

ORDINANCE NO. 05-5328

AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THAT THE BILLINGS, MONTANA CITY CODE BE AMENDED BY REVISING SECTIONS 14-301, 14-302, 14-303, 14-304, 14-305, 14-306, 14-307, 14-310 AND 14-311, PROVIDING FOR THE ADOPTION OF THE 2003 EDITION OF THE NFPA1/UNIFORM FIRE CODE AND UPDATING REFERENCES TO THE FIRE CODE.

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

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

Sec. 14-301. Adoption by reference of the NFPA1/Uniform Fire Code and Administrative Rules.

~~There is adopted by the city, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the Uniform Fire Code, 1997 Edition, with Appendixes I-A through VI-I excepting Appendix II-D, as well as the Uniform Fire Code Appendix Standard A-III-C-1 and all tables therein, recommended by the Western Fire Chiefs Association and the International Conference of Building Officials, being particularly the 1997 Edition thereof, except portions as are hereinafter modified or amended by this article,~~

A. The NFPA1 / Uniform Fire Code (NFPA1/UFC), 2003 edition, together with any supplements, adopted by the Fire Prevention and Investigation Bureau of the Montana Department of Justice (or its successor), as set out in the Administrative Rules of Montana, and as amended from time to time by the Bureau, are adopted by reference and incorporated in this chapter as if set forth in full, with the additions, amendments, and deletions enumerated within the Administrative Rules, except as may be noted in this chapter, by future Administrative Order, or by any regulations not applicable to local government jurisdictions. The following annexes are adopted as part of this code:

(1) Annex A Explanatory Material;

(2) Annex D Hazardous Materials Management Plans and Hazardous Materials Inventory Statements;

(3) Annex G Ozone Gas-Generating Equipment;

(4) Annex H Fire Flow Requirements for Buildings; and

(5) Annex I Fire Hydrant Locations and Distribution.

~~of which code~~ One (1) copy of the NFPA1/UFC, 2003 edition, shall be is now filed in the office of the city clerk, and the same is adopted and incorporated as fully as if set out at length in this article, and from the date on which the ordinance codified in this article shall take effect, the provisions thereof shall be controlling within the limits of the city.

B. The following Fire Code sections are adopted:

- (1) NFPA1/UFC Section 2.1 General is adopted.
- (2) NFPA1/UFC Section 2.2 Publications is adopted with the following exceptions:
 - a. NFPA 101, Life Safety Code, 2003 Edition is not adopted
 - b. NFPA 5000, Building Construction and Safety Code, 2003 Edition is not adopted.
- (3) NFPA1/UFC Section 1.12 Permits and Approvals is adopted.
- (4) NFPA1/UFC Section 1.12.19 is modified as follows:

1.12.19 Permits shall be required in accordance with Table 1.12.19(a) for only the following Operations and Materials:

- a. Display Fireworks (1.3G)
- b. Flame Effects
- c. Open Burning
- d. Open Fires
- e. Pyrotechnic Articles
- f. Pyrotechnics Before a Proximate Audience

All Operations and Materials not listed herein are NOT adopted.

- (5) NFPA1/UFC Section 10.7.3 False Alarms is adopted
- (6) NFPA1/UFC Section 13.7.1.4.11.1 is modified as follows:

13.7.1.4.11.1 Where required by another section of this Code, or by the Authority Having Jurisdiction (AHJ), emergency forces notification shall be provided to alert the municipal fire department and fire brigade (if provided) of fire or other emergency.

- (7) NFPA1/UFC Section 13.7.1.4.11.2 is modified as follows:

13.7.1.4.11.2 Where fire departments notification is required by another section of this Code, or by the AHJ, the fire alarm system shall be arranged to transmit the alarm automatically via any of the following means acceptable to the AHJ and shall be in accordance with NFPA 72, National Fire Alarm Code.

C. The following sections are added to NFPA1/UFC and adopted:

- (1) NFPA1/UFC Section 18.1.1 Plans
- (2) NFPA1/UFC Section 18.1.1.1 Fire Apparatus access. Plans for fire apparatus access roads shall be submitted to the fire department for review and approval prior to construction.
- (3) NFPA1/UFC Section 18.1.1.2 Fire hydrant systems. Plans and specifications for fire hydrant systems shall be submitted to the fire department for review and approval prior to construction.
- (4) NFPA1/UFC Section 18.1.2 Timing of Installation. When fire protection, including fire apparatus access roads and water supplies for fire protection, is required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction.

EXCEPTION: When alternate methods of protection, as approved, are provided, the requirements of Section 18.1.2 may be modified or waived.

- (5) NFPA1/UFC Table 1.12.19(a) A permit shall be obtained from the Fire Department having Jurisdiction for the use of explosives within the City limits.

D. If there is any conflict between any paragraph, section, sentence, or word of the Fire Code as adopted and amended by the city, and any paragraph, section, sentence, or word of the Fire Code as adopted and amended by the state, the more stringent paragraph, section, sentence, or word of either code controls.

E. Building codes adopted by the City of Billings control design and construction. If there are any conflicts between the construction standards in the Fire Code and construction standards set forth in the City's building code, the provisions of the building code control. The Fire Code construction standards only apply if there are no comparable building code construction standards.

Section 2. That Section 14-302 of the Billings, Montana City Code be amended so that such section shall read as follows:

Sec. 14-302. Bureau of fire prevention.

There is hereby established in the city a fire prevention bureau which shall be an integral part of the city fire service, and which shall be operated under the direction and supervision of the city administrator as follows:

- (1) The Uniform adopted Fire Code shall be enforced by the bureau of fire prevention.
- (2) The officer in charge of the bureau of fire prevention shall be appointed by the city administrator.
- (3) As directed by the city administrator the chief of the fire service may detail such employees of the fire service as inspectors as shall from time to time be necessary. The

chief of the fire service shall recommend to the city administrator the employment of technical inspectors who, when such authorization is made, shall be selected through an examination.

(4) Each person designated or appointed to enforce the adopted Uniform Fire Code and all provisions of this chapter are hereby granted full power and authority to issue citations and take all measures necessary to fully enforce these laws.

Section 3. That Section 14-303 of the Billings, Montana City Code be amended so that such section shall read as follows:

Sec. 14-303. Definitions.

- (a) Wherever the term "corporation counsel" is used in the Uniform adopted Fire Code, it means the city attorney.
- (b) Wherever the word "jurisdiction" is used in the Uniform adopted Fire Code, it means the city.

Section 4. That Section 14-304 of the Billings, Montana City Code be amended so that such section shall read as follows:

Sec. 14-304. Flammable or combustible liquids and bulk plants; district limits established.

The limits referred to in the adopted Fire Code section 79.501(85) of the Uniform Fire Code, in which storage of flammable or combustible liquids in outside aboveground tanks is prohibited, are established as follows: All areas other than those zoned highway commercial, controlled industrial and heavy industrial.

Section 5. That Section 14-305 of the Billings, Montana City Code be amended so that such section shall read as follows:

Sec. 14-305. Liquefied petroleum gas bulk storage; district limits established.

The limits referred to in section 82.105(85) of the Uniform adopted Fire Code, in which bulk storage of liquefied petroleum gas is restricted, are established as follows: All areas other than those zoned highway commercial, control industrial and heavy industrial.

Section 6. That Section 14-306 of the Billings, Montana City Code be amended so that such section shall read as follows:

Sec. 14-306. Explosives and blasting agents; prohibited.

The limits referred to in the section 77.106(85) of the Uniform adopted Fire Code, in which storage of explosives and blasting agents is prohibited, shall be the entire city.

Section 7. That Section 14-307 of the Billings, Montana City Code be amended so that such section shall read as follows:

Sec. 14-307. New materials, processes or occupancies.

The building official and the fire official shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies which shall require permits, in addition to those now enumerated in the ~~Uniform adopted~~ Fire Code. The fire official shall post such list in a conspicuous place in his or her office, and distribute copies thereto to interested persons.

Section 8. That Section 14-310 of the Billings, Montana City Code be amended so that such section shall read as follows:

Sec. 14-310. Appeals.

Whenever the fire official shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the ~~Uniform adopted~~ Fire Code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the fire official to the Fire Marshal, to the Fire Chief and to the City Administrator within thirty (30) days from the date of the decision appealed.

Section 9. That Section 14-311 of the Billings, Montana City Code be amended so that such section shall read as follows:

Sec. 14-311. Violations.

(a) Any person who violates any of the provisions of the ~~Uniform~~ Fire Code adopted in section 14-301, or fails to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who builds in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who fails to comply with such an order as affirmed or modified by the city council or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance respectively be guilty of a misdemeanor, punishable as provided in section 1-110. The imposition of one (1) penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten (10) days that prohibited conditions are maintained shall constitute a separate offense.

(b) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

Section 10. EFFECTIVE DATE. This ordinance shall be effective thirty (30) days after second reading and final adoption as provided by law.

Section 11. REPEALER. All resolutions, ordinances, and sections of City code conflicting or inconsistent with the provisions of this chapter or the NFPA1/UFC fire code as adopted and amended herein are hereby repealed.

Section 12. 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.

APPROVED by the City Council on first reading this 13th day of June, 2005.

ADOPTED and APPROVED on second reading this 27th day of June, 2005.

CITY OF BILLINGS

By _____
Charles F. Tooley Mayor

ATTEST:

By _____
Marita Herold, CMC/AAE City Clerk