

Amendments to Senate Bill No. 183
1st Reading Copy

Requested by Senator Art Wittich

For the Senate Local Government Committee

Prepared by Leanne Kurtz
February 15, 2011 (10:12am)

1. Title, line 4.

Following: "ESTABLISHMENT OF"

Strike: "AN"

Insert: "A COUNTY OR MUNICIPAL"

2. Title, line 5.

Following: "DISTRICT"

Insert: ", "

Strike: "OR INTERIM"

Following: "REGULATION"

Insert: ", OR ORDINANCE"

3. Title, line 6.

Strike: "SECTION"

Insert: "SECTIONS"

Following: "76-2-206"

Insert: "AND 76-2-306"

4. Page 2.

Following: line 17

Insert: "Section 2. Section 76-2-306, MCA, is amended to read:

"76-2-306. Interim zoning ordinances. (1) ~~The city or town council or other legislative body of such governing body of a municipality, to protect the public safety, health, and welfare and without following the procedures otherwise required preliminary to the adoption of a zoning ordinance, may adopt as an urgency measure an interim ordinance prohibiting any uses which that may be in conflict with a contemplated zoning proposal which that the legislative body is considering or studying or intends to study within a reasonable time.~~

(2) ~~Such~~ The interim ordinance ~~shall~~ may only be applicable within the city limits and up to 1 mile beyond the corporate boundaries of the city or town and ~~shall~~ must take effect upon passage. ~~; provided, however, a~~ Before an interim zoning ordinance may take effect, a hearing is first must be held upon notice reasonably designed to inform all affected parties. and in no event shall notice be less than publication Notice of the hearing must be published in a newspaper of general circulation

at least 7 days before the hearing.

(3) ~~Such~~ The interim ordinance shall be of no further force and may not be in effect for longer than 6 months from the date of adoption thereof. However, after notice pursuant to 76-2-303 and pursuant to public hearing, the legislative governing body of the municipality may extend such the interim ordinance for 1 year. ~~Any such An extension shall require~~ requires a two-thirds vote for passage and ~~shall become~~ becomes effective upon passage. Not more than two ~~such~~ extensions may be adopted.

(4) A municipal governing body may not adopt an interim zoning ordinance to prevent a proposed use of land that is consistent with zoning regulations adopted under 76-2-302 if the proposed use is subject to regulation and approval by a state agency under Title 75, Title 76, chapter 4, or Title 82, if the agency has received a complete application for the proposed use, and if a public meeting or public hearing has been held on the proposed use.

(5) A municipal governing body may not establish an interim zoning district to prevent agricultural activities, as provided in Title 76, chapter 2, part 9."

{ Internal References to 76-2-306:
x7-21-1003 x76-2-307 }"

- END -

at least 7 days before the hearing.

(3) ~~Such~~ The interim ordinance ~~shall be of no further force and may not be in effect for longer than~~ 6 months from the date of adoption ~~thereof~~. However, after notice pursuant to 76-2-303 and pursuant to public hearing, the ~~legislative governing body of the municipality~~ may extend ~~such the~~ interim ordinance for 1 year. ~~Any such~~ An extension ~~shall require~~ requires a two-thirds vote for passage and ~~shall become~~ becomes effective upon passage. Not more than two ~~such~~ extensions may be adopted.

(4) A municipal governing body may not adopt an interim zoning ordinance to prevent a proposed use of land that is consistent with zoning regulations adopted under 76-2-302 if the proposed use is subject to regulation and approval by a state agency under Title 75, Title 76, chapter 4, or Title 82, if the agency has received a complete application for the proposed use, and if a public meeting or public hearing has been held on the proposed use.

(5) A municipal governing body may not establish an interim zoning district to prevent agricultural activities, as provided in Title 76, chapter 2, part 9."

{Internal References to 76-2-306:

x7-21-1003 x76-2-307 }"

- END -