

ORDINANCES OF THE CITY OF HELENA, MONTANA

Ord. No. 3313

ORDINANCE NO. 3313

AN ORDINANCE REPEALING TITLE 3, CHAPTERS 9 AND 10 OF THE HELENA CITY CODE AND READOPTING AS AMENDED TITLE 13, CHAPTERS 2 AND 3 OF THE HELENA CITY CODE RELATING TO FIRE PREVENTION CODE AND FIRE LIMITS

WHEREAS the Helena City Code presently contains Chapters 9 and 10 pertaining to Fire Prevention Code and Fire Limits, and;

WHEREAS the Helena City Code contains Chapter 13, pertaining to Fire Regulations, and;

WHEREAS the subject matter of Chapters 9 and 10 are consistent with those subjects contained in Title 13, and;

WHEREAS the State of Montana has adopted the 2021 International Fire Code, and;

WHEREAS the City is mandated to adopt the Code Editions and amendments as approved and adopted by the state of Montana, and;

WHEREAS the City also believes this to be an opportune time to undertake code revision for outdated parts of the current City Code in Chapter 9 of Title 3;

Now, therefore 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That Chapter 9 of Title 3 of the Helena City Code is hereby repealed, and

That Chapter 2 of Title 13 of the Helena City Code is hereby adopted as follows:

CHAPTER 2

FIRE PREVENTION CODE

SECTION:

13-2-1 : Adoption

ORDINANCES OF THE CITY OF HELENA, MONTANA

13-2-2 :	Enforcement	Ord. No. 3313
13-2-3 :	Definitions	
13-2-4 :	Storage Of Explosives And Blasting Agents Prohibited	
13-2-5:	Parade Floats	
13-2-6:	Wildfire Risk Area	
13-2-7:	Amendments	
13-2-8 :	Penalties	
13-2-9 :	Repeal of Conflicting Ordinances	
13-2-10:	Validity	

13-2-1 : ADOPTION:

- A. The City Commission adopts the 2021 edition of the international fire code, with the exception of language specifically deleted, modified, or amended by this chapter. The Commission additionally adopts Appendices B, C, D, E, F, G, I, and L to the 2021 international fire code. These provisions are adopted for the purpose of prescribing regulations governing conditions hazardous to life and property from fire, hazardous materials or explosion. A copy of the 2021 international fire code is filed in the office of the clerk of the commission for reference purposes.
- B. If there is any conflict between any paragraph, section, sentence, or word of the fire code as adopted and amended by the city, and any paragraph, section, sentence, or word of the fire code as adopted and amended by the state, the more stringent paragraph, section, sentence, or word of either code controls.

13-2-2 : ENFORCEMENT:

- A. The fire code is enforced by the Helena fire department.
- B. The chief of the fire department may detail members of the fire department as necessary to ensure the functioning and operation for fire prevention and investigation.

13-2-3 : 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.

ORDINANCES OF THE CITY OF HELENA, MONTANA

Ord. No. 3313

CHIEF, FIRE CHIEF: The chief of the Helena fire department.

DEPARTMENT: The Helena fire department.

FIRE CODE: The 2021 edition of the international fire code, as adopted with modifications by the city.

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

13-2-4 : 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.

13-2-5 : **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;

ORDINANCES OF THE CITY OF HELENA, MONTANA

Ord. No. 3313

- 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 three feet (3') away from any combustible material and properly secured to restrict movement.

13-2-6 : **WILDFIRE RISK AREA.** Land that is covered with grass, grain, brush or forest, whether privately or publicly owned, which is so situated or is of such inaccessible location that a fire originating upon it would present an abnormally difficult job of suppression or would result in great or unusual damage through fire or such areas designated by the fire code official. The fire chief or their designee is authorized to determine when a wildland area is fire prone and may declare it to be a Wildfire Risk Area. The fire chief or their designee is authorized to determine and publicly announce when Wildfire Risk Areas are closed to entry and when such areas may again be opened to entry.

- A. Posting of Wildfire risk areas:** The fire chief or their designee shall post signs at access points prohibiting entry into closed Wildfire risk areas hazardous fire areas.
- B. Criminal trespass to Wildfire risk areas:** A person commits the offense of criminal trespass to Wildfire risk areas if the person enters or remains without authority in a properly posted Wildfire risk areas, 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,

ORDINANCES OF THE CITY OF HELENA, MONTANA

Ord. No. 3313

or signs posting or closing Wildfire risk area.

13-2-7 : AMENDMENTS :

Section 506.1 of the 2021 International Fire Code is amended to the following:

Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the fire code official is authorized to require a key box to be installed in an approved location. The key box shall be of an approved type listed in accordance with UL 1037, and shall contain keys to gain necessary access as required by the fire code official. Knox boxes are required in the City of Helena for every occupancy that has any fire and life safety systems which include, fire sprinkler, fire alarm, fire suppression or fire extinguishing to ensure the Fire Department can make immediate access.

Section 509.1 of the fire code is deleted in its entirety and replaced with the following:

Any area containing fire protection, fire detection, utilities, or other equipment used during emergency operations shall be clearly identified. Signage shall be of a durable material, permanently installed, and have a red background with white 1 ½" lettering. Under certain conditions, exceptions may be granted subject to approval by the Fire Code Official.

Section 903.3.5 of the 2021 International Fire Code is amended to the following:

Water supplies for automatic sprinkler systems shall comply with this section and the standards referenced in section 903.3.1. The potable water supply shall be protected against backflow in accordance with the requirements of this section and the International Plumbing Code. For connection to public waterworks systems, the water supply test used for design of fire protection systems shall be adjusted to account for seasonal and daily

ORDINANCES OF THE CITY OF HELENA, MONTANA

Ord. No. 3313

pressure fluctuations based on information from the water supply authority and as approved by the fire coded official. Unless otherwise approved by the Fire Code Official combined domestic service and fire sprinkler service is not allowed. They must be separated at the main.

Section 903.4.2 of the 2021 International Fire Code is amended to the following:

An approved audible device, located on the exterior of the building in an approved location, shall be connected to each automatic sprinkler system. Such sprinkler waterflow alarm devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Where a fire alarm system is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system. In buildings or structures of such size, arrangement or occupancy, audible and visual notification devices must be provided throughout.

Section 905.1 of the 2021 International Fire Code is amended to the following:

Standpipe systems shall be provided in new buildings and structures in accordance with section 905.2 through 905.11. In buildings used for high-piled combustible storage, fire protection shall be in accordance with Chapter 32. This section and all other applicable sections are amended to include the following. Hose connections shall be located on the intermediate level unless otherwise approved by the Fire Code Official.

Section 905.11 of the 2021 International Fire Code is amended to the following:

Where required in Chapter 11, existing structures shall be equipped with standpipes installed in accordance with Section 905. Hose connections shall be located on the intermediate level unless otherwise approved by the Fire Code Official.

Section 907.1 of the 2021 International Fire Code is amended to the following:

ORDINANCES OF THE CITY OF HELENA, MONTANA

Ord. No. 3313

This section covers the application, installation, performance and maintenance of fire alarm systems and their components in new and existing buildings and structures. The requirements of Section 907.2 are applicable to new buildings and structures. The requirements of Section 907.9 are applicable to existing buildings and structures. Addressable fire alarm systems are required in the City of Helena unless otherwise approved by the AHJ. Networking fire alarm systems must be approved by the AHJ.

Section 907.6.6 of the 2021 International Fire Code is amended to the following:

Fire alarm systems required by this chapter or by the International Building Code shall be monitored by an approved supervising station in accordance with NFPA 72. When required by the fire code official, non-required fire alarm systems shall be monitored by an approved supervising station in accordance with NFPA 72 and this code.

Exception: Monitoring by a supervising station is not required for:

1. Single- and multiple-station smoke alarms required by Section 907.2.11.
2. Smoke detectors in Group I-3 occupancies.
3. Automatic sprinkler systems in one- and two-family dwellings.

Section 915.1 of the 2021 International Fire Code is amended to the following:

Carbon monoxide detection shall be installed in new buildings in accordance with Sections 915.1.1 through 915.6. Carbon monoxide detection shall be installed in existing buildings in accordance with Section 1103.9. Carbon Monoxide alarm signals are required to be automatically transmitted as an alarm signal to a supervising station and must activate the occupant notification system.

Chapter 56: Explosives and Fireworks is adopted with the following amendments and additions:

Section 5601.1. is deleted and the following placed in lieu

ORDINANCES OF THE CITY OF HELENA, MONTANA

Ord. No. 3313

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:

- a. For public display by permit as set forth in section 5608.
- b. Possession of fireworks is allowed as provided for in the Helena city code.

Insurance:

- a. 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 \$1,000,000 per occurrence and \$2,000,000 aggregate per year for bodily injury, personal injury, and property damage, with the City named as an additional insured.
- b. Proof of insurance must be provided with the application for the permit referenced in § 50-37-108, Mont. Code Ann., prior to approval of any public display of fireworks. The general liability insurance policy must be valid at the time of the public display.
- c. Alternative methods of liability coverage may be approved if equivalent to the above-listed requirements.

Blasting shall comply with this section and Section 5607 of the 2021 International Fire Code.

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 \$1,000,000 per occurrence and \$2,000,000 aggregate per year for bodily injury, personal injury, and property damage, with the City named as an additional insured.

Personnel Qualifications: The person in charge of handling and use of explosive materials must be at least 21 years of age and

ORDINANCES OF THE CITY OF HELENA, MONTANA

Ord. No. 3313

possesses both a valid explosive-use permit issued by the fire chief and a relevant blaster's license issued by the State of Montana.

Section 5606.5.2 Storage. Storage of small arms ammunition components shall comply with Section 5606.5.2.2 and § 50-61-121, Mont. Code Ann.

13-2-8 : 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 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.

13-2-9 : REPEAL OF CONFLICTING ORDINANCES: All former ordinances or parts thereof conflicting or inconsistent with the provisions of this chapter or the fire code as adopted and amended herein are hereby repealed.

13-2-10 : VALIDITY: The Helena city commission hereby declares that should any section, paragraph, sentence or word of this chapter or of the 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.

ORDINANCES OF THE CITY OF HELENA, MONTANA

Ord. No. 3313

That Chapter 10 of Title 3 of the Helena City Code is hereby repealed, and

That Chapter 3 of Title 13 of the Helena City Code is hereby adopted as follows:

CHAPTER 3

FIRE LIMITS

SECTION:

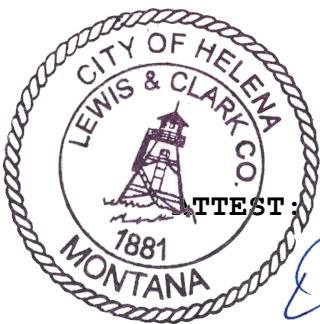
13-3-1: Fire Zones

13-3-1: **FIRE ZONES:**

For the purpose of this chapter, the entire city is hereby declared to be an is hereby established as a fire district, and this fire district or zone is known as fire zone 3.

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

THIS 20th DAY OF November, 2023.



CLERK OF THE COMMISSION

A handwritten signature in blue ink, appearing to read "D. Daniels", is written over a horizontal line.

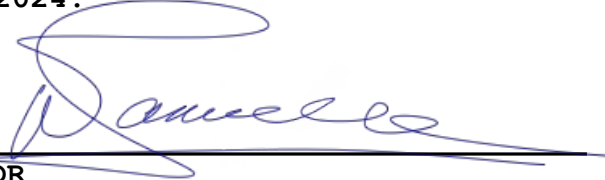
MAYOR

FINALLY PASSED BY THE COMMISSION OF THE CITY OF HELENA,

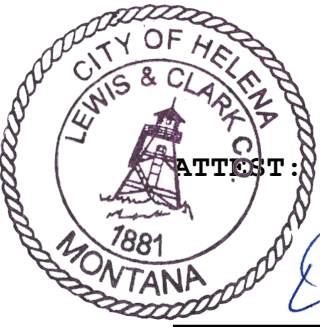
ORDINANCES OF THE CITY OF HELENA, MONTANA

Ord. No. 3313

MONTANA, THIS 8th DAY OF January, 2024.



MAYOR



ATTEST:



CLERK OF THE COMMISSION