

the subject decision was made. The notice of appeal, submitted to the Zoning Administrator, must comply with the rules adopted by the Board of Adjustment.

3. The Zoning Administrator shall promptly transmit to the Board of Adjustment the notice of appeal and all papers constituting the record of the subject decision.
4. The Board of Adjustment shall fix a reasonable time for a hearing of the appeal, give public notice and notify the affected parties. At the hearing, any party may appear in person or be represented by agent or attorney.
5. The Board of Adjustment, in conformity with the provisions of this ordinance, may reverse, affirm, wholly or in part, or modify, the order, decision or action appealed and may make such order, decision, or action as deemed necessary, and to that end shall have the powers of the administrative official whose decision is appealed.

G. Stay of Proceedings

An appeal stays all proceedings in furtherance of the action appealed, unless the administrative official from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal is filed, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by a restraining order which may be ordered by the Board or by a court of record on application, on notice to the officer from whom the appeal is taken, and for due cause.

H. Appeals from Decisions of the Board of Adjustment

Appeals from decisions of the Board of Adjustment may be made in accordance with 76-2-327 and 76-2-328, MCA.

1. Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment, any taxpayer, or any officer or department of the municipality may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within 30 days after the filing of the decision of the Board.
2. Upon presentation of such petition the Court may allow a writ of certiorari directed to the Board to review such decision of the Board and shall prescribe therein the time within which a return thereto must be made and served upon the relator's attorney, which may not be less than 10 days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the Board and on due cause shown, grant a restraining order.
3. The Board shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from, and shall be verified. •

4. If, upon the hearing, it appears to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a referee to take such evidence as it may direct and report the same to the court with his findings of fact and conclusions of law. Such evidence shall constitute a part of the proceedings upon which the determination of the court will be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.
5. Costs shall not be allowed against the Board unless it appears to the court that it acted with gross negligence, or in bad faith, or with malice in making the decision appealed from.

SECTION 13. AMENDMENTS

A. Initiation

Proposals to amend, supplement, modify or repeal any of the provisions or the district boundaries established by this ordinance or hereafter established, may be initiated by the Town council, the Zoning Commission, or by petition of any interested resident or property owner. Such a petition shall be submitted to the Town council through the Zoning Commission, which shall review the petition, consider its merits and make a recommendation to the Town council.

B. Requirements for Map Amendments

1. In addition to an accurate and completed amendment application any petition to amend a zoning classification shall include a current map drawn to scale showing all parcels of land included in the petition and the name of the owner of each parcel certified by the County Tax Assessor from the records of his office.
2. A legal description of the property for which a petition to amend a zoning classification is requested shall be included in such petition.

C. Public Hearings Required

1. The Zoning Commission shall hold public hearings on proposed amendments, and interested parties and citizens shall have an opportunity to comment at the hearing. Notice of the time and place of the hearing shall be published in the local newspaper at least 15 days prior to the hearing.
2. If the proposed change involves an amendment to the Official Zoning Map notice of the hearing shall be mailed to all property owners within the affected area and all owners of property within 150 feet of the affected area.
3. After the hearing(s) the Zoning Commission shall make a recommendation to the Town council.
4. After the Zoning Commission makes its recommendation, the Town council shall hold a public hearing on the issue after giving notice in accordance with the procedures above.
5. When a proposed amendment affects the zoning classification of property, and a