

# ORDINANCES OF THE CITY OF HELENA, MONTANA

## ORDINANCE NO. 3126

### AN ORDINANCE AMENDING CHAPTER 9 (FIRE PREVENTION CODE) OF TITLE 3 OF THE HELENA CITY CODE

BE IT ORDAINED BY THE COMMISSION OF THE CITY OF HELENA,  
MONTANA, AS FOLLOWS:

That Chapter 9 of Title 3 of the Helena City Code is hereby  
amended as follows:

#### CHAPTER 9

#### FIRE PREVENTION CODE

##### SECTION:

- 3-9-1: Adoption
- 3-9-2: Enforcement
- 3-9-3: Definitions
- 3-9-4: Storage Of Explosives And Blasting Agents Prohibited
- ~~3-9-5: Storage Of Hazardous Materials~~
- 3-9-5: Parade Floats
- 3-9-6: Hazardous Fire Areas
- 3-9-7: Alarms
- ~~3-9-68:~~ Amendments
- ~~3-9-79:~~ Penalties
- ~~3-9-810:~~ Repeal of Conflicting Ordinances
- 3-9-911: Validity

##### 3-9-1: **ADOPTION:**

A. There is hereby adopted by the city commission, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire, hazardous materials or explosion, that certain code known as the ~~NFPA 1 Uniform Fire Code (uniform fire code)~~ as published by the National Fire Protection Association, being particularly the ~~2003 edition thereof~~ 2009 Edition of the International Fire Code, and the whole thereof, ~~save and~~ except such portions as are hereinafter deleted, modified, or amended by this chapter.

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~~All annexes to said fire code are hereby adopted except annexes C, J, and K. Appendices to said fire code adopted hereby are B, C, E, F, I, and J. No less than one copy has~~

been and is now filed in the office of the clerk of the commission, and the same is hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this chapter shall take effect, the provisions thereof shall be controlling within the limits of the city. (Amd. Ord. 3126, 7-26-2010)

- B. If there is any conflict between any paragraph, section, sentence, or word of the ~~2003 edition of the uniform~~ fire code as adopted and amended by the city, and any paragraph, section, sentence, or word of the ~~2003 edition of the uniform~~ fire code as adopted and amended by the state, the more stringent paragraph, section, sentence, or word of either code controls. (Ord. 2921, 9-24-2001; amd. Ord. 3014, 3-28-2005; amd. Ord. 3126, 7-26-2010)

~~C. Building codes adopted by the City of Helena control design and construction. If there are any conflicts between the construction standards in the uniform fire code and construction standards set forth in the City's building code, the provisions of the building code control. The uniform fire code construction standards only apply if there are no comparable building code construction standards. (Ord. 3014, 3-28-2005)~~

### 3-9-2: **ENFORCEMENT:**

- A. The ~~uniform~~ fire code is enforced by the Helena fire department. (Amd. Ord. 3126, 7-26-2010)
- B. The chief of the fire department may detail such members of the fire department as are necessary to ensure the functioning and operation for fire prevention and investigation. (Ord. 2921, 9-24-2001; amd. Ord. 3014, 3-28-2005)

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**3-9-3: DEFINITIONS:**

BUILDING CODE: The current version of the building code adopted by the City of Helena. A copy of the building code is filed in the office of the Clerk of the Commission.

CHIEF, FIRE CHIEF: The chief of the Helena Fire Department.

DEPARTMENT: The Helena Fire Department.

JURISDICTION: Wherever the word "jurisdiction" is used in the ~~uniform~~ fire code it shall be held to mean the legal jurisdiction of the City of Helena.

~~UNIFORM FIRE CODE~~<sub>7</sub>  
~~NFPA 1 UFC:~~ The ~~2003~~ 2009 edition of the ~~National Fire Protection Association 1 uniform~~ International fire code as adopted with modifications by the City. (Ord. 2921, 9-24-2001; amd. Ord. 3014, 3-28-2005; amd. Ord. 3126, 7-26-2010)

**3-9-4: STORAGE OF EXPLOSIVES AND BLASTING AGENTS PROHIBITED:**

- A. The storage of explosives and blasting agents is prohibited within the city limits except as exempted by law or by agencies of the United States government and the state of Montana which have asked to store limited quantities and received a permit from the fire chief.
- B. The applicant for such permit must identify and assess all hazards and risks associated with the proposed storage and verify in writing to the satisfaction of the fire chief that the storage does not present an unacceptable risk. (Ord. 2921, 9-24-2001; amd. Ord. 3014, 3-28-2005)

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~~3-9-5: STORAGE OF HAZARDOUS MATERIALS:~~

- ~~A. The storage of bulk quantities of hazardous materials as classified and defined in Chapter 60 of the uniform fire code is prohibited in the city limits except by a permit issued by the fire chief.~~
- ~~B. The applicant for such permit must identify and assess all hazards and risks associated with the proposed storage and verify in writing to the satisfaction of the chief that the storage does not present an unacceptable risk. (Ord. 2921, 9-24-2001; amd. Ord. 3014, 3-28-2005)~~

3-9-5: PARADE FLOATS: Vehicles and tow trailers used as parade floats shall not have or contain any of the following:

- A. Any type of fire;
- B. Explosive materials or blasting agents;
- C. Smoking materials'
- D. Fireworks and pyrotechnic materials;
- E. Flammable or combustible liquids;
- F. Open flame devices;
- G. Flammable gases;
- H. Hazardous materials;
- I. Fuel powered equipment; or
- J. Heat producing equipment and devices, including barbeque grills.
- K. Exceptions: Generators may be used if located at least 3 feet away from any combustible material and properly secured to restrict movement. (Ord. 3126, 7-26-2010)

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3-9-6:     **HAZARDOUS FIRE AREAS:** Hazardous fire areas are wildland fire-prone areas requiring immediate and necessary safeguards to prevent the occurrence of fires. The fire chief or his designee is authorized to determine when a wildland area is fire-prone, and may declare it to be a hazardous fire area. The fire chief or his designee is authorized to determine and publicly announce when hazardous fire areas are closed to entry and when such areas may again be opened to entry.

A.     **Posting of hazardous fire areas:** The fire chief or his designee shall post signs at access points prohibiting entry into closed hazardous fire areas.

B.     **Criminal trespass to hazardous fire areas:** A person commits the offense of criminal trespass to hazardous fire areas if the person enters or remains without authority in a properly posted hazardous fire area, except owners and occupants of private property within the closed and posted areas, including their guests and invitees; authorized persons engaged in the operation and maintenance of necessary utilities such as electrical power, gas, telephone, water, and sewer; and local, state, and federal public officers and their authorized agents acting in the course of duty.

C.     **Tampering with signs, barricades, or locks:** A person may not tamper with, mutilate, destroy, or remove locks, barricades, or signs posting or closing hazardous fire areas. (Ord. 3126, 7-26-2010)

3-9-7:     **ALARMS:** Approved audible devices must be connected to every automatic sprinkler system. Sprinkler water-flow alarm devices must be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Alarm devices must be provided on the exterior of the building in an approved location. In buildings or structures of such size, arrangement, or occupancy that a fire itself might not provide rapid occupant warning, audible and visual notification devices must be provided throughout. Where a fire alarm system is installed, actuation of the automatic sprinkler system must actuate the building alarm system. (Ord. 3126, 7-26-2010)

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## **3-9-68: AMENDMENTS:**

~~A. Section 1.3.5 of the 2003 uniform fire code is deleted in its entirety and replaced as follows:~~

~~Vehicles, vessels, or other similar conveyances, when in fixed locations and occupied as buildings, as described by the building code, shall be treated as buildings and comply with this code.~~

~~B. Section 1.3.8 of the uniform fire code is deleted in its entirety and replaced as follows:~~

~~Repairs, renovations, alterations, reconstruction, change of occupancy, and additions to buildings shall conform with the uniform fire code and the building code.~~

~~CA. Chapter 1.10 Section 108 of the uniform fire code is deleted in its entirety and replaced as follows:~~

~~Whenever the fire chief disapproves the use of alternate materials and types of construction, and for appeals of the fire chief's interpretations of those provisions of this code which are based upon requirements of the uniform mechanical, electrical, plumbing, housing and building codes, the aggrieved party may appeal such decision or interpretation to the Board of Appeals as defined in Title 2, Chapter 6 of the Helena City Code. The fire chief shall abstain from voting on those appeals. There is no appeal from other interpretations and decisions of the fire chief other than as specified herein.~~

~~D. Chapter 1.12 of the uniform fire code shall include the following:~~

~~Permit fees are set by resolution of the Helena City Commission.~~

~~E. Chapters 10 through 19 of the uniform fire code are adopted with the following exceptions and additions:~~

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1. ~~10.15.1 is not adopted.~~
2. ~~10.15.9.5 Natural-cut trees must be properly treated with an approved flame retardant, unless the tree is fresh and recently harvested and all other provisions of 10.15.9 are met.~~
3. ~~10.18 Parade Floats. (including all subsections) is not adopted.~~

FB. Chapter ~~65.9~~ 33, Explosives and Fireworks, of the ~~uniform~~ fire code is adopted with the following amendments and additions:

1. Section ~~65.9.2.2~~ 3301.2.4.1 Blasting:

Insurance: Before a permit is issued to use explosive materials for blasting operations, the applicant must file with the fire department proof of an existing liability insurance policy with policy limits of no less than \$750,000 per person and \$1,500,000 per occurrence for the purpose of the payment of damages to persons or property which arise from, or are caused by, the conduct of an act authorized by the permit and for which any liability claim is made against the City.

Personnel Qualifications: The person in charge of handling and use of explosive materials must be at least 21 years of age and possesses both a valid explosive-use permit issued by the fire chief and a relevant blaster's license issued by the State of Montana.

2. Section ~~65.9.3 Storage~~ 3306 Small Arms Ammunition. The maximum quantities, storage conditions, and fire protection requirements for gun powder and ammunition stored in a building are as follows:
  - a. Smokeless powder, in accordance with §§50-61-120 and 121, MCA;
  - b. Commercially manufactured sporting black powder - 25 pounds (11.3 kg) in a separate, portable Type 4 magazine; and

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- c. Small arms primers or percussion caps in accordance with §§50-61-120 and 121, MCA.
- e. 3. Section ~~65.11~~ 3301.1.3 Fireworks of the ~~uniform~~ fire code is deleted and the following placed in lieu thereof:

Except as hereinafter provided, it is unlawful for any person to store, handle, display for sale, sell at retail, use, or explode any fireworks.

Exceptions:

- Aa. For public display by permit as set forth in Chapter ~~65.2~~ 3308.
- Bb. Possession of fireworks is allowed as provided for in the Helena City Code.

Insurance:

1a. Any organization or group of individuals planning a public display of fireworks must provide the City with proof that the group has a general liability insurance policy with policy limits of no less than \$750,000 per person and \$1,500,000 per occurrence for the purpose of the payment of damages to persons or property which arise from, or are caused by, the conduct of an act authorized by the permit and for which any liability claim is made against the City.

2b. Proof of insurance must be provided with the application for the permit referenced in '50-37-107, MCA, prior to approval of any public display of fireworks. The general liability insurance policy must be valid at the time of the public display.

3c. The general liability insurance policy must cover payment of any liability, including personal and property damages, arising out of the public display of fireworks.

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4d. Alternative methods of liability coverage may be approved if equivalent to the above-listed requirements. (Ord. 3014, 3-28-2005; amd. Ord. 3126, 7-26-2010)

4. Section 906.1 of the fire code is deleted in its entirety and replaced as follows:

906.1 Where Required. Portable fire extinguishers shall be installed in the following locations:

a. In new and existing Group A, B, E, F, H, I, M, R-1, R-2, R-4, and S occupancies.

b. Within 30 feet (9144 mm) of commercial cooking equipment.

c. In areas where flammable or combustible liquids are stored, used, or dispensed.

d. On each floor of structures under construction, except Group R-3 occupancies, in accordance with Section 1415.1.

e. Where required by the sections indicated in Table 906.1.

f. Special hazard areas, including but not limited to laboratories, computer rooms, and generator rooms, where required by the fire code official

## **3-9-79: PENALTIES:**

A. Any person who violates any of the provisions of this title or who builds in violation of any detailed statement or specifications or plans submitted and approved thereunder or any certificate or permit issued thereunder and from which no appeal has been taken is guilty of a misdemeanor, punishable by a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) or by imprisonment for not more than six (6) months or by both such fine and

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imprisonment. The imposition of one penalty for any violation does not excuse the violation or permit it to continue, and the violator shall correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each twenty four (24) hours that prohibited conditions are maintained shall constitute a separate offense.

- B. The application of the above penalty does not prevent the enforced removal of prohibited conditions. (Ord. 2921, 9-24-2001)

**3-9-810: REPEAL OF CONFLICTING ORDINANCES:** All former ordinances or parts thereof conflicting or inconsistent with the provisions of this chapter or the ~~uniform~~ fire code as adopted and amended herein are hereby repealed. (Ord. 2921, 9-24-2001; amd. Ord. 3014, 3-28-2005; amd. Ord. 3126, 7-26-2010)

**3-9-911: VALIDITY:** The Helena city commission hereby declares that should any section, paragraph, sentence or word of this chapter or of the ~~uniform~~ fire code, as adopted and amended herein, be declared, for any reason, to be invalid, it is the intent of the Helena city commission that it would have passed all other portions of this ordinance independent of the elimination of any portion that may be declared invalid. (Ord. 2921, 9-24-2001; amd. Ord. 3014, 3-28-2005; amd. Ord. 3126, 7-26-2010)

**FIRST PASSED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA,**

**THIS 21<sup>st</sup> DAY OF JUNE, 2010.**

**ATTEST:**

/S/ James E. Smith  
**MAYOR**

/S/ Debbie Havens  
**CLERK OF THE COMMISSION**

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FINALLY PASSED BY THE COMMISSION OF THE CITY OF HELENA,  
MONTANA, THIS 26<sup>th</sup> DAY OF JULY, 2010.

ATTEST:

/S/ James E. Smith  
MAYOR

/S/ Debbie Havens  
CLERK OF THE COMMISSION