

1

HOUSE BILL NO. 394

2

INTRODUCED BY L. BREWSTER

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LOCAL GOVERNMENT LAWS; REVISING MUNICIPAL  
5 PUBLIC NOTICE AND PUBLIC HEARING REQUIREMENTS; REVISING THE PERIOD OF TIME THAT  
6 CERTAIN NOTICES MUST BE POSTED; ALIGNING VARIOUS MUNICIPAL NOTICES WITH APPLICABLE  
7 TIME PERIODS; AMENDING THE DATE WHEN CERTAIN RESOLUTIONS MUST BE ADOPTED BY A  
8 COUNTY OR MUNICIPALITY; AMENDING THE DEADLINES FOR CERTAIN PUBLIC HEARINGS; AND  
9 AMENDING SECTIONS 7-1-4127, ~~7-6-4024~~, 7-12-4179, 7-12-4329, 7-12-4425, 7-12-4426, 15-6-221, 69-7-  
10 111, 76-1-602, 76-2-303, 76-2-306, 76-3-503, 76-3-605, 76-3-623, 76-8-107, AND 76-25-307, MCA."

11

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

13

14 **Section 1.** Section 7-1-4127, MCA, is amended to read:

15 **"7-1-4127. Publication of notice -- content -- proof.** (1) A municipality shall comply with the notice  
16 requirements of 2-3-103, including publication of an agenda prior to a meeting.

17 (2) When a municipality is required to publish notice, publication must be in a newspaper, except  
18 that in a municipality with a population of 500 or less, in a municipality in which a newspaper is not published, or  
19 in a municipality within a county where a newspaper does not meet the qualifications in subsection (3),  
20 publication must be made by posting in three public places in the municipality that have been designated by  
21 ordinance, one of which may be the municipality's website if the municipality has an active website.

22 (3) The newspaper must:

23 (a) be of general circulation;

24 (b) be published at least once a week;

25 (c) be published in the county where the municipality is located; and

26 (d) have, prior to July 1 of each year, submitted to the city clerk a sworn statement that includes:

27 (i) circulation for the prior 12 months;

1 (ii) a statement of net distribution;

2 (iii) itemization of paid circulation and circulation that is free; and

3 (iv) the method of distribution.

4 (4) A newspaper of general circulation does not include a newsletter or other document produced  
5 or published by the municipality.

6 (5) In the case of a contract award, the newspaper must have been published continuously in the  
7 county for the 12 months preceding the awarding of the contract.

10 (7) (a) The Unless otherwise provided by law, notice must be published twice, with at least 6 days  
11 separating each publication with the first notice published at least 5 business days before the hearing or action  
12 to be taken.

13 (b) When required by law, notice must be published twice, with the first notice published at least 15  
14 business days before the hearing or action to be taken.

15 (8) The published notice must contain:

16 (a) the date, time, and place of the hearing or other action,

17 (b) a brief statement of the action to be taken;

18 (c) the address and telephone number of the person who may be contacted for further information  
19 on the action to be taken; and

20 (d) any other information required by the specific section requiring notice by publication.

21 (9) A published notice required by law may be supplemented by a radio or television broadcast of  
22 the notice in the manner prescribed in 2-3-105 through 2-3-107.

23 (10) Proof of the publication or posting of any notice may be made by affidavit of the owner,  
24 publisher, printer, or clerk of the newspaper or of the person posting the notice.

25 (11) If the newspaper fails to publish a second notice, the municipality must be considered to have  
26 met the requirements of this section as long as the municipality submitted the required information prior to the  
27 submission deadline and the notice was posted in three public places in the municipality that were designated

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1 by ordinance and, if the municipality has an active website, was posted on the municipality's website at least 6  
2 days prior to the hearing or other action for which notice was required."

3

4 **Section 2.** Section 7-6-4024, MCA, is amended to read:

5 ~~"7-6-4024. Hearing on preliminary budget. (1) The governing body shall hold a hearing in~~  
6 ~~accordance with the notice given pursuant to 7-6-4021.~~

7 ~~(2) Local government officials shall attend the budget hearing to answer questions on their~~  
8 ~~proposed budgets if called upon:~~

9 ~~(a) by the governing body; or~~

10 ~~(b) by a taxpayer or resident.~~

11 ~~(3) The hearing may be continued from day to day and must be concluded and the budget finally~~  
12 ~~approved and adopted by resolution by the later of the first Thursday after the first Tuesday in September or by~~  
13 ~~the later of the first Thursday after the first Tuesday in September or within 30 calendar days of receiving~~  
14 ~~certified taxable values from the department of revenue."~~

15

16 **Section 2.** Section 7-12-4179, MCA, is amended to read:

17 **"7-12-4179. Payment of maintenance costs -- resolution for assessment.** (1) The cost of  
18 maintaining each of the improvements shall be paid by assessing the benefited properties of the district under a  
19 permissible assessment option as provided in 7-12-4162 through 7-12-4165.

20 (2) It is the duty of the council to estimate, as nearly as practicable, the cost of maintaining the  
21 improvements in each district for the season. Before the first Monday in September October of each year, the  
22 council shall pass and finally adopt a resolution levying and assessing all the property within the several  
23 districts with an amount equal to the whole cost of maintaining the improvements within the several districts.

24 (3) The resolution levying assessments to defray the cost of maintenance of the improvement shall  
25 be prepared and certified in the same manner as a resolution levying assessments for making improvements in  
26 the special improvement district.

27 (4) The council may change by resolution, not more than once a year, the boundaries of any

1 maintenance district, but the change of boundaries may not affect indebtedness existing at the time of the  
2 change."

3

4 **Section 3.** Section 7-12-4329, MCA, is amended to read:

5 **"7-12-4329. Notice of resolution for assessment of installation costs -- hearing on resolution.**  
6 (1) A notice, signed by the city clerk, stating that the resolution levying the assessment to defray the portion of  
7 the cost of installing and maintaining the lights and supplying electrical current for the first year as determined  
8 by the city or town council is on file in the city clerk's office subject to inspection, must be published as provided  
9 in 7-1-4127.

10 (2) The notice must state the time and place at which objections to the final adoption of the  
11 resolution will be heard by the council. ~~The time for the hearing may not be less than 5 days after the final~~  
12 ~~publication of the notice.~~"

13

14 **Section 4.** Section 7-12-4425, MCA, is amended to read:

15 **"7-12-4425. Resolution for assessment of costs of maintenance.** (1) The city council shall  
16 estimate, as near as practicable, the cost of maintenance in each established district annually, not later than the  
17 second Monday in August first Monday in October first Thursday after the first Tuesday in September. The  
18 council shall pass and finally adopt a resolution specifying the district assessment option and levying and  
19 assessing all the property within the several districts with an amount equal to not less than 75% of the entire  
20 cost of saidthe maintenance work.

21 (2) The resolution levying the assessment to defray the cost of maintenance shall contain or refer  
22 to a list in which shall be described the lot or parcel of land assessed, with the name of the owner thereof if  
23 known, and the amount levied thereonon the lot or parcel of land set opposite.

24 (3) SuchThe resolution shall be kept on file in the office of the city clerk."

25

26 **Section 5.** Section 7-12-4426, MCA, is amended to read:

27 **"7-12-4426. Notice of resolution for assessment.** (1) A notice, signed by the city clerk, stating that

1 the resolution levying a special assessment or changing the method of assessment to defray the cost of  
2 maintenance in the district or districts is on file in the city clerk's office and subject to inspection, must be  
3 published as provided in 7-1-4127.

4 (2) The notice must state the time and place at which objections to the final adoption of the  
5 resolution will be heard by the council and must contain a statement setting out the method of assessment  
6 being proposed for adoption or the change in the method of assessment that is being proposed for adoption.  
7 ~~The time for the hearing must be at least 5 days after the final publication of the notice."~~

8

9 **Section 6.** Section 15-6-221, MCA, is amended to read:

10 **"15-6-221. Exemption for rental housing providing affordable housing to lower-income tenants."**

11 (1) That portion of residential rental property that is dedicated to providing affordable housing for lower-income  
12 persons is exempt from property taxation in any year that:

13 (a) (i) the property is owned and operated by an entity, including but not limited to a limited  
14 partnership, limited liability company, or limited liability partnership in which a general partner or limited liability  
15 company member is a nonprofit corporation exempt from taxation under 26 U.S.C. 501(c)(3), as amended, and  
16 incorporated or admitted under a certificate of authority under the Montana Nonprofit Corporation Act as  
17 provided in Title 35, chapter 2, or is a housing authority as defined in 7-15-4402 and the nonprofit general  
18 partner or limited liability company member actively participates in accordance with the definition found in 26  
19 U.S.C. 469(i). Section 26 U.S.C. 469(i) is applicable without reference to section 26 U.S.C. 469(i)(6).

20 (ii) the board of housing, established in 2-15-1814, has allocated low-income housing tax credits to  
21 the owner under 26 U.S.C. 42;

22 (iii) a deed restriction or other legally binding instrument restricts the property's usage and provides  
23 that the units designated for use by lower-income households must be made available to or occupied by lower-  
24 income households for the period required to qualify for low-income housing tax credits at rents that do not  
25 exceed those prescribed by the terms of the deed restriction or other legally binding instruments;

26 (iv) the property meets a public purpose in providing housing to an underserved population; and  
27 (v) the owner's partnership or operating agreement or accompanying document provides that at

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1 the end of the compliance period, as that term is defined in 26 U.S.C. 42, the ownership of the property may be  
2 transferred to the nonprofit corporation or housing authority general partner or limited liability company member  
3 as provided for in 26 U.S.C. 42(i)(7); or

4 (b) the property is owned and operated by a nonprofit corporation exempt from taxation under 26  
5 U.S.C. 501(c)(3) and was constructed using a home investment partnerships program grant.

6 (2) (a) Prior to applying to the department for the tax exemption provided for in this section, the unit  
7 of local government where the proposed project is to be located shall give due notice, as defined in 76-15-103  
8 publish notice:

9 (i) as provided in 7-1-2121 if the governing body is a county commission; or

10 (ii) as provided in 7-1-4127 for a time period in accordance with 7-1-4127(7)(b) if the governing  
11 body is a city commission or a town council, and.

12 (b) The unit of local government shall hold a public hearing to solicit comment on whether the  
13 proposed qualifying low-income rental housing property meets a community housing need.

14 (c) A record of the public hearing must be forwarded to the board of housing.

15 (3) (a) A party satisfies the nonprofit partner or limited liability company member requirement of  
16 subsection (1)(a)(i) if it is a single-member limited liability company that is fully owned and controlled by a  
17 nonprofit corporation described in subsection (1)(a)(i).

18 (b) A property must be considered to be owned and operated by an entity as described in  
19 subsection (1)(a)(i) if it is occupied by the entity as a lessee under a long-term lease exceeding 49 years in  
20 length under which most benefits and burdens of ownership during the lease term have shifted to the lessee,  
21 including the obligation to pay property taxes.

22 (c) If a residential rental property is an integral part of a combination of two properties that when  
23 combined make up a single commonly operated residential rental property, the qualifications for both properties  
24 under subsection (1)(a)(ii) must be measured collectively with reference to the units located on both properties  
25 if:

26 (i) the beneficial ownership of the entities described in subsection (1)(a)(i) for both properties are  
27 substantially identical; and

(ii) all other requirements of both parties under this section are met."

**Section 7.** Section 69-7-111, MCA, is amended to read:

**"69-7-111. Municipal rate hearing required -- notice.** (1) Except as provided in 75-5-516, 75-6-108, subsection (6), if the governing body of a municipality considers it advisable to regulate, establish, or change rates, charges, or classifications imposed on its customers, it shall order a hearing to be held before it at the time and place specified.

(2) Notice of the hearing must be published in a newspaper as provided in 7-1-4127.

(3) (a) The notice must be:

(a) \_\_\_\_\_ published three times with at least 6 days separating each publication. The first publication may be no more than 28 days prior to the hearing, and the last publication may be no less than 3 days prior to the hearing for a time period in accordance with 7-1-4127(7)(b); and.

(b) The notice must also be mailed at least 7 days and not more than 30 days prior to the hearing on the bill increase. The notice must be mailed within the prescribed time period. This notice must contain an estimate of the amount the customer's average bill will increase.

(4) The published notice must contain:

(a) the date, time, and place of the hearing;

(b) a brief statement of the proposed action; and

(c) the address and telephone number of a person who may be contacted for further information  
regarding the hearing.

(5) Notice of all hearings shall be mailed first class, postage prepaid, to the Montana consumer  
1.

(6) (a) If the proposed increase in the rates, fees, or charges imposed by the municipality is the  
of the establishment of or change in rates, fees, or charges imposed by a regional authority of which the  
ality is a customer and the authority is required to hold a public hearing pursuant to 75-6-326, the  
ng body of the municipality shall:

(i) mail notice of the public hearing to be held by the authority to all persons served by the

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1       municipality at least 15 days before the public hearing; and

2           (ii)       provide notification to all persons served by the municipality at least 10 days prior to the  
3       enactment of the ordinance or adoption of the resolution implementing the increase.

4           (b)       The municipality is not required to hold a public hearing in connection with the increase.

5           (7)       If a regional authority is not required to hold a public hearing as provided in 75-6-326(9), the  
6       municipality is subject to the hearing requirements of this section."

7

8       **Section 8.** Section 76-1-602, MCA, is amended to read:

9       **"76-1-602. Public hearing on proposed growth policy.** (1) Prior to the submission of the proposed  
10      growth policy to the governing bodies, the board shall give notice and hold a public hearing on the growth  
11      policy.

12       (2)       At least 10 days prior to the date set for hearing, the The board shall publish in a newspaper of  
13      general circulation in the jurisdictional area a notice of the time and place of the hearing as provided in 7-1-  
14      2121 IF THE GOVERNING BODY IS A COUNTY COMMISSION OR AS PROVIDED IN 7-1-4127 for a time period in  
15      accordance with 7-1-4127(7)(b) IF THE GOVERNING BODY IS A CITY COMMISSION OR A TOWN COUNCIL."

16

17       **Section 9.** Section 76-2-303, MCA, is amended to read:

18       **"76-2-303. Procedure to administer certain annexations and zoning laws -- hearing and notice.**

19       (1) The city or town council or other legislative body of a municipality shall provide for the manner in which  
20      regulations and restrictions and the boundaries of districts are determined, established, enforced, and changed,  
21      subject to the requirements of subsection (2).

22       (2)       A regulation, restriction, or boundary may not become effective until after a public hearing in  
23      relation to the regulation, restriction, or boundary at which parties in interest and citizens have an opportunity to  
24      be heard has been held. At least 15 days' notice Notice of the time and place of the hearing must be published  
25      in an official paper or a paper of general circulation in the municipality as provided in 7-1-4127 for a time period  
26      in accordance with 7-1-4127(7)(b).

27       (3)       (a) For municipal annexations, a municipality may conduct a hearing on the annexation in

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1 conjunction with a hearing on the zoning of the proposed annexation if the proposed municipal zoning  
2 regulations for the annexed property:  
3 (i) authorize land uses comparable to the land uses authorized by county zoning;  
4 (ii) authorize land uses that are consistent with land uses approved by the board of county  
5 commissioners or the board of adjustment pursuant to Title 76, chapter 2, part 1 or 2; or  
6 (iii) are consistent with zoning requirements recommended in a growth policy adopted pursuant to  
7 Title 76, chapter 1, for the annexed property.  
8 (b) A joint hearing authorized under this subsection (3) fulfills a municipality's obligation regarding  
9 zoning notice and public hearing for a proposed annexation."

10

11 **Section 10.** Section 76-2-306, MCA, is amended to read:

12 **"76-2-306. Interim zoning ordinances.** (1) Except as provided in 76-2-340, the city or town council  
13 or other legislative body of the municipality, to protect the public safety, health, and welfare and without  
14 following the procedures otherwise required prior to the adoption of a zoning ordinance, may adopt as an  
15 urgency measure an interim zoning ordinance prohibiting any uses that may be in conflict with a contemplated  
16 zoning proposal that the legislative body is considering or studying or intends to study within a reasonable time.

17 (2) An interim zoning ordinance may be applicable only within the city limits and up to 1 mile  
18 beyond the corporate boundaries of the city or town and takes effect upon passage if a hearing is first held  
19 upon notice reasonably designed to inform all affected parties. A notice must be published ~~in a newspaper of~~  
20 ~~general circulation at least 7 days before the hearing as provided in 7-1-4127.~~

21 (3) An interim zoning ordinance is no longer in effect 6 months from the date of its adoption.  
22 However, after notice pursuant to 76-2-303 and pursuant to public hearing, the legislative body may extend the  
23 interim zoning ordinance for 1 year. Any extension requires a two-thirds vote for passage and becomes  
24 effective upon passage. No more than two extensions may be adopted."

25

26 **Section 11.** Section 76-3-503, MCA, is amended to read:

27 **"76-3-503. Hearing on proposed regulations.** Before the governing body adopts subdivision

1 regulations pursuant to 76-3-501 or 76-3-509, it shall hold a public hearing on the regulations and shall give  
2 public notice of its intent to adopt the regulations and of the public hearing by publication of notice of the time  
3 and place of the hearing ~~in a newspaper of general circulation in the county not less than 15 or more than 30~~  
4 ~~days prior to the date of the hearing as provided in 7-1-2121 if the governing body is a county commission or as~~  
5 ~~provided in 7-1-4127 for a time period in accordance with 7-1-4127(7)(b) if the governing body is a city~~  
6 ~~commission or a town council.~~"

7

8       **Section 12.** Section 76-3-605, MCA, is amended to read:

9           **"76-3-605. Hearing on subdivision application.** (1) Except as provided in 76-3-609 and 76-3-616  
10 and subject to the regulations adopted pursuant to 76-3-504(1)(o) and 76-3-615, at least one public hearing on  
11 the subdivision application must be held by the governing body, its authorized agent or agency, or both and the  
12 governing body, its authorized agent or agency, or both shall consider all relevant evidence relating to the  
13 public health, safety, and welfare, including the environmental assessment if required, to determine whether the  
14 subdivision application should be approved, conditionally approved, or denied by the governing body.

15           (2) When a proposed subdivision is also proposed to be annexed to a municipality, the governing  
16 body of the municipality shall hold joint hearings on the subdivision application and annexation whenever  
17 possible.

18           (3) Notice of the hearing must be given by publication ~~in a newspaper of general circulation in the~~  
19 ~~county not less than 15 days prior to the date of the hearing published as provided in 7-1-2121 if the governing~~  
20 ~~body is a county commission or as provided in 7-1-4127 for a time period in accordance with 7-1-4127(7)(b) if~~  
21 ~~the governing body is a city commission or a town council.~~ The subdivider, each property owner of record  
22 whose property is immediately adjoining the land included in the preliminary plat, and each purchaser under  
23 contract for deed of property immediately adjoining the land included in the preliminary plat must also be  
24 notified of the hearing by registered or certified mail postmarked not less than 15 business days prior to the  
25 date of the hearing.

26           (4) When a hearing is held by an agent or agency designated by the governing body, the agent or  
27 agency shall act in an advisory capacity and recommend to the governing body the approval, conditional

1 approval, or denial of the proposed subdivision. This recommendation must be submitted to the governing body  
2 in writing not later than 10 working days after the public hearing."

3

4 **Section 13.** Section 76-3-623, MCA, is amended to read:

5 **"76-3-623. Expedited review for certain subdivisions.** (1) Except as provided in subsection (9), a  
6 subdivision application, regardless of the number of lots, that meets the requirements provided in subsection (3)  
7 is entitled to the expedited review process provided in this section at the applicant's request.

8 (2) A subdivision application that meets the requirements provided in subsection (3) is exempt  
9 from:

10 (a) the preparation of an environmental assessment as required in 76-3-603; and  
11 (b) the review criteria listed in 76-3-608(3)(a).

12 (3) A subdivision qualifies for the expedited review process provided in this section if the proposed  
13 subdivision:

14 (a) is within:

15 (i) an incorporated city or town or consolidated city-county government and is subject to an  
16 adopted growth policy pursuant to Title 76, chapter 1, and adopted zoning regulations pursuant to Title 76,  
17 chapter 2, part 3; or

18 (ii) a county water and/or sewer district created under 7-13-2203 that provides both water and  
19 sewer services or an area outside the boundaries of an incorporated city, town, county, or consolidated city-  
20 county that is served by city, town, county, or consolidated city-county water and sewer services and is subject  
21 to an adopted growth policy as provided in Title 76, chapter 1, and zoning regulations pursuant to Title 76,  
22 chapter 2, part 2, that, at a minimum, address development intensity through minimum lot sizes or densities,  
23 bulk and dimensional requirements, and use standards;

24 (b) complies with zoning regulations adopted pursuant to 76-2-203 or 76-2-304 and complies with  
25 the design standards and other subdivision regulations adopted pursuant to 76-3-504; and

26 (c) includes in its proposal plans for the onsite development of or extension to public infrastructure  
27 in accordance with adopted ordinances and regulations.

8 (5) The governing body shall:

14 (b) provide notice for the hearing required in subsection (5)(a) by publication in a newspaper of  
15 general circulation in the county not less than 15 days prior to the date of the hearing as provided in 7-1-2121 if  
16 the governing body is a county commission or as provided in 7-1-4127 for a time period in accordance with 7-1-  
17 4127(7)(b) if the governing body is a city commission or a town council;

18 (c) approve the application unless public comment or other information demonstrates the  
19 application does not comply with:

20 (i) adopted zoning regulations, design standards, and other requirements of subdivision  
21 regulations adopted pursuant to 76-3-504, including any criteria for granting variances or deviations from  
22 subdivision regulations adopted pursuant to 76-3-504; or

23 (ii) adopted ordinances or regulations for the onsite development of or extension to public  
24 infrastructure; and

25 (d) provide to the applicant and the public a written statement within 30 days of the decision to  
26 approve or deny a proposed subdivision for expedited review as allowed in this section that provides:

27 (i) the facts and conclusions that the governing body relied on in making its decision to approve or

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1        deny the application; and

2            (ii)      the conditions that apply to the preliminary plat approval that must be satisfied before the final

3        plat may be approved.

4            (6)      The governing body may:

5            (a)      with the agreement of the applicant, grant one extension of the review period allowed in

6        subsection (5)(a) not to exceed 180 calendar days;

7            (b)      adopt conditions of approval only to ensure an approved subdivision application is completed in

8        accordance with the approved application and any applicable requirements pursuant to Title 76, chapter 4; or

9            (c)      delegate to its reviewing agent or agency the requirement to hold a public hearing on the

10       subdivision application as required in this section.

11           (7)      A local governing body may not adopt zoning regulations pursuant to 76-2-203 or 76-2-304,

12       subdivision regulations pursuant to 76-3-504, or other ordinances or regulations that restrict the use of the

13       expedited subdivision review process as provided in this section.

14           (8)      (a) Except as modified in this section, subdivision applications meeting the requirements for an

15       expedited review remain subject to the provisions of 76-3-608(3)(b) through (3)(d) and 76-3-608(6) through

16       (10), 76-3-610 through 76-3-614, 76-3-621, and 76-3-625.

17           (b)      The provisions of this section supersede any provision of this chapter that is in conflict with any

18       provision of this section.

19           (9)      A subdivision located outside of the boundaries of an incorporated city or town may not utilize

20       the expedited review process provided in this section unless the board of county commissioners of the county

21       where the subdivision is located has voted to allow the provisions of this section to apply to subdivisions located

22       outside the boundaries of an incorporated city or town.

23           (10)     An incorporated city, town, or consolidated city-county shall implement the expedited review

24       provided for in this section for a proposed subdivision that meets the criteria in subsection (3)(a)(i) regardless of

25       whether the city, town, or consolidated city-county has incorporated the provisions of this section into the city,

26       town, or consolidated city-county's local subdivision regulations."

27

1           **Section 14.** Section 76-8-107, MCA, is amended to read:

2           **"76-8-107. Buildings for lease or rent -- four or more buildings -- regulations.** (1) A governing  
3       body shall adopt regulations for the administration and enforcement of the creation of four or more buildings for  
4       lease or rent on a single tract.

5           (2)       The regulations adopted pursuant to this section must, at a minimum:

6           (a)       list the materials that must be included in an application for the creation of four or more  
7       buildings for lease or rent;

8           (b)       require a description of:

9           (i)       property boundaries;  
10          (ii)       onsite and adjacent offsite streets, roads, and easements;  
11          (iii)       geographic features;  
12          (iv)       existing septic tanks and drainfields;  
13          (v)       existing wells; and  
14          (vi)       existing and proposed buildings;

15          (c)       require adequate water supply and sewage and solid waste disposal facilities;

16          (d)       require an assessment of potential significant impacts on the surrounding physical environment  
17       and human population in the area to be affected, including conditions, if any, that may be imposed on the  
18       proposal to avoid or minimize potential significant impacts identified;

19          (e)       require adequate emergency medical, fire protection, and law enforcement services;

20          (f)       require access to the site; and

21          (g)       comply with applicable flood plain requirements.

22          (3)       (a) Prior to adopting regulations pursuant to this section, the governing body shall provide an  
23       opportunity for public hearing and comment on the proposed regulations. Notice of the public hearing must be  
24       published:

25          (i)       as provided in 7-1-2121 if the governing body is a county commission and posted not less than  
26       30 days before the public hearing in at least five public places, including but not limited to public buildings; or

27          (ii)       as provided in 7-1-4127 for a time period in accordance with 7-1-4127(7)(b) if the governing

1 body is a city commission or a town council, and

2 (b) Notice of the public hearing must be posted not less than 30 days before the public hearing in  
3 at least five public places, including but not limited to public buildings.

4 (c)(b) Public comment must be addressed before the regulations are adopted."

5

6 **Section 15.** Section 76-25-307, MCA, is amended to read:

7 **"76-25-307. Interim zoning ordinances.** (1) A local government, to protect the public safety, health,  
8 and welfare and without following the procedures otherwise required prior to adopting a zoning regulation, may  
9 adopt an interim zoning ordinance as an urgency measure to regulate or prohibit uses that may conflict with a  
10 zoning proposal that the governing body is considering or studying or intends to study within a reasonable time.

11 (2) Before adopting an interim zoning ordinance, the governing body shall first hold a public  
12 hearing upon notice reasonably designed to inform all affected parties. A notice must be published in a  
13 newspaper of general circulation at least 7 days before the public hearing as provided in 7-1-4127.

14 (3) An interim zoning ordinance takes effect immediately on passage and approval after first  
15 reading and may be in effect no longer than 1 year from the date of its adoption.

16 (4) A local government may not act under the authority provided for in this section until the local  
17 government has adopted a land use plan and zoning regulations pursuant to this chapter."

18

19

- END -