

1 *House* BILL NO. *638*  
 2 INTRODUCED BY *Ellis Johnson Kemmis*  
 3 *Bertelmea Mochlin*  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION  
 5 69-2105, R.C.M. 1947, TO ALLOW FOR INCLUSION OF URBAN  
 6 SUBDIVISIONS, URBAN ZONING DISTRICTS AND URBAN ZONING  
 7 CLASSIFICATIONS INTO THE JURISDICTIONAL AREA COVERED BY THE  
 8 EXTENSION OF MUNICIPAL BUILDING CODES."

9  
 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
 11 Section 1. Section 69-2105, R.C.M. 1947, is amended to  
 12 read as follows:

13 "69-2105. Definitions. As used in this chapter, unless  
 14 the context requires otherwise:

15 (1) "Municipality" means any incorporated city or town  
 16 and its jurisdictional area as defined by subsection (12) of  
 17 this section.

18 (2) "Building regulations" means any law, rule,  
 19 resolution, regulation, ordinance, or code, general or  
 20 special, or compilation thereof enacted or adopted by the  
 21 state or any municipality, including departments, boards,  
 22 bureaus, commissions, or other agencies of the state or a  
 23 municipality relating to the design, construction,  
 24 reconstruction, alteration, conversion, repair inspection,  
 25 or use of buildings and installation of equipment in

1 buildings. The term does not include zoning ordinances.

2 (3) "Department" means the department of administration  
 3 provided for in Title 82A, chapter 2.

4 (4) "Local building department" means the agency or  
 5 agencies of any municipality charged with the  
 6 administration, supervision, or enforcement of building  
 7 regulations, approval of plans, inspection of buildings, or  
 8 the issuance of permits, licenses, certificates and similar  
 9 documents, prescribed or required by state or local building  
 10 regulations.

11 (5) "State agency" means any state officer, department,  
 12 board, bureau, commission, or other agency of this state.

13 (6) "Building" means a combination of any materials,  
 14 whether mobile, portable, or fixed to form a structure and  
 15 the related facilities for the use or occupancy by persons,  
 16 or property. The word "building" shall be construed as  
 17 though followed by the words "or part or parts thereof."

18 (7) "Equipment" means plumbing, heating, electrical,  
 19 ventilating, air conditioning, and refrigerating equipment,  
 20 elevators, dumb-waiters, escalators, and other mechanical  
 21 additions or installations.

22 (8) "Construction" means the original construction, and  
 23 equipment of buildings, and requirements or standards  
 24 relating to or affecting materials used including provisions  
 25 for safety and sanitary conditions.

1 (9) "Owner" means the owner or owners of the premises  
 2 or lesser estate, a mortgagee or vendee in possession,  
 3 assignee of rents, receiver, executor, trustee, lessee or  
 4 other person, firm, or corporation, in control of a  
 5 building.

6 (10) "Local legislative body" means the council or  
 7 commission charged with governing the municipality.

8 (11) "State building code" means the state building  
 9 code provided for in section 69-2111 or any portion of the  
 10 code of limited application, and any of its modifications or  
 11 amendments.

12 (12) "Municipal jurisdictional area" means the area  
 13 within the limits of an incorporated municipality unless the  
 14 area is extended at the written request of a municipality.  
 15 Upon request the council may approve extension of the  
 16 jurisdictional area to include: (a) all or part of the area  
 17 within four and one-half (4 1/2) miles of the corporate  
 18 limits of a municipality; (b) all of any platted  
 19 subdivision which is partially within four and one-half  
 20 (4 1/2) miles of the corporate limits of a municipality;  
 21 and (c) all of any zoning district or zoning classification  
 22 adopted pursuant to Title 16, chapter 41 or 47, R.C.M. 1947,  
 23 which is partially within four and one-half (4 1/2) miles of  
 24 the corporate limits of a municipality. Distances shall be  
 25 measured in a straight line in a horizontal plane.

1 (13) "Public place" means any place which a  
 2 municipality or state maintains for the use of the public,  
 3 or a place where the public has a right to go and be.

4 (14) "Mobile home" means any dwelling unit larger than  
 5 two hundred fifty-six (256) square feet in area which is  
 6 either wholly or in substantial part manufactured at an  
 7 off-site location and any movable or portable dwelling over  
 8 thirty-two (32) feet in length and over eight (8) feet wide,  
 9 constructed to be towed on its own chassis and designed  
 10 without a permanent foundation for year-round occupancy,  
 11 which includes one (1) or more components that can be  
 12 retracted for towing purposes and subsequently expanded for  
 13 additional capacity, or of two (2) or more units separately  
 14 towable but designed to be joined into one (1) integral  
 15 unit, as well as a portable dwelling composed of a single  
 16 unit.

17 (15) "Recreational vehicle" means any movable or  
 18 portable dwelling primarily designed as temporary living  
 19 quarters for recreational, camping or travel use which  
 20 either has its own motive power or is mounted on or drawn by  
 21 another vehicle and which is less than thirty-two (32) feet  
 22 in length."

-End-

Approved by Comm.  
on Local Government

HOUSE BILL NO. 638

INTRODUCED BY ELLIS, JOHNSON, KEMMIS, BERTELSEN, GUTHRIE

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 69-2105, R.C.M. 1947, TO ALLOW FOR INCLUSION OF URBAN SUBDIVISIONS, URBAN ZONING DISTRICTS ~~AND--URBAN---ZONING CLASSIFICATIONS~~ INTO THE JURISDICTIONAL AREA COVERED BY THE EXTENSION OF MUNICIPAL BUILDING CODES."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 69-2105, R.C.M. 1947, is amended to read as follows:

"69-2105. Definitions. As used in this chapter, unless the context requires otherwise:

(1) "Municipality" means any incorporated city or town and its jurisdictional area as defined by subsection (12) of this section.

(2) "Building regulations" means any law, rule, resolution, regulation, ordinance, or code, general or special, or compilation thereof enacted or adopted by the state or any municipality, including departments, boards, bureaus, commissions, or other agencies of the state or a municipality relating to the design, construction, reconstruction, alteration, conversion, repair inspection, or use of buildings and installation of equipment in

buildings. The term does not include zoning ordinances.

(3) "Department" means the department of administration provided for in Title 82A, chapter 2.

(4) "Local building department" means the agency or agencies of any municipality charged with the administration, supervision, or enforcement of building regulations, approval of plans, inspection of buildings, or the issuance of permits, licenses, certificates and similar documents, prescribed or required by state or local building regulations.

(5) "State agency" means any state officer, department, board, bureau, commission, or other agency of this state.

(6) "Building" means a combination of any materials, whether mobile, portable, or fixed to form a structure and the related facilities for the use or occupancy by persons, or property. The word "building" shall be construed as though followed by the words "or part or parts thereof."

(7) "Equipment" means plumbing, heating, electrical, ventilating, air conditioning, and refrigerating equipment, elevators, dumb-waiters, escalators, and other mechanical additions or installations.

(8) "Construction" means the original construction, and equipment of buildings, and requirements or standards relating to or affecting materials used including provisions

1 for safety and sanitary conditions.

2 (9) "Owner" means the owner or owners of the premises  
 3 or lesser estate, a mortgagee or vendee in possession,  
 4 assignee of rents, receiver, executor, trustee, lessee or  
 5 other person, firm, or corporation, in control of a  
 6 building.

7 (10) "Local legislative body" means the council or  
 8 commission charged with governing the municipality.

9 (11) "State building code" means the state building  
 10 code provided for in section 69-2111 or any portion of the  
 11 code of limited application, and any of its modifications or  
 12 amendments.

13 (12) "Municipal jurisdictional area" means the area  
 14 within the limits of an incorporated municipality unless the  
 15 area is extended at the written request of a municipality.  
 16 Upon request the council may approve extension of the  
 17 jurisdictional area to include: (a) all or part of the area  
 18 within four and one-half (4 1/2) miles of the corporate  
 19 limits of a municipality; (b) all of any platted  
 20 subdivision which is partially within four and one-half  
 21 (4 1/2) miles of the corporate limits of a municipality;  
 22 and (c) all of any zoning district ~~or zoning classification~~  
 23 adopted pursuant to Title 16, chapter 41 or 47, R.C.M. 1947,  
 24 which is partially within four and one-half (4 1/2) miles of  
 25 the corporate limits of a municipality. Distances shall be

1 measured in a straight line in a horizontal plane.

2 (13) "Public place" means any place which a  
 3 municipality or state maintains for the use of the public,  
 4 or a place where the public has a right to go and be.

5 (14) "Mobile home" means any dwelling unit larger than  
 6 two hundred fifty-six (256) square feet in area which is  
 7 either wholly or in substantial part manufactured at an  
 8 off-site location and any movable or portable dwelling over  
 9 thirty-two (32) feet in length and over eight (8) feet wide,  
 10 constructed to be towed on its own chassis and designed  
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 14 additional capacity, or of two (2) or more units separately  
 15 towable but designed to be joined into one (1) integral  
 16 unit, as well as a portable dwelling composed of a single  
 17 unit.

18 (15) "Recreational vehicle" means any movable or  
 19 portable dwelling primarily designed as temporary living  
 20 quarters for recreational, camping or travel use which  
 21 either has its own motive power or is mounted on or drawn by  
 22 another vehicle and which is less than thirty-two (32) feet  
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