ORDINANCE NO. 2025-1

AN ORDINANCE REPEALING TITLE 9 CHAPTER 6 OF THE CODE OF ORDINANCES WHICH IS TITLED "PLANNING" AND IS KNOWN AS THE "SUBDIVISION REGULATIONS" OF THE CITY AND CREATING A NEW TITLE 11 TO BE KNOWN AS "LAND USAGE" WITH A NEW SUBDIVISION ORDINANCE AND MAKING OR AUTHORIZING AMENDMENTS AS TO STYLE AND FORM FOR PURPOSES OF REFERENCE AND CODIFICATION.

WHEREAS, the City of White Sulphur Springs adopted, at the time of recodification of the Code of Ordinances, provisions previously adopted by Resolution 607 in 2019, regarding subdivision regulations as authorized by the then-existing Montana Subdivision and Platting Act ("MSPA") as found in Title 76, Chapter 3 of the Montana Code Annotated; and

WHEREAS, the Montana Legislature, in the 2023 Legislative Session, adopted modifications to the MSPA which significantly revised and updated the process and procedure for subdivision and platting in the State; and

WHEREAS, the City Council has determined that Title 9, Chapter 6 of the Code of Ordinances should be repealed rather than amended to avoid confusion; and

WHEREAS, the City Council has further determined that a new Title 11, to be titled "Land Usage", be created and a revised and updated Subdivision Ordinance, consistent with the attached draft document referenced below, be adopted in order to remain in compliance with state law;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of White Sulphur Springs Montana, that Title 9, Chapter 6, be repealed and a new Title 11 be created and a Subdivision Ordinance be added to this new Title 11 as follows:

Section 1

That the Code of Ordinance, Title 9, Chapter 6, be repealed in its entirety.

Section 2

That the Code of Ordinance be amended to add a new Title 11 entitled "Land Usage".

Section 3

That Title 11, Chapter 1, be added and entitled "Subdivision Regulations" and shall consist of the January 2025 City of White Sulphur Springs Subdivision Regulations Draft document (excluding the Title page) which is incorporated by reference as if fully set forth herein, and shall include any alterations and amendments made during any reading or public hearing in consideration of this draft document.

Section 4

Repealer. All resolutions, ordinances, and sections of the White Sulphur Springs Municipal Code and parts thereof in conflict herewith are hereby repealed.

Section 5

Savings Provision. This ordinance does not affect the rights and duties that matured, penalties that were incurred, or proceedings that were begun before the effective date of this ordinance. All other provisions of the White Sulphur Springs Code of Ordinance not amended by this Ordinance shall remain in full force an effect.

Section 6

Severability. If any provisions of this ordinance, or the application thereof to any person or circumstances, is held invalid, such invalidity shall not affect the other provisions of this ordinance which may be given effect without the invalid provision or application and, to this end, the provisions of this ordinance are declared to be severable.

Section 7

EFFECTIVE DATE. This ordinance shall be effective thirty (30) days after second reading and final adoption as provided by law.

Section 8

CODIFICATION. Upon Final Passage and Adoption, the City Clerk, or their designee, is authorized to make changes as to style, color, numbering, or other attributes of the draft document as necessary based on the directions of the Council, and publish the foregoing ordinance, making amendments as to referenced code sections, notations, and grammar as well as style to be consistent with the ordinance as passed. All references within the White Sulphur Springs Code of Ordinance shall be revised as necessary to be consistent with and reflect the changes in this ordinance. The Clerk, and through the Clerk the entity maintaining the Code of Ordinance, shall insert this ordinance and shall remove the prior provisions inconsistent with the current ordinance, as passed and adopted, in any official publication or on-line version of the White Sulphur Springs Code of Ordinances.

PASSED by the City Council and the City of White Sulphur Springs, Montana, on first reading at a regular session thereof held on the 24th day of February, 2025.

Rick Nelson, Mayor

ATTEST:

Michelle Stidham, City Clerk

PASSED, ADOPTED, AND APPROVED by the City Council and the City of White Sulphur Springs, Montana, on second reading at a regular session thereof held on the 3rd day of March, 2025.

Rick Nelson, Mayor

ATTEST:

Michelle Stidham, City Clerk

APPROVED AS TO FORM:

Susan L. Wordal, City Attorney