

**ORDINANCE NO. 02-5186**

AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THAT THE BILLINGS, MONTANA CITY CODE BE AMENDED BY REVISING SECTIONS 6-201 AND 6-301; PROVIDING THAT THE PROCEDURE FOR ADOPTING BUILDING AND TECHNICAL CODES AND ANY REVISIONS SHALL BE BY ADMINISTRATIVE ORDER, DELETING AMENDMENT REFERENCES TO FENCES, MOVED BUILDINGS AND TEMPORARY BUILDINGS, AND UPDATING SECTION NUMBERS

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA:**

**Section 1.** That Section 6-201 of the Billings, Montana, City Code be amended so that such section shall read as follows:

Sec. 6-201. Adoption of model technical codes and administrative regulations.

(a) The current editions of the ~~following listed model technical building, electrical, plumbing and mechanical~~ codes and all accompanying appendices, amendments and modifications adopted by the ~~Building Codes Division Bureau~~, Montana Department of ~~Commerce~~ ~~Labor and Industry~~ (or its successor), as set out in the Administrative Rules of Montana, as amended from time to time by the ~~Building Codes Division Bureau~~, are ~~shall be adopted by reference and incorporated in this article as if set forth in full by Administrative Order of the City Administrator as authorized by Section 50-60-301(1)(b), MCA~~, except for any exceptions noted in ~~this chapter 6~~ or any regulations not applicable to local government jurisdictions. These codes are applicable to all buildings within the building code enforcement area of the City of Billings, Montana, including but not limited to, residential buildings containing less than five dwelling units or their attached-to structures, any farm or ranch building, and any private garage or private storage structure used only for the owner's own use as provided by Section 50-6-102(1)(a), MCA.

~~The CABO One and Two Family Dwelling Code published by the Council of American Building Officials. The provisions of this code shall regulate minimum standards and requirements for the construction, prefabrication, alteration, repair, use, occupancy and maintenance of detached one or two family dwellings not more than three (3) stories in height and their accessory structures.~~

~~The Model Energy Code published by the Council of American Building Officials. The provisions of this code provide minimum requirements for the design of new buildings and structures, and additions to existing buildings, regulating their exterior envelopes and selection of their heating, ventilation, air~~

conditioning, service water heating, electrical distribution, and illuminating systems and equipment for effective use of energy.

The National Electrical Code published by the National Fire Protection Association. The provisions of this code shall serve as minimum standards and requirements for electrical installations.

The Uniform Building Code and the Uniform Building Code Standards published by the International Conference of Building Officials. The provisions of this adopted building code(s) shall regulate 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 city and its jurisdictional area providing for issuance of permits and collection of fees therefore and penalties.

The Uniform Code for the Abatement of Dangerous Buildings published by the International Conference of Building Officials. The provisions of this code provide a just, equitable and practicable method, to be cumulative with and in addition to, any other remedy provided by the building code, housing code or otherwise available at law whereby buildings or structures in the city or its jurisdictional area which from any cause endanger the life, limb, health, morals, property, safety, or welfare of the general public or their occupants, may be required to be repaired, vacated, or demolished.

The Uniform Code for Building Conservation published by the International Conference of Building Officials, which encourages the continued use or reuse of legally existing buildings and structures.

The Uniform Housing Code published by the International Conference of Building Officials, which regulates and controls the use and occupancy, location and maintenance of all residential buildings and structures within the city and its jurisdictional area.

The Uniform Mechanical Code published by the International Conference of Building Officials, which adopted mechanical code shall establish and provide minimum standards to safeguard life or controlling regulate and control the design, construction, installation, quality of materials, erection, alteration, repair, location, relocation, replacement, addition to, operation, and maintenance of or use of heating, ventilating, cooling, refrigeration systems, incinerators and other miscellaneous heat producing appliances within the city and its jurisdictional area; providing for issuance of permits and collections of fees; and penalties.

The Uniform Plumbing Code published by the International Association of Plumbing and Mechanical Officials. The provisions of this code regulate all plumbing and gas piping systems within the city and its jurisdictional area.

The adopted plumbing code shall regulate and control the design, construction, installation, quality of materials, erection, alteration, repair, location, relocation, replacement, addition to, operation, and maintenance or use of any plumbing system within the city and its jurisdictional area; providing for issuance of permits and collections of fees; and penalties.

The adopted electrical code shall regulate and control the design, construction, installation, quality of materials, erection, alteration, repair, location, relocation, replacement, addition to, operation, and maintenance or use of any electrical system within the city and its jurisdictional area.

- (b) One (1) copy of each code shall be on file in the office of the city clerk.
- (c) Any codes or amendments adopted by the Building Codes Division Bureau which apply to local government jurisdictions, including the adoption of the latest editions of the model technical codes or applicable Administrative Rules of Montana, shall become effective in the city upon order of the City Administrator within ninety (90) days after the date that the division Bureau notifies the city of said amendments.

**Section 2.** That Section 6-301 of the Billings, Montana, City Code be amended so that such section shall read as follows:

Sec. 6-301. Amendments and additions.

The following indicated sections of the Uniform Building Code are amended or added as follows:

- (1) Section 104(e) is amended as follows:

"Section 104(e) Moved Buildings and Temporary Buildings.

"Buildings or structures moved into or within the jurisdiction shall comply with the provisions of this code for new buildings or structures.

"Temporary structures such as reviewing stands and other miscellaneous structures, sheds, canopies or fences used for the protection of the public around and in conjunction with construction work may be erected by special permit from the building official for a limited period of time. Such buildings or structures need not comply with the type of construction or fire resistive time periods required by this code. Temporary buildings or structures shall be completely removed upon the expiration of the time limit stated in the permit. In addition all moved and temporary buildings shall meet and comply with Billings, Montana City Code, Article 6-1000, Demolition and Moving of Buildings."

(2 1) Section 106.2 is amended to add another exemption from a building permit:

(12) Farm and ranch accessory structures such as livestock barns, hay sheds, equipment storage, agriculture fences or similar uses directly related to agricultural operations. Structures are limited to one thousand (1,000) square feet and do not include habitable structures (i.e., residence, shop). Structures must be located a minimum of twenty (20) feet from property lines and twenty (20) feet from other structures on the same lot. This does not exempt a developer from meeting local zoning standards.

(3) ~~Section 301(b)2 is amended as follows:~~

~~"Section 301(b)2. Fences not over thirty (30) inches high. (See Billings, Montana City Code Section 6-1204(f)."~~

(4 2) Section ~~302(b)~~ 106.3.4 is amended as follows:

Section ~~302(b)~~ 106.3.4.1 Plans and Specifications. Plans, engineering calculations, diagrams and other data shall be submitted in one or more sets with each application for a permit. The building official shall require plans, computations and specifications to be prepared and designed by an engineer or architect licensed by the state to practice as such.

EXCEPTION: The building official shall waive the submission calculations, etc., if the building official finds that the nature of the work applied for is such that reviewing of plans is not necessary to obtain compliance with this code.

"i. The building official may accept plans, specifications and calculations which are not prepared by an engineer or architect for Group R, Division 1 occupancies not more than two (2) stories in height or having more than three thousand (3,000) square feet of floor area on a floor and for Group R, Division 3 and M occupancies of Type V Construction. Such acceptance shall not, however, waive the requirements of engineering or architectural design as may be required to comply with the general design requirements of the code.

"ii. Factory-built (modular) structures for which an insignia has been issued by the Building Standards Bureau, State of Montana, Building Codes Division, need not have plans and specifications submitted for that portion of the structure covered by such insignia. However, application for permit shall include submittal of plans and

specifications for foundations and additions to such structures and shall include a plot plan.

"iii. Before a factory built structure inspected in the factory under State of Montana Factory Built Buildings Code No. 40-60-404 is placed within the City of Billings, a written permit authorizing each unit shall be obtained from the appropriate city building official. The application for permit shall include plans and specifications for foundations and additions together with a plot plan."

(53) Section 2907(a) 1806 is amended as follows:

"Section 2907(a) 1806.1 General. Footings and foundations, unless otherwise specifically provided, shall be constructed of masonry, concrete or treated wood in conformance with ~~U.B.C. Standard No. 29-3 Division II~~ and all cases shall extend below the frost line. Footings of concrete and masonry shall be of solid material. Foundations supporting wood shall extend at least six (6) inches above the adjacent finish grade. Footings shall have a minimum depth below finished grade as indicated in ~~Table No. 29-A 18-1-C~~ unless another depth is recommended by a foundation investigation. Unless a foundation investigation indicates otherwise, local frost line shall be considered to be thirty-six (36) inches below grade as grade is defined in Section 408 208. Footings shall extend below frost line a minimum distance equal to the "thickness of footing" as specified in Table 29-A 18-1-C.

"EXCEPTION: Where a foundation design by an architect or engineer is not provided, footings of the minimum dimensions specified in Table 29-A 18-1-C at the perimeter of a slab on grade which do not carry a floor load need not extend below the frost line, provided that the supported structure is limited to one-story stud bearing wall construction housing a Group ~~M~~ U, Division 1 occupancy. Such structure shall not be attached to or share a common wall with any other structure(s) unless the foundations have been designed to minimize differential vertical displacement. Structures shall not thereafter be changed in occupancy or number of stories without also meeting all of the requirements of Chapter 29 18 for new construction. The building official may require an inspection of existing foundations or slabs to verify any claims as to their adequacy prior to the approval of plans or issuance of a permit for change in occupancy or number of stories."

(64) Section 5301(b) 1302.2, Paragraph Section 302.1, Exterior Design Conditions table of "The Model Energy Code" is modified in the following particulars:

"Winter Design Dry Bulb –10°F, Dry Bulb 91° F

Summer Design Wet Bulb 66°F

Degree Days Heating 7,050

Degrees North Latitude 45°5"

**Section 3. EFFECTIVE DATE.** This ordinance shall be effective thirty (30) days after second reading and final adoption as provided by law.

**Section 4. REPEALER.** All resolutions, ordinances, and sections of the City Code inconsistent herewith are hereby repealed.

**Section 5. 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 this 11th day of March, 2002.

PASSED, ADOPTED and APPROVED on second reading this 25th day of March, 2002.



**CITY OF BILLINGS**

By Charles J. Tealay  
Mayor

ATTEST:

By Susan Shurkin  
Deputy City Clerk City Clerk