

HOUSE BILL 44

IN THE HOUSE

January 4, 1979	Introduced and referred to Committee on Natural Resources.
January 15, 1979	Committee recommend bill, do pass.
January 16, 1979	Printed and placed on members' desks.
January 17, 1979	Second reading, do pass.
January 18, 1979	Considered correctly engrossed.
January 19, 1979	Third reading, passed.

IN THE SENATE

January 20, 1979	Introduced and referred to Committee on Local Government.
January 29, 1979	Committee recommend bill, not concurred.

IN THE HOUSE

January 30, 1979	Returned from senate, not concurred.
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1 HOUSE BILL NO. 44
2 INTRODUCED BY SHELDEN
3 BY REQUEST OF THE INTERIM SUBCOMMITTEE ON SUBDIVISION LAWS
4
5 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND TITLE 50,
6 CHAPTER 60, PARTS 1 AND 3, TO CONFORM WITH PREVIOUSLY
7 ENACTED AUTHORITY FOR COUNTIES TO ADOPT BUILDING CODES."
8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
10 Section 1. Section 50-60-101, MCA, is amended to read:
11 "50-60-101. Definitions. As used in parts 1 through 4
12 of this chapter, unless the context requires otherwise, the
13 following definitions apply:
14 (1) "Building" means a combination of any materials,
15 whether mobile, portable, or fixed, to form a structure and
16 the related facilities for the use or occupancy by persons
17 or property. The word "building" shall be construed as
18 though followed by the words "or part or parts thereof".
19 (2) "Building regulations" means any law, rule,
20 resolution, regulation, ordinance, or code, general or
21 special, or compilation thereof enacted or adopted by the
22 state or any county or municipality, including departments,
23 boards, bureaus, commissions, or other agencies of the
24 state, county, or a municipality relating to the design,
25 construction, reconstruction, alteration, conversion,

1 repair, inspection, or use of buildings and installation of
2 equipment in buildings. The term does not include zoning
3 ordinances.

4 (3) "Construction" means the original construction and
5 equipment of buildings and requirements or standards
6 relating to or affecting materials used, including
7 provisions for safety and sanitary conditions.

8 (4) "Department" means the department of
9 administration provided for in Title 2, chapter 15, part 10.

10 (5) "Equipment" means plumbing, heating, electrical,
11 ventilating, air conditioning, and refrigerating equipment,
12 elevators, dumbwaiters, escalators, and other mechanical
13 additions or installations.

14 (6) "Local building department" means the agency or
15 agencies of any county or municipality charged with the
16 administration, supervision, or enforcement of building
17 regulations, approval of plans, inspection of buildings, or
18 the issuance of permits, licenses, certificates, and similar
19 documents prescribed or required by state or local building
20 regulations.

21 (7) "Local legislative body" means the council or
22 commission charged with governing the county or
23 municipality.

24 (8) "Municipality" means any incorporated city or town
25 and its jurisdictional area as defined by subsection (9) of

1 this section.

2 (9) (a) "Municipal jurisdictional area" means the area
3 within the limits of an incorporated municipality unless the
4 area is extended at the written request of a municipality.

5 (b) Upon request, the council may approve extension of
6 the jurisdictional area to include:

7 (i) all or part of the area within 4 1/2 miles of the
8 corporate limits of a municipality;

9 (ii) all of any platted subdivision which is partially
10 within 4 1/2 miles of the corporate limits of a
11 municipality; and

12 (iii) all of any zoning district adopted pursuant to
13 Title 76, chapter 2, part 1 or 2, which is partially within
14 4 1/2 miles of the corporate limits of a municipality.

15 (c) Distances shall be measured in a straight line in
16 a horizontal plane.

17 (10) "Owner" means the owner or owners of the premises
18 or lesser estate, a mortgagee or vendee in possession,
19 assignee of rents, receiver, executor, trustee, lessee, or
20 other person, firm, or corporation in control of a building.

21 (11) "Public place" means any place which a ~~county~~ a
22 municipality, or ~~the~~ state maintains for the use of the
23 public or a place where the public has the right to go and
24 be.

25 (12) "Recreational vehicle" means anything defined as a

1 recreational vehicle in the edition of NFPA No. 501C or ANSI
2 A119.2 most recently adopted by the state in accordance with
3 50-60-401.

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

7 (14) "State building code" means the state building
8 code provided for in 50-60-203 or any portion of the code of
9 limited application and any of its modifications or
10 amendments."

11 Section 2. Section 50-60-102, MCA, is amended to read:

12 "50-60-102. Applicability. (1) Outside municipalities
13 and their jurisdictional area, as defined by 50-60-101(9),
14 ~~and in counties that have not adopted a county building~~
15 ~~code,~~ parts 1 through 4 apply to "public places", as defined
16 in 50-60-101(11).

17 (2) Where good and sufficient cause exists, a written
18 request for limitation of the state building code may be
19 filed with the department for filing as a permanent record.

20 (3) The department may limit the application of any
21 rule or portion of the state building code to include or
22 exclude:

23 (a) specified classes or types of buildings according
24 to use or other distinctions as may make differentiation or
25 separate classification or regulation necessary, proper, or

1 desirable;

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3 population density, special conditions prevailing therein,
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7 Section 3. Section 50-60-106, MCA, is amended to read:

8 "50-60-106. Powers and duties of ~~municipalities local~~
9 ~~governments.~~ (1) The examination, approval, or disapproval
10 of plans and specifications, the issuance and revocation of
11 building permits, licenses, certificates, and similar
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13 administration and enforcement of building regulations
14 within the municipal jurisdictional area shall be the
15 responsibility of the municipalities of the state, ~~and~~
16 ~~outside the municipal jurisdictional area, the counties have~~
17 ~~that responsibility.~~

18 (2) Each ~~county or~~ municipality may:

19 (a) examine, approve, or disapprove plans and
20 specifications for the construction of any building, the
21 construction of which is pursuant or purports to be pursuant
22 to the provisions of the state, ~~county,~~ or municipal
23 building code, and direct the inspection of the buildings
24 during and in the course of construction;

25 (b) require that construction of buildings be in

1 accordance with the applicable provisions of the state,
2 ~~county,~~ or municipal building code, subject to the powers of
3 variance or modification granted to the department;

4 (c) order in writing the remedying of any condition
5 found to exist in, on, or about any building in violation of
6 the state, ~~county,~~ or municipal building code; orders may be
7 served upon the owner or his authorized agent personally or
8 by sending by registered or certified mail a copy of the
9 order to the owner or his authorized agent at the address
10 set forth in the application for permission for the
11 construction of the building; any local building department,
12 by action of an authorized officer, may grant in writing
13 such time as may be reasonably necessary for achieving
14 compliance with the order;

15 (d) issue certificates of occupancy, permits,
16 licenses, and such other documents in connection with the
17 construction of the buildings as required;

18 (e) make, amend, and repeal rules for the
19 administration and enforcement of the provisions of this
20 section and for the collection of reasonable fees, which
21 shall be comparable to fees imposed or prescribed by
22 existing local building regulations;

23 (f) prohibit the commencement of construction until a
24 permit has been issued by the local building department
25 after a showing of compliance with the requirements of the

1 applicable provisions of the state, county, or municipal
2 building code."

3 Section 4. Section 50-60-107, MCA, is amended to read:

4 "50-60-107. Certificate of occupancy. (1) A
5 certificate of occupancy for a building constructed in
6 accordance with the provisions of the state, county, or
7 municipal building code shall certify that the building
8 conforms to the requirements of the building regulations
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10 (2) Every certificate of occupancy, unless and until
11 set aside or vacated by a court of competent jurisdiction,
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17 Section 5. Section 50-60-109, MCA, is amended to read:

18 "50-60-109. Injunctions authorized. (1) The
19 construction or use of the building in violation of any
20 provision of the state, county, or municipal building code
21 or any lawful order of a state building official or a local
22 building department may be enjoined by a judge of the
23 district court in the judicial district in which the
24 building is located.

25 (2) This section will be governed by the Montana Rules

1 of Civil Procedure."

2 Section 6. Section 50-60-110, MCA, is amended to read:

3 "50-60-110. Violation a misdemeanor. Any person served
4 with an order pursuant to the provisions of parts 1 through
5 4 who fails to comply with the order not later than 30 days
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7 a local building department for compliance, whichever is the
8 greater, or any owner, builder, architect, tenant,
9 contractor, subcontractor, construction superintendent,
10 their agents, or any person taking part or assisting in the
11 construction or use of any building who knowingly violates
12 any of the applicable provisions of the state building code,
13 a county building code, or a municipal building code is
14 guilty of a misdemeanor."

15 Section 7. Section 50-60-303, MCA, is amended to read:

16 "50-60-303. Municipal and county appeal procedure. (1)
17 If a municipality or a county adopts a municipal or county
18 building code, it shall also establish an appeal procedure
19 by municipal ordinance or by county resolution which is
20 acceptable to the department.

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22 code, appeals on the application of the state building code
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