

HOUSE BILL 205

Introduced by Stang, et al.

1/16	Introduced
1/17	Referred to Local Government
1/24	Hearing
1/25	Committee Report--Bill Passed as Amended
1/28	2nd Reading Passed
1/30	Taken from Engrossing
1/30	Rereferred to Local Government
2/10	Committee Report--Bill Passed as Amended
2/13	2nd Reading Passed
2/15	3rd Reading Passed

Transmitted to Senate

2/16	Referred to Local Government
3/02	Hearing
	Died in Committee

1 HOUSE BILL NO. 205  
 2 INTRODUCED BY [Signature]  
 3  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW THE CREATION  
 5 OF STREET MAINTENANCE DISTRICTS BY A COUNTY; AMENDING  
 6 SECTIONS 7-12-4401, 7-12-4402, 7-12-4404 THROUGH 7-12-4406,  
 7 7-12-4422, AND 7-12-4425 THROUGH 7-12-4429, MCA; AND  
 8 PROVIDING AN EFFECTIVE DATE."

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

11 **Section 1.** Section 7-12-4401, MCA, is amended to read:

12 "7-12-4401. Street maintenance district authorized --  
 13 definition definitions. (1) Whenever the--council a  
 14 governing body of any city--or--town desires to create a  
 15 district for the maintenance of all or any part of the  
 16 streets, or avenues, or roads of its city, or town, or  
 17 county as provided in this part, it shall provide by  
 18 ordinance a method of doing said work and of paying for the  
 19 same under the restrictions and regulations provided in this  
 20 part.

21 (2) As used in this part, the following definitions  
 22 apply:

23 (a) "Governing body" means the legislative body of a  
 24 local government.

25 (b) "Local government" means a city, town, or county.

1 (2)(c) "Maintenance" as-used-in-this-part includes but  
 2 is not limited to sprinkling, graveling, oiling, chip  
 3 sealing, seal coating, overlaying, treating, general  
 4 cleaning, sweeping, flushing, snow removal, dust control,  
 5 and leaf and debris removal.

6 (d) "Ordinance" includes resolutions of the board of  
 7 county commissioners of a county that is not a  
 8 self-governing local government."

9 **Section 2.** Section 7-12-4402, MCA, is amended to read:

10 "7-12-4402. Creation of maintenance districts. A  
 11 resolution shall be adopted dividing the whole or any part  
 12 of the city, or town, or county into maintenance districts,  
 13 to be known and designated by number. Said resolution shall  
 14 plainly define the boundaries of the district or districts  
 15 and describe the streets, alleys, and public places or any  
 16 part thereof constituting the district or districts."

17 **Section 3.** Section 7-12-4404, MCA, is amended to read:

18 "7-12-4404. Manner of providing maintenance. The  
 19 maintenance in districts so established may be done by  
 20 contract or by forces employed by the city-or-town-or-by  
 21 both local government, in such manner as the council  
 22 governing body may elect."

23 **Section 4.** Section 7-12-4405, MCA, is amended to read:

24 "7-12-4405. Improvements within maintenance districts  
 25 -- ordinance required. (1) Cities---and---towns Local

governments are hereby authorized and empowered to prepare and improve roads, streets, avenues, and alleys within the maintenance districts so that the maintenance will be of a durable and continuing benefit. The ~~city--or--town--council~~ governing body shall provide by ordinance a method or methods of doing said work and improvements.

(2) ~~Cities-and-towns~~ Local governments are authorized to maintain the work and improvements made under subsection (1).

(3) At least 12 days must elapse between the day on which said proposed ordinance is introduced and the day on which final action thereon is taken."

**Section 5.** Section 7-12-4406, MCA, is amended to read:

"7-12-4406. Notice of ordinance for improvements. The ~~city--or--town~~ local government clerk must give notice of the introduction of such proposed ordinance and of the time it will be up for final adoption:

(1) by publication three times in a daily newspaper or in a weekly newspaper for two successive issues in such city, or town, or county; or

(2) if there be no such newspaper, then by posting for at least 10 days in three public places in ~~each-of-the-wards~~ of-said the city, or town, or county."

**Section 6.** Section 7-12-4422, MCA, is amended to read:

"7-12-4422. Assessment of costs -- area, frontage,

lot, and taxable valuation options. (1) For the purposes of this section, "assessable area" means the portion of a lot or parcel of land that is benefited by the maintenance district. The assessable area may be less than but may not exceed the actual area of the lot or parcel.

(2) The ~~city--council~~ governing body shall assess the percentage of the cost of maintenance established in 7-12-4425 against the entire district as follows:

(a) each lot or parcel of land within such district may be assessed for that part of the cost which its assessable area bears to the assessable area of the entire district, exclusive of roads, streets, avenues, alleys, and public places;

(b) each lot or parcel of land within such district abutting upon a street or road upon which maintenance is done may be assessed for that part of the cost which its street frontage bears to the street frontage of the entire district;

(c) if the ~~city-council~~ governing body determines that the benefits derived from the maintenance by each lot or parcel are substantially equivalent, the cost may be assessed equally to each lot or parcel located within the district without regard to the assessable area of the lot or parcel;

(d) each lot or parcel of land, including the

improvements thereon, may be assessed for that part of the cost of the district which its taxable valuation bears to the total taxable valuation of the property of the district; or

(e) any combination of the assessment options provided in subsections (2)(a) through (2)(d) may be used for the district as a whole or for any lot or parcel within the district."

**Section 7.** Section 7-12-4425, MCA, is amended to read:

"7-12-4425. Resolution for assessment of costs of maintenance. (1) The ~~city--council~~ governing body shall estimate, as near as practicable, the cost of maintenance in each established district annually, not later than the second Monday in August. The ~~council~~ governing body shall pass and finally adopt a resolution specifying the district assessment option and levying and assessing all the property within the several districts with an amount equal to not less than 75% of the entire cost of said work.

(2) The resolution levying the assessment to defray the cost of maintenance shall contain or refer to a list in which shall be described the lot or parcel of land assessed, with the name of the owner thereof if known, and the amount levied thereon set opposite.

(3) Such resolution shall be kept on file in the office of the city local government clerk."

**Section 8.** Section 7-12-4426, MCA, is amended to read:

"7-12-4426. Notice of resolution for assessment. (1) A notice, signed by the city local government clerk, stating that the resolution levying a special assessment to defray the cost of maintenance in the district or districts is on file in his office and subject to inspection for a period of 5 days, shall be published at least once in a newspaper published in the city, or town, or county; or

(2) if there is no such newspaper, then by posting for at least 1 day in three public places in the city, town, or county.

~~(2)(3)~~ The notice shall state the time and place at which objections to the final adoption of the resolution will be heard by the council governing body. The time for the hearing shall be not less than 5 days after the publication of the notice."

**Section 9.** Section 7-12-4427, MCA, is amended to read:

"7-12-4427. Hearing on resolution for assessment of costs. (1) At the time so set, the council governing body shall meet and hear all objections which may be made to such assessment or any part thereof and may adjourn from time to time for that purpose and may by resolution modify such assessment in whole or in part.

(2) A copy of the resolution, certified by the city local government clerk, must be delivered to the financial

1 officer, and the assessments shall be placed upon the tax  
2 roll and collected in the same manner as other taxes."

3 **Section 10.** Section 7-12-4428, MCA, is amended to  
4 read:

5 "7-12-4428. Assessment of costs of improvements and  
6 maintenance of improvements. ~~Cities--and--towns~~ Local  
7 governments are authorized to assess the cost of the work,  
8 improvements, and maintenance authorized by 7-12-4405  
9 against the property in maintenance districts in the manner  
10 and as provided in 7-12-4421 and 7-12-4422 to meet the  
11 payments required to be made each year."

12 **Section 11.** Section 7-12-4429, MCA, is amended to  
13 read:

14 "7-12-4429. Financial assistance from the United  
15 States. ~~Cities-and-towns~~ Local governments are authorized  
16 to:

17 (1) enter into suitable agreements with the United  
18 States of America for loans of money and for receiving  
19 financial assistance to do the work and improvements  
20 contemplated by 7-12-4405; and

21 (2) provide for the repayment thereof by yearly  
22 payments from funds derived from districts created under  
23 7-12-4402, apportioned over a period of time not exceeding  
24 20 years."

25 **Section 12.** Effective date. [This act] is effective

1 July 1, 1989.

-End-

APPROVED BY COMM.  
ON LOCAL GOVERNMENT

HOUSE BILL NO. 205

INTRODUCED BY STANG, HALLIGAN, GOULD

A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW THE CREATION OF STREET MAINTENANCE DISTRICTS BY A COUNTY; AMENDING SECTIONS 7-12-4401, 7-12-4402, 7-12-4404 THROUGH 7-12-4406, 7-12-4422, AND 7-12-4425 THROUGH 7-12-4429, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

**Section 1.** Section 7-12-4401, MCA, is amended to read:

"7-12-4401. Street maintenance district authorized -- definition definitions. (1) Whenever the--council a governing body of any city or town desires to create a district for the maintenance of all or any part of the streets, or avenues, or roads of its city, or town, or county as provided in this part, it shall provide by ordinance a method of doing said work and of paying for the same under the restrictions and regulations provided in this part.

(2) As used in this part, the following definitions apply:

(a) "Governing body" means the legislative body of a local government.

(b) "Local government" means a city, town, or county.

(c) "Maintenance" as-used-in-this-part includes but is not limited to sprinkling, graveling, oiling, chip sealing, seal coating, overlaying, treating, general cleaning, sweeping, flushing, snow removal, dust control, and leaf and debris removal.

(d) "Ordinance" includes resolutions of the board of county commissioners of a county that is not a self-governing local government."

**Section 2.** Section 7-12-4402, MCA, is amended to read:

"7-12-4402. Creation of maintenance districts. A resolution shall be adopted dividing the whole or any part of the city, or town, or county, EXCEPT THAT PART OF THE COUNTY WITHIN THE LIMITS OF AN INCORPORATED CITY OR TOWN, into maintenance districts, to be known and designated by number. Said resolution shall plainly define the boundaries of the district or districts and describe the streets, alleys, and public places or any part thereof constituting the district or districts."

**Section 3.** Section 7-12-4404, MCA, is amended to read:

"7-12-4404. Manner of providing maintenance. The maintenance in districts so established may be done by contract or by forces employed by the city-or-town-or-by both local government, in such manner as the council governing body may elect."

**Section 4.** Section 7-12-4405, MCA, is amended to read:

1       "7-12-4405. Improvements within maintenance districts  
2 -- ordinance required. (1) ~~Cities---and---towns~~ Local  
3 governments are hereby authorized and empowered to prepare  
4 and improve roads, streets, avenues, and alleys within the  
5 maintenance districts so that the maintenance will be of a  
6 durable and continuing benefit. The ~~city--or--town--council~~  
7 governing body shall provide by ordinance a method or  
8 methods of doing said work and improvements.

9       (2) ~~Cities-and-towns~~ Local governments are authorized  
10 to maintain the work and improvements made under subsection  
11 (1).

12       (3) At least 12 days must elapse between the day on  
13 which said proposed ordinance is introduced and the day on  
14 which final action thereon is taken."

15       **Section 5.** Section 7-12-4406, MCA, is amended to read:

16       "7-12-4406. Notice of ordinance for improvements. The  
17 ~~city--or-town~~ local government clerk must give notice of the  
18 introduction of such proposed ordinance and of the time it  
19 will be up for final adoption:

20       (1) by publication three times in a daily newspaper or  
21 in a weekly newspaper for two successive issues in such  
22 city, or town, or county; or

23       (2) if there be no such newspaper, then by posting for  
24 at least 10 days in three public places in ~~each-of-the-wards~~  
25 ~~of-said~~ the city, or town, or county."

1       **Section 6.** Section 7-12-4422, MCA, is amended to read:  
2       "7-12-4422. Assessment of costs -- area, frontage,  
3 lot, and taxable valuation options. (1) For the purposes of  
4 this section, "assessable area" means the portion of a lot  
5 or parcel of land that is benefited by the maintenance  
6 district. The assessable area may be less than but may not  
7 exceed the actual area of the lot or parcel.

8       (2) The ~~city--council~~ governing body shall assess the  
9 percentage of the cost of maintenance established in  
10 7-12-4425 against the entire district as follows:

11       (a) each lot or parcel of land within such district  
12 may be assessed for that part of the cost which its  
13 assessable area bears to the assessable area of the entire  
14 district, exclusive of roads, streets, avenues, alleys, and  
15 public places;

16       (b) each lot or parcel of land within such district  
17 abutting upon a street or road upon which maintenance is  
18 done may be assessed for that part of the cost which its  
19 street frontage bears to the street frontage of the entire  
20 district;

21       (c) if the ~~city-council~~ governing body determines that  
22 the benefits derived from the maintenance by each lot or  
23 parcel are substantially equivalent, the cost may be  
24 assessed equally to each lot or parcel located within the  
25 district without regard to the assessable area of the lot or

1 parcel;

2 (d) each lot or parcel of land, including the  
3 improvements thereon, may be assessed for that part of the  
4 cost of the district which its taxable valuation bears to  
5 the total taxable valuation of the property of the district;  
6 or

7 (e) any combination of the assessment options provided  
8 in subsections (2)(a) through (2)(d) may be used for the  
9 district as a whole or for any lot or parcel within the  
10 district."

11 **Section 7.** Section 7-12-4425, MCA, is amended to read:

12 "7-12-4425. Resolution for assessment of costs of  
13 maintenance. (1) The ~~city--council~~ governing body shall  
14 estimate, as near as practicable, the cost of maintenance in  
15 each established district annually, not later than the  
16 second Monday in August. The ~~council~~ governing body shall  
17 pass and finally adopt a resolution specifying the district  
18 assessment option and levying and assessing all the property  
19 within the several districts with an amount equal to not  
20 less than 75% of the entire cost of said work.

21 (2) The resolution levying the assessment to defray  
22 the cost of maintenance shall contain or refer to a list in  
23 which shall be described the lot or parcel of land assessed,  
24 with the name of the owner thereof if known, and the amount  
25 levied thereon set opposite.

1 (3) Such resolution shall be kept on file in the  
2 office of the city local government clerk."

3 **Section 8.** Section 7-12-4426, MCA, is amended to read:

4 "7-12-4426. Notice of resolution for assessment. (1) A  
5 notice, signed by the city local government clerk, stating  
6 that the resolution levying a special assessment to defray  
7 the cost of maintenance in the district or districts is on  
8 file in his office and subject to inspection for a period of  
9 5 days, shall be published at least once in a newspaper  
10 published in the city, or town, or county; or

11 (2) if there is no such newspaper, then by posting for  
12 at least 1 day in three public places in the city, town, or  
13 county.

14 ~~(2)~~(3) The notice shall state the time and place at  
15 which objections to the final adoption of the resolution  
16 will be heard by the ~~council~~ governing body. The time for  
17 the hearing shall be not less than 5 days after the  
18 publication of the notice."

19 **Section 9.** Section 7-12-4427, MCA, is amended to read:

20 "7-12-4427. Hearing on resolution for assessment of  
21 costs. (1) At the time so set, the ~~council~~ governing body  
22 shall meet and hear all objections which may be made to such  
23 assessment or any part thereof and may adjourn from time to  
24 time for that purpose and may by resolution modify such  
25 assessment in whole or in part.



(2) A copy of the resolution, certified by the city local government clerk, must be delivered to the financial officer, and the assessments shall be placed upon the tax roll and collected in the same manner as other taxes."

**Section 10.** Section 7-12-4428, MCA, is amended to read:

"7-12-4428. Assessment of costs of improvements and maintenance of improvements. ~~Cities--and--towns~~ Local governments are authorized to assess the cost of the work, improvements, and maintenance authorized by 7-12-4405 against the property in maintenance districts in the manner and as provided in 7-12-4421 and 7-12-4422 to meet the payments required to be made each year."

**Section 11.** Section 7-12-4429, MCA, is amended to read:

"7-12-4429. Financial assistance from the United States. ~~Cities-and-towns~~ Local governments are authorized to:

(1) enter into suitable agreements with the United States of America for loans of money and for receiving financial assistance to do the work and improvements contemplated by 7-12-4405; and

(2) provide for the repayment thereof by yearly payments from funds derived from districts created under 7-12-4402, apportioned over a period of time not exceeding

20 years."

**NEW SECTION. Section 12.** Effective date. [This act] is effective July 1, 1989.

-End-

HB 0205/03  
RE-REFERRED AND  
APPROVED BY COMM.  
ON LOCAL GOVERNMENT  
AS AMENDED

HOUSE BILL NO. 205

INTRODUCED BY STANG, HALLIGAN, GOULD

A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW THE CREATION OF STREET MAINTENANCE DISTRICTS BY A COUNTY; AMENDING SECTIONS 7-12-4401, 7-12-4402, 7-12-4404 THROUGH 7-12-4406, 7-12-4422, AND 7-12-4425 THROUGH 7-12-4429, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

**Section 1.** Section 7-12-4401, MCA, is amended to read:

"7-12-4401. Street maintenance district authorized -- definition definitions. (1) Whenever the--council a governing body of any city--or--town desires to create a district for the maintenance of all or any part of the streets, or avenues, or roads of its city, or town, or county as provided in this part, it shall provide by ordinance a method of doing said work and of paying for the same under the restrictions and regulations provided in this part.

(2) As used in this part, the following definitions apply:

(a) "Governing body" means the legislative body of a local government.

(b) "Local government" means a city, town, or county.

(2)(c) "Maintenance" as-used-in-this-part includes but is not limited to sprinkling, graveling, oiling, chip sealing, seal coating, overlaying, treating, general cleaning, sweeping, flushing, snow removal, dust control, and leaf and debris removal.

(d) "Ordinance" includes resolutions of the board of county commissioners of a county that is not a self-governing local government."

**Section 2.** Section 7-12-4402, MCA, is amended to read:

"7-12-4402. Creation of maintenance districts. A resolution shall be adopted dividing the whole or any part of the city, or town, or county, EXCEPT THAT PART OF THE COUNTY WITHIN THE LIMITS OF AN INCORPORATED CITY OR TOWN, into maintenance districts, to be known and designated by number. Said resolution shall plainly define the boundaries of the district or districts and describe the streets, alleys, and public places or any part thereof constituting the district or districts."

**Section 3.** Section 7-12-4404, MCA, is amended to read:

"7-12-4404. Manner of providing maintenance. The maintenance in districts so established may be done by contract or by forces employed by the city-or-town-or-by both local government, in such manner as the council governing body may elect."

**Section 4.** Section 7-12-4405, MCA, is amended to read:

1       "7-12-4405. Improvements within maintenance districts  
2   -- ordinance required. (1) ~~Cities---and---towns~~ Local  
3 governments are hereby authorized and empowered to prepare  
4 and improve roads, streets, avenues, and alleys within the  
5 maintenance districts so that the maintenance will be of a  
6 durable and continuing benefit. The ~~city--or--town--council~~  
7 governing body shall provide by ordinance a method or  
8 methods of doing said work and improvements.

9       (2) ~~Cities-and-towns~~ Local governments are authorized  
10 to maintain the work and improvements made under subsection  
11 (1).

12       (3) At least 12 days must elapse between the day on  
13 which said proposed ordinance is introduced and the day on  
14 which final action thereon is taken."

15       **Section 5.** Section 7-12-4406, MCA, is amended to read:

16       "7-12-4406. Notice of ordinance for improvements. The  
17 ~~city--or--town~~ local government clerk must give notice of the  
18 introduction of such proposed ordinance and of the time it  
19 will be up for final adoption:

20       (1) by publication three times in a daily newspaper or  
21 in a weekly newspaper for two successive issues in such  
22 city, or town, or county; or

23       (2) if there be no such newspaper, then by posting for  
24 at least 10 days in three public places in ~~each-of-the-wards~~  
25 ~~of-said~~ the city, or town, or county."

1       **Section 6.** Section 7-12-4422, MCA, is amended to read:

2       "7-12-4422. Assessment of costs -- ~~area,--frontage,~~  
3 ~~lot,--and-taxable-valuation options.~~ (1) (A) For the purposes  
4 of this-section SUBSECTION (1), "assessable area" means the  
5 portion of a lot or parcel of land that is benefited by the  
6 maintenance district. The assessable area may be less than  
7 but may not exceed the actual area of the lot or parcel..

8       ~~(2)(B)~~ The city-council governing-body IF THE DISTRICT  
9 IS ESTABLISHED BY A CITY OR TOWN, THE CITY COUNCIL shall  
10 assess the percentage of the cost of maintenance established  
11 in 7-12-4425 against the entire district as follows:

12       ~~(a)(1)~~ each lot or parcel of land within such district  
13 may be assessed for that part of the cost which its  
14 assessable area bears to the assessable area of the entire  
15 district, exclusive of roads, streets, avenues, alleys, and  
16 public places;

17       ~~(b)(II)~~ each lot or parcel of land within such district  
18 abutting upon a street or road upon which maintenance is  
19 done may be assessed for that part of the cost which its  
20 street frontage bears to the street frontage of the entire  
21 district;

22       ~~(c)(III)~~ if the ~~city--council~~ governing--body CITY  
23 COUNCIL determines that the benefits derived from the  
24 maintenance by each lot or parcel are substantially  
25 equivalent, the cost may be assessed equally to each lot or

parcel located within the district without regard to the assessable area of the lot or parcel;

~~(d)~~(IV) each lot or parcel of land, including the improvements thereon, may be assessed for that part of the cost of the district which its taxable valuation bears to the total taxable valuation of the property of the district; or

~~(e)~~(V) any combination of the assessment options provided in subsections ~~(2)(a)~~ (1)(B)(I) through ~~(2)(d)~~ (1)(B)(V) may be used for the district as a whole or for any lot or parcel within the district.

(2) IF THE DISTRICT IS ESTABLISHED BY A COUNTY, EACH LOT OR PARCEL OF LAND WITHIN THE DISTRICT MUST BE ASSESSED BY THE COUNTY COMMISSIONERS FOR THAT PART OF THE COST WHICH ITS ASSESSED VALUE BEARS TO THE ASSESSED VALUE OF THE ENTIRE DISTRICT."

**Section 7.** Section 7-12-4425, MCA, is amended to read:

"7-12-4425. Resolution for assessment of costs of maintenance. (1) The city--council governing body shall estimate, as near as practicable, the cost of maintenance in each established district annually, not later than the second Monday in August. The council governing body shall pass and finally adopt a resolution specifying the district assessment option and levying and assessing all the property within the several districts with an amount equal to not

less than 75% of the entire cost of said work.

(2) The resolution levying the assessment to defray the cost of maintenance shall contain or refer to a list in which shall be described the lot or parcel of land assessed, with the name of the owner thereof if known, and the amount levied thereon set opposite.

(3) Such resolution shall be kept on file in the office of the city local government clerk."

**Section 8.** Section 7-12-4426, MCA, is amended to read:

"7-12-4426. Notice of resolution for assessment. (1) A notice, signed by the city local government clerk, stating that the resolution levying a special assessment to defray the cost of maintenance in the district or districts is on file in his office and subject to inspection for a period of 5 days, shall be published at least once in a newspaper published in the city, or town, or county; or

(2) if there is no such newspaper, then by posting for at least 1 day in three public places in the city, town, or county.

~~(2)(3)~~ The notice shall state the time and place at which objections to the final adoption of the resolution will be heard by the council governing body. The time for the hearing shall be not less than 5 days after the publication of the notice."

**Section 9.** Section 7-12-4427, MCA, is amended to read:

1       "7-12-4427. Hearing on resolution for assessment of  
2 costs. (1) At the time so set, the ~~council~~ governing body  
3 shall meet and hear all objections which may be made to such  
4 assessment or any part thereof and may adjourn from time to  
5 time for that purpose and may by resolution modify such  
6 assessment in whole or in part.

7       (2) A copy of the resolution, certified by the ~~city~~  
8 local government clerk, must be delivered to the financial  
9 officer, and the assessments shall be placed upon the tax  
10 roll and collected in the same manner as other taxes."

11       **Section 10.** Section 7-12-4428, MCA, is amended to  
12 read:

13       "7-12-4428. Assessment of costs of improvements and  
14 maintenance of improvements. ~~Cities---and---towns~~ Local  
15 governments are authorized to assess the cost of the work,  
16 improvements, and maintenance authorized by 7-12-4405  
17 against the property in maintenance districts in the manner  
18 and as provided in 7-12-4421 and 7-12-4422 to meet the  
19 payments required to be made each year."

20       **Section 11.** Section 7-12-4429, MCA, is amended to  
21 read:

22       "7-12-4429. Financial assistance from the United  
23 States. ~~Cities--and--towns~~ Local governments are authorized  
24 to:

25       (1) enter into suitable agreements with the United

1 States of America for loans of money and for receiving  
2 financial assistance to do the work and improvements  
3 contemplated by 7-12-4405; and

4       (2) provide for the repayment thereof by yearly  
5 payments from funds derived from districts created under  
6 7-12-4402, apportioned over a period of time not exceeding  
7 20 years."

8       **NEW SECTION. Section 12.** Effective date. [This act]  
9 is effective July 1, 1989.

-End-

## HOUSE BILL NO. 205

INTRODUCED BY STANG, HALLIGAN, GOULD

A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW THE CREATION OF STREET MAINTENANCE DISTRICTS BY A COUNTY; AMENDING SECTIONS 7-12-4401, 7-12-4402, 7-12-4404 THROUGH 7-12-4406, 7-12-4422, AND 7-12-4425 THROUGH 7-12-4429, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

**Section 1.** Section 7-12-4401, MCA, is amended to read:

"7-12-4401. Street maintenance district authorized -- definition definitions. (1) Whenever the--council a governing body of any city--or--town desires to create a district for the maintenance of all or any part of the streets, or avenues, or roads of its city, or town, or county as provided in this part, it shall provide by ordinance a method of doing said work and of paying for the same under the restrictions and regulations provided in this part.

(2) As used in this part, the following definitions apply:

(a) "Governing body" means the legislative body of a local government.

(b) "Local government" means a city, town, or county.

~~(2)(c)~~ "Maintenance" as-used-in-this-part includes but is not limited to sprinkling, graveling, oiling, chip sealing, seal coating, overlaying, treating, general cleaning, sweeping, flushing, snow removal, dust control, and leaf and debris removal.

(d) "Ordinance" includes resolutions of the board of county commissioners of a county that is not a self-governing local government."

**Section 2.** Section 7-12-4402, MCA, is amended to read:

"7-12-4402. Creation of maintenance districts. A resolution shall be adopted dividing the whole or any part of the city, or town, or county, EXCEPT THAT PART OF THE COUNTY WITHIN THE LIMITS OF AN INCORPORATED CITY OR TOWN, into maintenance districts, to be known and designated by number. Said resolution shall plainly define the boundaries of the district or districts and describe the streets, alleys, and public places or any part thereof constituting the district or districts."

**Section 3.** Section 7-12-4404, MCA, is amended to read:

"7-12-4404. Manner of providing maintenance. The maintenance in districts so established may be done by contract or by forces employed by the city-or-town-or-by both local government, in such manner as the council governing body may elect."

**Section 4.** Section 7-12-4405, MCA, is amended to read:

"7-12-4405. Improvements within maintenance districts -- ordinance required. (1) ~~Cities--and--towns~~ Local governments are hereby authorized and empowered to prepare and improve roads, streets, avenues, and alleys within the maintenance districts so that the maintenance will be of a durable and continuing benefit. The ~~city--or--town--council~~ governing body shall provide by ordinance a method or methods of doing said work and improvements.

(2) ~~Cities-and-towns~~ Local governments are authorized to maintain the work and improvements made under subsection (1).

(3) At least 12 days must elapse between the day on which said proposed ordinance is introduced and the day on which final action thereon is taken."

**Section 5.** Section 7-12-4406, MCA, is amended to read:

"7-12-4406. Notice of ordinance for improvements. The ~~city--or--town~~ local government clerk must give notice of the introduction of such proposed ordinance and of the time it will be up for final adoption:

(1) by publication three times in a daily newspaper or in a weekly newspaper for two successive issues in such ~~city, or town, or county;~~ or

(2) if there be no such newspaper, then by posting for at least 10 days in three public places in ~~each-of-the-wards~~ of-said the city, or town, or county."

**Section 6.** Section 7-12-4422, MCA, is amended to read:

"7-12-4422. Assessment of costs -- area, frontage, lot, and taxable valuation options. (1) For the purposes of this section, "assessable area" means the portion of a lot or parcel of land that is benefited by the maintenance district. The assessable area may be less than but may not exceed the actual area of the lot or parcel.

(2) The ~~city--council~~ governing body shall assess the percentage of the cost of maintenance established in 7-12-4425 against the entire district as follows:

(a) each lot or parcel of land within such district may be assessed for that part of the cost which its assessable area bears to the assessable area of the entire district, exclusive of roads, streets, avenues, alleys, and public places;

(b) each lot or parcel of land within such district abutting upon a street or road upon which maintenance is done may be assessed for that part of the cost which its street frontage bears to the street frontage of the entire district;

(c) if the ~~city-council~~ governing body determines that the benefits derived from the maintenance by each lot or parcel are substantially equivalent, the cost may be assessed equally to each lot or parcel located within the district without regard to the assessable area of the lot or

1 parcel;

2 (d) each lot or parcel of land, including the  
3 improvements thereon, may be assessed for that part of the  
4 cost of the district which its taxable valuation bears to  
5 the total taxable valuation of the property of the district;  
6 or

7 (e) any combination of the assessment options provided  
8 in subsections (2)(a) through (2)(d) may be used for the  
9 district as a whole or for any lot or parcel within the  
10 district."

11 **Section 7.** Section 7-12-4425, MCA, is amended to read:

12 "7-12-4425. Resolution for assessment of costs of  
13 maintenance. (1) The ~~city--council~~ governing body shall  
14 estimate, as near as practicable, the cost of maintenance in  
15 each established district annually, not later than the  
16 second Monday in August. The ~~council~~ governing body shall  
17 pass and finally adopt a resolution specifying the district  
18 assessment option and levying and assessing all the property  
19 within the several districts with an amount equal to not  
20 less than 75% of the entire cost of said work.

21 (2) The resolution levying the assessment to defray  
22 the cost of maintenance shall contain or refer to a list in  
23 which shall be described the lot or parcel of land assessed,  
24 with the name of the owner thereof if known, and the amount  
25 levied thereon set opposite.

1 (3) Such resolution shall be kept on file in the  
2 office of the city local government clerk."

3 **Section 8.** Section 7-12-4426, MCA, is amended to read:

4 "7-12-4426. Notice of resolution for assessment. (1) A  
5 notice, signed by the city local government clerk, stating  
6 that the resolution levying a special assessment to defray  
7 the cost of maintenance in the district or districts is on  
8 file in his office and subject to inspection for a period of  
9 5 days, shall be published at least once in a newspaper  
10 published in the city, or town, or county; or

11 (2) if there is no such newspaper, then by posting for  
12 at least 1 day in three public places in the city, town, or  
13 county.

14 {2}{3} The notice shall state the time and place at  
15 which objections to the final adoption of the resolution  
16 will be heard by the council governing body. The time for  
17 the hearing shall be not less than 5 days after the  
18 publication of the notice."

19 **Section 9.** Section 7-12-4427, MCA, is amended to read:

20 "7-12-4427. Hearing on resolution for assessment of  
21 costs. (1) At the time so set, the council governing body  
22 shall meet and hear all objections which may be made to such  
23 assessment or any part thereof and may adjourn from time to  
24 time for that purpose and may by resolution modify such  
25 assessment in whole or in part.



(2) A copy of the resolution, certified by the city local government clerk, must be delivered to the financial officer, and the assessments shall be placed upon the tax roll and collected in the same manner as other taxes."

**Section 10.** Section 7-12-4428, MCA, is amended to read:

"7-12-4428. Assessment of costs of improvements and maintenance of improvements. ~~Cities--and--towns~~ Local governments are authorized to assess the cost of the work, improvements, and maintenance authorized by 7-12-4405 against the property in maintenance districts in the manner and as provided in 7-12-4421 and 7-12-4422 to meet the payments required to be made each year."

**Section 11.** Section 7-12-4429, MCA, is amended to read:

"7-12-4429. Financial assistance from the United States. ~~Cities--and--towns~~ Local governments are authorized to:

(1) enter into suitable agreements with the United States of America for loans of money and for receiving financial assistance to do the work and improvements contemplated by 7-12-4405; and

(2) provide for the repayment thereof by yearly payments from funds derived from districts created under 7-12-4402, apportioned over a period of time not exceeding

20 years."

NEW SECTION. **Section 12.** Effective date. [This act] is effective July 1, 1989.

-End-

## HOUSE BILL NO. 205

INTRODUCED BY STANG, HALLIGAN, GOULD

A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW THE CREATION OF STREET MAINTENANCE DISTRICTS BY A COUNTY; AMENDING SECTIONS 7-12-4401, 7-12-4402, 7-12-4404 THROUGH 7-12-4406, 7-12-4422, AND 7-12-4425 THROUGH 7-12-4429, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

**Section 1.** Section 7-12-4401, MCA, is amended to read:

"7-12-4401. Street maintenance district authorized -- ~~definition definitions.~~ (1) Whenever the--council a governing body of any city or town desires to create a district for the maintenance of all or any part of the streets, or avenues, or roads of its city, or town, or county as provided in this part, it shall provide by ordinance a method of doing said work and of paying for the same under the restrictions and regulations provided in this part.

(2) As used in this part, the following definitions apply:

(a) "Governing body" means the legislative body of a local government.

(b) "Local government" means a city, town, or county.

(2)(c) "Maintenance" as used in this part includes but is not limited to sprinkling, graveling, oiling, chip sealing, seal coating, overlaying, treating, general cleaning, sweeping, flushing, snow removal, dust control, and leaf and debris removal.

(d) "Ordinance" includes resolutions of the board of county commissioners of a county that is not a self-governing local government."

**Section 2.** Section 7-12-4402, MCA, is amended to read:

"7-12-4402. Creation of maintenance districts. A resolution shall be adopted dividing the whole or any part of the city, or town, or county, EXCEPT THAT PART OF THE COUNTY WITHIN THE LIMITS OF AN INCORPORATED CITY OR TOWN, into maintenance districts, to be known and designated by number. Said resolution shall plainly define the boundaries of the district or districts and describe the streets, alleys, and public places or any part thereof constituting the district or districts."

**Section 3.** Section 7-12-4404, MCA, is amended to read:

"7-12-4404. Manner of providing maintenance. The maintenance in districts so established may be done by contract or by forces employed by the city or town or by both local government, in such manner as the council governing body may elect."

**Section 4.** Section 7-12-4405, MCA, is amended to read:

1       **"7-12-4405. Improvements within maintenance districts**  
 2       **-- ordinance required. (1) ~~Cities--and--towns~~ Local**  
 3       **governments** are hereby authorized and empowered to prepare  
 4       and improve roads, streets, avenues, and alleys within the  
 5       maintenance districts so that the maintenance will be of a  
 6       durable and continuing benefit. The ~~city--or--town--council~~  
 7       governing body shall provide by ordinance a method or  
 8       methods of doing said work and improvements.

9       (2) ~~Cities-and-towns~~ Local governments are authorized  
 10      to maintain the work and improvements made under subsection  
 11      (1).

12      (3) At least 12 days must elapse between the day on  
 13      which said proposed ordinance is introduced and the day on  
 14      which final action thereon is taken."

15      **Section 5.** Section 7-12-4406, MCA, is amended to read:

16      **"7-12-4406. Notice of ordinance for improvements.** The  
 17      ~~city--or--town~~ local government clerk must give notice of the  
 18      introduction of such proposed ordinance and of the time it  
 19      will be up for final adoption:

20      (1) by publication three times in a daily newspaper or  
 21      in a weekly newspaper for two successive issues in such  
 22      city, or town, or county; or

23      (2) if there be no such newspaper, then by posting for  
 24      at least 10 days in three public places in ~~each-of-the-wards~~  
 25      ~~of-said the~~ city, or town, or county."

1       **Section 6.** Section 7-12-4422, MCA, is amended to read:

2       **"7-12-4422. Assessment of costs -- ~~area--frontage,~~**  
 3       **~~lot--and-taxable-valuation~~ options. (1) (A)** For the purposes  
 4       of ~~this-section~~ SUBSECTION (1), "assessable area" means the  
 5       portion of a lot or parcel of land that is benefited by the  
 6       maintenance district. The assessable area may be less than  
 7       but may not exceed the actual area of the lot or parcel.

8       **(2)(B) ~~The city-council governing-body~~ IF THE DISTRICT**  
 9       **IS ESTABLISHED BY A CITY OR TOWN, THE CITY COUNCIL** shall  
 10      assess the percentage of the cost of maintenance established  
 11      in 7-12-4425 against the entire district as follows:

12      **(a)(I)** each lot or parcel of land within such district  
 13      may be assessed for that part of the cost which its  
 14      assessable area bears to the assessable area of the entire  
 15      district, exclusive of roads, streets, avenues, alleys, and  
 16      public places;

17      **(b)(II)** each lot or parcel of land within such district  
 18      abutting upon a street or road upon which maintenance is  
 19      done may be assessed for that part of the cost which its  
 20      street frontage bears to the street frontage of the entire  
 21      district;

22      **(c)(III)** if the ~~city--council~~ governing--body CITY  
 23      COUNCIL determines that the benefits derived from the  
 24      maintenance by each lot or parcel are substantially  
 25      equivalent, the cost may be assessed equally to each lot or

1 parcel located within the district without regard to the  
2 assessable area of the lot or parcel;

3 {d}{IV} each lot or parcel of land, including the  
4 improvements thereon, may be assessed for that part of the  
5 cost of the district which its taxable valuation bears to  
6 the total taxable valuation of the property of the district;  
7 or

8 {e}{V} any combination of the assessment options  
9 provided in subsections {2}{a} (1){B}{I} through {2}{d}  
10 (1){B}{V} may be used for the district as a whole or for any  
11 lot or parcel within the district.

12 (2) IF THE DISTRICT IS ESTABLISHED BY A COUNTY, EACH  
13 LOT OR PARCEL OF LAND WITHIN THE DISTRICT MUST BE ASSESSED  
14 BY THE COUNTY COMMISSIONERS FOR THAT PART OF THE COST WHICH  
15 ITS ASSESSED VALUE BEARS TO THE ASSESSED VALUE OF THE ENTIRE  
16 DISTRICT."

17 **Section 7.** Section 7-12-4425, MCA, is amended to read:

18 "7-12-4425. Resolution for assessment of costs of  
19 maintenance. (1) The city--council governing body shall  
20 estimate, as near as practicable, the cost of maintenance in  
21 each established district annually, not later than the  
22 second Monday in August. The council governing body shall  
23 pass and finally adopt a resolution specifying the district  
24 assessment option and levying and assessing all the property  
25 within the several districts with an amount equal to not

1 less than 75% of the entire cost of said work.

2 (2) The resolution levying the assessment to defray  
3 the cost of maintenance shall contain or refer to a list in  
4 which shall be described the lot or parcel of land assessed,  
5 with the name of the owner thereof if known, and the amount  
6 levied thereon set opposite.

7 (3) Such resolution shall be kept on file in the  
8 office of the city local government clerk."

9 **Section 8.** Section 7-12-4426, MCA, is amended to read:

10 "7-12-4426. Notice of resolution for assessment. (1) A  
11 notice, signed by the city local government clerk, stating  
12 that the resolution levying a special assessment to defray  
13 the cost of maintenance in the district or districts is on  
14 file in his office and subject to inspection for a period of  
15 5 days, shall be published at least once in a newspaper  
16 published in the city, or town, or county; or

17 (2) if there is no such newspaper, then by posting for  
18 at least 1 day in three public places in the city, town, or  
19 county.

20 {2}{3} The notice shall state the time and place at  
21 which objections to the final adoption of the resolution  
22 will be heard by the council governing body. The time for  
23 the hearing shall be not less than 5 days after the  
24 publication of the notice."

25 **Section 9.** Section 7-12-4427, MCA, is amended to read:

1 "7-12-4427. Hearing on resolution for assessment of  
2 costs. (1) At the time so set, the council governing body  
3 shall meet and hear all objections which may be made to such  
4 assessment or any part thereof and may adjourn from time to  
5 time for that purpose and may by resolution modify such  
6 assessment in whole or in part.

7 (2) A copy of the resolution, certified by the city  
8 local government clerk, must be delivered to the financial  
9 officer, and the assessments shall be placed upon the tax  
10 roll and collected in the same manner as other taxes."

11 **Section 10.** Section 7-12-4428, MCA, is amended to  
12 read:

13 "7-12-4428. Assessment of costs of improvements and  
14 maintenance of improvements. ~~Cities--and--towns~~ Local  
15 governments are authorized to assess the cost of the work,  
16 improvements, and maintenance authorized by 7-12-4405  
17 against the property in maintenance districts in the manner  
18 and as provided in 7-12-4421 and 7-12-4422 to meet the  
19 payments required to be made each year."

20 **Section 11.** Section 7-12-4429, MCA, is amended to  
21 read:

22 "7-12-4429. Financial assistance from the United  
23 States. ~~Cities--and--towns~~ Local governments are authorized  
24 to:

25 (1) enter into suitable agreements with the United

1 States of America for loans of money and for receiving  
2 financial assistance to do the work and improvements  
3 contemplated by 7-12-4405; and

4 (2) provide for the repayment thereof by yearly  
5 payments from funds derived from districts created under  
6 7-12-4402, apportioned over a period of time not exceeding  
7 20 years."

8 NEW SECTION. **Section 12.** Effective date. [This act]  
9 is effective July 1, 1989.

-End-