

Commissioners

From: MACO <MACO@mtcounties.org>
Sent: Tuesday, February 18, 2014 8:17 AM
To: MACO
Subject: Wildland Urban Interface Code - Listening Session

Commissioners,

If you are interested in the possible adoption of Wildland Urban Interface Building Codes for fire, you should attend one of these listening sessions.

Currently the state does not have an adopted set of building codes for residential construction in the WUI. If the state were to adopt a WUI Building Code then jurisdictions that have building code enforcement authority could adopt the WUI Building Codes and enforce in their jurisdictional area.

A county that does not have an approved Building Code Enforcement Program, the state's adoption of a WUI Building Code would have no effect and if a county wanted to enforce a fire building code in the WUI, that county would have to adopt a building code enforcement program and have it approved by the state. You could not pick and choose which building codes you want to enforce. It is an all-or-nothing proposition. The state would still be able to enforce WUI building codes for public buildings in counties that the county does not have an approved program.

Here are a couple of the applicable statutes.

50-60-302. Certification of county, city, or town building codes. (1) A county, city, or town may not enforce a building code unless:

(a) the code enforcement program has been certified by the department as in compliance with applicable statutes and department certification rules;

(b) the current adopted code, a current list of fees to be imposed, and a current plan for enforcement of the code have been filed with and approved by the department; and

(c) all inspectors inspecting or approving any installations, which if accomplished commercially require state licensure, must themselves be properly and currently state-licensed as journeymen in that craft or occupation or be certified by a nationally recognized entity for testing and certification of inspectors that is approved by the department before being permitted to inspect or approve any installations.

(2) The department shall adopt additional rules and standards governing the certification of county, city, and town building code enforcement programs that must include provisions for prompt revocation of certification for refusal or failure to comply with any applicable statute or rule. The department may allow a county, city, or town a reasonable amount of time, not to exceed 6 months, to correct identified code enforcement program deficiencies, unless the deficiencies constitute an immediate threat to the public health, safety, or welfare, in which case the department may require immediate correction. Failure to correct deficiencies within the time set by the department constitutes a basis for immediate decertification of the code enforcement program. Continued operation of a county, city, or town code enforcement program in violation of a department order to correct deficiencies may be enjoined or subject to a writ of mandamus by a judge of the district court in the jurisdiction in which the county, city, or town is located. The rules and standards must include provisions for the department to ensure that all code enforcement program functions are being properly performed.

(3) If the certification of any local government code enforcement program is revoked for any violation or deficiency, the state resumes its original jurisdiction for state building code enforcement within the county, city, or town area and the local government retains the responsibility for completion of inspections and issuance of certificates of occupancy on any incomplete construction projects previously permitted by the county, city, or town, unless the reason for the

decertification is directly related to the protection of health, safety, and welfare of the public.

(4) If a county, city, or town voluntarily decertifies its code enforcement program, the department must be given written notification of the intended decertification at least 90 days prior to the date of decertification. The county, city, or town retains the responsibility for completion of inspections and issuance of certificates of occupancy on any incomplete construction projects permitted by the county, city, or town prior to decertifying its code enforcement program.

50-60-304. Area of applicability of county, city, or town building code -- enforcement. (1) A city or town that adopts a building code under this chapter may enforce its building code only within the incorporated limits of the city or town.

(2) A county may adopt a building code under this chapter on a countywide basis unless a city or town within the county has adopted a building code. If a city or town within the county has adopted a building code, then the county may not enforce the county building code in that city or town.

(3) A county, city, or town may contract for the enforcement of its building code.

Thanks,

Harold Blattie, Executive Director
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From: Cook, David [dcook@mt.gov]
Sent: Monday, February 17, 2014 10:37 AM
To: White, David; Cook, David
Subject: Wildland Urban Interface Code - Listening Session

FOLLOW-UP NOTICE *** FOLLOW-UP NOTICE *** FOLLOW-UP NOTICE *** FOLLOW-UP
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All:

The Department of Labor and Industry, Building Code Bureau, has been reviewing the 2012 edition of the International Wildland Urban Interface Code to determine the necessity and usefulness of this code for adoption here in Montana.

Currently the State of Montana, Department of Labor and Industry and local building code jurisdictions do not have access to a building code specific to building in the wildland urban interface. Trends in forestry health and practices along with increases of fire occurrences in the wildland-urban interface make this a reasonable discussion to have here in Montana.

The department would like to provide an opportunity for stakeholders to give comments and opinions on the 2012 International Wildland Urban Interface Code prior to the department formulating any possible proposal for the adoption of this code for Montana.

To facilitate this stakeholder input and feedback the department has scheduled a series of "Listening Sessions" for 3 initial cities. The first round of meeting times and locations are as follows:

Missoula – Monday, February 24, 2014 – City Council Chambers – 140 W. Pine Street - 10:00AM to Noon

Helena – Wednesday, February 26, 2014 – Building Codes Bureau – 301 S. Park Avenue, Helena – Basement Conference Room - 10:00AM to Noon

Bozeman – Tuesday, March 4, 2014 - City Hall Commission Room – 121 N. Rouse Avenue – 10:00AM to Noon

Information and any updates on meeting can be found out our website at:
http://bsd.dli.mt.gov/bc/bs_index.asp

The department looks forward to your participation in this important process. The contact person for this meeting is David White at dcwhite@mt.gov or 406-841-2009

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BSD Vision Statement::

"A culture created by trust, respect, teamwork, and meaningful communication resulting in a well-trained workforce that provides excellent customer service."