

1 House BILL NO. 268
 2 INTRODUCED BY FALSO and CLAY

3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING THE PLANNED
 5 COMMUNITY DEVELOPMENT ACT OF 1973 BY ALLOWING ANNEXATION OF
 6 AREAS INCORPORATED WITHIN CERTAIN FIRE DISTRICTS AND
 7 CONFORMING THE ACT TO OTHER ANNEXATION LAWS."

8
 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 Section 1. Section 11-519, R.C.M. 1947, is amended to
 11 read as follows:

12 "11-519. Standards to be met before annexation can
 13 occur. (1) A municipal governing body may extend the
 14 municipal corporate limits to include any area which meets
 15 the general standards of subsection (2) of this section.

16 (2) The total area to be annexed must meet the
 17 following standards:

18 (a) it must be contiguous to the municipalities
 19 boundaries at the time the annexation proceeding is begun;

20 (b) no part of the area shall be included within the
 21 boundary of another incorporated municipality;

22 (c) it must be included within and the proposed
 23 annexation must conform to a comprehensive plan as
 24 prescribed in Title 11, chapter 38, R.C.M. 1947; and

25 ~~(d) no part of the area shall be included within the~~

1 boundary, as existing at the inception of such attempted
 2 annexation, of any fire district organized under any of the
 3 provisions of chapter 207, Title 11, R.C.M., 1947, provided
 4 that such fire district was originally organized at least
 5 ten (10) years prior to the inception of such attempted
 6 annexation.

7 (3) In fixing new municipal boundaries, a municipal
 8 governing body shall, wherever practical, use natural
 9 topographic features such as ridge lines and streams and
 10 creeks as boundaries, and if a street is used as a boundary,
 11 include within the municipality land on both sides of the
 12 street and such outside boundary may not extend more than
 13 two hundred (200) feet beyond the right of way of the
 14 street."

15 Section 2. Section 11-525, R.C.M. 1947, is amended to
 16 read as follows:

17 "11-525. Severability and construction. It is the
 18 intent of the legislative assembly that if a part of this
 19 act is invalid, all valid parts that are severable from the
 20 invalid part remain in effect. If a part of this act is
 21 invalid in one or more of its applications, the part remains
 22 in effect in all valid applications that are severable from
 23 the invalid applications.

24 ~~Insofar as the provisions of this act are inconsistent~~
 25 ~~with the provisions of any other law, the provisions of this~~

1 ~~act---shall---be---controlling~~ The method of annexation
2 authorized in this act shall be construed as supplemental to
3 and independent from other methods of annexation authorized
4 by state law."

-End-

Approved by Comm.
on Local Government

HOUSE BILL NO. 268

INTRODUCED BY FAGG, YARDLEY

A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING THE PLANNED COMMUNITY DEVELOPMENT ACT OF 1973 BY ALLOWING ANNEXATION OF AREAS INCORPORATED WITHIN CERTAIN FIRE DISTRICTS ~~AND CONFORMING--THE--ACT--TO--OTHER--ANNEXATION--LAWS~~ AFTER MAY 2, 1977."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 11-519, R.C.M. 1947, is amended to read as follows:

"11-519. Standards to be met before annexation can occur. (1) A municipal governing body may extend the municipal corporate limits to include any area which meets the general standards of subsection (2) of this section.

(2) The total area to be annexed must meet the following standards:

(a) it must be contiguous to the municipalities boundaries at the time the annexation proceeding is begun;

(b) no part of the area shall be included within the boundary of another incorporated municipality;

(c) it must be included within and the proposed annexation must conform to a comprehensive plan as prescribed in Title 11, chapter 38, R.C.M. 1947; and

~~(d) no part of the area shall be included within the boundary, as existing at the inception of such attempted annexation, of any fire district organized under any of the provisions of chapter 20, Title 11, R.C.M. 1947, provided that such fire district was originally organized at least ten (10) years prior to the inception of such attempted annexation.~~

(D) NO PART OF THE AREA SHALL BE INCLUDED WITHIN THE BOUNDARY, AS EXISTING AT THE INCEPTION OF SUCH ATTEMPTED ANNEXATION, OF ANY FIRE DISTRICT ORGANIZED UNDER ANY OF THE PROVISIONS OF CHAPTER 20, TITLE 11, R.C.M. 1947, PROVIDED THAT SUCH FIRE DISTRICT WAS ORIGINALLY ORGANIZED AT LEAST TEN (10) YEARS PRIOR TO THE INCEPTION OF SUCH ATTEMPTED ANNEXATION. THIS PROVISION SHALL TERMINATE ON MAY 2, 1977 AND SHALL NOT APPLY TO ANY ANNEXATION PROCEEDING BEGUN AFTER THAT DATE.

(3) In fixing new municipal boundaries, a municipal governing body shall, wherever practical, use natural topographic features such as ridge lines and streams and creeks as boundaries, and if a street is used as a boundary, include within the municipality land on both sides of the street and such outside boundary may not extend more than two hundred (200) feet beyond the right of way of the street."

Section 2. Section 11-525, R.C.M. 1947, is amended to

SECOND READING

1 read as follows:

2 "11-525. Severability and construction. It is the
3 intent of the legislative assembly that if a part of this
4 act is invalid, all valid parts that are severable from the
5 invalid part remain in effect. If a part of this act is
6 invalid in one or more of its applications, the part remains
7 in effect in all valid applications that are severable from
8 the invalid applications.

9 ~~Insofar as the provisions of this act are inconsistent~~
10 ~~with the provisions of any other law, the provisions of this~~
11 ~~act shall be controlling.~~ INSOFAR AS THE PROVISIONS OF THIS
12 ACT ARE INCONSISTENT WITH THE PROVISIONS OF ANY OTHER LAW,
13 THE PROVISIONS OF THIS ACT SHALL BE CONTROLLING. The method
14 of annexation authorized in this act shall be construed as
15 supplemental to and independent from other methods of
16 annexation authorized by state law."

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