

RESOLUTION NO: 3992

**A RESOLUTION ESTABLISHING FIRE INSPECTION FEES FOR
MILES CITY, MONTANA**

WHEREAS, pursuant to the 2012 International Fire Code, as adopted by the State of Montana and the City of Miles City, Miles City Fire Rescue is required to annually conduct a fire code compliance inspection for buildings and premises; and

WHEREAS, Miles City Fire Rescue incurs administrative time and expense in connection with the performance of fire code compliance inspection for buildings and premises for Miles City; and

WHEREAS, Miles City Fire Rescue has studied the aforementioned costs and expenses associated with the performance of fire code compliance inspection for businesses and premises for Miles City; and

WHEREAS, Miles City Fire Rescue has made certain recommendations to establish a fire code compliance inspection fee; and

NOW, THEREFORE, BE IT RESOLVED by the Council of Miles City, Montana, as follows:

1. That Miles City Fire Rescue is hereby authorized to charge rates for fire inspections as set forth in the attached Exhibit "A", which is hereby incorporated into this resolution as if fully set forth herein.

2. That Miles City Fire Rescue, pursuant to Sections 103.1-104.3 of the 2012 International Fire code, has the following authority related to inspections:

(a) *Authority to Enter.* The Fire Inspector or designee is authorized to enter and inspect, or cause to be inspected, all buildings and premises for the purpose of conducting an annual fire code compliance inspection.

(b) *Annual Inspection Fee.* The Fire Inspector or designee shall charge an annual inspection fee for each fire code compliance inspection except local, state and Federal buildings. It shall be the duty of every person maintaining or operating the business or premise to pay the annual inspection fee. Equipment requiring periodic testing or operation shall be tested or operated as specified by the 2012 International Fire Code, as adopted by the State of Montana.

(c) *Required Posting of Fire Inspection Certificate.* Each building or premise shall post their Fire Inspection Certificate in plain view and each Fire Inspection Certificate will be updated upon the completion of the annual fire inspection.

(d) Finding of Dangerous or Hazardous Conditions; Notice of Violation. Whenever the Fire Inspector or designee determines that there are reasonable grounds to believe that there has been a violation of any provision of this section, he or she shall give notice of the alleged violation to the persons responsible. The notice shall be in writing, include a statement of the reasons why it is being issued, allow a reasonable time, not less than ten (10) days, for the performance of any act it requires, be served upon the owner or his agent, or the occupant, as the case may require. The first notice shall be deemed properly served upon the owner, agent or occupant if a copy thereof is sent by regular mail or email to the last known address. The second notice shall be deemed properly served upon the owner, agent or occupant if a copy thereof is sent by certified mail. The notice may contain an outline of remedial action, which, if taken, will effect compliance with the provisions of this article.

3. BE IT FURTHER RESOLVED that a public hearing shall be held on said fees on the 25th day of October, 2016, at 7:00 p.m. in the City Council Chambers at City Hall, Miles City, Montana. The City Clerk shall cause notice of such hearing to be published in the Miles City Star, pursuant to §7-1-4128 MCA, 2 times with at least 6 days separating each publication.

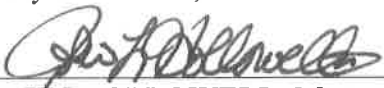
SAID RESOLUTION READ AND PUT UPON ITS FINAL PASSAGE
THIS 11th day of October, 2016.


JOHN HOLLOWELL, Mayor

ATTEST:


Lorrie Pearce, City Clerk

SAID RESOLUTION FINALLY PASSED AND ADOPTED BY A DULY
CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE CITY OF
MILES CITY, MONTANA, THIS 25th day of October, 2016.


JOHN HOLLOWELL, Mayor

ATTEST:



Lorrie Pearce, City Clerk

EXHIBIT A

FIRE INSPECTION FEES

SELF-INSPECTION

\$10.50

LIVE INSPECTION

\$25 = 0-5000 SQ FT

\$50 = 5001-7500 SQ FT

\$75 = 7501-10,000 SQ FT

\$100 = 10,001+ SQ FT

\$25 = Reinspection

LATE FEES

If the invoice is not paid within 90 days, a Late Charge of 10% of the invoice, as well as 1.5% per month, as well as the actual cost of the collections, will be accessed to the responsible party.

Affidavit of Publication

STATE OF MONTANA }
County of Custer } ss.

Mary Rose Bovee, being duly sworn on her oath, says that she has been the principal clerk of the printer of the MILES CITY STAR, a daily newspaper of general circulation, printed and published at Miles City, in said County and State. **City of Miles City, Legal Notice. Resolution 3992.** A printed and true copy which, cut from the columns of said newspaper, is hereto attached, and made a part hereof, was printed and published in said newspaper, in the regular and entire issue of every number of the paper during the period and time of publication, on the following dates, October 14, and 21,

2016.

Signed Mary Rose Bovee

Subscribed and sworn to before me this 14th
day of October, 2016

Tabatha Hallman

Tabatha Hallman, Notary Public for the state of Montana, residing at Rosebud. My Commission Expires June 1, 2019.

LEGAL NOTICE
NOTICE IS HEREBY GIVEN that the City Council of the City of Miles City at a Regular Council Meeting held on Tuesday, October 11, 2016 at 7:00 p.m., passed on first reading the following Resolution:
RESOLUTION 3992:
A RESOLUTION ESTABLISHING FIRE INSPECTION FEES FOR MILES CITY, MONTANA
The above Resolution is on file and available for public inspection at the City Clerk's Office at City Hall, 17 S. 8th Street, Miles City, Montana. You are further notified that objections to the final adoption of the Resolution will be heard by the City Council at its regularly scheduled meeting in the Council Chambers at City Hall, 17 S. 8th Street, Miles City, Montana, on Tuesday, October 25, 2016 at 7:00 p.m.
For information or questions you may contact the City Clerk at 234-3462.
BY ORDER OF THE CITY COUNCIL
Lorrie Pearce
City Clerk
(Published October 14, 2016 and 21, 2016)
MNAXLP

