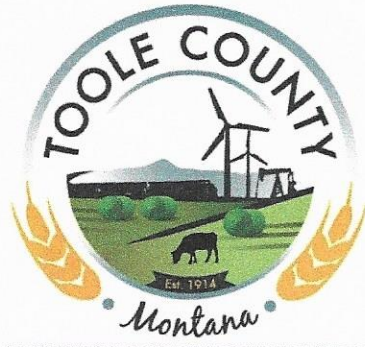


*Mary Ann Harwood* - Commission Chair  
*Don Hartwell* - Commissioner  
*Terry Tomscheck* - Commissioner  
*Merle Raph* - County Attorney  
*Dan B. Whitted* - Coroner  
*Donna Whitt* - Sheriff



*Debra Munson* - Clerk of Court  
*Treva Nelson* - Clerk & Recorder/  
Election Administrator  
*Joe Rapkoch* - Justice of the Peace  
*Boyd Jackson* - Treasurer/Assessor/  
Superintendent of Schools  
*Phyllis Robertson* - Public Administrator

226 1<sup>ST</sup> Street South  
Toole County Courthouse, Shelby, MT 59474  
406-424-8300 www.toolecountymt.gov

## COMMISSIONERS' AGENDA

June 23, 2022

10:00 am

Present: Mary Ann Harwood, Don Hartwell, Terry Tomscheck and Clerk & Recorder Treva Nelson

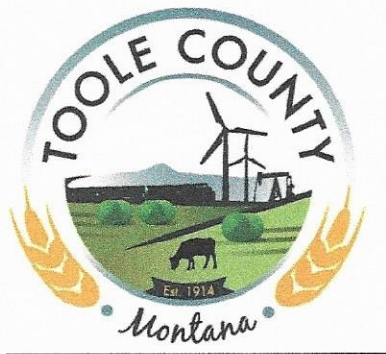
**Public comment is allowed on all agenda items at the direction of the Chairman and following Board rules.**

PLEDGE OF ALLEGIANCE

**Approval of June 20, 2022 Meeting Minutes:**

1. Consider changing banks from Wells Fargo to Independence Bank of Shelby. Wells Fargo is no longer in Shelby. Boyd Jackson, Jason Kline, Nancy Potter, and Shelley Frank would be on the signature card. **Don made the motion to approve, seconded by Terry and motion passed.**
2. Consider **RESOLUTION #7-2022**, a resolution to adopt building codes as amended by ARM 24.301.131, and ARM 24.301.171. **Don made the motion to approve Resolution #7-2022. Terry seconded the motion. Motion carried.**
3. Consider appointing Dusty Ahrens to the Road Board to complete the term of T.J. Wanken, which expires December 31, 2023. **Don made the motion to approve the appointment of Dusty Ahrens, seconded by Terry and motion carried.**

*Ann Harwood* - Commission Chair  
*Artwell* - Commissioner  
*Tomscheck* - Commissioner  
*Raph* - County Attorney  
*Whitted* - Coroner  
*Whitt* - Sheriff



*Debra Munson* - Clerk of Court  
*Treva Nelson* - Clerk & Recorder/  
Election Administrator  
*Joe Rapkoch* - Justice of the Peace  
*Boyd Jackson* - Treasurer/Assessor/  
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## **RESOLUTION NO. 7-2022**

AN RESOLUTION OF TOOLE COUNTY, MONTANA PROVIDING FOR THE ADOPTION AND ENFORCEMENT OF THE "STATE BUILDING CODE", ESTABLISHING PROCEDURES FOR PRACTICE AND ENFORCEMENT AND PROVIDING FOR A BOARD OF APPEALS.

BE IT RESOLVED BY THE TOOLE COUNTY COMMISSIONERS, TOOLE COUNTY, MT

### Section 1.

ADOPTION OF CODES. Those certain codes known as: "The State Building Code" (referred to in Section 50-60-203, M.C.A) are hereby adopted by Toole County for the purposes of regulating non-residential buildings in Toole County and protecting the health and safety of the County's citizenry, which codes consist of:

- 2021 International Building Code, as amended by ARM 24.301.131
- 2021 International Existing Building Code, as amended by ARM 24.301.171

These codes are hereby adopted and incorporated herein as if fully set out in their entirety herein.

### Section 2.

#### BUILDING PERMITS.

- a. Any person wishing to obtain a building permit shall submit a completed application to the Building Inspector.
- b. The building inspector shall specify the manner in which said application shall be completed. At a minimum, the application shall contain:
  - i. A description of the land which it will affect;
  - ii. The present use of any existing structures;
  - iii. Plans and specifications indicating the entire scope of work.
- c. The applicant shall furnish such other documents as the building inspector deems relevant and necessary, at his/her discretion, for review of the proposed work.

- d. The building inspector may, at his/her discretion, waive any of the requirements hereunder when the proposed work is of an insubstantial nature of effect.

### Section 3. PLAN REVIEW

- a. The building inspector shall be responsible for coordination of building plan review and for issuance of building permits.
- b. Upon application by any person for a building permit, the building inspector shall review the plans for compliance with this code. The building inspector shall submit the plans to any other affected county department for review and approval by the department(s) before issuing a permit.
  - c. Building plan review shall be completed by the building inspector within sixty (60) working days of submission of a completed application.
  - d. The building inspector may, in certain cases, request the building codes division, other state agencies or design professionals to aid in the plan review process. In such cases, the building inspector may lengthen the completion of time for review by twenty (20) working days when necessary.
- e. One such approved set of plans and specifications shall be retained by the building inspector as a public record, for a period of not less than ninety (90) days from the date of completion of the work covered therein, one set of approved plans and specifications shall be given to Toole County for permanent record according to the Montana Local Government Retention and Disposition Schedule, MR6 section 2, and one set of approved plans and specifications shall be returned to the applicant, which set shall be kept on such building or work site at all time during which the work authorized thereby is in progress and shall be open to inspection by public officials. Such approved plans and specifications shall not be changed, modified or altered without authorization from the building inspector and all work shall be done in accordance with the approved plans.

### Section 4.

#### INSPECTIONS.

- a. Inspections shall be conducted by the building inspector. Where other departments require inspection, the building inspector shall ensure they are conducted within the time frame allowed in **section 4-1-2**. Final inspections and issuance of certificates of occupancy shall be conducted in accordance with the I. B.C.

### Section 5.

#### INSPECTOR QUALIFICATIONS AND DUTIES.

- a. The building inspector shall possess adequate knowledge of the building trade and such other qualifications The as may be prescribed by the county commissioners from time to time.
- b. As building inspector, his/her duties shall include those set forth in the LB.C. and in Montana Code Annotated title 50, chapter 60, 2013, as now or hereinafter amended.
- c. Toole County understands it cannot plan review, permit, or inspect plumbing, mechanical, or fuel gas installations without first obtaining certification from the State of Montana; and that the Toole County building inspector will advise builders in the jurisdiction that they need to contact State Building Codes for the required plumbing, electrical, and fuel gas permits.

#### Section 6.

##### FACTORY BUILT BUILDINGS.

- a. Factory Built buildings bearing an insignia issued by the Montana Building Codes Division, Department of Labor and Industry, shall be subject to local government zoning, utility connections, building permit and subsequent inspections for foundations and appurtenances to the structure (landings, stairs, decks, covered porches, etc.).
- b. Applications to Toole County for the erection and utility connection shall be in accordance with the LB.C. Section 7.

##### PERMIT FEES.

- a. Building permit fees shall be set and established by the county commissioners from time to time by appropriate resolution.

#### Section 8.

##### TERRITORIAL APPLICATION.

- a. The jurisdictional area of the county shall be commercial buildings and structures and permits therefore within the county boundaries of Toole County.

#### Section 9.

##### BOARD OF APPEALS.

- a. In order to determine the suitability of alternate materials and methods of construction and to provide for reasonable interpretations of the provisions of the LB.C., there shall be and is hereby created a board of appeals, consisting of five (5) members, who are qualified by experience and training to pass upon matters pertaining to building construction. The members shall appoint

one of their own to act as secretary to take the minutes of all meetings. The Board of Appeals shall be appointed by the county commissioners and shall hold office for three (3) year staggered terms, without term limits. The board shall adopt reasonable rules and regulations for conducting its investigations and shall render all decisions and findings, in writing, to Toole County, with a duplicate copy to the applicant. The board may recommend to the commissioners such new legislation as is consistent herewith.

Section 10.

VIOLATIONS AND PENAL TIES.

- a. It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, raze, convert, demolish, equip, use, occupy or maintain any building or structure in the county, or cause or permit the same to be done, contrary to, or in violation of, any of the provisions of this chapter.
- b. Any person, firm or corporation violating any of the provisions of this code shall be deemed guilty of a misdemeanor and each such person shall be deemed guilty of a separate offence for each and every day during which any violation of any of the provisions of this code is committed, continued or permitted and upon conviction of any such violation, such person shall be punishable by a fine of not more than three hundred dollars (\$300.00) or by imprisonment for not more than ninety (90) days or by both such fine and imprisonment.

Section 11.

COPY ON FILE.

- a. One copy of each of the code mentioned above shall be on file with Toole County for inspection by the public.

Section 12.

EFFECT ON FUTURE AMENDMENTS TO THE "STATE BUILDING CODE".

- a. Each and every provision of this resolution shall be amended by resolution of Toole County within ninety (90) days of notification

b.

of changes adopted by the Department of Labor and Industry, Building Codes Bureau, when and as any future amendments are made to the codes referred herein above so as to conform to future amendments.

Section 13.

EFFECTIVE DATE.

- a. This resolution shall have full force and effect thirty (30) days from the date of its adoption and approval by the Toole County Commissioners.

Section 14.

AUTHORITY.

- a. Pursuant to the authority granted Toole County in Section 7-15-4121, M.C.A., 2013, the above referenced building codes are hereby adopted on the 24<sup>th</sup> day of June, 2022 and approved by the Commissioners on the same date.

Read and adopted by the Toole County Commissioners at its regular meeting held the 24<sup>th</sup> day of June, 2022.

AYES: 2

NAYS: -0-

ABSENT: 1

AND APPROVED BY THE COMMISSIONERS.

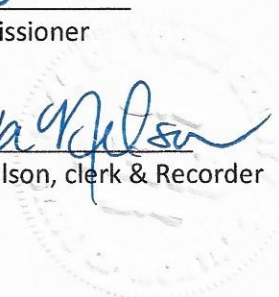
Mary Ann Harwood  
Mary Ann Harwood, Commission Chair

Terry Tomsheck  
Terry Tomsheck, Commissioner

Don Hartwell  
Don Hartwell, Commissioner

ATTEST:

Treva Nelson  
Treva Nelson, clerk & Recorder



CERTIFICATE OF POSTING

I, Treva Nelson, Toole County, Montana Clerk and Recorder, hereby certify that on the 24<sup>th</sup>  
Day of June, 2022, copies of the above ordinance were posted as follows: the Toole County Website and  
the Toole County Courthouse,

  
Toole County Clerk & Recorder