

ORDINANCE 138

AN ORDINANCE OF THE DARBY TOWN COUNCIL MAKING DARBY MUNICIPAL CODE  
4.01.001 SUBSECTION 3 C THROUGH D AND 6.01 SUBSECTION 3 C NULL AND VOID.

WHEREAS; Ordinance 114 amended 4.01.001 subsection 3 and Ordinance 115 amended 6.01 subsection 3 both regarding 'low volume commercial rates' for the water and sewer, were approved in June of 1997, and

WHEREAS; Ordinance 114 and Ordinance 115 allowed commercial water and sewer users, using less than 1000 gallons of water for more than three consecutive months, to be billed the residential rates, and

WHEREAS; while planning for a major water system improvement project it was determined the rates for water and sewer services needed to be raised to the target rate, and

WHEREAS; during the review process the Council desired to equalize rates between commercial and residential users, and

WHEREAS; February 28, 2006 Resolution 413 increasing water and sewer rates was adopted, and

WHEREAS; by equalizing the water and sewer rates for commercial and residential users Ordinances 114 & 115 become unnecessary, and

WHEREAS; Ordinance 138 clarifies and documents that 'Low Volume Commercial User Rates' will no longer be applicable, and

WHEREAS; text being voided is shown in strikethrough font, and

WHEREAS; this ordinance shall be incorporated into the minutes of a regularly scheduled meeting of the Darby Town Council.

NOW THEREFORE BE IT ORDAINED by the Town Council of the Incorporated Town of Darby:

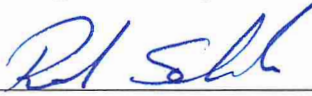
~~4.01.001 3, c – e. Low volume commercial users will identified by the verification of the less than 1,000 gallons water used according to the Town of Darby meter readings for the previous three months, and verification of being charged the currently monthly commercial base charge for each of the three months reviewed. After verification of useage the monthly base charge will be lowered to the monthly residential base charge. Should the useage of the identified 'low volume commercial user' exceed 3000 gallons in any month after the lowering of the base fee a review of the six months previous meter readings will occur. Through this review and average monthly useage of under 1,000 must be found or the user shall return to the monthly commercial base charge until the qualifications of being a low volume user are met again.~~

~~4.01.001 Section 3, d – d – Low volume commercial users shall be required to have a water meter for that 'unit', totally separate of any other commercial or residential living unit. In the event that a separate meter is installed where there is a currently a combination of units metered through one meter, the expense of installation and the meter shall be born by the landowner.~~

6.01 Section 3, c - e. ~~Identified 'low volume commercial water users', as per Darby Municipal code 4.01.001, subsection 3, shall be charged the residential sewer rate and bond rate for the coinciding time period they are considered to be at the residential water rate. If a low volume user is found to no longer qualify for te lower rate for water, likewise the residential sewer rate will return to the commercial rte, until useh time as the qualifications for being a low volume user are met.~~

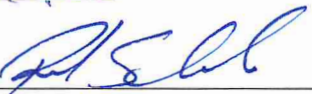
EFFECTIVE DATE- This ordinance will be in full force and effect thirty (30) days after the approval of the second and final reading by the Town Council.

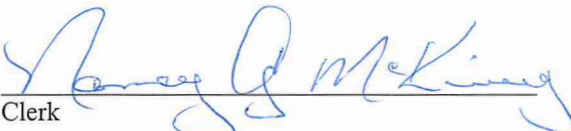
PASSED by the Town Council of the Incorporated Town of Darby, Darby, Montana on first reading at a regular meeting thereof on this 11 day of APRIL, 2006.

  
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Mayor

  
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Clerk

PASSED, ADOPTED AND APPROVED by the Town Council of the Incorporated Town of Darby, Darby, Montana on second and final reading at a regular meeting thereof on this 14 day of April 2006.

  
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Mayor

  
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Clerk