

House BILL NO. 461

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INTRODUCED BY Weyant

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING PARK AND FORESTRY MAINTENANCE DISTRICTS IN ADDITION TO STREET MAINTENANCE DISTRICTS; ALLOWING IMPROVEMENTS IN A MAINTENANCE DISTRICT TO BE PROVIDED FOR BY RESOLUTION AS WELL AS ORDINANCE; AND AMENDING SECTIONS 7-12-4401, 7-12-4402, 7-12-4405, 7-12-4406, 7-12-4407, AND 7-12-4422, MCA."

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~~ Maintenance district authorized -- definition. (1) Whenever the council of any city or town desires to create a maintenance district ~~for the maintenance of all or any part of the streets or avenues of~~ in its city or town ~~as provided in this part~~, it shall provide by resolution or ordinance a method of doing said the work and of paying for the same work ~~under the restrictions and regulations provided in pursuant to the provisions of~~ this part.

(2) ~~"Maintenance" as used in this part includes but is not limited to~~ As used in this part, "maintenance district" means a district created to maintain:

(a) streets or avenues, including but not limited to sprinkling, graveling, oiling, chip sealing, seal coating, overlaying, treating, general cleaning, sweeping, flushing, snow removal, and leaf and debris removal; and

(b) parks and forestry, including but not limited to mowing, irrigation, turf repair and maintenance, recreation facility and equipment maintenance, tree or shrubbery planting, tree trimming and removal, garbage removal, general cleaning, and leaf and debris removal."

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

"7-12-4402. Creation of maintenance districts. (1) A resolution of intention to create a maintenance district or districts and a resolution creating a maintenance district or districts must ~~shall~~ be adopted dividing the whole or any part of the city or town into maintenance districts, to be known and

1 designated by number. ~~Said resolution shall~~ The resolution must plainly define the boundaries of the district
 2 or districts and describe the streets, alleys, and public places or any part ~~thereof~~ of the streets, alleys, and
 3 public places constituting the district or districts.

4 (2) A resolution of intention to create a maintenance district or districts and a resolution creating
 5 a maintenance district or districts must be adopted in accordance with the procedures set forth in
 6 7-12-4104 through 7-12-4114 for special improvement districts."

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 8 **Section 3.** Section 7-12-4405, MCA, is amended to read:

9 **"7-12-4405. Improvements within maintenance districts -- resolution or ordinance required.** (1)
 10 Cities and towns ~~are hereby authorized and empowered to prepare and improve streets, avenues, and alleys~~
 11 ~~within the~~ may create maintenance districts so that the maintenance and improvements will be of a durable
 12 and continuing benefit. The city or town council shall provide by resolution or ordinance a method ~~or~~
 13 ~~methods of doing said work~~ of implementing the ~~and~~ improvements.

14 (2) Cities and towns are authorized to maintain the ~~work~~ ~~and~~ improvements made under
 15 subsection (1).

16 (3) At least 12 days must elapse between the day on which ~~said~~ a proposed resolution or ordinance
 17 is introduced pursuant to this section and the day on which final action ~~thereon~~ is taken on the resolution
 18 or ordinance."

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 20 **Section 4.** Section 7-12-4406, MCA, is amended to read:

21 **"7-12-4406. Notice of resolution or ordinance for improvements.** The city or town clerk ~~must~~ shall
 22 give notice of the introduction of ~~such proposed~~ a resolution or ordinance introduced pursuant to 7-12-4405
 23 and of the time ~~it~~ the resolution or ordinance will be ~~up~~ considered for final adoption:

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

26 (2) if there ~~be no such~~ is not a qualified newspaper, then by posting for at least 10 days in three
 27 public places in each ~~of the wards of said city or town~~ district that is the subject of the resolution or
 28 ordinance."

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

13 **"7-12-4422. Assessment of costs -- area, frontage, lot, and taxable valuation options.** (1) For the
 14 purposes of this section, "assessable area" means the portion of a lot or parcel of land that is benefited by
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 16 the lot or parcel.

17 (2) The city council shall assess the percentage of the cost of maintenance established in
 18 7-12-4425 against the entire district as follows:

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

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INTRODUCED BY

W. J. J. J.

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