

Ordinance No. 915

An ordinance updating Title 7 of the Red Lodge City Code to adopt the most recent fire codes adopted by the State of Montana, updating fire regulations, and moving the adopted fire code from Title 9 of the Red Lodge City Code to Title 7 of the Red Lodge City Code.

WHEREAS, the City of Red Lodge no longer operates an ambulance service as described in Title 7 of the Red Lodge City Code;

WHEREAS, the City of Red Lodge now contracts for fire protection services with the Red Lodge Rural Fire District 7 through inter-local agreement and no longer operates its own fire department as described by Title 7 of the Red Lodge City Code;

WHEREAS, the State of Montana has adopted the 2012 International Fire Code;

WHEREAS, the City of Red Lodge hereby adopts by reference the 2012 edition of the International Fire Code, regulating and governing 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 in the City of Red Lodge; providing for the issuance of permits and collection of fees therefore; and

WHEREAS, certain parts of Title 7 of the Red Lodge City Code are duplicated in the new fire code.

Now Therefore,

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

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

Chapter 1 ~~FIRE DEPARTMENT~~

~~7-1-1 Composition.~~

~~7-1-2 Appointment of Officers.~~

~~7-1-3 Duties of Fire Chief.~~

~~7-1-4 Qualifications.~~

~~7-1-5 Bylaws.~~

~~7-1-6 Municipal Firefighters' Retirement System.~~

~~7-1-7 Equipment.~~

~~7-1-8 Injury While on Duty.~~

~~7-1-9 Control by Police.~~

~~7-1-10 False Fire Alarms.~~

~~7-1-11 Jumping onto Fire Truck.~~

~~7-1-12 Penalty.~~

~~7-1-1 Composition. The Fire Department shall consist of one chief, one assistant chief, one captain, such other officers as the department may be provided for in its bylaws, and such number of volunteer fire fighters as may be authorized by the Council. (1980 Code § 2.24.010)~~

~~7-1-2 Appointment of Officers. The Fire Chief, assistant chief, and captain shall be appointed by the Mayor on the recommendation of the fire commission and approval of the Council. (1980 Code § 2.24.010)~~

~~7-1-3 Duties of Fire Chief.~~

~~A.— General Duties: The Chief of the Fire Department shall be responsible for the good order and discipline of the members constituting the department, and for the good condition of fire apparatus belonging to or connected therewith.~~

~~B.— Suspension of Members: The chief may suspend any officer or member for cause, and shall, in the case of a paid officer, refer the matter to the Council for its action at its next regular meeting.~~

~~C.— Buildings and Equipment: The chief shall have the superintendence and control of the buildings used by the department, and of their contents, and of all fire apparatus and of other property pertaining to the department and belonging to the City.~~

~~D.— Fires; Police Powers: The chief, or in his/her absence the assistant chief, shall have absolute control of all the members of the department and of other persons at fires, and he/she is hereby invested with police powers during any conflagration.~~

~~E.— Close Businesses:~~

~~1.— Power to Order: The chief, or in his/her absence the assistant chief, may order any or all places of business in the neighborhood closed during a fire, and to remain closed for such length of time as he/she may deem proper.~~

~~2.— Failures to Comply: Anyone refusing to close his/her place of business when so ordered shall be guilty of a misdemeanor, and on conviction thereof shall be fined not less than ten dollars (\$10.00) and not more than one hundred dollars (\$100.00). (1980 Code §§ 2.24.020, 2.24.030)~~

~~7-1-4 Qualifications. Every member of the department shall be an able bodied person over the age of eighteen (18) years, and all members shall, while enrolled, enjoy such benefits as are allowed them under the laws of the state. (1980 Code § 2.24.050)~~

~~7-1-5 Bylaws. The members of the department may make such bylaws for their government and create such other offices as they may deem necessary. (1980 Code § 2.24.060)~~

~~7-1-6 Municipal Firefighters' Retirement System. The City hereby elects to join the municipal firefighters' retirement system and to be bound by the provisions of Chapter 13, Title 19, Montana Code Annotated. (Ord. 721, 4-12-1983)~~

~~7-1-7 Equipment.~~

~~A.—Purchase: No expense chargeable to the City shall be incurred by the department, nor shall any apparatus be purchased except by order of the Council.~~

~~B.—Storage: All machinery, apparatus, and other property purchased by the City for the use of the Fire Department shall be kept in a place designated by the Council, and the same shall be preserved and kept in good condition by the department under the direction of the chief.~~

~~C.—Inventory: The chief shall cause to be kept a book in which shall be recorded an inventory of all apparatus of the department, and he/she shall exhibit the same to the Council when required. (1980 Code §§ 2.24.040, 2.24.070)~~

~~7-1-8 Injury While on Duty. Any member of the Fire Department who is injured while in the discharge of his/her duties at any fire as to incapacitate him/her to follow his/her usual vocation, shall receive and be paid by the City an amount equal to the wages, salary or income usually received by him/her in his/her usual vocation, for a period not to exceed sixty (60) days, such amount to be paid from the fire fund of the treasury. (1980 Code § 2.24.080)~~

~~7-1-9 Control by Police. All property in the immediate vicinity of any conflagration, or which may be endangered by reason thereof, is hereby declared to be under the immediate and absolute supervision and control of the Chief of Police. (1980 Code § 2.24.090)~~

~~7-1-10 False Fire Alarms. No person shall willfully, maliciously or intentionally make or cause to be made a false alarm of fire. (1980 Code § 2.24.100)~~

~~7-1-11 Jumping onto Fire Truck. No person who is not a member of the Fire Department of the City, shall jump upon, occupy, or be upon the fire wagon while the same is responding to a call of fire or fire alarm. (1980 Code § 2.24.110)~~

~~7-1-12 Penalty. Any person violating any of the provisions of this chapter shall, upon conviction, be punished as set forth in Section 1-4-1 of this code. (1980 Code § 2.24.120)~~

Chapter 2 AMBULANCE SERVICE. Repealed.

Chapter 3 FIRE CHIEF. Repealed.

Chapter 4 FIREWORKS. Repealed.

Chapter 5 UNDERGROUND FUEL STORAGE TANKS. Repealed.

Chapter 1

FIRE PREVENTION AND SAFETY CODES

Sections:

7-1-1 Fire Prevention and Safety Codes

7-1-2 Definitions

7-1-3 Restricted Entry to Public Lands

7-1-4 Fire Inspections Required

7-1-5 Permits Required

7-1-6 Review Required

7-1-7 Fire Prevention Fees Authorized

7-1-8 Firefighters Authorized to Require a Premises to be Evacuated

7-1-9 Fireworks Prohibited

7-1-10 Repeal of Prior Fire Prevention and Safety Codes

7-1-1 Fire Prevention and Safety Codes

A. The City of Red Lodge adopts and incorporates by reference the International Fire Code 2012 Edition (2012 IFC) with the additions and amendments enumerated in this subchapter. Copies of the IFC and related materials may be obtained from the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795. A copy of the 2012 IFC shall be maintained at the offices of the City of Red Lodge.

B. If there is any conflict between the IFC and the Montana Code Annotated, the provisions of the Montana Code Annotated control.

C. This rule establishes a minimum fire protection code to be used in conjunction with the building code.

D. The building code adopted by the City of Red Lodge controls design and construction. If there is any conflict between the construction standards in the 2012 IFC and construction standards set forth in the adopted building code, the provisions of the building code control.

E. The following 2012 IFC sections are adopted and/or modified as shown:

i. 101.1 - Insert: [City of Red Lodge, Montana]

ii. 105.6 - Required operational permits is modified to include only the following:

a. 105.6.2 Amusement Buildings

b. 105.6.8 Compressed Gases

c. 105.6.14 Explosives

d. 105.6.20 Hazardous materials

e. 105.6.27 LP-gas

f. 105.6.30 Open burning

iii. 105.7 Required construction permits is adopted with the following exclusions:

a. 105.7.16 Temporary membrane structures and tents

iv. 109.3 - Insert: [Misdemeanor, \$500.00, 6 months]

v. 111.4 - Insert: [not less than \$100 or more than \$500]

vi. 506.1 Where required is adopted, with the following added, “or when any of the following conditions exist:

a. An automatic sprinkler system is installed

b. An elevator is in use

c. An automatic fire alarm system is installed”

vii. 903.6 - Existing Buildings – is not adopted.

viii. 906.1 Portable Fire Extinguishers – (1) Exception – is not adopted.

ix. 907.6.5. Monitoring is adopted with the following changes: “Fire alarm systems required by this chapter or by the adopted building code shall be monitored by a supervising station 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.”

x. Appendix B is adopted

xi. Appendix C is adopted

xii. Appendix D is adopted

xiii. Appendix I is adopted

7-1-2 Definitions

A. Authority Having Jurisdiction – the City of Red Lodge Fire Department, its designee, or any other fire department that is contracted for fire prevention services by the City of Red Lodge.

B. Corporation Counsel – the City Attorney for the City of Red Lodge

C. Fire Chief – the chief officer of the fire department servicing the jurisdiction, or a duly authorized representative.

D. Fire Code Official – the fire chief or other designated authority charged with the administration and enforcement of the code, or a duly authorized representative.

E. Fire Department - the City of Red Lodge Fire Department, its designee, or any other fire department that is contracted for fire protection services by the City of Red Lodge.

F. Firefighter – any member of the fire department servicing the jurisdiction.

G. Jurisdiction – the City of Red Lodge and all areas within the incorporated city limits.

H. Fireworks – Any combustible or explosive composition or any substance, combination of substance, or audible effect by combustion, explosion, deflagration, or detonation and includes sky rockets, roman candles, daygo bombs, blank cartridges, toy cannons, toy canes, or toy guns in which explosives other than toy paper caps are used, the type of balloon which require fire underneath to propel them, firecrackers, torpedoes, sparklers or other fireworks of like construction, any fireworks containing any explosive or flammable compound, or any tablets or other device containing any explosive substance.

7-1-3 Restricted Entry to Public Lands - The Fire Chief is authorized to determine and publicly announce when public lands shall be closed to entry due to fire hazard or other danger to public safety, and when such areas shall again be opened to entry.

7-1-4 Fire Inspections Required - All schools, businesses, public buildings, and places of assembly shall be inspected by the fire department at a time interval set by the fire department

having jurisdiction. At the discretion of the fire code official, type R-3, B and M occupancies may participate in a self-inspection program. Inspections shall be categorized as the following:

A. Minimum Inspection - All business and or commercial buildings of less than 2000 square feet with occupancy of fewer than 50 people unless otherwise specified in this section.

B. General Inspection - Short term residential home rentals, businesses and or buildings of less than 5000 square feet, as well as any building or business not otherwise specified.

C. Assembly Occupancy - All businesses and or buildings with a occupancy of more than 75 people as well as all public assembly buildings, restaurants, hotels and motels and buildings larger than 5000 square feet.

D. Hazardous Occupancy - All businesses and or buildings defined as High Hazard by the adopted building code.

7-1-5 Permits Required. Any property owner or authorized agent who intends to conduct an operation or business, or install or modify systems and equipment which is regulated by the 2012 IFC or this chapter shall first make application to the fire code official and obtain the required permit. Permits shall be categorized as the following:

A. Operational Permits– Where specified in the 2012 IFC as adopted in this chapter, operational permits shall be required.

B. Construction Permits– Where specified in the 2012 IFC as adopted in this chapter, construction permits shall be required.

7-1-6 Review Required – A review by the Fire Department is required for all new developments and conditional use permits where such development or permit requires fire protection design features regulated by the 2012 IFC as adopted in this chapter.

7-1-7 Fire Prevention Fees Authorized - The City of Red Lodge hereby requires fees for fire related permits, addressing, review, and for inspections required in this chapter. Fees shall be collected by the Fire Department. All fees shall be due and payable at the time the permit is granted or the inspection or review is performed. Failure to pay for fees within the time period specified, shall render such permit, review or inspection null and void. The following Fire Prevention Fees apply to this chapter and shall be set by resolution:

A. Permit Fees – There shall be fees for the issuance of operational and construction permits.

B. Addressing Fees – There shall be a fee for the issuance of an official address.

C. Review Fees - There shall be a Fire Department review fee for all reviews of new developments and conditional use permits required by zoning regulations. Review fees shall include site inspection for verification of compliance.

D. Inspection Fees – There shall be fees for Fire Department inspections.

E. Standard Hourly Fee – There shall be a standard hourly fee, with a one-hour minimum, charged in half hour increments for all inspection and plan review work unless there is a set fee outlined in this ordinance. All inspections, reviews and consultations shall be charged this standard hourly fee, unless otherwise specified.

7-1-8 Firefighters Authorized to Cause a Premises to be Evacuated - If, in the opinion of a firefighter enforcing this code, a condition exists in or near an occupied structure, or in an outside assembly area, that poses a significant risk to the life safety of the occupants, the firefighter may require the premises or a portion of the premises to be immediately vacated until such time as the condition or situation can be corrected.

7-1-9 Fireworks Prohibited – It shall be unlawful for any person to display, sell, possess, expose for sale, use or explode any fireworks as herein defined within City Limits.

7-1-10 Repeal of Prior Fire Prevention and Safety Codes - By the adoption of this chapter, Ordinance 891 (2-22-2011) adopting Title 9 Chapter 3 of the City of Red Lodge Code (Fire prevention and Safety Codes) is hereby repealed.

Be it ordained by the Council members of the City of Red Lodge.

First reading by the Council on the ____ day of _____ 2015.

Second reading by the Council on the ____ day of _____ 2015.

PASSED AND APPROVED BY NO LESS THAN FOUR MEMBERS OF THE RED LODGE CITY COUNCIL THIS ____ DAY OF _____ 2015.

By: _____
Ed Williams, Mayor

Attest: _____
Loni Hanson, City Clerk