursuant to OCCGF Title 8, Chapter 49.

5.2.020 Home occupation certificate.

The establishment of a Home Occupation shall require a certificate issued by the City of Great Falls through the Planning and Community Development Department.

5.2.030 Issuance — revocation of certificate.

- A. Applications for Home Occupation Certificates shall include:
 - 1. A site plan indicating what portion of the dwelling will be used for the business; and
 - 2. A complete description of the type of business to be conducted.

Exhibit "B"

Title 5 - BUSINESS LICENSES, PERMITS, AND SAFETY INSPECTION CERTIFICATES

- B. The Home Occupation Certificate holder may appeal the denial or revocation of a Home Occupation Certificate to the Great Falls Board of Adjustment pursuant to Title 17 of this Code.
- C. Review and/or revocation of the Home Occupation certificate shall occur:
 - 1. Upon receipt of a written request for revocation from any two (2) adjacent property owners, 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; or
 - 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, violates the terms of the Home Occupation Certificate, the said Home Occupation Certificate shall be revoked.
- D. It is unlawful for any person to operate a business, in a dwelling, within the incorporated City limits of Great Falls without a valid Home Occupation Certificate. A violation of this section is punishable by a term not to exceed 6 months in jail, a fine of not more than \$500, or both.
- F. A business operating, within a dwelling, within the incorporated City limits and without a valid Home Occupation Certificate, is hereby declared a Nuisance pursuant to OCCGF Title 8, Chapter 49.

5.2.040 Home occupation requirements.

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

- 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 (1) resident of the dwelling unit. In addition, non-resident employees are permitted where the aggregate hours worked by those non-resident employees do not exceed forty (40) hours per week and when no more than two (2) employees are present at one (1) time.
- C. **Location.** For Home Occupations in which 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 (30) percent of the dwelling may be dedicated to the Home Occupation.
- F. **Exterior Use.** No exterior storage of material, equipment, or any variation from the residential character of the principal building shall be permitted.
- G. **Noise, etc.** No offensive noise, vibration, smoke, dust, odor, heat or glare shall be produced by the Home Occupation activities permitted by the Certificate.

Exhibit "B"

Title 5 - BUSINESS LICENSES, PERMITS, AND SAFETY INSPECTION CERTIFICATES

- 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 exceed the allowable floor loading of forty (40) 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 (1) ton rated capacity, shall not utilize on-street parking, and shall be parked on the premises identified in the Home Occupation Certificate.
- K. **Sign.** No exterior sign or display shall be permitted, except for one (1) non-illuminated name plate, or Home Occupation sign. Signs for Home Occupations allowed in residential homes are allowed one (1) non-illuminated sign, no larger than six (6) square feet in area per face and six (6) feet in height. Signs must be placed a minimum of twelve (12) feet from the back of the curb, and in compliance with 17.32.160.
- L. **Garage.** The Home Occupation cannot be conducted upon the area provided to fulfill the off-street parking requirements for the dwelling unit on the lot, including but not limited to garage space.

Chapter 3 SPECIAL BUSINESS AND CONSTRUCTION LICENSES, CERTIFICATES, AND PERMITS

Articles:

Article 1 - COIN-OPERATED DEVICES DEPICTING SEXUAL ACTIVITIES

Article 2 - COMMERCIAL GARBAGE LICENSE

Article 3 - PAWNSHOPS, SECONDHAND STORES AND VALUABLE ARTICLE DEALERS

Article 4 - ALCOHOLIC BEVERAGES

Article 5 - NON-RESIDENT VENDOR LICENSE

Article 6 - FALSE ALARMS

Article 7 - EMERGENCY MEDICAL SERVICES LICENSES

Article 8 – PLUMBING CONTRACTOR’S LICENSE

Article 9 – PLUMBER CERTIFICATE

Article 10 – MEDICAL GAS SYSTEMS

Exhibit "B"

Title 5 - BUSINESS LICENSES, PERMITS, AND SAFETY INSPECTION CERTIFICATES

Article 11 – FUEL GAS PIPING SYSTEMS

Article 12 – ELECTRICAL CONTRACTING

Article 1 MECHANICALLY-OPERATED DEVICES DEPICTING SEXUAL ACTIVITIES

Sections:

5.3.1.010 Purpose.

5.3.1.020 Mechanically-operated devices depicting sexual activities.

5.3.1.030 License required.

5.3.1.010 Purpose.

The purpose of this article is to recognize 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, justifying a higher license fee. No license will be issued pursuant to this chapter to any person, organization, or entity that has an outstanding obligation or debt to the City.

5.3.1.020 Mechanically-operated devices depicting sexual activities.

Definitions. The following words and phrases when used in this article shall have the following meanings:

- A. "Device" shall include any machine which, upon the insertion of payment of consideration, in any form, directly or indirectly depicts, displays, or projects pictures, photographs or other visual images of anatomical areas or specified sexual activities.
- B. "Specified Anatomical Areas" include:
 - 1. Less than completely and opaquely covered: human genitals, pubic region, buttock, or female breast below a point immediately above the top of areola; or
 - 2. Human male genitals, even if completely and opaquely covered.
- C. "Specified Sexual Activities" include:
 - 1. Human genitals in a state of sexual stimulation or arousal;
 - 2. Acts of human masturbation, sexual intercourse, sodomy; or,
 - 3. Fondling of human genitals, pubic region, buttock, or female breast.
- D. 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.

Exhibit "B"

Title 5 - BUSINESS LICENSES, PERMITS, AND SAFETY INSPECTION CERTIFICATES

5.3.1.030 License required.

- A. It shall be unlawful for any business to have, or 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.
- B. Any violation of this section is a misdemeanor punishable by a term of not more than six (6) months in jail, a fine not to exceed \$500, or both.
- C. The Court, in its discretion may order the destruction of any device depicting sexual activities in violation of this section.
- D. Any business that has or operates devices depicting sexual activities in violation of this section, is hereby by declared a Nuisance pursuant to OCCGF Title 8, Chapter 49.

Article 2 COMMERCIAL GARBAGE LICENSE

Sections:

5.3.2.010 Commercial garbage license.

5.3.2.010 Commercial garbage license.

- A. No person, or business, shall engage in the business of collecting or removing garbage from any business or residence in the 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 Public Works Department, containing the following information:
 - 1. The names and addresses of each residence served;
 - 2. The names and addresses of each commercial establishment, including multifamily dwellings containing three (3) 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; and
 - 5. An estimate of the weekly volume of refuse removed from the site which is outside of regular containers.

Exhibit "B"

Title 5 - BUSINESS LICENSES, PERMITS, AND SAFETY INSPECTION CERTIFICATES

- D. The City reserves the right to deny, or revoke, a commercial garbage license for just cause, upon written complaint, with regard to the conduct of the service provider, quality of services rendered, or business and/or marketing practices.

Article 3 PAWNSHOPS, SECONDHAND STORES AND VALUABLE ARTICLE DEALERS
Sections:

5.3.3.010 Definitions.

5.3.3.020 Register required.

5.3.3.030 Duration articles must be held.

5.3.3.040 Violation; penalty.

5.3.3.050 Extensions; exclusions.

5.3.3.010 Definitions.

The following words and phrases when used in this article shall have the following meanings:

- A. "Customer" means any person or entity who deposits, pledges, sells, trades, barter, consigns, or exchanges personal property, secondhand goods, wares, merchandise, or other valuable things to an operator as set forth in this section.
- B. The term "Operator" includes the following:
 - 1. "Pawnbroker" which means any person or entity who loans money on deposit, 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; and
 - 2. "Secondhand Dealer" or "Valuable Article Dealer" which means any person or entity who, within the City, as a business; engages in the purchase, sale, trade, barter, consignment, recycling, 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, recycled, or exchanged is defined as a secondhand dealer or valuable article 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.

Exhibit "B"

Title 5 - BUSINESS LICENSES, PERMITS, AND SAFETY INSPECTION CERTIFICATES

5.3.3.020 Register required.

Any operator who engages in the activities set forth in 5.3.3.010 shall keep a legible written register, or record, of all property purchased or taken under that section, along with:

- A. A description of each article, including, but not limited to, identification number, serial number, model number, brand name, or other identification marks on such article; and a description by weight and design of precious and semi-precious metals or stones;
- B. The customer's name and date of birth;
- C. The customer's current address; and
- D. The customer's identification from one of the following:
 - 1. A valid state identification card;
 - 2. A valid state driver's license;
 - 3. A military identification card;
 - 4. A valid passport;
 - 5. An alien registration card; or
 - 6. An official identification document lawfully issued by a state or federal government.
- E. Records shall be retained for a period of two (2) years from the initial transaction. Such register shall be subject to examination by the Great Falls Police Department (GFPD), or other state or federal law enforcement agency, at any and all times.
- F. On a periodic basis, no later than 5:00 p.m. on Friday of each week's transactions, every operator shall file, upload, or record all registers or records of transactions, to an electronic database as designated by the Chief of Police or agent of the GFPD. If the transactions have not been entered into electronic database according to this section, the GFPD shall stop any further transactions by the operator, until the operator is in compliance.

5.3.3.030 Duration articles must be held.

For seven (7) days following the electronic filing of the register or record of a transaction into the GFPD database under this section, operators shall not dispose of the property purchased or taken, alter the property from the form in which it was received, or transfer the property to another location.

5.3.3.040 Violation; penalty.

- A. Subject to subsection (B.) of this section, each operator who violates this chapter shall be fined one hundred dollars (\$100.00) for each item received by operator, that the customer illegally obtained, or did not have authority to deposit, pledge, sell, trade, barter, consign, or exchange, or otherwise provide to operator.

Exhibit "B"

Title 5 - BUSINESS LICENSES, PERMITS, AND SAFETY INSPECTION CERTIFICATES

- B. This fine will be waived if the operator has properly and timely reported the item or items into the police database.
- C. All fines collected under this section will be directed to the Police Department for maintenance of the designated database.

5.3.3.050 Extensions; exclusions.

The Chief of Police, or designee, may for good cause shown, grant an operator a written extension to the deadlines herein, or an exclusion from these requirements based upon the type or value of property.

Article 4 ALCOHOLIC BEVERAGES

Sections:

5.3.4.010 Definitions.

5.3.4.020 Alcoholic beverage license required.

5.3.4.030 Special alcoholic beverage license required.

5.3.4.040 Catering license required.

5.3.4.050 Teen night license.

5.3.4.060 Sales within six hundred feet of a church or school.

5.3.4.010 Definitions.

The following words and phrases when used in this article shall have the following meanings:

- 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:

Exhibit "B"

Title 5 - BUSINESS LICENSES, PERMITS, AND SAFETY INSPECTION CERTIFICATES

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.
- E. "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.
- F. "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 (2) or more bars located on the same premises and which have such intercommunication as will enable patrons to move freely from one (1) bar to another without leaving the premises, the various bars shall be regarded as but one (1) premises for which but one (1) license is required. In all other cases, licenses must be obtained for each bar even though operated in the same building with another bar.
- G. "Liquor" means an alcoholic beverage except beer and wine. The term includes a caffeinated or stimulant-enhanced malt beverage.
- H. "Retailer" means any person engaged in the sale and distribution of beer, either on draft or in bottles, to the public.
- I. "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 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 section but made in the manner of wine and labeled and sold as wine in accordance with federal regulations are also wine.

5.3.4.020 Alcoholic beverage license required.

- A. Any person or business brewing, selling, or dispensing beer, wine, liquor, or other alcoholic beverage must obtain a City alcoholic beverage license in addition to other permits or licenses which may be required.

Exhibit "B"

Title 5 - BUSINESS LICENSES, PERMITS, AND SAFETY INSPECTION CERTIFICATES

- B. Such license shall authorize the conduct of business under one of the following specific categories:
 - 1. beer;
 - 2. beer and wine; or
 - 3. all-alcoholic beverages.
- C. This section does not pertain to individuals' home brewing for personal consumption.

5.3.4.030 Special event alcoholic beverage license required.

A Special Event Alcoholic Beverage License or Permit 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.

5.3.4.040 Catering license required.

Any person or business providing off-premises food or non-alcoholic beverages to third parties must obtain a City Catering license in addition to other permits or licenses required under this Title. This does not pertain to individuals' home food or non-alcoholic beverage preparation for personal consumption.

5.3.4.050 Additional Catering endorsement required.

- A. An Alcohol Beverage license, or a Special Event Alcoholic Beverage License, and a Catering License or Endorsement are required for the conduct of off-premise alcoholic beverage catering, in addition to other required permits or licenses;
- B. Any alcoholic beverages licensee may obtain an Special Event Alcoholic Beverage License or Permit with a Catering Endorsement, as applicable, for all the catering and/or 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 and/or Special Event Alcoholic Beverage licensee, with an Alcoholic Catering Endorsement, shall at least seventy-two hours 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; and
- D. Special Event Alcoholic and/or Catering Licensees will indemnify, defend and hold harmless the City from any and all claims, damages, losses and expenses arising from the event. The Licensee shall be required to carry insurance for comprehensive general liability, automobile liability and designated premises in the amount of one million dollars (\$1,000,000.00) per occurrence and two million dollars (\$2,000,000.00) aggregate, and list the City as an additional named insured under the policy. Documentation of such insurance must be provided to the City at least 72 hours prior to the event.

Exhibit "B"

Title 5 - BUSINESS LICENSES, PERMITS, AND SAFETY INSPECTION CERTIFICATES

5.3.4.060 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 Alcoholic Beverages on the premises have been stored away out of sight and shall remain locked and secured for so long as the premises are open as a teen night;
- B. All signs advertising or referencing alcohol shall be removed or covered when the premises is open as a teen night;
- 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 and/or driver's license cards between 6:00 p.m. and thirty (30) minutes prior to curfew and anyone verifying their age over eighteen (18) after curfew on designated days of the week;
- D. Registration of the name, age, and address of the licensee's employees (a minimum of four (4)) who shall be responsible for security of the premises including parking lots to be patrolled a minimum of three (3) 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, Alcoholic Beverages, weapons, or any other dangerous substances are excluded from the premises except Alcoholic Beverages that may have otherwise been locked away and secured thereon.
- E. Anyone under the influence of 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 GFPD.
- F. For so long as the premises is open as a teen night, smoking of tobacco or vapor products as defined under the Montana Code Annotated, including Mont. Code Ann. §16-11-302, 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 may be revoked in accordance with licensing procedures.

Article 5 NON-RESIDENT VENDOR LICENSE

Sections:

5.3.5.010 Non-resident vendor license required.

5.3.5.020 Non-resident merchant special business license required.

5.3.5.030 Non-resident service contractor special business license required.

Exhibit "B"

Title 5 - BUSINESS LICENSES, PERMITS, AND SAFETY INSPECTION CERTIFICATES

5.3.5.010 Non-resident vendor license required.

- A. Each individual engaging in Non-Resident Vendor business or commercial enterprise 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.
- B. No vendor shall park a vehicle, or any other movable temporary device, on any public street, alley, or private lot for more than four (4) hours in any eight-hour period at one (1) location. The parking of a vehicle, or other moveable device within three hundred (300) feet of the original location is considered one (1) location.
- C. The Non-resident Vendor License can be obtained from the Planning and Community Development Department during regular working hours.
- D. A short-term Non-Resident Vendor License may be granted on a short-term basis and shall be good for one (1) week from the date of issuance. A long-term license is good from the issue date through December 31, of the same year, and may be renewed upon its expiration.
- E. The City reserves the right to deny or revoke a license, upon receiving written citizen complaints regarding the vendor, merchandise, or practices.

5.3.5.020 Non-resident merchant special business license required.

- A. Any individual or entity 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.
- B. A Non-Resident Merchant may apply for a Non-Resident Merchant special business license from the Planning and Community Development Department during normal business hours.
- C. The license is valid for a period of six (6) months and may be renewed once thereafter during in any twelve-month period.
- D. The City reserves the right to deny or revoke, upon written complaint, a Non-Resident Merchant special business license for just cause with regard to the conduct of the merchant, suitability of any merchandise, or business and/or marketing practices.

5.3.5.030 Non-resident service contractor special business license required.

- A. Any individual or entity 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.

Exhibit "B"

Title 5 - BUSINESS LICENSES, PERMITS, AND SAFETY INSPECTION CERTIFICATES

- B. A Non-Resident Service Contractor may apply for a Non-Resident Service Contractor special business license from the Planning and Community Development Department during normal business hours.
- C. This Non-Resident Service Contractor special business license is valid from the date of issuance to December 31 and may be renewed upon its expiration.
- D. The City reserves the right to deny, or revoke, a Non-Resident Service Contractor license for just cause, upon written complaint, with regard to the conduct of the service contractor, quality of services rendered, or business and/or marketing practices.

Article 6 FALSE ALARMS

Sections:

5.3.6.010 Definitions.

5.3.6.020 Audible alarm requirements.

5.3.6.030 Agent permit required.

5.3.6.040 Exemptions.

5.3.6.050 Penalty.

5.3.6.010 Definitions.

Unless otherwise specified, the following words and phrases when used in this article shall have the following meanings:

- A. "Alarm agent" means any person who is directly or indirectly employed by an alarm business, 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.
- B. "Alarm business" means any individual, partnership, corporation, or other entity engaged in 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.
- C. "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. 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 a telephone or telecommunication company to protect company systems which might be damaged or disrupted by the use of an alarm system. Alarm systems include, but are not limited to:
 - 1. direct dial telephone devices; and

Exhibit "B"

Title 5 - BUSINESS LICENSES, PERMITS, AND SAFETY INSPECTION CERTIFICATES

2. audible alarms and proprietor alarms.
- D. "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.
- E. "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:
1. alarms caused by repair of telephone or communication equipment or lines;
 2. alarms caused by earthquakes, flood, windstorm, thunder, and lightning;
 3. alarms caused by an attempted illegal entry or analogous causes of which there is visible evidence; and
 4. alarms caused by power outages.
- F. "Proprietor alarm" means an alarm which is not serviced by an alarm business.
- G. "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.

5.3.6.020 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 alarm is actuated.
- B. Whenever any change occurs relating to the required written information, the applicant shall give written notice thereof to the Great Falls Police Department of such change.

5.3.6.030 Alarm Agent permit required.

- A. All persons engaged in 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 an Alarm Agent permit while engaged in alarm related business or activities.

5.3.6.040 Exemptions.

- A. The provisions of this chapter are not applicable to audible alarms affixed to automobiles.
- B. The provisions of this chapter 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

Exhibit "B"

Title 5 - BUSINESS LICENSES, PERMITS, AND SAFETY INSPECTION CERTIFICATES

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.

5.3.6.050 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:

- A. False Alarms one (1) through three (3); written notice to permittee;
- B. A fourth or subsequent false alarm in a calendar year shall result in an assessed administrative fee of fifty dollars (\$50.00).

Article 7 EMERGENCY MEDICAL SERVICES LICENSES

Sections:

5.3.7.010 Definitions.

5.3.7.020 License required.

5.3.7.030 Criteria for license.

5.3.7.040 Cancellation of license.

5.3.7.050 Notice and hearing required.

5.3.7.060 Existing services.

5.3.7.070 Exemptions.

5.3.7.010 Definitions.

Unless otherwise specified, the following words and phrases when used in this article shall have the following meanings:

- A. "Ambulance" means a privately or publicly owned motor vehicle, or aircraft that is maintained and used for the transportation of medical patients.
- B. "Emergency Medical Services" means a pre-hospital emergency medical transportation or treatment service provided by an ambulance or similar vehicle.
- C. "License Certificate" means the City Emergency Medical Services License issued, or renewed, to any person engaging in the ambulance service business. A new Emergency Medical Services license shall be issued only after a favorable determination of public convenience and necessity by the City Commission.
- D. "License Year" means a fiscal year from July 1 through June 30 of each calendar year.
- E. "Patient" means an individual who is sick, injured, wounded, or otherwise incapacitated. The term does not include a person who is non-ambulatory, and who needs

Exhibit "B"

Title 5 - BUSINESS LICENSES, PERMITS, AND SAFETY INSPECTION CERTIFICATES

transportation assistance solely because that person is confined to a wheel chair as the person's usual means of mobility.

- F. "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.
- G. "Public Convenience and Necessity" means qualified, fit, able, and willing to perform and provide emergency medical 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 emergency medical service within the City.

5.3.7.020 License required.

- A. No person shall conduct or operate an emergency medical service within the City without first obtaining an Emergency Medical Services license as provided in this chapter.
- B. All Emergency Medical Services licenses shall be valid for a City license year, or for the remainder thereof. An Emergency Medical Services license 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 provide emergency medical services.
- C. No Emergency Medical Services license shall be issued under this chapter, to any new applicant, unless the City Commission shall, after conducting a public hearing and review, finds 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 an Emergency Medical Services License certificate of public convenience and necessity stating the name and address of the applicant, the location of the emergency medical service and the date of the issuance. If the City Commission does not find that public convenience and necessity would benefit from another emergency medical service provider, the application shall be denied. Existing emergency medical services providers may continue to operate within the City, provided 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, or renewal of, an Emergency Medical Services license, a license fee that shall be set by City Commission resolution.
- F. An Emergency Medical Services license is not transferable.
- G. An Emergency Medical Services license is non-exclusive.

5.3.7.030 Criteria for license.

Any person desiring to obtain an Emergency Medical Services license required by this chapter shall demonstrate the ability to meet the requirements of Title 8, Chapter 9 of this Code.

Exhibit "B"

Title 5 - BUSINESS LICENSES, PERMITS, AND SAFETY INSPECTION CERTIFICATES

5.3.7.040 Revocation of license.

The City may revoke an Emergency Medical Services 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 Emergency Communications 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.

5.3.7.050 Notice and hearing required.

- A. The City may deny or revoke an Emergency Medical Services license subject to:
 - 1. delivery to the applicant or licensee of a written statement of the grounds for denial or revocation of the subject license; and
 - 2. the opportunity for the applicant or licensee to answer at a hearing before the City Commission to show cause, if any, why the license should not be denied or revoked.
- B. Within ten (10) days of the written statement of grounds for denial or revocation, any applicant or licensee desiring a hearing before the City Commission shall make written application to the City Clerk's office requesting a hearing and stating the reasons for the applicant or licensee's request.

5.3.7.060 Exemptions.

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

- A. The Great Falls Fire Rescue Department, except as provided in Montana state licensing requirements from the State's Board of Medical Examiners and the Department of Health and Environmental Services;
- 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; and
- 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.

Exhibit "B"

Title 5 - BUSINESS LICENSES, PERMITS, AND SAFETY INSPECTION CERTIFICATES

Article 8 PLUMBING CONTRACTOR'S LICENSE

Sections:

- 5.3.8.010 Plumbing Contractor licensing.
- 5.3.8.020 Licensing application.
- 5.3.8.030 Insurance and bond.
- 5.3.8.040 License term.
- 5.3.8.050 License fee.

5.3.8.010 Plumbing contractor licensing.

Any person, firm, corporation, or other entity 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.

5.3.8.020 Licensing application.

An applicant for a plumbing contractor's license shall show evidence that the applicant, or at least one (1) member of the firm or corporation, is the holder of a current master plumber's license issued by the State of Montana.

5.3.8.030 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.

5.3.8.040 License term.

- A. Except as provided in subsection (B.) of this part, all licenses issued under the provisions of this article shall be for the calendar year beginning January 1, and expiring on December 31. Renewals or new applicants applying after the expiration date shall pay fees as specified for the full year.
- B. Applications after December 1, will receive licenses valid for the remainder of the year plus the next calendar year.

5.3.8.050 License fee.

The fee for issuance of a plumbing contractor's license shall be as set by City Commission resolution.

Article 9 PLUMBER LICENSING

Sections:

Exhibit "B"

Title 5 - BUSINESS LICENSES, PERMITS, AND SAFETY INSPECTION CERTIFICATES

5.3.9.010 Plumber certificate required.

5.3.9.020 Certificate fee.

5.3.9.010 Plumber certificate required.

Any person engaged in the trade or calling of journeyman plumber in the City is required to have a plumber's certificate issued by the Planning and Community Development Department. Certificates issued under the provisions of this article shall be for the calendar year beginning January 1, and expiring on December 31.

5.3.9.020 Certificate fee.

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.

Article 10 MEDICAL GAS SYSTEMS

Sections:

5.3.10.010 Contractor licensing.

5.3.10.020 Application.

5.3.10.030 Insurance and bond.

5.3.10.040 Medical gas contractor license fee.

5.3.10.050 Medical gas systems certificate required.

5.3.10.060 Medical gas contractor certificate fee.

5.3.10.010 Contractor licensing.

Any person, firm, corporation, or other entity who engages in the business of installation, alteration, maintenance or repair of medical gas systems is required to have a medical gas systems contractor's license issued by the Planning and Community Development Department. Medical gas is defined by Title 15 of this Code. Licenses issued under the provisions of this article shall be for the calendar year beginning January 1, and expiring on December 31.

5.3.10.020 Application.

An applicant for a medical gas systems contractor's license shall show evidence that the applicant, or at least one (1) member of the firm or corporation, is the holder of a current medical gas certificate.

5.3.10.030 Insurance and bond.

An applicant for a medical gas systems contractor's license shall meet the requirements of 5.3.8.030.

Exhibit "B"

Title 5 - BUSINESS LICENSES, PERMITS, AND SAFETY INSPECTION CERTIFICATES

5.3.10.040 Medical gas contractor license fee.

The fee for issuance of a medical gas systems contractor's license shall be as set by City Commission resolution.

5.3.10.050 Medical gas systems certificate required.

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.

5.3.10.060 Medical gas contractor certificate fee.

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. Certificates issued under the provisions of this article shall be for the calendar year beginning January 1, and expiring on December 31.

Article 11 FUEL GAS PIPING SYSTEMS

Sections:

- 5.3.11.010 Gas fitting contractor licensing.
- 5.3.11.020 License application.
- 5.3.11.030 Insurance and bond.
- 5.3.11.040 Gas fitting contractor's license fee.
- 5.3.11.050 Gas fitter's certificate.
- 5.3.11.060 Certificate application.
- 5.3.11.070 Gas fitting certificate fee.

5.3.11.010 Gas fitting contractor licensing.

Any person, firm, corporation, or any other entity 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 issued by the Planning and Community Development Department. Licenses issued under the provisions of this article shall be for the calendar year beginning January 1, and expiring on December 31.

5.3.11.020 License application.

Exhibit "B"

Title 5 - BUSINESS LICENSES, PERMITS, AND SAFETY INSPECTION CERTIFICATES

An applicant for a gas fitting contractor's license shall show evidence that the applicant, or at least one (1) member of the firm, corporation, or entity is the holder of a current gas fitters certificate.

5.3.11.030 Insurance and bond.

An applicant for a gas fitting contractor's license shall meet the requirements of 5.3.8.030.

5.3.11.040 Gas fitting contractor's license fee.

The fee for issuance of a gas fitting contractor's license shall be as set by City Commission resolution.

5.3.11.050 Gas fitter's certificate.

Any person engaged in the trade or calling of gas fitter in the City is required to have a gas fitter's certificate. Certificates issued under the provisions of this article shall be for the calendar year beginning January 1, and expiring on December 31.

5.3.11.060 Certificate application.

- A. A person or entity 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.
- B. A fee of twenty dollars (\$20.00) shall be paid for each examination.
- C. The examination shall be administered by the person responsible for gas installation inspections, who will certify the results to the Building Official.
- D. 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 (30) calendar days. Adequate proof of experience in the field of gas fitting or related trades shall be submitted prior to the date of examination.
- E. 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 (2) years.

5.3.11.070 Gas fitting certificate fee.

Exhibit "B"

Title 5 - BUSINESS LICENSES, PERMITS, AND SAFETY INSPECTION CERTIFICATES

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.

Article 12 ELECTRICAL CONTRACTING

Sections:

- 5.3.12.010 Electrical contractor's license.
- 5.3.12.020 Electrical contractor's license application.
- 5.3.12.030 Insurance and bond.
- 5.3.12.040 Electrical contractor's license fee.
- 5.3.12.050 Individual wiring certificate.
- 5.3.12.060 Individual wiring certificate application.
- 5.3.12.070 Individual wiring certificate fee.

5.3.12.010 Electrical contractor's license.

Any person, firm, corporation, or other entity 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 issued by the Planning and Community Development Department. 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. Licenses and Certificates issued under the provisions of this article shall be for the calendar year beginning January 1, and expiring on December 31.

5.3.12.020 Electrical contractor's license application.

- 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 (5) living units in a single structure. Journeyman, master, and residential electricians are as defined and licensed under authority of the Mont Code Annotated 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 5.3.12.030.

5.3.12.030 Insurance and bond.

Exhibit "B"

Title 5 - BUSINESS LICENSES, PERMITS, AND SAFETY INSPECTION CERTIFICATES

- 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 (2) years of business. If performance under the bond is satisfactory, the City may release the contractor from further posting of the bond.
- C. Additionally, if an electrical contractor is not performing satisfactory work and has no license bond, the Board of Adjustment shall conduct a hearing to determine if a license bond shall be required to be posted and determine the period of the posting.

5.3.12.040 Electrical contractor's license fee.

The fee for issuance of an electrical contractor's license shall be set by City Commission resolution.

5.3.12.050 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 City is required to have an individual wiring certificate issued by the Planning and Community Development Department.

5.3.12.060 Individual wiring certificate application.

An applicant for an individual wiring certificate shall submit evidence to the Building Official 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 Mont. Code Ann. Title 37.

5.3.12.070 Individual wiring certificate fee.

The fee shall be established by resolution of the City Commission.

Chapter 16 CATV REGULATIONS

Sections:

Exhibit "B"

Title 5 - BUSINESS LICENSES, PERMITS, AND SAFETY INSPECTION CERTIFICATES

Repealed.

Chapter 20 RESERVED

Editor's note— Ord. No. 3115, § 2, adopted Dec. 17, 2013, repealed Tit. 5, Chapter 20, which pertained to establishing and operating an electric utility and derived from Ord. 2861, 2003; and Ord. 2925, 2005.

(Ord. 3168, 2017; Ord. 3139, 2016; Ord. 3125, 2014; Ord. 3117, 2014; Ord. 3057, 2010; Ord. 2993, 2008; Ord. 2865, 2003; Ord. 2764, 2000; Ord. 2745, 1998; Ord. 2743, 1998; Ord. 2675, 1995; Ord. 2674, 1995; Ord. 2672, 1995; Ord. 2509, 1988; Ord. 2487, 1987; Ord. 2483, 1987; Ord. 2344, 1983; Ord. 2008, 1977; Ord. 1874, 1975; Prior Codes 5.11.1; 5.11.3; 5.16.1).