

ANACONDA-DEER LODGE COUNTY
ORDINANCE NO. 239

**AN ORDINANCE ADOPTING AND INCORPORATING THE
INTERNATIONAL BUILDING CODE 2012, INTERNATIONAL
RESIDENTIAL CODE 2012, INTERNATIONAL EXISTING BUILDING
CODE 2012, INTERNATIONAL ENERGY CONSERVATION CODE 2012,
INTERNATIONAL FIRE CODE 2012 & NFPA 70 2014**

**BE IT ORDAINED BY THE COMMISSION OF ANACONDA-DEER LODGE
COUNTY AS FOLLOWS:**

- I.** The Code of Ordinances, Anaconda-Deer Lodge County, Montana chapter 6, article II, Section 6-19 is amended to read as follows:

**Sec. _____ . ADOPTION AND INCORPORATION OF
INTERNATIONAL BUILDING CODE 2012.**

A. International Building Code 2012

The Anaconda-Deer Lodge County Commission hereby adopts and incorporates per Section 50-60-301 (1) (a), MCA the International Building Code (IBC) 2012 Edition as provided by the Administrative Rules of Montana (ARM) 24.301.131 (1) through (3) with appendix Chapter C (Group U- Agricultural Buildings), as required to be adopted by the Department of Labor and Industry, Building and Measurement Standards Bureau. The adoption of new codes, appendix and amendments become effective 30 days after the approval of the Ordinance.

The Anaconda-Deer Lodge County Commission hereby adopts ARM 24.301.146 as required, to provide for modifications to the enforcement of the 2012 Edition of the International Building Code, applicable to both the Department, and Local Government Code Enforcement Programs.

B. International Residential Code 2012

The Anaconda-Deer Lodge County Commission hereby adopts and incorporates per Section 50-60-301 (1) (a), MCA, the 2012 International Residential Code (IRC), 2012 Edition as modified by Administrative Rules of Montana (ARM) 24.301.154 (1) though (10), as required by the Department of Labor and Industry, Building and Measurement Standards Bureau. The adoption of new codes appendix chapters and amendments become effective 30 days after the approval of

the Ordinance.

C. International Existing Building Code 2012

The Anaconda-Deer Lodge County Commission hereby adopts and incorporates per Section 50-60-301(1)(a), MCA the 2012 International Existing Building Code (IEBC), 2012 Edition as provided by the Administrative Rules of Montana (ARM) 24.301.171(1) through (4), as required by the Department of Labor and Industry, Building and Measurement Standards Bureau. The adoption of new codes appendix chapters and amendments become effective 30 days after the approval of the Ordinance.

D. International Energy Conservation Code 2012

The Anaconda-Deer Lodge County Commission hereby adopts and incorporates per Section 50-60-803, MCA, the 2012 International Energy Conservation Code (IECC), 2012 Edition as provided by the Administrative Rules of Montana (ARM) 24.301.161 (1) through (3) and 24.301.162, as required by the Department of Labor and Industry, Building and Measurement Standards Bureau. The adoption of new codes appendix chapters and amendments become effective 30 days after the approval of Ordinance.

E. International Fire Code 2012 & NFPA 70 2014

The Anaconda-Deer Lodge County Commission hereby adopts and incorporates Per Section 50-3-102, MCA, the NFPA 2014.

The adoption of new codes appendix chapters and amendments become effective 30 days after the approval of Ordinance.

1. Inspections outside of city proper..... (\$75.00 per hour)
2. Inspections outside of normal business hours..... (minimum charge two hour)..... \$75.00 per hour

II. The Code of Ordinances, Anaconda-Deer Lodge County, Montana chapter 6, article II, Section 6-19 shall be included to read as follows:

- F. The Anaconda-Deer Lodge County Commission hereby adopts and incorporates current adopted codes and amendments by the Department of Labor & Industry -Business Standards

III. The Code of Ordinances, Anaconda-Deer Lodge County, Montana chapter 6, article II, Section 6-20 is amended to read as follows:

Sec. _____ . PERMIT FEES AND DETERMINATION.

- a. Permit fees: The fee for each permit shall be used in computing the Building Permit and Building Plan Review fees shall be computed based on the total value of all construction work for which the permit is issued. If, in the opinion of the Building Official, the valuation is underestimated on the application, the permit shall be denied, unless the applicant can show detailed estimates to meet the approval of the Building Official. Final Building Permit valuation shall be set by the Building Official. (Ref. IBC 108.3) Appeals of valuation will be referred to the Board of Adjustments. (Ref. Section 6 of this Ordinance No. 205(D))
- b. **Building Permit Fees**

TOTAL VALUATION	FEE
\$1.00 to \$500.00	\$23.50.
\$501.00 to \$2,000.00	\$23.50 for the first \$500.00 plus \$3.05 for each additional \$100.00, or fraction thereof, to and including \$2,000.00.
\$2,001.00 to \$25,000.00	\$69.25 for the first \$2000.00 plus \$14.00 for each additional \$1,000.00 or fraction thereof, to and including \$25,000.00.
\$25,001.00 to \$50,000.00	\$391.75 for the first \$25,000.00 plus \$10.10 for each additional \$1,000.00, or fraction thereof, to and including \$50,000.00.
\$50,001.00 to \$100,000.00	\$643.75 for the first \$50,000.00 plus \$7.00 for each additional \$1,000.00 or fraction thereof, to and including \$100,000.00.
\$100,001.00 to \$500,000.00	\$993.75 for the first \$100,000.00 plus \$5.60 for each additional \$1,000.00 or fraction thereof, to and including \$500,000.00.
\$500,001.00 to \$1,000,000.00	\$3,233.75 for the first \$500,000.00 plus \$4.75 for each additional 1,000.00 or fraction thereof, to and including \$1,000,000.00.
\$1,000,001.00 and up	\$5,608.75 for the first \$1,000,000.00 plus \$3.15 for each additional \$1,000.00 or fraction thereof.
Other inspections and fees:	
1. Inspections outside of normal business hours...(minimum charge: two hours).....	\$75.00
per hour*	
2. Reinspection fees assessed under provisions of Sec. 108.8.....	\$75.00
per hour*	
3. Inspections for which no fee is specifically indicated (minimum charge: 2 hour).....	\$75.00
per hour*	
4. Additional plan review required by changes, additions or revisions to plans.....	\$75.00
per hour*	

(Minimum charge: 2 hour)
5. For use of outside consultants for plan checking and inspections, or both.....Actual Costs**

*Or the total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.
 **Actual costs include administrative and overhead costs

IV. The Code of Ordinances, Anaconda-Deer Lodge County, Montana chapter 6, article II, Section 6-21 is amended to read as follows:

Sec. _____. PERMIT FEES AND EXEMPTIONS.

In addition to those exemptions stated in Section 105.2 of the International Building Code 2012, the following exemptions apply.

A. General Maintenance, Residential and Commercial

That general maintenance shall include siding, repair of existing floors and walls, and replacing of existing doors and windows. All of the preceding shall be exempt if there is no change or alteration to the structural integrity of such structure and/or no additional supporting is required by code.

B. Re-roofing.

Re-roofing is exempt if there are not changes in the design, construction or slop of the existing roof structure or where there are less than two layers of roofing.

V. The Code of Ordinances, Anaconda-Deer Lodge County, Montana chapter 6, article II, Section 6-22 is amended to read as follows:

Sec. _____. VIOLATIONS, PENALTIES AND STOP WORK ORDERS.

A. Work commencing before permit issuance

Any property owner, firm or contractor commencing work or who erects, constructs, alters or repairs a building or structure without first filing for and obtaining a building permit from the building official shall be subject to the process as listed below:

1. Any property owner or firm who erects, constructs, alters or repairs a building or structure in violation of the adopted codes (IBC) or in violations of a permit shall be issued a notice of violation. If the notice of violation is not complied with promptly as listed under Section 5, the building official is authorized to institute violation penalties as instructed below.

A Notice of Violation or AStop Work Order (as discussed in Subsection A.6. of this Section) will be posted on the property. A certified mailing declaring a notice of violation of the International Building Code and ADLC Ordinance No. 239.

If a person comes in within ten (10) days of the notice and is issued a building permit prior to the commencement of work, the building permit fee will not double and a warning will be issued.

If permit is not applied for within ten (10) business days, cost of building permit could double as determined by the building inspector after the first offense. A penalty fee may also be assessed as allowed by Section A.5 of this section.

3. If a person does not acknowledge the stop work order and first warning letter, a second certified letter goes out stating, If a permit is not taken out within five (5) days and work is commencing, the file will be turned over to the County Attorney for prosecution.
4. If a person comes in as a result of the second letter they will receive a warning only. If they enter into another construction project in the future and do not get a building permit again there will be no warning and the permit fee will automatically double.
5. Any property owner, firm or contractor who erects, constructs, alters or repairs a building or structure in violation of the adopted codes (IBC) or in violation of a permit shall be issued a notice of violation. If the notice of violation is not complied with promptly as listed under Section 5, the building official is authorized to institute the following violation penalties.
 - a. A first violation shall result in a fine of up to fifty dollars (\$50.00)
 - b. A second violation shall result in a fine of up to one hundred dollars (\$100.00)
6. Whenever the Building Official finds any work regulated by the adopted codes (IBC) to be a severe violation of unsafe condition or

has not been permitted, a STOP WORK ORDER will be issued. Any property owner, firm, or contractor who continues to work on the cited work contained in the STOP WORK ORDER, except such work as that property owner, firm, or contractor is directed to perform to remove the violation or unsafe condition, shall be subject to the following penalties.

- a. A first violation of a STOP WORK ORDER shall result in a fine of up to one hundred dollars (\$100.00).
- b. A second violation of a STOP WORK ORDER shall result in a fine of up to five hundred dollars (\$500.00).

B. Injunctions authorized (reference 50-60-109, MCA)

The construction or use of a building or structure in violation of the adopted codes (IBC) or County Building Codes, or any lawful order of a State Building Official or a local Building Department may be enjoined by a judge of the District Court in the judicial district in which the building is located.

1. This section will be governed by the Montana Rules of Civil Procedure.

C. Violation a misdemeanor (reference 50-60-110, MCA)

Any person served with an order pursuant to the provisions of Parts 1 through 4 (reference 50-60-101 through 50-60-404, MCA) who fails to comply with the order not later than 30 days after service or within the time fixed by the department or local building department for compliance, whichever is the greater, or any owner, builder, architect, tenant, contractor, subcontractor, construction superintendent, their agents or any person taking part of assisting in the construction or use of any building who knowingly violates any of the applicable provisions of the state building code or a municipal building code is guilty of a misdemeanor.

D. Enforcement

The local Building Official certified under 50-60-302, MCA and with the approval of the County Commissioners may, within its jurisdictional area make, amend and repeal rules for the administration and enforcement of the provisions of this section and have the authority to issue and collect fees, fines and violation penalties pertaining to non-compliance of the adopted codes and the provisions of this section (ref. 50-60B106, MCA) The Planning Department shall have the authority to enforce this Ordinance by

issuing citations for any violations to this Ordinance.

- VI.** The Code of Ordinances, Anaconda-Deer Lodge County, Montana chapter 6, article II, Section 6-23 is amended to read as follows:

Sec. _____ . BOARD OF ADJUSTMENTS (SECTION 115 IBC).

Also known as the Board of Adjustments as established by Ordinance Number 167 and adopted December 1, 1998.

General: In order to hear and decide appeals of orders, decisions or determinations made by the Building Official relative to the application and interpretation of the adopted codes (IBC), there shall be and is hereby created a Board of Adjustments. The Board of Adjustments shall be appointed by the governing body and shall hold office at its pleasure. The Board shall adopt rules of procedure for conducting its business.

Limitations on authority

An application for appeal shall be based on a claim that the true intent of the adopted codes (IBC) or the rules legally adopted there under have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The Board shall have no authority to waive requirements of this code.

Qualifications

The Board of Adjustments shall consist of members who are qualified by experience and training to pass on matters pertaining to building construction and are NOT employees of the jurisdiction.

- VII.** The Code of Ordinances, Anaconda-Deer Lodge County, Montana chapter 6, article II, Section 6-24 shall be included to read as follows:

Adopted this 17th day of March, 2015

Kevin A. Hart
Anaconda-Deer Lodge County Commission

Attest:

Julie Hoffman
Clerk of the Commission

Approved as to Form:

Ben Krakowka
County Attorney

1st Reading: February 10, 2015
Public Hearing: March 3, 2015
Final Adoption: March 17, 2015
Effective Date: April 16, 2015