

Ordinance No. 920

An Ordinance 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 ENACTED 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. In accordance with Title 12 - 4.9.31.A the Community Development Director shall serve on the BOA in the capacity of the Building Official, as a non-voting member.

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.

E. This section may be modified by the City Council of the City of Red Lodge if the Council determines by Resolution that an adjustment to the Board of Appeals is required and in the best interest of the City of Red Lodge.

(Ord. 843, 1-12-1999; Ord. 914, 5-26-2015)

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 24th day of November 2015.

Second Reading by the Council on the 8th day of December 2015.

PASSED and APPROVED by a majority of the elected members of the Red Lodge City Council this 8th day of December 2015.

The City of Red Lodge

By: _____

Ed Williams, Mayor

Attest: _____

Loni Hanson, City Clerk