

ORDINANCE NUMBER 168

AN ORDINANCE PROVIDING FOR THE FIRE LIMITS OF THE CITY OF POLSIN, AND THE CONSTRUCTION, REPAIR, REMOVAL AND EQUIPMENT OF BUILDINGS THEREIN, AND PERMITS THEREFOR: DESIGNATING THE OFFICIAL FOR THE ENFORCEMENT THEREOF, AND PROVIDING PENALTIES FOR THE VIOLATION OF THE PROVISIONS THEREOF: AND REPEALING ORDINANCE NUMBER 164, AND ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

Be it ordained by the City Council of the City of Polson, as follows:

Section 1. -- FIRE DISTRICTS. The following shall be and are hereby declared to be the fire districts; The inner fire district of the City of Polson shall be that portion bounded and described as follows, to-wit:

Beginning at a point on the Meander line of Flathead Lake at a point where the West side of Fourth Street intersects the same on the North; thence South to E street; thence West to a point on the said street forty(40) feet West of the Alley on the South side of Block Twenty (20); thence North to a point on B street forty (40) feet west of the alley in Block Eleven (11); thence North to the south side of Block four (4); thence West to the Meander line of Flathead Lake; thence following the Meander line of said Flathead Lake in a North-easterly direction to the point of beginning.

The outer fire district of the City of Polson shall include all that portion of the City of Polson not contained within the inner fire district.

Section 2. PERMIT REQUIRED. No wall, structure, building or part thereof, shall hereafter be built, enlarged, or altered, until a plan of the proposed work, together with a statement of the materials to be used, shall have been submitted in duplicate to the Building Inspector, or other designated officer, who shall, if in accordance with the provisions herein contained, issue a permit for the proposed construction. Structures hereafter erected without a permit, or not in conformity with this ordinance, shall be removed. No building shall be moved until a permit has been obtained from the Building Inspector, or other designated official; and such official shall not issue such permit if in his judgment the proposed new location of the building would seriously increase the fire hazard of the surrounding buildings.

Each building permit shall recite this section.

Section 3. ^{inner} INCOMBUSTIBLE WALLS, CORNICES AND ROOFS REQUIRED within fire limits. Every building hereafter erected or enlarged within the inner fire limits shall be enclosed on all sides with walls constructed wholly of stone, brick, hollow building tile, concrete, or other equivalent incombustible materials provided, however, that it shall be permissible to erect or enlarge frame buildings provided the inside walls are covered with metal, lath and plaster and the outside walls covered with sheeting, a good quality of moisture resisting paper, metal lath or wire covered with stucco of at least one (1) inch in thickness and provided further that all outside and partition walls shall contain one (1) row of horizontal bridging of at least two inch thickness, the full width or thickness of studding, placed approximately four (4) feet apart, starting at the floor line and in no case to exceed five feet apart. Where plates are not used on top of studding then one row of similar horizontal bridging shall be placed at lower edge of ceiling joists.

All roofing shall be covered with a built up roof of at least five ply of good quality felt roofing paper, with pitch or tar wiped between each layer and covered on top with pitch or tar and a coat of fine gravel spread while tar or pitch is soft.

No over-hanging cornice shall exceed six inches overhang and cornice coping and sides of all roof structures shall be constructed of incombustible and fire resisting material.

All metal eye beams shall be capable of carrying fifty (50) per cent more weight than is actually placed on them.

All buildings erected or enlarged in inner fire district shall have an inside toilet and a water drain in the basement.

Section 4. PERMISSIBLE WODEN STRUCTURES WITHIN FIRE LIMITS. No frame or woden structure shall hereafter be built within the inner fire districts as given herein, or as they may be hereafter established, except as provided in Section three (3) and except the following: and all roofs placed upon such buildings or structures shall have an incombustible covering:

- (a) Temporary one-story frame buildings for use of builders.
- (b) One-story sheds not over 15 feet high, open on the long side with sides covered with incombustible material, and with an area not exceeding 500 square feet. A wooden fence shall not be used to form the back or side of such sheds.
- (c) Wooden fences not over 10 feet high.
- (d) Piazzas or balconies not exceeding 10 feet in width, nor extending more than 3 feet above the second-story floor beams. No such structure shall extend beyond the lot line, or be joined to any similar structure of another building.
- (e) Bay windows when covered with incombustible material.
- (f) Small outhouses not exceeding 250 square feet in area and 8 feet in height. Wooden sheds or outhouses shall not be located within 5 feet of any lot line, nor less than 30 feet from any other building over one story high.
- (g) Grain elevators, coal pockets, or ice houses, as usually constructed. No frame building shall be moved from without to within the inner fire districts.

Section 5. REPAIRING FRAME BUILDINGS WITHIN FIRE DISTRICTS. Any existing frame building within the inner fire districts, which have been or may hereafter be damaged by fire, decay or otherwise to an amount greater than one-half of its present value, exclusive of the foundation, shall not be repaired or rebuilt, but shall be removed.

Section 6. DAMAGED BUILDINGS -- ARBITRATION. Whenever any frame building within the inner fire limits shall have become damaged by fire or decay the extent of which, in the judgment of the inspector of buildings exceeds fifty per cent of the value of the building, if the owner of such building objects to the conclusion arrived at by the inspector, he or they may file with the inspector a petition asking for the appointment of arbitrators to determine the question of damages, or, if the inspector of buildings should conclude that the damage is less than fifty per cent, then and in that case, the owners of adjacent property to such damaged building may claim an arbitration to ascertain the damage to such building. In either case the party asking for arbitration shall pay fifteen dollars to the inspector on his filing his petition,

which shall be in full of cost of such arbitration. The arbitrators to consist of three disinterested persons, one to be chosen by the inspector and one by the party filing the petition and the two thus chosen shall select the third, and the decision of a majority of the person thus selected shall be final and conclusive.

Section 7. SAME--OATH OF ARBITRATION. The arbitrators selected to ascertain such extent of damages, before entering upon their work shall take and subscribe an oath before any officer authorized to administer oaths, that they will make a thorough examination of the premises damaged as aforesaid, and make just and true report as to the amount and extent of such damages, the report to be signed in duplicate, the original to be handed to the inspector of buildings, the duplicate to be given to the owner of the building in question.

Section 8 SAME--BUILDINGS CONDEMNED, WHEN. Whenever such building shall be adjudged by such arbitrators to have been damaged by fire or decay to the extent of fifty per cent of its value, such building shall be condemned by the inspector of buildings, and it shall be unlawful, as aforesaid, to repair the same.

Section 9. SAME--OWNER MUST OBJECT WITHIN FIVE DAYS. Whenever the owner, agent or occupant, shall refuse or neglect after five days' notice to petition for such arbitration, it shall be lawful for the inspector of buildings to declare such premises, as set forth in such notice as having, in his judgment, been damaged by fire or decay to the extent of fifty per cent of its value.

Section 10. WALLS AND FOOTINGS. All exterior or division walls of buildings hereafter erected of masonry or concrete shall be of sufficient thickness to support safely the load to be carried.

All footings for buildings of masonry or concrete shall be at least twelve inches thick and twenty-four inches in width of re-inforced concrete for one story buildings and in buildings of more than one story such footing shall be at least six inches wider. Walls, excepting party and fire walls, for all buildings of other than the dwelling house class, not exceeding five stories or 65 feet in height, shall have the upper two stories not less than 12 inches thick, increasing 4 inches in thickness for each two stories or fraction thereof below. For such buildings in excess of five stories but not exceeding ten stories or 125 feet in height, the top story shall not be less than 12 inches thick, increasing 4 inches in thickness for each two stores or fraction thereof below. No two story increment shall exceed 30 feet in height.

Walls in skeleton construction shall be supported by girders at each story, and shall be not less than 12 inches thick, except that solid concrete may be 8 inches thick.

In all buildings, except dwellings, frame buildings, and skeleton construction, party walls and fire walls which serve as bearing walls on both sides, shall be not less than 16 inches thick in the upper two stories or upper 30 feet, increasing 4 inches in thickness for each two stories or fraction thereof below. All other fire walls shall not be less than 16 inches thick in the upper four stories or upper 50 feet, increasing 4 inches in thickness for each two stories or fraction thereof below. No two-story increment shall exceed 30 feet in height.

Reinforced concrete walls, with the steel reinforcement running both horizontally and vertically and weighing not less than one-half pound per square foot of wall, may have a thickness 4 inches less than that prescribed for brick walls.

Rubble stone walls shall be 4 inches thicker than required for brick walls.

The foundation walls of all buildings over two stories in height, except as above provided, shall be 4 inches thicker from footing to grade than required for the remainder of the wall.

All exterior, and division or party walls over one story high, shall extend the full thickness of top story to at least 2 feet above the roof surfacing of a building as a parapet and be properly coped, excepting walls which face on a street and are finished with incombustible cornices, gutters or down mouldings; excepting also the walls of detached dwellings with peaked or hipped roofs. The parapet walls of warehouses and all manufacturing or commercial buildings shall extend 3 feet above the roof.

Fire walls shall be continuous from foundation to 3 feet above roof level and shall be coped.

Portland cement only shall be used in the manufacture of concrete blocks. The coarse aggregate shall be of suitable material graded in size, but in no case shall the maximum dimension exceed one-fourth the minimum width of any section of the finished block. Concrete blocks shall not be used in construction until they have attained the age of 28 days, or developed the strength required in this section.

All walls and partitions in schools, hospitals and places of public assemblage, over one story high, and all walls and partitions in theatres, shall hereafter be built of brick, stone, concrete, hollow or solid blocks, or metal lath and Portland cement plaster on metal studding, or other equivalent incombustible construction.

The mortar used for all 8 inch walls, fire walls, foundation walls, walls for skeleton construction, and all walls built of hollow building tile or concrete blocks, shall be either Portland cement, mortar, or cement-lime mortar, the latter in proportions not leaner than 1 part Portland cement, 1 part lime, and 6 parts sand by volume.

Section 11. CONCRETE CONSTRUCTION. Concrete for reinforced concrete construction shall consist of a medium wet mixture of one part of Portland cement to not more than six parts of aggregate, fine or coarse, in such proportions as to produce the greatest density.

The quality of the materials, the design, and the construction shall conform to the "Standard Specifications for Concrete and Reinforced Concrete" promulgated by the Joint Committee.

Section 12. PROTECTION OF ENDS OF WOODEN BEAMS. The ends of all floor, ceiling, or roof beams entering a party or fire wall from opposite sides, shall be separated by at least 6 inches of solid masonry. Such separation may be obtained by corbeling the wall, or staggering the beams, or the beams may be supported by steel wall hangers, but no wall shall be corbeled more than 2 inches for this purpose. The ends of all wooden beams which enter walls, shall be cut to a bevel to make them self-releasing.

Section 13. ROOF OPENINGS. All openings in roofs for the admission of light or air, shall have incombustible frames and sash glassed with wired glass or ordinary glass may be used if protected above and below by galvanized steel wire screens with a mesh not exceeding one inch, and the wire not smaller than No. 12 gauge.

Section 14. FRAME BUILDINGS. No frame building here-
- after erected or altered shall exceed two stories or 30 feet
in height, except that private dwellings may be three stories
or 35 feet high.

In no case shall a frame building be erected within 5
feet of the side or rear lot line, nor within 10 feet of another
building unless the space between the studs on such side be
filled solidly with not less than 2½ inches of brickwork or
other equivalent incombustible material.

Buildings with wooden framework clad with sheet metal
or stucco or veneered with brick, shall be classed as frame
buildings.

Outside the inner fire-districts, when any building is
to be erected of brick, stone hollow block, or concrete, that
might under this ordinance be constructed of wood, the Building
Inspector, or other designated official is hereby authorized
and directed to allow reasonable modifications of this ordinance
relating to brick buildings, in consideration of the use of
incombustible material instead of wood.

Section 15. ELECTRICAL INSTALLATIONS. All electrical
installations shall conform to the requirements of the Nat-
ional Electrical Code.

Section 16. CHIMNEYS. The smoke flue of every
high pressure steam boiler, and every appliance producing a
corresponding temperature in a flue, if built of brick, stone,
reinforced concrete or other approved masonry, shall have walls
not less than 12 inches thick, and the inside 4 inches of
such walls shall be fire brick, laid in fire clay mortar, for
a distance of at least 25 feet from the point where the smoke
connection of the boiler enters the flue.

Metal smokestacks may be permitted for boilers,
furnaces and similar apparatus where large hot fires are used,
provided they have a clearance from all combustible material of
not less than one-half of the diameter of the stack, but not
less than 15 inches unless the combustible material be properly
guarded by loose-fitting metal shields, in which case the distance
shall be not less than 12 inches. Where such stack passes
through a combustible roof, it shall be guarded by a galvanized
iron ventilating thimble extending from at least 9 inches below
the under side of the ceiling or roof beams. to at least 9
inches above the roof, and the diameter of the ventilating
thimble shall be not less than 36 inches greater than that of
the smokestack. Metal smokestacks shall not be permitted to
pass through floors.

Section 17. CHIMNEYS FOR LOW TEMPERATURE APPLIANCES.
All chimneys which form a part of a building construction, and
not used for high pressure boilers, or other furnaces where
high temperatures are maintained, shall be constructed in
accordance with the requirements of the "Standard Ordinance for
Chimney Construction" issued by the National Board of Fire
Underwriters.

Section 18. SMOKE PIPES. No smoke pipe shall be
within 12 inches of any wood work, or any wooden lath and
plaster partition, or ceiling, unless the surface above the
pipe be protected by metal lath and plaster.

Where smoke pipes pass through a wooden lath and
plaster partition, they shall be guarded by galvanized iron
ventilated thimbles at least 12 inches larger in diameter than
the pipes, or by galvanized iron thimbles built in at least
8 inches of brickwork or other incombustible material.

No smoke pipe shall pass through any floor, or a
roof having wooden framework or covering.

Section 19. STOVES AND RANGES. No kitchen range or stove in any building shall be placed less than 3 feet from any woodwork or wooden lath and plaster partition, unless the woodwork or partition is properly protected by metal shields; in which case the distance shall be not less than 18 inches. Metal shields shall be loosely attached, thus preserving an air space behind them.

Hotel and restaurant ranges shall be provided with a metal hood, placed at least 9 inches below any wooden lath and plaster or wooden ceiling, and have an individual pipe outlet connected to a good brick flue. The pipe shall be protected by at least 1 inch of asbestos covering, or its equivalent.

Combustible floors under coal ranges and similar appliances without legs, in which hot fires are maintained, shall rest upon 6-inch foundations built of incombustible materials supported within the thickness of the floor framing. Such hearths shall extend at least 24 inches in front and 12 inches on the sides and back of the range or similar heating appliance.

All coal stoves or ranges, with legs, shall be set on incombustible material which shall extend at least 12 inches in front.

Section 20. HEATING FURNACES AND APPLIANCES. Any woodwork, wooden lath and plaster partition or ceiling within 4 feet of the sides or back, or 6 feet from the front of any heating boiler, furnace, bakery oven, coffee roaster, fire-heated candy kettle, laundry stove or other similar appliance, shall be covered with metal to a height of at least 4 feet above the floor. This covering shall extend the full length of the boiler, furnace, or heating appliance, and at least 5 feet in front of it. Metal shields shall be loosely attached, thus preserving an air space behind them. In no case shall such combustible construction be permitted within 2 feet of the sides or back of the heating appliances, or 5 feet in front of same.

No furnace, boiler, range, or other heating appliance, shall be placed against a wall furred with wood.

Heating boilers shall be encased on sides and top by an incombustible protective covering not less than $1\frac{1}{2}$ inches thick.

Section 21. DUTIES OF ENFORCING OFFICER. The Building Inspector, or other designated official, is hereby authorized and empowered:

First: In addition to the authority given him by other ordinances, to enforce all ordinances relating to the construction, equipment, management, repair and condition of all property within the said City of Polson.

Second: To supervise the construction or reconstruction of all buildings.

Third: To report monthly to the Mayor or City Council regarding the condition of the city on all matters pertaining to fire prevention.

Section 22. PENALTY FOR VIOLATIONS. Any and all persons who shall violate any of the provisions of this ordinance or fail to comply therewith, or who shall violate or fail to comply with any order or regulation made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, shall severally for each and every such violation and non-compliance respectively, forfeit and pay a penalty in the sum of twenty-five dollars. The imposition of one penalty for any violation of this ordinance shall not excuse the violation, or permit it to continue; and all such persons shall be required to correct

or remedy such violations or defects within a reasonable time, and when not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offence.

The applications of the above penalty shall not be held to prevent the enforced removal of prohibited conditions, as provided in section 2 of this ordinance.

Section 23. Wherever the words "Inner Fire District" and "Inner Fire Limits" appear in this ordinance, they are intended to cover the same area; and wherever the words "Outer Fire District" and "Outer Fire Limits" are found herein, they are intended to cover the same area.

Section 24. CONFLICTING ORDINANCES REPEALED. Ordinance number 164 and all ordinances and parts of ordinances inconsistent herewith are hereby repealed.

Section 25. DATE OF EFFECT. That whereas an emergency exists and it is immediately necessary for the preservation of the peace, health and public safety of the inhabitants of the City of Polson, this ordinance shall be in full force and effect from and after its passage and approval according to law.

Passed by the City Council and approved by the Mayor this sixth day of February, 1933.

B. Joe Wilson

Mayor

ATTEST:

R. B. Davidson

City Clerk

AFFIDAVIT OF POSTING

STATE OF MONTANA,)
COUNTY OF LAKE,) ss.

R. B. Davidson, being first duly sworn deposes and says: That he is the City Clerk of the City of Polson, Montana; that on the 14th day of February 1933, in accordance with an ordinance of said City requiring copies of all Ordinances and Resolutions to be posted, he posted copies of Ordinance No. 168 in three of the most public places in said city of Polson, Montana. That all of said copies were, full, true and correct copies of Ordinance No. 168 and of the whole thereof.

R. B. Davidson

Subscribed and sworn to before me this 14 day of Feb. 1933.

Lloyd I. Wallace
Notary Public for the State of
Mont. Residing at Polson, Mont.
My Commission expires Aug. 1st, 1934