

Chapter 7.12

SETTING FIRE LIMITS

Sections:

- 7.12.010 Described Boundaries
- 7.12.020 Buildings of Fire-Proof Construction
- 7.12.030 Building Outside of Fire Limits
- 7.12.040 Adopt and Incorporate as a Part of Ordinance

7.12.010 Described Boundaries. All that portion of the City of Harlowton, Wheatland County, Montana within the following described boundaries, to-wit:

"Beginning at a point in the center of Third Street N.W. where a projection of the center line of the alleyway lying in Block A of the Graves Third Addition intersects said Third Street N.W. thence southeasterly along the center line of the alleyway lying in said Block A of the Graves Third Addition to the City of Harlowton across Second Street Northwest and thence southeasterly along the center line of the alleyway lying in Blocks Three (3), Two (2) and One (1) of the Grandview Addition to the City of Harlowton, thence in a straight line across First Street S.W. and thence southeasterly along the center line of the alleyway lying adjacent to and on the southeasterly boundary of Lots 1, 2, 3, 4, 5 and 6 of Block 27 of the Graves Second Addition to the City of Harlowton;

thence in a northeasterly direction along the southern boundary of Lot Six (6) of Block 27 of the Graves Second Addition to the City of Harlowton and thence in a continuation of said line across south Central Avenue and along the southern boundary line of Lot Eight (8) of Block 28 to the center of the alleyway of said Block 28 thence northwesterly along the center line of the alleyway lying in Block 28 and 26 of the said Graves Second Addition to the City of Harlowton, Wheatland County, Montana;

thence along the center line of the alleyway lying between Block 5 of the Grandview Addition to the City of Harlowton and Block 25 of Graves Second Addition to the City of Harlowton, thence continuing in a straight line and in the same direction along the center line of the alley lying in Block 4, of said Grandview Addition as aforesaid and Block D of Graves Third Addition aforesaid to the center of the intersection of said alleyway with Second Street N.E.;

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Every building erected within the limits of said city wherein fires shall be intended to be used shall be furnished with at least one substantial brick chimney or one of stone or other material equally as safe, and fireproof, constructed and installed so as to meet all reasonable safety requirements as determined by the City of Harlowton, or city fire marshal.

The City of Harlowton, or city fire marshal, shall have the right to inspect, or cause to be inspected, all buildings and structures within the Harlowton city limits and shall have the authority after inspection to order the owner or owners of any building or structure so inspected to make any repairs or alterations as to chimneys, flues, or smoke stacks that said city fire marshal shall determine necessary for the purpose of fire safety.

The notification shall specify a date for completion of the required repair or alteration, which date shall be such as to give the owner or owners a reasonable time within which to accomplish the required repair or alteration, unless the city fire marshal deems it necessary in the interest of safety to require immediate repair or alteration in which case the notice to the property owner or owners may be by verbal communication, or the city fire marshal can cause the repair or alteration to be made; and, if said repair or alteration is so made, the cost of such repair or alteration shall be charged to the owner, or owners of the building or structure; and if not paid by the owner, or owners, the cost may be added to the taxes due on said structure or building by the city clerk notifying the proper Wheatland County, officers.

Any violation of the provisions of this section shall on conviction thereof be punished by a fine of not less than five dollars and not more than fifty dollars, and every day of continued violation, after due notice, shall be deemed a separate offense punishable with like fine.

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thence in a northwesterly direction along the boundary line between Lots Six (6) and Seven (7) of Block 5 of the original townsite of Harlowton, to the center of Third Street N.E. and thence in a southwesterly direction along the center line of the said Third Street to the point of beginning."

All of the above described boundaries being in conformity with and according to the official plat or plats of the City of Harlowton, Wheatland County, Montana on file in the office of the clerk and recorder of Wheatland County, State of Montana;

is hereby constituted and declared to be the present fire limits of the City of Harlowton, Wheatland County, Montana.

7.12.020 Buildings of Fire-Proof Construction. Effective from the date of enactment of this emergency ordinance, no person or persons, or corporation or business entity of any kind, nature or description shall within the fire limits described above in section 010 of this ordinance construct any building that is not of substantially fire-proof construction in that all exterior walls shall be of stone, brick, concrete, concrete block or other equally non-combustible material;

no building presently existing and located within the above described fire limits shall be enlarged, added to or altered as to outside dimension unless such construction shall be approved by the Harlowton city engineer as to type and kind of construction in accordance with the requirements of this ordinance;

no building shall be moved from any other location either within or without the above described fire limits, onto any lot or location within the above described fire limits, unless said building shall be first approved by the city engineer as to type and kind of construction in accordance with the requirements of this ordinance.

All buildings presently situated within the foregoing and above described fire limits shall be kept and maintained in good condition and for such purpose repairs to such a building shall be permitted using like materials as are contained in said building; however, if a building presently situated in the above described fire limits shall be damaged or suffer decay to an extent of forty percent (40%) of the value of such building, then such building shall not be repaired but shall be removed from the fire district in its entirety at the sole expense of the owner or owners of said building.

The decision of the city engineer of the City of Harlowton, shall be conclusive as to the amount of damages to any said building caused by the elements or decay, any such structure or building erected or repaired, enlarged or removed in violation of this ordinance, is hereby declared to be a nuisance and it shall be the duty of the city engineer to require the author of such nuisance to remove the same forthwith, and if he or she neglects or refuses to abate the same within twenty-four hours after notice, it shall be the duty of the city engineer to do so and the cost thereof shall be charged to, and may be recovered from the party responsible therefore by an action in the name of the City of Harlowton, or taxed as costs in the prosecution of the author of such nuisance; and any person whether owner, lessee, contractor or laborer, who shall hereafter in violation of this section, erect, repair, enlarge or remove any such prohibited structure, or cause the same to be done by others, shall be deemed to have committed a misdemeanor, and on conviction thereof, shall be fined not less than ten dollars (\$10.00) nor more than one hundred dollars, (\$100.00).

7.12.030 Building Outside of Fire Limits. The city council shall have power by special order duly made and entered on record after the hearing of interested parties, to prohibit the erection of a building in any part of the city beyond the fire limits thereof, so close to any other building previously erected, or of such dangerous character as greatly to endanger the same; provided, that this regulation shall not be construed to apply to smaller out-buildings; and any person who in violation of such a special order of the council, shall erect such prohibited building, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than ten dollars nor more than fifty dollars, and every day of continued violation shall be deemed a separate offense, and be punishable by a like fine.

7.12.040 Adopt and Incorporate as Part of Ordinance. It is the intent of the Harlowton city council of the City of Harlowton to adopt and to incorporate as a part of this ordinance, as fully and completely as if the entire text were set out herein the current Life Safety Code of the National Fire Protection Association International No. 101, and that said code is hereby adopted and if said code is amended or changed that the amendments and changes shall be incorporated into this ordinance as and when they shall become effective with the same force and effect as if the Harlowton city council specifically amended this ordinance so as to incorporate each amendment and change upon the effective date as provided in said Life Safety Code of the National Fire Protection Association International No. 101.

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