

Ordinance 891

An ordinance of the City of Red Lodge adopting by reference the 2009 edition of the International Fire Code, regulating and governing 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 in the City of Red Lodge; providing the issuance of permits and collection of fees therefore; repealing Ordinance No. 861 of the City of Red Lodge and all other ordinances and parts of the ordinances in conflict therewith.

**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 Premises 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 International Fire Code, 2009 edition, including Appendix Chapters B and C (see International Fire Code Section 101.2.1, 2009 edition), as published by the International Code Council, be and is hereby adopted as the Fire Code of the City of Red Lodge, in the State of Montana regulating and governing 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; providing 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 of Red Lodge are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additional, insertions, deletions and changes, prescribed herein.

2. 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 506.1* Where required. The fire code official is authorized to require a key box to be installed in an approved location where access to or within a structure or an area is restricted because of secured opening or where immediate access is necessary for life saving or fire fighting purposes or when any of the following conditions exist:

1. An automatic sprinkler system is installed
2. An elevator is in use
3. An automatic fire alarm system is installed

The key box shall be of an approved type and shall contain keys to gain necessary access as required by the fire code official.

*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.

3. That the geographic limits referred to in certain sections of the 2009 International Fire Code are hereby established as follows:

*Section 3404.2.9.6.1* Locations where above-ground tanks are prohibited. Storage of Class I and II liquids in above-ground 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 above-ground tanks are prohibited. Storage of Class I and II liquids in above-ground tanks outside of buildings is prohibited within the limits established by the City of Red Lodge Zoning Regulations.

*Section 3506.2 LOCATION.* Stationary containers shall be located in accordance with section 3204.1. Containers of cryogenic fluids shall not be located within diked areas containing other hazardous materials.

*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 above-ground 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, fire hydrants shall be placed in accordance with The International Fire Code, 2009 Edition, Appendix C and shall be placed at corners or intersections as approved by the fire department.

[RFR1]

**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 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 fire hazard or other danger to public safety, and when such areas shall again be opened to entry.

**15.06.017 New Construction;** No building construction shall begin until the fire department has received and approved a certification that the provisions for fire protection have been met. For all commercial properties and subdivisions, a construction permit must be issued by the fire department. 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.

**1. Construction Permits** A construction permit will not be issued by the fire department until the following conditions have been met:

- a. Completed Addressing Application has been submitted and approved
- b. Complete scale-drawn site plan and construction documents that include a fire protection plan have been submitted and approved
- c. All Addressing and Plan Review Fees paid

**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. At the discretion of the fire code official, type R-1, B and M occupancies may participate in a self-inspection program.

**15.06.025 Open Burning Permit Required;** A valid permit issued by the fire department shall be required prior to conducting any open burning. Residential outdoor cooking and small recreational fires of less than 30" in diameter shall be allowed without a permit. All open burning shall be constantly attended until the fire is extinguished. Open burning that is offensive or objectionable because of smoke or odor emissions or when atmospheric conditions or local circumstances make such fires hazardous shall be prohibited. The open burning of materials such as plastic, trash, or other types of waste that produce noxious smoke and / or hazardous fumes shall be prohibited. 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 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 ordinance. 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 work day. 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 a 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;** There shall be no fee for the first re-inspection to confirm compliance. All subsequent 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, for all plan reviews on new developments, conditional use permits required by zoning code, and for the construction, or remodels of commercial buildings. Plan review fees shall include one site inspection for verification of compliance. Additional site inspections shall be charged at the standard hourly fee.

1. For new developments, conditional use permits, and subdivisions the fee shall be on a per lot or dwelling unit basis (whichever is greater). The fee shall be collected at the time of application submittal.
2. For commercial buildings, the fee shall be based on the square footage of the building. The fee shall be collected at the time of application submittal.
3. For type H occupancies there shall be an additional plan review fee.
4. The standard hourly fee shall apply to all other plan reviews or development consultation by the fire department.
5. If it is determined by the Fire Chief that the complexity of the plan review for a building or development exceeds the capabilities of the fire department, the Fire Chief may require that the plans be reviewed by an outside source. All applicable costs for plan review are to be paid by applicant.

**15.06.035 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.

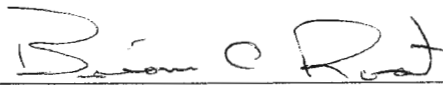
**15.06.065 Enforcement of code by firefighters;** Each firefighter of the city is authorized to enforce this code and remove any unlawful or dangerous condition that exists which may create, cause, have potential to cause fires or impede fire department public safety service. The firefighters are authorized 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 891

First Reading. February 8, 2011

Second Reading. February 22, 2011

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
Clerk