

ORDINANCE NO. 2011-11

AN ORDINANCE AUTHORIZING THE AMENDMENT OF TITLE 8, CHAPTER 2 REGARDING BUILDING DRAINS

WHEREAS, the City of Hardin desires to modify and change its Ordinance on the drainage of surface runoff or ground water into the public sanitary sewer;

WHEREAS, the City of Hardin hereby finds, determines, and declares that this ordinance is necessary for the immediate preservation of the public health, safety, and welfare of the City of Hardin and the inhabitants thereof.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF HARDIN, MONTANA, that Title 8, Chapter 2, of the Official Code of the City of Hardin is hereby amended as follows:

8-2-7(J) is deleted in its entirety and replaced with the following language:

1. No person shall make connection of roof down spouts, foundation drains, areaway drains, sump pumps, or other sources of surface runoff or ground water to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer unless such connection is approved by the Superintendent for purposes of disposal of polluted surface drainage between April 1st and September 30th. A person may discharge water from roof down spouts, foundation drains, areaway drains, sump pumps, or other sources of surface runoff or ground water to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer between October 1st and March 31st. A person is permitted to have a switch or lever to change the discharge from the public sanitary sewer to a storm drain or other outside discharge in compliance with the time periods set forth in this paragraph. It shall be the responsibility of each tenant and owner to ensure compliance with the time periods set forth in this paragraph.

2. If an owner of property located within the City of Hardin desires to replace, modify or install a sump pump drainage system on their property, the owner must obtain a permit from the City prior to commencing any work related to the replacement, modification or installation of a sump pump drainage system. Within fifteen (15) days after the completion of the work related to the replacement, modification or installation of a sump pump drainage system the owner shall either schedule an inspection with the Superintendent or have a Montana licensed plumber certify that he/she has installed the sump pump in accordance with this ordinance.

3. Prior to every transfer of real property within the City of Hardin, whether by Deed or Contract for Deed, with or without consideration, the Owner of the real property shall obtain from the Superintendent a Certificate of Sump Pump Inspection which shall be delivered to the Grantee prior to the transfer of interest. The Certificate shall state that the Superintendent has inspected the sump pump drainage system, if any, and has determined one of the following conditions exist: a) the sump pump drainage system complies with this section; b) the system does not comply with this section, stating the reasons therefore; c) no sump pump drainage system has been installed in the lowest level of the premises; d) there is no basement or below ground level within the structure.

If the Superintendent determines during the inspection that the system does not comply with this section then the Grantor shall make the necessary changes to the system prior to transferring an interest in the property. After the necessary changes to the system are completed the Superintendent shall conduct another inspection and provide the appropriate certificate set forth above.

It shall be a violation of this section for the Owner of real property to transfer and a Grantee to obtain an interest in real property without first obtaining a Certificate of

Sump Pump Inspection from the Superintendent with a finding of a) the sump pump drainage system complies with this section; b) no sump pump drainage system has been installed in the lowest level of the premises; or c) there is no basement or below ground level within the structure.

4. "Superintendent" as used in this subsection J shall mean the Director of Public Works or his duly designated and acting representative.

5. Owners shall have until April 1, 2012 to receive a certificate of compliance from the Superintendent. All property that does not have a certificate of compliance by April 1, 2012 shall be subject to a monthly fee of five dollars (\$5.00) until such time as the owner receives a certificate of compliance from the Superintendent. The five dollar fee shall be assessed for the months of April through October of each year that a residence is not in compliance with this ordinance.

6. Any person who violates any provision of this chapter shall be subject to a fine in the amount of \$50.00 for each violation. Each day a violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

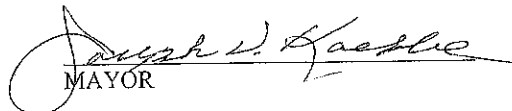
DATE OF EFFECT.

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 6 day of September, 2011.

YEAS 5

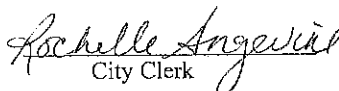
NAYS 1


MAYOR

ATTEST:


City Clerk

POSTED IN THREE (3) PUBLIC PLACES AND MADE AVAILABLE TO
THE PUBLIC this 8 day of September, 2011.


City Clerk

AFTER THE PUBLIC HEARING AND AT THE REGULAR CITY COUNCIL MEETING ON SEPTEMBER 20, 2011, THE CITY COUNCIL VOTED FIVE TO ONE TO MODIFY THE LANGUAGE OF THE FIFTH PARAGRAPH OF TITLE 8, CHAPTER 2, SECTION 7, SUBSECTION J(5) OF THE OFFICIAL CODE OF THE CITY OF HARDIN TO READ AS FOLLOWS:

5. Owners shall have until April 1, 2012 to receive a certificate of compliance from the Superintendent. All property that does not have a certificate of compliance by April 1, 2012 shall be subject to a monthly fee of five dollars (\$5.00) until such time as the owner receives a certificate of compliance from the Superintendent. The five dollar fee shall be assessed for the months of April through September of each year that a residence is not in compliance with this ordinance.

SECOND READING AND PASSAGE WITH THE MODIFICATION TO THE FIFTH PARAGRAPH OF TITLE 8, CHAPTER 2, SECTION 7, SUBSECTION J, by a majority vote of the members present this 20 day of September, 2011.

YEAS 5

NAYS 1

Joseph V. Koehbe
MAYOR

ATTEST:

Rochelle Angevino
City Clerk

