

SENATE BILL 42

IN THE SENATE

January 3, 1979

Introduced and referred to  
Committee on Taxation.

April 20, 1979

Died in Committee.

1                    SENATE BILL NO. 42  
 2 INTRODUCTION BY DOVER  
 3 BY REQUEST OF THE INTERIM SUBCOMMITTEE ON SUBDIVISION LAWS  
 4  
 5 A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTIONS  
 6 7-12-2102 AND 7-12-4102, MCA, TO ALLOW FOR THE CREATION OF  
 7 RURAL AND SPECIAL IMPROVEMENT DISTRICTS FOR THE DEVELOPMENT  
 8 AND MAINTENANCE OF PUBLIC PARKS AND COMMON AREAS."  
 9  
 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
 11        Section 1. Section 7-12-2102, MCA, is amended to read:  
 12        "7-12-2102. Authorization to create rural improvement  
 13 districts upon petition. Whenever the public interest or  
 14 convenience may require and upon the petition of 60% of the  
 15 freeholders affected thereby, the board of county  
 16 commissioners is hereby authorized and empowered to order  
 17 and create special improvement districts in thickly  
 18 populated localities outside of the limits of incorporated  
 19 towns and cities for the purpose of building, constructing,  
 20 or acquiring by purchase or maintaining:  
 21        (1) devices intended to protect the safety of the  
 22 public from open ditches carrying irrigation or other water;  
 23 ~~and maintaining~~  
 24        (2) sanitary and storm sewers;  
 25        (3) light systems;

1        (4) waterworks plants;  
 2        (5) water systems;  
 3        (6) ~~public parks or common areas;~~  
 4        (7) sidewalks; and  
 5        (8) such other special improvements as may be  
 6 petitioned for."  
 7        Section 2. Section 7-12-4102, MCA, is amended to read:  
 8        "7-12-4102. Authorization for creation of special  
 9 improvement districts. (1) The city or town council has  
 10 power to create special improvement districts, designating  
 11 the same by number; to extend the time for payment of  
 12 assessments levied upon such districts for the improvements  
 13 thereon for a period not exceeding 20 years; to make such  
 14 assessments payable in installments; and to pay all expenses  
 15 of whatever character incurred in making such improvements  
 16 with special improvement warrants.  
 17        (2) Whenever the public interest or convenience may  
 18 require, the city council is hereby authorized and empowered  
 19 to:  
 20        (a) create special improvement districts for building,  
 21 constructing, and maintaining devices intended to protect  
 22 the safety of the public from open ditches carrying  
 23 irrigation or other water;  
 24        (b) create special improvement districts for building  
 25 ~~and constructing, and maintaining municipal swimming pools;~~

1 ~~public parks, common areas,~~ and other recreation facilities;

2 (c) create special improvement districts and order the  
3 whole or any portion or portions, either in length or width,  
4 of any one or more of the streets, avenues, alleys, or  
5 places or public ways of any such city:

6 (i) graded or regraded to the official grade;

7 (ii) planked or replanked;

8 (iii) paved or repaved;

9 (iv) macadamized or remacadamized;

10 (v) graveled or regraveled;

11 (vi) piled or repiled;

12 (vii) capped or recapped;

13 (viii) surfaced or resurfaced;

14 (ix) oiled or reoiled;

15 (d) create special improvement districts and order the  
16 construction or reconstruction therein of:

17 (i) sidewalks, crosswalks, culverts, bridges, gutters,  
18 curbs, steps, parkings (including the planting of grassplots  
19 and setting out of trees);

20 (ii) sewers, ditches, drains, conduits, and channels  
21 for sanitary and/or drainage purposes, with outlets,  
22 cesspools, manholes, catchbasins, flush tanks, septic tanks,  
23 connecting sewers, ditches, drains, conduits, channels, and  
24 other appurtenances;

25 (iii) waterworks, water mains, and extensions of water

1 mains;

2 (iv) pipes, hydrants, hose connections for irrigating  
3 purposes;

4 (v) appliances for fire protection;

5 (vi) tunnels, viaducts, conduits, subways, breakwaters,  
6 levees, retaining walls, bulkheads, and walls of rock or  
7 other material to protect the same from overflow or injury  
8 by water;

9 (vii) the opening of streets, avenues, and alleys and  
10 the planting of trees thereon;

11 (e) create special improvement districts and order the  
12 construction or reconstruction in, over, or through property  
13 or rights-of-way owned by such city of:

14 (i) tunnels, sewers, ditches, drains, conduits, and  
15 channels for sanitary and/or drainage purposes, with  
16 necessary outlets, cesspools, manholes, catchbasins, flush  
17 tanks, septic tanks, connection sewers, ditches, drains,  
18 conduits, channels, and other appurtenances;

19 (ii) pipes, hose connections for irrigating; hydrants  
20 and appliances for fire protection;

21 (iii) breakwaters, levees, retaining walls, and  
22 bulkheads; and

23 (iv) walls of rock or other material to protect the  
24 streets, avenues, lanes, alleys, courts, places, public  
25 ways, and other property in any such city from overflow by

1 water;

2 (f) create special improvement districts and order any  
3 work to be done which shall be deemed necessary to improve  
4 the whole or any portion of such streets, avenues,  
5 sidewalks, alleys, places, or public ways, property, or  
6 right-of-way of such city; and

7 (g) maintain, preserve, and care for any and all of  
8 the improvements herein mentioned."

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