

ORDINANCE NO. 2019-03

AN ORDINANCE AMENDING HARDIN CITY CODE REGARDING THE CERTIFICATE OF COMPLIANCE FOR SUMP PUMPS, STORM DRAINS AND SANITARY SEWER

WHEREAS, the City of Hardin desires to modify and change the City Code of Hardin, Montana in order to keep up with increasing costs of maintaining the sanitary sewer and storm water systems;

WHEREAS, the City of Hardin believes that from time to time it may need to increase the monthly fee for non-compliance with the certificate of compliance requirement of the sump pump ordinance, which requires all sump pumps to have been inspected and approved;

WHEREAS, the City of Hardin also desires to modify the requirements of the sump pump ordinance by removing certain portions of the ordinance that are difficult to enforce;

WHEREAS, the City of Hardin finds that the Clear Water Connections Prohibition of § 8-2-11 of the Hardin City contradicts the intent of proposed amendments of § 8-2-7(J);

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF HARDIN, MONTANA, Title 8, Chapter 2, Section 7(J) is amended as follows:

1. Section 8-2-7(J)(1) shall be amended by striking “roof down spouts,” from the first and second sentence.

Section 8-2-7(J)(1) shall be further amended by adding the following sentence at the end of subsection (J)(1) as follows: “No person shall make any connection of any roof down spout to a building sewer or drain that is connected directly or indirectly to the public sanitary sewer system, whatsoever.”

2. Section 8-2-7(J)(2) shall be struck in its entirety.
3. Section 8-2-7(J)(3) shall be struck in its entirety, which includes all 3 paragraphs of Subsection (3).
4. Section 8-2-7(J)(4) shall remain unchanged, but shall be renumbered as 8-2-7(J)(2).
5. Section 8-2-7(J)(5) shall be amended as follows:

- A. The dates in Subsection (5) shall be changed from "April 1, 2012" to "April 1, 2019".
- B. Adding the words "septic pump inspection and" between the words "of" and "compliance" in the first sentence of Subsection (5)
- C. By striking "of five dollars (\$5.00)" and replacing it with "set by resolution" and by striking "The five dollar (\$5.00) fee" and inserting "The fee set by resolution".
- D. Subsection (5) shall be renumbered as 8-2-7(J)(3) so the entire section shall read as follows:

3. Owners shall have until April 1, 2019 to receive a certificate of septic pump inspection and compliance from the Superintendent. All property that does not have a certificate of compliance by April 1, 2019, shall be subject to a monthly fee set by resolution until such time as the owner receives a certificate of compliance from the Superintendent. The fee set by resolution shall be assessed for the months of April through September of each year that a residence is not in compliance with this subsection J.

6. Section 8-2-7(J)(6) shall be amended as follows:

- A. The word "shall" shall be struck and replaced with "may".
- B. Adding the sentence at the end of the subsection that states, "The maximum fines imposed per calendar year shall be no more than \$500 (five hundred dollars)."
- C. Subsection (6) shall be renumbered as 8-2-7(J)(4).

7. A new section shall be inserted as 8-2-7(J)(5) which shall read as follows:

5. If any new construction fails to follow the requirements of this Section, then the City may withhold the Certificate of Occupancy until the new construction has come into compliance with this Section.

8. Section 8-2-11 shall be struck in its entirety, and shall be replaced with the phrase: "Repealed."

DATE OF EFFECT.

The amendment to this ordinance shall take effect and be in force thirty (30) days from the date of its second reading and passage by the City Council as required by law.

FIRST READING AND PASSAGE By a majority vote of the members present this 21st day of May, 2019.

YEAS 6

NAYS 0



[Signature]
Mayor

ATTEST:

[Signature]
City Clerk

POSTED AND MADE AVAILABLE TO THE PUBLIC this 23rd day of MAY, 2019.

[Signature]
City Clerk

SECOND READING AND PASSAGE By a majority vote of the members present this 4th day of June, 2019.

YEAS 5

NAYS 0



[Signature]
Mayor

ATTEST:

[Signature]
City Clerk