

ORDINANCE NO. 10-5504

AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THAT THE BILLINGS, MONTANA CITY CODE BE AMENDED BY REVISING DIVISION 11, SECTION 2-580, 2-581, 2-582, AND 26-111; PROVIDING THAT THE PUBLIC UTILITIES BOARD BE HEREINAFTER DESIGNATED AS THE PUBLIC WORKS BOARD.

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

Section 1. That Division 11 of the Billings Montana City Code be amended so that such division shall read as follows:

DIVISION 11. PUBLIC UTILITIES WORKS BOARD

Section 2. That section 2-580 of the Billings Montana City Code be amended so that such section shall read as follows:

Sec. 2-580. Created.

There is hereby created a public utilities works board.

Section 3. That section 2-581 of the Billings Montana City Code be amended so that such section shall read as follows:

Sec. 2-581. Composition, appointment.

The public utilities works board shall be composed of five (5) members.

Section 4. That section 2-582 of the Billings Montana City Code be amended so that such section shall read as follows:

Sec. 2-582. Powers and duties.

The public utilities works board shall serve in an advisory capacity to the city with respect to all aspects of public utilities works. The board may recommend to the city the adoption of such rates, fees and charges as it may deem just and proper, subject to other requirements and provisions imposed by law.

Section 5. That section 26-111 of the Billings Montana City Code be amended so that such section shall read as follows:

Sec. 26-111. Adjustment of wastewater charges.

(a) The wastewater rates, charges and rental may be adjusted, as applied to particular premises, by the procedure set forth below, where it appears that:

(1) The character of the wastewater from any manufacturing, industrial or other plant, building or premises is such that the wastewater rates provided are unfair,

inequitable, unreasonable or inadequate to pay the cost of wastewater service to such premises; or

(2) The entire amount of water delivered through the metered line to any premises is used for such a purpose and in such a manner as to establish beyond reasonable doubt that such water does not enter the wastewater system; or

(3) The entire amount of water delivered through a secondary meter on any premises is used for such a purpose and in such a manner as to establish beyond reasonable doubt that water so delivered does not enter the wastewater systems. Secondary meters shall be of a type, size and make and set at such place as shall be designated by the city rules and regulations.

(b) Any person who considers the wastewater rates, charges and rental applicable to his premises unfair, inequitable or unreasonable may present his complaints to the public utilities works board, stating the facts and grounds of complaint. The board shall advise the city administrator or his designee of any need for investigation and a report of the investigation shall be made to the board. The public utilities works board shall consider each and all of such complaints and reports and communicate its recommendations to the city administrator. Where the entire amount of water or any metered portion thereof delivered to any premises does not enter the wastewater systems, this fact shall be part of the report. When the board finds that the wastewater rates, charges and rentals applicable to any premises are for other reasons unfair, inequitable, unreasonable or inadequate, it shall communicate its findings to the city administrator. The city administrator shall report the same to the city council and the council shall have the right to order a public hearing as to any such matter and, if convinced that an adjustment of the wastewater rates, charges and rentals for such premises is necessary to provide equality with those charged to others, it shall so provide, either by amendatory ordinance, or by resolutions fixing special wastewater rates and charges for individual premises during the period of continuance of special circumstances which make the standard rates and changes unfair, inequitable, unreasonable or inadequate.

Section 6. EFFECTIVE DATE. This ordinance shall be effective thirty (30) days after second reading and final adoption as provided by law.

Section 7. REPEALER. All resolutions, ordinances, and sections of the City Code inconsistent herewith are hereby repealed.

Section 8. 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 8th day of February, 2010.

PASSED, ADOPTED and APPROVED on second reading this 22nd day of February, 2010.



CITY OF BILLINGS

By Thomas W. Hanel, Mayor
Thomas W. Hanel, Mayor

ATTEST:

By Cari Martin
Cari Martin, City Clerk