

ORDINANCE 3233

AN ORDINANCE AMENDING TITLE 5 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF) PERTAINING TO FALSE ALARMS AND ALARM AGENT LICENSING.

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WHEREAS, the City of Great Falls is authorized by its Charter and Montana law to establish laws to protect the health, safety and welfare of the citizens of Great Falls; and

WHEREAS, the City Commission has in the exercise of those powers previously established Title 5 of the OCCGF pertaining to alarms for unauthorized entry; and

WHEREAS, the Great Falls Fire Rescue has experienced an increase in false alarm calls from business alarm systems; and

WHEREAS, the OCCGF currently has provisions regarding false alarms for unauthorized entry and the Commission wishes to broaden these provisions to encompass fires and other hazardous conditions; and

WHEREAS, the Commission also recognizes the need for accurate documentation and licensure for those businesses involved in alarm services; and

WHEREAS, for those reasons, the City Commission wishes to amend Title 5 of the OCCGF to address these issues.

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

Section 1. The provisions of OCCGF Title 5 are hereby amended as depicted by Exhibit "A" attached hereto and by reference incorporated herein with deleted language identified by ~~strikeout~~ and inserted language **bolded**; and

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

ACCEPTED by the City Commission of the City of Great Falls, Montana on first reading November 16, 2021.

ADOPTED by the City Commission of the City of Great Falls, Montana on second reading and public hearing December 7, 2021.

Bob Kelly, Mayor

ATTEST:

(CITY SEAL)

Lisa Kunz, City Clerk

APPROVED FOR LEGAL CONTENT:

Jeffrey M. Hindoien, 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 3233 on the Great Falls Civic Center posting board and the Great Falls City website.

Lisa Kunz, City Clerk

(CITY SEAL)

Title 5

BUSINESS LICENSES, PERMITS, AND SAFETY INSPECTION CERTIFICATES¹

Chapter

5.1.010 Definitions.

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

- A. "Buildings or Offices" shall mean all buildings, structures, rooms, offices, or portions thereof which are situated on a permanent structural foundation and permanently connected to City water and sewer service wherein a business or organization is located and which may be accessible to the public, employees, or members or located in such close proximity to other buildings, structures, rooms, offices, or portions thereof so as to constitute a public threat in the event of a Uniform Safety Code violation.
- B. "Business" shall mean any occupation, trade, profession, commercial activity, social activity, fraternal activity, or religious activity located or meeting regularly in buildings or offices, including multi-family dwelling units of four (4) or more units, together with all devices, machines, vehicles and appurtenances used therein. This includes sole proprietorships, partnerships, corporations, nonprofit corporations, religious organizations, social organizations and fraternal organizations.
- C. Unless specifically identified, in this Title, the term, "Certificate" shall include safety inspection certificates, home occupation certificates, or any other certificates or permits issued by the City of Great Falls' Planning and Community Development or Fire Rescue Departments.
- D. "Home Occupation" means a lawful business carried on by a resident of a dwelling as an accessory use within the same dwelling or an accessory building, which will not infringe upon the rights of neighboring residents to enjoy the peaceful occupancy of their homes.
- E. "Home Occupation Certificate" is a certificate, license, or permit issued by the Planning and Community Development Department under the terms and conditions of 5.2.020—5.2.040.
- F. "Non-Resident Vendor" is any person engaged or employed in the business of selling to consumers by going from consumer to consumer, either on the streets or to their places of residence or employment, and soliciting, selling, or taking orders for future delivery of any goods, wares, or merchandise.
 - 1. This definition applies to persons vending food or other merchandise from pushcarts, vehicles, trailers, or other readily mobile sources to customers within the City limits.

¹Editor's note(s)—Ord. No. 3168, § 1(Exh. A), adopted Nov. 7, 2017, repealed the former Tit. 5, and enacted a new Tit. 5 as set out herein. The former Tit. 5 pertained to similar subject matter and derived from Ord. 3139, 2016; Ord. 3125, 2014; Ord. 3117, 2014; Ord. 3057, 2010; Ord. 2993, 2008; Ord. 2865, 2003; Ord. 2764, 2000; Ord. 2745, 1998; Ord. 2743, 1998; Ord. 2675, 1995; Ord. 2674, 1995; Ord. 2672, 1995; Ord. 2509, 1988; Ord. 2487, 1987; Ord. 2483, 1987; Ord. 2344, 1983; Ord. 2008, 1977; Ord. 1874, 1975; Prior Codes 5.11.1; 5.11.3; 5.16.1.

2. This all-inclusive definition applies to vendors coming into Great Falls to provide any type of service (e.g. painters, contractors, tree trimmers, computer technicians, etc.), to residents within the City limits.
- G. "Nonprofit organization" is any group which does not distribute pecuniary gains, profits or dividends to its members, and/or for which pecuniary gain is not the objective of the organization. For the purposes of this Title, a nonprofit organization need not be recognized as tax exempt by the United States Internal Revenue Service and the Montana Department of Revenue.
- H. "Permanent Premises" means any buildings or structures, or any part of any buildings or structures, situated on a permanent structural foundation that meet the engineering requirements in the Uniform Building Code and are permanently connected to City water and sewer service. This definition excludes all accessory structures not intended to be occupied by employees and/or the public.
- I. "Person" is meant to include individual natural persons, partnerships, joint ventures, societies, associations, clubs, trustees, trusts, or corporations; or any officers, agents, employees, or representatives thereof, in any capacity, acting either for him or herself, or for any other person, under designation, appointment, or otherwise pursuant to law.
- J. "Premises" means any office, property, retail space, structure or portion thereof occupied for business use, the facilities and appurtenances in the structure, and the grounds, areas and facilities held out for the use of business.
- K. "Safety Inspection Certificate" is a certificate for a business, or occupation, at a specific premises acknowledging inspection for Uniform Safety Codes, or other ordinances and regulations, enacted for the purpose of protecting health, safety, and welfare of the public. The certificate is not intended, and shall not be used, to regulate or infringe upon the conduct of a business or profession and is not intended, and shall not be used, to regulate, infringe or prohibit the practice of religion or religious beliefs.
- L. "Property Manager" means a "person" who rents or leases rental units, including but not limited to, multi-family dwellings, excluding hotels or motels.
- M. "Square footage" is the total number of square feet contained within the exterior walls of a building, suite, office, or premises used in, or available for, the business operation.
- N. "Temporary premises" means any buildings, structure, vehicles, or other mobile structures temporarily occupied for business which are without a foundation and permanent connection to City water and sewer service. A temporary premises can exist for no more than ninety (90) calendar days in any twelve-month period. Temporary premises do not include sales booths, concession stands etc., which are operated in conjunction with a community sponsored event which is authorized by the City.
- O. "Non-Resident Merchant" means any person who brings into temporary premises, a stock of goods, wares or articles of merchandise or notions or other articles of trade, and who solicits, sells, offers to sell, or exhibits for sale, such stock of goods, wares, articles of merchandise, notions, or other articles of trade.
- P. "Year" for specific Special Business Licenses and Safety Inspection Certificate purposes, means a period of time of twelve (12) months commencing each year on January 1 and ending December 31 of the same year.
- Q. "Non-Resident Service Contractor" is any person, not residing within the City limits of Great Falls, engaged or employed in the business of providing services for hire. This includes persons engaged in contract construction, painting and drywall, landscape installation and maintenance, janitorial, and service contractors of all kinds including computer technicians and copier maintenance.

R. "Uniform Safety Codes" as used herein, shall mean the most recent version of the International Building Code, International Fire Code, International Property Maintenance Code, in whole or in part, which have been adopted by the City of Great Falls and referenced in OCCGF Titles 15, 16 and Title 17.

S. "Alarm Agent License" is a license issued by Planning and Community Development to a person, business, occupation, or other entity engaged in selling, leasing, maintaining, servicing, repairing, altering, replacing, moving, or installing any alarm system (as defined in 5.3.6.010) or causing to be sold, leased, maintained, serviced, repaired, altered, replaced, moved, or installed any alarm system in, or on, any building, structure, or facility.

(Ord. 3233, 2021; Ord. 3168, 2017).

Article 6 FALSE-ALARMS AND ALARM SYSTEMS

Sections:

5.3.6.010 Definitions.

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

- A. "Alarm agent" means any person who is directly or indirectly employed by an alarm business, whose duties include any of the following: selling, maintaining, leasing, servicing, repairing, altering, replacing, moving or installing **any alarm system** on or in any building, structure or facility, ~~any alarm system.~~
- B. "Alarm business" means any individual, partnership, corporation, or other entity engaged in selling, leasing, maintaining, servicing, repairing, altering, replacing, moving, or installing any alarm system or causing to be sold, leased, maintained, serviced, repaired, altered, replaced, moved, or installed any alarm system in, or on, any building, structure, or facility.
- C. "Alarm system" means any mechanical or electrical device which is designed, or used for:
- i. the detection of an unauthorized entry into **or fire or hazardous condition within** a building, structure, or facility; ~~and/or for~~
 - ii. alerting others of the commission of an unlawful act within a building, structure, or facility, ~~or both;~~
- and which emits a sound or transmits a signal or message when actuated. Devices that are not designed or used to register alarms that are audible, visible or perceptible outside of the protected building, structure, or facility are not included within this definition, nor are auxiliary devices installed by a telephone or telecommunication company to protect company systems which might be damaged or disrupted by the use of an alarm system. Alarm systems include, but are not limited to:
1. direct dial telephone devices; and
 2. audible alarms and proprietor alarms.
- D. "Audible alarm" means a device designed for the detection of unauthorized entry, **fire or hazardous conditions** on premises which generates an audible sound on the premises when it is actuated.
- E. "False alarm" means an alarm signal actuated by **error, mistake**, inadvertence, negligence, or unintentional act necessitating response by the **public safety personnel, including but not limited to** Great Falls Police Department, **Great Falls Fire Rescue, and/or ambulance services**, including alarms caused by the malfunction of the alarm system, except the following:
1. alarms caused by repair of telephone or communication equipment or lines;

- 2. alarms caused by earthquakes, flood, windstorm, thunder, and lightning;
 - 3. alarms caused by an attempted illegal entry or analogous causes of which there is visible evidence; and
 - 4. alarms caused by power outages.
- F. "Proprietor alarm" means an alarm which is not serviced by an alarm business.
- G. "Subscriber" means any person who purchases, leases, contracts for, or otherwise obtains an alarm system or for the servicing maintenance of an alarm system from an alarm business.

(Ord. 3233, 2021; Ord. 3168, 2017).

5.3.6.020 Audible alarm requirements.

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

(Ord. 3233, 2021; Ord. 3168, 2017).

5.3.6.030 Alarm Agent ~~permit~~ license required.

- A. All persons engaged in alarm business to repair, service, alter, replace, remove, design, sell, lease, maintain, or install alarm systems, shall obtain an Alarm Agent ~~permit~~ **license from Planning and Community Development** in accordance with the provisions of this title.
- B. The Alarm Agent ~~licensee~~ ~~permittee~~ shall have in their possession an Alarm Agent ~~license~~ ~~permit~~ while engaged in alarm related business or activities.

(Ord. 3233, 2021; Ord. 3168, 2017).

5.3.6.040 Exemptions.

- A. The provisions of this chapter are not applicable to audible alarms affixed to automobiles.
- B. The provisions of this chapter do not include a person who engages in the manufacture for sale of an alarm system from a fixed location, and who neither visits the location where the alarm system is to be installed nor designs the scheme for physical location and installation of the alarm system in a specific location.

(Ord. 3168, 2017).

5.3.6.050 Penalty.

A. Knowingly activating a false alarm when no unauthorized entry, fire or hazardous conditions exist is a violation of the provisions of Mont. Code Ann. 45-7-204, punishable by a fine not to exceed \$500 or imprisonment for a term not to exceed 6 months, or both.

~~**A. B.** Where an alarm system actuates the following number of false alarms in any calendar year, the business or system owner will be charged as follows:~~

A. ~~False Alarms one (1) through three (3): written notice to permittee;~~

B. ~~A fourth or subsequent false alarm in a calendar year shall result in an assessed administrative fee of fifty (\$50.00)~~ **A first or second false alarm during any 365 day period will result in a written notice being provided to the owner, licensee and/or other person responsible for the premises. A third or subsequent false alarm during any 365 day period will result in an assessed administrative fee of \$100.00 being imposed on the owner, licensee, and/or other person responsible for the premises.**

C. Any fee under this article that remains unpaid for 30 days or more is deemed delinquent and may be assessed against the premises as a special charge for current service or, in addition to any penalties listed in this Chapter, the City may refer any outstanding fees, pursuant to this Chapter, to collections by a collection agency authorized to conduct business in Montana.

D. This penalty section shall not be applicable to residential fire alarms in one or two-family dwellings.

(Ord. 3233, 2021; Ord. 3168, 2017).