



Item: Public Hearing on Ordinance 3141, “*AN ORDINANCE AMENDING THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF), REPEALING TITLE 15, CHAPTER 5, AND CREATING TITLE 16 PERTAINING TO THE PROPERTY MAINTENANCE CODE*”

From: Sara Sexe, City Attorney

Initiated By: City Commission

Presented By: Sara Sexe, City Attorney

Action Requested: Approve Ordinance 3141

Public Hearing:

1. Mayor opens and 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 3141.”
 2. Mayor requests a second to the motion, Commission discussion, and calls for the vote.
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Background:

The City of Great Falls adopted the International Property Maintenance Code 2009 Edition (IPMC) on March 1, 2011. This adoption was codified as OCCGF 15.5.010. At this time, the City Manager, Planning and Community Development Director, and City Attorney wish to create a Title 16 of the OCCGF in order to separate property maintenance provisions from the Title where the building codes are referenced. While it is published as part of the City’s building code, the IPMC is neither considered nor used as a building code or regulation.

The City’s adoption of the IPMC was not intended to regulate the design, construction, reconstruction, alteration, conversion, repair, inspection, or use of buildings and installation of equipment in buildings. It was adopted into the City Code to supplement enforcement of the City’s municipal codes regarding proper property maintenance. However, because the IPMC

was adopted as a subsection of the Building Codes title of the OCCGF, there has been some confusion as to its application as a building, versus a maintenance, code. Because the IPMC is not used to regulate building design or construction, it should be relocated within the municipal code and be given its own title, separate from the building code. There is currently no Title 16 in the OCCGF, so creating a Title 16 to reference a City property maintenance code separately, would be appropriate to eliminate any confusion that it is distinct from the City Building Codes.

Adoption of the IPMC is within the City's general zoning powers under MCA §76-2-301 and within the City's self-governing powers under MCA §7-1-101. Cities can adopt uniform codes by reference under MCA §§7-5-108 and 7-5-4202. This uniform code adoption process is not limited to building codes and includes many uniform codes, such as energy conservation, fuel gas, and fire codes, which Great Falls has adopted in whole or in part.

The current enforcement process for violations of the IPMC consists of complaints filed into the Great Falls Municipal Court, which can result in misdemeanor convictions under OCCGF 1.4.070. Additionally, staff is considering developing new enforcement policies for property maintenance code violations via alternative civil remedies.

Concurrences:

The first draft of the proposed ordinance was prepared by Assistant City Attorney, Joseph Cik. It was then reviewed by the City Manager, Planning Director, and City Attorney. It was also reviewed by the City Clerk and formatted appropriately for inclusion in the City Code. Their suggestions, comments, and proposed amendments have been incorporated into the proposal now before the Commission. All concur with the provisions.

Public Comments as of May 3, 2016:

There were two speakers that gave public comment on the ordinance during the first reading. One speaker was concerned that the enactment of a Property Maintenance Code would interfere with his hobby of working on automobiles. The other speaker was interested to know how the City Property Maintenance Code would be enforced through criminal and civil processes.

Alternatives to Ordinance 3141:

1. The Commission could maintain the current version of OCCGF with the IPMC adopted into Title 15 Chapter 5. However, staff does not recommend this alternative; and
2. The Commission could suggest revisions to the proposed code revision, which would be considered for input.

Fiscal Impact:

None.

Attachments/Exhibits:

Final draft of Ordinance 3141

Current OCCGF Section 15.5.010.

Comparison between OCCGF Section 15.5.010 and proposed Section 16.1.010

ORDINANCE 3141

AN ORDINANCE REPEALING TITLE 15, CHAPTER 5, AND CREATING TITLE 16 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF), PERTAINING TO THE INTERNATIONAL PROPERTY MAINTENANCE CODE

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

WHEREAS, on November 4, 2003, the City Commission adopted Ordinance 2864 incorporating the 2003 Edition of International Property Maintenance Code into Title 15 of the OCCGF, and then the 2009 Edition by adoption of Ordinance 3063 on March 1, 2011, to maintain a parallel effort of code enforcement; and

WHEREAS, it would be more appropriate to create a separate Title in the OCCGF codifying a Property Maintenance Code.

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

- Section 1. Title 15, Chapter 5 of the OCCGF pertaining to the International Property Maintenance Code is hereby repealed.
- Section 2. Title 16, Chapter 1 of the OCCGF titled Property Maintenance Code is hereby created.
- Section 3. This Ordinance shall be in full force and effect thirty (30) days after its passage and adoption by the City Commission.

APPROVED by the City Commission on first reading May 3, 2016.

ADOPTED by the City Commission of the City of Great Falls, Montana on second reading May 17, 2016.

Bob Kelly, Mayor

ATTEST:

Lisa Kunz, City Clerk

(CITY SEAL)

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 certify that I did post as required by law and as prescribed and directed by the Commission, Ordinance 3141 in three conspicuous 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

Lisa Kunz, City Clerk

(CITY SEAL)

Chapter 1 CODE ADOPTION

Section:

[16.1.010 Adoption.](#)

The International Property Maintenance Code, 2009 Edition, is adopted and incorporated by reference with the following amendments: Copies of the code are on file in the office of the City Clerk and are available for inspection. Copies may be obtained from the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478 or their web site www.iccsafe.org.

- A. Subsection 101.1 Title. These regulations shall be known as the Property Maintenance Code of The City of Great Falls, hereinafter referred to as "this code."
- B. Subsection 102.3 Application of other codes. Amended to read as follows: Strike the title "International Zoning Code" and insert "City of Great Falls' zoning ordinance."
- C. Subsection 103.5 Fees. Strike the words "indicated in the following schedule" and replace with "set by City Commission resolution."
- D. Subsection 110.4 Salvage Materials. Deleted.
- E. Subsection 201.3 Terms defined in other codes. Shall read as follows: "Where terms are not defined in this code and are defined in the International Building Code, International Fire Code, Uniform Plumbing Code, International Mechanical Code, International Existing Building Code or the National Electrical Code, such terms shall have the meanings ascribed to them as in those codes".
- F. Subsection 302.4 Weeds. Deleted.
- G. Subsection 302.8 Motor Vehicles. Deleted.
- H. Subsection 304.14 Insect Screens. Deleted
- I. Subsection 505.1 General. Strike reference to the "International Plumbing Code" and replace with "Uniform Plumbing Code."
- J. Subsection 602.2 Residential occupancies. Shall read as follows: Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms. Cooking appliances shall not be used to provide space heating to meet the requirements of this section unless approved by the Fire Marshall and Building Official as a temporary emergency measure.
- K. Subsection 602.3 Heat supply. Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guestroom on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat to maintain a temperature of not less than 68°F (20°C) in all habitable rooms, bathrooms, and toilet rooms. Exception #1 is deleted.

(Ord. 3141, 2016; Ord. 3063, 2011; Ord. 2874, 2004; Ord. 2864, 2003; Ord. 2748, 1998; Ord. 2710 Exh. A), 1996; Ord. 2651 (Exh. B), 1993; Ord. 2627 §1(Exh B) 1992; Ord. 2538 §2(Exh. B), 1989).

Title 15- BUILDINGS AND CONSTRUCTION

Chapter 5 INTERNATIONAL PROPERTY MAINTENANCE CODE ADOPTION

Chapter 5 INTERNATIONAL PROPERTY MAINTENANCE CODE

Section:

15.5.010 Adoption.

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- A. Subsection 101.1 Title. These regulations shall be known as the International Property Maintenance Code of The City of Great Falls, hereinafter referred to as "this code."
- B. Subsection 102.3 Application of other codes. Amended to read as follows: Strike the title "International Zoning Code" and insert "City of Great Falls' zoning ordinance."
- C. Subsection 103.5 Fees. Strike the words "indicated in the following schedule" and replace with "set by City Commission resolution."
- D. Subsection 110.4 Salvage Materials. Deleted.
- E. Subsection 201.3 Terms defined in other codes. Shall read as follows: "Where terms are not defined in this code and are defined in the International Building Code, Uniform Fire Code, Uniform Plumbing Code, International Mechanical Code, International Existing Building Code or the 2008 National Electrical Code, such terms shall have the meanings ascribed to them as in those codes".
- F. Subsection 302.4 Weeds. Deleted.
- G. Subsection 302.8 Motor Vehicles. Deleted.
- H. Subsection 304.14 Insect Screens. Specify time period of May 1st to October 1st.
- I. Subsection 505.1 General. Strike reference to the "International Plumbing Code" and replace with "Uniform Plumbing Code."
- J. Subsection 602.2 Residential occupancies. Shall read as follows: Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.
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Chapter ~~5~~ ~~INTERNATIONAL~~ ~~PROPERTY MAINTENANCE~~ ~~1~~ CODE ADOPTION

Section:

~~15.516.1.010~~ Adoption.

~~15.5.010~~ Adoption.

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- B. Subsection 102.3 Application of other codes. Amended to read as follows: Strike the title "International Zoning Code" and insert "City of Great Falls' zoning ordinance."
- C. Subsection 103.5 Fees. Strike the words "indicated in the following schedule" and replace with "set by City Commission resolution."
- D. Subsection 110.4 Salvage Materials. Deleted.
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Title ~~15~~ BUILDINGS AND CONSTRUCTION

Chapter ~~5~~ INTERNATIONAL 16 – PROPERTY MAINTENANCE CODE

(~~Ord. No. 3063, § 1, 3-1-2011~~)