

# ORDINANCES

## MILES CITY, MONTANA

### ORDINANCE NO. 1206

**AN ORDINANCE ADOPTING BY REFERENCE THE INTERNATIONAL FIRE CODE, 2009 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 ALL OTHER ORDINANCES AND CODE SECTIONS INCONSISTENT HERewith; 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), 2009 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.** All ordinances, resolutions, and sections of The Code of Ordinances of Miles City, Montana inconsistent herewith, are hereby repealed.

**Section 3.** If there is any conflict between the 2009 International Fire Code, as modified herein, and the Montana Code Annotated, the provisions of the Montana Code Annotated control.

**Section 4.** Any person who violates the provisions of the International Fire Code, 2009 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 5.** The notice of intent to adopt the International Fire Code, 2009 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.

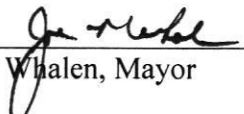
**Section 6.** If any section, subsection, sentence, clause or phrase of this ordinance, including the uniform code, as amended, adopted herein by reference, is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance, including 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.

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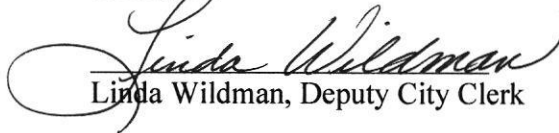
**Section 7.** Nothing in this ordinance or in the International Fire Code hereby adopted by reference, including any amendments adopted hereby, shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action 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 8.** This ordinance shall become effective thirty (30) days after its final passage.

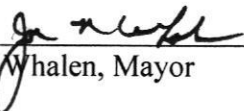
Said ordinance read and put on its passage this 12th day of October, 2010.

  
\_\_\_\_\_  
Joe Whalen, Mayor

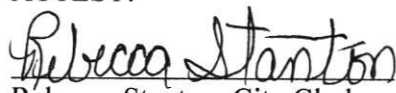
ATTEST:

  
\_\_\_\_\_  
Linda Wildman, Deputy City Clerk

**FINALLY PASSED AND ADOPTED** this 9th day of November, 2010.

  
\_\_\_\_\_  
Joe Whalen, Mayor

ATTEST:

  
\_\_\_\_\_  
Rebecca Stanton, City Clerk

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### EXHIBIT "A" TO ORDINANCE NO. 1206

#### A. Modifications to Code:

1. Section 102.7 Referenced codes and standards. The referenced standards listed in Chapter 47 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.

The building code adopted by the Building Codes Bureau of the Montana Department of Labor and Industry controls design and construction in Montana. If there is any conflict between the construction standards in the International Fire Code and construction standards set forth in the building code, the provisions of the building code control.

2. Section 301.2, Permits, is not adopted.
3. Section 501.2, Permits, is not adopted.
4. Section 601.2, Permits, is not adopted.
5. Section 901.3, Permits, is not adopted.
6. Section 1101.3, Permits, is not adopted.
7. Section 1201.2, Permit required, is not adopted.
8. Section 1301.2 Permits, is not adopted.
9. Sections 1501.3, 1601.2, 1701.2, 1801.5, 1901.2, 2001.2, 2101.2, 2201.2, 2301.2, 2403.4, 2501.2, 2601.2, 2701.5, 2801.2, 2901.3, 3001.2, 3101.2, 3201.2, 3301.2, 3401.4, 3501.2, 3601.2, 3701.2, 3801.2, 3901.2, 4001.2, 4101.2, 4201.2, 4301.2, and 4401.2, regarding permits, are not adopted.
10. Section 104.2, Applications and permits, is deleted.
11. Section 105, Permits, including all of its subparts, is not adopted.
12. Section 108, Board of Appeals, including all of its subparts, is not adopted.
13. Section 113, Fees, including all of its subparts, is not adopted.
14. There is added to Section 202, General Definitions, the following definition:

"GOVERNMENTAL FIRE AGENCY" - any fire department organized under Montana law under the jurisdiction of a city, county, fire district or fire service area.
15. There is deleted from Section 308.1.6, Open flame devices, the words  
"...except by a permit in accordance with Section 105.6 secured from the fire code official."

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16. Section 308.2 is not adopted.
17. The "Exceptions" in Section 603.4, Portable unvented heaters, are not adopted.
18. Section 603.4.1, Prohibited locations, is not adopted.
19. Section 903.6, Existing buildings, is not adopted.
20. The "Exception" to subpart 1 of Section 906.1, Where required, is not adopted.
21. The following sentences are added to Section 1008.1.9, Door operations:

"Exit doors shall not be locked, chained, bolted, barred, latched, or otherwise rendered unusable. All locking devices shall be of an approved type."
22. Section 2206.7.9, Vapor-recovery and vapor processing systems, including all of its subparts, is not adopted.
23. There is deleted from Section 2403.2, Approval required, the words "... a permit and ..."
24. Section 3301.1.3, Fireworks, is not adopted.
25. Sections 3301.2.2, Sale and retail display, 3301.2.3, Permit restrictions, 3301.2.4, Financial responsibility, 3301.2.4.1 Blasting, and 3301.2.4.2 Fireworks display, are not adopted.
26. Section 3306.5.2.3, including all of its subparts, is not adopted.
27. There is added a Section 3306.6 that reads:

"The maximum quantities, storage conditions, and fire-protection requirements for gunpowder and ammunition stored in a building shall be as follows: Smokeless powder, small arms primers or percussion caps shall be in accordance with §50-61-120 and §50-61-121, Montana Code Annotated."
28. Section 3308, Fireworks Display, including all of its subparts, is not adopted.
29. There is deleted from Section 3406.1, General, subpart 1, the words "...farms and..."
30. There is deleted from the heading of Section 3406.2, Storage and dispensing of flammable and combustible liquids on farms and construction sites, the words "...farms and", and there is deleted from the first paragraph of Section 3406.2, the words "...on farms and rural areas and..."
31. Subparagraph (2) is deleted from Section 3406.2.5.1, Tanks with top openings only.
32. Section 3204. 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.

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33. Section 3404.2.9.6.1, The geographic limits in which the storage of Class I and Class II liquids in aboveground tanks outside of buildings is prohibited are the entire city limits of the City of Miles City.
34. Section 3406.2.4.4. The geographic limits in which the storage of Class I and Class II liquids in aboveground tanks is prohibited are the entire city limits of the City of Miles City.
35. 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.
36. The exceptions and amendments to the International Fire Code adopted under 23.12.605, Administrative Rules of Montana, are hereby incorporated by reference.

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

- a. Appendix B Fire-Flow Requirements for Buildings.
- b. Appendix C Fire Hydrant Locations and Distribution.
- c. Appendix D Fire Apparatus Access Roads, Sections D101, D102, D103, D104, and D105, together with all their subsections.
- d. Appendix I Fire Protection Systems - Noncompliant Conditions