

ORDINANCE 3009

**AN ORDINANCE AMENDING OCCGF TITLE 8
PERTAINING TO DISORDERLY PREMISES**

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

That OCCGF Title 8, Chapter 48, Sections 010 thru 060 be created as depicted in Exhibit
A.

**PASSED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS,
MONTANA, this _____ day of July, 2008.**

Dona R. Stebbins, Mayor

ATTEST:

City Clerk

(SEAL OF THE CITY)

APPROVED FOR LEGAL CONTENT:

David V. Gliko, 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 hereby certify that the foregoing Ordinance 3009 was placed on its final passage and passed by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the ____ day of July, 2008, and approved by the Mayor of said City on the ____ day of July, 2008.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this ____ day of July, 2008.

City Clerk

(SEAL OF CITY)

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

Lisa Kunz, being first duly sworn, deposes and says: That on the ____ day of July, 2008, and prior thereto, she was the City Clerk of the City of Great Falls, Montana; that as said City Clerk she did post as required by law and as prescribed and directed by the Commission, Ordinance 3009 of the City of Great Falls, in three conspicuous places within the limits of said City to-wit:

On the Bulletin Board, first floor, Civic Center Building;
On the Bulletin Board, first floor, Cascade County Court House;
On the Bulletin Board, Great Falls Public Library

City Clerk

(SEAL OF CITY)

Exhibit A

Title 8

Chapter 48

DISORDERLY PREMISES

Sections:

8.48.010	Purpose
8.48.020	Definitions
8.48.030	Notice
8.48.040	Designation
8.48.050	Enforcement
8.48.060	Fines and Penalties

8.48.010 Purpose of Section.

It is hereby declared a valid public purpose and public policy of the City of Great Falls, in order to promote the health and general welfare of the City, and to conserve the financial and other resources of the City, that certain activities defined in § 8.48.020 below, are to be discouraged and penalized as described herein. Specifically, it is the declared public policy of the City to discourage and control unlawful or obnoxious behavior and to limit the undesirable impact of such behavior upon members of the general public and to appropriately assign financial liability for enforcement action to the owners of the property where such activities occur.

8.48.020 Definitions.

As used in this section, the following terms shall have the meanings indicated:

“Disorderly premises” means any premises which the police have visited three or more times in a thirty-day period in response to situations which are created by the owner(s), tenant(s), or tenants' cohabittees, guests, invitees or occupants, and which would have a tendency to unreasonably disturb the community, the neighborhood, or any ordinary individual in the vicinity of said premises, including, but not limited to, loud music; boisterous parties; sounds emanating from within a structure which are audible outside the structure; loud noise, disorderly conduct, or fights on the premises involving owner(s), any tenant(s) or occupant(s) of the premises or their invitees; owner(s) or any tenants or invitees of owner(s) or any tenants or occupants being intoxicated on public ways in the vicinity of the premises; the arrest and conviction of owner(s) or any tenants or their invitees or occupant(s) for activities which constitute either a crime or civil infraction under either state or local law; other similar activities on the premises, or repeated violations of related City ordinances.

“Premises” means the land and the structures on it, a structure or part of a structure, including, but not limited to: a single unit providing complete living facilities for one or more persons or any dwelling unit, a multifamily dwelling unit, a family apartment, a boardinghouse, a condominium, a rooming house, a rooming unit, a mobile home, or leased units in a manufactured housing park.

8.48.030 Notice of Disorderly Premises.

Whenever a premises has been visited by the police three times in any thirty-day period in relation to incidents involving a disorderly premises, the Police Chief, Community Development Director, City Manager, or any other agent designated by the City Manager shall notify the owner and any tenant/occupant of the circumstance(s) involving the said visits.

- A. Notice content. Notice shall be in writing, include a description of the premises sufficient for identification, and include a statement of the reason or reasons why the notice is being issued.
- B. Method of service. The owner and any tenant/occupant shall be notified in the following method: delivery of the notice to the owner and any tenant/occupant personally; mailing the notice by first class mail addressed to the owner and any tenant/occupant at the last known address; posting/affixing or placing a copy of the notice in a conspicuous place in or about the premises affected by such notice. Service of such notice by any of the foregoing methods upon the owner's agent or upon the person responsible for the premises shall constitute complete service of notice upon the owner and any tenant/occupant.

8.48.040 Disorderly Premises Designation.

- A. Whenever the police have visited a premises three or more times in any thirty-day period, in relation to incidents involving a disorderly premises, the City may classify the premises as a disorderly premises.

- B. When a premises is classified by the City as a disorderly premises, the City shall notify the owner and any tenant/occupant in accordance with the procedures set forth in § 8.48.030. The City shall provide a written notification of the events to the owner, which forms the basis for that designation. Such notice shall be sufficient for all legal purposes. The notice shall require the owner and any tenant/occupant or their duly authorized representative, to meet with representatives of the City, including the Police Department and the Community Development Director or their designee(s) within five business days from the date of the written notification, to identify ways in which the disorderly problems will be eliminated.
- C. At the time of said meeting, the City may request documentation including but not limited to:
 - 1. A copy of the names of all owners and any tenant/occupant or other persons authorized to reside or presently residing in the building and the premises or units they occupy;
 - 2. Management contracts with any building supervisor or other person responsible for the orderly operation of the premises.
- D. The owner and/or any tenant/occupant must take effective measures to eliminate the disorderly premises, which measures shall be memorialized in a written agreement at the conclusion of the meeting with the City and shall be implemented within one week of said meeting unless another date is agreed upon by the City manager or his or her designee.
- E. Failure to meet with City officials or enter into such an agreement at the conclusion of said meeting will be deemed a violation of this section, and the City shall pursue legal remedies in accordance with OCCGF 8.48.060.

8.48.050 Enforcement.

- A. If the owner and/or any tenant/occupant refuses to agree to take effective measures to eliminate the disorderly premises, as determined by the City; fails to implement the agreement reached with the City to eliminate the disorderly premises; or the Police Department is called to the premises at any time within a six-month period after premises owner and/or any tenant/occupant meets with the City, the City may institute such other enforcement action against the owner and/or any tenant/occupant seeking any and all damages and remedies to which it is entitled pursuant to state and local laws.
- B. If the same premises should be classified as a disorderly premises on a subsequent occasion, then the City is under no obligation to meet with the owner or issue new notice, but may proceed directly with a complaint to a court of competent jurisdiction seeking all compensatory and equitable relief permitted by law.
- C. The Police Chief shall annually prepare and present a report to the City Manager that details the administration of this section for the prior year. The report shall include, but not be limited to, the number of properties deemed to be disorderly premises, how the complaints were resolved, and legal actions initiated by the City.

8.48.060 Fines and Penalties.

- A. If the building owner and/or any tenant/occupant refuses to agree to take effective measures to eliminate the disorderly premises, a fine of not less than \$500 and not more than \$1,000 and/or up to 6 months jail per incident may be imposed by the court of competent jurisdiction.
- B. In addition, the City may file a legal action against the owner and/or any tenant/occupant seeking court costs, response charges, and all damages and remedies to which it is entitled pursuant to state and local laws.