

RESOLUTION 2004 - 28

**AN AMENDMENT TO PROVIDE FOR UNIFORM PENALTIES FOR VIOLATIONS OF PARTS 1, 2 AND 3 ZONING REGULATIONS.**

It is the intent of the Montana Association of Counties to support legislation that amends current statutes to provide for uniform penalty provisions for violations of zoning regulations for Part 1 (petition created), Part 2 (county created) and Part 3 (municipal) zoning.

**WHEREAS**, Part 1 zoning provides for enforcement of violations, but does not provide for penalties; and

**WHEREAS**, Part 2 zoning provides for enforcement of violations, but only allows for criminal penalties; and

**WHEREAS**, Part 3 zoning provides for enforcement of violations and also provides for both civil and criminal penalties; and

**WHEREAS**, zoning regulations are of little use without the ability to enforce the regulations because of the lack of penalty provisions; and

**WHEREAS**, having different penalty provisions between types of zoning makes enforcement difficult and confusing.

**NOW, THEREFORE BE IT RESOLVED** that the Montana Association of Counties support amending current statutes to provide for uniform enforcement and penalty provisions for all types of zoning.

**PRIOR ACTIONS**

**SPONSOR:** Gallatin County  
**PRIORITY:** High  
**ADOPTED:** Annual Conference, Missoula, MT, September 29, 2004  
**ADOPTED:** Annual Conference, Bozeman, MT, September 27, 2006

**2008 ACTION**

**RECOMMENDATION:** Do Pass  
**PRIORITY:** High  
**REFERRED TO:** MACo Land Use Planning & Development Committee  
**ADOPTED:** Annual Conference, Hamilton, MT, September 24, 2008