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Tyler R. Gernant, Missoula County Clerk & Recorder
eRecording

RESOLUTION 2026-084

A RESOLUTION AMENDING MISSOULA COUNTY'S BUILDING CODE ENFORCEMENT PROGRAM (PREVIOUSLY ADOPTED BY RESOLUTION 2006-025) BY EXEMPTING CERTAIN RESIDENTIAL STRUCTURES FROM BUILDING PERMIT REQUIREMENTS

WHEREAS, The Missoula Board of County Commissioners adopted a Building Code Enforcement Program on Feb. 8, 2006, through Resolution 2006-025, pursuant to authority granted under Section 50-60-301, Montana Code Annotated (MCA); and

WHEREAS, Section 50-60-102 MCA grants local governing bodies the authority to exempt certain residential structures from building permit requirements; and

WHEREAS, the Board previously adopted Resolution 2024-072, establishing a process for Agricultural Exemptions from Building Permits and other residential structures; and

NOW, THEREFORE, BE IT RESOLVED that Resolutions 2006-025 and 2024-072 are hereby amended to provide expanded building permit exemptions as described below and defined in Exhibit A. Are attached hereto and incorporated by reference.

BE IT FURTHER RESOLVED

The following structures shall be only exempt from residential building permit requirements:

Detached private residential accessory storage structures used solely for the property owner's private use and not intended for human habitation. See Exhibit B for definitions.

Examples of detached storage structures may include:

- Sheds
- Garages
- Carports
- Shipping containers with roof systems
- Post or pole buildings (pole barns)
- Livestock weathering structures or shelters

BE IT FURTHER RESOLVED

Exempt detached residential structures remain subject to all other applicable Missoula County regulations or permits, such as:

- Plumbing permits
- Mechanical permits
- Electrical permits

- Floodplain regulations
- Shoreline regulations
- Missoula City-County Health Department regulations
- Zoning and land use regulations
- Fire regulations

BE IT FURTHER RESOLVED

Building permits issued prior to June 4th, 2026, for detached residential private storage structures that have already undergone inspections shall not be eligible for a refund and must continue through the existing inspection process. If inspections have not taken place, applicants will be eligible for a refund, minus the plan review fee and administrative fee.

BE IT FURTHER RESOLVED

Use of a detached exempt residential structure for purposes beyond private storage such as habitable space shall require:

- a building permit,
- standard plan review by all departments, and
- required inspections

Future conversion of any portion of such a structure into habitable space shall require a change-of-use permit and may require engineering review or structural modifications to ensure the structure is safe and compliant for use as habitable space and applicable building codes.

BE IT FURTHER RESOLVED

Any exempt detached residential structure determined to be used as habitable space without the required permits shall be subject to applicable penalty fees and must be brought into full compliance with all Missoula County regulations and adopted building codes.

BE IT FURTHER RESOLVED

The Agricultural Exemption process established in Resolution 2024-072 is hereby superseded and replaced by the exemption for detached private residential storage structures adopted in this Resolution.

BE IT FURTHER RESOLVED that these modifications to the Missoula County Building Codes Enforcement Program shall become effective June 4th, 2026.

DATED THIIS 4TH DAY OF JUNE 2026

ATTEST:

Tyler Gernant, Clerk and Recorder

BOARD OF COUNTY COMMISSIONERS
MISSOULA COUNTY

Josh Slotnick, Chair

David Strohmaier, Commissioner

Juanita Vero, Commissioner

Exhibit A

DEFINITIONS

For the purposes of this Resolution and the Missoula County Building Code Enforcement Program, the following definitions and interpretations shall apply:

Accessory Residential Storage Structure

"Accessory Residential Storage Structure" means a detached structure accessory to a residential use that is used solely for the private storage needs of the property owner and is not intended for human habitation.

Such structures may be of any square footage size, provided the structure contains no habitable space.

Accessory residential storage structures shall not include structures used for residential occupancy, business operations, commercial activity, or any use involving living, sleeping, eating or cooking.

Dwelling

"Dwelling" shall have the meaning provided in the International Residential Code (IRC) and means any building that contains one or two dwelling units used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or that are occupied for living purposes.

Habitable Space

"Habitable Space" shall have the meaning provided in the International Residential Code (IRC) and means a space in a building designed or intended for living, sleeping, eating or cooking.

Bathrooms, toilet rooms, closets, halls, storage areas, utility spaces and similar areas are not considered habitable space