

Resolution No. 3405

A RESOLUTION UPDATING TITLE 9, CHAPTER 1, SECTION 5 OF THE RED LODGE CITY CODE ENTITLED "BOARD OF APPEALS".

WHEREAS, the City Council desires to keep the Red Lodge Municipal Code current by modifying and updating chapters, sections and subsections to address situations and problems within the City and to remain in accordance with Montana law; and

WHEREAS, the City desires to update its Building Code, specifically its Board of Appeals section, to ensure proper implementation and enforcement of its building codes.

Now Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RED LODGE, MONTANA;

The following portions of Title 9 of the Red Lodge City Code are amended as indicated below;

9-1-5 Board of Appeals.

A. Created—Membership: In order to determine the suitability of alternate materials and methods of construction and to provide for reasonable interpretation of construction and to provide for reasonable interpretations of the provisions of this code, there shall be and is hereby created a Board of Appeals consisting of three (3) members and up to three (3) alternate members who are qualified by experience and training to pass on matters pertaining to building construction. Alternate members shall serve in the event a conflict of interest exists for a member or members in a matter before the Board. The Building Inspector shall be a non-voting member and shall act as Secretary of the Board. The Community Development Director shall serve on the BOA in the capacity of the Building Official, as a non-voting member.

B. Appointment: Members and Alternate Members of the Board shall be appointed each January (or a soon thereafter as practicable), by the Mayor subject to Council approval. Members shall be appointed to two (2) year terms staggered such that the terms of two (2) members shall expire in December of odd numbered years and the term of the third member shall expire in December of even numbered years. The term of Alternate Members shall expire each December.

BOA Members:

1. Susan Hovde (Architect) Term Expiry – December 2017
2. Mark Brown (Red Lodge Electric) Term Expiry – December 2017
3. Matt Henke (Awesome Construction) Term Expiry – December 2016

BOA Alternate Members:

1. Tracy Walters Term Expiry – December 2016
2. _____ Term Expiry – December 2016
3. _____ Term Expiry – December 2016

C. Rules and Regulations: The Board shall meet at least twice annually, once before the bulk of the building season and once after the bulk of the building season. The Board shall also meet as needed to address appeals in a timely manner. Additionally, the Board shall adopt reasonable rules and regulations for conducting its investigations and shall render all decisions and findings, in writing, to the Building Official with a duplicate copy to appellant; and may recommend to the City Council such new legislation as is consistent herewith.

D. Jurisdiction and Limitations: The Board of Appeals may consider items which lie within the limits of professional discretion and which item is not a specific code mandate. The Board shall not act on matters pertaining to electrical, plumbing and mechanical questions. The Board shall have no authority relative to interpretation of the administrative provisions of the code nor shall the Board be empowered to waive requirements of the codes.

E. Fees: The fee associated with applications to the Board of Appeals shall be in accordance with the City Fee Schedule.

This Resolution shall be effective on the 12th day of January, 2016.

PASSED AND APPROVED BY THE RED LODGE CITY COUNCIL ON THIS 12th DAY OF JANUARY, 2016.

City of Red Lodge

Ed Williams, Mayor

ATTEST:

Loni Hanson, City Clerk