

ORDINANCE NO. 727

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COLUMBIA FALLS, MONTANA, AMENDING SECTIONS 13.08.020, 13.08.350 and 13.12.120 OF THE COLUMBIA FALLS MUNICIPAL CODE.

WHEREAS, the City Council desires to amend Sections 13.08.020, 13.08.350 and 13.12.120 of the Columbia Falls Municipal Code; and

WHEREAS, the City Council has determined that said amendment to the Columbia Falls Municipal Code is in the best interests of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLUMBIA FALLS, MONTANA AS FOLLOWS:

Section One. Section Amended: Sections 13.08.020, 13.08.350 and 13.12.120 of the Columbia Falls Municipal Code are hereby amended to read as follows:

**13.08.020 Definitions:**

11. "Green space" means an area of lot adjacent to a fronting public street, where vegetation, excluding nuisance, noxious weed and rank vegetation, is sufficiently maintained in appearance by the application of irrigation water.

**13.08.350 Green space allowance.**

During the period of June through October meter readings, water used by residential customers for sprinkling and irrigation purposes will not be billed a sewer charge. All other customers with green space will not be billed a sewer charge if they make application with the utility and satisfactorily demonstrate that the water they use in excess of their average for the months of December, January and February is used exclusively for sprinkling and irrigation purposes. If such application is not approved, the customer will be billed for all sewer charges. Winter averages for those customers not served by the utility during the months of December, January, and February will be set per household size as listed in the rate resolution. Multifamily winter averages will be maintained from the prior winter, in case of new owner(s), unless a change of use occurs. (Ord. 611 § 11, 1998: Ord. 585 § 11, 1995)

For non-residential customers where routine averaging does not apply, the allowance shall be estimated by the utility based upon an approximation of qualifying area and a volume allowance, not to exceed two gallons per square foot per month.

The volume of water allotted monthly for green space shall establish a minimum volume charged for sewer in each of the months June through October; within this period when water use is less than the minimum, all water usage volume shall be charged for sewer; within this period when water use exceeds the minimum, the minimum volume shall be charged for sewer. The allowance shall continue provided that the green space appearance evidences the use of irrigation water and other maintenance efforts. (Ord. 654 § 1(part), 2004)

**13.12.120 is deleted in its entirety.**

Section Two. Inconsistent Provisions: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section Three. Severability: The provisions of this Ordinance are severable. If any provision of this Ordinance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision.

Section Four. Effective Date: This Ordinance shall become effective thirty (30) days after its final passage and approval by the City Council of the City of Columbia Falls, Montana.

PASSED AND APPROVED BY THE CITY COUNCIL OF COLUMBIA FALLS, MONTANA THIS 19<sup>th</sup> DAY OF MARCH, 2012, THE COUNCIL VOTING AS FOLLOWS:

AYES: Shepard, Bates, Fisher, Karper, Plevel, Barnhart

NOES: None

ABSENT: Petersen

\_\_\_\_\_  
City Clerk

APPROVED BY THE MAYOR OF COLUMBIA FALLS, MONTANA, THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2012.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk