

HOUSE BILL NO. 394

INTRODUCED BY L. BREWSTER

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LOCAL GOVERNMENT LAWS; REVISING MUNICIPAL PUBLIC NOTICE AND PUBLIC HEARING REQUIREMENTS; REVISING THE PERIOD OF TIME THAT CERTAIN NOTICES MUST BE POSTED; ALIGNING VARIOUS MUNICIPAL NOTICES WITH APPLICABLE TIME PERIODS; AMENDING THE DATE WHEN CERTAIN RESOLUTIONS MUST BE ADOPTED BY A COUNTY OR MUNICIPALITY; AMENDING THE DEADLINES FOR CERTAIN PUBLIC HEARINGS; AND AMENDING SECTIONS 7-1-4127, 7-6-4024, 7-12-4179, 7-12-4329, 7-12-4425, 7-12-4426, 15-6-221, 69-7-111, 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."

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

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

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

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

(3) The newspaper must:

- (a) be of general circulation;
- (b) be published at least once a week;
- (c) be published in the county where the municipality is located; and
- (d) have, prior to July 1 of each year, submitted to the city clerk a sworn statement that includes:
 - (i) circulation for the prior 12 months;
 - (ii) a statement of net distribution;

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

2 (iv) the method of distribution.

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

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

7 (6) If a person is required by law or ordinance to pay for publication, the payment must be received
8 before the publication may be made.

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

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

14 (8) The published notice must contain:

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

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

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

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

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

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

24 (11) If the newspaper fails to publish a second notice, the municipality must be considered to have
25 met the requirements of this section as long as the municipality submitted the required information prior to the
26 submission deadline and the notice was posted in three public places in the municipality that were designated
27 by ordinance and, if the municipality has an active website, was posted on the municipality's website at least 6
28 days prior to the hearing or other action for which notice was required."

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

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

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

- (a) by the governing body; or
- (b) by a taxpayer or resident.

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

Section 3. Section 7-12-4179, MCA, is amended to read:

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

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

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

(4) The council may change by resolution, not more than once a year, the boundaries of any maintenance district, but the change of boundaries may not affect indebtedness existing at the time of the change."

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

1 **"7-12-4329. Notice of resolution for assessment of installation costs -- hearing on resolution.**

2 (1) A notice, signed by the city clerk, stating that the resolution levying the assessment to defray the portion of
3 the cost of installing and maintaining the lights and supplying electrical current for the first year as determined
4 by the city or town council is on file in the city clerk's office subject to inspection, must be published as provided
5 in 7-1-4127.

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

9

10 **Section 5.** Section 7-12-4425, MCA, is amended to read:

11 **"7-12-4425. Resolution for assessment of costs of maintenance.** (1) The city council shall
12 estimate, as near as practicable, the cost of maintenance in each established district annually, not later than the
13 ~~second Monday in August~~ first Monday in October. The council shall pass and finally adopt a resolution
14 specifying the district assessment option and levying and assessing all the property within the several districts
15 with an amount equal to not less than 75% of the entire cost of ~~said~~ the maintenance work.

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

19 (3) ~~Such~~ The resolution shall be kept on file in the office of the city clerk."

20

21 **Section 6.** Section 7-12-4426, MCA, is amended to read:

22 **"7-12-4426. Notice of resolution for assessment.** (1) A notice, signed by the city clerk, stating that
23 the resolution levying a special assessment or changing the method of assessment to defray the cost of
24 maintenance in the district or districts is on file in the city clerk's office and subject to inspection, must be
25 published as provided in 7-1-4127.

26 (2) The notice must state the time and place at which objections to the final adoption of the
27 resolution will be heard by the council and must contain a statement setting out the method of assessment
28 being proposed for adoption or the change in the method of assessment that is being proposed for adoption.

1 The time for the hearing must be at least 5 days after the final publication of the notice."

2

3 **Section 7.** Section 15-6-221, MCA, is amended to read:

4 **"15-6-221. Exemption for rental housing providing affordable housing to lower-income tenants.**

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

7 (a) (i) the property is owned and operated by an entity, including but not limited to a limited
8 partnership, limited liability company, or limited liability partnership in which a general partner or limited liability
9 company member is a nonprofit corporation exempt from taxation under 26 U.S.C. 501(c)(3), as amended, and
10 incorporated or admitted under a certificate of authority under the Montana Nonprofit Corporation Act as
11 provided in Title 35, chapter 2, or is a housing authority as defined in 7-15-4402 and the nonprofit general
12 partner or limited liability company member actively participates in accordance with the definition found in 26
13 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).

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

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

20 (iv) the property meets a public purpose in providing housing to an underserved population; and

21 (v) the owner's partnership or operating agreement or accompanying document provides that at
22 the end of the compliance period, as that term is defined in 26 U.S.C. 42, the ownership of the property may be
23 transferred to the nonprofit corporation or housing authority general partner or limited liability company member
24 as provided for in 26 U.S.C. 42(i)(7); or

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

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

1 publish notice:

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

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

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

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

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

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

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

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

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

22

23 **Section 8.** Section 69-7-111, MCA, is amended to read:

24 **"69-7-111. Municipal rate hearing required -- notice.** (1) Except as provided in 75-5-516, 75-6-108,
25 and subsection (6), if the governing body of a municipality considers it advisable to regulate, establish, or
26 change rates, charges, or classifications imposed on its customers, it shall order a hearing to be held before it
27 at a time and place specified.

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

- 1 (3) ~~(a)-The notice must be:~~
- 2 ~~(a) _____ published three times with at least 6 days separating each publication. The first publication may~~
- 3 ~~be no more than 28 days prior to the hearing, and the last publication may be no less than 3 days prior to the~~
- 4 ~~hearing for a time period in accordance with 7-1-4127(7)(b); and-~~
- 5 ~~(b) The notice must also be mailed at least 7 days and not more than 30 days prior to the hearing~~
- 6 ~~to persons served by the utility. The notice must be mailed within the prescribed time period. This The mailed~~
- 7 ~~notice must contain an estimate of the amount the customer's average bill will increase.~~
- 8 (4) The published notice must contain:
- 9 (a) the date, time, and place of the hearing;
- 10 (b) a brief statement of the proposed action; and
- 11 (c) the address and telephone number of a person who may be contacted for further information
- 12 regarding the hearing.
- 13 (5) Notice of all hearings shall be mailed first class, postage prepaid, to the Montana consumer
- 14 counsel.
- 15 (6) (a) If the proposed increase in the rates, fees, or charges imposed by the municipality is the
- 16 result of the establishment of or change in rates, fees, or charges imposed by a regional authority of which the
- 17 municipality is a customer and the authority is required to hold a public hearing pursuant to 75-6-326, the
- 18 governing body of the municipality shall:
- 19 (i) mail notice of the public hearing to be held by the authority to all persons served by the
- 20 municipality at least 15 days before the public hearing; and
- 21 (ii) provide notification to all persons served by the municipality at least 10 days prior to the
- 22 enactment of the ordinance or adoption of the resolution implementing the increase.
- 23 (b) The municipality is not required to hold a public hearing in connection with the increase.
- 24 (7) If a regional authority is not required to hold a public hearing as provided in 75-6-326(9), the
- 25 municipality is subject to the hearing requirements of this section."

26

27 **Section 9.** Section 76-1-602, MCA, is amended to read:

28 **"76-1-602. Public hearing on proposed growth policy.** (1) Prior to the submission of the proposed

1 growth policy to the governing bodies, the board shall give notice and hold a public hearing on the growth
2 policy.

3 (2) ~~At least 10 days prior to the date set for hearing, the~~ The board shall publish in a newspaper of
4 ~~general circulation in the jurisdictional area~~ a notice of the time and place of the hearing as provided in 7-1-
5 4127 for a time period in accordance with 7-1-4127(7)(b)."

6

7 **Section 10.** Section 76-2-303, MCA, is amended to read:

8 **"76-2-303. Procedure to administer certain annexations and zoning laws -- hearing and notice.**

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

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

17 (3) (a) For municipal annexations, a municipality may conduct a hearing on the annexation in
18 conjunction with a hearing on the zoning of the proposed annexation if the proposed municipal zoning
19 regulations for the annexed property:

20 (i) authorize land uses comparable to the land uses authorized by county zoning;

21 (ii) authorize land uses that are consistent with land uses approved by the board of county
22 commissioners or the board of adjustment pursuant to Title 76, chapter 2, part 1 or 2; or

23 (iii) are consistent with zoning requirements recommended in a growth policy adopted pursuant to
24 Title 76, chapter 1, for the annexed property.

25 (b) A joint hearing authorized under this subsection (3) fulfills a municipality's obligation regarding
26 zoning notice and public hearing for a proposed annexation."

27

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

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

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

10 (3) An interim zoning ordinance is no longer in effect 6 months from the date of its adoption.
11 However, after notice pursuant to 76-2-303 and pursuant to public hearing, the legislative body may extend the
12 interim zoning ordinance for 1 year. Any extension requires a two-thirds vote for passage and becomes
13 effective upon passage. No more than two extensions may be adopted."
14

15 **Section 12.** Section 76-3-503, MCA, is amended to read:

16 **"76-3-503. Hearing on proposed regulations.** Before the governing body adopts subdivision
17 regulations pursuant to 76-3-501 or 76-3-509, it shall hold a public hearing on the regulations and shall give
18 public notice of its intent to adopt the regulations and of the public hearing by publication of notice of the time
19 and place of the hearing ~~in a newspaper of general circulation in the county not less than 15 or more than 30~~
20 ~~days prior to the date of the hearing as provided in 7-1-2121 if the governing body is a county commission or as~~
21 ~~provided in 7-1-4127 for a time period in accordance with 7-1-4127(7)(b) if the governing body is a city~~
22 commission or a town council."
23

24 **Section 13.** Section 76-3-605, MCA, is amended to read:

25 **"76-3-605. Hearing on subdivision application.** (1) Except as provided in 76-3-609 and 76-3-616
26 and subject to the regulations adopted pursuant to 76-3-504(1)(o) and 76-3-615, at least one public hearing on
27 the subdivision application must be held by the governing body, its authorized agent or agency, or both and the
28 governing body, its authorized agent or agency, or both shall consider all relevant evidence relating to the

1 public health, safety, and welfare, including the environmental assessment if required, to determine whether the
2 subdivision application should be approved, conditionally approved, or denied by the governing body.

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

6 (3) Notice of the hearing must be ~~given by publication in a newspaper of general circulation in the~~
7 ~~county not less than 15 days prior to the date of the hearing~~ published as provided in 7-1-2121 if the governing
8 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
9 the governing body is a city commission or a town council. The subdivider, each property owner of record
10 whose property is immediately adjoining the land included in the preliminary plat, and each purchaser under
11 contract for deed of property immediately adjoining the land included in the preliminary plat must also be
12 notified of the hearing by registered or certified mail postmarked not less than 15 business days prior to the
13 date of the hearing.

14 (4) When a hearing is held by an agent or agency designated by the governing body, the agent or
15 agency shall act in an advisory capacity and recommend to the governing body the approval, conditional
16 approval, or denial of the proposed subdivision. This recommendation must be submitted to the governing body
17 in writing not later than 10 working days after the public hearing."
18

19 **Section 14.** Section 76-3-623, MCA, is amended to read:

20 **"76-3-623. Expedited review for certain subdivisions.** (1) Except as provided in subsection (9), a
21 subdivision application, regardless of the number of lots, that meets the requirements provided in subsection (3)
22 is entitled to the expedited review process provided in this section at the applicant's request.

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

25 (a) the preparation of an environmental assessment as required in 76-3-603; and

26 (b) the review criteria listed in 76-3-608(3)(a).

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

1 (a) is within:

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

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

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

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

15 (4) On submission for expedited review under this section, the subdivision application must be
16 reviewed for required elements and sufficiency of information as provided in 76-3-601(1) through (3) to
17 determine whether the application complies with zoning regulations adopted pursuant to 76-2-203 or 76-2-304
18 and complies with the design standards and other subdivision regulations adopted pursuant to 76-3-504 and
19 includes in its proposal plans for the onsite development of or extension to public infrastructure in accordance
20 with adopted ordinances and regulations. The application may include a request for variance or deviation from
21 subdivision regulations adopted pursuant to 76-3-504 and in accordance with the provisions of 76-3-506.

22 (5) The governing body shall:

23 (a) hold a hearing and approve, conditionally approve, or deny the subdivision application within
24 35 working days of a determination by the reviewing agent or agency that the application contains required
25 elements and sufficient information for review as provided in subsection (3). If the subdivision application
26 includes a request for variance or deviation from subdivision regulations adopted pursuant to 76-3-504, the time
27 for holding a hearing as required in this subsection (5) must be extended to a total of 45 working days.

28 (b) provide notice for the hearing required in subsection (5)(a) by publication in a newspaper of

1 general circulation in the county not less than 15 days prior to the date of the hearing as provided in 7-1-2121 if
2 the governing body is a county commission or as provided in 7-1-4127 for a time period in accordance with 7-1-
3 4127(7)(b) if the governing body is a city commission or a town council;

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

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

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

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

13 (i) the facts and conclusions that the governing body relied on in making its decision to approve or
14 deny the application; and

15 (ii) the conditions that apply to the preliminary plat approval that must be satisfied before the final
16 plat may be approved.

17 (6) The governing body may:

18 (a) with the agreement of the applicant, grant one extension of the review period allowed in
19 subsection (5)(a) not to exceed 180 calendar days;

20 (b) adopt conditions of approval only to ensure an approved subdivision application is completed in
21 accordance with the approved application and any applicable requirements pursuant to Title 76, chapter 4; or

22 (c) delegate to its reviewing agent or agency the requirement to hold a public hearing on the
23 subdivision application as required in this section.

24 (7) A local governing body may not adopt zoning regulations pursuant to 76-2-203 or 76-2-304,
25 subdivision regulations pursuant to 76-3-504, or other ordinances or regulations that restrict the use of the
26 expedited subdivision review process as provided in this section.

27 (8) (a) Except as modified in this section, subdivision applications meeting the requirements for an
28 expedited review remain subject to the provisions of 76-3-608(3)(b) through (3)(d) and 76-3-608(6) through

1 (10), 76-3-610 through 76-3-614, 76-3-621, and 76-3-625.

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

4 (9) A subdivision located outside of the boundaries of an incorporated city or town may not utilize
5 the expedited review process provided in this section unless the board of county commissioners of the county
6 where the subdivision is located has voted to allow the provisions of this section to apply to subdivisions located
7 outside the boundaries of an incorporated city or town.

8 (10) An incorporated city, town, or consolidated city-county shall implement the expedited review
9 provided for in this section for a proposed subdivision that meets the criteria in subsection (3)(a)(i) regardless of
10 whether the city, town, or consolidated city-county has incorporated the provisions of this section into the city,
11 town, or consolidated city-county's local subdivision regulations."
12

13 **Section 15.** Section 76-8-107, MCA, is amended to read:

14 **"76-8-107. Buildings for lease or rent -- four or more buildings -- regulations.** (1) A governing
15 body shall adopt regulations for the administration and enforcement of the creation of four or more buildings for
16 lease or rent on a single tract.

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

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

20 (b) require a description of:

21 (i) property boundaries;

22 (ii) onsite and adjacent offsite streets, roads, and easements;

23 (iii) geographic features;

24 (iv) existing septic tanks and drainfields;

25 (v) existing wells; and

26 (vi) existing and proposed buildings;

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

28 (d) require an assessment of potential significant impacts on the surrounding physical environment

1 and human population in the area to be affected, including conditions, if any, that may be imposed on the
2 proposal to avoid or minimize potential significant impacts identified;

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

4 (f) require access to the site; and

5 (g) comply with applicable flood plain requirements.

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

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

14 (c) Public comment must be addressed before the regulations are adopted."
15

16 **Section 16.** Section 76-25-307, MCA, is amended to read:

17 **"76-25-307. Interim zoning ordinances.** (1) A local government, to protect the public safety, health,
18 and welfare and without following the procedures otherwise required prior to adopting a zoning regulation, may
19 adopt an interim zoning ordinance as an urgency measure to regulate or prohibit uses that may conflict with a
20 zoning proposal that the governing body is considering or studying or intends to study within a reasonable time.

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

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

26 (4) A local government may not act under the authority provided for in this section until the local
27 government has adopted a land use plan and zoning regulations pursuant to this chapter."
28

- END -