

ORDINANCE NO. 655

AN ORDINANCE AMENDING ORDINANCE NO. 523 AND SECTION 4.10 OF THE POLSON MUNICIPAL CODE TO PROVIDE A REIMBURSEMENT FUND FOR PRIVATELY FINANCED DEVELOPMENT FOR UP TO TWENTY YEARS, AND TO REQUIRE DEVELOPERS TO MONITOR LATECOMER HOOKUPS.

Whereas, the City Council of the City of Polson, hereinafter Council, did enact Ordinance #523, codifying thereby into the Polson Municipal Code at Chapter 4.10 thereof certain provisions to provide for rebates for privately financed water and/or sewer mainline extensions; and,

Whereas, Subpart 3 thereof provided that, under certain conditions as stated therein, the City of Polson would establish a fund to receive and pass on to any said developer qualifying and applying a partial rebate of the developer's private costs in extending such mainline at the time a new connection is added thereto; and,

Whereas, the Council desires to amend the period over which the rebate may be collected from such latecomers to a period not to exceed twenty years; and,

Whereas, it is evident from the experience in operating such rebate funds, and especially as no title may be clouded with the provisions thereof in anticipation of future connections, that the monitoring of such new connections is more reliably and accurately achieved by the main party in interest, that is, by the said qualifying and applying developer.

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

1. Chapter 4.10 (3) is amended to read as follows:
"Upon acceptance and approval by the City of both the utility lines as installed, and the itemization of expenses, and for a term not to exceed twenty years thereafter, a fund shall be established by the City for the purpose of collecting reimbursement funds from all property owners adjacent to the privately installed main, desiring to tap into such main. The amount of the rebate shall be a proportionate amount of installation cost determined by dividing the installation cost by the number of lots fronting on the main extension at the time the reimbursement fund is established. Any property owner desiring to tap into such utility main to connect a building or structure shall not be issued a connection permit until the proportionate share of the rebate applicable to such property, as determined by the City, has been paid to the fund established therefor. This rebate is in addition to all other connection charges required by the City. In establishing the fund, the City takes no responsibility to monitor future connections to the main for which the fund was established."

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

FIRST READING: March 1, 2010.

SECOND READING: March 15, 2010.

NOW, THEREFORE, the foregoing Ordinance shall become effective on April 15, 2010.

PASSED AND ADOPTED THIS March 15, 2010.

CITY OF POLSON

Pat DeVries, Mayor

ATTEST:

Aggi Loesser, City Clerk
By: Kala Parker, Assistant City Clerk