

CITY OF LAUREL, MONTANA

EMERGENCY ORDINANCE NO. _____

AN EMERGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAUREL, MONTANA, ESTABLISHING A ONE-MILE SCHOOL PROTECTION BUFFER PROHIBITING THE LOCATION OR OPERATION OF ANY CORRECTIONAL, DETENTION, OR SECURE FORENSIC FACILITY WITHIN ONE (1) MILE OF ANY SCHOOL, PUBLIC PARK, RESIDENTIAL ZONE, CHURCH, OR LICENSED DAYCARE FACILITY; PROVIDING LEGISLATIVE FINDINGS, DEFINITIONS, ENFORCEMENT MECHANISMS, PENALTIES, SEVERABILITY, AND AN IMMEDIATE EFFECTIVE DATE PURSUANT TO MCA 76-2-306.

AUTHORITY AND RECITALS

WHEREAS, the City of Laurel, Montana (the "City") is a duly organized municipality with the authority to adopt zoning regulations and urgency ordinances pursuant to MCA 76-2-301 et seq. and MCA 76-2-306; and

WHEREAS, MCA 76-2-306 authorizes the City Council to adopt, as an urgency measure and without following standard zoning amendment procedures, an interim zoning ordinance prohibiting uses that may be in conflict with a zoning proposal the Council is considering or intends to study, when necessary to protect the public safety, health, and welfare; and

WHEREAS, the Laurel City Charter provides that the City shall have all powers not prohibited by the Constitution or laws of Montana, to be liberally construed with every reasonable doubt resolved in favor of the City; and

WHEREAS, on November 28, 2025, the Montana Department of Public Health and Human Services (DPHHS) announced that Laurel had been selected as the site for a 32-bed forensic

mental health corrections facility on a 114-acre parcel on Old Highway 10, located approximately 459 yards (1,377 feet) from West Elementary School and surrounded by residential properties; and

WHEREAS, at the December 9, 2025 Laurel City Council meeting, BOI Executive Director Dan Villa stated on camera in public comment: "BOI will follow every existing city resolution, ordinance, and process that governs land use in Laurel. If annexation is required, and it likely will be, we will file an annexation request through the proper channels. BOI does not intend to circumvent city governance. We intend to work within it."; and

WHEREAS, under Laurel Municipal Code Section 17.12.220(F), all land annexed to the City automatically becomes classified as R-7500 Residential by default, and under LMC Table 17.20.010, jails and penal institutes are permitted uses only in the Heavy Industrial (HI) zoning district; and

WHEREAS, MCA 76-2-402 requires that whenever a state agency proposes to use public land contrary to local zoning regulations, a public hearing must be held and the agency must attend; and

WHEREAS, the City Council finds that an emergency exists affecting the public health, safety, and welfare of the residents of Laurel, particularly the children attending West Elementary School and other schools within and adjacent to the proposed facility area; and

WHEREAS, the City Council intends to study and adopt permanent zoning regulations addressing the separation of correctional and secure detention facilities from schools and other sensitive uses, and this ordinance is intended to preserve the status quo while that permanent process proceeds; and

WHEREAS, the City Council has conducted a duly noticed public hearing on this ordinance prior to adoption;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Laurel, Montana, as follows:

SECTION 1 -- TITLE

This ordinance shall be known and may be cited as the "Laurel School Protection Buffer Emergency Ordinance."

SECTION 2 -- LEGISLATIVE FINDINGS AND DECLARATION OF EMERGENCY

The City Council adopts the following findings as the factual and legal basis for this ordinance:

A. Child Welfare Findings

1. Schools are recognized sensitive uses because they concentrate minors who lack the capacity to independently respond to emergencies or security incidents.
2. Children require enhanced protective zoning measures due to limited situational awareness and reliance on organized adult supervision and evacuation.
3. The City has a heightened obligation to minimize foreseeable risks in areas where children gather for extended daily periods.
4. The presence of a secure custody facility housing persons detained under criminal court authority introduces risks materially different from ordinary residential, commercial, or medical land uses.
5. A geographic buffer reduces the probability that any facility security failure or law enforcement incident would directly expose students to danger.

B. Emergency Response and Infrastructure Findings

1. Schools rely on pre-planned emergency protocols including lockdown, shelter-in-place, and organized parent-coordinated evacuation routes.
2. Correctional facilities require separate and incompatible emergency protocols including escape response, perimeter containment, and tactical law enforcement deployment.
3. Co-location of these uses creates operational conflicts for law enforcement, fire services, emergency medical services, and school administrators that cannot be resolved by protocol alone.
4. Simultaneous emergency procedures within the same response radius can delay response times and materially increase risk to students and nearby residents.
5. The City of Laurel has documented that it cannot extend police, fire, water, and ambulance services to the proposed facility site without degrading existing coverage for current residents and the schools those services protect.
6. A minimum one-mile separation allows independent emergency perimeters to be established and operated without interference between facility and school protocols.

C. Land Use Compatibility Findings

1. Schools are low-risk civic uses oriented toward education, child development, and community gathering.
2. Secure detention and forensic corrections facilities are high-security governmental uses requiring controlled perimeters, 24-hour staffing, and law enforcement coordination.
3. These uses have fundamentally incompatible operational characteristics and cannot safely coexist within the same immediate geographic area.
4. Under Laurel Municipal Code Table 17.20.010, jails and penal institutes are permitted uses only in the Heavy Industrial (HI) zoning district -- a classification that reflects the incompatibility of such uses with residential and civic zones.
5. Separation zoning is the least restrictive method available to protect the public while allowing the regulated facility to be located elsewhere within the region.

D. State Agency Compliance Finding

1. On December 9, 2025, BOI Executive Director Dan Villa stated on camera at a public Laurel City Council meeting that BOI will follow every existing city resolution, ordinance, and process governing land use in Laurel, and does not intend to circumvent city governance.
2. This public commitment by the state agency directing the proposed facility constitutes an express representation that the state will comply with local zoning regulations, including this ordinance if adopted.
3. MCA 76-2-402 independently requires that whenever a state agency proposes to use land contrary to local zoning, a public hearing must be held and the agency must attend. This ordinance triggers those protections.

E. Declaration of Emergency and Necessity

1. Siting and annexation decisions for the proposed facility may occur before completion of a full zoning amendment cycle under standard procedures.
2. Once a facility of this type is approved, annexed, constructed, and operating, relocation is impracticable as a matter of practical and legal reality.
3. Immediate enactment of this ordinance is necessary to preserve the status quo and protect the community's options pending permanent regulation.
4. This ordinance constitutes a valid exercise of the City's police powers, is rationally related to legitimate public safety interests, regulates location rather than occupants, and does not constitute a criminal punishment, prohibition on medical care, or exclusion of any protected class of persons.

SECTION 3 -- DEFINITIONS

As used in this ordinance, the following terms have the following meanings:

A. "Correctional Facility" means any facility, whether publicly or privately owned or operated, used for the incarceration, detention, custody, confinement, supervision, secure treatment, or housing of persons who are: (i) accused or convicted of criminal offenses; (ii) detained pending criminal proceedings; or (iii) civilly committed for public safety purposes. The term includes, without limitation, jails, prisons, detention centers, forensic psychiatric hospitals, secure forensic treatment facilities, and any facility in which persons are held under court order in a secure setting regardless of the primary stated purpose of the facility.

B. "School" means any public or private educational institution primarily serving minors in prekindergarten through grade twelve, including any elementary school, intermediate school, middle school, junior high school, or high school, whether operated by a public school district, charter, or private entity.

C. "Sensitive Use" means any of the following: (i) a School as defined herein; (ii) a public park, playground, or recreational facility open to minors; (iii) a residential zone as designated in the Laurel Zoning Ordinance, including without limitation R-7500, R-6000, RLMF, RMF, RMH, RE-22,000, SR, RT, and PUD districts; (iv) a church, synagogue, mosque, or other place of religious worship or assembly; or (v) a licensed daycare center, family day care home, group day care home, or preschool.

D. "Locate" or "Location" means any act of constructing, placing, siting, expanding, licensing, approving, operating, or establishing a Correctional Facility at a given location, including without limitation the filing of an annexation request, application for a building permit, application for a conditional use or special use permit, or any other approval required under local, state, or federal law.

E. "Buffer Distance" means the minimum separation of one (1) mile, measured property line to property line by straight-line measurement, required between any Correctional Facility and the nearest property boundary of any Sensitive Use.

SECTION 4 -- PROHIBITED LOCATION

No Correctional Facility shall be Located within the Buffer Distance of any Sensitive Use within the jurisdictional area of this ordinance. The Buffer Distance is one (1) mile, measured property line to property line by straight-line horizontal measurement.

SECTION 5 -- MEASUREMENT

Distance under this ordinance shall be measured by straight-line horizontal measurement from the nearest point of the property boundary of the proposed or existing Correctional Facility to the nearest point of the property boundary of the nearest Sensitive Use. In cases of uncertainty, the City Planner or City Engineer shall determine the measurement, which determination shall be final unless appealed to the Board of Adjustment within thirty (30) days.

SECTION 6 -- JURISDICTIONAL APPLICABILITY

This ordinance applies to:

- A.** All land within the incorporated limits of the City of Laurel;
- B.** All land subject to annexation proceedings initiated after the effective date of this ordinance;
- C.** All zoning approvals, subdivision approvals, conditional use permits, special use permits, and development agreements within the City's jurisdiction;
- D.** All utility extensions and service agreements that would provide municipal services to a Correctional Facility within the Buffer Distance of any Sensitive Use; and
- E.** All land within one (1) mile beyond the corporate boundaries of the City to the extent authorized by MCA 76-2-310 and as coordinated with Yellowstone County through the Laurel-Yellowstone City-County Planning Board.

SECTION 7 -- EFFECT ON ANNEXATION

No application for annexation of land intended for use as a Correctional Facility shall be approved by the City Council if the proposed Correctional Facility would be Located within the Buffer Distance of any Sensitive Use. In any annexation proceeding involving land within the Buffer Distance of a Sensitive Use, the City Council shall make an express finding addressing whether the proposed use of the annexed land complies with this ordinance prior to any annexation vote.

SECTION 8 -- STATE AGENCY COMPLIANCE -- MCA 76-2-402

Pursuant to MCA 76-2-402, whenever a state agency proposes to use public land within the City's jurisdictional area contrary to this ordinance, the City Council shall hold a public hearing within thirty (30) days of receiving notice of the agency's intent, and the agency shall attend that

hearing. No city approval, permit, annexation, utility service agreement, or other authorization shall be granted to a state agency for a Correctional Facility that would violate this ordinance unless and until the public hearing process required by MCA 76-2-402 has been completed and the City Council has made an affirmative finding that the proposed use is consistent with this ordinance or has adopted a duly noticed amendment to this ordinance following the required public process.

SECTION 9 -- NONCONFORMING USES

Any Correctional Facility lawfully operating within the City's jurisdictional area as of the effective date of this ordinance that does not conform to the Buffer Distance requirement shall be considered a lawful nonconforming use and may continue to operate. However, such nonconforming facility shall not:

- A.** Expand, intensify, or enlarge its operations, footprint, or licensed capacity;
- B.** Be rebuilt, reconstructed, or reestablished after damage or destruction exceeding fifty percent (50%) of its assessed replacement value without coming into full compliance with this ordinance; or
- C.** Resume operations after a voluntary cessation of more than one hundred eighty (180) consecutive days.

SECTION 10 -- ENFORCEMENT

This ordinance shall be enforced by the City through any one or more of the following mechanisms:

- A.** Denial of any permit, license, annexation approval, utility service agreement, zoning approval, or other City authorization that would authorize a Correctional Facility in violation of this ordinance;
- B.** Revocation of any permit or approval issued in violation of this ordinance;
- C.** Injunctive relief in a court of competent jurisdiction to enjoin any violation or threatened violation of this ordinance;
- D.** Civil action in a court of competent jurisdiction for any applicable remedy; and
- E.** Denial or discontinuation of municipal utility services, including water, sewer, and refuse collection, to any Correctional Facility operating in violation of this ordinance, to the extent permitted by law.

SECTION 11 -- PENALTIES

Any person, entity, or agency that violates any provision of this ordinance shall be subject to a civil fine not to exceed One Thousand Dollars (\$1,000.00) per day for each day the violation continues after written notice of the violation has been provided by the City. Each day of a continuing violation shall constitute a separate offense. Civil fines collected under this section shall be deposited in the City's general fund.

SECTION 12 -- INTERIM NATURE AND DURATION

This ordinance is adopted as an interim urgency measure pursuant to MCA 76-2-306. It shall remain in effect for a period of six (6) months from the effective date. The City Council may extend this ordinance for up to one (1) additional year by action taken prior to expiration, provided that a properly noticed public hearing is held. During the term of this ordinance, the City Council shall study and develop permanent zoning regulations addressing the separation of Correctional Facilities from Sensitive Uses, and shall initiate the formal zoning amendment process under MCA 76-2-301 et seq. not later than sixty (60) days after the effective date of this ordinance.

SECTION 13 -- SEVERABILITY

If any provision of this ordinance or its application to any person, entity, or circumstance is held invalid by a court of competent jurisdiction, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to that end the provisions of this ordinance are severable.

SECTION 14 -- RELATIONSHIP TO OTHER LAW

This ordinance is adopted in addition to and not in lieu of any other applicable provision of the Laurel Municipal Code, Yellowstone County zoning regulations, or Montana law. Where this ordinance imposes greater restrictions than other applicable law, this ordinance controls. Nothing in this ordinance shall be construed to limit the City Council's authority to deny annexation on any other lawful ground, including the failure to satisfy the best-interest finding required by MCA 7-2-4312 or the services plan requirements of MCA 7-2-4731 and 7-2-4732.

SECTION 15 -- CODIFICATION

Upon adoption, this ordinance shall be codified in the Laurel Municipal Code in a location determined by the City Attorney and City Clerk, and the Zoning Map shall be updated as appropriate to reflect the buffer requirements established herein.

SECTION 16 -- EMERGENCY CLAUSE AND EFFECTIVE DATE

The City Council hereby declares that this ordinance is necessary for the immediate preservation of the public peace, health, safety, and welfare of the City of Laurel and its residents, and that an emergency exists within the meaning of MCA 76-2-306. This ordinance shall take effect immediately upon passage and adoption by the City Council. The City Clerk is directed to cause this ordinance to be published as required by law and to file a certified copy with the Yellowstone County Clerk and Recorder.

PASSED, ADOPTED, AND APPROVED by the City Council of the City of Laurel, Montana at a duly noticed public meeting held on the _____ day of _____, 2026.

ROLL CALL VOTE:

Ayes: _____

Nays: _____

Absent/Abstaining: _____

APPROVED:

Mayor, City of Laurel

Printed Name: _____

ATTEST:

City Clerk, City of Laurel

Printed Name: _____

APPROVED AS TO FORM:

City Attorney, City of Laurel

Printed Name: _____

Date of Attorney Review: _____

DRAFT PREPARED BY: Laurel C.A.R.E.D. -- Community Advocates for Responsible Economic Development | laurelcared.com

This draft is provided for attorney review and is not a final legal instrument. The City Attorney should review and modify as necessary prior to adoption.