

ORDINANCE NO. 10-5519

AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING FOR THE REPEAL OF SECTION 14-301 AND REPLACING IT WITH A NEW SECTION 14-301; PROVIDING FOR THE ADOPTION OF THE 2009 EDITION OF THE INTERNATIONAL FIRE CODE AND CERTAIN AMENDMENTS; SETTING PENALTIES

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

*Section 1.* That Section 14-301 of the Billings, Montana City Code entitled “Adoption by reference of the 2006 edition of the International Fire Code,” is hereby repealed and declared null and void and of no effect.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 14-301, to read as follows:

**Sec. 14-301. Adoption by reference of the 2009 edition of the International Fire Code.**

(a) The International Fire Code, 2009 edition, including Appendices “B” and “C” 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 revised as follows:

**Section 101.1.** 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.”

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

**Section 109.3.** Insert: *[Misdemeanor, \$500.00, 6 months]* so that such section shall read as follows:

**“109.3 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.** 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.”

**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*.”

**Section 906.1.** 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 907.7.5.** Insert: *[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:

**“907.7.5 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. 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.

**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.”

- (c) That the geographic limits referred to in certain sections of the 2009 International Fire Code are hereby established as follows:

**“Section 3404.2.9.6.1 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 3406.2.4.4 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 3506.2 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 3804.2. Maximum capacity within established limits.** Locations where the storage of liquefied petroleum gas is restricted for the protection of heavily populated or congested areas. 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.* EFFECTIVE DATE. This ordinance shall be effective on August 12, 2010, which meets the required thirty (30) days after second reading and final adoption provided by law.

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

*Section 5.*     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 this ordinance are declared to be severable.

*Section 6.*     PUBLICATION OF NOTICE OF INTENT TO ADOPT THE 2009 INTERNATIONAL FIRE CODE BY REFERENCE. Notice of the intent to adopt the 2009 International Fire Code by reference shall be published both before first reading and public hearing and after first reading and prior to final adoption of the code. At least one copy of the code shall be filed in the Office of the City Clerk and be kept there, available for public use, inspection, and examination, for a period of thirty (30) days prior to final adoption of the ordinance.

*Section 7.*     Nothing in this ordinance or in the Fire Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in *Section 1* of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

PASSED by the City Council on first reading this 10th day of May, 2010.

PASSED, ADOPTED and APPROVED on second reading this 12th day of July, 2010.

CITY OF BILLINGS

By \_\_\_\_\_  
Thomas W. Hanel, Mayor

ATTEST:

By \_\_\_\_\_  
Cari Martin, City Clerk