

ORDINANCES
MILES CITY, MONTANA

ORDINANCE NO. 1191

AN ORDINANCE ADOPTING BY REFERENCE THE INTERNATIONAL FIRE CODE, 2006 EDITION, WITH THE ADDITIONS, AMENDMENTS, AND DELETIONS ENUMERATED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF; PROVIDING A PENALTY FOR VIOLATION THEREOF; REPEALING SECTIONS 11.77 AND 117.71 OF THE CITY CODE AND ALL OTHER ORDINANCES AND CODE SECTIONS INCONSISTENT HERewith; AMENDING SECTIONS 11-79(a), AND 11-80 OF THE CITY CODE TO REFERENCE INTERNATIONAL FIRE CODE RATHER THAN UNIFORM FIRE CODE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION OF NOTICE OF INTENT, AND PROVIDING FOR AN EFFECTIVE DATE THEREOF.

BE IT ORDAINED by the City Council of the City of Miles City, Montana as follows:

Section 1. Pursuant to §7-5-108 MCA and §7-5-4202 MCA, there is hereby adopted by reference, by the City of Miles City the "International Fire Code (IFC), 2006 Edition, with the modifications, and with those appendices, set forth in Exhibit "A", attached hereto and made a part hereof.

At least one (1) copy of such code, including such appendices adopted hereunder, shall be filed in the office of the City Clerk, and kept there, for use, inspection, and examination by the public. Such copies shall be filed with the City Clerk at least thirty (30) days prior to final adoption of this Ordinance.

Section 2. Sec. 11-79(a) of the Code of Ordinances of the City of Miles City is hereby amended to read as follows:

“(a) The International Fire Code, as amended, shall be enforced by the bureau of fire prevention in the fire department in the city, which is hereby established and which shall be operated under the supervision of the chief of the fire department.”

Section 3. Section 11-80 of the Code of Ordinances of the City of Miles City is hereby amended to read as follows:

“The chief of the city fire department shall have the power to modify any provision of the International Fire Code, as amended, upon written application of the owner, lessee or duly authorized agent of such owner or lessee, when practical difficulties exist which prevent strict compliance with the law; provided that the spirit of the code shall be maintained, public safety secured and substantial justice achieved. The decision of the chief of the fire department and the particulars of any modification shall be entered into the records of the city fire department, and a signed copy shall be furnished to the applicant.”

Section 4. Section 11-77 and Section 11-77.1 of the Miles City Code of Ordinances, together with all ordinances, resolutions and sections of The Code of Ordinances of Miles City, Montana inconsistent herewith, are hereby repealed.

Section 5. If there is any conflict between the 2006 International Fire Code, as modified herein, and Montana Code Annotated, the provisions of the Montana Code Annotated control

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Section 6. Any person who violates the provisions of the International Fire Code, 2006 Edition, or of any of the appendices set forth in Exhibit "A", or fails to comply with any order made thereunder, shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by a fine not to exceed \$500.00 or by imprisonment for a term not to exceed six months, or both. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue. All persons shall be required to correct such violation within a reasonable time. When not otherwise specified, each ten days that the violation continues shall constitute a separate offense. The application of the penalty set out in this section shall not be held to prevent the enforced removal of the prohibited conditions..

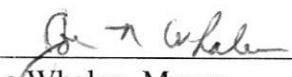
Section 7. The notice of intent to adopt the International Fire Code, 2006 Edition, and those appendices set forth in Exhibit "A", attached hereto and made a part hereof, shall be published as provided in §7-1-4127 MCA, prior to adoption.

Section 8. If any section, subsection, sentence, clause or phrase of this ordinance, including the uniform code, as amended, adopted herein by reference, is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance, including the uniform code, as amended, adopted herein by reference. The City Council of the City of Miles City hereby declares that it would have passed this ordinance, together with the uniform code, as amended, adopted herein by reference, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 9. Nothing in this ordinance or in the International Fire Code hereby adopted by reference, including any amendments adopted hereby, shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act, ordinance or City Code section hereby repealed as cited in Section 4 of this ordinance, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

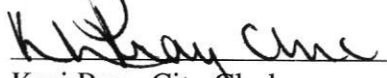
Section 10. This ordinance shall become effective thirty (30) days after its final passage.

Said ordinance read and put on its passage this 14th day of April, 2009.



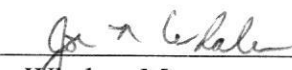
Joe Whalen, Mayor

ATTEST:



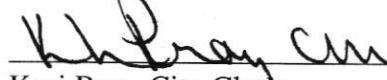
Kori Pray, City Clerk

FINALLY PASSED AND ADOPTED this 26th day of May, 2009.



Joe Whalen, Mayor

ATTEST:



Kori Pray, City Clerk

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EXHIBIT "A" TO ORDINANCE NO. 1191

A. Modifications to Code:

1. Section 102.6 Referenced codes and standards. The referenced standards listed in Chapter 45 are modified in accordance with Montana Administrative Rules as follows:
 - a. Delete ICC Electrical Code and replace with National Electrical Code
 - b. Delete ICC International Plumbing Code and Replace with Uniform Plumbing Code.
 - c. Delete ICC International Property Maintenance Code.
2. Section 105, Permits, is not adopted.
3. Subsection 109.3, Violation penalties, is not adopted.
4. Subsection 111.4, Failure to comply, is not adopted.
5. Subsection 806.1.1 Restricted occupancies, is amended to read: Natural cut trees shall be prohibited in Group I-1, I-2, I-3, I-4, and R-4 occupancies.
6. Subsection 903.2.7, Group R, is deleted in its entirety and replaced with the following:
 - a. An approved automatic sprinkler system installed in accordance with Section 903.3 shall be provided in all Group R buildings meeting any of the following criteria:
 1. 20 or more transient guests or 10 or more transient guestrooms;
 2. 20 or more occupants in other than dwelling units;
 3. 16 or more dwelling units; or
 4. more than 2 stories
 - b. In lieu of the above required automatic sprinkler system in buildings not more than 3 stories above the lowest level of exit discharge, each transient guestroom may be provided with a least one door leading directly to an exterior exit access that leads directly to approved exits.
 - c. "Transient guest" for the purpose of this subsection shall mean an occupant who is primarily transient in nature, staying at one location for 30 days or less.
7. Subsection 907.2.8.1, Manual fire alarm system, is amended with the addition of the following exception:
 - a. Exception 3: A manual fire alarm system is not required in building with five or fewer guestrooms or 10 or fewer guests where the building does not exceed 2 stories in height and is equipped with multiple-station smoke alarms installed in accordance with subsection 907.2.10.1.
8. Subsection 907.3, Existing Buildings, is not adopted.
9. Subsection 1017.1 Construction, is amended by addition of the following:
 - a. Upgrading of corridors in existing E occupancies serving an occupant load of 30 or more, may have walls and ceilings of not less than one hour fire-resistive construction as required by the International Building code. Existing walls surfaced with wood lathe and plaster in good condition or ½ inch gypsum wallboard or openings with fixed wired glass set in steel frames are permitted for corridor walls and ceilings and occupancy separations when approved. Doors opening into such corridors shall be protected by 20-minute

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fire assemblies or solid wood doors not less than 1¾ inches (45 mm) thick. Where the existing frame will not accommodate the 1¾ inch-thick door, a 1 3/8 inch-thick solid bonded wood-core door or equivalent insulated steel door shall be permitted. Doors shall be self-closing or automatic-closing by smoke detection. Transoms and openings other than doors from corridors to rooms shall comply with the International Building Code or shall be covered with a minimum of ¾ inch plywood or ½ inch gypsum wallboard or equivalent material on the room side. Exception: Existing corridor walls, ceiling and opening protection not in compliance with the above may be continued when such buildings are protected with an approved automatic sprinkler system throughout. Such sprinkler system may be supplied from the domestic water system if it is of adequate volume and pressure.

10. Section 3204.3.1.1 The geographic limits in which the storage of flammable cryogenic fluids in stationary containers is prohibited are the entire city limits of the City of Miles City.
11. Section 3404.2.9.5.1. The geographic limits in which the storage of Class I and Class II liquids in above-ground tanks outside of buildings is prohibited are the entire city limits of the City of Miles City.
12. Section 3406.2.4.4. The geographic limits in which the storage of Class I and Class II liquids in above-ground tanks is prohibited are the entire city limits of the City of Miles City.
13. Section 3804.2 The geographic limits in which the storage of liquefied petroleum gas is restricted for the protection of heavily populated or congested areas are the entire city limits of the City of Miles City.

B. The following appendixes are adopted as part of this code:

- a. Appendix B Fire-Flow Requirements for Buildings.
- b. Appendix C Fire Hydrant Locations and Distribution.