

ORDINANCES OF THE CITY OF HELENA, MONTANA

ORDINANCE NO. 3280

AN ORDINANCE ADOPTING BY REFERENCE THE STATE ADOPTED 2018 EDITIONS OF THE INTERNATIONAL BUILDING CODE (IBC) ALONG WITH APPENDIX CHAPTER C - GROUP U, AGRICULTURAL BUILDINGS , THE INTERNATIONAL RESIDENTIAL CODE (IRC) ALONG WITH APPENDIX CHAPTER Q - TINY HOUSES AND APPENDIX CHAPTER S - STRAWBALE CONSTRUCTION, THE INTERNATIONAL EXISTING BUILDING CODE (IEBC), INTERNATIONAL MECHANICAL CODE (IMC), INTERNATIONAL FUEL GAS CODE (IFGC), UNIFORM PLUMBING CODE (UPC) AND 2017 EDITION OF THE NATIONAL ELECTRICAL CODE (NEC) AND CLARIFYING PROVISIONS RELATING TO THE ADMINISTRATION AND ENFORCEMENT OF THESE CODES BY REPEALING CHAPTERS 2, 3, 4, 5, 7, AND 13, AMENDING CHAPTER 1, AND ADOPTING A REVISED CHAPTER 2 OF TITLE 3, HELENA CITY CODE

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

That Title 3, Building Regulations, of the Helena City Code is hereby amended as follows:

TITLE 3

BUILDING REGULATIONS

Subject	Chapter
Building and Safety Division Administration	1
Building and International Residential Codes <u>Building Codes</u> <u>Adopted and Enforced</u>	2
Electrical Code Repealed and Reserved (Rep. by Ord. 3280, 2-24-2020).	3
Mechanical Code Repealed and Reserved (Rep. by Ord. 3280, 2-24-2020).	4
Gas Code Repealed and Reserved (Rep. by Ord. 3280, 2-24-2020)	5
Moving of Buildings.	6
Plumbing Code Repealed and Reserved (Rep. by Ord. 3280, 2-24-2020)	7
Erection of Signs (Rep. by Ord. 3072, 11-20-2006).	8
Fire Prevention Code	9
Fire Limits	10
Water Wells	11

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Emergency Inspections of Buildings	12
Uniform Federal Accessibility Standards Repealed and Reserved (Rep. by Ord. 3280, 2-24-2020)	13

CHAPTER 1

~~BUILDING AND SAFETY DIVISION~~

ADMINISTRATION

SECTION:

- 3-1-1: Building and Safety Division Established
- 3-1-2: Appointment of Building Official
- ~~3-1-3: Purpose~~
- 3-1-3: Definitions
- 3-1-4: Access to Structures
- 3-1-5: Occupied Structures to be Served by City Utilities
- 3-1-6: Permits Required
- 3-1-7: Permit Requirements
- 3-1-8: Plans and Specifications
- 3-1-9: Inspection Required
- 3-1-10: Certificate of Occupancy
- 3-1-411: Decision and Appeal
- 3-1-512: Waiver of Fees
- 3-1-613: Violations; Penalties
- 3-1-14: Enforcement

3-1-1: BUILDING AND SAFETY DIVISION ESTABLISHED:

There is a building and safety division within the community development department that is supervised by the director of community development. (Ord. 3151, 4-23-2012)

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, "Fire Prevention Code," of this title. (Ord. 3151, 4-23-2012)

~~3-1-3: PURPOSE:~~

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~~It is the purpose of this title to protect life, health and property, and all its provisions shall be construed liberally to that end. The further purpose of this title is to provide certain minimum standards, provisions and requirements for safe and stable design, methods of construction and uses of materials in buildings and structures hereafter erected, constructed, enlarged, altered, repaired, moved, converted to other uses or demolished and to regulate the equipment, maintenance, use and occupancy of all buildings and structures. (Ord. 1319, 11-15-1943; amd. Ord. 3151, 4-23-2012)~~

3-1-3: DEFINITIONS:

As used in this title, the following definitions apply, unless specified otherwise:

Building Official: The building official appointed by the city manager or the building official's designee, to include all city code inspectors.

Enforced codes: All codes adopted and enforced by the city as specified in Chapter 2 of this title. (Ord. 3280, 2-24-2020)

3-1-4: ACCESS TO STRUCTURES:

No structure may be occupied, and no permit for any structure shall be issued, unless there is a road, built to city specifications, providing access to said structure. (Ord. 2470, 6-27-1988; amd. Ord. 3280, 2-24-2020)

3-1-5: OCCUPIED STRUCTURES TO BE SERVED BY CITY UTILITIES:

- A. No structure may be occupied unless it is served by city water and sanitary sewer services.
- B. All service connections to city water and sanitary sewer services must be:

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1. Connected to a city water or sanitary sewer main in the city's right-of-way, alley, or the city's utility easement adjacent to the structure to be served;
 2. In compliance with Title 6 of the Helena City Code; and
 3. In compliance with City Engineering Standards.
- C. If no city water main is available in the city's right-of-way or alley adjacent to the structure, the owner of the structure must, at the owner's sole expense, extend the existing city water main through the entire length of the property to be served. All such extensions must be made in compliance with Title 6 of the Helena City Code and City Engineering Standards.
- D. If no city sewer main is available in the city's right-of-way or alley adjacent to the structure, the owner of the structure must, at the owner's sole expense, extend the existing city sanitary sewer main through as much of the length of the property as is determined necessary and reasonable by the director of public works of the city. All such extensions must be made in compliance with Title 6 of the Helena City Code and City Engineering Standards. (Ord. 2470, 6-27-1988; amd. Ord. 3280, 2-24-2020)

3-1-6: PERMITS REQUIRED:

- A. No building construction, alteration, repair, or demolition may begin without a permit issued by the building official if a permit is required by the enforced codes.
- B. The permit card must be posted in a conspicuous place on the front premises for which the permit is issued and in such a location as to allow the building official to conveniently make the required entries thereon respecting inspection of the work. The permit card must be maintained in such location by the permit holder until the certificate of occupancy has been issued or final inspection completed. (Ord. 3280, 2-24-2020)

3-1-7: PERMIT REQUIREMENTS:

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- A. The property owner, or the owner's designee, must submit the information for each permit as required by the building official, on the forms provided. The building official may require that all permit applications be submitted electronically.
- B. All applicable permit fees, as set by resolution of the city commission, must be paid prior to a permit being issued. (Ord. 3280, 2-24-2020)

3-1-8: PLANS AND SPECIFICATIONS:

- A. Whenever the issuance of a permit requires the applicant to submit plans and specifications for review by the building official, when the permit is issued, the building official must endorse in writing or stamp "Approved" the submitted plans and specifications. Such approved plans and specifications shall not be changed, modified, or altered without authorization from the building official and all work shall be done in accordance with the approved plans.
- B. A copy of the approved plans and specifications must be kept at the work site to which the plans and specifications pertain at all times during which the work authorized thereby is in progress and shall be open to inspection by the building official.
- C. The building and safety division must retain a copy, as public record, of the plans and specifications submitted and approved as part of a permit for a period of not less than ninety (90) days from the date of completion of the work covered therein. (Ord. 2939, 7-8-2002; amd. Ord. 3280, 2-24-2020)

3-1-9: INSPECTION REQUIRED:

- A. All work requiring a permit must be inspected by the building official at various intervals, as required by the city, to assure compliance with the enforced codes. No work may be covered up until the same has been approved by the building official.

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- B. The building official must be provided access to the property to conduct the required inspections.
- C. Following an inspection, the permit holder must correct any condition that is determined to be unsafe to life and property or in violation of the applicable enforced code. (Ord. 3280, 2-24-2020)

3-1-10: CERTIFICATE OF OCCUPANCY:

- A. No building may be occupied, including in part, unless or until a certificate of occupancy has been issued by the building official. The building official shall, after an application therefore has been filed by the owner or the owner's agent, issue a certificate of occupancy for such building if, after inspection of the work authorized by applicable permits, it is found that such building substantially complies with the provisions of this title and all other requirements of the enforced codes applicable thereto.
- B. The certificate of occupancy must show:
 - 1. Building permit number;
 - 2. Address of the building;
 - 3. Name and address of the owner;
 - 4. Description of that portion of the building for which the certificate is being issued;
 - 5. Statement that the described portion of the building has been inspected for substantial compliance with the applicable enforced code for the group, division, and use for which the occupancy is certified;
 - 6. The name of the building official;
 - 7. The edition of the enforced code under which the permit was issued;
 - 8. The type of construction;
 - 9. The design occupant load;
 - 10. The existence of an automatic sprinkler system and whether it was required; and
 - 11. Any special requirements and conditions associated with the building permit.

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- C. The issued certificate of occupancy is not a certification or guarantee of total compliance with the applicable effective codes.
- D. A temporary certificate of occupancy may be issued by the building official for the temporary use of a portion of a building prior to the completion and occupancy of the entire building. (Ord. 2951, 3-10-2003; amd. Ord. 3280, 2-24-2020)

3-1-411: DECISION AND APPEAL:

- A. Any decision of ~~an inspector~~ a building official's designee, including that of an inspector, may be appealed in writing to the appointed building official for a final decision. The building official may confirm or reverse the building official designee. The final decision of the building official shall be in writing.
- B. An appeal from the final written decision of the building official upon any matter affecting any of the codes adopted in this title or any other provision in this title may be taken to the board of appeals, which has powers and duties as provided in subsection 2-6-3D of this code, as well as the powers and duties of an appeals board in any of the codes adopted in this title.
- C. Any appeal to the board of appeals must be in writing and delivered to the director of community development within thirty (30) calendar days of the building official's final decision. The board shall hear and render a decision on the appeal within thirty (30) days of filing, unless by agreement of the department and the appellant the time is extended.
- D. An appeal from the decision of the board of appeals may be taken to the commission, by filing a written notice of appeal upon the clerk, within thirty (30) days after the decision of the board of appeals. The commission 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. (Ord. 3151, 4-23-2012; amd. Ord. 3280, 2-24-2020)

3-1-512: WAIVER OF FEES:

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- A. The city commission may, by resolution, at its sole discretion, waive the imposition of a portion or all of any fee imposed by the provisions of Title 3 of the Helena City Code for an affordable housing project.
- B. For purposes of this section "affordable housing project" is defined as a housing project intended to house:
 - 1. Homeless or disabled persons, as such terms are defined by the U.S. Department of Housing and Urban Development, or
 - 2. Households with an annual income that does not exceed sixty (60) percent of the area median income for the applicable household size in the Lewis and Clark County statistical area, as published by the U.S. Department of Housing and Urban Development.
- C. A developer seeking waiver of fees pursuant to this section must submit an application, provided by the city, prior to the issuance of any certificates of occupancy for the project that is subject to the waiver request.
- D. To grant a waiver of fees the city commission must find that:
 - 1. The project meets the definition of an "affordable housing project;" and
 - 2. The proposed waiver will not jeopardize the financial interests of the city. In making this determination, the city commission may consider any of the following factors:
 - a. The size of the project;
 - b. The number of persons proposed to be served;
 - c. The financial capability of the applicant to pursue the project without fee waiver;
 - d. The length of time the project is guaranteed to remain affordable;
 - e. The manner in which the applicant has guaranteed the project will remain affordable; and
 - f. Any other factor the city commission deems relevant.

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- E. The city commission may condition the waiver of fees to ensure the project remains affordable. Conditions imposed by the city commission can include, but are not limited to:
 - 1. Time limitations;
 - 2. Written agreements;
 - 3. Guarantees;
 - 4. Proof of income verification;
 - 5. Annual certification of rents; and
 - 6. Annual certifications of compliance.
- F. The city must keep a record of all waivers of fees granted pursuant to this section.
- G. If the city determines that an affordable housing project has violated any condition imposed, the city may seek the full balance of the waived fees, which may be attached as a lien against the property. (Ord. 3277, 1-13-2019; amd. Ord. 3280, 2-24-2020)

3-1-613: VIOLATIONS; PENALTIES:

Any contractor who performs work without a permit when a permit is required by the applicable enforced code may have that contractor's city business license suspended or revoked as provided for in Title 4 of this code and be subject to any applicable penalties. (Ord. 3151, 4-23-2012; amd. Ord. 3277, 1-13-2019; amd. Ord. 3280, 2-24-2020)

- ~~A. Any person who violates any of the provisions of this title, or violates or fails to comply with any order, or builds in violation of any detailed statement or specifications or plans submitted and approved, or any certificate or permit issued, 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 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 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~~

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~~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. 3151, 4-23-2012)~~

3-1-14: ENFORCEMENT:

The city may seek injunctive relief, in the Helena Municipal Court, to assure compliance with provisions of this title. (Ord. 3280, 2-24-2020)

CHAPTER 2

BUILDING AND INTERNATIONAL RESIDENTIAL CODES

CODES ADOPTED AND ENFORCED BY THE CITY

SECTION:

- 3-2-1: Building Code
- 3-2-2: Residential Code
- 3-2-3: Energy Code
- 3-2-4: Existing Building Code
- 3-2-5: Plumbing Code
- 3-2-6: Electrical Code
- 3-2-7: Mechanical Code
- 3-2-8: Fuel Gas Code
- 3-2-9: Copies of Adopted and Enforced Codes

3-2-1: BUILDING CODE:

The City of Helena hereby adopts and by this reference incorporates into this title as if set forth in full, except any regulations which are not applicable to local government jurisdictions, the 2018 International Building Code ("IBC"), together with Appendix C - Group U-Agricultural Buildings, amendments, and modifications, as set forth in Title 24, Chapter 301, of the Administrative Rules of Montana, as adopted by the State of Montana, Department of Labor and Industry. (Ord. 3280, 2-24-2020)

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3-2-2: RESIDENTIAL CODE:

The City of Helena hereby adopts and by this reference incorporates into this title as if set forth in full, except any regulations which are not applicable to local government jurisdictions, the 2018 International Residential Code ("IRC"), together with Appendix Q - Tiny Houses and Appendix S - Strawbale Construction, including amendments, and modifications, as set forth in Title 24, Chapter 301, of the Administrative Rules of Montana, as adopted by the State of Montana, Department of Labor and Industry. (Ord. 3280, 2-24-2020)

3-2-3: ENERGY CODE:

The City of Helena hereby adopts and by this reference incorporates into this title as if set forth in full, except any regulations which are not applicable to local government jurisdictions, the 2012 International Code Council's International Energy Conservation Code, referred to as the International Energy Conservation Code, together with all accompanying appendices, amendments, and modifications, as set forth in Title 24, Chapter 301, of the Administrative Rules of Montana, as adopted by the State of Montana, Department of Labor and Industry. (Ord. 3280, 2-24-2020)

3-2-4: EXISTING BUILDING CODE:

The City of Helena hereby adopts and by this reference incorporates into this title as if set forth in full, except any regulations which are not applicable to local government jurisdictions, the 2018 International Existing Building Code, together with all accompanying appendices, amendments, and modifications, as set forth in Title 24, Chapter 301, of the Administrative Rules of Montana, as adopted by the State of Montana, Department of Labor and Industry. (Ord. 3280, 2-24-2020)

3-2-5: PLUMBING CODE:

The City of Helena hereby adopts and by this reference incorporates into this title as if set forth in full, except any regulations which are not applicable to local government jurisdictions, the 2018 Uniform Plumbing Code, together with all accompanying

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appendices, amendments, and modifications, as set forth in Title 24, Chapter 301, of the Administrative Rules of Montana, as adopted by the State of Montana, Department of Labor and Industry. (Ord. 3280, 2-24-2020)

3-2-6: ELECTRICAL CODE:

The City of Helena hereby adopts and by this reference incorporates into this title as if set forth in full, except any regulations which are not applicable to local government jurisdictions, the 2017 National Electrical Code, together with all accompanying appendices, amendments, and modifications, as set forth in Title 24, Chapter 301, of the Administrative Rules of Montana, as adopted by the State of Montana, Department of Labor and Industry. (Ord. 3280, 2-24-2020)

3-2-7: MECHANICAL CODE:

The City of Helena hereby adopts and by this reference incorporates into this title as if set forth in full, except any regulations which are not applicable to local government jurisdictions, the 2018 International Mechanical Code, together with all accompanying appendices, amendments, and modifications, as set forth in Title 24, Chapter 301, of the Administrative Rules of Montana, as adopted by the State of Montana, Department of Labor and Industry. (Ord. 3280, 2-24-2020)

3-2-8: FUEL GAS CODE:

The City of Helena hereby adopts and by this reference incorporates into this title as if set forth in full, except any regulations which are not applicable to local government jurisdictions, the 2018 International Fuel Gas Code, together with all accompanying appendices, amendments, and modifications, as set forth in Title 24, Chapter 301, of the Administrative Rules of Montana, as adopted by the State of Montana, Department of Labor and Industry. (Ord. 3280, 2-24-2020)

3-2-9: COPIES OF ADOPTED AND ENFORCED CODES:

A copy of all building codes adopted and enforced by the city are available for viewing in the city's building and safety division

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located at 316 North Park Avenue, Helena, Montana 59623. (Ord. 3280, 2-24-2020)

FIRST PASSED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA,
THIS 13th DAY OF JANUARY, 2020.

/S/ WILMOT COLLINS
MAYOR

ATTEST:

/S/ DANNAI CLAYBORN
CLERK OF THE COMMISSION

FINALLY PASSED BY THE COMMISSION OF THE CITY OF HELENA,
MONTANA, THIS 24th DAY OF FEBRUARY, 2020.

/S/ WILMOT COLLINS
MAYOR

ATTEST:

/S/ DANNAI CLAYBORN
CLERK OF THE COMMISSION