

BEFORE THE DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of the amendment of)
ARM 24.301.109 definitions,)
24.301.131 incorporation by reference)
of International Building Code,)
24.301.138 calculation of fees,)
24.301.142 modifications to the)
International Building Code applicable)
only to the department's code)
enforcement program, 24.301.146)
modifications to the International)
Building Code applicable to both the)
department's and local government)
code enforcement programs,)
24.301.154 incorporation by reference)
of International Residential Code,)
24.301.171 incorporation by reference)
of International Existing Building Code,)
24.301.172 incorporation by reference)
of International Mechanical Code,)
24.301.173 incorporation by reference)
of International Fuel Gas Code,)
24.301.175 incorporation by reference)
of International Swimming Pool and)
Spa Code, 24.301.181 incorporation by)
reference of International Wildland-)
Urban Interface Code, 24.301.201)
extent of local programs, 24.301.203)
funding of code enforcement program,)
24.301.208 incorporation by reference)
of Independent Accountant's Reporting)
Format for Applying Agreed-Upon)
Procedures During Audits of Certified)
City, County, or Town Building Code)
Enforcement Programs, 24.301.301)
incorporation by reference of Uniform)
Plumbing Code, 24.301.351 minimum)
required plumbing fixtures, 24.301.401)
incorporation by reference of National)
Electrical Code, 24.301.511 definitions,)
24.301.514 enforcement generally, and)
24.301.904 site accessibility)

NOTICE OF PUBLIC HEARING ON
PROPOSED AMENDMENT

TO: All Concerned Persons

1. On September 16, 2019, at 9:30 a.m., a public hearing will be held in the Large Conference Room, 301 South Park Avenue, 4th Floor, Helena, Montana, to consider the proposed amendment of the above-stated rules.

2. The Department of Labor and Industry (department) will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the department no later than 5:00 p.m., on September 9, 2019, to advise us of the nature of the accommodation that you need. Please contact Timothy Lloyd, Building and Commercial Measurements Bureau, 301 South Park Avenue, P.O. Box 200517, Helena, MT 59620-0517; telephone (406) 841-2053; Montana Relay 1 (800) 253-4091; TDD (406) 444-2978; facsimile (406) 841-2050; or e-mail buildingcodes@mt.gov.

3. GENERAL STATEMENT OF REASONABLE NECESSITY: The Building and Commercial Measurements Bureau, Business Standards Division, Department of Labor and Industry (department) determined it is reasonably necessary to amend certain administrative rules to adopt and incorporate by reference new editions of numerous nationally recognized building codes, with stated exceptions. The department is also proposing additional amendments through the rules to coincide with the adoption and incorporation by reference of these building codes.

While code companies generally update building codes every three years, the department did not adopt the 2015 versions. After holding additional listening sessions to address numerous stakeholder concerns with the 2012 codes, the department adopted the 2012 editions in late 2014 which was very close to the publishing of the 2015 codes. Additionally, the department received a great deal of feedback from the 2012 listening sessions and a subsequent stakeholder survey that the codes change too often, and suggestions for a five-year adoption cycle. After reviewing the 2015 codes for necessary changes, the department decided to forgo adopting those editions.

On July 9, 2019, the department consulted the Building Codes Council (council) regarding the proposed adoption of the new 2018 editions of the nationally recognized building codes, with stated exceptions. The council is appointed by the Governor and assists the department in attempting to harmonize building codes with the needs of the construction industry and the public interest in efficiency, cost-effectiveness, and safety. 50-60-115, MCA. The council generally approved the department's proposed adoption and incorporation of new editions of nationally recognized building codes and the stated exceptions. Any proposed rule changes that were not supported by the council will be noted in the specific reasonable necessity statements following the rule(s). Additionally, any proposed rule changes specifically requested by the council will also be noted in the corresponding statements of reasonable necessity.

A majority of the department's proposed changes reflect only renumbering of sections or tables of the updated codes without substantive changes to the rule. Other changes are proposed to improve readability, such as implementing acronyms rather than using the full names of adopted codes, referencing the Department of Labor and Industry as the "department," and substituting "Building Codes Bureau"

with the correct term of "Building and Commercial Measurements Bureau." See ARM 24.1.101 Organization of Department of Labor and Industry.

No significant and direct impact will occur to small businesses as these proposed updated standards and codes are frequently improved, modified, clarified, and renumbered to better reflect activity within the building industry.

Additional grammatical and numbering changes are necessary to comply with ARM formatting requirements following other rule amendments. The department is also amending several rules throughout to add the current web site addresses of building codes publishers to contact or obtain code information online. Where additional specific bases for a proposed action exist, the department will identify those reasons immediately following that rule.

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

24.301.109 DEFINITIONS (1) and (1)(a) remain the same.

(b) "IBC" means the International Building Code, ~~2012~~ 2018 edition.

(c) "IMC" means the International Mechanical Code, ~~2012~~ 2018 edition.

(d) "IFGC" means the International Fuel Gas Code, ~~2012~~ 2018 edition.

AUTH: 50-60-203, MCA

IMP: 50-60-203, MCA

REASON: The department is updating the edition dates in these definitions to align with the proposed adoption of the 2018 codes elsewhere in this notice.

24.301.131 INCORPORATION BY REFERENCE OF INTERNATIONAL BUILDING CODE (1) The department adopts and incorporates by reference the International Building Code, ~~2012~~ 2018 edition, unless another edition is specifically stated, together with Appendix Chapter C (Group U - Agricultural Buildings).

(2) remains the same.

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

AUTH: 50-60-203, MCA

IMP: 50-60-203, MCA

REASON: The department is amending (3) as the department no longer provides copies of the IBC. The official version of the IBC is available via the ICC's web site.

24.301.138 CALCULATION OF FEES (1) through (7) remain the same.

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

TABLE 109.2 remains the same.

AUTH: 50-60-104, 50-60-203, MCA

IMP: 50-60-103, 50-60-104, 50-60-203, MCA

24.301.142 MODIFICATIONS TO THE INTERNATIONAL BUILDING CODE APPLICABLE ONLY TO THE DEPARTMENT'S CODE ENFORCEMENT PROGRAM (1) through (4) remain the same.

(5) Subsection 107.1 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 ~~in one set with each permit application~~ 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) through (10) remain the same.

AUTH: 50-60-203, MCA

IMP: 50-60-107, 50-60-108, 50-60-109, 50-60-203, 50-60-212, MCA

REASON: The department is amending (5) to update requirements for submission of documents and align with current technology and processes. Over the past 12 to 18 months, the department has shifted to electronic submissions and limiting document page size to accommodate the equipment utilized for scanning and housing the electronic records.

24.301.146 MODIFICATIONS TO THE INTERNATIONAL BUILDING CODE APPLICABLE TO BOTH THE DEPARTMENT'S AND LOCAL GOVERNMENT CODE ENFORCEMENT PROGRAMS (1) through (5) remain the same.

(6) Subsection 101.4.7 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."

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

(8) Subsection 107.2.8 is amended to delete "Section 3112" and replace it with "Section 3113."

(7) remains the same but is renumbered (9).

(10) Section 116, Unsafe Structures and Equipment, is deleted in its entirety.

(8) and (9) remain the same but are renumbered (11) and (12).

~~(40)~~ (13) 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, ~~2010~~ 2016 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 $T = 6.5 \text{ minutes (mobilization time)} + 1.7 \text{ minutes/mile } D \text{ (travel time)}$, 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, ~~2010~~ 2016 edition."

(11) and (11)(a) remain the same but are renumbered (14) and (14)(a).

(i) Installation of Sprinkler Systems: NFPA 13 Standard for the Installation of Sprinkler Systems, ~~2010~~ 2016 edition.

(ii) Installation of Sprinkler Systems in Group R Occupancies Four Stories or Less: NFPA 13R Standard for the Installation of Sprinkler Systems in Residential Occupancies up to and Including Four Stories in Height, ~~2010~~ 2016 edition.

(b) Standpipe Systems: NFPA 14 Standard for the Installation of Standpipe and Hose Systems, ~~2010~~ 2016 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. The building official may delegate this authority to governmental fire agencies organized under Title 7, chapter 33, MCA, that are approved by the Department of Justice, Fire Prevention and Investigation Section, to adopt and enforce a fire code in their fire service area.

(12) remains the same but is renumbered (15).

(16) Subsection 1006.3.3, Single Exits, item 4, is amended to read: "4. Group R-3 and R-4 occupancies shall be permitted to have one exit or access to a single exit if equipped throughout with an automatic sprinkler system or there are no sleeping rooms above or below the level of the exit discharge."

~~(13)~~ (17) Subsection ~~1018.4~~ 1020.1 is amended by addition of the following: "Upgrading of corridors in existing E occupancies serving an occupant load of 30 or more, may have walls and ceilings of not less than one-hour fire-resistive construction as required by this code. Existing walls surfaced with wood 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."

(14) ~~(18)~~ For "R" occupancies that are exempt from the requirements of a fire sprinkler system, pursuant to ARM 24.301.146~~(12)~~ (15), Table ~~4048.4~~ 1020.1, referenced in subsection ~~4048.4~~ 1020.1, shall be amended by the deletion of the language "Not Permitted" under the heading "Required Fire-Resistive Rating (hours) – Without sprinkler system" for "R" occupancies with an occupant load served by corridor of greater than ten. Under that same location where "Not Permitted" is to be deleted, the language "1" shall be inserted instead, which will require those corridors to have one-hour fire-resistive ratings.

(19) Subsection 1030.1 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:"

(15) through (18) remain the same but are renumbered (20) through (23).

(24) Subsection 3001.2, Emergency elevator communication equipment systems for the deaf, hard of hearing, and speech impaired, shall become effective on January 1, 2021.

(19) remains the same but is renumbered (25).

~~(20)~~ (26) Delete Section 3109 in its entirety and replace with the International Swimming Pool and Spa Code, ~~2015~~ 2018 edition as adopted in ARM 24.301.175.

(21) through (35) remain the same but are renumbered (27) through (41).

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

(43) All references to the "International Property Maintenance Code" shall be deleted.

(44) All references to the "Sewage Disposal Code" shall be deleted.

AUTH: 50-60-203, MCA

IMP: 50-60-101, 50-60-102, 50-60-104, 50-60-201, 50-60-203, 50-60-205,
MCA

REASON: The department is adding (6) because Chapter 34, regarding Existing Structures, was removed from the IBC. The former sections in Chapter 34 now appear in the International Existing Building Code (IEBC). Either the IBC or IEBC can be applied to the remodel, repair, alteration, change of occupancy, addition, and relocation of an existing building.

The department is adding (8) to correct an internal citation error in the IBC.

It is reasonably necessary to delete Section 116, Unsafe Structures and Equipment, of the IBC, because Title 50, chapter 60, MCA, regarding building and construction standards does not apply to existing buildings and equipment that become unsafe.

The department is amending (13), (14)(a)(i), (14)(a)(ii), and (14)(b) to adopt by reference the updated 2016 editions of several National Fire Protection Association standards.

The department is amending (14)(c) to allow building officials to delegate the authority to review plans for, inspect, and approve fire protection systems under the IBC to certain governmental fire agencies to adopt and enforce a fire code in their fire service area. Building officials enforce the state building code through plan review, permitting, and inspections and have jurisdiction regarding new construction, significant remodel/alteration, and/or changes in use or occupancy. Governmental fire agencies enforce the state fire code through inspections and have jurisdiction regarding existing buildings to assure that such buildings are maintained and operated in a manner that preserve the fire safety features such as exiting, smoke detection, and alarm systems. See Title 50, chapter 61, part 1, MCA. While governmental fire agencies may have authority under NFPA 13 and/or the state fire code to review design and construction of buildings, the standards applied by the governmental fire agencies must not conflict with building regulations adopted by the department and are not effective unless approved by the department. 50-3-103(1)(a) and (2), MCA. The amendments will clarify that the building official has jurisdiction over any fire protection system required by the IBC but, recognizing that the affected governmental fire agency has significant knowledge about and interest in the fire protection system, the building official may choose to delegate authority to review plans, inspect, and approve the fire protection system to the governmental fire agency in the fire service area.

The department is adding (16) to amend the IBC at Subsection 1006.3.3, Single Exits, item 4, to allow R-3 and R-4 occupancies to have one exit or access to a single exit. Because (15) requires R-3 and R-4 occupancies in the IBC to have approved automatic sprinkler systems, the department concluded the number of exits can be reduced.

The department is adding (19) to amend the IBC at Subsection 1030.1, General Requirements Pertaining to Emergency Escape and Rescue. The department determined it is reasonably necessary to require emergency escape and rescue openings in all sleeping rooms in buildings without an automatic sprinkler system for the enhanced safety of the building occupants.

The department is adding (24) to delay the effective date of 2018 IBC Subsection 3001.2, Emergency elevator communication equipment systems for the deaf, hard of hearing, and speech impaired, until January 1, 2021. Based on information the department received in listening sessions, the change in elevator communication equipment is significant and additional time is needed to comply.

The department is amending (26) to reference the updated 2018 edition of the International Swimming Pool and Spa Code (ISPSC).

It is reasonably necessary to add (42) and delete all references to the "International Plumbing Code" in the IBC and replace them with "Uniform Plumbing

Code." The Uniform Plumbing Code has consistently been adopted in Montana. ARM 24.301.301. Because the IBC references the International Plumbing Code in several chapters, it is necessary to specify the application of the Uniform Plumbing Code in this rule.

The department is adding (43) to delete all references to the "International Property Maintenance Code" in the IBC. Because the code is referenced in several IBC chapters, the department determined it is reasonably necessary to specify the inapplicability of the International Property Maintenance Code in this rule.

The department is adding (44) to delete all references to the "Sewage Disposal Code" in the IBC and specify the inapplicability of the code as it is referenced in several IBC chapters.

24.301.154 INCORPORATION BY REFERENCE OF INTERNATIONAL RESIDENTIAL CODE (1) remains the same.

(2) ~~The Department of Labor and Industry department~~ adopts and incorporates by reference the International Residential Code, 2012 2018 Edition, referred to as the International Residential Code or IRC-, together with:

(a) Appendix Q, Tiny Houses. Appendix Q 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 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 S, Strawbale Construction. Appendix S may be adopted by a certified city, county, or town building code jurisdiction. The department shall not apply or enforce Appendix S.

(3) through (5) remain the same.

~~(6) Subsection 302.2, Townhouses, delete the exception and replace with the following: "A common two-hour fire-resistance-rated wall assembly tested in accordance with ASTM E 119 or UL 263 is permitted for townhouses if such walls do not contain plumbing or mechanical equipment, ducts, or vents in the cavity of the common wall. The wall shall be rated for fire exposure from both sides and shall extend to and be tight against exterior walls and the underside of the roof sheathing. Electrical installations shall be installed in accordance with the adopted electrical code. Penetrations of electrical outlet boxes shall be in accordance with Section R302.4."~~ 302.2.2, Common walls, delete "Chapters 34 through 43" and replace with "the adopted electrical code in ARM Title 24, chapter 301, subchapter 4."

(7) remains the same.

(8) through (12) remain the same but are renumbered (9) through (13).

(13) remains the same but is renumbered (16).

(14) 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."

(14) remains the same but is renumbered (15).

(15) ~~(8)~~ Subsection 504.3 R302.13, Fire Protection of Floors, is deleted in its entirety.

(16) remains the same but is renumbered (17).

~~(17) (18)~~ Subsection 602.10.11 R602.10.10, Cripple Wall Bracing, ~~delete the last sentence and replace with the following~~ add the following sentence: "The distance between adjacent edges of braced wall panels shall be 20 feet."

~~(18) (19)~~ Subsection 703.8 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 ~~R703.8~~ R703.4.

~~(19) (20)~~ Add new subsection as follows: "~~R703.8.4~~ 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 ~~Section R703.8.2~~ Subsection R703.4.2. Installation of flashing materials shall be in accordance with ~~Section 703.8.3~~ Subsection R703.4.3."

~~(20) (21)~~ Add new subsection as follows: "~~R703.8.2~~ 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."

~~(21) (22)~~ Add new subsection as follows: "~~R703.8.3~~ 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."

~~(22) (23)~~ 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.

~~(23) (24)~~ A copy of the International Residential Code may be obtained from the ~~Department of Labor and Industry, Building Codes Bureau, P.O. Box 200517, 301 South Park, Helena, MT 59620-0517, at cost plus postage and handling. A copy may also be obtained by writing to the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795~~ at www.ICCsafe.org.

AUTH: 50-60-203, MCA

IMP: 50-60-102, 50-60-201, 50-60-203, MCA

REASON: The department has received inquiries regarding applicability of the state building code to tiny houses and determined there is a significant amount of interest by both private industry and municipalities in constructing tiny houses. Appendix Q, regarding tiny houses, first appears in the 2018 International Residential Code (IRC) and establishes standards for construction of single-dwelling units of 400 square feet or less in floor area excluding lofts. The compact size of tiny houses has necessitated modified standards such as lower ceiling heights in lofts and modified dimensions of stairs or ladders used to reach lofts. Tiny houses do not meet building code requirements for commercial or business occupancy and therefore are prohibited from such use.

The department has received inquiries from private industry and consumers regarding strawbale construction methods in the state building code. In strawbale construction, baled straw is used for structural elements and/or building insulation. Appendix S in the 2018 IRC establishes the standards for construction of exterior and interior walls, both structural and nonstructural, using baled straw.

To stay current and address these inquiries, the department is amending (2) through (2)(b) to adopt and incorporate by reference the 2018 edition of the IRC and certain relevant appendices.

The department is amending (6) to remove unnecessary duplicative text because the 2018 IRC at Subsection 302.2, Townhouses, is now substantially similar to the proposed deletion. The amendment to Subsection 302.2.2, Common walls, is necessary to specify the adopted electrical code instead of other 2018 IRC chapters the department is not adopting.

It is reasonably necessary to add (14) and permit the building official having jurisdiction to allow building footings that comply with Subsection R403.1 of the 2012 IRC or building footings that have been engineered by a design professional (instead of complying with Section R403 in either the 2012 IRC or the 2018 IRC). The 2012 IRC is currently in effect and allowing continued compliance with Subsection R403.1 is not a substantial change. Considering the varying soil types and snow loads throughout Montana and the complexity of the new tables in Section R403 of the 2018 IRC, the exception is necessary to allow building officials to avoid requiring larger footings than necessary and significantly increasing the cost of construction.

The department is amending (18) through (22) solely to correctly reference the subsections of the 2018 IRC. The substances of the rules have not changed.

The department is amending (23) to clarify that the 2018 IRC appendices do not apply to a local building code jurisdiction unless specifically authorized or adopted by the department and adopted by the local jurisdiction. The department consistently receives inquiries regarding the local jurisdictions' ability to adopt code appendices. Following discussion with the council, the department concluded that it is reasonably necessary to amend this rule to address the questions and alleviate confusion among the local building code jurisdictions.

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), ~~2012~~ 2018 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) through (3) remain the same.

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

AUTH: 50-60-203, MCA

IMP: 50-60-103, 50-60-201, 50-60-203, MCA

24.301.172 INCORPORATION BY REFERENCE OF INTERNATIONAL MECHANICAL CODE (1) The department adopts and incorporates by reference the International Mechanical Code, ~~2012~~ 2018 edition, published by the International Code Council, unless another edition is specifically stated, together with the following amendments:

(a) remains the same.

(b) All references to the International Plumbing Code shall be deleted and replaced with the Uniform Plumbing Code.

(b) through (f) remain the same but are renumbered (c) through (g).

(g) (h) Table 403.3 403.3.1.1 is amended by the addition of a footnote "i". Footnote "i" is to be referenced in the table at, "Private Dwellings, Single and Multiple". The footnote at the end of the table should be as follows: "i. Every dwelling unit shall have installed a minimum 100 CFM exhaust fan controlled by either an automatic timer or humidistat. Structures built to the provisions of the International Residential Code may provide mechanical ventilation per Section ~~M1507~~ 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) 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:"

(k) Subsection 1101.10, Locking access port caps, is modified by adding the following: "This subsection shall not apply to single-family dwellings."

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

(3) through (5) remain the same.

(6) The IMC adopted by reference in (1) is a nationally recognized model code setting forth minimum standards and requirements for certain mechanical installations. A copy of the IMC may be obtained from the ~~Department of Labor and~~

Industry, Building Codes Bureau, P.O. Box 200517, Helena, MT 59620-0517, at cost plus postage and handling. A copy may also be obtained by writing to the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795, or on their web site at www.ICCSafe.org.

AUTH: 50-60-203, MCA

IMP: 50-60-102, 50-60-103, 50-60-109, 50-60-201, 50-60-203, 50-60-303, MCA

REASON: The department is adding (1)(b) to change all references in the International Mechanical Code (IMC) from the International Plumbing Code to the Uniform Plumbing Code which the department has adopted.

It is reasonably necessary to add (1)(i) to allow an exception for an audio alarm, instead of an automatic disconnect of the appliance or equipment, if the condensate pump serving the appliance or equipment fails. Heating equipment or appliances that would be automatically disconnected due to condensate pump failure may cause extreme damage to a structure during winter conditions.

The department is adding (1)(j) to allow the authority with jurisdiction the discretion to determine whether a pollution-control unit will be necessary. Pollution-control systems can be costly and may not be necessary in certain circumstances depending on the occupancy use or the proximity of other structures.

The department is adding (1)(k) to exempt single-family dwellings from the IMC Subsection 1101.10 requirement that outdoor refrigerant circuit access ports have locking, tamper-resistant caps or otherwise be secured to prevent unauthorized access. Illegal access to chemical refrigerant is most likely to occur at commercial buildings, not single-family dwellings, and therefore the health and safety benefit for occupants of commercial buildings outweighs the cost of the locking, tamper-resistant caps.

24.301.173 INCORPORATION BY REFERENCE OF INTERNATIONAL FUEL GAS CODE (1) The department adopts and incorporates by reference the International Fuel Gas Code, ~~2012~~ 2018 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) through (d) remain the same.

(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 Building Codes and Commercial Measurements Bureau 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) through (5) remain the same.

(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 ~~Department of Labor and Industry, Building Codes Bureau, P.O. Box 200517, Helena, MT 59620-0517, at cost plus postage and handling. A copy may also be obtained by writing to the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795, or on their web site at www.ICCSafe.org.~~

AUTH: 50-60-203, MCA

IMP: 50-60-102, 50-60-103, 50-60-109, 50-60-201, 50-60-203, 50-60-303, MCA

REASON: The department is amending (1)(a) to clarify the meaning of the rule by adding a specific example stating that references to the International Plumbing Code in the International Fuel Gas Code (IFGC) should be replaced with the Uniform Plumbing Code as adopted by the department. The department notes that this is an area of continued confusion and believes this amendment will help address the ongoing inquiries regarding these plumbing codes.

The department is adding (1)(e) to allow an exception for an audio alarm, instead of an automatic disconnect of the appliance or equipment, if the condensate pump serving the appliance or equipment fails. Heating equipment or appliances that would be automatically disconnected due to condensate pump failure may potentially cause extreme damage to a structure during winter conditions.

The department is adding (1)(f) to require a higher pipe standard to prevent fuel gas pipe installation failures. Light-weight pipe is more vulnerable to stress, corrosion, and cracking during winter conditions resulting in pipe installation failures which expose building occupants and others to serious health and safety risks such as a natural gas leak.

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, ~~2015~~ 2018 edition, published by the International Code Council, unless another edition is specifically stated, together with the following amendments:

(a) remains the same.

(2) As specified in ARM 24.301.146~~(20)~~ (26), the department has deleted Section 3109 Swimming Pool Enclosures and Safety Devices from the International

Building Code and replaced that section 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) through (5) remain the same.

(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 ~~Department of Labor and Industry, Building Codes Bureau, P.O. Box 200517, Helena, MT 59620-0517, at cost plus postage and handling. A copy may also be obtained by writing to the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795, or on their web site at www.ICCSafe.org.~~

AUTH: 50-60-203, MCA

IMP: 50-53-103, 50-60-104, 50-60-202, 50-60-203, 76-2-412, 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, ~~2012~~ 2018 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) through (10) remain the same.

(11) Subsection ~~109.4.4~~ 110.4.4, Citations, is deleted in its entirety.

(12) Subsection ~~109.4.5~~ 110.4.5, Unsafe Conditions, is deleted in its entirety.

(13) Subsection ~~109.4.5.1~~ 110.4.5.1, Record, is deleted in its entirety.

(14) Subsection ~~109.4.5.2~~ 110.4.5.2, Notice, is deleted in its entirety.

(15) Subsection ~~109.4.5.2.1~~ 110.4.5.2.1, Method of Service, is deleted in its entirety.

(16) Subsection ~~109.4.5.3~~ 110.4.5.3, Placarding, is deleted in its entirety.

(17) Subsection ~~109.4.5.3.1~~ 110.4.5.3.1, Placard Removal, is deleted in its entirety.

(18) Subsection ~~109.4.5.4~~ 110.4.5.4, Abatement, is deleted in its entirety.

(19) Subsection ~~109.4.5.5~~ 110.4.5.5, Summary Abatement, is deleted in its entirety.

(20) Subsection ~~109.4.5.6~~ 110.4.5.6, Evacuation, is deleted in its entirety.

(21) through (23) remain the same.

(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 ~~Department of Labor and Industry, Building Codes Bureau, P.O. Box 200517, Helena, MT 59620-0517, at cost plus postage and handling. A copy may also be obtained by writing to the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795, or on their web site at www.ICCSafe.org.~~

AUTH: 50-60-202, 50-60-203, MCA

IMP: 50-60-201, 50-60-202, 50-60-203, MCA

24.301.201 EXTENT OF LOCAL PROGRAMS (1) remains the same.

(2) When a city, county, or town is approved to enforce building, mechanical, electrical, or plumbing codes for limited types of buildings, the Department of Labor and Industry, Building Codes and Commercial Measurements Bureau retains authority to enforce building, mechanical, electrical, and plumbing codes for all other buildings not covered by the city, county, or town and which are not exempt from department regulation.

AUTH: 50-60-203, 50-60-302, 50-60-504, 50-60-603, MCA

IMP: 50-60-202, 50-60-203, 50-60-301, 50-60-302, 50-60-504, 50-60-603, MCA

24.301.203 FUNDING OF CODE ENFORCEMENT PROGRAM (1) remains the same.

(2) Permit fees must only be used for those costs related to building code enforcement activities, except for the building codes education fund as provided in 50-60-116, MCA, with building codes being only those codes adopted by the department in subchapters 1, 3, 4, and 15 of ARM Title 24, chapter 301. It is not intended that permit fees be used to support fire departments, planning, zoning, or other activities, except to the extent that employees in those programs provide direct plan review, inspection, or other building code enforcement services for the city, county, or town's building code enforcement programs. Permit fees shall not be used to support the inspection of existing buildings for maintenance or for abatement of dangerous buildings.

(3) through (5) remain the same.

AUTH: 50-60-203, 50-60-302, MCA

IMP: 50-60-106, 50-60-302, MCA

REASON: The department discovered instances of certified city, county, and town building programs using building permit fees to support the inspection of existing buildings for maintenance or for dangerous building abatement. The building permit fees are intended to be used to support the enforcement of the building codes adopted by the department. The department determined it is reasonably necessary to amend this rule to clarify this intent by prohibiting the local building programs from using building permit fees for any other purpose.

24.301.208 INCORPORATION BY REFERENCE OF INDEPENDENT ACCOUNTANT'S REPORTING FORMAT FOR APPLYING AGREED-UPON PROCEDURES DURING AUDITS OF CERTIFIED CITY, COUNTY, OR TOWN BUILDING CODE ENFORCEMENT PROGRAMS (1) through (3) remain the same.

(4) A copy of the document identified in (1) may be obtained from the Department of Labor and Industry, ~~Bureau of Building and Measurement Standards~~ Building and Commercial Measurements Bureau, P.O. Box 200517, 301 South Park, Helena, MT 59620-0517. Copies may also be obtained by facsimile request sent to

Certified City Program at (406) 841-2050, by e-mail request sent to bsdbcb@mt.gov or buildingcodes@mt.gov, or by downloading the document from the department's web site at www.buildingcodes.mt.gov.

(5) and (6) remain the same.

AUTH: 50-60-203, 50-60-302, MCA

IMP: 50-60-302, MCA

24.301.301 INCORPORATION BY REFERENCE OF UNIFORM PLUMBING CODE (1) The department adopts and incorporates by reference the Uniform Plumbing Code, 2012 2018 edition, unless another edition is specifically stated, together with the following appendix chapters and amendments:

(a) through (c) remain the same.

(d) Subsection ~~403.1.2~~ 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.

(e) Subsections ~~102.3, 102.4, 102.5, 103.1, 103.2, 103.3, 103.4, 103.5, and 403.6~~ 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.

(i) through (iv) remain the same.

(f) Delete Table ~~403.4~~ 104.5 - PLUMBING PERMIT FEES and replace with the following schedule:

(i) through (xiv) remain the same.

(g) 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."

(h) through (m) remain the same.

~~(n) Subsection 604.0, Materials, is amended to read as follows:~~

~~(i) "Water pipe and fittings shall be of brass, copper, cast iron, galvanized malleable iron, galvanized wrought iron, galvanized steel, or other approved materials."~~

~~(ii) Cast iron fittings used for water need not be galvanized if over 2 inches (51 mm) in size.~~

~~(iii) Asbestos cement, PB, CPVC, PE, PEX, PEX-AL-PEX or PVC water pipe manufactured to recognized standards may be used for cold water distribution systems outside a building. These approved outside cold water piping materials except for asbestos cement may extend to a point within the foundation perimeter of the building provided that the piping is buried a minimum of 12 inches, the piping is contained within a protective sleeve where it passes through concrete construction and the piping does not extend for more than 24 inches out of the ground at such point where it connects to approved interior cold water piping material.~~

~~(iv) All materials used in the water supply system, except valves and similar devices shall be of a like material, except where otherwise approved by the administrative authority.~~

~~(v) Table 604.1 is amended to add the following: "PB is allowed for hot and cold water distribution."~~

~~(e) (n)~~ Subsection 604.2 604.3, 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.

~~(p) (o)~~ Subsection ~~605.13.2~~ 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."

~~(p)~~ Subsection 609.11, Pipe Insulation, is deleted in its entirety.

~~(q)~~ Subsection 701.1 is amended to read as follows: "Drainage piping shall be cast iron, galvanized steel, galvanized wrought iron, lead, copper, brass, Schedule 40 ABS DWV, Schedule 40 ABS DWV cellular core, Schedule 40 PVC DWV, Schedule 40 PVC DWV cellular core, extra strength vitrified clay pipe, or other approved materials having a smooth and uniform bore, except that:

~~"(1) Galvanized wrought iron or galvanized steel pipe shall not be used underground, and it shall be kept at least six inches (152 mm) above ground.~~

~~"(2) ABS and PVC DWV piping installations must be installed in accordance with Chapter 15, "Firestop Protection." Except for individual single family dwelling units, materials exposed within ducts or plenums shall have a flame spread index of not more than 25 and a smoke developed index of not more than 50, when tested in accordance with the Test for Surface Burning Characteristics of the Building Materials (See the building code standards based on ASTM E-84 and ANSI/UL 723).~~

~~"(3) Vitrified clay pipe and fittings shall not be used above ground or where pressurized by a pump or ejector. They shall be kept at least 12 inches (305 mm) below ground.~~

~~"(4) Copper tube for drainage and vent piping shall have a weight not less than that of copper drainage tube type DWV."~~

~~(r) remains the same but is renumbered (q).~~

~~(r)~~ Subsection 612.0, Residential Fire Sprinkler Systems, is deleted in its entirety.

~~(s)~~ Subsection 701.1 (4), is amended with the addition of the following language: Copper tube for underground drainage and vent piping shall have a weight of not less than that of copper tube type L.

~~(t) remains the same but is renumbered (s).~~

~~(u) (t)~~ Subsection ~~705.7.2~~ 705.6.2, 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."

~~(v) through (y) remain the same but are renumbered (u) through (x).~~

~~(z) (y)~~ Subsection ~~807.4~~ 807.3, Domestic Dishwashing Machine, add exception as follows: "Exception #1: An approved type of indirect waste receptor may be used to receive discharge from domestic dishwashing machines 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."

~~(aa) Subsection 903.2.1 is amended to read as follows: "Copper tube for underground drainage and vent piping shall have a weight of not less than that of copper tube Type L."~~

~~(ab) (z)~~ Subsection 906.1, 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.

(ac) through (ag) remain the same but are renumbered (aa) through (ae).

(af) Subsection 908.2 is amended with 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."

(ah) remains the same but is renumbered (ag).

~~(ai) (ah)~~ 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 1304.0, 1305.0, 1306.0, 1307.0, and 1308.0. In lieu of Chapter 13, except for the subsections not deleted, the Department of Labor and Industry adopts and incorporates by reference the National Fire Protection Association's Standard NFPA 99, 2012 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, ~~One Batterymarch Park, P.O. Box 9101, Quincy, MA 02269-9101~~ at www.nfpa.org.

(2) 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 ~~Department of Labor and Industry, Bureau of Building and Measurement Standards, P.O. Box 200517, Helena, MT 59620-0517, at cost plus postage and handling. A copy may also be obtained by writing to the International Association of Plumbing and Mechanical Officials, 20001 South Walnut Drive, Walnut, CA 91789~~ at www.iapmo.org.

AUTH: 50-60-203, 50-60-504, 50-60-508, MCA

IMP: 50-60-201, 50-60-203, 50-60-504, 50-60-508, MCA

REASON: It is reasonably necessary to amend (1)(g) to add alternative water sources to the definition of plumbing system. Alternative water sources are

nonpotable water and include treated nonpotable water and rainwater catchment systems. Through this amendment, the plumbing system requirements will apply to Chapter 15, Alternate Water Sources for Nonpotable Applications, and Chapter 16, Nonpotable Rainwater Catchment Systems, in the 2018 UPC. There is an increasing demand for fresh water conservation throughout the United States as fresh water supplies are decreasing and the cost of producing potable water is increasing. Alternative water sources are a viable means to lessen demand for potable water and can help conserve water resources.

The department is striking (1)(n) in its entirety because the 2018 UPC, Subsection 604.0, Materials, is now substantially similar to the proposed deletion. Further, the 2018 UPC no longer references asbestos cement because it is no longer manufactured. Accordingly, (1)(n) is no longer necessary.

The department is adding (1)(p) to strike 2018 UPC, Subsection 609.11 in its entirety. Subsection 609.11 is new to the 2018 UPC and pipe insulation is already addressed in ARM 24.301.161(1)(k) as modified from the 2018 IECC.

It is reasonably necessary to delete (1)(q) entirely because the 2018 UPC, Subsection 701.2, Drainage Piping, and Table 701.2, Materials for Drain, Waste, Vent Pipe and Fittings, are now substantially similar to the proposed deletion.

The department is adding (1)(r), which deletes Subsection 612.0, Residential Fire Sprinkler Systems of the 2018 UPC, because fire sprinkler systems are not required in residential structures by the IRC as adopted at ARM 24.301.154.

It is reasonably necessary to delete (1)(s) because the 2018 UPC at Table 701.2, Materials for Drain, Waste, Vent Pipe and Fittings, lists the reference standards for approved materials for a DWV plumbing system. Also, copper DWV plumbing systems have become a specialty use subject to engineering requirements including analyzing soil samples to determine the weight of the copper tube required.

The department is amending (1)(y) to no longer allow an indirect waste receptor to be used to receive discharge from a dishwasher because it was only marginally successful. The amendment will require the waste line of a residential dishwasher to rise and be securely fastened to the underside of the sink rim or countertop because jurisdictions have been successfully allowing the use of the high-loop dishwasher discharge line.

The department is striking (1)(aa) in its entirety because the 2018 UPC is now substantially similar to the proposed deletion.

It is reasonably necessary to amend (1)(z) to address confusion by specifying that it is the first sentence of Subsection 906.1, 2018 UPC, that is modified.

The department is adding (1)(af) to amend Subsection 908.2, Horizontal Wet Venting for a Bathroom Group, 2018 UPC, and further clarify bathroom group locations to firmly establish guidelines for inspections and define the method used for the plumbing installation in a commercial application.

The department is amending (1)(ah) to delete applicability of Subsections 1304.0 through 1308.0 because these subsections conflict with NFPA 99. The department is adding Subsections 1301.0, 1302.0, and 1303.0 for applicability and reference for basic requirements for occupant safety and locations of equipment or appliances related to the medical facilities.

24.301.351 MINIMUM REQUIRED PLUMBING FIXTURES (1) The following table will be used to determine the minimum number of plumbing fixtures to be installed in new buildings:

Table MINIMUM NUMBER OF PLUMBING FACILITIES remains the same.

Table footnotes a. through n. remain the same.

o. Riding arenas as defined in ARM 24.301.146~~(8)(b)~~ (11) are required to provide separate male and female accessible restrooms which contain a minimum of one water closet and one lavatory.

Table footnotes p. through r. remain the same.

AUTH: 50-60-203, 50-60-504, MCA

IMP: 50-60-203, 50-60-504, MCA

24.301.401 INCORPORATION BY REFERENCE OF NATIONAL ELECTRICAL CODE (1) The department, ~~by and through the Building Codes Bureau,~~ adopts and incorporates by reference the National Fire Protection Association Standard NFPA 70, National Electrical Code, 2014 2017 edition referred to as the National Electrical Code, unless another edition date is specifically stated. The National Electrical Code is a nationally recognized model code setting forth minimum standards and requirements for electrical installations. ~~A copy of the National Electrical Code may be obtained from the Department of Labor and Industry, Building Codes Bureau, P.O. Box 200517, Helena, MT 59620-0517 or the National Fire Protection Association, One Batterymarch Park, P.O. Box 9101, Quincy, MA 02269-9101.~~

(2) Subsection 210.12, Arc-Fault Circuit-Interrupter Protection, is amended to delete all references to "kitchen" or "kitchens."

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

AUTH: 50-60-203, 50-60-603, MCA

IMP: 50-60-201, 50-60-203, 50-60-601, 50-60-603, MCA

REASON: In discussion of the adoption of the updated 2017 edition of the National Fire Protection Association Standard NFPA 70, National Electrical Code, referred to as the National Electrical Code (NEC), the council advised the department that the building industry has experienced numerous "nuisance trips" of arc-fault circuit-interrupters (AFCIs) in dwelling unit kitchens and recommended excluding kitchens from the areas listed in Subsection 210.12 in which AFCIs are required. AFCIs are intended to detect arc faults and de-energize the circuit when an arc fault is detected. The "nuisance trips" de-energize appliances in use and most frequently de-energize the refrigerator and freezer causing food spoilage and sometimes damage to the appliance. AFCIs were not required in kitchens prior the 2014 NEC and the current kitchen appliance technology does not appear to be compatible with AFCIs. Further, not requiring AFCIs in kitchens does not appear to pose a significant risk to health and safety.

Additionally, when department staff advised the State Electrical Board during its July 18, 2019, meeting that the council requested excluding kitchens from the

areas listed in Subsection 210.12 in which AFCIs are required, the Electrical Board did not state any objections to this proposed change. Therefore, it is reasonably necessary for the department to add (2) to this rule.

24.301.511 DEFINITIONS (1) "Bureau" means the Building Codes and Commercial Measurements Bureau of the Department of Labor and Industry.

(2) through (11) remain the same.

(12) "Recreational vehicles" has the same meaning as in 50-60-101, MCA.

(12) through (15) remain the same but are renumbered (13) through (16).

AUTH: 50-60-203, 50-60-401, MCA

IMP: 50-60-203, 50-60-401, MCA

REASON: The department is adding (12) to provide the statutory definition for recreational vehicles to assist readers in understanding and applying ARM Title 24, chapter 301, subchapter 5.

24.301.514 ENFORCEMENT GENERALLY (1) The Building Codes and Commercial Measurements Bureau shall administer and enforce all the provisions of Title 50, chapter 60, MCA, and the rules adopted pursuant thereto.

AUTH: 50-60-203, 50-60-401, MCA

IMP: 50-60-203, 50-60-401, MCA

24.301.904 SITE ACCESSIBILITY (1) and (2) remain the same.

(3) Sections 1104, ~~and 1106 and 3409~~ of the IBC are each amended by addition of the following: "A person or entity may not be required to meet fully the accessible exterior route requirements for new buildings or alterations to existing buildings, where the person or entity can demonstrate that due to unique characteristics of the terrain, it is structurally impractical to fully comply, as determined on a case-by-case basis, at the discretion of the building official. Full compliance may be considered structurally impractical only in those rare circumstances when the unique characteristics of the terrain prevent the incorporation of accessibility features. The person or entity shall comply with the accessible facilities requirements to the extent that compliance is not structurally impractical."

(4) through (6) remain the same.

AUTH: 50-60-203, MCA

IMP: 50-60-201, 50-60-213, MCA

REASON: It is reasonably necessary to amend this rule because Section 3409, Existing Structures, has been deleted from the 2018 IBC. The provisions of former Section 3409 are now contained in the 2018 IEBC and included in the adoption of the 2018 IBC at ARM 24.301.171.

5. Concerned persons may present their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to the Building and Commercial Measurements Bureau, 301 South Park Avenue, P.O. Box 200517, Helena, MT 59620-0517, by facsimile to (406) 841-2050, or e-mail to buildingcodes@mt.gov, and must be received no later than 5:00 p.m., September 20, 2019.

6. An electronic copy of this notice of public hearing is available at www.buildingcodes.mt.gov. Although the department strives to keep its web sites accessible at all times, concerned persons should be aware that web sites may be unavailable during some periods, due to system maintenance or technical problems, and that technical difficulties in accessing a web site do not excuse late submission of comments.

7. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by the Building and Commercial Measurements Bureau. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding all building codes administrative rulemaking proceedings or other administrative proceedings. The request must indicate whether e-mail or standard mail is preferred. Such written request may be sent or delivered to the Building and Commercial Measurements Bureau, 301 South Park Avenue, P.O. Box 200517, Helena, MT 59620-0517; faxed to the office at (406) 841-2050; e-mailed to buildingcodes@mt.gov; or made by completing a request form at any rules hearing held by the agency.

8. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

9. Regarding the requirements of 2-4-111, MCA, the department has determined that the amendment of the above-stated rules will not significantly and directly impact small businesses.

Documentation of the above-stated determination is available upon request to the Building and Commercial Measurements Bureau, 301 South Park Avenue, P.O. Box 200517, Helena, MT 59620-0517; telephone (406) 841-2053; facsimile (406) 841-2050; or to buildingcodes@mt.gov.

10. Jennifer Massman, program attorney, has been designated to preside over and conduct this hearing.

/s/ DARCEE L. MOE
Darcee L. Moe
Rule Reviewer

/s/ GALEN HOLLENBAUGH
Galen Hollenbaugh, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State August 13, 2019.