



**OFFICE OF THE CITY CLERK  
COUNCIL ACTION FORM**

**SUBJECT:** ORD 22-5818 Amending Section 6-205, BMCC, Building Code Board of Appeals

**Council Meeting Date:** 10/10/222

**Vote:** APPROVED UNANIMOUSLY

**Shaw, Gulick, Neese, Owen, Joy, Choriki, Tidswell,  
Purinton, Boyett, Rupsis, Mayor Cole**

## ORDINANCE 22-5818

### AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THAT THE BILLINGS, MONTANA CITY CODE (BMCC) BE AMENDED BY REVISING SECTION 6- 205, ESTABLISHING A BOARD OF APPEALS

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BILLINGS THAT:**

**Section 1.** That Section 6-205 of the Billings, Montana City Code (BMCC) is amended so that such section shall read as follows:

**Sec. 6-205. Board of appeals.**

(a) *Appeals within the city.* For appeals involving property within the city, the City shall establish the board of appeals referenced in the State Building Code. The members shall not be employees of the jurisdiction and shall be residents of the City for at least 1 year. A city employee appointed by the City Administrator shall be an ex-officio member of the board but shall have no vote on any matter before the board. The appointed employee shall act as secretary of the board and provide guidance to the board in establishing bylaws and procedures. The board of appeals members who are not ex-officio shall be appointed by the mayor with the consent of the council and serve at the pleasure of the mayor and council. The board shall adopt reasonable rules and regulations for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the building official. The board of appeals shall consist of five (5) appointed members. The five (5) appointed members shall be qualified by experience and training to pass upon matters pertaining to building construction. No more than two members shall have the same occupation, profession, or trade. The members shall elect a chairperson annually.

(b) *Term.* The members shall serve four-year terms. All vacancies shall be filled for the unexpired term.

(c) *Authority.* The Authority of the Board shall be as established in the State Building Code. An application for appeal shall be based on a claim that the true intent of the code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equivalent or better form of construction is proposed. The board shall not have the authority to waive requirements of the code or interpret the administration of the code.

(d) *Meetings*. The board shall meet annually, upon notice from the chairperson, and within 10 days of the filing of an appeal.

(e) *Administration of decisions*. The building official shall take immediate action in accordance with the decision of the board.

**Section 2. EFFECTIVE DATE**. This ordinance shall be effective thirty (30) days after second reading and final adoption as provided by law.

**Section 3. REPEALER**. All resolutions, ordinances, and sections of the City Code inconsistent herewith are hereby repealed.

**Section 4. SEVERABILITY**. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions of this ordinance which may be given effect without the invalid provisions or application, and, to this end, the provisions of this ordinance are declared to be severable.

PASSED by the City Council on first reading the 26<sup>th</sup> day of September, 2022.

PASSED, ADOPTED and APPROVED on second reading this 10<sup>th</sup> day of October, 2022.



DS

CITY OF BILLINGS

DocuSigned by:

BY: \_\_\_\_\_

*William A. Cole*

2CA11D5423334EE  
William A. Cole, Mayor

Attest:

BY: \_\_\_\_\_  
*Denise Bohlman*  
Denise R. Bohlman, City Clerk

DocuSigned by:

250142218D9834F0

Item 1. O.

**City Council Regular**

**Date:** 10/10/2022  
**Title:** Building Code Board of Appeals Ordinance - Second Reading  
**Presented by:** Jessica Fust  
**Department:** City Hall Administration  
**Presentation:** No  
**Legal Review** Yes

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**RECOMMENDATION**

Staff recommends approval of the revised ordinance establishing the City's Board of Appeals.

**BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)**

The current Board of Appeals ordinance requires specific occupations for each board member, has six voting members, and has the Building Official as an ex-officio member. The changes include:

1. No specific requirement for occupation of board members
2. Reduction to 5 voting members
3. Addition of an appointed city staff member instead of the Building Official as an ex-officio member
4. 'House-keeping' changes to remove the former jurisdictional area in the County, which is no longer under the jurisdiction of the City Building Division.

**ALTERNATIVES**

City Council may:

- Approve; or,
- Not Approve

**FISCAL EFFECTS**

There are no fiscal effects for this ordinance change

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**Attachments**

Board of Appeals Ordinance



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Mayor

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Denise Bohlman



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City Clerk



City of Billings

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Envelope Summary Events	Status	Timestamps
Envelope Sent	Hashed/Encrypted	10/11/2022 1:29:06 PM
Certified Delivered	Security Checked	10/13/2022 8:48:53 AM
Signing Complete	Security Checked	10/13/2022 8:49:06 AM
Completed	Security Checked	10/13/2022 8:49:06 AM
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