

1 SENATE BILL NO. 545

2 INTRODUCED BY S. FITZPATRICK

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4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LOCAL GOVERNMENT LAWS;

5 PROHIBITING A LOCAL GOVERNMENT FROM ADOPTING CERTAIN BUILDING CODES RELATED TO

6 FOUNDATIONS; ALLOWING A LOCAL GOVERNMENT TO ~~ACCEPT A WAIVER~~ FILE NOTIFICATION FOR

7 WAIVING CERTAIN RESIDENTIAL BUILDING CODE REQUIREMENTS; ALLOWING THE DEPARTMENT OF

8 LABOR AND INDUSTRY TO COLLECT FEES FOR ~~WAIVER FORMS~~ THE FILING OF NOTICES; AND

9 AMENDING SECTION 50-60-301, MCA."

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11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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13 **Section 1.** Section 50-60-301, MCA, is amended to read:

14 **"50-60-301. County, city, and town building codes authorized -- health care facility and public**

15 **health center doors -- fee adjustment for model plans.** (1) The local legislative body of a county, city, or

16 town may adopt a building code to apply to the county, city, or town by an ordinance or resolution, as

17 appropriate:

18 (a) adopting a building code; or

19 (b) authorizing the adoption of a building code by administrative action.

20 (2) (a) Except as provided in ~~subsection~~ subsections (2)(b) and (5), a county, city, or town building

21 code may include only codes adopted by the department.

22 (b) A county, city, or town may, as part of its building code or by town ordinance or resolution,

23 adopt voluntary energy conservation standards for new construction for the purpose of providing incentives to

24 encourage voluntary energy conservation. The incentive-based energy conservation standards adopted may

25 exceed any applicable energy conservation standards contained in the state building code. New construction is

26 not required to meet local standards that exceed state energy conservation standards unless the building

27 contractor elects to receive a local incentive.

28 (3) Any provision of a building code requiring the installation or maintenance of self-closing or

1 automatic closing corridor doors to patient rooms does not apply to health care facilities, as defined in 50-5-101,  
2 or to a public health center, as defined in 7-34-2102.

3 (4) (a) When the same single-family dwelling plan is constructed at more than one site, the county,  
4 city, or town shall, after the first examination of the plan, adjust the required plan fee to reflect only the cost of  
5 reviewing requirements pertaining to the review of:

- 6 (i) zoning;
- 7 (ii) footings, foundations, and basements;
- 8 (iii) curbs;
- 9 (iv) gutters;
- 10 (v) landscaping;
- 11 (vi) utility connections;
- 12 (vii) street requirements;
- 13 (viii) sidewalks; and
- 14 (ix) other requirements related specifically to the exterior of the building.

15 (b) If a building contractor alters the single-family dwelling plan referred to in subsection (4)(a) in a  
16 fashion that substantially affects the building code requirements, the county, city, or town may impose the full  
17 examination fee permitted under 50-60-106.

18 (5) A county, city, or town may not adopt a building code or ordinance that requires the  
19 construction of a foundation slab with a deflection ratio greater than 1 inch for every 50-30 feet.

20 (6) (a) If the building code adopted by a county, city, or town requires a residential property owner  
21 to obtain a geotechnical report or an engineered foundation, the residential property owner may agree to waive  
22 the requirement in writing.

23 (b) The waiver allowed in subsection (6)(a) must:

- 24 (i) identify the requirements being waived; and A county, city, or town may not adopt an
- 25 ordinance, resolution, or building code that requires a person to obtain a geotechnical report or an engineered
- 26 foundation for residential buildings containing fewer than 5 dwelling units unless the requirements are contained
- 27 in the state building code.

28 (ii)(7) (a) A person may file a notice with the clerk and recorder of the county where a residential

1 building is located. A person is presumed to have notice of potentially adverse soil conditions after filing the  
2 notice.

3 (b) The notice must be written in bold typeface that reads, at minimum: "The property may contain  
4 adverse soil conditions, including but not limited to expansive, eroding, heaving, collapsing, or other types of  
5 soil conditions, which may cause damage to the property. The damage may include but is not limited to  
6 foundation, sidewalk, driveway, and slab movement, ~~cracked or damaged property~~ damage to the building,  
7 fixtures, and improvements on the property, cracking or other forms of structural distress, difficulty in opening  
8 doors and windows, or other forms of damage or distress to the property. ~~By signing this document, you are~~  
9 waiving any requirement to obtain a geotechnical report or engineered foundation and, as a consequence, your  
10 property may experience damage."

11 (c) A contractor who uses the waiver person who files a notice allowed in this subsection ~~(6)~~(7)  
12 shall pay a \$10 fee for each notice filed to the ~~department~~ clerk and recorder in the county where the residential  
13 building is located during each calendar year the contractor intends to use a waiver.

14 (d) A waiver may be filed with the clerk and recorder of the county where the residential property is  
15 located.

16 (e)(8) In the event of litigation related to the requirements and allowances provided in ~~this subsection~~  
17 ~~(6)~~subsections (5) through (7), evidence of the standards set forth in ~~this subsection (6)~~subsections (5) through  
18 (7) is admissible in a court of law."

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