FINANCE COMMITTEE – 6:30 P.M.
   (Barnhart, Piper, Robinson)

1. Claims Review

REGULAR MEETING – 7:00 P.M.

1. CALL TO ORDER
   A. Roll Call
   B. Pledge of Allegiance

2. APPROVAL OF AGENDA

3. CONSENT AGENDA:
   *A. Approval of Claims - $ 25,590.39 - November 4, 2019
   *B. Approval of Payroll Claims - $ 113,213.61 – November 1, 2019
   *C. Approval of Regular Meeting Minutes – October 21, 2019
   *D. Approval of Utility Services Contract NLC Warranty program

4. VISITORS/PUBLIC COMMENT (Items not on agenda)

5. NOTICE OF PUBLIC HEARINGS/PUBLIC HEARINGS: None

6. UNFINISHED BUSINESS: None

7. NEW BUSINESS: None

8. ORDINANCES/RESOLUTIONS:
   *A. SECOND AND FINAL READING – Ordinance # 786 - An Ordinance of the City Council of the City of Columbia Falls, Montana, Amending the Planned Unit Development (PUD) Overlay at 405 Bills Lane Further Described as Lots 3 and 4 of Williams Estates In Section 16, Township 30 North, Range 20 West, P.M.M., Flathead County, Montana

   *B. SECOND AND FINAL READING – Ordinance # 787 - An Ordinance of the City Council of the City of Columbia Falls, Montana, Changing the Zoning Classification From CI-
1 Light Industrial to CB-2 General Business on Property Located at 500 12th Avenue West and Further Described as Assessor’s Tract 8, 8B, 8F, 8G, 8HA, 8H and 8E in Section 7, Township 30 North, Range 20 West, P.M.M., Flathead County, Montana.

*C. SECOND AND FINAL READING – Ordinance # 788 - An Ordinance of the City Council of the City of Columbia Falls, Montana, Amending Title 1 of the Columbia Falls Municipal Code.


*E. SECOND AND FINAL READING – Ordinance # 790 - An Ordinance of the City Council of the City of Columbia Falls, Montana, Amending Title 5 of the Columbia Falls Municipal Code.

*F. FIRST READING - Ordinance # 791 - An Ordinance of the City Council of the City of Columbia Falls, Montana, Amending Title 3 of the Columbia Falls Municipal Code.

*G. FIRST READING – Ordinance # 792 - An Ordinance of the City Council of the City of Columbia Falls, Montana, Amending Title 6 of the Columbia Falls Municipal Code.

*H. FIRST READING – Ordinance # 793 - An Ordinance of the City Council of the City of Columbia Falls, Montana, Amending Title 8 of the Columbia Falls Municipal Code.

*I. FIRST READING – Ordinance # 794 – An Ordinance of the City Council of the City of Columbia Falls, Montana, Amending Title 13 of the Columbia Falls Municipal Code.

9. REPORTS/BUSINESS FROM MAYOR & COUNCIL

10. CITY MANAGER REPORT
    A. Project Updates

11. CITY ATTORNEY REPORT - None

12. ADJOURN
    Next Scheduled Meetings:
    City Council – Regular Meeting, November 18th – 7 p.m.
    Planning Board – Tentatively Dec. 10th – 6:30 p.m.
    Resort Tax Advisory Committee – Wednesday, November 13th – 6:30 p.m.

*Attached
For the Accounting Period: 10/19

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# of Claims: 51
Total: 25,590.39
Total Electronic Claims: 5,222.34
Total Non-Electronic Claims: 20368.05
**Fund Summary for Claims**

For the Accounting Period: 10/19

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**10/31/19**

**CITY OF COLUMBIA FALLS**

**10:02:19**

**Fund Summary for Claims**

Report ID: AP110

For the Accounting Period: 10/19
Council Meeting Date: 11/04/19

Claims Submitted to Council: $25,590.39

Claims Denied/Withheld by Council Finance Committee: $_________ Claim #'s: ___________

Prepared By: Sandy Carlson, Finance Director

Sandy Carlson

Approved by Susan M. Nicosia, City Manager

Susan Nicosia

City Council to Approve by motion on consent agenda

These claims are routine. If you have questions, please let me know.

Sandy
Total for Payroll Checks

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Total Payroll Expense (Gross Pay + Employer Contributions): 97,489.17

**Check Summary**

Payroll Checks Prev. Out. $330.80
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Total Ded: 52388.74  29079.30  67703.18  13714.86

**** Carried Forward column only correct if report run for current period.
Regular Meeting - Transact Routine Business

Mayor Barnhart called the meeting to order at 7:00 p.m. with roll call as follows:

PRESENT: Mayor Barnhart  
COUNCIL: Shepard, Fisher, Lovering, Piper and Robinson  
ABSENT: Karper

Also present were City Manager Nicosia, City Clerk Staaland, City Attorney Breck, Police Chief Peters, City Planner Mulcahy and Fire Chief Hagen.

Pledge of Allegiance

APPROVAL OF AGENDA:
Mayor Barnhart requested a motion to approve the agenda. Councilman Piper moved to approve the agenda, second by Councilman Robinson, and the motion carried unanimously.

CONSENT AGENDA:
Councilman Piper moved to approve the consent agenda noting that all claims appeared to be in order, second by Councilman Lovering. Motion carried with Council voting as follows: YES: Shepard, Fisher, Lovering, Piper, Robinson and Barnhart NOES: None. ABSENT: Karper.

A. Approval of Claims - $186,577.81 - October 21, 2019
B. Approval of Payroll Claims - $77,920.11 – October 18, 2019
   Approval of Payroll Claims - $18,853.36 – October 17, 2019
C. Approval of Regular Meeting Minutes – October 7, 2019
D. Approval of Morrison-Maierle Engineering Contract, Water Supply Well #3, and authorize City Manager signature upon approval by City Attorney

VISITOR/PUBLIC COMMENT: (Items not on agenda)
Megan Glidden, Senior Librarian for Imagine If Library stated there is a Library Board meeting on Oct. 23, 2019 in the council chambers for anyone wishing to attend.

PUBLIC HEARINGS/NOTICES:
A. The Columbia Falls City-County Planning Board held a public hearing for the following items at their regular meeting on Tuesday, October 15, 2019 at 6:30 p.m. at the Council Chambers of City Hall, 130 6th Street West, Columbia Falls, Montana. The Columbia Falls City Council will hold a subsequent hearing on
Mayor Barnhart requested the Staff Report for the Conditional Use Permit Application Request: A request by Randy and Debbie Jones for a Conditional Use Permit (CUP) to build a 12-unit condominium complex on Lot 170 in the Hilltop Homes Subdivision. The subject lot is zoned CRA-1 (Multi-Family Residential) by the Columbia Falls Zoning Code. The CRA-1 zoning designation requires a CUP to construct a three-plex or greater within the zoning district. The applicants previously received a CUP for multi-family condos on neighboring lots within the subdivision and the proposed structure will resemble the existing structures. The property is addressed as 3 Diane Road and described as Lot 170 of the Hilltop Homes subdivision in Section 18, Township 30 North, Range 22 West, P.M.M., Flathead County.

City Planner Mulcahy presented Staff Report CCU-19-03 as findings of facts and reviewed each of the conditions.

Randy Jones said the reason for the increase in building size is the lot is twice as big as the other lots and he would like to utilize the lot appropriately.

Mayor Barnhart opened the public hearing at 7:09 p.m.

Samantha Dumph, 22 Diane Rd. Apt. E., said she attended the Planning Board meeting on October 15th and is concerned that the road by this lot is at a 90 degree angle which in her opinion could cause traffic issues. Ms. Dumph said the city should make a no parking zone on west side of the road to make it easier for two cars getting around the corner.

Mayor Barnhart closed the public hearing at 7:11 p.m.

Councilman Fisher motioned to adopt Staff Report CPUD-19-02 as findings of fact, second by Councilman Shepard.
Mayor Barnhart recused himself from any discussion pertaining to the CUP, due to having done work for Mr. Jones in the past.
Councilman Shepard asked City Planner Mulcahy if he had concerns on the Diane Road corner. Mulcahy said he was conversing with Chief Peters about it and believes it could be addressed with proper signage upon approval from the city.

Councilman Robinson made motion to approve the Conditional Use Permit, second by Councilman Piper with council voting as follows. AYES:
Request to Amend the Highline Planned Unit Development in the Columbia Falls Zoning Jurisdiction:
The Highline Apartments LLC is requesting an amendment to the approved Planned Unit Development overlay that permitted the 207 unit apartment project located at 405 Bills Lane in Columbia Falls. The property is described as Lots 3 and 4 of Williams Estates in Section 16, Township 20 North, Range 20 West, P.M.M., Flathead County. The amendments include moving Building E into Phase 2 and increasing the size of the wall sign for the project.

City Planner Mulcahy said the first amendment would be to move Building E into Phase 2, meaning Phase 2 will consist of three buildings rather than two buildings originally proposed. A consequence of this requested amendment is in compliance with Condition #21 which required a new traffic study prior to issuance of building permits for Phase 3 and a determination by the City Council whether or not a secondary emergency egress would be required with the development of Phase 3.

Fire Chief Hagen looked at International Fire Code 2012 in requiring a secondary access and the threshold is 200 units or less to eliminate the required secondary access. The applicant said they would limit the number of units to 200 in order to comply with the International Fire Code.

The second amendment would allow a building mounted identification sign measuring 8.5 feet tall by 12 feet wide for 102 square feet. The zoning code for residential zoning districts only allows 16 feet for residential identification signs.

Staff recommends Amendment 1- The applicant may alter Phase 2 to include Building E for a total of three buildings.

Amendment 2 – The applicant may construct a building mounted sign up to a maximum of 102 square feet as shown on the drawings submitted with the PUD amendment application.

Alter Condition #21 to read as follows: Before the issuance of building permits for Phase 3, the applicant will complete a new traffic impact study and return to City Council to address the issue of traffic. The Highline Apartment project is limited to a maximum 200 units.

Mayor Barnhart asked if there have been any complaints received due to street lighting. City Manager Nicosia said the City has not received any complaints but did have a discussion with the Mayor regarding the lighting. Nicosia said the City will send out letters to property owners to gauge interest in a street light on 3rd Ave E. Mayor said he would like to have a street light installed for residents due to the increase in traffic.
Aaron Wallace with Montana Creative presented the sign proposal and noted that the goal was to be visible from the highway. Mr. Wallace said they thought this size would be more appropriate and visible from the highway without being intrusive.

Mr. Wallace said the request for the additional building is they have had great success with the first two apartment buildings being completely occupied, and the next phase being almost half full already. Mr. Wallace said they don’t have an issue reducing the project size down to 200 units instead of 216. Mr. Wallace said they do not have a way to get a secondary exit as they are surrounded by other properties. They are including a left hand turning lane onto the highway as part of the second phase. Wallace said they have not received any complaints as far as traffic goes.

With no public comments Mayor Barnhart opened and closed the Public Hearing at 7:24 p.m.

Councilor Lovering made motion to adopt Staff Report CPUD-19-02 as findings of fact, second by Councilman Shepard with council voting as follows. AYES: Robinson, Shepard, Fisher, Lovering, Piper and Barnhart. NOES: None. ABSENT: Karper.

Councilman Fisher motioned to approve the Amended PUD, second by Councilor Lovering with voting as follows: AYES: Shepard, Fisher, Lovering, Piper, Robinson and Barnhart. NOES: None. ABSENT: Karper.

Request for a Zone Change in the Columbia Falls Zoning Jurisdiction:
Weyerhaeuser NR Company, owners of the subject land, request to amend the zoning district map for property in the Columbia Falls Zoning Jurisdiction. The property in question is currently zoned CI-1 (Light Industrial) and is the location of the former Plum Creek/Weyerhaeuser corporate office, more commonly known as “the Cedar Palace,” and data center along with adjacent parcels. The applicants propose to change the zoning to CB-2 (General Business) to allow the use of the former Corporate Offices to be used for a Medical Office facility. The 23.8 acre property is addressed as 500 12th Avenue West in Columbia Falls and is described in detail on the published legal notice (included in Council packet).

City Planner Mulcahy said the request would be to amend the zoning on the property from CR-1 (Light Industrial) to CB-2 (General Business). The potential buyer of the property would like to use the existing building for medical offices. As a new medical office, there would be no accessory use to manufacturing and therefore necessitate the zone change to commercial where professional offices are a permitted use. Mulcahy said at the Planning Board meeting one person had traffic concerns on the location and others spoke in
favor of the requested zone change. The Planning Board unanimously passed the requested zone change.

Mayor Barnhart asked if this property could be annexed into the city and extend city services. Mulcahy said they would have to request annexation. Mayor asked if 12th Ave W. is maintained by the city. Mulcahy said yes it is, but the truck route is a county road. City Manager Nicosia said the county adopted a policy if any side of the county roadway was annexed into the city the adjacent road becomes the city’s. Nicosia noted that 12th Ave West was in really bad shape when it became the responsibility of the City’s. The adjacent property is within the Tax increment district as adopted in the Urban Renewal plan. Should this property be annexed, the City could amend the Tax increment district to include this property.

Dr. John Kalbfleisch, Manager of Glacier Medical Associates said they are super excited about this project as a significant amount of their patients come from the Columbia Falls and Hungry Horse area. Dr. Kalbfleisch said 40-50% of their employees live in Columbia Falls. Dr. Kalbfleisch said they have outgrown their clinic in Whitefish and feel Columbia Falls would be a great place to continue working with their patients. He noted that this is a joint venture with Glacier Medical Associates and Orthopedic Rehab. Kalbfleisch said there have been several conversations with others including Dentists, Orthodontists, Opticians, Pediatrics, Pharmacy’s, Counseling and Mental Health to expand over here. Columbia Falls is growing and there is a need here. Kalbfleisch said they have a good relationship with other clinics in town and are not in competition but feel there is a need in a volume standpoint. Mayor Barnhart asked if this group is affiliated with the Hospital. Dr. Kalbfleisch said no they are not at this point; we have been successful by not being with the hospital.

Mayor Barnhart opened the Public Hearing at 7:41 p.m.

Brian Domph resides at 22 Diane Road, Apt. E., said being a bus driver for the School District and every day they have to cross the railroad tracks which can back up traffic. Mr. Domph feels with construction, general traffic, and school buses along with train traffic there may be a major traffic issue at the intersection of 12th Ave W. and 9th Street.

Danielle Perry resides at 603 Red Hawk Lane, said the building has previously been used as a commercial business and did not have traffic issues. Ms. Perry said she is in favor of the project rezone to Commercial Business and hopes the medical facility will bring in entry to professional level job opportunities.

Samantha Domph lives at 22 Diane Road Apt. E., said we have several doctors
and therapists here in town and expressed concern that this facility may take away from existing professionals. Ms. Domph inquired on the increase of traffic on 12th Ave. W., and if it will need to be rebuilt. Domph said she is for having a new businesses coming to town which may provide new jobs but her concern is taking business from existing businesses.

Ben Kingan resides at 4579 Trumble Creek Road said he is part of Ortho Rehab. Mr. Kingan said many of the potential tenants are already working in Columbia Falls. Their hope is to create a campus centrally located. Kingan said he works in Kalispell and the Columbia Falls office has been here since 1999. Kingan said to get an appointment can take weeks and it pains him to make appointments that far out. Kingan believes with this location it will service the community long term.

Laurie Gilley resides at 57 Thunder Road said she is excited that Glacier Medical Associates wants to come to our town. Ms. Grilley said Columbia Falls has grown so much and does not feel our medical access has expanded. Grilley said she is a hospital employee and Glacier Medical Associates has a very good relationship with the hospital.

Mayor Barnhart closed the Public Hearing at 7:51 p.m.

Councilor Robinson motioned to adopt Staff Report CZC-19-01 as findings of fact, second by Councilor Shepard with council voting as follows. AYES: Fisher, Lovering, Piper, Robinson, Shepard and Barnhart. NOES: None. ABSENT: Karper.

Councilor Lovering motioned to approve the zone change, second by Councilor Shepard with council voting as follows. AYES: Lovering, Piper, Robinson, Shepard, Fisher and Barnhart. NOES: None. ABSENT: Karper.

NEW BUSINESS:
A. Approval of NLC Service Line Warranty Program
City Manager Nicosia said at the recent MLCT meeting in Billings, she and Public Works Director Bradshaw reviewed the Service Line Warranty Program that became available to our community when the MLCT joined the NLC representing all of the small cites in Montana. With our new membership to the NLC, our community became eligible to participate in NLC benefits such as the Service Line Warranty Program. This will allow our citizens to participate in purchasing warranty coverage for city water and sewer lines.

Councilor Shepard motioned to approve the NLC Service Line Warranty Program, second by Councilor Robinson and the motion carried.
ORDINANCES/RESOLUTIONS

A. Resolution #1808 - A Resolution of the City Council of Columbia Falls, Montana Conditionally Approving the Preliminary Plat for The Benches Subdivision, described as Parcel 3, COS 20092, Tract 2 In SW1/4 NE 1/4 & W1/2 SE 1/4 Section 16, Township 30 North, Range 20 West, P.M.M., Flathead County, Montana.

Councilman Shepard motioned to approve Resolution #1808, second by Councilor Robinson with council voting as follows. AYES: Piper, Robinson, Shepard, Fisher, Lovering and Barnhart. NOES: None. ABSENT: Karper.

B. Resolution # 1809 - A Resolution of the City Council of the City of Columbia Falls, Montana, Approving an Application for a Conditional Use Permit by Randy and Debbie Jones to Allow for One Twelve-Plex Condominium to be placed on Lot 170, Hilltop Homes Subdivision, Section 18, Township 30 North, Range 20 West, P.M.M., Flathead County.

Councilor Lovering motioned to approve Resolution #1809 second by Councilor Shepard with council voting as follows. AYES: Robinson, Shepard, Fisher, Lovering, Piper and Barnhart. NOES: None. ABSENT: Karper.

City Manager Nicosia noted a correction on condition #12, stating it should read $1,500.

C. FIRST READING – Ordinance # 786 - An Ordinance of the City Council of the City of Columbia Falls, Montana, Amending the Planned Unit Development (PUD) Overlay at 405 Bills Lane Further Described as Lots 3 and 4 of Williams Estates In Section 16, Township 30 North, Range 20 West, P.M.M., Flathead County, Montana.

Councilman Piper made motion to approve the First Reading of Ordinance #786, second by Councilman Shepard and the motion carried.

D. FIRST READING – Ordinance # 787 - An Ordinance of the City Council of the City of Columbia Falls, Montana, Changing the Zoning Classification From CI-1 Light Industrial to CB-2 General Business on Property Located at 500 12th Avenue West and Further Described as Assessor’s Tract 8, 8B, 8F, 8G, 8HA, 8H and 8E in Section 7, Township 30 North, Range 20 West, P.M.M., Flathead County, Montana.

Councilman Shepard motioned to approve the First Reading of Ordinance #787, second by Councilman Piper and the motion carried.

E. FIRST READING – Ordinance # 788 - An Ordinance of the City Council of the City of Columbia Falls, Montana, Amending Title 1 of the Columbia Falls Municipal Code.
City Manager Nicosia said the next three Ordinances are the first of several ordinances coming forward. Council and staff have been working on updating the Municipal Code since November 2018. There will be an ordinance for each Title change; the next batch of ordinances will come forward at the November 4th, 2019 council meeting.

Councilman Shepard motioned to approve the First Reading of Ordinance #788, second by Councilman Fisher and the motion carried.

F. FIRST READING – Ordinance # 789 - An Ordinance of the City Council of the City of Columbia Falls, Montana, Amending Title 2 of the Columbia Falls Municipal Code. Councilor Lovering motioned to approve the First Reading of Ordinance #789, second by Councilman Shepard and the motion carried.

G. FIRST READING – Ordinance # 790 - An Ordinance of the City Council of the City of Columbia Falls, Montana, Amending Title 5 of the Columbia Falls Municipal Code. Councilman Shepard motioned to approve the First Reading of Ordinance #790, second by Councilor Robinson and the motion carried.

MAYOR AND COUNCIL REPORTS:
Councilman Shepard reported the black bear hit the garbage cans in the Crescent neighborhood. Councilman Fisher inquired about the Fire Chief position posting. City Manager said the packet is being put together and will be in the newspaper next week.

Mayor Barnhart requested an update on the 3rd Ave E. street lighting. Nicosia said we hope to have permission from the property owners to install the light soon. Mayor asked if the street lights on Nucleus have been fixed. Nicosia said they have been reported to the state and we are on the list. Mayor inquired on the Shay Engine and the Kreck Park signs; he would like to see them installed by spring.

Mayor asked how we doing on the bathroom in River’s Edge Park. Nicosia said the grant information was submitted by the deadline of September 30th and we should hear in December if we were successful in obtaining the grant. Mayor said the concrete on the new Nucleus District sign looks like it is crinkling.

Mayor Barnhart noted that he agreed with Councilman Piper, the Resort Tax Committee needs a new name, and asked Council and Manager to put some thought into a new name. Nicosia said she work on it.

Councilman Shepard reminded Mayor and Council of the South Fork Bridge
CITY OF COLUMBIA FALLS
MINUTES OF THE REGULAR MEETING
HELD OCTOBER 21, 2019

Dedication will be on 11-11-19 at 2:00 p.m.

CITY MANAGER:
Nicosia said we are working on our new city website and are expecting a three month completion date. Mayor said he would like to see some city zoning maps included on the new website. The County is printing tax statements and they should be in the mail in the next week or so.

CITY ATTORNEY REPORT:
None.

POLICE CHIEF REPORT:
Chief Peters said he is in the process of getting the TIP 411 program up and running, hopefully by December 1st. Chief said the Police Department is selling unclaimed items that have been in storage for some time. Chief said he is proud of his staff working together on solving multiple break in cases.

INFORMATIONAL CORRESPONDENCE - List available for Review
A. REPORTS:
   a. Finance – September
   b. Police – September Activity

ADJOURN: Upon motion duly made by Councilor Lovering and seconded by Councilor Shepard, the meeting adjourned at 8:22 p.m.

Mayor

ATTEST:

City Clerk

APPROVED BY COUNCIL ACTION: November 4, 2019
MARKETING AGREEMENT

This MARKETING AGREEMENT ("Agreement") is entered into as of __________, 20__ ("Effective Date"), by and between the City of Columbia Falls, Montana ("City"), and Utility Service Partners Private Label, Inc. d/b/a Service Line Warranties of America ("Company"), herein collectively referred to singularly as "Party" and collectively as the "Parties".

RECITALS:

WHEREAS, sewer and water line laterals between the mainlines and the connection on residential private property are owned by individual residential property owners residing in the City ("Property Owner"); and

WHEREAS, City desires to offer Property Owners the opportunity, but not the obligation, to purchase a service plan and other similar products set forth in Exhibit A or as otherwise agreed in writing from time-to-time by the Parties (each, a "Product" and collectively, the "Products"); and

WHEREAS, Company, a subsidiary of HomeServe USA Corp., is the administrator of the National League of Cities Service Line Warranty Program and has agreed to make the Products available to Property Owners subject to the terms and conditions contained herein; and

NOW, THEREFORE, in consideration of the foregoing recitals, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, and with the intent to be legally bound hereby, the Parties agree as follows:

1. Purpose. City hereby grants to Company the right to offer and market the Products to Property Owners subject to the terms and conditions herein.

2. City Obligations.

A. Grant of License. City hereby grants to Company a non-exclusive license ("License") to use City's name and logo or other branding ("Marks"), on letters, bills and marketing materials to be sent to Property Owners from time to time, and to be used in advertising (including on the Company's website), all at Company's sole cost and expense and subject to City's prior review and approval, which will not be unreasonably conditioned, delayed, or withheld. Company's use of the Marks in accordance with this Agreement will not infringe any other party's rights. City agrees that it will not extend a similar license to any competitor of Company during the Term (as defined in Section 3 below).

B. Property Owner Data. If City elects to do so, City may provide Company with Property Owner Data for use by Company in furtherance of the advertisement, marketing, and sale of the
Products. Any name, service address, postal address, and any other appropriate or necessary data for Property Owners in City is defined as "Property Owner Data". Property Owners Data shall be and remain City's property. For any Property Owner Data provided by City to Company, City warrants that Property Owner Data has been and will be collected in compliance with all laws, statutes, treaties, rules, codes, ordinances, regulations, permits, official guidelines, judgments, orders and interpretations ("Applicable Laws"); and City is permitted by Applicable Laws and by any applicable privacy policy to provide Property Owner Data to Company and to permit Company to use Property Owner Data for the purposes of this Agreement. A Property Owner who has purchased a Product is a member ("Member") and, following such purchase, all data in Company's control or possession relating to Members is Company's property.

3. **Term.** The term of this Agreement ("Initial Term") shall be for three (3) years from the Effective Date. The Agreement will automatically renew for additional one (1) year terms (each a "Renewal Term", and collectively with the Initial Term, the "Term") unless one of the Parties gives the other written notice at least ninety (90) days prior to end of the Initial Term or of a Renewal Term that the Party does not intend to renew this Agreement. In the event that Company is in material breach of this Agreement, the City may terminate this Agreement thirty (30) days after giving written notice to Company of such breach, if said breach is not cured during said thirty (30) day period. Company will be permitted to complete any marketing initiative initiated or planned prior to termination of this Agreement after which time, neither Party will have any further obligations to the other and this Agreement will terminate.

4. **Consideration.** As consideration for such license, Company will pay to City a License Fee as set forth in Exhibit A ("License Fee") during the Term of this Agreement. The first payment shall be due by January 30th of the year following the conclusion of the first year of the Term. Succeeding License Fee payments shall be made on an annual basis throughout the Term, due and payable on January 30th of the succeeding year. City agrees to provide a completed Form W-9 to Company in order to facilitate proper payment of the License Fee. City will have the right, at its sole expense, to conduct an audit, upon reasonable notice and during normal business hours, of Company's books and records pertaining to any fees due under this Agreement while this Agreement is in effect and for one (1) year after any termination of this Agreement.

5. **Confidentiality.** Each party will treat all non-public, confidential and trade secret information received from the other party as confidential, and such party shall not disclose or use such information in a manner contrary to the purposes of this Agreement. Notwithstanding the foregoing, the City shall not be liable for any disclosure of confidential information that is required to be disclosed under any applicable public records act or under court order. City shall provide notice to Company prior to any such disclosure.

6. **Code Change.** The Parties understand that the pricing of the Products and compensation provided for in this Agreement are based upon the currently applicable City, municipal or
similar codes. In the event Company discovers a code change, Company shall have the ability to reassess the pricing in this Agreement.

7. **Indemnification.** Each Party (the "Indemnifying Party") hereby agrees to protect, indemnify, and hold the other Party, its officers, employees, contractors, subcontractors, and agents (collectively or individually, "Indemnitee") harmless from and against any and all third party claims, damages, losses, expenses, suits, actions, decrees, judgments, awards, reasonable attorneys' fees and court costs (individually or collectively, "Claim"), which an Indemnitee may suffer or which may be sought against or are recovered or obtainable from an Indemnitee, as a result of or arising out of any breach of this Agreement by the Indemnifying Party, or any negligent or fraudulent act or omission of the Indemnifying Party or its officers, employees, contractors, subcontractors, or agents in the performance of this Agreement; provided that the applicable Indemnitee notifies the Indemnifying Party of any such Claim within a time that does not prejudice the ability of the Indemnifying Party to defend against such Claim. Any Indemnitee hereunder may participate in its, his, or her own defense, but will be responsible for all costs incurred, including reasonable attorneys' fees, in connection with such participation in such defense.

8. **Notice.** Any notice required to be given hereunder shall be deemed to have been given when notice is (i) received by the Party to whom it is directed by personal service, (ii) sent by electronic mail (provided confirmation of receipt is provided by the receiving Party), or (iii) deposited as registered or certified mail, return receipt requested, with the United States Postal Service, addressed as follows:

**To:**  
City:  
ATTN: Susan Nicosia  
City of Columbia Falls  
130 6th St West, Room A  
Columbia Falls, MT 59912  
Email: nicosias@cityofcolumbiafalls.com  
Phone: (406) 892-4391

**To:**  
Company:  
ATTN: Chief Sales Officer  
Utility Service Partners Private Label, Inc.  
4000 Town Center Boulevard, Suite 400  
Canonsburg, PA 15317  
Phone: (866) 974-4801

9. **Modifications or Amendments/Entire Agreement.** Except for the list of available Products under the Agreement, which may be amended from time to time by the Parties in writing and without signature (including by email), any and all of the representations and obligations of the Parties are contained herein, and no modification, waiver or amendment of this Agreement or of any of its conditions or provisions shall be binding upon a Party unless in writing signed by that
Party.

10. **Assignment.** Neither Party may assign its rights or delegate its duties under this Agreement without the prior written consent of the other Party unless such assignment or delegation is to an affiliate or to an acquirer of all or substantially all of the assets of the transferor.

11. **Counterparts/Electronic Delivery: No Third Party Beneficiary.** This Agreement may be executed in counterparts, all such counterparts will constitute the same contract and the signature of any Party to any counterpart will be deemed a signature to, and may be appended to, any other counterpart. Executed copies hereof may be delivered by e-mail and upon receipt will be deemed originals and binding upon the Parties hereto, regardless of whether originals are delivered thereafter. Nothing expressed or implied in this Agreement is intended, or should be construed, to confer upon or give any person or entity not a party to this agreement any third-party beneficiary rights, interests, or remedies under or by reason of any term, provision, condition, undertaking, warranty, representation, or agreement contained in this Agreement.

12. **Choice of Law/Attorney Fees.** The Parties shall maintain compliance with all Applicable Laws with respect to its obligations under this Agreement. The governing law shall be the laws of the State of Montana, without regard to the choice of law principles of the forum state. **THE PARTIES HERETO HEREBY KNOWINGLY, VOLUNTARILY, AND INTENTIONALLY WAIVE ANY RIGHT THAT MAY EXIST TO HAVE A TRIAL BY JURY IN RESPECT OF ANY LITIGATION BASED UPON OR ARISING OUT OF, UNDER, OR IN ANY WAY CONNECTED WITH, THIS AGREEMENT.**

13. **Incorporation of Recitals and Exhibits.** The above Recitals and Exhibit A attached hereto are incorporated by this reference and expressly made part of this Agreement.

[Signature Page Follows]
IN WITNESS WHEREOF, the Parties hereto have executed this Agreement on the day and year first written above.

CITY OF COLUMBIA FALLS

________________________________________
Name:

Title:

UTILITY SERVICE PARTNERS PRIVATE LABEL, INC.

________________________________________
Name: Michael Backus

Title: Chief Sales Officer
I. Initial Term. Three years

II. License Fee. $0.50 per Product for each month that a Product is in force for a Property Owner (and for which payment is received by Company), aggregated and paid annually, for:
   City logo and name on letterhead, advertising, signature line, billing and marketing materials.

III. Products.
   a. External water service line plan (initially, $6.75 per month)
   b. External sewer/septic line plan (initially, $7.75 per month)
   c. Interior plumbing and drainage plan (initially, $9.99 per month)

Company may adjust the foregoing Product fees; provided, that any such adjustment shall not exceed $0.50 per month in any 12-month period, unless otherwise agreed by the Parties in writing.

IV. Scope of Coverage.
   a. External water service line plan:
      - Property Owner responsibility: From the main to the external wall of the home.
      - Covers thawing of frozen external water lines.
      - Covers well service lines if applicable.
   b. External sewer/septic line plan:
      - Property Owner responsibility: From the external wall of the home to the main.
      - Covers septic lines if applicable.
   c. Interior plumbing and drainage plan:
      - Water supply pipes and drainage pipes within the interior of the home.

V. Marketing Campaigns. Company shall have the right to conduct up to three campaigns per year, comprised of up to six mailings and such other channels as may be mutually agreed. Initially, Company anticipates offering the Interior plumbing and drainage plan Product via in-bound channels only.
ORDINANCE NO.786

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COLUMBIA FALLS, MONTANA, AMENDING THE PLANNED UNIT DEVELOPMENT (PUD) OVERLAY AT 405 BILLS LANE FURTHER DESCRIBED AS LOTS 3 AND 4 OF WILLIAMS ESTATES IN SECTION 16, TOWNSHIP 30 NORTH, RANGE 20 WEST, P.M.M., FLATHEAD COUNTY, MONTANA

WHEREAS, the Highline Apartments, LLC, purported owner of the real property, has requested an amendment to the Planned Unit Development (PUD) overlay on property zoned CRA-1 located at 405 Bills Lane, described as Lots 3 and 4 of Williams Estates in Section 16, Township 30 North, Range 20 West, P.M.M., Flathead County, Montana; and

WHEREAS, the Columbia Falls City Council approved the Planned Unit Development Overlay on August 20, 2018 with conditions as set forth in Ordinance 779; and

WHEREAS, the request to amend the PUD was considered by the Columbia Falls City-County Planning Board in a public hearing at its regularly scheduled meeting on October 15, 2019, at which the Board adopted Staff Report CPUD-19-02 and recommended approval of the requested Planned Unit Development (PUD) amendments subject to certain conditions as shown in Exhibit A; and

WHEREAS, a hearing on the amended Planned Unit Development (PUD) was held by the City Council of the City of Columbia Falls, Montana, at its regular meeting on Monday, October 21, 2019, after said hearing was advertised according to law; and at said hearing on said date, the City Council considered the recommendation of the Planning Board, the report of the Columbia Falls Planning Office, together with any and all comments filed or voiced with respect to said change; and

WHEREAS, the City Council has determined that the amended PUD request, subject to certain conditions, is in the best interest of the City.

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

Section One. Findings of Fact: That the Columbia Falls Planning Office Report #CPUD-19-02, dated October 9, 2019 is hereby adopted by the Council as findings of fact with respect to said amended PUD request.

Section Two. All documents included in the site plan and the recommendation of the Columbia Falls Planning Office is hereby incorporated by reference and the Conditions are shown in Exhibit A.

Section Three. The Council finds that the proposal complies with Chapter 18.428 and 18.348 of the Columbia Falls Area Zoning Regulations, and that the proposal results in a more efficient use of the land than is otherwise permissible.
SECOND AND FINAL READING

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

Section Five. 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 Six. 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 4th DAY OF NOVEMBER, 2019, THE COUNCIL VOTING AS FOLLOWS:

AYES:

NOES:

ABSENT:

__________________________________
City Clerk

APPROVED BY THE MAYOR OF COLUMBIA FALLS, MONTANA THIS 4TH DAY OF NOVEMBER, 2019.

_______________________________
Mayor

ATTEST:

__________________________________
City Clerk

EXHIBIT A

Amendment 1 – The applicant may alter Phase 2 to include Building E for a total of three buildings.

Amendment 2 – The applicant may construct a building mounted sign up to a maximum of 102 square feet as shown on the drawings submitted with the PUD amendment application.

Alter Condition 21 to read as follows:
Condition 21: Before the issuance of building permits for Phase 3, the applicant will complete a new traffic impact study and return to City Council to address the issue of traffic. The Highline Apartment project is limited to a maximum 200 units.
ORDINANCE NO.787

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COLUMBIA FALLS, MONTANA, CHANGING THE ZONING CLASSIFICATION FROM CI-1 LIGHT INDUSTRIAL TO CB-2 GENERAL BUSINESS ON PROPERTY LOCATED AT 500 12TH AVENUE WEST AND FURTHER DESCRIBED AS ASSESSOR’S TRACT 8, 8B, 8F, 8G, 8HA, 8H AND 8E IN SECTION 7, TOWNSHIP 30 NORTH, RANGE 20 WEST, P.M.M., FLATHEAD COUNTY, MONTANA.

WHEREAS, Weyerhaeuser NR Company, owner, and Glacier Medical Associates, P.C., purported purchaser, of the real property, have requested a zone change from CI-1 Light Industrial to CB-2 General Business on property located 500 12th Avenue West, described as Assessor’s Tract 8, 8B, 8F, 8G, 8HA, 8H and 8E in Section 7, Township 30 North, Range 20 West, P.M.M., Flathead County, Montana; and

WHEREAS, said request was considered by the Columbia Falls City-County Planning Board in a public hearing at its regularly scheduled meeting on October 15, 2019, and the Commission recommended approval of said change in zoning classification; and

WHEREAS, said zone change request was considered by the Columbia Falls Planning Office in Report #CZC-19-01, dated October 9, 2019, wherein it was recommended that said request be approved; and

WHEREAS, a hearing on said zone change was held by the City Council of the City of Columbia Falls, Montana, at its regular meeting on Monday, October 21, 2019, after said hearing was advertised according to law; and at said hearing on said date, the City Council considered the recommendation of the Planning Board, the report of the Columbia Falls Planning Office, together with any and all comments filed or voiced with respect to said change; and

WHEREAS, the City Council has determined that the zoning change to CB-2 General Business is in the best interest of the City.

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

Section One. Findings of Fact: That the Columbia Falls Planning Office Report #CZC-19-01, dated October 9, 2019, is hereby adopted by the Council as findings of fact with respect to said zone change request.

Section Two. Change in Zoning Classification: That the zoning classification is hereby changed from CI-1 Light Industrial to CB-2 General Business for the property located at 500 12th Avenue West, further described as Assessor’s Tract 8, 8B, 8F, 8G, 8HA,
SECOND AND FINAL READING

8H and 8E in Section 7, Township 30 North, Range 20 West, P.M.M., Flathead County, Montana, as fully described in Exhibit A, Legal Description.

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 4th DAY OF NOVEMBER, 2019, THE COUNCIL VOTING AS FOLLOWS:

AYES:

NOES:

ABSENT:

__________________________________
City Clerk

APPROVED BY THE MAYOR OF COLUMBIA FALLS, MONTANA THIS ____ DAY OF NOVEMBER, 2019.

__________________________________
Mayor

ATTEST:

__________________________________
City Clerk
Exhibit A – Legal Description

Parcel 1:

Three tracts of land situated, lying and being in the Southeast Quarter of the Southeast Quarter (SE1/4SE1/4) of Section 7, Township 30 North, Range 20 West, P.M.M., Flathead County, Montana, described as follows to wit:

Tract 3, Tract 4 and Tract 6 of Certificate of Survey No. 5160.

Parcel 2:

Two tracts of land situated, lying and being in the Southeast Quarter of the Southeast Quarter (SE1/4SE1/4) of Section 7, Township 30 North, Range 20 West, P.M.M., Flathead County, Montana, described as follows to wit:

Tract 1 and Tract 2 of correction Certificate of Survey No. 5920.

Parcel 3:

A tract of land situated in the Northwest corner of the Southeast Quarter of the Southeast Quarter (SE1/4SE1/4) of Section 7, Township 30 North, Range 20 West, P.M.M., more particularly described as follows to wit:

Beginning at the Northwest corner of the Southeast Quarter of the Southeast Quarter (SE1/4SE1/4) of said Section 7;

Thence running South on the subdivision line between the SE1/4SE1/4 and the SW1/4SE1/4 of said Section, 40 rods (660 feet);

Thence East 20 rods (330 feet);

Thence North 40 rods (660 feet) to the subdivision line running East and West between the NE1/4SE1/4 and the SE1/4SE1/4 of said Section 7;

Thence West 20 rods (330 feet) on the said subdivision line to the Place of Beginning.

Excepting therefrom that portion conveyed to the County of Flathead for roadway purposes by Quitclaim deed recorded May 24, 1960 in Book 434, Page 312.
ORDINANCE NO. 788

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COLUMBIA FALLS, MONTANA,
AMENDING TITLE 1 OF THE COLUMBIA FALLS MUNICIPAL CODE.

WHEREAS, the City Council desires to amend and update municipal code pursuant to a thorough legal analysis and review of outdated text in preparation of recodifying the City Municipal Code; and

WHEREAS, hearings on said text amendments were held by the City Council of the City of Columbia Falls, Montana, at its regular meetings held between November 5, 2018 and July 1, 2019, after said hearings were advertised according to law; and at each hearing on said dates, 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. Title Amended: Title 1 General Provisions, 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 4th DAY OF NOVEMBER, 2019, THE COUNCIL VOTING AS FOLLOWS:

AYES:

NOES:

ABSENT:
SECOND AND FINAL READING

City Clerk

APPROVED BY THE MAYOR OF COLUMBIA FALLS, MONTANA, THIS ____ DAY OF NOVEMBER, 2019.

Mayor

ATTEST:

City Clerk

I
EXHIBIT A
Title 1
GENERAL PROVISIONS

Chapter 1.01
CODE ADOPTION

1.01.010 Adoption.

On adoption by the city council, this Code shall constitute the official city code of the City of Columbia Falls. This code of ordinances shall be known and cited as the COLUMBIA FALLS MUNICIPAL CODE, and is published by authority of the mayor and city council and shall be kept up to date as provided in section 1.01.030 of this chapter. Any reference to the number of any section contained herein shall be understood to refer to that position of the same number, its appropriate chapter and title heading, and to the general penalty clause relating thereto, as well as to the section itself when reference is made to this city code by title in any legal document.

1.01.020 Acceptance.

This city code, as hereby presented in printed form, shall hereafter be received without further proof in all courts of this state as the ordinances of the city of general and permanent effect.

Prosecutions for violations of the city's ordinances and actions based thereon shall refer to the Columbia Falls Municipal Code sections as well as the underlying ordinance upon which the prosecution or action is based. Amendments to any ordinance or portions thereof shall also refer to the Columbia Falls Municipal Code sections under which such ordinances are codified.

1.01.030 Amendments.

Any ordinance amending this Code shall set forth the title, chapter and section number of the section or sections to be amended, and this shall constitute a sufficient compliance with any statutory requirement pertaining to the amendment or revision by ordinance of any part of this Code. All such amendments or revisions by ordinance shall be immediately forwarded to the codifiers and the ordinance material shall be prepared for insertion in its proper place in each copy of this Code. Each replacement page shall be properly identified and shall be
inserted in each individual copy of the Code. Additionally, the city clerk will update the Code upon amendment or revision by ordinance.

1.01.040 Alteration of Code Book.

No person shall alter, change, replace or deface in any way any section or any page of this Code in a manner that the meaning of any phrase or order may be changed or omitted. Replacement pages may be inserted according to the official instructions when so authorized by the mayor and city council. The city clerk shall see that the replacement pages are properly inserted in the official copies maintained in the office of the city clerk, together with updating any electronic versions of the Code.

Any person having custody of an official copy of this Code shall make every effort to maintain it in a current and efficient manner. Such person shall see to the immediate insertion of new or replacement pages when they are delivered or made available to such person through the office of the city clerk. Code books, including electronic versions, in the possession of officials and other interested persons shall remain the property of the city and shall be returned to the office of the city clerk when directed by order of the city council.

1.01.050 Catchlines of Sections.

The catchlines of the several sections of this Code are intended as mere catchwords to indicate the content of the section and shall not be deemed or taken to be titles of such sections, nor be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any section hereof, nor unless expressly provided, shall they be so deemed when any of such sections, including the catchlines are amended or reenacted.

1.01.060 Effect of Repeal of Ordinances.

The repeal of an ordinance shall not revive any ordinance in force before or at the time the ordinance repealed took effect. The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal, for any offense committed under the ordinance repealed.

1.01.070 Provisions Considered as Continuations of Existing Ordinances.

The provisions appearing in this Code, so far as they are not the same as those of ordinances existing at the effective date of this Code, shall be considered as continuations thereof and not as new enactments.
1.01.080 Severability of Parts of Code.

It is hereby declared to be the intention of the mayor and the city council that the sections, paragraphs, clauses and words of this Code are severable, and if any word, clause, sentence, paragraph or section of this code shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining words, clauses, sentences, paragraphs and sections of this Code, since the same would have been enacted by the mayor and city council without the incorporation in this Code of any such unconstitutional word, clause, sentence, paragraph or section.

Chapter 1.02

DEFINITIONS

1.02.010 Definitions and Rules of Construction.

The following words and phrases whenever used in this Code shall be construed as defined in this section unless from the context a different meaning is intended or unless a different meaning is specifically defined and more particularly directed to the use of such words of phrases:

CITY: The city of Columbia Falls, Flathead County, Montana, or the area within the territorial limits of the city, and such territory outside the city over which the city has jurisdiction or control by virtue of any constitutional or statutory provision.

COMPUTATION OF TIME: The time within which an act is to be done shall be excluding the first and including the last day; and if the last day is a Sunday or legal holiday, that day shall be excluded.

COUNTY: the county of Flathead, state of Montana.

FISCAL YEAR: From July 1 of each year to June 30 of the next year.

GENDER: Words importing the masculine gender shall include the feminine and neuter.

LICENSE: The permission granted for the carrying on of a business, profession or occupation.
MAYOR AND CITY COUNCIL: The Mayor and City Council of the City of Columbia Falls.

MONTH: A calendar month.

NUISANCE: Anything offensive to the sensibilities of reasonable persons, or any act or activity creating a hazard which threatens the health and welfare of inhabitants of the city, or any activity which by its perpetuation can reasonable be said to have a detrimental effect on the property of a person or persons within the community.

NUMBER: Words used in the singular include the plural and the plural includes the singular number.

OATH: Shall be construed to include an affirmation or declaration in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."

OCCUPANT: As applied to building or land, shall include any person who occupies the whole or any part of such building or land whether alone or with others.

OFFENSE: Any act forbidden by any provision of this Code or the omission of any act required by the provisions of this Code.

OFFICERS: Whenever reference is made in this code to a city officer by title only, this shall be construed as though followed by the words “of the City of Columbia Falls.”

OWNER: When applied to a building or land, shall include any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety, of the whole or part of such building or land.

PERSON: Shall include any public or private corporation, company firm, partnership, association, organization, government or any other group acting as a unit, as well as a natural person.

PERSONAL PROPERTY: Includes money, goods, chattels, things in action and evidences of debt.

PRECEDING AND FOLLOWING: Means next before and next after, respectively.
PROPERTY: Includes real and personal property.

REAL PROPERTY: Includes lands, tenements and hereditaments.

SIDEWALK: That portion of a street between the curb line and the adjacent property line intended for the use of pedestrians.

STATE: The state of Montana.

STREET: Includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs, or other public ways in the city which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this state.

TENANT: As applied to a building or land, include any person who occupies the whole or part of such building or land, whether alone or with others.

WRITTEN, IN WRITING: May include printing and any other mode of representing words and letters, but when the signature of any person is required by law to any official or public writing or bond, it shall be in the proper handwriting of such person, or in cash such person is unable to write, by such person’s proper mark.

YEAR: A calendar year.

Chapter 1.03
GENERAL PENALTY

1.03.010 Designated.

Unless specifically provided elsewhere, any person violating any of the provisions or failing to comply with any of the mandatory requirements of any ordinance of the City is guilty of a misdemeanor. Any person convicted of a misdemeanor under any of the ordinances of the City shall be punished by a fine not to exceed five hundred dollars.

Each person is guilty of a separate offense for each and every day or any portion thereof in which any violation of any provision of the ordinances of the city is committed, continued or permitted by any such person, and upon conviction thereof is punishable accordingly.
Chapter 1.04

CORPORATE SEAL

1.04.010 Designated.

A seal in circular form with the words "THE CITY OF COLUMBIA FALLS, MONTANA" on the outer circle, and the words "CORPORATE SEAL" on the interior and center part of the circle, shall be the official seal of the City to be used in all cases in which, by the laws and customs of nations, it is necessary to use a seal by the corporation.
ORDINANCE NO. 789

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COLUMBIA FALLS, MONTANA, AMENDING TITLE 2 OF THE COLUMBIA FALLS MUNICIPAL CODE.

WHEREAS, the City Council desires to amend and update municipal code pursuant to a thorough legal analysis and review of outdated text in preparation of recodifying the City Municipal Code; and

WHEREAS, hearings on said text amendments were held by the City Council of the City of Columbia Falls, Montana, at its regular meetings held between November 5, 2018 and July 1, 2019, after said hearings were advertised according to law; and at each hearing on said dates, 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. Title Amended: Title 2 Administration and Personnel, 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 4th DAY OF NOVEMBER, 2019, THE COUNCIL VOTING AS FollowS:

AYES:

NOES:

ABSENT:
SECOND AND FINAL READING

_________________________________
City Clerk

APPROVED BY THE MAYOR OF COLUMBIA FALLS, MONTANA, THIS ___ DAY OF
NOVEMBER, 2019.

_________________________________
Mayor

ATTEST:

_________________________________
City Clerk

I

ORD 789
2.04.010 Regular meetings-Time and place.

The regular meetings of the city council shall be held twice each month on the first and third Mondays of each month, at the hour of seven p.m. in the council chambers of the city hall of Columbia Falls, Montana. Whenever the day fixed for a regular meeting of the council shall fall upon a holiday, the regularly scheduled meeting shall be held on the following Tuesday at the same time, place and hour unless otherwise set by Council.

2.04.020 Special meetings.

Special meetings may be called on reasonable notice in writing by the clerk to all members of the council, when called for by the mayor, with the reason for the special meeting being set forth in the notice. The reason for the special meeting shall be preserved in the minutes of such special meeting.

2.04.030 Priority of business.

All questions relating to the priority of business shall be decided without debate.

2.04.040 Appointment of committees.

The mayor shall appoint such standing committees, other than temporary advisory committees established by the manager, as may be from time to time necessary to meet its policy-making responsibilities.

2.04.050 Notice of meetings.

All meetings of the council and committees appointed by the council shall be announced no less than twenty-four (24) hours prior to the meeting. Such announcement shall include no less than posting of the meeting agenda or purpose on the public bulletin board in city hall and by either faxing, mailing, or delivering the announcement to the offices of the Hungry Horse News and any other media outlet requesting in writing such announcements.
2.04.060 Commission referred to as city council.

The commission shall be referred to as the city council and shall consist of seven members serving terms of four years. All members shall be elected at large.

Chapter 2.08

DIRECTOR OF FINANCE AND CITY CLERK

2.08.010 Duties.

The director of finance/city clerk shall have all the duties and obligations prescribed by state law to the clerk/treasurer. The director of finance/city clerk, subject to the charge and supervision of the manager, shall administer and supervise the assigned clerical support staff; shall bill, collect, deposit, disburse, invest, and supervise all accounts of public money and city funds; assist other departments in providing information for budget preparation and assist the manager in preparing the budget document; file proper reports with all federal, state and county agencies as required and keep all records, books or property belonging to the city during his/her term; supervise city payroll and personnel files; countersign, cause to be published, and enter into books all ordinances and resolutions passed and adopted by the council; make certified copies of all records, books and papers in his/her possession on the payment of fees as are allowed by law; sign, number and keep a record of all licenses, commissions or permits granted or authorized by the city council; take and administer oaths; perform such other duties requested by the manager and described by position description. The duties of Director of Finance and City Clerk may be assigned to two different individuals based on specific job position descriptions.

Chapter 2.16

OFFICERS GENERALLY

2.16.010 Officers of the city.

The officers of the city shall consist of: all elected officials; the city manager, who shall be appointed by the city council; the city attorney, who shall be appointed by the mayor, with the advice and consent of the city council; and the city judge, who shall be appointed by the council. The city manager shall appoint a
chief of police and fire chief, both with confirmation by the city council. The city manager may appoint a director of finance, a city clerk, a city engineer, a public works director and a pool manager upon approval of a budget by the city council.

2.16.020 Qualifications.

The qualifications for elected or appointed city officers shall be those qualifications set forth in state law. The duties and responsibilities of appointed officers may be further defined by position descriptions prepared by the city manager and approved by the city council.

2.16.030 Compensation.

The annual salary of all officers, elected and appointed, shall be set by resolution.

2.16.040 Term.

All elected officers shall continue to act in the office to which they were elected until they resign or are removed from office by election or as otherwise provided by state statute. All appointed officers, including the city judge, who shall serve a four-year term, and the city attorney, who shall serve a two-year term, shall continue to act in the office to which they were appointed until a successor is sworn in, or as otherwise provided by contract. The city attorney and city judge may be removed from office prior to the completion of their respective terms only as provided by state law.

2.16.050 Oath.

All elected and appointed officers shall take and subscribe to the prescribed oath of office, which oath shall be filed with the city clerk. The city clerk, or his or her designee, shall administer the oath to all elected and appointed officers.

2.16.060 Mayor.

A. The chairman of the city council (who shall be referred to as the mayor) shall be elected at large and shall be a voting member of the council.

B. The mayor shall: preside at all city council meetings; appoint, with the consent of the city council, the city attorney and all members of council advisory boards and commissions; execute all ordinances and resolutions on behalf of the city after council approval; sign all minutes of regular and special council meetings after approved by the council; perform ceremonial duties as designated by the city council; perform any other duties specifically designated by ordinance or state law.
Except for the above, the mayor shall have no other executive or administrative duties, those being the responsibility of the city manager.

2.16.070 Citizenship requirement.

All appointive officers must be citizens of the United States and must have met the qualifications of such office as prescribed by statutes of the state or by ordinances or resolutions of the city.

2.16.080 Commencement of terms.

Terms of office for elected and appointed officials or officers shall commence on the first Monday in January after an election held in November for the election of new council members and/or mayor. In any event, appointed officers shall enter upon their duties within ten days after receiving notice of their appointment.

2.16.090 Vacancy-Determination.

Officers appointed, as provided in this chapter, shall continue in and upon the duties of the office for the term of their respective appointment, or until there is a vacancy in such office. A city appointive office becomes vacant upon the happening of any of the following events before the expiration of the term of the incumbent:

A. The death of the incumbent;
B. A determination pursuant to MCA Title 53, Chapter 21, Part 1, that he or she is mentally ill;
C. His or her resignation;
D. His or her removal from office;
E. His or her absence from the city or town continuously for ten days without consent of the council;
F. His or her open neglect or refusal to discharge his or her duties;
G. His or her ceasing to be a resident of the city, without the approval of council;
H. His or her ceasing to discharge the duty of his or her office for a period of three consecutive months, except when prevented by illness or when absent from the city by permission of council;
I. His or her conviction of a felony or of any offense involving moral turpitude or a violation of his or her official duties;

J. His or her refusal or neglect to file his or her official bond within the time prescribed;

K. The decision of a competent tribunal declaring void his or her appointment.

2.16.100 Vacancy-Filling.

When any vacancy occurs in any appointive office, such vacancy shall be filled for the unexpired term of the vacated officer within thirty days of the vacancy in the manner provided in these ordinances.

2.16.110 City manager.

A. The city manager shall be the chief administrative officer of the city, responsible for the efficient and effective administration of all city departments.

B. In addition to those duties set forth in state statutes, the city manager has the following duties:

1. To ensure that the lawful policies and ordinances adopted by the city council are carried out as efficiently, fairly and effectively as possible.

2. The manager shall keep the public fully informed about all city activities, programs and problems and establish and maintain effective communication with the news media, community service, labor and trade organizations and with representatives of other governmental agencies and institutions located in the city, county and state.

3. The manager shall be available regularly and frequently to receive citizen complaints and to hear ideas and proposals for the improvement of the city and community.

4. The manager shall represent the city in the administration of all interlocal service agreements and intergovernmental administrative agencies, such as the countywide administrative board, and serve as the city's administrative representative to various citizen advisory groups, including, but not limited to, the Columbia Falls city-county planning board and zoning commission.
C. The manager shall be hired on the basis of merit and shall serve at the pleasure of the city council according to the terms of a contract between the city and the manager. The city council, by majority vote of the whole council, may suspend or remove the city manager at any time by giving written notice thereof by certified or registered mail.

D. The city manager shall be a resident of the city of Columbia Falls.

2.16.120 City engineer.

The city engineer, subject to the charge and supervision of the manager, shall: provide technical expertise and review and planning for the construction, improvement, repair and maintenance of streets, sidewalks, alleys, lanes, bridges, sewers, water distribution systems, drains, boulevards, and other public places or grounds belonging to the city or dedicated to public use; the sewer disposal plant and all city-owned public utilities; and assist in the making of all surveys, maps, plans, drawings and estimates for public work; perform such other functions requested by the manager and described by position description or contractual agreement.

2.16.130 Public Works Director.

The public works director, subject to the charge and supervision of the manager, shall manage and supervise the operation, maintenance and construction of the city’s water and sewer utilities, administer and coordinate the maintenance and construction of all city streets and rights of way, supervise the maintenance and improvements to the city’s parks and other public property; supervise the maintenance and improvements to city facilities and perform other functions as requested by the manager and described by position description.

2.16.140 Pool Manager.

The pool manager, subject to the charge and supervision of the manager, shall manage the city pool, coordinate pool system operations with the public works director, manager seasonal pool employees and perform other functions requested by the manager and described by the position description.

2.16.150 City attorney.

In addition to the requirements of state law, the city attorney shall attend to matters before the city court, the district court and the Montana Supreme Court and such other courts as the council may direct; provided, however, that the city
attorney shall have sole prosecutorial discretion as to all criminal matters in the city court and upon appeal; draw on behalf of the city all contracts, ordinances and resolutions as requested; advise the manager and the council on matters of duties, rights, liabilities and powers of the city; perform such other functions and duties as directed by the council.

Chapter 2.20
CITY COURT

2.20.010 City judge-Duty to keep docket and pay over fines.

It shall be the duty of the city judge of the city to keep such docket as is required by law for Justices of the Peace in Montana, to hear all cases that may be instituted in the city court under the ordinances of the city, to pay over all fines collected for the violation thereof to the director of finance monthly along with a detailed report of the court collections and submittals.

Chapter 2.24
POLICE

2.24.010 Chief-Duties.

The police chief shall, in addition to those duties imposed by state law, serve process in civil actions arising in the city court; report at least monthly to the city council in writing, giving the number of arrests made during the preceding month for offenses against the ordinances of the city and for offenses against the laws of the state; perform such other functions requested by the manager and described by position description.

2.24.020 Police Jurisdiction.

A. The Chief of Police and all the police officers of the City shall serve as peace officers to prevent intoxication, fights, riots, loud noises, disorderly conduct, obscenity and acts of conduct calculated to disturb the public peace or which are offensive to the public morals, within the City and within three (3) miles of the limits thereof, as provided for in 7-32-4301, MCA.

B. The Chief of Police and all the police officers of the City shall have the authority
to make arrests of persons charged with crime within the City’s boundaries and within five (5) miles of the City’s boundaries, as provided for in 7-32-4301, MCA.

2.24.030 Sale or Disposal of Unclaimed Property.

A. City to Sell or Dispose:
   1. All unclaimed, non-evidentiary personal property of a value of more than twenty dollars ($20), in the possession of the Police Department for a period of at least three (3) months, may be sold by the City at public auction or disposed of in any appropriate manner not in conflict with any Federal, State or local laws or regulations.
   2. The Police Department shall attempt to notify the legal owner of unclaimed property by publishing a list of unclaimed property in its custody the first week of January, April, July and October of each year on the city website.
   3. A properly document finder of unclaimed property that has been held in the Police Department’s custody may take possession of the property, in a manner not in conflict with any Federal, State or local laws or regulation, if the property remains unclaimed for a period of at least three (3) months.
   4. Upon proof of legal ownership, the Police Department shall restore the unclaimed property to the owner.

B. Notice of Sale or Disposal: If the unclaimed property is sold at public auction or disposed of in any other manner, notice of the time and place of public auction or disposal shall be published not less than ten (10) calendar days prior to the date of public auction or disposal in a newspaper of general circulation.

2.24.040 Special police.

Whenever the manager shall deem it necessary, he may employ such number of special policemen as in his judgment the needs of the city require. Persons so employed shall take the same oath prescribed for other city officers, and shall have and exercise the same powers as regular policemen, and receive the same compensation therefor; provided, however, that employment shall not continue longer than ten days, without special order so authorized by the city council.

2.24.050 Chief-Further duties.

The further duties of the chief of police are such as are and may be prescribed by the state law of the state of Montana and further by ordinance, resolutions or orders of the mayor and/or the council of the city.
2.24.060 Reserve officer appointment.

The city authorizes the appointment of reserve officers as defined in MCA § 7-32-201, the same to be qualified and their function and duties administered in accordance with MCA Title 7, Chapter 32, Part 2. The rules and regulations for reserve officers previously adopted and enforced by the city police department are adopted as the reserve manual required by MCA 7-32-215.

Chapter 2.28

FIRE DEPARTMENT

2.28.010 Establishment.

There is established a fire department in and for the city, to be known as the Columbia Falls volunteer fire department.

2.28.020 Fire chief-Duties.

A. In addition to the duties set forth in state law, the fire chief shall be responsible for the engine and other apparatus and property of the city furnished to the fire department and see that said equipment is ready at all times for use in extinguishing fires and responding to emergencies; report at least quarterly to the city manager on the activities of the fire department for the preceding quarter; perform such other functions requested by the manager and described by position description.

B. Subject to the provisions of state law, the city manager shall nominate and with the consent of the city council, appoint all members of the fire department, as recommended by the Columbia Falls volunteer fire department board of directors.

Chapter 2.32

CITY-COUNTY PLANNING BOARD

2.32.010 Establishment.

There is created in and for the city a city-county planning board.
2.32.020 Organization.

The city-county planning board of the city shall be organized in such manner, have such members of such qualifications for such terms of office, follow such procedures, and have such powers and duties as are provided by MCA Title 76, Chapter 1, MCA § 76-1-101 et seq., and all acts amendatory thereof and supplementary thereto.

2.32.030 Area of jurisdiction.

The jurisdictional area shall be in accordance with the detailed description of the boundaries in the jurisdictional area provided for in the Interlocal Agreement with Flathead County.
ORDINANCE NO. 790

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COLUMBIA FALLS, MONTANA, AMENDING TITLE 5 OF THE COLUMBIA FALLS MUNICIPAL CODE.

WHEREAS, the City Council desires to amend and update municipal code pursuant to a thorough legal analysis and review of outdated text in preparation of recodifying the City Municipal Code; and

WHEREAS, hearings on said text amendments were held by the City Council of the City of Columbia Falls, Montana, at its regular meetings held between November 5, 2018 and July 1, 2019, after said hearings were advertised according to law; and at each hearing on said dates, 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. Title Amended: Title 5 Business License 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 4th DAY OF NOVEMBER, 2019, THE COUNCIL VOTING AS FOLLOWS:

AYES:

NOES:

ABSENT:
SECOND AND FINAL READING

City Clerk

APPROVED BY THE MAYOR OF COLUMBIA FALLS, MONTANA, THIS ___ DAY OF NOVEMBER, 2019.

Mayor

ATTEST:

City Clerk

ORD 790
5.01.010 Definitions.

For the purposes of this chapter, the-words, terms, or phrases shall have the following meanings:

A. "General business license" includes all businesses and professions requiring a license other than those required to have a professional business license.

B. "Professional business license" is a license for persons engaged in the building trades including but not limited to contractors, plumbers, electricians, excavators, landscapers, HVAC installers, and masons.

5.01.020 Required.

No person, partnership, company, corporation on any other entity shall conduct, operate, transact, or engage in business of any kind within the City before first submitting an application and obtaining a business license from the City unless a business or profession exempted by state law. Failure to obtain business license prior to operating a business in the City limits constitutes a violation of this chapter.

A. Each owner of four or more rental residential or business units shall be required to have a license whether or not a rental management business manages the properties or units, either residential or business, for the property owners.

B. A person engaged in two or more businesses at the same location will
be issued one-license.

5.01.030 Application.

Applications for licenses shall be obtained from and filed with the City. All applications, when filed, shall be accompanied with the necessary fees and signed by the applicant. The form of the application shall be determined by the City Manager.

5.01.040 License Fees.

A. Fee Schedule: The City Council shall adopt a business license fee schedule by resolution.

B. Except as otherwise provided, all license fees shall be payable annually in advance on or before January 1. All licenses shall expire on December 31 of each year.

C. Seasonal businesses may be licensed for the quarter(s) of the year they are doing business.

D. A new business may apply for an annual license with the first year license prorated on the remaining quarters of the calendar year. Thereafter annual licenses shall be issued without proration.

5.01.050 State Certificate of Contractor Registration.

Persons who are engaged in a business which requires a professional business license are required to provide a copy of their current Certificate of Contractor Registration.

5.01.060 Home occupations.

A general business license may be issued to a business in a residential zoning district within the City, providing said business is in compliance with the zoning regulations contained in Chapter 18.426.

5.01.070 Transferability.

No license issued is transferable to any other owner or business.

5.01.080 Refund.

No licensee is entitled to a refund if he or she ceases to do business for any unexpired term for which a license was obtained.
5.01.090 Exemption for holders of alcoholic beverage licenses.

Holders of alcoholic beverage licenses within the City shall not be required to pay an additional fee for a business license as that license is included within the alcoholic beverage license itself.

5.01.100 Change of location.

A licensee shall have the right to change the location of the licensed business while a valid license is in effect, without obtaining a new license. The licensee must notify the City in writing of the change of business location and address.

Chapter 5.02

CITY LIQUOR LICENSES

5.02.010 License-Required.

All businesses that sale alcoholic beverages including beer, wine and liquor, for either on or off-premises consumption, must obtain a City Liquor License.

5.02.020 Liquor License-Application.

Applications for liquor licenses shall be obtained from and filed with the City. All applications, when filed, shall be accompanied with the necessary fees, copy of the state liquor license, and signed by the applicant. The form of the application shall be determined by the City Manager.

A. The annual liquor license shall be an annual shall commence on July 1st of each year and extend through June 30th the following year.

5.02.030 License-Classifications and Fees.

Licenses for the sale of alcoholic beverages will be classified in accordance with state statute. The annual license fee shall be established by resolution of the City Council. The established fees shall be in accordance with state statute.
5.02.040 License-Transferability.

Any license issued under this chapter is not transferable and no refunds will be made after a license is obtained. (Ord. 438 § 4, 1984)

5.02.050 Special permits.

Special permits for retail alcoholic beverage sales will be permitted by the City pursuant to state law.
ORDINANCE NO. 791

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COLUMBIA FALLS, MONTANA, AMENDING TITLE 3 OF THE COLUMBIA FALLS MUNICIPAL CODE.

WHEREAS, the City Council desires to amend and update municipal code pursuant to a thorough legal analysis and review of outdated text in preparation of recodifying the City Municipal Code; and

WHEREAS, hearings on said text amendments were held by the City Council of the City of Columbia Falls, Montana, at its regular meetings held between November 5, 2018 and July 1, 2019, after said hearings were advertised according to law; and at each hearing on said dates, 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.  Title Amended: Title 3 Revenue and Finance, 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 18th DAY OF NOVEMBER, 2019, THE COUNCIL VOTING AS FOLLOWS:

AYES:

NOES:

ABSENT:

ORD 791
FIRST READING

_________________________________
City Clerk

APPROVED BY THE MAYOR OF COLUMBIA FALLS, MONTANA, THIS ___ DAY OF NOVEMBER, 2019.

_________________________________
Mayor

ATTEST:

_________________________________
City Clerk

ORD 791
EXHIBIT A
Title 3
REVENUE AND FINANCE

Chapter 3.10
CAPITAL IMPROVEMENT PROGRAM

3.10.010 Establishment.

There is hereby established in and for the city of Columbia Falls a capital improvement program for the purpose of providing funds for the replacement and/or acquisition, including associated costs, of various capital improvements.

3.10.020 Purpose.

All funds or monies paid into any capital improvement funds established pursuant to the capital improvement program, as adopted by the City Council on an annual basis pursuant to the budget process shall be devoted solely for the purpose of the replacement and/or acquisition, including associated costs, of various capital improvements costing in excess of five thousand dollars and with a life expectancy of five years or more.

3.10.030 Funding.

Each fiscal year, the capital improvement funds may receive money from any source, including funds that have been allocated in any year but have not been expended or encumbered by the end of the fiscal year, as determined during the budget adoption process.

3.10.040 Accumulation authority.

The city manager shall have the authority to accumulate monies within the fund over a period of years, in order to acquire necessary monies for specific capital improvement projects and to use the monies to pay cash to finance specific capital improvement projects.

3.10.050 Investment.

All monies or proceeds held in a capital improvement fund must be invested in accordance with the City’s investment policies and interest earned from the investment of capital improvement fund must be credited to the fund.
3.14.010 Established.

Administrative fees and charges will be established by resolution. Administrative fees and charges may include, but are not limited to the following:

- NSF checks;
- Copies including preparation;
- GIS map;
- Council meeting minutes;
- Agenda packet;
- Faxes;
- Final Budget document;
- Zoning or Subdivision ordinance;
- Growth policy;
- Extension of services plan;
- Public work standards;
- ID fingerprints;
- Request for Information requests.
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COLUMBIA FALLS, MONTANA, AMENDING TITLE 6 OF THE COLUMBIA FALLS MUNICIPAL CODE.

WHEREAS, the City Council desires to amend and update municipal code pursuant to a thorough legal analysis and review of outdated text in preparation of recodifying the City Municipal Code; and

WHEREAS, hearings on said text amendments were held by the City Council of the City of Columbia Falls, Montana, at its regular meetings held between November 5, 2018 and July 1, 2019, after said hearings were advertised according to law; and at each hearing on said dates, 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. Title Amended: Title 6 Animals, 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 18th DAY OF NOVEMBER, 2019, THE COUNCIL VOTING AS FOLLOWS:

AYES:

NOES:

ABSENT:
FIRST READING

City Clerk

APPROVED BY THE MAYOR OF COLUMBIA FALLS, MONTANA, THIS ___ DAY OF NOVEMBER, 2019.

Mayor

ATTEST:

City Clerk

ORD 792
6.04.010 Definitions.

As used in this chapter, unless the text otherwise indicates:

"Animal warden" shall be a person appointed with the power and duty of picking up stray dogs, dogs running at large, and shall be considered the police officer of Columbia Falls for the purposes of enforcing this chapter.

"At large" shall be intended to mean off the premises of the owner, and not under the control of the owner or a member of his immediate family or his agent either by leash, cord, chain or otherwise.

"Dog" shall be intended to mean both male and female, and shall mean a dog not less than five months old.

"Owner" shall be intended to mean any person or persons, firm, association, or corporation owning, keeping, or harboring a dog.

6.04.030 Rabies vaccination required.

Any dog within the city, whether licensed or unlicensed, must be vaccinated against rabies. If any dog is not vaccinated against rabies, the police chief or his designate may have such dog vaccinated against rabies and the charges therefor shall be paid for by the owner within ten days of the notification to the owner that such dog has been vaccinated. If the owner shall refuse or neglect to pay such charges for vaccination against rabies within ten days after such notification, the owner shall be deemed to have violated the terms of this chapter and shall be subject to the penalties herein provided.

6.04.040 Running at large prohibited.

No owner or keeper of any dog shall permit such dog to run at large.

6.04.045 Habitual barking.

A. Harboring. It is unlawful for any person knowingly to own, keep or harbor any dog which habitually or unreasonably barks, howls, nips or yelps to the discomfort, annoyance or disturbance of any person within the city. Such dogs are declared to be a public nuisance.
B. Notification. Whenever any person shall complain to the Columbia Falls police department that the provisions of subsection A of this section are being violated, the police department shall notify the owner, keeper or harbore of said dog that a complaint has been received and that the person must take whatever steps necessary to alleviate the barking, howling, nipping or yelping.

C. Enforcement. Following the notification set forth in subsection B of this section, if the police department receives verified complaints from at least two citizens not from the same family, alleging that the dog habitually or unreasonably barks, howls, nips or yelps to the discomfort, annoyance or disturbance of persons within the city, the owner, keeper or harbore of such dog shall be cited for the violation alleged in said complaints.

6.04.050 Impoundment.

It shall be the duty of the animal warden authorized by agreement with Flathead County, to apprehend any dog found running at large and to impound such dog.

6.04.080 Vicious dogs.

It shall be unlawful for any person to keep, harbor, or maintain any vicious dog within the city. If any vicious dog is running at large or any dog appears to be mad or dangerous to the public, and it appears to the animal control officer that it is necessary to kill such a dog in order to protect the public from the dog, the animal control officer is hereby authorized to kill the dog.

If any dog, including but not limited to vicious dogs, bites a person living in the city, such dog bite shall immediately be reported to the designated animal control office. Any animal control officer may issue a written order requiring the owner of such dog to surrender the dog to the Flathead County Animal Control Center or, at the owner's expense, to a licensed veterinarian. Such order may be served by the animal control officer on the owner. If the owner cannot be found at his/her place of residence, the order may be served by leaving it with a person at the residence or by placing it in a prominent place at the main entrance of such residence. It is unlawful for any person to refuse or neglect to surrender any dog, within twenty-four hours after the service of such order, and any animal control officer shall seize and impound such dog at either the Flathead County Animal Control Center or a license veterinarian's office, at the owner's expense. In the event the owner is unknown or the dog is running at large, the officer shall seize and impound the dog without notice. If the vicious dog is running at large and the officer is unable to seize and impound such dog, the dog may be killed by any law enforcement or animal control officer of this city without notice. All dogs impounded under this section shall be quarantined for the period and under the conditions as determined by the animal control officer.

For purposes of this section, a “vicious dog” is defined, pursuant to 7-23-2109, MCA as one which bites or attempts to bite any human being without provocation or which harasses, chases, bites, or attempts to bite any other animal. The term “animal” includes all livestock and any domestic pet.
Chapter 6.08
LIVESTOCK

6.08.050 Unlawful to pasture or keep stock.

It is unlawful to graze, pasture, keep or house in any manner whatsoever, horses, cattle, goats, hogs or livestock of any kind within the city except as provided for in Chapter 18.434 Livestock.

Chapter 6.16
MISCELLANEOUS ANIMAL REGULATIONS

6.16.010 Abuse unlawful.

No person shall inhumanely, unnecessarily or cruelly beat or otherwise abuse any animal within the limits of the city.
ORDINANCE NO. 793

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COLUMBIA FALLS, MONTANA, AMENDING TITLE 8 OF THE COLUMBIA FALLS MUNICIPAL CODE.

WHEREAS, the City Council desires to amend and update municipal code pursuant to a thorough legal analysis and review of outdated text in preparation of recodifying the City Municipal Code; and

WHEREAS, hearings on said text amendments were held by the City Council of the City of Columbia Falls, Montana, at its regular meetings held between November 5, 2018 and July 1, 2019, after said hearings were advertised according to law; and at each hearing on said dates, 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. Title Amended: Title 8 Health and Safety, 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 18th DAY OF NOVEMBER, 2019, THE COUNCIL VOTING AS FOLLOWS:

AYES:

NOES:

ABSENT:
FIRST READING

______________________________

City Clerk

APPROVED BY THE MAYOR OF COLUMBIA FALLS, MONTANA, THIS ___ DAY OF NOVEMBER, 2019.

______________________________

Mayor

ATTEST:

______________________________

City Clerk
FIRST READING

EXHIBIT A
Title 8

HEALTH AND SAFETY

Chapter 8.08

GARBAGE COLLECTION

8.08.010 Containers-Required.

All owners, tenants, lessees, and occupants of premises in the city who shall store garbage, ashes, or refuse outside or out of doors prior to the collection and hauling away of the same by any person engaged in the business of collecting and hauling of garbage, ashes and refuse, shall furnish refuse containers for such pre-collection storage. Refuse containers shall be maintained in good condition.

8.08.020 Containers--Construction generally.

Containers for garbage or refuse shall be made of metal or plastic, equipped with suitable handles, and equipped with tight-fitting covers, and shall be watertight.

Chapter 8.12

NUISANCE WEEDS

8.12.010 Defined.

"Nuisance weeds" means all vegetative growth of every kind and nature, other than trees or shrub that are native, common or ordinary, over eight inches in height, that is managed in such a manner that the material is friable or readily combustible and creates a fire hazard; or any height, that is managed in such manner that it produces viable, invasive seed from plants that are generally considered undesirable.

"Managed" means attention or inattention to provision of care that is reasonable and prudent.

"Undesirable plants" means non-native plant species, or plant species not commonly found among landscaping elements or invasive plants that are generally known to require intense efforts to exterminate.


No owner or owners of any property within the city, or agent of such owner or owners, shall permit nuisance weeds on such property, or on one-half of any road or street lying next to such property.
or boulevard abutting thereon. The existence of such weeds shall constitute a public nuisance.

8.12.030 Notice to destroy.

A. Whenever nuisance weeds are found to exist upon any property within the city, the city shall notify the owner of the property or, if no such person can reasonably be found, the person in control or possession of the premises.

B. The notice shall state that the existence of such nuisance weeds constitutes a public nuisance, and shall order the owners, or persons in possession, to exterminate or remove all such weeds on any property within the city limits, and upon one-half of any adjacent street or road. The notice shall further inform such property owners, or person(s) in possession, that upon their failure to remove or exterminate such weeds within a specified time, the city may proceed to have such weeds removed or exterminated and assess the cost thereof to the property involved.

C. Personal notice of the order shall be served. In case personal service cannot reasonably be obtained, then the notice shall be published once a week for two weeks in a newspaper in the municipality, or if no such paper exists, in a newspaper within the county. The last date of publication shall be not less than seven days prior to the date upon which the city commences the removal of weeds from such property.

8.12.040 Action upon noncompliance with order.

Upon the failure, neglect or refusal of any owner or owners, or person(s) in possession, to exterminate or remove nuisance weeds growing, lying or located upon the property of the owner or upon one-half of any road or street lying next to the property before the date specified in the notice, the responsible city official may exterminate or remove such nuisance weeds. Such official shall report to the city clerk the costs of such extermination. The clerk shall make an additional charge of ten percent to cover administrative costs. The total costs shall be assessed against the property from which or adjoining which the nuisance weeds have been exterminated or removed. The clerk shall cause the aforesaid costs to become a special tax and a lien against the property involved.

Chapter 8.16

REFUSE AND LITTER

8.16.010 Unlawful to deposit or allow accumulation.

No person within the limits of the city shall throw or deposit loose or waste paper, manure, tin cans or other coarse rubbish, or any dead animals, straw, hay, lawn clipping, brush, waste clothing, hats, books, empty cans, boxes or any paper dodgers or advertisements, or other inflammable rubbish on any public right-of-way or public land, not specifically designated for receiving such material.
8.16.030 Deposit of objectionable waste prohibited.

It is unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the city, or in any area under the jurisdiction of the city, any human or animal excrement, garbage, or other objectionable waste.

Chapter 8.18

COMMUNITY DECAY CONTROL

8.18.010 Definitions.

For purposes of this chapter, the following words shall have the meanings set out in this section:
A. "Agency" means the police department, which is designated to enforce the community decay ordinance.
B. "Community decay" means a public nuisance which is within "public view" as defined in this section and is created by allowing rubble, debris, junk or refuse to accumulate as set forth in the community decay standards. "Community decay" as used in this chapter may not be construed or defined to apply to normal farming, ranching or other agricultural facility, or any appurtenance thereof, during the course of its normal operation.
C. "Public nuisance" means a nuisance which affects, at the same time, an entire community or neighborhood or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal.
D. "Public view" is any point six feet above the surface of the center of any public road from which the community decay can be seen.
E. "Shielding" refers to fencing or other manmade barriers to conceal a facility from public view. It also refers to natural barriers. Any shielding must also conform to all local zoning, planning, building and protective covenant provisions. Any shielding is to be of sufficient height that no part of the nuisance or decay is visible to public view. This is not intended to require that permanent buildings, other structures, utility poles or any farm buildings, ranch buildings, or other agricultural facilities or appurtenances are to be included in the chapter and shielded.
F. “Unfinished or incomplete buildings or structures” means those that do not possess completed walls on all sides and a roof and do not provide a permanent weather resistant exterior wall and roof envelope.

8.18.020 Powers and duties.

The city council designates the police department as the agency which shall have the following powers and duties:
A. The duty to inspect when there has been a complaint by more than one person that community decay or a nuisance is present in an area.
B. The power to recommend to the city council further applicable standards by which to enforce this chapter.
C. The power to determine whether or not this chapter applies after an inspection of the property or area.
D. The duty to send a written notice of violation to the owner of the property in violation of this chapter.
E. The power to enter upon the property in violation after written notice and a show cause hearing, if applicable, for the specific purpose of abating the violation.
F. The power to assess the property owner for the actual or anticipated costs of an abatement made by the agency.

8.18.030 Notification and enforcement.
A. When the agency receives a complaint that a condition of community decay exists, the agency shall inspect the property alleged to be in violation of this chapter. Upon inspection the agency shall determine whether there is a violation of this chapter.
B. If there appears to be violation of this chapter, the agency shall notify the owner of the property in writing of the violation. This notice shall be sent by certified mail. This notice shall include a statement specifically describing the violation.
C. The owner may after notification of violation submit a plan of abatement to the agency which shall include:
   1. Type of abatement or shielding;
   2. Date for commencement of action; and
   3. If abatement or shielding is not to commence within thirty days, the reason therefore. The agency may accept such plan and defer further proceedings under this chapter pending abatement.
D. The notice of violation to the owner shall specify that the owner has thirty days from receipt of such notice to become in compliance with this chapter by means of removal or shielding of the conditions.
E. After thirty days following the mailing of the notice of violation, the agency shall determine whether the violation has been abated by the owners.
F. If the owner has failed to act, the agency shall send a notice setting a date and time for a hearing before the city judge notifying the owner to appear to show cause why the violation has not been abated.
G. A show cause hearing will be held by the city judge. Both the city agency and the owner may give evidence. At the end of the hearing the judge shall determine if the violation in fact exists, and if proper notification was made and the violation exists, the owner shall be ordered to abate it within a reasonable time.
H. If after a show cause hearing the owner has not complied with the court-ordered abatement; the agency may send written notification by mail and allow ten days further to complete abatement. After ten days following the mailing of such notification, the agency may enter upon the owners’ property with the specific purpose of abating or shielding the violation, whichever the agency deems appropriate.
I. The agency may assess the property owner/user for the actual costs of the abatement by the agency.
J. Nonpayment of the assessment may be taken as a lien upon the property and is enforceable as is nonpayment of property taxes.

8.18.050 Community decay standards.
It shall be a violation of the city of this chapter to allow any of the following conditions to exist within public view, as defined within this chapter, on any land or property in the city that is not considered to be a normal farm, ranch or other agricultural operation or facility:
A. The piling or spreading of straw, hay or similar material on open lots or fields unless the material is to be used as soil conditioner or mulch and the material is plowed into the ground or otherwise mixed and covered with clean soil within sixty days from placement upon the lot or field.
B. The dumping, piling or stacking of bricks, concrete blocks, waste wood, and similar material on open lots or fields, unless the material is stacked in neat piles and all waste material from the cleaning of such items, such as mortar, wood splinters, broken and unusable bricks, is removed to a licensed solid waste disposal facility or to some other location which has been approved by the agency or to some other location outside the city and its extra-territorial jurisdiction. Should such an operation be an ongoing continuous business, it shall be located in an area properly zoned for such a salvage business and shall be shielded from public view. Shielding shall meet the shielding standards outlined within this chapter and any applicable zoning regulations.

C. The storage or accumulation of a significant amount of cardboard boxes, broken packing boxes, paper or other similar items on lots or fields.

D. The piling, dumping or depositing of any dirt, demolition wastes including wood, bricks, concrete, used road black top and other similar materials on any open lots or fields, unless such material is to be utilized for fill material to fill a coulee or land depression. If such material is used as fill material, all such material shall be completely covered with clean fill material once every ten days and fill area shall be adequately fenced to restrict access to the area. Failure to comply with the periodic cover and access control requirements shall constitute a violation of this chapter.

E. The storage and accumulation of iron, metal, component vehicle and machine parts, junk vehicles, household appliances, barrels and other salvaged metal items, unless such material is stored in an approved, licensed, and shielded motor vehicle wrecking facility. If such material is being accumulated as part of an on-going, active salvage business other than an approved, licensed motor vehicle wrecking facility, said salvage business must be located in a properly zoned area for such a business and shall be shielded from public view. Shielding shall meet the shielding standards outlined within this chapter and any applicable zoning regulations.

F. The accumulation and storage of any other rubble, debris, junk or refuse that, upon investigation by the agency, is deemed to be a public nuisance as defined in this chapter.

G. The maintenance, ownership, occupancy or possession of any dangerous, decaying, non-maintained, fallen or damaged residential dwelling or commercial building or structure, including building(s) or structures that are unfinished or incomplete after a valid building permit has expired or three years after construction was initially started, whichever period expires first. Shielding is not an acceptable mitigation of this violation.

H. The maintenance of any substances or conditions that are injurious to health, indecent, offensive to the senses or obstructive of the free use of property so as to interfere with the comfortable enjoyment of life or property.

8.18.060 Shielding standards.

A. All plans for shielding shall be approved by the agency prior to commencing construction of shielding.

B. When fences are used for shielding the boards may be spaced and/or slanted to reduce wind load. The space between boards when viewed from a broad-side view shall not be more than one and one-half inches and interval between spaces shall not be less than seven and one-half inches. Rough dimensional lumber or better is acceptable. Chain link fences with standard fiberglass or other inserts are acceptable, provided the gap between adjacent slats does not exceed one and one half inches.

C. Shielding with shrubs and trees shall provide a similar degree of shielding at all times of the year. Dirt berms are acceptable for shielding purposes, provided the berm slopes are graded smooth and seeded with an adequate grass seed formula.
D. Other types of fencing of equivalent permanence, attractiveness, and shielding qualities, including corrugated metal, are also acceptable.
E. No more than one of the approved shielding materials shall be used on any one side of a shielding fence.
F. The fencing is to be maintained by the property owner or occupant in a neat and workmanlike manner and shall be replaced when necessary.

Chapter 8.20
JUNKED MOTOR VEHICLES

8.20.010 Definitions.

For the purposes of this chapter, the following terms, phrases and words shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number and words in the singular number include the plural number.

A. "Abandoned, wrecked, junked or dismantled motor vehicles" means any motor vehicle which does not have lawfully affixed thereto both an unexpired license plate or plates and the condition of which is wrecked, dismantled, inoperative, abandoned or discarded.

B. "Abandoned, wrecked, junked or dismantled vehicle" means any vehicle described in which is not being utilized for its manufactured or intended purpose and has been discarded, abandoned, wrecked, junked, dismantled or partially dismantled, including parts thereof.

C. "Vehicle" means every device in, upon, or by which any person or property may be transported or drawn upon a public highway or upon private property, including trailers, semitrailers and travel or camp trailers, as well as machinery used in farming, logging, excavating, but not including mobile homes presently utilized for human habitation. Such term shall not include a bicycle, but shall include motorbikes, motorcycles, motorscooters, tractors, go-carts and golf carts.

8.20.020 Nuisance designated-Abatement.

No person shall park, store, keep, place, leave or permit the same, any abandoned, wrecked, junked or dismantled motor vehicle or vehicle upon any private property within the city for a period in
excess of seventy-two hours. The presence of any abandoned, wrecked, junked or dismantled vehicle or motor vehicle, or parts thereof, upon private property as specified in this chapter, is declared a public nuisance which shall be abated as such in accordance with the provisions of this chapter. This section shall not apply to any vehicles enclosed within a building, or covered by a fabric cover specifically designed for covering vehicles or motor vehicles, or to any vehicle held in connection with a business enterprise, lawfully licensed by the city and properly operated in an appropriate business zone, pursuant to the zoning laws of the city, or to any vehicle or motor vehicle validly and properly retained by the owner thereof for antique collection purposes, pursuant to 61-3-411, MCA. Any motor vehicle whether in operable or inoperable condition designed, adapted or used for dragstrip racing or raceway racing shall be covered, as set forth in this section, or placed within a building.

8.20.030 Exemption for repairs.

This chapter shall not be construed to prevent any occupant of premises within the city from repairing his own motor vehicles or vehicle or machinery on his premises even though exposed to public view, so long as the person pursues the work to completion with reasonable diligence; provided, however, that any vehicle which remains out of running condition with any wheel, tire, engine, body or other major part removed therefrom for a period in excess of twenty days, while remaining exposed to public view, shall be deemed to be prima facie evidence that such vehicle or motor vehicle is not being diligently repaired and constitutes a violation of this chapter.

8.20.040 Responsibility.

The occupant of any private property within the city shall be responsible for any violation of this chapter, with the head of the household being deemed to be the occupant. In the case of vacant or unoccupied premises, the person owning the same shall be responsible for any violation of this chapter.

8.20.050 Notice-Service.

A. Whenever it comes to the attention of the police chief that a nuisance exists within the city due to the maintenance or presence of abandoned, wrecked, junked or dismantled motor vehicles or vehicles upon private property within the city, a notice in writing shall be served upon the occupant of the land where the nuisance exists, or in the case there is no such occupant, then upon the person being the owner of such property, notifying them of the existence of the nuisance and ordering its removal in the time specified in this chapter.

B. Notice shall be given by United States mail, postage prepaid, addressed to the occupant or the person who is the owner, at the last known address, as exists upon the records of the city. In the alternative notice may be served in the same manner as other legal process is served in the state including hand delivery.

8.20.060 Notice-Contents.

The police chief shall give the notice for the removal or covering of the items which constitute the nuisance at least ten days before the time of compliance with such notice. The notice shall specify clearly the abandoned, wrecked, junked or dismantled motor vehicles or vehicles or parts thereof upon
the private property which constitutes the nuisance and shall order the removal or covering of the same as specified within this chapter. The notice shall advise that failure to remove or cover as specified in the notice shall render the person so served subject to prosecution for violation of this chapter and the penalty therefor as set forth herein.

Chapter 8.24

HANDBILLS

8.24.010 Purpose.

To protect the people against the nuisance of and incident to the promiscuous distribution of handbills and circulars, particularly commercial handbills, as herein defined, with the resulting detriment and danger to public health and safety, the public interest, convenience and necessity requires the regulation thereof and to that end the purposes of this chapter are specifically declared to be as follows:

A. To protect local residents against trespassing by solicitors, canvassers or handbill distributors upon the private property of such residents if they have given reasonable notice they do not wish to be solicited by such persons or do not desire to receive handbills or advertising matter.

B. To protect the people against the health and safety menace and the expense incident to the littering of the streets and public places by the promiscuous and uncontrolled distribution of advertising matter and commercial handbills. (Ord. 296 § 1, 1972)

8.24.020 Definitions.

The following words, terms and phrases, when used in this chapter, have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

A. "Handbills" means and includes any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet, or any other printed or reproduced original or copies of any matter, distributed without charge, which advertises for sale, any merchandise, product, commodity, or thing; or which directs attention to any business, mercantile, or commercial establishment and the products sold by the same; or which directs attention to or advertises any meeting, theatrical performance, exhibition, or event or any kind.

B. "Handbill distributor" means and includes any person distributing handbills other than newspapers distributed to the subscribers thereof.

C. "Private premises" means and includes any dwelling house, house, building, or other structure designed or used for private residential purposes, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule, or mailbox belonging thereto.
D. "Public place" means and includes any and all streets, boulevards, avenues, lanes, alleys, or other public ways, and any and all public parks, squares, spaces, plazas, grounds, and buildings.

8.24.030 Throwing broadcast unlawful.

It is unlawful for any person to deposit, place, throw, scatter, or cast any handbill upon any public place within the city and it shall be unlawful for any person to hand out or distribute handbills in any public place to a person not willing to accept it or any vacant private premises.

8.24.040 Placing in or upon vehicles.

It is unlawful for any person to distribute, deposit, place, throw, scatter, or cast any handbill in or upon any automobile or other vehicle not his own, except in a manner that will prevent it from being blown about or scattered by the elements.

8.24.050 Distribution where property posted unlawful.

It is unlawful for any person to distribute, deposit, place, throw, scatter, or cast any handbill upon any premises if requested by any person thereon not to do so, or if there is placed on such premises in a conspicuous position near the entrance thereof a sign bearing the words "No Trespassing," "No Handbills" or similar words.

Chapter 8.28

FIRES AND INFLAMMABLES

8.28.020 Open burning.

No open burning is allowed within the city limits.

Exceptions:

Fire Department sponsored and controlled burns are allowed.

Recreational fires using clean, dry campfire wood are allowed for pleasure, religious, ceremonial, cooking, warmth or similar purposes, measuring thirty-six inches or less in diameter and no more than two feet in height that are surrounded by a nonflammable area and located at least 25 feet (15 feet if fire is in an approved container) from the nearest structure or combustible material. A suitable source of extinguishing the fire must be readily available and the fire must be constantly attended until the fire is extinguished. It is unlawful to burn construction debris, papers, paper goods, rubbish, garbage, organic debris such as lawn clippings, leaves and branches anywhere in city. Notwithstanding the foregoing, recreational fire may not be ignited if special restrictions prohibiting recreational fires have been established by an authority having jurisdiction.

8.28.030 International Fire Code.
FIRST READING

A. The city does hereby adopt by reference the current edition of the International Fire Code and any additions thereto adopted by the Fire Prevention and Investigation Section of the MT Department of Justice, or its successor. One (1) copy of each code shall be on file in the office of the City Clerk. Any codes or amendments adopted by the Fire Prevention and Investigation Section which apply to local governmental jurisdictions, including the adoption of the latest editions of the model technical codes or applicable Administrative Rules of Montana, shall become effective in the City upon order of the City Administrator within thirty (30) days after the date the State of MT notifies the City of said amendments.

C. Removal of Violation. The application of the penalty in Title 1 shall not be held to prevent the enforced removal of prohibited conditions or any other remedial or corrective action provided for under the International Fire Code.


The city does hereby adopt by reference the most recent version of the Life Safety Code and automatically adopts and incorporates any and all amendments and other modifications to such code.

Chapter 8.32

FIREWORKS

8.32.010 Sale unlawful.

It is declared unlawful for any person, firm, corporation or association to sell fireworks of any explosive nature within the city limits of the city of Columbia Falls.

8.32.020 Use unlawful.

It is declared unlawful for any person of any age to set off or fire any fireworks of any explosive nature within the city limits of the city of Columbia Falls.

8.32.030 Permitting use by minor unlawful.

It is declared unlawful for any parent, guardian, or custodian of any minor child to permit or consent to the possession or use by the minor child in his charge or custody of any fireworks or pyrotechnics of an explosive nature. Use by any minor child of any fireworks or pyrotechnics of an explosive nature within the city shall be presumed to be with the permission and consent of such parent, guardian, or other person having the charge or custody of such minor child.
FIRST READING

ORDINANCE NO. 794

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COLUMBIA FALLS, MONTANA, AMENDING TITLE 13 OF THE COLUMBIA FALLS MUNICIPAL CODE.

WHEREAS, the City Council desires to amend and update municipal code pursuant to a thorough legal analysis and review of outdated text in preparation of recodifying the City Municipal Code; and

WHEREAS, hearings on said text amendments were held by the City Council of the City of Columbia Falls, Montana, at its regular meetings held between November 5, 2018 and July 1, 2019, after said hearings were advertised according to law; and at each hearing on said dates, 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. Title Amended: Title 13 Public Services 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 18th DAY OF NOVEMBER, 2019, THE COUNCIL VOTING AS FOLLOWS:

AYES:

NOES:

ABSENT:
FIRST READING

City Clerk

APPROVED BY THE MAYOR OF COLUMBIA FALLS, MONTANA, THIS ___ DAY OF NOVEMBER, 2019.

Mayor

ATTEST:

City Clerk
13.04.010 Purpose.

The rules set out in this chapter are established for the purpose of defining a uniform manner in which the Columbia Falls water department will operate.

They are intended to insure adequate service to each water consumer, to prevent unfair charges to the water consumer, to protect the utility from unreasonable demands and to insure that all water consumers are treated equitably through the application of these rules.

13.04.020 Definitions.

As used in this chapter, the following words and phrases shall be as set out in this section:

A. Consumer or Customer. This term means the individual, partnership, or corporation identified on an approved application as the owner of property served or owner's representative.

B. Customer Class. The term means the grouping of water users with other users that share a similar usage pattern or usage environment. The city recognizes the following classes for the purpose of assigning a volume rate:

1. Commercial Class. Customers who occupy a premises for the purpose of buying, selling, trading, acquiring, disposing, storing, leasing articles, commodities, or property; or providing a service, craft, amusement, or recreation; or provide assemblage; or provide education of one hundred or less students; or provide lodging accommodations for transient persons.

2. Government Class. Customers that occupy premises that provide governmental services, institutional lodging or education for more than one hundred students.

3. Industrial Class. A customer that consumes at least an average of five hundred thousand gallons per month over any twelve-month period and the highest and lowest demand (measured in gallons per minutes) does not vary by more than ten percent from one-half the sum of the average demand for a thirty-minute interval preceding and succeeding the time of interest.
4. Multi-family Class. Customers that occupy premises where multi-unit dwellings, consisting of three or more units, located on a single property, provide housing for permanent residents.

5. Single Family Class. Customer occupying a premises used as a dwelling for permanent residents consisting of a family or not more than five unrelated persons, where one unit is on a single property.

C. Landlord Agreement. An agreement between the utility and the owner of a property whereas the owner allows the utility to establish an account in the name of the renter while retaining responsibility for unpaid charges.

D. Payment Agreement. This term means a written agreement, on city form, that prescribes the schedule of payment for past due amounts.

E. Plant Investment Fee. A one-time charge used to recover the pro-rata share of the capital cost for the construction and provision of the water system.

F. Plumbing Inspector. This term means a person designated by the city to inspect plumbing.

G. Rate-Rate Schedule. These terms mean water rates or fees set forth under the rate schedule adopted by the city council by resolution.

H. Regular Service Line-General Service Line. These terms refer to a service line or portion thereof that is constructed to provide water for uses other than temporary service or fire service.

I. Service Charge-Base Service Charge. An amount charged per connection based on the diameter size of service connection.

J. Service Line. This term means every part of the piping and appurtenances from the water main to the customer's side of the meter, including the corporation stop, curb stop, meter, meter isolation valves, check valve and connecting piping between these components.

K. Temporary Service. A temporary service means any service of water to a consumer for a period of time less than six months and likely not recurring.

L. Utility. This term means the city water department.

M. Volume Charge. The charge for volume of water delivered to the property served determined by meter reading or estimate based on an average of known volume usage.

N. Sharing of Costs. Subject to exceptions set forth in 13.04.600, for repairs to leaks in service lines between the main and the curb stop, the City and the customer will each pay 50% of the incurred cost. For repairs to leaks in service lines between the curb stop and...
the customer’s structure, the customer will pay 70% of the cost and the City will pay 30% of the incurred costs.

13.04.030 Service area regulations.

The utility shall serve water to all customers within and outside the city limits of Columbia Falls in accordance with this chapter.

13.04.040 Service-Description.

A. Quantity. The utility shall keep its sources of supply and its distribution system in such a state of repair that it can reasonably meet the demand of its customer in reasonable conformity with applicable laws and regulations.

B. Quality. The utility shall reasonably follow all normal and standard operating procedures, construction procedures and maintenance procedures in order to insure that the water served the consuming public is of a quality that complies with applicable laws and regulations. The utility shall require that all contractors working on the system follow normal and standard work procedures and similarly comply with applicable laws and regulations.

C. Class of Service. The utility shall assign each customer to one of the following classes:

1. Single family;
2. Multi-family;
3. Commercial;
4. Government;
5. Industrial;

D. Types of Service. The following types of service will be provided by the utility based upon the circumstances of the use:

1. Metered rate;
2. Contracted service;
3. Temporary service.

E. Cost of Service. The utility shall charge all water users based on a service charge and volume charge in accordance with the rate schedule.

1. Service Charge. The service charge is not dependent upon the amount of water used by the customer. The charge is designed to recover utility billing costs; and portions of debt,
administration, maintenance and replacement costs.

2. Volume Charges. Volume charges are directly related to volume of water used and applicable to all water usage except contracted water or unmetered water used for fire suppression. Volume charges are designed to recover operating costs associated with water usage; and portions of debt, administration, maintenance and replacement costs not recovered by the service charge.

13.04.050 Service-Application.

A. New Applicant for Existing Service. All persons, organizations and/or entities wishing water service must be the owner of the property serviced or authorized by the owner to make application for such with the water utility upon application forms provided by the city.

B. New Applicant for New Service. Any applicant desiring service that includes a new service connection shall comply with Section 13.04.070.

C. Party Liability. Where two or more parties have jointly applied for water service at premises, each shall be jointly and severally liable for all bills and shall be billed by means of a single periodic bill to the party designated.

D. Applications. Applications shall include as a minimum the following information:

1. Date and place of application;
2. Location of premises to be served;
3. Date applicant will be ready for service;
4. Whether the premises have previously been supplied with water by the utility;
5. Purpose for which service is to be used;
6. Size of service desired;
7. Address to which bills are to be mailed or delivered;
8. Whether applicant is owner or tenant of, or agent for, the premises (if other than owner, a landlord agreement shall be provided);
9. Agreement of applicant to abide by all regulations of the utility;
10. Notice that the application will expire in one hundred eighty days and may be extended only by reapplication.

E. Change in Customer. Any change in the identity of the contracting customer at a premise
shall require a new application for water.

F. One Hundred Eighty Days to Connect. Each application for water connection, once approved by the public works director, is good for one hundred eighty days. One extension for an additional ninety days may be made upon payment of a reapplication fee according to the rate schedule.

G. Inspection Required. Each applicant for service that includes a new service connection and water permit must possess a building permit and an occupancy permit or, if under construction, verification from the plumbing inspector that the premises plumbing is reasonably compliant with the acceptable plumbing practices.

H. Landlord Agreement. The owner of a rental property may enter into a landlord agreement with the utility whereby the property owner agrees to allow the utility to establish an account in the name of the renter. The landlord may require the utility to collect a deposit from the tenant. Such an agreement does not reduce nor negate the owner's responsibility for unpaid charges. Such agreement shall be on forms provided by the utility.

I. Application Process. Within ten working days after a completed application is submitted to the public works director, the utility shall approve or disapprove the application. Additional time may be required if the utility is waiting for additional information such as fixture count or fire service requirements.

13.04.060 Service connection.

A. A separate curb box shutoff valve shall be provided on each service line on the utility side of the meter. Normally each service line shall be tapped into the main separately, but the utility may allow variance to this procedure. If it meets the following criteria:

1. Multiple units located on a single property, and all units billed to one customer may be serviced by one service line to the property and one meter.

2. Multiple units located on a single property, and each unit billed to a separate customer may be served by a one service line if each unit has a separate meter and a separate approved shutoff valve. Meters and shutoff valves to separate units will be installed in a location approved by the utility.

B. The customer shall install a stop and waste valve on the customer's side of the meter.


A. Water Permit.

1. Permit Required. No unauthorized person(s) shall make any connection to, or use, alter or disturb any part of the municipal water system without first obtaining a water permit from the city public works director. No water permit shall be issued unless the system to which a connection is sought has been inspected by the city and meets all applicable city
ordinances, rules and regulations and has been formally accepted by the city. The water permit application shall be on such forms as provided to the applicant by the city. Such water permits must be signed by the property owner.

2. Water Permit Fee. A new service water permit fee shall be charged by the utility for a new customer to connect to the utility. The amount of the fee shall be set forth under the rate schedule.

B. Utility to Make Taps. The utility shall make all service connection taps to the main, and inspect the service line after a service connection and water permit have been issued. Water service line covered prior to inspection shall be uncovered if requested by the city.

C. Connection Charges.

1. A charge for service connections shall be paid by the applicant to the utility for the city's costs of the connection, as set forth under the existing rate schedule.

2. The applicant shall be responsible for the city's material costs.

3. City will issue or deny a connection permit within ten days of connection charge payment. If the connection permit is denied payment will be reimbursed.

4. If connection is not made within one hundred eighty days of permit issuance, city will reassess connection charge and applicant will pay the difference between the current rate and amount paid.

D. Plant Investment Fee. A plant investment fee shall be charged by the utility upon the application for a new service connection. Such plant investment fee shall be as set forth in the rate schedule.

1. If the connection permit is denied, payment will be reimbursed.

2. If connection is not made within one hundred eighty days of permit issuance, city will reassess the plant investment fee and applicant will pay the difference between the current rate and rate paid.

E. Construction Specifications-Backflow Prevention. Service connections shall be constructed to the specifications and requirements of the city standards, including a backflow prevention valve or check valve installed in the service line on the consumer side of the meter.

13.04.080 Connections to property outside city limits.

A. Permission to Connect. The city council shall have the power and authority to determine when and if specific buildings, premises or structures beyond the city limits of the city shall, upon the petition of the owner, be permitted to attach to the water distribution system of the city. Upon petition or application being made to the city by the owner of property, together with the payment of the fees, if
any, for such application, the city council shall determine whether to furnish water. Among other things the council shall consider the following: the effect upon public health and safety; whether such attachment will be in the best interests of the city and its residents; and the availability of water and proximity of city water infrastructure.

B. Connection Requirements. Upon approval of application the terms, conditions and requirements thereof shall be as follows:

1. Applicant shall perform the following:
   a. Pay all connection fees, water permit fee, and plant investment fee and other charges required for a new connection.
   b. Construct a service line in accordance with city standards.

2. If the applicant is contiguous to the city limit, the applicant shall execute a petition for annexation. If the applicant is not contiguous to the city limit, the applicant shall execute a waiver of protest to annexation. All applicants shall provide a waiver of protest for the creation of special improvement districts for water improvements, whether prior to or subsequent to the time that such premises would be annexed into the city, such petition and waiver to be in the form as prescribed by the city on file with the clerk of the city.

3. Pay to the city the volume and service charges for the furnishing of water as charged by the city for users within the city, plus an additional percent of that sum, established in the rate schedule, the consideration therefore being the furnishing of water to users outside the city limits.

4. The applicant shall provide, install and maintain in good condition an approved metering device to meter the water supplied to applicant. Such metering devices shall remain the exclusive property of the city.

5. Connect to city of Columbia Falls municipal sewer, if the city council, at its sole discretion, determines that the sewer main is reasonably proximate to the applicant’s property, sufficient sewer capacity is available to accept connection, and the requirement to connect is in the best interest of the sewer utility and the city.

13.04.090 Deposits-Generally.

A. The following types of consumers shall be required to make a deposit.

1. Renter. Where the owner has entered into a landlord agreement allowing an account in the name of the tenant and the agreement requires the utility to collect a deposit. The deposit shall be in accordance with the rate schedule for renter deposit.

2. Temporary User. A temporary user of water shall make a deposit that shall be returned upon discontinuance of use and payment of the bill. Such deposit shall be as set forth
under the rate schedule.

B. Refund. Deposits shall be refunded upon discontinuance of service, less the amount of
any unpaid water bills. If the refund is under five dollars, a refund will not be issued.

13.04.100 Change in class, type or size of connection.

A. Prior to a change in the class, type or size of connection, the customer shall reapply as an
applicant for new service connection in accordance with this chapter.

B. Customers supplied water in or prior to 1962 shall be allowed to continue to be furnished
water provided that no change is made to the class, type or size of the service and use is not discontinued
for a period greater than six months. In the event that any of these provisions are not met, the customer
shall be required to reapply for service and comply with current requirements for connection and use of
water.

C. A customer reapplying in accordance with this section shall be credited with having paid
connection fees, permit fees and plant investment fees for the current connection and these shall be
deducted from the cost of a larger connection except the physical and material costs shall be the actual
cost. The utility shall not reimburse the customer's account any credit remaining after all fees are paid,
for any reason.

13.04.110 Existing connections-Upgrading.

A. When Required. All service connections shall meet the current requirements and
specifications of a new connection when any of the following occur:

1. There is a change in use of the property that warrants a new connection;

2. When the meter is changed due to wear or obsolescence;

3. When there is service line work performed that requires excavation of the service line or
replacement of the service line or portions thereof.

13.04.120 Temporary service.

A. Meter Required. A meter, approved by the utility, shall be used in conjunction with a
temporary use if at all practical to do so. If a meter is used the charge for the temporary water used shall
based on the rate for metered service. If a meter is not used, a special contract shall be created and a
deposit may be collected prior to use.

B. Means of Supply. Water may be supplied as a temporary service through a temporary
piping hookup or from a hydrant or spigot. Temporary service from a fire hydrant shall be intermittent
for the purpose of providing water to a detached tank, such connections shall use approved fire hose
connections installed in such a manner that can be quickly removed with standard fire hose tools.
C. Approved Temporary Uses. Temporary service is allowed for uses such as a circus, bazaars, fairs, construction work, irrigation of vacant property, emergency water needs, and similar uses that due to their nature will not be used permanently.

13.04.130 Fire service connection.

A. Application Required. Service connections to fire suppression systems and fire hydrants may be made only after application and approval by the utility. The utility may require a special contract before such connection will be made. Such connection will require application for a water permit on such forms as provided to the applicant by the utility and payment of a water permit fee and new service connection charge. The utility will waive the plant investment fee for that portion of the connection provided exclusively for fire suppression; where the service line serves both general and fire service, the plant investment fee shall be based upon the general service line.

B. Changes Prohibited. The customer shall submit a new application and receive prior approval of the utility for any change, alteration or addition to the system or change in uses from those specified in the original application.

C. Size and Location. The utility shall approve the size and location of any connections made to its distribution mains for private fire protection service, and will, at the cost and expense of the customer, make the connection to its mains.

D. Usage. A private fire service connection is furnished for the sole purpose of supplying water for the extinguishment of fires, and the use of water from such a connection for any other purpose is absolutely forbidden, unless specifically authorized by the public works director as a temporary service or special contract.

E. Fire Service Connection-Liability of Utility. The extent of the rights of the private fire protection service customer is to receive, but only at a time of fire on his premises, such supply of water as shall then be available. The utility shall not be considered in any manner as insurer of property or persons, or to have undertaken to extinguish fire or to protect any persons or property against loss or damage by fire or otherwise, and it shall be free and exempt from any and all claims for damages on account of any injury to property or persons by reason of fire, water, failure to supply water or pressure, or for any other cause whatsoever.

F. Water Source Outside Utility Prohibited. No pipe or fixtures connected with a private fire service served by the utility shall be connected with pipes or fixtures supplied with water from any other source.

G. Service Line.

1. Separate Line. Unless otherwise provided in a written agreement between the applicant and the utility, service lines for private fire protection service shall be distinct and separate from the regular or general water service line.

2. Combined Service Line. Where one service pipe is used for both general and fire
purposes, the meter shall be installed to serve the general purpose water. The charge for
general water service will be based on volume and service rates. The utility shall approve
the meter size. The applicant shall pay all costs of installing such meter. The utility shall
retain ownership of the meter. No adjustment will be made to the general water service
billing based on meter usage even if fire flows were recorded during the billing period.

1. The entire private fire service system on the customer's premises shall be installed and
maintained, including inspection and testing, by and at the expense of the customer and
shall be subject to the approval of the utility before the service is made effective, and at
such times thereafter as may be deemed necessary or appropriate by the utility.
2. Whenever a fire service system is to be tested, the customer shall notify the utility of such
proposed test, designating the day and hour when same is to be made. The utility may be
present during the test.

I. Tampering Prohibited. Hydrants and other fixtures connected with a private fire service
system may be sealed by the utility and such seals may be broken only in case of fire or as specially
permitted by the utility, and the customer shall immediately notify the utility of the breaking of any such
seal.

J. Violation of Contract. Violation of the special contract or of these regulations shall allow
the utility to void the contract and discontinue service, at its option.

13.04.140 Service connection-Abandonment.

A. If service is to be abandoned, it shall be done at the main and all costs incident to the
abandonment shall be borne by the property owners. Prior to any abandonment, an application shall be
made to the utility to abandon the service, the utility shall issue a work order therefore, and a copy of the
same shall be supplied to the utility clerk.

B. The city may consider a connection abandoned if the structure(s) on the premises served
have been destroyed or demolished; or service discontinued for more than sixty months. If so
abandoned, the property owner shall disconnect the service at the main and bear the cost of the work.

C. Reconnection of an abandoned service shall be considered a new connection.

13.04.200 Meter.

A. Required. A meter shall be installed on every regular service line. The utility shall specify
the size and type of meter to be used.

B. Installation and Cost. Installation, moving, or removal of a meter shall be performed only
if authorized by a work order issued by the utility clerk before the same is commenced. The utility shall
inspect all such work to insure it is done in accordance with the utility's specifications.
C. The property owner shall pay for the meter cost along with other tapping and connection fees. The utility shall retain ownership of the meter. Future replacement of the meter if due to malfunction, or upgrading for modernization by the utility shall be done without additional charge to the property owner for the meter. If the meter is changed at the request of the property owner to upgrade the service for a new or expanded use, then the property owner shall pay the cost of the new meter.

D. The meter shall be installed in either a meter pit, at the property line, or in the building being serviced. The remote reader device shall be installed at a location meeting utility specifications. Both the meter and reader shall be installed in an accessible location meeting utility standards. The property owner shall be responsible for protecting the meter from freezing and the meter and remote device from damage. Damage to the meter or device shall be repaired at the property owner's expense. Charges for such repairs shall be based on actual labor, equipment, and materials used in making the repair. If placed in a meter pit, such pit shall meet utility standards.

E. Tampering with the meter shall be considered a violation of this chapter and shall be grounds for immediate discontinuance of service. Additional action may be taken by the utility for theft of water.

F. The utility shall have the right to read meters during regular working hours without notice. The utility shall have the right to inspect, replace, and maintain meters during regular working hours after reasonable notice is provided to the premises where located.

13.04.210 Testing facilities and operation.

A. The utility shall have on hand facilities and equipment necessary to test the standard type of meter which is in service in the utility system.

B. Before being installed for the use of any customer, every water meter, whether new, repaired or used, shall report volume within plus or minus two percent of test flow. A manufacturer's certified test may be accepted in lieu of the utility test of new or rebuilt meters.

C. Whenever, on installation, periodic or any other test, a meter is found to exceed a limit of two percent fast or slow, it shall be repaired or replaced.

D. The utility may seal meters. If so done, the breaking of such a seal by unauthorized persons or tampering with meter or meter piping is prohibited.

13.04.300 Billing.

A. General Purpose Charges. Bills for general purpose service connections shall be based on volume usage, multiplied by the rate per one thousand gallons, plus the base service charge, as set forth under the rate schedule. The full monthly base service charge is due for any portion of a month that the connection is in service.

B. Usage Determined. Meters shall be read by the utility monthly for the purpose of
determining usage. The utility shall attempt to read the meters at approximately the same time each month. However, no adjustment to bills shall be made for failure to read the meter at the same time each month. If meters cannot be read, the utility may estimate usage based upon an average of the previous three months or three months of similar season on the year previous, whichever is the larger volume.

C. Due Date. The bill shall be due within fifteen days after the same has been mailed by the utility, or the fifteenth of each month, whichever is later. If the bill is not paid within such time, it shall be considered delinquent.

D. Contents of Bill. Bills shall show the following items:

1. The amount of the bill;
2. The consumption of water in gallons or units for the current billing period;
3. The last meter reading;
4. The billing date;
5. The present meter reading date;
6. The previous meter reading date;
7. The delinquency charge;
8. Other charges.

E. Payment Application. Payment for a utility bill shall be applied by the utility in the following manner: (1) first to any unpaid balance from previous billing, (2) second to current sewer charges, (3) last to current water charges.

F. Inclusion of Charges for Other Service. Bills for other services rendered by the utility may be included with the normal water usage bill.

G. Payment Plan for Large Bill. In cases where a customer is presented a water bill much larger than the previous month bill, for any reason, the customer may request a payment plan. The utility and the customer may enter into such a plan according to a written agreement signed by the customer. Such a plan may spread the unpaid portion of the bill over a period of time not to exceed six months. In such a case the utility shall charge a past due fee as set forth under the existing rate schedule.

H. Delinquency Charge. If a bill becomes delinquent, a penalty fee shall be added to the bill as set forth under the rate schedule.

I. Disputed Bills.

1. In cases where a customer disputes a bill, the account shall not be considered delinquent
and subject to shutoff as long as the customer is taking all of the following steps:

a. Makes payment of the undisputed portion of the bill if such exists;

b. Has submitted the dispute in writing to the utility billing clerk for review.

   i. If unsatisfied with the utility billing clerk's determination, the customer may submit the dispute in writing to the Finance Director, who within five business days of receiving such must make a determination.

   ii. If dissatisfied with the Finance Director's determination, then the customer may within five business days of receiving such submit the matter to the city manager, who within five business days of receiving such must make a determination.

   iii. If dissatisfied with the manager's determination, the customer must within five business days of receiving such, submit the matter to the city council for resolution at the next regular council meeting. The council's determination on the matter shall be final.

2. A dispute, if being pursued diligently as outlined in this section, shall not become delinquent. But, if action on the dispute is not pursued, the bill shall become delinquent in thirty days.

3. Leakage in a system that results in a large bill is not a disputable item.

J. Adjustment for Meter Error.

1. In case of a dispute as to the accuracy of a meter, the consumer, upon depositing the estimated cost of making a test, may demand that the meter be removed and tested as to accuracy, in the customer's presence. A meter is accurate if reporting within plus or minus two percent of test flow.

2. In case the meter is found to be registering correctly, the cost of disconnecting, testing and reconnecting the meter shall be borne by the consumer.

3. In case the meter is found to be registering incorrectly, the amount deposited by the consumer will be credited to their account and a reasonable adjustment made for the overcharge, based upon the corrected meter reading for a period not to exceed six months. If it can be shown that the error was due to some cause, the date of which can be fixed, the overcharge shall be computed back to, but not beyond such a date, or six months, whichever is the least.

13.04.330 Irrigation-When allowed.

In the interest of preventing waste and promoting conservation of water, the utility may specify
the hours and days during which irrigation will be permitted.

A. Notice. Utility will publish notice thereof in newspapers at the start of the irrigation restrictions, or whenever conditions require a change, and will prominently post such notice in its local office.

B. Failure to Comply. When the utility discovers any customer failing to observe the hours or days for irrigation service or wasting water, he shall deliver to such customer a copy of the notice of hours and days of irrigation and shall advise the customer of the wastage fee which is to be charged if water is wasted or the specified irrigation hours or days are not observed by the customer. If the customer is not at home the utility shall leave a notice of the violation at the customer's premises and it shall be deemed the customer has been adequately notified. If this customer fails to comply at any subsequent time in the irrigation season, utility may discontinue service without further notice.

13.04.340 Beautification program.

Wherever the city has caused to be installed a meter exclusively for the purposes of irrigation of properties for city beautification, billing shall be in accordance with such policy as adopted by the city council by resolution.

13.04.350 Special contracts.

A. The utility may enter into special contracts from time to time as the need arises.

B. Special contracts shall be used when the utility is serving water in the following ways:

1. Temporary service;
2. Bulk sales of water;
3. Fire service connections.

13.04.360 Resale of water prohibited.

Water furnished under approved rates by the utility shall not be resold or caused to be resold by any customer unless such customer is engaged in the business of distributing water as a public utility, water association or county water district, without the consent of the city. A consumer shall not supply water another premises by permanent or temporary connection to the customers premises. The utility may provide such a connection in special emergency cases.

13.04.400 Notice regulations.

A. Utility Notice. The utility shall give written notices to its water customers in the following circumstances except in the case of an emergency:
1. Cutoff of service due to nonpayment of bills;
2. Temporary shutdown of main for repair or maintenance;
3. Violation of quality standards;
4. Failure of a customer to conform with the utilities regulations;
5. The occupant of a premises acts as the customer but has no approved application on file.

B. Customer Notice. The customer shall give written notice to the utility in the following circumstances:
1. Request for service (application serves as notice);
2. Request to discontinue service.

C. Written notices from the utility to the water customer or property owner shall be considered delivered if sent to the address on file with the utility.

D. A notice for discontinuance of service shall be a written notice and is delivered if presented to the customer in person or placed at the apparent front door of the premises served.

13.04.410 Service discontinuance by customer.

A. Notice by Customer Required. Every customer shall give the utility at least sixteen business hours notice, specifying the date on which it desires that service be discontinued. Until the utility has such notice, the customer shall be held responsible for all service rendered.

B. The utility shall shut off the water on the date specified by the customer for the service to be discontinued, unless a new customer has made application for service prior to the time that service is to be discontinued. If service has been discontinued and a request to reestablish water service has been received, a service turn-on fee shall be charged as set forth under the rate schedule.

C. Final Bill. When a customer has notified the utility of discontinuance of service, the utility shall prepare a final bill. Such bill, even if for less than one month service, shall include the monthly service charge and usage in the amount of actual water used, and both billed as set forth under the rate schedule.

D. Temporary Discontinuance. Should the customer decide to discontinue the use of water temporarily, the utility, when notified to do so, shall shut off the water and charge a turn-off fee. Upon request for reconnection, the utility, when notified to do so, shall turn on the water and charge a turn-on fee. Turn-on and turn-off fees shall be as set forth under the rate schedule, unless the water was shut off due to an emergency or repair during regular business hours. These notices to the utility need not be in writing.
13.04.420 Service discontinuance by utility.

A. Generally. Service to a consumer may be discontinued in accordance with these regulations where the customer has committed the following acts or the following conditions exist at the premises serviced:

1. Nonpayment of utility bills;
2. Unsafe apparatus connected to the water system;
3. Fraud when providing required information to the utility for water service or using water in a manner or purpose not disclosed to the utility;
4. Noncompliance with these regulations.

B. Discontinuance by Utility Generally. The utility shall not discontinue service to any customer without first having provided the customer an opportunity to comply with its rules and regulations, or to pay for services rendered, unless the utility determines that the customer's actions have created an immediate danger to the safety of the water system.

C. Records. Record of all notices sent to a customer, trying to induce compliance with the utility's regulations shall be retained in accordance with city policy.

D. Discontinuance for Delinquency. Service to a customer shall only be discontinued after the following items have occurred in cases of delinquency:

1. The account is ten or more days delinquent;
2. The customer has been notified in writing that the account is delinquent and will be shutoff if payment is not made;
3. That a minimum of seven days has elapsed since the written notice was made;
4. That the day before the shutoff date, a second notice is delivered to the customer in person or delivered to the apparent front door of the premises. Such notice shall bear the current date and stipulate that the shutoff will occur the following day if the bill is not paid before ten a.m. that day. A fee shall be charged for this shutoff notice as set forth under the rate schedule.

E. Customer Options for Delinquent Accounts.

1. The delinquent account must be paid or an agreement made by ten a.m. on or before the date of shutoff. After such time and date, the shutoff fee will be charged even if the water was not physically turned off.
2. The customer and the utility may enter into an agreement that stipulates a payment schedule for all charges delinquent. The schedule may provide for a series of payments over a period not to exceed six months; a longer period must be approved by the city council.

3. If the customer fails to perform according to the agreement, a notice will be hung on the customer's door stating the water will be shutoff the next business day unless the customer immediately complies with the agreement.

4. If the customer does not immediately comply with the agreement the utility may discontinue service, require payment of all past due amounts and refuse to enter into another agreement. Such refusal to enter into an agreement shall not extend beyond one year after the account has been made whole.

5. If the customer provides a check that is not honored, the customer, within twenty-four hours notice, shall deliver cash or a cashier's check for the amount of the not honored check. If the customer provides more than one not honored check during a twelve-month period, the utility may require payment by methods other than personal check.

F. Discontinuance for Violation of Rules. Service to a customer shall only be discontinued after the following steps have been taken in the case of violation of utility rules:

1. The customer has been notified in writing that the rules are being violated and that such violation must cease;

2. That a minimum of seven days has lapsed since the written notice was made if the violation does not create a health, safety or damage risk to the utility.

G. Shutoff Schedule.

1. Shutoffs shall not be done on Fridays, weekends, one day prior to a holiday, or on holidays;

2. The utility shall try to make all shutoffs in the morning hours, but in no case shall a shutoff be made after three p.m. on any day.

H. Immediate Discontinuance. If unauthorized use of water or, equipment tampering occurs, or a dangerous condition, including without limitation a cross connection, is found to exist on a customer's premises, the water may be shutoff immediately upon notice, and the customer may be charged with a misdemeanor offense. For the purpose of this subsection, notice shall mean delivering a written notice to the occupant of the premises or placing such notice at a conspicuous point of ingress to the connected structure. Notice shall provide a brief description of the problem, a phone number of address to contact the city, and time and date of shutoff.
13.04.430 Service reconnection.

   A. When service is discontinued for any reason other than at the customers request a reconnect charge paid as set forth under the existing rate schedule.

   B. When service is discontinued for nonpayment, all delinquent bills must be paid or an agreement to pay, acceptable to the utility, established before turn-on shall occur.

   C. If service is discontinued at the request of the customer and the same customer later requests reconnection the same service to the system, any fees that are determined to be due shall be added to the next monthly bill.

   D. In the event that there is temporary shutoff by the utility for repair work or upgrading of the system, the user need not apply for a reconnection.

   E. The utility may contact the owner or his agent, if other than the customer, at the expense of the owner, to notify them when water service is to be discontinued, or regarding other issues related to service.

13.04.440 Collection of delinquent accounts.

   When payment of charges or bills for the use of water becomes delinquent, then, upon approval by the finance director, the utility shall be authorized to collect the delinquent account as authorized in state statute.

13.04.450 Request for immediate service.

   A customer requesting utility service, at their premises, with less than sixteen business hours notice may result in the charging of an administrative fee as set forth under the rate schedule adopted by resolution.

13.04.500 Theft of service.

   Any person, firm or corporation residing either inside or outside of the city who shall willfully turn-on the water line for a new service connection, or turn-on the water line after the same has been shutoff by or under the direction of the city or who shall unlawfully take water from the water system, shall be guilty of a misdemeanor.

13.04.510 Wasting of water prohibited.

   The wasting of water by a customer shall be deemed a violation of these regulations because it increases the price each customer must pay for their water service and thereby is in effect a form of harm to other consumers on the system. A waste of water by either leakage or deliberate wasting may be cause for disconnection in accordance with this chapter.

13.04.520 Cross-connections.
If a cross-connection is found to exist in a customer's water system, the utility shall deem such a violation of safe operating procedure and may take any or all of the following steps:

A. Require plumbing changes to the system within a timely period;
B. Require immediate installation of backflow prevention equipment or methods in compliance with Chapter 13.24;
C. Require periodic inspections of the system;
D. Discontinue service until cross-connection is corrected.

13.04.600 Responsibility of consumer.

A. Except as otherwise provided in this Section, the water customer shall be responsible for the maintenance and repair of the service line located downstream from the city right-of-way, excepting normal wear of the meter. Any cost of repairs to the service line from the main to the city right-of-way, including the curb shutoff valve, shall be shared by the utility in those circumstances where it can be demonstrated that the necessary repairs are not the fault of the property owner. Such costs may include all materials and labor, whether the work is contracted or performed by city crews. All repair work must be completed by properly licensed contractors and the cost determined by obtaining a minimum of two quotes.

B. The utility shall approve the size of the service line and the type of valves and equipment installed as part of the service line, based on standards adopted by the utility.

C. Any tampering with the curb box shutoff valve or meter by unauthorized individuals may result in termination of service and prosecution as a misdemeanor offense.

D. If a portion of the repair costs are due in part to damage resulting from impacts of the water leaks to adjoining private property, multiple adjoining private properties, other utilities, or public infrastructure, the City will pay 100% of the costs to repair such additional portions of the repair costs.

E. The customer’s share of the cost of repairs may be paid over a period of 12 months on the regular utility bill, not subject to interest, or the customer may elect to have the cost of repairs placed on their property tax bill.

13.04.610 Times for inspection of service connection.

The utility may make inspections of a customer's service connections. Such inspections shall be made at the following times:

A. Customer Request. The utility shall check a house system for leaks if a customer requests such an inspection because of high water usage.
B. Cross-connections. The utility may inspect a customer service hookup for cross-connection and shall so inspect if a cross-connection is suspected or has been reported.

C. Service Line Inspection. The utility shall inspect all service lines prior to commencement of water service.

D. Meter Maintenance. The utility may inspect the operation of its meters as the need arises.

E. Hydrants. The utility may inspect hydrants on private fire service lines.

13.04.620 Access to customer property by utility.

A. The utility shall at all reasonable times have access to meters, service connections, and other property owned by it on the customer's property, for the purpose of inspection, maintenance and operation. Where reasonable notice by the utility has been given, neglect or refusal on the part of the customer to provide reasonable access to their premises for the aforementioned purposes shall be deemed to be sufficient cause for discontinuance of service. The right to enter may be extended by the utility to persons contracted by the utility to perform work related to such inspection, maintenance and operation, provided that these persons are accompanied by an employee of the utility or bear identification issued by the city.

B. Every employee whose duties regularly require him to enter homes of customers shall carry on his person an identification card which contains a photograph of such employee, and which will identify him as an employee of the utility. The identification card shall contain the telephone number of the utility as well as other pertinent information necessary to identify the employee.

13.04.630 Service interruption.

A. Utility Responsibility. The utility shall make reasonable efforts to avoid interruption of water service, and when such interruptions occur, shall reestablish service with reasonable diligence.

B. Notice. When interruption of service is scheduled, the utility shall make reasonable effort to notify in advance all customers who will be without water service. When notified of interruption, the utility shall give the customer its best information about when the interruption will occur and the expected duration of the interruption.

C. Liability. The utility shall not be liable to customers or others for failure or interruption of water service due to governmental regulations, court or commission orders, acts of a public enemy, strikes or labor difficulties, accidents, weather conditions, acts of third parties, droughts, or without limitation by the foregoing, any other cause beyond the reasonable control of the utility.

13.04.640 Preventing frozen piping.

A. Mains. The utility may request customers to run their water service to protect the utility's mains from freezing. If such a request is made of a customer, the utility shall not charge for any water
usage which results because of the request over and above the normal usage of the customer.

B. Service Lines. Upon annual approval by the public works director, customers may run water to keep their water service lines from freezing. Once so approved, usage over and above the normal usage will not be billed for sewer. If they have not received approval for running water for the purpose of protecting the service line from freezing, the water usage shall be billed as regular usage in accordance with the rate schedule. Adjustments after-the-fact will not be made.

C. Cost Responsibility.

1. Mains. If a utility's main freezes and thereby causes a customer's service along that main to freeze, the utility shall bear the cost of thawing the main and the service line.

2. Service Lines. If a service line freezes, it shall be the responsibility of the customer to bear the cost of thawing the line.


A. The utility shall not be liable for damage to the customer's property by water delivered through the customer's facility and the utility shall not be liable for damage to property caused by spigots, faucets, valves, and other equipment that may be open when water is provided to the service line, either when turned on originally or when turned on after a temporary shutdown.

B. The utility shall not be held liable for damage to any water equipment on the customer's premises on account of loss of water, change in pressure or material carried by the water.

13.04.660 Repair of damage done by customer.

Damage to the utility's property shall be repaired by the utility at the expense of the customer.

13.04.670 Pressure drops.

Uses of large volumes of water by a customer, which may cause a pressure drop or shortage of water in the main serving the premises or adjacent areas, shall not occur prior to giving notice to the utility and receiving approval from the utility. Approval shall not be unreasonably withheld.

13.04.700 Records and reports.

A. Preservation of Records. All records required by this chapter shall be preserved by the utility in accordance with city requirements.

B. Such records shall be kept at the office of the utility and shall be open at all reasonable hours for examination.

C. Each customer shall be able to review their own account record during normal working hours and may obtain copies in accordance with city policy for providing copies.
13.04.710 Customer service information availability.

A. The utility shall, upon request, give its customers such information and assistance as is reasonable to the utility.

B. The utility shall furnish to the customer a copy of the utility's rate applicable to the type of service furnished to the customer, and to assist the customer in obtaining the rate which is most advantageous for his requirement for service. The utility shall also supply the customer, when requested, with a copy of the utility's rate schedule applicable to the type of service to be furnished.

C. The utility shall make available and post at its office for public viewing, a copy of the rates, and provide access to rules and regulations together with forms of agreement and applications applicable to the service area.

13.04.800 Miscellaneous charges and fees.

The following miscellaneous fees, set forth in a rate schedule as adopted by resolution, are approved:

A. Fees shall be charged for the connection and rental of water hydrant meters and there shall be a deposit charged for the use of the meters. The city may apply the deposit towards miscellaneous bill charges.

B. Charges for locating, providing access and reproducing records when a record request involves more than a single customer account or for a period exceeding the previous one year.

13.04.900 Main extension.

A. Main extension shall only be made in the service area or legal extension of such.

B. The utility shall be the sole determinant of the size and other pertinent specifications of all system extensions. General construction shall be in accordance with city specifications.

C. All main extensions plans shall be reviewed and approved by the utility and other required entities before construction shall begin.

D. In accordance with Chapter 13.20 of this code, all extensions to the system shall be paid for by the person or persons desiring such extension.

E. All areas petitioning for annexation to the city shall have water mains which are designed in accordance with city specifications and approved by the city. Emplacement may be accomplished before annexation, or an agreement to do such may be entered into as a requirement of annexation.
13.04.910 Undersized mains-Customer to upgrade.

If new customers either inside or outside of the city limits request service from undersized or inadequate mains, the city may require the customer to contribute to the cost of upgrading the water main according to a written agreement signed by the customer and the city manager after approval by the city council. This contribution is in addition to any other fees required by the utility.

Chapter 13.08
SEWER USE REGULATIONS

13.08.010 Purpose.

The rules set out in this chapter are established for the purpose of defining a uniform manner in which the Columbia Falls sewer department will operate.

They are intended to insure adequate service to each sewer customer, to prevent unfair charges to the consumer, to protect the utility from unreasonable demands and to insure that all consumers are treated equitably through the application of these rules.

13.08.020 Definitions.

Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be as follows:

1. Biochemical oxygen demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at twenty degrees centigrade, expressed in milligrams per liter.

2. Building drain. That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet (1.5 m) outside the inner face of the building wall.

3. Building sewer. The extension from the building drain to the public sewer or other place of disposal, also called house connection.

4. Customer Class. The term means the grouping of water users with other users that share a similar usage pattern or usage environment.

5. Consumer or Customer. This term means the individual, partnership, or corporation
identified on an approved application as the owner of the property served or the owner's designee.

6. Easement An acquired legal right for the specific use of land owned by others.

7. Equivalent dwelling unit (EDU). An estimate of the average volume of water that an average single family residence will contribute to sewer volume as adopted in the rate schedule.

8. Floatable oil. Oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.

9. Garbage. The animal and vegetable waste resulting from the handling, preparation, cooking and serving of foods.

10. Green space. An area of lot adjacent to a fronting public street, not to exceed ten percent of the total lot area, where vegetation, excluding nuisance, noxious weed and rank vegetation, is sufficiently maintained in appearance by the application of irrigation water.

11. Green space allowance. An estimate of water that is used for the purpose of irrigation and not subject to sewer volume charges.

12. Industrial wastes. The wastewater from industrial processes, trade or business as distinguished from domestic or sanitary wastes.

13. Main-City Main-Line-Main Piping. This term means the piping and appurtenances located within a public right-of-way or city easement, constructed for the purpose of collecting wastewater from approved connections.

14. Natural outlet. Any outlet, including storm sewers, into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

15. New Service Connection. This term means connection of a building on property that has had no previous connection or has an abandoned connection.

16. On-site Sewerage Disposal-Private Wastewater Disposal. A sewage disposal system that involves storing solid portions of the waste stream in a tank for anaerobic degradation and draining liquids into the adjacent subsurface soils. Components include a septic tank and drainfield or a cesspool.

19. Payment Agreement. This term means a written agreement, on city form, that prescribes the schedule of payment for past due amounts.

20. Plant investment fee. A one-time charge used to recover the pro-rata share of the capital investment in the treatment plant.
cost for the construction and provision of the sewer system.

21. "pH" means the logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution. Neutral water, for example, has a pH value of seven and a hydrogen ion concentration of $10^{-7}$.

22. Properly shredded garbage. The wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1.27 centimeters) in any dimension.

23. Public sewer. A common sewer controlled by a governmental agency or public utility.

24. Public sewer available. This term means that the utility's main line sewer piping is present in a public right-of-way or easement that shares a common border with the customer’s property and the point of connection is within two hundred feet of the customer’s property line.

25. Rate-Rate Schedule. This term means sewer rates or fees set forth under the rate schedule adopted by the city council by resolution.

26. Sanitary sewer. A sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.

27. Sewage. See wastewater.

28. Sewer. A pipe or conduit that carries wastewater or drainage water.

29. Slug. This term means any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen minutes more than five times the average twenty-four-hour concentration of flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater treatment works.

30. Storm drain (sometimes termed storm sewer). A drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source.

31. Suspended solids. Total suspended matter that either floats on the surface of, or is in suspension in water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in standard methods for the examination of water and wastewater and referred to as nonfilterable residue.

32. Service Charge-Base Service Charge. An amount charged per connection based on the equivalent dwelling unit methodology prescribed in the rate schedule.
33. Unpolluted water. Water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

34. Utility. This term means the city sewer department.

35. Volume Charge. The charge for volume of sewer collected at the property served determined by monthly water meter reading or estimate based on an average of known volume usage.

36. Wastewater. The spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions.

37. Wastewater facilities. The structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent.

38. Wastewater treatment works. An arrangement of devices and structures for treating wastewater, industrial wastes and sludge. Sometimes used as synonymous with waste treatment plant or water pollution control plant.

39. Water course. A. natural or artificial channel for the passage of water either continuously or intermittently.

40. Winter Averaging. This term means the method of estimating sewer volume during months when water meter readings likely exclude water used for irrigation; being those months stated in the rate schedule.

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.

13.08.040 Sewer connection-Permit required.

A. No person(s) shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from public works director or designee. Such permit shall be issued to the applicant by the city upon forms approved
by the city for such purposes.

B. Each applicant must pay the appropriate fees as set forth under the rate schedule. Such fees, including but not limited to a permit fee, connection fee and plant investment fee, must be paid at least sixteen business hours before such service is requested. Failure of the customer to provide adequate notice to the sewer utility as provided by this chapter shall result in the charging of an administrative fee as set forth under the rate schedule.

1. City will issue or deny a connection permit within ten days of payment receipt. If connection is denied payment will be reimbursed.

2. If connection is not made within one hundred eighty days of permit issuance, city will reassess fees paid and applicant will pay the difference between the current rate and rate paid.

C. No sewer permit shall be issued unless the system to which a connection is sought has been inspected by the city, approved for use and formally accepted by the city.

13.08.050 Connections-Generally.

A. There shall be three classes of sewer connections:

1. Residential;

2. Other than residential;

3. Industrial.

B. Application for Service. The owner(s) or owner's agent shall make application on forms furnished by the city. The application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the public works director. Fees shall be charged as set forth under the rate schedule. Within ten working days after a completed application is submitted to the public works director, the utility shall approve or disapprove the application. Additional time may be required if the utility is waiting for additional information such as fixture count or system requirements.

C. Required information:

1. Provide a property address for service and a mailing address if different than the property address.

2. Each applicant for service to premises within the city limits, unless replacing an on-site septic system, must also provide a building permit number.

   Each application, once approved by the public works director or designee, is valid for one hundred eighty days. One extension for an additional ninety days may be made upon payment of a reapplication fee according to the existing rate schedule.
D. Owner to Bear Costs of Construction. All costs and expense incidental to the installation and connection of the building sewer shall be borne by the owner(s), unless expressly set forth otherwise in this code. The owner(s) shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

E. New Service Connection-Connection Charge. A fixed charge for service connections shall be paid by the property owner to the utility for the city's costs of the connection, as set forth under the rate schedule. In addition to the fixed charges, the property owner shall be responsible for the city's material costs as prescribed in the existing fee schedule.

F. New Service Connection-Plant Investment. A plant investment fee shall be charged by the utility upon the application for a new service connection. Such plant investment fee shall be as set forth in the rate schedule.

G. Metering of Water Required. Determination of sewer charges is based upon metering water consumption in accordance with the Columbia Falls municipal water regulations codified in Chapter 13.04 of this code. Property not connected to the city water system shall be considered for connection to the Columbia Falls municipal sewage system only upon concurrent application to connect to the water system. If a city water main is not available, this rule may be waived in the event that the measurement of sewage discharge by a private water well flow meter is a reasonable alternative to connection to the water utility. A determination of reasonableness shall be by the Columbia Falls public works director or designee, and shall be based upon consideration of the cost to install and maintain a private well and water flow meter versus the cost of the water main extension and the city's willingness to participate in the cost of that extension as provided in the Columbia Falls municipal water regulations.

H. Metering of Sewer Discharge. A sewer meter may be installed on the building sewer discharge line provided that the following conditions have been met:

1. The device shall comply with the utility's standards for type and installation;

2. The customer enters into a special contract with the utility.

13.08.060 Service deposits.

A. The following types of consumers shall be required to make a deposit but not if a deposit was made as a water customer:

Renter. Where the owner has entered into a landlord agreement allowing an account in the name of the tenant and the agreement requires the utility to collect a deposit. The deposit shall be in accordance with the rate schedule for renter deposit.

B. Refund. Deposits shall be refunded upon discontinuance of service, less the amount of any unpaid sewer bills. If the refund is under five dollars, a refund will not be issued.
13.08.070 Building sewer requirements.

A. Independent connection to be provided for each building. A separate and independent building sewer shall be provided for every building where sanitary facilities are required, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer, but the city does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.

B. Use of Existing Building Sewers. A new building may be connected to an existing building sewer only after the public works director determines it reasonably complies with all requirements of this chapter.

C. Construction to Comply with Standard. The size, slope, alignment, materials of construction of all sanitary sewers including building sewers, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city and the state.

D. Construction to be Below Basement Floor. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharge to the building sewer.

E. Inspection Prior to Connection. The applicant for the building sewer permit shall notify the public works director or designee when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the public works director or designee.

13.08.080 Connection construction.

The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city, and the state. Any deviation from the prescribed procedures and materials must be approved by the public works director before installation.

13.08.100 Repairs to service lines.

Any cost of repairs to the service line from the main to the property line, including the tap, shall be shared equally by the city and the property owner, unless in the judgment of the public works director, the property owner or tenants or agents has contributed to the failure of the service line or has made improvements that have encroached on the maintenance easement in a manner that increases the cost of repair.

Such costs may include: all materials and labor cost necessary to excavate to the existing piping, materials and labor to repair or replace the piping, the cost of the TV inspection repair or replacement of
sod and replacement of asphalt and concrete within the public street. Excluded are costs to move, repair or replace any improvements not part of the public infrastructure that encroach on the right-of-way or maintenance easement. The city, at its sole discretion, may perform such work or allow a third party to perform the work.

13.08.110 Information to be provided by user.

The public works director may require a user of sewer services to provide information needed to determine compliance with this chapter. These requirements may include:

A. Wastewater discharge peak rate and volume over a specified time period;
B. Chemical analyses of wastewaters;
C. Information on raw materials, processes, and products affecting wastewater volume and quality;
D. Quantity and disposition of specific liquid, sludge, oil, solvent, or other materials to sewer use control;
E. A plot plan of sewers of the user's property showing sewer and pretreatment facility location;
F. Details of wastewater pretreatment facilities;
G. Details of systems to prevent and control the losses of materials through spills to the municipal sewer.

13.08.160 Sewer connections outside the city limits.

A. Authority. The city council shall have the power and authority to determine when and if specific buildings, premises or structures beyond the city limits of the city shall, upon the petition of the owner thereof, be permitted to attach to the sanitary sewerage collection system of the city. The city council, at its sole discretion shall make the determination after taking into consideration the public health and safety of the petitioner and those residing in adjacent premises; whether receiving raw sewerage from the premises of the applicant will be in the best interests of the city and its residents and not detrimental thereto; the availability or proximity of city mains, lines or pipes.

B. Terms and conditions. Upon city council determining that it will receive the raw sewerage from premises of applicant into the city's sanitary collection system, the terms, conditions and requirements thereof shall be as follows:

1. Applicant shall pay all costs in connection with the connection to city sewerage lines or mains, as required by the city, from time to time, and all connections shall be made in accordance with city regulations for connections, and shall be inspected and approved by the city prior to the usage thereof;
2. In the event it is necessary to construct pipes or lines from premises of applicant unto the city collection lines, pipes or mains, all costs in connection therewith, including excavation, pipe and laying the same shall be borne by the applicant;

3. The applicant shall execute a petition for annexation, as well as a waiver of protest for the creation of special improvement districts for sewer improvements, whether prior to or subsequent to the time that such premises would be annexed into the city, such petition and waiver to be in the forms as prescribed by the city and on file with the clerk of the city;

4. To pay to the city the regular charge for the receiving of sewerage for users outside the city as set forth in the rate schedule.

5. Any and all individuals and/or businesses who deposit raw sewage into the city's sanitary collection system shall be required to install a water meter to be used for billing purposes. Such water meter shall be installed according to the city's requirements and shall be paid for by the individual and/or business desiring to use the city's sanitary collection system. Such metering devices shall remain the exclusive property of the city.

C. Permit Required. Before applicant's premises shall be attached to the city's sanitary collection system, a permit shall be issued to the applicant by the city upon forms approved by the city for such purposes. Each applicant must pay the appropriate fees as set forth under the rate schedule. Such fees, including but not limited to a permit fee, connection fee and plant investment fee, must be paid at least two business days before such service is requested. Failure of the customer to provide adequate notice to the sewer utility as provided by this chapter shall result in the charging of an administrative fee as set forth under the rate schedule.

13.08.170 Improvements to system-Cost recovery.

If new customers either inside or outside of the city limits request service from undersized or inadequate mains, the city may require the customer to contribute to the cost of upgrading the sewer main according to a written agreement signed by the customer and the city manager. This contribution is in addition to any other fees required by the city as set forth under the rate schedule.

13.08.180 Owner to perform facilities maintenance.

Where pretreatment or flow-equalization facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner(s) at his expense.

13.08.190 Installation of observation facilities.

When required by the public works director, the owner(s) of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the
wastes. Such structures shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the public works director. The structure shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

13.08.200 Private wastewater disposal-When permitted.

A. When permitted. Where a public sanitary sewer is not available, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this article.

B. Permit-Required. Before commencement of construction of a private wastewater disposal system the owner(s) shall first obtain a written permit signed by the public works director. The application for such permit shall be made on a form furnished by the city, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the public works director. A permit and inspection fee shall be paid to the city at the time the application is filed as set forth in the rate schedule.

C. Permit-Inspection. A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the city. The city shall be allowed to inspect the work at any stage of construction, and, in any event, the applicant for the permit shall notify the public works director when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within two working days of the receipt of notice by the public works director.

D. Compliance Required. The type, capacities, location, and layout of a private wastewater disposal system shall comply with all recommendations of the Flathead County department of health and the Montana department of environmental quality. No permit shall be issued for any private wastewater disposal system employing subsurface soil absorption facilities where the area of the lot is less than one-half acre. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

E. Sanitary Operation. The owner(s) shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the city. Sludge removal from private systems shall be performed only by licensed operators. All licensed operators shall also obtain a city business license.

F. Article Provisions Not Exclusive. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by any duly authorized authority.

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.

13.08.300 Billing.

A. General Purpose Charges. Bills for general purpose service connections shall be based on water volume usage, multiplied by the rate per one thousand gallons, plus the base service charge, as set forth under the rate schedule. The full monthly base service charge is due for any portion of a month that the connection is in service.

B. Usage Determined. Water meters shall be read by the utility monthly for the purpose of determining usage. The utility shall attempt to read the meters at approximately the same time each
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month. However, no adjustment to bills shall be made for failure to read the meter at the same time each
month. If meters cannot be read, the utility may estimate usage based upon an average of the previous
three months or three months of similar season on the year previous, whichever is the larger volume.

C. Due Date. The bill shall be due within fifteen days after the same has been mailed by the
utility, or the fifteenth of each month, whichever is later. If the bill is not paid within such time, it shall
be considered delinquent.

D. Contents of Bill. The utility bill shall show the following items:

1. The amount of the bill;
2. The consumption or usage of water in gallons;
3. The last meter reading;
4. The billing date;
5. The present meter reading date;
6. The previous meter reading date;
7. The delinquency charge;
8. Other charges.

E. Payment Application. Payment for a utility bill shall be applied by the utility in the
following manner:

1. First to any unpaid balance from previous billing;
2. Second to current sewer charges;
3. Last to current water charges.

F. Inclusion of Charges for Other Service. Bills for other services rendered by the utility
may be included with the normal water usage bill.

G. Payment Plan for Large Bill. In cases where a customer is presented a sewer bill much
larger than the previous month bill, for any reason, the customer may request a payment plan. The utility
and the customer may enter into such a plan according to a written agreement signed by the customer.
Such a plan may spread the unpaid portion of the bill over a period of time not to exceed six months. In
such a case the utility shall charge a past due fee as set forth under the rate schedule.

H. Delinquency Charge. If a bill becomes delinquent, a penalty fee shall be added to the bill
as set forth under the rate schedule, unless such a fee was assessed for the same billing involving
delinquent water charge.

I. Disconnect Notice Charge. If a second disconnect notice is delivered a second disconnect notice fee shall be added to the bill as set forth under the rate schedule, unless such a fee was assessed for the same billing involving delinquent water charge.

J. Disputed Bills.

1. In cases where a customer disputes a bill, the account shall not be considered delinquent as long as the customer is taking all of the following steps:

2. Makes payment of the undisputed portion of the bill if such exists.

3. Has submitted the dispute in writing to the utility billing clerk for review.

4. If unsatisfied with the utility billing clerk's determination, the customer may submit the dispute in writing to the Finance Director, who within five business days of receiving such must make a determination.

5. If dissatisfied with the Finance Director’s determination, then the customer may within five business days of receiving such submit the matter to the city manager, who within five business days of receiving such must make a determination.

6. If dissatisfied with the manager's determination, the customer must within five business days of receiving such submit the matter to the city council for resolution at the next regular council meeting. The council's determination on the matter shall be final.

7. If action on the dispute is not pursued diligently, the bill shall become delinquent in thirty days.

K. Water leakage in a system that is substantiated and results in a large sewer bill is a disputable item only if the utility can substantiate that the leaked water did not flow to the sewer. If the leak is discovered and repaired during the winter averaging period then the utility shall estimate an average not including the discovery period and may include periods outside the winter averaging period with reasonable exclusion of water used for irrigation.

L. Adjustment for Meter Error.

1. In case of a dispute as to the accuracy of a meter, the consumer, upon depositing the estimated cost of making a test, may demand that the meter be removed and tested as to accuracy, in the customer's presence.

2. In case the meter is found accurate, the cost of such testing and replacing of the meter shall be borne by the consumer.

3. In case the meter is found inaccurate, the amount deposited by the consumer will be
credited to their account and a reasonable adjustment made for the overcharge, based upon the corrected meter reading for a period not to exceed six months or the most recent period of winter averaging whichever is applicable.

4. If it can be shown that the error was due to some cause, the date of which can be fixed, the overcharge shall be computed back to, but not beyond such a date, six months or the most recent period of winter averaging, whichever is the least.

13.08.310 Delinquent bill collection.

When payment of charges or bills for the use of sewer becomes delinquent the utility may take the following action or combination of actions:

A. The finance director of the utility shall be authorized to collect the delinquent account as authorized by state statute.

13.08.320 Billing-Charges for new service.

When a new customer begins sewer service and such service is rendered for less than one month, the bill shall include the monthly service charge as set forth under the rate schedule.

Additionally, usage shall be billed in the amount of actual water used, according to the rate schedule.

13.08.330 Service discontinuance by customer-Final bill.

When a customer has notified the utility of discontinuance of service, the utility shall prepare a final bill. Such bill, even if for less than one month service, shall include the monthly service charge as set forth under the rate schedule.

13.08.340 Winter averaging.

Single family residential customers shall be assessed for sewer volume charges based upon the volume of water used during the winter months prescribed in the rate schedule. If the premises are not occupied for a cumulative period exceeding ten days during an averaging month, the utility shall assume an estimated amount of two thousand gallons per person for that month. When approved by the utility to prevent freezing of mains or service lines, usage over and above the normal usage will not used to establish the winter average nor billed as sewer usage.

13.08.350 Green space allowance.

During the period of May 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.

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 May 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.

**13.08.360 Change in customer.**

Any change in the identity of a contracting customer at premises served by the sewer utility that is not also served by the water utility shall require a new application for sewer service. Failure to provide such information may result in the billing of an administrative fee according to the rate schedule.

**13.08.370 Charge to water customers not connected to sewer.**

A. In order to encourage connection to the city sewer system by those customers of the municipal water system not connected to the sewer system, such customers will be billed according to the rate schedule.

B. All such customers not currently connected to the sewer system will be required to do so if any of the acts defined in Section 13.08.260 occur, and shall be required to make application for service and pay all necessary charges and fees for service (except as provided in subsection C of this section) according to the existing rate schedule.

C. The plant investment fee is waived for those customers who have been billed by the utility according to the provisions of subsection A of this section and who are required to connect to the city sewer system.

D. These fees apply to all water users connected to the sewer system and all others not connected but to whom the sewer system was available.

E. Those users not connected to the sewer system but to whom the system was available and had been paying fees will not be required to pay plant investment fees upon connection to the system.

F. New annexations as of January 1, 1998 not connected to sewer will not be charged for sewer until hooked up to the system and will be required to pay plant investment fees upon connection.
to the system.

13.08.380 Special contracts.

The utility may enter into special contracts from time to time as the need arises.

A. Special contracts may be implemented in the following cases:
   1. Industrial sewage;
   2. Bulk delivery to an approved discharge location;
   3. Temporary service;
   4. Sewer meters.

B. Special contracts may be implemented only when approved by the city council after review by the city manager. Before approving a special contract the council shall find the following:
   1. Conditions for the connection and/or usage patterns are substantially different from other connections and/or usage than are generally found in the system;
   2. That the contract is in the best interest of the city;
   3. That the contract specifically identifies the elements that make the conditions unique and provides that the contract will be amended or terminated when conditions change;
   4. That the reimbursement schedule reasonably recovers all expenses associated with delivery of services;
   5. That the contract requires periodic review and deliberate renewal.

C. No statement contained in this chapter shall be construed as preventing any special contract or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment.

13.08.500 Prohibited wastewater discharge.

A. Prohibited Discharges Generally. It is unlawful to discharge to any natural outlet within the city, or in any area under the jurisdiction of the city, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

B. Surface Runoff or Groundwater Connections Prohibited. No person(s) shall make
connection of roof downspouts, foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary.

C. No person(s) shall discharge or cause to be discharged any unpolluted waters such as cooling water to any sewer. Unpolluted industrial cooling water or process waters may be discharged by special agreement approved by the city manager in accordance with rules of Montana department of environmental quality.

D. Private Sewage Haulers. It is unlawful to discharge any septic sludge or other sewage from private haulers into the city sewer system, including manholes, lift stations or directly at the sewer treatment plant, without a written agreement approved by the city. Such agreement may require an analysis of the sewage and the assessment of necessary fees.

13.08.510 Prohibitive wastewater discharges to treatment plant.

Under no circumstances shall any of the following pollutants be introduced from any source of nondomestic discharge to the city's publicly owned treatment works (POTW):

A. Any other pollutant which may cause pass-through or interference;

B. Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, waste streams with a closed cup flashpoint of less than sixty degrees Centigrade (one hundred forty degrees Fahrenheit) using the test methods specified in 40 CFR Section 261.21;

C. Pollutants which will cause corrosive structural damage to the POTW, but in no case discharges with a pH of lower than five s.u., unless the treatment facilities are specifically designed to accommodate such discharges;

D. Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW, or other interference with the operation of the POTW;

E. Any pollutant, including oxygen demanding pollutants (e.g. BOD), released in a discharge at a flow rate and/or pollutant concentration which will cause interference with any treatment process at the POTW;

F. Heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the POTW treatment plant exceeds forty degrees Centigrade (one hundred four degrees Fahrenheit) unless the EPA, upon request of the POTW, approves alternate temperature limits;

G. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass-through at the POTW;

H. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW.
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in a quantity that may cause acute worker health and safety problems;

I. Any trucked or hauled pollutants, except at discharge points designated by the POTW; and

J. Any specific pollutant which exceeds a local limitation established by the permittee in accordance with the requirements of 40 CFR Section 403.

13.08.530 Abuse of facilities prohibited.

No person(s) shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is a part of the wastewater facilities. Any person(s) violating this provision shall be subject to immediate arrest for such action.

13.08.600 Authority of public works director.

The city of Columbia Falls is hereby authorized to enforce any and all state and federal laws, statutes and regulations relating to the discharge of pollutants to the POTW.

13.08.610 Right-of-entry on private property.

The public works director and/or designee of the city bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing pertinent to discharge to the community system in accordance with the provisions of this chapter.

13.08.620 Establishment of confidentiality.

The public works director or designee is authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the wastewater collection system. An industry may withhold information considered confidential provided the withholding does not prevent the city from reaching a reasonably accurate determination.

13.08.640 Right-of-entry to easement.

The public works director and/or designee of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds an easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the wastewater facilities lying within such easement. All entry and subsequent work, if any, on such easement, shall be done in full accordance with the terms of the easement.

13.08.650 Determination of sampling and testing methods.

All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of standard
methods for the examination of water and wastewater published by the American Public Health Association. Sampling methods, location, times, durations, and frequencies are to be determined on an individual basis subject to approval by the public works director.

13.08.700 Service of notice.

Any person found to be violating any provision of this chapter except shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

13.08.710 Violation-Penalty.

Any person who shall continue any violation beyond the time limit provided for in Section 13.08.700, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding five hundred dollars for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

13.08.720 Violation-Liability.

Any person violating any of the provisions of this chapter shall become liable to the city for any expense, loss, or damage occasioned the city by reason of such violation.

Chapter 13.10

PLANT INVESTMENT FEES

13.10.010 Purpose.

The city of Columbia Falls is served by a municipal water and sewer system. The utility monthly collects service fees from its customers to cover its operating expenses and indebtedness and reinvests unrestricted surplus in rehabilitating and upgrading the existing system. Neither system has a rate structure that contains a component that provides for enlarging the customer base.

The addition of new customers occurs along extended main line piping where the investment in infrastructure enlarges the service area but does not replace the capacity the system had prior to adding new customers (extra capacity).

The extra capacity is essential to any well operated system. It provides the redundancy necessary to allow the city to address maintenance and repair issues, and provides an ability to meet unusual seasonal demands and emergency demands simultaneously, both without severely reducing customer service.
The city has chosen not to assess the cost of replacing the extra capacity at the time that the main is extended. The city intends to collect that cost from the new customer when they connect to the system. That cost is contained in the plant investment fee.

13.10.020 Definitions.

Terms found in this chapter may be defined below and/or defined in Chapters 13.04 and 13.08. With respect to terms in this chapter, where a conflict exists in definitions found herein and those found in Chapters 13.04 and 13.08, the definition provided in this chapter shall govern.

Commercial. Facilities providing space for retail and office space.

Commercial Laundry. Facility providing clothes washing and drying equipment for use, where less than eighty percent of the washing machines are available for general public use.

Daycare. Building providing supervision of children six years and younger with an occupant load of at least twenty persons, including employees.

Lodging. Provides sleeping facilities for transient person(s), where a water closet, sink and bathing fixtures are provided; applicable to a recreation vehicle park for parking spaces providing water and sewer.

Multi-family. Each dwelling unit in a multi-family complex. A complex is anything more than one dwelling unit on a single property.

Public Laundry. Facility providing clothes washing and drying equipment for use, where at least eighty percent of the washing machines are available for general public use.

Restaurant. Business preparing and serving food to general public with interior seating provided.

School. Building providing classrooms and administration for at least thirty persons including employees; student age five years or more.

Single Family. Customer occupying a premises used as a dwelling for permanent residents consisting of a family or not more than five unrelated persons, where one unit is on a single property.

13.10.030 Establishment of fee schedule.

The city council shall from time to time review the plant investment fee schedule and shall by resolution adopt a fee schedule.

13.10.050 Applicability to new connections.

Other than property excepted in this chapter and Chapters 13.04 and 13.08, owners connecting to the water and/or sewer shall pay to the respective utility, a plant investment fee as prescribed in the plant investment fee rate schedule.
13.10.060 Change in class, type or size of connection.

A. Prior to a change in the class, type or size of connection, the customer shall reapply as an applicant for new service connection.

B. Change in Use. The utility may require the owner to pay a new plant investment fee for an existing connection where conditions of service are significantly changed from the use under which the connection application was approved. Significant means that the volume and/or peak demand have increased sufficiently that city approved plumbing standards would recommend a larger service line, that the increase is sustained for at least two consecutive months and likely to recur from year to year.

C. A customer paying a new plant investment fee for an existing connection or reapplying for a new service connection shall pay the utility the difference between the cost of the new connection and the cost for the current connection if the new connection cost is greater than the current connection cost. The utility shall not reimburse the customer's account if the new connection cost is less than the cost of the current connection. The cost of both the current and new connection shall be based upon the current rate schedule applied to the size and use of the current connection and new connection.

13.10.070 Method of payment.

The owner shall make full payment of the plant investment fee using one of the following methods:

A. Pay a lump sum amount equal to the full amount of the plant investment fee prior to connection to the system.

B. Enter into a payment plan contract with the utility that meets the following prescription:

1. Contract shall be on a form provided by the city.

2. The plant investment fee principal shall be paid in annual payments not to exceed five payments.

3. The first payment shall be paid with the connection application plus an administrative fee.

4. The plant investment fee interest shall be calculated annually, using simple interest applied to the outstanding balance and billed annually with the principle. Interest shall be one percent more than the percent equal to the CPI-U (consumer price index) as published by the U.S. Department of Labor for the preceding period January 1 through December 31.

5. The contract shall stipulate that the agreement runs with the property. If the owner fails to make payment, the service to the property shall be terminated ten days after notice and the full amount of the outstanding principal and interest shall be paid in full prior to reestablishment of service.
Chapter 13.12

SEWER SERVICE CHARGES

13.12.010 Purpose.

The purpose of this chapter shall be to generate sufficient revenue to pay all costs for the operation and maintenance of the complete wastewater system. The costs shall be distributed to all users of the system in proportion to each user's contribution to the total loading of the treatment works. BOD, TSS, phosphorus, and volume shall be considered and included as the basis for the user's contribution to ensure a proportional distribution of operation and maintenance costs to each user or user class.


The city, or its city engineer, shall determine the total annual costs of operation and maintenance of the wastewater system which are necessary to maintain the capacity and performance, during the service life of the treatment works, for which such works were designed and constructed. The total annual cost of operation and maintenance shall include, but need not be limited to, labor, repairs, equipment replacement, maintenance, necessary modifications, power, sampling, laboratory tests, and a reasonable contingency fund.

13.12.030 Cost of service allocations.

A. In developing a schedule of charges for wastewater service, costs of service shall be allocated to customer classes according to the service requirements of each class. Cost allocations shall take into account the volume of wastewater contributed, strength of wastewater, number of customers and other relevant factors. The following classes of service shall be recognized by the utility: single family, multifamily, commercial, government, and industrial.

1. Volume costs shall vary directly with quantity of wastewater contributed. Strength costs include costs associated with biochemical oxygen demand (BOD), total suspended solids (TSS) and phosphorus (P), Oil and Grease (O & G), and Total Nitrogen. Customer costs shall vary in proportion to the number of customers served by the system.

2. Service rates:
   a. Service Charge. The service charge shall recover all utility billing costs such as billing and collecting costs and meter maintenance and customer related l/l costs.
   c. Extra Strength Surcharge. Customers that have sewage concentrations that exceed the following thresholds: biochemical oxygen demand, two hundred eighty mg/l; total suspended solids, three hundred fifty-five mg/l; and phosphorus, eight mg/l; oil and grease, one hundred mg/l; and total nitrogen, fifty seven mg/l shall be
charged an extra strength surcharge.

13.12.050 User classes.

Residential users may be considered to be one class of user and an equitable service charge may be determined for each user based on an estimate of the total wastewater contribution of this class of user. The city council may classify industrial, commercial, and other nonresidential establishments as a residential user, provided that the wastes from these establishments are equivalent to the wastes from the average residential user with respect to volume, total suspended solids, and BOD.


The city shall establish Operating Rules and Regulations, in accordance with state regulations.

13.12.110 Prohibited discharges—Payment for increased costs required.

A. The discharge of any waters containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly, or by interaction with other wastes, to contaminate the sludge of any municipal systems, or to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in or have an adverse effect on the waters receiving any discharge from the treatment works is prohibited.

B. Each user which discharges any toxic pollutants, grease, fats, oils and heavy metals which cause an increase in the cost of managing the effluent, influent, raw sewerage or the sludge of the treatment works shall pay for such increased costs.

C. No persons shall make connection of roof down-spouts, exterior foundation drains, areaway drains, or other sources or surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

13.12.120 Sewer charges during established sprinkling months.

During the period of approximately April 15th through October 15th, water used by residential customers for sprinkling and irrigation purposes, as provided by Section 13.04.480, will not be billed a sewer charge. Commercial customers with greenspace will not be billed a sewer charge if they make application with the water and sewer superintendent 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.
13.12.130 Sewer service charges-Failure to pay.

Failure to pay the sewer service charges as required by this code, and according to the existing rate schedule adopted by the city council by resolution, a copy of which is available for public inspection at city hall, may result in suspension of service, or for those customers not connected to the city water system, shall constitute a misdemeanor, punishable by a fine of no more than five hundred dollars and imprisonment of no more than six months for each offense. A delinquent billing fee and second notice fee may be added to such delinquent bills according to the existing rate schedule adopted by the city council by resolution, a copy of which is available for public inspection at city hall.


When a new customer begins sewer service and such service is rendered for less than one month, the bill shall include the monthly service charge as set forth under the existing rate schedule adopted by the city council by resolution, a copy of which is available for public inspection at city hall. Additionally, usage shall be billed in the amount of actual water used, according to the existing rate schedule adopted by the city council by resolution, a copy of which is available for public inspection at city hall.

13.12.150 Service discontinuance by customer-Final bill.

When a customer has notified the utility of discontinuance of service, the utility shall prepare a final bill. Such bill, even if for less than one month service, shall include the monthly service charge as set forth under the existing rate schedule adopted by the city council by resolution, a copy of which is available for public inspection at city hall. In addition, usage shall be billed in the amount of actual water used, according to the existing rate schedule adopted by the city council by resolution, a copy of which is available for public inspection at city hall.

13.12.160 Improvements to system-Cost recovery.

If new customers either inside or outside of the city limits request service from undersized or inadequate mains, the city may require the customer to contribute to the cost of upgrading the sewer main according to a written agreement signed by the customer and the city manager. This contribution is in addition to any other fees required by the city as set forth under the existing rate schedule adopted by the city council by resolution, a copy of which is available for public inspection at city hall.

Chapter 13.16

SEWER CONNECTIONS FOR PROPERTY OUTSIDE THE CITY LIMITS

13.16.010 Authority.

The city council shall have the power and authority to determine when and if specific buildings, premises or structures beyond the city limits of the city shall, upon the petition of the owner thereof, be
permitted to attach such buildings, premises or structures to the sanitary sewerage collection system of
the city. Upon petition or application being made to the city by the property owner of premises beyond
the city limits, the city council shall determine whether to receive raw sewerage from such building,
premises or structure, after taking into consideration the public health and safety of the residence in, on
and upon such premises and contiguous thereto, including the adjoining premises, whether in or beyond
the city limits; whether there are other remedies to a problem on such premises; whether through on-site
sewerage disposal systems to remedy the problem; whether a present on-site sewerage disposal system
can or may be repaired, replaced or reconstructed to alleviate a sewerage disposal problem on premises
of applicant; whether receiving raw sewerage from the premises of the applicant will be in the best
interests of the city and its residents and not detrimental thereto; the availability or proximity of city
mains, lines or pipes to receive raw sewerage from the premises of the applicant.

13.16.020 Connections to property outside city limits-Requirements.

Upon a determination by the city council that it will permit premises beyond the city limits to be
attached to the city's sewer system, the terms, conditions and requirements thereof shall be as follows:

A. Applicant shall pay all costs in connection with the connection to city sewer lines or
mains, as required by the city, from time to time, and all connections shall be made in
accordance with city regulations, and shall be inspected and approved by the city prior to
usage thereof.

B. In the event it is necessary to construct pipes or lines from the premises of applicant to
the city mains, pipes or lines, all costs in connection therewith, including excavation, pipe
and laying the same shall be borne by the applicant.

C. The applicant shall execute a petition for annexation and provide a waiver of protest for
the creation of special improvement districts for water or sewer improvements, whether
prior to or subsequent to the time that such premises would be annexed into the city, such
petition and waiver to be in the forms as prescribed by the city and on file with the clerk
of the city.

D. To pay to the city the regular charge for the furnishing of sewer as charged by the city for
users within the city, plus an additional twenty-five percent of that sum, the consideration
therefore being the furnishing of sewer to users outside the city limits.

E. Any and all individuals and/or businesses who deposit raw sewage into the city's sanitary
collection system shall be required to install a water meter to be used for billing purposes.
Such water meter shall be installed according to the city's requirements and shall be paid
for by the individual and/or business desiring to use the city's sanitary collection system.
The applicant shall maintain in good condition any such metering device, and shall pay
for any damage to or repair of any such device. Such metering devises shall remain the
exclusive property of the city.
13.16.030 Permit required.

Before applicants' premises shall be attached to the city's sanitary collection system, a permit shall be issued to the applicant by the city upon forms approved by the city for such purposes. Each applicant must pay the appropriate fees as set forth under the existing rate schedule adopted by the city council by resolution, a copy of which is available for public inspection at city hall. Such fees, including but not limited to a permit fee, connection fee and plant investment fee, must be paid at least sixteen business hours before such service is requested. Failure of the customer to provide adequate notice to the sewer utility as provided by this chapter shall result in the charging of an administrative fee as set forth under the existing rate schedule adopted by the city council by resolution, a copy of which is available for public inspection at city hall.

Chapter 13.20

WATER AND SEWER MAIN EXTENSIONS

13.20.005 Purpose.

The water and sewer system is constructed as a network of interconnected main lines; usually in a grid pattern; following the general layout of city right-of-ways. Water mains are dependent upon a series of loops; this configuration efficiently provides nearly constant pressure and uninterrupted flow. The sewer mains are connected in a manner that maximizes potential for gravity flow and minimizes reliance upon lift stations. The mains and connections are constructed at least to a minimum standards prescribed by the state of Montana. After construction, approval and acceptance of the mains, right-of-way and right-of-way easements are dedicated to the city.

Each developer of property, that requires municipal water or sewer must construct a piping system that fully serves their property and extends the piping throughout the development in a manner that provides both an extension of the piping network and the potential for further extension of the network.

Frequently a project is not immediately adjacent to existing water or sewer mains. In these situations the developer must extend the mains through areas owned by others who may not wish to participate in the construction of such mains.

The developer is entitled to enter into an agreement with the city that may recover an equitable portion of the cost of extending mains though areas that are without such service and an equitable portion of the cost of constructing mains of a size larger than the minimum required by state standard when larger than required to serve his development.

This chapter provides the method of assessment for such recovery of costs.
13.20.010 Definitions.

For purposes of this chapter, the following words shall have the meanings set out in this section:

A. Developer. This term means any person, persons or entity that is the owner of the project that has been approved by the utility to construct mains that will utilize city water or sewer service.

B. Extension Developer. This term means a developer that has entered into a reimbursement agreement with the city within six months after acceptance of the main by city.

C. Eligible Total Cost. This term means the cost of engineering, permitting, inspection and construction of a main within the undeveloped service area that meets the minimum standard necessary to serve such area, and a portion of the undeveloped service area right-of-way cost, less any portion of the cost that was reimbursed the developer by the utility or other(s) contributing to the initial cost of the extension.

D. Main. This term means piping, appurtenances, fire hydrants, pump stations, manholes, or any other parts of a water or sewer system necessary to permit service to a property or properties.

E. Service Line. This term means piping connected to the main to provide service to the premises.

F. Terminus Point. This term means the location(s) of the end of the extended main(s) available for future extension.

G. Undeveloped Service Area. This term means the area immediately adjacent to or fronting the main between the existing terminus point and the developer's project that would likely be serviced by connecting a service line to the main.

13.20.015 Responsibility for cost.

A. The developer shall be responsible for the entire cost of the extension of the main, required to meet the minimum standard or required to meet the needs of the development, in order to furnish water or sewer service.

B. If new customers either inside or outside the city limits request service from undersized or inadequate mains, the city may require the customer to contribute to the cost of upgrading the existing main according to a written agreement approved by the city council.

C. The utility may require the developer to install facilities larger than the minimum required by standard and necessary to service developer's project. If the utility desires such a change, it shall enter into an agreement with the developer, prior to construction, to reimburse the developer for additional cost the developer will incur in construct in constructing the change.
D. Whenever any applicant for water or sewer service desires to make a service line connection to a water main or sewer main constructed by an extension developer, such applicant shall have the obligation, in addition to other obligations provided for, to make payment to the extension developer. Such payment shall be an apportioned share of the eligible total cost of the main, calculated in accordance with this chapter.

E. Whenever any developer desires to make an extension of a water main or sewer main and such an extension will connect to a main already constructed by an extension developer at his expense, to standards higher than the minimum required and standards higher than those required to provide service to the extension developer, such new developer shall have the obligation, in addition to other obligations provided for, to make payment to the extension developer. Such payment shall be an apportioned share of the cost of the main directly related to constructing to a higher standard, calculated in accordance with this chapter.

13.20.020 Construction to be in accordance with specifications.

A. Developers making such an extension of water mains or sewer mains shall carry out such construction and emplacement of water or sewer mains in accordance with specifications furnished by the city.

B. Persons making such an extension shall construct the extended main to the furthermost perimeter of the developer's property, along public right-of-way or easements, in a manner determined by the utility that delivers required service to the developer while providing terminus points where potential extensions to other developments are likely to occur within the succeeding twenty-year period and included on the utility service extension plan.

13.20.030 Determination of payment shares.

A. Prior to construction of a project which the developer seeks reimbursement, the developer shall meet with the city to establish an agreement, approved as to form by the city, that provides the following tenets:

1. Identifies the developer(s) and address of notice;

2. Identifies the property, by legal description, that is the developer's project and will be serviced by the main;

3. Identifies any adjacent property, by legal description, that is immediately adjacent to or fronting the extended main and will likely be connected to the main;

4. Identifies location of the main terminus point(s) where the utility's terminus points exist and proposed terminus points where other future extension(s) may occur;

5. Provides a place to enter the eligible total cost of the project, which developer will provide, for review and acceptance by the city, when the project is completed by the developer and accepted by the utility;
6. Identifies the amount, if any, that the city will contribute to the cost of the mains to reimburse the developer for constructing attributes that the city demands beyond those necessary to serve the developer;

7. Includes one of the following options as the method of apportioning reimbursement to the service area parcels for future service line connections to the main:

a. If parcels are reasonably similar in size and similarly zoned then the eligible total cost of the main(s) shall be divided by the total quantity of lots in the undeveloped service area and that amount shall be apportioned to each.

b. If parcels are dissimilar in size but similar in proportion of frontage to area and similar in zoning, then the total cost of a main shall be divided by the total horizontal length, measured in feet, of that main and each parcel shall be apportioned a share equal to the length, in feet or portions thereof, that the parcel fronts the main times the cost per linear foot.

c. If parcels are dissimilar in zoning and/or size then apportionment shall be based upon the benefit provided each parcel. The calculation of benefit shall consider the zoning, area and frontage. The zoning consideration shall assume the following: the project most benefits those properties with the higher potential demand; residential, commercial, industrial is the ranking of zones in order of increasing potential demand.

d. Stipulates that the total amount the developer may recoup shall not exceed more than the eligible total cost. The amount reimbursed may be derived from service line connections not included in the service area or qualified reimbursements for connection of extended mains.

e. Stipulates that the agreement shall terminate after ten years from the date of signing.

f. Stipulates that the developer is responsible for notifying the city of any change in ownership of the agreement.

g. Stipulates that the city shall not issue service line connection permits or allow connections to the mains covered by the agreement without obtaining evidence that the developer has with been reimbursed or has waived reimbursement.

13.20.050 City to own improvements.

Upon completion of main extensions and approval and acceptance by the city, the developer shall cede ownership of the mains, and service lines within the right-of-way, and the developer shall dedicate the right-of-way to the city, or if within an easement, assign the easement to the city, unless the
city refuses ownership.

The developer delivers these in exchange for permission to connect the main to the utility. Such assignment shall not negate nor reduce the developer's warranty for work or material in construction of the main, appurtenances and service lines.

Chapter 13.24
CROSS-CONNECTION CONTROL PLAN

13.24.010 Purpose.

A. The purposes of this program are: (1) to protect the public water supply against actual or potential contamination through cross-connections by isolating sources of contamination that may occur within a water user’s premises because of some undiscovered or unauthorized cross-connection on the premises; (2) to eliminate existing connections between drinking water systems and other sources of water that are not approved as safe and potable for human consumption; (3) to eliminate cross-connections between drinking water systems and sources of contamination; (4) to prevent future cross-connections. This program is adopted pursuant to MCA 75-6-103(2)(K) and Administrative Rules of Montana, Title 17, Chapter 38, Rule 17.38, Subchapter 3 The city of Columbia Falls water department has adopted the program with the knowledge and approval of the Montana Department of Environmental Quality (DEQ).

B. It is not permissible for any person, firm, or corporation at any time to make or maintain or cause any cross-connection between plumbing pipes or water fixtures being served with water by the city of Columbia Falls water department and any other source of supply or to maintain any sanitary fixture or other appurtenances or fixtures which, by reason of their construction may cause or allow backflow of water or other substances into the water supply system of the City of Columbia Falls.


A. Approved backflow prevention assembly or device. An assembly or device approved by the department.
B. Back pressure. Any increase of water pressure in the downstream piping system above the supply pressure at a point where backflow could occur.
C. Back siphonage. A form of backflow caused by a reduction in supply pressure which causes a negative or sub-atmospheric pressure to exist in the water system.
D. Backflow. The undesirable reversal of water flow or the reversal of water flow containing other liquids, gases or other substances from a connected source that flows into the distribution pipes of the public water supply system.
E. Backflow prevention assembly. An apparatus that consists of a backflow prevention device, two shutoff valves, and appropriate test ports.
F. Backflow prevention device. An apparatus designed to prevent backflow.
G. Certified backflow prevention assembly tester. A person who holds a current certificate issued by a certification program of any state authorizing the person to test backflow prevention assemblies or who holds a current certificate from the American Society of Sanitary Engineers or the American Backflow Prevention Association.
H. Cross-connection. As defined in 75-6-102, MCA.
I. Degree of hazard. The level of risk created by either a pollutant (non-health hazard) or a contaminant (health hazard), as derived from an assessment of the materials that may come in contact with the distribution system through a cross-connection.
J. Health hazard. A condition that causes or creates a potential for water contamination that may cause disease or have other physical or toxic effects on humans.
K. Non-health hazard. A condition that causes or creates a potential for water quality degradation but does not constitute a health hazard.

13.24.030 Cross-connection protection requirements.

(1) A cross-connection on a public water supply system must be eliminated by the disconnection of the cross-connection whenever reasonably practicable. Whenever elimination of a cross-connection is not reasonably practicable and the cross-connection creates a health or non-health hazard, the hazard must be eliminated by the insertion into the piping of an approved backflow prevention assembly or device in accordance with (2).
(2) For the cross-connections identified below, the following types of approved backflow prevention assemblies or devices must be used:
   (a) A health hazard created by a cross-connection that may be subject to back pressure must be eliminated by an approved reduced pressure principle backflow prevention assembly (RP) or an air-gap.
   (b) A health hazard created by a cross-connection that may be subject to back siphonage, but not subject to back pressure, must be eliminated by an approved air-gap, pressure vacuum breaker assembly (PVB), spill-resistant pressure vacuum breaker assembly (SVB), atmospheric vacuum breaker (AVB), or a reduced pressure principle backflow prevention assembly (RP).
   (c) A non-health hazard created by a cross-connection that may be subject to back pressure and back siphonage must be eliminated, at a minimum, by an approved double check valve assembly (DC). This cross-connection condition may also be eliminated by an air-gap or by an approved reduced pressure principle backflow prevention assembly (RP).
   (d) A non-health hazard created by a cross-connection that may be subject to back siphonage, but is not subject to back pressure, must be eliminated, at a minimum, by an approved double check valve assembly (DC), pressure vacuum breaker assembly (PVB), spill-resistant pressure vacuum breaker assembly (SVB), or an atmospheric vacuum breaker (AVB). This cross-connection condition may also be eliminated by an air-gap or by an approved reduced pressure principle backflow prevention assembly (RP).
(3) Backflow prevention assemblies and devices must be approved by the department.
(4) A backflow prevention assembly or device must be installed and maintained, at a minimum, in accordance with the manufacturer's specifications.
(5) This rule applies to piping between water systems outside of any building and to piping within any building, including cross-connections in plumbing systems.
(6) The department may not approve a plan for the construction of a public water supply system containing provisions for cross-connection unless provisions for the protection of the public water supply are demonstrated in the plan.

13.24.040 Voluntary Cross-Connection Control Programs: Standards and Requirements for Cross-Connection Control

(1) The city shall operate the program in accordance with the requirements of ARM 17.38.310 or its successor;
(a) the program provides for elimination of cross-connections, health hazards, and non-health hazards, and for installation and maintenance of backflow prevention assemblies or devices in accordance with ARM 17.38.305;
(b) the program provides that backflow prevention assemblies or devices must be inspected and tested, at least annually, in accordance with the "Manual of Cross-Connection Control", incorporated by reference in ARM 17.38.302; and
(c) the program provides that inspection and testing of backflow prevention assemblies or devices must be performed by a certified backflow prevention assembly tester as defined by the state of Montana.

13.24.050 Administrative procedures.

A. Water System Survey.
1. The city of Columbia Falls may review any request for new service to determine if backflow protection is needed. Plans and specifications must be submitted to the city of Columbia Falls upon request for review of possible cross-connection hazards as a condition of service for new service connections. If the city of Columbia Falls determines that a backflow prevention assembly is necessary to protect the public water system, the required assembly must be installed before service will be granted. In addition, where multiple water systems exist on the user’s premises, pipelines shall be identified by the user to clearly distinguish between the systems. This will be done in a manner acceptable to the city of Columbia Falls. Outlets of water systems shall be posted as deemed necessary to protect the potable water supply and the health of the public.
2. It is the responsibility of the water user to notify the city of a cross-connection; if city is not notified, the water user may be subject to penalty as set by Resolution.
3. The city of Columbia Falls water department may, at its discretion, require an inspection or re-inspection for cross-connection hazards on any premise to which it serves water. Conditions that warrant re-inspection may include, but are not limited to: change of ownership, change of business/use, addition or replacement of equipment, a backflow incident, etc. Any water user who cannot or will not allow an on-premise inspection of his piping system shall be required to install
the backflow prevention assembly the city of Columbia Falls water department considers necessary.

B. Customer Notification--Assembly Installation.
1. The city of Columbia Falls water department will notify the water user of the survey findings, listing any corrective actions to be taken. A period of sixty days will be given to complete all corrective actions required, including installation of backflow prevention assemblies.
2. A second notice will be sent to each water user who does not take the required corrective actions prescribed in the first notice within the sixty day period allowed. The second notice will give the water user a two week period to take the required corrective action. If no action is taken within the two week period, the city of Columbia Falls water department may terminate water service to the affected water user until the required corrective actions are taken and inspected by the city of Columbia Falls water department personnel.

C. Customer Notification--Testing and Maintenance. The city of Columbia Falls water department will notify each affected water user when it is time for the backflow prevention assembly installed on their service connection to be tested. This written notice shall give the water user thirty days to have the assembly tested. A second notice shall be sent to each user who does not have their backflow prevention assembly tested as prescribed in the first notice within the thirty day period allowed. The second notice will give the water user a two week period to have their backflow prevention assembly tested. If no action is taken within the two week period, the city of Columbia Falls water department may terminate water service to the affected water user until the backflow assembly is tested and/or repaired and the necessary forms are submitted to the city of Columbia Falls water department. (Ord. 624 § 1(part), 2000)

D. Residential Testing: Beginning with Spring 2014, the city will facilitate the testing of approved residential backflow assemblies by requesting proposals for services and the cost of the test shall be added to the customers’ water utility bill as set by Resolution.

13.24.060 Water service termination.

A. General.
1. When the city of Columbia Falls water department encounters water uses that represent a clear and immediate hazard to the public water supply that cannot be immediately abated, the city of Columbia Falls water department may institute the procedure for discontinuing the city of Columbia Falls water department service.

B. Basis for Termination. Conditions or water uses that create a basis for water service termination shall include, but are not limited to the following items:
1. Refusal to install a required backflow prevention assembly;
2. Refusal to test or maintain a backflow prevention assembly;
3. Refusal to repair a faulty backflow prevention assembly;
4. Refusal to replace a faulty backflow prevention assembly;
5. Direct or indirect connection between the public water system and a sewer line;
6. Unprotected direct or indirect connection between the public water system and the system or equipment containing contaminants;
7. Unprotected direct or indirect connection between the public water system and an auxiliary system;
8. A situation which presents an immediate health hazard to the public water supply system.

C. Water Service Termination Procedures.
1. For conditions 1, 2, 3, or 4, the city of Columbia Falls water department may terminate service to a customer’s premises after two written notices have been sent specifying the corrective action needed and the time period in which it must be done. If no action is taken within the allowed time period, water service may be terminated.

2. Conditions 5, 6, 7, or 8 are deemed an immediate threat to public health and the city of Columbia Falls water department may take the following steps:
   a. Make reasonable effort to advise water user of intent to terminate water service;
   b. Immediately terminate water supply and lock service valve. The water service will remain inactive until correction of violations has been completed and approved by the city of Columbia Falls water department.

3. Any and all costs associated with termination of water service shall be borne by the water user. A reconnection fee may also be assessed.