

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 November 7, 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:-

A. (~~Ord. 2672, 1995~~)

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

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~~(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 ~~right~~**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, **to its members, and/or for which** and a pecuniary ~~gain~~**gain** is not the objective of the organization. **For the purposes of this Title, a Nonprofit organizations or groups need not** ~~must~~ be recognized as **tax exempt** such by the United States Internal Revenue Service and 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~~**are**

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permanently connected to City water and sewer service. This definition excludes all accessory structures not intended to be occupied by employees and/or the public.

~~(Ord. 2764, 2000)~~

- 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.~~

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

- 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.**

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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.**

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- D. The applicant may change location provided:
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 31~~st~~st of the year in which such certificate, **permit** or special business license is issued, unless otherwise specified.

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

~~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~~license, permit or certificate holder.

- A. Every ~~licensee~~license, **permit**, or certificate holder under this ~~the~~Title shall permit all reasonable inspections of the business premises by public authorities to carry out the intent of this ~~the~~Title.
- B. Every licensee, **permit**, or certificate holder under this ~~the~~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 ~~the~~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.;~~

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2. The licensee ~~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—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 AND HOME OCCUPATION CERTIFICATE

Sections:

~~5.2.100 Safety inspection certificate.~~

~~5.2.200 Home occupation certificate.~~

~~5.2.210 Issuance — revocation of certificate.~~

~~5.2.220 Home occupation requirements.~~

5.2.010 Safety inspection certificate.

5.2.020 Home occupation certificate.

5.2.030 Issuance — revocation of certificate.

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5.2.040 Home occupation requirements.

5.2.40010 Safety inspection certificate.

- A.— Every business, in a building or office, in the jurisdictional limits of the City of Great Falls shall be required to obtain a Safety Inspection Certificate to ensure that the building, store, or office complies with Uniform Safety Codes and other ordinances and regulations enacted for the purpose of protecting the health, safety, and welfare of the public.

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

- B.— A Safety Inspection Certificate fee is authorized.
- C.— In any multiple business, suite/office structure:
 - 1.— Each ~~portion or subdivision under~~ **independently owned and operated business with a separate control and requiring its own inspections business address, within said building or structure,** shall ~~have its own Safety Inspection Certificate.~~ **be required to obtain a certificate; and**
 - 2.— The building owner/agent shall obtain a certificate for indoor ~~common~~ **commonly accessed** areas ~~if the aggregate total of the common area is greater than one thousand (1,000) square feet.~~
- D.— For multi-family dwelling units of four (4) or more units, only the indoor ~~common~~ **commonly accessed** areas shall require a certificate.

~~(Ord. 2764, 2000; Ord. 2745, 1998, Ord. 2672, 1995)~~

- 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.**

5.2.20020 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.~~ **A Safety Inspection Certificate is not required for the issuance of a Home Occupation Certificate.**

~~(Ord.~~

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~~2674, 1995; Ord. 2483 §1, 1987; Ord. 2344 (part), 1983).~~

5.2.210030 Issuance — revocation of certificate.

A. ~~* New Issuances.~~ Applications for Home Occupation ~~certificates~~**Certificates** shall include: ~~‡~~

1. — A site plan indicating what portion of the dwelling will be used for the business;
and

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

2. — A complete description of the type of business to be conducted.

~~3. — Documented approval of all adjacent property owners inclusive of those separated by rights-of-way. If any two (2) adjacent property owners, whose approval is required, do not approve the certificate, the certificate shall not be granted.~~

~~a.~~

B. The Home Occupation ~~certificate~~**Certificate** holder may appeal the denial or revocation of a Home Occupation ~~certificate as described in 5.02.210(B)(1).~~**Certificate to the Great Falls Board of Adjustment pursuant to Title 17 of this Code.**

~~B. Renewals.~~ **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 ~~whose approval is required in 5.02.210(A)(3),~~ a hearing shall be held by the Board of Adjustment. The finding of the Board of Adjustment shall be presented to the City Commission and, unless a majority of the City Commissioners disagree, shall become binding sixty (60) days after presentation to the City Commission;
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, ~~and verifying that a violation exists~~**violates the terms of the Home Occupation Certificate,** the said Home Occupation ~~certificate~~**Certificate** shall be revoked.

~~(Ord. 2745, 1998, Ord. 2674, 1995)~~

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.

5.2.220040 Home occupation requirements.

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

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- 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 ~~are permitted~~.
- C.— **Location.** For Home Occupations ~~whosein which~~ **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 ~~or~~, equipment, or any variation from the residential character of the ~~principle~~**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.~~
- H.— **Delivery.** No material or commodities shall be delivered to or from the residence which are of such bulk or quantity as to create undesirable traffic or congestion.
- I.— **Weight.** No materials or commodities shall be placed within the building which ~~exceeds~~**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 ~~that~~**for** one (1) non-illuminated name plate, or Home Occupation sign ~~shall be permitted~~. 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 out of the clear vision triangle at intersections, driveway and alley per,~~ **and in compliance with 17.32.160.**
- L.— **Garage.** The Home Occupation cannot be conducted upon the area, ~~including garage space,~~ provided to fulfill the off-street parking requirements for the dwelling unit on the lot.

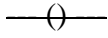
(Ord. 2674, 1995)

(Ord., including but ~~3139, 2016, Ord. 2674, 1995~~)

FOOTNOTE(S):

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

Chapter 3 SPECIAL BUSINESS LICENSE 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

Article 11 – FUEL GAS PIPING SYSTEMS

Article 12 – ELECTRICAL CONTRACTING

Article 1 COINMECHANICALLY-OPERATED DEVICES DEPICTING SEXUAL ACTIVITIES

Sections:

5.3.1.100 Purpose.

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~~5.3.1.110 Coin-operated devices depicting sexual activities.~~

~~5.3.1.120 License required.~~

5.3.1.010 Purpose.

5.3.1.020 Mechanically-operated devices depicting sexual activities.

5.3.1.030 License required.

5.3.1.40010 Purpose.

The purpose of this ~~ordinance~~**article** is to recognize ~~and to provide for~~ the fact that the operation of mechanical amusement devices which depict or display specified sexual activities or specified anatomical areas result in increased enforcement programs for the City ~~and additional expense to the City that justifies a higher license fee. This necessitates greater police vigilance to assure that the lawful business of displaying non-obscene portrayals or depictions of sexual conduct is not used inadvertently or by design as the means of unlawful displaying or depicting obscenity. In order to recoup some of the costs thus imposed on the City, it is appropriate that there be imposed on the persons who profit from such devices some of the costs of ensuring that the devices are used only lawfully.~~, **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.**

~~(Ord. 2675, 1995)~~

5.3.1.140—Coin020 Mechanically-operated devices depicting sexual activities.

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

- A. "Device" shall include any machine which, upon the insertion of ~~a coin or the payment of~~ consideration, **in any form, directly or indirectly** depicts, displays, or projects ~~directly or indirectly~~ 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 ~~in a discernibly turgid state~~, 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, ~~or~~ sodomy; or,
 - 3.— Fondling of human genitals, pubic region, buttock, or female breast.

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- ~~B.~~ **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.

~~(Ord. 2675, 1995)~~

~~5.3.1.42~~ **5.3.1.29030 License required.**

- A.** It shall be unlawful for any business to have ~~and to~~, 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.

~~(Ord. 2675, 1995).~~

- 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:

~~5.3.2.200 Commercial garbage license.~~

5.3.2.010 Commercial garbage license.

~~5.3.2.200~~ **5.3.2.00010 Commercial garbage license.**

- A.**— No person, or business, shall engage in the business of collecting or removing garbage from any business or residence in ~~this~~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~~Public Service Commission (MRCPS) permit.

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- D.— A current list of all services provided shall be submitted to the City **Public Works Department**, containing the following information:
- 1.— ~~Residences – the~~ **1. The names and addresses of each residence served;**
 - 2.— ~~Commercial – the~~ **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.

~~(Ord. 2675, 1995)~~

- 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

~~21~~

Sections:

~~5.3.3.300 Definitions.~~

~~5.3.3.310 Register required.~~

~~5.3.3.320 Duration articles must be held.~~

~~5.3.3.330 Violation; penalty.~~

~~5.3.3.340 Extensions; exclusions.~~

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.

5.3.3.00010 Definitions.

~~When~~**The following words and phrases when used in this section, article shall have the following terms apply meanings:**

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- 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 or, pledge of personal property or any valuable thing, or who deals in the purchasing of personal property, or valuable things, on condition of selling the same back at a stipulated price, whether he does the same for himself or as an agent of some person or firm or corporation, who by any means, method, or device loans money for personal property when the same is deposited for security or is deposited for any other purpose; **and**

~~(Ord. No. 3117, § 1, 3-4-2014; Ord. 2675, 1995; Prior code 5-11-1)~~

- 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.

~~(Ord. No. 3117, § 1,~~

~~5.3.4-2014; Ord. 2675, 1995; Prior code 5-11-1)~~

5.3.3.310020 Register required.

Any operator who engages in the activities set forth in 5.3.3.300010 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

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- 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 ~~Police Department~~ **GFPD**. If the transactions have not been entered into electronic database according to this section, the ~~Police Department~~ **GFPD** shall stop any further transactions by the operator, until the operator is in compliance.

~~(Ord. No. 3117, § 1, 3-4-2014; Ord. 2675, 1995; Prior code 5-11-3)~~

5.3.3.320

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 ~~Police Department's designated~~ **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.

~~(Ord. No. 3125, § 1, 9-2-2014; Ord. No. 3117, § 1, 3-4-2014)~~

5.3.3.33040 Violation; penalty.

- ~~Each~~ **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.

~~(Ord. No. 3125, § 1, 9-2-2014; Ord. No. 3117, § 1, 3-4-2014)~~

5.3.3.34050 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.

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(Ord. No. 3117, § 1, 3-4-2014)

FOOTNOTE(S):

~~(2)~~

~~Editor's note~~ Ord. No. 3117, § 1, adopted March 4, 2014, amended the title of art. 3. [\(Back\)](#)

Article 4 ALCOHOLIC BEVERAGES

Sections:

~~5.3.4.400 Definitions.~~

~~5.3.4.410 Alcoholic beverage license required.~~

~~5.3.4.420 Special alcoholic beverage license required.~~

~~5.3.4.430 Catering license required.~~

~~5.3.4.440 Teen night license.~~

~~5.3.4.450 Sales within six hundred feet of a church or school.~~

5.3.4.010 Definitions.

5.3.4.020 Alcoholic beverage license required.

5.3.4.030 Special event alcoholic beverage license required.

5.3.4.040 Catering license required.

5.3.4.050 Additional catering endorsement required.

5.3.4.060 Teen night license.

5.3.4.40010 Definitions.

The following words and phrases **when** used in this chapter/article shall be given **have** the following interpretation **meanings**:

A. "Alcohol" means ethyl alcohol, also called ethanol, or the hydrated oxide of ethyl.

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- 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-a:**
- 1. an alcoholic malt beverage containing not more than seven (7) percent ~~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 table-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.**

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~~(Ord. 2675, 1995; Ord. 2008 §1 and 2, 1977; Ord. 1874 §2(part), 1975; prior code §5-16-1).~~

5.3.4.41020 Alcoholic beverage license required.

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

~~(Ord. 2675, 1995)~~

- 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.**

5.3.4.42030 Special event alcoholic beverage license required.

~~Where all requirements stipulated by the State are met by the applicant, a~~ **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.

~~(Ord. 2675, 1995)~~

5.3.4.430—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.

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5.3.4.050 Additional Catering endorsement required.

- A.— ~~Both an~~ **An Alcohol Catering and Beverage license, or a Special Event catering license, 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 ~~license~~ licenses;
- B.— Any alcoholic beverages licensee may obtain an ~~Alcohol~~ **Special Event Alcoholic Beverage License or Permit with a Catering License 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 License **Endorsement**, shall at least ~~three (3) days~~ **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**

(Ord. 2675, 1995)

- 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.**

5.3.4.44060 Teen night license.

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

- A.— Any and all ~~beer or liquor~~ **Alcoholic Beverages** on the premises ~~has~~ **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; ~~and~~
- B.— All signs advertising or referencing alcohol shall be removed or covered when the premises is open as a teen night; ~~and~~
- C.— The only patrons permitted on the premises other than the proprietor, his employees, and parents of patrons shall be individuals verifying identification through current high school identification **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; ~~and~~
- 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

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night, and who shall ensure that any and all dangerous drugs as defined by the Montana Criminal Code, ~~beer and liquor~~ **Alcoholic Beverages**, weapons, or any other dangerous substances are excluded from the premises except ~~beer and liquor~~ **Alcoholic Beverages** that may have otherwise been locked away and secured thereon; ~~and~~.

- E.— Anyone under the influence of ~~such~~ drugs or alcohol shall be excluded from the premises. Where any violations of this Code or laws of the State of Montana are observed, security personnel shall immediately notify the ~~Police Department~~ **GFPD**.
- F.— For so long as the premises is open as a teen night, smoking ~~inclusive of a lighted cigar, cigarette, pipe~~ **of tobacco** or any ~~smokable product~~, **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 ~~can~~ **may** be revoked in accordance with licensing procedures.

(~~Ord. 2675, 1995; Ord. 2509, 1988~~).

(~~Ord. No. 3057, § 1, 8-17-2010~~)

~~5.3.4.450~~ — **Sales within six hundred feet of a church or school.**

- A.— A fraternal or religious organization may apply for and receive a permit from the Planning and Community Development Department to allow within their own facilities sales of alcoholic beverages within six hundred (600) feet of a church or school.
- B.— The aforesaid special permit shall be an exception to 16-3-306(1) M.C.A. as permitted by 16-3-309 M.C.A. and to Title 9, Chapter 20, OCGG.
- C.— The permit shall expire upon the termination of each special event and shall be nonrenewable.

(~~Ord. 2675, 1995; Ord. 2487, 1987~~).

(~~Ord. No. 3057, § 1, 8-17-2010~~)

Article 5 NON-RESIDENT VENDOR LICENSE

Sections:

~~5.3.5.500 Non-resident vendor license required.~~

~~5.3.5.510 Non-resident merchant special business license required.~~

~~5.3.5.520 Non-resident service contractor special business license required.~~

5.3.5.010 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.

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5.3.5.50010 Non-resident vendor license required.

- A.— Each individual engaging in Non-Resident Vendor ~~type~~ **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 ~~entity~~ **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 ~~entity~~ **device** within three hundred (300) feet of the original location is considered one (1) location.

~~(Ord. 2764, 2000)~~

- ~~B.— The license~~ **C. The Non-resident Vendor License** can be obtained from the Planning and Community Development Department during regular working hours ~~or from the Fire Department.~~
- ~~C.— The~~ **D. A short-term license-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. ~~The~~ **A long-term license is good from the issue date through December 31, of the same year, and may be renewed upon its expiration.**

~~(Ord. 2764, 2000).~~

- ~~D.—~~ **E. The City reserves the right to deny or revoke a license, upon receiving written** citizen complaints regarding the vendor, merchandise, or practices.

~~(Ord. 2745, 1998, Ord. 2675, 1995)~~

~~(Ord. No. 3057, § 1, 8-17-2010)~~

5.3.5.54020 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.

~~(Ord. 2764, 2000)~~

- ~~B.— This~~ **A Non-Resident Merchant may apply for a Non-Resident Merchant** special business license ~~can be obtained from the Planning and Community Development Department during normal business hours, or from the Fire Department at any other time.~~

~~(Ord. 2764, 2000).~~

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C.— The license is ~~only valid for a period of ninety (90) calendar days~~ **six (6) months and may be renewed once thereafter during** in any twelve-month period.

~~(Ord. 2764, 2000)~~

D.— The City reserves the right to deny or revoke ~~a~~, **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.

~~(Ord. 2764, 2000)~~

~~(Ord. No. 3057, § 1, 8-17-2010)~~

5.3.5.520030 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.

~~(Ord. 2764, 2000)~~

B.— ~~This~~ **A Non-Resident Service Contractor may apply for a Non-Resident Service Contractor** special business license ~~can be obtained from the Planning and Community Development Department during normal business hours or from the Fire Department at other times.~~

~~(Ord. 2764, 2000).~~

C.— ~~This~~ **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.

~~(Ord. 2764, 2000)~~

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.

~~(Ord. 2764, 2000)~~

~~(Ord. No. 3057, § 1, 8-17-2010)~~

Article 6 FALSE ALARMS

Sections:

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~~5.3.6.600 Definitions.~~

~~5.3.6.610 Audible alarm requirements.~~

~~5.3.6.620 Agent permit required.~~

~~5.3.6.630 Exemptions.~~

~~5.3.6.640 Penalty.~~

5.3.6.010 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.

5.3.6.60010 Definitions.

~~For the purpose of this chapter certain~~ **Unless otherwise specified, the following** words and phrases shall be construed herein as set forth ~~when used~~ in this section, unless it is apparent from ~~the context that a different meaning is intended~~ **article shall have the following meanings:**

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

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

- B. "Alarm business" means ~~the business by~~ any individual, partnership, corporation, or other entity of: **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. ~~Alarm systems include, but are not limited to, direct dial telephone devices, audible alarms and proprietor alarms.~~ Devices that are not designed or used to register alarms that are audible, visible or perceptible outside of the protected building, structure, or facility are not included within this definition, nor are auxiliary devices installed by ~~the~~ **a telephone or telecommunication** company to protect ~~telephone~~ 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**

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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:
 - A.—1. alarms caused by repair of telephone **or communication** equipment or lines;
 - B.—2. alarms caused by earthquakes, flood, windstorm, thunder, and ~~lightning~~ **lightning**;
 - C.—3. alarms caused by an attempted illegal entry or analogous causes of which there is visible evidence; **and**
 - D.—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.

(Ord. 2675, 1995)

5.3.6.61020 Audible alarm requirements.

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

(Ord. 2675, 1995)

5.3.6.620—030 Alarm Agent permit required.

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

(Ord. 2675, 1995)

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5.3.6.630040 Exemptions.

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

(Ord. 2675, 1995)

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.

5.3.6.640050 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 six (6) — Written ~~three (3);~~ **written** notice to permittee;

False Alarms seven (7) and eight (8) — Written notice and ~~twenty-five dollars (\$25.00).~~

False Alarms nine (9) and ten (10) — Written notice and **B. A fourth or subsequent false alarm in a calendar year shall result in an assessed administrative fee of fifty dollars (\$50.00).**

False Alarms eleven (11) and more — Written notice and ~~seventy-five dollars (\$75.00).~~

(Ord. 2675, 1995)

Article 7 EMERGENCY MEDICAL SERVICES LICENSES

Sections:

~~5.3.7.700 Definitions.~~

~~5.3.7.710 License required.~~

~~5.3.7.720 Criteria for license.~~

~~5.3.7.730 Cancellation of license.~~

~~5.3.7.740 Notice and hearing required.~~

~~5.3.7.750 Existing services.~~

~~5.3.7.760 Exemptions.~~

5.3.7.010 Definitions.

5.3.7.020 License required.

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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.

5.3.7.0010 Definitions.

For the purpose of this chapter ~~Unless otherwise specified, the following terms and words and phrases when used in this article shall have the following meanings set forth in this section, unless the context requires otherwise.:~~ **Unless otherwise specified, the following terms and words and phrases when used in this article shall have the following meanings set forth in this section, unless the context requires otherwise.:**

- 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 ~~service~~ **or similar vehicle.**
- C. "License Certificate" means the City ~~emergency services license~~ **Emergency Medical Services License** issued, or renewed, to any person to ~~engage~~ **engaging** in the ambulance service business. A new ~~ambulance service business~~ **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 ~~or helpless.~~ The term does not include a person who is non-ambulatory, and who needs transportation assistance solely because that person is confined to a wheel chair as the person's usual means of mobility.
- 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 ~~an ambulance~~ **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 ~~ambulance~~ **emergency medical** service within the City.

(Ord. 2743, 1998)

5.3.7.10020 License required.

- A.— No person shall conduct or operate an emergency medical service within the City without first obtaining ~~aan~~ **an Emergency Medical Services** license as provided in this chapter.

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- B.— All such ~~license certificate(s)~~ **Emergency Medical Services licenses** shall be **valid** for a City license year, or for the remainder thereof. ~~A~~ **An Emergency Medical Services license certificate** shall expire at the conclusion of each licensure year, and shall be renewable subject to the ability to meet the standards set by the City and the State Department of Health and Human Services, as to fitness and ability to ~~operate an~~ **provide emergency ambulance service medical services**.
- C.— ~~No~~ **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, ~~find~~ **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~~ **state law** and the provisions of this chapter.
- D.— If the City Commission finds that another ambulance service would be in the public interest, the City Commission shall authorize the issuance of ~~a~~ **an Emergency Medical Services License Certificate certificate** of public convenience and necessity stating the name and address of the applicant, the location of the ~~ambulance~~ **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 ~~ambulance~~ **emergency medical** service **provider**, the application shall be denied. Existing ~~ambulance~~ **emergency medical** services **providers** may continue to operate within the City ~~as long as~~, **provided** they comply with the provisions of this chapter and are in compliance with Montana ~~State Law~~ **state law**.
- E.— There must be paid to the City, with each application for ~~a license~~, or for renewal of ~~a~~, **an Emergency Medical Services** license, a license fee that shall be set by **City Commission** resolution.
- F.— ~~The~~ **An Emergency Medical Services** license is not transferable.
- G.— ~~The~~ **An Emergency Medical Services** license is non-exclusive.

~~(Ord. 2743, 1998)~~

~~5.3.7.720030~~ **29030** Criteria for license.

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

~~(Ord. 2743, 1998)~~

~~(Ord. No. 2993, 1-8-2008)~~

~~5.3.7.730~~ **040** ~~Cancellation~~ **Revocation** of license.

The City may ~~cancel~~ **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

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contained in the Administrative Rules of Montana, or violation of policy, rules and procedure as outlined in the City of Great Falls 944Emergency 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.

(Ord. 2743, 1998)

5.3.7.740050 Notice and hearing required.

- A.— The City shall not ~~may~~ deny or ~~cancel~~ **revoke an Emergency Medical Services license without subject to:**

- 1.— ~~Delivery~~ **delivery** to the applicant or licensee of a written statement of the grounds for denial or ~~cancellation~~ **revocation of the charge involved; subject license; and**
- 2.— ~~An~~ **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 ~~canceled~~ **revoked.**

- B.— ~~After receipt~~ **Within ten (10) days of the written notice** statement of grounds for denial or ~~cancellation or charges~~ **revocation**, any applicant or licensee desiring a hearing before the City Commission ~~must~~ **shall** make written application ~~within ten (10) days of such notice.~~

(Ord. 2743, 1998)

5.3.7.750 Existing services.

~~Any person providing emergency medical services with to the City as of the effective date of this chapter shall have~~ **Clerk's office requesting** a period of one hundred twenty (120) days to ~~meet the requirements and obtain the license required by this article, exclusive of the public hearing and City Commission determination of public convenience and necessity as stated in 5.3.7.710(C).~~ **stating the reasons for the applicant or licensee's request.**

(Ord. 2743, 1998)

5.3.7.760060 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~~ **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**

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- C.— Any person providing emergency medical services within the City, who is providing such services at the request of the City, pursuant to a written mutual aid agreement, between the City and the person.

~~(Ord. 2743, 1998)~~

~~(Ord. No. 2993, 1-8-2008)~~

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.

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- 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.

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.

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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 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.

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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.

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.**

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- 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.

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.

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- 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.**

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.

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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:

~~5.16.010 Purpose.~~

~~5.16.020 Definitions.~~

~~5.16.030 General requirements.~~

~~5.16.040 Registration of telecommunications carriers and providers.~~

~~5.16.050 Use agreement.~~

~~5.16.060 Non-exclusive grant.~~

~~5.16.070 Rights granted.~~

~~5.16.075 Exempt facilities - basic requirements.~~

~~5.16.080 Telecommunications facilities - minimum application requirements.~~

~~5.16.090 Telecommunications facilities - standard agreements required.~~

~~5.16.100 Telecommunications facilities - life permits.~~

~~5.16.110 Telecommunication facilities - structural requirements~~

~~5.16.120 Telecommunications facilities - basic tower and building design.~~

~~5.16.130 Telecommunication facilities - location.~~

~~5.16.140 Telecommunication facilities - height determination.~~

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

~~5.16.160 Telecommunications facilities - lighting.~~

~~5.16.170 Telecommunications facilities - roads and parking.~~

~~5.16.180 Telecommunications facilities - vegetation protection and facility screening.~~

~~5.16.190 Telecommunication facilities - fire prevention.~~

~~5.16.200 Telecommunication facilities - environmental resource protection.~~

~~5.16.210 Telecommunications - noise and traffic.~~

~~5.16.220 Telecommunication facilities - visual compatibility.~~

~~5.16.230 Telecommunications facilities - NIER exposure.~~

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~~5.16.240 Telecommunication facilities – exemptions.~~

~~5.16.250 Telecommunication facilities – public notice.~~

~~5.16.260 Ambiguity.~~

~~5.16.270 Appeal.~~

~~5.16.280 Statutory severability.~~

5.16.010 — Purpose.

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

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

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

~~(Ord. 2724, 1997)~~

5.16.020 — Definitions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~1. "Telecommunications Facility Exempt" include, but are not limited to, the following unless located within a recognized Historic District:~~

- ~~a. A single ground or building mounted receive-only radio or television antenna including any mast, for the sole use of the tenant occupying the residential parcel on which the radio or television antenna is located; with an antenna height not exceeding twenty-five (25) feet;~~
- ~~b. A ground or building mounted citizens band radio antenna including any mast, if the height (post and antenna) does not exceed thirty five (35) feet;~~
- ~~c. A ground, building, or tower mounted antenna operated by a federally licensed amateur radio operator as part of the Amateur Radio Service, if the height (post and antenna) does not exceed eighty (80) feet.~~

~~(Ord. 2754, 1999).~~

- ~~d. A ground or building mounted receive-only radio or television satellite dish antenna, which does not exceed thirty-six (36) inches in diameter, for the sole use of the resident occupying a residential parcel on which the satellite dish is located; provided the height of said dish does not exceed the height of the ridgeline of the primary structure on said parcel.~~
- ~~e. All citizens band radio antenna or antenna operated by a federally licensed amateur radio operator as part of the Amateur Radio Service which existed at the time of the adoption of this section.~~
- ~~f. Mobile services providing public information coverage of news events of a temporary nature.~~

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- ~~g. Hand held devices such as cell phones, business-band mobile radios, walkie-talkies, cordless telephones, garage door openers and similar devices as determined by the Planning and Community Development Director.~~
- ~~h. City government owned or public service use/facility owned (as described in 5.16.020(J) and operated receive and/or transmit telemetry station antennas for supervisory control and data acquisition (SCADA) systems for water, flood alert, traffic control devices and signals, storm water, pump stations and/or irrigation systems, public education and transportation with heights not exceeding thirty five (35) feet.~~
- ~~2. "Telecommunication Facility - Co-Located" means a telecommunication facility comprised of a single telecommunication tower or building supporting one (1) or more antennas, dishes, or similar devices owned or used by more than one (1) public or private entity.~~
- ~~3. "Telecommunication Facility - Commercial" means a telecommunication facility that is operated primarily for a business purpose or purposes.~~
- ~~4. "Telecommunication Facility - Multiple User" means a telecommunication facility comprised of multiple telecommunication towers or buildings supporting one (1) or more antennas owned or used by more than one (1) public or private entity, excluding research and development industries with antennas to serve internal uses only.~~
- ~~5. "Telecommunications Facility - Non Commercial" means a telecommunication facility that is operated solely for a non business purpose.~~
- ~~6. "Telecommunications Tower" means a mast, pole, monopole, guyed tower, lattice tower, free-standing tower, or other structure designed and primarily used to support antennas. A ground or building mounted mast greater than ten (10) feet tall and six (6) inches in diameter supporting one or more antenna, dishes arrays, etc. shall be considered a telecommunications tower.~~

(Ord. 2724, 1997)

(Ord. No. 3057, § 1, 8-17-2010)

5.16.030 — General requirements.

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

- ~~A. Obtain any applicable permit requirements of any agencies which have jurisdiction over the project;~~
- ~~B. All the requirements established by the other chapters of the OCCGF Zoning Ordinance that are not in conflict with the requirements contained in this chapter;~~
- ~~C. The Uniform Building Code, National Electrical Code, Uniform Plumbing Code, Uniform Mechanical Code, and Uniform Fire Code, where applicable;~~
- ~~D. Any applicable Airport land use compatibility criteria/policies and Federal Aviation Administration regulations;~~
- ~~E. Any applicable easements or similar restrictions on the subject property, including adopted PUD standards;~~
- ~~F. Facilities and antennas cannot be located in any required yard setback area of the zoning district in which it is located;~~
- ~~G. All setbacks shall be measured from the base of the tower or structure closest to the applicable property line or structure;~~

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- H. ~~All commercial telecommunication facilities and antennas shall comply at all times with all FCC rules, regulations, and standards;~~
- I. ~~Satellite dish and parabolic antennas shall be situated as close to the ground as possible to reduce visual impact without compromising their function.~~
- J. ~~All telecommunications carriers and providers engaged in the business of transmitting, supplying or furnishing of telecommunications originating or terminating in the City shall register with the City pursuant to Section 5.16.040 of this chapter.~~

(Ord. 2724, 1997)

5.16.040 — Registration of telecommunications carriers and providers.

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

(Ord. 2724, 1997)

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(Ord. No. 3057, § 1, 8-17-2010)

5.16.050 — Use agreement.

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

5.16.060 — Non-exclusive grant.

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

(Ord. 2724, 1997)

5.16.070 — Rights granted.

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

(Ord. 2724, 1997)

5.16.075 — Exempt facilities – basic requirements.

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

- A. The antenna use involved is accessory to the primary use of the property which is not a telecommunications facility;
- B. In a residential zone, no more than one (1) satellite dish eight (8) feet or less in diameter, is allowed on the parcel and no more than three (3) support structures for licensed amateur radio operators are allowed on a parcel.

(Ord. 2754, 1999).

- C. Sufficient anti-climbing measures have been incorporated into the facility, as needed, to reduce potential for trespass and injury.

(Ord. 2724, 1997)

5.16.080 — Telecommunications facilities – minimum application requirements.

The following are the minimum criteria applicable to all telecommunication facilities, except exempt facilities as defined in Section 5.16.020(S)(1). In the event that a project is subject to discretionary and/or

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environmental review, mitigation measures or other conditions may also be necessary. All Telecommunications Facilities shall comply with the following:

- A. ~~The Planning and Community Development Director shall establish and maintain a list of information that must accompany every application for the installation of a telecommunications facility. Said information may include, but shall not be limited to, completed supplemental project information forms, a specific maximum requested gross cross-sectional area, or silhouette, of the facility; service area maps, network maps, alternative site analysis, visual impact demonstrations including mock-ups and/or photo-montages, visual impact analysis, NIER (non-ionizing electromagnetic radiation) exposure studies, title reports identifying legal access, security considerations, lists of other nearby telecommunication facilities known to the City, master plan for all related facilities within the City limits and within one-quarter (¼) mile there from; and facility design alternatives to the proposal and deposits for peer review, if deemed necessary by the Director. The Planning and Community Development Director may release an applicant from having to provide one (1) or more of the pieces of information on this list upon a finding that in the specific case involved said information is not necessary to process or make a decision on the application being submitted; and~~
- B. ~~The Planning and Community Development Director is explicitly authorized at his/her discretion to employ on behalf of the City an independent technical expert to review any technical materials submitted including, but not limited to, those required under this section and in those cases where a technical demonstration of unavoidable need or unavailability of alternatives is required. The applicant shall pay all the costs of said review, including any administrative costs incurred by the City. Any proprietary information disclosed to the City or the expert hired shall remain confidential and shall not be disclosed to any third party.~~
- C. ~~A permit will be issued by the Planning and Community Development Department when the minimum application requirements have been met.~~

(Ord. 2724, 1997)

(Ord. No. 3057, § 1, 8-17-2010)

5.16.090 — Telecommunications facilities — standard agreements required.

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

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

(Ord. 2724, 1997)

(Ord. No. 3057, § 1, 8-17-2010)

5.16.100 — Telecommunications facilities – life permits.

- A. ~~A permit issued pursuant to this chapter authorizing establishment of a telecommunication facility, except exempt facilities as defined in Section 5.16.020(S)(1), shall be reviewed every year. Costs associated with the review process shall be borne by the telecommunication facility owner/provider. Grounds for revocation of the permit shall be limited to a finding that (1) the use involved is no longer allowed in the applicable zoning district, (2) the facility fails to comply with the relevant requirements of this chapter as they exist at the time of renewal and the permittee has failed to supply assurances acceptable to the Planning and Community Development Director that the facility will be brought into compliance within one hundred twenty (120) days, (3) the permittee has failed to comply with the conditions of approval imposed, (4) the facility has not been properly maintained, or (5) the facility has not been upgraded to minimize its impact, including community aesthetics, to the greatest extent permitted by the technology that exists at the time of renewal and is consistent with the provisions of~~

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~~universal service at affordable rates. The grounds for appeal of issuance of a renewal shall be limited to a showing that one (1) or more of the situations listed above do in fact exist or that the notice required under Section 5.16.090 was not provided.~~

- ~~B. If a permit for use is not renewed, it shall automatically become null and void without notice or hearing two (2) years after it is issued or upon cessation of use for more than a year and a day, whichever comes first. Unless a new permit or entitlement of use is issued, within one hundred twenty (120) days thereafter all improvements installed including their foundations down to three (3) feet (three (3) feet below ground surface) shall be removed from the property and the site restored to its natural pre-construction state within one hundred twenty (120) days of non-renewal or abandonment. Any access road installed shall also be removed and the ground returned to its natural condition unless the property owner establishes to the satisfaction of the Planning and Community Development Director that these sections of road are necessary to serve some other allowed use of the property that is permitted or is currently present or to provide access to adjoining parcels.~~

~~(Ord. 2724, 1997)~~

~~(Ord. No. 3057, § 1, 8-17-2010)~~

5.16.110 — Telecommunication facilities — structural requirements

~~No telecommunication facility shall be designed and/or sited such that it poses a potential hazard to nearby residences or surrounding properties or improvements. To this end, any telecommunication tower, except exempt facilities as defined in Section 5.16.020(S)(1), located at a distance of less than one hundred ten (110) percent of its height from an inhabited area or other tower shall be designed and maintained to withstand without failure the maximum forces expected from wind and earthquakes when the tower is fully loaded with antennas, transmitters and other equipment, and camouflaging. Initial demonstration of compliance with this requirement shall be provided via submission of a report to the Building Official prepared by a structural engineer licensed by the State of Montana describing the tower structure, specifying the number and type of antennas it is designed to accommodate, providing the basis for the calculations done, and documenting the actual calculations performed. Proof of ongoing compliance shall be provided via submission to the Planning and Community Development Director at least every five (5) (self-supporting and guyed towers)/ten (10) (monopoles) years of an inspection report prepared by a Montana-licensed structural engineer indicating the number and types of antennas and related equipment actually present and indicating the structural integrity of the tower. Based on this report, 5.16.110—5.16.120 the Building Official may require repair or, if a serious safety problem exists, removal of the tower.~~

~~(Ord. 2724, 1997)~~

~~(Ord. No. 3057, § 1, 8-17-2010)~~

5.16.120 — Telecommunications facilities — basic tower and building design.

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

- ~~A. Telecommunication towers shall be constructed out of metal or other non-flammable material, unless specifically conditioned by the City to be otherwise.~~
- ~~B. Telecommunication towers taller than thirty five (35) feet shall be monopoles or guyed/lattice towers except where satisfactory evidence is submitted to the Planning and Community~~

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Development Director that a self-supporting tower is required to provide the height and/or capacity necessary for the proposed telecommunication use to minimize the need for screening from adjacent properties, or to reduce the potential for bird strikes.

- C. ~~Satellite dishes other than microwave dishes shall be of mesh construction, except where technical evidence is acceptable to the Planning and Community Development Director is submitted showing that this is infeasible.~~
- D. ~~Telecommunication support facilities (i.e., vaults, equipment rooms, utilities, and equipment enclosures) shall be constructed out of non-reflective materials (visible exterior surfaces only) and shall be placed in underground vaults to all extent possible.~~
- E. ~~Telecommunication support facilities shall be no taller than one (1) story (fifteen (15) feet) in height and shall be treated to look like a building or facility typically found in the area.~~
- F. ~~Telecommunication support facilities in areas of high visibility shall, where possible, be sited below the ridgeline or designed (i.e., placed underground, depressed, or located behind earth berms) to minimize their profile.~~
- G. ~~All buildings, poles, towers, antenna supports, antennas, and other components of each telecommunications site shall be initially painted and thereafter repainted as necessary with a "flat" paint. The color selected shall be one (1) that will minimize their visibility to the greatest extent feasible. To this end, improvements which will be primarily viewed against soils, trees or grasslands shall be painted colors matching these landscapes while elements which rise above the horizon shall be painted a blue gray that matches the typical sky color at that location.~~
- H. ~~The project description and permit shall include a specific maximum allowable gross cross-sectional area, or silhouette, of the facility. The silhouette shall be measured from the "worst case" elevation perspective.~~
- I. ~~The City shall have the authority to require special design of the telecommunication facilities where findings of particular sensitivity are made (e.g. proximity to historic or aesthetically significant structures, views and/or community features). Antennas and supporting electrical/mechanical equipment installed on the rooftop or above a structure shall be screened, constructed and/or colored to match the structure to which they are attached.~~
- J. ~~Telecommunication facilities shall insure that sufficient anti-climbing measures have been incorporated into the facility, as needed, to reduce potential for trespass and injury.~~

(Ord. No. 3057, § 1, 8-17-2010)

5.16.130 — Telecommunication facilities — location.

- A. ~~Telecommunication facilities (antennas and towers) are permitted in residential districts when they are designed as an architecturally compatible accessory element to an existing non-residential use such as schools, churches, etc. and antennas mounted on existing non-residential structures (subject to location and height restrictions). These permitted antennas/towers shall be limited to forty-five (45) feet in height above original grade and are subject to site plan approval by the Design Review Board.~~
- B. ~~Antennas and towers are permitted in Commercial (LB, GC, B1, B2, B3, B4 & CLM), Public Lands Institutional (PLI) and Industrial Districts subject to the following height limitations:~~
 - 1. ~~Towers/antennas are permitted to a maximum height of one hundred (100) feet in Industrial Districts. Fifty (50) additional feet may be added to accommodate co-location if the applicant submits information certifying the capacity of the tower for two (2) additional providers and a letter of intent from the applicant indicating their intent to share space. A lightning rod, not to exceed ten (10) feet, shall not be included within the height limitations. A setback, equal to twenty-five~~

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- ~~(25) percent of the tower height, must be maintained and the facilities are subject to site plan approval by the Design Review Board.~~
- ~~2. Ground mounted towers/antennas permitted in Commercial and PLI Districts are limited to a maximum height of forty-five (45) feet. A setback, equal to twenty-five (25) percent of the tower height, must be maintained and the facilities are subject to site plan approval by the Design Review Board.~~
 - ~~3. Permitted telecommunications facilities in Commercial and PLI Districts that are building mounted can have a tower/antenna height equal to the distance to the nearest edge of the roof.~~
- ~~C. All telecommunication facilities shall be located so as to minimize their visibility and the number of distinct facilities present. To this end all of the following measures shall be implemented for all telecommunications facilities, except exempt facilities as defined in Section 5.16.020(S)(1):~~
- ~~1. No telecommunication facility shall be installed within the influence zone of the Great Falls International Airport or any helipad unless the airport owner/operator indicates that it will not adversely affect the operation of the airport or helipad;~~
 - ~~2. No telecommunication facility shall be installed at a location where special painting or lighting will be required by the FAA regulations unless technical evidence acceptable to the Planning and Community Development Director is submitted showing that this is the only technically feasible location for this facility;~~
 - ~~3. No telecommunication facility shall be installed on an exposed ridgeline, in or at a location readily visible from Highway I-15, a public trail, public park or other outdoor recreation area, or in property designated as a Floodway unless it blends with the surrounding existing natural and man-made environment in such a manner as to be effectively unnoticeable and a finding is made that no other location is technically feasible;~~
 - ~~4. No telecommunication facility that is readily visible from off-site shall be installed closer than one-half (½) mile from another readily visible uncamouflaged or unscreened telecommunication facility unless it is a co-located facility, situated on a multiple-user site, or blends with the surrounding existing natural and man-made environment in such a manner as to be effectively unnoticeable; or technical evidence acceptable to the Planning and Community Development Director is submitted showing a clear need for this facility and the unfeasibility of co-locating it on one (1) of these former sites;~~
 - ~~5. No telecommunication facility that is readily visible from off-site shall be installed on a site that is not already developed with telecommunication facilities or other public or quasi-public uses unless it blends with the surrounding existing natural and man-made environment in such a manner so as to be effectively unnoticeable or technical evidence acceptable to the Planning and Community Development Director is submitted showing a clear need for this facility and the unfeasibility of co-locating it on one (1) of these former sites; and~~
 - ~~6. Telecommunication towers shall be set back at least twenty-five (25) percent of the tower height from all property lines. Any tower/antenna located less than one hundred ten (100) percent of its height from an inhabited area must meet the requirements set forth in Section 5.16.110. Guy wire anchors shall be set back at least twenty (20) feet from any property line.~~

~~(Ord. 2724, 1997)~~

~~(Ord. No. 3057, § 1, 8-17-2010)~~

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5.16.140 — Telecommunication facilities – height determination.

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

(Ord. 2724, 1997)

5.16.150 — Telecommunication facilities – co-located and multiple-user facilities.

- A. An analysis shall be prepared by or on behalf of the applicant, which identifies all reasonable, technically feasible, alternative locations and/or facilities which would provide the proposed telecommunication service. The intention of the alternatives analysis is to present alternative strategies which would minimize the number, size, and adverse environmental impacts of facilities necessary to provide the needed services to the City and surrounding rural and urban areas. The analysis shall address the potential for co-location at an existing or a new site and the potential to locate facilities as close as possible to the intended service area. It shall also explain the rationale for selection of the proposed site in view of the relative merits of any of the feasible alternatives. Approval of the project is subject to a finding that the proposed site results in fewer or less severe environmental impacts than any feasible alternative site. The City may require independent verification of this analysis at the applicant's expense. Facilities which are not proposed to be co-located with another telecommunication facility shall provide a written explanation why the subject facility is not a candidate for co-location.
- B. All co-located and multiple-user telecommunication facilities shall be designed to promote facility and site sharing. To this end telecommunication towers and necessary appurtenances, including but not limited to, parking areas, access roads, utilities and equipment buildings shall be shared by site users when in the determination of the Planning and Community Development Director this will minimize overall visual impact to the community.
- C. The facility shall make available unused space for co-location of other telecommunication facilities, including space for these entities providing similar, competing services. A good faith effort in achieving co-location shall be required of the host entity. Requests for utilization of facility space and responses to such requests shall be made in a timely manner and in writing and copies shall be provided to the City's permit files. Unresolved disputes may be mediated by the Board of Adjustment/Appeal. Co-location is not required in cases where the addition of the new service or facilities would cause quality of service impairment to the existing facility or if it became necessary for the host to go off-line for a significant period of time.
- D. Approval for the establishment of facilities improved with an existing microwave band or other public service use or facility, which creates interference or interference is anticipated as a result of said establishment of additional facilities, shall include provisions for the relocation of said existing public use facilities. All costs associated with said relocation shall be borne by the applicant for the additional facilities.

(Ord. 2724, 1997)

(Ord. No. 3057, § 1, 8-17-2010)

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5.16.160 — Telecommunications facilities – lighting.

All telecommunication facilities shall be unlit except for the following:

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

(Ord. 2724, 1997)

5.16.170 — Telecommunications facilities – roads and parking.

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

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

(Ord. 2724, 1997)

5.16.180 — Telecommunications facilities – vegetation protection and facility screening.

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

- A. ~~A landscape plan shall be submitted with project application submittal indicating all existing vegetation, identifying landscaping that is to be retained on the site and any additional vegetation that is needed to satisfactorily screen the facility from adjacent land uses and public view areas. The landscape plan shall be subject to approval during the site plan review process. All trees, larger than four (4) inches in diameter shall be identified in the landscape plan with indication of species type, diameter at four and one half (4½) feet high, and whether it is to be retained or removed with project development;~~
- B. ~~Existing trees and other screening vegetation in the vicinity of the facility and along the access roads and power/telecommunication line routes involved shall be protected from damage, both during the construction period and thereafter.~~
- C. ~~All areas disturbed during project construction other than the access road and parking areas required under Section 5.16.180 shall be replanted with vegetation compatible with the vegetation~~

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~~in the surrounding area (e.g., ornamental shrubs or natural brush, depending upon the circumstances) to the satisfaction of the Planning and Community Development Director;~~

- ~~D. Any existing trees or significant vegetation, on the site or along the affected access area that die shall be replaced with native trees and vegetation of a size and species acceptable to the Planning and Community Development Director; and~~
- ~~E. No actions shall be taken subsequent to project completion with respect to the vegetation present that would increase the visibility of the facility itself or the access road and power/telecommunication lines serving it.~~

(Ord. 2724, 1997)

(Ord. No. 3057, § 1, 8-17-2010)

5.16.190 — Telecommunication facilities - fire prevention.

~~All telecommunication facilities shall be designed and operated in such a manner so as to minimize the risk of igniting a fire or intensifying one (1) that otherwise occurs. To this end all of the following measures shall be implemented for all telecommunication facilities, when determined necessary by the Building Official, except exempt facilities as defined in Section 5.16.020(S)(1):~~

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

(Ord. 2724, 1997)

5.16.200 — Telecommunication facilities - environmental resource protection.

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

- ~~A. No telecommunications facility or related improvements shall be sited such that their construction will damage an archaeological site or have an adverse effect on the historic character of a historic feature or site;~~
- ~~B. No telecommunications facility shall be sited such that its presence threatens the health or safety of migratory birds;~~
- ~~C. The facility shall comply with all applicable Floodplain Hazard Management Regulations and Storm Drainage Control regulations;~~
- ~~D. Potential adverse visual impacts which might result from project related grading or road construction shall be minimized;~~
- ~~E. Potential adverse impacts upon nearby public use areas such as parks or trails shall be minimized; and~~

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~~F. Drainage, erosion, and sediment controls shall be required as necessary to abide soil erosion and sedimentation of waterways. Structures and roads on slopes of ten (10) percent or greater shall be avoided. Erosion control measures shall be incorporated for any proposed facility which involves grading or construction near a waterway or on lands with slopes over ten (10) percent. Natural vegetation and topography shall be retained to the extent feasible.~~

~~(Ord. 2724, 1997)~~

~~(Ord. No. 3102, § 3(Attach. A), 3-5-2013)~~

5.16.210 — Telecommunications – noise and traffic.

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

- ~~A. Outdoor noise producing construction activities shall only take place on weekdays (Monday through Friday, non-holiday) between the hours of 7:30 a.m. and 5:30 p.m. unless allowed at other times by the Planning and Community Development Director;~~
- ~~B. Backup generators shall only be operated during power outages and for testing and maintenance purposes. If the facility is located within one hundred (100) feet of a residential dwelling unit, noise attenuation measures shall be included to reduce noise levels to an exterior noise level of at least a Ldn of fifty (50) dB at the property line and an interior noise level of a Ldn of forty-five (45) dB. Testing and maintenance shall only take place on weekdays between the hours of 8:30 a.m. and 4:30 p.m.; and~~
- ~~C. Traffic, at all times, shall be kept to an absolute minimum, but in no case more than two (2) round trips per day on an average annualized basis once construction is complete.~~

~~(Ord. 2724, 1997)~~

~~(Ord. No. 3057, § 1, 8-17-2010)~~

5.16.220 — Telecommunication facilities – visual compatibility.

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

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~~foreseeable telecommunication facilities in the area, and shall identify and include all feasible mitigation measures consistent with the technological requirements of the proposed telecommunication service. All costs for the visual analysis, and applicable administrative costs, shall be borne by the applicant.~~

~~(Ord. 2724, 1997)~~

~~(Ord. No. 3057, § 1, 8-17-2010)~~

5.16.230 — Telecommunications facilities – NIER exposure.

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

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(Ord. 2724, 1997)

(Ord. No. 3057, § 1, 8-17-2010)

5.16.240 — Telecommunication facilities — exemptions.

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

(Ord. 2724, 1997)

5.16.250 — Telecommunication facilities — public notice.

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

- A. — Notice of consideration on a permit authorizing the establishment or modification of a telecommunication facility shall be provided to the operators of all telecommunication facilities, registered with the City of Great Falls pursuant to Section 5.16.040, within one (1) mile of the subject parcel via mailing of the standard legal notice prepared, and
- B. — Notice of the permit approval authorizing the establishment or modification of, or the renewal of a permit for, a telecommunication facility or minor antenna needing site plan review, shall be mailed to all adjacent property owners within three hundred (300) feet. Mailing of said notice shall start a fourteen (14) calendar day appeal period.

(Ord. 2724, 1997)

5.16.260 — Ambiguity.

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

(Ord. 2724, 1997)

Exhibit "A"

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

(Ord. No. 3057, § 1, 8-17-2010)

5.16.270 — Appeal.

~~Any person who disagrees with a ruling or interpretation of the Planning and Community Development Director or designee regarding this chapter may appeal the matter to the Board of Adjustment/Appeal. Such appeal shall be made in writing within fourteen (14) calendar days of the ruling or interpretation. The Planning and Community Development Director, or designee, will then cause the matter to be placed on the agenda of the Board of Adjustment/Appeal. If no appeal is made within that time, the ruling or interpretation shall be final. The appeal shall set forth in writing the grounds for the appeal and the relief sought by the appellant. The hearing shall be scheduled within two (2) regularly scheduled meetings. The Planning and Community Development Director, or designee, shall notify in writing all persons who have demonstrated their interest in this matter of the time and place of the meeting on the appeal at least ten (10) calendar days prior to the meeting. The Planning and Community Development Director shall transmit the application and all exhibits therewith to the Board of Adjustment/Appeal for consideration. For the purposes of this section, a ruling is a discretionary action, e.g., on a permit or a site plan and architectural review; and an interpretation refers to the determination of the intent and application of provisions of this chapter. Application or enforcement of provisions of this chapter shall not be considered interpretations or rulings and are not subject to appeal. Notwithstanding this section, an individual may file for an exception from the provisions of this chapter pursuant to Section 5.16.240 of this chapter.~~

(Ord. 2724, 1997)

(Ord. No. 3057, § 1, 8-17-2010)

5.16.280 — Statutory severability.

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

(Ord. 2724, 1997)

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).