

HOUSE BILL NO. 293
INTRODUCED BY DOZIER

IN THE HOUSE

January 18, 1983	Introduced and referred to Committee on Local Government.
January 27, 1983	Committee recommend bill do pass as amended. Report adopted.
January 28, 1983	Bill printed and placed on members' desks.
January 29, 1983	Second reading, do pass.
January 31, 1983	Considered correctly engrossed.
February 1, 1983	Third reading, passed. Transmitted to Senate.

IN THE SENATE

February 2, 1983	Introduced and referred to Committee on Local Government.
March 7, 1983	Committee recommend bill be concurred in as amended. Report adopted.
March 9, 1983	Second reading, concurred in.
March 11, 1983	Third reading, concurred in. Ayes, 48; Noes, 0.

IN THE HOUSE

March 11, 1983	Returned to House with amendments.
March 30, 1983	Second reading, amendments concurred in.

March 31, 1983

Third reading, amendments
concurred in.

Sent to enrolling.

Reported correctly enrolled.

1 *House* BILL NO. *293*
2 INTRODUCED BY *Dog*

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE
5 ALLOWABLE RATE OF RETURN ON WARRANTS DRAWN ON THE SPECIAL
6 ALLEY APPROACH FUND; AND INCREASING THE ALLOWABLE DURATION
7 OF ASSESSMENTS FOR SIDEWALKS, CURBS, GUTTERS, AND ALLEY
8 APPROACHES; AMENDING SECTIONS 7-14-4109 AND 7-14-4110, MCA."

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

11 Section 1. Section 7-14-4109, MCA, is amended to read:

12 "7-14-4109. Power to order certain improvements
13 without creation of special improvement district. (1)
14 Without the formation of a special improvement district, the
15 city council may order sidewalks, curbs, or gutters
16 constructed in front of any lot or parcel of land and may
17 order alley approaches constructed or replaced adjacent to
18 any lot or parcel of land.

19 (2) Whenever the council orders any such sidewalk,
20 curb, or gutter constructed or any such alley approach
21 constructed or replaced, the order shall be entered upon the
22 minutes of the council and shall name the street along which
23 the sidewalk, curb, or gutter is to be constructed or along
24 which the alley approach is to be constructed or replaced.

25 (3) After the making of such order, written notice

1 thereof shall be given the owner or agent of the owner of
2 such property or the owners or agents of all adjacent owners
3 having access to their properties by the alley approach, as
4 appropriate, in such manner as the council may direct.

5 (4) If the owner or agent of the owner of such lot or
6 parcel of land or if the owners or agents of all adjacent
7 owners having access to their property by the alley approach
8 fail or neglect for a period of 30 days after the date of
9 service of the notice to cause such sidewalk, curb, or
10 gutter to be constructed or to cause such alley approaches
11 to be constructed or replaced, the city may construct or
12 cause the sidewalk, curb, or gutter to be constructed or may
13 construct or cause the alley approach to be constructed and
14 shall assess the cost thereof, including engineering costs
15 and the costs enumerated in 7-12-4121 and 7-12-4169, against
16 the property in front of which the same is constructed or
17 against the lots or parcels of land having access via the
18 constructed alley approaches. The collection of the assessed
19 costs shall be as provided in 7-12-4181 through 7-12-4191.

20 (5) (a) When any sidewalk, curb, or gutter or alley
21 approach is constructed by or under direction of the city
22 council, payment for the construction shall be made by
23 special warrants in such form as may be prescribed by
24 ordinance and drawn against a fund to be known as the
25 special sidewalk, curb, and gutter fund or the special alley

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1 approach fund, as appropriate, and the council may provide
2 for the payment of interest annually.

3 (b) The warrants drawn on the special alley approach
4 fund shall bear interest at a rate of up to 6% ~~12%~~ a year."

5 Section 2. Section 7-14-4110, MCA, is amended to read:

6 "7-14-4110. Assessments for costs. (1) The payment of
7 assessments to defray the cost of construction of the
8 sidewalks, curbs, and gutters referred to in 7-14-4109 or
9 any combination thereof or alley approach may be spread over
10 a term of not to exceed 8 ~~12~~ years, payment to be made in
11 equal annual installments.

12 (2) The city council shall, annually before the first
13 Monday of October, pass and adopt a resolution levying an
14 assessment and tax against each lot or parcel of land in
15 front of which sidewalks, curbs, and gutters or any
16 combination thereof have been constructed under orders of
17 the city council or each lot or parcel of land having access
18 to said property via the alley approach which has been
19 constructed under orders of the city council. Said
20 resolution levying such assessment shall be in every manner
21 prepared and certified the same as resolutions levying
22 assessments for the making of improvements in special
23 improvement districts."

-End-

Approved by Comm.
on Local Government

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Section 1. Section 7-14-4109, MCA, is amended to read:

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(2) Whenever the council orders any such sidewalk, curb, or gutter constructed or any such alley approach constructed or replaced, the order shall be entered upon the minutes of the council and shall name the street along which the sidewalk, curb, or gutter is to be constructed or along which the alley approach is to be constructed or replaced.

(3) After the making of such order, written notice

thereof shall be given the owner or agent of the owner of such property or the owners or agents of all adjacent owners having access to their properties by the alley approach, as appropriate, in such manner as the council may direct.

(4) If the owner or agent of the owner of such lot or parcel of land or if the owners or agents of all adjacent owners having access to their property by the alley approach fail or neglect for a period of 30 days after the date of service of the notice to cause such sidewalk, curb, or gutter to be constructed or to cause such alley approaches to be constructed or replaced, the city may construct or cause the sidewalk, curb, or gutter to be constructed or may construct or cause the alley approach to be constructed and shall assess the cost thereof, including engineering costs and the costs enumerated in 7-12-4121 and 7-12-4169, against the property in front of which the same is constructed or against the lots or parcels of land having access via the constructed alley approaches. The collection of the assessed costs shall be as provided in 7-12-4181 through 7-12-4191.

(5) (a) When any sidewalk, curb, or gutter or alley approach is constructed by or under direction of the city council, payment for the construction shall be made by special warrants in such form as may be prescribed by ordinance and drawn against a fund to be known as the special sidewalk, curb, and gutter fund or the special alley

1 approach fund, as appropriate, and the council may provide
2 for the payment of interest annually.

3 (b) The warrants drawn on the special alley approach
4 fund shall bear interest at a rate of up to 6% ~~12%~~ a year
5 PURSUANT TO 17-5-102."

6 Section 2. Section 7-14-4110, MCA, is amended to read:

7 "7-14-4110. Assessments for costs. (1) The payment of
8 assessments to defray the cost of construction of the
9 sidewalks, curbs, and gutters referred to in 7-14-4109 or
10 any combination thereof or alley approach may be spread over
11 a term of not to exceed 8 ~~12~~ years, payment to be made in
12 equal annual installments.

13 (2) The city council shall, annually before the first
14 Monday of October, pass and adopt a resolution levying an
15 assessment and tax against each lot or parcel of land in
16 front of which sidewalks, curbs, and gutters or any
17 combination thereof have been constructed under orders of
18 the city council or each lot or parcel of land having access
19 to said property via the alley approach which has been
20 constructed under orders of the city council. Said
21 resolution levying such assessment shall be in every manner
22 prepared and certified the same as resolutions levying
23 assessments for the making of improvements in special
24 improvement districts."

-End-

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(2) Whenever the council orders any such sidewalk, curb, or gutter constructed or any such alley approach constructed or replaced, the order shall be entered upon the minutes of the council and shall name the street along which the sidewalk, curb, or gutter is to be constructed or along which the alley approach is to be constructed or replaced.

(3) After the making of such order, written notice

thereof shall be given the owner or agent of the owner of such property or the owners or agents of all adjacent owners having access to their properties by the alley approach, as appropriate, in such manner as the council may direct.

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(5) (a) When any sidewalk, curb, or gutter or alley approach is constructed by or under direction of the city council, payment for the construction shall be made by special warrants in such form as may be prescribed by ordinance and drawn against a fund to be known as the special sidewalk, curb, and gutter fund or the special alley

1 approach fund, as appropriate, and the council may provide
2 for the payment of interest annually.

3 (b) The warrants drawn on the special alley approach
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6 Section 2. Section 7-14-4110, MCA, is amended to read:

7 "7-14-4110. Assessments for costs. (1) The payment of
8 assessments to defray the cost of construction of the
9 sidewalks, curbs, and gutters referred to in 7-14-4109 or
10 any combination thereof or alley approach may be spread over
11 a term of not to exceed ~~0~~ 12 years, payment to be made in
12 equal annual installments.

13 (2) The city council shall, annually before the first
14 Monday of October, pass and adopt a resolution levying an
15 assessment and tax against each lot or parcel of land in
16 front of which sidewalks, curbs, and gutters or any
17 combination thereof have been constructed under orders of
18 the city council or each lot or parcel of land having access
19 to said property via the alley approach which has been
20 constructed under orders of the city council. Said
21 resolution levying such assessment shall be in every manner
22 prepared and certified the same as resolutions levying
23 assessments for the making of improvements in special
24 improvement districts."

-End-

March 7, 1983

SENATE STANDING COMMITTEE REPORT
(Local Government)

That House Bill No. 293 be amended as follows:

1. Title, line 8.
Following: "MCA"
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"
2. Page 3.
Following: line 24
Insert: "NEW SECTION. Section 3. Effective date. This
act is effective July 1, 1983."

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22 resolution levying such assessment shall be in every manner
23 prepared and certified the same as resolutions levying
24 assessments for the making of improvements in special
25 improvement districts."

1 SECTION 3. EFFECTIVE DATE. THIS ACT IS EFFECTIVE JULY
2 1, 1983.

-End-