

EXHIBIT 4  
 DATE 02/15/07  
 #B 640

## Montana Code Annotated 2005

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**50-60-101. Definitions.** As used in parts 1 through 4 and 7 of this chapter, unless the context requires otherwise, the following definitions apply:

- (1) "Alteration" means any change, addition, or modification in construction or occupancy.
- (2) "Building" means a combination of any materials, whether mobile, portable, or fixed, to form a structure and the related facilities for the use or occupancy by persons or property. The term must be construed as though followed by the words "or part or parts of a building".
- (3) (a) "Building regulations" means any law, rule, resolution, regulation, ordinance, or code, general or special, or compilation of laws, rules, resolutions, regulations, ordinances, or codes enacted or adopted by the state or any municipality, including departments, boards, bureaus, commissions, or other agencies of the state or a municipality relating to the design, construction, reconstruction, alteration, conversion, repair, inspection, or use of buildings and installation of equipment in buildings.  
 (b) The term does not include zoning ordinances.
- (4) "City or town" means an incorporated city or town as provided for in Title 7, chapter 2, part 41.
- (5) "Code enforcement program" means the plan for enforcement of the building regulations adopted by a municipality or county and includes the local building department and the staff associated with executing any aspect of the program's purposes or functions.
- (6) "Construction" means the original construction and equipment of buildings and requirements or standards relating to or affecting materials used, including provisions for safety and sanitary conditions.
- (7) "Department" means the department of labor and industry provided for in Title 2, chapter 15, part 17.
- (8) "Equipment" means plumbing, heating, electrical, ventilating, air conditioning, and refrigerating equipment, elevators, dumbwaiters, escalators, and other mechanical additions or installations.
- (9) (a) "Factory-built building" means a factory-assembled structure or structures equipped with the necessary service connections but not made so as to be readily movable as a unit or units and designed to be used with a permanent foundation.  
 (b) The term does not include manufactured housing constructed after June 15, 1976, under the National Mobile Home Construction and Safety Standards Act of 1974, 42 U.S.C. 5401, et seq.
- (10) "Local building department" means the agency or agencies of a county, city, or town charged with the administration, supervision, or enforcement of building regulations, the approval of plans, the inspection of buildings, or the issuance of permits, licenses, certificates, and similar documents prescribed or required by state or local building regulations.
- (11) "Local legislative body" means the council or commission charged with governing the county, city, or town.
- (12) "Owner" means the owner or owners of the premises or lesser estate, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee, or other person, firm, or corporation in control of a building.
- (13) (a) "Primary function area" means an area of a building or facility in which a major activity for which the building or facility is designed is carried out. Primary function areas include but are not limited to a customer service lobby of a savings institution, a cafeteria dining area, and meeting rooms of a conference center.  
 (b) Areas that are not primary function areas include but are not limited to boiler rooms, storage rooms, employee lounges, janitorial closets, entrances, corridors, and restrooms.
- (14) "Public building" means a building or facility owned or operated by a governmental entity or a

private sector building or facility that is open to members of the public.

(15) "Public sidewalk" means a sidewalk located in a public right-of-way.

(16) "Recreational vehicle" means a vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use that either has its own mode of power or is mounted on or towed by another vehicle, including but not limited to a:

- (a) travel trailer;
- (b) camping trailer;
- (c) truck camper; or
- (d) motor home.

(17) "Site" means a parcel of land bounded by property lines or a designated portion of a public right-of-way.

(18) "State agency" means any state officer, department, board, bureau, commission, or other agency of this state.

(19) "State building code" means the state building code provided for in 50-60-203 or any portion of the code of limited application and any of its modifications or amendments.

**History:** En. Sec. 2, Ch. 366, L. 1969; amd. Sec. 1, Ch. 226, L. 1974; amd. Sec. 1, Ch. 244, L. 1975; amd. Sec. 1, Ch. 459, L. 1975; amd. Sec. 1, Ch. 504, L. 1977; R.C.M. 1947, 69-2105; amd. Sec. 1, Ch. 315, L. 1979; amd. Sec. 1, Ch. 555, L. 1981; amd. Sec. 1, Ch. 33, L. 1985; amd. Sec. 8, Ch. 140, L. 1985; amd. Sec. 4, Ch. 352, L. 1985; amd. Sec. 229, Ch. 42, L. 1997; amd. Sec. 5, Ch. 331, L. 1997; amd. Sec. 1, Ch. 488, L. 1997; amd. Sec. 167, Ch. 483, L. 2001; amd. Sec. 2, Ch. 546, L. 2001; amd. Sec. 3, Ch. 443, L. 2003.

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