



**AGENDA  
CITY OF LAUREL  
CITY COUNCIL MEETING  
TUESDAY, JANUARY 12, 2021  
6:30 PM  
ONLINE**

NEXT RES. NO.  
R21-01

NEXT ORD. NO.  
O21-01

**WELCOME . . .** By your presence in the City Council Chambers, you are participating in the process of representative government. To encourage that participation, the City Council has specified times for citizen comments on its agenda -- once following the Consent Agenda, at which time citizens may address the Council concerning any brief community announcement not to exceed one minute in duration for any speaker; and again following Items Removed from the Consent Agenda, at which time citizens may address the Council on any matter of City business that is not on tonight's agenda. Each speaker will be limited to three minutes, unless the time limit is extended by the Mayor with the consent of the Council. Citizens may also comment on any item removed from the consent agenda prior to council action, with each speaker limited to three minutes, unless the time limit is extended by the Mayor with the consent of the Council. If a citizen would like to comment on an agenda item, we ask that you wait until the agenda item is presented to the Council by the Mayor and the public is asked to comment by the Mayor. Once again, each speaker is limited to three minutes.

Any person who has any question concerning any agenda item may call the City Clerk-Treasurer's office to make an inquiry concerning the nature of the item described on the agenda. Your City government welcomes your interest and hopes you will attend the Laurel City Council meetings often.

### **Pledge of Allegiance**

### **Roll Call of the Council**

### **Approval of Minutes**

1. Approval of Minutes of December 22, 2020.

### **Correspondence**

### **Council Disclosure of Ex Parte Communications**

### **Public Hearing**

### **Consent Items**

#### **NOTICE TO THE PUBLIC**

*The Consent Calendar adopting the printed Recommended Council Action will be enacted with one vote. **The Mayor will first ask the Council members if any Council member wishes to remove any item from the Consent Calendar for discussion and consideration.** The matters removed from the Consent Calendar will be considered individually at the end of this Agenda under "Items Removed from the Consent Calendar." (See Section 12.) The entire Consent Calendar, with the exception of items removed to be discussed under "Items Removed from the Consent Calendar," is then voted upon by roll call under one motion.*

2. Claims entered through December 4, 2020.
3. Claims entered through December 18, 2020.
4. Claims entered through January 8, 2021.
5. Approval of Payroll Register for PPE 12/27/2020 totaling \$164,132.16

### **Ceremonial Calendar**

### **Reports of Boards and Commissions**

6. Budget/Finance Committee Minutes of November 24, 2020.

### **Audience Participation (Three-Minute Limit)**

*Citizens may address the Council regarding any item of City business that is not on tonight's agenda. Comments regarding tonight's agenda items will be accepted under Scheduled Matters. The duration for an individual speaking under Audience Participation is limited to three minutes. While all comments are welcome, the Council will not take action on any item not on the agenda.*

## **Scheduled Matters**

- [7.](#) Appointment of Wallace Hall to the Police Commission for a three-year term ending April 30, 2023.
- [8.](#) Appointment Don Smarsh to the Laurel Urban Renewal Agency for the remainder of a four-year term ending December 31, 2023.
- [9.](#) Resolution No. R21-01: Resolution Of The City Council To Adopt The 2020 City Of Laurel Growth Policy.
- [10.](#) Ordinance O21-01: An Ordinance Creating A New Title 13 Entitled “Fire Prevention And Protection” And Amending And Renumbering Certain Sections Of Title 15 And 8 Of The Laurel Municipal Code Updating The City’s Fire Prevention And Protection Codes.

## **Items Removed From the Consent Agenda**

### **Community Announcements (One-Minute Limit)**

*This portion of the meeting is to provide an opportunity for citizens to address the Council regarding community announcements. The duration for an individual speaking under Community Announcements is limited to one minute. While all comments are welcome, the Council will not take action on any item not on the agenda.*

### **Council Discussion**

*Council members may give the City Council a brief report regarding committees or groups in which they are involved.*

### **Mayor Updates**

### **Unscheduled Matters**

### **Adjournment**

**The City makes reasonable accommodations for any known disability that may interfere with a person’s ability to participate in this meeting. Persons needing accommodation must notify the City Clerk’s Office to make needed arrangements. To make your request known, please call 406-628-7431, Ext. 2, or write to City Clerk, PO Box 10, Laurel, MT 59044, or present your request at City Hall, 115 West First Street, Laurel, Montana.**

### **DATES TO REMEMBER**

**File Attachments for Item:**

1. Approval of Minutes of December 22, 2020.

DRAFT

# MINUTES OF THE CITY COUNCIL OF LAUREL

DECEMBER 22, 2020

A regular meeting of the City Council of the City of Laurel, Montana, was held virtually and called to order by Mayor Tom Nelson at 6:32 p.m. on December 22, 2020.

COUNCIL MEMBERS PRESENT:           Emelie Eaton           Heidi Sparks  
  Bruce McGee           Richard Herr  
  Scot Stokes           Irv Wilke  
  Richard Klose        Don Nelson (6:51 p.m.)

COUNCIL MEMBERS ABSENT:

OTHER STAFF PRESENT:               Stan Langve, Police Chief  
  Lyndy Gurchiek, Ambulance Director

Mayor Nelson led the Pledge of Allegiance to the American flag.

Mayor Nelson asked the council to observe a moment of silence.

## MINUTES:

Motion by Council Member McGee to approve the minutes of the regular meeting of November 24, 2020, as presented, seconded by Council Member Eaton. There was no public comment or council discussion. A vote was taken on the motion. All seven council members present voted aye. Motion carried 7-0.

## CORRESPONDENCE:

- Airport Authority Board Minutes of October 27, 2020.
- Laurel Chamber of Commerce Agenda for December 10, 2020, and Minutes of November 12, 2020.

COUNCIL DISCLOSURE OF EX PARTE COMMUNICATIONS: None.

PUBLIC HEARING: None.

## CONSENT ITEMS:

- **Claims entered through 12.4.2020.**  
A complete listing of the claims and their amounts is on file in the Clerk/Treasurer's Office.
- **Claims entered through 12.18.2020.**  
A complete listing of the claims and their amounts is on file in the Clerk/Treasurer's Office.
- **Approval of Payroll Register for PPE 11/29/2020 totaling \$226,160.99.**
- **Approval of Payroll Register for PPE 12/13/2020 totaling \$213,987.08.**
- **Approval of Workshop Minutes of July 19, 2019.**
- **Approval of Workshop Minutes of August 13, 2019.**
- **Approval of Workshop Minutes of August 27, 2019.**
- **Approval of Workshop Minutes of September 17, 2019.**
- **Approval of Workshop Minutes of October 1, 2019.**
- **Approval of Workshop Minutes of October 15, 2019.**

DRAFT

- **Approval of Workshop Minutes of November 5, 2019.**
- **Approval of Workshop Minutes of November 19, 2019.**
- **Approval of Workshop Minutes of May 2, 2020.**
- **Approval of Workshop Minutes of June 2, 2020.**
- **Approval of Workshop Minutes of June 16, 2020.**

The Mayor asked if there was any separation of consent items. Council Member Eaton stated the Claims entered through 12.4.2020 and 12.18.2020 needed to be pulled and would be voted on at the next voting meeting.

Motion by Council Member Eaton to approve the consent items as presented, seconded by Council Member Klose. There was no public comment or council discussion. A vote was taken on the motion. All seven council members present voted aye. Motion carried 7-0.

**CEREMONIAL CALENDAR:** None.

**REPORTS OF BOARDS AND COMMISSIONS:**

- **Laurel Urban Renewal Agency Minutes of November 16, 2020.**
- **City/County Planning Board Minutes of October 21, 2020.**
- **Tree Board Minutes of November 19, 2020.**

**AUDIENCE PARTICIPATION (THREE-MINUTE LIMIT):** None.

**SCHEDULED MATTERS:**

- **Appointment of Kathy Brown, Samantha Kaufman, Tyrel Mraz, Aidan Cullingworth, and Collen Timmons-Lee to the Laurel Volunteer Ambulance Service.**

Motion by Council Member Herr to approve the Mayor's appointment of Kathy Brown, Samantha Kaufman, Tyrel Mraz, Aidan Cullingworth, and Collen Timmons-Lee to the Laurel Volunteer Ambulance Service, seconded by Council Member Wilke.

Lyndy Gurchiek, Ambulance Director, stated at least three of these people have 15 or more years of experience, if not more. Some have teaching experience as well, which will help move the Laurel Ambulance Service forward. One is brand new, and one is a Highway Patrolman who lives in town. This is a great opportunity.

There was no council discussion. A vote was taken on the motion. All seven council members present voted aye. Motion carried 7-0.

- **Appointment of Evan Bruce to Yellowstone Historic Preservation Board for a two-year term ending December 31, 2022.**

Motion by Council Member McGee to approve the Mayor's appointment of Evan Bruce to the Yellowstone Historic Preservation Board for a two-year term ending December 31, 2022, seconded by Council Member Wilke. There was no public comment or council discussion. A vote was taken on the motion. All seven council members present voted aye. Motion carried 7-0.

- **Appointment Phyllis Bromgard to Park Board for a four-year term ending December 31, 2024**

Motion by Council Member Klose to approve the Mayor's appointment of Phyllis Bromgard to the Park Board for a four-year term ending December 31, 2024, seconded by Council Member McGee. There was no public comment or council discussion. A vote was taken on the motion. All seven council members present voted aye. Motion carried 7-0.

DRAFT

- **Appointment of Richard Herr to the Park Board for a four-year term ending December 31, 2024.**

Motion by Council Member Eaton to approve the Mayor's appointment of Richard Herr to the Park Board for a four-year term ending December 31, 2024, seconded by Council Member Wilke. There was no public comment or council discussion. A vote was taken on the motion. All seven council members present voted aye. Motion carried 7-0.

- **Appointment of Scot Stokes to the Park Board for a four-year term ending December 31, 2024.**

Motion by Council Member Herr to approve the Mayor's appointment of Scot Stokes to the Park Board for a four-year term ending December 31, 2024, seconded by Council Member McGee. There was no public comment or council discussion. A vote was taken on the motion. All seven council members present voted aye. Motion carried 7-0.

- **Appointment of Daniel Klein to the Laurel Urban Renewal Agency for a four-year term ending December 31, 2024.**

Motion by Council Member Wilke to approve the Mayor's appointment of Daniel Klein to the Laurel Urban Renewal Agency for a four-year term ending December 31, 2024, seconded by Council Member Sparks. There was no public comment or council discussion. A vote was taken on the motion. All seven council members present voted aye. Motion carried 7-0.

- **Appointment of Dennis Eaton to the Laurel Urban Renewal Agency for a four-year term ending December 31, 2024.**

Motion by Council Member McGee to approve the Mayor's appointment of Dennis Eaton to the Laurel Urban Renewal Agency for a four-year term ending December 31, 2024, seconded by Council Member Klose. There was no public comment.

Council Member Eaton formally recused herself, as Dennis Eaton is her spouse. There could be a conflict of interest.

A vote was taken on the motion. All six voting council members present voted aye. Motion carried 6-0. (Aye: 6; Nay: 0; Abstain:1)

- **Appointment of Dianne Lehm to the Laurel Urban Renewal Agency Advisory Board for a four-year term ending December 31, 2024.**

Motion by Council Member McGee to approve the Mayor's appointment of Dianne Lehm to the Laurel Urban Renewal Agency Advisory Board for a four-year term ending December 31, 2024, seconded by Council Member Klose. There was no public comment or council discussion. A vote was taken on the motion. All eight council members present voted aye. Motion carried 8-0.

- **Resolution No. R20-83: A Resolution Of The City Council Authorizing The Mayor To Sign A Memorandum Of Understanding With The United States Marshals Service For Participation In The Fugitive Task Force Program.**

Motion by Council Member Eaton to approve Resolution No. R20-83, seconded by Council Member Wilke. There was no public comment or council discussion. A vote was taken on the motion. All eight council members present voted aye. Motion carried 8-0.

- **Resolution No. R20-84: A Resolution Approving A Task Order Between The City Of Laurel And KLJ Engineering For Engineering To Replace The Insulated Water Main That Crosses Highway 212 Over The Yellowstone River.**

Motion by Council Member Klose to approve Resolution No. R20-84, seconded by Council Member Eaton. There was no public comment or council discussion. A vote was taken on the motion. All eight council members present voted aye. Motion carried 8-0.

DRAFT

**ITEMS REMOVED FROM THE CONSENT AGENDA:**

Both sets of claims pulled for this consent agenda will be on the next Council meetings consent agenda.

**COMMUNITY ANNOUNCEMENTS (ONE-MINUTE LIMIT):** None.

**COUNCIL DISCUSSION:**

Council wished everyone a Merry Christmas and a Happy New Year.

Council noted a great job from Staff during 2020.

Council thanked the Clerk/Treasurer for submitting two CARES act reimbursements. The City submitted \$883,510.00 for the first submission and \$343,148.00 for the second. Both were approved.

Council thanked the Council Secretary for her work on minutes.

**MAYOR UPDATE:**

Mayor Nelson noted there is no meeting next week as it is a five Tuesday month. The next meeting will be on January 5<sup>th</sup>, 2021.

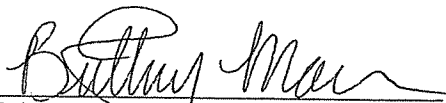
Mayor Nelson declared a vacancy on the Library Board due to the passing of one of their members. This seat needs to be filled.

**UNSCHEDULED MATTERS:** None.

**ADJOURNMENT:**

Motion by Council Member Eaton to adjourn the council meeting, seconded by Council Member McGee. There was no public comment or council discussion. A vote was taken on the motion. All seven council members present voted aye. Motion carried 7-0.

There being no further business to come before the council at this time, the meeting was adjourned at 7:03 p.m.

  
Brittny Moorman, Administrative Assistant

Approved by the Mayor and passed by the City Council of the City of Laurel, Montana, this 12<sup>th</sup> day of January 2021.

\_\_\_\_\_  
Thomas C. Nelson, Mayor

Attest:

\_\_\_\_\_  
Bethany Langve, Clerk/Treasurer

**File Attachments for Item:**

6. Budget/Finance Committee Minutes of November 24, 2020.





approval of the claims entered through 11/20/2020. Bruce McGee seconded the motion, all in favor, motion passed.

6. Review and approve Payroll Register for pay period ending 11/15/2020 totaling \$202,286.64. Richard Klose made a motion to recommend approval of the payroll register for pay period ending 11/15/2020 totaling \$202,286.64. Emelie Eaton seconded the motion, all in favor, motion passed.

**New Business** – none

**Old Business** –

7. Fire Association Meal Pay – Drill Pay discussion. The Chair had drafted two resolutions for the Fire Association Meal Pay and the Fire Association Drill Pay. The Committee asked if these would go to the City Attorney. The Mayor stated any resolution would have to go to the City Attorney for review. The Committee asked if these resolutions would help the auditors. The Clerk/Treasurer stated it would help put the information on record for everyone to refer to. The Committee would like for this to go to full Council to be discussed further as these are draft resolutions.

**Other Items** –

8. Clerk/Treasurer Update – The Clerk/Treasurer stated the City had been approved by the State to receive an additional \$350,558.00 in CARES funding.
9. Mayor Update – The Mayor stated he wanted to discuss some procedural items with the Committee.
10. The Committee requested the transit bus be discussed at the next meeting.

**Announcements** –

11. The next Budget and Finance Committee meeting will be held on December 8, 2020. The meeting will be held at 5:15pm via ZOOM or 5:30pm in person, method is yet to be determined.
12. Bruce McGee will be reviewing the claims for the next meeting.

Respectfully submitted,



Bethany Langve  
Clerk/Treasurer

**NOTE: This meeting is open to the public. This meeting is for information and discussion of the Council for the listed workshop agenda items.**

**File Attachments for Item:**

7. Appointment of Wallace Hall to the Police Commission for a three-year term ending April 30, 2023.

December 18, 2020

City of Laurel  
Thomas Nelson, Mayor

Dear Mayor Nelson,

I would like to express my interest  
in being reappointed to the Police Commission

I am pleased to have served on  
this committee in the past and would  
be honored to be reappointed.

Wallace Hall

**File Attachments for Item:**

8. Appointment Don Smarsh to the Laurel Urban Renewal Agency for the remainder of a four-year term ending December 31, 2023.

Mayor Nelson and City Council,  
I would like to be reappointed on the LURA board. Sorry that I have been limited to attend meetings during this past 3 months. We have had limited staff with COVID related problems.

Thanks for your consideration.

**Don Smarsh**

**File Attachments for Item:**

9. Resolution No. R21-01: Resolution Of The City Council To Adopt The 2020 City Of Laurel Growth Policy.

**RESOLUTION NO. R21-01**

**RESOLUTION OF THE CITY COUNCIL TO ADOPT THE 2020 CITY OF  
LAUREL GROWTH POLICY.**

WHEREAS, the City Council tasked the Planning Board with the preparation of an updated Growth Policy for City of Laurel; and

WHEREAS, the Planning Board approved an action plan incorporating public input and an approximate timeline for the adoption of an updated Growth Policy for City of Laurel; and

WHEREAS, the Planning Board conducted a series of public meetings, surveys and outreach to encourage public participation in the preparation of the updated Growth Policy; and

WHEREAS, the Planning Board considered several strategies and policies that could be adopted by the City Council to implement the updated Growth Policy; and

WHEREAS, the Planning Board encouraged both written and verbal testimony on issues and items of concern related to the future growth and development expected to occur during the life of the new Updated Growth Policy; and

WHEREAS, the Planning Board conducted a public hearing on the Growth Policy update on October 21, 2020. Additionally, the Planning Board, by Resolution Number 20-01, currently recommends the adoption of the updated Growth Policy and Implementation Strategy by the City Council; and

WHEREAS, the City of Laurel continues to work cooperatively with Yellowstone County through their Planning Board on planning, subdivision, and land use related issues; and

WHEREAS, the City Council desires to establish and maintain up to date growth management regulations including but not limited to Zoning Regulations, Design and Development Standards, Subdivision, and Floodplain Regulations; and



WHEREAS, the City is statutorily required to examine and update the Growth Policy on a time frame not to exceed five (5) calendar years; and

WHEREAS, the City Council desires to provide persons who may be affected by the adoption of the Growth Policy update ample opportunity for involvement in the adoption process; and

WHEREAS, the City Council conducted a public hearing on November 24, 2020, regarding the Growth Policy update and took action by adopting a Resolution of Intent to adopt the 2020 Growth Policy Update; and

WHEREAS, the City Council opened a 30-day public comment period, which was published twice in a newspaper of record and the comment period expired on December 24, 2020; and

WHEREAS, the City Council gave due consideration to the public comments received; and

WHEREAS, the proposed Growth Policy update addresses all the statutory components of a Growth Policy found in §76-1-601 MCA to the extent acceptable to the City Council; and

WHEREAS, §76-1-604 of the Montana Code Annotated provides the process for the adoption, revision, or rejection of a growth policy by the City Council which was complied with during these proceedings.

NOW THEREFORE BE IT RESOLVED, the City Council hereby approves and adopts the 2020 City of Laurel Growth Policy with an effective date of December 24 2020.

Introduced at a regular meeting of the City Council on January 12, 2021, by Council Member \_\_\_\_\_.

PASSED and APPROVED by the City Council of the City of Laurel this 12<sup>th</sup> day of January 2021.

APPROVED by the Mayor this 12<sup>th</sup> day of January 2021.

CITY OF LAUREL

---

Thomas C. Nelson, Mayor

ATTEST:

---

Bethany Langve, Clerk-Treasurer

Approved as to form:

---

Sam S. Painter, Civil City Attorney

**File Attachments for Item:**

10. Ordinance O21-01: An Ordinance Creating A New Title 13 Entitled “Fire Prevention And Protection” And Amending And Renumbering Certain Sections Of Title 15 And 8 Of The Laurel Municipal Code Updating The City’s Fire Prevention And Protection Codes.

**ORDINANCE NO O20-\_\_**

**AN ORDINANCE CREATING A NEW TITLE 13 ENTITLED “FIRE PREVENTION AND PROTECTION” AND AMENDING AND RENUMBERING CERTAIN SECTIONS OF [TITLE]<sub>[KC1]</sub> 15 AND 8 OF THE LAUREL MUNICIPAL CODE UPDATING THE CITY’S FIRE PREVENTION AND PROTECTION CODES.**

WHEREAS, the City Council desires to keep the Laurel Municipal Code current by modifying and updating chapters, sections and subsections to address situations and problems within the City and to remain in accordance with Montana law; and

WHEREAS, the City Staff prepared the amendments below to the Laurel Municipal Code to remain consistent and in accordance with the laws of the State of Montana, and to provide a consistent searchable ordinance for citizens and members of the public; and

WHEREAS, the City Staff and the Mayor are recommending the following amendments for adoption into the existing Laurel Municipal Code as noted herein.

**NEW TITLE:** Title 13 – Fire Prevention and Protection

**Chapters:**

Chapter 13.01 – Fire Code

**Sections:**

13.01.010 - Adoption.

The City of Laurel hereby adopts by reference per MCA 7-5-4202(1) and 7-33-4208, The International Fire Code, 2012 edition as modified by the Administrative Rules of Montana (ARM) 23.12.601 (1) through (5), and 23.12.603, 23.12.605 published by the International Code Council, is adopted by reference as the Fire Code of the City of Laurel. It regulates and governs the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life and property in the occupancy of buildings and premises as herein provided; provides for the issuance of permits and collection of fees therefor; and each and all regulations, provisions, penalties, conditions, and terms of said fire code on file in the office of the Laurel City Clerk are hereby referred to, adopted, and made a part hereof, as if fully set out, with the additions, insertions, deletion and changes, if any, set by ordinance.

(Ord. No. O08-07, 7-15-08; Admin. Order AO-15-01 § 5, 2-24-2015)

13.01.020 - Updated references.

The International Fire Code, 2012 edition, as published by the International Code Council as referenced in section 13.01.010 of this chapter, may be amended by resolution or administrative order of the mayor.

(Ord. No. O08-07, 7-15-08; Admin. Order AO-15-01, § 5, 2-24-2015)

### 13.01.030 - Modifications to International Fire Code

The City of Laurel hereby adopts the following revisions to the International Fire Code manual as follows:

Section 101.1. Insert [City of Laurel, Montana]

~~Section 109.43.~~ shall read: [KC2]

Violations penalties. Persons who shall violate a provision of the code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than \$500.00 or by imprisonment not exceeding 6 months, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 111.4 Insert: [not less than \$100.00 or more than \$500.00]

Section 906.1. Delete Exception to Section 906.1, #1.

Section 906.1 shall read:

906.1. Where required. Portable fire extinguishers shall be installed in the following locations.

1. In new and existing Group A, B, E, F, H, I, M, R-1, R-2, R-4, and S occupancies.
2. Within 30 feet (9144 mm) of commercial cooking equipment.
3. In areas where flammable or combustible liquids are stored, used or dispensed.
4. On each floor of structures under construction, except Group R-3 occupancies, in accordance with ~~Section 4415.1.3315.1~~ [KC3]
5. When required by the sections indicated in Table 906.1.
6. Special-hazard areas, including but not limited to laboratories, computer rooms and generator rooms, where required by the fire code official. [KC4]

~~Add Section 907.6.545.4.~~ When required by the Fire Code Official, non-required fire alarm systems shall be monitored by an approved supervising station in accordance with NFPA 72. [KC5]

The City of Laurel hereby establishes the following geographic limits ~~are~~ referred to in the 2006 International Fire Code as follows:

~~Section 3204.3.1.1-5504.3.1.1.3~~ Location [KC6]. Stationary containers shall be located in accordance with section 3206.6. Containers of cryogenic fluids shall not be located within diked areas containing other hazardous materials.

~~Section 3404.2.9.5-15704.2.9.6.1.~~ [KC7] Locations where above-ground tanks are prohibited. Storage of Class I and II liquids in above-ground tanks outside of buildings is prohibited within the limits established by the City of Laurel.

~~Section 3406.2.4.4-5706.2.4.4.~~ [KC8][KC9] Locations where above-ground tanks are prohibited. Storage of Class I and II liquids in above-ground tanks outside buildings is prohibited within the limits established by the City of Laurel.

Section 5806.2 Limitations [KC10]. Storage of flammable cryogenic fluids in stationary containers outside of buildings is prohibited within the limits established by the City of Laurel.

~~Section 3804.26104.2.~~ [KC11] Locations where the storage of liquefied petroleum gas is restricted for the protection of heavily populated or congested areas. Storage of liquefied petroleum gas in above-ground tanks outside buildings is prohibited within the limits established by the City of Laurel.

(Ord. No. O08-07, 7-15-08)

**Editor's note**— Administrative Order, AO15-01, § 5 adopted the 2012 edition of the International Fire Code. The provisions set out in § 15.50.030 above refer to the 2006 edition of the International Fire Code.

CHAPTER 8.16 is renumbered and amended as follows:

Chapter ~~8.16~~13.02 - FIREWORKS<sup>(1)</sup>

**Sections:**

Footnotes:

--- (1) ---

**Editor's note**— Ord. No. O11-06, adopted May 17, 2011, amended Ch. 8.16 in its entirety and enacted similar provisions as set out herein. The former Ch. 8.16 derived from prior Code §§ 9.08.050 and 9.08.060; and Ord. 1006, adopted in 1991.

~~8.16~~13.02.010 - Prohibited except in certain areas.

The discharge, firing or use of firecrackers, rockets, torpedoes, Roman candles, or other fireworks or substances designed or intended for pyrotechnic display or demonstration within the city is prohibited; except as provided in this chapter. The mayor may at any time permit a public display or fireworks under such conditions as he/she may prescribe.

(Prior code § 9.08.050)

(Ord. No. O11-06, 5-17-2011)

~~8.16~~13.02.020 - Sale prohibited in city limits.

It is unlawful for any person to offer for sale, expose for sale, or sell at retail or wholesale, within the corporate limits of the city, any fireworks of any nature whatsoever.

(Ord. 1006, 1991: prior code § 9.08.060)

(Ord. No. O11-06, 5-17-2011)

~~8.16~~13.02.030 - Discharging dates and times.

1. The discharge of fireworks within the city limits of Laurel is prohibited except as follows:
  - A. July 2 from 8:00 a.m. until 11:59 p.m.;
  - B. July 3 from 8:00 a.m. until 11:59 p.m.;
  - C. July 4 from 8:00 a.m. to 12:30 a.m. on July 5; and
  - D. December 31 from 10 p.m. until 12:30 a.m. on January 1.
2. The mayor, or designee, shall determine if there are special circumstances that warrant the discharge of fireworks not provided for in this section, and authorize such use if the circumstance is community wide and of national, state and local significance.

3. Professional Fireworks Displays Using Display Fireworks. Public displays of fireworks by a licensed, bonded pyrotechnic operator are exempt from this section. Permits for any public display by a licensed bonded pyrotechnic operator from the mayor are required to conduct a public fireworks display. "Display fireworks" means an aerial shell, salute, flash shell, comet, sky battle, mine, and any similar 1.3g (display fireworks) and 1.4g (consumer fireworks) explosive as defined by ~~the U.S. Department of Transportation in Part 173, Title 49, Code of Federal Regulations.~~ CFR 49 Part 173 Subpart C.

(Ord. No. O11-06, 5-17-2011)

~~8.16~~13.02.040 - Possession illegal.

1. Possession of fireworks not allowed to be sold or discharged by the ~~state~~ State of Montana is illegal.
2. It shall be unlawful for any parent, guardian, or custodian of any child, the child being age twelve or younger, to permit or consent to the possession or discharge by the child of any fireworks as defined herein, unless that parent, guardian or custodian be in direct supervision of the child at the time of discharge. For purposes of this section "direct supervision" means the overall direction and control of an individual and requires the individual furnishing direct supervision to be present and immediately available to furnish assistance while he or she is in possession of or is discharging any and all fireworks. Direct supervision also requires the individual directly supervising to control the application of flame or other means of discharge of the firework and must be no greater than 10 feet away from the individual being directly supervised at time of the firework's discharge.

(Ord. No. O11-06, 5-17-2011)

~~8.16~~13.02.050 - Permissible fireworks.

Shall be the same as those authorized by the State of Montana.

(Ord. No. O11-06, 5-17-2011)

~~8.16~~13.02.060 - Littering illegal.

It shall be illegal for anyone to leave debris from discharged fireworks on any public place including, but not limited to, parks, sidewalks, streets, and alleys, or on private property not owned by the individual discharging the fireworks.

(Ord. No. O11-06, 5-17-2011)

~~8.16~~13.02.070 - Enforcement.

1. City police officers shall enforce this chapter.
2. Any police officer charged with enforcing this chapter may;
  - A. Issue a notice to appear to Laurel City Court for violations of this chapter; and/or
  - B. Seize fireworks that are offered for sale, sold, or in the possession of any individual in violation of this chapter.
3. Any person who violates these rules and regulations shall be guilty of a misdemeanor and subject to the following fines:
  - o 1st offense—Two hundred fifty dollars;

- 2nd offense—Three hundred fifty dollars;
- 3rd offense and higher—Five hundred dollars.

(Ord. No. O11-06, 5-17-2011)

~~8.16~~13.02.080 - Fireworks prohibited on all city or public property.

Fireworks may not be discharged in or on any park, city, or public property.

(Ord. No. O11-06, 5-17-2011)

CHAPTER 8.20 is renumbered and amended as follows:

Chapter ~~8.20~~13.03 - MISCELLANEOUS FIRE PROTECTION REGULATIONS<sup>[2]</sup>

**Sections:**

Footnotes:

--- (2) ---

**Editor's note**— Ord. No. O10-03, adopted Aug. 17, 2010, amended Ch. 8.20 in its entirety and enacted similar provisions as set out herein. The former Ch. 8.20 derived from Ord. 926, adopted in 1987; and prior code §:s 9.08.010 and 9.08.020.

~~8.20~~13.03.010 - Bonfires prohibited.

- A. Except as provided hereinbelow, no person shall build, kindle, ignite, maintain, or allow any bonfire, rubbish fire, or any other open fire on any property within the city limits of the city.
- B. The city fire chief may allow a special permit to a public agency to ignite and maintain a recreational-type bonfire only, within city limits. The agency shall first apply to the fire chief for such permit pursuant to Section 105.6.30 of the International Fire Code which is adopted by the city. <sup>[KC12]</sup>As a condition of granting the permit, the fire chief may require that the city fire department shall stand by, at and during the recreational bonfire for which the permit is granted. The permit holder shall abide by all provisions and stipulations on the permit and obtain a Yellowstone County Open Burning Permit.
- C. The city fire chief may allow an open burning permit for agricultural purposes to any person(s) requesting such. The permit holder shall abide by all provisions and stipulations on the permit and have obtained a Yellowstone County open burning permit.
- D. Approved or purchased outdoor fireplaces may be used per manufacturers' specifications and in accordance with Section 307 of the International Fire Code as adopted by the city. No pit fires shall be allowed. Under the provision of MCA 50-63-103, you are liable for any and all fire suppression costs and damages resulting from an escaped or uncontrollable fire. Items prohibited to burn ~~can be found attached to ordinance.~~ <sup>[KC13]</sup> are listed through the Yellowstone County DES.
- E. The city council may from time to time by resolution, establish or change a fee to be paid to the city by the applicant, at the time of application for a special bonfire permit.

(Ord. No. 10-03, 8-17-2010)



~~8-2013.03.020~~ - Careless conduct in smoking.

- A. Any person who, by reason of careless, willful or wanton conduct in smoking, or in the use of lighters or matches for smoking, sets fire to any bedding, carpet, curtains, drapes, furniture, household equipment or other goods or chattels or to any building, shall be fined in accordance with the penalties provided in Section 1.36 of the Laurel Municipal Code, or prosecuted under any other appropriate law.
- B. "Careless conduct in smoking" includes, as used herein, any of the following acts, commissions, or omissions: permitting a spark from a lighted cigar, cigarette or pipe to fall upon or into anything flammable; placing any lighted smoking material on or about or in close proximity to any flammable article; falling asleep with lighted smoking material of any kind at hand; throwing lighted smoking material out of a window or into an elevator pit or elsewhere other than in a proper receptacle therefor; dropping a lighted cigarette or cigar or part thereof into a mail chute in any building; failure to extinguish the fire of a match or any kind of lighter device after use of the same; failure to destroy the lighted part of a cigar or cigarette when disposing of it; failure to destroy the burning smidgen or smidgens of tobacco from a pipe when cleaning or unloading a pipe.
- C. A plainly printed notice of the provisions of this section shall be posted in a conspicuous place in every sleeping room of every hotel, rooming house, tourist home, tourist court or other place renting rooms for the accommodation of the public. Such notice shall be posted by the owner, proprietor, or managing agent of such establishment.

(Ord. No. 10-03, 8-17-2010)

This Ordinance shall become effective thirty (30) days after final passage by the City Council and approved by the Mayor.

Introduced and passed on first reading at a regular meeting of the City Council on \_\_\_\_\_, 2020, by Council Member \_\_\_\_\_.

PASSED and ADOPTED by the Laurel City Council on second reading this \_\_\_ day of \_\_\_\_\_, 2020, upon motion of Council Member \_\_\_\_\_.

APPROVED BY THE MAYOR this \_\_\_ day of \_\_\_\_\_, 2020.

CITY OF LAUREL

\_\_\_\_\_  
Thomas C. Nelson, Mayor

ATTEST:

\_\_\_\_\_  
Bethany Langve, Clerk-Treasurer

APPROVED AS TO FORM:

\_\_\_\_\_  
Sam Painter, Civil City Attorney

## ORDINANCE NO 021-01

### AN ORDINANCE CREATING A NEW TITLE 13 ENTITLED “FIRE PREVENTION AND PROTECTION” AND AMENDING AND RENUMBERING CERTAIN SECTIONS OF TITLE 15 AND 8 OF THE LAUREL MUNICIPAL CODE UPDATING THE CITY’S FIRE PREVENTION AND PROTECTION CODES.

WHEREAS, the City Council desires to keep the Laurel Municipal Code current by modifying and updating chapters, sections and subsections to address situations and problems within the City and to remain in accordance with Montana law; and

WHEREAS, the City Staff prepared the amendments below to the Laurel Municipal Code to remain consistent and in accordance with the laws of the State of Montana, and to provide a consistent searchable ordinance for citizens and members of the public; and

WHEREAS, the City Staff and the Mayor are recommending the following amendments for adoption into the existing Laurel Municipal Code as noted herein.

**NEW TITLE:** Title 13 – Fire Prevention and Protection

**Chapters:**

Chapter 13.01 – Fire Code

**Sections:**

13.01.010 - Adoption.

The City of Laurel hereby adopts by reference per MCA 7-5-4202(1) and 7-33-4208, The International Fire Code, 2012 edition as modified by the Administrative Rules of Montana (ARM) 23.12.601 (1) through (5), and 23.12.603, 23.12.605 published by the International Code Council, is adopted by reference as the Fire Code of the City of Laurel. It regulates and governs the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life and property in the occupancy of buildings and premises as herein provided; provides for the issuance of permits and collection of fees therefor; and each and all regulations, provisions, penalties, conditions, and terms of said fire code on file in the office of the Laurel City Clerk are hereby referred to, adopted, and made a part hereof, as if fully set out, with the additions, insertions, deletion and changes, if any, set by ordinance.

(Ord. No. 008-07, 7-15-08; Admin. Order AO-15-01 § 5, 2-24-2015)

13.01.020 - Updated references.

The International Fire Code, 2012 edition, as published by the International Code Council as referenced in section 13.01.010 of this chapter, may be amended by resolution or administrative order of the mayor.

(Ord. No. 008-07, 7-15-08; Admin. Order AO-15-01, § 5, 2-24-2015)

### 13.01.030 - Modifications to International Fire Code

The City of Laurel hereby adopts the following revisions to the International Fire Code manual as follows:

Section 101.1. Insert [City of Laurel, Montana]

Section 109.43. shall read:

Violations penalties. Persons who shall violate a provision of the code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than \$500.00 or by imprisonment not exceeding 6 months, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 111.4 Insert: [not less than \$100.00 or more than \$500.00]

Section 906.1. Delete Exception to Section 906.1, #1.

Section 906.1 shall read:

906.1. Where required. Portable fire extinguishers shall be installed in the following locations.

1. In new and existing Group A, B, E, F, H, I, M, R-1, R-2, R-4, and S occupancies.
2. Within 30 feet (9144 mm) of commercial cooking equipment.
3. In areas where flammable or combustible liquids are stored, used or dispensed.
4. On each floor of structures under construction, except Group R-3 occupancies, in accordance with Section ~~4445.4.3315.1~~
5. When required by the sections indicated in Table 906.1.
6. Special-hazard areas, including but not limited to laboratories, computer rooms and generator rooms, where required by the fire code official.

Add Section 907.6.545.4. When required by the Fire Code Official, non-required fire alarm systems shall be monitored by an approved supervising station in accordance with NFPA 72.

The City of Laurel hereby establishes the following geographic limits ~~are~~ referred to in the 2006 International Fire Code as follows:

Section ~~3204.3.1.1-5504.3.1.1.3~~ Location. Stationary containers shall be located in accordance with section 3206.6. Containers of cryogenic fluids shall not be located within diked areas containing other hazardous materials.

Section ~~3404.2.9.5-15704.2.9.6.1~~. Locations where above-ground tanks are prohibited. Storage of Class I and II liquids in above-ground tanks outside of buildings is prohibited within the limits established by the City of Laurel.

Section ~~3406.2.4.45706.2.4.4~~. Locations where above-ground tanks are prohibited. Storage of Class I and II liquids in above-ground tanks outside buildings is prohibited within the limits established by the City of Laurel.

Section 5806.2 Limitations. Storage of flammable cryogenic fluids in stationary containers outside of buildings is prohibited within the limits established by the City of Laurel.

Section ~~3804.26104.2~~. Locations where the storage of liquefied petroleum gas is restricted for the protection of heavily populated or congested areas. Storage of liquefied petroleum gas in above-ground tanks outside buildings is prohibited within the limits established by the City of Laurel.

(Ord. No. O08-07, 7-15-08)

**Editor's note**— Administrative Order, AO15-01, § 5 adopted the 2012 edition of the International Fire Code. The provisions set out in § 15.50.030 above refer to the 2006 edition of the International Fire Code.

CHAPTER 8.16 is renumbered and amended as follows:

Chapter ~~8.16~~13.02 - FIREWORKS<sup>(1)</sup>

**Sections:**

Footnotes:

--- (1) ---

**Editor's note**— Ord. No. O11-06, adopted May 17, 2011, amended Ch. 8.16 in its entirety and enacted similar provisions as set out herein. The former Ch. 8.16 derived from prior Code §§ 9.08.050 and 9.08.060; and Ord. 1006, adopted in 1991.

~~8.16~~13.02.010 - Prohibited except in certain areas.

The discharge, firing or use of firecrackers, rockets, torpedoes, Roman candles, or other fireworks or substances designed or intended for pyrotechnic display or demonstration within the city is prohibited; except as provided in this chapter. The mayor may at any time permit a public display or fireworks under such conditions as he/she may prescribe.

(Prior code § 9.08.050)

(Ord. No. O11-06, 5-17-2011)

~~8.16~~13.02.020 - Sale prohibited in city limits.

It is unlawful for any person to offer for sale, expose for sale, or sell at retail or wholesale, within the corporate limits of the city, any fireworks of any nature whatsoever.

(Ord. 1006, 1991: prior code § 9.08.060)

(Ord. No. O11-06, 5-17-2011)

~~8.16~~13.02.030 - Discharging dates and times.

1. The discharge of fireworks within the city limits of Laurel is prohibited except as follows:
  - A. July 2 from 8:00 a.m. until 11:59 p.m.;
  - B. July 3 from 8:00 a.m. until 11:59 p.m.;
  - C. July 4 from 8:00 a.m. to 12:30 a.m. on July 5; and
  - D. December 31 from 10 p.m. until 12:30 a.m. on January 1.
2. The mayor, or designee, shall determine if there are special circumstances that warrant the discharge of fireworks not provided for in this section, and authorize such use if the circumstance is community wide and of national, state and local significance.

3. Professional Fireworks Displays Using Display Fireworks. Public displays of fireworks by a licensed, bonded pyrotechnic operator are exempt from this section. Permits for any public display by a licensed bonded pyrotechnic operator from the mayor are required to conduct a public fireworks display. "Display fireworks" means an aerial shell, salute, flash shell, comet, sky battle, mine, and any similar 1.3g (display fireworks) and 1.4g (consumer fireworks) explosive as defined by ~~the U.S. Department of Transportation in Part 173, Title 49, Code of Federal Regulations.~~ CFR 49 Part 173 Subpart C.

(Ord. No. O11-06, 5-17-2011)

~~8.16~~13.02.040 - Possession illegal.

1. Possession of fireworks not allowed to be sold or discharged by the ~~state~~ State of Montana is illegal.
2. It shall be unlawful for any parent, guardian, or custodian of any child, the child being age twelve or younger, to permit or consent to the possession or discharge by the child of any fireworks as defined herein, unless that parent, guardian or custodian be in direct supervision of the child at the time of discharge. For purposes of this section "direct supervision" means the overall direction and control of an individual and requires the individual furnishing direct supervision to be present and immediately available to furnish assistance while he or she is in possession of or is discharging any and all fireworks. Direct supervision also requires the individual directly supervising to control the application of flame or other means of discharge of the firework and must be no greater than 10 feet away from the individual being directly supervised at time of the firework's discharge.

(Ord. No. O11-06, 5-17-2011)

~~8.16~~13.02.050 - Permissible fireworks.

Shall be the same as those authorized by the State of Montana.

(Ord. No. O11-06, 5-17-2011)

~~8.16~~13.02.060 - Littering illegal.

It shall be illegal for anyone to leave debris from discharged fireworks on any public place including, but not limited to, parks, sidewalks, streets, and alleys, or on private property not owned by the individual discharging the fireworks.

(Ord. No. O11-06, 5-17-2011)

~~8.16~~13.02.070 - Enforcement.

1. City police officers shall enforce this chapter.
2. Any police officer charged with enforcing this chapter may;
  - A. Issue a notice to appear to Laurel City Court for violations of this chapter; and/or
  - B. Seize fireworks that are offered for sale, sold, or in the possession of any individual in violation of this chapter.
3. Any person who violates these rules and regulations shall be guilty of a misdemeanor and subject to the following fines:
  - 1st offense—Two hundred fifty dollars;

- 2nd offense—Three hundred fifty dollars;
- 3rd offense and higher—Five hundred dollars.

(Ord. No. O11-06, 5-17-2011)

~~8.16~~13.02.080 - Fireworks prohibited on all city or public property.

Fireworks may not be discharged in or on any park, city, or public property.

(Ord. No. O11-06, 5-17-2011)

CHAPTER 8.20 is renumbered and amended as follows:

Chapter ~~8.20~~13.03 - MISCELLANEOUS FIRE PROTECTION REGULATIONS<sup>21</sup>

**Sections:**

Footnotes:

--- (2) ---

**Editor's note**— Ord. No. O10-03, adopted Aug. 17, 2010, amended Ch. 8.20 in its entirety and enacted similar provisions as set out herein. The former Ch. 8.20 derived from Ord. 926, adopted in 1987; and prior code §:s 9.08.010 and 9.08.020.

~~8.20~~13.03.010 - Bonfires prohibited.

- A. Except as provided hereinbelow, no person shall build, kindle, ignite, maintain, or allow any bonfire, rubbish fire, or any other open fire on any property within the city limits of the city.
- B. The city fire chief may allow a special permit to a public agency to ignite and maintain a recreational-type bonfire only, within city limits. The agency shall first apply to the fire chief for such permit pursuant to ~~Section 105.6.30 of the International Fire Code which is adopted by the city.~~ As a condition of granting the permit, the fire chief may require that the city fire department shall stand by, at and during the recreational bonfire for which the permit is granted. The permit holder shall abide by all provisions and stipulations on the permit and obtain a Yellowstone County Open Burning Permit.
- C. The city fire chief may allow an open burning permit for agricultural purposes to any person(s) requesting such. The permit holder shall abide by all provisions and stipulations on the permit and have obtained a Yellowstone County open burning permit.
- D. Approved or purchased outdoor fireplaces may be used per manufacturers' specifications and in accordance with Section 307 of the International Fire Code as adopted by the city. No pit fires shall be allowed. Under the provision of MCA 50-63-103, you are liable for any and all fire suppression costs and damages resulting from an escaped or uncontrollable fire. ~~Items prohibited to burn can be found attached to ordinance.~~ are listed through the Yellowstone County DES.
- E. The city council may from time to time by resolution, establish or change a fee to be paid to the city by the applicant, at the time of application for a special bonfire permit.

(Ord. No. 10-03, 8-17-2010)

~~8-2013.03.020~~ - Careless conduct in smoking.

- A. Any person who, by reason of careless, willful or wanton conduct in smoking, or in the use of lighters or matches for smoking, sets fire to any bedding, carpet, curtains, drapes, furniture, household equipment or other goods or chattels or to any building, shall be fined in accordance with the penalties provided in Section 1.36 of the Laurel Municipal Code, or prosecuted under any other appropriate law.
- B. "Careless conduct in smoking" includes, as used herein, any of the following acts, commissions, or omissions: permitting a spark from a lighted cigar, cigarette or pipe to fall upon or into anything flammable; placing any lighted smoking material on or about or in close proximity to any flammable article; falling asleep with lighted smoking material of any kind at hand; throwing lighted smoking material out of a window or into an elevator pit or elsewhere other than in a proper receptacle therefor; dropping a lighted cigarette or cigar or part thereof into a mail chute in any building; failure to extinguish the fire of a match or any kind of lighter device after use of the same; failure to destroy the lighted part of a cigar or cigarette when disposing of it; failure to destroy the burning smidgen or smidgens of tobacco from a pipe when cleaning or unloading a pipe.
- C. A plainly printed notice of the provisions of this section shall be posted in a conspicuous place in every sleeping room of every hotel, rooming house, tourist home, tourist court or other place renting rooms for the accommodation of the public. Such notice shall be posted by the owner, proprietor, or managing agent of such establishment.

(Ord. No. 10-03, 8-17-2010)

This Ordinance shall become effective thirty (30) days after final passage by the City Council and approved by the Mayor.

Introduced and passed on first reading at a regular meeting of the City Council on January 12, 2021, by Council Member \_\_\_\_\_.

PASSED and ADOPTED by the Laurel City Council on second reading this \_\_\_ day of \_\_\_\_\_, 2020, upon motion of Council Member \_\_\_\_\_.

APPROVED BY THE MAYOR this \_\_\_ day of \_\_\_\_\_, 2020.

CITY OF LAUREL

\_\_\_\_\_  
Thomas C. Nelson, Mayor

ATTEST:

\_\_\_\_\_  
Bethany Langve, Clerk-Treasurer

APPROVED AS TO FORM:

\_\_\_\_\_  
Sam Painter, Civil City Attorney