

SENATE BILL NO. 24

INTRODUCED BY M. ROSENDALE

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A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT A SAND AND GRAVEL OPERATION MAY NOT BE PROHIBITED UNDER CERTAIN CIRCUMSTANCES IN AN AREA ZONED AS RESIDENTIAL; AND AMENDING SECTION 76-2-209, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 76-2-209, MCA, is amended to read:

"76-2-209. Effect on natural resources. (1) Except as provided in 82-4-431, 82-4-432, and subsection (2) of this section, a resolution or rule adopted pursuant to the provisions of this part, except 76-2-206, may not prevent the complete use, development, or recovery of any mineral, forest, or agricultural resources by the owner of any mineral, forest, or agricultural resource.

(2) (a) The Except as provided in subsection (2)(b), the complete use, development, or recovery of a mineral by an operation that mines sand and gravel or an operation that mixes concrete or batches asphalt may be reasonably conditioned or prohibited on a site that is located within a geographic area zoned as residential, as defined by the board of county commissioners.

(b) A resolution or rule adopted pursuant to this part may not prohibit an opencut sand or gravel operation on a site that is located within a geographic area zoned as residential after an application for the operation has been filed as provided in 82-4-432.

(3) Zoning regulations adopted under this chapter may reasonably condition, but not prohibit, the complete use, development, or recovery of a mineral by an operation that mines sand and gravel and may condition an operation that mixes concrete or batches asphalt in all zones other than residential."

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