

ORDINANCE NO. 15-5650

AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THAT THE BILLINGS, MONTANA CITY CODE BE AMENDED BY REVISING SECTIONS 26-502, 26-504, 26-505, and 26-506; UPDATING AND CLARIFYING REIMBURSEMENT AND COMPENSATION OF WATER AND WASTEWATER EXTENSION AND REPLACEMENT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA:

**Section 1.** That Section 26-502 of the Billings, Montana City Code be amended so that such section shall read as follows:

**Sec. 26-502. Definitions.**

The following words and phrases, when used in this article, shall have the following meanings:

*Developer* means a person who:

- (1) Requests use of the city water and/or wastewater general benefit facilities to provide water and/or wastewater service to special benefit facilities, ~~or~~
- (2) ~~Requests use of the city stormwater system either of which will be installed by the person to serve properties owned by the applicant.~~

*General benefit facilities* means water and wastewater system facilities that benefit all or a large number of customers, and/or that provide service to large areas. ~~which may typically include but is not limited to, such type of facilities as water/wastewater treatment facilities, public water/wastewater mains larger than twelve (12) inches in diameter, water storage reservoirs, and water and wastewater pumping stations.~~ Typical general benefit facilities include, but are not limited to water lines larger than twelve (12) inches in diameter for commercial and/or industrial service areas and water lines larger than eight (8) inches in diameter for residential service areas or as determined by the City Engineer as determined to serve that area using standard engineering practices for commercial and/or industrial and residential service areas, water booster pumping stations serving areas larger than the customer's property, wastewater lines larger than twelve (12) inches in diameter for commercial and/or industrial service areas and wastewater lines larger than eight (8) inches in diameter for residential service areas or as determined by the City Engineer as determined to serve that area using standard engineering practices for commercial and/or industrial and residential service areas, and wastewater pumping stations serving areas larger than the customer's property.

*Special benefit facilities* means water or wastewater facilities which are owned and controlled by the city and which provide service solely to specific properties located within the city's water or wastewater service areas. Typical special benefit facilities include, but are not limited to water lines twelve (12) inches ~~or smaller~~ in diameter for commercial and/or industrial service areas and water lines eight (8) inches in diameter for residential service areas or as determined by the City Engineer as determined to serve that area using standard engineering practices for commercial and/or industrial and residential service areas, water booster pumping stations serving small areas, wastewater lines twelve (12) inches ~~or smaller~~ in diameter for commercial and/or industrial service areas and wastewater lines eight (8) inches in diameter for residential service areas or as determined by the City Engineer as determined to serve that area using standard engineering practices for commercial and/or industrial and residential service areas, and wastewater pumping stations serving the specific customer's property ~~small areas~~.

**Section 2.** That Section 26-504 of the Billings, Montana City Code be amended so that such section shall read as follows:

**Sec. 26-504. - Compensation by city.**

Developers are responsible for the cost of ~~their fair share portion of all~~ the special benefit facilities that front the development ~~and or~~ are necessary to bring service to the development. The city reserves the right to direct a developer requesting an extension to the municipal water supply system and/or to the municipal waste water system to install oversized general benefit water system and/or wastewater facilities larger than that required to serve the area included in the customer's subdivision or property. Any compensation by the City to the customer requires an approved compensation agreement. The developer shall also meet the requirements contained herein and shall also meet the requirements set forth in the most recent copy of the City's Rules and Regulations Governing Water and Wastewater Service. It is the customer's responsibility to inquire about, obtain and comply with the most recent copy of the City's Rules and Regulations Governing Water and Wastewater Service.

~~In situations where the developer extends a water/wastewater general benefit facility at his initial cost, that developer will be eligible to recoup those costs provided he meets the requirements contained herein and the compensation by the city is in accordance with an approved compensation agreement.~~

~~Developers may choose to proceed with an extension or replacement project without waiting for its inclusion in the capital improvements program. In this case the developer is responsible for paying the entire cost of the construction. A compensation agreement will define the provisions covering payment of the city's portion of the project costs.~~

**Section 3.** That Section 26-505 of the Billings, Montana City Code be amended so that such section shall read as follows:

**Sec. 26-505. - Reimbursement agreements.**

- (a) Developers who meet the following conditions shall be entitled to reimbursement from revenues derived from the reimbursement fees established by this article:

(5) Developer shall enter into a standard reimbursement agreement with the city at the time the city approves the developer's application for extension of special/general benefit facilities or at the time of submittal of preliminary plans and specifications for water and/or wastewater ~~stormwater~~ facilities.

**Section 4.** That Section 26-506 of the Billings, Montana City Code be amended so that such section shall read as follows:

**Sec. 26-506. - Compensation agreements.**

(b)

All compensation payments to developers shall be subject to the following terms and conditions:

(1)

The extent, timing, and manner of the city's participation in a water and/or wastewater facilities extension or replacement is determined in conformance with the city's water/wastewater extension policy, ~~the city's utilities fees practice,~~ and the developer's compliance with city, state and federal laws, rules, and regulations. Extensions or replacements not eligible for compensation according to these city policies and practices must be constructed by the developer at ~~his~~ the customer's expense.

**Section 5. EFFECTIVE DATE.** This ordinance shall be effective thirty (30) days after second reading and final adoption as provided by law.

**Section 6. REPEALER.** All resolutions, ordinances, and sections of the City Code inconsistent herewith are hereby repealed.

**Section 7. SEVERABILITY.** If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions of this ordinance which may be given effect without the invalid provisions or application, and, to this end, the provisions of this ordinance are declared to be severable.

**Section 8. CODIFICATION.** The provisions of this ordinance shall be included and incorporated in the Billings, Montana City Code as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

PASSED by the City Council on first reading this 23rd day of February, 2015.

PASSED, ADOPTED and APPROVED on second reading this 9th day of March, 2015.

CITY OF BILLINGS



By Thomas W. Hanel  
Thomas W. Hanel, Mayor

ATTEST:

By Cari Martin  
Cari Martin, City Clerk