

ORDINANCE 2972

**AN ORDINANCE AMENDING OCCGF 13 CHAPTER 2 SECTION 070(C)
PERTAINING TO THE UTILITY SERVICE AREA**

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY
OF GREAT FALLS, MONTANA:**

Section 1. That OCCGF Title 13, Chapter 2, Section 070(C) is amended as depicted in Exhibit A wherein all language with a bold-face font will be added and all language with a strikeout is removed.

**PASSED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS,
MONTANA, this 18th day of September, 2007.**

Dona R. Stebbins, Mayor

ATTEST:

Lisa Kunz, City Clerk

(SEAL OF THE CITY)

APPROVED FOR LEGAL CONTENT:

David V. Gliko, City Attorney

State of Montana)
County of Cascade : ss
City of Great Falls)

I, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Ordinance 2972 was placed on its final passage and passed by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 18th day of September, 2007, and approved by the Mayor of said City on the 18th day of September, 2007.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City

this 18th day of September, 2007.

Lisa Kunz, City Clerk

(SEAL OF CITY)

State of Montana)
County of Cascade : ss
City of Great Falls)

Lisa Kunz, being first duly sworn, deposes and says: That on the 18th day of September, 2007, and prior thereto, she was the City Clerk of the City of Great Falls, Montana; that as said City Clerk she did post as required by law and as prescribed and directed by the Commission, Ordinance 2972 of the City of Great Falls, in three conspicuous places within the limits of said City to-wit:

On the Bulletin Board, first floor, Civic Center Building;
On the Bulletin Board, first floor, Cascade County Court House;
On the Bulletin Board, Great Falls Public Library

Lisa Kunz, City Clerk

(SEAL OF CITY)

EXHIBIT A

13.2.070 Service Area

The utility system service area shall be:

- A. Inclusive of all premises annexed to the City and bounded by the incorporated City limits, as such limits may be adjusted by the City Commission; and
- B. Restricted to those premises abutting a public right-of-way or easement and directly adjacent to a sanitary sewer or water main location therein. The sole exception thereto shall be those buildings and service lines in place and legally existing prior to the adoption of the ordinance codified in this section. (Ord. 2645, 1993; Ord. 2529 (part), 1989), §13.24.040 (part); Ord. 2386 Exh. A (part), 1985, prior code §13.20.160 (part); Ord. 2356 Exh. B (part), 1984, prior code §13.08.020 (part)).
- C. ~~Notwithstanding the limitation of the service area described in paragraph A and B, the service area may be extended beyond the corporate City limits by a contract for utility and all other City services until an election satisfies the requirements of Article VIII, Section 17, of the Montana Constitution, whereupon, the extended area of service must be annexed to the City. Paragraph C, hereof, shall expire and be of no effect should Article VIII, Section 17, of the Montana Constitution be held unconstitutional or otherwise abrogated.~~

Notwithstanding the limitations of the service area described in paragraph A and B, the City Commission may extend the service area beyond City limits where there are uniquely exceptional circumstances that are not conducive to immediate annexation; and, where the City utility system has the capacity to serve such extension; and, where appropriate, the party requesting services provides an engineering analysis demonstrating the feasibility of the extension. Such an extension of utility services shall be by written contract and contain the following conditions:

- 1. All parties must execute written consent of annexation forms, as a condition precedent to the extension of requested services. The consent forms shall be made a part of the contract for use whenever the City initiates such annexation of the extended service area; and,**
- 2. All parties must agree to be bound by all the rules and regulations of the City's utility system and all Federal and State requirements related thereto; and,**
- 3. All parties must agree to pay such other fees for service and/or fees in lieu of taxes, as deemed necessary and appropriate by the City; and,**
- 4. All parties must agree to restrictions on future subdivision of the property or expanded development of property that increases demand for City services; and,**
- 5. All parties must agree on rezoning of property and compliance with zoning regulations applicable to rezoning designation; and,**
- 6. All parties must agree on compliance with City building and fire codes, plan approval, payment of fees, and submission to inspection of improvements where permissible under state statutes; and,**
- 7. All parties must agree on financial responsibility, including consent to and waiver of protest for creation of special improvement districts, for the installation, construction and reconstruction of infrastructure to City standards, including, but not limited to, water mains and hydrants, sewer mains and lifts stations, storm water facilities, streets, curbs and gutters, and sidewalks; and,**
- 8. All parties must agree on compliance with any City Code applicable to any service provided by the City; and,**
- 9. All parties must agree on plan approval, construction oversight, final acceptance, easements, and ownership by City of infrastructure installed for the City service being provided; and,**

- 10. All parties must agree on legal and physical access provided to the property being served; and,**
- 11. All parties must agree to upgrade and transfer public utility systems and appropriate utility easements to the City.**
- 12. All parties agree such an extension of utility services shall be constructed in accordance with the design and specifications approved by the City Engineer.**
- 13. All parties agree the cost of such an extension of utility services shall be borne by the owners of the property to be served.**
- 14. Upon annexation, all parties agree that Title 17, OCCGF, Land Development Code requirements must be met inclusive of signage, parking, landscaping, lighting.**
- 15. All parties must agree to utilize the City's Fire Department for fire protection services. The Fire Marshall will be required to review and approve area site plans to ensure sufficient access and other fire department considerations.**
- 16. All parties must agree that all right-of-way, easement, or land dedication necessary for construction, installation and maintenance of the extension of utility service shall be obtained by the requesting party at the expense of the requesting party.**

The contract for extension of the service area must be in legal form, as approved by the city attorney; run with the land; be signed by owners of the land area to be considered for inclusion in the water or sewer service area; and be recorded with the County Clerk and Recorder of Cascade County. (Ord. 2972, 2007; Ord. 2749, 1999)