

ORDINANCES OF THE CITY OF HELENA, MONTANA

ORDINANCE NO. 3151

AN ORDINANCE CLARIFYING THE BUILDING DIVISION, THE POSITION OF THE BUILDING OFFICIAL, AND THE APPLICATION OF BUILDING CODES BY AMENDING TITLE 3 OF THE HELENA CITY CODE

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

That Chapters 1 and 2 of Title 3 of the Helena City Code, Building Regulations, are hereby amended as follows:

Chapter 1

~~BUILDING DEPARTMENT~~ DIVISION

SECTION:

- 3-1-1: ~~Director Of Building And Safety~~ Building And Safety Division
- 3-1-2: ~~Inspectors~~ Appointment Of Building Official
- ~~3-1-3:~~ Substitution
- 3-1-43: Purpose
- 3-1-54: Decision And Appeal
- 3-1-65: Violations; Penalties

3-1-1: ~~DIRECTOR OF BUILDING AND SAFETY:~~ BUILDING AND SAFETY DIVISION: ~~There shall be a building department as a division with the public services department. The building department shall be supervised by a director of building and safety, hereinafter in this title sometimes referred to as the "director".~~ There is a building and safety division within the community development department that is supervised by the director of community development. (Ord. 1319, 11-15-1943; Ord. _____ - __ - __)

3-1-2: ~~INSPECTORS:~~ ~~The building department may employ such inspectors, including, but not limited to, a building inspector, an electrical inspector, and a plumbing and mechanical inspector, as may, from time to time, be necessary.~~ (Ord. 1319, 11-15-1943)

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~~3-1-3: **SUBSTITUTION:** In the event that the office of director of building and safety is vacant, the director of public services shall perform the functions of his office and shall receive no additional compensation by reason of his duties as such. In the event that there are vacancies in the office of any inspector, the director of building and safety shall perform the duties of such inspector and shall receive no additional compensation by reason of his duties as such. (Ord. 1319, 11-15-1943)~~

3-1-2: **APPOINTMENT OF BUILDING OFFICIAL:** The city manager shall appoint the building official. The building official is hereby authorized and directed to enforce the provisions of this title, with the exception of chapter 9 of, the fire prevention code. (Ord. 1319, 11-15-1943; Ord. _____ - ____)

3-1-43: **PURPOSE:** No change.

~~3-1-54: **DECISION AND APPEAL:** The administration of this title is under the supervision of the director of building and safety who is charged with the enforcement of this title, with the exception of chapter 9 of this title, the fire prevention code.~~

A. Any decision of an inspector may be appealed in writing to the building official for a final decision. The building official may confirm or reverse the inspector. The final decision of the building official shall be in writing. (Ord. _____, ____ - ____)

B. An appeal from any the final written decision of the director of building and safety or any inspector under his supervision or any other city officer building official upon any matter affecting any of the uniform codes adopted in this title or any other provision in this title may be taken to the board of appeals, which shall be appointed by the commission and have the membership, has powers and duties as provided in the uniform building code[±], as well as subsection 2-6-3D of this code, as well as the powers and duties of an appeals board in any of the uniform codes adopted in this title. (Ord. 2349, 8-6-1984; amd. Ord. 2657, 2-8-1993; amd. Ord. _____, ____ - ____)

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- C. Any appeal to ~~said~~ the board of appeals shall be in conformity with the ~~specific appeal provisions of any of the uniform codes adopted by this title~~ must be in writing and delivered to the director of community development within thirty (30) calendar days of the building official's final decision. However, if no such specific appeal provisions are specified in said uniform codes, the following appeal procedure shall take place : Such appeal shall be taken by filing and serving a notice of appeal, as in the applicable code provided, and in the absence of such provision, by filing written notice with the director of building and safety within thirty (30) days of the decision of the building department from which appeal is taken. The notice shall specify the provision of the applicable code or the decision of the department being appealed. The board shall hear and render a decision on ~~such~~ the appeal within thirty (30) days of ~~said~~ filing, unless by agreement of the department and the appellant ~~said~~ the time is extended. (Amd. Ord. _____, ___-___-___)
- D. An appeal from the decision of the board of appeals may be taken to the commission, by filing ~~and serving~~ a written notice of appeal upon the clerk, within thirty (30) days after the decision of the board of appeals ~~appealed from,~~ and ~~serving a copy of said notice of appeal with the said time,~~ upon the board of appeals. The commission shall ~~have~~ has the power to review the decision of the board of appeals, hear evidence relative thereto, and to revise, amend or alter the order of the board of appeals ~~appealed from.~~ (Ord. 2349, 8-6-1984; amd. Ord. _____, ___-___-___)

3-1-65: VIOLATIONS; PENALTIES:

- A. Any person who ~~shall~~ violates any of the provisions of the ~~codes hereby adopted this title or fail to comply therewith,~~ or who ~~shall~~ violates or fails to comply with any order ~~made thereunder,~~ or who ~~shall~~ 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, or who shall fail to comply with such an order as affirmed or by the building and housing board of appeals of the city or by a court of competent jurisdiction within the time fixed herein, shall severally for each and every such violation and noncompliance respectively, be guilty of a misdemeanor, punishable by a fine of not less than twenty five dollars (\$25.00) nor more than

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three hundred dollars (\$300.00) or by imprisonment for not more than ninety (90) days or by both such fine and imprisonment. The imposition of one penalty for any violation ~~shall~~ does not excuse the violation or permit it to continue, and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten (10) days that prohibited conditions are maintained shall constitute a separate offense. (Amd. Ord. _____, ___-___-___)

- B. The application of the above penalty ~~shall not be held to~~ does not prevent the enforced removal of prohibited conditions. (Ord. 2064(78), 2-21-1978; amd. Ord. _____, ___-___-___)

Chapter 2

~~BUILDING, INTERNATIONAL ENERGY CONSERVATION CODE AND HOUSING REGULATIONS[±]~~

BUILDING AND INTERNATIONAL RESIDENTIAL CODES

SECTION:

- 3-2- 1: Building Code
 - 3-2- 2: Reserved Applicability
 - 3-2- 3: Reserved
 - 3-2- 4: Energy Code
 - 3-2- 5: Evidence Of Rights Of Way
 - 3-2- 6: Plans And Specifications
 - 3-2- 7: Inspections Required
 - 3-2- 8: Certificate Of Occupancy
 - 3-2- 9: Residential Code
 - 3-2-10: Access To Structures; Water And Sewer Connections Required
 - 3-2-11: International Existing Building Code
- 3-2-1: BUILDING CODE:** No change.

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3-2-2: **RESERVED APPLICABILITY:** The state building codes and the codes set forth in this title are applicable to all buildings within the building code enforcement area of the city, including, but not limited to, residential buildings containing less than five dwellings units or their attached structures, any farm or ranch building, and any private garage or private storage structure used only for the owner's own use as provided in Section 50-60-102(1)(a), MCA. (Ord. 3017, 3-28-2005; amd. Ord. _____, ___-___-___)

3-2-3: **RESERVED:** No change.

3-2-4: **ENERGY CODE:** No change.

3-2-5: **EVIDENCE OF RIGHTS OF WAY:**

A. As a prerequisite to the issuance of any building permit within the city, the director of public works must first determine that all necessary improvements and rights of way have been provided, and that the precise locations for public improvements have been determined. The applicant for any permit must agree to pay for the change of location of any said improvements.

B. Upon receipt of such documentation, including certified copies of any necessary easements together with a proper application with plans and specifications for construction that comply with this title, and the application fee, the ~~director of building and safety~~ building official is authorized to issue the building permit requested. (Ord. 2939, 7-8-2002; amd. Ord. _____, ___-___-___)

3-2-6 through 3-2-11: No change.

FIRST PASSED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA, THIS 26th DAY OF MARCH, 2012.

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 23rd DAY OF APRIL, 2012.

ATTEST:

/S/ James E. Smith
MAYOR

/S/ Debbie Havens
CLERK OF THE COMMISSION