

ORDINANCES OF THE CITY OF HELENA, MONTANA

ORDINANCE NO. 3134

AN ORDINANCE AMENDING CHAPTER 2 OF TITLE 3 OF THE HELENA CITY CODE (BUILDING, INTERNATIONAL ENERGY CONSERVATION CODE AND HOUSING REGULATIONS¹)

BE IT ORDAINED BY THE COMMISSION OF THE CITY OF HELENA,

MONTANA:

That Chapter 2 of Title 3 of the Helena City Code is hereby amended as follows:

CHAPTER 2

BUILDING, INTERNATIONAL ENERGY CONSERVATION CODE AND HOUSING REGULATIONS¹

SECTION:

- 3-2- 1: Building Code
- 3-2- 2: Reserved
- 3-2- 3: Reserved
- 3-2- 4: International Energy Conservation Code
- 3-2- 5: Evidence Of Rights Of Way
- 3-2- 6: Plans And Specifications
- 3-2- 7: Inspections Required
- 3-2- 8: Certificate Of Occupancy
- 3-2- 9: Residential Code
- 3-2-10: Access To Structures; Water And Sewer Connections Required
- 3-2-11: International Existing Building Code

3-2-1: BUILDING CODE:

- A. The city hereby adopts by reference and as amended in this chapter, the ~~2006~~ 2009 edition of the International Building Code (IBC) with only the following optional appendix chapter:
 - 1. Appendix Chapter C Group U B Agricultural Buildings.
- B. The ~~2006~~ 2009 International Building Code is further amended as follows:

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1. **CHAPTER 1 ADMINISTRATION:**

a. Section **101.4 Referenced codes.** is amended by adding: "Any reference to a separate specialty code, by title, either in this subsection or elsewhere in this code, shall be considered as deleted and replaced with the title of the model code adopted and in effect at the time."

~~b. Section **101.4.1 Electrical.** is amended by deleting "ICC Electrical Code." and replacing it with "National Electrical Code."~~

~~eb. Section **101.4.43 Plumbing.** is amended by deleting "International Plumbing Code" and replacing it with "Uniform Plumbing Code" and further deleting the last sentence that reads "The provisions of the International Private Sewage Disposal Code shall apply to private sewage disposal systems."~~

~~ec. Section **101.4.54 Property maintenance.** is deleted in its entirety.~~

~~ed. Section **101.4.65 Fire prevention.** is amended by deleting "International Fire Code" and replacing it with "fire code adopted by the Fire Prevention and Investigation Bureau of the Department of Justice and the City of Helena Fire Department."~~

~~fe. Section **105.1.1 Annual permit.** is amended by deleting the entire section and replacing it with: "At the discretion of the building official, a single annual permit may be issued for multiple buildings owned by a single entity, located in a single geographic location, which require similar and repetitive repair, restoration and maintenance work."~~

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¶. Section **1067.3.1 Approval of construction documents.** is amended by adding: "When the building official issues the permit where plans are required, the building official shall approve the construction documents, with corrections as required, or with adequate written resolution of deficiencies noted in plan review comments."

2. CHAPTER 3 USE AND OCCUPANCY CLASSIFICATION:

a. Section **312.1 Utility and Miscellaneous Group U.** is amended by adding: "Riding arenas limited to occupant loads of 200 or less and used for boarding, breeding and training of horses, horse shows and competitions, clinics and rider instruction, and open riding are considered agricultural buildings subject to the provisions of Appendix Chapter C as hereafter amended. Uses such as rodeos, barn dances, craft and other non-livestock shows, conventions and similar events resulting in large numbers of spectators or occupants are not allowed in riding arenas classified as agricultural buildings."

3. APPENDIX C GROUP U B AGRICULTURAL BUILDINGS:

a. Section **C101.1 Scope.** is amended by adding: "9. Riding arenas as defined in amended subsection 312.1."

b. Section **C104.1 Exit facilities.** is amended by adding the following to Exception 2.: "The portion of riding arena buildings where riding will occur or where spectators may be present or seating is provided shall have a minimum of four exits directly to the outside, with the exits located in a manner acceptable to the building official and that enhance exiting from spectator areas. Exits from this portion of the

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building shall not be provided with a latch or lock unless it is panic hardware."

c. Section **C104.1 Exit facilities.** is amended by adding the following after Exception 2.: "3. Exit doors for riding arenas may not be less than 3 feet wide by 6 feet 8 inches high."

4. **CHAPTER 9 FIRE PROTECTION SYSTEMS:**

a. In new or existing structures, the building official may allow the installation of non-code compliant equipment, facilities or structural elements including, but not limited to, fire-extinguishing (sprinkler) systems or fire-resistive construction, which are not required by the Building Code, upon the finding that such installation does not negatively impact the overall compliance of the structure with the Building Code.

b. Section **901.2 Fire protection systems Exception:** is amended by deleting the section and replacing it with: "Any fire protection system or portion thereof not required by this Code shall be permitted to be installed for partial or complete protection at the discretion of the Building official."

c. Section 903.2.7 is amended by deleting condition 4 and replacing it with: "A Group M occupancy is used for the display and sale of upholstered furniture which exceeds 2500 square feet of display and sales area."

ed. Section **903.2.78 Group R:** is amended by deleting the section and replacing it with: "An approved automatic sprinkler system installed in accordance with Section 903.3

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shall be provided in all Group R buildings meeting any of the following criteria:

- i. ~~20~~16 or more transient guests or 10 or more transient guestrooms;
- ii. ~~20~~16 or more occupants in other than dwelling units;
- iii. ~~16~~8 or more dwelling units; or
- iv. more than 2 stories.

In lieu of the above required automatic sprinkler system in buildings not more than three stories above the lowest level of exit discharge, each transient guestroom may be provided with at least one door leading directly to an exterior exit access that leads directly to the approved exits. 'Transient guest' for the purpose of this subsection shall mean an occupant who is primarily transient in nature, staying at one location for 30 days or less."

~~de~~. Section **903.3.5 Inadequate water supply**. is amended by adding: "This section shall apply to buildings which are required by the IBC 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 the National Fire Protection Association Standard for the Installation of Sprinkler Systems, ~~2002~~ 2007 edition (NFPA 13). Under such circumstances, water storage requirements may

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be modified by the Building official. The modified design shall include sufficient storage on site to operate ~~50 percent~~ of the hydraulically remote area for the response time of the local fire department. ~~This reduction shall not reduce the number of operating sprinklers to less than four.~~ Response time is the time from alarm to the time the fire department can apply water to the fire and is established by use of the formula $T = 0.65 + 1.7D$, 6.5 minutes (mobilization time) + 1.7 minutes/mile D (travel time), where T is response time, in minutes, and D is distance, in miles, from the fire station to the building. The modified water supply shall be sufficient to operate the system for the response time calculated above but shall not be less than 20 minutes. Water supply requirements shall be established by using the area/density method as defined in NFPA 13. A 50 percent reduction in water storage of up to 50 percent, but not less than is required for a 20-minute supply, is allowed. ~~Density shall not be modified.~~ All automatic fire sprinkler system designs and components shall be ~~installed for 50 percent of the sprinkler discharge requirements~~ 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, ~~2002~~ 2007 edition."

ef. Section **907.2.8.1 Manual Fire Alarm System** is amended with the addition of the following: "Exception 3: A

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manual fire alarm system is not required in buildings with five or fewer guestrooms or 10 or fewer guests where the building does not exceed two stories in height and is equipped with multiple-station smoke alarms installed in accordance with section 907.2.10-111."

fg. The standards referenced in **CHAPTER 9 FIRE PROTECTION SYSTEMS** for fire-extinguishing systems and standpipe systems are the following National Fire Protection Association (NFPA) Standards:

- i. Installation of Sprinkler Systems: NFPA 13 Standard for the Installation of Sprinkler Systems, ~~2002~~ 2007 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, ~~2002~~ 2007 edition.
- iii. Standpipe Systems: NFPA 14 Standard for the Installation of Standpipe and Hose Systems, ~~2003~~ 2007 edition.

gh. Notwithstanding any other provisions or references to the contrary within the NFPA standards, the authority having jurisdiction over any fire protection system required by the IBC shall be the building official.

5. **CHAPTER 10 MEANS OF EGRESS: Section 10178.1 Corridors.** is amended by adding:

- a. "Upgrading of corridors in existing E occupancies serving an occupant load of 30 or more, may

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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 2 inch gypsum wallboard or openings with fixed wire 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: (45 mm) inches thick. Where the existing frame will not accommodate the 1: inch thick door, a 1d 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 : inch plywood or 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 fire sprinkler system throughout. Such sprinkler system may be supplied from the domestic water system if it is of adequate volume and pressure."

b. For "R" occupancies that are exempt from the requirements of a fire sprinkler system pursuant to 3-2-1B4c, Table 1018.1 referenced in section 1018.1, is amended by deleting the language "Not Permitted" occurring under the heading "Required Fire-Resistive

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Rating (hours) - Without sprinkler system" for "R" occupancies with an occupant load served by a corridor of greater than ten. Under that same location where "Not Permitted" is deleted, "1" is inserted, which will require those corridors to have one-hour fire-resistive ratings."

6. **CHAPTER 13 ENERGY EFFICIENCY:** Section **1301.1.1** is amended by deleting it and replacing it with: "In order to comply with the purpose of this subsection, buildings shall be designed to comply with the requirements of the International Energy Conservation Code as adopted in §3-2-4."

7. **CHAPTER 16 STRUCTURAL DESIGN:** Section **1608.2 Ground Snow Loads.** is amended by deleting the entire section and replacing it with: "Snow loads shall be determined by the building official. The minimum design roof snow load after allowed reductions shall be 30 pounds per square foot (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."

8. **CHAPTER 29 PLUMBING SYSTEMS:**

a. Section **2902.1 Minimum Number Of Fixtures.** is amended by deleting the entire section and replacing it with: "Plumbing fixtures shall be provided as established in §24.301.351, Administrative Rules of Montana and as adopted in §3-7-1(E)."

b. Table **2902.1 Minimum Number Of Plumbing Facilities**

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is amended by deleting the entire table and replacing it with:
"Plumbing fixtures shall be provided as established in §24.301.351, Administrative Rules of Montana and the Minimum Required Plumbing Fixture schedules as adopted in §3-7-1(E)."

c. Section **2902.43** **Required Public Toilet Facilities.** is deleted in its entirety.

9. Reserved.

10. Sections 3107 and 3109. Delete in their entirety.

11. Chapter 33. Delete in its entirety.

12. Community residential facilities are subject to this section as follows:

a. Building codes not applicable to residential occupancies may not be applied to a community residential facility serving eight or fewer persons or to a day-care home serving 12 or fewer children (§76-2-412(3), MCA).

b. A community residential facility as defined in §76-2-411, MCA, includes an assisted living facility licensed under §50-5-227, MCA. Residential building codes are applicable to assisted living facilities with eight or fewer persons.

c. Licensed adult foster care homes (§50-5-101(5)(a), MCA), which are limited to four or fewer residents, are, for the purposes of this section, considered the equivalent of a licensed adult foster family care home (§76-2-411(4), MCA) and as such are considered community residential facilities, and will be classified as Group R, Division 3 for building permit and construction standard purposes.

13. The building official may waive minor building code

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violations that do not constitute an imminent threat to property or to the health, safety or welfare of any person.

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

15. The building official may accept high quality log construction as being equal and an alternative to graded and stamped dimensioned lumber. Typically, 9 inch or greater nominal diameter log wall construction is considered to be equivalent to one-hour fire resistive construction, provided the minimum dimension is 5 inches or more.

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

17. A private storage structure is a building (a) used only for storage of personal effects of the owner, (b) not used for storage of items relating to any profit or nonprofit venture which intends or contemplates any transfer or exchange of the stored items; and (c) not used for storage of equipment, vehicles, materials, supplies, or products used in connection with a business.

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18. Aircraft hangars, even if for private use, are not exempt as private garages or private storage structures unless located on the same parcel of private property or lot as the owner's residence. Aircraft hangars that are used in conjunction with a commercial activity of any kind are not exempt as private garages or private storage structures regardless of location. Aircraft hangars, less than 3000 square feet in size that are used only for parking of an aircraft and where no repair work or welding is performed and where no fuel is dispensed, will be classified as utility buildings (Group U).

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

20. The building official may require an applicant for a building permit to obtain, at the applicant's expense, an independent plan review from a plan review firm or agency acceptable to the building official. The independent plan review must include, but is not limited to, a structural

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review for compliance with the requirements of the building code. The building official shall modify the plan review fee for projects which were required to obtain the independent plan review to be commensurate with the services provided by the agency in relation to the fee charged the applicant by the independent plan review firm or agency.

21. Construction documents for 'public buildings' owned by the state and its political subdivisions as outlined by §18-2-122, MCA, shall bear the seal of a design professional. The building official may waive the requirements for a design professional seal for minor projects such as storage sheds and minor renovations, which do not have a direct bearing on the public health and safety. In addition, the requirement for the seal of a design professional may be waived for projects for which documentation has been submitted, including but not limited to, a letter from the attorney for the local jurisdiction where the project is located, which supports a conclusion that the scope of the project does not have the potential to have a direct bearing on public health and safety.

22. 'Public building' as used in §18-2-122, MCA, refers only to the buildings owned by the state and its political subdivisions for the purposes of requiring a design professional's seal, and does not include privately owned buildings as included in the definition of a 'public building' in §50-60-101, MCA.

23. 'Farm or ranch building' as used in §50-60-102, MCA, is defined as a building located on and used in conjunction with,

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or in support of an agricultural use of a parcel of land, that either totals 160 or more contiguous acres under one ownership or is classified as agricultural pursuant to Title 15, Chapter 7, part 2, MCA. The term excludes buildings that are classified as either Group F or Group M Occupancies by the IBC.

24. Notwithstanding any other provisions within the IBC, the following adult group residential facilities, licensed by the Department of Public Health and Human Services, will be classified and treated as follows:

a. Category A assisted living facilities with 9 to 19 residents as referenced in §50-5-226, MCA, will be classified as R-4 occupancies for building permit and construction standard purposes. Automatic fire sprinkler systems are not required.

b. Category B assisted living facilities with 9 to 19 residents, as referenced in §50-5-226, MCA, will be classified as R-4 occupancies for building permit and construction standard purposes. In addition, a category B assisted living facility shall have an automatic fire sprinkler system and provide an accessible sleeping room or space for each category B resident.

c. An assisted living facility with 20 or more residents, in any combination of category A or category B, will be classified as an R-2 occupancy for building permit and construction standards and shall meet accessibility standards as provided in subsection 1103 of the IBC. Automatic fire sprinkler systems are required. A firewall cannot be used to

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isolate and reduce occupant loads in order to avoid an R-2 classification.

25. The determination of building permit fees, plan review fees and valuation of construction is as follows:

a. Building permit fees and plan review fees are established by resolution passed by the City Commission after public hearing. The determination of value or valuation under any of the provisions of this title is made by the building official.

b. The value to be used in computing the building permit and building plan review fees is the total estimated cost of all construction work for which the permit is issued as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire-extinguishing systems and any other permanent equipment. The value or valuation of a building or structure under any of the provisions of this title is the greater of the construction cost estimated by the owner or the owner's agent, or the cost per square foot method of valuation and the cost per square foot figures for the type and quality of construction listed in the most current "Building Valuation Data" table published by the International Code Council (ICC) in the "Building Safety Journal" magazine, as regionally modified.

c. The building and safety division may base the building permit fee and plan review fee on the best available valuation information when unusual circumstances make the above methods unreasonable.

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26. A fee shall be paid for each change of occupancy inspection.

27. The adoption of a building code is not an assumption of any liability by the city to any person by reason of the review of plans, inspection or non-inspection, issuance or non-issuance of any certificate under this title, or approval or disapproval of any equipment or process authorized by this title. This title may not be construed to hold the city or its officers and employees liable for any damage to persons or property for any matters regulated by this title. This title may not be construed to relieve from or lessen the responsibility of any person owning, operating or controlling any building or structure for any damages to persons or property caused by defects. (Ord. 3017, 3-28-2005; amd. Ord. 3067, 11-20-2006; amd. Ord. 3081, 5-21-2007; amd. Ord. _____, ___-__-2010)

- 3-2-2: **RESERVED:** (Ord. 3017, 3-28-2005)
- 3-2-3: **RESERVED:** (Ord. 3017, 3-28-2005)
- 3-2-4: **ENERGY CODE:** No change.
- 3-2-5: **EVIDENCE OF RIGHTS OF WAY:** No change.
- 3-2-6: **PLANS AND SPECIFICATIONS:** No change.
- 3-2-7: **INSPECTIONS REQUIRED:** No change.
- 3-2-8: **CERTIFICATE OF OCCUPANCY:** No change.
- 3-2-9: **RESIDENTIAL CODE:** No change.
- 3-2-10: **ACCESS TO STRUCTURES; WATER AND SEWER CONNECTIONS REQUIRED:** No change.

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3-2-11: **INTERNATIONAL EXISTING BUILDING CODE:** The international existing building code (IEBC), ~~2006~~ 2009 edition, is hereby adopted by the city as alternative prescriptive methods for the remodel, repair, alteration, change of occupancy, addition, and relocation of existing buildings.

- 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 to the same project.
- B. Adoption of the IEBC must not be construed to require the upgrading of existing buildings.
- C. 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 and is in effect at the time. (Ord. 3017, 3-28-2005; amd. Ord. 3081, 5-21-2007; amd. Ord. _____, ___-__-2010)

**FIRST PASSED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA,
THIS 13th DAY OF SEPTEMBER, 2010.**

/S/ James E. Smith

MAYOR

ATTEST:

/S/ Debbie Havens

CLERK OF THE COMMISSION

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FINALLY PASSED BY THE COMMISSION OF THE CITY OF HELENA,
MONTANA, THIS 18th DAY OF OCTOBER, 2010.

/S/ James E. Smith

MAYOR

ATTEST:

/S/ Debbie Havens

CLERK OF THE COMMISSION