

24.301.131 INCORPORATION BY REFERENCE OF INTERNATIONAL BUILDING CODE

(1) The Department of Labor and Industry, referred to as the department in this rule and all subsequent rules in ARM Title 24, chapter 301, adopts and incorporates by reference the International Building Code, ~~2006~~ 2009 Edition, referred to as the International Building Code or IBC, unless another edition is specifically stated, together with Appendix Chapter C (Group U - Agricultural Buildings).

(2) remains the same.

(3) A copy of the International Building Code may be obtained from the Department of Labor and Industry, ~~Bureau of Building and Measurement Standards~~ Building Codes Bureau, P.O. Box 200517, 301 South Park, Helena, MT 59620-0517, at cost plus postage and handling. A copy may also be obtained by contacting the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795 or visiting the International Code Council website at www.ICCsafe.org

(History: 50-60-203, MCA; IMP, 50-60-203, MCA; NEW, 2002 MAR p. 2656, Eff. 9/27/02; AMD, 2004 MAR p. 571, Eff. 3/12/04; AMD, 2007 MAR p. 112, Eff. 1/26/07.)

24.301.138 CALCULATION OF FEES

(1) International Building Code (IBC) Section ~~408.2~~ 109.2, Schedule of Building Permit Fees, is modified for use by the department with the following additions:

(a) Permit fees. The fee for each building permit is established in Table ~~408.2~~ 109.2

(b) Plan review fees. When submittal documents are required, a plan review fee must be paid in addition to the building permit fee. The plan review fee is 35 percent of the building permit fee as established in Table ~~408.2~~ 109.2. If only plan review services are provided, the plan review fee for such services shall be 50 percent of the combined plan review and building permit fee.

(c) Add a new paragraph to IBC Section ~~408.2~~ 109.2 to read: "Requested Inspection Fee - \$45, provided that such service is not in excess of one hour in duration, and then \$25 for each 30 minutes or fractional part thereof in excess of one hour. Travel and per diem will be charged as per the state of Montana's existing rates for these items."

(2) through (4) (b) Remain the same.

(c) the cost per square foot method of valuation and the cost per square foot figures, ~~modified by region,~~ for the type and quality of construction and occupancy group listed in the "Building Valuation Data" table of the ~~March/April 2002~~ January/February 2009 Edition of "International Conference of Building Officials Building Standards" "Building Safety Journal" magazine, published by the International Code Council ~~Conference of Building Officials~~.

(d) For purposes of modifying the building valuation values derived from the square foot method calculations of 4c above the calculated building valuation shall be multiplied by a factor of 0.60 to arrive at a final calculated building valuation.

~~(d)~~ (e) When in unusual circumstances the valuation calculated by the use of the "Building Valuation Data" table, the design professional's estimated project cost, firm bids, or contract amounts are determined to be unreasonable for the nature of the project, the department reserves the right to base the building permit fee and plan review fee on the best valuation information it has available to it.

(5) through (7) remain the same.

(8) A copy of the "Building Valuation Data" table may be obtained free of charge from the Department of Labor and Industry, Building Codes Bureau of ~~Building and Measurement Standards~~, P.O. Box 200517, 301 South Park, Helena, MT 59620-0517.

TABLE 408.2-109.2
BUILDING PERMIT FEES

TOTAL VALUATION	FEE
\$1 to \$500	\$23.50
\$501 to \$2000	\$23.50 for first \$500 plus \$3.05 for each additional \$100, or fraction thereof, to and including \$2000
\$2001 to \$25,000	\$69.25 for the first \$2000 plus \$14 for each additional \$1000, or fraction thereof, to and including \$25,000
\$25,001 to \$50,000	\$391.75 for the first \$25,000 plus \$10.10 for each additional \$1000, or fraction thereof, to and including \$50,000
\$50,001 to \$100,000	\$643.75 for the first \$50,000 plus \$7 for each additional \$1000, or fraction thereof, to and including \$100,000
\$100,001 to \$500,000	\$993.75 for the first \$100,000 plus \$5.60 for each additional \$1000, or fraction thereof to and including \$500,000
\$500,001 to \$1,000,000	\$3,233.75 for the first \$500,000 plus \$4.75 for each additional \$1000, or fraction thereof, to and including \$1,000,000
\$1,000,001 and up	\$5,608.75 for the first \$1,000,000 plus \$3.15 for each additional \$1000, or fraction thereof
Other Inspections and Fees:	
1. Inspections outside of normal business hours (minimum charge - two hours)	\$45.00 per hour
2. Reinspection fees assessed under provisions of Section 305.8	\$45.00 per hour
3. (2) Inspections for which no fee is specifically indicated hour (minimum charge - one-half hour)	\$45.00 per hour
4. (3) Additional plan review required by changes, additions or revisions to plans (minimum charge - one-half hour)	\$45.00 per hour
5. (4) For use of outside consultants for plan checking and inspections, or both	Actual costs ¹

¹ Actual costs include administrative and overhead costs.

(History: 50-60-104, 50-60-203, MCA; IMP, 50-60-103, 50-60-104, 50-60-203, MCA; NEW, 2002 MAR p. 2656, Eff. 9/27/02; AMD, 2004 MAR p. 571, Eff. 3/12/04; AMD, 2004 MAR p. 2103, Eff. 9/3/04; AMD, 2006 MAR p. 567, Eff. 2/24/06; AMD, 2007 MAR p. 112, Eff. 1/26/07.)

24.301.139 INVESTIGATION FEES ASSESSED FOR WORK COMMENCING WITHOUT BUILDING PERMIT

(1) ~~In accordance with Subsection 108.4 of the International Building Code, the department shall assess investigation fees for any work commenced on a building or structure before obtaining the necessary permits. The investigation fees will be 50 percent of the combined plan review and building permit fee, with a minimum fee of \$250 and a maximum fee not to exceed \$1000.~~ In accordance with Subsection 109.4 of the International Building Code and pursuant to the requirements of fees being commensurate with costs the department may assess an investigation fee for any work commenced on a building or structure prior to obtaining the necessary building permits. The investigation fee will be charged on an hourly rate of \$45.00 per hour for every hour, including portions of an hour, spent on investigating the work commenced without the proper building permits. This investigation fee shall be in addition to the regular plan review and building permit fee assessed in 24.301.138 (1) (a) and (b).

(History: 50-60-104, 50-60-203, MCA; IMP, 50-60-103, 50-60-104, 50-60-201, MCA; NEW, 2004 MAR p. 2103, Eff. 9/3/04.)

24.301.142 MODIFICATIONS TO THE INTERNATIONAL BUILDING CODE APPLICABLE ONLY TO THE DEPARTMENT'S CODE ENFORCEMENT PROGRAM

(1) remains the same.

(2) The department will use 50-60-109 and 50-60-110, MCA, in cases requiring prosecution in lieu of Section 443 114 of the International Building Code. When a person fails to submit required plans, obtain a permit, correct plans, or comply with an order of the department, the department, as authorized by 50-60-109, MCA, may bring civil action to enjoin the person from constructing or using the building.

(3) and (4) remain the same.

(5) Subsection ~~406.4~~ 107.1 of the International Building Code is amended with the addition of the following: "The department requires submittal of two complete sets of construction documents for all projects. This section shall not be construed to require an architect or engineer license. The requirements for

who must be licensed to practice architecture or engineering work is governed by Title 37, chapter 65, MCA and Title 37, chapter 67, MCA. The issuance of a building permit does not in any way address the need for licensure by the permit holder or designer."

(6) Subsection ~~440.1~~ 111.1 of the International Building Code is amended with the addition of the following: "On a case-by-case basis the building official or his agent may grant the owner permission to occupy and use a building or portions thereof prior to completion of the project when the building official or his agent finds the building or structure to be in substantial compliance with the intent of the International Building Code."

(7) Subsection ~~440.2~~ 111.2 of the International Building Code is amended to read:

(a) "~~440.2~~ 111.2 Certificate issued. If the building official or the building official's agent makes all the inspections of a building or structure required by Section ~~409~~ 110, and finds it was constructed in accordance with the provisions of the state building code, the building official shall issue a certificate of occupancy, as referenced in 50-60-107, MCA, which shall contain the following:

- (i) the building permit number;
- (ii) the address of the building;
- (iii) the name and address of the owner;
- (iv) a description of that portion of the building for which the certificate is issued;
- (v) a statement that the described portion of the building has been inspected and complies with the state building code for the group and division of occupancy and the use for which the proposed occupancy is classified;
- (vi) the name of the building official;
- (vii) the section of the code under which the permit was issued;
- (viii) the use and occupancy, in accordance with the provisions of Chapter 3;
- (ix) the type of construction as defined in Chapter 6;
- (x) the design occupant load;
- (xi) if an automatic sprinkler system is provided, whether the sprinkler system is required; and
- (xii) any special stipulations and conditions of the building permit."

(b), (i), and (ii) All remain the same.

(c) "Formal Written Approval: In situations where the department was unable to perform the required inspections referenced in Section ~~409~~ 110 of the International Building Code, but no significant deficiencies from the state building code have been noted, the bureau may issue a letter of formal written approval in lieu of a certificate of occupancy."

(8) The department will use the applicable provisions of the Montana Administrative Procedure Act in all cases of appeal in lieu of Section 412 113 of the International Building Code.

(9) Subsection ~~4805.2.4~~ 1809.5 of the International Building Code requires that footings and foundations shall extend below the frost line. In all areas of the state outside of certified local government jurisdictions, the minimum depth from finished grade to the bottom of footings shall be 3.0 ft. for single story wood or metal frame buildings, and 4.0 ft. for multistory or masonry buildings. Buildings located on highly expansive or unstable soils may need engineered footings and foundation walls that extend below the minimum depths indicated above. At the discretion of the building official, the above minimum depths may not be required for properly designed so-called monolithic slabs for single story storage and similar use buildings. The building official may require monolithic slabs to be designed and stamped or certified by a Montana registered engineer who practices structural design. The design and stamp of a Montana licensed architect may be accepted in lieu of an engineer's stamp when the monolithic slab design is an incidental part of an architectural building design, as allowed by 37-67-103, MCA.

(10) remains the same.

(History: 50-60-203, MCA; IMP, 50-60-107, 50-60-108, 50-60-109, 50-60-203, 50-60-212, MCA; NEW, 2002 MAR p. 2656, Eff. 9/27/02; AMD, 2002 MAR p. 3627, Eff. 12/27/02; AMD, 2007 MAR p. 112, Eff. 1/26/07.)

24.301.146 MODIFICATIONS TO THE INTERNATIONAL BUILDING CODE APPLICABLE TO BOTH THE DEPARTMENT'S AND LOCAL GOVERNMENT CODE ENFORCEMENT PROGRAMS

(1) and (2) remain the same.

~~(3) Subsection 101.4.1, Electrical, is modified by deleting "ICC Electrical Code" and replacing with "National Electrical Code."~~

~~(4) (3) Subsection ~~401.4.4~~ 101.4.3 Plumbing, is modified by:~~

~~(a) Deleting "International Plumbing Code" and replacing with "Uniform Plumbing Code."~~

~~(b) Deleting the last sentence: "The provisions of the International Private Sewage Disposal Code shall apply to private sewage disposal systems."~~

(5) (4) Subsection 101.4.5 101.4.4, Property Maintenance, is deleted in its entirety.

(6) (5) Subsection 101.4.6 101.4.5, Fire Prevention, is modified by deleting "International Fire Code" and replacing with "fire code adopted by the Fire Prevention and Investigation Bureau of the Department of Justice."

(7) remains the same but is renumbered as 6.

(8) (7) Subsection 106.3.4 107.3.1 is amended by the addition of the following sentence: "When the building official issues the permit where plans are required, the building official shall approve the construction documents, with corrections as required, or with adequate written resolution of deficiencies noted in plan review comments."

(9), (a) (b), (c), and (d) remain the same but is renumbered as 8.

(10) remains the same but is renumbered as 9.

(11) (10) Subsection 903.3.5, Inadequate Water Supply, is amended by addition of the following: "This subsection shall apply to buildings which are required by the International Building Code to be provided with an automatic fire extinguishing system and do not have access to an existing multiple user water supply system, such as a municipal water supply system or a private community water supply system, capable of providing the water supply requirements of National Fire Protection Association Standard for the Installation of Sprinkler Systems, 2002 2007 Edition (NFPA 13). Under such circumstances, water storage requirements may be modified by the building official. The modified design shall include sufficient storage onsite to operate ~~50 percent of the~~ hydraulically remote area for the response time of the local fire department. ~~This reduction shall not reduce the number of operating sprinklers to less than four.~~ Response time is the time from alarm to the time the fire department can apply water to the fire. Response time shall be established by the use of the formula $T = 0.65 + 1.7D$ 6.5 minutes (mobilization time) + 1.7 minutes/mile D (travel time), where T is response time, in minutes, and D is distance, in miles, from the fire station to the building. The modified water supply shall be sufficient to operate the system for the response time calculated above but not be less than 20 minutes. Water supply requirements shall be established by using the area/density method as defined in NFPA 13. A ~~50 percent~~ reduction in water storage of up to 50 percent but not less than that required for a 20 minute supply is allowed. ~~Density shall not be modified.~~ All automatic fire sprinkler system designs and components shall be in storage for ~~50 percent of the sprinkler discharge requirements~~ in compliance with NFPA 13. When a modified water storage is allowed, the automatic fire sprinkler system must be equipped with a flow alarm, digital alarm communicator transmitter, and a fire department connection. The automatic fire sprinkler system shall be monitored by an

approved central station in accordance with NFPA 72, National Fire Alarm Code, 2002 2007 edition."

(12) remains the same but is renumbered as (11).

(a) Fire-extinguishing system.

(i) Installation of Sprinkler Systems: NFPA 13 Standard for the Installation of Sprinkler Systems, 2002 2007 Edition.

(ii) Installation of Sprinkler Systems in Group R Occupancies Four Stories or Less: NFPA 13R Standard for the Installation of Sprinkler Systems in Residential Occupancies up to and Including Four Stories in Height, 2002 2007 Edition.

(b) Standpipe Systems: NFPA 14 Standard for the Installation of Standpipe and Hose Systems, 2003 2007 Edition.

(c) Remains the same.

(13) (12) Delete Subsection ~~903.2.7~~ 903.2.8 and replace with the following:

"1. An approved automatic sprinkler system installed in accordance with Section 903.3 shall be provided in all Group R buildings meeting any of the following criteria:

- "a. ~~20~~ 16 or more transient guests or ~~40~~ 8 or more transient guestrooms;
- "b. ~~20~~ 16 or more occupants in other than dwelling units;
- "c. ~~46~~ 8 or more dwelling units; or
- "d. more than 2 stories.

"2", "3", and "4" remain the same.

(14) (13) Subsection 907.2.8.1, Manual Fire Alarm System, is amended with the addition of the following: "Exception 3: A manual fire alarm system is not required in buildings with five or fewer guestrooms or 10 or fewer guests where the building does not exceed two stories in height and is equipped with multiple-station smoke alarms installed in accordance with Subsection ~~907.2.10.1~~ 907.2.11"

(15) (14) Subsection ~~4017.4~~ 1018.1 is amended by addition of the following: "Upgrading of corridors in existing E occupancies serving an occupant load of 30 or more, may have walls and ceilings of not less than one-hour fire-resistive construction as required by this code. Existing walls surfaced with wood lath and plaster in good condition or 1/2-inch gypsum wallboard or openings with fixed wired glass set in steel frames are permitted for corridor walls and

ceilings and occupancy separations when approved. Doors opening into such corridors shall be protected by 20-minute fire assemblies or solid wood doors not less than 1 3/4 inches (45 mm) thick. Where the existing frame will not accommodate the 1 3/4-inch-thick door, a 1 3/8-inch-thick solid bonded wood-core door or equivalent insulated steel door shall be permitted. Doors shall be self-closing or automatic closing by smoke detection. Transoms and openings other than doors from corridors to rooms shall comply with this code or shall be covered with a minimum of 3/4-inch plywood or 1/2-inch gypsum wallboard or equivalent material on the room side. Exception: Existing corridor walls, ceilings, and opening protection not in compliance with the above may be continued when such buildings are protected with an approved automatic sprinkler system throughout. Such sprinkler system may be supplied from the domestic water system if it is of adequate volume and pressure."

(15) For "R" Occupancies that are exempt from the requirements of a fire sprinkler system pursuant to ARM 24.301.146 (12) Table 1018.1 referenced in Subsection 1018.1 shall be amended by the deletion of the language, "Not Permitted" under the heading, "Required Fire-Resistive Rating (hours) – Without Sprinkler system" for "R" occupancies with an occupant load served by corridor of greater than 10. Under that same location where "Not Permitted" is to be deleted the language, "1" shall be inserted instead which will require those corridors to have 1 hr fire-resistive ratings.

(16) through 18 remain the same.

(19) Subsection 2902.4 ~~2902.3~~, Required Public Toilet Facilities, is deleted in its entirety.

(20) through 37 remain the same.

(History: 50-60-203, MCA; IMP, 50-60-101, 50-60-102, 50-60-104, 50-60-201, 50-60-203, 50-60-205, MCA; NEW, 2002 MAR p. 2656, Eff. 9/27/02; AMD, 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.)

24.301.171 INCORPORATION BY REFERENCE OF INTERNATIONAL EXISTING BUILDING CODE

(1) The Department of Labor and Industry adopts and incorporates by reference the International Existing Building Code (IEBC), ~~2006~~ 2009 Edition, which may be used as an alternate prescriptive method(s) for the remodel, repair, alteration, change of occupancy, addition, and relocation of existing building.

1 (a), (2), and (3) remain the same.

(4) A copy of the International Existing Building Code may be obtained from the Department of Labor and Industry, ~~Bureau of Building and Measurement Standards~~ Building Codes Bureau, P.O. Box 200517, 301 South Park, Helena, MT 59620-0517, at cost plus postage and handling. A copy may also be obtained by contacting the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795 or on their website at www.ICCSafe.org

History: 50-60-203, MCA; IMP, 50-60-103, 50-60-109, 50-60-201, MCA; NEW, 2004 MAR p. 571, Eff. 3/12/04; AMD, 2007 MAR p. 112, Eff. 1/26/07.

24.301.172 INCORPORATION BY REFERENCE OF INTERNATIONAL MECHANICAL CODE

(1) The Department of Labor and Industry adopts and incorporates by reference the International Mechanical Code, ~~2006~~ 2009 Edition, published by the International Code Council, unless another edition is specifically stated, together with the following amendments:

(a) and (b) remain the same.

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

"(1)" remains the same.

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

Cost of Mechanical System	Mechanical Permit Fee
\$0 - \$10,000	\$40 <u>48</u> for first \$1000 plus \$42 <u>14</u> for each additional \$1000 or fraction thereof, to and including \$10,000
\$10,001 - \$50,000	\$148 <u>166</u> for first \$10,000 plus \$7 <u>9</u> for each additional \$1000 or fraction thereof, to and including \$50,000
\$50,001	\$428 <u>514</u> for first \$50,000 plus \$4 <u>6</u> for each additional \$1000 or fraction thereof.

(d) remains the same.

(e) Section 109 of the International Mechanical Code 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 442 [113](#) of the International Building Code 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) Subsection 506.3.3.1, Grease duct test, is amended as follows for use only by the department: "Prior to the use of concealment of any portion of a grease duct system, a leakage test shall be performed by the installer. Installer shall provide documentation to the department of satisfactory test results. Ducts shall be considered to be concealed where installed in shafts or covered by coatings or wraps that prevent the ductwork from being visually inspected on all sides. The permit holder shall be responsible to provide the necessary equipment and perform the grease duct leakage test. A light test or an approved equivalent test method shall be performed to determine that all welded and brazed joints are liquid tight. A light test shall be performed by passing a lamp having a power rating of not less than 100 watts through the entire section of duct work to be tested. The lamp shall be open so as to emit light equally in all directions perpendicular to the duct walls. A test shall be performed for the entire duct system, including the hood to duct connection. The ductwork shall be permitted to be tested in sections, provided that every joint is tested."~~

(g) remains the same but is re-lettered (f).

(2) ~~The Bureau of Building and Measurement Standards~~ [Building Codes Bureau](#) shall not enforce the International Mechanical Code 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) through (5) remain the same.

(6) The International Mechanical Code 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 International Mechanical Code may be obtained from the Department of Labor and Industry, ~~Bureau of Building and Measurement Standards~~ [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 website at www.ICCSafe.org](#).

History: [50-60-203](#), MCA; IMP, [50-60-102](#), [50-60-103](#), [50-60-109](#), [50-60-201](#), [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.

24.301.173 INCORPORATION BY REFERENCE OF INTERNATIONAL FUEL GAS CODE

(1) The Department of Labor and Industry adopts and incorporates by reference the International Fuel Gas Code, 2006 **2009** edition, published by the International Code Council, referred to as the International Fuel Gas Code, unless another edition is specifically stated, together with the following amendments:

(a) through (c) remain the same.

(d) Section 109 of the International Fuel Gas Code will be left as is for use by certified cities, counties, or towns, who by 50-60-303, MCA, must provide an appeal procedure. Cities, counties, and towns may use the board of appeals created in accordance with Section 442 **113** of the International Building Code to serve as the board of appeals. 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.

(2) ~~The Bureau of Building and Measurement Standards~~ **Building Codes Bureau** shall not enforce the International Fuel Gas Code on those 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 Fuel Gas Code as adopted by those units of government.

(3) through (5) remain the same.

(6) The International Fuel Gas Code 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 International Fuel Gas Code may be obtained from the Department of Labor and Industry, ~~Bureau of Building and Measurement Standards~~ **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 website at www.ICCSafe.org**

History: [50-60-203](#), MCA; IMP, [50-60-102](#), [50-60-103](#), [50-60-109](#), [50-60-201](#), [50-60-303](#), MCA; NEW, 2004 MAR p. 571, Eff. 3/12/04; AMD, 2007 MAR p. 112, Eff. 1/26/07.