

## ORDINANCE 24-5887

### AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THAT THE BILLINGS, MONTANA CITY CODE (BMCC) BE AMENDED BY REVISING ARTICLE 22-800 (STORM SEWERS) BY GENERALLY ADDING DEFINITIONS, RENUMBERING THE SECTIONS OF THE ARTICLE, AND SPECIFYING THE FREQUENCY OF RATE METHODOLOGY REVIEW

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BILLINGS THAT:

**Section 1.** That Article 22-800 of the Billings, Montana City Code (BMCC) is amended so that such section shall read as follows:

#### **Article 22-800. – STORM SEWER SYSTEM RATES AND CHARGES**

##### **Sec. 22-801. – Costs and purpose.**

The purpose of the rates and charges shall be to generate sufficient revenue to pay all costs of establishing, building, reconstructing, or extending the city's storm sewer system, authorized under MCA 7-13-4301, including but not limited to costs of construction, reconstruction, operation, maintenance, administration, depreciation and replacement of stormwater infrastructure, appurtenances, and sewers to dispose of stormwater and divert it from the sewage disposal plant and prevent pollution of sources of water supply, including the principal of and interest on all revenue bonds to be issued for that purpose, as authorized by MCA Title 7 Chapter 7 Part 44, or Title 7 Chapter 13 Part 43, as amended. All proceeds are deemed to be in payment for the use of the city storm sewer system.

##### **Sec. 22-802. – Definitions.**

For the purpose of this article and the calculation of storm sewer system fees, the following terms, phrases, and words shall have the meaning ascribed to them below.

*Commercial property* means developed property except a single-family residential property or duplex.

*Developed property* means real property that has been altered from its natural state by the addition of any improvements, including but not limited to buildings, structures or impervious surfaces. Parcels with square feet of impervious surface area equal to more than 2,500 square feet or those properties

that meet the definition of single-family residential or duplex property, shall be considered developed property.

*Duplex property means a developed property residential building containing two separate residential dwelling units, both served by one water and/or wastewater connection.*

*Equivalent Residential Unit or ERU means the average impervious surface area for a developed single-family residential property in the City.*

*Impervious surface means a surface that is compacted or covered with material that is resistant to infiltration by water, including, but not limited to, pavement, buildings, decks, parking areas, and compacted gravel areas. Impervious surface does not include sidewalks within a park, trails and paths, improved streets, roads and sidewalks within the public right-of-way, and parcels dedicated for storm drains, ditches, and drains. Rather, such facilities are deemed to be part of the municipal storm sewer system or to constitute non-impervious surfaces.*

*Single-family residential property means a developed property containing a building or structure maintained and used as a residential single dwelling unit and is served by an individual water and/or wastewater connection.*

*Undeveloped property means any real property which has 2,500 square feet or less of impervious surface area and does not have utility services (water, wastewater, or trash collection).*

#### **Sec. 22-803. – Operation cost determination.**

The City Administrator or the Public Works Department shall determine the total annual cost of operation and maintenance of the storm sewer system pursuant to policies adopted by the city council. The total annual cost of operation and maintenance of the storm sewer system shall include, but is not limited to, costs of planning, analysis, labor, personnel, repairs, capital improvements, equipment, equipment replacement, maintenance, modifications, power, permitting, sampling, administration, debt service, and amounts needed to fund reserves.

#### **Sec. 22-804. – Monthly service charge.**

A monthly storm sewer system service charge is imposed and made applicable to all premises within the city limits. Stormwater service charges shall be included with the monthly utility billing. All charges shall be assessed to premises within the City upon a methodology and at a rate to be established by Council resolution and in accord with MCA 7-13-4304. The methodologies used to calculate such rates shall be reviewed at a minimum every five years.

All storm sewer system service charges shall be collected as provided in this article and credited to a fund to be known as "The Municipal Storm Sewer System Fund", which shall be at all times segregated and maintained as a separate fund.

**Sec. 22-805. – Appeal and adjustment.**

Any party who considers the charges applicable to his premises unfair, inequitable or unreasonable may apply to the public works director for adjustment thereof, stating the facts and grounds of complaint, and the public works director may notify the owner of any premises as to which he considers the rates and charges to be inadequate. In either case, the public works director shall cause appropriate investigation and report to be made by himself or his duly authorized representative.

The public works director, or his duly authorized representative, shall consider each and all of such complaints and reports and communicate his findings with respect thereto to the city council. The council shall have the right to order a public hearing as to any such matter and, if convinced that an adjustment of the charges for such premises is necessary to provide reasonable equality with those charged to others, it shall so provide, either by ordinance amendatory hereto, or by resolutions fixing special charges for individual premises during the period of continuance of special circumstances which make the standard charges unfair, inequitable, unreasonable or inadequate.

**Sec. 22-806. – Delinquent charges.**

Bills for storm sewer system service charges shall become delinquent twenty-five (25) days from the date of billing if not paid. If the bill is not paid within forty (40) days after the billing date, the water service to the customer shall be discontinued after written notice of delinquency is mailed to the customer until the delinquent amount due and owing is paid. The city invokes use of the procedures set forth under MCA 7-13-4309 for collection of the payment due and owing as a tax against the lot or parcel of real property to which stormwater sewer system service was furnished and payment is delinquent and also permits the city to bring suit to collect payment of delinquent charges as a debt owing the city.

**Section 2. EFFECTIVE DATE.** This ordinance shall be effective thirty (30) days after second reading and final adoption as provided by law.

**Section 3. REPEALER.** All resolutions, ordinances, and sections of the City Code inconsistent herewith are hereby repealed.

**Section 4. 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.

PASSED by the City Council on first reading the 10<sup>th</sup> day of June, 2024.

PASSED, ADOPTED and APPROVED on second reading this 24<sup>th</sup> day of June, 2024.



CITY OF BILLINGS

BY: William A. Cole  
William A. Cole, Mayor

Attest:

BY: Denise R. Bohlman  
Denise R. Bohlman, City Clerk