

17-41-402.5 Limits on political subdivisions with respect to a vested mining use --

Exception.

- (1) A political subdivision may not:
 - (a) terminate a vested mining use, whether by amortization, the exercise of police power, or otherwise;
 - (b) prohibit, restrict, or otherwise limit a mine operator with a vested mining use from exercising the rights permitted under this chapter;
 - (c) require, for a vested mining use:
 - (i) a variance;
 - (ii) a conditional use permit;
 - (iii) a special exception;
 - (iv) the establishment or determination of a nonconforming use right; or
 - (v) any other type of zoning or land use permit; or
 - (d) prohibit, restrict, limit, or otherwise regulate a vested mining use under a variance, conditional use permit, special exception, or other zoning or land use permit issued before May 12, 2009.
- (2) Subsection (1) does not prohibit a political subdivision from requiring a vested mining use to comply with the generally applicable, reasonable health and safety regulations and building code adopted by the political subdivision including a drinking water protection zone as defined and limited to Subsection 19-4-113(4)(a) and (b).

Enacted by Chapter 376, 2009 General Session