



**MONTANA
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DEPARTMENT OF LABOR AND INDUSTRY

NOTICE OF PROPOSED RULEMAKING

MAR NOTICE NO. 2026-95.1

Summary

2026 Updates to the State Building Code

Hearing Date and Time

Friday, August 28, 2026, at 9:00 a.m.

Virtual Hearing Information

A public hearing will be held via remote conferencing to consider the proposed changes to the agency's rules. There will be no in-person hearing. Interested parties may access the remote conferencing platform in the following ways:

Join Zoom Meeting: <https://mt-gov.zoom.us/j/88665497480>

Meeting ID: 886 6549 7480; Password: 9103669362

Dial by Telephone: +1 646 558 8656

Meeting ID: 886 6549 7480; Password: 9103669362

Comments

Concerned persons may present their data, views, or arguments at the hearing. Written data, views, or arguments may also be submitted at dli.mt.gov/rules or P.O. Box 1728, Helena, Montana 59624. Comments must be received by Friday, September 4, 2026, at 5:00 p.m.

Accommodations

The agency will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. Requests must be made by Friday, August 21, 2026, at 5:00 p.m.

Contact

Department of Labor and Industry
(406) 444-5466
laborlegal@mt.gov
Montana Relay: 711

General Reasonable Necessity Statement

The proposed rule amendments are necessary to effectuate the purpose of the state building code, including to “provide reasonably uniform standards and requirements for construction[,] . . . reduce the cost of construction consistent with reasonable requirements for the health and safety[,]” and “eliminate restrictive, obsolete, conflicting, and unnecessary building regulations and requirements[.]” Section 50-60-201(1) through (3), MCA. The proposed amendments are further necessary to address the unique and varied physical and social climates within the state of Montana.

“The department may adopt by reference nationally recognized building codes in whole or in part[,]” 50-60-203(2), MCA. The proposed amendments primarily adopt updated versions of internationally accepted building codes, including the International Building Code, the International Residential Code, the International Energy Conservation Code, the International Existing Building Code, the International Mechanical Code, the International Fuel Gas Code, the International Swimming Pool and Spa Code, the International Wildland-Urban Interface Code, the Uniform Plumbing Code, and the National Electrical Code.

The department also proposes amendments to the formatting of several rules to clarify and simplify the rules without changing the rule’s substance. For example, the department proposes renumbering several rule sections to avoid confusing indentations. The department also continues to add the names of the code subsections adopted in the rules to clearly identify the proposed amendments to the adopted codes.

Furthermore, the department drafted several of the proposed code amendments in consultation with the Office of the State Fire Marshal, Montana Department of Justice. While the department is the only state agency that is permitted to adopt the state building code, the State Fire Marshal “may promulgate regulations relating to use of buildings and installation of

equipment.” Section 50-60-202, MCA. The State Fire Marshal provided invaluable information and feedback regarding fire safety, particularly in the proposed amendments to ARM 24.301.146 MODIFICATIONS TO THE INTERNATIONAL BUILDING CODE APPLICABLE TO BOTH THE DEPARTMENT'S AND LOCAL GOVERNMENT CODE ENFORCEMENT PROGRAMS regarding “Rural Event Venues,” and ARM 24.301.171 INCORPORATION BY REFERENCE OF INTERNATIONAL EXISTING BUILDING CODE.

Finally, the Building Codes Council met on June 8, 2026, in Helena and over Zoom to review and provide feedback to the proposed rule amendments pursuant to 50-60-115, MCA.

Rulemaking Actions

AMEND

The rules proposed to be amended are as follows, stricken matter interlined, new matter underlined:

24.301.109 DEFINITIONS

- (1) As used in this chapter:
 - (a) "Department" means the Department of Labor and Industry.
 - (b) "IBC" means the International Building Code, ~~2021~~ 2024 edition.
 - (c) "IMC" means the International Mechanical Code, ~~2021~~ 2024 edition.
 - (d) "IFGC" means the International Fuel Gas Code, ~~2021~~ 2024 edition.

Authorizing statute(s): 50-60-203, MCA

Implementing statute(s): 50-60-203, MCA

Reasonable Necessity Statement

The proposed amendments are necessary to update the versions of the codes adopted by the department, as allowed by 50-60-203(2), MCA.

24.301.131 INCORPORATION BY REFERENCE OF INTERNATIONAL BUILDING CODE

- (1) The department adopts and incorporates by reference the International Building Code, ~~2021~~ 2024 edition, unless another edition is specifically stated, together with Appendix Chapter C (Group U - Agricultural Buildings).

- (2) The IBC is a nationally recognized model code setting forth minimum standards and requirements for building design, construction, alteration, and repair. The IBC also provides a framework for program administration.
- (3) A copy of the IBC may be obtained from the International Code Council at www.ICCsafe.org.

Authorizing statute(s): 50-60-203, MCA

Implementing statute(s): 50-60-203, MCA

Reasonable Necessity Statement

The proposed amendments are necessary to update the version of the IBC adopted by the department, as allowed by 50-60-203(2), MCA.

24.301.138 CALCULATION OF FEES

- (1) International Building Code (IBC) Section 109.2, Schedule of 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 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 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 109.2 to read: "Requested Inspection Fee - \$75.00 per hour, with any portions of an hour rounded up to the next full hour. Travel and per diem may be charged as per the state of Montana's existing rates for these items."
- (2) Both the building permit fee and the plan review fee must be paid before a building permit will be issued.
- (3) The determination of value or valuation under any of the provisions of this code shall be made by the building official. The value to be used in computing the building permit and building plan review fees is the total value of all construction work for which the permit is issued as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire-extinguishing systems, and any other permanent equipment.

- (a) When more than one identical building or structure is being constructed within the same locality, the first building or structure shall be subject to plan review and permit fees. Subject to (b), the department may, in its discretion, charge permit fees only for each additional identical building or structure constructed in the same locality.
 - (b) When the department adopts a new edition of the state building code, a new plan review and the associated plan review and permit fees are required for any additional identical building or structure that was previously approved under (a).
- (4) The value or valuation of a building or structure under any of the provisions of the IBC will be determined using one of the following methods of determining valuation, listed in their order of priority:
 - (a) firm bids or contract amounts, if available;
 - (b) the design professional's preliminary cost estimate, if such estimate is available; or
 - (c) the cost per square foot method of valuation and the cost per square foot figures for the type of construction and occupancy group listed in the "Building Valuation Data" table of the January/February 2009 edition of "Building Safety Journal " magazine, published by the International Code Council.
 - (d) For purposes of modifying the building valuation values derived from the square-foot method calculations of (4)(c), the calculated building valuation shall be multiplied by a factor of 0.35 to arrive at a final calculated building valuation. For purposes of modifying firm bids or the design professional's preliminary cost estimate, the provided valuation shall be multiplied by a factor of 0.6 to arrive at a final building valuation.
 - (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) For purposes of calculation of fees, the building valuation shall be rounded off to the nearest \$1000 and any calculated building and plan review fees shall be rounded off to the nearest \$1.
- (6) Fees for wind farm turbine foundations will be calculated as \$200 for the first turbine and \$100 for each additional turbine included in the project.
- (7) Fees for solar fields will be calculated at \$100/megawatt.

- (8) As provided in ARM 24.301.203, local governments certified to enforce the state building code may establish their own permit fees. Local governments may also establish their own method of building valuation.
- (9) For projects involving replacement of existing building components, such as roof coverings, siding, and windows, the department may use the requested inspection fee rate in calculating and assessing an appropriate and reasonable fee for projects in which such factors as material costs cause the plan review and building permit fee to exceed the cost of the service the department provides.
- (10) A copy of the "Building Valuation Data" table may be obtained free of charge from the Department of Labor and Industry, Building and Commercial Measurements Bureau, P.O. Box 200517, 301 South Park, Helena, MT 59620-0517.

TABLE 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
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Other Inspections and Fees:

1. Inspections outside of normal business hours \$75.00 per hour (minimum charge - two hours)
2. Inspections for which no fee is specifically indicated \$75.00 per hour (minimum charge - one-half hour)
3. Additional plan review required by changes, additions, or revisions to plans \$75.00 per hour (minimum charge - one-half hour)
4. For use of outside consultants for plan checking and inspections, or both Actual costs ¹

¹ Actual costs include administrative and overhead costs.

Authorizing statute(s): 50-60-104, 50-60-203, MCA

Implementing statute(s): 50-60-103, 50-60-104, 50-60-203, MCA

Reasonable Necessity Statement

The proposed amendments adding the exceptions for identical plan review are necessary to increase efficiency of plan review by the department by eliminating the need to review identical plans, and to reduce the costs of plan review fees for applicants. A project with multiple identical buildings is generally planned for commercial subdivisions on the outskirts of certified jurisdictions, or when identical buildings are planned for the same lot.

The department typically receives between 10 and 20 applications per year meeting the requirements of proposed (3)(a) where multiple identical buildings are planned for development in the same locality. The permit and plan review fees for this type of project have typically cost around \$1000 per project; therefore, the department estimates that this change in fees will reduce the amount of fees collected by the department for reviewing building plans by between \$10,000 and \$20,000 per year.

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

- (1) The following modifications to the International Building Code are applicable to both the department's building code enforcement program and local government building code enforcement programs.

- (2) Subsection 101.4, Referenced Codes, is modified by adding the following: "Any reference to a separate specialty code, 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 and in effect at the time, as applicable."
- (3) Subsection 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."
- (4) Subsection 101.4.4, Property Maintenance, is deleted in its entirety.
- (5) Subsection 101.4.5, Fire Prevention, is modified by deleting "International Fire Code" and replacing with "fire code adopted by the fire authority having jurisdiction."
- (6) Subsection 101.4.7, Existing Buildings, is amended by the addition of the following sentence: "ARM 24.301.171 allows the provisions of either the International Building Code or the International Existing Building Code to be used for the remodel, repair, alteration, change of occupancy, addition, and relocation of an existing building."
- (7) Subsection 105.1.1, Annual Permit, is deleted and replaced with the following: "At the discretion of the building official, a single annual permit may be issued for multiple buildings owned by a single entity, located in a single geographic location, which require similar and repetitive repair, restoration, and maintenance work."
- (8) Subsection 107.2.8, Relocatable Buildings, is amended to delete "Section 3112" and replace it with "Section 3113."
- (9) Subsection 107.3.1, Approval of Construction Documents, is deleted and replaced with 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."
- (10) Section 116, Unsafe Structures and Equipment, is deleted in its entirety.
- (11) The following modifications apply to riding arenas:
 - (a) Subsection 312.1, General, is amended by addition of the following paragraph: "Riding arenas limited to occupant loads of 200 or less and used for boarding, breeding, and training of horses, horse shows and competitions, clinics and rider instruction, and open riding are considered agricultural buildings subject to the provisions of Appendix Chapter C, as amended. Uses such as rodeos, barn dances, craft and other nonlivestock shows,

conventions, and similar events which result in large numbers of spectators or occupants are not allowed in riding arenas classified as agricultural buildings."

- (b) Appendix Chapter C, Subsection C101.1, Scope, is amended by addition of: "9. Riding arenas as defined in amended Subsection 312.1, General."
 - (c) Appendix Chapter C, Subsection C104.1, Exit Facilities, is amended by addition of the following sentences to Exception 2: "The portion of riding arena buildings where riding will occur or where spectators may be present or seating is provided shall be provided with a minimum of four exits directly to the outside, with the exits located in a manner acceptable to the department that enhances exit from spectator areas. Exits from this portion of the building shall not be provided with a latch or lock unless it is panic hardware."
 - (d) Appendix Chapter C, Subsection C104.1, Exit Facilities, is amended by addition of Exception 3: "Exit doors for riding arenas shall not be less than 3 feet wide by 6 feet 8 inches high."
- (12) Table 412.3.6, HANGAR FIRE SUPPRESSION REQUIREMENTS, Footnote a., is amended to add the following exception: "Exception: Aircraft hangars with a door height greater than 28 feet may be considered Group II if the hangar is only used for storage of private aircraft, and no refueling, removal of fuels, or engine repairs take place inside the hangar. Aircraft hangars meeting this exception must have visible signage stating that the hangar is only used for storage of the aircraft, and no refueling, removal of fuels, or engine repairs may take place inside the aircraft hangar."
- (13) Section 508.5.1, Limitations, number one is amended to state the following: "1. The live/work unit is permitted to be not greater than 6000 square feet in area."
- (14) Section 508.5.7, Fire protection, is deleted in its entirety and replaced with the following: "Live/work units in buildings constructed as mixed use occupancies in accordance with this code shall be provided with all of the following:
- 1. An automatic sprinkler system in accordance with Section 903.3.1.1 or 903.3.1.2 as amended per ARM 24.301.146.
 - 2. Smoke alarms in accordance with Section 907.2.11.
 - 3. Where required by Section 907.2.9.1, a manual fire alarm system."
- (15) Section 903.2.9, Group S-1, number five is amended to state as follows "5. A Group S-1 fire area used for the storage of lithium-ion or lithium metal powered vehicles where the fire area exceeds 1000 square feet."
- (16) Section 903.2.9.1, Group S-1, number five is amended to state as follows "5. A Group S-1 fire area used for the storage of lithium-ion or lithium metal powered vehicles where the fire area exceeds 1000 square feet."

(17) Section 904.14.1, Manual system operation, Exception 2. is amended to delete “fire code official” and replace with “building code official.”

~~(12)~~(18) Subsection 903.2.1.7, Multiple Fire Areas, is deleted in its entirety.

~~(13)~~(19) In new or existing structures, the building official may allow the installation of noncode compliant equipment, facilities, or structural elements including but not limited to fire-extinguishing (sprinkler) systems or fire-resistive construction, which are not required by the building code, upon the finding that such installation does not negatively impact the overall compliance of the structure with the building code. Subsection 901.2, Fire Protection Systems, is modified by deleting the exception and replacing with the following: "Any fire protection system or portion thereof not required by this code shall be permitted to be installed for partial or complete protection at the discretion of the building official."

~~(14)~~(20) 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, ~~2019~~ 2022 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 the hydraulically remote area for the response time of the local fire department. 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 $T = 6.5 \text{ minutes (mobilization time)} + 1.7 \text{ minutes/mile } D$ (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 reduction in water storage of up to 50 percent, but not less than that required for a 20-minute supply is allowed. All automatic fire sprinkler system designs and components shall be 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, 2019 edition."

(21) The following modifications apply to IBC Group A2 occupancies, “rural event venues:”

(a) For the purpose of this rule, “rural event venue” shall be defined as a building or structure used for weddings and similar events; with a fire area 5000 or

less square feet; without feasible access to a municipal water supply; and a fire separation distance of 60' minimum from other buildings or structures for the entirety (meaning 100 percent) of the perimeter.

- (b) The building official may, in their discretion, permit the construction of a rural event venue without a fire sprinkler system, if the following conditions are met:
- (i) where a commercial kitchen is installed, the kitchen shall have a Type I hood installed with fire suppression over the cooking appliances according to the International Mechanical Code, as adopted in ARM 24.301.172. The kitchen shall also have an egress door directly to the exterior of the building;
 - (ii) buildings are not more than one story above grade plane;
 - (iii) the occupant load factor of 5 net' shall be used to calculate egress requirements in accordance with IBC chapter 10;
 - (iv) at least 50 percent of the number and minimum width or required capacity of the exits shall discharge directly to the exterior of the building;
 - (v) the maximum common path of egress travel distance shall not exceed 75 feet;
 - (vi) a fire alarm system is installed in accordance with NFPA 72;
 - (vii) fire extinguishers are located at each exit;
 - (viii) illuminated exit signs and emergency lighting are installed; and
 - (ix) no open flames, kerosene, or diesel heaters installed.
- (c) The building official may waive, in the building official's discretion, one of the required conditions in (b) if the exterior of the building is constructed of noncombustible materials with the exception of (i). The building official may not waive the requirement of a Type I hood in a commercial kitchen.

~~(15)~~(22) The following modifications apply to IBC Group A-3 occupancies, and IBC Group A-4 occupancies:

- (a) Buildings with a fire area less than 6,000 square feet without feasible access to a municipal water supply shall be permitted to be constructed without a fire sprinkler system, provided the following conditions are met:
 - (i) buildings are not more than one story above grade plane;
 - (ii) the occupant load factor of '5 net' shall be used to ~~calculated~~ calculate egress requirements in accordance with IBC chapter 10;

- (iii) at least 50 percent of the number and minimum width or required capacity of the exits shall discharge directly to the exterior of the building;
 - (iv) the maximum common path of egress travel distance shall not exceed 75 feet;
 - (v) local fire department response time is less than 20 minutes; and
 - (vi) a fire alarm system is installed in accordance with NFPA 72.
- (b) The building official may waive, in the building official's discretion, one of the required conditions in (a) if the exterior of the building is constructed of noncombustible materials.

~~(16)~~(23) The standards for fire-extinguishing systems and standpipe systems referenced in Chapter 9 of the International Building Code shall be the following unamended National Fire Protection Association (NFPA) Standards:

- (a) Fire-extinguishing system.
 - (i) Installation of Sprinkler Systems: NFPA 13 Standard for the Installation of Sprinkler Systems, ~~2019~~ 2022 edition.
 - (ii) Installation of Sprinkler Systems in Group R Occupancies Four Stories or Less: NFPA 13R Standard for the Installation of Sprinkler Systems in Low-Rise Residential Occupancies, ~~2019~~ 2022 edition.
- (b) Standpipe Systems: NFPA 14 Standard for the Installation of Standpipe and Hose Systems, ~~2019~~ 2024 edition.
- (c) Notwithstanding any other provisions or references to the contrary within the NFPA standards or fire code as referenced in (5), the authority having jurisdiction over any fire protection system required by the International Building Code shall be the building official.

~~(17)~~(24) Delete Subsection 903.2.8, Group R, and replace with the following:

- "1. An approved automatic sprinkler system installed in accordance with Section 903.3, Installation Requirements, shall be provided ~~in~~ throughout all Group R buildings meeting any of the following criteria:
 - "a. 9 or more transient guests or 5 or more transient guestrooms in R-1 or R-2 occupancies;
 - "b. 9 or more occupants in other than dwelling units;
 - "c. 5 or more dwelling units; or
 - "d. more than 2 stories in other than dwelling units.

"2. In lieu of the above required automatic sprinkler system in buildings not more than three stories above the lowest level of exit discharge, each dwelling or sleeping unit may be provided with at least one door leading directly to an exterior exit access that leads directly to approved exits.

"3. "Transient guest" for the purpose of this subsection shall mean an occupant who is primarily transient in nature, staying at one location for 30 days or less."

"4. "The requirements for automatic sprinkler systems for R-4 occupancies are found in ARM 24.301.146."

~~(18)~~(25) Subsection 903.2.4.2, Group F-1 Distilled Spirits, is amended to include:

"Exception: An automatic sprinkler system is not required where a Group F1 fire area used for the manufacture of distilled spirits is not more than one story above grade plane, and not exceeding 2,500 square feet."

~~(19)~~(26) Subsection 903.2.9.3, Group S-1 Distilled Spirits or Wine, is amended to include:

"Exception: An automatic sprinkler system is not required where a Group S1 fire area used for the bulk storage of distilled spirits or wine is not more than one story above grade plane, and not exceeding 2,500 square feet."

~~(20)~~(27) Subsection 903.3.1.2, NFPA 13R sprinkler systems, is amended as follows:

Automatic sprinkler systems in Group R occupancies shall be permitted to be installed throughout in accordance with NFPA 13R where the Group R occupancy meets all of the following conditions:

"1. Four stories or fewer above grade plane.

"2. Building is 60ft in height or less above grade plane.

"3. The floor level of the lowest story is 30 feet (9144 mm) or less below the lowest level of fire department vehicle access.

"The number of stories of Group R occupancies constructed in accordance with Sections 510.2 and 510.4 shall be measured from grade plane."

~~(21)~~(28) Subsection 905.3.1, Height, is amended as follows: "Class III standpipe systems shall be installed throughout buildings where any of the following conditions exist:

"1. Four or more stories are above or below grade plane.

"2. Building is 60ft in height or more above grade plane.

"3. The floor level of the lowest story is located more than 30 feet (9144 mm) below the highest level of fire department vehicle access."

~~(22)~~(29) Table 1006.2.1, Spaces with One Exit or Exit Access Doorway, referenced in subsection 1006.2.1, Egress based on occupant load and common path of egress travel distance, shall be amended for R1, R2, R3, and R4 occupancies by deletion of

NP and insertion of the number 100 for occupant loads less than 30 and 75 for occupant loads greater than 30.

(30) Section 1010.1.1, Size of doors, number nine is amended by deleting “Section 421.4.2 of the International Plumbing Code” and replacing it with “Section 408.5 of the Uniform Plumbing Code.”

~~(23)~~(31) Subsection 1020.2, Construction, 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 lathe 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."

~~(24)~~(32) For "R" occupancies that are exempt from the requirements of a fire sprinkler system, pursuant to ARM 24.301.146~~(16)~~, Table 1020.2, Corridor Fire-Resistance Rating, referenced in subsection 1020.2, Construction, shall be amended in regard to "R" occupancies by the deletion of the language "Greater than 10" and insertion of the language "Greater than 8" under the heading "Occupant Load Served By Corridor." The table shall also be amended by the deletion of the language "Not Permitted" and insertion of "1" under the heading "Without sprinkler system".

~~(25)~~(33) Subsection 1031, Emergency ~~Escape~~ Escape and Rescue, is amended as follows:
"General. In addition to the means of egress required by this chapter, emergency escape and rescue openings shall be required in all sleeping rooms in Group R occupancies located in buildings that do not have an automatic sprinkler system and in the following occupancies:"

(34) Section 1502.1, General, is amended by deleting “Chapter 11 of the International Plumbing Code” and replacing it with “the Uniform Plumbing Code.”

~~(26)~~(35) Subsection 1608.2, Ground Snow Loads, is deleted and replaced with the following: "Snow loads shall be determined by the building official. In areas of the

state outside of certified city, county, and town jurisdictions, the design snow load shall be calculated using the 2022 edition of the American Society of Civil Engineer's "Minimum Design Loads and Associated Criteria for Buildings and Other Structures, ASCE/SEI 7-22." The information is available online using the "ASCE 7 Hazard Tool" at <https://asce7hazardtool.online/>. The minimum design roof snow load after allowed reductions shall be 30 psf unless justified by a Montana licensed design professional to the satisfaction of the building official. Coefficients and factors other than those specified in the building code may be used when justified by a Montana licensed design professional to the satisfaction of the building official."

- (36) Section 1709.5.2.1, Garage doors and rolling doors, is amended by deleting the second sentence.
- (37) Section 2801.1 Scope, is amended to delete references to the "International Fire Code" and the "International Property Maintenance Code."
- ~~(27)~~(38) Subsection 2902.1, Minimum Number of Fixtures, is modified by deleting and replacing with the following: "Plumbing fixtures shall be provided as established in ARM 24.301.351."
- ~~(28)~~(39) Table 2902.1, MINIMUM NUMBER OF REQUIRED PLUMBING FIXTURES, is modified by deleting and replacing with ARM 24.301.351.
- ~~(29)~~(40) Subsection 2902.3, Required Public Toilet Facilities, is deleted and replaced with "Required public toilet facilities shall be provided in accordance with the Uniform Plumbing Code ~~2021~~ 2024 Subsection 422.4."
- ~~(30)~~(41) Subsection 3001.2, Emergency elevator communication equipment systems for the deaf, hard of hearing, and speech impaired, is amended as follows: "Emergency elevator communication systems for the deaf, hard of hearing and speech impaired. An emergency two-way communication system shall be provided in accordance with the provisions of ASME A17.1/CSA B44 and NFPA 72."
- ~~(31)~~(42) Delete Section 3107, General, in its entirety.
- ~~(32)~~(43) Delete Section 3109, General, in its entirety and replace with the International Swimming Pool and Spa Code, ~~2021~~ 2024 edition as adopted in ARM 24.301.175.
- ~~(33)~~(44) Delete Chapter 32, Encroachments into the Public Right-of-Way, in its entirety.
- ~~(34)~~(45) Delete Chapter 33, Safeguards During Construction, in its entirety.
- ~~(35)~~(46) Community residential facilities are subject to this rule as follows:

 - (a) As specified in 76-2-412, MCA, building 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.

- (b) A community residential facility as defined in 76-2-411, MCA, includes an assisted living facility licensed under 50-5-227, MCA. Residential building codes are applicable to assisted living facilities with eight or fewer persons and a building permit will not be required by the department. Within the jurisdictional area of a local government that is certified to enforce the International Residential Code for single family dwellings, residential building codes shall be applied to assisted living facilities with eight or fewer persons.
- (c) A licensed adult foster care home, as defined in 50-5-101, MCA, which by definition is limited to four or fewer residents, is the equivalent to a licensed adult foster family care home referenced in 76-2-411, MCA, and is therefore a community residential facility. Within the jurisdictional area of a local government that is certified to enforce building codes for single family dwellings, a licensed adult foster care home will be classified as a Group R, Division 3 structure for building permit and construction standard purposes. Within the state's jurisdictional area a licensed adult foster care home will be treated as a residential building exempt from the state building code as provided in 50-60-102, MCA.

~~(36)~~(47) The building official may waive minor building code violations that do not constitute an imminent threat to property or to the health, safety, or welfare of any person.

~~(37)~~(48) The building official may accept high quality, essentially defect-free, rough sawn lumber as being equal and an alternative to graded and stamped dimension lumber. The building official may require in-place installations of rough sawn lumber to be inspected and certified by a Montana licensed engineer or inspected and approved by a certified lumber grader.

~~(38)~~(49) The building official may accept high quality log construction as being equal and an alternative to graded and stamped dimension lumber. Typically, nine inch or greater nominal diameter log wall construction is considered to be equivalent to one-hour fire-resistive construction provided the minimum dimension is five inches or more.

~~(39)~~(50) A private garage is a building or a portion of a building in which only motor vehicles used by the tenants of the building or buildings on the premises are stored or kept. A building in which vehicles are repaired or stored as part of commercial enterprise or business, even if on the premises of a dwelling, is not a private garage.

~~(40)~~(51) A private storage structure is a building:

- (a) used for storage of personal effects of the owner only;
- (b) not used for storage of items relating to any for profit or nonprofit venture which intends or contemplates any transfer or exchange of the stored items; and

- (c) not used for storage of equipment, vehicles, materials, supplies, or products used in connection with a business.

~~(41)~~(52) Aircraft hangars, even if for private use, are not exempt as private garages or private storage structures unless located on the same parcel of private property or lot as the owner's residence. Aircraft hangars that are used in conjunction with a commercial activity of any kind are not exempt as private garages or private storage structures regardless of location. Aircraft hangars, less than 5000 square feet in size, that are used only for parking of an aircraft and where no repair work or welding is performed, where no fuel is dispensed, and where no other attached portions of the building are occupied and classified as an A, B, R, I, or M, will be classified as utility buildings (Group U).

~~(42)~~(53) Upon the effective date of new requirements, administrative rules, and/or adoption of new editions of model codes, any building or project for which a legal building permit has been issued shall not be required to meet the new requirements. If the building or project is subsequently altered or remodeled, the alteration or remodel shall be subject to the applicable requirements in effect at the time of permit issuance for the new work. On a case-by-case basis, the building official shall have the discretion to determine if the process for issuance of a legal permit was substantially complete enough to warrant the exemption of the project or building from the new requirements, rules, or code provisions.

~~(43)~~(54) The building official may require an applicant for a building permit to obtain, at the applicant's expense, an independent plan review from a plan review firm or agency acceptable to the building official. The independent plan review shall include, but is not limited to, a structural review for compliance with the requirements of the building code. The building official shall modify the plan review fee for projects which were required to obtain the independent plan review to be commensurate with the services provided by the agency in relation to the fee charged the applicant by the independent plan review firm or agency.

~~(44)~~(55) This section only applies to buildings that fall under the additional provisions of Title 18, MCA. A building must meet the requirements of Title 18, MCA, in addition to the requirements of Title 50, MCA, if it is owned by the state or one of its political subdivisions. The definition of public building in 50-60-101, MCA, does not apply for purposes of this section only, but does apply for purposes of every other section of this rule.

- (a) The requirement of Title 18, MCA, is as follows: Construction documents for public buildings, owned by the state and its political subdivisions as outlined by 18-2-122, MCA, shall bear the seal of a design professional.
 - (i) The building official may waive the requirements for a design professional seal for minor projects such as storage sheds and minor

renovations, which do not have a direct bearing on the public health and safety.

- (ii) The requirement for the seal of a design professional may be waived for projects for which documentation has been submitted, including but not limited to, a letter from the attorney for the local jurisdiction where the project is located, which supports a conclusion that the scope of the project does not have the potential to have a direct bearing on public health and safety.

~~(45)~~(56) The term "farm or ranch building" as used in 50-60-102, MCA, is defined as a building located on and used in conjunction with, or in support of an agricultural use of a parcel of land, that either totals 160 or more contiguous acres under one ownership or is classified as agricultural pursuant to Title 15, chapter 7, part 2, MCA. The term "farm and ranch building" does not include buildings which are classified as either Group F or Group M Occupancies by the International Building Code.

~~(46)~~(57) Notwithstanding any other provisions within the International Building Code, the following adult group residential facilities, licensed by the Department of Public Health and Human Services will be classified and treated as follows:

- (a) Assisted living facilities with 9 to 19 ambulatory residents, as referenced as a category A facility in 50-5-226, MCA, will be classified as an R-4 occupancy for building permit and construction standard purposes.
 - (i) Automatic fire sprinkler systems are not required.
 - (ii) A fire alarm system is required in all common spaces.
- (b) Assisted living facilities with 5 or more non-ambulatory residents, as referenced as category B, C, and D facilities in 50-5-226, MCA, will be classified as an R-4 occupancy for building permit and construction standards purposes.
 - (i) An automatic fire sprinkler system is required.
 - (ii) Each non-ambulatory resident shall have an accessible sleeping room or space.
- (c) An assisted living facility with 20 or more ambulatory or non-ambulatory residents will be classified as an R-2 occupancy for building permit and construction standards and shall meet accessibility standards as provided in IBC section 1103, Scoping Requirements.
 - (i) Automatic fire sprinkler systems are required.
 - (ii) A fire wall cannot be used to isolate and reduce occupant loads in order to avoid an R-2 classification.

~~(47)~~(58) Section 50-60-102, MCA, exempts certain buildings from application of the state building codes. Provisions of the IBC shall not be applied in determining whether a building or structure is exempt from the state building codes. For example, fire walls as described in Section 706, Fire Walls, of the IBC shall not be used to separate buildings otherwise covered by the state building codes into smaller buildings that would, if alone, be exempted by 50-60-102, MCA.

~~(48)~~(59) The exemptions in 50-60-102, MCA, do not apply to any building used as or in conjunction with a hotel, motel, inn, motor court, guest or dude ranch, tourist home, public lodging house, youth camp, church camp, dormitory, youth living quarters, adult prerelease centers, bed and breakfast establishment, or other places where sleeping accommodations are furnished for a fee to a transient guest. "Transient guest" means a guest staying at one location for 30 days or less.

~~(49)~~(60) All references to the "International Plumbing Code" shall be deleted and replaced with "Uniform Plumbing Code."

~~(50)~~(61) All references to the "International Property Maintenance Code" shall be deleted.

~~(51)~~(62) All references to the "Sewage Disposal Code" shall be deleted.

Authorizing statute(s): 50-60-203, MCA

Implementing statute(s): 50-60-101, 50-60-102, 50-60-104, 50-60-201, 50-60-203, 50-60-205, MCA

Reasonable Necessity Statement

The proposed amendments are necessary to update references to the 2024 International Building Code, as adopted in ARM 24.301.131, and to correct grammar and spelling.

The proposed amendments are necessary to update references to other codes adopted by the department, including updating the National Fire Protection Association Standard for the Installation of Sprinkler Systems (NFPA 13), from the 2019 edition to the 2022 edition; updating NFPA 13R for the Installation of Sprinkler Systems in Low-Rise Residential Occupancies from the 2019 edition to the 2022 edition; updating NFPA 14 Standard for the Installation of Standpipe and Hose Systems from the 2019 to the 2024 edition; and, updating the International Swimming Pool and Spa Code from the 2021 to the 2024 edition.

The proposed amendments are further necessary to correct references to codes that are not adopted by the department. Specifically, the proposed amendments delete references to the International Plumbing Code because the department adopts the Uniform Plumbing Code in

ARM 24.301.301; and the proposed amendments also delete references to the International Fire Code and International Property Maintenance Code, which are not adopted in Montana.

The proposed amendments also clarify, where appropriate, that the building code takes precedence in Montana over the fire code. The fire code cannot conflict with the building regulations adopted by the department per 50-3-102(2), MCA, and the Department of Justice is required to seek approval from the department before passing administrative rules related to building and equipment standards per 50-3-103(2), MCA.

The proposed amendments regarding airplane fire suppression requirements are necessary because if a larger hangar is only used for aircraft storage, and no refueling, fuel removal, or engine repairs take place in the building, then the fire risk is reduced, and a foam fire suppression system is not required.

The proposed amendments regarding medical gases remove veterinary care and references to the International Fire Code from the section to align with the Uniform Plumbing Code adopted in ARM 24.301.301, and NFPA 99.

The proposed amendments regarding size in live/work units are designed to offer more usable space and the amendments to the fire protection requirements are amended to comply with other amended code sections.

The proposed amendments increasing the area for storage of lithium-ion batteries are necessary because a smaller space does not offer increased safety for fire suppression, and a larger space provides greater flexibility for use of the space.

The proposed amendments regarding IBC Group A2 occupancies establishing criteria for “rural event venues” are necessary because an increasing number of rural buildings are being used for event venues, and such event venues typically require a sprinkler system under the IBC. However, many of these rural buildings do not have adequate access to a water supply to support a sprinkler system; therefore, it is necessary for the department to establish reasonable alternative methods and means to protect public health and safety in rural buildings used for event venues. The proposed criteria were developed in collaboration with the State Fire Marshal and deputy fire marshals across the state. The proposed criteria for rural event venues also allow the local building official to exercise some discretion to waive one criteria, with the exception of the need for a Type I hood in a commercial kitchen.

The proposed amendment regarding garage door labeling is necessary because in order for a garage door to receive the referenced label, each garage door must be field tested for wind forces. Field testing an individual garage door against wind forces adds significant cost to a project without adding a corresponding increase to safety.

24.301.154 INCORPORATION BY REFERENCE OF INTERNATIONAL RESIDENTIAL CODE

- (1) The International Residential Code (IRC) is a nationally recognized model code setting forth minimum standards and requirements for detached one- or two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade in height, and their accessory structures. The IRC also provides a framework for program administration.
- (2) The department adopts and incorporates by reference the International Residential Code, ~~2021~~ 2024 Edition, referred to as the International Residential Code or IRC, together with:
 - (a) ~~Appendix Q BB, Tiny Houses. Appendix Q BB may be adopted by a certified city, county, or town building code jurisdiction. Tiny houses do not meet the building code requirements for commercial or business occupancy and are therefore prohibited for these types of uses.~~ The department will apply Appendix Q BB to factory-built buildings which meet the definition of a tiny house as having 400 square feet or less in floor area excluding lofts, and which are intended to be mounted on a permanent foundation and used as a single-family dwelling.
 - (b) Appendix BC, Accessory Dwelling Units. Appendix BC may be adopted by a certified city, county, or town building code jurisdiction. The department shall not apply or enforce Appendix BC.
 - ~~(b)~~(d) Appendix S BJ, Strawbale Construction. Appendix S BJ may be adopted by a certified city, county, or town building code jurisdiction. The department shall not apply or enforce Appendix S BJ.
 - (c) ~~Appendix F BE, Radon Resistant New Construction. Appendix F BE may be adopted by a certified city, county, or town building code jurisdiction. The department shall not apply or enforce Appendix F BE.~~
- (3) Chapters 11 through 14, inclusive, are deleted in their entirety and chapters 16 through 43, inclusive, are deleted in their entirety. Chapter 15, Exhaust Systems, is adopted as an alternative to the International Mechanical Code for exhaust systems only. All other requirements for mechanical systems in detached one- or two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade in height, and their accessory structures, shall be found in the latest adopted edition of the International Mechanical Code.
- (4) Subsection ~~R102.7~~ R102.6, Existing Structures, is deleted and replaced with the following: "The legal occupancy of any structure existing on the date of this code shall be permitted to continue without change, except as is specifically covered in this code or the legally adopted fire code as administered by the fire authority having jurisdiction."

- ~~(5)~~(6) Subsection R301.6, Roof Load, is deleted and replaced with the following: "Snow loads shall be determined by the building official. In areas of the state outside of certified city, county, or town jurisdictions, the design snow load shall be based on the ground snow loads calculated using the 2022 edition of the American Society of Civil Engineer's "Minimum Design Loads and Associated Criteria for Buildings and Other Structures, ASCE/SEI 7-22." The information is available online using the "ASCE 7 Hazard Tool" at <https://asce7hazardtool.online/>. The minimum design roof snow load after allowed reductions shall be 30 psf unless justified by a Montana licensed design professional to the satisfaction of the building official. Coefficients and factors other than those specified in the building code may be used when justified by a Montana licensed design professional to the satisfaction of the building official."
- ~~(6)~~(7) Subsection R302.2.2, Common walls, delete "Chapters 34 through 43" and replace with "the adopted electrical code in ARM Title 24, chapter 301, subchapter 4."
- ~~(7)~~(8) Subsection R302.2.6, Structural Independence, delete exception number five and replace with the following: "Townhouses separated by a common two-hour fire-resistance-rated wall as provided in Section R302.2."
- (9) Subsection R302.3.5, Vertically stacked dwelling units, number two is deleted in its entirety.
- ~~(8)~~(10) Subsection R302.13, Fire Protection of Floors, is deleted in its entirety.
- ~~(9)~~(5) Subsection ~~R309.5~~ R137.5, Fire Sprinklers, is deleted in its entirety.
- (12) Subsection R318.3.1, Floor elevations at the required egress doors, Exception, is amended to state the following: "The landing or floor on the exterior side shall be not more than 8 1/4 inches below the top of the threshold provided that the door does not swing over the landing or floor."
- (13) Subsection R318.3.2, Floor elevations at the other exterior doors, is amended to state the following: "Exterior doors other than the required egress door shall be provided with landings or floors not more than 8 1/4 inches below the top of the threshold."
- ~~(10)~~(14) Subsection ~~R311.7.5.1~~ R318.7.5.1, Risers, is amended to allow a maximum riser height of 8 1/4 inches.
- ~~(11)~~(15) Subsection ~~R311.7.5.2~~ R318.7.5.2, Treads, is amended to allow a minimum tread depth of nine inches.
- ~~(12)~~(16) Subsection ~~R312.1.1~~ R321.1.1, Where ~~Required~~ required, delete the first sentence and replace with the following: "Guards shall be located along open-sided walking surfaces, including stairs, ramps, and landings, that are located more than 30 inches measured vertically to the floor or grade below."
- ~~(13)~~(11) Section ~~R313~~ R309, Automatic Fire Sprinkler Systems, is deleted in its entirety.

~~(14)~~(17) Subsection R403.1.1, Minimum size, is modified to add the following: "Exception:
The building official may allow footings to be designed in accordance with Section R403 of the 2012 IRC or may allow footings engineered by a design professional."

~~(15)~~(18) Subsection R403.1.6, Foundation Anchorage, is deleted in its entirety and replaced with the following: "Where wood sill and sole plates are supported directly on continuous foundation walls or monolithic slabs with integral footings required by the provisions of this code, they shall be anchored to the foundation in accordance with this section. Cold-formed steel floor and wall framing shall be anchored to the foundation in accordance with Section R505.3.1 or R603.3.1. Wood sole plates at all exterior walls, wood sole plates of braced wall lines at building interiors on monolithic slabs with integral footings and all wood sill plates shall be anchored to the foundation with minimum one-half inch diameter anchor bolts spaced a maximum of six feet on center or approved anchors or anchor straps spaced as required to provide equivalent anchorage to the one-half inch diameter anchor bolts. Bolts shall extend a minimum of seven inches into concrete or grouted cells of concrete masonry units. A nut and washer shall be tightened on each anchor bolt. There shall be a minimum of two bolts per plate section with one bolt located not more than 12 inches or less than seven bolt diameters from each end of the plate section. Interior bearing wall sole plates on monolithic slab foundations with integral footings that are not part of a braced wall line shall be positively anchored with approved fasteners. Sill plates and sole plates shall be protected against decay and termites where required by sections ~~R317~~ R304 and ~~R318~~ R305.

Exceptions:

1. Walls 24 inches total length or shorter connecting offset braced wall panels shall be anchored to the foundation with a minimum of one anchor bolt located in the center third of the plate section and shall be attached to adjacent braced wall panels at corners as shown in item 8 of Table R602.3(1).
2. Connections of walls 12 inches total length or shorter connecting offset braced wall panels to the foundation without anchor bolts shall be permitted. The wall shall be attached to adjacent braced wall panels at corners as shown in item 8 of table R602.3(1)."

~~(16)~~(19) Subsection R405.1 is amended by adding the following: "A drainage system is not required when continuous rain gutters are installed incorporating drain extensions which divert storm water a minimum of six feet (1.83 m) away from the foundation and grading is done in accordance with R401.3. A drainage system may be required where high water tables are known to exist or geological conditions which require a soils engineering report, performed in accordance with R401.4, specify the need for foundation drainage."

~~(17)~~(20) Subsection R602.10, Wall Bracing, delete the first sentence and replace with the following: "Building shall be braced in accordance with this section or, when applicable, Section R602.12, or the most current version of APA System Report SR-102 as an alternate method."

~~(18)~~(21) Subsection R602.10.10, Cripple Wall Bracing, add the following sentence: "The distance between adjacent edges of braced wall panels shall be 20 feet."

(22) Subsection R609.4.1, Garage door labeling, delete first sentence in its entirety.

~~(19)~~(23) Subsection R703.4, Flashing, delete the first paragraph in its entirety and replace with the following: "Flashing shall be provided in accordance with this section to prevent entry of water into the wall cavity or penetration of water to the building structural framing components. Flashing shall extend to the surface of the exterior wall finish or to the water-resistive barrier for drainage and shall be installed at all of the following locations:"

Further, delete Number "1", number "1.1", number "1.2", and number "1.3" in their entirety and replace with the following: "1. Exterior window and door openings."

Number "2" through "7" remain unchanged in Subsection R703.4.

~~(20)~~(24) Replace subsection R703.4.1 as follows: "R703.4.1, Flashing Materials. Approved flashing materials shall be corrosion-resistant. Self-adhered membranes used as flashing shall comply with AAMA 711. Pan Flashing shall comply with Subsection R703.4.2. Installation of flashing materials shall be in accordance with Subsection R703.4.3."

~~(21)~~(25) Add new subsection as follows: "R703.4.2, Pan Flashing. Pan Flashing installed at the sill of exterior window and door openings shall comply with this section. Pan Flashing shall be corrosion-resistant and shall be permitted to be pre-manufactured, fabricated, formed, or applied at the job site. Self-adhered membranes complying with AAMA 711 shall be permitted to be used as Pan Flashing. Pan Flashing shall be sealed or sloped in such a manner as to direct water to the surface of the exterior wall finish or to the water-resistive barrier for subsequent drainage."

~~(22)~~(26) Add new subsection as follows: "R703.4.3, Flashing Installation. Installation of flashing materials shall be in accordance with one or more of the following methods:

1. The fenestration manufacturer's installation and flashing instructions.
2. The flashing manufacturer's installation instructions.
3. Flashing details approved by the Building Official.
4. As detailed by a Registered Design Professional."

- ~~(23)~~ (27) Subsection R905.1.2 is amended by deletion of the language "areas where there has been a history of ice forming along the eaves causing a backup of water as designated in Table R301.2" and insert "the State of Montana."
- ~~(24)~~ (28) Appendices do not apply to a certified city, county, or town building code jurisdiction unless specifically authorized or adopted by the department and adopted by the certified city, county, or town building code jurisdiction.
- ~~(25)~~ (29) A copy of the International Residential Code may be obtained from the International Code Council at www.ICCsaf.org.

Authorizing statute(s): 50-60-203, MCA

Implementing statute(s): 50-60-102, 50-60-201, 50-60-203, MCA

Reasonable Necessity Statement

The proposed amendment to (2) is necessary to adopt the 2024 edition of the International Residential Code. The proposed amendments also include updates to the referenced code section numbers to match the 2024 edition and renumbering of the rule sections for clarity.

The proposed amendment regarding tiny houses is necessary to comply with Senate Bill (SB) 528 of the 2023 Legislature, 2023 Mont. Laws 502, codified as 76-2-345, MCA, which revised municipal zoning laws to allow for accessory dwelling units. SB 528 does not prohibit the use of accessory dwelling units as short-term rentals, and short-term rentals are considered commercial use under the International Residential Code; therefore, the amendment is necessary to allow for possible use of accessory dwelling units for commercial use as short-term rentals. The amendment to ARM 24.301.154 was delayed because SB 528 was initially enjoined from going into effect on January 1, 2024, by order of the Eighteenth Judicial District Court, Gallatin County, in the matter of *Montanans Against Irresponsible Densification (MAID), LLC v. State*, Cause No. DV-23-1248C, December 29, 2023. The matter was appealed to the Montana Supreme Court two separate times, first in *MAID v. State*, 2024 MT 200 (reversing the injunction), and the second opinion was issued on March 17, 2026, *MAID v. State*, 2026 MT 53 (holding 76-2-345, MCA, to be constitutional).

The proposed amendments regarding Appendix BC, Accessory Dwelling Units, is necessary because the department is not adopting this code, but certified cities, counties, and towns have the option of adopting this code section.

The proposed amendments regarding vertically stacked dwelling units are necessary to remove the requirement for a notification appliance connected to smoke alarms in the other dwelling unit provided in each dwelling unit because of product availability, and this requirement

contributes to cost of construction without a significant and corresponding increase to public safety.

The proposed amendments regarding floor elevations are necessary to comply with the existing amendments in the following amended code sections regarding risers and treads.

The proposed amendment regarding garage door labeling is necessary because in order for a garage door to receive the referenced label, each garage door must be field tested for wind forces. Field testing an individual garage door against wind forces adds significant cost to a project without adding a corresponding increase to safety.

24.301.161 INCORPORATION BY REFERENCE OF INTERNATIONAL ENERGY CONSERVATION CODE

- (1) The department adopts and incorporates by reference the International Code Council's International Energy Conservation Code, ~~2021~~ 2024 Edition, referred to as the International Energy Conservation Code, unless another edition is specifically stated, together with the following Appendix and amendments:
- ~~(a)~~ (2) Subsections ~~C103.1~~ C105.1 and ~~R103.1~~ R105.1, General, are deleted and replaced with the following: "With each application for a building permit, and when required by the building official, plans and specifications shall be submitted. The building official may require plans and specifications be prepared by an engineer or architect licensed to practice by the state, except for owner-occupied, single-family dwelling houses."
 - ~~(i)~~ (a) Exception:

"The code official is authorized to waive the requirements for construction documents or other supporting data if the code official determines they are not necessary to confirm compliance with this code."
- ~~(b)~~ (3) Subsections ~~C105.2~~ C107 and ~~R105.2~~ R107, Required Inspections, are deleted in their entirety when the code is used by department. It remains undeleted and available for use for certified local governments using the code.
- (4) Table C402.1.3, OPAQUE BUILDING THERMAL ENVELOPE INSULATION COMPONENT MINIMUM REQUIREMENTS, R-VALUE METHOD, is amended to change the requirements for Wood framed walls, above grade, in CLIMATE ZONE 6 to the following R-value: 'R-21 or R-20 + R-5ci or R-13 + R-10ci or R-20ci.'
- (5) Subsection C402.7, Thermal bridges, is deleted in its entirety. This subsection is not deleted and may be used by certified local governments using the code.
- (6) Subsection C403.4.7, Heating and cooling system controls for operable openings to the outdoors, is deleted in its entirety.

- ~~(e)~~(7) "~~C402.5.1.2 Air barrier compliance~~ Subsection C402.6.1, Air barriers, is deleted and replaced with the following: "A continuous barrier for the opaque building envelope shall comply with the following: Buildings or portions of buildings, including group R and I occupancies, shall meet the provisions of Section ~~C402.5.2 or C402.5.3 or R402.4.1.2 [402.4.1.2] & R402.4.1.3 [402.4.1.3]."~~ C406.2.2 or C406.2.1 or R402.5.1.2 and R402.5.1.3."
- (8) Subsection C403.7.2, Parking garage ventilation controls, Exception, is adopted with a modification increasing the maximum hp rating from 5 hp to 7 hp.
- (9) Subsection C403.7.8, Occupied standby controls, Exception, is adopted with an additional exception to state: "Zones that are part of a multiple-zone system without automatic zone flow control dampers, and single zone systems without DDC control."
- (10) Subsection C403.7.9, Dwelling unit ventilation system, is deleted in its entirety.
- (11) Subsection C405.2.4, Daylight responsive controls, Exception 3. is amended to state "Enclosed spaces less than 500 square feet."
- ~~(d)~~(12) Subsection C405.2.4.2, Sidelit daylight zone, is amended to remove requirement (3) in its entirety.
- (13) Subsection C405.2.5, Specific application controls, number four, is deleted in its entirety.
- (14) Subsection C405.2.7.3, Lighting setback, number two regarding exterior parking areas, is deleted in its entirety.
- (15) Subsection C405.2.8.1, Demand responsive lighting controls function, is deleted in its entirety.
- (16) Subsection C405.2.10.1, Sleeping units and dwelling units in hotels, motels and vacation timeshare properties, is adopted with the modification of deleting all reference and requirements for receptacles.
- ~~(e)~~(17) Subsection ~~C405.11~~ C405.12, Automatic receptacle control function, is deleted in its entirety.
- ~~(f)~~(18) Subsection ~~C405.12~~ C405.13, Energy monitoring, is deleted in its entirety.
- (19) Subsection C405.15, Renewable energy systems, is deleted in its entirety.
- (20) Section C406, ADDITIONAL EFFICIENCY, RENEWABLE AND LOAD MANAGEMENT REQUIREMENTS, is deleted in its entirety.
- (21) Subsection C408.3, Functional testing of lighting and receptacle controls, is deleted in its entirety.
- (22) Subsection C502.3.8, Renewable energy systems, is deleted in its entirety.

(g) ~~Table R402.1.3, INSULATION AND FENESTRATION REQUIREMENTS BY COMPONENT,~~ is amending requirements for Climate Zone 6 as ~~WOOD FRAMED WALL R-VALUE 'R-21 or R-20 + R-5ci or R-13 + R-10ci or R-15ci.'~~

(h)(23) ~~Table 402.1.2~~ R402.1.2, MAXIMUM ASSEMBLY U-FACTORS AND FENESTRATION REQUIREMENTS, is amending requirements as shown below in the table:

Climate Zone	Fenestration U-Factor	Skylight U-Factor	Ceiling U-Factor	Frame Wall U-Factor	Mass Wall U-Factor	Floor U-Factor	Basement Wall U-Factor	Crawl Space Wall U-Factor
6	0.30	0.55	0.026	0.045	0.060	0.033	0.050	0.055

(24) Table R402.1.3, INSULATION MINIMUM R-VALUES AND FENESTRATION REQUIREMENTS BY COMPONENT, is amending requirements for Climate Zone 6 as WOOD FRAMED WALL R-VALUE 'R-21 or R-20 + R-5ci or R-13 + R-10ci or R-20ci.'

(i)(25) Subsection R402.2.2, Ceilings Without Attics, is deleted and replaced with the following: "Where Table R402.1.3 would require insulation levels above R-30 and the design of the roof/ceiling assembly does not allow sufficient space for the required insulation, the minimum required insulation for such roof/ceiling assemblies shall be R-30. This reduction of insulation from the requirements of Table R402.1.3, shall be limited to 250 square feet or ten percent of the total insulated ceiling area, whichever is less. This reduction shall not apply to the U-factor alternative approach in Section R402.1.4, and the total UA alternative in Section R402.1.5."

(j)(26) Subsection ~~R402.2.10~~ R402.2.11, Crawl Space Walls, is deleted and replaced with the following: "As an alternative to insulating floors over crawl spaces, crawl space walls shall be permitted to be insulated when the crawl space is not vented to the outside. Temporary crawl space vent openings are allowed during construction for crawl spaces that have insulated crawl space walls. These temporary crawl space vent openings shall be closed, sealed, and insulated to the same R-value of the surrounding crawl space wall insulation once construction is complete and prior to the time that the final building inspection would occur. Crawl space wall insulation shall be permanently fastened to the wall and shall extend downward from the floor, the entire height of the crawl space wall. Exposed earth in unvented crawl space foundations shall be covered with a continuous Class I vapor retarder. All joints of the vapor retarder shall overlap six inches and be sealed or taped. The edges of the vapor retarder shall extend at least six inches up the stem wall and shall be attached and sealed to the stem wall."

~~(k)~~(27) Subsection ~~R402.4.1.2~~ R402.5.1.2, Testing Air leakage testing, is deleted and replaced with the following: The building or dwelling unit shall be tested and verified as having an air leakage rate of not exceeding ~~four~~ 3.0 air changes per hour in Climate Zone 6. Testing shall be conducted with a blower door at a pressure of 0.2 inches w.g. (50 Pascals). Where required by the code official, testing shall be conducted by an approved party. A written report of the results of the test shall be signed by the party conducting the test and provided to the code official. Testing shall be performed at any time after creation of all penetrations of the building thermal envelope. During testing:

"(i) exterior windows and doors, fireplace and stove doors shall be closed, but not sealed;

"(ii) dampers shall be closed, but not sealed, including exhaust, intake, makeup air, back draft and flue dampers;

"(iii) interior doors shall be open;

"(iv) exterior openings for continuous ventilation systems and heat recovery ventilators shall be closed and sealed;

"(v) heating and cooling system(s) shall be turned off;

"(vi) "B" or "L" vents, combustion air vents, and dryer vents shall be sealed; and

"(vii) supply and return registers, where installed at the time of test, shall be fully open.

~~(H)~~(28) Subsection ~~R402.4.1.3~~ R402.5.1.3, Leakage Rate Maximum air leakage rate, is amended as follows: "When complying with Subsection R401.2.1, the building or dwelling unit shall have an air leakage rate not exceeding ~~4.0~~ 3.0 air changes per hour in Climate Zone 6, when tested in accordance with Subsection R402.4.1.2."

~~(m)~~(29) Subsection ~~R403.3.7~~ R403.3.2, Building cavities, is adopted with the addition of the following: "Exception: Building framing cavities may be used for return ducts if there is no atmospherically vented furnace, boiler, or water heater located in the house outside of a sealed and insulated room that is isolated from inside the thermal envelope and if the duct system has been tested as having a maximum total leakage not greater than 4 cfm/SF. The room walls, floor, and ceilings shall be insulated in accordance with the basement wall requirements of Table R402.1.3 INSULATION MINIMUM R-VALUES AND FENESTRATION REQUIREMENTS BY COMPONENT. A duct air leakage test shall not be required where the ducts and air handlers are located entirely within the building thermal envelope."

- ~~(n)~~(30) Subsection R403.4, Mechanical System Piping Insulation, is deleted and replaced with "Mechanical system piping shall be insulated in accordance with ~~subsections 610.11 and L 501.2~~ of the Uniform Plumbing Code (UPC) ~~2021~~ 2024 edition."
- ~~(o)~~(31) Subsection R403.5, Service Hot Water Systems, is deleted and replaced with "Service hot water systems shall be insulated in accordance with subsection L 503.3.3 of the Uniform Plumbing Code (UPC) ~~2021~~ 2024 edition."
- ~~(p)~~(32) Subsection R403.5.2, Hot Water Pipe Insulation, is deleted and replaced with "Hot water pipe insulation shall be insulated in accordance with ~~subsections 610.11 609.12~~ and L 501.2 of the Uniform Plumbing Code (UPC) ~~2021~~ 2024 edition."
- ~~(q)~~(33) Appendix CB, Solar-Ready Zone - Commercial. Appendix CB may be adopted by a certified city, county, or town building code jurisdiction. The department shall not apply or enforce Appendix CB.
- ~~(r)~~(34) Appendix RB, Solar-Ready Provisions—Detached One- and Two-Family Dwellings and Townhouses. Appendix RB may be adopted by a certified city, county, or town building code jurisdiction. The department shall not apply or enforce Appendix RB.
- ~~(2)~~(35) The purpose of the International Energy Conservation Code is to provide minimum requirements for the design of new buildings and structures and additions to existing buildings, regulating their exterior envelopes and selection of their heating, ventilating, air conditioning, service water heating, electrical distribution and illuminating systems, and equipment for effective use of energy.
- ~~(a)~~(36) The department encourages owners, design professionals, and builders to voluntarily implement greater levels of energy efficiency in building design and construction than those required by the International Energy Conservation Code. Information regarding voluntary building standards for greater levels of energy efficiency can be obtained from the department by contacting the Department of Labor and Industry, Building Codes Program, P.O. Box 200517, Helena, MT 59620-0517, by telephone at ~~406-841-2056~~, or at the department's web site; ~~<http://bsd.dli.mt.gov/building-codes-permits>~~.
- ~~(3)~~(37) The International Energy Conservation Code is a nationally recognized model code for energy efficient construction of buildings. A copy of the International Energy Conservation Code may be obtained from the International Code Council at www.ICCsafe.org.

Authorizing statute(s): 50-60-203, 50-60-803, MCA

Implementing statute(s): 50-60-201, 50-60-203, 50-60-803, MCA

Reasonable Necessity Statement

The proposed amendments are necessary to update the International Energy Conservation Code to the 2024 version, along with updating the associated subsection numbers and titles. The proposed amendments to the code are necessary to reduce the cost of construction where the code's intended energy saving benefit does not outweigh the upfront costs of implementation. The proposed amendments also remove unnecessary references to the department's contact information, as phone numbers and specific website addresses can frequently change over time.

24.301.171 INCORPORATION BY REFERENCE OF INTERNATIONAL EXISTING BUILDING CODE

- (1) The department adopts and incorporates by reference the International Existing Building Code (IEBC), ~~2021~~ 2024 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.
 - (a) The owner of an existing building may follow the requirements of either the IEBC or the IBC, but the owner may not apply some of the requirements of the IEBC and other requirements from the IBC on the same project.
- (2) Section 307.1, Smoke alarms, is amended to remove any reference to the "International Fire Code" and replace it with the "International Building Code."
- (3) Section 308.1, Carbon monoxide detection, is amended to remove any reference to the "International Fire Code" and replace it with the "International Building Code."
- ~~(2)~~(4) Adoption of the IEBC must not be construed to require the upgrading of existing buildings.
- ~~(3)~~(5) Any reference to a separate specialty building regulation by title in the IEBC shall be considered deleted and replaced with the title of the comparable model code that has been adopted by the department and is in effect at the time.
- ~~(4)~~(6) A copy of the IEBC may be obtained from the International Code Council at www.ICCSafe.org.

Authorizing statute(s): 50-60-203, MCA

Implementing statute(s): 50-60-103, 50-60-201, 50-60-203, MCA

Reasonable Necessity Statement

The proposed amendments are necessary because the department does not adopt the International Fire Code as part of the state building code. The department proposes these

amendments after consultation and in coordination with the State Fire Marshal. Under 50-60-202, MCA, the department has jurisdiction over the building code for new construction; however, existing buildings and the installation of equipment related to fire prevention are within the jurisdiction of the State Fire Marshal.

24.301.172 INCORPORATION BY REFERENCE OF INTERNATIONAL MECHANICAL CODE

- (1) The department adopts and incorporates by reference the International Mechanical Code (IMC), ~~2021~~ 2024 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)~~(2) All references to the International Plumbing Code shall be deleted and replaced with the Uniform Plumbing Code.
 - ~~(c)~~(3) Subsection 101.2, Scope, is amended to delete Exception 1 in its entirety.
 - (4) Subsection 101.3, Purpose, is deleted and replaced with the following: "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) 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."
 - (6) Subsection 105.1, Where required, is modified by adding the following sentence at the end of the first paragraph: "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."
 - ~~(d)~~(7) The fees established in Subsection ~~109.2~~ 108.2, Schedule of Permit Fees permit fees, 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	\$48 for first \$1000 plus \$14 for each additional \$1000 or fraction thereof, to and including \$10,000
\$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.

- (e) ~~Section 115 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 115. 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.~~
- ~~(f)~~(8) Section 113, Means of Appeals, 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 113.
- (9) Section 115, Stop Work Order, of the IMC 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 115. 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.
- (10) Subsection 307.3, Condensate pumps, is modified by adding the following exception at the end: "Exception: A water sensor with audio alarm may be substituted for an appliance/equipment disconnect to allow for continued operation of the appliance/equipment."
- ~~(g) Chapter 10 is deleted in its entirety.~~

- ~~(h)~~(11) Table 403.3.1.1, MINIMUM VENTILATION RATES, is amended by the addition of a footnote "i". Footnote "i" is to be referenced in the table at, "Private Dwellings, Single and Multipleⁱ". 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. Structures built to the provisions of the International Residential Code may provide mechanical ventilation per Section M1505 of the International Residential Code."
- ~~(i)~~ Subsection ~~307.3, Condensate pumps~~, is modified by adding the following exception at the end: "Exception: A water sensor with audio alarm may be substituted for an appliance/equipment disconnect to allow for continued operation of the appliance/equipment."
- ~~(j)~~(12) Subsection 506.5.2, Pollution-control units, is amended to state as follows: "506.5.2 Pollution-control units. When pollution-control units are required by the authority having jurisdiction, the installation shall be in accordance with the manufacturer's installation instructions and all of the following:"
- (13) Chapter 10, Boilers, Water Heaters and Pressure Vessels, is deleted in its entirety.
- ~~(k)~~(14) Subsection 1101.9, Locking access port caps, is modified by adding the following: "This subsection shall not apply to single-family dwellings."
- ~~(2)~~(15) The department 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 IMC ~~International Mechanical Code~~ as adopted by those units of government.
- ~~(3)~~(16) 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)~~(17) 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 International Code Council at www.ICCSafe.org.

Authorizing statute(s): 50-60-203, MCA

Implementing statute(s): 50-60-102, 50-60-103, 50-60-109, 50-60-201, 50-60-203, 50-60-303, MCA

Reasonable Necessity Statement

The proposed amendments are necessary to reorganize this rule and address the amended code sections in numerical order, consistent with the other rules in this chapter. The proposed amendments also add the titles of code sections and subsections, which increases readability and clarity of the rule. The proposed amendments do not change the rule's substance; the amendments are necessary to update, clarify, and simplify this rule.

24.301.173 INCORPORATION BY REFERENCE OF INTERNATIONAL FUEL GAS CODE

- (1) The department adopts and incorporates by reference the International Fuel Gas Code, ~~2021~~ 2024 edition, published by the International Code Council, IFGC, 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. For example, all references to the International Plumbing Code shall be deleted and replaced with the Uniform Plumbing Code."
 - (b) The permit fees for the fuel gas code are calculated the same way as provided in ARM 24.301.172, and substituting the fuel gas system for the mechanical system. The inspection fees for the fuel gas code are the same as provided in ARM 24.301.172.
 - (c) Section 115, Violations, 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 115. 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.
 - (d) Section 113, Means of Appeal, 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 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 113.

- (e) Subsection 307.6, Condensate pumps, is modified by adding the following exception at the end: "Exception: A water sensor with audio alarm may be substituted for an appliance/equipment disconnect to allow for continued operation of the appliance/equipment."
 - (f) Subsection 403.4.2, Steel, is amended to state as follows: "403.4.2 Steel. Steel, stainless steel, and wrought-iron pipe shall be not lighter than Schedule 40 and shall comply with the dimensional standards of ASME B36.10M and one of the following standards:"
- (2) The department shall not enforce the IFGC 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) As specified in 76-2-412, MCA, fuel gas 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 IFGC 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 IFGC may be obtained from the International Code Council at www.ICCSafe.org.

Authorizing statute(s): 50-60-203, MCA

Implementing statute(s): 50-60-102, 50-60-103, 50-60-109, 50-60-201, 50-60-203, 50-60-303, MCA

Reasonable Necessity Statement

The proposed amendment is necessary to update the International Fuel Gas Code adopted by the department to the 2024 edition, as allowed by 50-60-203(2), MCA.

24.301.175 INCORPORATION BY REFERENCE OF INTERNATIONAL SWIMMING POOL AND SPA CODE (ISPSC)

- (1) The department adopts and incorporates by reference the International Swimming Pool and Spa Code, ~~2021~~ 2024 edition, published by the International Code Council, unless another edition is specifically stated, together with the following amendments:
 - (a) Chapters 7 through 10, inclusive, are deleted in their entirety.
- (2) As specified in ARM 24.301.146~~(26)~~, the department has deleted Section 3109 ~~Swimming Pool Enclosures and Safety Devices~~ Swimming Pools, Spas and Hot Tubs from the International Building Code and replaced ~~that section~~ it with the International Swimming Pool and Spa Code (ISPSC) as adopted by reference in (1). Cities, counties, and towns that have adopted the International Building Code in connection with their certification to enforce building codes will utilize the applicable sections of the ISPSC to regulate swimming pool and spa construction.
- (3) As specified in 76-2-412, MCA, the ISPSC provisions, 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 establish minimum standards to provide a reasonable level of safety and protection of health, property, and public welfare by regulating and controlling the design, construction, installation, quality of materials, and location of public swimming pools, spas, and aquatic recreation facilities.
- (5) No swimming pool or spa 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 ISPSC adopted by reference in (1) is a nationally recognized model code setting forth minimum standards and requirements for swimming pool and spa installations. A copy of the ISPSC may be obtained from the International Code Council at www.ICCSafe.org.

Authorizing statute(s): 50-60-203, MCA

Implementing statute(s): 50-53-103, 50-60-104, 50-60-202, 50-60-203, 76-2-412, MCA

Reasonable Necessity Statement

The proposed amendments are necessary to update the International Swimming Pool and Spa Code adopted by the department to the 2024 edition, as allowed by 50-60-203(2), MCA.

24.301.181 INCORPORATION BY REFERENCE OF INTERNATIONAL WILDLAND-URBAN INTERFACE CODE (IWUIC)

- (1) The department adopts and incorporates by reference the International Wildland-Urban Interface Code, ~~2021~~ 2024 edition, published by the International Code Council, unless another edition is specifically stated, together with Appendix "B" (Vegetation Management Plan) and Appendix "C" (Fire Hazard Severity Form).
- (2) Section 302 is deleted in its entirety and replaced with the following:

"The governmental body or some other official state or local agency shall declare the wildland-urban interface areas within the jurisdiction. Such declaration or designation shall be based on findings of fact or some other process already completed such as mapping, boundary designations, or other informative processes such as wildland fire plans. Cities, counties, and towns that have adopted the International Building Code or the International Residential Code in connection with their certification to enforce building codes will, if they elect to enforce the International Wildland-Urban Interface Code, record the official wildland-urban interface areas on maps available for inspection by the public.
- (3) Chapter 4 is deleted in its entirety.
- (4) Subsection 101.2, Scope, is modified by:
 - (a) Deleting the first sentence and replacing with: "The provisions of this code shall apply to the construction, alteration, movement, repair, addition, change-of-use or remodeling of any building, structure, or premises within the designated wildland-urban interface within the jurisdiction."
- (5) Subsection 101.4, Retroactivity, is deleted in its entirety.
- (6) Subsection 101.5, Additions or Alterations, delete the written exception.
- ~~(7)~~(8) Subsection ~~101.6~~ 102.8, Maintenance, is deleted in its entirety.
- ~~(8)~~(7) Subsection 102.6, Existing Conditions, is modified by:
 - (a) Deleting "International Property Maintenance Code."
- (9) Section 103, Code Compliance Agency, is deleted in its entirety.

- (10) Subsection ~~106.2~~ 105.2, Permits Required, retain the first sentence and delete the remainder of the subsection.
- (11) Subsection ~~110.4.4~~ 109.3.4, Citations, is deleted in its entirety.
- (12) Subsection ~~110.4.5~~ 109.3.5, Unsafe Conditions, is deleted in its entirety.
- (13) Subsection ~~110.4.5.1~~ 109.3.5.1, Record, is deleted in its entirety.
- (14) Subsection ~~110.4.5.2~~ 109.3.5.2, Notice, is deleted in its entirety.
- (15) Subsection ~~110.4.5.2.1~~ 109.3.5.2.1, Method of Service, is deleted in its entirety.
- (16) Subsection ~~110.4.5.3~~ 109.3.5.3, Placarding, is deleted in its entirety.
- (17) Subsection ~~110.4.5.3.1~~ 109.3.5.3.1, Placard Removal, is deleted in its entirety.
- (18) Subsection ~~110.4.5.4~~ 109.3.5.4, Abatement, is deleted in its entirety.
- (19) Subsection ~~110.4.5.5~~ 109.3.5.5, Summary Abatement, is deleted in its entirety.
- (20) Subsection 110.4.5.6, Evacuation, is deleted in its entirety.
- (21) Replace Table 503.1 "Ignition-Resistant Construction" with the one below:

DEFENSIBLE SPACE	Fire Hazard Severity		
	Moderate Hazard	High Hazard	Extreme Hazard
Nonconforming	IR2	IR1	IR1 N.C.
Conforming	IR3	IR2	IR1
1.5 X Conforming	Not Required	IR3	IR2

- (22) Section 602, Automatic Sprinkler Systems, is deleted in its entirety.
- (23) Section 604, Maintenance of Defensible Space, is deleted in its entirety.
- (24) The IWUIC adopted by reference in (1) is a nationally recognized model code setting forth minimum standards and requirements for the safeguarding of life and property. A copy of the IWUIC may be obtained from the International Code Council at www.ICCSafe.org.

Authorizing statute(s): 50-60-203, MCA

Implementing statute(s): 50-60-201, 50-60-202, 50-60-203, MCA

Reasonable Necessity Statement

The proposed amendments are necessary to update the International Wildland-Urban Interface Code adopted by the department to the 2024 edition, as allowed by 50-60-203(2), MCA. It is also necessary to update the referenced code sections in this rule to correspond to the 2024 edition of the code.

24.301.213 CODE TECHNICAL ADVISORIES

- (1) Code technical advisories are available for questions concerning any of the state building related codes (building, plumbing, mechanical, electrical, boiler and elevator) and may be requested by an affected party (building official, contractor, designer, owner, etc.), in writing, on forms provided by the department. The department may research and investigate the question and may prepare a preliminary written response, which includes the department's interpretation and justification as soon as possible. The affected party and the Building Codes Advisory Council will be provided with the preliminary written response and will be given five working days to submit comments.
- (2) Code technical advisories are not binding on city, county, or town code enforcement programs.
- (3) After review of any comments, the department will prepare a final written response and the code technical advisories shall be dated, chronologically numbered, placed in the department's central registry and distributed to the requestor, Building Codes Council, and all certified city, county, and town building code enforcement programs.

Authorizing statute(s): 50-60-203, MCA

Implementing statute(s): 50-60-103, ~~50-6-117~~ 50-60-117, MCA

Reasonable Necessity Statement

The proposed amendment is necessary to remove a reference to a nonexistent statute in the listed implementing statutes and to replace it with the correct statute.

24.301.301 INCORPORATION BY REFERENCE OF UNIFORM PLUMBING CODE

- (1) The department adopts and incorporates by reference the Uniform Plumbing Code, ~~2021~~ 2024 edition, unless another edition is specifically stated in this rule, together with the following appendix chapters and amendments:
 - ~~(a)~~(2) Appendix A, Recommended Rules for Sizing the Water Supply System is adopted.
 - ~~(b)~~(3) Appendix B, Explanatory Notes on Combination Waste and Vent Systems is adopted.
 - ~~(c)~~(4) Appendix C, Alternate Plumbing Systems is adopted.
 - ~~(d)~~(5) Appendix D, Sizing Stormwater Drainage Systems is adopted.
 - ~~(e)~~(6) Appendix K, Potable Rainwater Catchment Systems is adopted.
 - ~~(f)~~(7) Appendix L, Sustainable Practices is adopted.
 - ~~(g)~~(8) Appendix M, Peak Water Demand Calculator is adopted.
 - ~~(h)~~(9) Appendix N, Impact of Water Temperature on the Potential for Scalding and Legionella Growth is adopted.
 - ~~(i)~~(10) Subsection 103.3.1, Licensing, is amended with the addition of the following language: The requirements for who must be licensed to perform plumbing work is regulated by Title 37, chapter 69, MCA.
 - ~~(j)~~(11) Subsections 104.1, 104.2, 104.3, 104.3.2, 104.4, 104.5, 105.0, 105.4, 106.1, 106.3, and 107.0 will be left as is for use by local governments (i.e., municipalities and counties), but will not be used by the department and the state of Montana. For the purposes of enforcement by the department, these subsections are replaced with provisions of Title 50, chapter 60, part 5, MCA.
 - ~~(k)~~(12) Delete Table 104.5 - PLUMBING PERMIT FEES and replace with the following schedule:
 - ~~(i)~~ (a) for each plumbing fixture \$10
 - ~~(ii)~~ (b) water service - domestic or commercial 20
 - ~~(iii)~~ (c) for each building sewer and each trailer park sewer 20
 - ~~(iv)~~ (d) storm drains and storm drainage 20
 - ~~(v)~~ (e) for each water heater (replacement or new) 25
 - ~~(vi)~~ (f) for each industrial water pretreatment interceptor, including its tray and vent, excepting kitchen type grease interceptors functioning as fixture traps 30

- ~~(vii)~~ (g) for alteration or repair of water piping and/or water treatment equipment 30
- ~~(viii)~~ (h) for repair or alteration of drainage or vent piping 30
- ~~(ix)~~ (i) for each lawn sprinkler system and fire protection system or any one meter, including backflow protection devices therefore 30
- ~~(x)~~ (j) for each hose bibb, vacuum breakers, or backflow protective devices on tanks, vats, etc., or for installation on unprotected plumbing fixtures, including necessary water piping 6 each
- ~~(xi)~~ (k) requested plumbing inspection fee (provided that such service is not in excess of one hour in duration, and then \$35 for each 30 minutes or fractional part thereof in excess of one hour. Travel and per diem may be charged as per the state of Montana's existing rate for these items) 75
- ~~(xii)~~ (l) reinspection (provided the \$30 does not exceed the original permit fee, in which case the original fee will be charged) 45
- ~~(xiii)~~ (m) for each medical gas type/piping system as follows:
 - ~~(A)~~ (i) oxygen piping 100
 - ~~(B)~~ (ii) nitrogen piping 100
 - ~~(C)~~ (iii) medical compressed air piping 100
 - ~~(D)~~ (iv) nitrous oxide piping 100
 - ~~(E)~~ (v) carbon dioxide piping 100
 - ~~(F)~~ (vi) medical vacuum piping 100
 - ~~(G)~~ (vii) any other medical gas piping not included above in ~~(A)~~ through ~~(F)~~ (i) through (vi) 100
 - ~~(H)~~ (viii) if total outlets for all gases/vacuum piping exceed 20 outlets, then there is an additional fee for each outlet over 20 10
- ~~(xiv)~~ (n) for each gray water system (commercial or residential) 60
- ~~(H)~~(13) Section 218, Definition of Plumbing System, is amended to read: "Includes all potable water and alternate water sources including supply and distribution pipes, all plumbing fixtures and traps, all drainage and vent pipes, building drains and building sewers, including their respective joints and connections, devices, receptacles, and appurtenances within the property line of any premises, and includes water heaters and vents for the premises."
- ~~(m)~~(14) Table 422.1, Minimum Plumbing Facilities, is deleted and replaced with ARM 24.301.351, Minimum Required Plumbing Fixtures.

- ~~(n)~~(15) Delete Subsection 603.4.2. Testing, is deleted in its entirety.
- ~~(o)~~(16) Subsection 603.5.10, Steam or Hot Water Boilers, is amended with the addition of the following language: "Boiler feed lines, in single-family dwellings on their own private well, may be protected with a dual check valve with intermediate atmospheric vent when a nontoxic transfer fluid is utilized in the boiler."
- ~~(p)~~(17) Subsection 604.3, Copper or Copper Alloy Tube, the exception is amended to read as follows: Exception: Type M copper tubing may be used for water piping when piping is above ground in, or on, a building.
- ~~(q)~~(18) Subsection 605.12.2, Solvent Cement Joints, delete the third sentence and replace with the following: "Where surfaces to be joined are cleaned and free of dirt, moisture, oil, and other foreign material, apply approved primer in accordance with ASTM F 656."
- ~~(r)~~(19) Subsection 610.8, Size of Meter and Building Supply Pipe Using Table 610.4, the last sentence, is amended to read as follows: "No building supply pipe shall be less than 3/4 inch (19.1 mm) in inside diameter."
- ~~(s)~~(20) Subsection 612.0, Residential Fire Sprinkler Systems, is deleted in its entirety.
- ~~(t)~~(21) Subsection 704.3, Commercial Sinks, is amended by deleting the first sentence and replacing it with, "There may not be a direct connection between the sewerage system and any drains originating from equipment in which food, portable equipment, or utensils are placed." Exception: A warewashing (3-compartment) sink may have a direct connection only when used as a wash bin, rinse bin, and sanitizing bin and shall not be used for any other purpose. Establishments that use the sanitizing bin of their warewashing sink to wash produce or conduct other food preparation must maintain an indirect connection and are not eligible for this exception.
- ~~(u)~~(22) Subsection 705.6.2, Solvent Cement Joints, is amended to delete the third sentence and replace with the following: "Where surfaces to be joined are cleaned and free of dirt, moisture, oil, and other foreign material, apply approved primer in accordance with ASTM F 656."
- ~~(v)~~(23) Subsection 707.4, Location, is amended by deleting the first sentence and replacing with, "Each horizontal drainage pipe shall be provided with a cleanout at its upper terminal and each run of piping, which is more than 50 feet in total developed length, shall be provided with a cleanout for each 50 feet, or fraction thereof, in length of such piping."
- (24) Subsection 707.9, Clearance, is amended to extend the distance to a cleanout from an access door, trap door, or crawl hole from 5' to 20'.
- ~~(w)~~(25) Section 708.1, General, is amended to read as follows: Horizontal drainage piping shall be run in practical alignment and a uniform slope of not less than 1/4 of an

inch per foot or 2 percent toward the point of disposal provided that, where it is impractical due to the depth of the street sewer or to the structural features or to the arrangement of any building or structure to obtain a slope of 1/4 of an inch per foot or 2 percent, any such pipe or piping 2 inches or larger in diameter may have a slope of not less than 1/8 of an inch per foot or 1 percent.

(26) Subsection 712.2, Sanitary Drainage System Water Testing, is amended to add the following: "It shall be permissible to use a contrasting primer visible at all connections for plastic sanitary piping systems in lieu of a water test due to water availability at sites and freezing weather conditions."

~~(x)~~(27) Subsection 718.1, Slope, the exception is amended to read as follows: Exception: Where it is impractical, due to the depth of the street sewer or to the structural features or to the arrangement of any building or structure, to obtain a slope of 1/4 of an inch per foot, any pipe or piping 3 inches or larger in diameter may have a slope of 1/8 of an inch per foot and any such pipe or piping 8 inches in diameter or larger may have a slope of 1/16 of an inch per foot.

~~(y)~~(28) Subsection 807.3, Domestic Dishwashing Machine, add exception as follows: "Exception #1: The waste connection of a residential dishwasher shall connect directly to a wye branch fitting on the tailpiece of the kitchen sink, directly to the dishwasher connection of a food waste disposer, or through an air break to a standpipe. The waste line of a residential dishwasher shall rise and be securely fastened to the underside of the sink rim or countertop."

~~(z)~~(29) Subsection 906.1, Roof Termination, the first sentence is amended to read as follows: Each vent pipe or stack shall extend through its flashing and shall terminate vertically not less than 12 inches above the roof nor less than one foot from any vertical surface.

~~(aa)~~(30) Subsection 906.3, Use of Roof, is amended to read as follows: Vent pipes shall be extended separately or combined, of full required size, not less than 12 inches above the roof or fire wall.

~~(bb)~~(31) Subsection 906.7, Frost or Snow Closure, is amended to read as follows: ~~Frost and Snow Closure~~: "Where frost or snow closure is likely to occur in locations having a minimum design temperature below zero degrees Fahrenheit vent terminals shall be a minimum of 3 inches in diameter, but in no event smaller than the required vent pipe. The change in diameter shall be made inside the building at least 1 foot below the roof and terminate not less than 12 inches above the roof, or as required by the administrative authority."

~~(cc)~~(32) Subsection 908.1 is amended to read, "Wet Venting."

~~(dd)~~(33) Subsection 908.1.1, Size, is deleted and replaced with, "Wet venting is limited to drainage piping receiving the discharge from the trap arm of one and two fixture unit fixtures that also serves as a vent for not to exceed four fixtures. All wet

vented fixtures shall be within the same story; provided, further, that fixtures with a continuous vent discharging into a wet vent shall be within the same story as the wet vented fixtures."

~~(ee)~~(34) Subsection 908.1.2, Vent Connection, is amended to read as follows: "The piping between any two consecutive inlet levels shall be considered a wet vented section. Each wet vented section shall be a minimum of one pipe size larger than the required minimum waste pipe size of the upper fixture or shall be one pipe size larger than the required minimum pipe size for the sum of the fixture units served by such wet vented section, whichever is larger, but in no case less than two inches."

~~(ff)~~(35) Subsection 908.2, Horizontal Wet Venting for a Bathroom Group, is amended with the addition of the following: "Bathroom group locations include private bathrooms, private patient hospital rooms, commercial toilet rooms with only one toilet, one lavatory and may include one floor drain."

(36) Subsection 1007, Trap Seal Protection, is amended to add the following: "Barrier type floor drain seals complying with ASSE 1072-2007 are approved for use as an acceptable alternative to listed trap seals."

~~(gg)~~(37) Chapter 12, Fuel Piping, is deleted and replaced with the International Fuel Gas Code.

~~(hh)~~(38) Chapter 13, Health Care Facilities and Medical Gas and Vacuum Systems, is deleted except for Subsections 1301.0, 1302.0, and 1303.0, Health Care Facilities. In lieu of Chapter 13, except for the subsections not deleted, the department adopts and incorporates by reference the National Fire Protection Association's Standard NFPA 99, 2018 edition, Chapters 1 through 5 and Chapter 15 for the exclusive use as a standard for medical gas and vacuum systems, unless a different edition date is specifically stated, as the standard for the installation of medical gas and vacuum systems. The requirements of this rule shall not be construed as to replace or supersede any additional requirements for testing and certification of medical gas and vacuum systems, including independent third-party certification of systems, as may be applicable. NFPA 99 is a nationally recognized standard setting forth minimum standards and requirements for medical gas and vacuum systems. A copy of NFPA 99 may be obtained from the National Fire Protection Association at www.nfpa.org.

~~(2)~~(39) The purpose of this code is to provide minimum requirements and standards for plumbing installations for the protection of the public health, safety, and welfare. The Uniform Plumbing Code is a nationally recognized model code setting forth minimum standards and requirements for plumbing installations. A copy of the Uniform Plumbing Code may be obtained from the International Association of Plumbing and Mechanical Officials at www.iapmo.org.

Authorizing statute(s): 50-60-203, 50-60-504, 50-60-508, MCA

Implementing statute(s): 50-60-201, 50-60-203, 50-60-504, 50-60-508, MCA

Reasonable Necessity Statement

The proposed renumbering of amended code sections and addition of code section and subsection titles are necessary to simplify the rule and increase readability.

The proposed amendment to Subsection 612.1, Residential Fire Sprinkler Systems, is necessary to allow homeowners who voluntarily decide to install a residential fire sprinkler system to apply the existing code to that process. Residential fire sprinkler systems are not required under the state building code, and this code section only applies to homeowners who voluntarily install a residential fire sprinkler system.

The proposed amendments to Subsection 707.9, Clearance; Subsection 712.2, Sanitary Drainage System Water Testing; and Subsection 1007, Trap Seal Protection, are necessary because each code amendment is an alternative means or method that has been approved by the department in a technical advisory under ARM 24.301.213. The addition of these common alternative means and methods provide notice to interested parties and the public that these options are available and equally safe alternatives to the code sections as written. The proposed amendments also save department resources by eliminating the need for individual approval of each instance where these means and methods are proposed for use.

24.301.351 MINIMUM REQUIRED PLUMBING FIXTURES

- (1) The department adopts Table 2902.1, Minimum Number of Required Plumbing Fixtures, of the ~~2021~~ 2024 version of the International Building Code to determine the minimum number of required plumbing fixtures to be installed in new buildings. Table 2902.1 is available on the department's website, or by contacting the bureau to request a copy. The department explains and amends Table 2902.1 as follows:
 - ~~a.~~(2) The fixtures shown in Table 2902.1 are based on one fixture being the minimum required for the number of persons indicated or any fraction of the number of persons indicated. The number of occupants shall be determined by the building code.
 - ~~b.~~(3) Fixtures located in adjacent buildings under the ownership or control of the church shall be made available during periods the church is occupied.
 - ~~c.~~(4) Toilet facilities for employees shall be separate from facilities of inmates or patients.
 - ~~d.~~(5) A single-occupant toilet room with one water closet and one lavatory serving not more than two adjacent patient rooms shall be permitted where such room is provided with direct access from each patient room and with provisions for privacy.

- e.~~(6)~~ For child day care one bathtub or shower shall be required.
- f.~~(7)~~ Food service establishments or any establishment that sells alcoholic beverages for on-site consumption requires at least one urinal.
- (8) Food service establishments shall have a handwashing sink installed in the kitchen area.
- g.~~(9)~~ Contact the Department of Public Health and Human Services for additional requirements for food service establishments.
- h.~~(10)~~ At the discretion of the building official, certain nonassembly buildings where food and beverages are not consumed on the premises, may be allowed to furnish only one unisex public toilet if it is accessible in accordance with ICC A117.1.
- i.~~(11)~~ At the discretion of the building official, business and mercantile classifications intended for quick transactions, including takeout, pickup, and drop off businesses having a floor area less than 1200 sq. ft., may utilize facilities located in another building within 500 feet provided the building is open and available during business hours and is accessible in accordance with ICC A117.1.
- j.~~(12)~~ For business and mercantile classifications with an occupant load of 15 or fewer, a service sink shall not be required.
- k.~~(13)~~ Keyed toilets under employee control of the type available at service stations are permitted.
- l.~~(14)~~ Where urinals are provided, notwithstanding the required urinal in footnote g. above, one water closet less than the number specified may be provided for each urinal installed, except the number of water closets in such cases shall not be reduced to less than one-half of the minimum specified.
- m.~~(15)~~ Where single-user unisex facilities are present, the aggregate fixture count shall be equal to the required number of separate facilities. Where single-user unisex toilet rooms or bathing rooms are clustered at a single location, at least 50 percent but not less than one room for each user at each cluster shall be accessible.
- n.~~(16)~~ Riding arenas as defined in ARM 24.301.146(11) are required to provide separate male and female accessible restrooms which contain a minimum of one water closet and one lavatory.
- o.~~(17)~~ See ARM 24.301.903 for additional requirements and provisions concerning building accessibility.
- p.~~(18)~~ If a specific occupancy is not shown in the table, the building official shall determine on an individual case-by-case basis the requirements for that occupancy.
- q.~~(19)~~ On an individual case-by-case basis the building official may approve an alternative source of potable drinking water, such as, but not limited to, a bottled

water cooler, in lieu of a drinking fountain. Drinking fountains shall not be required in buildings with an occupant load of 30 or less.

r.(20) Beauty salons must have a sink in accordance with ARM ~~24.121.1507~~ 24.121.1501.

Authorizing statute(s): 50-60-203, 50-60-504, MCA

Implementing statute(s): 50-60-203, 50-60-504, MCA

Reasonable Necessity Statement

The proposed amendments adding the title of the adopted table and renumbering the amended code sections are necessary to simplify and enhance readability of the rule.

The proposed amendment requiring handwashing sinks in the kitchen area of a food service establishment is necessary to bring the state building code into alignment with the Department of Public Health and Human Services' (DPHHS) health and safety requirements for retail food establishments. To protect public health, DPHHS is authorized to adopt and enforce rules for the operation and licensure of retail food establishments per 50-50-103, MCA. DPHHS has adopted by reference the "Food Code, 2013, Recommendations of the United States Public Health Service, Food and Drug Administration" (Food Code), which requires retail food establishments to have handwashing sinks in the kitchen areas under Section 5-203.11. ARM 37.110.260. The proposed amendment is necessary to help ensure retail food establishments are aware of this requirement during the building of an establishment, rather than during health inspections after construction is complete.

The proposed amendment regarding beauty salon sinks is necessary to update the referenced administrative rule to the current rule, ARM 24.121.1501 General Premises Sanitation.

24.301.401 INCORPORATION BY REFERENCE OF NATIONAL ELECTRICAL CODE

- (1) The department adopts and incorporates by reference the National Fire Protection Association Standard NFPA 70, National Electrical Code, ~~2020~~ 2023 edition referred to as the National Electrical Code, unless another edition date is specifically stated as adopted in this rule. The National Electrical Code is a nationally recognized model code setting forth minimum standards and requirements for electrical installations.
- (2) Subsection 110.2, Approval, is amended to add the following: "When requested, complete wiring diagrams shall be provided prior to installation of conductors and equipment indicating the conductor's and equipment's intended use."

- ~~(2)~~ (3) Subsection 210.8(A), Dwelling Units, is amended to delete reference to 250-volt receptacles.
- ~~(3)~~(4) Subsection 210.8(B), Other than Dwelling Units, is amended to delete reference to 250-volt receptacles.
- (5) Subsection 210.8(A)(6), Kitchens, is amended not to require GFCI protection for refrigerators and freezers.
- (6) Subsection 210.8(D), Specific Appliances, is amended to delete items 8, 9, 10, 11, and 12.
- (7) Subsection 210.8(F), Outdoor Outlets, is amended to exclude outdoor outlets for septic alarm and well circuits.
- (8) Subsection 210.8(F), Outdoor Outlets, Exception No. 2, is amended to state the following: "GFCI protection shall not be required for listed HVAC equipment. The department shall determine the expiration date of this exception."
- ~~(4)~~(9) Subsection 210.12, Arc-Fault Circuit-Interrupter Protection, is amended to delete all references to "kitchen" or "kitchens."
- (10) Subsection 210.12(B), Dwelling Units, is amended to include unfinished basements.
- (11) Subsection 215.18(B), Location, is amended to add the following sentence, "Alternatively, the SPD may be installed in the distribution board that supplies the feeders to the subpanels or load centers."
- (12) Subsection 230.71, Maximum Number of Disconnects, is deleted and replaced with the following: "Each service shall consist of not more than six disconnecting means mounted in a single enclosure, in a group of enclosures, in a switchboard or switch gear; or the requirements of 230.71(B) are met."
- (13) Subsection 500.4, Documentation, is amended to add the following after the first sentence: "The area classification drawing shall be developed by qualified persons or firms knowledgeable in hazardous (classified) locations."
- (14) Subsection 550.33(A), Feeder Equipment, is amended to add the following: "It shall be permissible to feed a manufactured (mobile) home with type SER cable when the service equipment is mounted on the exterior of the home. Physical protection of the cable is required by enclosing the cable in an approved raceway where the cable is run on the outside of the home. The cable is to be properly supported and attached per Article 338 where installed under the home."
- (15) Article 706, Energy Storage Systems, is amended to add the following: "Energy storage systems installed in any building or structure shall also meet the requirements of the currently adopted International Building Code or International Residential Code for energy storage systems, whichever applies, regardless of whether or not the building or structure is exempt by 50-60-102, MCA."

(16) Subsection 760.1, Scope, is amended to add the following: "Smoke alarms and carbon monoxide alarms shall be installed in any building or structure as required under the currently adopted International Building Code or International Residential Code, whichever applies, regardless of whether or not the building or structure is exempt by 50-60-102, MCA."

(5)(17) A copy of the National Electrical Code may be obtained from the National Fire Protection Association at www.nfpa.org/NEC.

Authorizing statute(s): 50-60-203, 50-60-603, MCA

Implementing statute(s): 50-60-201, 50-60-203, 50-60-601, 50-60-603, MCA

Reasonable Necessity Statement

The proposed amendments are necessary because, in addition to adopting the 2023 edition of National Electrical Code, the department proposes consolidating all of the modifications and amendments to the National Electrical Code into one rule, ARM 24.301.401. The department proposes combining the substantive sections of ARM 24.301.411 WIRING STANDARDS into ARM 24.301.401.

The proposed new sections amending subsection 110.2, Approval, amending subsection 550.33A, Feeder Equipment, and amending Article 706, Energy Storage Systems, are transferred from ARM 24.301.411. Therefore the department proposes repealing ARM 24.301.411 below.

Consolidating all the modifications to the National Electrical Code into one rule makes accessing the modifications easier and more convenient for the department, all interested parties, and the general public.

24.301.603 DEFINITIONS

- (1) "Conveyance" as used in this rule means the equipment, associated parts, and hoistways set forth at 50-60-704(1), MCA. It does not include conveyances in private residences, farms, or ranches.
- (2) "Conveyance work" means the design, construction, alteration, operation, maintenance, repair, inspection, installation, and testing of the equipment set forth at 50-60-704(1), MCA.
- (3) "Hoistway enclosure" means the fixed structure of vertical walls or partitions, that isolates the hoistway from other areas or from an adjacent hoistway and in which entrances are installed.

- (4) "Hoistway shaft" means an opening through a building or structure for the travel of an elevator, dumbwaiter, or material lift, extending from the pit floor to the roof, or the floor above.
- (5) "Private residences" for the purposes of applying the permit exclusion at ~~50-60-703~~ 50-60-704, MCA, include only those conveyances contained wholly within a single, private residence, for personal use by the owner. Conveyances to which the public may gain access are not deemed to be within a private residence. However, any person performing conveyance work in a private residence or on a farm or ranch is still subject to the elevator contractor, mechanic, and inspector licensing requirements in Title 37, chapter 73, MCA.
- (6) "Stop" for the purpose of fee calculation is any vertical or horizontal location of the elevator opening, escalator, or moving walk which is used to receive or discharge passengers or freight.

Authorizing statute(s): 50-60-203, 50-60-705, 50-60-715, MCA

Implementing statute(s): 37-73-201, 37-73-203, ~~37-73-208~~, 37-73-212, 50-60-704, 50-60-705, 50-60-715, MCA

Reasonable Necessity Statement

The proposed amendment deleting the repealed statute, 50-60-703, MCA, is necessary because the substance of the statute regarding private residences is now in 50-60-704, MCA.

The proposed amendment deleting the repealed statute, 37-73-208, MCA, from the implementation statutes is necessary because the relevant substance is now found in 37-73-203, MCA, which is already listed in the implementation statutes.

24.301.713 OPERATING CERTIFICATE

- (1) Boilers shall not be placed into operation, prior to the issuance of an operating certificate by the department, as required by 50-74-206, MCA, unless otherwise exempted by the rules of this subchapter or permission to operate the boiler on a temporary basis is obtained from the department.
- (2) Operating certificates for boilers inspected by the department will be issued following the boiler inspection(s), proper notification to the department of corrections of all deficiencies found during inspection, submission of the boiler inspection report/invoice and payment of the fee(s) imposed by ~~50-74-219~~ 50-74-318, MCA.

- (3) Operating certificates for boilers inspected by insurance companies may be issued following submission of boiler inspection reports, approved by the insurance company's special boiler inspector, to the department and payment of the operating certificate fee, by the owner or user, as required by ~~50-74-219~~ 50-74-318, MCA. Owners and/or users will receive notification for payment of the operating certificate fee from the department.
- (4) Operating certificates are valid for 12 months from the date of issuance, unless the expiration date is extended by the department, pursuant to the longer inspection intervals authorized by 50-74-209, MCA.
- (5) Operating certificates issued for a boiler inspected by a special boiler inspector, shall be valid only if the boiler continues to be insured by an authorized insurance company or until the expiration date.
- (6) When an accident occurs which renders a boiler inoperative, the owner or user shall notify the department as soon as it is practical.

Authorizing statute(s): 50-60-203, 50-74-101, MCA

Implementing statute(s): 50-60-203, 50-74-206, 50-74-208, MCA

Reasonable Necessity Statement

The proposed amendment deleting the repealed statute, 50-74-219, MCA, is necessary because the substance of the statute regarding fees for boiler inspections is now in 50-74-318, MCA.

24.301.714 FEES

- (1) Prior to the department issuing an operating certificate for a boiler, the applicant shall make payment to the department the applicable fee(s) as required by ~~50-74-219~~ 50-74-318, MCA. The fees established are as follows:
 - (a) operating certificate \$36
 - (b) internal inspection 80
 - (c) external inspection:
 - (i) hot water heating and supply 40
 - (ii) steam heating 55
 - (iii) power boiler 75
 - (d) special inspection 50 per hour plus expenses

- (2) The owner and/or user of a boiler, inspected by a special boiler inspector and insured by an insurance company, shall, within ten days of receipt of notification from the department, remit the operating certificate fee, as outlined in (1)(a), to obtain a boiler operating certificate from the department.
- (3) The operating certificate fee is required for each boiler inspected.
- (4) Refunds or credit for fees remitted in error or based on false or incorrect information will be at the discretion of the department.
- (5) ~~The fee schedule established in (1) is repeated from 50-74-219, MCA, for the convenience of boiler owners and users.~~

Authorizing statute(s): 50-60-203, 50-74-101, MCA

Implementing statute(s): 50-60-203, 50-74-318, MCA

Reasonable Necessity Statement

The proposed amendment deleting the repealed statute, 50-74-219, MCA, is necessary because the substance of the statute regarding fees for boiler inspections is now in 50-74-318, MCA. The proposed amendment deleting (5) is necessary because the repealed statute, 50-74-219, MCA, listed actual fee amounts for inspections, whereas 50-74-318, MCA, does not list actual fee amounts and gives the department the authority to set the fees by rule.

24.301.723 BOILER ALTERATIONS

- (1) Alterations to boilers shall be made in accordance with the established standards, procedures and the ASME code(s) adopted and incorporated in ARM 24.301.710.
- (2) Alterations to boilers shall not be initiated without authorization of the department or special boiler inspector if the boiler is insured by an authorized insurance company.
- (3) The department, at its discretion, may require documentation which verifies the proposed alteration(s) will be completed in compliance with established standards, procedures and the ASME code(s). Documentation may include welding certifications, certification by a design professional, national board "R" symbol stamp or other verifiable documentation acceptable to the department.
- (4) Failure to comply with the requirements contained in (1), (2), and (3) ~~above~~, may cause the department to deny issuance of the boiler operating certificate until such time as the imposed requirements are met.

Authorizing statute(s): 50-60-203, 50-74-101, MCA

Implementing statute(s): 50-60-203, ~~50-60-209~~, 50-74-102, 50-74-207, 50-74-215, 50-74-218, MCA

Reasonable Necessity Statement

The proposed amendment deleting the implementation statute, 50-60-209, MCA, is necessary because this code section number is a reserved section in the Montana Code Annotated, and reference to this code section is in error.

REPEAL

The rule proposed to be repealed is as follows:

24.301.411 WIRING STANDARDS

Authorizing statute(s): 50-60-203, 50-60-603, MCA

Implementing statute(s): 50-60-203, 50-60-603, MCA

Reasonable Necessity Statement

The proposed repeal is necessary because the department proposes to consolidate all of the modifications to the National Electrical Code into one rule, ARM 24.301.401. The department proposes transferring the substantive portions of ARM 24.301.411, subsections (1)(a), (1)(c), and (1)(d), to ARM 24.301.401. Subsection (1)(b) amending Subsection 550.32(A), Mobile Home Service Equipment, is repealed and not transferred to ARM 24.301.401 because the new code matches the amendment, requiring 50 feet between service equipment and the exterior wall of a manufactured or mobile home.

Consolidating all the modifications to the National Electrical Code simplifies the rule and makes accessing the modifications easier and more convenient for the department, all interested parties, and the general public.

Small Business Impact

The small businesses that will be impacted by the proposed rule changes include small businesses in the construction industry, including builders, electricians, plumbers, and small suppliers of construction materials and equipment. The department does not anticipate that

these proposed rule changes will have both a significant and direct effect on small businesses because while the proposed amendments directly affect the required materials and methods and means for construction, the department reviews the cost of each new code amendment to avoid excess costs that do not offer a corresponding increase in public health and safety. For example, the department adopts the International Energy Conservation Code; however, several code sections are deleted or modified to avoid building requirements that present a significant cost of construction, but the requirements do not offer a corresponding cost-savings within a reasonable period of time after construction is complete. The department also works to avoid requiring new technology that is expensive, not widely available, and does not offer significant benefits in safety or efficiency compared to the cost.

The department proposed a fee reduction for plan review fees in ARM 24.301.138. The department typically receives between 10 and 20 applications per year meeting the requirements of proposed new ARM 24.301.138(3)(a) where multiple identical buildings are planned for development in the same locality. The permit and plan review fees for this type of project have typically cost around \$1000 per project; therefore, the department estimates that this change in fees will reduce the amount of fees collected by the department for reviewing building plans by between \$10,000 and \$20,000 per year.

Bill Sponsor Notification

The primary bill sponsor was contacted on December 4, 2023, by email.

Interested Persons

The agency maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by the agency. Persons wishing to have their name added to the list may sign up at dli.mt.gov/rules or by sending a letter to P.O. Box 1728, Helena, Montana 59624 and indicating the program or programs about which they wish to receive notices.

Rule Reviewer

Jennifer Stallkamp

Approval

Sarah Swanson, Commissioner