



**CITY OF GREAT FALLS
COMMISSION AGENDA REPORT**

Item: Ordinance 3112, Amending Title 15, Chapter 50 of the Official Code of the City of Great Falls (OCCGF) pertaining to the adopted Fire Code

Initiated By: Fire Marshal Dirk Johnson

Presented By: Fire Chief Randy McCamley

Action Requested: Adopt Ordinance 3112

Public Hearing:

1. Mayor conducts public hearing, calling three times each for proponents and opponents.
2. Mayor closes public hearing and asks the will of the Commission.

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (adopt/deny) Ordinance 3112.”
 2. Mayor calls for a second, discussion, and calls for the vote.
-

Staff Recommendation:

Staff recommends that the City Commission conduct a public hearing and adopt Ordinance 3112. Upon adoption by the Commission, applicants may choose to have plans and premises reviewed under either the 2009 or 2012 International Fire Code (IFC). Staff’s recommendation to applicants will be to utilize the 2012 IFC during the period. However, the option to choose either code is available to all applicants. The Ordinance would be in full effect 30 days after adoption.

Background:

Section 7-33-4208, MCA, sets forth that “The governing body of an incorporated city or town may adopt technical fire codes, in whole or in part, by reference under the procedure provided in § 7-5-4202, MCA.” The City has previously adopted the International Fire Code for two important reasons. First, the State of Montana has adopted the 2012 IFC. Second, the City’s Planning and Community Development Department have adopted and enforce the

other International Codes. This makes the adopted fire code fully adaptable to the other codes that the City of Great Falls utilizes as the building standard.

About every three years the IFC is revised and republished to keep pace with changes in other fire and life safety standards and to address new construction materials and construction methodology.

According to the 2012 IFC preface, “Internationally, code officials recognize the need for a modern, up-to-date fire code addressing conditions hazardous to life and property for fire, explosion, handling or use of hazardous materials and the use and occupancy of buildings and premises.”

“This code was founded on principles intended to establish provisions consistent with the scope of a fire code that adequately protects public health, safety and welfare; provisions that do not necessarily increase construction costs; provisions that do not restrict the use of new materials, products or methods of construction; and that do not give preferential treatment to particular types or classes of materials, products, and method of construction.”

The IFC is fully compatible with all other international codes published by the International Code Council. Staff recommends the adoption of the 2012 IFC as it is a companion code to the IBC and will create a seamless working relationship between the building officials and the Fire Marshal’s Office. Staff believes it is in the best interest of the community to keep the fire code current with the building code.

Additionally the proposed ordinance indentifies local revisions to the 2012 IFC that were based on changes the State Fire Marshal had made when the state adopted this code and section 23.12.601 of the Administrative Rules of Montana. The portions of the code that were not adopted may have been addressed in state law or in Great Falls City ordinances.

Concurrences:

1. City Building Official
2. Planning and Community Development

Fiscal Impact:

The financial impact to the City of Great Falls Fire Department is the purchase of new (2012) fire code books.

Alternatives:

The alternative is to stay with the current 2009 edition of the IFC.

Attachments/Exhibits:

Ordinance 3112/Exhibit A

ORDINANCE 3112

**AN ORDINANCE AMENDING THE OFFICIAL CODE OF THE
CITY OF GREAT FALLS (OCCGF), TITLE 15 CHAPTER 50,
PERTAINING TO THE ADOPTED FIRE CODE**

WHEREAS, the governing body of an incorporated city may adopt technical fire codes, in whole or in part, by reference;

WHEREAS, to maintain a parallel effort of code enforcement, adoption of the updated International Fire Code (IFC) will create a seamless working relationship between the City's Building Department and Fire Department.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA:

Section 1. That Title 15, Chapter 50 of the Official Code of the City of Great Falls (OCCGF) pertaining to the Uniform Fire Code be amended as depicted in Exhibit "A" attached hereto, which removes any language indicated by a strike-out and adds any language which is bolded; and,

Section 2: This ordinance shall be in full force and effect thirty (30) days after second reading and final adoption by the City Commission.

APPROVED by the City Commission on first reading September 3, 2013.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on second reading September 17, 2013.

Michael J. Winters, Mayor

ATTEST:

Lisa Kunz, City Clerk

(Seal of the City)

APPROVED FOR LEGAL CONTENT:

Sara R. Sexe, City Attorney

State of Montana)
County of Cascade : ss
City of Great Falls)

I, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do hereby certify that I did post, as required by law and as prescribed and directed by the City Commission, Ordinance 3112 in three places within the limits of said City to-wit:

- On the Bulletin Board, first floor, Civic Center Building;
- On the Bulletin Board, first floor, Cascade County Courthouse;
- On the Bulletin Board, Great Falls Public Library

(Seal of the City)

Lisa Kunz, City Clerk

EXHIBIT "A"

Title 15 - BUILDINGS AND CONSTRUCTION

Chapter 50 - FIRE CODE

Chapter 50 - FIRE CODE

Sections:

[15.50.010 - International Fire Code \(IFC\)—adoption.](#)

[15.50.040 - Definitions.](#)

[15.50.060 - Bureau of Fire Prevention—established—duties.](#)

[15.50.080 - International Fire Code—amendments.](#)

[15.50.100 - Pipes thawed with torch prohibited.](#)

[15.50.140 - Violation—penalty.](#)

15.50.010 - International Fire Code (IFC)—adoption.

- A. There is for the purpose of prescribing regulations governing conditions hazardous to life and property from fire, hazardous materials or explosion, that certain Code and Standards known as the International Fire Code (IFC).
- B. A copy of such Code is now filed in the office of the City Clerk.
- C. Copies of the ~~2009~~ **2012** IFC may be obtained from the International Code Council.
(Ord. 2905, 2005; Ord. 2874, 2004; Ord. 2794, 2001; Ord. 2651 (Exh. B), 1993; Ord. 2455 (part), 1987; Ord. 2429 §2 (part), 1986).
(Ord. No. 2998, § 1, 3-4-2008; Ord. No. 3048, § 1, 4-6-2010)

15.50.040 - Definitions.

Whenever the following words are used in the ~~2009~~ **2012** IFC, the following definitions shall apply:

"Chief of the Bureau of Fire Prevention" means the Fire Marshal of the City.

"Corporation Counsel" means the City Attorney.

"Jurisdiction" means the City.

"Removal" in relation to storage tanks includes vents and fill pipes and all other incidental hardware.

(Ord. 2874, 2004; Ord. 2455 (part), 1987; Ord. 2429 §2(part), 1986).

(Ord. No. 2998, § 1, 3-4-2008; Ord. No. 3048, § 1, 4-6-2010)

15.50.060 - Bureau of Fire Prevention—established—duties.

The ~~2009~~ **2012** IFC shall be enforced by the Bureau of Fire Prevention in the Fire Department of the City, which is established and which shall be operated under the supervision of the Fire Chief.

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Title 15 - BUILDINGS AND CONSTRUCTION

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(Ord. 2874, 2004).

(Ord. No. 2998, § 1, 3-4-2008; Ord. No. 3048, § 1, 4-6-2010)

15.50.080 - International Fire Code—amendments.

The 2009 IFC is adopted in full and the exceptions are as follows:

- A. ~~Chapter 1 of the 2009 IFC is adopted with the following exceptions, additions and amendments:~~
 - a. ~~Section 108 Board of Appeals is not adopted; and~~
 - b. ~~105 Permits and Approvals and any other sections of the 2009 IFC referring to permits is not adopted. This section applies only to the 2009 IFC permitting requirements, not to permitting requirements contained in Montana law. Fees shall be set by Commission resolution.~~
- B. ~~Chapters 3, 8 and 10 of the 2009 IFC are adopted with the following exceptions, additions and amendments:~~
 - a. ~~806.1 Christmas trees shall be properly treated with an approved flame retardant. The chief may, however, waive this requirement when the tree is fresh (recently harvested) and all other provisions of section 806.1 are met. Consideration should also be given to humidity, temperature and the dryness of the tree at the time of setup.~~
 - b. ~~Section 4604.17 will be adopted and fire escapes shall comply with the following:~~
 - i. ~~When located within a recess or vestibule, adjacent enclosure walls shall not be less than one-hour fire resistive construction;~~
 - ii. ~~Egress from the building shall be by a clear opening having a minimum dimension of not less than twenty-nine (29) inches in both height and width. Such openings shall be openable from the inside without the use of a key or special knowledge or effort. The sill of the opening giving access shall not be more than thirty (30) inches above the floor of the building or balcony;~~
 - iii. ~~Fire escape stairways and balconies shall comply with the following requirements:~~
 - 1. ~~fire escape stairways and balconies shall support the dead load plus a live load of not less than one hundred (100) pounds per square foot and shall be provided with a top and intermediate handrail on each side;~~
 - 2. ~~the pitch of the stairway shall not exceed sixty (60) degrees with a minimum width of eighteen (18) inches;~~
 - 3. ~~treads shall not be less than four (4) inches in width and the rise between treads shall not exceed ten (10) inches;~~
 - 4. ~~all stair and balcony railings shall support a horizontal force of not less than fifty (50) pounds per lineal foot of railing;~~
 - 5. ~~balconies shall not be less than forty-four (44) inches in width with no floor opening other than the stairway opening greater than five eighths (5/8) inch in width;~~
 - 6. ~~stairway openings in such balconies shall not be less than twenty-two (22) inches by forty-four (44) inches; and~~

EXHIBIT "A"

Title 15 - BUILDINGS AND CONSTRUCTION

Chapter 50 - FIRE CODE

- ~~7. the balustrade of each balcony shall not be less than thirty-six (36) inches high with not more than nine (9) inches between balusters;~~
 - ~~iv. Fire escapes shall extend to the roof or provide an approved geosneck ladder between the top floor landing and the roof when serving buildings four (4) or more stories in height having roofs with less than four (4) units in vertical in twelve (12) units horizontal (thirty three and three tenths (33.3) percent slope);~~
 - ~~v. Fire escape ladders shall be designed and connected to the building to withstand a horizontal force of one hundred (100) pounds per lineal foot; each rung shall support a concentrated load of five hundred (500) pounds placed anywhere on the rung. All ladders shall be at least fifteen (15) inches wide, located within twelve (12) inches of the building and shall be placed flat wise relative to the face of the building. Ladder rungs shall be three quarters (¾) inch in diameter and shall be located twelve (12) inches on center. Openings for roof access ladders through cornices and similar projections shall have minimum dimensions of thirty (30) inches by thirty three (33) inches;~~
 - ~~vi. The lowest balcony shall not be more than eighteen (18) feet from the ground;~~
 - ~~vii. Fire escapes shall extend to the ground or be provided with counterbalanced stairs reaching the ground;~~
 - ~~viii. Fire escapes shall be kept clear and unobstructed at all times and maintained in good working order.~~
- ~~C. Chapters 27 through 46 of 2009 IFC are adopted with the following exceptions, additions and amendments:~~
- ~~a. Section 3304.1 Storage of explosives. The maximum quantities, storage conditions, and fire protection requirements for gunpowder and ammunition stored in a building shall be as follows:~~
 - ~~i. Smokeless powder in accordance with 50-61-120 and 50-61-121, MCA.~~
 - ~~ii. Commercial manufactured sporting black powder: Fifty (50) pounds in a separate, portable Type 4 magazine.~~
 - ~~iii. Small arms primers or percussion caps: In accordance with 50-61-120 and 50-61-121, MCA.~~
- ~~The following annexes are adopted as a part of this Code:~~
- ~~A. Appendix B Fire Flow requirements of Buildings~~
 - ~~B. Appendix C Fire Hydrant Location and Distribution~~
 - ~~C. Appendix I Fire Protection Systems Noncompliant Conditions~~

EXHIBIT "A"

Title 15 - BUILDINGS AND CONSTRUCTION

Chapter 50 - FIRE CODE

15.50.080 - International Fire Code—amendments.

The 2012 IFC is adopted in full with the exceptions as follows:

- A. If there is any conflict between the adopted code and the Montana Code Annotated, the provisions of the Montana Code Annotated control.
- B. The 2012 IFC is adopted with the following exceptions, additions and amendments:
 - a. Section 104.2 Application and Permits is not adopted.
 - b. Section 105 Permits and Approvals and any other sections of the 2012 IFC referring to permits are not adopted. This section applies only to the 2012 IFC permitting requirements, not to permitting requirements contained in Montana law. Fees shall be set by Commission resolution.
 - c. The Permit sections of the following chapters are not adopted: 3,5,6,9,20-35 and 50-67.
 - d. Section 108 Board of Appeals is not adopted.
 - e. Section 113 Fees is not adopted.
 - f. Section 308.1.6 Open-Flame Devices is adopted but deleting "except by a permit in accordance with Section 105.6 secured from the fire code official.
 - g. Section 308.2 Permits Required is not adopted.
 - h. Section 405.2 Delete section and replace with: "Frequency required emergency evacuation drills shall be held at the intervals specified in § 20-1-402 MCA. There must be at least eight emergency evacuation/disaster drills held a year in a school. At least four of the drills must be fire exit drills. Drills must be held at different hours of the day or evening to avoid distinction between drills and actual disasters." In Table 405.2 delete the word "monthly" from the frequency column, applicable to Group E and replace with "20-1-402 MCA."
 - i. Section 603.4 Portable Unvented Heaters is adopted but the "Exceptions" are not adopted.
 - j. Section 603.4.1 Prohibited Locations – is not adopted.
 - k. Section 906.1 Portable Fire Extinguishers- (1) Exception – is not adopted.
 - l. Section 1008.1.4 Door Operations is adopted adding the sentence, "Exit doors shall not be locked, chained, bolted, barred, latched or otherwise rendered unusable. All locking devices shall be of an approved type.
 - m. Sections 2306.7.9 through 2306.7.9.2.4 Vapor-Recovery and Vapor-Processing Systems – are not adopted.
 - n. Section 5601.1.3 Approval Required is adopted but deleting "a permit and."
 - o. Sections 5601.2.2 through 5601.2.4.2 are not adopted.

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- p. **Section 5606.5.2.1 Smokeless Propellant – is not adopted. The maximum quantities, storage conditions, and fire-protection requirements of gunpowder and ammunition stored in a building shall be as follows: Smokeless powder and small arms primers or percussion caps shall be in accordance with Sections 50-61-120 and 50-61-121 MCA.**
- q. **Section 5606.5.2.3 Small Arms Primers – is not adopted. See Sections 50-61-120 and 50-61-121 MCA.**
- r. **Section 5608 Fireworks Display – is not adopted. See Title 50 Chapter 37 MCA**
- s. **Section 5706.1 General – In paragraph number 1 delete “farms and.”**
- t. **Section 5706.2 delete “farms and” from the heading and “on farms and rural areas and” from the paragraph.**
- u. **Section 5706.2.5.1 (2) is not adopted.**

The following annexes are adopted as a part of this Code:

- A. Appendix A - Board of Appeals is not adopted**
- B. Appendix B - Fire Flow Requirements of Buildings is adopted**
- C. Appendix C - Fire Hydrant Location and Distribution is adopted**
- D. Appendix D - Fire Access Roads is adopted**
- E. Appendix E - Hazard Categories is not adopted**
- F. Appendix F – Hazard Ranking is not adopted**
- G. Appendix G - Cryogenic Fluids is not adopted**
- H. Appendix H - Hazardous Materials is not adopted**
- I. Appendix I - Fire Protection Systems- Noncompliant Conditions is adopted**
- J. Appendix J - Building Information Sign is not adopted**

(Ord. 2905, 2005; Ord. 2874, 2004; Ord. 2794, 2001)

(Ord. No. 2998, § 1, 3-4-2008; Ord. No. 3048, § 1, 4-6-2010)

15.50.100 - Pipes thawed with torch prohibited.

It is unlawful to use any torch or other flame-producing device for the purpose of thawing out any pipe in or under any house, building or structure in the City. Any person, who in consequence of violating the provisions of this section causes a fire, shall, in addition to the penalties prescribed in this section, be liable to the City in damage to the extent of the costs to the Fire Department for answering a fire alarm and services in extinguishing such fire, such penalty to be recovered by a civil action.

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15.50.140 - Violation—penalty.

A. Any person who violates any of the provisions of the ~~2009~~ **2012** IFC adopted in [Section 15.50.010](#) of this chapter or fails to comply therewith is guilty of a misdemeanor, punishable by a fine of not less than ten dollars (\$10.00) 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 (1) penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten (10) days that prohibited conditions are maintained shall constitute a separate offense.

B. The application of the above penalty shall not be held to prevent the enforced removal or prohibited conditions.

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Other pertinent OCCGF Codes:

9.9.90 Fireworks Policy

[9.5.28.010](#) Negligent Smoking

~~9.40~~ [9.90.010](#) ~~060 (A)~~ Discharging Fireworks in Parks

[8.60.010](#) Abandoned Refrigerators

[10.48.060](#)(B) Hydrant Codes

13.14.010 Unlawful Materials in Sewer

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 - m. Sections 2306.7.9 through 2306.7.9.2.4 Vapor-Recovery and Vapor-Processing Systems – are not adopted.
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- r. **Section 5608 Fireworks Display – is not adopted. See Title 50 Chapter 37 MCA**
- s. **Section 5706.1 General – In paragraph number 1 delete “farms and.”**
- t. **Section 5706.2 delete “farms and” from the heading and “on farms and rural areas and” from the paragraph.**
- u. **Section 5706.2.5.1 (2) is not adopted.**

The following annexes are adopted as a part of this Code:

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(Ord. No. 2998, § 1, 3-4-2008; Ord. No. 3048, § 1, 4-6-2010)

15.50.100 - Pipes thawed with torch prohibited.

It is unlawful to use any torch or other flame-producing device for the purpose of thawing out any pipe in or under any house, building or structure in the City. Any person, who in consequence of violating the provisions of this section causes a fire, shall, in addition to the penalties prescribed in this section, be liable to the City in damage to the extent of the costs to the Fire Department for answering a fire alarm and services in extinguishing such fire, such penalty to be recovered by a civil action.

EXHIBIT "A"

Title 15 - BUILDINGS AND CONSTRUCTION

Chapter 50 - FIRE CODE

(Ord. 2874, 2004; Ord. 2455 (part), 1987; Ord. 2429 §2(part), 1986).

(Ord. No. 2998, § 1, 3-4-2008; Ord. No. 3048, § 1, 4-6-2010)

15.50.140 - Violation—penalty.

A. Any person who violates any of the provisions of the ~~2009~~ **2012** IFC adopted in [Section 15.50.010](#) of this chapter or fails to comply therewith is guilty of a misdemeanor, punishable by a fine of not less than ten dollars (\$10.00) 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 (1) penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten (10) days that prohibited conditions are maintained shall constitute a separate offense.

B. The application of the above penalty shall not be held to prevent the enforced removal or prohibited conditions.

(Ord. 2874, 2004; Ord. 2455 (part), 1987; Ord. 2429 §2(part), 1986).

(Ord. No. 2998, § 1, 3-4-2008; Ord. No. 3048, § 1, 4-6-2010)

Other pertinent OCCGF Codes:

9.9.90 Fireworks Policy

[9.5.28.010](#) Negligent Smoking

~~9.40~~ ~~9.90.010~~ ~~060 (A)~~ Discharging Fireworks in Parks

[8.60.010](#) Abandoned Refrigerators

[10.48.060](#)(B) Hydrant Codes

13.14.010 Unlawful Materials in Sewer