

1 *Senate* BILL NO. *226*
 2 INTRODUCED BY *Steve Davis, Marilyn Peters*
 3 *Boyer, Joe Weckren, Don Hall, Neely*

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION
 5 69-5003, R.C.M. 1947, TO SHORTEN THE TIME PERIOD FOR
 6 PROCESSING PETITIONS FOR REMOVAL OF SANITARY RESTRICTIONS
 7 AND TO EXEMPT SUBDIVISIONS WITHIN MASTER PLANNING AREAS
 8 WHICH WILL BE PROVIDED WITH MUNICIPAL FACILITIES FOR THE
 9 SUPPLY OF WATER OR DISPOSAL OF SEWAGE FOR THE SUBDIVISION."

10
 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 12 Section 1. Section 69-5003, R.C.M. 1947, is amended to
 13 read as follows:

14 "69-5003. Approval of plans for facilities in
 15 subdivisions. (1) * Outside master planning areas adopted
 16 pursuant to 11-3891 through 11-3856, a person may not file a
 17 subdivision plat with a county clerk and recorder, make
 18 disposition of any lot within a subdivision, erect any
 19 building or shelter in a subdivision which requires
 20 facilities for the supply of water or disposal of sewage or
 21 solid waste, or occupy any permanent building in a
 22 subdivision until the department has indicated that the
 23 subdivision is subject to no sanitary restriction.

24 (2) (a) Within master planning areas adopted pursuant
 25 to 11-3891 through 11-3856, a subdivision is not subject to

1 sanitary restrictions when the local governing body
 2 certifies that municipal facilities for the supply of water
 3 and disposal of sewage and solid waste will be provided for
 4 the subdivision. In this case, department approval is not
 5 necessary.

6 (b) To the extent that municipal facilities for the
 7 supply of water or disposal of sewage or solid waste are not
 8 to be provided for a subdivision as certified to by the
 9 governing body, the person wishing to subdivide must obtain
 10 department approval as provided in subsection (3)(a).

11 (c) Until the local governing body has certified that
 12 a subdivision is to be provided with municipal facilities
 13 for a supply of water and disposal of sewage and solid waste
 14 or that the department has indicated that the subdivision is
 15 subject to no restrictions, a person may not file a
 16 subdivision plat with a county clerk and recorder, make
 17 disposition of any lot within a subdivision, erect any
 18 building or shelter in a subdivision which requires
 19 facilities for the supply of water or disposal of sewage or
 20 solid waste, or occupy any permanent buildings in a
 21 subdivision.

22 (2)(3) A county clerk and recorder may not accept a
 23 subdivision plat for filing until one of the following
 24 conditions has been met:

25 (a) the ing person wishing to file the plat has

1 obtained approval of the local health officer having
 2 jurisdiction and has filed the approval with the department;
 3 and ~~(b)~~ the department has indicated by stamp or
 4 certificate, that it has approved the plat and plans and
 5 specifications and that the subdivision is subject to no
 6 sanitary restriction, whenever department approval is
 7 necessary; or

8 (b) Whenever department approval is not necessary, the
 9 person wishing to file the plat has obtained a certificate
 10 from the governing body that the subdivision is inside a
 11 master planning area and will be provided with municipal
 12 facilities for the supply of water and disposal of sewage
 13 and solid waste.

14 ~~(3)(4)~~ When a subdivision as defined in this chapter
 15 is excluded from the provisions of Title 11, chapter 38,
 16 section 11-3862, R.C.M. 1947, except section 11-3862 (8),
 17 R.C.M. 1947, and the subdivision is otherwise subject to the
 18 provisions of this chapter, plans and specifications of the
 19 subdivisions shall be submitted to the department and the
 20 department shall indicate by certificate that it has
 21 approved the plans and specifications and that the
 22 subdivision is not subject to a sanitary restriction. The
 23 plan review by the department shall be as follows:

24 (a) The developer shall present to the department a
 25 preliminary plan of the proposed development, and whatever

1 information the developer feels necessary for its subsequent
 2 review, and information required by the department. Within
 3 sixty (60) days of this submission, based upon its receipt
 4 by the department, the department shall notify the developer
 5 if the material submitted is satisfactory to determine if
 6 sanitary restrictions are necessary and if not what
 7 additional information is required for subsequent action by
 8 the department.

9 (b) If additional information is necessary to
 10 determine if sanitary restrictions are necessary no further
 11 processing will be made on the request until the mission
 12 information is made available to the department by the
 13 developer.

14 (c) The department must notify the developer within
 15 thirty (30) days if his submission of additional requested
 16 material is satisfactory. If the material is not
 17 satisfactory, the provision of subsection (b) shall apply.

18 (d)(1) After the department has notified the developer
 19 that they have all the necessary information required for
 20 review, the department must give final action of the
 21 proposed plan within sixty (60) days, unless an
 22 environmental impact statement is required, at which time
 23 this deadline may be increased to one hundred twenty (120)
 24 90 days.

25 (4)(5) A person may not construct or use any

LC 0962/01

1 facilities which deviate from the plans and specifications
2 filed with the department until the department has approved
3 the deviation."

-End-

Approved by Comm.
on Local Government

SENATE BILL NO. 226

INTRODUCED BY STORY, DEVINE, MANLEY, GALT,
BOYLAN, LOWE, LUCKREM, DOVER, HEALY, PETERSON

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION
69-5003, R.C.M. 1947, TO SHORTEN THE TIME PERIOD FOR
PROCESSING PETITIONS FOR REMOVAL OF SANITARY RESTRICTIONS
AND TO EXEMPT SUBDIVISIONS WITHIN MASTER PLANNING AREAS
WHICH WILL BE PROVIDED WITH MUNICIPAL FACILITIES FOR THE
SUPPLY OF WATER OR DISPOSAL OF SEWAGE FOR THE SUBDIVISION."

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

Section 1. Section 69-5003, R.C.M. 1947, is amended to
read as follows:

"69-5003. Approval of plans for facilities in
subdivisions. (1) * Outside master planning areas adopted
pursuant to 11-3801 through 11-3856, a person may not file a
subdivision plat with a county clerk and recorder, make
disposition of any lot within a subdivision, ERECT ANY
FACILITY FOR THE SUPPLY OF WATER OR DISPOSAL OF SEWAGE OR
SOLID WASTE, erect any building or shelter in a subdivision
which requires facilities for the supply of water or
disposal of sewage or solid waste, or occupy any permanent
building in a subdivision until the department has indicated
that the subdivision is subject to no sanitary restriction.

(2) ~~For~~ Within master planning areas adopted pursuant
to 11-3801 through 11-3856, a subdivision is not subject to
sanitary restrictions when the local governing body
certifies that municipal facilities for the supply of water
and disposal of sewage and solid waste will be provided for
the subdivision AS PROVIDED IN SUBSECTION (5) OF THIS
SECTION. In this case, department approval is not necessary.

~~(3)~~ To the extent that municipal facilities for the
supply of water or disposal of sewage or solid waste are not
to be provided for a subdivision as certified to by the
governing body, the person wishing to subdivide must obtain
department approval as provided in subsection (3)(a).

~~(4)~~ Until the local governing body has certified
that a subdivision is to be provided with municipal
facilities for a supply of water and disposal of sewage and
solid waste or that the department has indicated that the
subdivision is subject to no restrictions, a person may not
file a subdivision plat with a county clerk and recorder,
make disposition of any lot within a subdivision, ERECT ANY
FACILITY FOR THE SUPPLY OF WATER OR DISPOSAL OF SEWAGE OR
SOLID WASTE, erect any building or shelter in a subdivision
which requires facilities for the supply of water or
disposal of sewage or solid waste, or occupy any permanent
buildings in a subdivision.

(5) WHEN A SUBDIVISION IS EXEMPT FROM THE REVIEW OF

1 THE DEPARTMENT BY SUBSECTION (2) OF THIS SECTION, THE LOCAL
 2 GOVERNING BODY SHALL, WITHIN 20 DAYS AFTER RECEIVING AN
 3 APPLICATION UNDER THE SUBDIVISION AND PLATTING ACT, SEND
 4 NOTICE OF CERTIFICATION TO THE DEPARTMENT THAT A SUBDIVISION
 5 HAS BEEN SUBMITTED FOR APPROVAL AND THAT MUNICIPAL
 6 FACILITIES FOR THE SUPPLY OF WATER AND DISPOSAL OF SEWAGE
 7 AND SOLID WASTE WILL BE PROVIDED FOR THE SUBDIVISION. THE
 8 NOTICE OF CERTIFICATION SHALL INCLUDE THE FOLLOWING:

9 (I) THE NAME AND ADDRESS OF THE APPLICANT;

10 (II) A COPY OF THE PRELIMINARY PLAT OR A FINAL PLAT
 11 WHERE A PRELIMINARY PLAT IS NOT NECESSARY;

12 (III) THE NUMBER OF PROPOSED PARCELS IN THE
 13 SUBDIVISION;

14 (IV) A COPY OF ANY APPLICABLE ZONING ORDINANCES IN
 15 EFFECT;

16 (V) HOW CONSTRUCTION OF THE SEWAGE DISPOSAL AND WATER
 17 SUPPLY SYSTEMS OR EXTENSIONS WILL BE FINANCED;

18 (VI) A COPY OF THE MASTER PLAN, IF ONE HAS NOT YET BEEN
 19 SUBMITTED TO THE DEPARTMENT;

20 (VII) THE RELATIVE LOCATION OF THE SUBDIVISION TO THE
 21 CITY OR TOWN; AND

22 (VIII) CERTIFICATION THAT ADEQUATE MUNICIPAL FACILITIES
 23 FOR THE SUPPLY OF WATER AND DISPOSAL OF SEWAGE AND SOLID
 24 WASTE ARE AVAILABLE OR WILL BE PROVIDED WITHIN 1 YEAR AFTER
 25 THE NOTICE OF CERTIFICATION IS ISSUED.

1 (E) THE EXEMPTIONS PROVIDED FOR IN THIS SECTION SHALL
 2 NOT RELIEVE ANY PERSON OF THE DUTY TO COMPLY WITH THE
 3 REQUIREMENTS OF THE PUBLIC WATER SUPPLY ACT, TITLE 69,
 4 CHAPTER 49.

5 ~~(2)(3)(a)~~ A county clerk and recorder may not accept a
 6 subdivision plat for filing until one of the following
 7 conditions has been met:

8 (a) the person wishing to file the plat has
 9 obtained approval of the local health officer having
 10 jurisdiction and has filed the approval with the department;
 11 and ~~(b)~~ the department has indicated by stamp or
 12 certificate, that it has approved the plat and plans and
 13 specifications and that the subdivision is subject to no
 14 sanitary restrictions whenever department approval is
 15 necessary; or

16 (b) Whenever department approval is not necessary, the
 17 person wishing to file the plat has obtained a certificate
 18 from the governing body that the subdivision is inside a
 19 master planning area and will be provided with municipal
 20 facilities for the supply of water and disposal of sewage
 21 and solid waste.

22 ~~(3)(4)~~ When a subdivision as defined in this chapter
 23 is excluded from the provisions of Title 11, chapter 38,
 24 section 11-3862, R.C.M. 1947, except section 11-3862 (8),
 25 R.C.M. 1947, and the subdivision is otherwise subject to the

1 provisions of this chapter, plans and specifications of the
 2 FOR subdivisions AS DEFINED IN THIS CHAPTER shall be
 3 submitted to the department and the department shall
 4 indicate by certificate that it has approved the plans and
 5 specifications and that the subdivision is not subject to a
 6 sanitary restriction. The plan review by the department
 7 shall be as follows:

8 (a) THE AT ANY TIME AFTER THE DEVELOPER HAS SUBMITTED
 9 AN APPLICATION UNDER THE SUBDIVISION AND PLATTING ACT, THE
 10 developer shall present to the department a preliminary plan
 11 of the proposed development, and whatever information the
 12 developer feels necessary for its subsequent review, and
 13 information required by the department. Within sixty (60)

14 days of this submission, based upon its receipt by the
 15 department, the department shall notify the developer if the
 16 material submitted is satisfactory to determine if sanitary
 17 restrictions are necessary and if not what additional
 18 information is required for subsequent action by the
 19 department.

20 (b) If additional information is necessary to
 21 determine if sanitary restrictions are necessary no further
 22 processing will be made on the request until the missing
 23 information is made available to the department by the
 24 developer.

25 (c) The department must notify the developer within

1 ~~thirty (30) days if his submission of additional requested~~
 2 ~~material is satisfactory. If the material is not~~
 3 ~~satisfactory, the provision of subsection (b) shall apply.~~

4 (d)(b) ~~After the department has notified the developer~~
 5 ~~that they have all the necessary information required for~~
 6 ~~review, the department must give final action of the~~
 7 ~~proposed plan within sixty (60) days, unless an~~
 8 ~~environmental impact statement is required, at which time~~
 9 ~~this deadline may be increased to one-hundred-twenty (120)~~
 10 ~~or 120 days.~~

11 (4)(5)(8) A person may not construct or use any
 12 facilities which deviate from the plans and specifications
 13 filed with the department until the department has approved
 14 the deviation."

15 (9) A SUBDIVISION EXCLUDED FROM THE PROVISIONS OF
 16 TITLE 11, CHAPTER 38, SHALL BE SUBMITTED FOR REVIEW BY THE
 17 DEPARTMENT ACCORDING TO THE PROVISIONS OF THIS CHAPTER,
 18 EXCEPT THAT THE FOLLOWING DIVISIONS ARE NOT SUBJECT TO
 19 REVIEW BY THE DEPARTMENT:

20 (A) THE EXCLUSIONS CITED IN 11-3862(8) AND 11-3862(9);

21 (B) DIVISIONS MADE FOR THE PURPOSE OF ACQUIRING
 22 ADDITIONAL LAND TO BECOME PART OF AN APPROVED PARCEL,
 23 PROVIDED THAT NO DWELLING OR STRUCTURE REQUIRING WATER OR
 24 SEWAGE DISPOSAL IS TO BE ERECTED ON THE ADDITIONAL ACQUIRED
 25 PARCEL; AND

1 (G) DIVISIONS MADE FOR PURPOSES OTHER THAN THE
2 CONSTRUCTION OF WATER SUPPLY OR SEWAGE AND SOLID WASTE
3 DISPOSAL FACILITIES AS THE DEPARTMENT SPECIFIES BY RULE.
4 (10) WITHIN 90 DAYS AFTER (THE EFFECTIVE DATE OF THIS
5 ACT), THE DEPARTMENT AND THE DEPARTMENT OF COMMUNITY AFFAIRS
6 SHALL PREPARE AND DISTRIBUTE A JOINT APPLICATION FORM THAT
7 CAN BE USED BY AN APPLICANT TO APPLY FOR APPROVAL OF A
8 SUBDIVISION UNDER THE PROVISIONS OF THIS ACT AND THE
9 PROVISIONS OF TITLE 11, CHAPTER 38. WHEN AN APPLICATION IS
10 RECEIVED BY EITHER THE DEPARTMENT OR A LOCAL GOVERNMENT, THE
11 DEPARTMENT OR LOCAL GOVERNMENT IS RESPONSIBLE FOR FORWARDING
12 THE APPROPRIATE PARTS OF THE APPLICATION TO THE OTHER
13 ENTITY. THE REVIEW REQUIRED BY TITLE 69, CHAPTER 50, AND
14 THE PROVISIONS OF TITLE 11, CHAPTER 38, SHALL OCCUR
15 CONCURRENTLY.

-End-

SENATE BILL NO. 226

INTRODUCED BY STORY, DEVINE, MANLEY, GALT,
BOYLAN, LOWE, LUCKREM, DOVER, HEALY, PETERSON

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION
69-503, R.C.M. 1947, TO SHORTEN THE TIME PERIOD FOR
PROCESSING PETITIONS FOR REMOVAL OF SANITARY RESTRICTIONS
AND TO EXEMPT SUBDIVISIONS WITHIN MASTER PLANNING AREAS
WHICH WILL BE PROVIDED WITH MUNICIPAL FACILITIES FOR THE
SUPPLY OF WATER OR DISPOSAL OF SEWAGE FOR THE SUBDIVISION."

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

Section 1. Section 69-5003, R.C.M. 1947, is amended to
read as follows:

"69-5003. Approval of plans for facilities in
subdivisions. (1) * Outside master planning areas adopted
pursuant to 11-3801 through 11-3856, a person may not file a
subdivision plat with a county clerk and recorder, make
disposition of any lot within a subdivision, ERECT ANY
FACILITY FOR THE SUPPLY OF WATER OR DISPOSAL OF SEWAGE OR
SOLID WASTE, erect any building or shelter in a subdivision
which requires facilities for the supply of water or
disposal of sewage or solid waste, or occupy any permanent
building in a subdivision until the department has indicated
that the subdivision is subject to no sanitary restriction.

(2) ~~for~~ within master planning areas adopted pursuant
to 11-3801 through 11-3856, a subdivision is not subject to
sanitary restrictions when the local governing body
certifies that municipal facilities for the supply of water
and disposal of sewage and solid waste will be provided for
the subdivision AS PROVIDED IN SUBSECTION (5) OF THIS
SECTION. In this case, department approval is not necessary.

~~but~~(3) To the extent that municipal facilities for the
supply of water or disposal of sewage or solid waste are not
to be provided for a subdivision as certified to by the
governing body, the person wishing to subdivide must obtain
department approval as provided in subsection (3)(a).

~~but~~(4) Until the local governing body has certified
that a subdivision is to be provided with municipal
facilities for a supply of water and disposal of sewage and
solid waste or that the department has indicated that the
subdivision is subject to no restrictions, a person may not
file a subdivision plat with a county clerk and recorder,
make disposition of any lot within a subdivision, ERECT ANY
FACILITY FOR THE SUPPLY OF WATER OR DISPOSAL OF SEWAGE OR
SOLID WASTE, erect any building or shelter in a subdivision
which requires facilities for the supply of water or
disposal of sewage or solid waste, or occupy any permanent
buildings in a subdivision.

(5) WHEN A SUBDIVISION IS EXEMPT FROM THE REVIEW OF

1 THE DEPARTMENT BY SUBSECTION (2) OF THIS SECTION, THE LOCAL
 2 GOVERNING BODY SHALL, WITHIN 20 DAYS AFTER RECEIVING AN
 3 APPLICATION UNDER THE SUBDIVISION AND PLATTING ACT, SEND
 4 NOTICE OF CERTIFICATION TO THE DEPARTMENT THAT A SUBDIVISION
 5 HAS BEEN SUBMITTED FOR APPROVAL AND THAT MUNICIPAL
 6 FACILITIES FOR THE SUPPLY OF WATER AND DISPOSAL OF SEWAGE
 7 AND SOLID WASTE WILL BE PROVIDED FOR THE SUBDIVISION. THE
 8 NOTICE OF CERTIFICATION SHALL INCLUDE THE FOLLOWING:

9 (I) THE NAME AND ADDRESS OF THE APPLICANT;

10 (II) A COPY OF THE PRELIMINARY PLAT OR A FINAL PLAT
 11 WHERE A PRELIMINARY PLAT IS NOT NECESSARY;

12 (III) THE NUMBER OF PROPOSED PARCELS IN THE
 13 SUBDIVISION;

14 (IV) A COPY OF ANY APPLICABLE ZONING ORDINANCES IN
 15 EFFECT;

16 (V) HOW CONSTRUCTION OF THE SEWAGE DISPOSAL AND WATER
 17 SUPPLY SYSTEMS OR EXTENSIONS WILL BE FINANCED;

18 (VI) A COPY OF THE MASTER PLAN, IF ONE HAS NOT YET BEEN
 19 SUBMITTED TO THE DEPARTMENT;

20 (VII) THE RELATIVE LOCATION OF THE SUBDIVISION TO THE
 21 CITY OR TOWN; AND

22 (VIII) CERTIFICATION THAT ADEQUATE MUNICIPAL FACILITIES
 23 FOR THE SUPPLY OF WATER AND DISPOSAL OF SEWAGE AND SOLID
 24 WASTE ARE AVAILABLE OR WILL BE PROVIDED WITHIN 1 YEAR AFTER
 25 THE NOTICE OF CERTIFICATION IS ISSUED.

1 (E) THE EXEMPTIONS PROVIDED FOR IN THIS SECTION SHALL
 2 NOT RELIEVE ANY PERSON OF THE DUTY TO COMPLY WITH THE
 3 REQUIREMENTS OF THE PUBLIC WATER SUPPLY ACT, TITLE 69,
 4 CHAPTER 49.

5 ~~(2)(2)(6)~~ A county clerk and recorder may not accept a
 6 subdivision plat for filing until one of the following
 7 conditions has been met:

8 (a) the the person wishing to file the plat has
 9 obtained approval of the local health officer having
 10 jurisdiction and has filed the approval with the department;
 11 and ~~(b)~~ the department has indicated by stamp or
 12 certificate, that it has approved the plat and plans and
 13 specifications and that the subdivision is subject to no
 14 sanitary restrictions whenever department approval is
 15 necessary; or

16 (b) Whenever department approval is not necessary, the
 17 person wishing to file the plat has obtained a certificate
 18 from the governing body that the subdivision is inside a
 19 master planning area and will be provided with municipal
 20 facilities for the supply of water and disposal of sewage
 21 and solid waste.

22 ~~(2)(4)~~ When a subdivision as defined in this chapter
 23 is excluded from the provisions of Title 11, chapter 38,
 24 section 11-3862, R.C.M. 1947, except section 11-3862 (8),
 25 R.C.M. 1947, and the subdivision is otherwise subject to the

1 provisions of this chapter, plans and specifications of the
 2 FOR subdivisions AS DEFINED IN THIS CHAPTER shall be
 3 submitted to the department and the department shall
 4 indicate by certificate that it has approved the plans and
 5 specifications and that the subdivision is not subject to a
 6 sanitary restriction. The plan review by the department
 7 shall be as follows:

8 (a) ~~The~~ AT ANY TIME AFTER THE DEVELOPER HAS SUBMITTED
 9 AN APPLICATION UNDER THE SUBDIVISION AND PLATTING ACT, THE
 10 developer shall present to the department a preliminary plan
 11 of the proposed development, and whatever information the
 12 developer feels necessary for its subsequent review, and
 13 information required by the department. ~~Within sixty (60)~~
 14 ~~days of this submission, based upon its receipt by the~~
 15 ~~department, the department shall notify the developer if the~~
 16 ~~material submitted is satisfactory to determine if sanitary~~
 17 ~~restrictions are necessary and if not what additional~~
 18 ~~information is required for subsequent action by the~~
 19 ~~department.~~

20 (b) ~~If additional information is necessary to~~
 21 ~~determine if sanitary restrictions are necessary no further~~
 22 ~~processing will be made on the request until the missing~~
 23 ~~information is made available to the department by the~~
 24 ~~developer.~~

25 (c) ~~The department must notify the developer within~~

1 ~~thirty (30) days if his submission of additional requested~~
 2 ~~material is satisfactory. If the material is not~~
 3 ~~satisfactory, the provision of subsection (b) shall apply.~~
 4 (d) ~~(b) After the department has notified the developer~~
 5 ~~that they have all the necessary information required for~~
 6 ~~review, the department must give final action of the~~
 7 ~~proposed plan within sixty (60) days, unless an~~
 8 ~~environmental impact statement is required, at which time~~
 9 ~~this deadline may be increased to one hundred twenty (120)~~
 10 ~~or 120 days.~~

11 (4) ~~(2) (B)~~ A person may not construct or use any
 12 facilities which deviate from the plans and specifications
 13 filed with the department until the department has approved
 14 the deviation."

15 (9) A SUBDIVISION EXCLUDED FROM THE PROVISIONS OF
 16 TITLE 11, CHAPTER 33, SHALL BE SUBMITTED FOR REVIEW BY THE
 17 DEPARTMENT ACCORDING TO THE PROVISIONS OF THIS CHAPTER,
 18 EXCEPT THAT THE FOLLOWING DIVISIONS ARE NOT SUBJECT TO
 19 REVIEW BY THE DEPARTMENT:

20 (A) THE EXCLUSIONS CITED IN 11-3862(8) AND 11-3862(9);
 21 (B) DIVISIONS MADE FOR THE PURPOSE OF ACQUIRING
 22 ADDITIONAL LAND TO BECOME PART OF AN APPROVED PARCEL;
 23 PROVIDED THAT NO DWELLING OR STRUCTURE REQUIRING WATER OR
 24 SEWAGE DISPOSAL IS TO BE ERRECTED ON THE ADDITIONAL ACQUIRED
 25 PARCEL; AND

1 (C) DIVISIONS MADE FOR PURPOSES OTHER THAN THE
2 CONSTRUCTION OF WATER SUPPLY OR SEWAGE AND SOLID WASTE
3 DISPOSAL FACILITIES AS THE DEPARTMENT SPECIFIES BY RULE.

4 (10) WITHIN 90 DAYS AFTER (THE EFFECTIVE DATE OF THIS
5 ACT), THE DEPARTMENT AND THE DEPARTMENT OF COMMUNITY AFFAIRS
6 SHALL PREPARE AND DISTRIBUTE A JOINT APPLICATION FORM THAT
7 CAN BE USED BY AN APPLICANT TO APPLY FOR APPROVAL OF A
8 SUBDIVISION UNDER THE PROVISIONS OF THIS ACT AND THE
9 PROVISIONS OF TITLE 11, CHAPTER 38, WHEN AN APPLICATION IS
10 RECEIVED BY EITHER THE DEPARTMENT OR A LOCAL GOVERNMENT, THE
11 DEPARTMENT OR LOCAL GOVERNMENT IS RESPONSIBLE FOR FORWARDING
12 THE APPROPRIATE PARTS OF THE APPLICATION TO THE OTHER
13 ENTITY. THE REVIEW REQUIRED BY TITLE 69, CHAPTER 50, AND
14 THE PROVISIONS OF TITLE 11, CHAPTER 38, SHALL OCCUR
15 CONCURRENTLY.

-End-

HOUSE OF REPRESENTATIVES

April 6, 1977

HOUSE COMMITTEE ON NATURAL RESOURCES AMENDMENT TO SENATE BILL 226

1. Amend page 5, section 1, lines 1 and 2.
Following: "specifications"
Strike: "~~of the~~ FOR subdivisions"
Insert: "of the subdivision"

AS AMENDED
BE CONCURRED IN

HOUSE OF REPRESENTATIVES
COMMITTEE OF THE WHOLE AMENDMENT

April 7, 1977

MR. CHAIRMAN: I MOVE TO AMEND: SENATE BILL NO. 226, third reading copy,
as follows:

1. Amend page 2, section 1, line 25, and line 1 on page 3.

Following: "IS"

Strike: "EXEMPT FROM THE REVIEW OF THE DEPARTMENT BY SUBSECTION (2)
OF THIS SECTION,"

Insert: "reviewed under the master plan provisions of 69-5003,"

2. Amend page 3, section 1, line 3.

Following: "ACT"

Insert: "distribute the lot fees as determined by subsection (11) and
shall"

3. Amend page 4, section 1, line 1.

Following: "THE"

Strike: "EXEMPTIONS"

Insert: "exclusions"

4. Amend page 7, section 1, line 16.

Following: line 15

Insert: "The department shall adopt rules to determine the distribution
of lot fees between the local governing body and the department
as provided in 69-5005."

AS AMENDED BE
CONCURRED IN

1 SENATE BILL NO. 226
 2 INTRODUCED BY STORY, DEVINE, MANLEY, GALT,
 3 BOYLAN, LOWE, LOCKREM, DOVER, HEALY, PETERSON

4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION
 6 69-5003, R.C.M. 1947, TO SHORTEN THE TIME PERIOD FOR
 7 PROCESSING PETITIONS FOR REMOVAL OF SANITARY RESTRICTIONS
 8 AND TO EXEMPT SUBDIVISIONS WITHIN MASTER PLANNING AREAS
 9 WHICH WILL BE PROVIDED WITH MUNICIPAL FACILITIES FOR THE
 10 SUPPLY OF WATER OR DISPOSAL OF SEWAGE FOR THE SUBDIVISION."

11
 12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13 Section 1. Section 69-5003, R.C.M. 1947, is amended to
 14 read as follows:

15 "69-5003. Approval of plans for facilities in
 16 subdivisions. (1) * Outside master planning areas adopted
 17 pursuant to 11-3801 through 11-3856, a person may not file a
 18 subdivision plat with a county clerk and recorder, make
 19 disposition of any lot within a subdivision, ERECT ANY
 20 FACILITY FOR THE SUPPLY OF WATER OR DISPOSAL OF SEWAGE OR
 21 SOLID WASTE, erect any building or shelter in a subdivision
 22 which requires facilities for the supply of water or
 23 disposal of sewage or solid waste, or occupy any permanent
 24 building in a subdivision until the department has indicated
 25 that the subdivision is subject to no sanitary restriction.

1 ~~(2) (a) Within master planning areas adopted pursuant~~
 2 ~~to 11-3801 through 11-3856, a subdivision is not subject to~~
 3 ~~sanitary restrictions when the local governing body~~
 4 ~~certifies that municipal facilities for the supply of water~~
 5 ~~and disposal of sewage and solid waste will be provided for~~
 6 ~~the subdivision AS PROVIDED IN SUBSECTION (5) OF THIS~~
 7 ~~SECTION. In this case, department approval is not necessary.~~

8 ~~(b)(3) To the extent that municipal facilities for the~~
 9 ~~supply of water or disposal of sewage or solid waste are not~~
 10 ~~to be provided for a subdivision as certified to by the~~
 11 ~~governing body, the person wishing to subdivide must obtain~~
 12 ~~department approval as provided in subsection (3)(a).~~

13 ~~(c)(4) Until the local governing body has certified~~
 14 ~~that a subdivision is to be provided with municipal~~
 15 ~~facilities for a supply of water and disposal of sewage and~~
 16 ~~solid waste or that the department has indicated that the~~
 17 ~~subdivision is subject to no restrictions, a person may not~~
 18 ~~file a subdivision plat with a county clerk and recorder,~~
 19 ~~make disposition of any lot within a subdivision, ERECT ANY~~
 20 ~~FACILITY FOR THE SUPPLY OF WATER OR DISPOSAL OF SEWAGE OR~~
 21 ~~SOLID WASTE, erect any building or shelter in a subdivision~~
 22 ~~which requires facilities for the supply of water or~~
 23 ~~disposal of sewage or solid waste, or occupy any permanent~~
 24 ~~buildings in a subdivision.~~

25 ~~(5) WHEN A SUBDIVISION IS EXEMPT FROM THE REVIEW OF~~

1 ~~THE DEPARTMENT BY SUBSECTION (2) OF THIS SECTION,~~ REVIEWED
 2 UNDER THE MASTER PLAN PROVISIONS OF 69-5003, THE LOCAL
 3 GOVERNING BODY SHALL, WITHIN 20 DAYS AFTER RECEIVING AN
 4 APPLICATION UNDER THE SUBDIVISION AND PLATTING ACT
 5 DISTRIBUTE THE LOT FEES AS DETERMINED BY SUBSECTION (1) AND
 6 SHALL SEND NOTICE OF CERTIFICATION TO THE DEPARTMENT THAT A
 7 SUBDIVISION HAS BEEN SUBMITTED FOR APPROVAL AND THAT
 8 MUNICIPAL FACILITIES FOR THE SUPPLY OF WATER AND DISPOSAL OF
 9 SEWAGE AND SOLID WASTE WILL BE PROVIDED FOR THE SUBDIVISION.
 10 THE NOTICE OF CERTIFICATION SHALL INCLUDE THE FOLLOWING:

11 (I) THE NAME AND ADDRESS OF THE APPLICANT;
 12 (II) A COPY OF THE PRELIMINARY PLAT OR A FINAL PLAT
 13 WHERE A PRELIMINARY PLAT IS NOT NECESSARY;
 14 (III) THE NUMBER OF PROPOSED PARCELS IN THE
 15 SUBDIVISION;
 16 (IV) A COPY OF ANY APPLICABLE ZONING ORDINANCES IN
 17 EFFECT;
 18 (V) HOW CONSTRUCTION OF THE SEWAGE DISPOSAL AND WATER
 19 SUPPLY SYSTEMS OR EXTENSIONS WILL BE FINANCED;
 20 (VI) A COPY OF THE MASTER PLAN, IF ONE HAS NOT YET BEEN
 21 SUBMITTED TO THE DEPARTMENT;
 22 (VII) THE RELATIVE LOCATION OF THE SUBDIVISION TO THE
 23 CITY OR TOWN; AND
 24 (VIII) CERTIFICATION THAT ADEQUATE MUNICIPAL FACILITIES
 25 FOR THE SUPPLY OF WATER AND DISPOSAL OF SEWAGE AND SOLID

1 WASTE ARE AVAILABLE OR WILL BE PROVIDED WITHIN 1 YEAR AFTER
 2 THE NOTICE OF CERTIFICATION IS ISSUED.

3 (E) THE EXEMPTIONS EXCLUSIONS PROVIDED FOR IN THIS
 4 SECTION SHALL NOT RELIEVE ANY PERSON OF THE DUTY TO COMPLY
 5 WITH THE REQUIREMENTS OF THE PUBLIC WATER SUPPLY ACT, TITLE
 6 69, CHAPTER 49.

7 ~~(2)(3)(6)~~ A county clerk and recorder may not accept a
 8 subdivision plat for filing until one of the following
 9 conditions has been met:

10 (a) the ~~the~~ person wishing to file the plat has
 11 obtained approval of the local health officer having
 12 jurisdiction and has filed the approval with the department;
 13 and ~~(b)~~ the department has indicated by stamp or
 14 certificate, that it has approved the plat and plans and
 15 specifications and that the subdivision is subject to no
 16 sanitary restrictions ~~whenever department approval is~~
 17 necessary; or

18 (b) ~~Whenever department approval is not necessary, the~~
 19 ~~person wishing to file the plat has obtained a certificate~~
 20 ~~from the governing body that the subdivision is inside a~~
 21 ~~master planning area and will be provided with municipal~~
 22 ~~facilities for the supply of water and disposal of sewage~~
 23 ~~and solid waste.~~

24 ~~(3)(4)~~ When a subdivision as defined in this chapter
 25 is excluded from the provisions of Title 11, chapter 38,

1 section 11-3862, R.C.M. 1947, except section 11-3862 (8),
 2 R.C.M. 1947, and the subdivision is otherwise subject to the
 3 provisions of this chapter, plans and specifications of the
 4 FRR subdivisions OF THE SUBDIVISION AS DEFINED IN THIS
 5 CHAPTER shall be submitted to the department and the
 6 department shall indicate by certificate that it has
 7 approved the plans and specifications and that the
 8 subdivision is not subject to a sanitary restriction. The
 9 plan review by the department shall be as follows:

10 (a) THE AT ANY TIME AFTER THE DEVELOPER HAS SUBMITTED
 11 AN APPLICATION UNDER THE SUBDIVISION AND PLATTING ACT, THE
 12 developer shall present to the department a preliminary plan
 13 of the proposed development, and whatever information the
 14 developer feels necessary for its subsequent review, and
 15 information required by the department. ~~Within sixty (60)~~
 16 ~~days of this submission, based upon its receipt by the~~
 17 ~~department, the department shall notify the developer if the~~
 18 ~~material submitted is satisfactory to determine if sanitary~~
 19 ~~restrictions are necessary and if not what additional~~
 20 ~~information is required for subsequent action by the~~
 21 ~~department.~~

22 ~~(b) if additional information is necessary to~~
 23 ~~determine if sanitary restrictions are necessary no further~~
 24 ~~processing will be made on the request until the missing~~
 25 ~~information is made available to the department by the~~

1 developer.
 2 ~~(c) The department must notify the developer within~~
 3 ~~thirty (30) days if his submission of additional requested~~
 4 ~~material is satisfactory. If the material is not~~
 5 ~~satisfactory, the provision of subsection (b) shall apply.~~
 6 ~~(d)(B) After the department has notified the developer~~
 7 ~~that they have all the necessary information required for~~
 8 ~~review, the department must give final action of the~~
 9 ~~proposed plan within sixty (60) days, unless an~~
 10 ~~environmental impact statement is required, at which time~~
 11 ~~this deadline may be increased to one hundred twenty (120)~~
 12 ~~90 120 days.~~

13 ~~(4)(5)(8) A person may not construct or use any~~
 14 ~~facilities which deviate from the plans and specifications~~
 15 ~~filed with the department until the department has approved~~
 16 ~~the deviation.~~

17 (9) A SUBDIVISION EXCLUDED FROM THE PROVISIONS OF
 18 TITLE 11, CHAPTER 38, SHALL BE SUBMITTED FOR REVIEW BY THE
 19 DEPARTMENT ACCORDING TO THE PROVISIONS OF THIS CHAPTER,
 20 EXCEPT THAT THE FOLLOWING DIVISIONS ARE NOT SUBJECT TO
 21 REVIEW BY THE DEPARTMENT:

- 22 (A) THE EXCLUSIONS CITED IN 11-3862(8) AND 11-3862(9);
- 23 (B) DIVISIONS MADE FOR THE PURPOSE OF ACQUIRING
- 24 ADDITIONAL LAND TO BECOME PART OF AN APPROVED PARCEL,
- 25 PROVIDED THAT NO DWELLING OR STRUCTURE REQUIRING WATER OR

1 SEWAGE DISPOSAL IS TO BE ERECTED ON THE ADDITIONAL ACQUIRED
2 PARCEL; AND

3 (C) DIVISIONS MADE FOR PURPOSES OTHER THAN THE
4 CONSTRUCTION OF WATER SUPPLY OR SEWAGE AND SOLID WASTE
5 DISPOSAL FACILITIES AS THE DEPARTMENT SPECIFIES BY RULE.

6 (10) WITHIN 90 DAYS AFTER (THE EFFECTIVE DATE OF THIS
7 ACT), THE DEPARTMENT AND THE DEPARTMENT OF COMMUNITY AFFAIRS
8 SHALL PREPARE AND DISTRIBUTE A JOINT APPLICATION FORM THAT
9 CAN BE USED BY AN APPLICANT TO APPLY FOR APPROVAL OF A
10 SUBDIVISION UNDER THE PROVISIONS OF THIS ACT AND THE
11 PROVISIONS OF TITLE 11, CHAPTER 38, WHEN AN APPLICATION IS
12 RECEIVED BY EITHER THE DEPARTMENT OR A LOCAL GOVERNMENT, THE
13 DEPARTMENT OR LOCAL GOVERNMENT IS RESPONSIBLE FOR FORWARDING
14 THE APPROPRIATE PARTS OF THE APPLICATION TO THE OTHER
15 ENTITY. THE REVIEW REQUIRED BY TITLE 69, CHAPTER 50, AND
16 THE PROVISIONS OF TITLE 11, CHAPTER 38, SHALL OCCUR
17 CONCURRENTLY. THE DEPARTMENT SHALL ADOPT RULES TO DETERMINE
18 THE DISTRIBUTION OF LOT FEES BETWEEN THE LOCAL GOVERNING
19 BODY AND THE DEPARTMENT AS PROVIDED IN 69-5005."

-End-