



ADMINISTRATIVE RULES OF MONTANA



17.24.1136 AREAS UPON WHICH COAL MINING IS PROHIBITED: WAIVER TO MINE NEAR DWELLING

- (1) Whenever a proposed strip or underground mining operation would be conducted within 300 feet measured horizontally of any occupied dwelling, the applicant shall submit with the application a written waiver by lease, deed, or other conveyance from the owner of the dwelling, clarifying that the owner and signatory had the legal right to deny mining and knowingly waived that right. The waiver acts as consent to such operations within a closer distance of the dwelling as specified in the waiver.
- (2) A valid waiver is effective against subsequent purchasers who had actual or constructive knowledge of the waiver at the time of purchase. Constructive knowledge is presumed if the waiver has been properly filed with the county clerk and recorder or if mining has proceeded to within 300 feet prior to the date of purchase.

Authorizing statute(s): 82-4-205, MCA

Implementing statute(s): 82-4-227, MCA

History: NEW, 1980 MAR p. 725, Eff. 4/1/80; AMD, 1989 MAR p. 30, Eff. 1/13/89; TRANS, from DSL, 1996 MAR p. 3042; AMD, 2024 MAR p. 260, Eff. 2/10/24.