

Ordinance NO. 916

An ordinance updating Title 10 of the Red Lodge City Code to eliminate conflicting provisions in Chapters 8 and 9 regarding water and sewer rates, renaming Chapter 9 “Impact Fees”, clarifying sections of Chapter 8, and creating a section in Chapter 8 for the proposed curb stop fees.

WHEREAS, the City of Red Lodge periodically reviews its Municipal Code to ensure it is consistent, enforceable, and in accordance with Montana law;

WHEREAS, the City’s review of Title 10 revealed conflicting provisions in Chapters 8 and 9 and the City recognizes the need to amend, delete and/or rename certain sections to provide consistent guidance regarding water and sewer rates; and

WHEREAS, the City wishes to create a section in Chapter 8 to address the proposed curb stop fees.

Now Therefore,

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF RED LODGE, MONTANA;

The following portions of the Red Lodge City Code are amended as indicated below, sections of chapters 8 and 9 of Title 10 not listed remain unchanged:

10-8-1 Established by Resolution.

All rates, charges, and fees for City water/wastewater service shall be adopted by the City Council by resolution as such may be lawfully changed from time to time. In addition, Montana Code Annotated Section 69-7-201 provides that rate increases adopted by the City Council for comparable classifications and zones outside the City boundaries may not exceed those set within the City limits. Further, in accordance with the provisions of Montana Code Annotated Section 7-13-4305, no person shall be permitted to use or enjoy the benefit of the City water/wastewater system unless they pay the full and established rate for said service. (Ord. 835, 5-12-1998)

Before any change in rates, charges, or fees may be implemented a public hearing as required by Montana Code Annotated 69-7-111 must be held. All other requirements of Title 69 Chapter 7 that may pertain to rate changes must also be observed.

10-8-2 Monthly Metered Water Charges.

- A. Applicability: Any monthly metered water charges adopted by the City Council, or as such may be lawfully changed from time to time, shall apply to all customers that have either direct or indirect water service connections with the City water supply system.
- B. Basis of Charge: The monthly metered water charge shall be based upon the volume of water, in one thousand (1,000) gallons, which is registered monthly on the City water meter

serving a customer. Monthly metered water charges are due and payable as set forth in Section 10-7-2 of this title.

C. Fire Hydrants: Water hauled from fire hydrants will be metered and the charge will be based upon the one thousand (1,000) gallon volume charge for City services stated in Section 10-8-9 of this chapter. Charges will be collected in advance and be based on anticipated water use. (Ord. 835, 5-12-1998)

10-8-3 Minimum Monthly Water Charges.

The minimum monthly charges shall be based on the size of City water meter used to serve a customer. Minimum monthly charges may include charges for operation and maintenance, capital surcharges, curb-stop fees, and other fees based on expenses independent of usage. Minimum monthly water charges are due and payable as set forth in Section 10-7-2 of this title. (Ord. 835, 5-12-1998)

10-8-4 Monthly Volume Wastewater Charges.

A. Applicability: Any monthly volume wastewater charges adopted by the City Council, or as such may be lawfully changed from time to time, shall apply to all users that have building sewers connected with the City wastewater system.

B. Usage: The monthly volume wastewater charges for all accounts shall be billed based upon the volume of water used monthly, which shall be determined by taking the total number of gallons of water registered monthly on the City water meter or such other approved water/wastewater meter that serves the account in question.

C. Irrigation Only Meters: Accounts that use water for purposes that do not impact the wastewater system such as irrigation of lawns, may install separate meters for these uses so as to remove such water usage from the calculation of monthly volume wastewater charges.

D. Payment: Monthly volume wastewater charges are due and payable as set forth in Section 10-7-2 of this title. (Ord. 835, 5-12-1998)

10-8-5 Minimum Monthly Wastewater Charges.

Any minimum monthly wastewater charges adopted by the City Council, or as such may be lawfully changed from time to time, shall apply to all users that have building sewers connected with the City wastewater system. Minimum monthly charges may include charges for operation and maintenance, capital surcharges, and other fees based on expenses independent of usage. Minimum monthly wastewater charges are due and payable as set forth in Section 10-7-2 of this title. (Ord. 835, 5-12-1998)

10-8-7 (RESERVED)

10-8-8 Curb-Stop Fees

The City shall be responsible for the maintenance and periodic replacement of pressurized water service lines from the main to (and including) the curb-stop at the edge of the public right of way. Such pressurized service lines shall continue to be owned by the owner of the property which is served by the line. The City, however, will have sole authority to replace these lines within the

public right of way. The City shall also have sole authority to determine the when such service lines require maintenance or replacement.

A Curb-stop fee may be charged as part of the minimum monthly water charges assessed to all users of the municipal water system. This fee shall be set by resolution and shall be based upon estimates of the cost to maintain and periodically replace pressurized water service lines from the main to (and including) the curb-stop at the edge of the public right of way. All such collected fees shall be kept in a separate account within the water enterprise fund and reserved solely for this purpose.

Title 10 Chapter 9 IMPACT FEES

10-9-1 (RESERVED)

10-9-2 (RESERVED)

10-9-3 (RESERVED)

10-9-5 (RESERVED)

Effective Date.

This ordinance shall be effective 30-days after approval of second reading by the Red Lodge City Council.

Be It Ordained By the Council Members of the City of Red Lodge.

First Reading by the Council on the ___ day of _____ 2015.

Second Reading by the Council on the ___ day of _____ 2015

PASSED AND APPROVED BY NO LESS THAN FOUR MEMBERS OF THE RED LODGE CITY COUNCIL THIS _____ DAY OF _____ 2015.

The City of Red Lodge

By: _____
Ed Williams, Mayor

Attest: _____
Loni Hanson, City Clerk