

ORDINANCE # 893

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RED LODGE, MONTANA ADOPTING REGULATIONS TO CLARIFY THE PROCESS AND REGULATIONS FOR THE USE OF CITY-OWNED PROPERTY WITHIN THE CITY OF RED LODGE, MONTANA.

WHEREAS: The streets, sidewalks, alleys, parks, publicly-owned buildings or vacant land or other public areas of The City of Red Lodge are held by the City for the benefit of the public; and

WHEREAS: On occasions parties other than the City of Red Lodge may wish to use such areas for specific uses; and

WHEREAS: Negative effects of such uses can be avoided or mitigated; and

WHEREAS: It is in the public and private interest for the City of Red Lodge to establish Use of City-Owned Land regulations that provide clear and consistent guidelines; and

WHEREAS: The Red Lodge City Charter provides for the exercise of self-government powers; and

WHEREAS: The Red Lodge Planning Board and Zoning Commission prepared Use of City-Owned Land regulations for the City of Red Lodge; and

WHEREAS: The Red Lodge City Council did conduct a duly noticed Public Hearing on September 13, 2011 on the proposed amendment to the Use of City-Owned Property.

Now therefore:

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF RED LODGE, MONTANA:

The Red Lodge City Code is hereby amended in those parts set forth below to read as follows:

First reading by the Council on the 13th day of September 2011.

Second reading by the Council on the 27th day of Sept. 2011.

PASSED AND APPROVED BY NO LESS THAN FOUR MEMBERS OF THE RED LODGE CITY COUNCIL THIS 27th DAY OF September 2011.

By: _____

Brian C. Roat, Mayor

Attest: _____

Debbie Tomicich, City Clerk

Exhibit A

Chapter 8

RIGHT-OF-WAY OCCUPANCY PERMIT

Sections:

8.9.010 Definitions

8.9.020 Right of Way Occupation

8.9.030 Permit Application Fee

8.9.040 Inspection

8.9.050 Revocation of Permit

8.9.060 Exceptions to this Chapter

8.9.010 Definitions.

- A. "Right-of-Way" for purposes of this chapter, refers to any roadway, alley, parking lane, boulevard or sidewalk located within the public right-of way. Right-of-way shall also be referred to herein as city sidewalks, city alleys, and city streets.
- B. "Right-of-Way Occupancy" means any activity that is located within the city right-of-way that impedes free and safe movement of vehicular or pedestrian travel, access or parking.

8.9.020 Right-of-Way Occupation

Exemptions: Tier 1

Certain obstructions on public rights-of-way are allowed in commercially zoned areas where sidewalk width will continue to allow for the safe and unimpeded passage of pedestrians. The following items are exempt from permits, but must meet the following conditions:

- A minimum 5 foot width of clearance measured from the sidewalk must remain free of obstructions
- Conformance to the requirements of the Americans with Disabilities Act
- Exempted right-of-way must remain free of unsafe obstructions
- The obstruction must not be located adjacent to a loading zone
- The obstruction may only be placed on sidewalk adjacent to the permittee's own property

Mail boxes, newspaper dispensers, public garbage receptacles, public benches, bus stop shelters, bicycle racks, flower pots, outdoor seating, public utility structures, tree trimming or removal and other items which the city public works director may determine are not subject to this ordinance.

Consultation Required: Tier 2

Activities that have a minimal and short term impact on public rights-of-way require consultation with the city public works director, but do not require a permit. Consultation with the city public works director is required to occupy public rights-of-way for the following activities: maintenance or repair of sidewalks and service lines, minor building improvements (less than 8 hours), scaffolding, placement of temporary dumpsters (less than 3 days) or any other activity that involves the occupation of public rights-of-way.

Permit Required: Tier 3

The replacement or repair of any street or alley in a public right-of-way, the occupation of any public right-of-way for more than 8 hours for the purpose of performing the following, including but not limited to: building

maintenance, construction, repairs, utility work, special events (see section 8.11) or any other activity as determined by the city public works director that impedes the safe passage of vehicular or pedestrian traffic, requires a permit or consultation from the city public works director and payment of the necessary fees. Fees for the occupation of any public right-of-way are set forth by city council resolution. All permits located in the rights-of-way of the Montana Department of Transportation are subject to their review and approval.

8.9.030 Permit Application Fee.

- A. Any applicant wishing to occupy any right-of-way for the purposes set forth in Tier 3 must obtain the permit before proceeding with any occupation of the site. All applications must include an approved traffic and/or pedestrian control plan which conforms to the Manual on Uniform Traffic Control Devices as well as the City of Red Lodge specifications and policies for traffic control in work zones. All applications must include a schedule of work including dates and hours of occupancy. All applications are subject to approval by the city public works director.
- B. The fee for the permit for the purposes set forth in Section 8.9.020 shall be set by city council resolution.
- C. Whenever any work for which a permit is required by this code has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for the work. The city public works director may order the site vacated until the investigation is completed and the required permit is issued. An investigation fee, in addition to the permit fee, shall be collected prior to issuance of the permit. The investigation fee shall be set by city council resolution and shall be equal to or greater than the permit fee required by this code. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law. If the investigated activity is found not to require a permit under the requirements of this code, the investigation fee will be waived.

8.9.040 Inspection.

In situations where a street is to be closed, the mayor or his designee may require advance notice to affected properties and that the traffic control, once in place, be approved before the permitted activity commences. The city public works director, fire chief or police chief shall inspect all traffic control and pedestrian safety devices. If the requirements set forth in the permit are not in compliance, a verbal correction will be issued and the site will be reinspected. If the verbal correction is not addressed, a Notice of Revocation will be issued and all work must be terminated until corrections are made and approved by the mayor or his designee.

8.9.050 Revocation of Permit.

- A. All permits issued pursuant to this code are subject to revocation at any time by the mayor or his designee whenever the public interest, welfare, or safety would be best served by revocation. Revocation of the permit shall require the permit holder to vacate the site immediately.
- B. The permit holder will be issued a Notice of Revocation in the form of a Stop Work Order stating the reasons, date, and time, that the permit was revoked. The permit holder shall have the right to appeal the revocation to the city council and to correct or modify the noted discrepancies to meet requirements set forth by the mayor or his designee if such is deemed feasible.

8.9.060 Exceptions to this Chapter.

Activities upon the public sidewalks, streets, alleys, and rights-of-way that are regulated and permitted in other chapters of the Red Lodge Municipal Code shall be exempt from this chapter.

ALCOHOLIC BEVERAGES ON PUBLIC LANDS

Sections:

8.10.010 Purpose

8.10.020 Permit required

8.10.030 Requirements of permit

8.10.040 Criteria for public interest

8.10.050 Conditions for permit

8.10.010 Purpose. It is the purpose of this chapter to establish a procedure whereby alcoholic beverages may be served on public property in conjunction with a special event when deemed to be in the public interest by the city council.

8.10.020 Permit required. The permit requirement includes any special event or activity of whatever nature that occurs on city owned or controlled property at which alcohol will be served.

8.10.030 Requirements of permit. The application for the permit shall contain the name of the person or entity requesting the permit, the location of the proposed event, the permission of the city department head or agency responsible (Lions Park and Rotary Park need to be contacted directly) for maintaining the public land involved for the requested function.

- A. Day(s), time(s) and duration of event;
- B. Whether or not it is an ongoing event; ongoing event permits shall need renewal every four months and be subject to the mayor's approval.

8.10.040 Criteria for public interest. In reviewing the application for a permit to serve alcoholic beverages on public land, the city council shall consider the following factors:

- A. Whether the proposed use contributes to the cultural, recreational or entertainment opportunities available to the community;
- B. The appropriateness of the public land or facilities for the proposed use;
- C. Any negative impact on adjacent property the proposed use might have;
- D. What security, crowd control and litter control measures the applicant will be utilizing for the event or activity;
- E. The hours of the proposed use and whether there are any residents nearby that could be disturbed by late night conduct, noise, and activity;
- F. The council may exercise discretion pursuant to this provision in addition to the criteria identified herein. The council shall consider the estimated number of people that will likely be at the special event as well as the estimated amount of alcohol likely to be available.

8.10.050 Conditions for permit. In no case shall a permit be issued unless the following conditions are met:

- A. The event for which the permit is authorized is open to members of the general public;
- B. A refundable damage deposit of not less than fifty dollars and not more than one thousand five hundred dollars has been posted against damage, destruction, vandalism and litter at or adjacent to the location of the event or activity unless the damage deposit or a smaller bond is authorized

B. The issuance of a special event permit shall be governed by the following standards:

1. The applicant or sponsors of the special event shall provide liability insurance providing coverage for their organization and naming the city as an additional insured. To the extent reasonably possible, liability insurance coverage shall be in the minimum amounts of \$1,000,000 for a special event without alcohol or \$2,000,000 for a special event with alcohol for the indemnification of the City of Red Lodge. Any liability insurance requirements for residential block parties shall be governed by section 8.11.090, RLMC, pertaining to residential block parties.
2. The applicant for any special event must have an illustrated traffic control plan which has been reviewed and approved by the city. When barricades or traffic control devices are deemed necessary the applicant shall be solely responsible for renting, placing and removing any required barricades or traffic control devices.
3. No special event shall be conducted on a publicly owned land or right-of-way between the hours of one a.m. and seven a.m.
4. The police chief or his designee shall be empowered to reasonably modify the route of a parade or event. If the applicant is unwilling to modify the route, the application shall be denied.
5. The city council may limit the use of a right-of-way for a special event to one side or portion of a street whenever necessary in the public interest. In order to provide and preserve public safety and traffic control, simultaneous use of streets by those participating in the special event and other motor vehicle traffic may be required.
6. If the proposed special event would disrupt streets or public places ordinarily subject to great congestion during the time of the special event, or would require such a diversion of police protection that it would deny reasonable police protection to the city, the application may be denied unless the applicant modifies the proposed special event and the concerns are satisfactorily dealt with. If it is determined that reasonable police protection for the city will be disrupted, the applicant may be required to pay all or some of the cost of additional police officers, if the chief of police approves the request.
7. A special event permit application shall be denied if the request is for a time and location where a special event or street excavation or construction project has already been scheduled for that time and location and an irreconcilable conflict exists between the two events.
8. A refundable damage deposit of not less than fifty dollars and not more than one thousand five hundred dollars has been posted against damage, destruction, vandalism and litter at or adjacent to the location of the event or activity. The deposit shall not be returned until at least ten calendar days after the conclusion of the event. The city council shall deduct any claim against a deposit for any reasonable city expenses for cleaning, repairing or replacing damaged or destroyed public property or public land. All monies collected by the city shall be deposited into the city general fund.
9. A special event permit application shall be denied if it would be:

C. Obscene pursuant to Montana state law; or

D. Hazardous to public health or safety; or

E. Immitigable or have adverse impacts; or

- F. Would create an extraordinary amount of litter and the applicant has not presented an acceptable and effective plan to clean up the litter immediately after the conclusion of the special event; or
- G. Would substantially interfere with emergency ambulance, fire or police service.

8.11.050 Duties of the permittee/sponsor. The permittee shall comply with all permit conditions and directions and with all applicable laws and ordinances. The permittee directing the special event shall ensure that a copy of the permit is available at the event site.

8.11.060 Public conduct during special events.

- A. The following types of public conduct shall not be allowed during a special event:
 - 1. Any person endangering, obstructing, impeding or interfering with a special event in an unreasonable manner;
 - 2. Participants in any parade, march or procession, whether driving, riding or walking, shall not consume, use or be under the influence of alcohol or illegal drugs which violate any law or ordinance;
- B. The chief of police shall have the authority to prohibit or restrict parking of vehicles along any street constituting the route of a parade or procession and in any street proximately located to the site of a special event when such parking restrictions or prohibitions are necessary to the safe conduct of the activity. The chief of police shall order the posting of signs and/or barricades to such effect and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof except emergency or service vehicles engaged in an emergency situation. Further, if any street is entirely closed off for the purpose of conducting a special event, other than a parade, within the closed street the organizer or sponsor of the special event shall have the responsibility of providing street barricades and signs informing the public of the street closure. The placement of signs and barricades for all special events located within the city right-of-way shall be approved by the public works director. Barricades and signs shall be used that comply with the Manual on Uniform Traffic Control Devices (MUTCD).

8.11.070 Revocation of special events permit. All permits issued pursuant to this chapter are without advance notice subject to revocation for cause at any time by the chief of police, other police official in charge, fire chief or director of ambulance services whenever the public interest, general welfare, health and safety would be best served by revocation. The chief of police or other official in charge upon revoking a permit may require the participants and spectators to disperse whenever the permittee fails to satisfy the conditions and/or obligations under the permit or whenever there is imminent danger of public disturbance or disorder.

8.11.080 Violation--Penalty. Any person who shall be guilty of any provision of this chapter shall be guilty of a misdemeanor and shall be punished by a fine of not more than five hundred dollars. There shall be no penalty of imprisonment for a violation of any provisions of this chapter.

8.11.090 Hold harmless and indemnification. Applicants for a special event permit shall agree in writing to defend, hold the city and its employees harmless and indemnify the city for any and all claims, lawsuits or liability including attorney(s) fees and costs allegedly arising out of loss, damage or injury to person or person's property occurring during the course of or pertaining to the special event caused by the conduct of employees or agents of applicants.

8.11.100 Temporary street or alley closures for residential block parties. Residential block parties may be authorized by the city council in consultation with the police, fire and public works departments at residential locations which do not involve closure of any arterial or collector streets and during the hours between 8:00 a.m. and 10:00 p.m. Approval by the city council is subject to the following conditions:

- A. All abutting or adjacent property owners as well as the property owners on the corner lots the

immediately across the intersection on the opposite side of the street closure shall be contacted and have opportunity to voice comments to the applicant and the city;

- B. The applicant for any special event must have an approved traffic control plan and shall be solely responsible for obtaining, placing and removing any required barricades or traffic control devices;
- C. Comply with any conditions imposed by the city police, fire or public works departments.
- D. The applicant must agree to defend, indemnify and hold harmless the city from any claims or lawsuits that arise out of the temporary street closure.

8.11.110 Exceptions. The city council may grant exceptions to the provisions of Section 8.11.040 (B)(1) (pertaining to liability insurance requirement limits) and/or Section 8.11.040(B)(4) (pertaining to hours of event) by taking into account the general public health, safety and welfare associated with the request for exception, as well as the liability risk and the applicant's ability to pay. When the city council considers requests for exceptions, the council shall base their decision on the factual circumstances presented and decide the specific request on its merits and shall not discriminate on the basis of actual or perceived race, color, national origin, ancestry, religion, creed, political ideas, sex, age, marital or familial status, physical or mental disability, sexual orientation, or gender identity or expression, unless based on a bona fide liability risk, general welfare, health or safety reason(s).

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

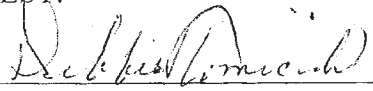
First Reading. February 8, 2011

Second Reading. February 22, 2011



Mayor

ATTEST:



Clerk