

HOUSE BILL NO. 282

Introduced: 01/18/83

Referred to Committee on Local Government: 01/18/83

Hearing: 2/8/83

Report: 02/21/83, Do Pass, As Amended

2nd Reading: 02/22/83, Do Pass

3rd Reading: 02/23/83, Do Pass

Transmitted to Senate: 02/23/83

Rereferred to Committee on Local Government: 3/1/83

Hearing: 3/17/83

Report: 03/21/83, Be Not Concurred In. Report Adopted.

Bill Killed

House BILL NO. *282*

INTRODUCED BY *Kasha Mark L. Hammond Ream*

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING THE TRUSTEES OF A RURAL FIRE DISTRICT TO ADOPT FIRE CODES AND RULES, CONDUCT FIRE SAFETY INSPECTIONS, ISSUE FIRE SAFETY PERMITS, AND CHARGE A FEE FOR ISSUANCE OF A PERMIT; ESTABLISHING A FIRE SAFETY FUND FOR RURAL FIRE DISTRICTS EXERCISING FIRE SAFETY PERMIT AUTHORITY; AMENDING SECTION 7-33-2105, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 7-33-2105, MCA, is amended to read:

"7-33-2105. Powers and duties of trustees — fire codes — penalty. (1) The trustees shall prepare and adopt suitable bylaws.

(2) The trustees shall have the authority to provide adequate and standard firefighting apparatus, equipment, housing, and facilities for the protection of the district. They shall appoint and form fire companies that shall have the same duties, exemptions, and privileges as other fire companies.

(3) The trustees shall prepare annual budgets and request special levies therefor. The budget laws relating to county budgets shall, as far as applicable, apply to fire

districts.

(4) The trustees may adopt and enforce appropriate fire codes or rules for all buildings and improvements constructed or located in the fire district. However, such codes or rules may not be applied if state or local governing authorities have exercised jurisdiction over buildings or improvements.

(5) The trustees or their designee, in order to effectuate the purposes in adopting fire codes or rules, may:

(a) provide for and conduct fire safety inspections;

(b) issue fire safety permits for the construction, improvement, remodeling, alteration, or use of any building or improvement in the district;

(c) charge a fee of not more than \$15 a permit, to be deposited in the fire safety fund established in [section 2] for that district.

(6) A person who violates a code or rule adopted pursuant to subsection (4) or a condition of a permit issued pursuant to subsection (5) is guilty of a misdemeanor, punishable as provided in 46-18-212."

NEW SECTION. Section 2. Fire safety funds. (1) Whenever a rural fire district exercises the permit authority provided in 7-33-2105, all fees collected for the permits must be deposited in a separate fund for each

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1 district, called the fire safety fund.

2 (2) No expenditure may be made from the fund except:

3 (a) for fire safety within the district in which the
4 fees were collected; and

5 (b) by order or warrant of the trustees.

6 NEW SECTION. Section 3. Codification instruction.

7 Section 2 is intended to be codified as an integral part of
8 Title 7, chapter 33, part 21, and the provisions of Title 7,
9 chapter 33, part 21, apply to section 2.

10 NEW SECTION. Section 4. Effective date. This act is
11 effective July 1, 1983.

-End-

Approved by Comm.
on Local Government

HOUSE BILL NO. 282

INTRODUCED BY KADAS, MARBUT, J. HAMMOND, REAM

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING THE BOARD OF COUNTY COMMISSIONERS TO DESIGNATE UNDER CERTAIN CIRCUMSTANCES PUBLIC BUILDINGS WITHIN THE COUNTY WHERE THE UNIFORM FIRE CODE APPLIES; PROVIDING THAT THE STATE FIRE MARSHAL MAY DESIGNATE THE TRUSTEES OF A RURAL FIRE DISTRICT THE AUTHORITY TO ADAPT ENFORCE THE UNIFORM FIRE CODES CODE AND RULES, CONDUCT FIRE SAFETY INSPECTIONS, ISSUE FIRE SAFETY PERMITS, AND CHARGE A FEE FOR ISSUANCE OF A PERMIT; ESTABLISHING A FIRE SAFETY FUND FOR RURAL FIRE DISTRICTS EXERCISING FIRE SAFETY PERMIT AUTHORITY; AMENDING SECTION 7-33-2105, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

THERE IS A NEW MCA SECTION THAT READS:

Section 1. Uniform fire codes for public buildings in county. The board of county commissioners, with the concurrence of the state fire marshal and the board of trustees of the appropriate fire district, may designate public buildings as set forth in 50-61-103, not within a municipality, for compliance with the Uniform Fire Code. The state fire marshal may inspect such buildings for compliance with such codes, or he may delegate all or part of such

responsibility to a rural fire district as provided in 7-33-2105.

Section 2. Section 7-33-2105, MCA, is amended to read:

"7-33-2105. Powers and duties of trustees ~~fire codes~~ ~~penalty~~. (1) The trustees shall prepare and adopt suitable bylaws.

(2) The trustees shall have the authority to provide adequate and standard firefighting apparatus, equipment, housing, and facilities for the protection of the district. They shall appoint and form fire companies that shall have the same duties, exemptions, and privileges as other fire companies.

(3) The trustees shall prepare annual budgets and request special levies therefor. The budget laws relating to county budgets shall, as far as applicable, apply to fire districts.

~~(4) The trustees may adopt and enforce THE UNIFORM FIRE CODE IF DELEGATED TO DO SO UNDER [SECTION 1] appropriate fire codes or rules for all APPLICABLE buildings and improvements constructed or located in the fire district. However, such codes or rules may not be applied if state or local governing authorities have exercised jurisdiction over buildings or improvements.~~

(5) The trustees or their designee, in order to effectuate the purposes in adopting ENFORCING fire codes or

rules TO BE APPLIED PURSUANT TO [SECTION 1], may, SUBJECT TO
THE AUTHORITY GRANTED BY THE STATE FIRE MARSHAL:

(a) provide for and conduct fire safety inspections;

(b) issue fire safety permits for the construction,
improvement, remodeling, alterations, or use of any building
or improvement in the district;

(c) charge a fee of not more than \$15 a permit, to be
deposited in the fire safety fund established in [section 2
3] for that district;

(d) A person who violates a code or rule THE UNIFORM
FIRE CODE adopted pursuant to subsection (1) [SECTION 1] or
a condition of a permit issued pursuant to subsection (5) is
guilty of a misdemeanor, punishable as provided in
46-18-212.*

NEW SECTION. Section 3. Fire safety fund. (1)
Whenever a rural fire district exercises the permit
authority provided in 7-33-2105, all fees collected for the
permits must be deposited in a separate fund for each
district, called the fire safety fund.

(2) No expenditure may be made from the fund except:

(a) for fire safety within the district in which the
fees were collected; and

(b) by order or warrant of the trustees.

NEW SECTION. Section 4. Codification instruction.
Section 2 is SECTIONS 1 AND 3 ARE intended to be codified as

an integral part of Title 7, chapter 33, part 21, and the
provisions of Title 7, chapter 33, part 21, apply to section
2 SECTIONS 1 AND 3.

NEW SECTION. Section 5. Effective date. This act is
effective July 1, 1983.

-End-

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A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING ~~THE BOARD OF COUNTY COMMISSIONERS TO DESIGNATE UNDER CERTAIN CIRCUMSTANCES PUBLIC BUILDINGS WITHIN THE COUNTY WHERE THE UNIFORM FIRE CODE APPLIES; PROVIDING THAT THE STATE FIRE MARSHAL MAY DESIGNATE~~ THE TRUSTEES OF A RURAL FIRE DISTRICT ~~THE AUTHORITY TO ADOPT ENFORCE THE UNIFORM FIRE CODES CODE AND RULES; CONDUCT FIRE SAFETY INSPECTIONS, ISSUE FIRE SAFETY PERMITS, AND CHARGE A FEE FOR ISSUANCE OF A PERMIT; ESTABLISHING A FIRE SAFETY FUND FOR RURAL FIRE DISTRICTS EXERCISING FIRE SAFETY PERMIT AUTHORITY; AMENDING SECTION 7-33-2105, MCA; AND PROVIDING AN EFFECTIVE DATE."~~

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responsibility to a rural fire district as provided in 7-33-2105.

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~~(5) The trustees or their designees, in order to effectuate the purposes in adopting ENFORCING fire codes or~~

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~~rules to be applied pursuant to [SECTION 1], may, SUBJECT TO THE AUTHORITY GRANTED BY THE STATE FIRE MARSHAL:~~

~~(a) provide for and conduct fire safety inspections;~~

~~(b) issue fire safety permits for the construction, improvement, remodeling, alteration, or use of any building or improvement in the district;~~

~~(c) charge a fee of not more than \$15 a permit, to be deposited in the fire safety fund established in [section 2 3] for that district.~~

~~(6) A person who violates a code or rule THE UNIFORM FIRE CODE adopted pursuant to subsection (4) [SECTION 1] or a condition of a permit issued pursuant to subsection (5) is guilty of a misdemeanor, punishable as provided in 46-18-212."~~

NEW SECTION. Section 3. Fire safety fund. (1) Whenever a rural fire district exercises the permit authority provided in 7-33-2105, all fees collected for the permits must be deposited in a separate fund for each district, called the fire safety fund.

(2) No expenditure may be made from the fund except:

(a) for fire safety within the district in which the fees were collected; and

(b) by order or warrant of the trustees.

NEW SECTION. Section 4. Codification instruction. ~~Section 2 is~~ **SECTIONS 1 AND 3 ARE** intended to be codified as

an integral part of Title 7, chapter 33, part 21, and the provisions of Title 7, chapter 33, part 21, apply to ~~section 2~~ **SECTIONS 1 AND 3.**

NEW SECTION. Section 5. Effective date. This act is effective July 1, 1983.

-End-