

**ORDINANCE # 162 \_\_\_\_\_**

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

**WHEREAS;** the Town of Darby Town Code, Section 7 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 mechanical codes, and

**WHEREAS;** adopting mechanical 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 established by resolution as permitted 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 on April 13, 2021, by the Town Council 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 7-4-1 through 7-4-7 regarding Mechanical Codes are to be added to the Town Codes.

**Chapter 2  
Mechanical Codes**

**Section:**

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

**7-4-1: Adoption of Technical Codes and Administrative Regulations:** The current and future

editions of the Uniform Mechanical 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 mechanical code shall regulate the 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 mechanical construction 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 Uniform Mechanical Code, Edition 2017
  
- D. **Adoption of Amendments or New Editions by Administrative Action:** Any amendment(s) 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 mechanical code listed in Section 7-4-1-C above, or as well as future editions of this model technical mechanical 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.

**7-4-2 MECHANICAL CONTRACTOR LICENSE AND BONDING:** Any person, firm or corporation engaging in the business of installing, maintaining or repairing, mechanical apparatus or appliances regulated by this code shall file and thereafter keep on file in the office of the clerk, and in full force at all times, a copy of that person's, firm's, or corporation's mechanical contractor license as defined by the Montana Code Annotated sections 37-73-301 et. Seq. issued by the Business and Occupational Licensing Bureau.

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

**7-4-3 MECHANICAL PERMITS REQUIRED:** Any person, firm or corporation desiring to install, repair, alter or repair mechanical apparatus within any structure within the Town shall first submit plans and specifications of the proposed activity in sufficient detail to permit the building department inspector enough detail to determine the applicability of this chapter

**7-4-4 MECHANICAL PERMIT FEES:**

- A. Permit fees shall be charged per the appropriate subchapter of Chapter 24.301.138 of the Administrative Rules of Montana for the technical codes 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.

**7-4-5 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 enforced 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.

**7-4-6 MECHANICAL APPEALS AND PROCEDURE;** The Town Mechanical 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.

**7-4-7 VIOLATION AND PENALTY:**

- A. **Misdemeanor:** A person who shall violate a provision of this chapter or fail 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 mechanical 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, 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.

Nancy G. McKinney Shelley Mahalik  
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 11 day of May, 2021.

Ruth A. Lendrum Shelley Mahalik  
Mayor Attested by Clerk

Effective date:

June 12, 2021