

ORDINANCE NO. 00-5127

AN ORDINANCE OF THE CITY OF BILLINGS PROVIDING THAT THE BILLINGS, MONTANA CITY CODE BE AMENDED BY REVISING SECTIONS 6-205 AND 6-301; PROVIDING FOR CERTAIN EXEMPTIONS FROM THE BUILDING CODE AND A SEPARATE BOARD OF APPEALS FOR THE 4 ½ MILE EXTENDED JURISDICTIONAL AREA.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA:**

**Section 1.** That Section 6-205 of the Billings, Montana, City Code be amended so that such section shall read as follows:

**Sec. 6-205. Board of appeals.**

(a) Appeals Within the City. For appeals involving property within the City, ~~t~~The board of appeals referenced in the model technical codes shall consist of members who are qualified by experience and training to pass upon matters pertaining to building construction. The members and who are shall not be employees of the jurisdiction. A building official shall be an ex-officio member of the board, but shall have no vote on any matter before the board. The building official shall act as secretary of the board. The board of appeals members who are not ex-officio shall be appointed by the mayor with the consent of the council. The board shall adopt reasonable rules and regulations for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the building official. The board of appeals shall consist of the building official and six (6) appointed members. The six (6) appointed members of the board shall consist of one (1) individual from each of the following designated categories:

- Architect
- Engineer
- Builder/developer
- Plumbing contractor
- Electrical contractor
- One (1) member of public at large

~~Two (2) members shall reside within the rural jurisdictional area.~~ The members shall have four-year terms. All vacancies shall be filled for the unexpired term.

(b) Appeals Within the 4 ½ Mile Extended Jurisdictional Area. For appeals involving property within the 4 ½ mile extended jurisdictional area, the board of appeals referenced in the model technical codes shall consist of members who

are qualified by experience and training to pass upon matters pertaining to building construction. The members must live within the 4 ½ mile extended jurisdictional area and shall not be employees of the City. The building official shall be an ex-officio member of the board, but shall have no vote on any matter before the board. The building official shall act as secretary of the board. The board of appeals members who are not ex-officio shall be appointed by the county commissioners. The board shall adopt reasonable rules and regulations for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the building official. The board of appeals shall consist of the building official and six (6) appointed members. The six (6) appointed members of the board shall consist of one (1) individual from each of the following designated categories:

- Architect
- Engineer
- Builder/developer
- Plumbing contractor
- Electrical contractor
- One (1) member of public at large

The members shall have four-year terms. All vacancies shall be filled for the unexpired term.

**Section 2:** That Section 6-301 of the Billings, Montana, City Code be amended to add subsection (5) so that such subsection shall read as follows:

Sec. 6-301. Amendments and additions.

The following indicated sections of the Uniform Building Code are amended or added as follows:

(5) Section 106.2 is amended to add another exemption from a building permit:

...

(12) Farm and ranch accessory structures such as livestock barns, hay sheds, equipment storage, agriculture fences or similar uses directly related to agricultural operations. Structures are limited to 1000 square feet and do not include habitable structures (i.e., residence, shop). Structures must be located a minimum of 20 feet from property lines and 20 feet from other structures on the same lot. This does not exempt a developer from meeting local zoning standards.

All other portions of Section 6-301 shall remain unchanged and in full force and effect.

**Section 3. EFFECTIVE DATE.** This ordinance shall be effective thirty (30) days after second reading and final adoption as provided by law.

**Section 4. REPEALER.** All resolutions, ordinances, and sections of the City Code inconsistent herewith are hereby repealed.

**Section 5. SEVERABILITY.** If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions of this ordinance which may be given effect without the invalid provisions or application, and, to this end, the provisions of this ordinance are declared to be severable.

PASSED by the City Council on first reading this 26<sup>th</sup> day of June, 2000.

PASSED, ADOPTED and APPROVED on second reading this 10<sup>th</sup> day of July, 2000.

**CITY OF BILLINGS**



By Charles F. Tealby  
Mayor

ATTEST:

By Colleen F. Schell-Berg  
City Clerk