

ORDINANCE NO. 627

AN ORDINANCE AMENDING CHAPTER 4.02.330 and 4.06.030 OF THE POLSON MUNICIPAL CODES TO PROVIDE FOR AN IMPOSITION OF UNITARY AND SPECIAL CONNECTION FEES FOR PRIVATE CONNECTION TO CITY OF POLSON WATER AND SANITARY SEWER SYSTEMS.

Whereas, the City Council of the City of Polson, hereinafter Council, is the owner of certain water and wastewater utilities serving the residents of the City of Polson; and,

Whereas, the City Council is empowered to manage and regulate the operations and improvements of the City's water and wastewater systems; and,

Whereas, the Council has retained to itself the power to alter and amend water and wastewater regulations; and,

Whereas the City of Polson has passed Ordinance 624, effective April 19, 2007, imposing impact fees on new development, the purpose of which is to gather revenue necessary to expand infrastructure facilities the need for which is generated by such new development; and,

Whereas, the City has, prior to the passage of Ordinance 624, collected 'connection fees, also or variously known as 'capital improvement fees,' in consideration of connecting private building and development to the public's water and wastewater facilities, the said fees separated from and earmarked to the public purpose of expanding infrastructure facilities; and,

Whereas, the City finds that such 'connection fees' also or variously known as 'capital improvement fees' constitute a burden on development to the extent that the purpose of such fees overlaps with that of the impact fees imposed by Ordinance 624; and,

Whereas, the City desires to relieve the burden above-mentioned to the extent of any overlap by amending such portions of the Municipal Code to the degree necessary to eliminate the overlap, but to provide for a connection fee for the connection of private water and wastewater taps and drains to the public system; and,

Whereas, the City finds that a reasonable relation exists between an individual connection and the annual budget of the water department, of the sewer department, and of the cost of facility administration; and,

Whereas, it is the intent of the City to hereby establish an algorithm to determine a reasonable connection fee for each connection of a private system to the public's water and wastewater systems, and to amend the Municipal Codes in accordance therewith; and,

Whereas, the Council finds that such connection fee, as applied, shall be a charge upon a specific property for a specific purpose, founded upon the benefits to be derived by the property itself; and,

Whereas, the City finds that the revenues collected hereunder ought properly be divided among and distributed to, in pro-ratio to the funds in the amounts serving as the basis for the calculation thereof; and,

Whereas, the City recognizes that the budgetary numbers and total connections on which the connection fee calculation is based will vary from year to year, and finds that it is necessary to calculate and determine the connection fees on an annual basis

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

1. The foregoing recitals are not mere Recitals but are part and parcel of this Ordinance.
2. Paragraph (B) of Chapter 4.02.330 is amended in whole as follows:

“(B) There shall be two classes of building water permits: (a) for residential service; and, (b) for commercial, industrial and all other services.

The City shall assess and charge to any Applicant for private water connection a fee for such connection, to be known as the unitary water connection fee, to be calculated in August of each and every year and that year’s calculation to be in effect until August 1 of the following year, as follows: the sum of the Water Department and Facility Administration budget expenditures, divided by the number of then-existing water connections throughout the City water system. The figure to be used for the Water Department budget expenditures shall not include any projected annual budget capital expenditures in excess of \$5,000.00. In addition to the unitary water connection fee, the Water Department shall publish a schedule of special water connection fees which shall set forth the usual costs and expenses incidental to such installation as a special water connection fees applicable to individual types of connections. Both the unitary and special water connection fees shall be paid prior to installation of any tap, meter, or other hookup. Private water connection users are subject to all provisions of this Code related to such connection.

3. The second paragraph of Chapter 4.06.030(B) is amended in whole as follows:

“The City shall assess and charge to any Applicant for private sewer connection a fee for such connection, to be known as the unitary sewer connection fee, to be calculated in August of each and every year and that year’s calculation to be in effect until August 1 of the following year, as follows: the sum of the Sewer Department and Facility Administration budget expenditures, divided by the number of then-existing sewer connections throughout the City sewer system. The figure to be used for the Sewer Department budget expenditures shall not include any projected annual budget capital expenditures in excess of \$5,000.00. In addition to the unitary sewer connection fee, the Water Department shall publish a schedule of special sewer connection fees which shall set forth the usual costs and expenses incidental to such installation as a special sewer connection fees applicable to individual types of connections. Both the unitary and special sewer connection fees shall be paid prior to installation of any tap, meter, or other hookup. Private sewer connection users are subject to all provisions of this Code related to such connection.

4. Chapter 4.06.030(C) is repealed.

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

NOW, THEREFORE, the foregoing Ordinance shall become effective on **May 7, 2007.**

PASSED AND ADOPTED THIS 7TH DAY OF MAY 2007.

CITY OF POLSON

Jules Clavadetscher, Mayor

ATTEST:

Aggi Loeser, City Clerk