

HOUSE BILL 245

IN THE HOUSE

January 18, 1979	Introduced and referred to Committee on Local Government.
February 20, 1979	Committee recommend bill, as amended.
February 21, 1979	Printed and placed on members' desks.
February 22, 1979	Second reading, do not pass.

1 House BILL NO. 245
2 INTRODUCED BY Agnew

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW MUNICIPALITIES
5 TO ANNEX CERTAIN URBAN LAND WITHIN A RURAL FIRE DISTRICT;
6 AMENDING SECTION 7-2-4734, MCA."

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

9 Section 1. Section 7-2-4734, MCA, is amended to read:

10 "7-2-4734. Standards to be met before annexation can

11 occur. A municipal governing body may extend the municipal

12 corporate limits to include any area which meets the

13 following standards:

14 (1) It must be contiguous to the municipality;
15 boundaries at the time the annexation proceeding is begun.

16 (2) No part of the area may be included within the
17 boundary of another incorporated municipality.

18 (3) It must be included within and the proposed
19 annexation must conform to a comprehensive plan as
20 prescribed in Title 76, chapter 1.

(4) No Except as provided in subsection 151, no part
of the area may 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 part 21
chapter 33, if the fire district was originally organized at

1 least 10 years prior to the inception of such attempted
2 annexation. However, a single-ownership piece of land may be
3 transferred from a fire district to a municipality by
4 annexation as provided in 7-33-2127.

5 (5) Any land contiguous to the municipal corporate
6 limits having a density of four dwelling units per acre or
7 more may be annexed if the municipality can provide the
8 annexed property with all services required by this chapter.

9 The governing body of the municipality must pass a
10 resolution calling for the annexation of the land and must
11 follow the requirements of 7-2-4311 through 7-2-4314. The
12 land may be annexed, if so resolved, whether or not:

13 (a) a majority of the resident freeholders of the land
14 to be annexed object to

15 **1b1** the land is contained within the boundaries of a
16 rural fire district."

-End-

Approved by Comm.
on Local Government

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HOUSE BILL NO. 245

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INTRODUCED BY AZZARA

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Section 1. Section 7-2-4734, MCA, is amended to read:

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"7-2-4734. Standards to be met before annexation can
11 occur. A municipal governing body may extend the municipal
12 corporate limits to include any area which meets the
13 following standards:

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(1) It must be contiguous to the municipality's
15 boundaries at the time the annexation proceeding is begun.

16

(2) No part of the area may be included within the
17 boundary of another incorporated municipality.

18

(3) It must be included within and the proposed
19 annexation must conform to a comprehensive plan as
20 prescribed in Title 76, chapter 1.

21

(4) No Except as provided in subsection (5) no part
22 of the area may be included within the boundary as existing
23 at the inception of such attempted annexation of any fire
24 district organized under any of the provisions of part 21,
25 chapter 33, if the fire district was originally organized at

1 least 10 years prior to the inception of such attempted
2 annexation. However, a single-ownership piece of land may be
3 transferred from a fire district to a municipality by
4 annexation as provided in 7-33-2127.

5 151. Any land contiguous to the municipal corporate
6 limits having a density of four dwelling units per acre or
7 more may be annexed if the municipality can provide the
8 annexed property with all services required by this chapter.
9 The governing body of the municipality must pass a
10 resolution calling for the annexation of the land and must
11 follow the requirements of 7-2-4311 through 7-2-4314. The
12 land may be annexed if so resolved whether or not
13 at least a majority of the resident freeholders of the land
14 to be annexed object to
15 this the land is contained within the boundaries of a
16 rural fire district.

17 161. If a majority of the resident freeholders owning
18 the land to be annexed protest the annexation by petition
19 within 60 days, the annexation shall not occur and the local
20 governing body may not again initiate annexation of the same
21 land sooner than 1 year subsequent to such a petition.

22 171. Any land annexed pursuant to subsection (5) of
23 this section shall receive municipal fire protection as
24 well as all other city services as of the effective date of
25 the annexation, unless objected to as hereinafter provided.

1 (a) A MAJORITY OF THE RESIDENT FREEHOLDERS WITHIN THE
 2 NEWLY ANNEXED AREA MAY REQUEST TO CONTINUE TO RECEIVE RURAL
 3 FIRE PROTECTION IN LIEU OF MUNICIPAL FIRE PROTECTION BY
 4 SUBMITTING A PETITION TO THAT EFFECT TO THE CITY OR TOWN
 5 COUNCIL WITHIN 60 DAYS OF THE COUNCIL'S ADOPTION OF THE
 6 ANNEXATION RESOLUTION.

7 (b) IF THE PETITION REQUESTING RURAL FIRE PROTECTION
 8 IS SIGNED BY A MAJORITY OF THE RESIDENT FREEHOLDERS WITHIN
 9 THE NEWLY ANNEXED AREA, FIRE PROTECTION WILL CONTINUE TO BE
 10 PROVIDED BY THE RURAL FIRE DEPARTMENT.

11 (c) IF, AT ANY TIME AFTER THE 60-DAY PETITION PERIOD,
 12 THE RESIDENT FREEHOLDERS OF AN AREA ANNEXED PURSUANT TO THIS
 13 SECTION, WHICH HAS RETAINED RURAL FIRE PROTECTION, DESIRE
 14 MUNICIPAL FIRE PROTECTION, THE QUESTION OF WHO WILL PROVIDE
 15 FIRE PROTECTION MAY BE SUBMITTED TO A VOTE AS HEREINAFTER
 16 PROVIDED:

17 (i) FIFTEEN PERCENT OF THE RESIDENT FREEHOLDERS MAY BY
 18 A PETITION SUBMITTED TO THE CITY COUNCIL REQUEST THE CITY TO
 19 SUBMIT THE QUESTION OF WHO WILL PROVIDE FIRE PROTECTION FOR
 20 THE AREA TO THE VOTERS OF THE AREA AT THE NEXT MUNICIPAL
 21 ELECTION.

22 (ii) IF A MAJORITY OF THOSE VOTING ON THE QUESTION
 23 ELECT TO HAVE FIRE SERVICE PROVIDED BY THE MUNICIPALITY,
 24 SUCH DECISION SHALL BE BINDING AND NOT SUBJECT TO FURTHER
 25 PETITIONS OR ELECTIONS.

1 (i) WHENEVER RURAL FIRE PROTECTION IS CONTINUED IN A
 2 NEWLY ANNEXED AREA, THE RURAL VOLUNTEER FIRE PROTECTION
 3 SHALL BE FUNDED THROUGH A COUNTY MILL LEVY. PROPERTY OWNERS
 4 WITHIN THE AREA SERVED SHALL NOT PAY THE EQUIVALENT OF THE
 5 CITY OR TOWN TAX LEVY WHICH WOULD HAVE SUPPORTED THE
 6 MUNICIPAL FIRE SERVICE."

-END-