



ADMINISTRATIVE RULES OF MONTANA

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) Subsection 903.2.1.7, Multiple Fire Areas, is deleted in its entirety.
- (13) 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) 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 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."

- (15) 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 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) 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 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 edition.
 - (b) Standpipe Systems: NFPA 14 Standard for the Installation of Standpipe and Hose Systems, 2019 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) 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 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) 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) 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) 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) 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) 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.
- (23) 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) 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) Subsection 1031, Emergency 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:"
- (26) 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."
- (27) 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) Table 2902.1, MINIMUM NUMBER OF REQUIRED PLUMBING FIXTURES, is modified by deleting and replacing with ARM 24.301.351.
- (29) 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 Subsection 422.4."
- (30) 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) Delete Section 3107, General, in its entirety.
- (32) Delete Section 3109, General, in its entirety and replace with the International Swimming Pool and Spa Code, 2021 edition as adopted in ARM 24.301.175.
- (33) Delete Chapter 32, Encroachments into the Public Right-of-Way, in its entirety.
- (34) Delete Chapter 33, Safeguards During Construction, in its entirety.
- (35) 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) 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) 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) 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) 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) 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) 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) 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) 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) 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) 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.

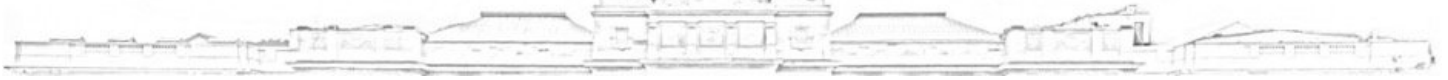
- (46) Notwithstanding any other provisions within the International Building Code, the following adult group residential facilities, licensed by the Department of Public Health and Human Services will be classified and treated as follows:
- (a) Assisted living facilities with 9 to 19 ambulatory residents, 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) 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) 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) All references to the "International Plumbing Code" shall be deleted and replaced with "Uniform Plumbing Code."
- (50) All references to the "International Property Maintenance Code" shall be deleted.
- (51) 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



ADMINISTRATIVE RULES OF MONTANA



History: NEW, 2002 MAR p. 2656, Eff. 9/27/02; AMD, 2004 MAR p. 571, Eff. 3/12/04; AMD, 2006 MAR p. 567, Eff. 2/24/06; AMD, 2007 MAR p. 112, Eff. 1/26/07; AMD, 2010 MAR p. 1733, Eff. 7/30/10; AMD, 2014 MAR p. 2776, Eff. 11/7/14; AMD, 2016 MAR p. 19, Eff. 1/9/16; AMD, 2019 MAR p. 2242, Eff. 12/7/19; AMD, 2021 MAR p. 1216, Eff. 9/25/21; AMD, 2022 MAR p. 911, Eff. 6/11/22; AMD, 2024 MAR p. 2223, Eff. 9/21/24.