

**DEPARTMENT OF PUBLIC WORKS**

Building Division  
6089 Training Drive  
Missoula, MT 59808

P: 406.258.3701 | F: 406.258.4864  
E: permits@missoulacounty.us



**EXISTING CANNABIS/ALCOHOL EVALUATION  
FOR BUILDING CODE COMPLIANCE**

**SECTION I. BUILDING INFORMATION**

Property Address:

Address Line 1

Address Line 2

City

State

Zip Code

County:

Is the building inside the city limits?

Yes  No

If the answer is "Yes" to whether the building is within city limits, **STOP** and visit the [City of Missoula building division](#).

**SECTION II. PROPERTY OWNER'S INFORMATION**

Property Owner's Name:

Mailing Address:

Address Line 1

Address Line 2

City

State

Zip Code

Email Address:

Phone Number:

Is there a current Property Owner Permission Form for Providers on file with DOR?

Yes  No  N/A

**SECTION III. BUSINESS GENERAL INFORMATION**

Current License Numbers(s):

Current License Number(s) Expiration Dates:

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*Enter license numbers here separated by a comma.*

*Enter license number(s) expiration dates separated by a comma.*

Current Site ID(s):

Current Site ID(s) Expiration Dates:

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*Enter site ID(s) here separated by a comma.*

*Enter site ID(s) expiration dates separated by a comma.*

Existing license type:

Business Name:

Registered Agent:

Business Address:

Address Line 1

Address Line 2

City

State

Zip Code

Federal Tax ID:

Trade Names and DBA(s):

#### SECTION IV. BUILDING CODE COMPLIANCE

How long has the building been used in its current manner under this license in years and months?

Number of months:

Number of Years:

Have any changes been made to the use of this building since the licensed provider was originally licensed and began using this building?

Yes  No

Did you or the owner perform any construction or alterations, including adding extraction and processing equipment, in preparation to use the building in its current operation as a licensed provider?

Yes  No

If you answered **Yes** to the previous question, did the owner or representative obtain a building permit at that time?

Yes  No

If you answered **Yes** to the previous question, provide a copy of the occupancy approval issued under the building permit by attaching a copy along with this document once completed.

Is there new construction or alteration planned for this building?

Yes  No

Does the licensed provider have a scale that is currently licensed and up-to-date on inspections by the Montana Weights & Measures Program?

Yes  No

#### SECTION V. AFFIRMATION

By signing this form, I declare under penalty of perjury, pursuant to **§ 1-6-105, MCA**, that the information I provided on this for is true and correct:

License Provider Representative's Printed Name:

License Provider Representative's Signature:

Date Signed:



If you wish to mail this in, mail to the following address:

**Missoula County Building Division  
Attn: Cannabis/Alcohol Initial/Renewal  
6089 Training Blvd  
Missoula, MT 59808**



To submit electronically, please email all documents to the following address:

Email: [permits@missoulacounty.us](mailto:permits@missoulacounty.us)

**\*\* A SPECIAL INSPECTION FEE OF \$150.00 WILL BE ASSESSED, RE-INSPECTIONS WILL BE CHARGED AT \$50.00\*\***  
THE MISSOULA COUNTY BUILDING DIVISION IS SUPPORTED ENTIRELY BY PERMIT FEES AND DOES NOT SHARE IN THE GENERAL FUND OF THE COUNTY.

**SECTION VI. BUILDING CODE BUREAU EVALUATION**

**\*\*\*THIS SECTION IS FOR OFFICIAL USE ONLY\*\*\***

- No building permit necessary, building otherwise in compliance with state building code.
- Additional information necessary for evaluation.
- Building permit application is necessary.
- Inspection necessary for evaluation.

Representative's Printed Name:

Representative's Signature:

Date:

## SECTION VII. INFORMATION AND EXAMPLES

House Bill 701, enacted by the 67th Montana Legislature and signed into law on May 18, 2021, amended both the recreational marijuana initiative 1-190 and the Montana Medical Marijuana Act, and moved regulation of marijuana under the authority of the Montana Department of Revenue (DOR) Cannabis Control Division (CCD). During this transition, CCD is evaluating whether licensees comply with all requirements, including compliance with the Montana building code.

Montana law requires all building owners or their representatives that seek to construct a new building, alter an existing building, or change the use of a building to obtain a building permit and reach compliance with the current building code, as adopted in Admin. Rule of Montana 24.301.142 and 24.301.146, before occupying the building. Mont. Code Ann. Title 50, chapter 60, Parts 1-3. Existing medical marijuana licensed providers must provide proof to CCD that the building(s) in which they operate comply with the building code. To evaluate whether an existing licensed provider complies with the building code, the Building Codes Bureau (BCB) requests each licensed provider submit this form.

The BCB may request further information or conduct a site visit to determine whether the information provided is true and correct. Additionally, you are advised that if the use of the building changes, permits are required.

### EXISTING CANNABIS FACILITY EVALUATION FORM FOR BUILDING CODE COMPLIANCE V.2021.12.21

A dispensary is classified as a **Mercantile** under the International Building Code (IBC), 2018 Edition. The IBC defines **Mercantile** occupancy to include, among others, the use of a building or a portion thereof for the display and sale of merchandise and involves storing goods incidental and accessible to the public. IBC § 309.

A grow facility may be classified in different ways according to its size, use, and equipment. Each classification has different requirements for fire resistive construction and maximum height and areas before additional levels of life safety measures are required. For example, if the licensed provider operates a grow facility in existing buildings that were previously classified in the same manner and no construction is taking place, no permit would be required. BCB considers the following factors when evaluating grow facilities for classification:

- If the building is used for growing only, it can be classified as a **Utility** (similar to a greenhouse).
- If the building is used for growing and processing, (I.E. drying, harvesting and packaging), it is classified as a **Factory**.
- If the building also has provisions for extraction, it would still be classified as a **Factory**, but hazardous gases or liquids used in the extraction process must be limited to the maximum amounts allowed in the building by the IBC.
- If maximum limits of hazardous gases or liquids are passed, the building is classified as **Hazardous**. For example, automatic Fire Sprinklers become mandatory.
- A chemical hood is required over the equipment to capture gasses released when product is removed.
- The area immediately around the equipment is considered a hazardous location and any electrical components in this area need to be rated for the hazardous location.
- If the building also has provisions for cooking, that portion of the building becomes a "commercial kitchen not associated with restaurants" and could be classified as a **Factory** or a **Business** depending on the square footage of the kitchen. If the kitchen area is over 2500 sq. ft, it would be classified as a **Factory**, if the kitchen is under 2500 sq. ft, it would be classified as a **Business**.
- A fire suppression hood may be required over cooking appliances that disconnects all energy and fuels under the hood as per the International Mechanical Code.

- If there is CO2 production for plant growth, like a CO2 generator, then CO2 generators require CO2 level monitoring with an alarm and generator shutdown. Most units have a built-in gas shutoff and there is an off the shelf monitor that plugs into a wall receptacle and has a switched receptacle for the generator. Where is the fuel stored? If inside, it is limited to 10 gallons and it cannot be a BBQ type propane bottle as those have a built-in vent that could release gas into the building. CO2 from pressurized bottles need to be secured to the wall via a chain to prevent tip over, and monitoring.

The IBC defines **Utility** as "[b]uildings and structures of an accessory character and miscellaneous structures not classified in any specific occupancy shall be constructed, equipped and maintained to conform to the requirements of this code commensurate with the fire and life hazard incidental to their occupancy." See IBC § 312.

The IBC defines **Factory** Industrial Group F occupancy includes, among others, the use of a building or structure, or a portion thereof, for assembling, disassembling, fabricating, finishing, manufacturing, packaging, repair or processing operations that are not classified as a Group H hazardous or Group S storage occupancy. See IBC § 306.

The IBC defines **Business** occupancy includes, among others, the use of a building or structure, or a portion thereof, for office, professional or service-type transactions, including storage of records and accounts. See IBC § 304.

The IBC defines High **Hazard Group H** occupancy includes, among others, the use of a building or structure, or a portion thereof, that involve the manufacturing, processing, generation or storage of materials that constitute a physical or health hazard in quantities in excess of those allowed in controlled areas complying with IBC § 414 regarding hazardous materials. See IBC § 307.

## **EXISTING CANNABIS FACILITY EVALUATION FORM FOR BUILDING CODE COMPLIANCE V.2021.12.21**