

MODIFICATIONS ASSOCIATED WITH THE INTERNATIONAL MECHANICAL CODE (IMC)

24.301.172 INCORPORATION BY REFERENCE OF INTERNATIONAL MECHANICAL CODE

(1) The department adopts and incorporates by reference the International Mechanical Code, 2009 2012 edition, published by the International Code Council, unless another edition is specifically stated, together with the following amendments:

(a) Subsection **102.8**, Referenced Codes and Standards, is modified by adding the following: "Any reference to a separate specialty building regulation, by title, either in this subsection or elsewhere in this code, shall be considered deleted and replaced with the title of the model code adopted by the department and in effect at the time."

(b) Subsection **101.2** is amended to delete Exception 1 in its entirety.

(c) The fees established in Subsection **106.5.2** are as follows:

"(1) The mechanical cost shall be the cost to the owner of all labor charges and all mechanical materials and equipment installed as part of the mechanical system. The cost of the plumbing system, which is covered by the Uniform Plumbing Code, is not to be included.

"(2) The mechanical permit fees are calculated as follows:

Cost of Mechanical System

Mechanical Permit Fee

\$0 - \$10,000
including \$10,000

\$48 for first \$1000 plus \$14 for each additional \$1000 or fraction thereof, to and

\$10,001 - \$50,000

\$166 for first \$10,000 plus \$9 for each additional \$1000 or fraction thereof, to and including \$50,000

\$50,001

\$514 for first \$50,000 plus \$6 for each additional \$1000 or fraction thereof.

(d) **Section 108** of the International Mechanical Code will be left as is for use by certified cities, counties, and towns. The department will use 50-60-109 and 50-60-110, MCA, in cases requiring prosecution, in lieu of Section 108. When a person fails to submit required plans, obtain a permit, correct plans or comply with an order of the department, the department will, as authorized by 50-60-109, MCA, seek injunctive relief.

(e) **Section 109** of the IMC will be left as is for use by certified cities, counties, or towns, which by 50-60-303, MCA, must provide an appeal procedure. Cities, counties, and towns may use a board of appeals created in accordance with **Section 113** of the IBC to serve as their boards of appeal. The department and state of Montana, however, will use the applicable provisions of the Montana Administrative Procedure Act in all cases of appeal, in lieu of **Section 109**.

(f) **Chapter 10** is deleted in its entirety.

(g) **Table 403.3** is amended by the addition of a footnote "i". Footnote "i" is to be referenced in the table at, "Private Dwellings, Single and Multiple". The footnote at the end of the table should be as follows: "i. Every dwelling unit shall have installed a minimum 100 CFM exhaust fan controlled by either an automatic timer or humidistat."

(2) The Building Codes Bureau shall not enforce the IMC in buildings exempted from state building codes by 50-60-102, MCA. Cities, counties, and towns that have made the state building regulations applicable to buildings exempt from state enforcement, except for mines and buildings on mine property regulated under **Title 82, chapter 4, MCA**, may enforce within their jurisdictional areas the International Mechanical Code as adopted by those units of government.

(3) As specified in **76-2-412, MCA**, mechanical codes which are not applicable to residential occupancies may not be applied to a community residential facility serving eight or fewer persons or to a day care home serving 12 or fewer children.

(4) The purpose of this code is to provide minimum standards to safeguard life or limb, health, property, and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation, and maintenance of heating, ventilating, cooling, refrigeration systems, incinerators, and other miscellaneous heat-producing appliances.

(5) No mechanical permit shall be issued for a building or structure, under the jurisdiction of the department, until the building permit has first been issued for that building or structure.

(6) The IMC adopted by reference in (1) is a nationally recognized model code setting forth minimum standards and requirements for certain mechanical installations. A copy of the IMC may be obtained from the Department of Labor and Industry, Building Codes Bureau, P.O. Box 200517, Helena, MT 59620-0517, at cost plus postage and handling. A copy may also be obtained by writing to the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795, or on their web site at www.ICCSafe.org.

(History: 50-60-203, MCA; IMP, 50-60-102, 50-60-103, 50-60-109, 50-60-201, 50-60-203, 50-60-303, MCA; NEW, 2004 MAR p. 571, Eff. 3/12/04; AMD, 2006 MAR p. 567, Eff. 2/24/06; AMD, 2007 MAR p. 112, Eff. 1/26/07; AMD, 2010 MAR p. 1733, Eff. 7/30/10.)