

## **Ordinance NO. 914**

**An Ordinance updating Title 9 of the Red Lodge City Code to allow adoption by resolution of the most recent building codes adopted by the State of Montana.**

WHEREAS: The City of Red Lodge maintains a building inspection program for the health and well-being of the citizenry, AND;

WHEREAS: The City of Red Lodge recently had its Building Code Effectiveness Grading Schedule (BCEGS) rating lowered from a 4 to a 9 by the ISO, AND;

WHEREAS: The ISO cited use of old codes as a reason for this change in the BCEGS rating, AND;

WHEREAS: The Red Lodge City Council acknowledges the effect the BCEGS rating of the community can have upon insurance rates for development within the City, AND;

WHEREAS: The Red Lodge City Council recognizes the importance of taking reasonable steps to keep the City's BCEGS rating low, AND;

WHEREAS: Current code requires a change of city code to adopt updated building codes, AND;

WHEREAS: The Montana Department of Labor and Industry recently adopted the 2012 edition of the International Building Code, the 2012 edition of the International Residential Code, and updated versions of various other building related codes.

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:**

**9-1-1 Adoption.**

The City shall adopt by resolution the following codes which shall be considered City of Red Lodge Municipal Codes:

- A. The most recent edition of the International Building Code that has been adopted by the Montana Department of Labor and Industry.
- B. The most recent edition of the International Existing Building Code that has been adopted by the Montana Department of Labor and Industry.
- C. The most recent edition of the International Residential Code that has been adopted by the Montana Department of Labor and Industry.
- D. Other building codes adopted by the Montana Department of Labor and Industry and deemed appropriate by the City Council including (but not limited to) Uniform Plumbing

Code, International Mechanical Code, International Fuel Gas Code, National Electrical Code, and International Energy Conservation Code.

- E. Administrative rules of the State of Montana that modify or clarify the adopted building codes.

**9-1-2 Applicability.**

The exemption optionally provided to communities in Montana Code Annotated Section 50-60-102(1)(a) shall not apply in the City of Red Lodge. The International Residential Code shall be applicable to residential buildings containing less than five (5) dwelling units or their attached structures, any farm or ranch building of any size, and any private garage or private storage structure of any size used only for the owner's own use, located within the corporate limits of the City.

**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 who are qualified by experience and training to pass on matters pertaining to building construction. The building inspector shall be an ex-officio member and shall act as secretary of the board.

B. Appointment: Members of the board shall be appointed each January 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.

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. (Ord. 843, 1-12-1999)

**9-2-1  
(RESERVED)**

Effective Date.

This ordinance shall be effective 30-days after approval of second reading by the Red Lodge City Council.

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 a majority of the elected members of the Red Lodge City Council this \_\_\_\_\_ day of \_\_\_\_\_ 2015.

The City of Red Lodge

By: \_\_\_\_\_  
Ed Williams, Mayor

Attest: \_\_\_\_\_  
Loni Hanson, City Clerk

DRAFT