

What is an alteration?

An alteration is any structural change on a premises that may or may not increase the square footage of the existing approved premises. Cosmetic changes such as painting, carpeting, or other interior decorating are not considered an alteration.

Some examples of a structural change or “alteration” are:

- Tearing down a wall.
- Installing a drive-through window.
- Expanding into a new space.
- Adding or removing a deck.

Things to consider before starting an alteration:

- Premises must meet suitability based on the license type.
- Alterations must be completed within one year of starting the alteration process or a new application must be submitted to the Alcoholic Beverage Control Division (ABCD).
- Building, health, fire, and premises inspection approvals:
 - Check local ordinances before starting the alteration.
 - Conditional use permits or other permits may be needed.
 - Existing building deficiencies may require attention.
 - **See Exception A below** if building, health, and fire approvals may not be needed.
 - You **MUST** attest to whether a building permit is required. **NOTE:** If you attest a permit is not required and ABCD finds that your alteration did require a permit your license may be subject to a violation.
- Staying open or not:
 - A licensed retail business may stay open during an alteration but must maintain suitability based on your license type when operating.
 - A licensed retail business closed for an alteration will need to report nonuse to ABCD before being closed longer than 90 days and may not be on nonuse longer than one year.
 - A licensed on-premises retail business with a catering endorsement may not cater events while on nonuse.

Notifying ABCD when planning an alteration: Before Starting (Applies to all license types)

Alterations that increase the square footage of the existing approved premises must be received and approved by ABCD before starting the alteration, the licensee must:

- Provide a copy of the proposed floorplan and alteration request form to ABCD **at least 7 days before** starting the alteration. **See Exception B below.**
- Meet the requirements in section [16-3-311](#), MCA. (Retail licenses only)

- Notify ABCD if the completed alteration differs from the approved alteration request due to modifications required by other state or governmental officials.

Exception A: Building, health, and fire approvals may not be needed for an alteration: (This applies to retail licenses only)

If the alteration does not require the licensee to obtain a building permit, then the inspections by local government agencies may not be required for department approval. If you notify the department that the alteration does not require a building permit and it is discovered that the alteration does require a permit your license may be subject to a violation.

Exception B: Pre-approval may not be needed before starting an alteration: (This applies to retail licenses only)

If a completed alteration differs from the approved alteration due to modifications required for approval by other state or local government entities, such as compliance with fire or building codes, ABCD must be notified. However, preapproval may not be required for these modifications.

When an alteration is considered completed and approved:

It is important not to use the new area until the alteration has been completed and approved. Alterations are considered completed and approved when:

- If a building permit was required, building, health, and fire officials notified the licensing specialist with their approval.
- A premises inspection is conducted, and the licensing specialist verifies the premises match the proposed submitted floorplan and meet suitability.
- The licensing specialist sends an alteration approval letter.
- This approval letter allows the licensee to use the newly altered or added premises.

Questions? Contact a licensing specialist for your county ([Contact a Licensing Specialist list](#)).

All licensees and permit holders must comply with all Federal and Montana alcoholic beverage laws and rules.

SECTIONS [16-3-311](#), MCA, [16-4-402](#), MCA, and ARM [42.12.106](#), [42.12.145](#), [42.12.146](#), [42.12.147](#), [42.12.148](#), [42.12.149](#), and [42.13.106](#).

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