

ORDINANCES
MILES CITY, MONTANA

ORDINANCE NO. 1337

AN ORDINANCE ADOPTING REVISED BUILDING CODES IN ACCORDANCE WITH STATE OF MONTANA BUILDING CODES PROGRAM REQUIREMENTS, AND GENERAL REVISIONS TO CHAPTER INCLUDING PENALTY SECTION, AND REMOVAL OF ANTEQUATED CODES.

WHEREAS, the State of Montana Building Codes Program has adopted administrative rules to adopt new building codes, and directed the City of Miles City to adopt the same.

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

Section 1. Section 5-26 is hereby amended to read as follows:

Sec. 5-26. – Adoption, Amendments. The city council hereby adopts the International Building Code, 2018 Edition, as amended by Administrative Rules of Montana (hereinafter "ARM"): ARM 24.301.146, (1—49) and ARM 24.301.151 together with the following: Appendix Chapters B, C, and H.

To the extent the provisions of the International Building Code 2018 Edition conflict, the following shall apply to appeals related to said code:

- (a) In order to hear and decide appeals of orders, decisions or determinations of building related codes adopted by the City Council of the City of Miles City, there shall be and hereby is created a Board of Appeals consisting of the City Council of the City of Miles City.
- (b) All Code questions will be submitted to the Department of Labor and Industry, Building Codes Division for an interpretation. The Division's interpretation will then be used as the basis for the Board's decision.
- (c) The Board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with duplicates to the Building officials and the Building Code Division.
- (d) The Board of appeals shall have no authority relative to interpretation of the administrative provisions of the building related codes adopted by the City of Miles City nor shall the board be empowered to waive requirements of these Codes.
- (e) Anyone wishing to appeal a decision made by the City of Miles City Building Inspector regarding building code issues, shall follow the procedure outlined below:
 - i. Property owner shall make his or her appeal of the decision to the building inspector, who will then forward the appeal to the State of Montana Building Codes Division, Department of Labor and Industry, prior to the Board of Appeals review.
 - ii. The present Board of Adjustments for the City of Miles City shall also serve as the Board of Appeals for the purpose of rendering decisions concerning building code issues.
 - iii. The Department of Labor and Industry, Building Codes Division, will render an interpretation of the building inspector's decision as it pertains to the building code. The building inspector will submit the appeal and the interpretation provided by the Building Codes Division to the Board of Appeals. The interpretation will then be used as the basis for the board's decision.
 - iv. The property owner or an authorized representative may be present at the Board of Appeals meeting to provide any additional information as needed.

ORDINANCES
MILES CITY, MONTANA

- v. The board shall make its decision and render all decisions and findings in writing to the appellant with duplicates to the building inspector and the State of Montana Building Codes Division.

Section 2. Section 5-46 is hereby amended to read as follows:

Sec. 5-46. – Adoption, Amendments. The city council hereby adopts the International Residential Code, 2018 Edition.

Section 3. Article IV is amended to read as follows:

“ARTICLE IV. – ADDITIONAL MODEL TECHNICAL CODES.”

Section 4. Section 5-61 is hereby amended to read as follows:

Sec. 5-61. – Adoption, Amendments. The city council hereby adopts the following model technical codes:

- (a) 2018 Existing Building Code
- (b) 2018 International Swimming Pool and Spa Code

Section 5. Section 5-62 – “Appendixes to International Building Code” is hereby REPEALED.

Section 6. Section 5-76 is amended to read as follows:

Sec. 5-76. – Adoption, Amendments. The city council hereby adopts the International Energy Conservation Code, 2012 Edition.

Section 7. Article VI “Uniform Code for the Abatement of Dangerous Buildings” and Section 5-91 – “Adoption” are hereby REPEALED.

Section 8. Section 5-101 is amended to read as follows:

Sec. 5-101. – Adoption, Amendments. The city council hereby adopts the International Energy Conservation Code, 2012 Edition.

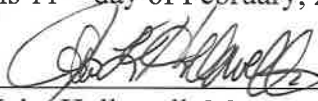
Section 9. Article VII-I “Uniform Code for Building Conservation” and Section 5-116 – “Adopted” are hereby REPEALED.

Section 10. Section 5-3 is hereby amended to read as follows:

Sec. 5-23. – Penalty for violation of chapter. Unless otherwise specified by the provisions of this chapter, any person who violates the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed \$500.00 or by imprisonment for a term not to exceed six months, or both. Each day that a violation exists shall be deemed a distinct and separate offense.

Section 11. This Ordinance shall become effective thirty (30) days after its final passage.


Said Ordinance read and put on its passage this 11th day of February, 2020.




John Hollowell, Mayor

ATTEST:


ORDINANCES
MILES CITY, MONTANA


Lorrie Pearce, City Clerk

FINALLY PASSED AND ADOPTED this 25th day of February, 2020.


John Hollowell, Mayor

ATTEST:


Lorrie Pearce, City Clerk