



AFFIDAVIT OF AGRICULTURAL EXEMPTION

To promote the general safety and welfare of the citizens of Missoula County, the Missoula Board of County Commissioners passed Resolution No. 2006-025, on February 8, 2006.

Resolution 2006-025 provided for; the creation of the Building Codes Division of the Public Works Department; the adoption of model building codes as adopted and amended by the State of Montana; the exemption of certain buildings and structures from building code requirements.

Resolution 2006-025 recognizes all of the exemptions listed in Sections 105 of the International Residential Code (IRC) and the International Building Code (IBC). In addition to the exemptions listed in the IRC and IBC, Resolution 2006-025 also exempts **agricultural buildings not designed for human occupancy**.

The building code definition of an agricultural building is; "*A structure designed and constructed to house farm implements, hay, grain, poultry, livestock or other horticultural products. This structure shall not be a place of human habitation or a place of employment where agricultural products are processed, treated or packaged, nor shall it be a place used by the public.*"

The **use** of a building, rather than what it is called, **determines** its **exemption** from building codes. A "pole barn" intended to be used as an agricultural building, as defined above, is exempt from building permits. However, a "pole barn" used as a shop, or to house recreational or personal vehicles, or for the storage of personal belongings, is **not** an agricultural building and requires a building permit.

Montana Code Annotated Title 45-7-202 **False swearing**. (1) A person commits the offense of false swearing if the person knowingly makes a false statement under oath or equivalent affirmation or swears or affirms the truth of a statement previously made when the person does not believe the statement to be true and:

- (a) the falsification occurs in an official proceeding;
- (b) the falsification is purposely made to mislead a public servant in performing an official function; or
- (c) the statement is one that is required by law to be sworn or affirmed before a notary or other person authorized to administer oaths.

(2) Subsections (4) through (7) of 45-7-201 apply to this section.

(3) Except as provided in 13-35-240, a person convicted of false swearing shall be fined an amount not to exceed \$500 or be imprisoned in the county jail for a term not to exceed 6 months, or both.

To obtain an agricultural exemption, the owner(s) of the subject property must sign this declaration in the presence of a Notary Public and present it to the Building Codes Division. This document will then be filed with the Missoula County Clerk and Recorder's Office.

Agricultural buildings are exempt from building permits **ONLY**. Exemption from building permits does not obviate any other requirements, such as; electrical permits and inspections; zoning compliance permits if the property is zoned; flood plain permits; shoreline restrictions, etc. The onus is on the property owner to ensure that the structure complies with any other applicable requirements.

If an agricultural building is used for any other purpose than that which is defined in Section 202 of the International Building Code, a Building Permit will be required and the building will have to comply with International Building Code requirements for the intended use.

STATE OF MONTANA

) SS.

COUNTY OF MISSOULA

JURATS: Notary, please witness the signature(s) and administer the following oath:

I/We have read this document and understand the definition of an agricultural building. I/We certify that the proposed structure will be used for agricultural purposes only, as defined by Section 202 of the International Building Code.

I/We understand that an agricultural building is exempt from building permits only. I/We further understand that if the use of this structure changes from an agricultural use, as defined by Section 202 of the International Building Code, a permit is required and the building will have to comply with International Building Code requirements for the intended use.

I/We understand that, by signing this document, I/We am/are subject to criminal prosecution by the Missoula County Attorney's Office, as authorized by 45-7-202 MCA.

Location of Property (address)

Square Footage

Legal Description **AND** Tax ID#

Description of Agricultural purpose

Owner (Print Name)

Owner (Print Name)

Owner Signature

Owner Signature

State of _____

County of _____

Signed and sworn to before me on _____, 20__ by _____.

Notary Signature

Printed Name

Notary Public for the State of _____

Residing at _____

My Commission expires _____, 20__

(seal)