

ORDINANCE NO. 783

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COLUMBIA FALLS, MONTANA, AMENDING CHAPTER 13.08 SEWER USE REGULATIONS OF THE COLUMBIA FALLS MUNICIPAL CODE.

WHEREAS, the City Council desires to amend Chapter 13.08 Sewer Use Regulations of the Columbia Falls Municipal Code; and

WHEREAS, a hearing on said text amendments was held by the City Council of the City of Columbia Falls, Montana, at its regular meeting on Monday, November 5, 2018, after said hearing was advertised according to law; and at said hearing on said date, the City Council considered any and all comments filed or voiced with respect to said changes; and

WHEREAS, the City Council has determined that said amendments to the Columbia Falls Municipal Code are 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: Chapter 13.08 Sewer Use Regulations, of the Columbia Falls Municipal Code is hereby amended as more particularly set forth on Exhibit "A" attached hereto.

Section Two. Remaining Provisions Intact: The remaining provisions of the Columbia Falls Municipal Code, not specifically amended hereby, are continued in full force and effect.

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 Inconsistent Provisions: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section Four. 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 Five. 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 19th DAY OF NOVEMBER, 2018, THE COUNCIL VOTING AS FOLLOWS:

AYES: Fisher, Karper, Piper, Robinson, Shepard and Barnhart

NOES: None

ABSENT: Lovering

City Clerk

APPROVED BY THE MAYOR OF COLUMBIA FALLS, MONTANA, THIS 19th DAY OF NOVEMBER, 2018.

Mayor

ATTEST:

City Clerk

EXHIBIT A

Chapter 13.08 Sewer Use Regulations

13.08.030 Installation of facilities required in buildings.

A. The owner(s) of all buildings regularly occupied by humans for any purpose, situated within the city and abutting on any street, alley, or right-of-way where a public sanitary sewer is available, is required at the owner(s) expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within one hundred eighty days after date of official notice to do so.

B. Connection to the public sanitary sewer is required whenever there is a change in ownership of the property. The private wastewater system in use will be abandoned pursuant to City and MT Public Works Standards.

(Ord. 654 § 1(part), 2004)

13.08.260 Connection with public system required-When.

A. Except as hereinafter provided, it is unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater.

B. Properties, buildings or premises within the city of any type or nature whatsoever which have, an on-site sewerage disposal system in proper operating condition and a public sewer available shall have the privilege of continuing to use these on-site systems until such time as any of the following occurs:

1. There is a change of ownership in the property.
2. At such time as public sewer becomes first available after July 1, 2004, to a property served by a private wastewater disposal system a direct connection shall be made to the public sewer within one year in compliance with this chapter.
3. Any property within the city limits and any property annexed, by means other than petition or waiver of protest, to the city prior to January 1, 2000, served by a private wastewater disposal system and has a public sewer available shall connect to the public sewer not later than May 31, 2005.
4. Any property annexed, by means other than petition or waiver of protest, to the city on or after January 1, 2000, served by a private wastewater disposal system and has a public sewer available shall connect to the public sewer not later than May 31, 2008.
5. Any property annexed, by means other than petition or waiver of protest, to the city after July 1, 2004, served by a private wastewater disposal system and has a public sewer available shall connect to the public sewer not later than five years after the date of annexation.
6. When the on-site sewerage disposal system is in a failed operating condition. Under such conditions no work, repairs, pumping or any other services may be performed upon any part of the system and mandatory hook-up or connection to the public sewer system is required. The required connection shall occur within thirty days of the discovery of the failed conditions or upon notice from the city to a property owner of the defect and a requirement to connect to the public sewer. In the event that any of the conditions set forth in this section which require mandatory connection occur during the winter or at another time when weather or soil condition prevents excavating in order to make the connection to the disposal system, the connection shall be done within thirty days after weather or soil conditions permit excavating for the purpose of connection.

System failure is defined as the occurrence of any of the following:

- i. Any break, malfunction or improper working of the system occurs, whether it be in a tank, drain field, or any connecting piping;
- ii. A septic tank, cesspool or other system requires pumping in order to keep it operable;
- iii. The on-site system becomes saturated, flooded or inoperable in that it no longer disposes of sewerage input thereto, causing the same to appear on the surface of the ground or draining away in any manner.

C. At the time of connection to the public system, any septic tanks, cesspools, and similar private

wastewater disposal facilities shall be properly abandoned, cleaned of sludge and filled with suitable material as approved and inspected by the City. (Ord. 654 § 1(part), 2004)