

**ORDINANCE 3181**

**AN ORDINANCE REPEALING AND REPLACING TITLE 8 OF  
THE OFFICIAL CODE OF THE CITY OF GREAT FALLS  
(OCCGF), PERTAINING TO HEALTH AND SAFETY.**

\* \* \* \* \*

**WHEREAS**, the City Commission established Title 8 of the OCCGF outlining provisions pertaining to Health and Safety; and

**WHEREAS**, the City Commission has recognized deficiencies throughout OCCGF Title 8, 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 8; and

**WHEREAS**, the City Commission wishes to make substantive amendments to OCCGF Title 8; and

**WHEREAS**, the amendments include substantive changes to regulations including, but not limited to, food service establishments, garbage and refuse service, child care facilities, and residential outdoor burning; and

**WHEREAS**, the City Commission wishes to establish clear penalty provisions for health and safety violations; 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 CITY COMMISSION OF THE  
CITY OF GREAT FALLS, MONTANA:**

Section 1. OCCGF Title 8 is hereby repealed and replaced as depicted by Exhibit “A” attached hereto and by reference incorporated herein; and

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

ACCEPTED by the City Commission of the City of Great Falls, Montana on first reading June 5, 2018.

ADOPTED by the City Commission of the City of Great Falls, Montana on second reading June 19, 2018.

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Bob Kelly, Mayor

ATTEST:

(CITY SEAL)

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Darcy Dea, Deputy City Clerk

APPROVED FOR LEGAL CONTENT:

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Joseph P. Cik, Assistant City Attorney

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

I, Darcy Dea, Deputy City Clerk of the City of Great Falls, Montana, do certify that I did post as required by law and as prescribed and directed by the Commission, Ordinance 3181 on the Great Falls Civic Center posting board and the Great Falls City website.

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Darcy Dea, Deputy City Clerk

(CITY SEAL)

(Updated from First Reading)

Title 8 HEALTH AND SAFETY

## **Title 8     HEALTH AND SAFETY**

### **Chapter**

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Chapter 1 - GENERAL HEALTH DEFINITIONS

Chapter 2 - GENERAL HEALTH REGULATIONS

Chapter 3 - RESERVED

Chapter 4 - HOTELS AND MOTELS

Chapter 5 - EMERGENCY MEDICAL SERVICES

Chapter 6 - FOOD SERVICE

Chapter 7 – WHOLESALE FOOD ESTABLISHMENTS

Chapter 8 - GARBAGE AND REFUSE

Chapter 9 - GARBAGE AND REFUSE DISPOSAL AREAS

Chapter 10 - SWIMMING POOLS

Chapter 11 – WEEDS

Chapter 12 – TATTOOING AND BODY-PIERCING ESTABLISHMENTS

Chapter 13 – TOURIST CAMPGROUNDS AND TRAILER COURTS

Chapter 14 – CHILD CARE FACILITIES

Chapters 15- 47 - RESERVED

Chapter 48 – RESIDENTIAL OUTDOOR FIRE RESTRICTIONS

Chapter 49 - NUISANCES

Chapter 50 – CRIMINAL PUBLIC NUISANCES

Chapter 51 - MAINTENANCE AND SANITATION OF PREMISES

Chapter 52 - ABATEMENT OF NUISANCE VEGETATION

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Chapter 53 - NOISE

**Chapter 1 GENERAL HEALTH DEFINITIONS**

**Sections:**

8.1.010 Purpose.

8.1.020 Definitions.

**8.1.010 Purpose.**

The purpose of this Title of the OCCGF is to prevent and eliminate conditions and practices which endanger public health.

**8.1.020 Definitions.**

Unless otherwise specified, the following definitions shall apply to this Title.

- A. "Health Authority" means the legally designated City-County Health Department Health Officer or designee.
- B. "Health Department" means the legally designated Great Falls and Cascade County City-County Health Department.
- C. "Administrative hearing" means an informal hearing before the Health Officer, Supervising Sanitarian, and Inspecting Registered Sanitarian concerning closure of a food service establishment or wholesale food establishment.
- D. "Board" means the legally designated City-County Board of Health provided for in Mont. Code Ann. § 50-2-106, as may be amended.
- E. "Priority Item" means a provision in the Montana Food Code, Administrative Rules of Montana Title 37 Chapter 110 subchapter 2, as amended, whose application contributes directly to the elimination, prevention, or reduction to an acceptable level, hazards associated with foodborne illness or injury, and there is no other provision that more directly controls the hazard.

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- F. "Health Officer" means a physician or person with a Master's Degree in Public Health, or equivalent, appointed by the Board as provided in Mont. Code Ann. § 50-2-116, as may be amended.
- G. "Wholesale food establishment" means any establishment involved in the sale or provision of food as defined in Mont. Code Ann. § 50-57-102(11), as may be amended. Wholesale food establishment includes "wholesale food manufacturing establishment", "wholesale food salvage establishment", "wholesale ice manufacturer", and "wholesale water bottler" as defined in Mont. Code Ann. § 50-57-102(12) – (16), as may be amended.
- H. "Food Service Establishment" means any establishment involved in the retail sale or provision of food as defined in Mont. Code Ann. § 50-50-102(21), as may be amended.
- I. "Temporary Food Permit" means a permit issued by the Health Authority that allows for persons or organizations to serve approved food items to the public in accordance with the regulations for temporary food establishments found in Mont. Code Ann. §§ 50-50-102(22) and 50-50-120 and the Administrative Rules of Montana (ARM), as may be amended.
- J. "Temporary Food Establishment" means a retail food establishment that operates temporarily in a licensing year as defined in Mont. Code Ann. § 50-50-102, as may be amended.
- K. "Cottage Food Operation" means an establishment that is operating under the conditions provided by Mont. Code Ann. § 50-50-116, as may be amended, to provide, manufacture, or package cottage food products in a kitchen in a registered area of a domestic residence and only for direct sale to a customer of this state.
- L. "Cottage Food Products" means foods that are not potentially hazardous and are processed or packaged in a Cottage Food Operation including jams, jellies, dried fruit, dry mixes, and baked goods. Other similar foods that are not potentially hazardous may be defined by the Department of Health and Human Services by rule.
- M. For the purposes of this Title, "person" shall include an individual, corporation, company, limited liability company, partnership or other non-human entity.

## Chapter 2 GENERAL HEALTH REGULATIONS

### Sections:

8.2.010 Health authority duties and inspections.

8.2.020 Penalties.

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#### **8.2.010 Health authority duties and inspections.**

- A. The Health Authority shall have the power to enter and inspect any place where meat, game, poultry, fish, milk, groceries, or other food products are prepared, handled, or stored for public use and to inspect any vehicle transporting such products from one point to another or throughout the City.
- B. Any person is guilty of a violation of this Chapter, if he or she in any manner:
  - 1. Interferes or attempts to interfere with the Health Authority in the discharge of duties or any person being the owner, agent or manager of any place where food is prepared, handled, or stored,
  - 2. Refuses to permit the Health Authority to have full access to such premises, or
  - 3. Attempts to conceal or remove any animals supposed to be diseased, or any food products that the Health Authority desires to inspect.
- C. It is the duty of the Health Authority to inspect any place where food is prepared, handled, or stored for public use at least once in every calendar year unless otherwise provided for, or as often as is deemed necessary by the Health Authority to maintain proper sanitation standards. Written or electronic record of such inspections will be provided to the owner, agent, or manager of such establishments.

#### **8.2.020 Penalties.**

- A. A violation of this Chapter is a misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00), a term not to exceed 6 months in jail, or both.
- B. Any establishment operating within the incorporated City limits in violation of this Chapter is hereby declared a Nuisance as defined by Chapter 49, of this Title.

### **Chapter 3 RESERVED**

### **Chapter 4 HOTELS AND MOTELS**

#### **Sections:**

8.4.010 Defined.

8.4.020 State rule adopted.

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#### **8.4.010 Defined.**

"Hotel" or "Motel" means and includes any building or structure kept, used, maintained as, advertised as, or held out to the public as a hotel, motel, inn, motor court, tourist court, home court, public lodging house, or place where sleeping accommodations are furnished for a fee to transient guests, with or without meals.

#### **8.4.020 State rule adopted.**

All hotels or motels operating within the incorporated City limits shall comply with all applicable provisions of the Montana Code Annotated and the Administrative Rules of Montana, including but not limited to those relating to Public Accommodations, and applicable provisions of the International Fire and Building Codes, as adopted by the OCCGF. All discharges to the City Publicly Owned Treatment Works from hotels or motels that include facilities that constitute a food service establishment are subject to review and written approval by the Public Work Director.

## **Chapter 5 EMERGENCY MEDICAL SERVICES**

### **Sections:**

8.5.010 Purpose.

8.5.020 Authority.

8.5.030 Definitions.

8.5.040 EMS system.

8.5.050 EMS system administrator.

8.5.060 EMS system components.

8.5.070 EMS System Medical Direction.

8.5.080 Establishment of an EMS Advisory Board.

8.5.090 City of Great Falls EMS responsibilities.

8.5.100 Replacement of GFFR items.

8.5.110 Emergency medical services license required.

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8.5.170 Criteria for ambulance service performance contract.

8.5.180 Ambulance service performance requirements.

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8.5.190 Conflict Resolution.

8.5.200 Penalties.

8.5.210 Performance security.

8.5.220 Submittal of reports for requests for service.

8.5.230 Release of information.

8.5.240 Confidentiality of records.

8.5.250 Ambulance service rates.

8.5.260 Right of property not granted.

8.5.270 City to be held harmless.

8.5.280 Ambulance service provider bound by City, State, and Federal regulations.

#### **8.5.010 Purpose.**

The purpose of this Chapter is:

- A. To allow for the orderly and lawful operation of the emergency medical services system in the City;
- B. To enact regulations, policies, and procedures, which are necessary for the public health and safety regarding first response and 911 emergency ambulance service in the City;
- C. To enact regulations, policies, and procedures for issuing contracts and regulating 911 emergency ambulance services to ensure safe, competent, efficient, and adequate care is provided within the City; and
- D. To allow for adequate 911 emergency ambulance services and to establish ambulance service rates for the City's contracted ambulance service as approved by the City Commission.

#### **8.5.020 Authority.**

The City Manager, or designee, shall have the authority to establish the necessary procedures to carry out and enforce the intent of this Chapter.

#### **8.5.030 Definitions.**

Unless otherwise specified, for the purpose of this Chapter the following definitions shall apply.

- A. "Advanced Life Support (ALS)" means an advanced life support provider as defined in the Administrative Rules of Montana (ARM).
- B. "Advanced Life Support Service" means an ambulance service or non-transporting medical unit that has the capacity, and is licensed by the State of Montana, to provide care at the EMT-Paramedic equivalent level twenty-four (24) hours a day, seven (7) days a week.



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- C. "Ambulance" means a privately or publicly owned motor vehicle that is maintained and used for the transportation of patients and that meets all Montana ambulance licensure requirements.
- D. "Ambulance Service" means an emergency medical service that utilizes an ambulance to respond to 911 emergency calls.
- E. "Ambulance Service Performance Contract" means an agreement between the City and an ambulance service provider used as an instrument to authorize and regulate ambulance service in the City.
- F. "Ambulance Service Provider" means the business of, or a person owning, operating, managing, or maintaining as principal or agent of one or more ambulances for the purpose of providing 911 emergency ambulance services within the City Emergency Medical Services System. The ambulance service provider may be a public or private entity.
- G. "Ambulance Service Rates" means any monetary charge, fare, fee, rate, or other consideration or compensation for ambulance service.
- H. "Approved" means acceptable to the authority having jurisdiction.
- I. "City" means the incorporated area of the City of Great Falls and the Fire Districts served by the Great Falls Fire Rescue Department.
- J. "Emergency Medical Services" or EMS means the services, personnel, resources, equipment, and supporting administration and infrastructure used in responding to medical emergencies, providing emergency medical care, first response services, and the transporting of patients, while rendering emergency medical treatments.
- K. "EMS Call" means first responder and ambulance service provided to evaluate and treat medical conditions of recent onset and severity that would lead a prudent layperson, possessing an average knowledge of medicine and health, to believe that urgent and/or unscheduled care is required.
- L. "EMS System" means the interrelated but separate public and private entities including, but not limited to, ambulance service providers and fire departments which optimally work together in the timely and appropriate provision of emergency medical services to the citizens and visitors of the City.
- M. "Fire Department" means the Great Falls Fire Rescue Department (GFFR).
- N. "First Response Service" means the provision of EMS provided by a responder prior to the arrival of the ambulance service.
- O. "Grandfathering" means the City Commission may contract with an existing ambulance service provider without conducting a competitive process for ambulance service providers.
- P. "Patient" means any person in need of, or in the process of receiving, emergency medical care.
- Q. "Person" means an individual, firm, partnership, association, corporation, company, group of individuals, or other entity acting together for a common purpose.
- R. "Public convenience and necessity" means qualified, fit, able, and willing to perform and provide an ambulance service fitting and suited to serve the public need within the City without significantly adversely impacting the public interest in the overall general provision of the ambulance service within the City.

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**8.5.040 EMS system.**

The public welfare requires the providing of assistance and encouragement for the development of a comprehensive EMS program for the City of Great Falls. The City shall establish and administer an EMS 911 system. The City may contract with a private ambulance service provider to provide emergency medical treatment and transportation of patients within the City.

**8.5.050 EMS System Administrator.**

The City shall establish an EMS System Administrator appointed by the City Manager to represent the City. The duties and responsibilities of the EMS system administrator shall include, but not be limited to, the following:

- A. Development and implementation of a comprehensive EMS system planning process;
- B. Develop guidelines and performance standards for each component of the City EMS system;
- C. Establish and articulate the roles and responsibilities for EMS system participation;
- D. Coordinate with the EMS system medical director on issues related to medical procedures, EMS protocols, and quality improvement processes;
- E. Coordinate with all EMS system participants to develop and ensure a management structure and accountability process for the EMS system;
- F. Serve as the chair of the City's EMS Advisory Board;
- G. Provide mechanisms for the continuous evaluation of the EMS system including a comprehensive quality improvement program;
- H. Establish an EMS system quality improvement committee in consultation with the EMS system medical director and other EMS system participants;
- I. Administer and supervise the ambulance service performance contract;
- J. Establish procedures, and policies in consultation with the EMS Advisory Board to ensure a safe, stable, and effective EMS system throughout the City; and
- K. Any other duties as needed to ensure a safe, stable, and effective EMS system throughout the City.

**8.5.060 EMS system components.**

The EMS system of the City shall include the participation of the following components:

- A. Great Falls 911 Center;
- B. The GFFR;
- C. Ambulance service provider;
- D. Air ambulance service provider;

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- E. Local and regional medical facilities;
- F. Any other entity or agency that may be required for the safe, stable, and effective delivery of EMS in the City as identified by the EMS system administrator; and
- G. The public at large.

**8.5.070 EMS System Medical Director.**

The City shall provide for an EMS 911 System Medical Director to provide overall medical direction for the City EMS 911 system. The duties and responsibilities for the EMS System Medical Director shall include, but not be limited to, the following:

- A. Review and approval of all EMS training programs that are necessary for operation of the EMS 911 response system;
- B. Development and implementation of medical protocols for all EMS personnel;
- C. Serve as the vice-chair of the City's EMS Advisory Board;
- D. Serve as the chair of the EMS system's quality improvement committee;
- E. Conduct periodic quality improvement reviews as dictated by EMS system needs;
- F. The EMS System Medical Director shall serve as the medical director for the GFFR Department and the 911 emergency ambulance service provider;
- G. The cost of the EMS System Medical Director will be shared by both the GFFR Department and any ambulance service provider;
- H. The City will administer any contract with the EMS system medical director;
- I. The EMS 911 System Medical Director shall not have oversight over the non-emergent and inter-facility transport services that may be provided by any contracted ambulance service; and
- J. When the Medical Director's position becomes vacant, the System Administrator in conjunction with an ambulance service provider representative, will collaborate to recruit and interview a physician to serve as the system's Medical Director.

**8.5.080 Establishment of an EMS Advisory Board.**

- A. The City Commission shall establish an EMS Advisory Board which is representative of the EMS system participants.
- B. The City Commission shall appoint the members of the EMS Advisory Board. Members of the EMS Advisory Board should include, but not be limited to, the following representatives:
  - 1. EMS System Administrator (chair);
  - 2. EMS System Medical Director (vice-chair);
  - 3. Emergency Manager;
  - 4. Neighborhood Council Coordinator;

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5. Emergency Operations Center or 911 Center Supervisor;
  6. GFFR EMS Coordinator;
  7. Ambulance service provider administrator or manager;
  8. GFFR EMT or paramedic; and
  9. Ambulance service EMT or paramedic.
- C. Other EMS advisory members may be appointed by the City Commission as needed to ensure all EMS system participants affected by the decisions of the EMS Advisory Board are represented.
- D. The EMS Advisory Board will provide input and discuss issues related to the City's EMS system and serve in an advisory capacity to the City's EMS Administrator.
- E. The EMS Administrator will have the authority regarding EMS system operational issues on behalf of the City and the EMS System Medical Director will have the final authority regarding medical procedures, protocols, or practices.
- F. The City Commission will have oversight responsibility for the EMS Administrator and the EMS Advisory Board.
- G. The EMS Advisory Board will meet on a regular basis, not less than four (4) times a year, to address issues affecting the EMS system and ensure that the performance of the EMS system is safe, stable, and effective.

#### **8.5.090 City of Great Falls EMS responsibilities.**

- A. The City Manager has the primary responsibility to ensure that effective, safe, and reliable EMS is provided to the City.
- B. GFFR shall provide EMS first response services to all EMS calls within the City and to other areas and locations where they may respond.
- C. GFFR may transport patients when it is in the interest of the patient's health and safety. Standard operating guidelines or protocols shall be established by the EMS System Medical Director in conjunction with the EMS Advisory Board to determine when this is appropriate. GFFR may transport when time is critical to patient care, when the patient is packaged and ready for transport, and when an ambulance is not immediately available or is delayed.

#### **8.5.100 Replacement of GFFR items.**

- A. Disposable items used by GFFR in providing patient care and treatment shall be replaced at the incident by the ambulance service provider. If it is not in the best interest of patient care to complete the replacement of disposable items at the incident, GFFR will furnish the ambulance service provider with a list of items to be replaced accompanied by the name, if known, and incident number of the patient for whom the items were used.
- B. The ambulance service provider shall, within forty-eight (48) hours of receipt of the list of items, resupply GFFR with all items on such list to be delivered them at Fire Station 1, 105 9th Street South. All brand name specific supplies as identified by all EMS participants and approved by the EMS Advisory Board shall be replaced with said brand name. Otherwise,

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a brand name equivalent replacement may be used but shall be approved by the Medical Director.

- C. Within twenty-four (24) hours, or such longer period as has been established as policy by the EMS Advisory Board, the ambulance service provider will retrieve and return to GFFR all durable equipment supplied by GFFR in providing EMS and any other GFFR equipment which has come into the ambulance service provider's possession.

**8.5.110 Emergency medical services license required.**

- A. No person shall conduct or operate an ambulance service within the City without first obtaining a license as required by OCCGF Title 5, Chapter 3, Article 7.
- B. A violation of this section is a misdemeanor punishable by a term not to exceed six (6) months in jail, a fine not to exceed five hundred dollars (\$500.00), or both.

**8.5.120 Ambulance service performance contract required.**

- A. All persons who wish to operate, conduct, advertise, engage in, or profess to be engaged in the 911 emergency ambulance business or service of the transportation of any patient by ambulance upon the streets or any public way or place within the City, shall only do so upon the execution of an ambulance service performance contract issued by the City.
- B. Any City ambulance service contractor is required by this Chapter to obtain an ambulance service performance contract from the City to provide 911 emergency ambulance services within the City's jurisdiction.
- C. Upon recommendation of the City Manager, the City Commission shall make the final determination to execute an ambulance service performance contract with an ambulance service provider for ambulance service to City 911 emergency calls.
- D. No ambulance service performance contract will be approved under this Chapter to any new ambulance service unless the City Commission, after conducting a public hearing and review, finds that another ambulance service is in the public interest, for the public convenience and necessity, and that the ambulance service provider is fit, willing, and able to perform such public service and to operate in compliance with Montana state law, the ARM, and the OCCGF.
- E. No unauthorized ambulance service shall be dispatched to 911 emergency calls or allowed to transport patients within the City except during a catastrophic incident or disaster, if demand for resources overwhelms the EMS system.
- F. Nothing in this Chapter shall be construed to modify, or in any way affect, existing state laws concerning ambulance services.

**8.5.130 Issuance of ambulance service performance contract.**

- A. An ambulance service performance contract can only be issued by the City Commission by "grandfathering" or completion of a competitive process in accordance with Montana state law. The City reserves the right to issue an interim contract to any ambulance service provider for the City under emergency circumstances such as when the contracted

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ambulance service provider fails to perform the services under its performance contract and this Chapter.

- B. If during an exceptional event, as determined by the City Manager, the health or safety of the residents of the City is threatened or jeopardized, the City Manager shall take such actions necessary to alleviate that threat. Such action may include, but is not limited to, temporary assignment of an ambulance service provider to provide services in the City. Such action shall comply with Mont. Code Ann. Title 10.
- C. Emergency action taken by the City Manager must be ratified and approved by the City Commission within thirty (30) calendar days to remain valid. The City Commission may issue an interim ambulance service performance contract for a specified term.

#### **8.5.140 Transferability of ambulance service performance contract.**

- A. An ambulance service performance contract shall not be transferable by the ambulance service provider to another person, party, or business, for the purpose of providing ambulance service within the City, unless formally approved by the City Commission.
- B. The City Manager, at his or her discretion, may allow the contracted ambulance service provider to subcontract for ambulance services. Any subcontractor must comply with the provisions of this Chapter and all other applicable provisions of the Official Code of the City of Great Falls (OCCGF).
- C. If the City approves the use of a subcontractor, the primary contractor shall retain accountability for delivering the required contract performance. The inability or failure of any subcontractor to perform any duty or deliver contracted performance will not excuse the primary contractor from any responsibility in this Chapter or in the ambulance service performance contract.

#### **8.5.150 Extension of ambulance service performance contract.**

The City Commission will determine the length of an ambulance service performance contract, by resolution or approval of a contract. At the discretion of the City Commission, contract extensions may be granted, or the contract may provide for automatic annual renewals based on achievement of performance measures and customer service requirements specified by the City.

#### **8.5.160 Breach of contract and default.**

- A. An ambulance service performance contract issued by the City Commission may be suspended or terminated by the City Commission for:
  - 1. Non-compliance with this Chapter;
  - 2. Violations of applicable Montana Code Annotated provisions;
  - 3. Violations of applicable ARM regulations;
  - 4. Violations of applicable federal regulations;
  - 5. Violations of the terms of the ambulance service performance contract, or

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6. Violations of the performance standards specified in the ambulance service performance contract as agreed to by both parties.
- B. An ambulance service performance contract shall contain performance criteria and provisions for the suspension or termination of the contract for failure to meet the performance criteria or other provisions, including response time standards.
- C. The ambulance service performance contract shall contain provisions defining major and minor breaches of contract infractions and specified time periods for correcting infractions.
- D. An ambulance service performance contract shall contain provisions designed to assure continuity of ambulance service in the event of default or breach of contract by the ambulance service provider and any subsequent suspension or termination by the City.

**8.5.170 Criteria for ambulance service performance contract.**

Any person desiring to obtain an ambulance service performance contract with the City as required by this Chapter, shall demonstrate the ability to meet the following requirements:

- A. The ambulance service provider must possess a current license from the State of Montana, Department of Health and Human Services to provide emergency medical services, both transport and treatment at the Advanced Life Support (ALS) level;
- B. The ambulance service provider must provide emergency medical services at the ALS level, throughout the City, twenty-four (24) hours per day, and seven (7) days per week;
- C. Each responding ambulance shall be staffed with a minimum of one (1) Montana Certified Paramedic and one (1) Montana Certified Emergency Medical Technician (EMT);
- D. The ambulance service provider must have adequate personnel, vehicles, equipment, and facilities to respond to all locations within the City to meet the response time standards specified in the ambulance service performance contract;
- E. The ambulance service provider must comply with rules and regulations governing emergency medical services and emergency medical technicians, as promulgated by the State of Montana, Department of Health and Human Services, and the Board of Medical Examiners as specified in the ARM;
- F. The emergency medical providers, to include the contracted ambulance service, will use the Great Falls 911 Center, and they shall abide by the rules and procedures as outlined in the 911 Center policy manual;
- G. The ambulance service provider must have a commercial general liability insurance policy, including automobile coverage, in a form set by Commission resolution;
- H. All policies of insurance under this Chapter shall be issued by insurance companies licensed to do business in the State of Montana;
- I. Proof of coverage shall be evidenced by submitting an insurance certificate, or certificates, to the City which names the City as an additional insured and indicates that the City will be notified not less than thirty (30) days prior to alteration, cancellation, termination, or non-renewal of coverage;
- J. The ambulance service provider shall provide the City a list of the full names of all ambulance drivers and attendants, identifying each person's:
  1. EMS certification level;

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2. Certification number or paramedic license number;
  3. Issuing jurisdiction;
  4. CPR certification;
  5. Montana Driver's License number; and
  6. Ambulance Driver Certificate, as well as the expiration dates for each;
- K. The above described list shall be updated and provided to the City on an annual basis and any changes (including additions or deletions) will be provided on a quarterly basis or as requested by the City; and
- L. The City shall take reasonable steps to protect confidentiality of private personal ambulance staff information.

**8.5.180 Ambulance service performance requirements.**

- A. The ambulance service performance contract shall include specific response time standards for 911 EMS calls.
- B. Additional performance requirements related to personnel, vehicles, equipment, and patient care shall also be included in the ambulance service performance contract.

**8.5.190 Conflict resolution.**

- A. Conflicts or disputes related to the operation of emergency services involving the Great Falls 911 Emergency Services System will be resolved between the system participants as efficiently and as cooperatively as possible. The conflict or issue should be resolved at the lowest level possible. Conflict resolution will proceed as follows:
- B. If the issue cannot be resolved at this initial level, the issue should be submitted in writing by either party to the EMS Administrator within fifteen (15) calendar days of first occurrence or first knowledge, and the party carrying the conflict forward must include their requested remedy;
- C. The EMS Administrator shall have ten (10) calendar days from receipt of the written conflict to investigate the matter, take the appropriate corrective action, if any, and provide a written response to the parties involved;
- D. If the EMS Administrator's decision does not resolve the conflict, then either party may submit the conflict in writing to the City Manager within fifteen (15) calendar days of receipt of the EMS Administrator's decision, and the City Manager, or designee, shall investigate the issue and render a written decision within ten (10) calendar days after receipt of the written submission of the conflict;
- E. If the City Manager's decision does not resolve the conflict, then either party may submit the issue in writing to the City Commission within fifteen (15) calendar days of receipt of the City Manager's decision;
- F. The City Commission may after conducting a hearing on the conflict, in a written pronouncement, choose to affirm the decision of the City Manager, further investigate the



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issue, or reject or modify the decision of the City Manager within thirty (30) calendar days of submittal; and

- G. A party may appeal an adverse City Commission decision to the Montana Eighth Judicial District Court within thirty (30) calendar days of the Commission's pronouncement.

**8.5.200 Penalties.**

- A. An ambulance service performance contract shall provide for penalties and remedies in the event the ambulance service provider fails to comply with the personnel, equipment, or reporting requirements of this Chapter or the ambulance service performance contract, including response time standards for 911 emergency responses.
- B. The penalties paid to the City shall be used to pay for EMS related expenses, including public education programs and administrative oversight of ambulance service providers.

**8.5.210 Performance security.**

- A. The 911 emergency ambulance service provider shall provide security in an amount equal to the City's reasonably anticipated operating costs for two (2) months of 911 emergency ambulance services.
- B. Security shall be provided in the form of:
  - 1. Cash;
  - 2. An irrevocable letter of credit issued by a financial institution rated at least "A" by Moody's or Standard & Poor's;
  - 3. An irrevocable guaranty issued by an entity rated at least "A" by Moody's or Standard & Poor's;
  - 4. A surety bond issued by an insurance company rated at least "A" by Moody's, Standard & Poor's or A.M. Best; or
  - 5. Such other forms of security as may be agreed to by the City and the ambulance service provider in writing.
- C. An ambulance service performance contract may include provisions that protect the interests of the City, provide for continued ambulance services in the event of a suspension or termination of the contract, failure of any ambulance service provider, and any takeover of services that may be enacted by the City.

**8.5.220 Submittal of reports for requests for service.**

- A. At the request of City, the ambulance service provider shall submit reports, records, and other information regarding emergency transports that are necessary to verify the ambulance service provider's compliance with this Chapter and the ambulance service performance contract executed pursuant to this Chapter.
- B. These reports, records, and information shall be submitted in the format and on the date requested by the City. The specific information that is to be provided in these reports will be clearly set forth in the performance contract, including when and how often such reports will be submitted to the City.

## Exhibit "A"

(Updated from First Reading)

### Title 8 HEALTH AND SAFETY

- C. The ambulance service provider may keep records using account numbers or patient numbers rather than names and addresses; provided that such records shall include the fire department incident number.

#### **8.5.230 Release of information.**

Upon receipt of a written request from any patient who has been transported by the ambulance service contractor, the contractor or provider shall provide to the patient all information related to the transport in question, to the extent permitted by the federal HIPAA Privacy Regulations or state law including, but not limited to, all of its billing records relating to patient and supported by the account number or patient number. Additionally, at the City's request and if so authorized by the patient, the ambulance service contractor shall provide all information related to the transport in question to the City.

#### **8.5.240 Confidentiality of records.**

- A. Except as otherwise provided in this section, information provided by the ambulance service provider to the City for purposes of determining compliance with the requirements of this Chapter and the ambulance service performance contract shall be considered public records.
- B. An ambulance service provider may seek and the City may provide, after a showing of good cause by the applicant, confidential treatment to protect against the disclosure, or public inspection of, commercially valuable or proprietary information related to performance.
- C. Any information provided to the City which contains a natural person's name, address, medical condition or diagnosis, incident location, social security number, personal financial records, telephone number, home address, e-mail address, names of family members or work history, or which otherwise constitutes "protected health information" as that term is applied in the Federal Health Insurance Portability and Accountability Act of 1996, and regulations under ("HIPAA") or Montana Health Care information Act, as may be amended, shall be considered confidential.
- D. Such confidential information shall not be released by the City to the public, unless the person to whom the information applies has first agreed in writing, in a format which complies with HIPAA requirements, to release of the information. To the extent permitted by HIPAA and other applicable law, reports containing confidential information and information deemed to be public may be released if such confidential information is first redacted.

#### **8.5.250 Ambulance service rates.**

- A. The contracted ambulance service shall submit to the EMS administrator a proposed ambulance fee schedule that will be approved by Commission resolution, if said fees are consistent with industry best practices, the market, and applicable federal and state laws.
- B. The ambulance service may not refuse transport based on the patient's inability to pay.

## Exhibit "A"

(Updated from First Reading)

### Title 8 HEALTH AND SAFETY

#### **8.5.260 Right of property not granted.**

Any ambulance service performance contract granted pursuant to this Chapter shall not impart to the ambulance service provider any right of property in any City rights-of-way or other City property. The ambulance service performance contract shall be construed to have granted nonexclusive permission and authority to operate within the City.

#### **8.5.270 City to be held harmless.**

The contracted ambulance service provider shall defend, indemnify, protect and hold the City, its officers, employees and agents harmless from and against any and all claims asserted, or liability established for injuries or damages to any person or property, or losses and causes of action which may arise from, or in connection with, the services provided under the ambulance service performance contract, except to the extent any such claims, liability, losses, or causes of action arise from the acts or omissions of the City.

#### **8.5.280 Ambulance service provider bound by City, State, and Federal regulations.**

The ambulance service provider shall be subject to all requirements of the OCCGF, rules, regulations, and specifications insofar as the regulations and specifications are not in violation of any applicable State or Federal regulations. The City reserves every right and power to exercise any requirement of the OCCGF, and the ambulance service provider, by its acceptance of the ambulance service performance contract, agrees to be bound thereby and to comply with any action under (or requirement) of the OCCGF, as it exists now or as may be amended.

## **Chapter 6 FOOD SERVICE**

### **Sections:**

8.6.010 State rule adopted.

8.6.020 Closure.

8.6.030 Inspection of food service establishments.

8.6.040 Knowledge of food protection practices.

8.6.050 Temporary food permit.

8.6.060 Penalties.

#### **8.6.010 State rule adopted.**

The City hereby adopts, by reference, the Montana Code Annotated and Administrative Rules of Montana (ARM) as may be amended, relating to food service establishments. A copy of the regulation shall be filed with the City Clerk as the, "Montana Retail Food Code".

Exhibit "A"

(Updated from First Reading)

Title 8 HEALTH AND SAFETY

**8.6.020 Closure.**

- A. The Health Authority may close a Food Service Establishment, Temporary Food Establishment, or Cottage Food Operation under any of the following conditions:
  - 1. If a foodborne illness outbreak is likely associated with a Food Service Establishment, Temporary Food Establishment, or Cottage Food Operation, and the Health Authority deems that closure is necessary to protect public health and/or correct the circumstances contributing to the outbreak;
  - 2. If a Priority Item is in violation which creates an imminent or present danger to public health and is not corrected immediately to the satisfaction of the Health Authority;
  - 3. When a follow-up inspection of a Food Service Establishment, Temporary Food Establishment, or Cottage Food Operation yields two or more of the same priority item violations noted on a previous inspection and the establishment has been notified that closure may be a consequence of noncompliance as described in this section; or
  - 4. When a Food Service Establishment operates without a valid license, a temporary food service operates without a valid permit, or a Cottage Food Operation operates without a valid registration.
- B. Operation of a Food Service Establishment, Temporary Food Establishment, or Cottage Food Operation which has been closed by the Health Authority is a violation of this Chapter.
- C. Before the Health Authority closes an establishment or operation because of repeat priority item violations, the Health Authority shall notify the establishment in writing that it may be closed to the public and a closure notice placed at each customer entrance, if two or more of the same priority item violations remain on a follow-up inspection conducted within ten (10) business days.
- D. Upon closure of a Food Service Establishment, Temporary Food Establishment, or Cottage Food Operation for any reason pursuant to this Chapter:
  - 1. The Health Authority shall serve a written explanation of the reasons for closure and a copy of any applicable inspection forms to the operator or agent of the establishment or operation;
  - 2. The closure order is effective upon service, and no new customers may be served or sold any products;
  - 3. The Health Authority may require the operator or agent to notify current customers of the closure;
  - 4. A conspicuous notice of closure shall be posted at each customer entrance of an establishment by POST certified law enforcement or the Health Authority, but notice of closure need not be posted at the entrance of a Cottage Food Operation; and
  - 5. The notice may only be removed or altered under the direction of the Health Authority.

Exhibit "A"

(Updated from First Reading)

Title 8 HEALTH AND SAFETY

- E. Upon closure of a Food Service Establishment, Temporary Food Establishment, or Cottage Food Operation pursuant to this Chapter, it may be reopened after twenty-four (24) hours if:
  - 1. The operator or agent submits a written plan of correction to the Health Authority specifying the corrections to be made and time parameters for completion;
  - 2. The Health Authority approves the plan of correction;
  - 3. The Health Authority inspects the establishment or operation and determines that the approved plan of correction is being followed; and
  - 4. The notice of closure previously posted is removed by, or under the direction of, the Health Authority.
- F. An establishment or operation may be reopened pursuant to this Chapter sooner than twenty-four (24) hours after closure, if following an administrative hearing conducted by the Health Authority, it is determined that all provisions of subsection (E) of this section are satisfied.
- G. Once an establishment or operation is re-opened pursuant to this Chapter:
  - 1. The Health Authority shall conduct additional inspections as deemed necessary to evaluate whether the plan of correction is being performed and whether any priority item violations exist;
  - 2. The Health Authority may require an operator to modify a plan of correction; and
  - 3. An establishment may be closed pursuant to this Chapter again if:
    - i. Any violations of this Chapter exist; or
    - ii. The plan of correction is not being performed.

**8.6.030 Inspection of Food Service Establishments.**

- A. At least once every year, the Health Authority shall inspect each Food Service Establishment located in the City of Great Falls and shall make any additional inspections and re-inspections as are necessary for the enforcement of this Chapter.
- B. The Health Authority shall have the power to enter and inspect any place where meat, game, poultry, fish, milk, groceries, or any other food products are prepared, handled, and/or stored for public use and to inspect any vehicle transporting such products.
- C. Any person, or any person being owner, agent, or manager at any place food is prepared, handled, or stored, is guilty of a violation of this Chapter, if that person in any manner:
  - 1. Interferes, or attempts to interfere, with the Health Authority in the discharge of duties, or
  - 2. Refuses to permit the Health Authority to have full access to the premises, or any food products that the Health Authority desires to inspect.

## Exhibit "A"

(Updated from First Reading)

### Title 8 HEALTH AND SAFETY

- B. The Health Authority shall be permitted to examine the records of the establishment to obtain pertinent information pertaining to food and supplies purchased, received, or used, and persons employed, during operation hours, or at any other time when food preparation is being conducted.
- C. A written or electronic record of any inspections will be provided to the owner, agent, or manager of each establishment.

#### **8.6.040 Knowledge of food protection practices.**

- A. In addition to the Montana state requirement for Certified Food Protection Managers in retail food establishments, the owner, operator, manager, or employees of any Food Service Establishment may, at any time, be required by the Health Authority to show sufficient knowledge of food protection practices, sanitation practices, and regulation requirements necessary to protect the public from food borne illness.
- B. At the option of the Health Authority, owners, operators, managers, and key food preparation personnel, may be required to participate in a food safety training course and/or may be tested on their knowledge of food protection practices prior to the opening of any new food establishment or at any time there is a change of ownership or management of an existing food establishment or if there is a pattern of critical item violations within an existing establishment.

#### **8.6.050 Temporary Food Permit.**

All persons or organizations serving or selling food to the public that are not exempt from obtaining a permit pursuant to Mont. Code Ann. Title 50, Chapter 50 (i.e., private church dinners, private organizations serving members only) shall comply with the provisions of Mont. Code Ann. § 50-50-120, as may be amended, and shall obtain a Temporary Food Permit from the City-County Health Department.

#### **8.6.060 Penalties.**

In addition to any remedies listed in this Chapter:

- A. A person owning or operating a retail Food Service Establishment, Temporary Food Establishment, or Cottage Food Operation within the incorporated City limits, in violation of this Chapter, is guilty of a misdemeanor punishable by a term not to exceed six (6) months in jail, a fine not to exceed five hundred dollars (\$500.00), or both; and
- B. A Retail Food Service Establishment, Temporary Food Establishment, or Cottage Food Operation operating within the incorporated City limits, in violation of this Chapter, is hereby declared a Nuisance as defined by Chapter 49 of this Title.

## **Chapter 7 WHOLESALE FOOD ESTABLISHMENTS**

### **Sections:**

8.7.010 State rule adopted.

Exhibit "A"

(Updated from First Reading)

Title 8 HEALTH AND SAFETY

8.7.020 Closure.

8.7.030 Inspection of wholesale food establishments.

8.7.040 Knowledge of food protection practices.

8.7.050 Penalties.

**8.7.010 State rule adopted.**

The City adopts by reference the Montana Code Annotated and the ARM regulations, as may be amended, pertaining to Wholesale Food Establishments. A copy of the regulation shall be filed with the City Clerk as the "Montana Wholesale Food Code".

**8.7.020 Closure.**

- A. The Health Authority may close a Wholesale Food Establishment operation under any of the following circumstances:
  - 1. If a foodborne illness outbreak is likely associated with the Wholesale Food Establishment and the Health Officer deems that closure is necessary to protect public health and/or correct the circumstances contributing to the outbreak;
  - 2. If a Priority Item is in violation which creates an imminent or present danger to public health and is not corrected immediately to the satisfaction of the Health Authority;
  - 3. When a follow-up inspection of a Wholesale Food Establishment operation yields two or more of the same priority item violations noted on a previous inspection and the establishment has been notified that closure may be a consequence of noncompliance as described in this section; or
  - 4. When a Wholesale Food Establishment operates without a valid license.
- B. Operation of a Wholesale Food Establishment which has been closed by the Health Authority is a violation of this Chapter.
- C. Before the Health Authority closes a Wholesale Food Establishment because of repeat priority item violations, the Health Authority shall notify the establishment in writing that it may be closed to the public and a closure notice placed at each customer entrance, if two or more of the same priority item violations remain on a follow-up inspection conducted within ten (10) business days.
- D. Upon closure of a Wholesale Food Establishment for any reason pursuant to this Chapter:
  - 1. The Health Authority shall serve a written explanation of the reasons for closure and a copy of any applicable inspection forms to the operator or agent of the establishment;

## Exhibit "A"

(Updated from First Reading)

### Title 8 HEALTH AND SAFETY

2. The closure order is effective upon service, and no new customers may be served or sold any products;
  3. A conspicuous notice of closure shall be posted at each customer entrance of the establishment by POST certified law enforcement or the Health Authority; and
  4. The notice may only be removed or altered under the direction of the Health Authority.
- E. Upon closure of an establishment pursuant to this Chapter, it may be reopened after twenty-four (24) hours if:
1. The operator or agent submits a written plan of correction to the Health Authority specifying the corrections to be made and time parameters for completion;
  2. The Health Authority approves the plan of correction;
  3. The Health Authority inspects the establishment and determines that the approved plan of correction is being followed; and
  4. The notice of closure previously posted is removed by, or under the direction of, the Health Authority.
- F. An establishment may be reopened pursuant to this Chapter sooner than twenty-four (24) hours after closure, if following an administrative hearing conducted by the Health Authority, it is determined that all provisions of subsection (E) of this section are satisfied.
- G. Once an establishment or operation is re-opened pursuant to this Chapter:
1. The Health Authority shall conduct additional inspections as deemed necessary to evaluate whether the plan of correction is being performed and whether any priority item violations exist;
  2. The Health Authority may require an operator to modify a plan of correction; and
  3. An establishment may be closed pursuant to this chapter again if:
    - i. Any violations of this Chapter exist; or
    - ii. The plan of correction is not being performed.

#### **8.7.030 Inspection of Wholesale Food Establishments.**

- A. At least once every calendar year, a representative of the Health Authority shall inspect each wholesale food establishment located in the incorporated City limits and shall make any additional inspections and re-inspections as are necessary for the enforcement of this Chapter.
- B. The Health Authority representative shall have the power to enter and inspect any place where meat, game, poultry, fish, milk, groceries, or any other food products are prepared, handled, or stored for public use and to inspect any vehicle transporting such products.



## Exhibit "A"

(Updated from First Reading)

### Title 8 HEALTH AND SAFETY

- C. Any person, or any person being owner, agent, or manager at any place food is prepared, handled, or stored, is guilty of a violation of this Chapter, if that person in any manner:
  - 1. Interferes, or attempts to interfere, with the Health Authority in the discharge of duties, or
  - 2. Refuses to permit the Health Authority to have full access to the premises, or any food products that the Health Authority desires to inspect.
- D. The Health Authority shall be permitted to examine the records of the establishment to obtain pertinent information pertaining to food and supplies purchased, received, or used, or persons employed during operation hours or at any other time when food preparation is being conducted.
- E. A written or electronic record of any inspections will be provided to the owner, agent, or manager of each establishment and continually maintained by the Health Authority.

#### **8.7.040 Knowledge of food protection practices.**

- A. The owner, operator, manager, and employees of any wholesale food establishment may, at any time, be required by the Health Authority to show sufficient knowledge of:
  - 1. Food protection practices;
  - 2. Sanitation practices; and
  - 3. Regulation requirements necessary to protect the public from foodborne illness.
- B. At the option of the Health Authority, owners, operators, managers, and key food preparation personnel may be required to participate in a food safety training course and/or may be tested on their knowledge of food protection prior to the opening of any new food processing establishment or any time there is a change of ownership or management of an existing food processing establishment, or if there is a pattern of critical item violations within an existing establishment.

#### **8.7.050 Penalties.**

In addition to any remedies listed in this Chapter:

- A. A person owning or operating a Wholesale Food Establishment within the incorporated City limits, in violation of this Chapter, is guilty of a misdemeanor punishable by a term not to exceed six (6) months in jail, a fine not to exceed five hundred dollars (\$500.00), or both; and
- B. A Wholesale Food Establishment operating within the incorporated City limits, in violation of this Chapter, is hereby declared a Nuisance as defined by Chapter 49 of this Title.

## **Chapter 8 GARBAGE AND REFUSE**

### **Sections:**

8.8.010 Definitions.

## Exhibit "A"

(Updated from First Reading)

### Title 8 HEALTH AND SAFETY

- 8.8.020 Containers—accumulation or refuse—standards generally.
- 8.8.030 Containers—future use of underground cans prohibited.
- 8.8.040 Containers—refuse—placement for collection.
- 8.8.050 Containers—refuse—placement for alley collection.
- 8.8.060 Containers—refuse—garbage wrapping requirements.
- 8.8.070 Combustible rubbish storage.
- 8.8.080 Containers—rubbish accumulation.
- 8.8.090 Bulk handling—refuse storage.
- 8.8.100 Containers—bulk—multifamily dwelling.
- 8.8.110 Collector—littering prohibited.
- 8.8.120 Private persons transporting.
- 8.8.130 Premises maintenance—violation.
- 8.8.140 Alley maintenance.
- 8.8.150 Premises—container placement—parks and public areas.
- 8.8.160 Premises—collection—authorized.
- 8.8.170 Burning.
- 8.8.180 Construction—waste removal regulations.
- 8.8.190 Salvaging prohibited—exception with contract or permit.
- 8.8.200 Manure accumulations.
- 8.8.210 Billing charges.
- 8.8.220 Assessing delinquent charges.
- 8.8.230 Sanitation rates resolution.
- 8.8.240 Special services rate.
- 8.8.250 Exemption from service prohibited.
- 8.8.260 Contractual—license required.
- 8.8.270 Out of City dumping prohibited.

#### **8.8.010 Definitions.**

Pursuant to this Chapter, the following definitions of terms shall apply:

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

## Exhibit "A"

(Updated from First Reading)

### Title 8 HEALTH AND SAFETY

- B. "Compost" means the product resulting from the decomposition of leaves, straw, grasses, and other such organic matter mixed or unmixed with well-rotted manure, and mixed or unmixed with materials ordinarily forming a part of the soil used as fertilizer and soil conditioner.
- C. "Contract collection" means engagement by the City of a private company or companies under formal agreement and definite specifications to collect and haul municipal refuse for which the contractors are paid from general public revenues or service fees collected by the City.
- D. "Disposal area" means any site, location, tract of land, area, building, structure, or premises used or intended to be used for refuse disposal.
- E. "Garbage" or "Refuse" means every accumulation of matter that attends the preparation, consumption, decay, dealing in, or storage of meats, fish, fowl, birds, fruit, or vegetables, including the cans, containers, or wrappers. These terms also include solid materials including but not limited to the following:
  - 1. Garbage cleanings;
  - 2. Industrial solid wastes or domestic solid wastes;
  - 3. Organic wastes or residue of animals sold as meat;
  - 4. Fruit or other vegetables or animal matter from kitchens or dining rooms;
  - 5. Wasted material from food establishments; or
  - 6. Any places dealing in or handling meat, fowl, fruits, grain or vegetables, offal, animal excreta or the carcasses of animals, brick, plaster, or other waste matter resulting from the demolition, alteration or construction of buildings or structures; accumulated waste material, cans, containers, tires, junk, or other such substances which may become a Nuisance.
- F. "Manure" means the accumulation of animal or fowl droppings with or without added decomposable materials such as straw, grasses, or leaves, exclusive of human excrement.
- G. "Municipal collection" means performance of collection operations under direction of a regular municipal department or official.
- H. "Owner/occupant" means the person occupying a dwelling or unit, or the person owning, operating, managing, or keeping any:
  - 1. Hotel;
  - 2. Apartment house;
  - 3. Rental unit;
  - 4. Mobile home;
  - 5. Boarding house;
  - 6. Trailer camp;
  - 7. Auto court;

Exhibit "A"

(Updated from First Reading)

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8. Food establishment;
  9. Industrial establishment;
  10. Commercial establishment;
  11. Business establishment;
  12. School;
  13. Church; or
  14. Institution or premises wherein or whereon refuse accumulates or is likely to accumulate.
- I. "Private collection" means collection by licensed individuals or companies of refuse materials from private properties, pursuant to arrangements made directly between the owner or occupant of the premises and the collector.
- J. "Rack" means any type of support which will hold refuse containers upright and protect the contents from being scattered by animals or the wind.
- K. "Refuse collector" means the person, firm, agency, public body, or employee or agent thereof who is engaged in the collection and/or transportation of refuse in any part of the City that is either properly licensed pursuant to OCCGF Title 5 or has written permission from the Public Works Director or designee to engage in such collection or transportation.
- L. "Refuse container" means any container supplied to refuse generators by an authorized collector which are approved by the City Public Works Director.
- M. "Refuse disposal" means the complete process required for the disposal of any refuse and includes all tools, equipment, treatment spaces, buildings, structures, appurtenances, and materials required to take refuse from a refuse collector and bury, incinerate, destroy, or otherwise dispose of such refuse.
- N. "Rubbish" means accumulation of any of the following:
1. Wood and leaves;
  2. Trimmings from shrubs;
  3. Dead trees or branches; shavings and sawdust;
  4. Wood shavings;
  5. Woodenware;
  6. Printed matter including paper, paperboard, and pasteboard;
  7. Packing crates and pasteboard boxes;
  8. Grass and roots;
  9. Straw;
  10. Wearing apparel;
  11. Soil, earth, sand, clay, gravel, loam;
  12. Stone, bricks, plaster, crockery, glass, and glassware;

## Exhibit "A"

(Updated from First Reading)

### Title 8 HEALTH AND SAFETY

- 13. Ashes, cinders, shell, and metals; or
- 14. All other materials not included under the term "garbage."
- O. "Salvage operation" means any operation carried on by a person, firm, corporation, or other entity for the express purpose of reclaiming for value a portion of a substance, material, or goods prior to or as a part of the refuse disposal process by sorting, segregation, or other manual or mechanical means.
- P. "Transportation of refuse" means the hauling in bulk or in refuse containers to the designated disposal area or transfer station.
- Q. "Commercial collection" means collection from businesses and multifamily dwelling units containing two (2) or more separate dwellings.
- R. "Residential collection" means collection from all single-family dwellings.
- S. "Yard waste" means grass clippings, leaves, trimmings from shrubs and trees, and vegetable and flower garden plants.
- T. "Winter months' traveler" means a residential property owner who temporarily leaves his or her primary residence for a period of time during the months of November through April, often referred to as "snowbird".

#### **8.8.020 Containers—accumulation or refuse—standards generally.**

The standards and requirements set out in OCCGF sections 8.8.030 through 8.8.120 are established as a minimum for the accumulation and storage of refuse pending collection.

#### **8.8.030 Containers—future use of underground cans prohibited.**

Underground containers are prohibited.

#### **8.8.040 Containers—refuse—placement for collection.**

- A. Residential refuse and garbage generators equipped with City-owned rollout containers shall place refuse and garbage containers on the scheduled collection days at the curb-line in front of the premises.
- B. Containers shall not be placed for collection before 6:00 p.m. on the day preceding the day of collection, and after the containers are emptied they shall be removed from the curb-line on the day of collection. It shall be the duty of the owner or occupant to provide and maintain accessibility to any and all containers.

#### **8.8.050 Containers—refuse—placement for alley collection.**

City-owned containers shall be distributed and positioned as approved by the City Public Works Director or designee. Containers serving more than one property or dwelling unit shall be positioned along the rear or side alley in a manner to facilitate efficient collection and accessibility for refuse and garbage generators

Exhibit "A"

(Updated from First Reading)

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and City refuse and garbage collection. It shall be the duty of the property owner to provide and maintain accessibility to any and all containers.

**8.8.060 Containers—refuse—garbage wrapping requirements.**

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

- A. Large limbs or trimmings that do not allow the container lid to close;
- B. Hazardous liquids;
- C. Large construction, demolition or remodeling debris;
- D. Concrete, dirt or plaster;
- E. Appliances or other furniture that will not allow the lid to close;
- F. Hot ashes; and
- G. Dead animals or parts thereof.

**8.8.070 Combustible rubbish storage.**

Whenever combustible rubbish is held and stored within any industrial, commercial, or business structure, it must be stored in a manner acceptable to the Fire Marshall.

**8.8.080 Containers—rubbish accumulation.**

- A. Ordinary accumulations of rubbish between collections may be placed at the designated collection place in any container of size and shape so as to be easily lifted, no larger than 32 gallons, secured against the wind, and handled without spillage by the collector.
- B. Extraordinary accumulations of rubbish shall be placed for collection in appropriate containers. Tree trimmings may be placed for collection outside of a container, provided such trimmings are secured in bundles that do not exceed seventy-five (75) pounds in weight and do not exceed four (4) feet in length.
- C. Grass clippings shall be placed in substantial containers or bags that can be collected without spillage or in a manner so as to not prevent a City container from closing.
- D. Wetted down ashes shall be placed only in easily lifted metal containers with covers.
- E. Other waste material shall be placed in containers which will not break, fall apart, rip or tear while being handled by the collector, or shall be secured in neat bundles, easily handled by the collector and shall not exceed four (4) feet in length.

**8.8.090 Bulk handling—refuse storage.**

Bulk handling or storage of refuse of any character shall be subject to review by the City Public Works Director or designee, and the owner or occupant of any industrial, commercial, or business establishment

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(Updated from First Reading)

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shall make such provisions as required for the sanitary and safe storage and collection of such refuse as may be produced in bulk.

**8.8.100 Containers—bulk—multifamily dwelling.**

- A. For multifamily dwellings containing four or more separate dwelling units, bulk containers of a minimum one-half-cubic-yard or ninety-six (96) gallon capacity shall be required per dwelling unit.
- B. For commercial or industrial establishments, bulk containers shall generally be required unless the amount of refuse generated warrants special consideration by the City Public Works Director or designee. Bulk containers shall be supplied by the City and shall be in accordance with requirements provided by sections 8.8.040 through 8.8.050.

**8.8.110 Collector—littering prohibited.**

- A. The collector shall not litter any premises or public property while making collections of refuse, nor shall any refuse be allowed to blow or fall from collection vehicles.
- B. If in spite of normal precautions against spillage, litter is made on any premises or public property, the collector shall immediately clear the area of spillage. The collector shall not be responsible to clear up the area of spillage when refuse has been carelessly spilled by the owner or occupant. The City Sanitation Officer shall be notified to enforce correct litter accumulation requirements.
- C. A violation of the Section is a misdemeanor punishable by a fine not to exceed five-hundred dollars (\$500.00), a term not to exceed six (6) months in jail, or both

**8.8.120 Private persons transporting.**

Private persons who transport any refuse or yard waste shall take action to prevent any spillage. Should any spillage accidentally occur, the transporter will immediately clean the area.

**8.8.130 Premises maintenance—violation.**

- A. It shall be the duty of every property owner to maintain the premises, equipment, containers, and disposal areas owned or used in compliance with all the requirements of this Chapter.
- B. A violation of this section is a misdemeanor punishable by a term not to exceed six months in jail, a fine not to exceed five hundred dollars (\$500.00), or both.
- C. Any premises where a violation of this section is occurring is hereby declared a Nuisance as defined by Chapter 49 of this Title.

Exhibit "A"

(Updated from First Reading)

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**8.8.140 Alley maintenance.**

All persons owning, occupying, or being in control of property fronting on any alley of the City shall keep the portion of the alley between the centerline thereof and the property line of such property and fronting on such property, free from garbage, rubbish, weeds, or any other combustible material.

**8.8.150 Premises—container placement—parks and public areas.**

Containers shall be placed by the owner or occupant in a place or manner approved by the City Public Works Sanitation Division. The Sanitation Division may also place containers in parks, recreation areas, places of public assembly, and along public rights-of-way as may be required or desirable.

**8.8.160 Premises—collection—authorized.**

- A. Every property owner of the places or occupancies referred to in this Chapter shall be responsible for the regular collection of garbage from the places of occupancy by authorized collectors. No person shall permit the removal of any refuse except in an approved manner or by an authorized collector.
- B. A violation of this section is a misdemeanor punishable by a term not to exceed six months in jail, a fine not to exceed five hundred dollars (\$500.00), or both.
- C. Any premises where a violation of this section is occurring is hereby declared a Nuisance as defined by Chapter 49 of this Title.

**8.8.170 Burning.**

- A. The burning of refuse is prohibited.
- B. A violation of this section is a misdemeanor punishable by a term not to exceed six months in jail, a fine not to exceed five hundred dollars (\$500.00), or both.

**8.8.180 Construction—waste removal regulations.**

- A. Each person, building contractor, construction contractor, or subcontractor, engaged in the construction, landscaping, repair, or demolition of any building, structure, property, or part thereof shall take measures to prevent waste matter or rubbish from accumulating on any:
  - 1. Street, alley, or gutter;
  - 2. Park;
  - 3. Sidewalk curbing or curb space;
  - 4. Any public way; or
  - 5. Any privately-owned premises.
- B. Any refuse, waste matter or rubbish shall be cleaned up, and removed from a work site, and disposed of in a sanitary manner.



Exhibit "A"

(Updated from First Reading)

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- C. A violation of this section is a misdemeanor punishable by a term not to exceed six months in jail, a fine not to exceed five hundred dollars (\$500.00), or both.

**8.8.190 Salvaging prohibited.**

- A. No person may pick over, sort, segregate, or salvage any refuse deposited in an authorized disposal area, refuse container or refuse pile.
- B. A violation of this section is a misdemeanor punishable by a term not to exceed six months in jail, a fine not to exceed five hundred dollars (\$500.00), or both.

**8.8.200 Manure accumulations.**

- A. All manure resulting from keeping of any animal, fowl, livestock, or game in the City shall be accumulated in sanitary flyproof containers and collected and disposed of in an approved manner.
- B. A violation of this section is a misdemeanor punishable by a term not to exceed six months in jail, a fine not to exceed five hundred dollars (\$500.00), or both.
- C. Any premises where a violation of this section is occurring is hereby declared a Nuisance as defined by Chapter 49 of this Title.

**8.8.210 Billing charges.**

- A. The City may make monthly billings for the costs of sanitation service. The cost of sanitation services including collection, refuse reduction, or shredding and disposal of garbage from the streets, alleys, and private premises of the City, shall be charged to the owner or tenant of the property from which such garbage is removed.
- B. Payment shall be made to the Finance Department within fifteen calendar days after the billing date. If payment is not made, such costs may be assessed against the property or referred to a debt collection service.
- C. One-time garbage service, extra pick-ups, dumpster rental fees, appliance fees, and monthly recurring commercial service will be billed through Miscellaneous Billing, not Utility Billing. Payment is due fifteen calendar days after the billing date. If payment is not made, such costs may be assessed against the property or referred to a debt collection service.

**8.8.220 Assessing delinquent charges.**

The City may include sanitation charges as part of the annual resolution assessing delinquent accounts. The resolution shall provide:

- A. The property owner's name;
- B. The property owner's mailing address;
- C. Street address;

Exhibit "A"

(Updated from First Reading)

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- D. Legal description;
- E. Parcel number of the property in question; and
- F. The amount of late payment fees.

**8.8.230 Sanitation rates resolution.**

- A. The City Commission shall, following a public hearing, adopt a resolution establishing sanitation rates as it determines necessary to defray the cost of sanitation services for the fiscal year.
- B. It shall be the duty of the Finance Department, before the passage of the resolution fixing the sanitation rates, to publish in a newspaper of general circulation and on the City website, a notice of public hearing on the rate resolution. The notice shall comply with all state and federal public notice requirements.

**8.8.240 Special services rate.**

A special services rate will be established each year to recover the costs of handling garbage outside of containers. These costs shall be billed as incurred to each property owner or occupant on the basis of additional time spent at the pickup site. Large accumulation of material placed for collection may be charged to the customer if it takes longer than two minutes to collect the material.

**8.8.250 Exemption from service prohibited.**

- A. It is declared that it is in the interest of good health and sanitation that all premises in the City shall receive sanitation service. Unless otherwise provided by this section, no service exemption shall be made.
- B. Owners or occupants receiving private collection under a City license or permit shall be exempt from City collection charges unless such owner or occupant uses a City container, in which case the owner or occupant shall be charged for so long as such use continues.
- C. Charges for refuse disposal shall be made against all lots wherein or whereon refuse accumulates or is likely to accumulate. If the City determines that water service to a property is active, refuse is likely to accumulate, and sanitation service is required, no service exemption shall be provided, unless otherwise provided by this section.
- D. A temporary suspension of sanitation services may be provided to a winter months' traveler at the traveler's primary residence only. This suspension of service is allowed for a minimum of 2 months and a maximum of 6 months between the months of November and April. Stop and start dates are required to be provided to the City Finance Department. If the City determines that refuse is being generated, service will be re-started immediately to include monthly collection fees.

Exhibit "A"

(Updated from First Reading)

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**8.8.260 Contractual—license required.**

- A. No person shall engage in the business of collecting or removing refuse from any business establishment or private premises in the City without first complying with all licensing provisions established by OCCGF Title 5.
- B. A violation of this section is a misdemeanor punishable by a term not to exceed six months in jail, a fine not to exceed five hundred dollars (\$500.00), or both.

**8.8.270 Out of City dumping prohibited.**

- A. It is unlawful for any person, not residing in the incorporated City limits, to transport garbage or refuse into the incorporated City limits for placement in City-owned, or City-provided, containers.
- B. A violation of this section is a misdemeanor punishable by a term not to exceed six months in jail, a fine not to exceed five hundred dollars (\$500.00), or both.

## **Chapter 9 GARBAGE AND REFUSE DISPOSAL AREAS**

**Sections:**

8.9.010 Standards.

8.9.020 Scavenging or salvaging—authorization required.

8.9.030 Disposing in unauthorized areas prohibited.

8.9.040 Fees.

**8.9.010 Standards.**

The ultimate means of disposal of all refuse shall be by landfilling. All disposal operations shall conform to current and accepted principles and regulations for the operation as approved or adopted by federal, state, and local regulatory agencies.

**8.9.020 Scavenging or salvaging—authorization required.**

- A. No person shall remove or take away from any City disposal area any soil, manure, refuse, or material of any nature unless specific authorization in writing to do so is obtained from the City Public Works Department.
- B. A violation of this section is a misdemeanor punishable by a term not to exceed six months in jail, a fine not to exceed five hundred dollars (\$500.00), or both.

## Exhibit "A"

(Updated from First Reading)

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#### **8.9.030 Disposing in unauthorized areas prohibited.**

- A. It is unlawful for any person to dispose of any manure, garbage, refuse, or other material on property within the incorporated City limits, other than in disposal areas established to receive that particular substance.
- B. A violation of this section is a misdemeanor punishable by a term not to exceed six months in jail, a fine not to exceed five hundred dollars (\$500.00), or both.
- C. Any property where a violation of this section is occurring is hereby declared a Nuisance as defined by Chapter 49 of this Title.

#### **8.9.040 Fees.**

Any person, firm, corporation, or other entity shall be entitled to dispose of refuse on any disposal area owned by the City, designated for public use, upon payment of fees to the City established by Commission resolution.

## **Chapter 10 SWIMMING POOLS**

### **Sections:**

- 8.10.010 Definitions.
- 8.10.020 Protective barrier—required.
- 8.10.030 Protective barrier—inspection of swimming pools.
- 8.10.040 Adopted by reference.
- 8.10.050 Discharges subject to approval.

#### **8.10.010 Definitions.**

For the purpose of this Chapter, the following definitions shall apply:

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

## Exhibit "A"

(Updated from First Reading)

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

#### **8.10.020 Protective barrier—required.**

All swimming pool areas shall be enclosed by substantial protective barriers which shall be adequate and sufficient to prevent persons or animals from danger or harm and shall be equipped with a self-closing, self-latching lock gate.

#### **8.10.030 Protective barrier—inspection of swimming pools.**

The Building Official, or designee, is empowered with the authority to inspect any and all swimming pools within the City to compliance with this Chapter.

#### **8.10.040 Adopted by reference.**

In addition to any regulations pursuant to this Chapter, the City adopts, by reference, Montana Code Annotated and ARM swimming pool regulations as may be amended.

#### **8.10.050 Discharges subject to approval.**

All discharges to the City Publicly Owned Treatment Works or storm drain from swimming pools are subject to review and written approval by the Public Work Director.

## **Chapter 11 WEEDS**

### **Sections:**

8.11.010 Nuisance Weeds—defined.

8.11.020 Nuisance Weeds prohibited.

8.11.030 Violation—Public Works Director to serve notice.

8.11.040 Assessing delinquent charges.

#### **8.11.010 Nuisance Weeds—defined.**

"Nuisance Weeds" are all weeds, grass, and unmaintained vegetation growing to a height in excess of eight (8) inches on premises located within the City.

Exhibit "A"

(Updated from First Reading)

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**8.11.020 Nuisance Weeds prohibited.**

- A. It is unlawful for any person, firm, corporation, or other ownership entity to allow Nuisance Weeds, as defined in this Chapter, to exist on any premises within the incorporated City limits.
- B. A violation of this section is a misdemeanor punishable by a term not to exceed six months in jail, a fine not to exceed five hundred dollars (\$500.00), or both.
- C. Any property where a violation of this section is occurring is hereby declared a Nuisance as defined by Chapter 49 of this Title.

**8.11.030 Violation—Public Works Director to serve notice.**

- A. It shall be the duty of the Public Works Director or designee to enforce the provisions of this Chapter.
- B. Upon a determination that a violation of this Chapter exists, the Public Works Director or designee shall ascertain the name and mailing address of the owner of the premises and the description of the premises where the violation exists. The name and mailing address of the owner may be obtained from the current assessment list maintained by the office of the Cascade County Clerk and Recorder.
- C. Written notice of violation shall be served upon the owner, by regular mail and posting on the premises, directing that the Nuisance Weeds be cut or removed from the premises within seven calendar days from the date of the written notice, or the following action will be taken:
  - 1. The City may cause the Nuisance Weeds to be removed, with the cost thereof to be charged against the owner;
  - 2. The City may file criminal proceedings pursuant to this Chapter; or
  - 3. The City may proceed with Nuisance abatement proceedings pursuant to Chapter 49 of this Title.
- D. Payment shall be made at the Finance Department within fifteen calendar days after the billing date. If payment is not made, such costs may be assessed against the property.

**8.11.040 Assessing delinquent charges.**

The City may include weed removal as part of the annual resolution assessing delinquent accounts. The resolution shall provide:

- A. The property owner's name;
- B. The property owner's mailing address;
- C. The property street address;
- D. The property legal description; and

(Updated from First Reading)

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- E. Parcel number of the property in question.

## **Chapter 12 TATTOOING AND BODY-PIERCING ESTABLISHMENTS**

### **Sections:**

8.12.010 ARM compliance.

#### **8.12.010 ARM compliance.**

All tattooing and body-piercing establishments as defined by Mont. Code Ann. § 50-48-102, as may be amended, which operate within the incorporated City limits, shall comply with the OCCGF and all applicable ARM regulations as may be amended.

## **Chapter 13 TOURIST CAMPGROUNDS AND TRAILER COURTS**

### **Sections:**

8.13.010 ARM and Code Compliance.

#### **8.13.010 ARM and Code compliance.**

All tourist campgrounds and trailer courts as defined by Mont. Code Ann. § 50-52-101, as may be amended, which operate within the incorporated City limits, shall comply with the OCCGF and all applicable ARM regulations as may be amended.

## **Chapter 14 CHILD CARE FACILITIES**

### **Sections:**

8.14.010 Purpose.

8.14.020 State rules adopted.

8.14.030 Definitions.

8.14.040 Licensing and certification.

8.14.050 Water and sanitation service.

8.14.060 Health safety measures.

8.14.070 Food safety measures.

8.14.080 Cleaning and sanitizing.

8.14.090 Diapering and infant care.

8.14.100 Inspections.

8.14.110 Closure.

Exhibit "A"

(Updated from First Reading)

Title 8 HEALTH AND SAFETY

**8.14.010 Purpose.**

The purpose of this Chapter is to prevent and eliminate conditions and practices which endanger public health in childcare facilities.

**8.14.020 State rules adopted.**

Unless otherwise specified in this Chapter, childcare facilities including drop-in facilities which operate in the incorporated city limits shall comply with the Administrative Rules of Montana, as authorized by Montana Code Annotated, as may be amended, concerning child care facilities.

**8.14.030 Definitions.**

Unless otherwise specified in this Chapter, the following definitions shall apply:

- A. "Childcare facility" means a person, association, or place, incorporated or unincorporated, that provides day care on a regular basis, or a place licensed or registered to provide day care on an irregular basis.
- B. "Critical violation" means a high-risk violation in any of the following categories that can adversely affect public health, or does not sufficiently prevent the spread of communicable disease:
  - 1. Health: exclusion or isolation of ill children and staff; onsite CPR/First Aid certified staff; proper medication administration and storage; immunized children and staff; handling and cleaning of laundry; sufficiently stocked first aid kit;
  - 2. Sanitation: cleaning and sanitizing of toys, surfaces, and facility; safe food service; adequate hand washing; approved diapering procedure or area.
  - 3. Water/Wastewater: adequate and safe water supply; proper sewage disposal.
- C. "Drop-in facility" means a facility that meets all of the following criteria:
  - 1. It is not licensed or registered by the state;
  - 2. It offers unscheduled care where the parent/guardian is not on the same premises; and
  - 3. It has the primary function of providing childcare.
- D. "Premises" or "facility" means the facility and the property immediately adjacent to it.
- E. "Department" means the Cascade County City-County Health Department.



Exhibit "A"

(Updated from First Reading)

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**8.14.040 Licensing and certification.**

- A. Drop-in childcare facilities shall satisfy the following licensing and certification criteria:
  - 1. Obtain a license through Department of Public Health and Human Services Quality Assurance Division and operate in compliance with ARM, Title 37, Chapter 95; or
  - 2. Contact the Cascade City-County Health Department (Department) for a certification inspection as an unlicensed drop-in childcare facility; and
  - 3. Obtain and maintain a valid Safety Inspection Certificate pursuant to OCCGF Title 5.
- B. Drop-in childcare facilities that choose not to license must have a certification inspection annually by Cascade City-County Health Department.
- C. The drop-in childcare facility shall pay the applicable fees pursuant to Mont. Code Ann. § 52-2-735(5), as may be amended, per inspection.
- D. If the Department determines that the drop-in childcare facility meets the requirements in this Chapter, and the facility has paid all fees, a certificate shall be issued to the facility valid through the end of the following calendar year.
- E. The drop-in childcare facility shall post all certificates and licenses in a location visible to the public.

**8.14.050 Water and sanitation service.**

All water and sanitation services provided to childcare facilities shall comply with applicable state and federal regulations. Additionally, water and sanitation services shall comply with all applicable provisions of the OCCGF. All discharges to the City Publicly Owned Treatment Works or storm drain from childcare facilities are subject to review and written approval by the Public Work Director.

**8.14.060 Health and safety measures.**

Unless otherwise determined to be in the best interest of child safety, as determined by the Department, all childcare facilities shall comply with the following health and safety measures:

- A. Unless otherwise protected by federal HIPAA regulation, all childcare facilities shall safeguard children's health against infectious disease by obtaining an emergency card and health history form as provided by ARM § 37.95.1130, as may be amended.

Exhibit "A"

(Updated from First Reading)

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- B. All facilities shall exclude children from the facility if they have the following symptoms upon arrival, during attendance, or in the 24 hours prior to arrival as indicated in the general health statement from the parent/guardian:
1. A fever greater than one-hundred-one (101) degrees Fahrenheit;
  - i. Vomiting;
  - ii. Diarrhea;
  - iii. A bacterial infection such as strep throat, scarlet fever, impetigo, conjunctivitis, or a skin infection unless prescribed and taking antibiotics for 24 hours prior;
  - iv. Chickenpox with active sores;
  - v. Jaundice;
  - vi. Uncontrollable coughs and sneezes, difficulty breathing, stiff neck, poor food or fluid intake; or
  - vii. Other signs of severe or contagious illness.
- C. Health and contact information must be reviewed and kept current to the Department's satisfaction.
- D. All facilities must maintain a register for at least one calendar year containing the following:
1. The child's name;
  2. A parent or guardian's name;
  3. A parent or guardian's phone number; and
  4. A parent or guardian's mailing address.
- E. If children develop symptoms of illness while at the facility, they must be isolated in an area other than the kitchen and the parent or guardian immediately contacted to remove his or her child from the facility.
- F. Only medications supplied by the parent or guardian with written consent may be administered. Medications must be in original packaging, labeled with the child's name, and have instructions for administration stored with the medication. Medication must be securely stored where children cannot access it.
- G. At least one staff member on site, during operation, must be certified in First Aid and CPR. Documentation of said certification must be on site.
- H. The following emergency telephone numbers must be posted by a facility phone:

Exhibit "A"

(Updated from First Reading)

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1. Poison Control;
  2. Great Falls Fire Rescue Department;
  3. Great Falls Police Department; and
  4. 911 emergency dispatch.
- I. Staff health must be ensured by satisfying the following criteria:
1. Excluding staff with symptoms listed in subsection (B) of this section;
  2. Having records on site that demonstrate staff members have current tetanus and MMR vaccinations.
- J. At least one first aid kit must be maintained at all facilities and include without limitation the following items:
1. Sterile bandages;
  2. A cold pack;
  3. Scissors;
  4. Tape and band-aids;
  5. Tweezers; and
  6. Disposable gloves; and
  7. Poison control telephone number posted with the kit.
- K. Thirty-five (35) square feet of indoor play space must be provided per child not including the kitchen, bathroom, or storage areas, other square footage may be approved by the Department with good cause shown.

**8.14.070 Food safety measures.**

- A. Unless otherwise specified in this section, all childcare facilities shall comply with all applicable ARM food safety regulations.
- B. The following residential equipment may be used in place of commercial equipment, if said equipment satisfies the listed criteria:
1. Refrigerators able to maintain forty-one (41) degrees Fahrenheit, or colder;
  2. Freezers able keep food frozen;

## Exhibit "A"

(Updated from First Reading)

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3. Dishwashers able to provide a sanitizing cycle capable of reducing pathogens by 99.9% through an uninterrupted heated dry cycle, heated rinse cycle, or chemical sanitizing cycle with 50-100ppm chlorine;
  4. Cooking and heating equipment able to achieve required food temperatures and comply with all applicable OCCGF provisions; and
  5. A designated hand-sink separate and apart from that used for the bathrooms, bathing, and diapering.
- d. A three-compartment sink or dishwasher is not required, if a two-compartment sink is available with an extra bin large enough to sanitize dishes that are washed manually.

#### **8.14.080 Cleaning and sanitizing.**

- A. Bathrooms must be cleaned daily with a germicidal cleaner.
- B. All general surfaces such as tables and chairs must be sanitized daily with 50-100ppm chlorine or other chemical approved by the Department.
- C. All toys, play surfaces, and manipulatives must be sanitized at least once weekly with ¼ cup bleach to one gallon of water, be rinsed and then air dried. If these items are mouthed, they must be pulled from use and sanitized as described in this section before they can be used again.
- D. If nap mats are available, they must be cleanable and non-absorbent and sanitized after each use with ¼ cup bleach to one gallon of water.
- E. If any blankets, pillows, or other bedding items are used on site, they must be washed after use by one child and before use by another child. If they are washed on site, they must be laundered in a machine able to reach one-hundred-forty (140) degrees Fahrenheit initial wash temperature and tumbled dry in a heated cycle or laundered by a commercial laundry service.
- F. Surfaces in all childcare facilities must be cleanable and in good repair. Areas that are subject to high-moisture or constant cleaning must be non-absorbent and able to maintain Department satisfactory condition under normal use and required cleaning.

#### **8.14.090 Diapering and infant care.**

- A. If cribs are used, they must be cleaned and sanitized after use by one child and before use by another child, and the sheets and blankets changed.

## Exhibit "A"

(Updated from First Reading)

### Title 8 HEALTH AND SAFETY

- B. A Department approved diapering procedure must be followed, including but not limited to the following:
  - 1. Gloves approved by the Department must be worn;
  - 2. Diapers must be appropriately discarded in a diaper pail, a covered receptacle with a plastic lining that is inaccessible to children or wrapped in plastic bag taken directly outside to a City approved refuse container;
  - 3. Hands must be adequately washed at a designated hand sink that is not used for food service, and said sink must be stocked with soap, paper towels, and hot and cold running water; and
  - 4. The diapering station must be sanitized after each use with ¼ cup bleach to one gallon of water.
- C. The diapering station must be cleanable, non-absorbent, and not pose a safety risk to the child.

#### **8.14.100 Inspections.**

All childcare facilities shall allow the Department, and any other regulatory agencies, access during reasonable hours to assess compliance with this Chapter. The Department shall inspect all facilities at least once per calendar year.

#### **8.14.110 Closure.**

- A. The Department may close any childcare facility, including a drop-in facility, under any of the following conditions:
  - 1. If a contagious disease outbreak is likely associated with the facility and the Health Officer deems that closure is necessary to protect public health and/or correct the circumstances contributing to the outbreak;
  - 2. If a violation which creates an imminent or present danger to public health is not corrected immediately to the satisfaction of the Department;
  - 3. When a follow-up inspection yields two or more of the same critical violations noted on a previous inspection, and the establishment has been notified closure may be a consequence of noncompliance as described in subsection (B) of this section;
  - 4. When the childcare facility has not been inspected for compliance prior to operating, or denies the Department access to do so; or

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5. When the childcare facility has not obtained a state license, a valid certificate from the Department, or a Great Falls Safety Inspection Certificate.
- B. Prior to Department closure of a facility for repeat critical violations, the Department shall notify the owner, operator, or agent in writing that it may be closed to the public and a closure notice placed at each customer entrance if compliance is not satisfied at the follow-up inspection to be conducted within ten working days.
- C. Upon Department closure of any facility for any reason, pursuant to this Chapter:
  1. The Department shall serve a written explanation of the reasons for closure and a copy of any pertinent inspection forms to the facility owner, operator, or agent.
  2. The closure order is effective upon service, and no new children may be admitted to the facility;
  3. The Department may require the operator to notify parents or guardians of children currently in care to retrieve them;
  4. A conspicuous notice of closure must be posted at each customer entrance by the Department; and
  5. Notice of said closure may only be altered or removed under the direction of the Department.
- D. When a childcare facility has been closed, it may be reopened after twenty-four hours if the following criteria are satisfied:
  1. The operator submits a written plan of correction, specifying the corrections to be made and time parameters for completion;
  2. The Department approves the plan of correction;
  3. The Department inspects the facility and makes a determination that the approved plan of correction is being performed; and
  4. The notice of closure previously posted is removed by, or under the direction of, the Department.

**Chapters 15– 47     Reserved.**

## **Chapter 48     RESIDENTIAL OUTDOOR FIRE RESTRICTIONS**

### **Sections:**

8.48.010 Establishment.

Exhibit "A"

(Updated from First Reading)

Title 8 HEALTH AND SAFETY

8.48.020 Conditions allowing restrictions.

8.48.030 Notice of restriction.

8.48.040 Violation.

**8.48.010 Establishment.**

The City Commission hereby establishes conditions upon which the City Manager, in consultation with the Fire Chief, may restrict the all outdoor residential open or closed fire burning.

**8.48.020 Conditions allowing restrictions.**

- A. The City Manager or designee, in consultation with the Fire Chief, may restrict by written finding all outdoor residential open or closed burning on any of the following conditions:
  - 1. The Cascade County Commission has established fire restrictions pursuant to Mont. Code Ann. § 7-33-2212, as may be amended;
  - 2. Open burning would be inconsistent with a local air pollution control program established pursuant to Mont. Code Ann. § 75-2-301, as may be amended;
  - 3. The Montana Department of Environmental Quality has issued an unhealthy, very unhealthy, or hazardous air quality warning for all or a portion of Cascade County;
  - 4. There exists, an active wild or structural fire within Cascade County that poses a potential threat to properties located within the incorporated City limits; or
  - 5. There exist, other conditions, in the judgment of the Fire Chief, that create a danger to persons or property, if outdoor burning continues or is allowed.
- B. The City Manager or designee shall make a written finding determining that residential outdoor burning shall be restricted. Said finding shall describe the condition or conditions warranting the restrictions.

**8.48.030 Notice of restriction.**

The written finding declaring it necessary to restrict all outdoor residential open or closed burning shall be maintained by the City Clerk, published on the City website and published in a newspaper of general circulation within the incorporated City limits, on at least a weekly basis, during the duration of the restriction.

**8.48.040 Violation.**

## Exhibit "A"

(Updated from First Reading)

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- A. Any person burning any material outdoors on a residential premises, during a restriction pursuant to this Chapter, is guilty of a misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00), a term not to exceed six months in jail, or both.
- B. The Fire Chief or designee shall have the authority to enter upon any premises where a fire in violation of a restriction pursuant to this Chapter is occurring and to extinguish said fire.

## Chapter 49 NUISANCES

### Sections:

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

### 8.49.010 Nuisance defined.

- A. "Nuisance" means:
  - 1. Anything which is injurious to health, or is indecent or offensive to the senses;
  - 2. An obstruction to the free use of another's property, so as to interfere with the comfortable enjoyment of life or property of another including but not limited to;
    - i. Placement and/or maintenance of any motor vehicle, motorcycle, trailer, camp trailer; or
    - ii. Mobile home on any property in the City in violation of any OCCGF provision;
  - 3. Unsecured vacant structures or properties that may invite trespass or vandalism;
  - 4. Property in a condition that constitutes a hazard, or its appearance is a blight to the community; or
  - 5. Property, real or personal, that is maintained so as to obstruct the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin, or any public park, square, street, or highway.



Exhibit "A"

(Updated from First Reading)

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- B. A declaration of Nuisance by the City Commission is made pursuant to Mont. Code Ann. § 7-5-4104, as may be amended, and its self-governmental powers under the Charter of the City of Great Falls.

**8.49.020 Summary abatement and lien procedure declared.**

The City Commission declares that it is in the public interest to establish a summary abatement procedure utilizing a lien process to abate any Nuisance as defined in in this Chapter. The expense of abatement of Nuisances may be assessed as a lien against the property on which it is maintained, and a personal obligation of said lien shall exist as against the property owner(s).

**8.49.030 Lien procedure for abatement of Nuisance.**

- A. The Planning and Community Development Director, Chief of Police, Fire Chief, Public Works Director, Code Enforcement Officer, or other authorized City personnel, shall examine or cause to be examined whether any property or thing has been maintained so as to constitute a Nuisance as defined in this Chapter.
- B. If City personnel find that a Nuisance does exist, City personnel may implement the following procedure:
  - 1. Obtain a preliminary title report or commitment on the real property where the Nuisance exists, which shall identify all owners of record, lessees of record, holders of mortgages, deed of trust, or other liens and encumbrances of record;
  - 2. Serve upon each such person by personal service or by certified mail, postage prepaid, and return receipt requested, a written notice stating the nature of the Nuisance, requiring the owner to commence the required repairs, demolition, removal or other appropriate action within ten calendar days and to complete such work within thirty calendar days from the date of notice;
  - 3. Ensure that said notice also contains the office, address, and phone number of City personnel empowered to review the subject matter and the days and hours the same may be contacted;
  - 4. Send the notice to each party financially interested in the property or thing at his or her address as it appears on the last equalized assessment roll of the County or as known to City personnel; and
  - 5. If no address of any such person so appears, then mail a copy of the notice addressed to such person, at the address of the real property where the Nuisance is found to exist.
- C. The service by certified mail shall be effective on the date of mailing. City personnel shall also cause at least one copy of the notice to be posted conspicuously on the building, structure, or on the real or personal property alleged to be a Nuisance.
- D. Proof of service notices shall be certified to at the time of service by written declaration executed by the person effecting service, declaring the time, date, and manner in which service was made. The declaration, together with any receipt card, returned acknowledgment of receipt by certified mail, shall be affixed with a copy of the notice and order retained by City personnel.

Exhibit "A"

(Updated from First Reading)

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**8.49.040 Notice of hearing before City Commission.**

- A. If the property owner does not comply with the notice prescribed by this Chapter, by commencing the required abatement within the time allowed, or by making such other arrangement as may be satisfactory, City personnel shall thereupon send a notice to all interested parties identified pursuant to, and in the same manner described in this Chapter.
- B. The notice pursuant to this section shall inform all interested parties of the following:
  - 1. A public hearing shall be conducted by the City Commission to adopt or not adopt a resolution declaring the property a Nuisance;
  - 2. The date and time of the public hearing; and
  - 3. The City's costs associated with the adoption of the resolution and any subsequent abatement may be assessed as a lien on the subject property.

**8.49.050 Hearing by City Commission—finding of Nuisance.**

- A. At the time fixed on the notice, the City Commission shall proceed to hear the report of the City personnel and the testimony of any other interested party who may be present and desire to testify respecting the condition of the real or personal property or the estimated cost of any appropriate abatement.
- B. Upon the conclusion of the hearing, the City Commission will by resolution, declare its findings. The City Commission may declare the subject property to be a Nuisance, in the event it so concludes, and direct the owner(s) to obtain the proper permits and physically commence abatement of the Nuisance within ten calendar days, and complete said abatement within thirty calendar days by having the condition(s) causing the Nuisance to be properly abated.
- C. Such resolution shall further notify the owner(s) of the property that if the Nuisance is not abated, the property will be the subject of repair, demolition, removal, or other appropriate abatement procedure, by the City, and the expenses thereof may be assessed as a lien on the property.
- D. The City personnel shall send copies of the resolution, to the last known address of each of the following:
  - 1. Person(s) having ownership interests in the property, as the name(s) and address appear on the last equalized assessment roll or as known to the City personnel;
  - 2. To each recorded lessee;
  - 3. Any mortgage holder;
  - 4. Deed of trust holder; and/or
  - 5. Other holder of any other lien, encumbrance, estate, or legal interest of record as shown on the preliminary title report or commitment obtained pursuant to this Chapter.
- E. The City Clerk shall file a certified copy of any resolution declaring real property a Nuisance with the Cascade County Clerk and Recorder.

## Exhibit "A"

(Updated from First Reading)

### Title 8 HEALTH AND SAFETY

- F. The City Commission will consider any extension of the time limits set by resolution, if the owner posts a cash deposit, in an amount fixed by the City Commission, within three calendar days from the date of the grant of the extension request, if one is granted, or for other substantial compliance with the terms of the resolution.

#### **8.49.060 Abatement.**

- A. In the event the owner does not commence the abatement of the Nuisance located on the real property within ten calendar days prescribed, or complete within thirty calendar days prescribed, members of City personnel are authorized to undertake the appropriate action such as demolition, repair, or removal necessary to abate the Nuisance in accordance with the resolution of the City Commission and have the work performed pursuant to purchase order or contract.
- B. City personnel shall keep an itemized account of all time and expenses involved in the Nuisance abatement.
- C. City personnel shall mail a copy of the statement to the property owner and to any holder of any interest of record, along with a notice of date, time, and place the statement shall be submitted to the City Commission for confirmation.

#### **8.49.070 Hearing by City Commission—statement of expense.**

- A. At the time fixed for the hearing of the statement of expense, the City Commission shall consider the statement, together with any objection or protest which may be raised by any of the property owners liable to be assessed for the work and any other interested person, and may adopt a resolution confirming, revising, correcting, or modifying the statement.
- B. If said statement is not paid within five calendar days of the adoption of the resolution, it shall constitute a lien upon the real property and shall be collected as a special assessment against the real property.

#### **8.49.080 Recordation of certificate—when Nuisance is abated.**

When the City Commission has by resolution declared that a property or thing is being maintained as a Nuisance, a resolution has been recorded, and thereafter the Nuisance is abated, City personnel shall prepare and file with the Clerk and Recorder of the County a Commission adopted resolution certifying that such Nuisance has been abated and indicating the method of abatement.

## **Chapter 50 CRIMINAL PUBLIC NUISANCES**

### **Sections:**

8.50.010 Criminal Public Nuisance defined.

8.50.020 Offense designated.

Exhibit "A"

(Updated from First Reading)

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8.50.030 Extent of Nuisance not limiting.

8.50.040 Barbed wire and electric fences.

8.50.050 Violation—penalty.

**8.50.010 Criminal Public Nuisance defined.**

"Criminal Public Nuisance" means:

- A. Real property, personal property, or other condition created or maintained in such condition which:
  - 1. Endangers safety or health;
  - 2. Is offensive to the senses; and/or
  - 3. Obstructs the free use of property so as to interfere with the comfortable enjoyment of life or property by an entire community or neighborhood or by any considerable number of persons;
- B. Any premises where persons gather for the purpose of engaging in unlawful conduct; or
- C. Any condition which renders dangerous for passage any public highway or right-of-way or waters used by the public.

**8.50.020 Offense designated.**

A person commits the offense of maintaining a Criminal Public Nuisance, if he or she knowingly creates, conducts, or maintains a Criminal Public Nuisance.

**8.50.030 Extent of Nuisance not limiting.**

Any act which affects an entire community or neighborhood or any considerable number of persons is no less a Criminal Public Nuisance because the extent of the annoyance or damage inflicted upon individuals is unequal.

**8.50.040 Barbed wire and electric fences.**

- A. It is a Criminal Public Nuisance for any person to maintain, erect, or allow an occupant of his or her owned property, to maintain or erect a barbed wire fence or an electric fence upon any premises in the City except as provided in subsection (C) of this section.
- B. "Electric fence" means any conductive material encompassing a property or partial property and having an electrical potential to earth ground.
- C. Exceptions to this section include:
  - 1. A fence wherein the barbs are at least six feet above ground level and located on top of a security fence; or

## Exhibit "A"

(Updated from First Reading)

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2. A barbed wire fence in an R-1 single-family suburban zoning district as designated in OCCGF Title 17.
- D. The Planning and Community Development Director or designee shall provide written notice, by certified mail with return receipt requested, to the owner(s) of a property in violation of this section. Said notice shall advise the property owner(s) any fencing in violation of this section shall be removed within thirty calendar days.
- E. Failure to remove said fencing, within the time prescribed in the written notice, shall constitute a violation of this Chapter.

#### **8.50.050 Violation—penalty.**

A violation of this Chapter is a misdemeanor punishable by a fine of not less than two hundred and fifty dollars (\$250.00) or more than five hundred dollars (\$500.00), a term not to exceed six months in jail, or both.

## **Chapter 51 MAINTENANCE AND SANITATION OF PREMISES**

### **Sections:**

8.51.010 Definitions.

8.51.020 Maintenance duty of controlling owner/agent.

8.51.030 Conditions prohibited on premises.

8.51.040 Conditions prohibited on right-of-way.

8.51.050 Violation — penalty.

#### **8.51.010 Definitions.**

For the purposes of this Chapter, unless otherwise specified, the following definitions apply:

- A. "Premises" shall mean any lot or parcel of land or property, including any building or portion thereof, improved or unimproved.
- B. "Public right-of-way" shall mean any area or parcel of land granted, deeded, dedicated to, or otherwise acquired by the City or the public at large for any public purpose, including, but not limited to:
  1. Alleys, roadways, or parkways;
  2. Pedestrian ways and sidewalks;
  3. Public streets;
  4. Water or waterways;

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(Updated from First Reading)

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5. Storm drains and drainage, sanitary sewers, water pipes, electric and telephone conduits, electronic services, overhead wires; and
6. Supporting structures.

**8.51.020 Maintenance duty of controlling owner.**

Any person, or the agent thereof, owning any premises in the City, shall keep and maintain such premises and the right-of-way abutting such premises in compliance with the OCCGF, including but not limited to OCCGF Title 16.

**8.51.030 Conditions prohibited on premises.**

The following conditions are prohibited on premises within the incorporated City limits:

- A. Buildings or structures which are abandoned, partially destroyed, left in a partially constructed condition, or uncompleted buildings;
- B. Buildings with deteriorating or peeling paint which allows the exterior building coverings to deteriorate or allows the effects of sun or water penetration so as to cause decay, dry rot, warping, or cracking;
- C. Broken windows, doors, attic vents, or underfloor vents;
- D. Improperly maintained landscaping which is visible from streets, including, but not limited to:
  1. Lawns with grasses in excess of eight inches in height;
  2. Untrimmed hedges;
  3. Dying trees, shrubbery, lawns, and other dying plant life from lack of water or other necessary maintenance; and
  4. Trees and shrubbery growing uncontrolled without proper pruning;
- E. Overgrown vegetation which is unsightly and likely to harbor vermin, rodents or pests;
- F. Dead, decayed, or diseased trees, weeds, and other vegetation;
- G. Trash, garbage, refuse cans, bins, boxes, or other such containers stored in front or side yards visible from public streets and rear yards, unless in City approved containers;
- H. Lumber, junk, trash, debris, or salvage materials maintained upon any premises which are visible from a public street, alley, or adjoining property;
- I. Abandoned, discarded, or unused furniture, stoves, sinks, toilets, cabinets, or other household fixtures or equipment stored visible at ground level from a public alley, street, or adjoining premises;
- J. Premises having a topography, geology, or configuration which, as a result of grading operations or improvements to the land, causes erosion, subsidence, unstable soil conditions, or surface or subsurface drainage problems or potentially injurious to adjacent premises;

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(Updated from First Reading)

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- K. Abandoned, wrecked, dismantled, or inoperative automobiles, trailers, campers, boats, and other motor vehicles which are accumulated or stored in yard areas, not in compliance with the OCCGF off-street parking provisions;
- L. The accumulation of dirt, litter, or debris in vestibules, doorways on the premises, or adjoining walkways;
- M. Mounds of soil, dry grass, weeds, dead trees, abandoned asphalt or concrete, rubbish, refuse, or waste or other unsanitary material of any kind;
- N. Building exteriors, walls, fences, driveways, or walkways which are broken, defective, deteriorated, in disrepair, or defaced due to any writing, inscription, scratch, or other marking commonly referred to as "graffiti";
  - 1. It shall be the duty of the owner or agent thereof to remove graffiti from such premises within seventy-two hours after graffiti appears visible from public rights-of-way or adjacent properties;
- O. Any tree which overhangs a street, alley, or sidewalk in such a manner as to cause an obstruction to any person using such street, alley, or sidewalk; or
- P. Any other condition which adversely impacts economic welfare of adjacent properties including but not limited to, infestation by rodents, mosquitos, vermin, or wild animals, which threaten or endanger the public health, welfare, or safety.

#### **8.51.040 Conditions prohibited on right-of-way.**

The following conditions are prohibited on any right-of-way within the incorporated City limits:

- A. Any accumulations of dirt, litter, debris, rubbish, weeds, or any other kind of waste or unsanitary material of any kind;
- B. Any curb cut or driveway approach, or a portion thereof, which is no longer needed or which no longer provides vehicular access to the adjacent premises; or
- C. Any curb, sidewalk, parkway, or driveway which is cracked, broken, or otherwise in need of repair, replacement, or maintenance, so as to constitute a potential or actual hazard to health or safety.

#### **8.51.050 Violation — penalty.**

A violation of this Chapter is a misdemeanor punishable by a fine of not less than two hundred and fifty dollars (\$250.00) or more than five hundred dollars (\$500.00), a term not to exceed six months in jail, or both. Each day of such conduct constitutes a separate offense.

## **Chapter 52 ABATEMENT OF NUISANCE VEGETATION**

### **Sections:**

8.52.010 Nuisance vegetation declared.

8.52.020 Maintaining Nuisance vegetation unlawful.

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(Updated from First Reading)

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8.52.030 Inspection and investigation.

8.52.040 Abatement of Nuisance vegetation.

8.52.050 Exception.

8.52.060 Specific procedure for abatement of Dutch Elm disease.

8.52.070 Spraying.

8.52.080 Notice of operations.

8.52.090 Transporting Elm wood prohibited.

8.52.100 Interference prohibited.

8.52.110 Cost of abatement.

**8.52.010 Nuisance Vegetation declared.**

The following conditions shall be declared Nuisances, as defined by Chapter 49 of this Title, whenever found to exist within the City and shall be abated as provided herein:

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

**8.52.020 Maintaining Nuisances unlawful.**

It is unlawful for any person to willfully permit any Nuisance Vegetation, to remain on any property controlled by any person within the City.

**8.52.030 Inspection and investigation.**

- A. The Park and Recreation Director or designee is responsible for inspecting all premises and places within the incorporated City limits to determine the existence of such Nuisance Vegetation.
- B. The Park and Recreation Director or designee may with consent of the owner enter upon private premises at any reasonable time for the purpose of carrying out an inspection of the premises of the collection of appropriate specimens or samples for diagnosis.
- C. The Park and Recreation Director or designee shall, with reasonable cause to believe that a tree is diseased, immediately obtain and furnish appropriate specimens or samples to a qualified plant diagnostician for diagnosis. No action to remove such trees or wood shall be taken until a reasonably certain diagnosis of the disease has been made.



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(Updated from First Reading)

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- D. Within five (5) calendar days of receipt of the diagnosis, the owner of the property from which the specimen or sample was obtained shall be notified by the Parks and Recreation Department of the results by regular mail or personal delivery, and the Department shall appropriately tag said vegetation.

**8.52.040 Abatement of Nuisance Vegetation.**

Whenever the City Forester or designee finds with reasonable certainty that any nuisance disease, fungus, or harmful insect exists in any tree, shrub, wood, or other vegetation located on property within the incorporated City limits, the City may initiate Nuisance abatement proceedings pursuant to this Chapter or Chapter 49 of this Title.

**8.52.050 Exception.**

Section 8.52.040 shall not apply to maintaining boulevards within the General Boulevard Maintenance District as previously established and defined by Commission resolution, or otherwise specified to this Chapter.

**8.52.060 Specific procedure for abatement of Dutch Elm disease.**

- A. No action to remove, destroy, or dispose of wood infected with Dutch Elm fungus shall be taken until a reasonably certain diagnosis of the disease has been made. When such diagnosis has been made, the infected tree or wood shall be removed, destroyed, or disposed of in a manner which will effectively destroy and prevent, as fully as possible, the spread of the Dutch Elm disease fungus.
- B. When the presence of elm bark beetles has been discovered in or upon any living elm tree but the presence of Dutch Elm disease fungus is not then or thereafter diagnosed, the tree shall be treated in a manner which will effectively destroy and prevent, as fully as possible, the spread of the elm bark beetle. If such treatment is or cannot be effective, the tree shall be removed, destroyed, and disposed of.
- C. Standing dead elm trees, elm logs, branches, stumps, firewood, or other raw elm material from which the bark has not been removed and which are not infected with Dutch Elm disease fungus, shall have the bark removed, destroyed, and disposed of or shall be treated in a manner which will effectively destroy and prevent, as fully as possible, the spread of the elm bark beetle. If such treatment is or cannot be effective, the trees, logs, branches, stumps, firewood, or other raw elm material shall be removed, destroyed and disposed of.
- D. Specifications and procedures for the removal, destruction, and disposal of trees and wood infected with Dutch Elm disease fungus, for treating live elm trees infested with elm bark beetles, and for removing, destroying, and disposing of elm bark and treating dead elm trees, logs, branches, stumps, firewood and other raw material shall be established by the Director of Park and Recreation.

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(Updated from First Reading)

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**8.52.070 Spraying.**

Whenever the Park and Recreation Director or designee determines that any tree, or part thereof, is infected with any tree disease, fungus, or harmful insect, and is in a weakened condition, the Director or designee may cause all such trees within a specified radius thereof to be treated with an effective concentrate as may be recommended by the State Forester.

**8.52.080 Notice of operations.**

- A. When trees on private property are to be treated, the Park and Recreation Director or designee shall notify the owner of such property and proceed in accordance with the requirements of this Chapter.
- B. In order to facilitate the work and minimize the inconvenience to the public of any treating operations conducted pursuant to this Chapter, the Park and Recreation Director or designee shall cause to be given advance public notice of such operations by publishing the notice on the City website, in a newspaper of general circulation, and posting of appropriate warning notices in the areas and along the streets where trees to be treated at least twenty-four (24) hours in advance.
- C. After warning notices have been given and posted, the City shall not allow any claim for damages to any vehicle or other property resulting from such treating operations.

**8.52.090 Transporting Elm wood prohibited.**

- A. It is unlawful for any person to transport within the incorporated City limits, any bark bearing elm wood without having obtaining a permit from the Director of Park and Recreation. The Director of Park and Recreation or designee shall grant such permits only when the purpose of this Chapter shall be served and may impose such restrictions as deemed necessary.
- B. A violation of this section is a misdemeanor punishable by a fine of not less than two hundred and fifty dollars (\$250.00) or more than five hundred dollars (\$500.00), a term not to exceed six (6) months in jail, or both.

**8.52.100 Interference prohibited.**

- A. It is unlawful for any person, firm, corporation, or other entity to prevent, delay, or interfere with the Park and Recreation employees or agents while they are engaged in the performance of the duties imposed by this Chapter.
- B. A violation of this section is a misdemeanor punishable by a fine of not less than two hundred and fifty dollars (\$250.00) or more than five hundred dollars (\$500.00), a term not to exceed six (6) months in jail, or both.

**8.52.110 Cost of abatement.**

The cost of abatement pursuant to any provision of this Chapter shall be assessed pursuant to Chapter 49 of this Title.

(Updated from First Reading)

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## **Chapter 53 NOISE**

### **Sections:**

8.53.010 Definitions.

8.53.020 Loud noises prohibited.

8.53.030 Prohibited acts.

8.53.040 Noise levels—Limitations for structures and open spaces—dB(A) criteria—Table I.

8.53.050 Noise levels—maximum permissible for motorized vehicles—Table II.

8.53.060 Noise levels—exemptions.

8.53.070 Noise—measurement.

8.53.080 Relief permit.

8.53.090 Enforcement.

8.53.100 Violations—from moving noise source or sources.

8.53.110 Violations—penalties.

### **8.53.010 Definitions.**

As used in this Chapter, unless otherwise specified, the following definitions shall apply:

- A. "Ambient noise" is the noise which exists at a point of measurement in the absence of the sound emitted by the source being measured, being the total effect of all other sounds coming from near and far.
- B. "dB(A)" means sound levels in decibels measured on an "A" scale of a standard sound level meter having characteristics defined by the American National Standards Institute, publication S 4-1970.
- C. "Decibel" means the sound pressure level, in a logarithmic unit used to express the magnitude of sound pressure with respect to a reference sound pressure. It is defined as twenty (20) times the logarithm to the base ten (10) of the ratio of the sound pressure to the reference sound pressure. By international standards, the reference sound pressure is  $2 \times 10^{-5}$  newtons/meter squared. For example, a doubling of sound pressure, at any magnitude, will result in a six (6) decibel increase in sound pressure level; a tenfold increase will result in a twenty-decibel increase in sound pressure level.
- D. "Emergency work" is work made necessary to restore property to a safe condition following a public disaster or work required to protect persons or property from exposure to danger or potential danger.
- E. "Health" is defined as an optimal state of physical, mental, and emotional well-being and not merely the absence of disease.

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(Updated from First Reading)

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- F. "Motor vehicle" means a vehicle propelled by its own power and designed or used to transport persons or property upon the ways of the state open to the public.
- G. "Reasonable person" is a normal, healthy person of ordinary habits and sensibilities who is entitled to enjoy ordinary comfort of human existence and not the extra-sensitive or fastidious person or the hardened individual inured to such irritation or annoyance.
- H. "Person" means any person, firm, association, co-partnership, joint venture, corporation, or other public or private entity.
- I. "Zoning" for the purpose of this Chapter, includes the following:
  - 1. "Residential Area":
    - i. R-1 Single-family suburban;
    - ii. R-2 Single-family medium density;
    - iii. R-3 Single-family high density;
    - iv. R-5 Multi-family residential medium density;
    - v. R-6 Multi-family residential high density;
    - vi. R-10 Mobile home park;
    - vii. POS Parks and open space; and
    - viii. PUD Planned unit development.
  - 2. "Light commercial" includes:
    - i. C-1 Neighborhood commercial.
  - 3. "Heavy commercial" includes:
    - i. C-2 General commercial;
    - ii. C-3 Highway commercial;
    - iii. C-4 Central business core;
    - iv. C-5 Central business periphery;
    - v. M-1 Mixed-use;
    - vi. M-2 Mixed-use transitional; and
    - vii. PLI Public lands and Institutional.
  - 4. Industrial" includes:
    - i. I-1 Light industrial;
    - ii. I-2 Heavy industrial; and
    - iii. GFIA Great Falls International Airport.

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(Updated from First Reading)

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#### **8.53.020 Loud noises prohibited.**

It is unlawful for any person to make, or cause to be made, any excessive or unusually loud noise or any noise measured or unmeasured which either annoys, disturbs, injures, or endangers the comfort, repose, health, peace, or safety of any reasonable person of normal sensitivity within the incorporated City limits.

#### **8.53.030 Prohibited acts.**

Unless performed for emergency work for the safety, welfare, and public health of the citizens of Great Falls and to the extent that the noise thereby created is reasonably necessary for the public benefit, it is unlawful to perform any of the following acts within the incorporated City limits:

- A. Sounding any horn or signaling device on any truck, automobile, motorcycle, or other vehicle on any street or public place of the City except as a warning signal;
- B. Using, operating, or permitting the use of any radio receiving set, musical instrument, television, phonograph, machine, or device for the production or reproduction of sound in such a manner as to disturb the quiet, comfort, or repose of any reasonable person;
- C. The use or operation of any music producing, or music amplifying, device that can be heard or felt at a distance greater than fifty (50) feet from the exterior of the vehicle from which the device is being operated. Violation of this section shall be punishable by:
  - 1. A fine of seventy dollars (\$70.00) on a first offense;
  - 2. A fine of \$150.00 on a second offense; and
  - 3. A fine of five hundred dollars (\$500.00) on a third or subsequent offense;
- D. Installing, using, or operating a loudspeaker or sound amplifying equipment, in a fixed or movable position or mounted upon any sound truck, emitting decibel levels in excess of those specified in Chapter, for the purpose of:
  - 1. Giving instructions or directions;
  - 2. Talks, addresses, or lectures; or
  - 3. Transmitting music to any persons or assemblages, of persons in or upon any street, alley, sidewalk, park, place, or public property without first obtaining a permit;
- E. Yelling, shouting, or whistling on the public streets, alleys, or parks at any time as to annoy or disturb the quiet, comfort, or repose of any normally sensitive and reasonable person;
- F. Discharging into the open air the exhaust of any steam engine, stationary internal combustion engine, motorboat, or motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom;
- G. Operating any truck, trailer, automobile, motorcycle, or vehicle so out of repair or so loaded in such a manner as to create loud and unnecessary grating, grinding, rattling, or other noises;
- H. Loading, unloading, opening, or other handling of boxes, crates, containers, garbage containers, or other objects in such a manner as to disturb the quiet, comfort or repose of any normally sensitive and reasonable person; or

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- I. Operating equipment, performing any construction, or repair work between the hours of 8:00 p.m. and 7:00 a.m. on buildings, structures, or projects, or operating any pile driver, pneumatic hammer, derrick, steam or electric hoist, or other construction-type device in such a manner as to disturb the quiet, comfort, or repose of a reasonable person.

**8.53.040 Noise levels—Limitations for structures and open spaces—dB(A) criteria—  
Table I.**

- A. Maximum permissible decibel limits on noise emitting from source or sources not on a public right-of-way in residential, commercial, and industrial districts are as set out in this section.
- B. Noise will be measured at a distance of twenty-five (25) feet from the source or at the boundary of the lot, whichever is the greater distance. Noise radiating from properties or buildings in excess of the dB(A) established for the districts and times in Table I of this section shall constitute prima facie evidence that such noise is a Nuisance. This includes noise from such activities as production, processing, cleaning, servicing, testing, and repair of vehicles, material, goods, or products. Noises caused by home or building repair or grounds maintenance are excluded as provided in this Chapter.

TABLE I  
Limitations

Districts	7:00 a.m. to 8:00 p.m.	8:00 p.m. to 7:00 a.m.
Residential	55 dB(A)	50 dB(A)
Light commercial	65 dB(A)	60 dB(A)
Heavy commercial	70 dB(A)	65 dB(A)
Industrial	80 dB(A)	75 dB(A)

- C. At boundaries between zones, the lower of the dB(A) level shall be applicable.
- D. To be in violation, the source of sources of noise must be identifiable and the levels without regard to the ambient must exceed the limitations in Table I.
- E. Periodic or impulsive noises are in violation when such noises are at a noise level of five (5) dB(A) less than those listed in this section.
- F. Construction projects shall be subject to the maximum permissible noise levels specified for industrial districts pursuant to any applicable construction permit issued by the Building

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Official, or if no time limitation is imposed, then for a reasonable period of time for completion of the project.

- G. All railroad rights-of-way shall be considered as industrial districts for the purpose of this Chapter, and the operation of trains shall be subject to the maximum noise levels specified for such district.

**8.53.050 Noise levels—maximum permissible for motorized vehicles—Table II.**

- A. It is unlawful to operate a motorized vehicle within the incorporated City limits which emits noise, with the exception of sound producing equipment as defined in this Chapter in excess of the limits specified in Table II below.
- B. Noise from a noise source within a public right-of-way shall be measured at a distance of at least twenty-five (25) feet from the center of the nearest traffic lane on a sound level meter of standard design and operated on the "A" weight scale.

TABLE II  
Maximum Permissible Noise Levels For Motor Vehicles

1. Trucks and Buses:
  - i. Over ten thousand (10,000) pounds:  
eighty-two (82) dB(A) measured at fifty (50) feet;  
eighty-eight (88) dB(A) measured at twenty-five (25) feet;
  - ii. Under ten thousand (10,000) pounds:  
seventy-four (74) dB(A) measured at fifty (50) feet; and  
eighty (80) dB(A) measured at twenty-five (25) feet.
2. Passenger Cars:
  - i. Seventy-four (74) dB(A) measured at fifty (50) feet; and
  - ii. Eighty (80) dB(A) measured at twenty-five (25) feet.
3. Motorcycles, Snowmobiles, Minibikes, and Other Self-propelled Vehicles:
  - i. Seventy-four (74) dB(A) measured at fifty (50) feet; and
  - ii. Eighty (80) dB(A) measured at twenty-five (25) feet.

**8.53.060 Noise levels—exemptions.**

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

- A. Noise of safety signals and warning devices;
- B. Noise resulting from any authorized emergency vehicle, when responding to an emergency call or acting in time of emergency;
- C. Noise resulting from emergency work or noise for which a special permit has been granted, as provided for in this Chapter;
- D. Noise resulting from the operating of motorized lawnmowers fitted with equipment-type mufflers between the hours of 8:00 a.m. and 8:00 p.m.;

## Exhibit "A"

(Updated from First Reading)

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- E. Noise caused by home or building repair or ground maintenance between the hours of 8:00 a.m. and 8:00 p.m.;
- F. Athletic events held in stadiums or parks;
- G. Noise resulting from marching bands and drum and bugle corps while practicing or parading, in accordance with the applicable provisions of the OCCGF.

#### **8.53.070 Noise—measurement.**

For the purpose of determining and classifying any noise as excessive or unusually loud as prohibited by this Chapter, the following test measurements and requirements may be applied:

- A. The noise shall be measured on a sound level meter, meeting current American National Standards Institute standards, and operated on the "A" weighted scale; and
- B. In all sound level measurements, the ambient noise shall be at least ten (10) dB(A) below the specific noise source being measured; or
- C. In all sound level measurements, consideration shall be given to the effect of the ambient noise level created by the encompassing noise of the environment from all sources at the time of the sound level measurement.

#### **8.53.080 Relief permit.**

Applications for a permit for relief from the noise level designated in this Chapter, on the basis of undue hardship, may be made to the Great Falls Police Department (GFPD). Any permit granted by the Chief of Police or designee shall contain all conditions upon which the permit has been granted and shall specify a reasonable time that the permit shall be effective. The Chief of Police or designee may grant the permit applied for if:

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

#### **8.53.090 Enforcement.**

The GFPD shall assign duties of enforcement to personnel trained in noise control techniques and procedures and equipped with sound level meters of a standard design. Enforcement of the provisions of this Chapter rests solely with the police officer responding to the call or hearing the violation. Officers have discretion in considering options available, including issuing a warning or a Notice to Appear.



Exhibit "A"

(Updated from First Reading)

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**8.53.100 Violations—Motor vehicle.**

Violations of this Chapter in which the noise source is a motor vehicle shall be cause for a Notice to Appear to be issued.

**8.53.110 Violations—penalties.**

- A. Unless otherwise specified, a person responsible of causing a violation of this Chapter is guilty of a misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00), a term not exceed six (6) months in jail, or both.
- B. A premises upon which a violation of this Chapter is occurring is hereby declared a Nuisance in violation of Chapter 49 of this Title.

(Ord. 3181, 2018; Ord. 3118, 2014; Ord. 3057, 2010; Ord. 2993, 2008; Ord. 2920, 2005; Ord. 2803, 2001; Ord. 2790, 2000; Ord. 2743, 1998; Ord. 2728, 1997; Ord. 2695, 1995; Ord. 2672, 1995; Ord. 2614, 1991; Ord. 2603, 1991; Ord. 2507, 1988; Ord. 2506, 1988; Ord. 2500, 1988; Ord. 2491, 1988; Ord. 2450, 1987; Ord. 2449, 1987; Ord. 2432, 1986; Ord. 2430, 1986; Ord. 2417, 1986; Ord. 2246, 1981; Ord. 1857, 1975; Prior Codes: §§ 9-9-4, 9-9-3, 9-9-2, 9-9-1, 8-6-5, 8-6-3, 8-6-2, 8-6-1, 8-3-12, 8-3-10, 8-3-4, 8-3-1, 8-2-2, 8-2-1, 8-1-8, 8-1-7, 8-1-6, 8-1-5, 8-1-4, 8-1-3, 8-1-2, 8-1-1, 6-4-1, 6-1-11, 4-12-2, 4-12-1)