

ORDINANCE 3270

AN ORDINANCE REPEALING TITLE 5, CHAPTER 3, ARTICLE 1 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF) PERTAINING TO MECHANICALLY-OPERATED DEVICES DEPICTING SEXUAL ACTIVITIES

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WHEREAS, the City Commission established Title 5 of the OCCGF outlining provisions pertaining to Business Licenses, Permits, and Safety Inspection Certificates; and

WHEREAS, the City Commission adopted Ordinance 2675 on November 21, 1995 creating the provisions in Title 5 pertaining to coin-operated devices depicting sexual activities; and

WHEREAS, the City Commission adopted Ordinance 2923 on September 6, 2005 and Ordinance 2950 on March 6, 2007 pertaining to the City’s Land Development Code; and

WHEREAS, since that time, businesses with coin-operated devices depicting sexual activities are limited to certain zoning districts to promote the health, safety, morals and general welfare of the citizens as set forth in OCCGF 17.20.6.100; and

WHEREAS, the license required for that type of business is obsolete as no business exists within the corporate limits of the City of Great Falls; and

WHEREAS, should a business request be made, Safety Inspection Certificate and associated fees shall be required to ensure that the building complies with applicable building, fire, or safety codes, and other ordinances and regulations, including zoning special standards that have been enacted by the City for the purpose of protecting the health, safety, and welfare of the public.

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

Section 1. Title 5, Chapter 3, Article 1, Sections 010 – 030 of the OCCGF are hereby repealed as depicted in Exhibit “A” which removes any language indicated by a ~~strike-out~~; and

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

ACCEPTED by the City Commission of the City of Great Falls, Montana on first reading October 1, 2024.

ADOPTED by the City Commission of the City of Great Falls, Montana on second reading October 15, 2024.

Cory Reeves, Mayor

ATTEST:

(CITY SEAL)

Lisa Kunz, City Clerk

APPROVED FOR LEGAL CONTENT:

David G. Dennis, City Attorney

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

I, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do certify that I did post as required by law and as prescribed and directed by the Commission, Ordinance 3270 on the Great Falls Civic Center posting board and the Great Falls City website.

Lisa Kunz, City Clerk

(CITY SEAL)

Ordinance 3270 – Exhibit “A”

~~Article 1 MECHANICALLY-OPERATED DEVICES DEPICTING SEXUAL ACTIVITIES~~

Sections:

~~5.3.1.010 Purpose.~~

~~The purpose of this article is to recognize the fact that the operation of mechanical amusement devices which depict or display specified sexual activities or specified anatomical areas result in increased enforcement programs for the City, and additional expense to the City, justifying a higher license fee. No license will be issued pursuant to this chapter to any person, organization, or entity that has an outstanding obligation or debt to the City.~~

~~(Ord. 3270, 2024; Ord. 3168, 2017).~~

~~5.3.1.020 Mechanically-operated devices depicting sexual activities.~~

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

- ~~A. "Device" shall include any machine which, upon the insertion of payment of consideration, in any form, directly or indirectly depicts, displays, or projects pictures, photographs or other visual images of anatomical areas or specified sexual activities.~~
- ~~B. "Specified Anatomical Areas" include:
 - ~~1. Less than completely and opaquely covered: human genitals, pubic region, buttock, or female breast below a point immediately above the top of areola; or~~
 - ~~2. Human male genitals, even if completely and opaquely covered.~~~~
- ~~C. "Specified Sexual Activities" include:
 - ~~1. Human genitals in a state of sexual stimulation or arousal;~~
 - ~~2. Acts of human masturbation, sexual intercourse, sodomy; or,~~
 - ~~3. Fondling of human genitals, pubic region, buttock, or female breast.~~~~
- ~~D. The license application shall include, but not be limited to, a complete list of the devices owned by the person or business subject to this licensing with an indication thereon of the location of each machine.~~

~~(Ord. 3270, 2024; Ord. 3168, 2017).~~

~~5.3.1.030 License required.~~

- ~~A. It shall be unlawful for any business to have, or operate, devices depicting sexual activities for which a license or permit is required without such license being first procured and kept in effect at all such times as required by this chapter.~~
- ~~B. Any violation of this section is a misdemeanor punishable by a term of not more than six (6) months in jail, a fine not to exceed \$500, or both.~~

C. ~~The Court, in its discretion may order the destruction of any device depicting sexual activities in violation of this section.~~

D. ~~Any business that has or operates devices depicting sexual activities in violation of this section, is hereby by declared a Nuisance pursuant to OCCGF Title 8, Chapter 49.~~

(Ord. 3270, 2024; Ord. 3168, 2017).