
CITY OF DEER LODGE

COUNCIL AGENDA

November 21, 2022, | 6:00 PM | PC Community Center

1. Call Meeting to Order | Pledge of Allegiance

2. Public Comment: Members of the audience may comment on any non-agenda item. State Statute prohibits the City Council from discussing any introduced item. The Council limits each person to three minutes to ensure there is sufficient time for all comments. The Council respects all comments and will have staff follow up any questions.

3. Approval of Minutes

a. Regular Meeting: November 7, 2022

4. Public Hearing:

a. None

5. Department Reports:

a. CAO | b. Public Works | c. Police | d. Fire | e. Recreation Program

6. Mayor and Council Concerns: (ONLY Concerns that are not on Business Items). This is a time when Council Members or Mayor can bring a concern before the Council that is not otherwise listed on the Agenda. NO action can be taken at this time. If action is necessary, the item is put on the next meeting agenda.

7. Continued Business Items: The Council will act on each item after accepting public comments.

a. None

8. New Business Items: The Council will act on each item after accepting public comments.

- a. Review Recommendations from Planning Board for Dispensary Business Zoning – Jordan
- b. Review recommendations from Planning Board for other Marijuana Business Types Zoning– Jordan
- c. Review and comment on Planning Board Discussion of the Great West Growth Policy Proposal – Jordan
- d. Lead and Copper Rule Revision (LCRR) Overview – Jordan and Trent
- e. American Legal online Code Overview – Jordan and Council Member Kersch
- f. Ordinance 2022-6: Title 15 Revision 2nd Reading - Jordan

9. Next Meeting Announcement(s)

a. Regular Meeting – December 5, 2022, 6:00PM

10. Adjournment

Deer Lodge City Council meets in the PC Community Center | 416 Cottonwood Ave | Deer Lodge, MT 59722

For Further Information, Contact | Cyndi Thompson | City Clerk | cthompson@cityofdeerlodgemt.gov | 406.846.2238

CITY COUNCIL

MINUTES

The City Council met on November 7, 2022, at 6 PM | PC Community Center

Members Present:	Dick Bauman, Joseph Callahan, John Henderson, Jackie Greenwood, John Molendyke, Rob Kersch, Curt Fjelstad, Gordon Pierson
Members Absent:	None
Mayor:	Jim Jess
CAO:	Jordan Green
Staff:	Police Chief Smith, Trent Freeman, Stan Glovan, Peter Elverum
Consultants	None
Guests:	See sign in sheet

1. Call Meeting to Order | Pledge of Allegiance

Council President Bauman called the meeting to order at 6 PM. All present recited the Pledge of Allegiance.

- 2. Public Comment.** Members of the audience may comment on any non-agenda items. State Statute limits the City Council from discussing any introduced items. The Council limits each person to three minutes to ensure there is sufficient time for all comments. The Council respects all comments and will have staff follow up any questions.

3. Public Hearing.

- a. None

4. Approval of Minutes.

- a. Regular Meeting: September 19, October 3, October 17, 2022
Council President Bauman motioned to approve as presented. Member Fjelstad seconded the motion. 8 Ayes, 0 Nos. Motion passed.

5. Committee Reports – Accepted as presented.

- a. Council Ops – Rob Kersch (Chairperson)
October 11th – Reviewed the Growth Policy.
- b. Economic Growth & Development – John Henderson (Chairperson)
October 13th - New Business – None. Continued Business – Main Street Banners, Member Bauman presented pictures of banner samples, Jordan suggested applying for a Dept. of Commerce Montana Main Street grant. The committee moved to have Jordan write a grant for the banners. Business Improvement Districts (BID) – Jordan suggested at looking to hire an expert on BID's, Member Bauman discussed money distribution and who would be eligible to be in the BID, Member Henderson suggested creating four separate Main Street BID's. The committee moved to have Jordan pursue possibility of the Montana Main Street grant be used to hire an expert to help develop BID. Committee Comments or Concerns – Member Bauman stated he was going to have communication with a member of the public on economic growth. Next meeting is scheduled for November 2nd at 4:00 PM.
- c. Finance – Dick Bauman (Chairperson)
October 3rd - Minutes were deferred until Nov Meeting. There was no public comment. Skate Park camera quotes were reviewed and forwarded to council. Police Chief Smith explained need for a replacement Police car, no action taken at this time. Reviewed and signed claims for August and forwarded to City Council. There was no continued business. Next meeting is Nov 7th 2022.
- d. Public Health & Safety – Joseph Callahan (Chairperson)
No October Meeting.
- e. Public Works – John Henderson (Chairperson)
October 25th - Public Works Manager, Trent Freeman presided over the meeting. Old Business: None, New Business: 120 Water proposal for the New Lead and Copper Rule Revisions (LCRR), Pay Estimate #5 approval to finance and Council for H&H Contracting for the Passenger Refueling Area project, Pay Estimate #3 approval to finance and Council for MJD Contracting for the Landfill Drying Bed project and Pay Estimate #1 approval to finance and Council for Hollow Contracting for the 2022 were motioned to approve and send on to finance committee and council. Next meeting November 22, 2022, at 5 PM.

6. Board Reports -

- a. Airport Board – Gordon Pierson
Was not able to attend.
- b. Powell County Parks Board –Joseph Callahan
No Meeting.
- c. Chamber of Commerce – John Henderson
Discussed the Christmas Stroll. Theme for the year is Santa's Workshop. Christmas Tree Lighting and upcoming banquet in November.
- d. Headwaters RC&D – Joseph Callahan
No meeting.

- e. Historic Preservation – Curt Fjelstad
No report
- f. Landfill – Rob Kersch
Sourcing sand for the roads. Annual burn November 21st thru 26th.
- g. Local Emergency Planning Committee – Dick Bauman
No meeting.
- h. Library – John Molendyke
Did not attend.
- i. Planning Board – Dick Bauman
Discussed Growth Policy Review.
- j. Youth Board – Jackie Greenwood
Did not attend.

7. Continued Business (old/continued Business or Items Tabled)

- a. None

8. Business Items - The Council will act on each item after accepting public comments.

- a. Treasurer’s Report | October Claims – Stanley Glovan. Receive the informational report. Accept the recommendation from the Finance Committee and approve the claims.

Council President Bauman motion to approve as presented. Member Kersch seconded the motion. 8 Ayes, 0 Nos. Motion passed.

- b. Cell Block Tavern Liquor License Approval – Jordan
Montana Department of Revenue approved liquor License transfer from Cutler Brothers to Cell Block Tavern and now we just need to approve at the local level.

Member Kersch motioned to approve as presented. Member Greenwood seconded the motion. 8 Ayes, 0 Nos. Motion passed.

- c. Code Enforcement Officer, Kody Ryan, Appointment – Mayor Jess
Member Kersch motion to approve Kody Ryan’s Appointment. Member Pierson seconded the motion. 8 Ayes, 0 Nos. Motion passed.

- d. Board of Adjustment Member, Kirk Hayes, Appointment – Mayor Jess
Council President Bauman motioned to approve Kirk Hayes Appointment. Member Greenwood seconded the motion. 8 Ayes, 0 Nos. Motion passed.

- e. Passenger Refueling Area Pay Estimate #5 – Trent
Pay Estimate #5 is enclosed in packet for Milwaukee Roundhouse soil removal action. Approved in Public Works and Finance Committee.

Member Callahan motioned to approve as presented. Member Henderson seconded the motion. 8 Ayes, 0 Nos. Motion passed.

f. Landfill Drying Bed Pay Estimate #3 – Trent

Pay Application from Morrison Maierle is enclosed for amount \$87,513.52 and a retainage of \$11,157.50 to cover the punch list. Approved in Public Works and Finance Committee.

Member Greenwood motioned to approve as presented. Member Callahan seconded the motion. 8 Ayes, 0 Nos. Motion passed.

g. 2022 Street Maintenance Project Pay Estimate #1 – Trent

Pay estimate enclosed in packet for the amount of \$341,383.30. Everything is complete in the project except chip sealing which will occur summer 2023. Approved in Public Works and Finance Committee.

Member Kersch motioned to approve as presented. Member Pierson seconded the motion. 8 Ayes, 0 Nos. Motion passed.

h. 120 Water Proposal for the New Lead and Copper Rule Revisions (LCRR) – Trent

The EPA and DEQ are working together on the new lead and copper rule revisions. 120 Water is a software firm with consultants. They will provide a road map and inventory of all service lines that are tied to a city service main. All lines must be inventoried by October 16, 2024, per the EPA guidelines, surveys will go out to the community. The amount of the 1st year is \$13,626.00 and the 2nd year is \$11,688.50.

Member Greenwood motioned to approve as presented. Member Henderson seconded the motion. 8 Ayes, 0 Nos. Motion passed.

i. Ordinance 2022-5 1st Reading: American Legal Codification – Jordan

Member Henderson titled Ordinance 2022-5

AN ORDINANCE BY THE DEER LODGE CITY COUNCIL ENACTING A CODE OF ORDINANCES FOR THE CITY OF DEER LODGE, REVISING, AMENDING, RESTATING, CODIFYING, AND COMPILING CERTAIN EXISTING GENERAL ORDINANCES OF THE CITY OF DEER LODGE DEALING WITH SUBJECTS EMBRACED IN SUCH A CODE OF ORDINANCES.

Member Kersch motioned to table as upon review of the codification it was noticed some items did not make it into the codification process. Member Greenwood seconded the motion. 8 Ayes, 0 Nos. Motion passed.

j. Ordinance 2022-6 1st Reading: Removing IBC 2021 from Title 15 – Jordan

Member Kersch titled Ordinance 2022-6

AN ORDINANCE BY THE DEER LODGE CITY COUNCIL REMOVING THE ADOPTION OF THE 2021 INTERNATIONAL BUILDING CODE THROUGH ORDINANCE 2022-3 FROM TITLE 15 (BUILDINGS AND CONSTRUCTION) OF THE CITY OF DEER LODGE CODE OF ORDINANCES.

Montana Department of Labor and Industry has adopted updated editions of building codes as amended by administrative rule, effective June 10, 2022. FURTHER, ARM 24.301.202(1) requires all certified jurisdictions to update their ordinances to adopt the new editions of these building codes that they are certified to enforce.

Deer Lodge City Council passed Ordinance 2022-3, effective October 6, 2022, which adopted by reference the 2021 editions of the building codes. Included in Ordinance 2022-3 was the adoption of the International Building Code, 2021 Edition, IBC, including the IBC Appendix Chapters *Board of Appeals* and *Group U – Agriculture Buildings*, as modified by the Administrative Rules of Montana (ARM): ARM 24.301.131

Montana Department of Labor and Industry notified the City of Deer Lodge after the adoption of Ordinance 2022-3 that the adoption of the IBC as described above should not be included in the City of Deer Lodge Code of Ordinances as the City of Deer Lodge is not certified to enforce said building codes.

Deer Lodge City Council hereby proceeds to remove from the existing Title 15 of the City Code the adoption of the International Building Code, 2021 Edition, IBC, including the IBC Appendix Chapters *Board of Appeals* and *Group U – Agriculture Buildings*, as modified by the Administrative Rules of Montana (ARM): ARM 24.301.131. The amended Title 15 was attached to Ordinance 2022-6.

Member Henderson motioned to approve as presented. Member Pierson seconded the motion.
8 Ayes, 0 Nos. Motion passed.

9. Schedule of Committee Meetings – Tentative until confirmed by Committee Chairs.

- Economic Growth & Dev – November 2 at 4 PM
- Finance – November 7th at 4PM
- Public Health & Safety – November 9th at 5 PM
- City Council Operations – November 14th at 5 PM
- Planning Board – November 21st at 10AM
- Council #2 – November 21st at 6 PM
- Public Works – November 22nd at 5 PM

10. Mayor & Council Concerns: (ONLY Concerns that are not on Business Items). This is a time when Council Members or Mayor can bring a concern before the Council that is not otherwise listed on the Agenda. NO action can be taken at this time. If action is necessary, the item is put on the next meeting agenda.

- a. Member Kersch, City code is available via city website.
- b. A group who uses the archery range out at East side road. Dept of corrections owns that spot and archery will not be allowed or public access. Requesting an archery range off Emery Road. They will submit paperwork for the request and a presentation to council in a couple of weeks.

11. Next Meeting Announcements

- a. Regular Meeting: Monday, November 21, 2022, at 6 PM.

12. Adjournment

Mayor Jim Jess adjourned the meeting at 6:40PM.

Prepared By: Cyndi Thompson, City Clerk

Mayor Jim Jess

Date

CITY OF DEER LODGE

CAO REPORT

November 2022

PROJECT SUMMARIES

Municipal Budget

- Stan and I are in regular meetings with Financial Advisor over budget requirements, Annual Financial Reporting, and other topics. We are going to partner with MMIA for future City Treasurer classes that MMIA will be hosting. Looking at week of December 5th.
- Working on annual reporting for USDA Rural Development Loans as required for our bonds on the Wastewater Treatment Plant.

City Planning

- Still trying to coordinate with camera company to put up camera at skatepark.
- I am City contact for the State Regional Disaster Mitigation Planning process. The state is funding for a 5-year update to the regional disaster plans, which will be disbursed to municipalities upon completion. First draft of Pre-Disaster Mitigation Plan has been released.
- Working on draft historic preservation ordinance with Historic Preservation Commission to bring to Council for consideration of adoption.

Grants

- Received notice of recommendation of \$342,500 for the Reclamation and Development Grant (RDGP) cycle for remediation at the Passenger Refueling Area. Will need to be approved by 2023 Legislature, which is expected.
- Applied for Targeted Brownfield Assessment (TBA) Grant for Hotel Deer Lodge. Expecting assessment in next few months.
- Applying for EPA Brownfields Cleanup Grant for Hotel Deer Lodge. Working with Powell County Planning Director on application, with support from EPA representative for our region.
- DEQ has received a brownfields planning grant for the Milwaukee Roundhouse and Passenger refueling area and will begin working with the county and myself on administration of those funds. DEQ is working on draft Memorandum of Agreement between DEQ, County, and City to begin contract. Have received first draft of MOA.
- Received Advisory Committee rankings for I&I and Well ARPA Competitive Grant applications. Our I&I project ranked #3 for priority funding in the state. Well project was ranked lower due to scoring mechanism. Grant contracts have been completed.
- Applying for two Montana Main Street Program grants as motioned by Economic Growth and Development Committee. One is for new banners on streetlights and the other is to plan for a Business Improvement District.

- Looking at working on State Historic Preservation Office grant for signage throughout town.

City Hall & Employees

- Ray Peterson Electric has toured City Hall for electric improvements to Youth Board room. Had another tour early November. Awaiting quote.
- Ricci (City Hall Trustee) and I are working on transitioning City Hall to LED lightbulbs to reduce costs and receive rebate from Northwest Energy.
- Code Enforcement Officer Kody Ryan has been hired and is in the process of getting caught up to speed.
- Looking at contracting for new printers and printer maintenance as the utility billing printer and main office printer often malfunction.

Floodplain Administration

- Received first draft of new floodplain boundaries from DNRC. So far, very minor changes to floodplain boundaries in Deer Lodge. City should expect final updated maps in 2025.
- Had 5-year Community Assistance visit with DNRC Floodplain representatives, which went very well. The DNRC is currently reviewing our floodplain ordinance to see if they recommend any changes.

Economic Development

- Applied for a Rural Reimagined grant with County Planning Director and Extension to aid in local business and tourism education. Working with Headwaters RCD and MSU Extension to schedule business and tourism education meeting dates and experts.
- Coordinating with Discover Deer Lodge on placing bike racks throughout town.
- I have met with Discover Deer Lodge and Discover Anaconda to determine how we can best mirror Discover Anaconda's economic and housing development practices. I have made some great contacts with them which will provide us a lot of guidance in the future. Will be meeting with them and again in next several weeks.
- Coordinating with county on several potential industrial park projects in and around the city.
- Member of the Ted Rule Memorial Football Field Committee, which is working to achieve funding through donations and grants for a complete renovation of the School District Track and Field Complex. Have wrote grants to the Foster Foundation and the Northwest Farm Credit Services Rural Community Grant Program. We have heard back from the Northwest Farm Credit Services and have been awarded \$2,500 for the project. No news from other application. Amanda and I have submitted a CDBG Planning Grant for a PER for the project.
- Working on Right-of-Way Encroachment and Outdoor Advertising Permits to put up North Gateway sign near North Interstate exit. Also have been working with Todd Fickler to try to find a spot on his property on the north side of Main St.
- Had business and organization roundtable on October 13th at the Broken Arrow. Approximately 30 representatives appeared. Gathered input on problems facing the organizations and we are working on turning problem statements into goals. Also

distributed the Powell County Resource Guide to those present. Will follow up with those that attended for business and tourism education classes.

INTEREST ITEMS FOR CITY COUNCIL

- City news will now be incorporated into advertisements on 96.9FM, The River. Updates weekly. Let me know if you have any City news that I can relay to Marci at the station to be included in the broadcast.
- Received American Legal codification and they are in the process of updating the codes to match recent changes.

CITY OF DEER LODGE

Public Works Report

October 2022/November 2022

PROJECT SUMMARIES

Street Maintenance

- 2022 Street Maintenance Project 80% complete. Chip Seal Remaining next spring.
- 2023 Street Maintenance Project in the bid preparation stages. Streets will consist of 4th, W. Conley, and W. Texas with bid alternates of California and Larabie.
- Snow removal for school routes and emergency routes

Sewer Utility

- Annual Sewer Maintenance
- Waste Water Treatment Plant Tour with RPA

Parks and Rec

- Nothing to Report

Water

- Repairing Leaks
- Replacing old water system components
- New service line installs with taps
- 1st test well drilled. Contractor will be working on and off through the winter to install the big casing. All drilling is weather dependent
- LCCR Training

Solid Waste

- Nothing to report

Mosquito Abatement

- Nothing to report

INTEREST ITEMS FOR CITY COUNCIL

- Ongoing meetings with 120 water for the new Lead and Copper Rule Revisions
- Additional PRA cleanup grant funding accepted and will go before the legislature for approval in 2023
- Conestoga Main extensions completed
- Participated in the wood haul again this year

COVID-19 RESPONSE

Currently the Public Works Crew is moving forward on anticipated projects while working safely, practicing enhanced hygiene, and using personal protective equipment as directed.



CITY OF DEER LODGE

Police Department

300 Main St. Deer Lodge, Mt. 59722

Phone: (406)846-9585

Fax: (406)846-250

Chief George Smith

Calls for Service 221

Highlights

Multiple juvenile fights
Juvenile Assault with weapon
O.D. on pills at Jr High
Multiple juveniles possessing and sharing juvenile porn
Vandalisms-3
Felony strangulation
Drugs Charges-3
Missing Person-2
Domestics-3
Felon w/ a firearm
Assault

Traffic Stops-62

Citations 17

Code Enforcement Calls 12



FIRE DEPARTMENT REPORT

OCTOBER 2022

HIGHLIGHTS

1 Call for Service:

- False alarm. Local resident had a burn permit and was burning rubbish outside city limits.

INTEREST ITEMS FOR CITY COUNCIL

Department Happenings:

The quiet streak continues. Asst Chief Anderson completed the final reporting on our compressor grant. No other reporting should be needed to FEMA for that moving forward. We will be prepping for Chimney Fire Season moving in.



RECREATION PROGRAM REPORT

OCTOBER 2022

HIGHLIGHTS

- City rec adult volleyball is going on right now.
- Boys and girls basketball has started for 2nd-5th grade.
- We're looking into sending a couple teams to a weekend tournament in the Twin Bridges/Sheridan area.

PROJECT SUMMARIES

None.

INTEREST ITEMS FOR CITY COUNCIL

None.

STAFFING CONCERNS

None.

COVID-19 RESPONSE

No update.

ORDINANCE 2022-1

AN INTERIM ZONING ORDINANCE BY THE DEER LODGE CITY COUNCIL TO PLACE MARIJUANA BUSINESSES AS CONDITIONAL USES IN THE B-1, CENTRAL BUSINESS DISTRICT AND B-2, HIGHWAY BUSINESS DISTRICT, AS WELL AS PROVIDE LOCAL REQUIREMENTS FOR LICENSING OF SAID BUSINESSES PURSUANT TO 16-12-207, MCA.

IT IS ORDAINED BY THE CITY COUNCIL OF THE CITY OF DEER LODGE, MONTANA:

WHEREAS, the citizens of the State of Montana voted to approve Constitutional Initiative 118 and Initiative No. 190 (I-190) in November 2020, which became effective January 1, 2021 and legalized recreational marijuana use and limited possession for adults over the age of 21 and provided a framework for commercial licensing, taxation, decriminalization, and expungement of criminal convictions related to marijuana amongst other provisions; and

WHEREAS, the Montana Legislature passed, and Governor Gianforte signed into law, House Bill 701 ("HB 701") which revised, amended, and supplemented the text of I-190 and established the Montana Regulation and Taxation Act (16-12-101, MCA et seq. (the "Act")); and

WHEREAS, a codified purpose of the Act pursuant to Section 37 amending Section 16-12-101(2)(j), MCA is to provide local governments authority to allow for the operation of marijuana businesses in their community and establish standards for the sale of marijuana that protect the public health, safety, and welfare of residents within their jurisdictions; and

WHEREAS, Section 59 of the Act pursuant to Section 16-12-301, MCA, provides that to protect the public health, safety, or welfare, a local government may by ordinance or otherwise regulate a marijuana business that operates within the local government's jurisdictional area; and

WHEREAS Section 54 of the Act pursuant to Section 16-12-207, MCA, provides a locality may require marijuana businesses be a greater distance from schools and places of worship than required by state law; and

WHEREAS, Section Two, Part Three 76-2-301 et. Seq. of the Montana Code Annotated (MCA) authorizes the City of Deer Lodge to adopt and enforce local zoning regulations to promote the public health, safety, morals, and the general welfare of the community; and

WHEREAS, 76-2-306, MCA authorizes the City of Deer Lodge to adopt Interim Zoning Ordinances to protect the public safety, health, and welfare without following the procedures otherwise required prior to the adoption of a zoning ordinance as an urgency measure while the legislative body is considering additional or alternative regulation. FURTHER, an interim zoning ordinance is effective for up to six months after its effective date; and

WHEREAS, the City of Deer Lodge Planning Board has the responsibility to review zoning regulations for the City of Deer Lodge; and

WHEREAS, the Planning Board identified the need to determine the most adequate locations and local regulations of medical and adult-use marijuana dispensaries to protect the health, safety, and general welfare of the City of Deer Lodge; and

WHEREAS, on December 5, 2011, the City of Deer Lodge City Council passed and adopted Ordinance #144, which provided restrictions so that the proximity of growing, processing, distribution, and/or any other commercial activity related to medical marijuana must be greater than 1,000 feet from certain uses within the City of Deer Lodge City Limits; and

WHEREAS, the Planning Board saw that Ordinance #144 contained language that referenced vacated MCA regulations related to medical marijuana, and saw the need to supersede this Ordinance and provide an update to the City of Deer Lodge regulations regarding marijuana facilities. FURTHER, after public input, the Planning Board recognized the value of adopting parts of the regulations of Ordinance #144 into the new regulations contained in this ordinance; and

WHEREAS, the Planning Board discussed the proposed regulations and zoning amendments at their September 20, 2021 meeting, and determined through a vote of four to zero with two absent to hold a public hearing to gather comments regarding the proposed regulations.

WHEREAS, the Planning Board held a duly noticed public hearing on October 18, 2021 to consider the proposed regulations and zoning amendment. FURTHER, the Planning Board after receiving a summary from the City Administrator/Planner, elected to forward the propositions to the City Council through a vote of five to zero with none absent; and

WHEREAS, the Deer Lodge City Council conducted a duly noticed public hearing at their regularly scheduled Council meeting on November 1, 2021 at 6:00 PM to accept comments regarding the proposed regulations; and

WHEREAS, the Deer Lodge City Council, after receiving public comments, elected to table the recommended ordinance in favor of a revised ordinance with altered land use requirements. FURTHER, the City Council recognized the importance of adopting such an Ordinance as an Interim Zoning Ordinance to provide interim regulations while the City Council puts to an election by qualified electors in the municipality on whether to opt-out of approving marijuana businesses in accordance with 16-12-301, MCA.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DEER LODGE MONTANA:

- The City of Deer Lodge Zoning Ordinance is amended to place marijuana businesses as identified in 16-12-301(1(d)) as conditional uses in the B-1, Central Business District and B-2, Highway Business District.
- A Zoning Permit is required for the issuance of a conditional use permit in order to obtain approval by local building, health, and fire officials.
- Marijuana businesses must be located at least 1,000 feet from parks, day-cares, schools, postsecondary schools, and buildings used exclusively as a church, synagogue, or other place of worship. This distance will be measured in a straight line from property line to property line.

- A copy of this interim zoning ordinance shall be delivered to the Department of Revenue for the purposes of providing the department the local approval criteria for dispensary licenses.
- Ordinance #144 of the City of Deer Lodge is repealed in its entirety.

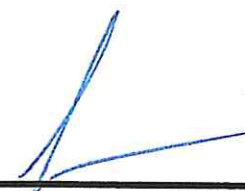
SEVERABILITY. If any selection, subsection, sentence, clause, phrase, or word of Ordinance 2022-1 is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance 2022-1 and each section, subsection, sentence, clause, phrase, and words thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or words have been declared invalid or unconstitutional, then the remaining ordinance provisions will be in full force and effect.

Passed and approved by the City Council of the City of Deer Lodge, Montana on first and final reading at a regular Council meeting this 3rd day of January, 2022.

The effective date of Ordinance 2022-1 is January 3, 2022.

Ordinance 2022-1 is effective for six months after its effective date unless otherwise repealed or extended by the City of Deer Lodge City Council according to 76-2-306(3), MCA.


Council Member	Yea	Nay	Abstain/Present	Absent
Dick Bauman Council President	X			
Curt Fjelstad	X			
Jackie Greenwood	X			
John Henderson	X			
Robert Kersch	X			
John Molendyke	X			
John Skibsrud	X			
Vacant				
James Jess Mayor				



James Jess, Mayor



Attest:



Cyndi Thompson, City Clerk

MCA Contents / TITLE 76 / CHAPTER 1 / Part 6 / 76-1-601 Growth policy...

Montana Code Annotated 2021

TITLE 76. LAND RESOURCES AND USE

CHAPTER 1. PLANNING BOARDS

Part 6. Growth Policy

Growth Policy -- Contents

76-1-601. Growth policy -- contents. (1) A growth policy may cover all or part of the jurisdictional area.

(2) The extent to which a growth policy addresses the elements listed in subsection (3) is at the full discretion of the governing body.

(3) A growth policy must include:

(a) community goals and objectives;

(b) maps and text describing an inventory of the existing characteristics and features of the jurisdictional area, including:

(i) land uses;

(ii) population;

(iii) housing needs;

(iv) economic conditions;

(v) local services;

(vi) public facilities;

(vii) natural resources;

(viii) sand and gravel resources; and

(ix) other characteristics and features proposed by the planning board and adopted by the governing bodies;

(c) projected trends for the life of the growth policy for each of the following elements:

(i) land use;

(ii) population;

(iii) housing needs;

(iv) economic conditions;

(v) local services;

(vi) natural resources; and

(vii) other elements proposed by the planning board and adopted by the governing bodies;

(d) a description of policies, regulations, and other measures to be implemented in order to achieve the goals and objectives established pursuant to subsection (3)(a);

(e) a strategy for development, maintenance, and replacement of public infrastructure, including drinking water systems, wastewater treatment facilities, sewer systems, solid waste facilities, fire protection facilities, roads, and bridges;

(f) an implementation strategy that includes:

(i) a timetable for implementing the growth policy;

(ii) a list of conditions that will lead to a revision of the growth policy; and

(iii) a timetable for reviewing the growth policy at least once every 5 years and revising the policy if necessary;

(g) a statement of how the governing bodies will coordinate and cooperate with other jurisdictions that explains:

(i) if a governing body is a city or town, how the governing body will coordinate and cooperate with the county in which the city or town is located on matters related to the growth policy;

(ii) if a governing body is a county, how the governing body will coordinate and cooperate with cities and towns located within the county's boundaries on matters related to the growth policy;

(h) a statement explaining how the governing bodies will:

(i) define the criteria in **76-3-608(3)(a)**; and

(ii) evaluate and make decisions regarding proposed subdivisions with respect to the criteria in **76-3-608(3)(a)**;

(i) a statement explaining how public hearings regarding proposed subdivisions will be conducted; and

(j) an evaluation of the potential for fire and wildland fire in the jurisdictional area, including whether or not there is a need to:

(i) delineate the wildland-urban interface; and

(ii) adopt regulations requiring:

(A) defensible space around structures;

(B) adequate ingress and egress to and from structures and developments to facilitate fire suppression activities; and

(C) adequate water supply for fire protection.

(4) A growth policy may:

(a) include one or more neighborhood plans. A neighborhood plan must be consistent with the growth policy.

(b) establish minimum criteria defining the jurisdictional area for a neighborhood plan;

(c) establish an infrastructure plan that, at a minimum, includes:

(i) projections, in maps and text, of the jurisdiction's growth in population and number of residential, commercial, and industrial units over the next 20 years;

(ii) for a city, a determination regarding if and how much of the city's growth is likely to take place outside of the city's existing jurisdictional area over the next 20 years and a plan of how the city will coordinate infrastructure planning with the county or counties where growth is likely to take place;

(iii) for a county, a plan of how the county will coordinate infrastructure planning with each of the cities that project growth outside of city boundaries and into the county's jurisdictional area over the next 20 years;

(iv) for cities, a land use map showing where projected growth will be guided and at what densities within city boundaries;

(v) for cities and counties, a land use map that designates infrastructure planning areas adjacent to cities showing where projected growth will be guided and at what densities;

(vi) using maps and text, a description of existing and future public facilities necessary to efficiently serve projected development and densities within infrastructure planning areas, including, whenever feasible, extending interconnected municipal street networks, sidewalks, trail systems, public transit facilities, and other municipal public facilities throughout the infrastructure planning area. For the purposes of this subsection (4)(c)(vi), public facilities include but are not limited to drinking water treatment and distribution facilities, sewer systems, wastewater treatment facilities, solid waste disposal facilities, parks and open space, schools, public access areas, roads, highways, bridges, and facilities for fire protection, law enforcement, and emergency services;

(vii) a description of proposed land use management techniques and incentives that will be adopted to promote development within cities and in an infrastructure planning area, including land use management techniques and incentives that address issues of housing affordability;

(viii) a description of how and where projected development inside municipal boundaries for cities and inside designated joint infrastructure planning areas for cities and counties could adversely impact:

(A) threatened or endangered wildlife and critical wildlife habitat and corridors;

(B) water available to agricultural water users and facilities;

(C) the ability of public facilities, including schools, to safely and efficiently service current residents and future growth;

(D) a local government's ability to provide adequate local services, including but not limited to emergency, fire, and police protection;

(E) the safety of people and property due to threats to public health and safety, including but not limited to wildfire, flooding, erosion, water pollution, hazardous wildlife interactions, and traffic hazards;

(F) natural resources, including but not limited to forest lands, mineral resources, sand and gravel resources, streams, rivers, lakes, wetlands, and ground water; and

(G) agricultural lands and agricultural production; and


(ix) a description of measures, including land use management techniques and incentives, that will be adopted to avoid, significantly reduce, or mitigate the adverse impacts identified under subsection (4)(c)(viii).

(d) include any elements required by a federal land management agency in order for the governing body to establish coordination or cooperating agency status as provided in **76-1-607**.

(5) The planning board may propose and the governing bodies may adopt additional elements of a growth policy in order to fulfill the purpose of this chapter.

History: Ap. p. Sec. 31, Ch. 246, L. 1957; amd. Sec. 12, Ch. 247, L. 1963; amd. Sec. 1, Ch. 156, L. 1973; Sec. 11-3831, R.C.M. 1947; Ap. p. Sec. 3, Ch. 246, L. 1957; amd. Sec. 2, Ch. 247, L. 1963; amd. Sec. 1, Ch. 349, L. 1973; Sec. 11-3803, R.C.M. 1947; R.C.M. 1947, 11-3803(part), 11-3831; amd. Sec. 8, Ch. 582, L.

1999; amd. Sec. 4, Ch. 599, L. 2003; amd. Sec. 1, Ch. 443, L. 2007; amd. Sec. 2, Ch. 455, L. 2007; amd. Sec. 2, Ch. 446, L. 2009; amd. Sec. 2, Ch. 65, L. 2013.

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Montana's Undiscovered Treasure

REQUEST FOR PROPOSALS FOR A COMPREHENSIVE
UPDATE TO THE CITY GROWTH POLICY

JULY 2022

300 MAIN STREET
DEER LODGE, MT 59722
(406) 846-2238

Request for Proposals Overview:

The City of Deer Lodge is soliciting proposals for services to complete a comprehensive update to its Growth Policy. The City has received a federal Community Development Block Grant (CDBG) award in the amount of \$30,000 by the Montana Department of Commerce (MDOC) to assist in the completion of an update to the City's Growth Policy. The total project is budgeted at \$40,000.

Located in the heart of the Deer Lodge Valley, the City of Deer Lodge is surrounded by abundant natural beauty and a wealth of outdoor recreation activities. Within the City itself are unique attractions that draw visitors from across the region and country, such as the Grant-Kohrs Ranch National Historic Site and the Old Prison and Auto Museums. In fact, Deer Lodge boasts the largest collection of historic museums out of any town in the Northwest. Downtown Deer Lodge also houses many historic buildings, unique businesses, and a local historic theater.

However, Deer Lodge has in past years struggled with many of the same issues that affect small towns throughout Montana, such as vacant storefronts, population loss, aging housing stock and commercial buildings, and a general lack of investment in businesses and new growth. Despite these challenges, Deer Lodge has recently focused intentionally on revitalization efforts in its community. Housing projects, tourism-focused grants, and partnering with local economic development agencies have helped the city immensely. So too has the creation of a wealth of planning documents in the past five years that have aided the City government and investors in capitalizing on Deer Lodge's strengths and addressing its challenges.

One such document, last updated in 2015, is the City's Growth Policy. Due to recent demographic and workforce changes felt across Montana, the City desires a new update to its Growth Policy that can address these new challenges, identify new goals and objectives, and provide a strategic path for the City to see further revitalization. Therefore, Deer Lodge seeks bid offers from qualified and competent planning agencies for an update to its 2015 Growth Policy.

The deadline for receipt of bid offers is 5:00 PM on September 16, 2022. Please submit all materials to City Hall, 300 Main Street, Deer Lodge, MT 59722. If you desire further information, please contact the City's Chief Administrative Officer at (406) 594-1896 or igreen@cityofdeerlodgemt.gov.



Outline of Growth Policy Requirements:

The final work must meet the required contents of a growth policy outlined in Section 76-1-601, Montana Code Annotated and those optional elements selected by the City. The services and products to be provided will include, but are not limited to, the following:

- Lead the public and stakeholder engagement process with support from the City's Steering Committee. The City expects public engagement and outreach for the project to take place through a combination of traditional public meetings and open houses, facilitated discussions with small groups, and internet-based engagement mechanisms (e.g. online surveys, wikimaps, website, etc.).
- Create maps and text describing an inventory of existing characteristics and features and projected trends for the life of the growth policy for land uses, population, housing, economic conditions, local services, public facilities and natural/cultural resources.
- Assist the City's Steering Committee and staff with the development of community goals and objectives.
- Create a vision statement or statement of intent for the Growth Policy addressing community goals.
- Identify existing development regulations and City policies that need to be revised or updated to be consistent with those goals and State of Montana regulations/requirements.
- Create a future land use map for the City's extraterritorial jurisdiction that identifies areas intended for future residential, commercial, mixed-use, and industrial land uses.
- Incorporate the City's existing capital improvement plans into the Growth Policy and identify other public infrastructure strategies as necessary to meet identified goals and objectives.
- Incorporate the City's existing planning documents such as the Parks and Trails Master Plan, Downtown Master Plan, Housing and Downtown Community Profile, Subdivision and Annexation Regulations, and Flood Mitigation Plan into the Growth Policy and consider the goals and objectives in each document and how they will be included in the goals and objectives of the Growth Policy.
- Develop a strategy for cooperation in planning with Powell County.
- Develop an overall implementation strategy, including a timetable, for the Growth Policy.
- Design metrics for measuring accomplishment of the desired outcomes.
- Create a written summary suitable for public distribution of the material described herein. A presentation, together with appropriate visual/graphic displays for use at an open public meeting will also be prepared. The contractor should plan to participate in several public meetings and make presentations as needed.
- Utilizing the guidance received from the City's Steering Committee and staff, the contractor shall prepare a final document outlining the recommended Growth Policy and an appropriate implementation strategy. The Growth Policy document shall be in a professional format and layout, with high-quality illustrations and graphics.
- 10 copies of the draft final study plus one unbound, reproducible document, in addition to public presentation graphics, will be submitted to the City for its final approval. One copy of all text and graphics will be submitted to the City in electronic format.



General Outline of Project:

While the specific approach, methodology, and timeframe proposed by the consultant should be detailed in the written proposal, the City generally anticipates that the development of the Growth Policy being completed in three phases over an approximately 18-month period. Please provide a proposed calendar. Below is a sample schedule, based on an 18-month timeline, which should be used as a guideline but is meant to be tailored to reflect the skills and expertise and proposed schedule of the consultants.

Phase I

The first phase of the project is envisioned to consist of fact gathering and updating economic, demographic, and land use information found in the current Growth Policy and other supporting planning documents. Where appropriate, the contractor should analyze trends related to these data to provide greater context to the goals and objectives of the Growth Policy. At a minimum, the data collection and analysis should cover the information listed in Section 76-1-601 MCA. The consultant will assemble and summarize such information in a written report that will be delivered to the City's Steering Committee, Planning Board, and City Council. This phase is anticipated to occur over the first three months of the project.

- a. Phase I kickoff meeting with Growth Policy Steering Committee to discuss approach and desired outcomes.
- b. Data gathering and trend analysis: obtain the most current data available needed for the update including but not limited to:

- Population projections
 - Future housing needs
 - Existing infrastructure
 - Existing residential land uses and projected needs for future residential land uses
 - Existing commercial land uses and projected needs for future commercial land uses
 - Existing industrial land uses and projected needs for future industrial land uses
 - Existing zoning regulations
 - Existing inter-governmental agreements
 - Identification and analysis of growth and development trends
 - Identify tourism trends and relate to regional and statewide tourism trends
 - Summary of relevant data and trends
 - Existing City planning documents
- c. Preparation and presentation of data report:
- Provide draft data report to the Growth Policy Steering Committee for review and comment.
 - Generate final report and publish on project website.
 - Present report to the City Council and City Planning Board, preferably in a joint public meeting.

Phase II

The second phase of the project is envisioned to consist of outreach efforts to the general public and specific stakeholder groups to identify topics and issues of concern that should be addressed in the Growth Policy. The City expects public engagement and outreach to take place through a combination of traditional public meetings, facilitated discussions with small groups, and internet-based engagement mechanisms (e.g. online surveys, wikimaps, website, etc.). Information will be summarized by the consultant in a written report and presented to the City Council and City Planning Board. This phase is anticipated to occur during months four through eight of the project.

Also, the timeframe for this project will coincide with Headwaters RC & D's update to the Southwest Montana Comprehensive Economic Development Survey (CEDS). Combining local meetings with this organization to decrease repetition could be possible.

- a. Phase II kickoff meeting with Growth Policy Steering Committee to discuss the approach and desired outcomes.
- b. General Citizen Engagement:
 - Hold meetings in various locations around the City as well as deploy online platform to solicit input from City residents.
- c. Engagement of Stakeholder Groups:
 - Deploy online platform to solicit input and hold meetings with stakeholder groups (including but not limited to):
 - Development/Builder/Realtor groups
 - Business groups and large employers
 - Representatives of Powell County governance
- d. Summary Report:
 - Provide a summary report of the information gathered in Phase II outreach, including but not limited to:
 - Creation of a Vision Statement.
 - Draft of overarching goals identified by the community.

- Publish report on project website or Deer Lodge website.
- Present summary report to the City Council and City Planning Board, preferably in a joint public meeting.
- Deliver additional public presentations of summary report as necessary to solicit comments.

Phase III

The third phase of the project will rely on the information gathered in the first two phases of the project and will consist of drafting an updated Growth Policy. In addition to drafting the update, the consultant will be responsible for conducting public outreach on the draft, facilitating a public comment period, identifying how public comments have been addressed and incorporated into the document, and ushering the document through the adoption process with the City Planning Board and City Council. This phase of the project is anticipated to commence during month nine of the project and be completed prior to or during month 18.

- a. Phase III kickoff meeting with Growth Policy Steering Committee to discuss the approach and desired outcomes.
- b. Draft and Document Assembly and Delivery:
 - An outline of the document will be provided to the Growth Policy Steering Committee for review, edits, and comment.
 - An outline of the maps, figures and charts will be provided to the Growth Policy Steering Committee for review, edits, and comment.
 - As each section or chapter is drafted, each will be presented to the Growth Policy Steering Committee for review, edits, and comment.
 - The layout of the draft final document will be presented to the Growth Policy Steering Committee for review, edits, and comment.
 - The public presentations will be presented to the Growth Policy Steering Committee for review, edits, and comment.
 - The final document, layout, format and data will be presented to the Growth Policy Steering Committee for review, edits, and approval.
 - Delivery of the draft document shall include:
 - Digital/editable Word Document
 - Digital/editable PDF Document
 - 10 hard copies in an 8.5x11 format with extendable maps and diagrams
- c. Public Presentations and Public Hearings:
 - Public Meetings: presentation of roll out draft document to City Council and City Planning Board (joint meeting if possible).
 - Stakeholder Meetings: Reconnect with stakeholder groups identified in Phase II of the project and conduct meetings with those groups as necessary.
 - Public Workshops: a minimum of two public workshops around the City and County are anticipated to elicit feedback on draft Growth Policy from the general public.
 - Public Hearings: a minimum of one public hearing is anticipated before each the City Council and City Planning Board on adoption of the growth policy.
- d. Delivery of Final Document:
 - The final document will be provided in the following formats:
 - Digital/editable Word Document
 - Digital/editable PDF Document

- 10 hard copies in an 8.5X11 format with extendable maps and diagrams

Project Guidance:

Based on the requirements of Title 76-1-106, MCA, the City Planning Board is tasked with making a recommendation on a proposed Growth Policy to the City Council, which has the authority of final approval in adoption of the document. Primary contact with the consultant will be the City's Chief Administrative Officer, Jordan Green, who will manage the contract on behalf of the City; however, a Growth Policy Steering Committee (expected to consist of three members of the City Planning Board, one City staff member, and a City Council member) will work with the consultant to guide the project. Monthly conference calls or video conferences are anticipated to be conducted between the Steering Committee and the consultant and are in addition to meetings described above for each phase of the project.

Staff Assistance:

City staff will be available on a limited basis to support this project. Proposals should identify any specific areas where staff assistance is anticipated and the number of hours of staff assistance per month anticipated.

Progress Reports:

The Consultant is expected to submit monthly progress reports via email to the Steering Committee outlining the following: recently performed work; upcoming tasks; upcoming milestones; scope, budget and schedule issues; and other issues to be aware of.

Notice of Work Opportunity for Disadvantaged Business Enterprise (DBE) Firms: The City of Deer Lodge encourages all eligible Disadvantaged Business Enterprise (DBE) Firms, according to the most recent listing provided by the Montana Department of Transportation, to offer bids on the project herein.

Notice of SECTION 3: Economic Opportunities for Low and Moderate Income Persons: The City of Deer Lodge has received notice of the award of Community Development Block Grant funds from the Montana Department of Commerce (CDBG). CDBG regulations governing the grant require that to the greatest extent feasible, opportunities for training and employment arising in connection with this CDBG-assisted project will be extended to local lower-income residents. Further, to the greatest extent feasible, business concerns located in or substantially owned by residents of the project area will be utilized. For more information, please contact the City's Chief Administrative Officer, Jordan Green.



The New Lead and Copper Rule



On December 22, 2020, U.S. Environmental Protection Agency (EPA) finalized the first major update to the Lead and Copper Rule (LCR) in nearly 30 years. EPA’s new rule strengthens every aspect of the LCR to better protect children and communities from the risks of lead exposure. The new LCR will **better protect children** at elementary schools and child care facilities, **get the lead out** of our nation’s drinking water, and **empower communities** through information.

Better Protecting Children at Elementary Schools and Child Care Facilities

Children spend a large amount of time in elementary schools and child care facilities and lead in the internal plumbing of these facilities can pose a risk to children’s health. For the first time, the new Lead and Copper Rule requires that community water systems test for lead in drinking water in elementary schools and child care facilities that they serve. The old rule had no federal requirement for community water systems to test for lead in drinking water in these buildings. This common sense and critical improvement ensures that children—who are at increased risk from lead exposure—are protected where they spend a significant amount of time learning and playing. The water system is also required to provide timely results along with information about the actions the elementary school or child care facility can take to reduce lead in drinking water.

In older homes and buildings, lead can leach from service lines, solder, and fixtures into tap water and become a significant source of lead exposure. In children, lead exposure can cause irreversible and life-long health effects, including decreasing IQ, focus, and academic achievement. EPA’s new Lead and Copper Rule strengthens regulatory requirements to better protect children and communities from lead in drinking water.

Getting the Lead Out

EPA’s new rule uses science-based testing protocols to find more sources of lead in drinking water. The new rule also triggers actions to address lead earlier in more communities and reduces lead by more effectively managing corrosion control treatment, closing loopholes, and replacing more lead service lines in their entirety.

Better Science, Better Testing

The old rule enabled sampling techniques that could underestimate lead in drinking water. Based on better science, the new LCR requires water systems to follow new, improved tap sampling procedures that will better locate elevated levels of lead in drinking water. One key improvement in testing protocols is the new “fifth liter” sampling requirement, which captures lead that can enter drinking water from a lead service line (LSL)—a lead pipe that connects tap-water service between a water main and house or building. Under the new rule, a sampler must draw four liters of water before collecting a test sample so that the water is more likely to come from the lead service line and not the internal plumbing of a building. To get the most accurate test results, the rule also requires wide-mouth bottles for collecting samples and prohibits sampling instructions that recommend flushing and cleaning or removing the screen (called an aerator) that covers the

faucet before collecting samples. Additionally, to target homes with the highest potential for elevated lead levels, systems must collect samples at homes with lead service lines. If there are no LSLs, systems must collect samples from other leaded plumbing. When an individual sample at a home exceeds 15 ppb, systems must conduct follow-up sampling as part of a find-and-fix process to identify sources of lead and actions to reduce lead in the drinking water.

Triggering Actions to Reduce Lead Exposure Earlier and in More Communities

The new LCR jumpstarts corrosion control and actions to replace lead service lines—the primary sources of lead in drinking water—in more communities across the country. Because lead can corrode (or leach) from leaded plumbing as water flows through it, systems that take steps to control that corrosion or remove lead service lines can reduce the amount of lead that makes it into the drinking water supply. The rule establishes a new threshold of 10 ppb, that when exceeded, requires more and rapid implementation of corrosion control treatment to reduce lead in drinking water. The old rule allowed up to 48 months—four years—to pass in our small towns after a system exceeded the 15 ppb action level before corrosion control was in place. The new rule's trigger level requires systems that already have corrosion control to re-optimize their treatment. It also requires systems that do not have corrosion control to conduct a corrosion control study to identify the best treatment approach. If that system exceeds the action level in the future, the system must install the treatment it identified in its study right away. The 10 ppb trigger level also requires systems to start lead service line replacement programs.

Closing Loopholes and Replacing More Lead Service Lines in Their Entirety

The new LCR will drive more instances where lead service lines are replaced in their entirety. The old rule created so many loopholes that since 1991—over nearly 30 years—only 1 percent of utilities actually replaced lead pipes as a result of an action level exceedance. Under the new rule, water systems will be required to fully replace at least 3 percent of lead service lines each year when 10 percent of sampling results are above 15 ppb. The new rule's real 3 percent replacement rate will do more to remove lead service lines than the old rule's unmet 7 percent rate by propelling early action, closing loopholes, and strengthening replacement requirements. Under the new rule, systems:

- Must have a plan in place and must start replacing lines as soon as sample results are above the trigger or action level.
- Cannot avoid replacing lead service lines through testing.
- Are required to replace the water system-owned portion of a lead service line when a customer chooses to replace their customer-owned portion of the line.

Additionally, partial lead service line replacements, which can lead to short term spikes in lead concentrations, will not meet the new requirements. Under the old rule, partial service line replacements were allowed and were common.

Empowering Communities

In order for individuals, communities, water systems, and local governments to effectively take action to reduce lead in drinking water, they need to know where lead service lines are and what resources are available to help address lead in drinking water. The new Lead and Copper Rule builds the information infrastructure needed to empower these decisions.

Public Inventory of Lead Service Lines

Under the new rule, water systems are required to identify and make public the locations of lead service lines, following the example of many cities across the country who have proactively taken this step. By providing thorough and transparent information on where lead service lines exist, communities can make informed decisions to reduce lead exposure. Additionally, residents with a known or potential lead service line will be notified and receive information about steps that they can take to reduce their exposure to lead in drinking water.

Timely Testing Notifications and Lead Reduction Options for Homeowners

If a sample taken from a home has a result over 15 ppb of lead, the water system must notify occupants of the home within three days, so that steps to reduce lead exposure can be taken immediately. Notification of tap sample results under 15 ppb will occur within 30 days. If there is a systemwide action level exceedance, water systems will notify all customers within 24 hours and provide educational materials within 60 days. Water systems will also notify homeowners and building owners about opportunities to replace lead service lines, including information about financial assistance programs, if available, to help pay for replacing the customer-owned side of the line.

Information on Funding Resources to Support Lead Service Line Replacement

To help communities as they make decisions about funding, EPA has compiled information about federal funding, case studies, and other additional resources to assist states, local and tribal governments, and water utilities. These options include EPA's Drinking Water State Revolving Loan Fund, the Water Infrastructure Improvements for the Nation Act (WIIN) Grant, Water Infrastructure Finance and Innovation Act (WIFIA) financing program, as well as the Housing and Urban Development's (HUD) Community Development Block Grants. For a list of funding opportunities and for additional information on how to apply for and meet the funding requirements please visit: www.epa.gov/safewater/pipereplacement.

For more information on the new Lead and Copper Rule visit:

<https://www.epa.gov/ground-water-and-drinking-water/final-revisions-lead-and-copper-rule>



Hometown, USA

Understanding How the New Lead and Copper Rule Reduces Lead in Your Community

EPA's new Lead and Copper Rule requires water systems to remove more lead service lines—a root source of lead in drinking water—than the previous rule. The below illustrates how the new rule compels actions sooner, removes lines faster and requires actions that better identify sources of lead.

- Estimated Population: **10,000 – 50,000**
- Number of Schools and Childcares in the Town: **30 – 140**
- Number of Homes in the Town: **3,200 – 13,500**
- Number of Homes with Lead Service Lines: **1,200 – 1,500**

New Rule

Old Rule

% of Schools and Childcares required to be tested for lead

20% every year

0%

% of Lead Service Lines that will be fully inventoried

100%

0%

If the Trigger Level of 10 ppb is exceeded

% of lines that are required to be fully replaced annually

Goal Set by State and System

0%

If the Action Level of 15 ppb is exceeded

% of lines that are required to be fully replaced annually

3%

0%

Allows partial replacements and test outs

Number of LSL that will actually be replaced each year

Population: 10,000

36

0 – 17

Population: 50,000

45

0 – 21

Most systems above the AL did not start LSLR programs and those that did, often did not achieve 7% actual replacement in any year due to test-outs; the program could stop after 1 year of samples below 15 ppb.

Length of time system can delay removing LSL



0 months

System must already be prepared and have plans in place to start right away.



48 months

Systems may delay while preparing and may stop completely if lead levels go below 15 ppb for one year. Studies could result in even more delays. The system may never replace a LSL.

* Assumes that there are no state requirements beyond the Federal LCR that apply to Hometown, USA.

For more information visit:

<https://www.epa.gov/ground-water-and-drinking-water/final-revisions-lead-and-copper-rule>



Improving Lead Sampling to Better Protect Public Health

EPA's Revisions to the Lead and Copper Rule

EPA's new rule:

1. Targets water that's actually from the lead service lines, not just the faucet or premise plumbing
2. Targets where the highest levels of lead are to identify problems sooner
3. Leads to more lead service line replacements and improved treatment to reduce lead
4. Better protects public health



- PREMISE PLUMBING
- SERVICE LINE
- WATER MAIN

Testing where the Lead is

For homes with lead service lines, the 5th liter of water must be tested for lead, not the 1st liter like the old rule.



Premise Plumbing: Premise plumbing is located inside the house.

Lead Service Line: A lead service line is a pipe that runs from the water main to the home's internal plumbing.

WATER METER

MAIN WATERLINE

ORDINANCE 2022-6

AN ORDINANCE BY THE DEER LODGE CITY COUNCIL REMOVING THE ADOPTION OF THE 2021 INTERNATIONAL BUILDING CODE THROUGH ORDINANCE 2022-3 FROM TITLE 15 (BUILDINGS AND CONSTRUCTION) OF THE CITY OF DEER LODGE CODE OF ORDINANCES.

IT IS ORDAINED BY THE CITY COUNCIL OF THE CITY OF DEER LODGE, MONTANA:

WHEREAS, the Montana Department of Labor and Industry has adopted updated editions of building codes as amended by administrative rule, effective June 10, 2022. FURTHER, ARM 24.301.202(1) requires all certified jurisdictions to update their ordinances to adopt the new editions of these building codes that they are certified to enforce; and

WHEREAS, §7-5-108, M.C.A allows for the adoption and amendment of codes by reference; and

WHEREAS, Title 15 of the City of Deer Lodge Code of Ordinances adopts by reference the building codes it is certified to enforce, and therefore must adopt the new editions of these building codes pursuant to ARM 24.301.202(1); and

WHEREAS, the Deer Lodge City Council passed Ordinance 2022-3, effective October 6, 2022, which adopted by reference the 2021 editions of the building codes. Included in Ordinance 2022-3 was the adoption of the International Building Code, 2021 Edition, IBC, including the IBC Appendix Chapters *Board of Appeals* and *Group U – Agriculture Buildings*, as modified by the Administrative Rules of Montana (ARM): ARM 24.301.131; and

WHEREAS, the Montana Department of Labor and Industry notified the City of Deer Lodge after the adoption of Ordinance 2022-3 that the adoption of the IBC as described above should not be included in the City of Deer Lodge Code of Ordinances as the City of Deer Lodge is not certified to enforce said building codes; and

NOW, THEREFORE, BE IT RESOLVED, that the Deer Lodge City Council hereby proceeds to remove from the existing Title 15 of the City Code the adoption of the International Building Code, 2021 Edition, IBC, including the IBC Appendix Chapters *Board of Appeals* and *Group U – Agriculture Buildings*, as modified by the Administrative Rules of Montana (ARM): ARM 24.301.131. The amended Title 15 is attached to this Ordinance 2022-6.

SEVERABILITY. If any selection, subsection, sentence, clause, phrase, or word of Ordinance 2022-6 is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance 2022-6 and each section, subsection, sentence, clause, phrase, and words thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or words have been declared invalid or unconstitutional, then the remaining ordinance provisions will be in full force and effect.

Passed and Approved by the City Council of the City of Deer Lodge, Montana on the first reading at a Regular Council Meeting on the 7th day of November, 2022.

Council Member	Yea	Nay	Abstain/Present	Absent
Dick Bauman Council President	X			
Joseph Callahan	X			
Curt Fjelstad	X			
Jackie Greenwood	X			
John Henderson	X			
Robert Kersch	X			
John Molendyke	X			
Gordon Pierson	X			
James Jess Mayor				

James Jess, Mayor

Attest:

Cyndi Thompson

Cyndi Thompson, City Clerk



Passed and Approved by the City Council of the City of Deer Lodge, Montana on final reading at a Regular Council Meeting on the 21st day of November, 2022.

Council Member	Yea	Nay	Abstain/Present	Absent
Dick Bauman Council President				
Joseph Callahan				
Curt Fjelstad				
Jackie Greenwood				
John Henderson				
Robert Kersch				
John Molendyke				
Gordon Pierson				
James Jess Mayor				

James Jess, Mayor

Attest:

Cyndi Thompson, City Clerk

The effective date of Ordinance 2022-6 is December 22, 2022.

TITLE 15

BUILDINGS AND CONSTRUCTION

CHAPTERS:

15.02 BUILDING REGULATIONS

15.04 UNIFORM FIRE CODE

INDEX

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Chapter 15.02: BUILDING REGULATIONS

SECTIONS:

- [15.02.010Adoption of Building Codes](#)
 - [15.02.020Building Applications and Permits](#)
 - [15.02.030Building Inspector to Review Plans](#)
 - [15.02.040Inspections](#)
 - [15.02.050Qualifications and Duties of Building Inspector](#)
 - [15.02.060Factory Built Buildings](#)
 - [15.02.070\(Reserved\)](#)
 - [15.02.080Building Permit Fees](#)
 - [15.02.090Jurisdictional Area](#)
 - [15.02.100Board of Appeals](#)
 - [15.02.110Violations; Penalty](#)
-

15.02.010: Adoption of Building Codes

A. The City of Deer Lodge adopts and incorporates by reference the following codes, copies of which are on file and are open for inspection of the public in the office of the Deer Lodge City Clerk, 300 Main Street, Deer Lodge, Montana, being marked and designated as:

1. **International Energy Conservation Code, ~~2021~~2012 Edition IECBC**, as modified and amended by Building Codes Bureau Rule: ARM 24.301.161 ~~and ARM 24.301.162 and Section 50-60-803-MCA~~
2. **International Existing Building Code, ~~2021~~2012 Edition, IEBC**, as modified and amended by Building Codes Bureau Rule: ARM 24.301.171
3. **International Swimming Pool and Spa Code, ~~2021~~2018 Edition, ISPS**, as modified and amended by Building Codes Bureau Rule: ARM 24.301.175.
4. **International Residential Code, ~~2021~~2018 Edition, IRC** ~~not including Chapters 11 through 46, inclusive~~, as modified and amended by Building Codes Bureau Rule: ARM 24.301.154 ~~(1) through (9)~~

(Ordinance 1 – 1/17/1980: Effective 1/17/1980; Ordinance 16 – 3/21/1983: Effective 3/21/1983; Ordinance 65 – 9/21/1992: Effective 9/21/1992; Ordinance 82 – 9/3/1996: Effective 9/3/1996; Ordinance 87 – 12/7/1998: Effective 12/7/1998; Ordinance 89 – 6/10/1999: Effective 6/10/1999; Ordinance 101 – 3/18/2002: Effective 4/17/2002; Ordinance 104 – 12/2/2002: Effective 1/6/2003; Ordinance 106 – 7/6/2004: Effective 7/6/2004; Ordinance 108 – 2/22/2005: Effective 3/24/2005; Ordinance 113 – 6/18/2007: Effective 6/18/2007; Ordinance 132 – 6/7/2010: Effective 6/7/2010; Ordinance 138 – 11/1/2010: Effective 11/1/2010; Ordinance 161 – 4/4/2016: Effective 5/4/2016; Ordinance 2020-2 – 7/20/2020; Effective 8/18/2020; Ordinance 2022-3 – 9/5/2022; Effective 10/6/2022; Ordinance 2022-5 – 11/21/2022; Effective 12/22/2022)

15.02.020: Building Applications and Permits

A. Before any person, firm, partnership, or corporation shall begin the construction or placing of any housing unit or type of building or structure upon any lot or lots within the

city, an application for a permit for such placing or construction shall be submitted to the City Clerk; that upon receipt of such application, the Clerk shall thereupon present the application for such placement and erection or construction to the Building Inspector, and said Building Inspector shall within thirty (30) days of said application being presented to him, act upon said application, and shall immediately notify the Clerk of his decision. Upon approval of the application by the inspector, the Clerk shall immediately issue a written permit for the construction, erection, or placing of said housing unit or structure and shall notify the Building Inspector of the issuance of said permit and provide him with a copy thereof. Said permit shall require that the construction of the building must comply with the Uniform Code as adopted herein and be certified by the Official Building Inspector.

(Ordinance 1 – 1/17/1980: Effective 1/17/1980; Ordinance 101 – 3/18/2002: Effective 4/17/2002; Ordinance 106 – 7/6/2004: Effective 7/6/2004; Ordinance 108 – 2/22/2005: Effective 3/24/2005)

15.02.030: Building Inspector to Review Plans

- A. The Building Inspector shall be responsible for plan review coordination and for issuance of certification of occupancy.
- B. Upon application by any person for a building permit, the Building Inspector shall review the plans for compliance with the Code. The Building Inspector shall submit the plans to any other affected city department for review and approval by that department before issuance of a permit.
- C. Building plan review shall be completed by the Building Inspector within thirty (30) working days of submittal by the applicant.
- D. The Building Inspector may, in proper cases, request the aid of the Building Codes Bureau, other state agencies, or professional consultants to aid in coordination of review. In such cases, the Building Official may lengthen the completion time for review by ten (10) working days when necessary.
- E. The Building Inspector may establish setback lines in residential areas shall prohibit construction of any building within four (4) feet of its exterior boundary lines.

(Ordinance 1 – 1/17/1980: Effective 1/17/1980; Ordinance 42 – 11/16/1997: Effective 11/16/1997; Ordinance 57 – 3/18/1991: Effective 3/18/1991; Ordinance 101 – 3/18/2002: Effective 4/17/2002; Ordinance 106 – 7/6/2004: Effective 7/6/2004; Ordinance 108 – 2/22/2005: Effective 3/24/2005)

15.02.040: Inspections

- A. Inspections shall be conducted by the Building Inspector. Where other departments require inspection, the Building Inspector shall insure that they are conducted within the time frame allowed in **Section 15.02.030**. Final inspections and issuance of Certificates of Occupancy shall be conducted in accordance with **Sections 304 through 306 of the Code**.

(Ordinance 1 – 1/17/1980: Effective 1/17/1980; Ordinance 101 – 3/18/2002: Effective 4/17/2002; Ordinance 106 – 7/6/2004: Effective 7/6/2004; Ordinance 108 – 2/22/2005: Effective 3/24/2005)

15.02.950: Qualifications and Duties of Building Inspector

- A. Certification at time of hiring or obtained within six (6) months from hiring date. Such certification shall be by a recognized entity and meet Montana administrative rules.

(Ordinance 1 – 1/17/1980: Effective 1/17/1980; Ordinance 57 – 3/18/1991: Effective 3/18/1991; Ordinance 101 – 3/18/2002: Effective 4/17/2002; Ordinance 106 – 7/6/2004: Effective 7/6/2004; Ordinance 108 – 2/22/2005: Effective 3/24/2005)

15.02.060: Factory Built Buildings

- A. Factory built buildings which are approved by the Montana Building Codes Bureau, Department of Labor & Industry, shall be subject to local government inspection and fees for only zoning, utility connections and foundations.

(Ordinance 1 – 1/17/1980: Effective 1/17/1980; Ordinance 57 – 3/18/1991: Effective 3/18/1991; Ordinance 101 – 3/18/2002: Effective 4/17/2002; Ordinance 106 – 7/6/2004: Effective 7/6/2004; Ordinance 108 – 2/22/2005: Effective 3/24/2005)

15.02.070: (Reserved)

(Ordinance 1 – 1/17/1980: Effective 1/17/1980; Ordinance 57 – 3/18/1991: Effective 3/18/1991; Ordinance 101 – 3/18/2002: Effective 4/17/2002; Ordinance 106 – 7/6/2004: Effective 7/6/2004; Ordinance 108 – 2/22/2005: Effective 3/24/2005)

15.02.080: Building Permit Fee Schedule

- A. Building permit fees shall be based upon the evaluation of the work being done. Evaluation shall be construction bid or bids, square foot costs as allowed by Montana Administrative Rules or actual construction costs. Such fees shall be reviewed on an annual basis by the Deer Lodge City Council and may be adjusted to generate sufficient revenues to cover the actual expenses of the building department.

(Ordinance 1 – 1/17/1980: Effective 1/17/1980; Ordinance 48 – 8/7/1989: Effective 8/7/1989; Ordinance 57 – 3/18/1991: Effective 3/18/1991; Ordinance 92 – 12/18/2000: Effective 12/18/2000; Ordinance 101 – 3/18/2002: Effective 4/17/2002; Ordinance 106 – 7/6/2004: Effective 7/6/2004; Ordinance 108 – 2/22/2005: Effective 3/24/2005)

15.02.090: Jurisdictional Area

- A. The jurisdictional area of the City Building Department shall be the corporation limits of the City of Deer Lodge.

(Ordinance 1 – 1/17/1980: Effective 1/17/1980; Ordinance 101 – 3/18/2002: Effective 4/17/2002; Ordinance 106 – 7/6/2004: Effective 7/6/2004; Ordinance 108 – 2/22/2005: Effective 3/24/2005)

15.02.100: Board of Appeals

- A. In order to provide for reasonable interpretations of the provisions of this Code, there shall be and is hereby created a Board of Appeals, consisting of the three (3) City Council members on the Public Safety and Zoning Committee, with the remaining (5) five City Council members as alternates. The Building Inspector shall be an ex officio member and shall act as Secretary of the Board.

(Ordinance 1 – 1/17/1980: Effective 1/17/1980; Ordinance 101 – 3/18/2002: Effective 4/17/2002; Ordinance 106 – 7/6/2004: Effective 7/6/2004; Ordinance 108 – 2/22/2005: Effective 3/24/2005)

15.02.110: Violations; Penalty

- A. It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, equip, use, occupy or maintain any building or structure in the City of Deer Lodge, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this chapter.
- B. Upon notice from the building inspector that work on any residential building or structure is being executed contrary to the provisions of this code or in an unsafe and dangerous manner, such work shall be immediately stopped.
 - 1. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's authorized agent or to the person performing the work and shall state the conditions under which work will be permitted to resume. (IRC ~~2021-2018~~ Section R114)
- C. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe conditions, shall be subject to penalties as prescribed by this ordinance. (IRC ~~2021-2018~~ Section R114)
- D. The issuance of a stop work order will require the owner of the property involved or the owner's authorized agent to apply for a building permit from the building inspector. The fee for the issuance of the building permit following the stop work order will be double the fee as set in the fee schedule for the work being done.
- E. Any contractor who performs work without a permit when a permit is required will be issued a stop work order under the process described above.
 - 1. Upon the issuance of a second stop work order to the same contractor within a year from the first, the business license for the contractor will be suspended for one (1) year.
 - 2. The issuance of a third stop work order will cause that contractor's business license to be suspended indefinitely.
- F. Any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this chapter is committed, continued or permitted, and upon first conviction of any such violation such person shall be punishable by fine of not more than three hundred dollars (\$300.00). Upon second and subsequent conviction of any such violation such person shall be punishable by fine of not more than five hundred dollars (\$500.00).

(Ordinance 1 – 1/17/1980: Effective 1/17/1980; Ordinance 101 – 3/18/2002: Effective 4/17/2002; Ordinance 106 – 7/6/2004: Effective 7/6/2004; Ordinance 108 – 2/22/2005: Effective 3/24/2005; Ordinance 2021-16 – 12/20/21: Effective 01/21/2022; Ordinance 2022-3 – 9/5/2022: Effective 10/6/2022)

Chapter 15.04: UNIFORM FIRE CODE

SECTIONS:

15.04.10 ADOPTION OF FIRE CODE CONSISTENT WITH STATE FIRE MARSHAL FIRE CODE

15.04.10: ADOPTION OF FIRE CODE CONSISTENT WITH STATE FIRE MARSHAL FIRE CODE

A. The City of Deer Lodge does hereby adopt the Fire Code that is Consistent with that utilized by the State Fire Marshal.

(Ordinance 1 – 1/17/1980: Effective 1/17/1980; Ordinance 107 – 7/6/2004: Effective 7/6/2004; Ordinance 157 – 5/19/2014: Effective 6/18/2014; Ordinance 2019-12 – 9/16/2019: Effective 10/15/2019)