

**ORDINANCES**  
**MILES CITY, MONTANA**

---

**ORDINANCE NO.1150**

AN ORDINANCE ADOPTING THE NFPA 1 UNIFORM FIRE CODE, 2003 EDITION.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA:

ADOPTION OF NFPA 1 UNIFORM FIRE CODE, 2003 EDITION,  
APPENDICES AND STANDARDS

(1) The Miles City Fire and Rescue (MCFR) adopts and incorporates by reference the NFPA 1 Uniform Fire Code, 2003 edition (2003 NFPA 1/UFC) with the additions, amendments, and deletions enumerated in this subchapter. Copies of the 2003 NFPA 1/UFC and related materials may be obtained from the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02169. This document is available for free online access at [www.nfpa.org](http://www.nfpa.org). Copies of the 2003 NFPA 1/UFC and Montana's amendments thereto may be obtained from the Miles City Fire and Rescue, 2800 Main Street, Miles City, MT 59301, (406) 232-2235.

(2) If there is any conflict between the NFPA 1/UFC and the Montana Code Annotated, the provisions of the Montana Code Annotated control.

(3) This rule establishes a minimum fire protection code to be used in conjunction with the Building Code. Nothing in this rule prohibits any local government unit from adopting those portions of the NFPA 1/UFC that are not adopted by the FPIP or standards which are more restrictive than the NFPA 1/UFC.

(4) The design and construction requirements in NFPA 1/UFC that apply to public buildings or places of employment are not included in this adoption. The Building Code adopted by the building codes bureau of the department of labor and industry controls design and construction in Montana. If there is any conflict between the construction standards in the NFPA 1/UFC and construction standards set forth in the Building Code, the provisions of the Building Code control. NFPA 1/UFC construction standards only apply if no comparable Building Code construction standard exists.

(5) The following NFPA 1/UFC sections are modified as shown to be in accordance with the Building Code regarding design and construction requirements:

(a) Section 1.3 Application. " This Code shall apply to: New construction as required in the Building Code, and existing conditions. Existing buildings shall be maintained in accordance with the Building Code in effect at the time of construction. However, where existing conditions or buildings pose an imminent hazard or risk to public health and safety and are not, therefore, within the purview of the Building Code, the MCFR may take corrective action pursuant to the provisions of 50-61-101, MCA, et seq. and 50-62-101, MCA, et seq.

(b) Section 1.3.8 Repairs, renovations, alterations, reconstruction, change of occupancy, and additions to buildings shall conform with the Fire Code and the Building Code.

(c) Section 2.1 General. The documents or portions thereof listed in this chapter are referenced within this code and shall be considered part of the requirements of this document.

(d) Section 2.2 NFPA Publications is not adopted.

# ORDINANCES

## MILES CITY, MONTANA

(e) Section 10.1.1 Every existing building or structure shall be arranged, equipped, maintained, and operated in accordance with this Code so as to provide a reasonable level of life safety, property protection, and public welfare from the actual and potential hazards created by fire, explosion, and other hazardous conditions.

(f) Section 10.1.2 is not adopted.

(g) Section 10.1.3 Building Code. All new construction shall comply with the Building Code.

(h) Section 14.1 Application. Means of egress in new and existing buildings shall comply with the Building Code in effect at the time of construction.

ADMINISTRATION (1) Chapter 1 of the 2003 NFPA 1/UFC is adopted with the following exceptions:

(a) Section 1.10 Board of Appeals is not adopted; and

(b) 1.12 Permits and Approvals and any other sections of the 2003 NFPA 1/UFC referring to permits are not adopted. This section applies only to 2003 NFPA 1 UFC permitting requirements, not to permitting requirements contained in Montana law.

(2) The following annexes are adopted as part of this code:

(a) Annex A Explanatory Material;

(b) Annex D Hazardous Materials Management Plans and Hazardous Materials Inventory Statements;

(c) Annex G Ozone Gas-Generating Equipment;

(d) Annex H Fire Flow Requirements for Buildings; and

(e) Annex I Fire Hydrant Locations and Distribution.

ADDITIONAL DEFINITIONS (1) Chapter 3 Definitions is adopted with the following additions:

(a) "Farm" means a tract of land devoted to agricultural purposes;

(b) "Nationally recognized standards" as used in the 2003 NFPA 1/UFC, means any of the following standards referenced in 2003 NFPA 1/UFC standards; Underwriters Laboratories Inc. (UL) standards; American Petroleum Institute (API) standards; American Society for Testing and Materials (ASTM) standards; and American National Standards Institute (ANSI) standards.

(c) "Ranch" means a tract of land devoted to agricultural purposes; and

(d) "Rural area" means those areas located three miles or more beyond (outside) the corporate limits of a Class 1 or Class 2 city, as defined in 7-1-4111, MCA, and one and one-half miles or more beyond (outside) the corporate limits of a Class 3 city, as defined in 7-1-4111, MCA, when the Class 3 city's population is more than 1,500 residents. In the case of any unincorporated place, city, community, or town, the unincorporated place, city, community, or town will be considered rural if it has a population of less than 1,500 and a density of less than 800 persons per square mile, according to the most recent U.S. census.

GENERAL (1) Chapters 10 through 19 of the 2003 NFPA 1/UFC are adopted with the following exceptions and additions:

(a) Section 10.18 Parade Floats (including all subsections) is not adopted;

(b) Section 10.7.3 False Alarms is not adopted;

(c) Section 10.15.1 is not adopted; and

(d) 10.15.9.5 Christmas trees shall be properly treated with an approved flame retardant. The chief may, however, waive this

# ORDINANCES

## MILES CITY, MONTANA

requirement when the tree is fresh (recently harvested) and all other provision of section 10.15.9 are met. Consideration should also be given to humidity, temperature and the dryness of the tree at the time of setup.

(2) Section 14.15.3 Fire Escapes: 1. Existing fire escapes which in the opinion of the chief comply with (3) may be used as one of the required means of egress. The location and anchorage of fire escapes shall be of approved design and construction.

(3) Fire escapes shall comply with the following:

(a) Access from a corridor shall not be through an intervening room;

(b) All openings within 10 feet (3048 mm) shall be protected by three-fourths-hour fire assemblies;

(c) When located within a recess or vestibule, adjacent enclosure walls shall not be of less than one hour fire-resistive construction;

(d) Egress from the building shall be by a clear opening having a minimum dimension of not less than 29 inches (737 mm) in both height and width. Such openings shall be openable from the inside without the use of a key or special knowledge or effort. The sill of an opening giving access shall not be more than 30 inches (762 mm) above the floor of the building or balcony;

(e) Fire escape stairways and balconies shall comply with the following requirements:

(i) Fire escape stairways and balconies shall support the dead load plus a live load of not less than 100 pounds per square foot (4.78 kN/m<sup>2</sup>) and shall be provided with a top and intermediate handrail on each side;

(ii) The pitch of the stairway shall not exceed 60 degrees with a minimum width of 18 inches (457 mm);

(iii) Treads shall not be less than four inches (102 mm) in width and the rise between treads shall not exceed 10 inches (254 mm);

(iv) All stair and balcony railings shall support a horizontal force of not less than 50 pounds per lineal foot (729.5 N/m) of railing;

(v) Balconies shall not be less than 44 inches (1118 mm) in width with no floor opening other than the stairway opening greater than 5/8 inch (16 mm) in width;

(vi) Stairway openings in such balconies shall not be less than 22 inches by 44 inches (599 mm by 1118 mm); and

(vii) The balustrade of each balcony shall not be less than 36 inches (914 mm) high with not more than nine inches (229 mm) between balusters;

(f) Fire escapes shall extend to the roof or provide an approved gooseneck ladder between the top floor landing and the roof when serving buildings four or more stories in height having roofs with less than four units vertical in 12 units horizontal (33.3% slope);

(g) Fire escape ladders shall be designed and connected to the building to withstand a horizontal force of 100 pounds per lineal foot (1459 N/m); each rung shall support a concentrated load of 500 pounds (2224 N) placed anywhere on the rung. All ladders shall be at least 15 inches (381 mm) wide, located within 12 inches (305 mm) of the building and shall be placed flatwise relative to the face of the building. Ladder rungs shall be 3/4 inch (19 mm) in diameter and shall be located 12 inches (305 mm) on center. Openings for roof access ladders through cornices and similar projections shall have minimum dimensions of 30 inches by 33 inches (762 mm by 838 mm); (h) The lowest balcony shall not be more than 18 feet (5486 mm) from the ground;

(i) Fire escapes shall extend to the ground or be provided with counterbalanced stairs reaching to the ground;

(j) Fire escapes shall not

# ORDINANCES

## MILES CITY, MONTANA

take the place of stairways required by the codes under which the building was constructed; (k) Fire escapes shall be kept clear and unobstructed at all times and maintained in good working order.

(4) 19.2.1.4 Rubbish within Dumpsters. Dumpsters and containers with an individual capacity of 1.5 yd<sup>3</sup> [40.5 ft<sup>3</sup> (1.15 m<sup>3</sup>)] or more shall not be stored in buildings or placed within five feet of combustible walls, openings or combustible roof eave lines.

(5) 19.2.1.4.2 Structures of Types I and II fire resistive construction used for dumpster or container storage shall be located not less than five feet from openings and other buildings.

### SPECIAL OCCUPANCY USES (IS HEREBY REPEALED)

PROCESSES (1) Chapters 40 through 42 of 2003 NFPA 1/UFC are adopted with the following exceptions and amendments:

(a) Section 42.2.1 Applicability is amended by adding the following statement at the end of the section: "For public automotive motor vehicle fuel-dispensing stations located in rural areas, see Chapter 42 of the 2003 NFPA 1/UFC";

(b) Section 42.2.1.2 General. When performed in the operation of a farm or ranch, or when approved by the chief, liquids used as fuels may be transferred from tank vehicles into the tanks of motor vehicles or special equipment, provided:

1. The tank vehicle's specific function is that of supplying fuel to motor vehicle fuel tanks;
2. The dispensing line does not exceed 50 feet (15,240 mm) in length;
3. The dispensing nozzle is an approved type;
4. The dispensing hose is properly placed on the approved reel or in a compartment provided before the tank vehicle is moved;
5. Signs prohibiting smoking or open flame within 25 feet (7620 mm) of a tank vehicle or the point of refueling are prominently posted on the tank vehicle;
6. Electrical devices and wiring in areas where fuel dispensing is conducted are in accordance with the Electrical Code;
7. Tank vehicle dispensing equipment is operated only by designated personnel who are trained to handle and dispense motor fuels; and
8. Provisions are made for controlling and mitigating unauthorized discharges.

(c) Section 42.2.2 Applicability is amended by referencing "Chapter 42 of the 2003 NFPA 1/UFC" at the end of the first exception;

(d) Section 42.2.2.1 Permits is not adopted;

(e) Section 42.2.3.2 General Requirements is amended by adding at the end of the section: "See 42.6";

(f) Section 42.2.3.2.2 is amended as follows: 42.2.3.2.2 Bulk plants.

1. Motor vehicle fuel-dispensing stations are not permitted at bulk



# ORDINANCES

## MILES CITY, MONTANA

plants which are not located in a rural area with the following exceptions:

(i) Existing bulk plants which are not located in rural areas if the motor vehicle fuel-dispensing dispensers were installed prior to February 9, 1996, and if the dispensers are in compliance with 2003 NFPA 1/UFC Section 42.2.2.5.

(ii) Storage tanks which are located at bulk plants in rural areas and which are constructed and installed in accordance 2003 NFPA 1/UFC Chapter 66 and Section 42.6.

2. Bulk plants located inside the districts defined as "rural" are permitted to incorporate motor vehicle fuel-dispensing stations. The motor vehicle fuel-dispensing stations shall be separated by a fence or similar barrier from the area in which bulk operations are conducted and in accordance with Section 42.6;

(g) Section 42.2.5.1 Scope is amended by adding the following statement at the end of the section: "For public automotive motor vehicle fuel-dispensing stations located in rural areas, see section 42.6";

(h) Section 42.2.5.8 Vapor Recovery is not adopted;

(i) Section 42.2.7.2.1 Inventory Control is amended by adding the following exception to the existing section (which is unchanged): EXCEPTION: Other leak detection methods as approved by the Montana department of environmental quality UST program are acceptable; and

(j) Section 42.2.7.11 Unsupervised Dispensing is amended by requiring the sign to provide an "EMERGENCY" telephone number rather than a "Fire Department" telephone number;

(k) Section 42.6 is added to the 2003 fire code:

### Section 42.6 - Rural Motor Vehicle Fuel - Dispensing Stations

#### SECTION 42.6 B GENERAL

42.6.1 Scope. Public automotive motor vehicle fuel-dispensing stations located in rural areas, including publicly accessible operations but excluding farms and ranches, shall be in accordance with 2003 NFPA 1/UFC Chapters 42 and 66. Private operations, other than farms and ranches, shall comply with Chapter 42. Flammable and combustible liquids and LP-gas shall also be in accordance with Chapters 66 and 69.

42.6.2 Definitions. For definitions of BULK PLANT or TERMINAL, CNG, COMBUSTIBLE LIQUID, FLAMMABLE LIQUID and MOTOR VEHICLE FUEL-DISPENSING STATION, see Chapter 3. For the definition of RURAL AREA, see ADDITIONAL DEFINITIONS.

#### 42.6.3 Plans.

42.6.3.1 Plans submittal. Plans shall be submitted in accordance with Section 42.2.2.2 for public automotive motor vehicle fuel-dispensing stations located in rural areas.

42.6.3.2 Plans and specifications submittal. Plans and specifications shall be submitted for review and approval prior to the installation or construction of a public automotive motor vehicle fuel-dispensing station located in a rural area. A site plan shall be submitted which illustrates the location of flammable liquid, LP-gas, or CNG storage vessels, and their spatial relation to each other, property lines, and building openings. Both aboveground and underground storage vessels shall be shown on plans. For each type of station, plans and specifications shall include, but not be limited to, the following:

1. Plans, blueprints, or drawings for the renovation or construction of

## ORDINANCES

### MILES CITY, MONTANA

a public automotive motor vehicle fuel-dispensing station located in a rural area that utilizes aboveground storage of flammable or combustible liquids, or both, must be submitted to the Miles City Fire and Rescue (MCFR) by registered receipt mail for approval before beginning construction. The MCFR shall approve or deny the plans within 50 calendar days or they are automatically considered approved.

42.6.3.3 Prior to the proposed renovation or construction of a public automotive motor vehicle fuel-dispensing station located in a rural area, an applicant shall obtain a letter of approval from the Miles City Fire and Rescue. This letter and two sets of plans, blueprints, or drawings shall be submitted to the Miles City Fire and Rescue for examination and approval.

42.6.4 Liquefied Petroleum Gas (LPG). See Section 42.5.2.

42.6.5 Compressed Natural Gas (CNG). See Section 42.5.1.

42.6.6 Dispensing operations shall comply with the provisions of Section 42.2.5 and 42.2.6.

42.6.7 Spill Control, Drainage Control, and Secondary Containment. Spill control and secondary containment shall be provided in accordance with Section 42.2.3.3.2.8.

42.6.7.1 Leaking Aboveground Storage Tanks. A leaking tank shall be reported to the local fire official and the department and may be replaced with an approved tank of the same volume without prior written approval as required in 42.6.3.3. Subsequent inspection and approval shall be made by the local fire official.

#### EQUIPMENT (IS HEREBY REPEALED)

HAZARDOUS MATERIALS (1) Chapters 60 through 73 of the 2003 NFPA 1/UFC are adopted with the following exceptions and additions:

(a) Section 65.9 Storage. The maximum quantities, storage conditions, and fire-protection requirements for gunpowder and ammunition stored in a building shall be as follows:

1. Smokeless powder--In accordance with 50-61-120 and 50-61-121, MCA.

2. Commercially manufactured sporting black powder--25 pounds (11.3 kg) in a separate, portable Type 4 magazine.

3. Small arms primers or percussion caps--In accordance with 50-61-120 and 50-61-121, MCA.

(b) Section 65.11 Sale, Handling, and Storage of Consumer Fireworks is not adopted.

(c) Section 66.2.3.2.1.1 Locations of aboveground tanks.

1. Aboveground storage tanks are not prohibited on farms and ranches. EXCEPTION: Pursuant to 50-3-103(6), MCA, there are no requirements regarding diked areas, or heat-actuated or other shut-off devices for storage tanks containing Class I or Class II liquids intended only for private use.

2. For existing and new bulk plants not located in a rural area, see PROCESSES.

3. For existing and new public motor vehicle fuel-dispensing stations not located in a rural area, see PROCESSES.

(d) Section 66.2.5.5.6 Disposal of Tanks is modified as follows: Tanks shall be disposed of in accordance with the following:

(i) Underground tanks shall be disposed of in accordance with American Petroleum Institute (API) 1604, Third Edition, March 1996 and the department of environmental quality's underground storage tank requirements;

**ORDINANCES**  
**MILES CITY, MONTANA**

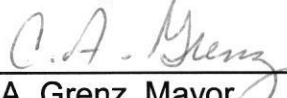
(ii) All "unlisted" aboveground tanks which are no longer fit for continued service or which cannot be internally lined in accordance with nationally-recognized standards, shall be disposed of in accordance with API 2202, Third Edition, January 1991; and

(iii) API documents can be obtained from the American Petroleum Institute, 1220 "L" Street, NW, Washington, DC, 20005.


FLAMMABLE AND COMBUSTIBLE LIQUIDS (IS HEREBY REPEALED)

STANDARDS (IS HEREBY REPEALED)

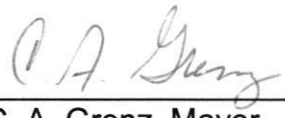
Said ordinance read and put on its passage this 23<sup>rd</sup> day of November 2004.

  
C.A. Grenz, Mayor

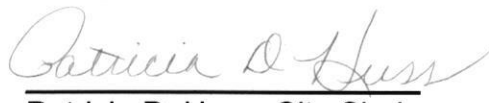
ATTEST:

  
Patricia D. Huss, City Clerk

FINALLY PASSED AND ADOPTED this 14<sup>th</sup> day of December 2004.

  
C. A. Grenz, Mayor

ATTEST:

  
Patricia D. Huss, City Clerk