

## Ordinance No. 873

### Chapter 15.06

#### FIRE PREVENTION AND SAFETY CODES

Sections:

15.06.010	Fire Prevention and Safety Codes
15.06.011	Definitions
15.06.012	Fire Hydrants
15.06.013	Fire Hydrants to Remain Accessible for Use and Testing
15.06.014	Temporary Outdoor Cooking Facilities
15.06.015	Restricted Entry to Public Lands
15.06.017	New Construction
15.06.020	Fire Inspections Required
15.06.025	Open Burning Permit Required
15.06.030	Fire Inspection Fees
15.06.040	Authority Having Jurisdiction Has Power to Grant Exemption
15.06.050	Appeals to the City Council
15.06.064	Firefighters Authorized to Require a Premise to be Evacuated
15.06.070	Repeal of Prior Fire Prevention and Safety Codes

**15.06.010 Fire Prevention and Safety Codes** Adoption by reference of the 2006 edition of the International Fire Code.

(a) The International Fire Code, 2006 edition, including Appendices B and C, as published by the International Code Council, is adopted by reference as the fire code of the city. It regulates and governs the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided; provides for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Fire Code on file in the office of the city clerk are hereby referred to, adopted, and made a part hereof, as if fully set out, with the additions, insertions, deletions and changes, if any, set by this ordinance.

(b) The following sections of the International Fire Code are revised as set out below:

*Section 101.1.* Insert: [City of Red Lodge, Montana]

*Section 109.3.* Insert: [Misdemeanor, \$500.00, 6 months]

*Section 111.4.* Insert: [not less than \$100 or more than \$500]

*Section 906.1.* Delete Exception to Section 906.1, #1.

*Section 906.1* Where required.

Portable fire extinguishers shall be installed in the following locations.

1. In new and existing Group A, B, E, F, H, I, M, R-1, R-2, R-4 and S occupancies.
2. Within 30 feet (9144 mm) of commercial cooking equipment.
3. In areas where flammable or combustible liquids are stored, used or dispensed.
4. On each floor of structures under construction, except Group R-3 occupancies, in accordance with Section 1415.1.
5. Where required by the sections indicated in Table 906.1.

*Section 907.15.1.* 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.

(c) That the geographic limits referred to in certain sections of the 2006 International Fire Code are hereby established as follows:

*Section 3204.3.1.1 LOCATION.* Stationary containers shall be located in accordance with section 3203.6. Containers of cryogenic fluids shall not be located within diked areas containing other hazardous materials.

*Section 3404.2.9.5.1* Locations where aboveground tanks are prohibited. Storage of Class I and II liquids in aboveground tanks outside of buildings is prohibited within the limits established by the City of Red Lodge Zoning Regulations.

*Section 3406.2.4.4* Locations where aboveground tanks are prohibited. Storage of Class I and II liquids in aboveground tanks outside of buildings is prohibited within the limits established by the City of Red Lodge Zoning Regulations.

*Section 3804.2* Locations where the storage of liquefied petroleum gas is restricted for the protection of heavily populated or congested areas. Storage of liquefied petroleum gas in aboveground tanks outside of buildings is prohibited within the limits established by the City of Red Lodge Zoning Regulations.

**15.06.011 Definitions;**

- (a) Wherever the term "corporation counsel" is used in the adopted fire code, it means the city attorney.
- (b) Wherever the word "jurisdiction" is used in the adopted fire code, it means the city.
- (c) Temporary Outdoor Cooking Facilities – Any temporary facility intended for the commercial sale of food products. These facilities shall include outdoor barbecue grills, fryers, griddles and other heat producing cooking equipment as determined by the Fire Department.

**15.06.012 Fire Hydrants;** When required, the average distance to a fire hydrant shall be 150 feet, and the maximum distance shall not be more than 175 feet.

**15.06.013 Fire Hydrants to remain accessible for use and testing;** Fire hydrants shall not be obstructed or landscaped in any manner that interferes with the use or testing of the hydrants. The Fire Department shall not be responsible for damage to landscaping or other obstructions that interfere with the normal operation and testing of fire hydrants.

**15.06.014 Temporary Outdoor Cooking Facilities** Temporary outdoor cooking facilities shall be permitted, provided that the cooking installation meets the requirements of this chapter as well as *NFPA 58 Liquefied Petroleum Gas Code* in addition to the following requirements:

- 1) No outdoor cooking facility shall obstruct or be in close proximity to occupancy exits, normal paths of pedestrian travel, or fire and emergency vehicle apparatus access.
- 2) Outdoor cooking facilities, except barbecue grills in City Parks that are permanently mounted and used for private recreational use, must have available an approved fire extinguisher of a minimum 3A-40BC rating or other type as deemed necessary by the code official.
- 3) Outdoor cooking appliances must be at least 10 feet from all combustible materials.

**15.06.015 Restricted Entry to Public Lands;** The Fire Chief is authorized to determine and publicly announce when public lands shall be closed to entry due to extreme fire hazard or other danger to public safety, and when such areas shall again be opened to entry.

**15.06.027 New Construction;** No building construction shall begin within a subdivision until the fire department having jurisdiction has received and approved a certification that the provisions for fire protection have been met. Whenever work is being done contrary to the provisions of this section the fire department may order the work to be stopped by notice in writing served on any persons engaged in the doing, or causing such work to be done, and any such persons shall stop such work until authorized by the fire department to proceed with the work.

**15.06.020 Fire Inspections Required;** All schools, businesses, public buildings, and places of assembly shall be inspected by the fire department at least once per year or at a time interval set by the fire department.

**15.06.025 Open Burning Permit Required;** A valid permit issued by the fire department shall be required prior to conducting any open burning, except that residential outdoor cooking and small recreational fires of less than 30" in diameter shall be allowed without a permit. The fire department or its designee must be notified prior to conducting any open burning.

**15.06.030 Fire Department Inspection and Review Fees;** The City of Red Lodge hereby requires fees as set by resolution for fire safety permits and for inspections required in 15.06.020. The City shall account for all fees, and all monies received shall either be used to fund the fire inspection program or shall be placed in the Fire Department cash /restricted fire equipment fund. All fees shall be due and payable at the time the permit is granted or the inspection is performed.

All fees are payable upon permit application or commencement of an inspection. Failure to pay for permit, plan review or inspection fees imposed by this fee schedule, within the time period specified, shall render such permit or inspection null and void.

**15.06.031 Standard Hourly Fee;** There shall be a standard hourly fee, with a one-hour minimum, charged in half hour increments for all inspection and plan review work unless there is a set fee outlined in this resolution. All inspections, plan reviews and consultations shall be charged this standard hourly fee, unless otherwise specified. The standard hourly fee shall be adjusted to a rate one and one half times the set rate to provide for cost recovery when the department is requested or required to review plans or conduct inspections as an extension to the normal workday. When a requester fails to cancel a requested inspection prior to the time of the inspection, the first half-hour of the standard hourly fee will be charged.

**15.06.032 Fire Inspection Fees;** The following fire inspection fees shall be set by resolution and or shall be made part of the City Business License;

1. Minimum inspection fee;

All business and or commercial buildings of less than 1000 square feet with occupancy of fewer than 25 people.

2. General inspection fee;

Short-term residential home rentals, businesses and or buildings of more than 1500 square feet and of occupancy of 25 to 75 people, as well as any building or business not otherwise specified.

3. Public assembly and hazardous storage inspection fee;

All businesses and or buildings with an occupancy of more than 75 people as well as all public assembly buildings, restaurants, hotels and motels, and all hazardous occupancies.

**15.06.033 Re-inspection Fees;** All re-inspections (follow-up inspections) shall be charged at the standard hourly fee rate with a one-half-hour minimum.

**15.06.034 Plan Review Fees;** There shall be a fire department plan review fee set by resolution on a per lot or dwelling unit basis (whichever is greater) for all new subdivisions and or development reviews. The fee shall be paid by the applicant to the planning department at the time of application submittal. The standard hourly fee shall apply to all other plan reviews or development consultation by the fire department.

**15.06.35 Fees for Open Burning;** The fee for an open burning permit shall be set by resolution.

**15.06.040 The City of Red Lodge Has Power to Grant Exemption.** The City shall have the power to grant exemption from application of the chapter upon request in writing and such request shows that the enforcement of the chapter will cause unnecessary hardship to the petitioner, provided that said exemption does not allow a distinct hazard to life or adjoining property. The particulars of such exemptions when granted shall be entered upon the approval granted. The authority having jurisdiction thereof shall retain a copy. Exemptions shall be valid for no more than five (5) years.

**15.06.050 Appeals to the City Council, Penalties.** An owner, lessee, agent, operator, or occupant aggrieved by any order issued pursuant to this chapter may file an appeal to the City

Council within ten (10) days from the personal service of such an order, and the City Council shall fix a time and place not less than five (5) days nor more than twenty (20) days thereafter when and where such appeal may be heard by the council. Such appeal shall stay the execution of such order until a decision on the appeal is issued by the council.

The City Council shall at such hearing affirm, modify, revoke, or vacate such order, and unless revoked or vacated, such order shall then be complied with.

Nothing herein shall be deemed to deny the right of any person, firm, corporation, co-partnership, or voluntary association to appeal from an order or decision of the City Council to a court of competent jurisdiction. Such appeal shall stay the execution of such order until a decision on the appeal is issued by the court.

**15.06.064 Firefighters Authorized to Require a Premises to be Evacuated;** If, in the opinion of a firefighter enforcing this code, a violation exists in or near an occupied structure, or in an outside assembly area, that poses a significant risk to the life safety of the occupants, the firefighter may require the premises or a portion of the premises to be immediately vacated until such time as the violation can be corrected.

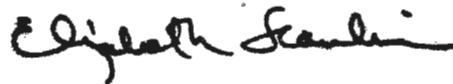
**15.06.065 Enforcement of Code by Firefighters;** Each firefighter of the city, approved by the fire chief or his designee, is authorized to enforce this code and remove any unlawful or dangerous condition that exists which may create, cause, have potential to cause fires or impede fire department public safety service. The approved firefighters are authorized to issue citations to violators.

**15.06.070 Repeal of Prior Ordinance.** By the adoption of this ordinance the prior Fire Prevention and Safety Codes are hereby repealed.

Red Lodge City Ordinance Number 873

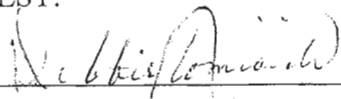
First Reading. November 10, 2008.

Second Reading. November 24, 2008



\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
Clerk