

RESOLUTION NO. 2019-100

A RESOLUTION FOR CONTINUED BUILDING CODES DIVISION CODE ENFORCEMENT

WHEREAS, the Missoula County Board of County Commissioners adopted a building code program on February 8, 2006, by Resolution 2006-025, as authorized by 50-60-301 MCA; and,

WHEREAS, Section 7 of Resolution 2006-025 required the chief building official to establish internal procedures and protocol to enforce the adopted codes and ensure compliance with Resolution 2006-025; and,

WHEREAS, Administrative Rule of Montana 24.301.203 allows certified code enforcement jurisdictions the authority to establish their own permit fees as well as those fees and costs necessary and reasonably related to building code enforcement activities; and,

WHEREAS, the Building Codes Bureau of the Montana Department of Labor & Industry also required Missoula County to provide a Code Enforcement Program as a precondition of certifying Missoula County to issue permits and enforce building codes; and,

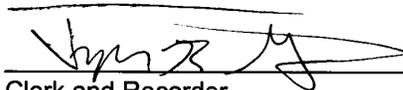
WHEREAS, the Building Codes Bureau certified Missoula County's building code enforcement program effective May 8, 2006; and,

WHEREAS, Section 109.4 of the International Building Code allows for the assessment of penalty fees for any building, plumbing, electrical or mechanical work commenced before obtaining the necessary permit(s)

NOW, THEREFORE, BE IT RESOLVED, that the Missoula Board of County Commissioners adopts the attached Code Enforcement Protocol for the Missoula County Building Codes Division, including various penalty fees for work commenced before a permit is issued and a re-inspection fee as necessary.

PASSED AND ADOPTED THIS 11TH DAY OF JULY 2019

ATTEST:


Clerk and Recorder

BOARD OF COUNTY COMMISSIONERS
MISSOULA COUNTY


David Strohmaier, Chair




Josh Slotnick, Commissioner


Juanita Vero, Commissioner

COUNTY OF MISSOULA BUILDING CODE ENFORCEMENT PROGRAM, PENALTY, AND REINSPECTION FEES

The County of Missoula Building Code Enforcement Plan will operate as follows:

All persons and or entities desiring to engage in construction activity, which is subject to building code enforcement by the Missoula County Building Codes Division (Division), shall first obtain the applicable permit authorizing such construction before work commences.

PERMIT PENALTY FEES:

Construction, repair, and or replacement work-which is subject to permit requirements-commenced without the applicable permit having first been issued, may be subject to a fine equal to, or greater than, the amount of the permit.

In those cases where work has commenced before a permit has been issued, a Stop Work Order (SWO) identifying the code(s) section(s) being violated, will be placed in a conspicuous location on the premises where the violation has occurred. Pictures will be taken to document the status of the project.

A "Notice of Violation and Order to Take Corrective Action" letter will be sent to the property owner and/or person responsible for the work. However, plans (if required) and a permit application must be submitted to the building division within 30 working days after posting of the SWO. An extension beyond the 30 working days may be granted, for cause, by the building official.

If work continues after a SWO is posted, the person(s) or entity responsible will be referred to the Missoula County Attorney's Office for prosecution pursuant to 50-60-109 and 50-60-110, MCA, and other applicable laws and regulations.

In the event that there is a significant public and/or personal safety or health concern created by the work in progress, the work in question will either be barricaded to prevent unauthorized access, or it **may** be allowed to be made safe until a permit is issued to authorize construction activity to resume. The cost of any such barricading, or any measures taken to ensure public and/or personal safety or health, shall be borne by the person(s) or entity responsible for the work. Any such barricading, or safety measures taken, will be subject to the approval of the Division before they are implemented, and inspected and approved after they are in place.

The penalty fees for work commenced without a building permit will be assessed as follows:

1. Construction for which the permit fee is less than \$100; penalty fee shall be equal to the amount of the permit fee plus an administrative fee of \$30.00.
2. Construction for which the permit fee is greater than \$100; penalty fee shall be \$100 plus the following percentages of the permit fee:

- a. Up to and including the foundation inspection; 30%
- b. Up to and including the framing inspection; 60%
- c. Up to and including the drywall inspection; 75%
- d. Up to and including the final inspection; 100%

In the event concrete has been poured without permit(s), inspection(s) or approval(s), the responsible person(s) or entity may be required to have the work x-rayed-at their cost-to verify that any required reinforcement is in place and that footing size and configuration comply with approved plans.

In the event the framing has been covered without permit(s), inspection(s) or approval(s), the responsible person(s) or entity may be required to remove a part, or all, of the material covering the framing-at their cost-to verify compliance with applicable code requirements and plans.

The penalty fees for work commenced without a plumbing permit will be assessed as follows:

1. Construction for which the permit fee is less than \$100; penalty fee shall be equal to the amount of the permit fee plus an administrative fee of \$30.00.
2. Construction for which the permit fee is greater than \$100; penalty fee shall be \$100 plus the following percentages of the permit fee;
 - a. Up to and including underground; 30%
 - b. Up to and including rough plumbing; 60%
 - c. Up to and including final plumbing; 100%

In the event underground plumbing has been covered without permit(s), inspection(s), or approval(s), the responsible person(s) or entity will be required to provide an air or water test on the plumbing and partially, or fully, expose the work-at their cost-to verify the correct; use of fittings, pipe sizing, installation and venting requirements. In lieu of exposing the underground plumbing, on a case-by-case basis, the Division may accept a video recording of the underground system.

In the event the rough plumbing has been covered without permit(s), inspection(s), or approval(s), the responsible person(s) or entity will be required to provide an air or water test on the plumbing and partially, or fully, expose the work-at their cost-to verify the correct; use of fittings, pipe sizing, installation and venting requirements.

The penalty fees for work commenced without a mechanical permit will be assessed as follows:

1. Construction for which the permit fee is less than \$100; penalty fee shall be equal to the amount of the permit fee plus an administrative fee of \$30.00.
2. Construction for which the permit fee is greater than \$100; penalty fee shall be \$100 plus the following percentages of the permit fee;
 - a. Up to and including underground; 30%
 - b. Up to and including rough mechanical; 60%
 - c. Up to and including final mechanical; 100%

In the event underground mechanical has been covered without permit(s), inspection(s), or approval(s), the responsible person(s) or entity may be required to partially, or fully, expose the work-at their cost-to verify the correct; use of fittings, duct size and gauge, and installation.

In the event the rough mechanical has been covered without permit(s), inspection(s), or approval(s), the responsible person(s) or entity may be required to partially, or fully, expose the work-at their cost-to verify correct; use of fittings, duct size and gauge and installation.

The penalty fees for work commenced without an electrical permit will be assessed as follows:

1. Construction for which the permit fee is less than \$100; penalty fee shall be equal to the amount of the permit fee plus an administrative fee of \$30.00.
2. Construction for which the permit fee is greater than \$100; penalty fee shall be \$100 plus the following percentages of the permit fee;
 - a. Up to and including underground; 30%
 - b. Up to and including rough electrical; 60%
 - c. Up to and including final electrical; 100%

In the event underground electrical has been covered without permit(s), inspection(s), or approval(s), the responsible person(s) or entity may be required to partially, or fully, expose the work-at their cost-to verify the correct; burial depth, conduit and conductor size, materials and fittings.

In the event the rough electrical has been covered without permit(s), inspection(s), or approval(s), the responsible person(s) or entity may be required to partially, or fully, expose the work-at their cost-to verify the correct; installation of all conduits, boxes, conductors, devices and electrical utilization equipment.

In all cases, whether it is building, electrical, plumbing or mechanical work, any and all work which is subject to inspection, may be required to be exposed, either partially or fully, to verify compliance with the applicable code or approved plans. Photographs in the place of an inspection will not be considered as acceptable documentation for applicable code requirements.

REINSPECTION FEES:

A reinspection fee of \$45 may be assessed for each inspection, or reinspection, when such portion of work for which inspection is called is not complete, or when corrections called for are not made.

This section is not to be interpreted as requiring reinspection fees the first time a job is rejected for failure to comply with the code or approved plans, but as controlling the

practice of calling for inspections before the job is ready for such inspection or reinspection.

A reinspection fee may be assessed for the following reasons:

1. The inspection record card and approved plans are not available when the inspector is on-site performing the requested inspection.
2. The inspection record card has been lost and needs to be replaced; there will be a \$45 fee to replace the card. Inspections shall not continue until it has been replaced and placed back at the job site with the approved plans.
3. Failure to provide safe, approved access on the date for which inspection is requested.
4. Whenever the work for which inspection is requested is obviously not ready for inspection, or when an inspection reveals that a previously identified deficiency has not been corrected.
5. Substantial deviation for the approved plans to the point that plans have to be redrawn and reapproved.

In those cases where a reinspection fee has been assessed, no further inspections will be performed on that project until the reinspection fee has been paid.

On a case by case basis, a reinspection fee may be waived if there are demonstrable, mitigating circumstances beyond the control of the requestor, and approved by the building official or their designee.