

ORDINANCE # 161

An Ordinance of the Darby Town Council Amending Town Code Section 7 to Include Provisions for Adoption, enforcement, Updating and Penalties for Electrical Codes.

WHEREAS; the Town of Darby Town Code, Section 7-1 has included regulations for building standards through enforcement of the State approved building codes, and

WHEREAS; at Town Council meetings held January 12 and January 26, 2021 the Council discussed the desire to include adoption and enforcement of State approved electrical codes, and

WHEREAS; adopting electrical codes will provide an assurance to the Town's current and future residents and business owners, that structures are constructed within safe guidelines approved by the State and Town, and

WHEREAS; guidelines for the enforcement of these codes will assure that all residents and business owners are treated equitably, and

WHEREAS; fees for the application and enforcement of these codes will be as per Table 109.2 of ARM 24.301.138 by the amended codes, and

WHEREAS; this Town code amendment shall make a provision for periodic updating of the code by administrative order, as permitted by the approval of this amendment, and

WHEREAS; a duly noticed public hearing for this ordinance was held by the Town Council on April 13, 2021 to receive public comment, either oral or written, which shall be incorporated into the meeting minutes, and

WHEREAS; this ordinance shall be in full force and effect 30 calendar days after Town Council approval of the second and final reading (by reference), and

WHEREAS; this Ordinance shall be incorporated by reference into the minutes of Town Council meeting.

NOW THEREFORE BE IT ORDAINED BY the Town Council that Section 7-3-1 through 7-3-7 regarding Electrical Codes be added to the Town Code.

**Chapter 2
Electrical Codes**

Section:

7-3-1	Adoption of the Technical Codes and Administrative Regulations
7-3-2	Electrical Contractor License and Bonding
7-3-3	Electrical Permits Required
7-3-4	Electrical Permit Fees
7-3-5	Inspections Required
7-3-6	Electrical Appeals Board
7-3-7	Violations and Penalty

7-3-1: Adoption of Technical Codes and Administrative Regulations: The current and future editions of the Uniform Electrical Code, and all accompanying appendices, amendments,

and modifications adopted or required to be adopted by the Montana Department of Labor Building Code Bureau as set forth in Administrative Rules of Montana, as amended from time to time by the Building Codes Bureau, are adopted by reference and incorporated into this chapter as if set forth in full, except for the exceptions noted in this chapter or any regulations which are not applicable to local government jurisdictions.

- A. **Applicability:** The adopted electrical code shall regulate new construction, enlargement, alteration, repair, moving, removal, demolition, conversion and occupancy of all buildings and/or structures in the Town and its jurisdictional area, providing for issuance of permits and collection of fees and penalties.
 - 1. The model technical electrical code and Administrative Rules of Montana as adopted, and other provision of Town Code Chapter 7 are applicable within the corporate limits of the Town of Darby and are enforced by the building inspection department.

- B. **Copy on File:** One copy of each code shall be kept on file in the office of the town clerk and one copy of each code shall be kept on file in the office of the building inspection department.

- C. **Adoption of Codes:** The hereby adopts:
 - 1. The 2017 Edition of the Uniform Electrical Code.

- D. **Adoption of Amendments or New Editions by Administrative Action:** Any amendments adopted by the State of Montana Building Codes Bureau, which apply to local government jurisdictions, including adoption of the latest editions of the model technical electrical code listed in Section 7-3-1 C above, or as well as future editions of this model technical electrical codes, or applicable Administrative Rules of Montana, shall become effective in the Town upon administrative order of the Mayor within ninety (90) days after the date that the Bureau notifies the Town of said amendments. Administrative adoption is allowed by Montana Code Annotated 50-60-301(1)(b) and Administrative Rules of Montana 24.301.202.

7-3-2 ELECTRICAL CONTRACTOR LICENSE AND BONDING:

Any person, firm or corporation engaging in the business of installing, maintaining or repairing electrical supply, wiring, connections, infrastructure and/or appliances regulated by this code shall file/provide a copy of that person's, firm's, or corporation's electrical contractor license (as defined by the Montana Code Annotated sections 37-68-301 et. Seq.) issued by the Business and Occupational Licensing Bureau. The State Electrician's License shall be current and effective for all applicable workers, during an active permit.

Such person, firm, or corporation shall keep on file in the office of the clerk, and in full force at all times during an active permit, a copy of an applicable liability insurance policy evidencing coverage of at least one hundred thousand (\$100,000.00)

7-3-3 ELECTRICAL PERMITS REQUIRED: Any person, firm or corporation desiring to install, repair, alter or repair electrical infrastructure within any structure within the Town

shall first submit plans and specifications of the proposed activity in sufficient detail to permit the building inspector enough detail to determine the applicability of this chapter.

7-3-4 ELECTRICAL PERMIT FEES:

- A. Permit fees shall be ~~charged per Administrative Rules of Montana 24.301.138 of for the technical code edition adopted by the Town of Darby~~ ***established and approved by a Town of Darby Resolution.***
- B. Re-inspection of failed or incomplete work may be charged additional fees.
 - 1. The first re-inspection will be covered under the original permit inspection fee. Subsequent re-inspection will be assessed for each inspection or re-inspection when such portion of work for which an inspection is called in is not complete or when required corrections are not made.
 - 2. In instances where a re-inspection fee has been assessed, no additional inspections of the work, or project, will be performed until the re-inspection fee has been paid.
- C. Special inspection fees may be charged when inspections are requested by other permitting agencies.
- D. All inspection fees shall be charged at a rate of \$125.00 per hour. Time shall be rounded up to the nearest half-hour.

7-3-5 INSPECTIONS REQUIRED:

- A. All work requiring a permit must be inspected by the building official at various intervals, as required by the Town, to assure compliance with the adopted codes. No work may be covered up until the same has been approved by the building official.
- B. The building official must be provided access to the property to conduct the required inspections.
- C. Following an inspection, the permit holder must correct any condition that is determined to be unsafe to life and property or in violation of applicable enforced code.

7-3-6 ELECTRICAL APPEALS AND PROCEDURE; The Town Electrical Board of Appeals shall be the Town Council. Procedures shall be the same as that for building department appeals as established by Town Resolution 276.

7-3-7 VIOLATION AND PENALTY:

- A. **Misdemeanor:** A person who shall violate a provision of this chapter or who fails to comply therewith or with any of the requirements thereof, or who shall erect, construct, alter or repair, or has erected constructed, alter or repairs

electrical within a structure in the Town of Darby, in violation of a detailed statement or plan submitted and approved thereunder, or of a permit or certificate issued thereunder, shall be guilty of a misdemeanor, and upon conviction, shall be subject to penalty as provided in Section 1-4-2 of the Town of Darby Code.

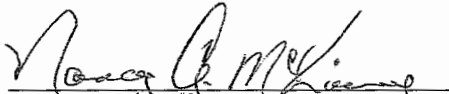
B. Separate Offense: The owner of a building, structure or premises where anything in violation of this chapter shall be placed or shall be erected, and an architect, builder, electrician, contractor, agent, person or corporation employed in connection therewith and who may have assisted in the commission of such violation shall be guilty of a separate offense and, upon conviction thereof, shall be subject to penalty as herein provided.

C. Additional Remedies: The imposition of the penalties herein prescribed shall not preclude the Council from instituting an appropriate action or proceedings to prevent and unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use or to restrain, correct or abate a violation, or prevent the occupancy of a building structure, or premises, or to prevent an illegal act, conduct business or use in or about the premises.

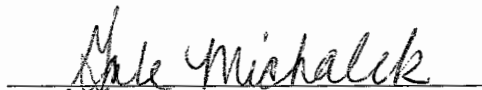
1. Any contractor who performs work without a permit when a permit is required by the applicable enforced code shall be charged double the permit fee.

Effective Date: This ordinance will be in full force and effect thirty (30) calendar days after Town Council approval of the second and final reading (by reference).

PASSED by the Town Council of the Incorporated Town of Darby, Darby, Montana on first reading (by reference) at a regular meeting thereof on this 13 day of April, 2021.

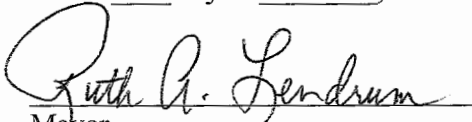


Mayor ~~Chairperson~~



Attested by Clerk

PASSED, ADOPTED AND APPROVED by the Town Council of the Incorporated Town of Darby, Darby, Montana on second and final reading (by reference) at a regular meeting thereof on the ____ day of _____, 2021.



Mayor



Attested by Clerk

Effective date:

June 12, 2021