

## ORDINANCE 24-5897

### AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THAT CHAPTER 14 OF THE BILLINGS, MONTANA CITY CODE (BMCC) BE AMENDED BY AMENDING THIS SECTION OF CHAPTER 14 FIRE PREVENTION AND PROTECTION: 14-301

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

**Section 1.** That Section 14-301 of the Billings, Montana City Code (BMCC) be amended so that such article shall read as follows:

**Sec. 14-301. - Adoption by reference of the 2021 edition of the International Fire Code.**

- (a) The International Fire Code, 2021 edition, including Appendices "B", "C", "E", "F", "G", "I", as published by the International Code Council, is adopted by reference as the fire code of the city. It regulates and governs the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided; provides for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said fire code on file in the office of the city clerk are hereby referred to, adopted, and made a part hereof, as if fully set out, with the additions, insertions, deletions and changes, if any, set by ordinance, or as amended and mandated by the State of Montana from time to time.
- (b) The following sections of the Fire Code are hereby amended as follows:

**Section 101.1 Title.** Insert: [City of Billings, Montana] so that such section shall read as follows:

"101.1 Title. These regulations shall be known as the Fire Code of the City of Billings, Montana, hereinafter referred to as "this code."

- (a) 104.2 Application and permits is adopted.
- (b) 105.1.1 Permits is adopted.
- (c) The Permit sections of the following chapters are adopted: 3, 5, 6, 9, 11, 12, 20 through 35, 37, 39, 50 through 55, and 57 through 67.

(d) 106 CONSTRUCTION DOCUMENTS is adopted.

(e) 107 FEES is not adopted.

(f) 108.2.1 Inspection requests is adopted.

(g) 108.2.2 Approval required is adopted.

(h) 108.3 Concealed work is adopted.

(i) 111 MEANS OF APPEALS is not adopted.

*Section 111 Means Of Appeals.* Delete: Entire section.

*Section 112.4 Violation penalties.* Insert: [Misdemeanor, \$500.00, 6 months] so that such section shall read as follows:

"112.4 Violation penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than \$500.00 or by imprisonment not exceeding 6 months, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense."

*Section 113.4 Failure to comply.* Insert: [not less than \$100.00 or more than \$500.00] so that such section shall read as follows:

"113.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than \$100.00 or more than \$500.00."

*Section 202 GENERAL DEFINITIONS* is amended by adding or modifying the following definitions:

BUILDING OFFICIAL is modified to read:

"The Chief of the Building and Commercial Measurements Bureau of the Department of Labor and Industry or, when made applicable by statute or rule, the building official of the City of Billings, Montana or the building official of Yellowstone County, Montana."

FARM is added and defined as: "A tract of land devoted to agricultural purposes."

FIRE DEPARTMENT is added and defined as:

"Governmental fire agencies. Any fire department organized under Montana law under the jurisdiction of a city, county, state, fire district, or fire service area."

NATIONALLY RECOGNIZED STANDARDS is added and defined as:

"Includes, but is not limited to, any of the standards referenced in: NFPA; IFC 2021 edition, Underwriters Laboratories Inc. (UL); American Petroleum Institute (API); American Society for Testing and Materials (ASTM); and American National Standards Institute (ANSI)."

OCCUPANCY CLASSIFICATION Group E, day care facilities is modified to read:

"This group includes buildings and structures or portions thereof occupied by more than five children older than 2 ½ years of age who receive educational, supervision or personal care services for less than 24 hours per day.

(A) Fifteen or fewer children. A facility having fifteen or fewer children receiving such care shall be classified as part of the primary occupancy.

(B) Fifteen or fewer children in a dwelling unit. A facility such as the above within a dwelling unit and having fifteen or fewer children receiving such care shall be classified as a Group R-3 occupancy or shall comply with the *International Residential Code*.

(C) Within places of worship. Rooms and spaces within places of worship providing such care during religious functions shall be classified as part of the primary occupancy."

RANCH is added and defined as: "A tract of land devoted to agricultural purposes."

RURAL AREA is added and defined as:

"Those areas located three miles or more beyond (outside) the corporate limits of a Class 1 or Class 2 city, as defined in 7-2-4111, MCA, when the Class 3 city's population is more than 1,500 residents. In the case of any

unincorporated place, city, or community, or town, the unincorporated place, city, community, or town, the unincorporated place, city, community, or town will be considered rural if it has a population of less than 1,500 and a density of less than 800 persons per square mile, according to the most recent U.S. census."

*Section 307.2 Permit required.* Delete: [recognized silvicultural or range or wildlife management practices, prevention or control of disease or pests, or a bonfire. Application for such approval shall only be presented by and permits issued to the owner of the land upon which the fire is to be kindled.], Insert: [approved agricultural and rural burning, bon fires, and open burning conducted by government agencies subject to the approval of the fire code official. Application for such approval shall only be presented by and permits issued to the owner or lessee of the land upon which the fire is to be kindled or a responsible person.] so that such section shall read as follows:

"307.2 Permit required. A permit shall be obtained from the fire code official in accordance with Section 105 prior to kindling a fire for approved agricultural and rural burning, bon fires, and open burning conducted by government agencies subject to the approval of the fire code official. Application for such approval shall only be presented by and permits issued to the owner or lessee of the land upon which the fire is to be kindled or a responsible person."

*Section 307.3 Extinguishment authority.* Insert: [recreational fires, bon fires, portable outdoor fireplaces, or], Delete: [open], [open] so that such section shall read as follows:

"307.3 Extinguishment authority. When recreational fires, bon fires, portable outdoor fireplaces, or open burning creates or adds to a hazardous situation, or a required permit for burning has not been obtained, the fire code official is authorized to order the extinguishment of the burning operation.

311.6 Unoccupied tenant spaces in mall buildings. 2. and 3. are not adopted.

319.10.3 Fuel gas systems is not adopted.

*Section 311.6 Unoccupied tenant spaces in mall buildings.* Items 2 and 3 are deleted.

*Section 405.3 Frequency.* Delete section and replace with: "Frequency. Required emergency evacuation drills shall be held at the intervals specified in 20-1-402, MCA. There must be at least eight emergency evacuation/disaster drills held

a year in a school. At least four of the drills must be fire exit drills. Drills must be held at different hours of the day or evening to avoid distinction between drills and actual disasters." In Table 405.3, delete the word "monthly" from the Frequency column, applicable to Group E, and replace with "20-1-402, MCA."

407.5 Hazardous Materials Inventory Statement is not adopted.

407.6 Hazardous Materials Management Plan is not adopted.

407.7 Facility closure plans is not adopted.

*Section 903.2.4.2 Group F-1 distilled spirits.* Amend by adding the following paragraph: "Exception: An automatic sprinkler system is not required where a Group F-1 fire area used for the manufacture of distilled spirits is not more than one story above-grade plane, and not exceeding 2.500 square feet."

*Section 903.2.8 Group R.* Delete subsection 903.2.8 and replace with the following:

"903.2.8 Group R.

1. An approved automatic sprinkler system installed in accordance with Section 903.3 shall be provided in all Group R buildings meeting any of the following criteria:

- a. 9 or more transient guests or 5 or more transient guestrooms
- b. 9 or more occupants in other than dwelling units;
- c. 5 or more dwelling units; or
- d. more than 2 stories

2. In lieu of the above required automatic sprinkler system in buildings not more than three stories above the lowest level of exit discharge, each transient guestroom may be provided with at least one door leading directly to an exterior exit access that leads directly to approved exits.

3. Transient guest for the purpose of this subsection shall mean an occupant who is primarily transient in nature, staying at one location for 30 days or less.

4. The requirements for automatic sprinkler systems for R-4 occupancies are found in ARM 24.301.146."

*Section 903.2.9.3 Group S-1 distilled spirits or wine* is amended to include: "Exception: An automatic sprinkler system is not required where a Group S1 fire

area used for the bulk storage of distilled spirits or wine is not more than one story above grade plane, and not exceeding 2,500 square feet."

*Section 903.3.5 Water Supplies.* Insert: [A minimum safety factor of 10% but not less than 5 psi shall be provided in any automatic sprinkler system hydraulic calculation.] so that such section shall read as follows:

" 903.3.5 Water supplies. "Water supplies for *automatic sprinkler systems* shall comply with this section and the standards referenced in Section 903.3.1. The potable water supply shall be protected against backflow in accordance with the requirements of this section and the *International Plumbing Code*. For connections to public waterworks systems, the water supply test used for design of fire protection systems shall be adjusted to account for seasonal and daily pressure fluctuations based on information from the water supply authority and as approved by the *fire code official*. A minimum safety factor of 10% but not less than 5 psi shall be provided in any automatic sprinkler system hydraulic calculation."

903.4.2 Alarms. Insert [and visual] so that such section shall read as follows:

"903.4.2 Alarms. An approved audible and visual device, located on the exterior of the building in an approved location, shall be connected to each automatic sprinkler system. Such sprinkler water-flow alarm devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Where a fire alarm system is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system.

903.6 Where required in existing buildings and structures is not adopted.

906.1 Where required. Exception 1 is not adopted.

*Section 907.6.6 Monitoring.* [When required by the fire code official, non-required fire alarm systems shall be monitored by an approved supervising station in accordance with NFPA 72 and this code.] so that such section shall read as follows:

"907.6.6 Monitoring. Fire alarm systems required by this chapter or by the International Building Code shall be monitored by an approved supervising station in accordance with NFPA 72. When required by the fire code official, non-required fire alarm systems shall be monitored by an approved supervising station in accordance with NFPA 72 and this code.

Exception: Monitoring by a supervising station is not required for:

1. Single- and multiple-station smoke alarms required by Section 907.2.11.
2. Smoke detectors in Group I-3 occupancies.
3. Automatic sprinkler systems in one- and two-family dwellings.

1009.8 Two-way communication. Add "Emergency elevator communication equipment systems for the deaf, hard of hearing, and speech impaired, is amended as follows: Emergency elevator communication systems for the deaf, hard of hearing, and speech impaired. An emergency two-way communication system shall be provided in accordance with the provisions of ASME A17.1/CSA B44 and NFPA 72."

1010.2 Door operations. Adopted, adding the sentence "Exit doors shall not be locked, chained, bolted, barred, latched, or otherwise rendered unusable. All locking devices shall be of an approved type."

1020.2 Construction. Amend by adding the following: "Upgrading of corridors in existing E occupancies serving an occupant load of 30 or more, may have walls and ceilings of not less than one-hour fire-resistive construction as required by this code. Existing walls surfaced with wood lathe and plaster in good condition or 1/2-inch gypsum wallboard or openings with fixed wired glass set in steel frames are permitted for corridor walls and ceilings and occupancy separations when approved. Doors opening into such corridors shall be protected by 20- minute fire assemblies or solid wood doors not less than 1 3/4 inches (45 mm) thick. Where the existing frame will not accommodate the 1 3/4-inch-thick door, a 1 3/8-inch-thick solid bonded wood-core door or equivalent insulated steel door shall be permitted. Doors shall be selfclosing or automatic closing by smoke detection. Transoms and openings other than doors from corridors to rooms shall comply with this code or shall be covered with a minimum of 3/4- inch plywood or 1/2-inch gypsum wallboard or equivalent material on the room side. Exception: Existing corridor walls, ceilings, and opening protection not in compliance with the above may be continued when such buildings are protected with an approved automatic sprinkler system throughout. Such sprinkler system may be supplied from the domestic water system if it is of adequate volume and pressure."

*Table 1020.2 CORRIDOR FIRE-RESISTANCE RATING, R Occupancy, replace Greater than 10" with "Greater than 8."*

*Section 1020.2 Construction and Table 1020.2 are amended as stated in ARM 24.301.146 (20) and as may be amended from time to time.*

*Section 1030.1 General is amended as stated in ARM 24.301.146 (22) and as may be amended from time to time.*

*1031.2 Where required. Amend as follows: "In addition to the means of egress required by this chapter, emergency escape and rescue openings shall be required in all sleeping rooms in Group R occupancies located in buildings that do not have an automatic sprinkler system and in the following occupancies:"*

*Table 1103.1 OCCUPANCY AND USE REQUIREMENTS. Amend to include "R" (required to comply) for Section 1103.9 under "E" Occupancy Classification column.*

1103.5 Sprinkler systems is not adopted.

1207.1.2.1 Communication utilities is not adopted.

1207.10.4 Construction documents is not adopted.

1207.10.5 Approved locations is not adopted.

1207.10.7.5 Local staging. Delete words "when the permit is issued."

2006.2 Airport fuel systems. Change NFPA 407 to NFPA 407-12.

*Section 2006.3 Construction of aircraft-fueling vehicles and accessories. Change NFPA 407 to NFPA 407-12.*

*Section 2306.2.1 Underground tanks. Delete: [Chapter 57], Insert: [Montana Code Annotated (MCA) and the Administrative Rules of Montana (ARM)] so that such section shall read as follows:*

"2306.2.1 Underground tanks. Underground tanks for the storage of Class I, II and IIIA liquid fuels shall comply with Montana Code Annotated (MCA) and the Administrative Rules of Montana (ARM)."

2306.2.3 Above-ground tanks located outdoors, above grade, is adopted. See 50-3-103, MCA, for modifications. In paragraph 4., change Section 5706.2 to ARM 23.12.605.

2306.7.9 through 2306.7.9.2.4 Vapor-recovery and vapor-processing systems are not adopted.

3103.2 Approval required. Adopted, but deleting "a permit and."

3103.7 Inspections. Delete the word "permit." After Exception: delete the word "Permit."

3104.2 Flame propagation performance testing and certification. In the first and last sentence of the paragraph, change the word "permit" to "approval."

3105.5 Required documents. Delete the words "the fire code official and."

3106.4.1 Public safety plan for gatherings. Delete the words "with the application for an operational permit as required by section 3106.2.2."

3201.3 Construction documents. In the first sentence, delete the words "and at the time of application for a storage permit." In the second sentence, change the words "storage permit" to "building permit."

3201.4 Fire safety and evacuation plan. Delete the words "at the time of permit application."

3504.3 Area reviews. In the first sentence, delete the words "while the permit is in effect" and delete the second sentence "Information shown on the permit shall be verified prior to signing the permit in accordance with Section 105.5."

5001.6.1 Temporarily out-of-service facilities. Delete the words "maintain a permit and."

5001.6.2 Permanently out-of-service facilities. Replace paragraph with "Facilities not monitored and inspected on a regular basis shall be deemed to be permanently out of service and shall be closed in an approved manner ."

5003.3.1.1 Records. Delete the words "by the permittee."

5003.5 Hazard identification signs. Delete the words "in quantities requiring a permit and."

5307.4.1 Documentation. Change the words "with the application for permit" to "to the fire code official for approval."

5503.1.1.1 Data submitted for approval. Delete the words "with the application."

5601.1.3 Fireworks - is not adopted and is replaced by Title 50, chapter 37, MCA.

5601.2 Permit required. Replace section 105.5 with 50-37-107, MCA.

5601.2.2 through 5601.2.4.2 are not adopted and are replaced with Title 50, chapter 37, MCA.

5606.5 through 5606.5.2.3 Display and storage in Group M occupancies are not adopted and are replaced with 50-61-120 and 50-61-121, MCA.

*Section 5606.5.2. Storage.* Delete: [Sections 5606.5.2.1 through 5606.5.2.3], Insert: [Section 5606.5.2.2 and MCA 50-61-121] so that such section shall read as follows:

"5606.5.2. Storage. Storage of small arms ammunition components shall comply with Section 5606.5.2.2 and MCA 50-61-121."

5608.1 General . Add "and Title 50, chapter 37, MCA" at end of sentence.

(c) That the geographic limits referred to in certain sections of the 2021 International Fire Code are hereby established as follows:

*"Section 5704.2.9.6.1 Locations where above-ground tanks are prohibited.* Storage of Class I and II liquids in above-ground tanks outside of buildings is prohibited within the limits established by the City of Billings Zoning Code."

5706.1 General. In paragraph 1., delete "farms and."

5706.2 Storage and dispensing of flammable and combustible liquids on farms and construction sites. Delete "farms and" from the heading and "on farms and rural areas and" from the paragraph. Add at the end of the paragraph "See ARM 23.12.605 for requirements of farms and rural areas."

5706.2.5.1 Tanks with top openings only. Paragraph 2. is not adopted.

*"Section 5706.2.4.4 Locations where above-ground tanks are prohibited.* The storage of Class I and II liquids in above-ground tanks is prohibited within the limits established by the City of Billings Zoning Code."

5706.5.4.5 Commercial, industrial, governmental or manufacturing. Paragraph 1. is not adopted. Delete the first sentence in paragraph 3.

5707.1.1 Approval required. Delete the words "first obtaining a permit and."

*"Section 5806.2 Limitations.* Storage of flammable cryogenic fluids in stationary containers outside of buildings is prohibited within the limits established by the City of Billings Zoning Code.

*"Section 6104.2 Maximum capacity within established limits.* For the protection of heavily populated or congested areas, the storage of liquefied petroleum gas shall not exceed the aggregate capacity of 2,000 gallons for any one installation. Storage of liquefied petroleum gas in above-ground tanks outside of buildings is restricted within the limits established by the City of Billings Zoning Code."

On page 80-12, Referenced Standards, change NFPA 407-17 to NFPA 407-12.

**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 28<sup>th</sup> day of October, 2024.

PASSED, ADOPTED and APPROVED on second reading this 12th day of November, 2024.



CITY OF BILLINGS

BY: William A. Cole  
William A. Cole, Mayor

Attest:

BY: Denise R. Bohlman  
Denise R. Bohlman, City Clerk