BUILDING AND CONSTRUCTION

BUILDING CODES AND RESTRICTIONS

1. Types of Activities Regulated

The statewide building code applies to all construction throughout the state with the exception of residential structures with fewer than five dwelling units; farm and ranch buildings; private garage and storage structures;[1] mine buildings on mine property regulated under state mining laws and subject to inspection under the federal Mine Health and Safety Act; and certain petroleum refineries, pulp and paper mills, and industrial process-related structures, vessels, and piping. Counties, cities, or towns, by adopting local ordinances or resolutions, may make the state building code applicable to these excepted properties. If counties, cities, or towns adopt local building codes, enforcement is by local rather than state authorities.

All residential construction, except farm and ranch buildings and garage and storage structures used by the owner, are required to meet the energy conservation provisions of the state building code. If the energy conservation codes are not enforced by local or state government for those residential buildings containing less than five dwelling units, the builder must certify to the owner that the building is constructed in compliance with the energy code. A person constructing a new residential building must attach a labeling sticker to the interior electrical panel stating the energy features of that building.

2. Application Procedures

A permit must be obtained from the appropriate authorities before construction may begin.

Statute: 50-60-101, *et seq.* and 50-60-801, *et seq*., MCA

Rule: ARM 24.301.131

Contact: CITY OR TOWN COUNCIL

BOARD OF COUNTY COMMISSIONERS

DEPARTMENT OF LABOR AND INDUSTRY
Business Standards Division

[1] A private storage structure is a building used only for the storage of personal effects of the owner and not for items related to ventures that intend to transfer or exchange the items.

3. Fees

The various fees required for building, mechanical, plumbing, and electrical permits are listed in the Montana Department of Labor rules. Local governments certified to enforce the state building code may establish their own fees.

Rule: ARM 24.301.138 and 24.301.139

ZONING

There are three basic legal elements local governments are authorized to use to address growth and development: comprehensive plans or growth policies, subdivision regulations (see SUBDIVISIONS, p. 172), and zoning regulations.

1. Applicability

Before beginning any development or related activity, a person should determine if local zoning regulations exist. Under Montana law, cities, towns, and counties may adopt zoning regulations and establish zoning districts for the regulation of land use, density, height, and size of buildings, percentage of lot occupied, size of yards, population density, location, and use of buildings, etc. If zoning exists, a permit for the development or activity may be required. Application of zoning regulations to various activities and entities is addressed separately in many places in the Montana Codes (MCA).

Statute: 76-2-101, *et seq.* and 76-2-201, *et seq*., MCA (counties)
76-2-301, *et seq.*, MCA (municipalities)
67-7-101, *et seq.*, MCA (Airport Compatibility Act)

Contact: LOCAL GOVERNMENT