

ORDINANCE NO. 03-5249

AN ORDINANCE OF THE CITY OF BILLINGS PROVIDING THAT THE BILLINGS, MONTANA CITY CODE BE AMENDED BY REVISING SECTIONS 23-704, 23-705 AND 23-710; PROVIDING UPDATES TO SUBDIVISION REGULATIONS TO REQUIRE COMPLIANCE WITH MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY COMPLIANCE AND OTHER REQUIREMENTS FOR CONNECTION TO SANITARY SEWER SYSTEMS, WATER SUPPLY SYSTEMS, AND SETTING STANDARDS FOR SOLID WASTE DISPOSAL.

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

Section 1. That Section 23-704 of the Billings, Montana, City Code be amended so that such section shall read as follows:

Sec. 23-704. Sanitary sewer system.

- (a) Where the subdivision is within the sewer service area, the subdivider shall install complete sanitary sewer system facilities in accordance with the requirements of the city and the Montana Department of Environmental Quality (MDEQ). Application for extension of sanitary sewer service shall be submitted to the city. The subdivider shall submit plans and specifications for the proposed facilities to the city and to the Montana Department of Environmental Quality, and shall obtain necessary approvals prior to final plat approval.
- (b) If any boundary of the subdivision is within 500 feet of a public sanitary sewer system, the subdivider must connect to the sewer district and install sanitary sewer system facilities as required in subsection (a). The Planning Board may grant a waiver of the requirement to connect to a public system if the applicant demonstrates that connection to the public system is physically or economically impractical, or that easements cannot be obtained. For purposes of this rule, a connection is economically practical if the cost of connection is less than or equal to three times the cost of installation of an approvable system on the site.
- (c) All individual wastewater treatment systems must, at a minimum, meet the standards set forth in Montana Administrative Rules Title 17, Chapter 36 (Subdivisions/Onsite Wastewater Treatment). Where lots cannot be served by the extension of the city sanitary sewer system, the subdivider shall obtain approval for wastewater facilities from the Montana Department of Environmental Quality or the Yellowstone County Environmental Health Department. The subdivider must obtain MDEQ Subdivision approval prior to final plat submittal for lots less than 20 acres. The subdivider must obtain Yellowstone City-County Health Department Subdivision approval prior to final plat submittal for lots equal to or greater than 20 acres. If the subdivision will not be served by the city sanitary sewer system, a waiver of protest against a future sanitary

sewer system special improvement district shall be executed by the subdivider and shall be filed and recorded with the final plat.

(Ord. No. 4237, & 7(D), 7-23-79)

Sec. 23-705. Water supply system.

- (a) If the subdivision is within the water service area, the subdivider shall install complete water system facilities in accordance with the requirements of the city and the Montana Department of Environmental Quality (MDEQ). Application for extension of water service shall be submitted to the city. The subdivider shall submit plans and specifications for the proposed facilities to the city and to the Montana Department of Environmental Quality, and shall obtain their approvals prior to final plat approval.
- (b) If any boundary of a subdivision is within 500 feet of a public water supply, the subdivider must connect to the water district and install water system facilities as required in subsection (a). The Planning Board may grant a waiver of the requirement to connect to a public system if the applicant demonstrates that connection to the public system is physically or economically impractical, or that easements cannot be obtained. For purposes of this rule, a connection is economically practical if the cost of connection is less than or equal to three times the cost of installation of an approvable system on the site.
- (c) All individual water supply systems must, at a minimum, meet the standards set forth in Montana Administrative Rules Title 17, Chapter 36 (Subdivisions/Onsite Wastewater Treatment). Where lots cannot be served by the extension of the city water system, the subdivider shall obtain approval for individual water supply systems from the Montana Department of Environmental Quality or the Yellowstone County Environmental Health Department. The subdivider must obtain MDEQ Subdivision approval prior to final plat submittal for lots less than 20 acres. The subdivider must obtain Yellowstone City-County Health Department Subdivision approval prior to final plat submittal for lots equal to or greater than 20 acres. A waiver of protest against a future water system special improvement district shall be executed by the subdivider and shall be filed and recorded with the final plat.

(Ord. No. 4237, & 7(E), 7-23-79)

Sec. 23-710. Solid waste disposal and deliveries.

- (a) All subdivisions must, at a minimum, meet the solid waste disposal standards set forth in Montana Administrative Rules Title 17, Chapter 36 (Subdivisions/Onsite Wastewater Treatment). The subdivider must obtain MDEQ Subdivision approval prior to final plat submittal for lots less than 20 acres. The subdivider must obtain Yellowstone City-County Health Department Subdivision approval prior to final plat submittal for lots equal to or greater than 20 acres. Approval of the final plat will be contingent on receiving solid waste disposal approval from MDEQ or the City-County Environmental Health Department.
- (b) In any industrial, commercial or professional zoned area or in any cluster development, one (1) or more solid waste collection sites shall be provided as approved by the city.

(c) A mail receptacle site shall be provided as approved by the city.
(Ord. No. 4237, & 7(J), 7-23-79; Ord. No. 83-4486, & 1(7), 1-3- 83)

Section 4. EFFECTIVE DATE. This ordinance shall be effective thirty (30) days after second reading and final adoption as provided by law.

Section 5. REPEALER. All resolutions, ordinances, and sections of the City Code inconsistent herewith are hereby repealed.

Section 6. 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 this 14th day of July, 2003.

PASSED, ADOPTED and APPROVED on second reading this 28th day of July, 2003.

CITY OF BILLINGS

By _____
Mayor

ATTEST:

By _____
City Clerk