

ORDINANCE 144

AN ORDINANCE OF THE DARBY TOWN COUNCIL AMENDING SECTION 8 OF THE TOWN CODE.

WHEREAS; the Town Code was codified and adopted by the Town Council in October 2006, and

WHEREAS; a recent review of Town Code Section 8 revealed incorrect and/or incomplete information, and

WHEREAS; the Council desires to provide complete and correct information, and

WHEREAS; this ordinance shall be in full force and effect 30 days after the second and final reading of the ordinance, and

WHEREAS; the strikethrough font shall indicate text being removed from the present Code and text in bold, italic shall be newly inserted text, and

WHEREAS; this ordinance shall be incorporated into the minutes of each Council meeting when addressed and read.

NOW THEREFORE BE IT ORDAINED by the Town Council of the Town of Darby, Darby, Montana that:

SECTION 1

That Town Code section 8-1-1 shall be amended to read:

8-1-1: DEFINITIONS: As used in this chapter, the following works and terms shall have the meanings ascribed to them in this section:

- BUILDING LOT:** A parcel of ground, which meets the minimum requirements for construction under the zoning regulations of the town.
- CAPACITY UNIT:** Three-fourths inch (3/4") service line or larger
- DEBT SERVICE:** A fixed monthly charge to property owners to cover financing and maintaining the system.
- DEPARTMENT:** The Town of Darby.
- INFRASTRUCTURE CHARGES:** *A charge set by Resolution adopted by the Town Council for impact to the water/sewer systems. Fees collected shall be reserved for capital improvements to the utility system.*
- METERED CHARGES:** ~~A charge of six dollars ninety cents (\$6.90) for residential, thirteen dollars eighty cents *\$13.80) for commercial for the first three thousand (3,000) gallons of water used and \$0.00076 per gallon over the three thousand (3,000) gallons per month.~~ *A charge set by Resolution adopted by the Town Council for availability of water and use per gallon.*
- NON-METERED CHARGES:** A fixed monthly charge for water when gallons are not metered and user fee of ~~eleven dollars twenty cents (\$11.20) for residential, twenty seven dollars sixty cents (\$27.60) for commercial.~~ *set by Resolution adopted by the Town Council.*
- OWNER:** The owner of record of a property or his agent designated on the application for water service.

USER: The person, whether renter or owner, who actually uses the water. (Ord. 4.01, 12-14-1994)

SECTION 2

That Town Code Section 8-1-3 A shall be amended to read:

8-1-3 TAPPING

- A. Tapping for New Service: When an application for new water service has been granted, the department will tap the main and furnish corporation cock, and clamp when necessary, and any other material used or labor furnished in connection with the tapping of the main. Actual tapping of the water main will be made by certified department personnel or a licensed plumber under department supervision. ~~The charges to the applicant will be two hundred fifty dollars (\$250.00) or cost plus ten percent (10%), whichever is greater.~~

SECTION 3

That Town Code Section 8-1-3 D shall be amended to read:

8-1-3 TAPPING

- D. Permit Inspection and Connection Fee: A fee to cover the permit inspection, ~~and~~ the connection fee ~~and infrastructure charges~~ shall be paid to the Town at the time the permit is issued. ~~The fee structures is two hundred fifty dollars (\$250.00) or cost plus ten percent (10%), whichever is greater.~~ *shall be set by Resolution adopted by the Town Council*

SECTION 4

That Town Code Section 8-1-4 shall be amended to read:

8-1-4: AUTHORIZED PERSON TO TURN ON: Water shall be turned on at the curb stop only by an authorized employee of the town. (Ord. 4.01, 12-14-1994) *The authorized person shall only turn water on when the owner is present at the property and the infrastructure charges have been paid.*

SECTION 5

That Town Code Section 8-1-6 C shall be amended to read:

8-1-6 OWNER RESPONSIBILITY:

- C. Leak in Street: In the event of a leak in the street, the department shall excavate to determine the origin of the leak. If the leak is in the main or curb box, the department shall repair the break *leak*. If the leak is on the service pipe, the owner or his agent will be notified and shall ~~take charge of~~ *be financially responsible for* the excavation, repair the leak, replace the street, and assume the cost of all damages that result, including reimbursement of the department for labor and machinery costs of determining the origin of the leak.

SECTION 6

That Town Code Section 8-1-8 B shall be amended to read:

8-1-8 METER REGULATIONS:

- B. Cost of Meters: ~~The department~~ *owner* shall pay the cost of meters, including a readout and couplings.

SECTION 7

That Town Code Section 8-1-12 shall be amended to read:

8-1-12: WASTEWATER: Any new connection to the sewer system ~~will~~ **shall** be assessed ~~two hundred fifty dollars (\$250.00)~~ **a connection fee and infrastructure charge, payable before the connection occurs . The fee structures shall be set by Resolution adopted by the Town Council.** Hookup is to be inspected by the Town maintenance person or town representative. (Ord. 4.01, 12-14-1994)

SECTION 8

That Town Code Section 8-1-14 shall be amended to read:

8-1-14 TEMPORARY DISCONTINUANCE: If an owner wants to temporarily discontinue the water service, the owner shall follow the same procedure as permanent discontinuance **complete a form supplied by the Town stating the address, account number and date discontinuance is to begin.** The department shall assess a reconnection fee of ~~twenty five dollars (\$25.00)~~. **The fee structure shall be set by Resolution adopted by the Town Council.** (Ord. 4.01, 12-14-1994)


**SECTION 9
REPEALER**

All resolutions, ordinances and sections of the Darby Town Code and parts thereof in conflict are hereby repealed upon the effective date of Ordinance 144.

**SECTION 10
EFFECTIVE DATE**

This ordinance shall be in full force and effect on passage thirty (30) days after the second and final approval by the Town Council.

PASSED by the Town Council of the Incorporated Town of Darby, Montana on first reading at a regular session thereof held on the 27 day of Nov 2007.



Mayor




Clerk

PASSED, ADOPTED AND APPROVED by the Town Council of the Incorporated Town of Darby, Montana on second and final reading at a regular session thereof, held on the 11 day of Dec 2007.



Mayor



Clerk