

ORDINANCE NO. 04-5287

AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THAT THE BILLINGS, MONTANA CITY CODE BE AMENDED BY REVISING SECTION 22-804 OF SAID CODE; PROVIDING THAT STORM SEWER RATES BE SET BY RESOLUTION OF THE CITY COUNCIL.

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

Section 1. That Section 22-804 of the Billings, Montana, City Code be amended so that such section shall read as follows:

“Sec. 22-804. Rates for storm sewers.

- (a) For the purpose of paying the cost of construction, operation, maintenance, depreciation and replacement of sewers to dispose of stormwater and divert it from the sewage disposal plant and prevent pollution of sources of water supply, including the principal of and interest on all revenue bonds to be issued for that purpose, as authorized by MCA Title 7 Chapter 7 Part 44, or Title 7 Chapter 13 Part 43, as amended, an annual storm sewer service charge is imposed and made applicable to all premises within the city limits. The finance director shall report to the city council when all revenue bonds issued for the construction of such storm sewers, and bond refunding the same, have been fully paid and redeemed, and the council shall then provide for the reduction of the charge to such amount as will be sufficient to pay the reasonable expense of the operation, maintenance, depreciation and replacement of the sewers. The charge shall be based on the area of the parcel of land and its zone classification ~~in accordance with the table set forth in subsection (b) below. The maximum annual charge for any tract, parcel or lot which is undeveloped and unimproved shall be seven hundred twenty five dollars (\$725.00).~~ All such charges shall be set by Resolution and shall be made to the owner of the parcel as the same shall appear according to the code number or account number thereof in the office of the county assessor, Yellowstone County, Montana. The zone classification shall be that which is on the official map on record at the city-county planning board.

~~(b) — Charges shall be as follows:~~

TABLE INSET:

Zone	Zone Definition	Charge Per Square Foot Per Year
P	Public	0.00178
R-96	Residential 9,600	0.00312
R-80	Residential 8,000	0.00339
R-70	Residential 7,000	0.00357
RMH	Residential Manufactured House	0.00401
R-50	Residential 5,000	0.00430
PD	Planned Development	0.00491
R-60	Residential 6,000	0.00536
RP	Residential Professional	0.00581
RMF-R	Residential Multi-Family Restricted	0.00606
RMF	Residential Multi-Family	0.00628
NCL	Neighborhood Commercial Limited	0.00646
NC	Neighborhood Commercial	0.00692
ELC	Entryway Light Commercial	0.00692
MCPZD	Medical Corridor Permit Zoning District	0.00714
CC	Community Commercial	0.00738
ELG	Entryway General Commercial	0.00758
PZD	South 27th Street Permit Zoning District	0.00749
ELI	Entryway Light Industrial	0.00758
HC	Highway Commercial	0.00758
CI	Controlled Industrial	0.00806
HI	Heavy Industrial	0.00897
CBD	Central Business District	0.01074
VACANT	Unimproved and Undeveloped Land, Any Zone	0.00105

— The maximum annual charge for any tract, parcel or lot under the vacant category is eight hundred thirty dollars (\$830.00).

- (e) The finance director shall, on or before the last day of October of each year, cause to be mailed by the county treasurer to every owner of a lot or parcel within the city, on the same date and in the same manner as are real property taxes, a separate statement of storm sewer charges setting forth the annual charge to be assessed on the lot or parcel for the storm sewer service thereto. Such charge shall be due and payable on or before 5:00 p.m. on the thirtieth day of November of each year. Upon failure of the owner to pay the charge, the same will be in arrears and delinquent on December 31st of such year, and shall be collected by the finance director according to the provision and authority of MCA Sections 7-13-4304, 7-13-4305, 7-13-4306 and 7-13-4309.

- (dc) All storm sewer charges shall be collected as provided in this article and credited to a fund to be known as the municipal storm sewer system fund, which fund shall be at all times segregated and maintained by the city clerk and finance director on the books of the city as a separate and special fund. This fund shall be subdivided into the separate accounts provided in Ordinance 3251, and administered as therein provided, except that storm sewer funds shall be segregated and kept separate from sanitary sewer funds. Upon adoption by the city council of a resolution authorizing the issuance of revenue bonds of the city payable from storm sewer charges or otherwise establishing a system of funds and accounts for such charges, all storm sewer charges shall be applied and accounted for in the manner provided in such resolution.
- (ed) Any party who considers the charges applicable to his premises unfair, inequitable or unreasonable may apply to the city engineer for adjustment thereof, stating the facts and grounds of complaint, and the city engineer may notify the owner of any premises as to which he considers the rates and charges to be inadequate. In either case, the city engineer shall cause appropriate investigation and report to be made by himself or his duly authorized representative.

The city engineer, or his duly authorized representative, shall consider each and all of such complaints and reports and communicate his findings with respect thereto to the city council. The council shall have the right to order a public hearing as to any such matter and, if convinced that an adjustment of the charges for such premises is necessary to provide reasonable equality with those charged to others, it shall so provide, either by ordinance amendatory hereto, or by resolutions fixing special charges for individual premises during the period of continuance of special circumstances which make the standard charges unfair, inequitable, unreasonable or inadequate.”

Section 2. EFFECTIVE DATE. This ordinance shall be effective thirty (30) days after second reading and final adoption as provided by law.

Section 3. REPEALER. All resolutions, ordinances, and sections of the City Code inconsistent herewith are hereby repealed.

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 14th day of June, 2004.

PASSED, ADOPTED and APPROVED on second reading this 28th. day of June, 2004.

CITY OF BILLINGS

By _____
Charles F. Tooley Mayor

ATTEST:

By _____
Marita Herold, CMC/AAE City Clerk