

**ORDINANCE NO. 378**

**AN ORDINANCE OF THE CITY OF HAMILTON TO ADD SECTION 17.16.010 G TO TITLE 17 OF THE HAMILTON MUNICIPAL CODE REGARDING CONSTRUCTION, RECONSTRUCTION, MODIFICATION OR PLACEMENT OF A BUILDING IN THE CITY OF HAMILTON**

**WHEREAS**, Title 17 of the City of Hamilton Municipal Code contains the Zoning Provisions of the Code; and

**WHEREAS**, Title 17 contains provisions for establishing land uses including buildings in the City; and

**WHEREAS**, the City Council has determined that it is necessary to revise the requirements for construction, reconstruction, modification or placement of a building in the City; and

**WHEREAS**, the City published notice of the public hearing before the City Council as required by Montana Code Annotated §7-1-4127 and posted notice not less than 30 days before the public hearing in at least five (5) public places throughout the jurisdiction, including but not limited to public buildings; and

**WHEREAS**, the City of Hamilton City Council conducted the required public hearings on January 21, 2014 and February 4, 2014; and

**WHEREAS**, the City Council held a first reading of this Ordinance No. 378 on January 21, 2014 and the second reading of this Ordinance No. 378 on February 4, 2014.

**NOW THEREFORE BE IT ORDAINED** by the City Council of the City of Hamilton that Section 17.16.010 (G) as set forth in Exhibit A to this ordinance be added to the City of Hamilton Municipal Code.

**BE IT FURTHER ORDAINED** that the City Council determines, with the addition of Section 17.16.010(G) the City Zoning Regulations contain the elements of 76-8-107 MCA.

**BE IT FURTHER ORDAINED** by the City Council of the City of Hamilton that this Ordinance is passed, approved and adopted effective thirty (30) days following the second reading thereof on February 4, 2014.

Attest: \_\_\_\_\_  
Rose M. Allen, City Clerk

By: \_\_\_\_\_  
Jerry E. Steele, Mayor

**Exhibit A**  
**to Ordinance 378**

17.16.010 G

G. The construction, reconstruction, modification or placement of a building in the City of Hamilton is subject to the provisions of the building code(s) adopted by the City as well as the provisions of the applicable zone district and all other requirements of the *Hamilton Municipal Code*.

1. At a minimum, any application for the establishment of a new land use or the construction, reconstruction, modification or placement of a building in the City of Hamilton shall contain the following information.
  - a.. The appropriate application form.
  - b. The name and address of the landowner and a legal description of the subject property.
  - c. A site plan, drawn to scale, indicating the following:
    - i. The location of any property line, streets, roads and easements located on and adjacent to the subject property.
    - ii. Geographic features.
    - iii. Any existing wells, septic systems or any other subsurface facilities.
    - iv. Existing utility lines on and adjacent to the property.
    - v. Existing and proposed buildings on the property.
    - vi. A statement assessing the significant impacts on the surrounding physical environment and human population in the area to be affected including conditions, if any, that may be imposed to avoid or minimize potential significant impacts that are identified.
  - d. Application forms and application submittal information for any required City permits including, but not limited to, Public Works Permits, Building Permits and Floodplain Permits needed to establish a land use or to construct, reconstruct, modify or place a building on the property.

Prior to approving a land use or the construction, reconstruction, modification or

placement of a building the City of Hamilton shall:

- a. Verify and require that the property is served by adequate emergency, medical, fire protection services and law enforcement services for the proposed use of the property.
- b. Verify and require that the property has adequate legal and physical access for the proposed use.
- c. Verify and require that the proposed land use or building is in compliance with the City Public Works Standards, City Floodplain Regulations, Zoning Regulations and other City regulations.
- d. Impose conditions on the issuance of any City permit that mitigate significant adverse impacts of the proposed land use or building on the surrounding physical environment and human population in the area of the subject property.