

RÉSOLUTION NO. 903

A RESOLUTION TO ADOPT TECHNICAL CODES AND AMEND CHAPTER 15 OF THE POLSON MUNICIPAL CODE.

WHEREAS, the City has a responsibility to administer various building codes relating to the health, safety and welfare of the community as a whole; and,

WHEREAS, the City discharges the above-referenced responsibility in relation to standard codes approved by the Montana Department of Commerce, Building Codes Bureau; and,

WHEREAS, the State of Montana has formerly apprized the City of the approval and availability for adoption of certain building and related codes; and,

WHEREAS the City did, by and through the Administrative Order provided for at Section 50-60-301(1)(b), MCA and Ordinance Number 582, on May 13, 2004, and December 9, 2004, adopt those certain building and related codes approved by the Building Codes Bureau; and,

WHEREAS, the State of Montana is of the opinion that such prior adoption by Administrative Order is invalid, and the City of Polson believes that it followed the clear mandate of the Legislature, but that it is the intent of the City of Polson by this Resolution to lay the issue of proper process to rest: without, however, intending to or admitting any irregularity in the previous adoption by administrative order done and had under Montana law subsequently enforced as such by the City; and,

WHEREAS, the City intends herewith to adopt the following technical, building, and related codes approved by the State of Montana:

International Building Code, 2003 Edition, as amended by : ARM 24.301.131(1) through (3), together with the following appendix chapter: Chapter C (Group U-Agricultural Buildings)

Modifications to the International Building Code Applicable to both the Department's and Local Government Code Enforcement Programs as amended by: ARM 24.301.146(1) through (42).

International Residential Code, 2003 edition, as amended by: ARM 24.301.154(1) through (10).

International Existing Building Code, 2003 edition, as provided by: ARM 24.301.171.

International Fuel Gas Code, 2003 edition, as provided by 24.301.173.

International Mechanical Code (ICC version), 2003 Edition, as provided by ARM 24.301.172(1) through (6).

Model Energy Code, 2003 Edition, as provided by ARM 24.301.160 (Repealed, effective 9/3/04)

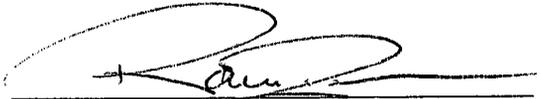
International Energy Conservation Code, 2003 Edition, as provided by New Rule 1, effective 9/3/04 (ARM 24.301.161); and,

WHEREAS, the City intends by this adoption to modify and amend Chapter 15 of the Polson Municipal Code to the extent of any conflict herewith.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF POLSON, MONTANA, LAKE COUNTY:

SECTION 1. That the foregoing technical, building, and related codes are herewith adopted by the City of Polson, for enforcement by the department or departments to which they relate, and modifying Chapter 15 of the Polson Municipal Code to the extent of any conflict herewith.

PASSED AND APPROVED this 7th day of September, 2005.

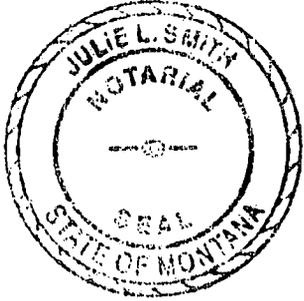

Randy Ingram, Mayor

ATTEST: Aggi Loeser
Aggi Loeser, City Clerk

STATE OF MONTANA)
 :SS.
County of Lake)

On this 7th day of September, 2005, before me, the undersigned, a Notary Public for the State of Montana, personally appeared **Randy Ingram** and **Aggi Loeser**, personally known to me to be the Mayor and the City Clerk of the City of Polson, Montana, the Municipal Corporation that executed the within instrument, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year in this certificate first above written.



Julie L. Smith
Notary Public for the State of Montana
Printed Name of Notary: Julie L. Smith
Residing at Polson Montana
My Commission expires: 8-5-2007