

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING FOR THE REPEAL OF SECTION 14-301 OF THE BILLINGS, MONTANA CITY CODE, AND DECLARING SAME TO BE NULL AND VOID AND OF NO EFFECT; AND ADDING A NEW SECTION IN ITS PLACE TO BE NUMBERED 14-301, PROVIDING FOR THE ADOPTION OF THE 2012 EDITION OF THE INTERNATIONAL FIRE CODE, AND PROVIDING PENALTIES FOR VIOLATIONS.

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

Section 1. That section 14-301, BMCC, Adoption by reference of the 2009 edition of the International Fire Code, is hereby repealed and declared null and void and of no effect.

Section 2. That the Billings, Montana City Code be amended by adding a new section to be numbered 14-301, Adoption by reference of the 2012 edition of the International Fire Code, to read as follows:

Sec. 14-301. Adoption by reference of the 2012 edition of the International Fire Code.

(a) The International Fire Code, 2012 edition, including Appendices "B", "C", and "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.

(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."

105.6.30 Open burning. Delete Exception so that such section shall read as follows:

"105.6.30 Open burning. An operational permit is required for the kindling or maintaining of an open fire or a fire on any public street, alley, road, or other public or private ground. Instructions and stipulations of the permit shall be adhered to."

Section 108 Board Of Appeals. Delete: Entire section including 108.1, 108.2, and 108.3.

Section 109.4 Violation penalties. Insert: [Misdemeanor, \$500.00, 6 months] so that such section shall read as follows:

"109.4 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 111.4 Failure to comply. Insert: [not less than \$100.00 or more than \$500.00] so that such section shall read as follows:

"111.4 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. RECREATIONAL FIRE. Delete: [3 feet (914mm)], Insert: [4 feet (1219mm)] so that such section shall read as follows:

RECREATIONAL FIRE. An outdoor fire burning materials other than rubbish where the fuel being burned is not contained in an incinerator, outdoor fireplace, portable outdoor fireplace,

barbeque grill or barbeque pit and has a total fuel area of 4 feet (1219mm) or less in diameter and 2 feet (610 mm) or less in height for pleasure, religious, ceremonial, cooking, warmth or similar purposes.

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 burning, recreational fires, 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 105.6 prior to kindling a fire for approved agricultural burning, recreational fires, 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.”

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.

Section 603.4 Portable unvented heaters. Delete Exceptions 1 and 2 to Section 603.4, so that such section shall read as follows:

“603.4 Portable unvented heaters. Portable unvented fuel-fired heating equipment shall be prohibited in occupancies in Groups A, E, I, R-1, R-2, R-3 and R-4.”

Section 903.2.8 Group R. Delete entire section including 903.2.8, 903.2.8.1, and 903.2.8.2. Insert the following language so that such section shall read as follows:

“903.2.8 Group R. 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.

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.

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.

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

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. A minimum safety factor of 10% but not less than 5 psi shall be provided in any automatic sprinkler system hydraulic calculation. The potable water supply shall be protected against backflow in accordance with the requirements of this section and the International Plumbing Code.”

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.

Section 906.1 Where required. Delete the Exception to Section 906.1 in paragraph #1, so that such section shall read as follows:

"906.1 Where required. Portable fire extinguishers shall be installed in the following locations.

1.

In new and existing Group A, B, E, F, H, I, M, R-1, R-2, R-4 and S occupancies.

2.

Within 30 feet (9144 mm) of commercial cooking equipment.

3.

In areas where flammable or combustible liquids are stored, used or dispensed.

4.

On each floor of structures under construction, except Group R-3 occupancies, in accordance with Section 1415.1.

5.

Where required by the sections indicated in Table 906.1.

6.

Special-hazard areas, including but not limited to laboratories, computer rooms and generator rooms, where required by the fire code official.

Table 906.1

..."

Section 907.6.5 Monitoring. Insert: [Single communications technology to the supervising station is prohibited unless the technology contains redundancy and is approved by the fire code official.], and [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.] so that such section shall read as follows:

"907.6.5 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. Single communications technology to the supervising station is prohibited unless the technology contains redundancy and is approved by the fire code official. 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."

1030.3 Obstructions. Insert: [Exit doors shall not be locked, chained, bolted, barred, or otherwise rendered unusable. All locking devices shall be of an approved type.], so that such section shall read as follows:

"1030.3 Obstructions. A means of egress shall be free from obstructions that would prevent its use, including the accumulation of snow and ice. Exit doors shall not be locked, chained, bolted, barred, or otherwise rendered unusable. All locking devices shall be of an approved type."

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).”

Section 2306.7.9 Vapor-recovery and vapor-processing systems. Delete: Entire section including 2306.7.9, 2306.7.9.1, 2306.7.9.1.1, 2306.7.9.1.2, 2306.7.9.1.3, 2306.7.9.1.4, 2306.7.9.1.5, 2306.7.9.2, 2306.7.9.2.1, 2306.7.9.2.2, 2306.7.9.2.2.1, 2306.7.9.2.2.2, 2306.7.9.2.2.3, 2306.7.9.2.3, and 2306.7.9.2.4.

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:

“**Section 5606.5.2. Storage.** Storage of small arms ammunition components shall comply with Section 5606.5.2.2 and MCA 50-61-212.”

(c) That the geographic limits referred to in certain sections of the 2012 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 and Yellowstone County Unified Zoning Regulations.”

“**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 and Yellowstone County Unified Zoning Regulations.”

“**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 and Yellowstone County Unified Zoning Regulations.”

“**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 and Yellowstone County Unified Zoning Regulations”

Section 3. 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 these ordinances are declared to be severable.

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

Section 5. Effective Date. This ordinance shall be effective on February 7, 2015, to coincide with the effective date of updated building codes.

APPROVED on first reading this ___ day of _____, 2014.

ADOPTED and APPROVED on second reading this ___ day of _____, 2014.

CITY OF BILLINGS

By _____
Thomas W. Hanel, Mayor

ATTEST:

By _____
Cari Martin, City Clerk

