

ORDINANCE NO. 596

AN ORDINANCE TO REPEAL RESOLUTION 744, COMMONLY KNOWN AS THE WATER MORATORIUM AND TO PROVIDE A WATER AND SEWER SERVICES PROVISION POLICY FOR FUTURE ANNEXATIONS AND ADDITIONS TO THE CITY OF POLSON:

Whereas, the City of Polson adopted Resolution 744 on January 5, 1998, which had the effect of prohibiting the extension of water system mains except in certain cases and in all others, effectively halting further subdivision within the boundaries of the City of Polson or annexation thereto where water main extensions would be required; and,

Whereas, the conditions under which Resolution 744 was passed have been ameliorated by the inter-connection of all sources of potable water to the overall City of Polson system; and,

Whereas, the provision of water and sanitary sewer is a critical obligation of the government of the City of Polson and bears directly on its responsibility for public health, welfare, and safety; and,

Whereas, the City of Polson recognizes that the availability of water and sanitary sewer services is directly related to issues of increasing population, density, and land use and desires and intends to address these issues in part through the articulation of annexation management policy under City control as set forth below; and,

Whereas, the City of Polson acknowledges that it alone is in control of additions of territory to the corporate limits of the City of Polson and may determine the proper annexation procedure appropriate in the circumstances as provided in Montana law pursuant to Title 7, Part 42 of the Montana Codes; and,

Whereas, the City of Polson desires to dissolve and repeal the said Resolution 744 and to set in place the policies to be followed in the management of the City's obligations in application of annexation laws of the State of Montana in the context of the City's existing and future water and sewer plant.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF POLSON, MONTANA

1. Resolution 744 is hereby REPEALED in whole.
2. The City hereby delegates the obligation to prepare the plans and reports on the extension of services required by Section 7-2-4731 and 4732, MCA, to any person, firm, or corporation seeking annexation (hereinafter 'proponent') of subdivisions as provided in Montana law. Such persons shall furnish the report first to the City Building and Planning Department, according to policies adopted by it concerning timing with respect to any public hearings that such request for annexation may require. The explanation thereof required by Section 7-2-4709, MCA, shall likewise be delegated to the proponent, unless the City, by and through its Building and Planning Department, elects to make such explanation.

3. The Water and Sewer Department shall, on the effective date of this Ordinance, and thereafter as the Council may from time to time require, cause to be made a report stating the present capacity of the water and of the sanitary sewer systems; the present volume of use thereof; and the anticipated volumetric capacity and uses foreseeable over the ensuing five-year period, for the use and benefit of the City Council and of the public in executing the within policies.
4. Under its power to control annexation, except in such cases indicated below, the City Council shall not grant preliminary or final approval for any one master plan for subdivision that will, as part of such plan, require annexation, where such plan or any phase thereof seeks more than thirty (30) new single three-quarter inch residential water taps (hereinafter 'taps') in any given calendar year. It is not the intent of the City that this term be defeated by fictions of ownership as to more than one plan. This limitation is intended to be applied on the basis of one planned residential lot at the time of approval, regardless whether any home is actually built thereon in any calendar year.
5. The City Council reserves the power in circumstances it deems in the public interest to ignore the limitation provided in Paragraph 4 hereof, for example and without limitation, a petition for annexation by more than 30 users in a wellhead protection zone.
6. Pursuant to Montana law, such parcels existing outside the corporate limits of the City of Polson, and lying adjacent to an existing water main, are entitled to one tap per such lot, but in any event no main extension can be made thereon.
7. The City reserves the power, as part and parcel of its authority hereunder, to suspend indefinitely further water or sanitary sewer connection, main extension, or annexation approval if it finds such a course of action necessary in now unforeseen circumstances.

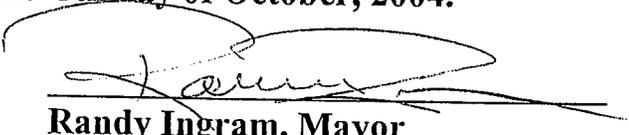
REPEALING CLAUSE: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

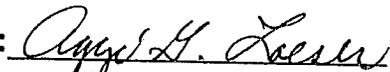
FIRST READING: September 20, 2004

SECOND READING: October 5, 2004

NOW THEREFORE, it is resolved that the subject Ordinance shall become effective on **November 4, 2004.**

PASSED AND ADOPTED, this 5th day of October, 2004.


Randy Ingram, Mayor

ATTEST: 
Aggi Loeser, City Clerk