

TITLE 7
BUILDING REGULATIONS

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CHAPTER 1

BUILDING CODES

SECTION:

- 7-1-1: Adoption Of Technical Codes And Administrative Regulations
- 7-1-2: Building Permits Required; Fee
- 7-1-3: Inspections Required
- 7-1-4: Building Appeals Board
- 7-1-5: Penalty

7-1-1: **ADOPTION OF TECHNICAL CODES AND ADMINISTRATIVE REGULATIONS:** The current editions of the building codes and all accompanying appendices, amendments and modifications adopted by the building codes bureau, Montana department of labor and industry (or its successor), as set out in the administrative rules of Montana, as amended from time to time by the building codes bureau, shall be adopted by administrative order of the mayor as authorized by Montana Code Annotated subsection 50-60-301(1)(b), except for any exceptions noted in this chapter or any regulations not applicable to local government jurisdictions. These codes are applicable to all buildings within the building code enforcement area of the town, including, but not limited to, residential buildings containing less than five (5) dwelling units or their attached-to structures, any farm or ranch building, and any private garage or private storage structure used only for the owner's use as provided by Montana Code Annotated subsection 50-60-102(1)(a).

- A. **Applicability:** The adopted building codes shall regulate the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment use, height, area and maintenance of all buildings and/or structures in the town and its jurisdictional area, providing for issuance of permits and collection of fees and penalties.
- B. **Copy On File:** One copy of each code shall be on file in the office of the clerk-treasurer.

Amended by Admin.Order
2/27/2007

Amended
ORD # 136
3/8/2005

C. Adoption Of Codes: The town hereby adopts:

1. The international building code, 2003 edition, as provided by ARM 24.301.131 (1 through 3) and appendix chapter C (group U-agricultural buildings). Amended Admin.Order 8/24/2010

2. International residential code, 2003 edition, as provided by ARM 24.301.154 (1 through 10).

3. International existing building code, 2003 edition, as provided by ARM 24.301.171. Amended Admin.Order 8/24/2010

4. International energy conservation code, 2003 edition, as provided by ARM 24.301.161. Amended Admin. Order 5/25/2010

D. Codes Or Amendments Adopted By Bureau: Any codes or amendments adopted by the state of Montana building codes bureau which apply to local government jurisdictions, including the adoption of the latest editions of the model technical codes (i.e., model international energy conservation codes, international building code [IBC], international residential building code [IRC], international existing building code) and/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. (Ord. 136, 3-22-2005)

7-1-2: **BUILDING PERMITS REQUIRED; FEE:** Any person, firm or corporation desiring to build or remodel or move any structure within the town shall first submit his or its plans and specifications of the proposed structure in sufficient detail to permit the building inspector to determine the kind of structure proposed to be built or repaired, such plans and specifications to be filed with the building inspector hereinafter provided for. If, in the opinion of the inspector, the plans and specifications meet the requirements of this chapter as hereinafter provided, they shall issue a permit for the building or repair of such structure upon payment of the building permit fee as per the schedule in the current edition of adopted building code. (Ord. 136, 3-22-2005)

7-1-3: **INSPECTIONS REQUIRED:** The town building inspector will perform inspections throughout the project. (Ord. 136, 3-22-2005)

7-1-4: **BUILDING APPEALS BOARD:** The town building department board of appeals shall be the town council. Procedures for the appeals board are established by town resolution 276. (Ord. 136, 3-22-2005)

7-1-5: **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, altered or repaired a building or structure, 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 this 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. (Ord. 136, 3-22-2005; amd. 2006 Code)
- C. **Additional Remedies:** The imposition of the penalties herein prescribed shall not preclude the council from instituting an appropriate action or proceedings to prevent an unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, or to restrain, correct or abate a violation, or to prevent the occupancy of a building structure, or premises, or to prevent the occupancy of a building, structure, or premises, or to prevent an illegal act, conduct business or use in or about the premises. (Ord. 136, 3-22-2005)

CHAPTER 2

COMMERCIAL TRAILER COURTS

SECTION:

- 7-2-1: Installation Requirements
7-2-2: Penalty

7-2-1: **INSTALLATION REQUIREMENTS:**

- A. **Installation Restricted:** It shall not be unlawful for any person to install a house trailer or portable home intended primarily to be transported from place to place, on any commercial trailer park which has been previously or hereafter constructed for such purpose, providing the same has been constructed under authority granted by the town council, and has met the requirements of the town and state. (1975 Code § 15.20.010; amd. 2006 Code)
- B. **Submittal Of Plans; Specifications:** Any person desiring to establish a commercial trailer park must prepare plans for the same and submit the same to the town council for approval before construction thereof. Such plans must provide trailer spaces with sewer and water connections for each space, and the trailer spaces must be separated by sufficient space to permit uninterfered passage for fire protection according to state fire regulations. All trailers must be skirted with wood or metal within ninety (90) days and have no excavations, and when moved, cleaned up. Any installation not meeting these requirements and having the approval of the council shall be in violation of this chapter and subject to penalty as provided in section 7-2-2 of this chapter. (1975 Code § 15.20.010)

- 7-2-2: **PENALTY:** Every property owner found guilty of violating any of the provisions of this chapter shall, upon conviction, be subject to penalty as provided in section 1-4-2 of this code. (1975 Code § 15.20.020; amd. 2006 Code)

CHAPTER 3
UNFAIR HOUSING

SECTION:

- 7-3-1: Purpose
- 7-3-2: Discrimination In Housing; Exemptions
- 7-3-3: Complaints Filed

7-3-1: **PURPOSE:** The purpose of this chapter is to provide for the general welfare of the citizens of the town by declaring discriminatory practices in housing to be against public policy, and to provide for proper procedures for the enforcement of this chapter. (Ord. 15.25, 3-30-1981)

7-3-2: **DISCRIMINATION IN HOUSING; EXEMPTIONS:**

- A. **Discriminatory Practices:** It is an unlawful discriminatory practice for the owner, lessee, or manager having the right to sell, lease, or rent a housing accommodation or improved or unimproved property or for any other person:
1. To refuse to sell, lease, or rent the housing accommodation or property to a person because of sex, marital status, race, creed, religion, color, age, familial status, physical or mental disability, or national origin;
 2. To discriminate against a person because of sex, marital status, race, creed, religion, age, familial status, physical or mental disability, color, or national origin in a term, condition, or privilege relating to the use, sale, lease, or rental of the housing accommodation or property;
 3. To make an inquiry of the sex, marital status, race, creed, religion, age, familial status, physical or mental disability, color, or national origin of a person seeking to buy, lease, or rent a housing

accommodation or property for the purpose of discriminating on the basis of sex, marital status, race, creed, religion, age, familial status, physical or mental disability, color, or national origin;

4. To refuse to negotiate for a sale or to otherwise make unavailable or deny a housing accommodation or property because of sex, marital status, race, creed, religion, age, familial status, physical or mental disability, color, or national origin;

5. To represent to a person that a housing accommodation or property is not available for inspection, sale, or rental because of that person's sex, marital status, race, creed, religion, age, familial status, physical or mental disability, color, or national origin when the housing accommodation or property is in fact available; or

6. For profit, to induce or attempt to induce a person to sell or rent a housing accommodation or property by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular sex, marital status, race, creed, religion, age, familial status, physical or mental disability, color, or national origin.

B. **Exemption:** The rental of sleeping rooms in a private residence designed for single-family occupancy in which the owner also resides is excluded from the provisions of subsection A of this section; provided, that the owner rents no more than three (3) sleeping rooms within the residence.

C. **Print Or Publish Notice, Statement Or Advertisement:** It is an unlawful discriminatory practice to make, print, or publish or cause to be made, printed, or published any notice, statement, or advertisement that indicates any preference, limitation, or discrimination that is prohibited by subsection A of this section or any intention to make or have a prohibited preference, limitation, or discrimination.

D. **Physical Or Mental Disability:** It is an unlawful discriminatory practice for a person to discriminate because of a physical or mental disability of a buyer, lessee, or renter; a person residing in or intending to reside in or on the housing accommodation or property after it is sold, leased, rented, or made available; or any person associated with that buyer, lessee, or renter:

1. In the sale, rental, or availability of the housing accommodation or property;

2. In the terms, conditions, or privileges of a sale or rental of the housing accommodation or property; or

3. In the provision of services or facilities in connection with the housing accommodation or property.

E. **Physical And Mental Disability Defined:** For purposes of subsections A and D of this section, discrimination because of physical or mental disability includes:

1. **Modifications:** Refusal to permit, at the expense of the person with a disability, reasonable modifications of existing premises occupied or to be occupied by the person with a disability if the modifications may be necessary to allow the person full enjoyment of the premises, except that in the case of a lease or rental, the landlord may, when it is reasonable to do so, condition permission for a modification on the lessor's or renter's agreement to restore the interior of the premises to the condition that existed before the modification, except for reasonable wear and tear;

2. **Accommodations:** Refusal to make reasonable accommodations in rules, policies, practices, or services when the accommodations may be necessary to allow the person equal opportunity to use and enjoy a housing accommodation or property; or

3. **Design Criteria:**

a. Except as provided in subsection E3b of this section, in connection with the design and construction of a covered multi-family housing accommodation, a failure to design and construct the housing accommodation in a manner that:

(1) Provides at least one accessible building entrance on an accessible route;

(2) Makes the public use and common use portions of the housing accommodation readily accessible to and usable by a person with a disability;

(3) Provides that all doors designed to allow passage into and within all premises within the housing accommodation are sufficiently wide to allow passage by a person with a disability who uses a wheelchair; and

(4) Ensures that all premises within the housing accommodation contain the following features of adaptive design:

(A) An accessible route into and through the housing accommodation;

(B) Light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;

(C) Reinforcements in bathroom walls to allow later installation of grab bars; and

(D) Usable kitchens and bathrooms that allow an individual who uses a wheelchair to maneuver about the space;

b. A covered multi-family housing accommodation that does not have at least one building entrance on an accessible route because it is impractical to do so due to the terrain or unusual characteristics of the site is not required to comply with the requirements of subsection E3a of this section.

F. **Definition Of Covered Multi-Family Accommodation:** For purposes of subsection E of this chapter, the term "covered multi-family housing accommodation" means:

1. A building consisting of four (4) or more dwelling units, if the building has one or more elevators; and

2. Ground floor units in a building consisting of four (4) or more dwelling units.

G. **Residential Real Estate Related Transaction:**

1. It is an unlawful discriminatory practice for any person or other entity whose business includes engaging in residential real estate related transactions to discriminate because of sex, marital status, race, creed, religion, age, familial status, physical or mental disability, color, or national origin against a person in making available a transaction or in the terms or conditions of a transaction.

2. For purposes of this subsection, the term "residential real estate related transaction" means any of the following:

a. The making or purchasing of loans or providing other financial assistance:

(1) For purchasing, constructing, improving, repairing, or maintaining a housing accommodation or property; or

(2) Secured by residential real estate; or

b. The selling, brokering, or appraising of residential real property.

H. **Access To Membership Or Participation:** It is an unlawful discriminatory practice to deny a person access to or membership or participation in a multiple listing service; real estate brokers' organization; or other service, organization, or facility relating to the business of selling, leasing, or renting housing accommodations or property or to discriminate against the person in the terms or conditions of access, membership, or participation because of sex, marital status, race, creed, religion, age, familial status, physical or mental disability, color, or national origin.

I. **Coerce, Threaten Or Interfere:** It is an unlawful discriminatory practice to coerce, intimidate, threaten, or interfere with a person in the exercise or enjoyment of or because of the person having exercised or enjoyed or having aided or encouraged any other person in the exercise or enjoyment of a right granted or protected by this section.

J. **Housing For Older Persons:** The prohibitions of this section against discrimination because of age and familial status do not extend to housing for older persons. "Housing for older persons" means housing:

1. Provided under any state or federal program specifically designed and operated to assist elderly persons;

2. Intended for, and solely occupied by, persons sixty two (62) years of age or older; or

3. Intended and operated for occupancy by at least one person fifty five (55) years of age or older per unit in accordance with the provisions of 42 USC 3607(b)(2)(C) and (b)(3) through (b)(5), as those provisions read on March 31, 1996.

- K. Exemption: The prohibitions of subsection A of this section against discrimination because of age and familial status do not extend to rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than two (2) families living independently of each other, if the owner actually maintains and occupies one of the living quarters as the owner's residence.
- L. Definition Of Familial Status: For purposes of this section, "familial status" means having a child or children who live or will live with a person. A distinction based on familial status includes one that is based on the age of a child or children who live or will live with a person. (2006 Code)

7-3-3: **COMPLAINTS FILED:** In order to ensure that the rights of all parties will adequately be protected, the following procedures are available:

- A. Any person claiming to be aggrieved by a discriminatory or unfair practice within the town may, by himself or through his attorney, make, sign and file a verified written charge of discriminatory practice with the equal opportunity officer of the town.
- B. If the local equal opportunity officer is unable to obtain voluntary compliance, the complainant may also send a notarized complaint to HUD within one hundred eighty (180) days of the alleged discriminatory act.
- C. A person may also take a complaint directly to the U.S. district court or state or city court within one hundred eighty (180) days of the alleged discriminatory act.
- D. Information about possible discrimination in housing may also be brought to the attention of the attorney general. (Ord. 15.25, 3-30-1981)