

Regular Session, 2012

HOUSE BILL NO. 842

BY REPRESENTATIVE HAZEL

MUNICIPAL/ANNEXATION: Prohibits the governing authority of a municipality from annexing noncontiguous property

1 AN ACT

2 To amend and reenact R.S. 33:172(A)(1)(a) and (d)(iv) and to repeal R.S. 33:180(C),
3 relative to municipal annexations; to prohibit the governing authority of a
4 municipality from annexing an area that is not contiguous to the corporate limits of
5 the municipality; to provide relative to the annexation of property owned by a public
6 body; to provide definitions; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 33:172(A)(1)(a) and (d)(iv) are hereby amended and reenacted to
9 read as follows:

10 §172. Petition to annex territory; valuation of property; notice of filing petition;
11 hearing concerning proposed ordinance; alternative methods

12 A.(1)(a)(i) No ordinance enlarging the boundaries of a municipality shall be
13 valid unless, prior to the adoption thereof, a petition has been presented to the
14 governing body of a municipality containing the written assent of a majority of the
15 registered voters and a majority in number of the resident property owners as well
16 as twenty-five percent in value of the property of the resident property owners within
17 the area proposed to be included in the corporate limits, all according to the
18 certificates of the parish assessor and parish registrar of voters.

19 (ii) Notwithstanding the provisions of Item (i) of this Subparagraph, if the
20 area proposed to be included in the corporate limits of the municipality is not

DIGEST

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Hazel

HB No. 842

Abstract: Prohibits municipal governing authorities from annexing property that is not contiguous.

Present law, relative to annexations by municipalities, provides that no ordinance enlarging the boundaries of a municipality is valid unless, prior to its adoption, a petition is presented to the governing body of a municipality containing the written assent of a majority of the registered voters and a majority in number of the resident property owners as well as 25% in value of the property of the resident property owners within the area proposed to be included in the corporate limits. Requires the parish assessor and the parish registrar of voters to certify such information. If there are no registered voters residing in the area proposed for annexation, then the requirement for a majority of the registered voters on the petition does not apply.

Proposed law retains present law and additionally provides that if the area proposed to be included in the corporate limits is not contiguous to the existing corporate limits of the municipality, the governing body of the municipality is prohibited from adopting an ordinance to enlarge the boundaries of the municipality to include the area. Provides that "contiguous" as used in present law and proposed law means at least 32 feet of the area proposed to be included in the corporate limits of the municipality is adjacent to the corporate limits and expands to a width greater than 32 feet within 300 feet from the corporate limits.

Present law provides that if there are no resident property owners nor registered voters residing in the area proposed for annexation and the property proposed for annexation is vacant land, then the requirement for a majority of the resident property owners and a majority of the registered voters on the petition does not apply. Requires however, that the petition contain the written assent of each of the nonresident property owners of each tract, lot, or parcel in the area proposed for annexation. Further requires the approval of parish governing authority if the municipality proposes to annex property across parish boundaries.

Proposed law retains present law.

Present law provides additional procedures for annexing vacant land. Provides that if the property proposed to be annexed is contiguous to the existing corporate limits, then the parish bears the burden of establishing, by a preponderance of the evidence, that the proposed extension is not reasonable. Provides that if the property is not contiguous to the existing corporate limits, then the municipality bears the burden.

Proposed law removes present law and instead provides that the parish bears the burden of establishing, by a preponderance of the evidence, that the proposed extension is not reasonable.

Present law provides further relative to annexations. Provides procedures for contesting annexations, provides relative to zoning regulations in the annexed area, and provides procedures for annexing areas that is 90% contiguous. Additionally provides for annexation by election.

Proposed law retains present law.

Present law authorizes the governing body of any municipality other than the city of New Orleans to enlarge the boundaries of the municipality to include territory within which all of the land is owned by a state agency, political subdivision, or public body. Provides that the annexation can take place only upon petition of the governing body of the agency, political subdivision, or public body owning the land which is to be so included. Prohibits a municipality from annexing the paved portion of a public road without including in all property adjacent to at least one side of the road, the paved portion of which is included in the annexation.

Proposed law retains present law.

Present law authorizes a municipality to annex a portion of the right-of-way of a public road as a corridor connecting other property which is not contiguous to the municipality but which is to be annexed without including the property adjacent to the corridor. Provides that the annexation shall be in accordance with the following:

- (1) The municipality shall, by certified mail, notify the state agency or political subdivision which owns the road proposed to be annexed at least 30 days prior to the introduction of the ordinance proposing such annexation.
- (2) The petition or written consent of the state agency or political subdivision must be received by the municipality prior to the adoption of the ordinance.

Proposed law removes present law.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 33:172(A)(1)(a) and (d)(iv); Repeals R.S. 33:180(C))