



**CITY COUNCIL  
WORK SESSION AGENDA  
February 24, 2020, at 7:00 p.m.**

City Hall Council Chambers, 201 First Avenue East

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**A. CALL TO ORDER**

**B. DISCUSSION ITEMS**

1. Building and Fire Code Updates
2. Discussion on Ordinance 1830 - Lodging in the Public Right of Way

**C. PUBLIC COMMENT**

Persons wishing to address the council are asked to do so at this time. Those addressing the council are requested to give their name and address for the record. Please limit comments to three minutes.

**D. CITY MANAGER, COUNCIL, AND MAYOR REPORTS**

**E. ADJOURNMENT**

**UPCOMING SCHEDULE / FOR YOUR INFORMATION**

**Next Regular Meeting** – March 2, 2020, at 7:00 p.m. – Council Chambers

**Next Work Session** – March 9, 2020, at 7:00 p.m. – Council Chambers

**Coffee with the Chief** – March 18, 2020, at 5:30 p.m. – Sykes Diner, 202 2<sup>nd</sup> Avenue W

Reasonable accommodations will be made to enable individuals with disabilities to attend this meeting. Please notify the City Clerk at 758-7756.

# KALISPELL FIRE DEPARTMENT

Dave Dedman – Fire Chief  
Jon Campbell – Assistant Fire Chief  
Cec Lee – Executive Secretary



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**REPORT TO:** Doug Russell, City Manager  
**FROM:** Dave Dedman, Fire Chief  
**SUBJECT:** Adoption of the 2018 International Fire Code  
**MEETING DATE:** February 24, 2020

**BACKGROUND:** The State of Montana has adopted the 2018 edition of the International Code Councils code sets including building, residential, mechanical, fuel plumbing and the 2017 electrical code. In coordination with these adoptions, the State of Montana's Fire Marshal's Office is expected to adopt the correlating 2018 International Fire Code. As with the building code sets, the City of Kalispell will have 90 days from state adoption to adopt the proposed fire code.

Adoption of the 2018 International Fire Code by the City of Kalispell will provide guidance to developers, engineers, construction trade employees and City of Kalispell Building Department staff in establishing safe and updated construction requirements and general safety provisions for the community. The update in the fire code is generally related to updates in the building codes and construction features that have changed.

**RECOMMENDATION:** Discuss the requirement to adopt the 2018 International Fire code to be in coordination with State and local adoption of the 2018 International Code Council building code sets and 2017 Electrical Code adoptions and Montana State's adoption of the 2018 International Fire Code.

**FISCAL EFFECTS:** No direct or major cost increases other than general increases noted. Some cost increases will be attributed to size and type of facilities depending on case specific issues.

**ALTERNATIVES:** Failure to adopt agreed upon International Fire Code would place the City of Kalispell out of concert with the adoption of the updated fire code with the State of Montana's Fire Marshal's Office and out of concert with the proposed adoption of the 2018 International Code Councils building code sets.



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**REPORT TO:** Doug Russell, City Manager

**FROM:** Jeff Clawson, Building Official

**Subject:** Adoption of the 2018 International Commercial Building, Residential Building, Mechanical, Fuel Gas, Swimming Pool and Existing Building Codes, the 2018 Uniform Plumbing Code and the 2017 National Electrical Code

**MEETING DATE:** February 24, 2020 Council Meeting Workshop

**BACKGROUND:** The State of Montana has adopted the 2018 edition of the International Building Code, International Residential Code, International Mechanical Code, International Fuel Gas Code, International Existing Building Code, International Swimming Pool Code, Uniform Plumbing Code and the 2017 National Electrical Code. These codes are effective December 7, 2019 and replace the previously adopted 2012 family of codes currently used by the City. Because of the State Building Codes Division action, these codes presently are in force for all commercial and multi-family residential construction within the state of Montana. The City of Kalispell, in order to maintain its certification with the State Building Codes Bureau is required to follow suite locally within 90 days. Once adopted in Kalispell the city building department will utilize these codes for all commercial and residential construction within the city.

Adoption of the code by the City of Kalispell will provide contractors a local source for education and answers to questions about the codes and their application. The Kalispell Building Department will continue with an educational approach to achieving code compliance within the construction industry with the adoption of all new codes.

Please note that a majority of the changes in the new codes address Cross Laminated Timber (CLT), braced wall construction methods for residential construction. CLT construction is a relatively new method and industry to the United States even though it has been used throughout Europe for decades. Specific changes within the new codes that will affect Kalispell more directly include:

- Requiring carbon monoxide detectors in all residential occupancies, schools and institutional occupancies such as assisted living facilities, hospitals, nursing homes along with adult and child day care facilities.

- Changes have addressed new building products and materials and where they may be used within the language and application of the Building Codes.

In conclusion, the new codes should bring about more clarity within the ICC family of codes. During each code cycle the committees are identifying language discrepancies and proposing changes for corrections. The building department will continue to be available to answer questions the development community may have. In preparation for adoption of this code, our department did send out approximately 84 letters to builders in the community advising them of the new code adoptions. We also did a Q and A session at a Flathead Building Association meeting, and they have notified their members through their weekly e-mail newsletter.

**RECOMMENDATION:** Staff will be present to answer any Council questions regarding the codes update. Provided the Council feels the update appropriate, an Ordinance adopting aforementioned codes can be considered at the next regularly scheduled meeting.

**FISCAL EFFECTS:** Codes may have minor cost increases depending on the size and type of project being constructed. It is the intent of the State Building Codes Division that these costs will be offset through the construction of safer buildings.

**ALTERNATIVES:** Failure to adopt the ordinance would place the building department out of compliance with the State Building Codes Bureau and force the state to de-certify the Kalispell Building Department.



# City of Kalispell

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## MEMORANDUM

To: Honorable Mayor Johnson and City Council  
From: Doug Russell, City Manager  
Re: Discussion on Ordinance 1830- Lodging in the Public Right of Way  
Meeting Date: February 24, 2020

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**BACKGROUND:** At a previous meeting, it was requested by a Councilmember that the Council hold a work session regarding the Lodging in the Public Right of Way Ordinance, #1830, which was passed by the Council in October of 2019.

**RECOMMENDATION:** It is recommended that Council discuss the Ordinance as requested and provide relevant direction.

**ATTACHMENTS:** Ordinance 1830

ORDINANCE NO. 1830

**AN ORDINANCE RESTRICTING THE USE OF THE PUBLIC RIGHT-OF-WAY FOR LODGING WITHIN MOTOR VEHICLES, DECLARING AN EFFECTIVE DATE AND AUTHORIZING THE CITY ATTORNEY TO CODIFY THE SAME.**

**WHEREAS,** it is in the best interests of the City and its residents and visitors that the use of its public right-of-ways does not unnecessarily infringe upon the peaceful enjoyment of private property or compromise the safety and welfare of the community; and

**WHEREAS,** the public right-of-ways in the City are being increasingly used for the purposes of parking and lodging within motor vehicles, including recreational vehicles, campers and buses, overnight and for extended lodging; and

**WHEREAS,** the Kalispell City Council finds that such use of the public right-of-way, as described above, is not a permitted use for the reasons that it unreasonably increases the intended density of residential use, it does not provide the sanitation services necessary for residential use, and there are, within the City and surrounding community, suitable accommodations to serve the needs for those seeking to lodge within their motor vehicles; and

**WHEREAS,** the Kalispell City Council further finds that violations of this ordinance should be civil infractions and provided the due process as set forth in Chapter 1, Article 2 of the Kalispell Municipal Code.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KALISPELL AS FOLLOWS:

**SECTION 1.** It shall be unlawful to lodge within a motor vehicle in the public right-of-way in the City of Kalispell.

**SECTION 2.** Definitions.

*Lodge* means to board and use as a living quarters.

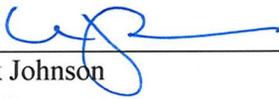
*Motor Vehicle* means an automobile, truck, recreational vehicle, camper or bus.

**SECTION 3.** This ordinance shall be enforced by the City of Kalispell Police Department. A violation of this ordinance shall be a civil infraction and provided the due process as set forth in Chapter 1, Article 2 of the Kalispell Municipal Code.

**SECTION 4.** The City Attorney is hereby authorized and directed to codify this Ordinance.

**SECTION 5.** This Ordinance shall take effect thirty (30) days after its final passage.

PASSED AND APPROVED BY THE CITY COUNCIL AND SIGNED BY THE MAYOR OF THE CITY OF KALISPELL THIS 7TH DAY OF OCTOBER, 2019.

  
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Mark Johnson  
Mayor

ATTEST:

  
Aimee Brunckhorst, CMC  
City Clerk

