

## ORDINANCE No. 24-005

### AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MANHATTAN, MONTANA AMENDING THE MANHATTAN MUNICIPAL CODE TITLE 12 REGULATIONS

WHEREAS the Manhattan Municipal Code requires update to provide clarity in its Building Review variance and appeal process; and,

WHEREAS the Manhattan Town Council held a public hearing regarding the proposed changes on May 9<sup>th</sup>, 2024.

NOW THEREFORE BE IT ORDAINED by the Town Council of the Town of Manhattan that the following amendments be made to the Municipal Code of the Town of Manhattan effectively amending various provisions of Title 12 as set out below:

**Amendment 1. Section 12-1-1, ADOPTION OF THE MODEL TECHNICAL CODES AND ADMINISTRATIVE RULES** – Revise the first sentence to read “The current editions of the model uniform technical codes, to include, but not be limited to, building, plumbing, electrical and mechanical, and all accompanying appendices, amendments and modifications adopted or required to be adopted by the building codes bureau, Montana department of labor and industry (or its successor) as set out in the administrative rules of Montana, as amended from time to time by the building codes bureau, are adopted by reference and incorporated in this title as if set forth in full, except for any exception noted in this chapter or any regulations not applicable to local government jurisdictions. From the date this ordinance is effective, all buildings and enclosed structures to be constructed within the town limits of the town of Manhattan shall be constructed in accordance with the applicable provisions of these codes.”

Remove all references to the 2003 codes.

**Amendment 2. Section 12-1-2-A, BUILDING PERMIT REQUIRED** – Revise the first and second sentence to read “For the construction of any building or enclosed structure greater than two hundred square feet (200), the owner of such building project must apply to the town for a building permit, which shall include a plumbing permit, electrical permit, and zoning permit. Application shall be made at the town office on a form provided by the town for such purposes. Application must be made before the start of construction and construction may not start until such time as the plans have been approved by the building inspector and zoning administrator.”

**Amendment 3. Section 12-1-2-B, BUILDING PERMIT REQUIRED** – Remove the last sentence.

**Amendment 4. Section 12-1-3, APPEALS BOARD** – Revise to read “If after a decision is rendered by the building inspector or zoning administrator regarding any aspect of the review or permitting process, which the applicant disputes, the applicant may file an appeal with the building code enforcement appeal Board of Adjustment.”

Remove the second sentence that reads “The board shall be made up of the following: two (2) members of the sitting town council, the mayor, a citizen member who has experience in the construction field, appointed by the mayor and the town engineer, or an agent thereof.”

Revise Subsection A to read “After the applicant files an appeal with the appeal board, the board shall set a hearing on the appeal within thirty (30) days of the filing of the appeal. Further, the board shall render its decision on the appeal no later than five (5) days after the hearing.”

Add Subsection B to read “The Board of Adjustment shall follow the process outlined in Title 10 Chapter 3 of the Manhattan Town Code.”

Revise Subsection C to read “C.If the applicant is dissatisfied with the decision of the Board of Appeals, appeal may be made in the manner described in 10-3-4-7.”

PASSED BY the Town Council and approved by the Mayor of the Town of Manhattan, Montana, this 9<sup>th</sup> day of May 2024.

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Mayor

ATTEST:

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Town Clerk/Treasurer