BY-LAWS
OF
DAWSON COUNTY PLANNING AND ZONING COMMISSION

ARTICLE I - PURPOSE

Section 1. Object: The object for which the Board is formed is to promote county planning within the Type I planning and zoning districts of the county.

Section 2. Compensation: The members of the commission will serve without compensation other than reimbursement for authorized expenses and must be residents of Dawson County.

ARTICLE II - BOARD MEMBERS AND DUTIES

Section 1. Appointment, Resignation, and Removal: The Board shall consist of seven members. Three County Commissioners, either the County Surveyor or the County Clerk and Recorder, two citizen members each of whom resides in a different planning and zoning district, and a county official appointed by the county commissioners. The citizen members must be appointed by the county commissioners each January and will serve 2 year staggered terms, with one member initially appointed to a 2-year term and the remaining member initially appointed to a 1-year term. The citizen members may resign at any time giving written notice to the Chairman or to the Secretary of the Commission. Either citizen member may be removed by the Planning and Zoning Commission for just cause.

Section 2. Officers: The Board will appoint a presiding officer (Chairman) to serve for 1 year, and appoint a secretary to keep permanent and complete records of its proceedings, and adopt rules governing the transaction of its business.

Section 3. Levy: In accordance with MCA, 76-2-102 and 15-10-420 the finances necessary for the transaction of the planning and zoning commission’s business and to pay the expenses of the employees and justified expenses of the commission’s members must be paid from a levy on the taxable value of all taxable property within the district.

Section 4. Powers of commission and employees: In accordance with MCA 76-2-103 the planning and zoning commission shall have such powers as may be appropriate to enable it to fulfill its functions and duties to promote county planning and to carry out the purposes of this part.

A. Monuments and Markers: The planning and zoning commission and any of its members, officers, and employees in the performance of their functions may enter upon any land make examinations and surveys and place and maintain the necessary monuments and markers thereon.

B. Development pattern: For the purpose of furthering the health, safety, and general welfare of the people of the county, the county planning and zoning commission hereby is empowered and it shall be its duty to make and adopt a development pattern for the physical and economic...
such development pattern, with the accompanying maps, plats, charts, and descriptive matter shall show the planning and zoning commission’s recommendations for the development of the districts, within some of which shall be lawful and with others of which it shall be unlawful to erect, construct, alter, or maintain certain buildings or to carry on certain trades, industries, or callings or within which the height and bulk of future buildings and the area of the yards, courts, and other open spaces and the future uses of the land or buildings shall be limited and future building setback liens shall be established.

C. **Continuation of prior nonconforming uses.** Existing nonconforming uses may be continued although not in conformity with such zoning regulations

D. **Adoption of development district.**

1. Adoption by the planning and zoning commission of the development district or any change therein may be in whole or in part by must by the affirmative vote of the majority of the whole commission, provided, however, that prior to any such adoption, a public hearing shall have been held not less than 15 days after notice thereof shall have been posted in at least three public places within the area affected.

2. The resolution adopting the district or any part or parts covering one or more of the functional elements which may be included within the district shall refer expressly to the maps, charts, and descriptive matters forming the pattern or part thereof. The board of county commissioners shall have the power to authorize such variance from the recommendations of the planning commission as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the decision of the planning and zoning commission will result in unnecessary hardship.

E. **Preparation of resolutions and other materials.**

1. The planning and zoning commission may, for the benefit and welfare of the county, prepare and submit to the board of county commissioners drafts of resolutions for the purpose of carrying out the development districts or any part of the development districts previously adopted by the commission, including zoning and land use regulations, the making of official maps, and the preservation of the integrity of the development districts and the official maps and including procedure for appeals from decisions made under the authority of the regulations and regulations for the conservation of the natural resources of the county. The board of county commissioners is authorized to adopt these resolutions.

2. Notwithstanding the provisions of 76-2-104 and subsection (1) of this section, if the planning and zoning commission is unable to make and adopt a development pattern or to adopt a development district, the board of county commissioners may adopt a resolution to void a planning and zoning district created pursuant to 76-2-101.

F. **Permits authorized.** The planning and zoning commission hereby is empowered to authorize and provide for the issuance of permits as a prerequisite to construction, alteration, or enlargement of any building or structure otherwise subject to the provisions of this part and may establish and collect reasonable fees therefor. The fees collected are to go to the general fund of the county.
G. **Effect on natural resources.** No planning district or recommendations adopted under this part shall regulate lands used for grazing, horticulture, agriculture, or the growing of timber.

H. **Enforcement of zoning provisions.** If any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained or if any building, structure, or land is used in violation of this part or any resolution adopted under this part, the county, in addition to other remedies, may take any appropriate action or begin proceedings to:
   1. Prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use;
   2. Restrain, correct, or abate a violation;
   3. Prevent the occupancy of a building, structure, or land; or
   4. Prevent any illegal act, conduct, business, or use in or near the premises.

I. **Addition of territory adjacent to existing planning and zoning district.** Territory that is directly adjacent to an existing planning and zoning district but that is not part of the district may be added to the district subject to the procedures provided in this part. MCA 76-2-117, 76-2-310, 76-2-311, 76-2-312

Section 5. **Appeals:** Any person aggrieved by any decision of the commission or the board of county commissioners may, within 30 days after such decision or order, appeal to the district court in the county in which the property involved is located.

**ARTICLE III -MEETINGS**

A. Meetings shall be held once a quarter on the first Monday of the quarter, (January, April, July, October)

B. Special meetings of the board may be called by the Chairman and no business shall be conducted at a special meeting other than that stated in the notice of the meeting.

C. Quorum: A majority of the members of the Board shall constitute a quorum for the transaction of routine business, but the chairman at his discretion may want the attendance of a full Board for some decisions.

**ARTICLE IV-AMENDMENTS**

These by-laws may be amended by consensus of Board members.

**CERTIFICATION OF ADOPTION OF BY-LAWS**

We, the undersigned officers of the Dawson County Zoning and Planning Commission, do hereby certify that the above and foregoing by-laws are adopted this _______ of ____________, 2013.

Dawson County Zoning and Planning Commission

____________________________, Commissioner

____________________________, Commissioner
Commissioner

Clerk & Recorder

Appointed County Official

Member

Member