

HOUSE BILL NO. 704
INTRODUCED BY COHEN, WALKER

IN THE HOUSE

FEBRUARY 14, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON LOCAL GOVERNMENT.
FEBRUARY 15, 1989	FIRST READING.
FEBRUARY 18, 1989	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 20, 1989	PRINTING REPORT.
FEBRUARY 21, 1989	SECOND READING, DO PASS. ENGROSSING REPORT.
FEBRUARY 22, 1989	THIRD READING, PASSED. AYES, 94; NOES, 4. TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 28, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON LOCAL GOVERNMENT. FIRST READING.
MARCH 22, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 23, 1989	SECOND READING, CONCURRED IN.
MARCH 28, 1989	THIRD READING, CONCURRED IN. AYES, 44; NOES, 6. RETURNED TO HOUSE.

MARCH 29, 1989

IN THE HOUSE

RECEIVED FROM SENATE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 **House BILL NO. 704**
2 INTRODUCED BY *[Signature]*
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THAT AN
5 ACTION CHALLENGING THE CREATION OF A COUNTY PLANNING AND
6 ZONING DISTRICT OR OF A COUNTY ZONING DISTRICT MUST BE FILED
7 WITHIN 5 YEARS AFTER THE DATE OF THE ORDER CREATING THE
8 DISTRICT; AND PROVIDING THAT LAND IMPROPERLY SHOWN ON COUNTY
9 MAPS OR PLATS AS BEING PART OF THE DISTRICT IS CONCLUSIVELY
10 PRESUMED TO BE PART OF THE DISTRICT IF AN ACTION CHALLENGING
11 ITS INCLUSION IS NOT FILED WITHIN 5 YEARS AFTER THE DATE OF
12 THE ORDER CREATING THE DISTRICT."
13

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

15 NEW SECTION. Section 1. Limitations on actions
16 challenging creation of a planning and zoning district. (1)
17 An action challenging the creation of a planning and zoning
18 district must be commenced within 5 years after the date of
19 the order by the board of county commissioners creating the
20 district.

21 (2) A tract or parcel of land that has been shown on
22 county maps or plats as being within a planning and zoning
23 district but is later found to have been improperly included
24 in the district is conclusively presumed to have been
25 properly included in the district if an action challenging

1 its inclusion is not filed with the district court having
2 jurisdiction within 5 years after the date of the order
3 creating the district.

4 NEW SECTION. Section 2. Limitations on actions
5 challenging creation of a zoning district. (1) An action
6 challenging the creation of a zoning district must be
7 commenced within 5 years after the date of the order by the
8 board of county commissioners creating the district.

9 (2) A tract or parcel of land that has been shown on
10 county maps or plats as being within a zoning district but
11 is later found to have been improperly included in the
12 district is conclusively presumed to have been properly
13 included in the district if an action challenging its
14 inclusion is not filed with the district court having
15 jurisdiction within 5 years after the date of the order
16 creating the district.

17 NEW SECTION. Section 3. Codification instruction. (1)
18 [Section 1] is intended to be codified as an integral part
19 of Title 76, chapter 2, part 1, and the provisions of Title
20 76, chapter 2, part 1, apply to [section 1].

21 (2) [Section 2] is intended to be codified as an
22 integral part of Title 76, chapter 2, part 2, and the
23 provisions of Title 76, chapter 2, part 2, apply to [section
24 2].

-End-



-2- INTRODUCED BILL
HB 704

APPROVED BY COMM.
ON LOCAL GOVERNMENT

HOUSE BILL NO. 704

INTRODUCED BY COHEN, WALKER

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THAT AN ACTION CHALLENGING THE CREATION OF A COUNTY PLANNING AND ZONING DISTRICT OR OF A COUNTY ZONING DISTRICT MUST BE FILED BY OCTOBER 1, 1994, OR WITHIN 5 YEARS AFTER THE DATE OF THE ORDER CREATING THE DISTRICT;--AND--PROVIDING--THAT--LAND IMPROPERLY SHOWN ON COUNTY MAPS OR PLATS AS--BEING--PART--OF THE--DISTRICT--IS--CONCLUSIVELY--PRESUMED--TO--BE--PART--OF--THE DISTRICT--IF--AN--ACTION--CHALLENGING--ITS--INCLUSION--IS--NOT--FILED WITHIN--5--YEARS--AFTER--THE--DATE--OF--THE--ORDER--CREATING--THE DISTRICT."

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

NEW SECTION. Section 1. Limitations on actions challenging creation of a planning and zoning district. (1) An action challenging the creation of a planning and zoning district must be commenced BY OCTOBER 1, 1994, OR within 5 years after the date of the order by the board of county commissioners creating the district, IF THE DISTRICT WAS CREATED AFTER OCTOBER 1, 1989.

(2) A tract or parcel of land that has been shown on county maps or plats as being within a planning and zoning district but is later found to have been improperly included

in the district is conclusively presumed to have been properly included in the district if an action challenging its inclusion is not filed with the district court having jurisdiction within 5 years after the date of the order creating the district.

NEW SECTION. Section 2. Limitations on actions challenging creation of a zoning district. (1) An action challenging the creation of a zoning district must be commenced BY OCTOBER 1, 1994, OR within 5 years after the date of the order by the board of county commissioners creating the district, IF THE DISTRICT WAS CREATED AFTER OCTOBER 1, 1989.

(2) A tract or parcel of land that has been shown on county maps or plats as being within a zoning district but is later found to have been improperly included in the district is conclusively presumed to have been properly included in the district if an action challenging its inclusion is not filed with the district court having jurisdiction within 5 years after the date of the order creating the district.

NEW SECTION. Section 3. Codification instruction. (1) [Section 1] is intended to be codified as an integral part of Title 76, chapter 2, part 1, and the provisions of Title 76, chapter 2, part 1, apply to [section 1].

(2) [Section 2] is intended to be codified as an

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1 integral part of Title 76, chapter 2, part 2, and the
2 provisions of Title 76, chapter 2, part 2, apply to [section
3 2].

-End-

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INTRODUCED BY COHEN, WALKER

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THAT AN ACTION CHALLENGING THE CREATION OF A COUNTY PLANNING AND ZONING DISTRICT OR OF A COUNTY ZONING DISTRICT MUST BE FILED BY OCTOBER 1, 1994, OR WITHIN 5 YEARS AFTER THE DATE OF THE ORDER CREATING THE DISTRICT, ~~AND PROVIDING THAT LAND IMPROPERLY SHOWN ON COUNTY MAPS OR PLATS AS BEING PART OF THE DISTRICT IS CONCLUSIVELY PRESUMED TO BE PART OF THE DISTRICT IF AN ACTION CHALLENGING ITS INCLUSION IS NOT FILED WITHIN 5 YEARS AFTER THE DATE OF THE ORDER CREATING THE DISTRICT.~~"

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

NEW SECTION. Section 1. Limitations on actions challenging creation of a planning and zoning district. (1) An action challenging the creation of a planning and zoning district must be commenced BY OCTOBER 1, 1994, OR within 5 years after the date of the order by the board of county commissioners creating the district, IF THE DISTRICT WAS CREATED AFTER OCTOBER 1, 1989.

~~(2) A tract or parcel of land that has been shown on county maps or plats as being within a planning and zoning district but is later found to have been improperly included~~

~~in the district is conclusively presumed to have been properly included in the district if an action challenging its inclusion is not filed with the district court having jurisdiction within 5 years after the date of the order creating the district.~~

NEW SECTION. Section 2. Limitations on actions challenging creation of a zoning district. (1) An action challenging the creation of a zoning district must be commenced BY OCTOBER 1, 1994, OR within 5 years after the date of the order by the board of county commissioners creating the district, IF THE DISTRICT WAS CREATED AFTER OCTOBER 1, 1989.

~~(2) A tract or parcel of land that has been shown on county maps or plats as being within a zoning district but is later found to have been improperly included in the district is conclusively presumed to have been properly included in the district if an action challenging its inclusion is not filed with the district court having jurisdiction within 5 years after the date of the order creating the district.~~

NEW SECTION. Section 3. Codification instruction. (1) [Section 1] is intended to be codified as an integral part of Title 76, chapter 2, part 1, and the provisions of Title 76, chapter 2, part 1, apply to [section 1].

(2) [Section 2] is intended to be codified as an

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1 integral part of Title 76, chapter 2, part 2, and the
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BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Limitations on actions challenging creation of a planning and zoning district. {1} An action challenging the creation of a planning and zoning district must be commenced BY OCTOBER 1, 1994, OR within 5 years after the date of the order by the board of county commissioners creating the district, IF THE DISTRICT WAS CREATED AFTER OCTOBER 1, 1989.

{2} A tract or parcel of land that has been shown on county maps or plats as being within a planning and zoning district but is later found to have been improperly included

in the district is conclusively presumed to have been properly included in the district if an action challenging its inclusion is not filed with the district court having jurisdiction within 5 years after the date of the order creating the district.

NEW SECTION. Section 2. Limitations on actions challenging creation of a zoning district. {1} An action challenging the creation of a zoning district must be commenced BY OCTOBER 1, 1994, OR within 5 years after the date of the order by the board of county commissioners creating the district, IF THE DISTRICT WAS CREATED AFTER OCTOBER 1, 1989.

{2} A tract or parcel of land that has been shown on county maps or plats as being within a zoning district but is later found to have been improperly included in the district is conclusively presumed to have been properly included in the district if an action challenging its inclusion is not filed with the district court having jurisdiction within 5 years after the date of the order creating the district.

NEW SECTION. Section 3. Codification instruction. (1) [Section 1] is intended to be codified as an integral part of Title 76, chapter 2, part 1, and the provisions of Title 76, chapter 2, part 1, apply to [section 1].

(2) [Section 2] is intended to be codified as an

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1 integral part of Title 76, chapter 2, part 2, and the
2 provisions of Title 76, chapter 2, part 2, apply to [section
3 2].

-End-