



## ADMINISTRATIVE RULES OF MONTANA

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

- (1) The following modifications to the International Building Code (IBC) are applicable only to the department's building code enforcement program. The referenced sections remain without amendment for local government building code enforcement programs.
- (2) The department will use 50-60-109 and 50-60-110, MCA, in cases requiring prosecution in lieu of Section 114, Violations, of the IBC. When a person fails to submit required plans, obtain a permit, correct plans, or comply with an order of the department, the department, as authorized by 50-60-109, MCA, may bring civil action to enjoin the person from constructing or using the building.
- (3) No plumbing, mechanical, or electrical permit will be issued for a building or structure under the jurisdiction of the department, until:
  - (a) the building permit has been issued;
  - (b) it has been determined that a building permit is not required; or
  - (c) special circumstances exist which make issuance of the permit appropriate.
- (4) An owner seeking to do work that the owner believes is not subject to a building code requirement shall provide to the department in writing, either electronically or via the U.S. mail, if in the state's jurisdiction, any documentation or information that it may reasonably require so that the department may determine whether the work is subject to the building code requirement. The documentation or information provided may be required to be in the form of an affidavit or affirmation.
- (5) Subsection 107.1, General, of the IBC is amended to read as follows: "Submittal documents consisting of construction documents, statement of special inspections, geotechnical report, and other data shall be submitted electronically or on paper no larger than 11 by 17 inches. The construction documents shall be prepared by a registered design professional as required by specific provisions throughout the International Building Code (IBC) as adopted by the department in ARM 24.301.131. The department is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that review of construction documents is not necessary to obtain compliance with the IBC as adopted by the department."
- (6) Subsection 111.1, Change of occupancy, of the IBC is amended with the addition of the following: "On a case-by-case basis, the building official or his agent may grant the owner permission to occupy and use a building or portions thereof prior to completion of the project when the building official or his agent finds the building or structure to be in substantial compliance with the intent of the International Building Code."

(7) Subsection 111.2, Certificate issued, of the IBC is amended to read:

- (a) "111.2 Certificate issued. If the building official or the building official's agent makes all the inspections of a building or structure required by Section 110, Inspections, and finds it was constructed in accordance with the provisions of the state building code, the building official shall issue a certificate of occupancy, as referenced in 50-60-107, MCA, which shall contain the following:
  - (i) the building permit number;
  - (ii) the address of the building;
  - (iii) the name and address of the owner;
  - (iv) a description of that portion of the building for which the certificate is issued;
  - (v) a statement that the described portion of the building has been inspected and complies with the state building code for the group and division of occupancy and the use for which the proposed occupancy is classified;
  - (vi) the name of the building official;
  - (vii) the section of the code under which the permit was issued;
  - (viii) the use and occupancy, in accordance with the provisions of Chapter 3, Occupancy Classification and Use;
  - (ix) the type of construction as defined in Chapter 6, Types of Construction;
  - (x) the design occupant load;
  - (xi) if an automatic sprinkler system is provided, whether the sprinkler system is required; and
  - (xii) any special stipulations and conditions of the building permit."
- (b) The department will issue certificates of occupancy only when all of the inspections applicable to construction projects have been performed and, based on those inspections, the department reasonably believes the construction has occurred in compliance with applicable state laws and administrative rules.
  - (i) Where inspections have been performed on various aspects of the same construction project by a combination of state, city, or county inspectors, the department will issue certificates of occupancy based upon written representations from the city or county inspectors that the portions of projects which they inspected caused them to believe those portions of the projects were constructed in compliance with the applicable codes.
  - (ii) Where certificates of occupancy are sought from certified city or county building code enforcement programs, but those programs' officials must rely on the department to complete a portion of the requisite inspections, the department inspectors will provide written representations, as described above, to city or county officials concerning those portions of the projects they inspected.
- (c) "Formal Written Approval: In situations where the department was unable to perform the required inspections referenced in Section 110, Inspections, of the IBC, but no significant

deficiencies from the state building code have been noted, the department may issue a letter of formal written approval in lieu of a certificate of occupancy."

- (8) The department will use the applicable provisions of the Montana Administrative Procedure Act in all cases of appeal in lieu of Section 113, Board of Appeals, of the IBC.
- (9) Subsection 1809.5, Frost protection, of the IBC requires that footings and foundations shall extend below the frost line. In all areas of the state outside of certified local government jurisdictions, the minimum depth from finished grade to the bottom of footings shall be three feet for single story wood or metal frame buildings, and four feet for multistory or masonry buildings. Buildings located on highly expansive or unstable soils may need engineered footings and foundation walls that extend below the minimum depths indicated above. At the discretion of the building official, the above minimum depths may not be required for properly designed so-called monolithic slabs for single story storage and similar use buildings. The building official may require monolithic slabs to be designed and stamped or certified by a Montana registered engineer who practices structural design. The design and stamp of a Montana licensed architect may be accepted in lieu of an engineer's stamp when the monolithic slab design is an incidental part of an architectural building design, as allowed by 37-67-103, MCA.

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

**Implementing statute(s):** 50-60-107, 50-60-108, 50-60-109, 50-60-203, 50-60-212, MCA

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**History:** NEW, 2002 MAR p. 2656, Eff. 9/27/02; AMD, 2002 MAR p. 3627, Eff. 12/27/02; AMD, 2007 MAR p. 112, Eff. 1/26/07; AMD, 2010 MAR p. 1733, Eff. 7/30/10; AMD, 2014 MAR p. 2776, Eff. 11/7/14; AMD, 2019 MAR p. 2242, Eff. 12/7/19; AMD, 2022 MAR p. 911, Eff. 6/11/22; AMD, 2024 MAR p. 2223, Eff. 9/21/24.