

ORDINANCES  
MILES CITY, MONTANA

ORDINANCE NO. 1375

**AN ORDINANCE AMENDING SECTIONS 5-26, 5-46, AND 5-61 AND ADOPTING REVISED BUILDING CODES.**

**WHEREAS**, the State of Montana has adopted certain 2021 model building codes, and has directed the City to approve the same in order for the City's building code program to remain certified;

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

**Section 1.** Section 5-26, 5-46, and 5-61, are amended to read as follows:

**Sec. 5-26. - Appeals. Adoption; amendments. -**

~~The city council hereby adopts the International Building Code, 2021 Edition, as amended by Administrative Rules of Montana (hereinafter "ARM"); ARM 24.301.131, together with the following: Appendix Chapters B, C, and H.~~

To the extent the provisions of an adopted building code conflict the International Building Code 2021 Edition conflict, the following shall apply to appeals related to said code:

- (1) 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.
- (2) 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.
- (3) 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.
- (4) The Board of Appeals shall have no authority relative to interpretation of the administrative provisions of the building related codes adopted by the city nor shall the Board be empowered to waive requirements of these codes.
- (5) Anyone wishing to appeal a decision made by the city building inspector regarding building code issues, shall follow the procedure outlined below:
  - a. 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.
  - b. The present Board of Adjustments for the city shall also serve as the Board of Appeals for the purpose of rendering decisions concerning building code issues.
  - c. 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.
  - d. The property owner or an authorized representative may be present at the Board of Appeals meeting to provide any additional information as needed.

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e. 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.

**Sec. 5-46. - Adoption; amendments.**

The city council hereby adopts the International Residential Code, 2021 Edition, as amended by ARM 24.301.154.

**Sec. 5-61. - Adoption, amendments.**

The city council hereby adopts the following model technical codes:

- (a) 2021 Existing Building Code, as amended by ARM 24.301.171.
- (b) 2021 International Swimming Pool and Spa Code, as amended by ARM 24.301.175.
- (c) 2021 International Energy Conservation Code, as amended by ARM 24.301.161.

**Section 2.** This Ordinance shall become effective thirty (30) days after its final passage.

Said Ordinance read and put on its passage this 9<sup>th</sup> day of January, 2024.

  
John Hollowell, Mayor

ATTEST:

  
Mary Rowe, City Clerk

**FINALLY PASSED AND ADOPTED** this 23<sup>rd</sup> day of January, 2024.

  
John Hollowell, Mayor

ATTEST:

  
Mary Rowe, City Clerk