ORDINANCE NO. 430

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CONRAD AMENDING TITLE 4, CHAPTER 1, SECTION 1, "ADOPTION OF CODES", AND PROVIDING FOR THE ADOPTION OF THE 2024 EDITIONS OF THE STATE BUILDING CODE.

WHEREAS, the Montana Department of Labor and Industry (hereinafter referred to as the "department") determined that it was reasonably necessary to amend certain administrative rules to adopt and incorporate by reference new editions of numerous nationally recognized building codes, with stated exceptions;

WHEREAS, effective September 26, 2026, the department amended its administrative rules incorporating by reference the 2024 editions of the International Building Code, International Residential Code, International Energy Conservation Code, and International Existing Building Code, with stated exceptions;

WHEREAS, on September 28, 2026, the department notified the City of Conrad of the code adoption and extended the deadline for certified local governments to adopt the applicable updated codes to January 1, 2027; and

WHEREAS, the City of Conrad is certified to enforce building codes and desires to conform its codes to the department's adoption pursuant to Administrative Rule of Montana 24.301.202(1).

NOW THEREFORE, be it ordained by the City Council of the City of Conrad, Montana that Title 4, Chapter 1, Section 1, shall be amended and read as follows:

SECTION 1. AMENDMENTS TO 4-1-1: ADOPTION OF CODES

4-1-1: ADOPTION OF CODES:

A. Codes Adopted. Those certain codes known as "the state building code" (referred to in Mont. Code Ann. § 50-60-203) are hereby adopted by the City of Conrad for the purpose of regulating buildings in the City of Conrad and protecting the health and safety of the City's citizenry, which codes consist of:
   1. The International Building Code (hereinafter referred to as the "IBC"), 2024 Edition, as described in and amended by Administrative Rules of Montana (hereinafter referred to as "A.R.M.") 24.301.131.
   2. The International Residential Code (hereinafter referred to as the "IRC"), 2024 Edition, as described in and amended by A.R.M. 24.301.154.
   3. The International Energy Conservation Code (hereinafter referred to as the "IECC") 2024 Edition, as amended by A.R.M. 24.301.161.
   4. The International Existing Building Code, 2024 Edition, as described in and amended by A.R.M. 24.301.171.

B. Codes Incorporated: These codes are hereby adopted and incorporated herein as if fully set out in their entirety herein.

C. Copy on File: One copy of each of the codes mentioned in subsection A of this section shall be on file with the finance officer of the city of Conrad for inspection by the public.

D. Effect Of Future Amendments To The "State Building Code": Each and every provision of this chapter shall be amended by the city within ninety (90) days of notification of changes adopted by the department of labor and industry, building codes bureau, when and as any future amendments are made to the codes referred hereinabove so as to conform to future amendments.

SECTION 2. REPEALER.

All resolutions, ordinances and sections of the City Code and parts thereof in conflict herewith are hereby repealed.

SECTION 3. SEVERABILITY.

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect the other provisions of this ordinance which may be given effect without the invalid provision or application and, to this end, the provisions of this ordinance are declared to be severable.

SECTION 4. SAVINGS CLAUSE.

This ordinance does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before the effective date of this ordinance.

SECTION 5. EFFECTIVE DATE.

This ordinance shall be in full force and effect thirty (30) days after passage on second reading.

SECTION 6. REFERENCES.

Mont. Code Ann. §§ 7-5-108, 50-60-203 and 50-60-301; A.R.M. §§ 24.301.131, 24.301.154, 24.301.161, 24.301.171 and 24.301.202.

READ AND ADOPTED by the City Council of the City of Conrad, Montana at their regular meeting thereof held on the 20th day of October 2026.

AYES: 5
NAYES:_____
ABSENT: 1

AND APPROVED BY THE MAYOR.

_____
David Cates, Mayor

ATTEST:

_____
Jerad Walston, City Clerk

READ, ADOPTED and FINALLY APPROVED by the City Council of the City of Conrad, Montana at their regular meeting thereof held on the 4th day of November 2026.

AYES:_____
NAYES:_____
ABSENT:_____

AND APPROVED BY THE MAYOR.

_____
David Cates, Mayor

ATTEST:

_____
Jerad Walston, City Clerk

Montana Code Annotated 2025

TITLE 7. LOCAL GOVERNMENT
CHAPTER 5. GENERAL OPERATION AND CONDUCT OF BUSINESS
Part 1. Local Government Ordinances, Resolutions, and Initiatives and Referendums

Adoption And Amendment Of Codes By Reference

7-5-108. Adoption and amendment of codes by reference. (1) Any local government may adopt or repeal an ordinance which incorporates by reference the provisions of any code or portions of any code or any amendment thereof, properly identified as to date and source, without setting forth the provisions of the code in full. Notice of the intent to adopt a code by reference shall be published after first reading and prior to final adoption of the code. At least one copy of the code, portion, or amendment which is incorporated or adopted by reference shall be filed in the office of the clerk of the governing body and kept there, available for public use, inspection, and examination. The filing requirements prescribed in this section shall not be considered to be complied with unless the required copies of the codes, portion, amendment, or public record are filed with the clerk of the governing body for a period of 30 days prior to final adoption of the ordinance which incorporates the code, portion, or amendment by reference.

(2) The governing body may adopt or amend a code by reference by an emergency ordinance and without notice. The emergency ordinance is automatically repealed 90 days following its adoption and cannot be reenacted as an emergency ordinance.

(3) The process for repealing an ordinance which adopted or amended a code by reference shall be the same as for repealing any other ordinance.

(4) The filing requirement of subsection (1) shall be complied with in adopting amendments to codes.

(5) Any ordinance adopting a code, portion, or amendment by reference shall state the penalty for violating the code, portion, or amendment or any provision thereof separately, and no part of any penalty shall be incorporated by reference.

(6) For purposes of this section, "code" means any published compilation of rules which has been prepared by various technical trade associations, model code organizations, federal agencies, or this state or any agency thereof and shall include specifically but shall not be limited to: traffic codes, building codes, plumbing codes, electrical wiring codes, health or sanitation codes, fire prevention codes, and inflammable liquids codes, together with any other code which embraces rules pertinent to a subject which is a proper local government legislative matter.

History: En. 47A-3-103 by Sec. 6, Ch. 477, L. 1977; R.C.M. 1947, 47A-3-103.

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TITLE 50. HEALTH AND SAFETY
CHAPTER 60. BUILDING CONSTRUCTION STANDARDS
Part 2. State Building Code

Department To Adopt State Building Code By Rule

50-60-203. Department to adopt state building code by rule. (1) (a) The department shall adopt rules relating to the construction of, the installation of equipment in, and standards for materials to be used in all buildings or classes of buildings, including provisions dealing with safety, accessibility to persons with disabilities, sanitation, and conservation of energy. The adoption, amendment, or repeal of a rule is of significant public interest for purposes of **2-3-103**.

(b) Rules concerning the conservation of energy must conform to the policy established in **50-60-801** and to relevant policies developed under the provisions of Title 90, chapter 4, part 10.

(2) The department may adopt by reference nationally recognized building codes in whole or in part, except as provided in subsections (5) and (6), and may adopt rules more stringent than those contained in national codes.

(3) The rules, when adopted as provided in parts 1 through 4, constitute the "state building code" and are acceptable for the buildings to which they are applicable.

(4) The department shall adopt rules that permit the installation of below-grade liquefied petroleum gas-burning appliances.

(5) The department may not include in the state building code:

(a) a requirement for the installation of a fire sprinkler system in a single-family dwelling or a residential building that contains no more than two dwelling units; or

(b) a requirement that buildings be constructed to have solar panels or wiring, batteries, or other equipment for solar panels or electric vehicles.

(6) The department may not include in the state building code a prohibition of or limitation on the use of electric, natural gas, propane, or other energy source.

(7) (a) The department shall, by rule, adopt by reference the most recently published edition of the national fire protection association's publication NFPA 99C for the installation of medical gas piping systems. The department may, by rule, issue plumbing permits for medical gas piping systems and require inspections of medical gas piping systems.

(b) A state, county, city, or town building code compliance officer shall, as part of any inspection, request proof of a medical gas piping installation endorsement from any person who is required to hold an endorsement or who, in the inspector's judgment, appears to be involved with onsite medical gas piping activity. The inspector shall report any instance of endorsement violation to the inspector's employing agency, and the employing agency shall report the violation to the board of plumbers.

(8) The department may not prohibit or limit in the state building code the use of refrigerants listed as

acceptable for use by the United States environmental protection agency pursuant to 42 U.S.C. 7671k as safe alternatives to class I and class II ozone-depleting substances. Any equipment containing the alternative refrigerant must be installed in accordance with applicable safety standards and use conditions as determined by the environmental protection agency.

(9) (a) The department shall permit a place of religious worship to use its building space to accommodate temporary overnight visitors for the purpose of religious retreats, ministry programs, overnight events, and emergency or catastrophic occurrences or to provide shelter or to accommodate displaced persons due to hardship or inclement weather, provided that:

(i) a place of religious worship may not accommodate overnight visitors in the aggregate for more than 75 days in a calendar year unless the governor has declared a state of emergency pursuant to **10-3-303** or exigent circumstances exist;

(ii) a place of religious worship acting in accordance with this subsection (9) may not charge for the temporary accommodation of overnight visitors; and

(iii) a place of religious worship that temporarily accommodates overnight visitors as provided in this subsection (9) has one of the following:

(A) an automatic fire sprinkler system in the area used for temporary overnight accommodations that is monitored by a third party; or

(B) a hard-wired, stand-alone fire and smoke alarm in the area used for temporary overnight accommodations in addition to an exit door or window opening directly to a public way, exit court, or yard area.

(b) The use of places of religious worship that offer temporary overnight accommodations as allowed in subsection (9)(a) is not a change in occupancy, purpose, or use.

(c) A place of religious worship is not in violation of the state building code for the sole reason that the place of religious worship hosts temporary overnight visitors as allowed in subsection (9)(a).

(10) The department shall permit buildings of group R-2 occupancy to have a single stairway serving as an exit for all units if the building meets the following conditions:

(a) the building has no more than six stories above grade plane;

(b) there are no more than four dwelling units on one floor;

(c) the building is equipped with an automatic sprinkler system; and

(d) each unit has at least one window or other emergency exit provision.

(11) As used in this section, "place of religious worship" means a building or portion of a building that is intended for the performance of religious services classified as assembly group A-3 by the International Building Code as it read on January 1, 2023.

History: En. Sec. 8, Ch. 366, L. 1969; amd. Sec. 5, Ch. 226, L. 1974; amd. Sec. 2, Ch. 116, L. 1975; amd. Sec. 17, Ch. 504, L. 1975; amd. Sec. 1, Ch. 173, L. 1977; amd. Sec. 16, Ch. 187, L. 1977; amd. Sec. 2, Ch. 504, L. 1977; R.C.M. 1947, 69-2111(part); amd. Sec. 1, Ch. 350, L. 1991; amd. Sec. 3, Ch. 383, L. 1993; amd. Sec. 1, Ch. 140, L. 1997; amd. Sec. 7, Ch. 331, L. 1997; amd. Sec. 4, Ch. 488, L. 1997; amd. Sec. 1, Ch. 486, L. 1999; amd. Sec. 62, Ch. 130, L. 2005; amd. Sec. 1, Ch. 273, L. 2021; amd. Sec. 3, Ch. 435, L. 2023; amd. Sec. 1, Ch. 560, L. 2023; amd. Sec. 2, Ch. 578, L. 2023; amd. Sec. 1, Ch. 660, L. 2023; amd. Sec. 1, Ch. 368, L. 2025.

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TITLE 50. HEALTH AND SAFETY
CHAPTER 60. BUILDING CONSTRUCTION STANDARDS
Part 3. County, City, and Town Building Codes

County, City, And Town Building Codes Authorized -- Health Care Facility And Public Health Center Doors -- Fee Adjustment For Model Plans

50-60-301. County, city, and town building codes authorized -- health care facility and public health center doors -- fee adjustment for model plans. (1) The local legislative body of a county, city, or town may adopt a building code to apply to the county, city, or town by an ordinance or resolution, as appropriate:

(a) adopting a building code; or

(b) authorizing the adoption of a building code by administrative action.

(2) (a) Except as provided in subsection (2)(b), a county, city, or town may not adopt or enforce a building code that is more stringent than the building code adopted by the department or as required by state law.

(b) A county, city, or town may, as part of its building code or by town ordinance or resolution, adopt voluntary energy conservation standards for new construction for the purpose of providing incentives to encourage voluntary energy conservation. The incentive-based energy conservation standards adopted may exceed any applicable energy conservation standards contained in the state building code. New construction is not required to meet local standards that exceed state energy conservation standards unless the building contractor elects to receive a local incentive.

(3) Any provision of a building code requiring the installation or maintenance of self-closing or automatic closing corridor doors to patient rooms does not apply to health care facilities, as defined in **50-5-101**, or to a public health center, as defined in **7-34-2102**.

(4) (a) When the same single-family dwelling plan is constructed at more than one site, the county, city, or town shall, after the first examination of the plan, adjust the required plan fee to reflect only the cost of reviewing requirements pertaining to the review of:

(i) zoning;

(ii) footings, foundations, and basements;

(iii) curbs;

(iv) gutters;

(v) landscaping;

(vi) utility connections;

(vii) street requirements;

(viii) sidewalks; and

(ix) other requirements related specifically to the exterior of the building.

(b) If a building contractor alters the single-family dwelling plan referred to in subsection (4)(a) in a fashion that substantially affects the building code requirements, the county, city, or town may impose the full examination fee permitted under **50-60-106**.

History: En. Sec. 9, Ch. 366, L. 1969; amd. Sec. 11, Ch. 226, L. 1974; amd. Sec. 3, Ch. 504, L. 1977; R.C.M. 1947, 69-2112(1); (3) En. Sec. 1, Ch. 168, L. 1983; amd. Sec. 15, Ch. 93, L. 1997; amd. Sec. 8, Ch. 473, L. 1999; amd. Sec. 1, Ch. 150, L. 2001; amd. Sec. 15, Ch. 443, L. 2003; amd. Sec. 3, Ch. 300, L. 2009; amd. Sec. 1, Ch. 411, L. 2023.

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24.301.131 INCORPORATION BY REFERENCE OF INTERNATIONAL BUILDING CODE

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

(2) The IBC is a nationally recognized model code setting forth minimum standards and requirements for building design, construction, alteration, and repair. The IBC also provides a framework for program administration.

(3) A copy of the IBC may be obtained from the International Code Council at www.ICCsafe.org.

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

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

History: NEW, 2002 MAR p. 2656, Eff. 9/27/02; AMD, 2004 MAR p. 571, Eff. 3/12/04; AMD, 2007 MAR p. 112, Eff. 1/26/07; 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, 2026 MAR, Notice No. 2026-95, Eff. 9/26/26.

24.301.154 INCORPORATION BY REFERENCE OF INTERNATIONAL RESIDENTIAL CODE

(1) The International Residential Code (IRC) is a nationally recognized model code setting forth minimum standards and requirements for detached one- or two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade in height, and their accessory structures. The IRC also provides a framework for program administration.

(2) The department adopts and incorporates by reference the International Residential Code, 2024 Edition, referred to as the International Residential Code or IRC, together with:

(a) Appendix BB, Tiny Houses. Appendix BB may be adopted by a certified city, county, or town building code jurisdiction. The department will apply Appendix BB to factory-built buildings which meet the definition of a tiny house as having 400 square feet or less in floor area excluding lofts, and which are intended to be mounted on a permanent foundation and used as a single-family dwelling.

(b) Appendix BC, Accessory Dwelling Units. Appendix BC may be adopted by a certified city, county, or town building code jurisdiction. The department shall not apply or enforce Appendix BC.

(c) Appendix BE, Radon Resistant New Construction. Appendix BE may be adopted by a certified city, county, or town building code jurisdiction. The department shall not apply or enforce Appendix BE.

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

(3) Chapters 11 through 14, inclusive, are deleted in their entirety and chapters 16 through 43, inclusive, are deleted in their entirety. Chapter 15, Exhaust Systems, is adopted as an alternative to the International Mechanical Code for exhaust systems only. All other requirements for mechanical systems in detached one- or two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade in height, and their accessory structures, shall be found in the latest adopted edition of the International Mechanical Code.

(4) Subsection R102.6, Existing Structures, is deleted and replaced with the following: "The legal occupancy of any structure existing on the date of this code shall be permitted to continue without change, except as is specifically covered in this code or the legally adopted fire code as administered by the fire authority having jurisdiction."

(5) Subsection R317.5, Fire Sprinklers, is deleted in its entirety.

(6) Subsection R301.6, Roof Load, is deleted and replaced with the following: "Snow loads shall be determined by the building official. In areas of the state outside of certified city, county, or town

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

(7) Subsection R302.2.2, Common walls, delete "Chapters 34 through 43" and replace with "the adopted electrical code in ARM Title 24, chapter 301, subchapter 4."

(8) Subsection R302.2.6, Structural Independence, delete exception number five and replace with the following: "Townhouses separated by a common two-hour fire-resistance-rated wall as provided in Section R302.2."

(9) Subsection R302.3.5, Vertically stacked dwelling units, number two is deleted in its entirety.

(10) Subsection R302.13, Fire Protection of Floors, is deleted in its entirety.

(11) Section R309, Automatic Fire Sprinkler Systems, is deleted in its entirety.

(12) Subsection R318.3.1, Floor elevations at the required egress doors, Exception, is amended to state the following: "The landing or floor on the exterior side shall be not more than 8 1/4 inches below the top of the threshold provided that the door does not swing over the landing or floor."

(13) Subsection R318.3.2, Floor elevations at the other exterior doors, is amended to state the following: "Exterior doors other than the required egress door shall be provided with landings or floors not more than 8 1/4 inches below the top of the threshold."

(14) Subsection R318.7.5.1, Risers, is amended to allow a maximum riser height of 8 1/4 inches.

(15) Subsection R318.7.5.2, Treads, is amended to allow a minimum tread depth of nine inches.

(16) Subsection R321.1.1, Where required, delete the first sentence and replace with the following: "Guards shall be located along open-sided walking surfaces, including stairs, ramps, and landings, that are located more than 30 inches measured vertically to the floor or grade below."

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

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

12 inches or less than seven bolt diameters from each end of the plate section. Interior bearing wall sole plates on monolithic slab foundations with integral footings that are not part of a braced wall line shall be positively anchored with approved fasteners. Sill plates and sole plates shall be protected against decay and termites where required by sections R304 and R305.

Exceptions:

1. Walls 24 inches total length or shorter connecting offset braced wall panels shall be anchored to the foundation with a minimum of one anchor bolt located in the center third of the plate section and shall be attached to adjacent braced wall panels at corners as shown in item 8 of Table R602.3(1).

2. Connections of walls 12 inches total length or shorter connecting offset braced wall panels to the foundation without anchor bolts shall be permitted. The wall shall be attached to adjacent braced wall panels at corners as shown in item 8 of table R602.3(1)."

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

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

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

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

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

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

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

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

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

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

1. The fenestration manufacturer's installation and flashing instructions.

2. The flashing manufacturer's installation instructions.

3. Flashing details approved by the Building Official.

4. As detailed by a Registered Design Professional."

(27) Subsection R905.1.2 is amended by deletion of the language "areas where there has been a history of ice forming along the eaves causing a backup of water as designated in Table R301.2" and insert "the State of Montana."

(28) Appendices do not apply to a certified city, county, or town building code jurisdiction unless specifically authorized or adopted by the department and adopted by the certified city, county, or town building code jurisdiction.

(29) A copy of the International Residential Code may be obtained from the International Code Council at www.ICCsafe.org.

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

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

History: NEW, 2002 MAR p. 2656, Eff. 9/27/02; AMD, 2004 MAR p. 571, Eff. 3/12/04; AMD, 2004 MAR p. 2103, Eff. 9/3/04; AMD, 2007 MAR p. 112, Eff. 1/26/07; 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; AMD, 2026 MAR, Notice No. 2026-95, Eff. 9/26/26.

24.301.161 INCORPORATION BY REFERENCE OF INTERNATIONAL ENERGY CONSERVATION CODE

(1) The department adopts and incorporates by reference the International Code Council's International Energy Conservation Code, 2024 Edition, referred to as the International Energy Conservation Code, unless another edition is specifically stated, together with the following Appendix and amendments.

(2) Subsections C105.1 and R105.1, General, are deleted and replaced with the following: "With each application for a building permit, and when required by the building official, plans and specifications shall be submitted. The building official may require plans and specifications be prepared by an engineer or architect licensed to practice by the state, except for owner-occupied, single-family dwelling houses."

(a) Exception:

"The code official is authorized to waive the requirements for construction documents or other supporting data if the code official determines they are not necessary to confirm compliance with this code."

(3) Subsections C107 and R107, Required Inspections, are deleted in their entirety when the code is used by department. It remains undeleted and available for use for certified local governments using the code.

(4) Table C402.1.3, OPAQUE BUILDING THERMAL ENVELOPE INSULATION COMPONENT MINIMUM REQUIREMENTS, *R*-VALUE METHOD, is amended to change the requirements for Wood framed walls, above grade, in CLIMATE ZONE 6 to the following R-value: 'R-21 or R-20 + R-5ci or R-13 + R-10ci or R-20ci.'

(5) Subsection C402.7, Thermal bridges, is deleted in its entirety. This subsection is not deleted and may be used by certified local governments using the code.

(6) Subsection C403.4.7, Heating and cooling system controls for operable openings to the outdoors, is deleted in its entirety.

(7) Subsection C402.6.1, Air barriers, is deleted and replaced with the following: "A continuous barrier for the opaque building envelope shall comply with the following: Buildings or portions of buildings, including group R and I occupancies, shall meet the provisions of Section C406.2.2 or C406.2.1 or R402.5.1.2 and R402.5.1.3."

(8) Subsection C403.7.2, Parking garage ventilation controls, Exception, is adopted with a modification increasing the maximum hp rating from 5 hp to 7 hp.

(9) Subsection C403.7.8, Occupied standby controls, Exception, is adopted with an additional exception to state: "Zones that are part of a multiple-zone system without automatic zone flow control dampers, and single zone systems without DDC control."

(10) Subsection C403.7.9, Dwelling unit ventilation system, is deleted in its entirety.

(11) Subsection C405.2.4, Daylight responsive controls, Exception 3. is amended to state "Enclosed spaces less than 500 square feet."

(12) Subsection C405.2.4.2, Sidelit daylight zone, is amended to remove requirement (3) in its entirety.

(13) Subsection C405.2.5, Specific application controls, number four, is deleted in its entirety.

(14) Subsection C405.2.7.3, Lighting setback, number two regarding exterior parking areas, is deleted in its entirety.

(15) Subsection C405.2.8.1, Demand responsive lighting controls function, is deleted in its entirety.

(16) Subsection C405.2.10.1, Sleeping units and dwelling units in hotels, motels and vacation timeshare properties, is adopted with the modification of deleting all reference and requirements for receptacles.

(17) Subsection C405.12, Automatic receptacle control , is deleted in its entirety.

(18) Subsection C405.13, Energy monitoring, is deleted in its entirety.

(19) Subsection C405.15, Renewable energy systems, is deleted in its entirety.

(20) Section C406, ADDITIONAL EFFICIENCY, RENEWABLE AND LOAD MANAGEMENT REQUIREMENTS, is deleted in its entirety.

(21) Subsection C408.3, Functional testing of lighting and receptacle controls, is deleted in its entirety.

(22) Subsection C502.3.8, Renewable energy systems, is deleted in its entirety.

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

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

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

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

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

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

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

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

"(iii) interior doors shall be open;

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

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

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

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

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

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

(30) Subsection R403.4, Mechanical System Piping Insulation, is deleted and replaced with "Mechanical system piping shall be insulated in accordance with the Uniform Plumbing Code (UPC) 2024 edition."

(31) Subsection R403.5, Service Hot Water Systems, is deleted and replaced with "Service hot water systems shall be insulated in accordance with subsection L 503.3.3 of the Uniform Plumbing Code (UPC) 2024 edition."

(32) Subsection R403.5.2, Hot Water Pipe Insulation, is deleted and replaced with "Hot water pipe insulation shall be insulated in accordance with subsections 609.12 and L 501.2 of the Uniform Plumbing Code (UPC) 2024 edition."

(33) Appendix CB, Solar-Ready Zone - Commercial. Appendix CB may be adopted by a certified city, county, or town building code jurisdiction. The department shall not apply or enforce Appendix CB.

(34) Appendix RB, Solar-Ready Provisions–Detached One- and Two-Family Dwellings and Townhouses. Appendix RB may be adopted by a certified city, county, or town building code jurisdiction. The department shall not apply or enforce Appendix RB.

(35) The purpose of the International Energy Conservation Code is to provide minimum requirements for the design of new buildings and structures and additions to existing buildings, regulating their exterior envelopes and selection of their heating, ventilating, air conditioning, service water heating, electrical distribution and illuminating systems, and equipment for effective use of energy.

(36) The department encourages owners, design professionals, and builders to voluntarily implement greater levels of energy efficiency in building design and construction than those required by the International Energy Conservation Code. Information regarding voluntary building standards for greater levels of energy efficiency can be obtained from the department by contacting the Department of Labor and Industry, Building Codes Program, P.O. Box 200517, Helena, MT 59620-0517, or at the department's web site.

(37) The International Energy Conservation Code is a nationally recognized model code for energy efficient construction of buildings. A copy of the International Energy Conservation Code may be obtained from the International Code Council at www.ICCsafe.org.

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

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

History: NEW, 2004 MAR p. 2103, Eff. 9/3/04; AMD, 2006 MAR p. 567, Eff. 2/24/06; AMD, 2010 MAR p. 750, Eff. 3/26/10; AMD, 2014 MAR p. 2776, Eff. 11/7/14; AMD, 2021 MAR p. 177, Eff. 2/13/21; AMD, 2022 MAR p. 911, Eff. 6/11/22; AMD, 2024 MAR p. 2223, Eff. 9/21/24; AMD, 2026 MAR, Notice No. 2026-95, Eff. 9/26/26.

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), 2024 edition, which may be used as an alternate prescriptive method(s) for the remodel, repair, alteration, change of occupancy, addition, and relocation of existing building.

(a) The owner of an existing building may follow the requirements of either the IEBC or the IBC, but the owner may not apply some of the requirements of the IEBC and other requirements from the IBC on the same project.

(2) Section 307.1, Smoke alarms, is amended to remove any reference to the "International Fire Code" and replace it with the "International Building Code."

(3) Section 308.1, Carbon monoxide detection, is amended to remove any reference to the "International Fire Code" and replace it with the "International Building Code."

(4) Adoption of the IEBC must not be construed to require the upgrading of existing buildings.

(5) Any reference to a separate specialty building regulation by title in the IEBC shall be considered deleted and replaced with the title of the comparable model code that has been adopted by the department and is in effect at the time.

(6) A copy of the IEBC may be obtained from the International Code Council at www.ICCSafe.org.

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

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

History: NEW, 2004 MAR p. 571, Eff. 3/12/04; 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, 2026 MAR, Notice No. 2026-95, Eff. 9/26/26.

24.301.202 ADOPTION OF CODES

(1) The codes adopted by cities, counties, and towns may not be more stringent than those adopted by the department. However, cities, counties, or towns shall only adopt those codes that they are certified to enforce, which include plumbing, electrical, building, mechanical, medical gas, or the International Wildland-Urban Interface Code. Each time the department modifies the codes, cities, counties, and towns must modify their codes to conform to the department's codes. The department will notify cities, counties, and towns of these code modifications, at which time they will have 90 days from receipt of the notice to conform their codes. Cities, counties, and towns shall notify the department in writing when the updated codes have been adopted and are being enforced. Such notification shall include a copy of the appropriate code adoption ordinance(s) or administrative action.

(2) An ordinance authorizing the adoption of a building code by administrative action must state, at a minimum:

(a) the type of codes which will be enforced, i.e., plumbing, electrical, building, mechanical, medical gas, or the International Wildland-Urban Interface Code; and

(b) the individual, identified by position title, who has the authority to sign the administrative action.

(3) Discretionary provisions of a city, county, or town building code, i.e., provisions which are not mandated by the department, may not be adopted by administrative action.

(4) An automatic adoption ordinance which simply refers to the codes as may be adopted by the department, is not an acceptable code adoption ordinance as it is not sufficiently clear as to what codes are being enforced.

Authorizing statute(s): 50-60-302, MCA

Implementing statute(s): 50-60-301, 50-60-302, MCA

History: NEW, 1979 MAR p. 142, Eff. 2/16/79; TRANS, from Dept. of Admin. , Ch. 352, L. 1985, Eff. 7/1/85; AMD, 1989 MAR p. 476, Eff. 4/28/89; AMD, 1999 MAR p. 1885, Eff. 10/1/99; TRANS, from Commerce, & AMD, 2001 MAR p. 2293, Eff. 11/22/01; AMD, 2003 MAR p. 2299, Eff. 10/17/03; AMD, 2022 MAR p. 911, Eff. 6/11/22; AMD, 2024 MAR p. 2223, Eff. 9/21/24.