

ORDINANCE NO. 11-5535

AN ORDINANCE AMENDING THE BILLINGS CITY CODE BY AMENDING SECTION 20-300 AND SECTION 26-203 TO ALIGN THE ANNEXATION POLICY AND CITY ORDINANCE TO BE CONSISTENT WITH APPLICATION OF THE ANNEXATION POLICY IN THE FUTURE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA:

Section 1. Amend Sec 20-300 of the Billings Municipal Code, as follows:

ARTICLE 20-300. URBAN PLANNING AREA STUDY

Sec. 20-301. Established Purpose.

~~The urban planning area map and the area encompassed thereby as amended from time to time is hereby approved and adopted. An urban planning study must be completed prior to any property being considered to be added to the Limits of Annexation Map Red Area. The City Council will use the criteria for the Urban Planning Study as described in the City Annexation Policy when evaluating Limits of Annexation Map amendments.~~

(Code 1967, § 25.30.010)

Sec. 20-302. Review.

~~The city county planning board may review the expansion of the urban planning area quarterly during the first week of January, April, July and October of each year and make recommendations. The planning staff will cause notice of hearing to be published and notice to be given to the city clerk of the hearing date in order to have the same placed on the council agenda for hearing.~~

(Code 1967, § 25.30.020)

Sec. 20-303. Notice of hearing.

~~Notice of public hearing on the proposed expansion of the urban planning area shall be published once each week for two (2) consecutive weeks; the last publication shall be at least three (3) days prior to the date of public hearing. The public hearing shall be convened at the time set in the notice. The public hearing shall be held at the regular council meeting following the final publication.~~

(Code 1967, § 25.30.030)

Sec. 20-304. Planning recommendations.

~~At the conclusion of the public hearing, or at the next council meeting following the public hearing, the planning staff shall make the planning recommendations to the city council.~~

(Code 1967, § 25.30.040)

Sec. 20-305. Expansion of urban planning area.

~~The city council may approve any expansion of the urban planning area together with an updated map of the expanded area by resolution.
(Code 1967, § 25.30.050)~~

Section 2. Amend Sec 26-203 of the Billings Municipal Code, as follows:

Sec. 26-203. Prerequisite to application.

The following conditions shall be met prior to making application for enlargement of the service area:

- (1) The property at the time the application is filed shall be:
 - a. Contiguous to the boundary of the service area as same exists;
 - b. Entirely within the city's urban planning area Red Area on the Limits of Annexation Map;

c. Entirely within the city's facilities planning area.

(2) Applicant shall complete annexation requirements.

(3) Provided, that should a state or federal governmental entity, as a condition of providing funds or grants, require that service be extended to other areas outside the scope of this section (section 26-203), the city council may, upon receipt of application for waiver and upon a proper showing, waive the requirements of this section.
(Ord. No. 85-4618, § 1(18.05.030), 1-14-85)

Section 3. Effective Date. This ordinance shall be effective July 13, 2011.

Section 4. Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions of this ordinance which may be given effect without the invalid provisions or application, and, to this end, the provisions of this ordinance are declared to be severable.

PASSED by the City Council on first reading this 23rd day of May, 2011.

PASSED, ADOPTED and APPROVED on second reading this 13th day of June, 2011.



CITY OF BILLINGS

By: Thomas W. Hanel
Thomas W. Hanel, Mayor

ATTEST:

By: Cari Martin
Cari Martin, City Clerk