

Ordinance No. ORD2014-003

**EMERGENCY ORDINANCE AND ORDINANCE TO
AMEND THE CITY OF POLSON BUILDING CODES TO ALLOW
PERMITTING AND INSPECTION OF RESIDENTIAL AND COMMERCIAL
BUILDINGS AND ESTABLISH FEES THEREFORE**

WHEREAS, the City of Polson has committed itself to the orderly growth and planning of the City and has chosen to inspect and permit residential and commercial construction and reconstruction;

WHEREAS, the City is required by the State of Montana to adopt certain building codes for enforcement and permitting within its jurisdiction;

WHEREAS, the need for action upon pending applications for commercial inspection requires that the City act expeditiously in adopting valid and enforceable construction codes;

WHEREAS, the Commission seeks to adopt and amend these ordinances as quickly as possible and to that end hears this matter as an emergency measure and as the first reading of the following emergency ordinances for permanent adoption;

WHEREAS, it appears in the best public interest that the Polson City Commission adopt the following codes, amendments to codes and administrative rules for the enforcement of its building inspection program and to authorize the imposition of fees therefor.

NOW, THEREFORE, BE IT ORDAINED, that the City of Polson adopt the following ordinances as attached hereto as Exhibit "A" administrative rules as amended;

BE IT FURTHER ORDAINED, that all Ordinances or parts of Ordinances in so far as the same may precede or conflict with the above code are hereby repealed and/or deleted. Specifically, Chapter 15.01 is replaced in whole and Chapter 15.03 is added to the Ordinances of the City.

BE IT FURTHER ORDAINED, that this ordinance is enacted as an emergency measure to alleviate the problems and expeditiously allow for the processing of pending commercial application and that such ordinance is also to be enacted as a permanent ordinance of the City of Polson. Upon the effective date of the permanent ordinance, the emergency ordinance shall expire forthwith.

BE IT FURTHER ORDAINED, the City Clerk is hereby instructed to codify this Ordinance in the Book of Ordinances and to index the same as suggested.

Emergency Effective Date: August 27, 2014

First Reading: 6 ayes _____ nays _____ abstentions *note-Commissioner Siler was absent

Second Reading: 7 ayes _____ nays _____ abstentions

Effective Date: October 15, 2014

Heather Knutson, Mayor

Attest:

Cora E. Pritt, Clerk

Approved as to form and content:

M. Richard Gebhardt, City Attorney

Exhibit A

Part 1.

CHAPTER 15.01 TECHNICAL CODES

- Sec. 15.01.010. Model technical codes and administrative rules.
- Sec. 15.01.020. Building division fees; permits.
- Sec. 15.01.030. International Building Code.
- Sec. 15.01.040. International Residential Code.
- Sec. 15.01.050. International Existing Building Code.
- Sec. 15.01.060. International Fuel Gas Code.
- Sec. 15.01.070. International Mechanical Code.
- Sec. 15.01.080. International Energy Conservation Code.
- Sec. 10.02.090. Uniform Plumbing Code.
- Secs. 15.01.100—15.01.199. Reserved.

Sec. 15.01.010. Model technical codes and administrative rules.

A. Adoption of the model technical codes and administrative rules.

1. The current editions of the model technical codes, to include but not be limited to building, plumbing, electrical and mechanical, and all accompanying appendices, amendments and modifications adopted or required to be adopted by the Building Codes Bureau, Montana Department of Labor and Industry (or its successor), as set out in the Administrative Rules of Montana (hereinafter ARM), as amended from time to time by the building codes bureau, are adopted by reference and incorporated in this chapter as if set forth in full, except for any exceptions noted in this article or any regulations not applicable to local government jurisdictions.
2. One copy of each code shall be kept on file in the office of the building department and shall be open to review and inspection during all city business hours
3. Any amendments to the codes as originally adopted by ordinance in this chapter which may be adopted by the building codes bureau and which apply to local government jurisdictions, including the adoption of the latest editions of the model technical codes, to include but not be limited to building, plumbing, electrical and mechanical, or applicable Administrative Rules of Montana, shall become effective in the city through automatic adoption upon execution of an administrative order of the city manager unless a different effective date is specified in the administrative order.
4. A copy of the amendment notification will be kept in the office of the city clerk.
5. The Model Technical Codes and Administrative Rules of Montana as adopted in this chapter or as amended through automatic adoption in subsection A.3 of this section, and the other provisions of this chapter are applicable within the city building jurisdiction.

B. Municipality and city defined. Whenever the words "municipality" or "city" are used in the code adopted by this article, they shall mean the City of Polson.

C. Violation; penalty. Violation of the Model Technical Codes or Administrative Rules of Montana, as adopted in this chapter or as amended through automatic adoption in subsection A of this section, or violation of any other provision of this chapter is a

misdemeanor. Any person convicted of a violation shall be subject to the penalties defined for general offenses of city ordinance. Each day that the violation continues is a separate offense, and shall be punished accordingly. The court, in its discretion, may add to the fines any costs incurred by the city in the prosecution of the charge or enforcement of the code.

Sec. 15.01.020. Building division fees; permits.

A. *Building division fees.* The building division shall charge fees for permits, plan checks and other work in accordance with a fee table adopted by separate resolution by the city commission and included in the city's Schedule of Fees. The specific fee tables referenced below, and including those for the various uniform, national or international codes, shall be approved and amended by resolution of the city commission.

Sec. 15.01.030. International Building Code.

The International Building Code, 2009 Edition, as provided by ARM 24.301.131 (or successor provision) is hereby adopted subject to amendment or modification under section 15.01.010. The International Building Code regulates the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all buildings and/or structures in the jurisdiction of the city; and provides for the issuance of permits and collection of fees therefor. The International Building Code is subject to any modifications as stated in ARM 24.301.146 (or successor provision).

Sec. 15.01.040. International Residential Code.

The International Residential Code (IRC), 2006 Edition, as provided by ARM 24.301.154 (or successor provision) is hereby adopted subject to amendment or modification under section 15.01.010. The IRC is a nationally recognized model code setting forth minimum standards and requirements for detached one or two family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height, and their accessory structures.

Sec. 15.01.050. International Existing Building Code.

The International Existing Building Code (IEBC), 2009 edition, as provided by ARM 24.301.171 (or successor provision) is hereby adopted subject to amendment or modification under section 15.01.010. The International Existing Building Code may be used as an alternate prescriptive method for the remodel, repair, alteration, change of occupancy, addition, and relocation of existing building.

Sec. 15.01.060. International Fuel Gas Code.

The International Fuel Gas Code, 2009 Edition, as provided by ARM 24.301.173 (or successor provision) and as published by the international code council, is hereby adopted subject to amendment or modification under section 15.01.010. The International Fuel Gas Code is a nationally recognized model code setting forth minimum standards and requirements for certain mechanical installations.

Sec. 15.01.070. International Mechanical Code.

The International Mechanical Code, (ICC version) 2009 Edition as provided by ARM 24.301.172 (or successor provision) is hereby adopted subject to amendment or modification

under section 15.01.010. The International Mechanical Code, published by the International Code Council, is a nationally recognized model code setting forth minimum standards and requirements for certain mechanical installations.

Sec. 15.01.080. International Energy Conservation Code.

The International Energy Conservation Code, 2009 edition, as provided by ARM 24.301.161 (or successor provision) is hereby adopted subject to amendment or modification by section 15.01.010. The International Energy Conservation Code is a nationally recognized model code for energy efficient construction of buildings.

Sec. 10.02.090. Uniform Plumbing Code.

A. *Adopted.* The Uniform Plumbing Code, 2009 edition as provided by ARM 24.301.301 (or successor provision), is hereby adopted subject to amendment or modification by section 10.01.010. The purpose of this code is to provide minimum requirements and standards for plumbing installations for the protection of the public health, safety and welfare. The Uniform Plumbing Code is a nationally recognized model code setting forth minimum standards and requirements for plumbing installations.

B. *Supplemental documents.* To supplement the Uniform Plumbing Code, as modified by the state, the city adopts and incorporates by reference into the Polson Ordinances the amendments as set forth in the Administrative Rules of Montana at section 24.301.301 et seq. (Building Codes, Subchapter 3, Plumbing Requirements).

Secs. 15.01.100—15.01.199. Reserved.

Exhibit A

Part 2.

CHAPTER 15.03 ELECTRICAL CODE

- Sec. 15.03.250. National Electrical Code.
- Sec. 15.03.260. Municipality and city defined.
- Sec. 15.03.270. Electrical inspector defined.
- Sec. 15.03.280. Permit—Required.
- Sec. 15.03.290. Same—Plans required with application.
- Sec. 15.03.300. Contractor's bond requirements.
- Sec. 15.03.315. Wiring—Home owner rights and restrictions.
- Sec. 15.03.320. Same—Sign company restrictions.
- Sec. 15.03.330. Right of entry for inspection.
- Sec. 15.03.340. Discontinuance of service; conditions; electrical inspector authority.
- Sec. 15.03.350. Inspection requirements for completed work.
- Sec. 15.03.360. Reinspection and correction of installations.
- Sec. 15.03.370. Approval; conformity with specifications required.
- Sec. 15.03.380. Condemnation of installation; petition for review.
- Sec. 15.03.390. Connections unlawful until wiring approved.
- Sec. 15.03.400. Liability limitations.

Sec. 15.03.250. National Electrical Code.

The National Electrical Code, 2008 Edition, as provided by ARM 24.301.401 (or successor provision), is hereby adopted subject to amendment or modification under section 15.03.015. The National Electrical Code is a nationally recognized model code setting forth minimum standards and requirements for electrical installations.

Sec. 15.03.260. Municipality and city defined.

Whenever the words "municipality" or "city" are used in the code adopted by this article, they shall mean the City of Polson.

Sec. 15.03.270. Electrical inspector defined.

The office of the electrical inspector shall be made a part of the building department and the electrical inspector shall be appointed by the city manager. Whenever the term "electrical inspector" is used in the code adopted by this article, it shall be construed to mean the electrical inspector or the electrical inspector's authorized representative.

Sec. 15.03.280. Permit—Required.

No alteration shall be made in the existing wiring of any residential building, nor shall any residential building be wired for the placing of any electrical current, nor shall any alterations be made in the wiring in any residential building after inspection, without first notifying the electrical inspector and securing a permit therefor. Where work for which a permit is required by this article is started or proceeded with prior to obtaining said permits, the fees specified shall be doubled, but the payment of such fee shall not relieve any person from fully complying with the requirements of this article in the execution of the work, nor from the other penalties prescribed in this article.

Sec. 15.03.290. Same—Plans required with application.

Accompanying the application for permit, there shall be filed with the inspector plans of the work to be undertaken on all nonresidential construction and, if deemed necessary by the electrical inspector, plans may be required for residence-type work. The above-mentioned plans shall show the character and precise location of the premises. The permit shall not be held to allow cutting of any structural features of any buildings. The permit shall cover the work set forth in the plans only, and if additional work is to be undertaken, a new permit to cover such additional work shall be secured in the usual manner.

Sec. 15.03.300. Contractor's bond requirements.

No person, firm or corporation shall engage in installing, repairing, or altering electrical wiring or conductors within the corporate limits of the city for the purpose of transmitting electrical energy for light, heat or power, excluding any public electric utility, without first filing a \$5,000.00 bond, and conditioned that the person, firm or corporation will in good faith perform all of the things required by the ordinances of the city, and that if any injury to any person or damage to any property results by reason of the person's, firm's or corporation's failure or neglect to conform with any ordinance relating to the installation of electric wiring and equipment, the person, firm or corporation shall save harmless and indemnify such person injured or the owner of such property damaged. Said bond shall be filed in the office of the building official for approval.

Sec. 15.03.315. Wiring—Home owner rights and restrictions.

If an owner desires to do wiring in the owner's own home (single-family residence), the owner may do so without a license, but the owner must first obtain a permit required by this article; provided, however, the electrical inspector may refuse to issue a permit to any person who, in the electrical inspector's estimation, is not competent to install the electrical work in accordance with the regulations of this article.

Sec. 15.03.320. Same—Sign company restrictions.

Sign companies shall be permitted to do wiring in signs and outline lighting on the secondary side of the transformers only.

Sec. 15.03.330. Right of entry for inspection.

The electrical inspector and assistants shall carry proper credentials of their respective offices, upon exhibition of which they shall have the right of entry, during usual business hours, to inspect any and all building and premises in the performance of their duties. However, should the owner or occupant disapprove entry, the inspector shall produce a search warrant signed by the proper authority.

Sec. 15.03.340. Discontinuance of service; conditions; electrical inspector authority.

The electrical inspector shall have supervision over all wires, materials, apparatus and fittings used for the transmission, distribution or consumption of electrical current for light, heat or power, or for any other purposes, whether new or old; and whenever any such wires, materials, apparatus or appurtenances are, or may become, dangerous to life or property, or liable to cause fire, accident or injury, the electrical inspector is empowered to order the owner,

agent or user to remove or repair such within 48 hours after receipt of the notice. In case the order is not complied with, the electrical inspector shall order the current to be disconnected from the installation or the part of it which is considered hazardous, and all owners, agents, users, light and power companies and others shall not have the current or circuit connected again until the electrical inspector has given a written permit to do so. All firms, corporations or individuals, whether operating under a regular franchise granted by the city or not, shall, upon written notice from the electrical inspector, disconnect from any building the service on any circuit as designated by the notice, and shall not reconnect the building service or circuit, except upon written notice from the electrical inspector.

Sec. 15.03.350. Inspection requirements for completed work.

Upon the completion of the wiring or alterations or additions to the wiring of any building, it shall be the duty of the person, firm or corporation installing the same to notify the electrical inspector, who shall inspect the installation within 24 hours of the time such notice is given, weekends and holidays excepted, and if it is found to be fully in compliance with this article and does not constitute a hazard to life and property, the electrical inspector will authorize connection to the electrical service and the turning on of the current; provided however, that the inspector may give temporary permission to furnish electric current to or the use of the electric current, through any wires, or other equipment for a length of time not exceeding 30 days, if it appears that such wires, etc., may be used safely and that there exists an urgent necessity for such use and special permission. All wires that are to be hidden from view shall be inspected before concealment and any person, firm or corporation installing such wires shall notify the electrical inspector, giving the inspector 24 hours in which to make the required inspection before such wires are concealed; provided, that on large installations where concealment of parts of the wiring proceeds continuously, the person, firm or corporation installing the wiring shall give the electrical inspector due notice and inspection shall be made periodically during the progress of the work.

Sec. 15.03.360. Reinspection and correction of installations.

When considered advisable by the electrical inspector or upon request by the fire chief, light and power company or the owner or tenant of any building, the electrical inspector shall make a thorough reinspection of the installation in any buildings of all electric wiring, electrical devices and electrical material now installed or that may hereafter be installed within the city. When the installation of any such wiring, devices or materials is found to be in a dangerous or unsafe condition, the person, firm or corporation owning, using or operating the same shall be notified and shall make the necessary repairs or changes required to place such wiring, devices and materials in a safe condition and have such work completed within four days, or any longer period specified by the electrical inspector in said notice. The electrical inspector is empowered to order the discontinuance of electrical service to such wiring, devices or materials so found to be defectively installed until the installation of such wiring, devices and material has been made safe as directed by the electrical inspector.

Sec. 15.03.370. Approval; conformity with specifications required.

No inspection shall be approved unless the electrical light, power and heating installations are in strict conformity with the provisions of this article, the statutes of the state, and the National Electrical Code as adopted in this article.

Sec. 15.03.380. Condemnation of installation; petition for review.

When the electrical inspector condemns all or part of any electrical installation, the owner may, within five days after receiving written notice from the electrical inspector, file a petition in writing for review of said action of the electrical inspector with the board of appeals, who shall refer the petition to a board of three competent parties to be appointed by the mayor, with the approval of the city commission, upon receipt of which the board shall at once proceed to determine whether said electrical installation complies with this article, and within three days shall make a decision in accordance with its findings, which shall be returned to the city clerk for action.

Sec. 15.03.390. Connections unlawful until wiring approved.

It is unlawful for any electric utility to make any electrical connections to any building or premises until the wiring has been approved by the electrical inspector; provided, however, special permission may be given to the utility to make a temporary connection and use portions of the wiring in a building during construction, if it appears that this can be safely done and there exists an urgent necessity for such use and for such special permission.

Sec. 15.03.400. Liability limitations.

This article shall not be construed to relieve from, or lessen the responsibility or liability of any party owning, operating, controlling or installing any electric wiring, electric devices or electrical material for damages to persons or property caused by any defect therein, nor shall the city or the inspector be held as assuming any such liability by reason of the inspection authorized in this article, or certificate of inspection issued as provided in this article.