

**Annexation of Adjacent Property to Fire District
(Property Not Already Contained in a Fire District)**

1. A petition is received from the landowners desiring to annex into a fire district. The petition should contain the following:
 - a. Signatures by 40% or more of the area of privately owned lands of the adjacent area proposed to be annexed who constitute a majority of the taxpaying freeholders within such area.
 - b. Legal description of the lands proposed to be annexed.
 - c. A map depicting the lands proposed to be annexed.
2. A letter must also be received from the Fire District in question approving the annexation.
3. The Plat Room verifies the number of signatures on the petition and the legal description of the area of land proposed to be annexed.
4. The Commissioners will authorize publication of the public hearing, which must be published twice in the local newspaper. Notifications will also be sent to petitioners and those landowners in the boundary.
5. The Commissioners will act on the petition at the public hearing and act on the resolution.

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Montana Code Annotated 2017

TITLE 7. LOCAL GOVERNMENT
CHAPTER 33. FIRE PROTECTION
Part 21. Rural Fire Districts

Annexation Of Adjacent Territory Not Contained In A Fire District

7-33-2125. Annexation of adjacent territory not contained in a fire district. (1) Adjacent territory within or outside of the limits of an incorporated third-class city or town that is not already a part of a fire district may be annexed in the following manner:

(a) A petition in writing by the owners of 40% or more of the real property within the proposed area to be annexed and owners of property representing 40% or more of the taxable value of property within the proposed area to be annexed must be presented to the board of trustees of the district for approval. If the proposed annexation is approved by the board of trustees, the petition must be presented to the board of county commissioners.

(b) At the first regular meeting of the board of county commissioners after the presentation of the petition, the commissioners shall set a date to hold a hearing on the petition. The date of the hearing may not be less than 4 weeks after the date of the presentation of the petition to the board of county commissioners. The board of county commissioners shall publish notice of the hearing as provided in 7-1-2121 or as provided in 7-1-4127 if any part of the area proposed to be annexed is within an incorporated third-class city or town.

(2) On the date set for the hearing, the board of county commissioners shall consider the petition and any objections to the annexation. The board shall approve the annexation unless a protest petition signed by at least 40% of the owners of real property in the area proposed for annexation and owners of property representing 40% or more of the taxable value of the property in the area proposed for annexation is presented at the hearing, in which case the annexation must be disapproved.

(3) The annexed territory is liable for any outstanding warrant and bonded indebtedness of the original district.

(4) (a) Territory that is within the limits of an incorporated third-class city or town may be annexed only upon the approval of the city or town governing body.

(b) A third-class city or town may withdraw from the district territory that has been annexed under this section 2 years after providing to the board of county commissioners notice of intent to withdraw.