

ORDINANCE NO. 5477

AN ORDINANCE OF THE CITY OF BILLINGS, MONTANA PROVIDING THAT THE BILLINGS, MONTANA CITY CODE SECTION 22-800 STORM SEWERS BE AMENDED FOR CLARIFICATION.

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

**Section 1.** That the Billings, Montana City Code Section 22-802 be amended to read as follows:

**Sec. 22-802.** Duties of ~~finance director~~ **financial services manager**.

The ~~finance director~~ **financial services manager** shall have full responsibility for billings and collection of all storm sewer accounts in the manner provided in this article, and for the purposes of fulfilling the obligations imposed on the public ~~utilities works~~ department by Ordinance 3251, the ~~finance director~~ **financial services manager** shall be deemed agent of the public ~~utilities works~~ department.

**Section 2.** That the Billings Montana City Code Section Sec. 22-803 be amended to read as follows:

**Sec. 22-803.** Duty of the public ~~utilities works~~ department.

Upon notification by the ~~finance director~~ **financial services manager** to the public ~~utilities works~~ department of delinquency in any account, the public ~~utilities works~~ department shall discontinue water service, except for water service to fire lines, to the premises involved until payment of all past due bills for water and sewer service and compliance with all applicable rules and regulations. Notice of such payment and such compliance shall be given to the public utilities department by the ~~finance director~~ **financial services manager** before resumption of water service to the premises. In those instances where a property owner is not carried on tax rolls and is not given a code number or account number by the Yellowstone County Assessor's office and special assessment therefore cannot be levied by the ~~finance director~~, **financial services manager**, the ~~finance director~~ **financial services manager** shall mail directly to the property owner in such individual instances a billing for storm sewer charges. In the event of discontinuance or resumption of water service by the public ~~utilities works~~ department as provided in this article, the public ~~utilities works~~ department shall be entitled to be paid for such services at the uniform rate from time to time established for such services.

**Section 3.** That the Billings Montana City Code Section Sec. 22-804 be amended to 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~~ **financial services manager** 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. All 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) The ~~finance director~~ **financial services manager** 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~~ **financial services manager** according to the provision and authority of MCA §§ 7-13-4304, 7-13-4305, 7-13-4306 and 7-13-4309.

(c) 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~~ **financial services manager** 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.

(d) Any party who considers the charges applicable to his premises unfair, inequitable or unreasonable may apply to the ~~city engineer~~ **public works director** for adjustment thereof, stating the facts and grounds of complaint, and the ~~city engineer~~ **public works director** 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~~ **public works director** shall cause appropriate investigation and report to be made by himself or his duly authorized representative.

The Public Works Director, 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 4. EFFECTIVE DATE.** This ordinance shall be effective thirty (30) days after second reading and final adoption as provided by law.

**Section 5. 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 8<sup>th</sup> day of September, 2008.


PASSED, ADOPTED and APPROVED on second reading this 22<sup>nd</sup> day of September, 2008.



CITY OF BILLINGS

By   
Ron Tussing, Mayor

ATTEST:

By   
Cari Martin, City Clerk