



ORDINANCE 2143

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF BOZEMAN, MONTANA TO GENERALLY REVISE BOZEMAN MUNICIPAL CODE SECTION 10.02.020 “BUILDING DIVISION FEES; PERMITS” TO UPDATE AND SIMPLIFY REGULATIONS AUTHORIZING PAYMENT OF BUILDING DIVISION FEES AND PROVIDING THAT FEE SCHEDULES WILL BE ADOPTED BY RESOLUTION OF THE CITY COMMISSION.

WHEREAS, Administrative Rules of Montana 24.301.138(6) and 24.301.203 allow a city to establish building permit fees to fund building code enforcement activities; and

WHEREAS, this Ordinance setting the process for establishing building division fees, along with periodically adopted fee schedule resolutions, are intended to replace certain previous processes to determine building division fees and fee schedules; and

WHEREAS, the fee schedules periodically adopted by resolution shall comply with the most current version of ICC Construction Cost Table, as adopted by the Bozeman City Commission through Resolution 5287; and

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF BOZEMAN, MONTANA:

Section 1

That Ordinance 1631 and Commission Resolution 3800 be repealed in their entirety.

Section 2

That the Bozeman Municipal Code be amended so that Section 10.02.020 shall read as follows:

Sec. 10.02.020. – Building division fees; permits

Ordinance No. 2143, Generally revising BMC 10.02.020 Regarding Building Division Fees

A. Building division fees. The building division must charge fees for permits, plan checks, and other work. Charges may be flat or scaled fees. Building Division fees must be adopted by resolution of the city commission.

1. All fees will be assessed based on the most current fee schedule, as adopted by resolution of the city commission.
2. When new construction types or administrative procedures require new fee types, the city manager has the authority to approve and implement those fees by administrative order. In such instances, the city commission must adopt the fee schedule by resolution within 90 days of the administrative approval.

~~A. Building division fees. The building division shall charge fees for permits, plan checks and other work based upon the following criteria and formulas. The specific fee tables referenced below, and including those for the various uniform, national or international codes, shall be approved by resolution of the city commission.~~

- ~~1. Fees for additional and new building permits. Fees for building additions and commercial/residential building construction projects will be assessed based upon the current number of employees and their labor costs, internal and external administrative costs, the building square footage, and the labor factors derived from approved fee tables. The permit formula is:~~

$$\frac{\text{Administrative and Internal Charges}}{\text{\# Personnel}} = \text{Administrative Charges/Employee}$$

$$\frac{\text{Administrative Charges/Employee}}{1800 \text{ (network hours/year)}} = \text{Administrative Charges/Employee/Hour}$$

$$\text{Admin. Charges/Employee/Hour} + \text{Inspector's Hourly Pay Rate} = \text{Total Hourly Rate}$$
$$(\text{Total Hourly Rate})(\text{Table A})(\text{Building Sq. Footage}) = \text{Building Permit Fee}$$

- ~~2. Building permit factors: Table A is based on Amount of Inspection Time/Sq. Ft., Construction Type and Fire Rating.~~
- ~~3. Plan review formula is:~~

$$\frac{\text{Administrative and Internal Charges}}{\text{\# Personnel}} = \text{Administrative Charges/Employee}$$

$$\frac{\text{Administrative Charges/Employee}}{1800 \text{ (network hours/year)}} = \text{Administrative Charges/Employee/Hour}$$

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~~Admin. Charges/Employee/Hour + Plans Examiner Hourly Pay Rate = Total Hourly Rate
(Total Hourly Rate)(Table B)(Building Sq. Footage) = Plan Review Fee~~

- ~~4. Plan review factors: Table B is based on Amount of Plan Review Time/Sq. Ft., Construction Type and Fire Rating.~~
- ~~5. Fees for electrical, plumbing, mechanical, fire suppression systems, and building remodel permits will be determined based on the contractor valuation of the project, subject to the building division's approval of the valuation. The permit valuation will be applied to the permit amounts detailed in Table C.~~
36. Related fees. The payment of the fee for construction, alteration, removal or demolition for work done in connection to or concurrently with the work authorized by a building permit shall not relieve the applicant or holder of the permit from payment of other fees that are prescribed in the International Building Code (IBC) and the International Residential Code (IRC). ~~IBC section 108.5 and IRC section R108.4.~~
 - a. *Reinspection fees.* Reinspection fees may be assessed against a previously issued permit when additional reinspections are made in excess of what is commonly performed. ~~Such fees are based on the extra time expended, multiplied by the building inspectors total hourly rate.~~ This additional fee is to be paid to the building division prior to any further inspections being made by the building inspector to the site. ~~The reinspection fee is to be based on a minimum time of two hours.~~
 - b. *Move-in prior to issuance of a certificate of occupancy.* When an occupant moves into a structure prior to a certificate of occupancy being issued by the building inspector, a reinspection fee shall be assessed against the previously issued permit. ~~Such fees are based on the extra time expended, multiplied by the building inspector's total hourly rate.~~ This additional fee is to be paid to the building division prior to any further inspections being made by the building inspector to the site. ~~The reinspection fee is to be based on a minimum time of two hours.~~

B. *Plan review; permit expiration; work without valid permit.*

1. *Time limitation of application.* An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the building official or designee is authorized to grant one or more extensions of time for additional periods not exceeding 90 days each. The extension shall be requested in writing and justifiable cause demonstrated.
2. *Permit expiration.* Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after issuance, or, if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The building official or designee is authorized to grant, in writing, one or more extensions of time, for periods not to exceed 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.
3. *Plan review and permit renewal.*

Ordinance No. 2143, Generally revising BMC 10.02.020 Regarding Building Division Fees

- a. In order to renew action on a plan review after expiration, the applicant must re-submit plans and pay a new plan review fee.
 - b. In order to renew action on an expired permit, a new permit shall first be obtained and the fee therefor shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work, and provided further that such suspension or abandonment has not exceeded one year.
 - c. In order to renew action on a permit after expiration has exceeded one year, the permittee shall pay a new full permit fee.
4. *Work commencing before permit issuance.* Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to an additional fee as established by the building division that shall be in addition to the required fees. The fee shall not be more than twice the permit fee amount.

C. *Refunds.*

1. Plan review fee refunds will not be given if the review has already been performed on the plans and specifications. 80 percent of the plan review fee will be refunded if the review of the plans and specifications has not commenced.
2. Permit fees will not be refunded if the work has commenced and inspections have been made. 80 percent of the permit fee will be refunded if no inspections have been performed at the site and the work is to be abandoned or postponed for more than 180 days.

Section 3

Repealer.

All provisions of the ordinances of the City of Bozeman in conflict with the provisions of this ordinance are, and the same are hereby, repealed and all other provisions of the ordinances of the City of Bozeman not in conflict with the provisions of this ordinance shall remain in full force and effect.

Section 4

Savings Provision.

This ordinance does not affect the rights and duties that matured, penalties that were incurred or proceedings that were begun before the effective date of this ordinance. All other provisions of the Bozeman Municipal Code not amended by this Ordinance shall remain in full force and effect.

Section 5

Severability.

That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof, other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Bozeman Municipal Code as a whole.

Section 6

Codification.

This Ordinance shall be codified as indicated in Section 2.

Section 7

Effective Date.

This ordinance shall be in full force and effect thirty (30) days after final adoption.

PROVISIONALLY ADOPTED by the City Commission of the City of Bozeman, Montana, on first reading at a regular session held on the 1st day of August, 2023.

CYNTHIA L. ANDRUS
Mayor

ATTEST:

MIKE MAAS
City Clerk

FINALLY PASSED, ADOPTED AND APPROVED by the City Commission of the City of Bozeman, Montana on second reading at a regular session thereof held on the ___ of _____, 20__. The effective date of this ordinance is _____, 20__.

CYNTHIA L. ANDRUS
Mayor

ATTEST:

MIKE MAAS
City Clerk

APPROVED AS TO FORM:

GREG SULLIVAN
City Attorney