

ORDINANCE NO O21-01

AN ORDINANCE CREATING A NEW TITLE 13 ENTITLED “FIRE PREVENTION AND PROTECTION” AND AMENDING AND RENUMBERING CERTAIN SECTIONS OF TITLE 15 AND 8 OF THE LAUREL MUNICIPAL CODE UPDATING THE CITY’S FIRE PREVENTION AND PROTECTION CODES.

WHEREAS, the City Council desires to keep the Laurel Municipal Code current by modifying and updating chapters, sections and subsections to address situations and problems within the City and to remain in accordance with Montana law; and

WHEREAS, the City Staff prepared the amendments below to the Laurel Municipal Code to remain consistent and in accordance with the laws of the State of Montana, and to provide a consistent searchable ordinance for citizens and members of the public; and

WHEREAS, the City Staff and the Mayor are recommending the following amendments for adoption into the existing Laurel Municipal Code as noted herein.

NEW TITLE: Title 13 – Fire Prevention and Protection

Chapters:

Chapter 13.01 – Fire Code

Sections:

13.01.010 - Adoption.

The City of Laurel hereby adopts by reference per MCA 7-5-4202(1) and 7-33-4208, The International Fire Code, 2012 edition as modified by the Administrative Rules of Montana (ARM) 23.12.601 (1) through (5), and 23.12.603, 23.12.605 published by the International Code Council, is adopted by reference as the Fire Code of the City of Laurel. It regulates and governs the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life and property in the occupancy of buildings and premises as herein provided; provides for the issuance of permits and collection of fees therefor; and each and all regulations, provisions, penalties, conditions, and terms of said fire code on file in the office of the Laurel City Clerk are hereby referred to, adopted, and made a part hereof, as if fully set out, with the additions, insertions, deletion and changes, if any, set by ordinance.

(Ord. No. O08-07, 7-15-08; Admin. Order AO-15-01 § 5, 2-24-2015)

13.01.020 - Updated references.

The International Fire Code, 2012 edition, as published by the International Code Council as referenced in section 13.01.010 of this chapter, may be amended by resolution or administrative order of the mayor.

(Ord. No. O08-07, 7-15-08; Admin. Order AO-15-01, § 5, 2-24-2015)

13.01.030 - Modifications to International Fire Code

The City of Laurel hereby adopts the following revisions to the International Fire Code manual as follows:

Section 101.1. Insert [City of Laurel, Montana]

Section 109.43. shall read:

Violations penalties. Persons who shall violate a provision of the code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than \$500.00 or by imprisonment not exceeding 6 months, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 111.4 Insert: [not less than \$100.00 or more than \$500.00]

Section 906.1. Delete Exception to Section 906.1, #1.

Section 906.1 shall read:

906.1. Where required. Portable fire extinguishers shall be installed in the following locations.

1. In new and existing Group A, B, E, F, H, I, M, R-1, R-2, R-4, and S occupancies.
2. Within 30 feet (9144 mm) of commercial cooking equipment.
3. In areas where flammable or combustible liquids are stored, used or dispensed.
4. On each floor of structures under construction, except Group R-3 occupancies, in accordance with Section ~~1415.1-3315.1~~
5. When required by the sections indicated in Table 906.1.
6. Special-hazard areas, including but not limited to laboratories, computer rooms and generator rooms, where required by the fire code official.

Add Section 907.6.515.4. When required by the Fire Code Official, non-required fire alarm systems shall be monitored by an approved supervising station in accordance with NFPA 72.

The City of Laurel hereby establishes the following geographic limits ~~are~~ referred to in the ~~2006~~ International Fire Code as follows:

~~Section 3204.3.1.1-5504.3.1.1.3~~ Location. Stationary containers shall be located in accordance with section 3206.6. Containers of cryogenic fluids shall not be located within diked areas containing other hazardous materials.

~~Section 3404.2.9.5-15704.2.9.6.1.~~ Locations where above-ground tanks are prohibited. Storage of Class I and II liquids in above-ground tanks outside of buildings is prohibited within the limits established by the City of Laurel.

~~Section 3406.2.4.4-5706.2.4.4.~~ Locations where above-ground tanks are prohibited. Storage of Class I and II liquids in above-ground tanks outside buildings is prohibited within the limits established by the City of Laurel.

Section 5806.2 Limitations. Storage of flammable cryogenic fluids in stationary containers outside of buildings is prohibited within the limits established by the City of Laurel.

~~Section 3804.26104.2.~~ Locations where the storage of liquefied petroleum gas is restricted for the protection of heavily populated or congested areas. Storage of liquefied petroleum gas in above-ground tanks outside buildings is prohibited within the limits established by the City of Laurel.

(Ord. No. O08-07, 7-15-08)

Editor's note— Administrative Order, AO15-01, § 5 adopted the 2012 edition of the International Fire Code. The provisions set out in § 15.50.030 above refer to the 2006 edition of the International Fire Code.

CHAPTER 8.16 is renumbered and amended as follows:

Chapter ~~8.16~~13.02 - FIREWORKS¹¹

Sections:

Footnotes:

--- (1) ---

Editor's note— Ord. No. O11-06, adopted May 17, 2011, amended Ch. 8.16 in its entirety and enacted similar provisions as set out herein. The former Ch. 8.16 derived from prior Code §§ 9.08.050 and 9.08.060; and Ord. 1006, adopted in 1991.

~~8.16~~13.02.010 - Prohibited except in certain areas.

The discharge, firing or use of firecrackers, rockets, torpedoes, Roman candles, or other fireworks or substances designed or intended for pyrotechnic display or demonstration within the city is prohibited; except as provided in this chapter. The mayor may at any time permit a public display or fireworks under such conditions as he/she may prescribe.

(Prior code § 9.08.050)

(Ord. No. O11-06, 5-17-2011)

~~8.16~~13.02.020 - Sale prohibited in city limits.

It is unlawful for any person to offer for sale, expose for sale, or sell at retail or wholesale, within the corporate limits of the city, any fireworks of any nature whatsoever.

(Ord. 1006, 1991: prior code § 9.08.060)

(Ord. No. O11-06, 5-17-2011)

~~8.16~~13.02.030 - Discharging dates and times.

1. The discharge of fireworks within the city limits of Laurel is prohibited except as follows:
 - A. July 2 from 8:00 a.m. until 11:59 p.m.;
 - B. July 3 from 8:00 a.m. until 11:59 p.m.;
 - C. July 4 from 8:00 a.m. to 12:30 a.m. on July 5; and
 - D. December 31 from 10 p.m. until 12:30 a.m. on January 1.
2. The mayor, or designee, shall determine if there are special circumstances that warrant the discharge of fireworks not provided for in this section, and authorize such use if the circumstance is community wide and of national, state and local significance.

3. Professional Fireworks Displays Using Display Fireworks. Public displays of fireworks by a licensed, bonded pyrotechnic operator are exempt from this section. Permits for any public display by a licensed bonded pyrotechnic operator from the mayor are required to conduct a public fireworks display. "Display fireworks" means an aerial shell, salute, flash shell, comet, sky battle, mine, and any similar 1.3g (display fireworks) and 1.4g (consumer fireworks) explosive as defined by the U.S. Department of Transportation in Part 173, Title 49, Code of Federal Regulations. CFR 49 Part 173 Subpart C.

(Ord. No. O11-06, 5-17-2011)

~~8.16~~13.02.040 - Possession illegal.

1. Possession of fireworks not allowed to be sold or discharged by the ~~state~~ State of Montana is illegal.
2. It shall be unlawful for any parent, guardian, or custodian of any child, the child being age twelve or younger, to permit or consent to the possession or discharge by the child of any fireworks as defined herein, unless that parent, guardian or custodian be in direct supervision of the child at the time of discharge. For purposes of this section "direct supervision" means the overall direction and control of an individual and requires the individual furnishing direct supervision to be present and immediately available to furnish assistance while he or she is in possession of or is discharging any and all fireworks. Direct supervision also requires the individual directly supervising to control the application of flame or other means of discharge of the firework and must be no greater than 10 feet away from the individual being directly supervised at time of the firework's discharge.

(Ord. No. O11-06, 5-17-2011)

~~8.16~~13.02.050 - Permissible fireworks.

Shall be the same as those authorized by the State of Montana.

(Ord. No. O11-06, 5-17-2011)

~~8.16~~13.02.060 - Littering illegal.

It shall be illegal for anyone to leave debris from discharged fireworks on any public place including, but not limited to, parks, sidewalks, streets, and alleys, or on private property not owned by the individual discharging the fireworks.

(Ord. No. O11-06, 5-17-2011)

~~8.16~~13.02.070 - Enforcement.

1. City police officers shall enforce this chapter.
2. Any police officer charged with enforcing this chapter may;
 - A. Issue a notice to appear to Laurel City Court for violations of this chapter; and/or
 - B. Seize fireworks that are offered for sale, sold, or in the possession of any individual in violation of this chapter.
3. Any person who violates these rules and regulations shall be guilty of a misdemeanor and subject to the following fines:
 - ° 1st offense—Two hundred fifty dollars;

- 2nd offense—Three hundred fifty dollars;
- 3rd offense and higher—Five hundred dollars.

(Ord. No. O11-06, 5-17-2011)

~~8.16~~13.02.080 - Fireworks prohibited on all city or public property.

Fireworks may not be discharged in or on any park, city, or public property.

(Ord. No. O11-06, 5-17-2011)

CHAPTER 8.20 is renumbered and amended as follows:

Chapter ~~8.20~~13.03 - MISCELLANEOUS FIRE PROTECTION REGULATIONS^[2]

Sections:

Footnotes:

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Editor's note— Ord. No. O10-03, adopted Aug. 17, 2010, amended Ch. 8.20 in its entirety and enacted similar provisions as set out herein. The former Ch. 8.20 derived from Ord. 926, adopted in 1987; and prior code §;s 9.08.010 and 9.08.020.

~~8.20~~13.03.010 - Bonfires prohibited.

- A. Except as provided hereinbelow, no person shall build, kindle, ignite, maintain, or allow any bonfire, rubbish fire, or any other open fire on any property within the city limits of the city.
- B. The city fire chief may allow a special permit to a public agency to ignite and maintain a recreational-type bonfire only, within city limits. The agency shall first apply to the fire chief for such permit pursuant to ~~Section 105.6.30 of the International Fire Code which is adopted by the city.~~ As a condition of granting the permit, the fire chief may require that the city fire department shall stand by, at and during the recreational bonfire for which the permit is granted. The permit holder shall abide by all provisions and stipulations on the permit and obtain a Yellowstone County Open Burning Permit.
- C. The city fire chief may allow an open burning permit for agricultural purposes to any person(s) requesting such. The permit holder shall abide by all provisions and stipulations on the permit and have obtained a Yellowstone County open burning permit.
- D. Approved or purchased outdoor fireplaces may be used per manufacturers' specifications and in accordance with Section 307 of the International Fire Code as adopted by the city. No pit fires shall be allowed. Under the provision of MCA 50-63-103, you are liable for any and all fire suppression costs and damages resulting from an escaped or uncontrollable fire. ~~Items prohibited to burn can be found attached to ordinance.~~ are listed through the Yellowstone County DES.
- E. The city council may from time to time by resolution, establish or change a fee to be paid to the city by the applicant, at the time of application for a special bonfire permit.

(Ord. No. 10-03, 8-17-2010)

9-2013.03.020 - Careless conduct in smoking.

- A. Any person who, by reason of careless, willful or wanton conduct in smoking, or in the use of lighters or matches for smoking, sets fire to any bedding, carpet, curtains, drapes, furniture, household equipment or other goods or chattels or to any building, shall be fined in accordance with the penalties provided in Section 1.36 of the Laurel Municipal Code, or prosecuted under any other appropriate law.
- B. "Careless conduct in smoking" includes, as used herein, any of the following acts, commissions, or omissions: permitting a spark from a lighted cigar, cigarette or pipe to fall upon or into anything flammable; placing any lighted smoking material on or about or in close proximity to any flammable article; falling asleep with lighted smoking material of any kind at hand; throwing lighted smoking material out of a window or into an elevator pit or elsewhere other than in a proper receptacle therefor; dropping a lighted cigarette or cigar or part thereof into a mail chute in any building; failure to extinguish the fire of a match or any kind of lighter device after use of the same; failure to destroy the lighted part of a cigar or cigarette when disposing of it; failure to destroy the burning smidgen or smidgens of tobacco from a pipe when cleaning or unloading a pipe.
- C. A plainly printed notice of the provisions of this section shall be posted in a conspicuous place in every sleeping room of every hotel, rooming house, tourist home, tourist court or other place renting rooms for the accommodation of the public. Such notice shall be posted by the owner, proprietor, or managing agent of such establishment.

(Ord. No. 10-03, 8-17-2010)

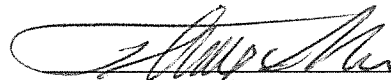
This Ordinance shall become effective thirty (30) days after final passage by the City Council and approved by the Mayor.

Introduced and passed on first reading at a regular meeting of the City Council on January 12, 2021, by Council Member Nelson.

PASSED and ADOPTED by the Laurel City Council on second reading this 26th day of January 2021, upon motion of Council Member Eaton.

APPROVED BY THE MAYOR this 26th day of January 2021.

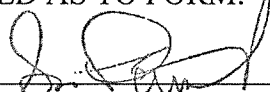
CITY OF LAUREL


Thomas C. Nelson, Mayor

ATTEST:


Bethany Yangve, Clerk-Treasurer

APPROVED AS TO FORM:


Sam Painter, Civil City Attorney