

PUBLIC WORKS BUILDING DIVISION

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AFFIDAVIT OF AGRICULTURAL EXEMPTION

To promote the general safety and welfare of the residents of Missoula County, the Missoula Board of County Commissioners passed Resolution 2006-025, on Feb. 8, 2006.

This resolution 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, and the exemption of certain buildings and structures from building code requirements. It also recognized all the exemptions listed in Section 105 of the International Residential Code (IRC) and the International Building Code (IBC).

In addition to those exemptions, with this signed affidavit, Resolution 2024-072 further exempts agricultural buildings placed or constructed on land classified as agricultural by the Montana Department of Revenue. This applies only to buildings not intended for human habitation, place of employment or public occupancy.

The use of the building, rather than what it is called, determines its exemption qualification from building code.

Montana Code Annotated 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; or
- (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) 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 with the Missoula County Public Works Building Division, the property owner(s) must complete an [Agricultural Land Classification Application](#) with the Montana Department of Revenue and receive a written approval of agricultural land classification. Upon Receipt of said approval from the Montana Department of Revenue, the property owner(s) must carefully read, understand and sign this Affidavit of Agricultural Exemption in the presence of a notary public and present it to the Missoula County Public Works Building Division with a copy of the approval letter from Montana Department of

Revenue. Property owner(s) are also required to submit a [Land Use/Zoning Compliance Permit application](#) and provide the required documentation:

- 1) detailed site plan showing property boundaries, all structures located on the property labeled with use and dimensions, septic, well with distances from new structure to all others, and property lines
- 2) elevation drawings of all four sides of the structure labeled with overall height
- 3) floor plan labeled with use and dimensions and showing all interior framing (if applicable)

Upon approval of Land Use/Zoning Compliance Permit, the Missoula County Public Works Building Division will collect fees due and record all documents with the Missoula County Clerk and Recorder's office. Agricultural buildings covered by this exemption are exempt from building permits ONLY. This does not exempt the structure from any other requirements for additional permits.

If an approved agricultural-exempt building is used for any other purpose than that which is defined in Chapter 2 of the International Building Code, a building permit will be required, and the building will need to be brought into compliance with building code for the intended use.

STATE OF MONTANA
) SS
COUNTY OF MISSOULA

I/We have read this document and understand the definition of an agricultural building. I/We certify that the proposed structure will be used only for agricultural purposes as defined by Chapter 2 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 Chapter 2 of the International Building Code, a permit is required, and the building will need to comply with International Building Code requirements for the intended use.

I/We understand that by signing this document, I/We are subject to penalty fees and possible criminal and/or civil prosecution by the Missoula County Attorney's Office.

Agricultural Property Address

Ag Structure Square Footage

Legal Description

Tax I.D. #

Describe Agricultural Use (example: hay storage, horse stables)

Property Owner (print name)

Property Owner (print name)

Property Owner Signature

Property Owner Signature

On this _____ day of _____ in the year _____ before me, the undersigned,
a Notary Public for the State of Montana, personally appeared, _____
In their capacity as _____, of or for
_____ known to be the person(s) whose
name(s) is/are subscribed within this document and acknowledge to me that he/she/they
executed the same in the County of Missoula, Montana.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal on the day
and year in this certificate first above written.

(seal)

Notary Public for the State of Montana
Residing at _____
My Commission Expires _____