

Chapter 6

UNIFORM BUILDING CODE*

Articles:

- I. Adopting Building Codes**
- II. Gas**
- III. Public Improvements**
- IV. Establishment of Board of Appeals**
- V. Penalty**

* Prior history: Code 1958 §§ 3-1—3-3, 3-5—3-9, 6-1, 6-2, 6-7, 10-1, 10-4, 10-6—10-9, 10-12, 10-13, 10-14(a), 10-14(c), 10-14(d), 10-14(f)—(h), 10-15, 10-16, 13-1—13-3, 13-5—13-7, 13-9(a)—(i), 13-10, 13-11, 23-9, 23-11—23-13, 23-17, 23-19, 23-37, 23-38 and Ords. 1184, 1189, 1190, 1195, 1301—1305, 1308—1310, 1428, 1458, 1460, 1488, 1522, 1549, 1552, 1563, 1572, 1621, 1627, 1644, 1664, 1684, 1690, 1713, 1783, 1801, 1806, 1832, 1842, 1853, 1868, 1879, 1880, 1912, 1920, 1934, 1942 and 1948.

Article I. Adopting Building Codes

Sec. 6-1. International Building Code (IBC), 2006 Edition, adopted by reference.

There is adopted for enforcement by the City of Livingston that certain building code known as the International Building Code (IBC), 2006 Edition, and all accompanying appendices, amendments and modifications adopted or required to be adopted by the Building Code Bureau of the Montana Department of Labor and Industry, as set out in the Administrative Rules of Montana, as may be amended from time to time, are adopted by this reference and incorporated herein as if set forth in full, except for any exceptions noted or any regulations not applicable to local governmental jurisdictions. Fees shall be set by the City Commission by separate resolution. (Ord. 1983, 2/20/07)

Sec. 6-2. Adopting International Residential Code (IRC), Chapters 1 through 10, 2006 Edition, by reference.

There is adopted for enforcement by the City of Livingston that certain building code known as the International Residential Code (IRC), Chapters 1 through 10, 2006 Edition, and all accompanying appendices, amendments and modifications adopted or required to be adopted by the Building Code Bureau of the Montana Department of Labor and Industry, as set out in the Administrative Rules of Montana, as may be amended from time to time, are adopted by this reference and incorporated herein as if set forth in full, except for any exceptions noted or any regulations not applicable to local governmental jurisdictions. Fees shall be set by the City Commission by separate resolution. (Ord. 1983, 2/20/07)

Sec. 6-3. Adopting International Existing Building Code (IEBC), 2006 Edition, by reference.

There is adopted for enforcement by the City of Livingston that certain building code known as the International Existing Building Code (IEBC), 2006 Edition, and all accompanying appendices, amendments and modifications adopted or required to be adopted by the Building Code Bureau of the

Montana Department of Labor and Industry, as set out in the Administrative Rules of Montana, as may be amended from time to time, are adopted by this reference and incorporated herein as if set forth in full, except for any exceptions noted or any regulations not applicable to local governmental jurisdictions. Fees shall be set by the City Commission by separate resolution. (Ord. 1983, 2/20/07)

Sec. 6-4. Adopting International Mechanical Code (IMC), residential only, 2006 Edition, by reference.

There is adopted for enforcement by the City of Livingston for the purpose of providing modern standards to safeguard life, health, property and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operating and maintenance of heating, ventilating, cooling, refrigeration systems, incinerators and other miscellaneous heat-producing appliances, the International Mechanical Code (IMC), residential only, 2006 Edition, and all accompanying appendices, amendments and modifications adopted or required to be adopted by the Building Code Bureau of the Montana Department of Labor and Industry, as set out in the Administrative Rules of Montana of which one (1) copy shall be on file in the office of the City, and the same is adopted and incorporated as fully as if set out in length herein, and the provision thereof shall be controlling in the erection, installation, alteration, repair, relocation, replacing, addition to, use or maintenance of a heating, ventilating, cooling, refrigeration systems, incinerators, or other miscellaneous heat-producing appliances within the corporate limits of the City. Fees shall be set by the City Commission by separate resolution. (Ord. 1983, 2/20/07)

Sec. 6-7. Adopting International Energy Conservation Code (IECC), 2006 Edition, as amended by the State of Montana, by reference.

There is adopted for enforcement by the City of Livingston that certain building code known as the International Energy Conservation Code (IECC), 2006 Edition, and all accompanying appendices, amendments and modification adopted or required to be adopted by the Building Code Bureau of the Montana Department of Labor and Industry, as set out in the Administrative Rules of Montana, as may be amended from time to time are adopted by this reference and incorporated herein as if set forth in full, except for any exceptions noted or any regulations not applicable to local governmental jurisdictions. Fees shall be set by the City Commission by separate resolution. (Ord. 1983, 2/20/07)

Sec. 6-8. Fire limits, description of area included.

The following blocks and parts of blocks are declared to be within the fire limits of the City: All of blocks sixty (60), sixty-one (61), sixty-two (62), seventy-eight (78), seventy-nine (79), eighty (80), ninety-five (95) and ninety-six (96); and lots one (1) to six (6) inclusive and lots twenty-three (23) to thirty-two (32) inclusive, in block sixty-three (63), and lots seventeen (17) to thirty-two (32) inclusive in block seventy-seven (77), all of the above being in the Original Townsite of the City of Livingston, County of Park, State of Montana; otherwise described as: Beginning at the intersection of the center lines of Park Street and Third Street of the Townsite of Livingston, Park County, Montana, thence North fifty-two (52) degrees thirty (30) minutes East, along the center line of Park Street to its intersection with the center line produced, of the alley between B Street and C Street, thence South thirty-seven (37) degrees thirty (30) minutes East, along the said center line of the alley between B Street

and C Street and said center line produced, to its intersection with the center line of Lewis Street, thence South fifty-two (52) degrees thirty (30) minutes West, along the said center line of Lewis Street to its intersection with the center line of B Street, thence South thirty-seven (37) degrees thirty (30) minutes East, along the said center line of B Street to its intersection with the center line of Clark Street, thence South fifty-two (52) degrees thirty (30) minutes West, along the said center line of Clark Street to its intersection with the center line of Second Street, thence north thirty-seven (37) degrees thirty (30) minutes West, along the said center line of Second Street to its intersection with the center line of Lewis Street, thence South fifty-two (52) degrees thirty (30) minutes West, along the said center line of Lewis Street to its intersection with the center line of Third Street, thence North thirty-seven (37) degrees thirty (30) minutes West, along the said center line of Third Street to its intersection with the center line of Park Street, the place of beginning. (Ord. 1983, 2/20/07)

Sec. 6-9. Building Code applicability.

The 2006 International Residential Code, Chapters 1 through 10 (IRC), the 2006 International Building Code (IBC), the 2006 International Mechanical Code, residential only (IMC), the 2005 International Energy Conservation Code (IECC) and the 2006 International Existing Building Code (IEBC) are applicable to and shall be enforced upon all buildings within the building code enforcement area of the City of Livingston, including, but not limited to, residential buildings containing less than five (5) dwelling units or their attached structures, any farm or ranch building, and any private garage or private storage structure used only for the owner's own use as provided by Section 50-60-102(1)(a), Montana Code Annotated. (Ord. 1983, 2/20/07)

Sec. 6-10. Conflict of Sections.

If a provision of the Code of Ordinances of the City of Livingston conflicts with any provision of the 2006 International Residential Code, Chapters 1 through 10 (IRC), the 2006 International Building Code (IBC), the 2006 International Mechanical Code, residential only (IMC), the 2006 International Energy Conservation Code (IECC) and the 2006 International Existing Building Code (IEBC) adopted and incorporated in the Code of Ordinances by reference, then the provision that is more strict, limiting or stringent shall apply. (Ord. 1983, 2/20/07)

Sec. 6-11. Powers of the Building Official.

The Building Official shall have the authority to render interpretations of the adopted building codes, to adopt policies and procedures to clarify the application of the code's provisions and to enforce the codes. (Ord. 1983, 2/20/07)

Sec. 6-12. Commercial construction documents.

A. New commercial construction as well as repair, alteration, change of occupancy, addition and relocation of existing commercial buildings shall require submittal of plans and construction documents to the Building Department for review and approval. These plans and construction documents are required to be prepared and stamped by a registered design professional, licensed by the State of Montana.

B. Such plans and construction documents may be waived at the discretion of the Director of Planning and Building, if it is found that the nature of the work being performed does not require review of such documents to determine compliance with code. (Ord. 1998, 2/19/08)

Secs. 6-13—6-54. Reserved.

Sec. 6-55. Development Review Committee—water and sewer main extensions, street installation.

A. A Development Review Committee is established and shall consist of the following personnel:

1. Public Works Director;
2. Building Official;
3. City Planner;
4. Fire Chief;
5. Police Chief;
6. Ex officio member—City Manager.

B. The Development Review Committee shall review all plans for extensions and development of City utilities, of streets and alleys, of fire and police services. Annexation requests and proposed subdivisions shall also be reviewed. The Development Review Committee review shall take place prior to any of the foregoing matters being placed upon the City Commission agenda or being considered by the City Commission.

C. The initial point of contact for a developer is the Committee's Recording Secretary. This person will have the Committee's fact sheet to distribute to developers when the initial contact is made. This fact sheet shall contain information on how the developer shall pursue his or her project and the interaction with the Development Review Committee. Communication between the developer and the Development Review Committee is to be in writing. The Development Review Committee will meet on the first and third Wednesdays of each month. A Chairperson shall be appointed by the City Manager and shall chair the meeting. The Chairperson shall prepare the agenda and arrange for meeting location, and Recording Secretary. The Chairperson may be rotated as determined by the City Manager. The Committee may consult with other City personnel and with other professionals providing City services as needed to provide necessary input.

D. Anyone desiring to address the Committee shall request to be on the agenda and deliver plans and written questions by the preceding Friday. (Ord. 1983, 2/20/07)

Secs. 6-56—6-69. Reserved.

Article II. Gas

Sec. 6-70. Scope of Article.

The provisions of this Article shall apply to all installations of gas appliances and to the extensions, additions, alterations or repairs of gas piping from the meter of the gas utility to all appliances

in any residential building, and in and about all buildings where natural gas is used in the City. (Ord. 1983, 2/20/07)

Sec. 6-71. Enforcement, right of entry upon premises for inspection.

It shall be the duty of the Building Inspector to enforce the provisions of this Article and he shall have the right at all reasonable times to enter any residential building and premises which contain gas piping or gas appliances using natural or artificial gas for the purpose of inspecting the same. (Ord. 1983, 2/20/07)

Sec. 6-72. Settlement of disputes between gas utility and consumer.

Whenever there shall arise a dispute between a gas utility and a consumer relative to the safety of any installation or appliance, the matter shall be referred to the Building Inspector who shall examine the same and make final determination thereon. (Ord. 1983, 2/20/07)

Sec. 6-73. Permit required.

Every person, before installing any gas appliance or extending or altering any system of piping for the conveyance or use of illuminating or fuel gas from the meter of the gas utility to the consumer's appliance, shall make application at the office of the Building Inspector for a permit for that purpose, and shall furnish the Inspector with a written statement in relation to such work upon a blank form furnished by the Inspector for that purpose, together with full plans and specifications of the same when required for the inspection by the Gas Inspector, after which, if it shall appear to the Inspector that the laws and ordinances are, and are contemplated to be, complied with, he shall grant such permit. (Ord. 1983, 2/20/07)

Sec. 6-74. Turning gas on; responsibility of gas utility agent; exception.

It is unlawful for any person except an agent of the gas utility to turn gas on in any premises or building or structure, within the City, either at the time of installation of a meter or after gas has been turned off at any other time. (Ord. 1983, 2/20/07)

Sec. 6-75. Inspection—prerequisite to turning gas on; prior to concealment.

It is unlawful for any person, the gas utility or any employee or agent thereof, or any other person, to turn gas on in any premises or building or structure within the City, either at the time of installation of a meter or after gas has been turned off at any other time on for use in any new system or any extension of an old system of gas piping until the Building Inspector has inspected the gas piping and gas installation to insure the lightness of the system, the proper installation of piping and appliances and the use of safe materials, appliances and apparatus or has caused such inspection to be made by a qualified Inspector, and has approved such installation. The Building Inspector shall so certify by affixing an inspection tag to the approved system. (Ord. 1983, 2/20/07)

Sec. 6-79. Reserved.

Sec. 6-80. Piping, appliance and installation standards.

A. Gas piping for lighting or fuel purposes and all gas-consuming appliances shall be installed to conform with generally accepted good practice, as determined by the Building Inspector, and the determination by him shall be conclusive in all cases.

B. It is unlawful to use any gas pipe or gas appliances or gas installation until inspected and approved as provided in this Article.

C. It is unlawful for any person to use or permit the use of a new system or any extension of an old system of gas piping in any building or structure before the same has been inspected as provided in this Article.

D. Rubber hose connections or fittings arranged for rubber hose connections for gas heaters or similar appliances shall not be used.

E. The use of gas in ranges, heaters, or water heaters, without proper flue connections is prohibited.

F. Piping shall be of a size and so installed as to provide a supply of gas sufficient to meet the maximum demand without undue loss of pressure between the meter and the appliance or appliances.

G. All service pipes shall be provided with a shutoff valve on the outside, located near the curb line or property line. A suitable valve box shall be installed extending to the surface of the ground, which shall be of easy access and have the top thereof plainly marked "Gas." A suitable stopcock shall be provided for turning off the gas at the meter.

H. Standard full weight wrought iron or steel pipe free from defects shall be used in conveying gas to and inside of buildings. Approved nonferrous material may be used for making service connections to buildings. Approved seamless, well-annealed copper, brass or other approved nonferrous tubing with approved fittings may be used for permanent connections of stationary appliances. All fittings for wrought iron or steel pipe (except stopcocks or valves) shall be of best quality malleable iron. Threads shall be in accordance with the American pipe thread standard. (Ord. 1983, 2/20/07)

Secs. 6-81—6-189. Reserved.

Article III. Public Improvements

Sec. 6-190. Public improvement specifications.

All public improvement by any person or corporation shall be in conformity with the specifications set forth in the Montana Public Works Standard Specifications, 2003 Edition, or that edition which is most recently issued. (Ord. 1983, 2/20/07)

Sec. 6-190.1. Special improvement district waivers.

A. Any applicant for a building permit and owner of the real property of such location, where any or all of certain public improvements have not been made of either curbs, gutter, sidewalks, storm drains, or street paving, shall be required to waive their right to protest the creation of any future special improvement district or districts for improvements, including curb, gutter, sidewalk, storm drainage, and paving that may become assessable under a duly passed resolution to create a special improvement district or districts under applicable Montana statutes.

B. The waiver described in subsection A of this Section shall be recorded at the Park County, Montana, office of Clerk and Recorder. The waiver shall state that the waiver shall run with the land and shall be binding upon subsequent owners of the real property.

C. A fee of Fifteen Dollars (\$15.00) shall be charged to the applicant for costs associated with processing and recording the waiver. (Ord. 1983, 2/20/07)

Article IV. Establishment of Board of Appeals

Sec. 6-200. Establishment of Board of Appeals.

In order to hear and decide appeals of orders, decisions or determinations made by the Building Official relative to the application and interpretation of this Code, there shall be and is created a Board of Appeals consisting of members who are qualified by experience and training to pass judgment upon matters pertaining to building construction and who are not employees of the City of Livingston. (Ord. 1983, 2/20/07)

Sec. 6-201. Membership of Board of Appeals.

The City Commission shall appoint members to the Board of Appeals and shall hold office at the City Commission's pleasure. The Board shall consist of five (5) members, four (4) of which shall be knowledgeable in the construction industry, and shall consist of two (2) engineers, one (1) architect, and one (1) general contractor, and the fifth member shall be a lay person to represent the layman's point of view.

The Building Official shall be a nonvoting ex officio member, who shall act as Secretary to the Board. (Ord. 1983, 2/20/07)

Sec. 6-203. Jurisdiction and limitations.

The Board of Appeals may consider items which lie within the limits of professional discretion and which item is not a specific code mandate. The Board shall not act on matters pertaining to electrical, plumbing and mechanical questions. The Board shall have no authority relative to interpretation of the administrative provisions of the code nor shall the Board be empowered to waive requirements of the codes. (Ord. 1983, 2/20/07)

Sec. 6-204. Rules of procedure.

The Board of Appeals shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the Building Official. (Ord. 1983, 2/20/07)

Article V. Penalty

Sec. 6-210. Establishing a municipal infraction and providing a civil penalty for violation.

It is unlawful and a municipal infraction for any person to violate the provisions of the International Building Code, 2006 Edition, the International Residential Code, Chapters 1 through 10, 2006 Edition, the International Existing Building Code, 2006 Edition, the International Mechanical Code,

residential only, 2006 Edition, and the International Energy Conservation Code (IECC), 2006 Edition, as amended by the State of Montana.

A person convicted of a municipal infraction for violating any provision of the International Building Code, 2006 Edition, the International Residential Code, Chapters 1 through 10, 2006 Edition, the International Existing Building Code, 2006 Edition, the International Mechanical Code, residential only, 2006 Edition, and the International Energy Conservation Code (IECC), 2006 Edition, as amended by the State of Montana, shall be subject to a civil penalty not to exceed Three Hundred Dollars (\$300.00) per day for each violation. Each day that the violation continues shall be deemed a separate and punishable municipal infraction. (Ord. 1983, 2/20/07)